

DUBLIN OPEN SPACE PLAN

MARCH 2008



DUBLIN OPEN SPACE PLANNING COMMITTEE

DUBLIN OPEN SPACE PLAN

PURPOSE

The 2007 *Dublin Master Plan* envisions that a generation from now Dublin's "priceless natural assets will still be bountiful and there will be continuing commitment to sustaining a balance between the natural and built environments."

The purpose of this Open Space Plan is to determine what natural assets within our town are important to preserve as open space and to identify the areas where these assets and resources are most prevalent.

This plan also sets forth recommendations for preserving land using mechanisms under which the town can work with willing landowners for the benefit of both.

Open space protection, carefully planned and carried out, can provide significant economic advantages to both individual landowners and the town.

Following the *Dublin Master Plan*, the Open Space Plan can guide the growth of the town away from the areas where our most important natural resources are found. It can help all of us better understand the value of our natural resources. It can provide tools for the Selectmen and Land Use Boards as they plan for the future of Dublin.

CONSERVATION HISTORY

Dublin has a long history of active involvement by its citizens in the preservation of Dublin's "priceless natural assets." Their work started more than 100 years ago with efforts to preserve Mount Monadnock from development. Campaigns to preserve Dublin Lake soon followed, involving significant donations of time, treasure and land. These efforts to preserve essential aspects of Dublin continue today.

Appendix I briefly describes some of the major conservation activities undertaken by Dublin and its citizens over the past century. It sketches a marvelous and varied record, one fully in keeping with the thrust of all of Dublin's Master Plans and the outlook and desires of its citizens.

ROLE OF DUBLIN'S MASTER PLANS

Every Dublin Master Plan has set as a goal the identification and protection of our most important natural resources.

The first Master Plan, *The Comprehensive Planning Program of 1979*, includes the following:

Dublin contains some of the most significant scenic and open space resources in New Hampshire as well as the southwest region. This has been recognized in the planning process, and steps should be taken to assure that these resources are protected. . .

It is suggested that a group be formed to undertake the project of identifying significant areas. . . . The next step is to set priorities and determine ownership of these parcels at which point discussions with landowners can begin and preservation techniques can be matched to the needs and financial situation of various landowners.

The 1987 *Dublin Master Plan* had these objectives:

Provide for an open space program that identifies areas of public interest and public needs. This program could include outright purchases, easements, acquisition of development rights and the establishment of open space preserves.

Establish a natural resource program, preserving and maintaining wetlands, lakes and streams. Create buffer areas and a 'greenbelt' system throughout the community.

In the 1996 *Dublin Master Plan*, six of its nine goals to carry out the policy for protecting the physical environment concern open space.

The 2007 *Dublin Master Plan* lists twelve specific priorities, of which four refer to resource protection and open space:

- Protecting natural resources
- Protecting Dublin's scenic beauty
- Ensuring mobility for pedestrians and wildlife
- Improving recreational facilities for people of all ages, including creating walking paths and greenways throughout town.

It is interesting to note that only the 2007 plan refers directly to the protection of our drinking water supply and warns about diminishing farmland. Earlier plans mention, but do not delineate, forest and wildlife assets. Times have changed, scientific data is more

readily available, population pressure has increased substantially, and we now realize that without our protection these resources will not be here forever.

In 2007, in response to these Master Plans, the Dublin Board of Selectmen created a permanent Open Space Planning Committee, whose first charge was to produce this document.

SUPPORTING SURVEYS AND STUDIES

Surveys of Dublin residents have consistently placed maintaining the rural character and scenic beauty of the town at the top of the list of priorities.

A Natural Resource Inventory of Dublin, completed in 2006 by the Southwest Region Planning Commission, has been very useful in locating areas to be protected.

A Viewshed Study of Dublin, completed in 2005, has also been helpful in determining important scenic resources.

Mapping of Dublin's bedrock and bedrock fractures was completed in 2007. A hydrogeology atlas of Dublin is being created by the New Hampshire Geological Survey, a bureau of the New Hampshire Department of Environmental Services.

ECONOMIC VALUE OF OPEN SPACE

Regional and national studies have shown the economic value contributed by land in open space. Each acre of open-space land (not built up, excavated, or developed) provides, on average, \$1,500 of annual income in the state, according to "The Economic Impact of Open Space In New Hampshire," a 1999 study done for the Society for Protection of New Hampshire Forests by Resource Systems Group, Inc.

