



# OPEN SPACE Planning

6 Fact Sheets written by Jim Gibbons, Land Use Specialist. Reissued March 1998

## FACT SHEET 1

### Open Space: What Is It, How to Plan for It and Build Consensus to Protect It

Nonpoint Education for Municipal Officials (NEMO) is a University of Connecticut educational program for land use decision makers that addresses the relationship of land use to natural resource protection.

Contact NEMO at:  
University of Connecticut,  
CES  
P.O. Box 70  
1066 Saybrook Road  
Haddam, CT 06438

Phone: (860) 345-4511  
Email: [nemo@uconn.edu](mailto:nemo@uconn.edu)  
Website: [nemo.uconn.edu](http://nemo.uconn.edu)

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#### Introduction

I have long maintained that major advances in land preservation occur as a result of development. You might say he's nuts! But think about it. In periods of intense development, developers are more willing to dedicate land and negotiate design alternatives. Because time is money they more readily accept restrictive regulations in an attempt to give up a little to gain a lot. During prosperous times, public coffers are full and open space programs are well funded. Locally there is interest in forming conservation commissions and land trusts. Land is donated for tax purposes and corporate support of environmental programs that help improve their image is strong.

But when the economy slows down, all that changes. We have experienced those changes and the associated backlash to environmental regulations and preservation efforts. During such periods anything that is viewed as hindering economic development is fair game for attack as environmental Chihuahuas who do little more than go nipping at the heels of progress. In Both climates it is imperative that those interested in land conservation speak clearly and convincingly of their interests. They also need to establish a strong plan of action that balances their preservation desires with the need for economic development.

#### What is Open Space?

What is open space? There are as many different answers to that question as people asked. The term conjures up various images to different people. For example, a recreation director might think of supervised, improved playgrounds while a hiker might envision natural areas undisturbed by man. It is important that those concerned with open space clearly define exactly what they mean when using the words open space. This is especially true for those involved with public policy.

While serving on a planning and zoning commission, we asked a developer to set aside open space as part of a proposed subdivision. Most commissioners envisioned the dedication as a natural area. The vague dedication proposal was brought before the

public and was vehemently opposed. Most people at the hearing feared that the open space would eventually become an improved park generating lights, noise, dust and beer swilling teenagers. The Commission failed to clearly define the proposed use of the open space. The public had a clearer, unfavorable vision.

How many towns do you know where the planning commission is reluctant to ask for open space dedications because they have no overall plan for these sites? Hence, these potentially valuable open areas are often viewed as undesirable sites posing maintenance and liability problems, or as weed growing, lots scattered throughout the town.

### **Open Space - Negative and Positive Views**

So open space can be viewed as a negative concept. We can't assume everyone is a strong supporter of open space preservation. Someone once referred to open space as "the nuthin between sumpthin." This view treats open space as non-productive in that it does not contain development or produce tax revenue. Behind this concept is the feeling that all land should ideally be developed. This view is severely limited and has in fact been proven false. Rather than having a negative economic impact on a community's tax base, open space has proven to have quite the opposite effect.

For example, in suburban areas single-family homes often do not pay enough tax revenue to cover the cost of public services they receive. Open space demands little or no service hence, costs the town very little. Studies in several New England Communities have confirmed the positive economic contribution of open space as opposed to uncontrolled single-family home development. Another positive aspect is that property values of land next to open space increase, and in turn, produce increased property tax revenue. Where open space attracts visitors, tourist expenditures can significantly contribute to the local economy. Some public lands are rented generating direct income. In conclusion, open space is a positive land use that each community should seek to encourage.

