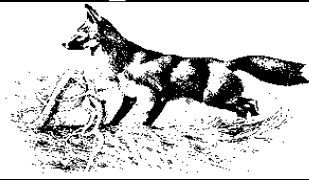


Ridgefield Open Space Association, Inc.



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, 2001

Volume 4, Number 1

Petition Drive Completed

By now we hope everyone has had the opportunity to sign the petitions to bring the future of Bennett's Pond to a referendum. According to the town charter we need signatures of 5% of Ridgefield's 16,000 registered voters. We quickly surpassed that milestone, and went on to collect many, many more.

Some may wonder why we didn't cease our efforts when we obtained the required 800 signatures, plus a few more to be on the safe side. The reason is simple. We need to convince the Ridgefield town government that there is widespread support for the acquisition of Bennett's Pond by eminent domain, and we believe large numbers of signatures will speak volumes to our elected officials.

Petition drive involved many supporters

More than 50 volunteers participated in the petition drive. They canvassed neighborhoods, represented ROSA at town events and polling places, and stood outside the recycling center and friendly local business establishments. Every negative comment by a passerby was offset by dozens of people eager to sign the petitions to preserve what is best about Ridgefield. In future years, we hope these 50 volunteers - and everyone who signed the petitions - will be able to look back with pride at the role they played in protecting our community.

We intend to submit the signed petitions to Town Hall in January. Once the signatures are verified by the Town Clerk, they will be turned over to the Board of Selectmen who will set the date for a Town Meeting, followed by a town-wide referendum vote.

Voters support open space: is anyone listening?

Every survey of public opinion shows that people in Ridgefield and throughout the region are unhappy with unceasing waves of land development that have washed over Fairfield and Westchester counties. In town after town, people all around us are voting by huge margins - up to 90% - to buy open space. Strangely, our own town government seems to be unaware of this. We hear plenty about how Ridgefield "needs" a bigger tax base, but very little about the quality of life and property value impacts of the development needed to create that bigger tax base.

Collapse of Eureka's Latest Plan

The December 7 *Ridgefield Press* reported that Eureka has withdrawn the plan it negotiated with First Selectman Marconi. The reason given by Eureka was strange:

because an advisory question on their plan did not appear on the December 5 school ballot.

Eureka's ambitious plan to change the character of Ridgefield faced many roadblocks. The Ridgefield Plan of Conservation and Development, adopted in 1999, would need to be changed. The Ridgefield Zoning Regulations would need to be amended, and then the property rezoned. Special Permits, as required by law, would have to be obtained. Sewer service would have to be provided by Danbury, requiring an interlocal agreement. Finally, major regulatory hurdles needed to be overcome to change the routing of Bennett's Farm Road. Not one of these problems would seem to be solved by an advisory question on the December 5 ballot.

ROSA does not pretend to understand why an advisory question should be so important one way or the other. Eureka is a huge, experienced developer, skilled at overcoming local opposition to their projects. Their actions suggest to us that there must have been more to the "advisory question" than meets the eye. It appears to have been wise of the Selectmen to keep this question off the December ballot.

Eureka Lawsuit Reactivated

On the heels of the withdrawal of their negotiated plan, Eureka V LLC reactivated its lawsuit against the Ridgefield Inland Wetlands Board. The complaint charges that IWB acted improperly in denying permits for several wetlands crossings.

The permit application itself was deceptively modest: a culvert here, a fraction of an acre of wetland impact there, and so on. But, as ROSA pointed out to the Board, the application contravened both U.S. Army Corps of Engineers wetlands regulations and Connecticut state law. Developers are prohibited from applying for incremental permits that mask a development plan with substantial wetland impact. Eureka's application was the thin edge of a wedge that mocked the planning and environmental protection functions of our town boards.

ROSA and its legal counsel believe that Eureka's case has no merit, and that the Inland Wetlands Board will eventually prevail. ROSA has filed papers with the court, making it an "intervenor" as provided by state law. This gives ROSA legal standing to help Ridgefield defend itself in court.

ROSA predicted that Eureka would pursue unending lawsuits, without regard to their merits, for the purpose of dispiriting citizen opposition and wearing down town government. This is why ROSA started a drive to

purchase the property. The alternative is to defend ourselves in court forever, or until the Bennett's Pond woodlands are replaced by buildings.

Traffic Generation from the Bennett's Pond Property

The traffic has become unbearable for many merchants. Their customers can't get to them. This quote appeared above the masthead of the Ridgefield Press on September 21. The speaker: Betsy Weber, chairman of the Ridgefield Chamber of Commerce Economic Development Committee.

