

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

WINTER, 2000

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ROSA vs. Eureka at the Inland Wetlands Board

History

As detailed in our last newsletter (Fall 1999), the present owners of the Bennett's Pond property, Eureka V LLC, proposed a zone change which would have permitted massive development of the 670-acre parcel. On September 7, after four nights of public hearings, the Ridgefield Planning & Zoning Commission denied the zone-change petition on a unanimous vote.

The RAAA Threat

We knew Eureka would be back, and we suspected the next attack would involve 243 acres of the property that are zoned RAAA for three-acre residential development. This portion of the property is unsuitable for development of any kind. Bennett's Pond and its high-quality wetlands system occupy about 100 acres. Most of the dry land is on slopes greater than 25%. Any development proposal would be nothing more than a monument to the ingenuity of Alfred Nobel: dynamite is cheap.

A 1999 Town-commissioned study prepared by the engineering firm of Milone & MacBroom described the RAAA-zoned portion of the property in the following words: "Although mature hardwood forests are quite common in Connecticut, large contiguous stands are becoming increasingly rare. The wooded area to the north of the Bennett's Pond wetland system provides an unbroken wildlife corridor between the wetland system and the undeveloped land associated with Wooster Mountain State Park and Pine Mountain. Leaving this area in its current undeveloped state would preserve the integrity of the wildlife corridor."

The Bennett's Pond property is presently part of an unfragmented expanse of 1800 acres - almost three square miles - of varied woodlands, cliffs, and wetlands. This assemblage has attracted the notice of the State, which would like to acquire the land as part of its Recreation and Natural Heritage Trust program. Any development of the RAAA sector will erect a wall of private property right through the middle of this wildlife corridor. Once that occurs, the value of the Bennett's Pond property to the State

open space system is nullified. We believe that is why the Eureka organization is eager to develop this tract of land, regardless of physical barriers or environmental considerations. Once the land is segmented, the Town and State will lose interest in acquiring it, and the way will be opened to development of the rest of the property.

The Battle of the Wetlands Crossings

New roads will be needed to access the RAAA land. These roads must cross numerous wetlands in both Ridgefield and Danbury, and permits from Ridgefield's Inland Wetland Board (IWB) and its Danbury counterpart must be obtained. This matter came before Ridgefield's IWB on December 21. Seventy members of the public were in attendance.

On its face, the Eureka application seems somewhat benign in its relatively minor (less than 3,000 sq. ft.) proposed wetlands disturbance. However, it is what is absent from the application which is most telling. Although these roads are needed for a subdivision, no subdivision application has been submitted. Had it been, the wetlands impact of roads and lot development would have been considered together, as mandated by federal and state regulations. By keeping each wetlands impact below the 5,000 sq. ft. threshold for federal review, Eureka could avoid federal scrutiny of their permit, make each individual wetland incursion look minor, and thereby damage the Bennett's pond wetlands system incrementally.

Both our attorney, Peter Cooper, and our soil scientist, Cynthia Rabinowitz made this point very clearly during the hearing. Peter submitted a statement to the record on our behalf, and presented our legal arguments against the application very effectively. Cynthia specifically criticized Eureka's piecemeal approach to the question of wetlands impact; she pointed out that many developers are watching this application to see if a slice-and-dice approach to environmental review will work in Ridgefield. She told the members of the IWB that they would be setting a very dangerous precedent if they approve this application as submitted.

ROSA was also very effectively represented by some of our own members: Scott Sharlow, Sarah Felice, Eric Kristoffersen, Debby Mandelbaum and

Al Baker. All of these individuals gave excellent presentations that addressed a variety of environmental concerns.

Soil Scientist Mary Jaehrig (who previously worked on the property in connection with a stewardship plan prepared for IBM) submitted a report, and ROSA member Eric Kristoffersen used her data to clearly demonstrate the errors made by Eureka in their wetlands delineation.

Letters critical of Eureka's application were also submitted by the Ridgefield Conservation Commission, Ridgefield resident (and Wilton Environmental Affairs Officer) Pat Sesto, the Bridgeport Hydraulic Company, the 4th grade classes at Farmingville and Scotland Schools, and by Connecticut DEP Wildlife Biologist Julie Victoria who pointed out that the property may be habitat for the state endangered and federally threatened bog turtle.

Every contribution was helpful, and we thank those of you who made statements or wrote letters opposing the application.

The Board's Response

After the public's contributions, the IWB had an opportunity to question Eureka's representatives. Every member of the Board that spoke criticized Eureka's application, often quoting arguments presented by ROSA and other members of the public. Long-time board member John Katz commented at the end of the evening that it was the most cogent public presentation he had seen in his 21 years on the Board.

Eureka has an opportunity to modify their application, which is scheduled to be discussed at a second public hearing on Tuesday, January 25 at 7:45 p.m. at the Town Hall Annex. ROSA will be there.

“Not in My Backyard”: Bad Policy or Good Citizenship?

Is the Ridgefield Open Space Association concerned with its own backyard, without regard to the broader public good? Those who think so are half right. ROSA is very concerned with its own backyard, and is proud to be. The Bennett's Pond property is not familiar to most residents of the town or the region. It has always been private property, and being one square mile of hilly and heavily wooded terrain, it is difficult to appreciate while driving by on Route 7. Those of us who live in the area know the property from having walked its perimeter and even (some confess) trespassing when it was under the benign stewardship of IBM. We have looked down upon it from Pine Mountain and watched its beaver ponds come and go. If we don't take an interest in this potential public resource, who

will? Should we, can we, rely on outsiders to fight our battles for us?