### **Various Types of Open Space**

There are many types of open space. For example, the following list (by no means complete) contains a few of the types of open areas I have worked with:

trails	wetlands	river corridors
floodplains	ridges	wildlife habitat
parks	vacant lots	bike paths
urban plazas	playgrounds	scenic vistas
farmland	forests	buffer strips
golf courses	backyards	preserves

## **Functional Categories for Open Space**

I have found it helps to categorize open space by function and suggest the following six functional types:

1. **Natural Resource Protection Areas** - includes animal and vegetative habitat, streambelt corridors, trap rock ridges
2. **Outdoor Recreation**
  - a. Active - parks, playgrounds, beaches, and trails
  - b. Passive - plazas, sitting areas, arboretums
3. **Resource Management** - forests, fisheries, farmland
4. **Protection of Public Health and Safety** - floodplains, wetlands, unbuildable areas or areas with limitations for development including steep slopes, high water table, shallow depth to bedrock
5. **Areas that Shape Community Character or Design** - buffer strips, front, back and side yards, urban plazas, greenways, open space dedications related to development
6. **Historic or Archeological Sites** - battleground, historic structures and grounds, historic districts, town greens

It is important for those promoting open space preservation to clearly enunciate their ideas and future visions. The above list might help you organize your thoughts concerning this important topic.

## **Why Plan for Open Space?**

Few communities are controlling their destiny because they are not in the driver's seat regarding future growth. In most Connecticut communities, many different people are making land use decisions without a unifying game plan. What often results is haphazard development insensitive to the area's unique sense of place and natural resources. Consequently, a homogenized blend of land use starts to make our area indistinguishable from other regions of the country.

In periods of intense development, communities tend to be in reactive rather than directive modes regarding growth. They end up reacting to development proposals without sending a clear message to developers as to what the community wants. When commissions get bogged down reviewing development proposals, little creative planning occurs. Communities end up accepting what developers offer because it complies with the regulations and the town has no alternate plan. At some point, someone steps back and asks, "Is this the best we can do?" Many local officials would have to answer "Obviously not!" and if they were truly honest with themselves they might say, "in some cases it is little more than the worst that we can do."

I believe if we are to cope with change, create order out of chaos and provide well-designed communities rather than manmade sprawl, the solution must be found in the comprehensive land use planning process. Land use planning enables communities to

direct-growth to those areas capable of supporting it and at the same time identifies and prioritizes areas worthy of conservation. It can and should be a clear statement of how, when and where the community will grow. It provides a concise guide to local officials and developers so no one is surprised by the other's actions at the last minute.

At the heart of the land use-planning process is an Open Space Initiative that calls upon residents of the state to envision a new approach to land use. It calls for a network of green spaces that protect our New England landscape and natural infrastructure, provides close-to-home recreation opportunities, buffers unique resources and improves our experience as we move through the land. This new approach highlights a system of protected open spaces that helps determine where growth and development should occur. Rather than being the residual of development, this approach to land use planning places preservation of fragile and unique sites in the forefront and designates the remaining lands to be developed. Under this approach development is delegated to areas capable of supporting it while open space is protected based on a precise functional plan.

Behind this suggested approach is recognition that our resources don't have to be designed as something special. They are by their very nature something special. Most importantly we must realize if we take the necessary steps to first protect our unique natural resources, quality development, sensitive to those resources will follow and as a result our region's special character and your quality of life will be enriched.

## FACT SHEET 2

### Local Agencies Involved in Open Space Preservation

The following is a quick review of the various local agencies involved in open space preservation. I have found there is often a lot of confusion as to who should be doing what regarding inventorying, planning and protecting open space and it helps to understand the roles of local boards having legal responsibilities in these matters.

#### Planning Commissions

- Every 10 years the planning commission must review the local plan of development. The plan contains recommendations as to areas to be developed as well as preserved. The plan in Connecticut is basically an advisory document except for public improvement projects and street locations.
- Subdivision Regulations - commission must approve plans for any land to be divided into 3 or more lots for development. As part of the subdivision process the planning commission may ask for certain land to be set aside as open space or for payment in lieu of open space dedication.
- Must approve municipal improvements including the purchase of parks and open space.
- Designates open space eligible for property tax relief under P. A. 490.

**Zoning Commissions** - develops land use regulations by dividing municipalities into districts and stipulating permitted uses, lot size, coverage densities, cluster development, etc...

**Inland-Wetland Commissions** - regulate uses in or near wetlands and watercourses.

**Conservation Commission** - charged with keeping an index of all open areas for the purpose of obtaining information on the proper use of such areas. Conducts research into the utilization and possible utilization of land areas of the municipality. Approves applications for programs to preserve or restrict the use of open space land. Also recommends to the planning commission or the legislative body plans for the use of open areas.

