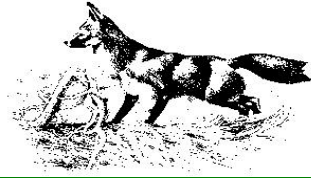


# Ridgefield Open Space Association, Inc.



Our Mission: To preserve the 680-acre Bennetts Pond Property as open space in perpetuity, and to encourage the acquisition and preservation of open space throughout the town of Ridgefield

Fall, 2001

Volume 5, Number 1

## **Bennett's Pond: Referendum!**

Thanks to the efforts of First Selectman Rudy Marconi, Selectmen Peter Yanity, Steve Zemo and Barbara Manners (as well as the tenacity of ROSA), Ridgefield voters will, at long last, have an opportunity to vote in a binding referendum on the future of the Bennett's Pond property!

The upcoming schedule is as follows:

### **Town Meeting**

**Wednesday, Sept. 12, 7:30 PM** at Ridgefield High School auditorium (North Salem Road): vote to send the proposed acquisition to referendum

### **Referendum**

**Tuesday, September 25.** Polls will be open from **6 AM to 8 PM**. Polling places: District I - East Ridge Middle School, District II - Parks & Rec Center (Barlow Mountain Road), District III - Yanity Gym. Absentee ballots may be obtained from the Town Clerk's office.

The resolution, supported by the Selectmen in a 4-1 vote, and approved unanimously by the Board of Finance, consists of two parts:

1. \$8,700,000 for the acquisition of 458 acres north of Bennett's Farm Road, for open space, recreation and other municipal purposes.
2. \$2,900,000 for the acquisition of 155 acres south of Bennett's Farm Road, for "corporate, municipal and/or purposes set forth in Section 8-187 or 32-222 of the Connecticut General Statutes."

The resolutions state that the acquisition may be accomplished through negotiations or through the exercise of the Town's power of eminent domain. There will be only one question

on the ballot, so it is an up or down vote for the entire 613 acre parcel.

ROSA supports a YES vote on the referendum question, under which the northern parcel will become open space in perpetuity (with a 50% reimbursement from the State DEP), and future use of the southern parcel will be determined by the newly established Economic Development Commission, subject to existing zoning and the approval of the appropriate land use agencies. ROSA publicly supported the Board of Selectmen's establishment of the Economic Development Commission. We trust that any such development will be respectful of our community values, mindful of the environmental limitations of the site, consistent with infrastructure constraints, and economically realistic.

We cannot expect the same from Eureka, whose best interests are clearly at odds with those of our community, as demonstrated by their 700 unit, high density residential "concept plan" and their obvious determination to develop the land contrary to existing zoning.

## **A Rough Road to Referendum**

### **ROSA Petition Drive**

On January 16, 2001, ROSA submitted 317 pages of petitions, containing the signatures of nearly 2,800 registered Ridgefield voters (17% of the electorate) to the Town Clerk's office. These petitions were circulated by 45 ROSA volunteers and called for the acquisition of the Bennett's Pond property by negotiated purchase or eminent domain.

Oddly, the possibility of a petition-initiated referendum for the purpose of buying land is not anticipated in the Ridgefield Town Charter. Therefore, First Selectman Marconi requested

guidance from Ridgefield Bond Counsel Doug Gillette of the law firm Day, Berry & Howard as to the next step. Mr. Gillette opined that Board of Finance approval was necessary prior to a public hearing, town meeting and a referendum vote on our petition questions. In his written opinion he admitted that the Charter was "ambiguous" on this point. ROSA's attorney, Frank Cochran, provided a different interpretation, arguing that a C.G.S. 8-24 referral (to the Planning & Zoning Commission), public hearing and town meeting could in fact take place prior to review by the Finance Board. Obviously, Mr. Gillette's opinion prevailed, and our petitions were diverted to the Board of Finance roadblock.

After much scrambling, several date changes, and poor communications with the public, the Board of Finance held a special meeting on February 21 (a federal holiday) to "consider" our petitions. In the end, the Board voted down both petitions, and denied the public the right to vote on this issue - at least, temporarily.

### **Selectmen Take Up The Cause**

Fortunately, our Selectmen, with one notable exception, firmly believe in the public's right to determine the future of our town, and resurrected our petitions via a Selectmen-initiated motion in March. This motion, opposed only by Joseph Heyman, called for a public hearing and two town meetings on Bennett's Pond, held in April and May. These meetings were very well attended by both supporters and opponents of the issue, and in the end led to two Bennett's Pond advisory questions placed on the May 15, 2001 budget referendum ballot.

The first advisory question asked if the voters wanted to acquire the entire parcel (613 acres) by negotiated purchase or eminent domain, and the second question asked, in the event that the first question failed, if the voters wanted to acquire the northern portion only (458 acres) by the same method.

The results of the referendum were:

Question 1: 54% yes, 46% no

Question 2: 57% yes, 43% no

ROSA had urged all supporters to vote "yes" on both questions (our yard signs read "Vote Yes! Yes!", in case the first question failed to

pass. Despite the smoke screen of lies disseminated by Eureka in townwide mailings and multiple full-page ads in the *Ridgefield Press* and the *Danbury News-Times*, Question 1 was approved by a majority of those who voted on May 15th!

Not surprisingly, our opponents, including Joseph Heyman and Eureka's Carl Goldberg, attempted to "spin" these results into a victory for them. This "spin" was unfortunately aided by the inappropriate decision of the town's bond counsel, without the knowledge of the Selectmen, to omit the words "eminent domain" from the second question.