The report identifies open space as the direct underpinning of the economic sectors of agriculture, forestry, tourism and recreation, and vacation homes. Together these industries provide over 100,000 jobs in the state and produce nearly \$900 million in state and local tax revenue. According to the report, these estimates are conservative because they do not include the contribution of open space in attracting and retaining businesses and retirees, or the higher values of property located in the vicinity of open space. The report concludes that "The magnitude of the contribution of open space to the state economy demonstrates how important open space is to the well-being of the people of New Hampshire and why open space should be a continuing issue of public policy concern."¹

¹ For additional information on the economic impact of open space, see the 2007 *Dublin Master Plan*, pages 29-30.

DEVELOPMENT OF THE OPEN SPACE PLAN

In 2007, the Board of Selectmen created a permanent Open Space Planning Committee with the initial task of creating this Open Space Plan for Dublin. The Committee, guided by the 2007 *Dublin Master Plan* and after studying plans of other New Hampshire towns, has decided upon the following resources as the basis for determining land that should be considered for protection:

Resources

Water Supply / Aquifer
Surface Waters
Wetlands
Wildlife Habitat; Biodiversity
Productive Soils (forestry; agriculture)
Recreation
Unfragmented Tracts
Connections and Buffers
Existing or Potential Trails
Scenic Assets, Viewsheds, Ridgelines, Important Landscape Features

The Committee then identified certain priority areas where these resources are most prevalent. Certainly not all of the parcels of land in any one area meet the criteria for protection, and other parcels of land in town fall outside any priority area but do meet the criteria. The priority areas are not “site specific” but will serve as a guide for landowners and town government:

Priority Areas

1. The Monadnock-Sunapee Trail and related unfragmented space in western Dublin.
2. The Mountain Brook watershed to Howe Reservoir.
3. Land adjacent to Monadnock State Park between Eveleth Brook and Snow Brook extending eastward to Priority Area 6.
4. A trail and wildlife corridor from Monadnock to the southeast corner of Dublin.
5. The Dublin Lake watershed and Beech Hill north to Harrisville along the Monadnock Highlands
6. The Stanley Brook corridor from Thorndike Pond to MacDowell Reservoir.
7. Land in southeast Dublin that connects with conservation lands in Peterborough and Jaffrey

(See **Appendix II** for Priority Area descriptions)

The Committee also recognized that there are certain specific parcels of land that should be preserved for historical, cultural or scenic reasons, such as:

Specific Places of Community Value

- The Yankee Field
- Friendship Field
- The Old Common
- The triangle between Old Common Rd. and Route 101

CARRYING OUT THE OPEN SPACE PLAN

Identifying the areas of Dublin that most warrant protection is only the first part of an Open Space preservation process. A number of other steps need to be taken:

Prioritization of Specific Parcels

A program needs to be undertaken which orders the desirability of all parcels of land within Dublin. This is commonly done through the use of criteria and weights, and should result in a clear picture of which parcels are most important to the town and deserve the most investment of time and money.

Continuation of a Standing Open Space Committee

In accord with the town's *Master Plan*, the Selectmen have appointed members to a permanent Open Space Committee to draw up this Open Space Plan. Future committee responsibilities include communicating with landowners of high-resource-value parcels; encouraging and soliciting open space protection projects; maintaining active relationships with local, regional and statewide land trusts, sources of land preservation expertise and funding; and recommending standards for the acceptance and management of conservation easements by the town.

Development of Funding Sources

The preservation of open space frequently requires funding – for surveys, appraisals, the development of project proposals, the purchase of easements, the funding of easement management costs, and the actual purchase of land. Dublin's Conservation Fund, which currently receives 50% of the town's Use Change Tax, can be used to provide some project seed money. As currently funded, however, it will not be able to purchase land or easements; the town needs to find alternative sources of funding for such purposes, as have many other New Hampshire towns. While private donations and state and federal grants can help, the town should also consider some form of land acquisition bond in order to take advantage of preservation opportunities on a timely basis.

PUBLIC AND PRIVATE COOPERATION FOR OPEN SPACE PROTECTION

The identification of areas and properties that are of significant value for their natural or scenic resources and the recommendation of specific open space protection actions take place within a broad context for Dublin. The ways by which the town will achieve appropriate land protection include:

Community Outreach and Education

Citizens of Dublin must be kept aware of the importance of natural resource protection and informed of the work of the Committee at regular intervals. News in the Advocate, reports at Town Meeting, and celebrations of donations are some possible techniques.