As you can see there are many potential players at the local level. Their involvement in open space activities will vary depending on the interests of their members, public support for the issue and how busy they are with other activities. Often planning and zoning commissions devote little time to open space planning because they are preoccupied reviewing development applications. When development slows down towns are more apt to undertake land use planning projects.

In addition to official public agencies, other local groups concerned with open space include: land trusts, non-profit organizations and neighborhood groups. With all the

potential players in the open space game it's important that they are aware of and sensitive to the goals and objectives of one another's group.

**Key - Have a Concise Plan**

It is my strong opinion that the key to any successful local open space initiative is the development of a concise open space plan people support. The best way to enlist support is to have as many of the players involved in the program as early as possible. Because so many groups have either a legal charge or keen interest in open space, a team effort will help avoid turf wars and best utilize everyone's talents.

**How to Begin - Someone Needs to Take Charge**

Someone or some group must take the initiative to begin a comprehensive open space program. In some municipalities it might be the planning commission or conservation commission that takes charge. In other towns it might be the land trust or neighborhood group or a combined effort of public and private organizations. My experience has been that combined rather than individual efforts tend to be more successful.

## FACT SHEET 3

# Twelve Steps to the Development of an Open Space Plan

While the Open Space Planning process might initially seem complicated, those that have attempted it find it is quite simple and enlightening. It involves a lot of common sense. One does not need a Ph.D. in land use planning to develop a sensible open space plan for their community. I have found the most meaningful plans are those developed by people who know their town and care for its future.

### 1. Someone Must Take Charge

It may be a public agency such as the planning or conservation commission or a non-profit such as a land trust. It might also be a private effort such as a neighborhood group. Ideally it is a coordinated effort involving all of the above.

### 2. Conduct an Open Space Community Resource Inventory

- Committed Open Land - federal, state, municipal or land trust open space
- Land presently open and used by the public yet no guarantee it will remain so i.e. golf courses, rod and gun club property, camps
- Areas experts identified as unique or worthy of preservation
- Areas unsuitable for development because of steep slope, wetland, flood prone, or shallow depths to bedrock or hardpan
- Areas that might be preserved by regulation - inland wetlands, flood plain, aquifers
- Cultural Resources – scenic vistas or roads, stonewalls, community gathering places, swimming holes, etc...

### 3. Categorize Open Space by Function

- Natural Resource Protection** - unique or fragile animal or vegetative habitat, wildlife corridors, riparian buffer zones
- Outdoor Recreation**
  - **Active** - parks, playgrounds, beaches, trails
  - **Passive** - gardens, preserves, plazas, setting areas
- Resource Management** - farmland, forest, fisheries
- Protection of Public Health and Safety** - flood plains, wetlands, unbuildable areas, areas with limitations for development, aquifer recharge areas
- Areas that Shape Community Character or Design** - buffer strips, front, back and side yards, urban plazas, greenways, open space dedications related to development
- Historic or Archeological Sites** - battleground, historic structures and grounds, historic districts, town greens.

#### **4. Review Previous Plans and Documents**

Although this should be a part of the resource inventory, you may want to look through existing town documents and glean relevant information. Also consider contacting your regional planning agency, land trusts, state game and fish, and your state Planning Department

#### **5. Develop a Set of Open Space Objectives**

The objectives should clearly state the intent, purpose and directions of the open space plan and program. For example, the objective might be to assemble corridors as opposed to scattered parcels or protect critical or threatened habitats or maintain natural drainage ways.

#### **6. Prioritize Areas for Preservation**

Prioritization should be based on the objectives developed in Step 5 above. Common sense must be used here as well. For instance, if a site becomes available at a reasonable price, the municipality should move to acquire even though it might not be at the top of the prioritized list.

#### **7. Contact Identified Landowners**

It is very important to contact landowners whose property is included in the Open Space Plan to discuss the inventory and plan. It is important to talk to these landowners before the general public sees the plan. As their properties will be affected by the plan, they deserve the opportunity to discuss the plan with its authors before it is brought to a public forum. Be careful to point out that their property has been identified as being important as a result of a comprehensive review of the entire town. Discuss, if they are willing, their needs and desires regarding future use of their property. If preservation is not something they are interested in, discuss various creative development techniques that would allow continued lifetime use or achieve a balance between development and conservation.

