

the ann arbor chronicle

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December 15, 2011

Greenbelt Group Weighs Gordon Hall Issue

Change in land preservation deal could have broader implications

By MARY MORGAN

Ann Arbor greenbelt advisory commission meeting (Dec. 14, 2011): The main discussion at December's GAC meeting focused on land falling outside of Ann Arbor's greenbelt boundaries – but with possible broader implications for all regional land preservation efforts.



From left: Dan Ezekiel, chair of the Ann Arbor greenbelt advisory commission, talks with commissioner Tom Bloomer. (Photos by the writer.)

The land in question, outside the greenbelt boundaries, is owned by The Dexter Area Historical Society. The society is seeking a change to the conservation easement for a parcel that includes the historic Gordon Hall – a change that would allow parking for several hundred vehicles on the land for spectators of Civil War re-enactments that the society intends to hold. Webster Township trustees will ultimately vote on

the request, but the township's land preservation board – which includes Tom Bloomer, who also serves on GAC – has recommended denying it.

Bloomer told GAC commissioners that altering the agreement in this way would set a bad precedent, and call into question the trustworthiness of regional land preservation efforts. Bloomer asked for GAC to weigh in with support for the land preservation board's position, prior to the trustees' vote. GAC will likely take up the issue again at its Jan. 5 meeting.

Other action at GAC's Dec. 14 meeting included passing a resolution of appreciation for Tom Freeman, deputy director of Washtenaw County parks & recreation, who is retiring at the end of the year. GAC chair Dan Ezekiel said Freeman has been "absolutely indispensable" to land preservation efforts in the county, including deals in which Ann Arbor's greenbelt program has participated.

Ezekiel also presented a letter to the editor that he drafted, in response to misinformation expressed by commenters on AnnArbor.com articles regarding the greenbelt boundary expansion. He plans to send the letter sometime next week, pending feedback from other commissioners.

During Wednesday's meeting, commissioners also welcomed the newest commissioner, Shannon Brines, to his first meeting of GAC. Brines, who's active in the local food movement, was appointed by the city council at its Nov. 21 meeting.

Gordon Hall Conservation Easement Request

In addition to serving on Ann Arbor's GAC, Tom Bloomer serves on the Webster Township farmland and open space preservation board. At Wednesday's GAC meeting, he reported on a situation that's arisen in Webster Township, which has implications for Ann Arbor's greenbelt program.

Webster Township's land preservation program was created in 2005. One of its first actions was to preserve land that includes the historic Gordon Hall, he said. The Dexter Area Historical Society had purchased the land and Gordon Hall from the University of Michigan about 10 years ago, and subsequently sold the development rights to Scio and Webster townships, through conservation easements to those townships.

Last summer, Bloomer said, the society approached Webster Township with a proposal to hold a Civil War re-enactment on the site. The event didn't conflict with terms of the conservation easement, he said, but the society also wanted permission for spectator parking – and that *did* conflict with the easement. The township eventually agreed to a one-year exception to allow parking for several hundred vehicles, with the understanding that an exception wouldn't be granted again, Bloomer said. It was fortunate that there was no rain during the event, so minimum damage was caused to the land.

However, the historic society now wants to amend the conservation easement so that parking for this kind of event would be allowed, Bloomer told GAC. The township's farmland and open space preservation board has recommended denying that request, he said. The decision will ultimately be made by the Webster Township board of trustees, but the preservation board is looking for support from other land preservation entities – like GAC – before the township trustees vote.

The decision will impact more than just this piece of land, Bloomer said. It will affect Webster Township's reputation as a conservator of land, and whether it can be trusted by its partners, including Ann Arbor, to adequately protect land in perpetuity.

Ginny Trocchio said she did some research on the situation, looking at the standards and practices set by the national Land Trust Alliance. The alliance states that conservation easements should be amended only to strengthen the agreements, or if the net effect of the change is neutral. To allow additional activities to take place on the land that would impact conservation values is definitely not a standard practice, she said.

The other concern relates to enforcing conservation easements, Trocchio said. The public tends to view all land preservation programs as a group, she said, so this kind of change would impact the public perception of all regional land preservation efforts, not just Webster Township's.

