

WOODSTOCK TIMES

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Point of View: “Comeau Clarifications”

WLC Response to “A good deed?” by George Pattison (January 30, 2008)

Kevin Smith, President, and Michael DeWan, board member and past president

Thanks to George Pattison and the *Woodstock Times* for providing a comprehensive look at the pending conservation easement at the Comeau property. On behalf of the Woodstock Land Conservancy (WLC), we wish to offer some clarification and correct potential misunderstandings included in the article.

A conservation easement permanently restricts the type, location, and amount of development or other uses that can occur on a property so that wildlife habitat, scenic views, water resources, and other conservation values are protected forever. Further motivated by the financial benefits—the result of state and federal tax breaks and charitable giving laws—thousands of landowners nationwide have protected their properties this way, thus securing a conservation legacy for future generations. (For details on how this works, see “Protecting Land” at www.woodstocklandconservancy.org.)

As with all conservation easements, the Comeau easement was 100% voluntary and the result of much discussion between WLC and the landowner, the Town of Woodstock. It was based on the parties' mutual concern for permanent protection of the land and was crafted to match the Town's specific wishes with regard to current and future uses of the land. Both the determination that a conservation easement was the best instrument to permanently protect Comeau and the resultant document itself were arrived at after many months of research, public discussions, deliberations, and recommendations made by a committee working under the auspices of the town board. All of these deliberations were conducted in full public view with input from many experts in the field of land use.

As Comeau's owner, the Town will continue to retain title to the land and be free to sell, lease, or mortgage the property. Because land trusts like WLC are not landowners of properties with conservation easements, we could never transfer land to “real estate lawyers who will sell it for development” (as asserted by Vincent La Barbera). Nor does holding an easement imply a “transfer of wealth” (as stated by Jeff Moran). Should the town ever decide to sell the land, its market value would probably be less because the easement would restrict development. In other words, the town would likely make less money from the sale of the Comeau property with an easement than without—but WLC as the holder of the easement would *never* gain any money from its sale.

In fact, land trusts like WLC, which are non-profit organizations and often volunteer-run or with small staffs, invest considerable time and resources in developing, holding, and monitoring easements. This goes to the core mission of the vast majority of 1,400 such land trusts across the United States belonging to the Land Trust Alliance

(www.lta.org). It is standard practice to include an agreement that the landowner will provide funds for monitoring and enforcing the terms of the easement.

Following the end of the current legal case, the Town Board, WLC, and the community may soon again be in a position to protect the Comeau property through a conservation easement. The board of the Woodstock Land Conservancy is actively preparing to assist the town, as we have from the start, in determining whether the best means of doing so continues to be in the form of the document approved by voters in 2003, or if changes need to be made. Both the town board and the WLC board have a responsibility to do their “due diligence” in this complex matter, after nearly a four year intervening period. We respectfully request that members of the community on all sides take a deep breath and allow the process to unfold, while staying engaged and informed in the process.

WLC looks forward to an open, constructive dialogue and answering any questions about our work. Our goal is the same now as when we worked with the town to develop the original easement, and why so many residents endorsed that action in 2003: the protection of a special, much-beloved place forever, for the benefit of the public. We are hopeful and confident that, whatever occurs through the current process, the unique natural resources and wonderful uses of Comeau will be permanently protected, because engaged community members and their representatives demand it.