I have seen many communities that have developed good open space plans but failed to include affected landowners in the planning process. The result has been a series of controversial public hearings at which landowners unite to oppose a plan they feel will result in an unfair taking of their property. In such an environment, rumor and hearsay runs through the town and the open space plan is soundly defeated or put on hold.

#### **8. Prioritize Areas for Preservation based on the Inventory, Objectives, and Landowner Considerations**

Based on the initial prioritization of Step 6 and the landowner information in Step 7, assemble a town open space priority list. This list will be used to develop...



**9. Create an Inventory of Priority Parcels**

Review the town's land records to find out who owns it and if there are any encumbrances on the land. Make notes of any unique features of the site.

**10. Develop an Implementation Scheme**

A realistic assessment of what it will cost to carryout the plan is needed. Sources of guaranteed and potential funds should be included. Land should be categorized as to whether it will be preserved by regulation, purchase, donation, conservation easement, etc...

**11. Conduct a Series of Informational Forums on the Open Space Plan**

Public understanding of and involvement in the planning process is extremely important. Develop a slide or video presentation showing various sites delineated in the plan and make presentations before service clubs, town boards, senior citizen groups, garden clubs, etc... If there is opposition to the plan, review and revise where appropriate.

**12. Fold the Open Space Plan into Appropriate Land Use Plans and Regulations**

Once your Open Space Plan is completed and accepted by the community, begin incorporating it into the key planning documents of your town. Perhaps the most important document to update is your Plan of Conservation and Development. The Open Space Plan could well become the "conservation" side of the Plan. Have in-depth discussions with your town's commissions to see how they feel the Open Space Plan could be incorporated into their documents and regulations.

## FACT SHEET 4

### Open Space Preservation Objectives

A municipal open space/natural resource inventory tells us what we now have. An open space plan tells us what we need. A critical component of a plan is to develop objectives and based on these objectives, prioritize the open space parcels with respect to function, uniqueness, importance, and availability. The parcels should also be categorized as to how they will be protected either by regulation, acquisition or design.

For example if your plan has a goal of preserving unique natural resources such as trap rock ridges, it is necessary to first delineate properties located within the ridge boundary. Some of those properties might contain fragile or unique habitat or possibly be isolated tracts of private land surrounded by state or municipal open space. These might become priority sites for acquisition. Other tracts may be on steep slopes or contain poor soils and hence have little chance of being developed. Some form of regulation might preserve these. Finally, you might know a property owner that is interested in selling but would like to see some of the land kept open. These areas might be designated for creative development design such as clustering or lifetime use with conservation easements.

This planning exercise is particularly important if you must approach your local Board of Finance or other funding source for acquisition money. They will want to know that you have done a thorough analysis and are not asking for money for some half-baked, idealistic scheme. Municipalities are now deeply involved with Capital Improvement Planning and this system of planning and prioritization fits nicely with that fiscal program.

One of the major elements in an open space preservation plan is a list of objectives clearly stating the intent, purpose and direction of the plan. What follows is a selected list of objectives that local land use officials might consider when formulating preservation policies.

- Provide sites to protect surface and subsurface water resources** - should be the backbone of the open space plan. Protect the water's edge for public access as well as to protect water quality.
- Add to existing committed open space** - i.e. fill in windows of existing municipal, state or land trust holdings.
- Assemble open corridors or greenbelts** as opposed to scattered parcels. May be linkages to existing open space or connecting nodes of development, trails, wildlife corridors or riparian buffers.