ACTIVE AND STRATEGIC PLANNING

This involves identifying high priority parcels and actively working with the landowner to purchase or encourage donation of land or conservation easements. When successful, these projects have the greatest potential to achieve agreed-upon goals. However, these projects may require significant investments of money if the owners are financially unable to donate a conservation easement.

Vigilance and Responsiveness to Opportunity

Most land protection accomplishments come as the result of a town being ready to respond to opportunities. Assume that a landowner decides that it is time to sell a parcel of land: through community outreach and education the seller, aware that the land has significant natural resources, contacts the town. With the Open Space Plan in place, the town is in a position to work with the landowner to preserve these resources.

Methods of Open Space Protection

There are a variety of ways in which a community can help save land with conservation value from development. The two most common conservation land transactions are the acquisition of land in fee simple, and the acquisition of development rights through conservation easements. These and other methods of protecting open space are discussed in **Appendix III**.

Involvement of Land Use Boards

Town Land Use Boards should use the information found in this Plan as they work with developers. The criteria listed here can be helpful in identifying the appropriate land to be set aside as part of a Conservation Subdivision Design. Trail easements can be required as part of a development plan. Transfer of Development rights [See **Appendix III**] is also a technique that can assure that priority land remains protected.

Coordination

Coordination between the Planning Board, the Open Space Planning Committee, the Conservation Commission, the Board of Selectmen, and the citizens of Dublin is essential to this Open Space Plan. It coordinates the Dublin *Master Plan*, the Dublin Subdivision Regulations, the Natural Resource Inventory and the Viewshed Study with goals expressed in decades of surveys of Dublin citizens and with the work of a century of Dublin leaders.

CONCLUSION

People are moving to the Monadnock region to take advantage of our clean water and air, our scenic rural landscape, our recreational opportunities, yet these resources are finite. Dublin has good water, but in limited quantities; because it is a “headwater community” our water flows out of town. Dublin has forest resources, some good agricultural soils, extensive wildlife habitat, and many valuable areas for trails and recreation of all types. The health, character and welfare of our town depend upon the protection of these resources.

Dublin is fortunate in still having large areas of unfragmented, undeveloped land. This is no longer true in towns east of the Monadnock Region and is becoming increasingly rare as development moves in our direction. Maintaining unfragmented, undeveloped land is essential to the rural quality of life valued by our citizens.

Following the Dublin *Master Plan*, this Open Space Plan can guide the growth of the town away from areas where our most important natural resources are found. It can provide tools for the Selectmen and Land Use Boards as they plan for the future of Dublin. It can help landowners understand the value of the natural resources found on their land and encourage conservation.

THE PLAN WILL MAKE IT POSSIBLE FOR TODAY’S CITIZENS TO ENSURE THAT FUTURE GENERATIONS WILL FIND THAT DUBLIN’S “PRICELESS NATURAL ASSETS WILL STILL BE BOUNTIFUL AND THERE WILL BE CONTINUING COMMITMENT TO SUSTAINING A BALANCE BETWEEN THE NATURAL AND BUILT ENVIRONMENTS.”

APPENDIX I

DUBLIN'S CONSERVATION HISTORY

Dublin's "priceless natural resources" remain bountiful today because of her citizens, past and present, who have recognized the importance of preserving this bounty. For more than a century, many dedicated individuals have worked very hard to preserve the rural character that is crucial to Dublin's future. Their combined efforts, often with help from state and local organizations, have made a significant difference.

For example, there is no paved road to the summit of Monadnock and no tramway leading to any radio tower on her bald peak. There are no homes lining her highest ridges and no institutional waste running from Beech Hill into Dublin Lake. Instead, there are nearly 5,000 acres of permanently protected land in Dublin, including critical forests, wetlands, recreational areas, viewsheds, aquifers, trails and wildlife corridors.

Every successful effort to protect land in Dublin over the past 100 years has made a lasting difference. The success of these past efforts is determined not so much by the amount of land in question, nor by its borders, but by the role the land plays in a larger community picture. An easement on 400 acres of forest is just as important as granting access across a single acre of private land so children may reach the town playground. Success is achieved when property owners and town officials pay careful attention to community needs and to identifying the inherent purpose and best long-term use of our precious open spaces.

The following is a chronology of more than 100 years of progress in the ongoing effort to use and conserve Dublin's open spaces wisely. We owe it to both past and future residents to continue this progress.