We firmly believe that the margin of victory would have been greater if Eureka's lies about the availability of state funds had not been disseminated, townwide, the day before the referendum (see enclosed letter from DEP Deputy Commissioner Chuck Reed for a correction). Nevertheless, the Selectmen and the Board of Finance now have their answer - and as a result, we will have a binding referendum on September 25th!

### **Land Use Applications Pending**

In January, Eureka submitted its latest plan to the Ridgefield P&Z/Inland Wetlands Board as well as to the Danbury Environmental Impact Commission (EIC). Legally speaking, the application only applied to ten building lots and the construction of a massive "loop" road. However, as ROSA pointed out to the Inland Wetlands Board last winter, state law prohibits small, incremental wetlands applications which cumulatively lead to large wetlands impacts. The "concept plan" submitted in support of the 10-lot subdivision application included:

- 25 two-story apartment buildings (350 units)
- 50 condominium buildings (250 units)
- 100 single family homes on 1/4 acre lots
- 10 single family homes on 1 or 3 acre lots
- 5 three-story office buildings, totaling 445,000 square feet
- 3,251 parking spaces!

Is this an appropriate use of 613 acres of woods, ledge, and wetlands - a tract of land the State of Connecticut has identified as a priority

acquisition for the state park system? We don't think so.

Using data from the Institute of Transportation Engineers, ROSA has estimated that this development would generate a total of 11,700 additional trips per day. Compare this to the 13,500 trips per day on Main Street and 30,000 trips per day on Route 7!

ROSA has provided testimony at numerous public hearings in opposition to Eureka's most recent applications in both Danbury and Ridgefield. Decisions will be made by both Commissions by September 4.

### **A Big Win for Open Space!**

In each of our newsletters we report the land preservation activities in surrounding towns. This time we are pleased to report the largest open space acquisition in the history of Connecticut. On February 6, Governor Rowland announced that the state will spend approximately \$80 million dollars to acquire 15,300 acres of watershed land owned by the Bridgeport Hydraulic Company. The Nature Conservancy is contributing another \$10 million.

Those of you who have driven along Route 58, or spent much time in Redding, Weston and Easton know how beautiful these lands are. And of course they protect the drinking water of about a half million Fairfield County residents, which now include BHC customers in Ridgefield.

How ironic that the headwaters of the BHC Main System is . . . Bennett's Pond. But the Bennett's Pond property is not included in the state purchase, because the land is owned by Eureka V LLC, not Bridgeport Hydraulic.

The Governor, members of the State Legislature of both parties, as well as many town officials throughout Fairfield County worked hard to promote this plan. State Rep. John Frey was an early and steadfast supporter of the acquisition.

### **Other News and Events**

- ROSA's attorney, **Peter B. Cooper** of Cooper, Whitney, Cochran & Francois, was recently named a "National Conservation Hero" by The Nature Conservancy Connecticut Chapter. Mr.

Cooper is one of only 64 people in the world so honored. He served on the Board of the Connecticut Chapter of TNC for 22 years, and continues as Trustee Emeritus.

- Ridgefielder **Michael Taylor** and Southwest Cafe owner **Barbara Nevins** hosted "Fiesta ROSA" on July 15th. This successful benefit event was attended by over 120 ROSA supporters, including **Congressman Jim Maloney, First Selectmen Rudy Marconi, State Rep. John Frey, and Selectman Steve Zemo**.

- This summer, ROSA participated in the Chamber of Commerce "Sale-A-Bration" event as well as the Guild of Artist's "Art in the Park" and "Serendipity" art shows. We spoke to many residents about our activities, handed out literature and organized children's art projects.

- ROSA has filed as an intervenor in Eureka's appeal of the Inland Wetlands Board denial of their April 2000 application. Our attorneys prepared a brief in support of the IWB decision, to be considered along with those of the defendant (the Town) and the plaintiff (Eureka). Oral arguments were heard in June, and a decision is expected in October.

- On March 11, the Ridgefield **Republican Town Committee** issued a "position piece" in support of the acquisition of the entire Bennett's Pond property, including the use of eminent domain if necessary. The text of this document may be viewed on the RTC's web site at [www.ridgefieldgop.org](http://www.ridgefieldgop.org). The Ridgefield **Democratic Town Committee** web site ([www.ridgefelddem.org](http://www.ridgefelddem.org)) has provided significant coverage of Bennett's Pond, including an extensive photo gallery.

- With the recent passing of Dan McKeon, the remaining portion of Arigadeen Farm will become available for sale. ROSA intends to work with the Selectmen and the Conservation Commission to ensure the preservation of this land. We can think of no better tribute to Mr. McKeon than to maintain this Ridgefield landmark as a working farm in perpetuity.

### **Ridgefield Open Space Association, Inc.**

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*In Memorium*

**Albert M. Baker, Jr.** 1934-2001

ROSA lost a dear friend and colleague on June 3. Al was one of the founding members of ROSA, and played a key role in our organization, researching environmental information and presenting testimony at public hearings and meetings. More importantly, he shared with us his friendship, wisdom, wonderful sense of humor, and profound love of nature. We will miss him always, and remain grateful for the time we had with him.

*In Memorium*

**David D. Huntoon** 1925-2001

Ridgefield lost an outstanding citizen and ardent environmentalist with the passing of David Huntoon on March 17. A member of the Planning & Zoning Commission since 1977, David was an outspoken critic of overdevelopment who never shied away from controversy. Having spent many hours at P&Z meetings and on site walks with David, we had the utmost respect and admiration for his intelligence, dedication, energy, and many years of service to our community.

"In the end, our society will be defined not only by what we create but by what we refuse to destroy"

-John Sawhill  
President, The Nature Conservancy, 1990-2000



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**PLEASE VOTE "YES!" ON SEPTEMBER 25TH!**