- Protect critical or threatened habitats** with emphasis on those areas identified in Connecticut's Natural Diversity Database and Endangered Species List.
- Protect ground water** within existing or potential public drinking water supply aquifers. Consider both stratified drift deposits and bedrock aquifers.
- Protect natural drainage ways.**
- Protect lands of cultural importance** including archeological and historical sites.
- Provide sites for active and passive recreation.** Requirements will depend upon population and recreation standards.
- Protect the municipality's unique and significant natural features** including wetlands, floodplains, prime agricultural soils, scenic vistas, trap rock ridges, shorelines, and/or tidal marshes.
- Preserve farmlands and productive forestland.**
- Preserve areas that shape community design and character** - i.e. plazas, buffer strips, landscaped yards, street trees and areas visible from roads, sidewalks and community gateways.
- Protect steep slopes** to control soil erosion and water runoff as well as maintaining scenic views of and from areas such as bluffs, ridges, mountains, etc...
- Combine regulatory and land acquisition measures** to achieve open space objectives.
- Include areas identified as worthy of preservation in subdivision and zoning regulations** so applicants know up front what lands the community wishes to preserve.
- Provide incentives** including clustering, density bonuses, creative design and preferential property taxes to preserve meaningful open space within private development.
- Encourage site development sensitive to the areas natural characteristics.**
- Encourage growth in areas capable of supporting it** while at the same time preserving areas unsuitable for development.

- **Development density should be based on the physical environment's ability to support it** and not on arbitrary standards such as so many dwelling units per acre, etc...
- **The open space plan should exist in harmony with the town's development plan.** Open space and development should compliment rather than compete with one another.

### **Balanced Preservation and Growth**

A general goal for those involved in land use decision-making should be to coordinate conservation and growth to insure that each area preserves its unique character and sense of place by providing for sustainable growth and prudent use of scarce natural resources. To achieve this goal some basic policies should be adopted:

- New development must be designed and managed to minimize the consumption of natural resources.
- Open spaces should be accessible and utilized.
- High-density development should be built adjacent to our highways and mass transit lines to provide access to jobs, utilities, transportation and services.
- Lower density development should be placed on sites that are capable of supporting on-site utilities and designed in such a way as to preserve key natural resources.
- New development should respect the site's natural features, utilize natural drainage patterns and keep site disturbance to a minimum.
- Wetlands and riparian corridors should be protected to offset the adverse impacts of development on water resources.

## FACT SHEET 5

### Suggestions to Improve the Open Space Planning Process

- Preview existing Open Space Plans for your town before developing a new one. Many towns have excellent older Open Space Plans containing pertinent recommendations that have never been implemented by administration.
- Determine what's wrong with existing Open Space Plans - i.e. lack of key natural resource data and concentrate your efforts correcting these deficiencies.
- Ask local officials or professional planners to review the existing Open Space Plan and comment on its worth.
- An Open Space Plan takes time to prepare. Realistically you are looking at a one or two year project. A good plan is based on public participation, which takes time, but it's time well spent.
- Review other town's Open Space Plans and compare them to what you've visualized for your town.
- Seek assistance from public agencies with staff knowledgeable about land planning and natural resource protection. Agencies such as the University of Connecticut's Department of Extension, the Connecticut Department of Environmental Protection and regional planning agencies are excellent sources.
- Hire a consultant. Before seeking private assistance try to determine specific areas where professional help is especially needed - i.e. map preparation or data compilation and seek several estimates before signing a contract. Make sure the consultant is an expert in natural resource protection.
- Keep town officials informed of the Open Space Plan's progress. Communication is vitally important to avoid turf wars.
- Develop a slide presentation to address service clubs, commissions, senior citizens, etc... Show elements of town character such as stonewalls or rolling hills and how the Open Space Plan seeks to maintain these features.
- Ask newspaper reporters to do feature articles on the Open Space Plan and its implications for the community's future.
- Hold several informal meetings to educate the public on the Open Space Plan rather than one formal public hearing.

- Set up an exhibit of maps, photos and reports and place it in public places such as schools, the library or town hall.
- Conduct a Community Survey to gain public involvement and test reaction to your preliminary ideas. The survey can also be a great public relations tool. Local stores and town offices can serve as collection points for survey returns.
- Don't let your plan collect dust. Make sure it is folded into the town's Plan of Conservation and Development as well as zoning and subdivision regulations.
- Personally contact owners of land designated as open space to discuss what the designation means. If they are willing, ask them to discuss their future plans for their property and how those plans fit with the Open Space Plan objectives.
- Update your Open Space Plan periodically so you are not overwhelmed with the task of a major rewrite.
- Open space preservation is a continuous effort.

