



Conservation Restriction Sets Open Space Status Of High Meadow

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Officials Tuesday signed and notarized a conservation restriction detailing stipulations and limitations on High Meadow open space use, which “closes the loop” for land records, according to First Selectman Pat Llodra. The action is “ what [town attorney Dave Grogins] said we have to do to make this legal.” It is also the most recent in a series of revelations that have raised concerns among local conservationists for the future of the scenic parcel at Fairfield Hills.

The document comes amid questions raised by critics of the Sandy Hook Permanent Memorial Commission’s (SHPMC) preference to locate a 12/14 memorial on the High Meadow acreage. To date, no official proposal has emerged for the memorial’s design and scope.

Concerned about protecting the meadow’s open space, resident Ann Astarita read the conservation restriction Tuesday and offered a more positive view than she had held about earlier documents regarding the parcel’s open space status.

“The new conservation restriction dated and filed 2/23/16 is an encouraging step, especially compared to the 1/28/16 High Meadow Declaration because it apparently agrees to perpetually preserve, protect, limit, conserve, and maintain the land in its natural condition,” she said.

But Ms Astarita remains cautious.

“Since the open space declaration can be changed at any time by the Board of Selectmen without predetermined conditions, I remain concerned,” she said. “However, I view this document as a positive step toward growing cooperation between those in favor of preserving Newtown’s open space designations and those wishing to see a permanent memorial at Fairfield Hills. I’m confident that if we continue working together, Newtown can achieve its goals.”

Ms Astarita also noted mention of “structures” in past paperwork that could potentially be approved for the site, but she was pleased to see no language about structures in the conservation restrictions she read this week.

In an e-mail earlier this month, Ms Astarita had asked if discrepancies in language could be “paving the way for development in Newtown’s most visible open space property.”

Prompting her e-mail was some paperwork preceding the February 23 conservation restriction, which included one memo from Land Use Agency Director of Planning George Benson, stating that the High Meadow allows both “active” and passive recreation. Ms Astarita questioned use of the word active, asserting that the town was “changing the rules midstream.”

Regarding assertions that the town was possibly paving the way for a more intensive use of the High Meadow land, Mrs Llodra said, “I am asserting right back that there is no intention on part of this government that would pave the way for anybody to do anything special... our goal is to be transparent.” Clarifying the paperwork on town record and Tuesday’s conservation restriction were part of that process.

“Nobody should think that there is a preconception that this [a permanent memorial] is a done deal and there is a public process that I demand be followed,” Mrs Llodra stated. “There is no conspiracy, and none of this is predetermined,” she added.

A memorial on the High Meadow “is a struggle” when both open space and 12/14 initiatives have value, Mrs Llodra said.

“The value of open space and value of honoring those lives lost and navigating the values of both on the highest and best levels will be difficult,” the first selectman added. “I want all of us to give the [SHPMC] time to work through the challenges. A perfect world would have a perfect solution; I am always hopeful there will be a perfect solution.”

Regarding SHPMC’s choice of locations, Mrs Llodra said, “We don’t know if they will stay on this path, or if a perfect solution will be found.”

Without a specific proposal, she said, “The extent of disturbance to that property is unknown, and that question would still come before the selectmen.” If any proposal “is too much, I would say it does not honor the definition of open space.”

“In a perfect world we would not have this and there would have been no tragedy, but our world changed,” Mrs Llodra pointed out. “Our struggle is to navigate that change while honoring that change. We are facing things we never thought we would have to face.”

Mr Benson this week suggested that concerns and opposition at this point were overreactions.

“We don’t even know the [permanent memorial] proposal yet and if it’s something we don’t want we won’t approve it,” he said. “We’re all environmentalists here and we’re out for what’s best for the town.”

SHPMC Chair Kyle Lyddy said his commission will “look into other alternative locations should there be others to consider.” However, he also feels that “anything we do will have opposition. We won’t please everyone. But it’s not out of the question that we consider other land if it’s an appropriate location that fits in with our guidelines and the information we have gathered.”

The commission’s members do not want to just put the memorial anywhere, however.

“There’s a strategic reasoning behind the locations we were looking at, so I would want to do the same for anything being considered in the future,” Mr Lyddy said. “We will work closely with land use to understand how best to proceed,” he said.

Conservation Restriction

The conservation restriction for the High Meadow parcel describes the “limitations, restrictions, and uses to which the property may be put,” and “covenants and restrictions which will run with the land and be binding ...”

The document states that the meadow is designated as open space at the request of the Planning and Zoning Commission. Language names the town as parcel donor and that the “designation of open space can include stipulations allowing uses requested by the donor.” The open space “has specified via Zoning Regulations that the land can be utilized for passive recreation. Any proposed passive recreation ... would have to be authorized by the Board of Selectmen.”

Included in the conservation restriction is a declaration stating that the town “agrees to perpetually preserve, protect, limit, conserve, and maintain the land ... in its natural condition.”

The declaration’s purpose is to ensure that the meadow remains in its “present, natural and open condition, and to prevent any activity or use of the area that is inconsistent with that conditions or that will significantly impair or interfere with the ecological, conservation, or open space values of the area, notwithstanding normal recreational purposes.”

Open Space

According to Article I (Definition of Terms), section 1.10, in the [Planning and Zoning Regulations available for view at Newtown-ct.gov](#), “open space” is defined as “land or water areas which include but are not limited to: areas left in their existing natural state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit passive and active recreation; areas for wildlife habitat, groundwater recharge, scenic preservation, and other lands accomplishing the purposes set forth in Section 8.15.100 of these regulations.”