1903

The "Monadnock Forestry Association" was formed by Dublin resident and friend of Ralph Waldo Emerson, Col. Thomas Wentworth Higginson, in response to a recent purchase of "stumping rights" to 500 acres of forest on the southeastern side of the mountain. He described this particular land as "the first extended areas of spruce anywhere in the vicinity." He published a pamphlet in which he stated that erosion would result from clear cutting such a large area of land and this would cause "a permanent and conspicuous blemish." He proclaimed that this was "one of the instances where the interests of the public are greater than those of the individual." He succeeded in raising enough private funds to purchase the land and donate it to the state for permanent preservation as a forest preserve. For the first time, hikers could reach the summit of Monadnock without trespassing on private land. Today, this land is the home of Monadnock State Park.

1911

Painter Abbott Thayer and his son Gerald, concerned about the imminent threat of development on the top of Monadnock by two Dublin residents and the Hart Box Company of Marlboro, fought tirelessly for four years to protect what Thayer called “a thing that belongs to us all.” The Thayers sought important assistance from Phillip Ayres, Chief Forester of the Society for the Protection of New Hampshire Forests (“the Forest Society”), an association he helped form in 1901 to protect what was to become the White Mountain National Forest. Ayres wrote to the Thayers “the Society will be glad to take it up and do all that it can to help bring the wild land on the mountain into a position of permanent public property.” Ayres then embarked on an ingenious historical and genealogical research project. He discovered that most of the land in question still belonged to its original owner, Captain John Mason, who received title to it from the British Crown in 1749. Ayres contacted a total of 77 Mason heirs, all of whom agreed to donate their portions of the land to the Forest Society. Additional public funds were raised, and in 1915 the Society acquired title to 650 acres of precious highlands on the northern side of Monadnock. A fellow member of the Society claimed that, “Ayres not only encountered an almost insurmountable forestry project in Mt. Monadnock, but with superb judgment, energy and patience made a dream come true.” The President of the Forest Society said, “If you are going to use anything as a role model for how you protect other good things, Monadnock is the best example.”

1915

The town of Dublin instructed its Selectmen “to take necessary steps to guard and protect our Monadnock Lake against abuse or seizure by other towns; and be it further resolved that if state legislation be necessary for this purpose, the selectmen be instructed to take necessary steps to procure such legislation.”

1916

“The Dublin Welfare Association,” (formed in 1912 to look after roads, sanitation, forestry and town planning), agreed to accept donations to save 100-year old spruce trees from being logged on land adjoining the 650 acres acquired by the Forest Society the previous year. These donations made it possible for the Forest Society to purchase an additional 125 acres, bringing the total of their protected land to 775 acres. Through donations over the next eight years, the Forest Society managed to protect a total of 2013 acres on the Dublin side of Monadnock.

1924

Once again, the Hart Box Company of Marlboro was prepared to clear cut 500 acres surrounding the Dublin trail, just below the land on the mountain that had been saved in 1915. A “Special Committee on Monadnock” was appointed by the Forest Society to raise \$7,500 needed to purchase this land. Headed by former Governor Robert P. Bass,

the Committee succeeded in raising the money and in 1928 the Forest Society acquired the land. A *Boston Transcript* editorial on October 2, 1928, noted that the Forest Society still needed to acquire four other privately owned tracts worth \$20,000 before Mount Monadnock would be adequately protected from development and logging. The editorial stated, "The proposed purchases will fill in the blank spots in a public reservation of almost primeval forest land which already is the best known playground of its kind in the New England mountains, and is the most popular and accessible of them all." The editorial went on to say, "The acquirement of forest lands no longer wears the aspect of a semi-charity but may be regarded as a practical investment in the interest of the public welfare."

1928

"Dublin Associates" was formed to buy a section of Beech Hill which had been sold to a lumber company for clear cutting. Members included Frederick F. Brewster, John Lawrence Mauran, Francis E. Frothingham and Jasper Whiting. Private funds were used to purchase the land.

1936

Dublin appropriated \$125 for Monadnock Region planning.

1940

"The Monadnock Region Association," a 10-member economic development group, made a serious proposal to build an asphalt road, or "self-liquidating" road as they called it, to the summit of Monadnock, similar to the one on Mt. Washington. They argued that this road would allow more people to enjoy the summit, particularly the elderly. Public hearings were held in 38 towns in New Hampshire and Massachusetts. The Association received a wave of letters strongly opposing the idea and The Dublin Lake Club passed a resolution opposing it. The plan failed. Once again, the scenic beauty of Monadnock was saved. Pack Monadnock, on the other hand, eventually made way for a "self-liquidating" road along with ensuing structures and antennae.

