

## Memorandum of Understanding

This Memorandum of Understanding (the "MOU") is entered into May 13, 2022 (the "Effective Date"), by and between The Town of Westport, with an address of 110 Myrtle Avenue, Westport Connecticut, 06880 (the "Town") and The Long Lots Preserve Steering Committee, with an address of 1630 Post Road East, Unit 129, Westport Connecticut, 06880 (the "Committee"), also individually referred to as "Party", and collectively "the Parties."

WHEREAS, the Town owns property located at 13 Hyde Lane in Westport, CT (the "Property"), a portion of which is offered to the public for use as community garden space under certain terms and conditions; and

WHEREAS, surrounding the community garden on the Property is an undeveloped area, delineated on the GIS map attached as Exhibit A as the area enclosed within the bold line (excluding the community garden), which is referred to as "The Long Lots Preserve" for purposes of this MOU, but has no known or anticipated legal status or protections as a "preserve" under the law; and

WHEREAS, the Committee (a list of current members of the Committee is attached as Exhibit B) wishes to rehabilitate, beautify and preserve The Long Lots Preserve; and

WHEREAS, the Committee has prepared a "Long Lots Preserve Master Plan" dated April 21, 2022, attached as Exhibit C (the "Master Plan"), that identifies the benefits of The Long Lots Preserve, and a phased project timeline to be undertaken by the Committee at its sole expense (the "Project"); and

WHEREAS, the phases of the Project are depicted on a diagram attached as Exhibit D hereto (the "Diagram"); and

WHEREAS, the Town of Westport Parks and Recreation Department (the "Department") controls and maintains portions of the Property, including The Long Lots Preserve; and

WHEREAS, the Town recognizes the benefits of the Project and is desirous of authorizing the Committee to move forward; and

WHEREAS, the Parties desire to memorialize certain terms and conditions of the Committee's anticipated work related to The Long Lots Preserve.

NOW THEREFORE, the Parties agree as follows:

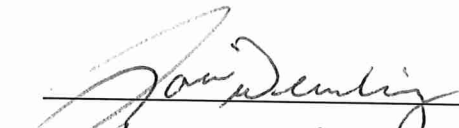
1. **Purpose and Scope.** The Parties intend for this MOU to provide the foundation and structure for establishing and maintaining The Long Lots Preserve. This MOU does not establish or create any type of formal agreement or obligation. Instead, it is an agreement between the Parties to work together in such a manner to encourage an atmosphere of collaboration and alliance in the support of an effective and efficient partnership to establish and maintain objectives and commitments with regards to all matters related to The Long Lots Preserve.
2. **Objectives.**

- a. The Parties shall work together in a cooperative and coordinated effort so as to bring about the achievement and fulfillment of the purpose of the MOU.
  - b. It is not the intent of this MOU to restrict the Parties to this MOU from their involvement or participation with any other public or private individuals, agencies, or organizations.
  - c. This MOU and the associated Long Lots Preserve Master Plan shall in no way obligate either Party to supply funds to maintain and/or sustain The Long Lots Preserve, and the Town is under no obligation to take any action towards the anticipated rehabilitation and ongoing maintenance and preservation of The Long Lots Preserve. In addition, the Town and/or the Board of Education, after obtaining any requisite Town approvals, shall retain the right to use The Long Lots Preserve for any lawful purposes at any time. In the event of such use by the Town and/or Board of Education, any rights and privileges granted to the Committee under this MOU shall cease.
2. **Term.** This MOU shall commence upon the Effective Date as stated above.
  3. **Permitted Use.** The Committee's use permitted at the Long Lots Preserve is limited to the scope and phased timeframes of the Project as set forth in the Master Plan and the Diagram. All work associated with the Project must conform to all applicable laws, rules, regulations and permitting requirements.
  4. **Prior Authorization.** At least 10 business days prior to any work occurring at The Long Lots Preserve, the Committee shall first notify the Department of the date and time that such work is anticipated to occur and obtain written authorization to proceed from the Department, which may be denied at any time at the sole discretion of the Department.
  5. **Representations and Warranties.** Both Parties represent that they are fully authorized to enter into this MOU. The performance and obligations of either Party will not violate or infringe upon the rights of any third party or violate any other agreement between the Parties, individually, and any other person, organization, or business or any law or governmental regulation.
  6. **Indemnification and Insurance.**
    - a. Volunteers of the Committee who intend to work within the scope of this MOU shall first provide to the Department a signed Emergency Contact Form and Waiver, attached as Exhibit E.
    - b. Prior to any work at the Property, any contractors or subcontractors, paid or unpaid, must:
      - i. Separately execute and submit to the Department a hold harmless and indemnification agreement in a form acceptable to the Department;
      - ii. Provide proof of insurance to the Department with coverage and limits as required by the Department in its sole discretion.
      - iii. Obtain permits as required by the Department or other departments of the Town.