## **FACT SHEET 6**

### **Key Open Lands in Need of Preservation**

There is a pressing need for us all to become actively involved in activities and programs that encourage wise use of our natural resources. I believe we are in a period where there is a real aversion to more regulations. Positive programs that will benefit the landowner as well as the community will be needed. We will all have to become experts in the art of compromise. Finally, while I believe obtaining a wide variety of open space lands is the first objective, I feel we must now start to properly utilize what we presently have so that specific future needs are made perfectly clear to the voting public.

The major challenge before us is that so few people are traditionally involved in the preservation process yet those few must be imaginative in order to achieve results that will have a lasting impact on future generations.

#### **Prime Agricultural Lands**

In 1940, 51% of the state's area was devoted to farming. By 1974 farmland acreage had diminished to the point that it represented only 15% of the total state. Our increasing dependence on other regions for our foods (80% imported) together with weather conditions adversely affecting crops, in the mid and southwest and escalating energy and transportation costs have highlighted that dependence and shown how fragile it is. These trends have resulted in some positive legislation in our state. Public Act 490 allows farmland to be taxed at its use rather than market value. In my opinion P.A. 490 has been the most effective measure to date to preserve farmlands. Every year there are attempts to modify 490 and we must be active in this process to insure that its original intent is not changed. However, while P.O. 490 might stall the convergence of farmland to development there is no lasting preservation guarantee. If the price is right the farmer is often tempted to sell, as the farm represents his retirement plan.

Noting these trends a State Pilot Program to purchase the development rights to farms threatened by development was established in 1978. To date the state has purchased the development rights to 3 farms representing 784 acres. Six additional farms totaling 1,691 acres have also received approval and are being processed. While there is a definite need to continue with this program, I feel its efforts must be supported by action at the local level.

Local officials must be educated on the need for and feasibility of farmland preservation and be provided practical preservation tools. The use of single factor prime agricultural soils as well as accurate farmland inventories are the key components to any educational program at the local level. Outright purchase of farmland, purchase and leaseback, cluster zoning, transfer of development rights, open space dedication under subdivision, large lot zoning and incorporating farmland preservation in the local Plan of Development are a few of the techniques that have already been used by Connecticut communities. The local purchase of development rights, purchase of 25 year easements,

the formation of county or state Agricultural Development Councils, agricultural districting, right of first option to purchase, and local involvement in the state purchase of development rights program are some methods that might be tried in the future.

More research is needed on the economics of farming in Connecticut i.e. what pursuits will bring a sufficient income for we can save the farmlands but what we must do is save farming as a rewarding profession. There is a need to bring young people short on cash but eager to farm together with senior citizens who own land but are too old to farm it. We must stop attempts to over regulate farming. At the federal level there is a need to fund farmland preservation efforts and reduce funding for programs that install water and sewer lines, build houses, industrial parks and community facilities where these projects are located on prime agricultural land.

### **Inland-Wetlands**

P.A. 155 An Act Concerning Inland-Wetlands And Watercourses was innovative legislation designed to preserve and protect wetlands and watercourses from undesirable uses. While the Act has proved to be very successful I believe there is a need to further define wetlands by type and significance. An isolated wetland area in an upland soil does not have the same significance of a marsh or flood plain soil associated with a major stream or drainage system, yet the present act treats all wetlands equally. The Act defined inland-wetlands by reference to the Soil Survey and thus immediately exposed the Survey to close public scrutiny. It has also brought the soil scientist before local boards and commissions to settle wetland boundary disputes. What troubles me is that in this state we have legislation such as the Inland-Wetlands Act, Sec. 8-26 of the General Statutes that permits the use of soil survey maps as a standard in determining land use planning and zoning regulations and a farmland preservation program that relies heavily on the soil survey to determine prime agricultural soils, yet at a time when state and local officials are making positive use of soil survey data, soil scientists are leaving the state. I would hope that the Natural Resource Conservation Service would do just the opposite and provide an increased staff of soil scientists who would be available to work with local boards to revise that survey where needed and generally educate the public on practical application of soil survey data.

Finally, I believe the Inland-Wetlands Act is a classic example of preservation by regulation and I feel we have seen the end of this approach. Preservation techniques other than regulation will be needed in the future.