Second perhaps only to schools, traffic has become a hot-button issue for Ridgefield voters. In fact, when traffic and school concerns clashed, over the use of the Ippoliti property, voters rejected a school that would have made a bad traffic situation worse.

Chamber survey results

The Chamber of Commerce is generally identified with a preference for growth and economic development, but the local business community also realizes that Ridgefield's capacity for growth is limited. When asked in a recent poll what should be done with the Bennett's Pond property, 47% of responding Chamber of Commerce members voted for open space preservation, while only 27% wanted some kind of residential development and 22% favored commercial development.

Poll respondents were not given an opportunity to explain why they favored more open space, but we think it has a lot to do with the masthead quote and the Ippoliti votes. If you build, people will come, and they will bring their cars with them. If there are too many cars, Main Street is choked off and everybody — our business community not the least — suffers.

Development vs. open space: traffic impact

How much traffic will development of the Bennett's Pond property generate? That of course depends on the magnitude of the development. But as an example, let us consider the *smallest* development that has been proposed by its owner, Eureka V LLC. This plan, which involved moving Bennett's Farm Road to the north, would have placed 200 condominiums, 250,000 square feet of office space, and a 250 room hotel south of the relocated road. The plan also included two 10 acre estates north of Bennett's Pond and adjacent to Wooster Mountain State Park.

According to Eureka's own economic analysis, the office space would have employed 1,100 workers and the hotel 350 more. An average of 2.1 persons will live in each of the 200 age-restricted \$500,000 condominiums.

Institute of Traffic Engineers data

The amount of traffic generated by this development plan can be determined using data from the Institute of Transportation Engineers. ITE is an international educational and scientific association of 15,000 transportation and traffic engineers. They periodically publish a three-volume compendium of traffic studies entitled *Trip Generation*, from which ROSA draws its traffic estimates.

According to the ITE, a typical townhouse unit generates 5.86 trips per day — one imagines one round trip by the husband and two by the wife, or vice versa. A general office building generates 3.32 trips per day per employee — equivalent to a round trip each day plus a noon errand every other day. A hotel generates 8.23 trips per day per room. This last figure is somewhat hard to understand, but it does include employee and service vehicle trips. Using these figures, we find the townhomes generate 1,172 trips per day and the office buildings generate 2,652 trips per day. The ITE figures suggest the hotel generates 2,058 trips per day, but a more cautious estimate is 1,000 trips per day. Thus this *smallest* of Eureka's plans would generate *more than 4,800 automobile trips per day*. The two 10-acre estates, right in the middle of a prospective state park, will generate a negligible number of trips per day on their access road, but would require a new curb cut on Route 7.

What quote can we expect on the Ridgefield Press masthead after Bennett's Pond is developed?

Open Space is a Clear Winner

Election Day 2000 resulted in a Presidential race too close to call and an evenly divided United States Congress. Almost everywhere voters seemed split exactly 50-50. That is, everywhere except in neighboring towns and on Long Island, where voters turned out to give landslide majorities to open space appropriations. No recounts were necessary when these results came in.

Bedford: 70% of the electorate voted to raise taxes by 3% to fund a permanent land preservation program.

Lewisboro: 79% of voters approved of \$2 million in borrowing to fund open space purchases. No particular property was at issue.

North Salem: 71% of voters decided to spend \$2 million for open space purchases.

Pound Ridge: A small majority voted to increase the mill rate by 1 mill for ten years, with the money to be devoted to land preservation.

Somers: \$2 million of borrowing for open space purchases was approved by a 2-to-1 majority.

Yorktown: Two-thirds of voters approved creation of a new land tax to permanently fund an Open Space and Conservation District.

Long Island open space initiatives

The biggest stories of the election came from across Long Island Sound. The town of North Hempstead appropriated an incredible \$15 million for open space preservation. The voters of Oyster Bay, not to be outdone, voted in favor of a \$20 million measure. According to the *New York Times*, officials in both towns were "expressing surprise and even amazement at the results" even as their constituents were voting two-to-one in favor of conservation.

In our Summer 2000 newsletter we reported on huge open space victories in Wilton, Bethel, Brookfield, Danbury and Redding. Since then Redding has purchased another 66 acres. Are we to remain the only town in the region without an open space acquisition plan?

Other News & Events

ROSA is grant recipient

In November, ROSA was awarded a \$1,500 grant from the New England Grassroots Environment Fund, a non-profit organization based in Montpelier, Vermont. The Fund's purpose is to increase participation in grassroots environmental initiatives and "to build and connect healthy, sustainable communities in New England."

