

# WOODSTOCK TIMES

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## *Woodstock Land Conservancy on the Comeau easement: Looking back and moving forward*

Several months have passed since the protracted court battle over the Town's right to enter into a conservation easement on the Comeau property ended and the green light was given to move ahead. As one of the parties responsible for the eventual easement, the Woodstock Land Conservancy (WLC) wants to assure readers that we have been hard at work to prepare for the next steps in this important process.

This is not a question of simply signing the proposed easement from 2003, but of ensuring that any eventual measures to protect the Comeau property are taken with the seriousness that protection of a municipal property deserves, and in light of the permanent nature of a conservation easement. With this in mind, in the fall of 2008, WLC established a "Comeau Working Group" consisting of executive director John Winter, six members of the volunteer board of directors, and our pro bono legal counsel Jeffrey P. Siegel. Since then, we have met many times, devoting countless hours to reviewing the long and complex proposed easement.

The purpose of this in-depth work was to be clear about every aspect of the document. As we did so, the wish of many Woodstock residents to see the property protected for public benefit, the 2003 public referendum expressing that wish, and the conclusions of the past Comeau Advisory Committee were always in our minds.

A conservation easement is an understanding between a landowner and a land trust that defines restrictions on how a property can be used now and in the future in order to protect a range of conservation values. It is a legally binding document designed to last as long as the land itself. Both parties assume responsibility for making sure that the terms of the easement are enforced and respected over time. This process is complex in any case—and even more so when the protection of land owned by a municipality and used by many different ways by many different groups is at stake.

In our analysis of the proposed easement, WLC did not simply assume that conditions that existed six years ago still hold. Instead, we analyzed the easement's conservation purposes and restrictions given both current and potential future uses of the property. There were good reasons for this approach: the proposed easement was drafted before many of WLC's board members and our executive director—who would all take on responsibility for an easement—joined WLC. In addition, national standards and practices for land trusts and considerations in crafting and holding easements have changed considerably since 2003, making it necessary for us to consider ways to strengthen the document to ensure its long-term viability.

WLC's analysis of the proposed easement led to the conclusion that there is nothing in the document that would prevent us from still considering an easement to protect the Comeau property. At the same time, we became aware of the strong need for the Town Board—the elected

representatives of the community—to make sure that any eventual easement reflects the Town’s current and future activities, uses, and conservation goals for the Comeau property.

There is a high degree of specificity in the proposed easement regarding permitted and prohibited activities on the property. These aspects are worthy of review given the long passage of time, their implications for the management and care of the property, and for the ongoing monitoring of the easement. As WLC would do with any easement process, we have a responsibility to work with the landowner—in this case the Town, as represented by the Town Board—to ensure that they have carefully examined and considered any potential issues of concern.

It is also imperative for WLC to ensure that any easement into which we enter is consistent with the organization’s mission and work, and is within its capacity to uphold now and long into the future. The Comeau property is publicly accessible and heavily used—a very different scenario than most easements held by land trusts. WLC believes that it is necessary to create an enduring mechanism to ensure that the property is sufficiently monitored and the terms of the easement are respected, and that there is a clear way to respond to and resolve any issues that arise.

WLC would always be involved in safeguarding the property’s protection. Yet we have a strong responsibility to not allow the possibility of day-to-day stewardship of the Comeau property to subsume the other aspects of our work or absorb all of our capacity. This is critical for the sake of the many other beautiful and important lands in need of protection, the creation of publicly accessible trails and open spaces, other potential partnerships with the Town (such as the recent \$186,000 sale and protection of California Quarry), the landowners with whom we work, and our many dedicated supporters.

In 2003, the Comeau Advisory Committee underscored the need for a plan to steward the property and recommended to the Town Board that a permanent committee be established for this purpose. WLC believes that this action step must now be initiated. We are encouraged by the tremendous work of the Comeau Trails Task Force and the Comeau Users Group. These efforts demonstrate the public investment that exists in keeping Comeau beautiful, environmentally healthy, and accessible—and points the way toward how the property can be stewarded in a truly representative, democratic manner, consistent with the intent of the proposed easement.

As owner of the property, the Town would continue to control and manage the Comeau—but would agree to do so within the terms of the easement. As holder of the easement, WLC would be responsible for periodically monitoring the property and working with the Town to resolve any violations of the easement. For WLC, the best type of easement violation is the one that never occurs. Should an issue arise, we would want to work proactively and in partnership with the Town to resolve it to the satisfaction of both parties. A stewardship plan and committee would be the mechanism to ensure such a partnership.

WLC will speak publicly on these and related matters at the Town Board meeting on July 14, and has discussed them with representatives of the Town Board. As WLC wrote on this page last summer with regard to the Comeau property, we wish to “ensure the continued municipal government use, public benefit, scenic beauty, and environmental health of the land for generations to come.” We look forward to working with the Town Board and the community to determine how best to realize this vision.