1945

A plan was put forth by a New Hampshire business corporation with a capital of \$250,000 to build one of New England's first FM radio stations on Monadnock's summit. Jaffrey voters approved this plan which included running a high voltage line from Rte. 124, as well as a three-quarter mile tramway, up to the summit. Francis E. Frothingham, Grenville Clark and Abbott Thayer met this challenge by forming "The Association to Protect Monadnock." Their stated purpose: "the protection of the mountain from commercialization, and the protection of its flora and fauna." Clark put together a brochure called "Save Mount Monadnock" in which he said, "If this project is carried

through it would destroy, or greatly impair, the aesthetic and spiritual values of the mountain...It would also largely nullify the long years of efforts to preserve the wooded slopes and bold rock ledges of Monadnock in their *wild state* and to save the natural beauty and inspiration that generations have already enjoyed, for those who will come after us.” The Association grew to 800 members and received donations ranging from \$2 to \$5,000, including change from children’s piggy banks and profits from the Monadnock Garden Club’s bake sale. After many hearings, letters and pleas for support, the Association managed to save the summit by raising \$25,000 to purchase land critical to the project and thereby prevent the radio company from building its antenna. The Association to Protect Monadnock formally dissolved in 1974.

Since 1950

The town has shown an increasing interest in protecting its natural resources through legislation, beginning in 1963 with voting to prohibit commercial development around Dublin Lake. In 1986, the Monadnock Eastern Slope Association was created with a purpose of “Promoting stewardship of the land about Mount Monadnock” and a goal of creating a protected Mountain Zone. In 1992 Dublin joined with the towns of Jaffrey, Marlborough and Troy to create the Mountain Zone which prohibits commercial uses, and increases the required lot size on the slopes of Monadnock. In 2005 the town voted not to allow intense development on Beech Hill, preparing the way for a major restoration and preservation effort on this important ridgeline. In 2006, Town Meeting passed a Conservation Subdivision Design ordinance which requires developers to set aside land as open space. There have also been continuous public and private efforts to preserve individual parcels of land. The 2007 *Master Plan* Appendix, section IV, lists 64 separate parcels of protected land totaling 4,918.88 acres. The methods of achieving this protection include:

- Donations of land to the town for conservation purposes, such as the 40 acres donated to the Conservation Commission on Howe Reservoir and the Dublin Lake boat landing.
- Purchase by the town.
- Donations of conservation easements to the town or other governmental bodies.
- Private deed restrictions prohibiting development, such as around Dark Pond
- Conservation easements granted by the town or by individual landowners to a qualified not-for-profit conservation organization such as the Forest Society or the Monadnock Conservancy.

APPENDIX II

DESCRIPTIONS OF PRIORITY AREAS

1. Monadnock –Sunapee Trail Area

This area, shown as #1 on the map of focus areas, is in the west end of Dublin extending from the town line at the base of Mt. Monadnock northerly to the town line near the Howe Reservoir dam. It is a swath of mostly higher land which essentially encompasses the Monadnock-Sunapee Trail and Spaulding Hill.

This area has been targeted as valuable open space primarily because it is within or adjacent to the Monadnock-Sunapee Greenway, which will ultimately provide an unfragmented tract of land extending from Monadnock to Mt. Sunapee. Many adjacent lots of land have already been committed to conservation purposes, and this piece would provide connections to those lots and an additional buffer to them, as well as to important wetlands that abut them. The Monadnock-Sunapee Trail is an important recreational path which has a northern terminus at Mt. Sunapee, enters Dublin near Eliza Adams' Gorge, and continues to the summit of Mount Monadnock where it connects with Monadnock-Metacomet trail which extends all the way to the Metacomet mountains in Connecticut. This area has historical significance in the abundant evidence of the many abandoned farms that covered the area and the roads that once served them.

Priority Area #1 is based on the following criteria: **Unfragmented Tracts, Connections and Buffers, Existing Trails, and Historical Sites and Cultural Landscapes.**

2. Mountain Brook Area

The Mountain Brook watershed drains both the north face of Mount Monadnock and Dublin Lake, and it is the primary source of water for Howe Reservoir, one of two major surficial aquifers in Dublin. The watershed starts in protected land on Mount Monadnock, and comes across Old Troy Road, a scenic Class V road, a portion of which is not maintained in the winter and therefore is protected to some degree from development. The area includes one of the very few unprotected agricultural areas within the town and also contains the Great Swamp. It includes Howe Reservoir, second only to Dublin Lake in size. The reservoir's shoreline north of Route 101 is quite scenic and still relatively unpopulated.