It is true that the “not in my backyard” syndrome can lead to bad public policy. A selfish group of local residents can work against the greater public good. But here the situation is exactly the opposite. In preserving the Bennett's Pond property as open space, we help to protect the water supply of 350,000 Bridgeport Hydraulic customers who drink from the Saugatuck River. We preserve 1800 acres of contiguous open space, essential for the maintenance of the region's biological diversity. We open a fine tract of land to the use of all people, not just a few in the neighborhood.

Perhaps it is for these reasons that more than half of ROSA's supporters live outside the immediate area of the Bennett's Pond property. And it is certainly for these reasons that at public hearings, residents of Danbury, Redding, Wilton, Weston, and other towns have supported ROSA's opposition to ill-conceived development on the Bennett's Pond property. The Connecticut Department of Environmental Protection has identified the Bennett's Pond property as a priority conservation acquisition. But support from the outside did not arise spontaneously. It came about after knowledgeable local residents pointed out the features that make this property important and worth saving.

News Briefs

Late breaking news relevant to open space preservation in Ridgefield:

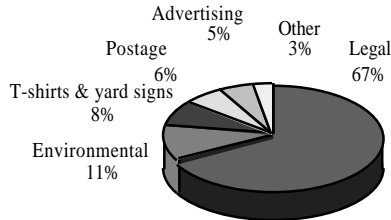
- *Ridgefield Press* editorial, December 30, 1999: “Recommended municipal new year's resolutions for the new millennium . . . Open space. Buy it, seize it, steal it from the thieves who would plunder it. Save Bennett's Pond - and not by turning half of it into an office park. . . In moments of doubt, just think of all the money New York could have saved by not building Central Park.”
- U.S. Congressman **James Maloney** will be sponsoring a series of public forums on land acquisition programs this year. “We would be prepared to conduct one of those forums here in Ridgefield. . . . We'll do it right here in town, because I know the ROSA folks have a particular interest in it.” *Ridgefield Press* article, December 30, 1999.
- State Legislator **John Frey** - extremely effective in his first term in office - co-sponsored a bill to provide tax benefits to corporations which donate or sell land at below-market prices to municipalities or land trusts for open space preservation. The bill was signed into law late in 1999.
- Mayor **Gene Eriquez** of Danbury met with ROSA, and told us he is adamantly opposed to development along Route 7 north of Route 35. Mayor Eriquez confirmed to us that he will not negotiate directly with Eureka to provide public utilities for the Bennett's Pond property. Any interlocal sewer agreement would be negotiated by Danbury only with the town of Ridgefield.

- Ridgefield Selectman **Joseph Heyman** is fighting to keep traffic moving by limiting development along Route 7.
- **Milan Bull**, Connecticut Audubon Society, to the Inland Wetland Board: "We're losing our wetlands piecemeal. Rather than looking at the big picture, we are nickel and diming our wetlands away. [Bennett's Pond] is a landmark site. Please take your time to make a reasonable and just decision."
- First Selectman **Rudy Marconi** convinced a skeptical Board of Finance to approve \$12,500 for an appraisal of the Bennett's Pond property. Mr. Marconi quickly obtained bid proposals from several qualified appraisers, and engaged John Leary of Leary Counseling & Valuation, Inc., one of the most highly respected appraisers in Connecticut to conduct the appraisal of the property for the Town. The appraisal will be completed in February.

ROSA's Finances

Thanks to the generosity of individual contributors, ROSA has raised enough money to date to pay expenses incurred in the successful defeat of Eureka's high-density, mixed use proposal, and for our recent arguments before the IWB against Eureka's wetlands permits. The details (in percentages) of our expenses for the 11 months ended December 31, 1999 were as follows:

ROSA Expenditures-1999



More than three-quarters of our expenditures went to pay for legal and environmental consultants.

Our attorneys, Peter Cooper and Frank Cochran, have provided invaluable assistance without which we would not have realized the successes that we have to date. They provide their services to ROSA at a discounted rate due to our non-profit status and their belief in our cause.

Substantial professional services have been contributed to ROSA at no charge, including technical assistance from Eric Kristoffersen (licensed surveyor), Mary Jaehnig (soil scientist), Scott Sharlow (Geographical Information Systems specialist), and Barb Jennes (writer/editor.) Other members have contributed hundreds of hours of their time, and personally absorbed the costs of mailing, computer usage, and printing costs.

Many of you have already made more than one donation to our efforts, and for that we are enormously grateful. ROSA has been operating for nearly one year now, and we may have a long way to go before this battle is won. We need your help! Therefore, we ask that you consider making a donation to enable us to continue our efforts to preserve what remains of Ridgefield's open space.

What Do You Think?

You will find an envelope enclosed with this newsletter. Monetary donations are, of course, always needed and appreciated. Whether you donate or not, please use the envelope to let us know what is on your mind (e-mail is good too: rosa@mags.net). Is ROSA doing what you want it to? In the way you want it to? Are you concerned about the tax base? Is eminent domain the right way to obtain the property, the wrong way, or do you need to know more? Your comments will help make ROSA a stronger organization.



Ridgefield Open Space Association, Inc.

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NAME: _____

ADDRESS: _____

TELEPHONE: _____ **EMAIL:** _____

PLEASE CHECK APPLICABLE BOXES:

Enclosed is my contribution to ROSA in the amount of \$_____

Please note: ROSA is a 501(c)(4) non-profit organization, and under IRS rules contributions are not tax-deductible.

I would like to help - please call me!