Bloomer noted that parking 400 cars on the land doesn't contribute to conservation values in any way. It sets a bad precedent to make an adjustment for this kind of thing, he said – that's the position of the township's land preservation board. He said he didn't have a specific resolution to propose for

GAC to vote on, but he hoped commissioners could reflect on it and perhaps take action at their January meeting.

Dan Ezekiel felt GAC should act quickly, but Laura Rubin indicated that she'd like more information. What do Ann Arbor's current conservation easements say about parking in general? Her concern was that the greenbelt was intended to support agricultural activities and farms, and that some ventures – like a farm stand – might require parking. She didn't want to take action that would prevent this kind of activity.

Trocchio said she could review the greenbelt easements and report back to GAC. Ezekiel noted that most easements allow for 2% of land to have impervious surfaces, which would be enough for a small amount of parking – sufficient for the kind of activity that Rubin mentioned.

Every easement is unique to each property, Bloomer said. If the historical society had wanted to write into the easement the use of parking for this kind of event, it could have proposed that when the easement was being negotiated, he said. As it is, the easement only allows for agricultural machinery on the property.

Ezekiel noted that this controversy has been percolating for some time. Barry Lonik, a land preservation consultant who works with Webster Township, has been quite concerned, he said. Lonik took the conservation easement to the attorney who does work with the Legacy Land Conservancy for review. The attorney confirmed that the current easement does not allow for parking of this kind.

Rubin said she completely supported enforcing the conservation easement. She

just wanted to understand the ramifications, and to ensure that local farms in general would be viable within the constraints of the easements.

Ezekiel reported that he and fellow GAC commissioner Liz Rother had attended last month's Webster Township board of trustees meeting, where this issue was discussed. It appears there are other options, he said, including the possibility of parking at another site with shuttles to the Gordon Hall land.

Ezekiel noted that Gordon Hall is located outside of the Ann Arbor greenbelt boundaries, so there is no direct stake in this decision. However, Ann Arbor greenbelt program has partnered with Webster Township on several other properties that are within the boundaries, and he's proud that together they have protected a huge block of contiguous farmland in that township.

Millions of taxpayer dollars have been invested in conservation easements throughout the greenbelt, Ezekiel said, and enforcement of those easements is key. The easements are just pieces of paper – the city doesn't own the land. Landowners took money in exchange for abiding by terms of the easements, he said, and amending the easement in this way would set a terrible precedent. It's fine if the amendment would strengthen the easement, or simply clarify the terms, he allowed. But to amend it for another use opens the door to all sorts of requests. "I think we should look very askance at this proposed deviation from this easement," he said. He suggested that GAC pass a resolution of support for the Webster Township land preservation board's position, supporting the township in standing firm on *all* of its conservation easements.

Bloomer said he'd be happy to bring the specific language of the easement to GAC next month, for their review. When Ezekiel asked whether that timeline would work, Bloomer said it would – GAC's January meeting occurs prior to the township board's next meeting.

Some people look at a conservation easement as just a contract, Bloomer said, and contracts are often amended if both parties agree. But the issue here relates to setting a precedent, he said, and the risk of "opening a bottomless pit of conflict in the future."

Bloomer said he would craft a resolution of support for GAC to discuss and vote on at their January meeting.

Letter to the Editor

Dan Ezekiel introduced this agenda item by noting that recent efforts to tweak the greenbelt's boundaries have raised the program's profile with the public.

By way of background, at its Sept. 14, 2011 meeting, GAC had recommended that the council approve changes to Chapter 42 of the Ann Arbor city code, expanding the greenbelt boundaries to add a mile to the southwest in Lodi Township, and one mile to the northeast in Salem Township. The changes also allow a parcel of land adjacent to the greenbelt boundary to be eligible for protection, if it is also adjacent to a parcel under the same ownership within the greenbelt boundary. The council gave final approval to the changes at its Dec. 5, 2011 meeting.

During the council's deliberations, Ezekiel said, it seemed that some councilmembers misunderstood elements of the greenbelt program. And many of the comments on articles posted on AnnArbor.com contained

misinformation, he said. So as he was sitting through other business at the council meeting, Ezekiel said he decided to draft a letter to the editor setting things straight.