The area is a priority both because it contains a virtually undeveloped watershed with significant water resources and because it contains a great diversity of environments, including forested uplands, scenic meadows, extensive wetlands and scenic shoreline. The area has not been tapped for residential or commercial use, and contains rich plant and animal habitats. While it has some trails, the streams and wetlands prevent the existence of an integrated trail network within its boundaries.

A good portion of the property is already protected by conservation easements, but the quality of the water and the maintenance of the diverse animal and plant environments that exist there now can only be ensured if the watershed and stream are protected along their length. To do so, the management of the roads, culverts, dams and bridges which affect and are affected by the watershed need careful attention. There are also several properties whose preservation in current form would be very important to maintaining the environmental diversity and the scenic assets of the area, and there are choke points for the watershed which need careful protection.

Priority area #2 is based on the following Criteria: **Water supply; Surface waters; Wetlands; Wildlife habitat;** adjacency to the largest **Unfragmented Tract** in Dublin.

3. Eveleth and Snow Brook Area

This priority area includes land adjacent to Monadnock State Park between Eveleth Brook and Snow Brook, and extends eastward to Priority Area #6, the Stanley Brook – Mud Pond corridor. On the west this parcel borders land owned and protected by the Forest Society. To the south it borders Monadnock State Park. Most of the north side runs along Snow Brook and borders privately owned land in permanent conservation easement.

This parcel forms a connection with protected land on three sides. It includes wetlands, wildlife habitats, productive soil including some prime farmland, and, since it is in the Mountain Zone, viewsheds. It has some historic value as two of the oldest farmhouses in Dublin, one dating to 1788, are located on Burpee Road. Henry David Thoreau recorded his visits to this area and his hike from here to the summit of Mount Monadnock.

Priority Area #3 is based on the following Criteria: **Connection and Buffers, Productive Soils, Existing or Potential Trails,** and **Scenic Assets -Viewsheds**

4. Monadnock-Wapack Trail Corridor

Priority area #4 provides an opportunity for a trail corridor from Mount Monadnock to the southeast corner of Dublin. It starts at an area of extremely scenic highlands on the ridgeline of Monadnock, including a segment of the Pumpelly trail that runs through unprotected land. Continuing in an easterly direction, it connects several parcels already protected by conservation easements donated to the Forest Society by four different landowners. As it approaches the southeast corner of Dublin, it connects to Priority Area # 7.

The primary purpose of Priority Area #4 is to provide a link in a proposed recreational trail system reaching from the Connecticut River to the Wapack Trail on Pack Monadnock. Some of this system is already built; other segments are planned or in the

works. Dublin's share in this enterprise is essential to its success. Exactly where a trail would go within this corridor depends on the terrain and the wishes of the landowners along the way.

Priority Area #4 is based on the following Criteria: **Recreation, Connection and Buffers, Existing or Potential Trails, and Scenic Assets – Ridgelines.**

5. Beech Hill and the Dublin Lake Watershed

This area includes the entire watershed of Dublin Lake. It extends north from the lake, including the Beech Hill highlands and all the land between Dublin Road and New Harrisville Road to the Harrisville town line where it abuts conservation lands in Harrisville.

Dublin Lake is one of the town's greatest scenic and recreational assets. Although much of the land within the Dublin Lake watershed is already developed, this development is not intense, nor does it yet present a threat to the water quality of the Lake. However, care must be taken to assure that any future land uses, or highway construction and maintenance, do not impact the lake.

The Monadnock Highlands form the watershed boundary between the Connecticut River (via the Ashuelot) and the Merrimack River (via the Contoocook). Water from Beech Hill itself flows overground and underground southwest into Dublin Lake forming a significant part of its water supply. This entire area provides a scenic backdrop to Dublin Lake, and is visually prominent from Route 101 and points as far away as Pack Monadnock. The area includes a peak of 1,846 feet, affording spectacular views. It is part of a larger unfragmented tract connecting to protected land in Harrisville. Historic trails loop through the area, providing recreational opportunities for hikers and horseback riders.

Priority Area # 5 is based on the following criteria: **Water supply; Wildlife; Recreation; Unfragmented Tracts; Historic Trails; and Scenic Assets, Viewsheds and Ridgelines.**

6. Mud Pond and Stanley Brook Corridor

Stanley Brook flows from Thorndike Pond through Mud Pond to the MacDowell Reservoir. Mud Pond was formed in 1917 by the building of a hydroelectric dam across the brook north of Route 101. The dam flooded an extensive low swampy area, some of which was formerly used for agriculture.