Contact with other organizations

ROSA President Ellen Burns, assisted by Barb Jennes and Guy Bocchino, gave an invited talk to members of the Ridgefield Rotary Club on October 25. The presentation, entitled "The Bennett's Pond Property: The Importance of Open Space Preservations" was well received and generated some good discussion of the financial and environmental impact of ROSA's efforts to save Bennett's Pond.

A presentation was also made by Ellen and ROSA Secretary Bob Kleinberg at the request of the Twixt Hills Homeowners Association during their semi-annual meeting on November 13.

If you are a member of a local organization and would like to have a ROSA representative speak to your group, please contact Barb Jennes at 894-1079.

New Window Stickers Available!

We have purchased a quantity of electro-static window stickers in green & white which read "Bennett's Pond: Save it Now!" Unlike bumper stickers, these window stickers are easily removed but are quite visible and therefore a very effective communications tool. If you would like to demonstrate your support for Bennett's Pond by displaying our new window sticker on your car, please leave a message on the ROSA voice mail box (431-6662) and we'll send one to you.

Ridgefield Halloween Walk

Dressed appropriately as woodland animals, Ellen Burns and Board member Jenny Bocchino represented ROSA in this year's Halloween Walk on Main Street. Thanks to the design and sewing talents of Barb Jennes, Ellen and Jenny were dressed in "faux" fur costumes complete with ears, whiskers and tails. The woodland animals were assisted by Guy Bocchino and Megan Callahan (dressed as humans) in distributing candy to the trick-or-treaters, gathering petition signatures, and handing out open space literature.

Video production in progress

ROSA Board Member and professional videographer Pete Stewart is producing a video on Bennett's Pond. The 30-minute film will include various ROSA members speaking about the property and its value as open space. Additionally, the video will feature interviews with Redding Conservation Commission member Vic DeMasi, State Representative John Frey, and Danbury Mayor Gene Eriquez as well as some footage of the property itself. We hope to have the video finalized in late January for viewing on Comcast community access channel as well as for special events and meetings.

ROSA meets with Board of Selectmen

Ellen Burns, Bob Kleinberg and Debby Mandelbaum represented ROSA at a September 27 meeting of the Board of Selectmen. We spent an hour presenting our plans for

the petition drive on Bennett's Pond, legal arguments for the use of eminent domain, and why we believed the negotiated plan would ultimately fail to secure any of the property as open space.

Nature Conservancy meeting

ROSA has maintained on-going contact with the staff of The Nature Conservancy Connecticut Chapter. On October 23, several ROSA members met with TNC officials Steve Patton, David Sutherland and Mike Fotos to update them on our activities and to discuss what role they might play in the effort to preserve Bennett's Pond and other open space parcels in Ridgefield.

ROSA meets with Danbury Mayor

Danbury will undoubtedly play an important role in the future of the Bennett's Pond property: 69 acres of the land lie within that city's borders, and any large-scale development will require sewerage from Danbury's plant. Consequently, ROSA has maintained contact with Danbury Mayor Eugene Eriquez to keep him informed of our activities and plans. On October 31, five ROSA members met with the Mayor to discuss the negotiated plan, the procedure for interlocal sewer agreements, and the city's interest in acquiring the Danbury portion of the property.

PRDs: Who owns the open space?

Ridgefield's PRD (Planned Residential Development) zoning regulations require that one third of the land in a PRD be maintained as open space under the ownership of either the town, a land conservancy organization, or a private homeowners association. The regulations provide the Commission with the discretion to determine, in each application, to whom the open space will be deeded. During a November P&Z public hearing on the proposed "Seven Oaks" PRD (on 90 acres between Limestone and Bennett's Farm Road) the property owners' attorney claimed that the P&Z Commission did not have the legal right to *require* that the open space be conveyed to the town as a condition of approval. The owners in this instance would prefer to deed the open space to a

private homeowners association which would obviously preclude any public use of the land.

At the continued public hearing held on December 21, the P&Z Commission's attorney provided a written opinion which stated that case law in Connecticut supported the Commission's right to determine the ownership of open space in a PRD subdivision as provided by Ridgefield's regulations. This opinion will allow the Commission, if they so choose, to require the open space created by a PRD to be deeded to the town and therefore available to the public for passive recreational use.

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"Never doubt that a small group of concerned citizens can change the world. Indeed, it's the only thing that ever has."
- Margaret Mead, American anthropologist



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