Shannon Brines, the newest member of Ann Arbor's greenbelt advisory commission.

He indicated that he was conflicted about it. Sometimes, it's best to ignore what people say because if you respond, he said, it dignifies the criticism. On the other hand, if you don't respond to criticism, some people will think it's true. Ezekiel said he discussed it with GAC's executive committee, where the consensus was that he should send the letter as chair of GAC, but first bring it to commissioners for review before sending it. He plans to send it to AnnArbor.com sometime next week, pending feedback from other commissioners.

Tom Bloomer noted that some people seem philosophically opposed to the greenbelt program, while others are merely misinformed. For example, some people seemed to think that the protection of land only lasts 30 years – the duration of the open space and land preservation millage. Noting that land preserved under the greenbelt program is protected in perpetuity, he asked

Ginny Trocchio to make sure that information about the program was front-and-center on the greenbelt program's website.

Trocchio noted that a goal for 2012 is to improve communication with the community about the greenbelt program, which could address these issues.

Ezekiel also commented that recent discussions at city council meetings about the city's public art program had included the issue of administrative support. [Public art commissioners have contended that the city's Percent for Art program has lacked adequate staff support to carry out the program's goals.] He said it made him appreciative of the work of The Conservation Fund staff.

Recognition for Tom Freeman

Dan Ezekiel noted that commissioners had recently learned that Tom Freeman, deputy director of Washtenaw County parks & recreation, is retiring at the end of the year. Freeman has been "absolutely indispensable" to land preservation efforts in the county, Ezekiel said, adding that when the history of local land preservation is written, Freeman will be one of the names that will shine.

Freeman had last attended a GAC meeting in March, when he gave an update on the county's natural areas preservation program (NAPP) and its efforts related to farmland protection. In 2010, the county board of commissioners had approved changes to the county's Natural Areas Ordinance No. 128, which governs NAPP. Those changes enabled the county to buy development rights for farmland – a land preservation strategy also pursued by Ann Arbor's greenbelt program.

At Wednesday's GAC meeting, Liz Rother read a resolution of appreciation for Freeman. It stated that NAPP has partnered with Ann Arbor's greenbelt program on three land preservation projects since 2005: the Fox Science Preserve, Meyer Nature Preserve and Scio Woods Preserve. Freeman has been a champion for county land preservation, and went "above and beyond to make difficult transactions come to fruition." The resolution recognized Freeman "for his outstanding commitment to land preservation, service to Washtenaw County Parks and Recreation and partnership with the City's Greenbelt Program."

Outcome: The resolution of appreciation for Tom Freeman passed unanimously.

After the vote, Ezekiel recalled that Freeman had been instrumental in pulling together the complicated land deal for the Fox Science Preserve. Freeman had always been upbeat and encouraging throughout the process, he said, assuring everyone that they'd be able to overcome all hurdles. Freeman's championing of that project had been hugely significant, Ezekiel said.

Land Acquisition Projects

During her staff report, Ginny Trocchio of The Conservation Fund – which the city contracts to manage the greenbelt program – said she's been working with local landowners in anticipation of applying for grants from the U.S. Department of Agriculture's Farm and Ranchland Protection Program, or FRPP. The deadline will likely be in February 2012.

Dan Ezekiel asked whether any of the applications will be for land located within the recently-expanded greenbelt boundaries. Several were, Trocchio replied.

Ezekiel noted that the city council had acted positively on GAC's recommendation to expand the greenbelt's boundaries in Lodi and Salem townships, and that he really appreciated the council's support. Directing his comments to Carsten Hohnke, a GAC commissioner who also serves on city council, Ezekiel noted that the changes were a bit of a "heavy lift" to get approved, but "it's a little change that I think is going to make a huge difference," he said.

Land Acquisition Projects: Closed Session

At the end of their meeting, commissioners voted to enter into a closed session to discuss possible land acquisition. When they emerged 45 minutes later, commissioners voted on a resolution recommending that the city apply for an FRPP grant for parcel number 2011-11. [Before appearing on the city council's agenda, details of these greenbelt acquisitions are not made public – parcels are identified only by their application number.]

Outcome: Commissioner unanimously approved a recommendation to apply for an FRPP grant for parcel 2011-11.