Four major streams join Stanley Brook: Hines Brook and Mills Brook flowing easterly from Monadnock; Greenwood Brook flowing into Mud Pond from the town center, and Brush Brook which drains a large wetland in the northwest area of town.

Much of Mud Pond and Stanley Brook was declared a Conservation Area through the State Land Conservation Investment Program that started in 1988 and concluded in 1992. This project required support of town meeting and the dedicated work of many individuals. Since that time several parcels of land have been added to the protected area.

A Biological, Geological, and Cultural Inventory of Mud Pond was published by Joseph C Broyles in 1997 which documents the many natural resources of the area. Chief among these is the sand and gravel aquifer which extends well beyond the shores of the pond itself. Mud Pond provides habitat for nesting and migrating birds, otter and beaver, and a diverse range of swamp-loving wildlife. It is widely used for boating, fishing and duck hunting. Artists and photographers document the beautiful views over the pond in every season. Focused, continued care needs to be instituted to ensure that no interruption of water flow or pollution occurs from future development abutting the pond, or from uses that currently exist along its banks.

This priority area rates very high in every resource area except “productive soils”.

7. Southeast Dublin

This area in the southeast corner of Dublin abuts a large tract of protected land in Peterborough to the east, and a corridor of undeveloped land in Jaffrey to the south. Two small streams converge in a significant wetland that leads into Town Farm Brook in Jaffrey and thence to the Contoocook River.

Both Peterborough and Jaffrey have expressed interest in having this area form part of a wider tract of conserved land. Neighbors in both towns have voluntarily placed their land in conservation easements. While some of the Dublin land is developed, much remains open. The wetlands and the remoteness of the area provides excellent habitat for wildlife. The trail corridor to be protected by Priority Area #4 will cross this area on its way to link up with trails in Peterborough.

Priority Area #7 is based on the following Criteria: **Wetlands; Wildlife habitat; Unfragmented Tracts; Connections and Buffers; and Potential Trails.**

APPENDIX III

OPEN SPACE PROTECTION METHODS

INTRODUCTION

Just as motivations for open space preservation vary from person to person, and circumstance to circumstance, protection techniques vary to meet differing needs. Landowners may give or sell part or all of their interest in property. By means of easements, they may restrict some uses of a piece of land for a stated time span or in perpetuity. In some situations, development rights may be transferred from one site to a distant site owned by another party. The town can often zone or regulate to meet public needs. State and local tax codes may also assist in meeting open space protection objectives. The town can at times provide some funding to assist in the Open Space preservation process.

The most effective way to meet the objectives of this Open Space Plan will be to utilize a variety of protection techniques available to private landowners, non-profits, and the town. The techniques most commonly used in New Hampshire and elsewhere are described below.

PROTECTION OPTIONS

Acquisition of Land in Fee Simple

One of the simplest open space protection techniques is for the town or other conservation entities to become the owner of the property. This is also the most secure method, as control of the property and how it used is the responsibility of the owner.

Acquisition of a property may be expensive in the case of purchase, or inexpensive in the case of donation. When a landowner decides to sell a parcel of significant conservation value, the town may decide to buy it to protect it from development. Then, after placing conservation restrictions on all or a part of the land, the town might resell sections of it to recover some or all of its costs. The ability of the town to engage in these transactions depends on its maintaining sufficient funds in a dedicated Conservation Fund and/or in access to funds from a bond.

Acquisition of Conservation Easement by Gift

Donation may provide a landowner with income tax benefits because the value of the real estate donated to a governmental or non-profit conservation organization is currently recognized in the tax code as a charitable contribution. Part of or all of the value of the

land may be tax-deductible. Bargain sale at a less-than-market-value price is a financially attractive variant of an outright purchase. It benefits the town because the cost of purchase is less. It can also benefit the landowner because the difference between the bargain sale price and the fair market value may be considered a charitable contribution and therefore qualify as an income tax deduction.

Acquisition of Property by Will or Remainder Interest

A landowner may wish to keep control of his property during his lifetime and to ensure conservation of the property thereafter. To do so, the landowner can give the property to the town or to a conservation land trust in his will. The will needs to be carefully constructed if the landowner is to be assured that his land will be preserved in the manner that he wishes.

An alternative means for a landowner to retain control of his property during his lifetime and to assure that it will be appropriately protected subsequently is for the landowner to enter into a “life rights” conveyance, also known as a “remainder trust”. This is an arrangement under which a landowner works out an agreement with a land trust which specifies just how the landowner wants the land protected after his death. He then donates the land to the land trust with the condition that he continues to have full rights of use during his lifetime. Under this type of arrangement the land does not become a part of the landowner’s estate. In addition, the landowner can claim the difference between the value of the land and the value to him of the right to use the land during his lifetime as a charitable donation.

Acquisition of Partial Interests in Land

Real estate is more than the piece of property; it carries with it a complex bundle of rights, including the right to improve the property, to mine the property, to take water from the property, to graze animals, to prevent others from visiting the property and to simply enjoy the property, to name a few examples. The bundle of rights and responsibilities that comprise land ownership may remain intact or may be allocated among a number of parties. Acquisition of fee simple means that a person, or group of people, acquires the complete bundle of rights. Alternately, for example, the town might purchase a partial interest in the land, such as the right of public access. Acquisition of partial interests in land may occur by purchase, donation, or bargain sale.

Landowners interested in conserving their property, but retaining ownership, have discovered the conservation easement. Specifying the rights which will be separated from the property in a conservation easement deed, and selling or giving the deed to a conservation group or town is a common method of land protection in the state. Many conservation easements, for example, restrict further subdivision of the property, and residential or commercial development. Commonly, easements may also limit excavation and major disturbance of the natural ground surface. Some conservation easements reserve particular rights for present and future owners such as the right to erect

agricultural structures or to allow additions on existing residential structures. Some conservation easements cover only a portion of a lot, leaving the remainder available for development according to the land use controls in effect in the community.

Acquisition of a conservation easement by the town or conservation group means receiving a less than fee simple interest in property. Acquisition of a conservation easement is also called acquisition of development rights, because in most cases, conservation easements convey development rights from the owner to another party. Another type of partial interest is a trail easement. Sometimes in the process of reviewing a major subdivision or site plan application the Planning Board can request that a trail easement be given to the town to improve the trail system.

The acquisition of partial interests in land is usually less costly than the acquisition of the land fee simple, both in the short term and the long term. Nevertheless, the long-term municipal costs include the responsibility for monitoring, and enforcement in the event of an easement violation. Other considerations include the relative security that comes with ownership, the loss of taxes to the town, and the stewardship expenses necessary for managing the land.

Transfer of Development Rights

A market for development rights can be established by creation of a transfer of development rights program. Typically, such a program is implemented in a town's zoning ordinance. Through the *Master Plan* and zoning processes, 'sending zones' (areas to be less densely developed or conserved by sending some or all of their development rights away) are identified as important parts of the open space system. 'Receiving zones' (areas to be more densely developed) must also be designated. Purchasers of development rights can use the transferred development rights in the receiving zones. With a transfer of development rights program the market theoretically creates the open space system by removing the development rights from lands that should be left as open space and placing development in other specified locations.

In order to sell the development rights from land in a sending zone, an instrument similar to a conservation easement is executed. The transfer of development rights is carefully worked out when the system is set up by local ordinance, and subsequently monitored to keep track of the lands from which development rights have been sold.

Option & Right of First Refusal

In cases when there is a parcel of land that should be added to the open space system, but immediate purchase is not possible, an option or a right of first refusal are interim measures that could be arranged with the owner. They guarantee that there will be an opportunity to respond to the owner when the property is available for sale.

An option establishes a price at which the land could be purchased at any point during a specified period of time in the future. It gains time for raising money for the fee simple purchase, for completion of applications for grant assistance, for obtaining town appropriations, or whatever else is necessary to consummate the purchase.

A right of first refusal is less specific. It guarantees a future opportunity to purchase the land at a price equal to a bona fide offer from another party. It buys time, but does not establish a fixed price or date of purchase.

Options and rights of first refusal provide legal ways for eventual property ownership while providing time for organization and assembly of financial resources. Neither obligates the town to making the purchase, but the town should not employ these options unless there is a high probability the town will exercise the option. Options and rights of first refusal can be obtained at no cost, but are typically sold by the landowner.

This Open Space Plan has been accepted by the Dublin Board of Selectmen, the Dublin Planning Board and the Dublin Conservation Commission.

The Open Space Planning Committee, 2007-2008

Sterling Abram, Chair, Board of Selectmen
Anne Anable, former Selectman
William Barker, Chair, Zoning Board of Adjustment
Joseph Cavanaugh, former Selectman
Ed Germain (*Secretary*), Selectman
Betsey Harris (*Chair*), former Planning Board Chair
Henry James, Dublin Historical Society
Jack Lewis, Chair, Dublin Conservation Commission
Bruce Simpson, Chair, Dublin Planning Board
Michael Walker, former Selectman
Sue Yarger, Dublin Conservation Commission