- c. Anyone operating heavy machinery or removing trees shall be considered a contractor or subcontractor. The Department shall make the final determination of whether anyone working on the Project falls under Section 6(a) or 6(b) above.
7. **Notices.** All notices or communications under this MOU shall be in writing and shall be delivered personally or by certified mail, return receipt requested, to the addresses set forth below or to any other address provided by a party in a notice to the other. Notice by e-mail will satisfy this requirement only if receipt of the e-mail message is acknowledged by reply e-mail address.
- a. Notices to the Town shall be sent to:
- Parks Superintendent, Town of Westport  
260 Compo Road South  
Westport, CT 06880
- b. Notices to the Committee shall be sent to:
- Louis Weinberg, Chairman  
The Long Lots Preserve Steering Committee  
1630 Post Road East, Unit 129  
Westport, CT 06880
8. **Amendment/Alterations.** This MOU and the Master Plan may be amended only by a written agreement signed by representatives of the Town and the Committee.

WHEREUPON the parties have set their hands on the date first above written.

THE LONG LOTS PRESERVE STEERING COMMITTEE

Signature   
 Name LOUIS WEINBERG  
 Title Chairman

TOWN OF WESTPORT

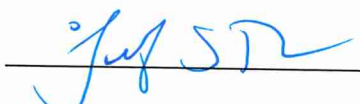
Signature   
 Name Jennifer Tooker  
 Title First Selectwoman

EXHIBIT A

GIS MAP DEPICTING LOCATION OF LONG LOTS PRESERVE

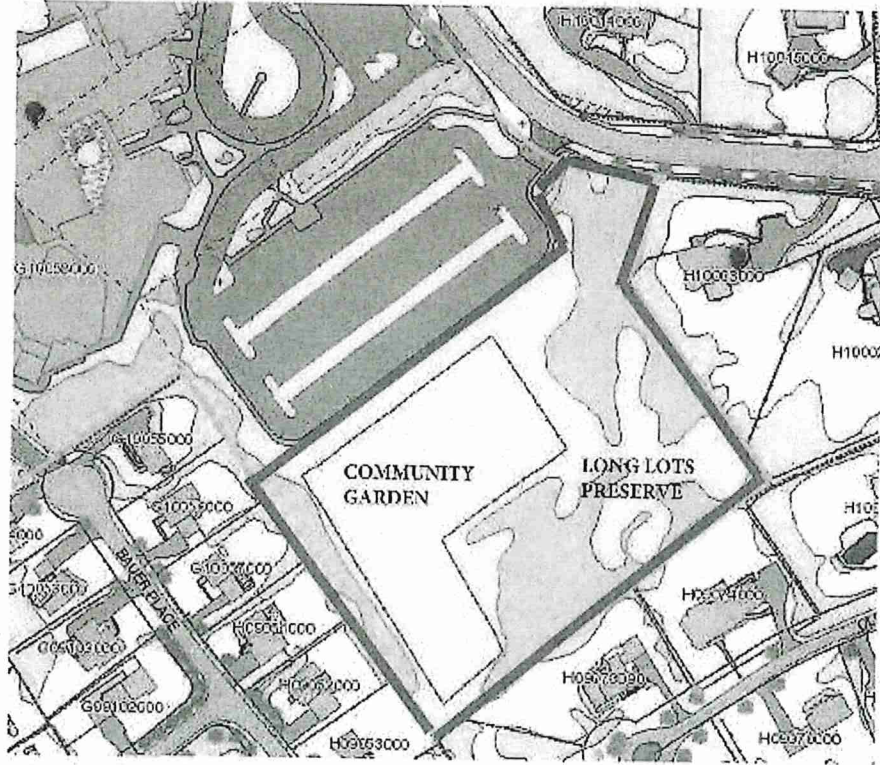


EXHIBIT B

LIST OF CURRENT COMMITTEE MEMBERS

Louis Weinberg  
1630 Post Road East  
Unit 129  
Westport, CT 06880  
203-613-1654

Peter Swift  
111 Harvest Commons  
Westport 06880-3949  
203-226-5977

Andrew Coleman  
3 Rippling Brook Lane  
Westport, CT 06880  
201-221-9763

Mary Ellen Lemay  
50 Turkey Meadow Rd.  
Trumbull, CT 06611  
203 305-3422

Julie O'Grady  
150 Compo Road South  
Westport, CT 06880  
203-312-4300

Leslie Meredith  
10 Cottage Lane  
Westport, CT 06880  
203-255-2828

Martha Corneck  
35 Hyde Ln.  
Westport, CT 06880  
203-258-8082

Joseph Wiles  
236 Porto Vecchio Way  
Palm Beach Gardens, FL 33418  
and  
597 Westport Ave, Unit C-459  
Norwalk, CT 06851  
203 984-6328

Charles Stebbins  
539 Verna Hill Road  
Fairfield CT 06824  
203-520-1481

Frank Bruce Rosen  
62 Sylvan Rd North  
Westport, CT 06880  
203-984-1832

Jeff Wieser  
24 Compo Pkwy  
Westport, CT 06880  
203-221-1973

Liz Milwe  
107 Harbor Road  
Westport, Ct  
203-984-8981

Michael Beebe  
11 Blue Ribbon Drive  
Westport, CT 06880  
917-363-4492

Daryle Kowalsky  
110 Imperial Avenue  
Westport, CT 06880  
203-856-2072

# **The Long Lots Preserve Master Plan**

April 21, 2022

## **MISSION STATEMENT**

The mission of the Long Lots Preserve is to ecologically enhance and protect town property immediately adjacent to, and surrounding, the Westport Community Gardens located next to Long Lots Elementary School at 13 Hyde Lane in Westport, Connecticut.

## **DETAILED BENEFITS OF THE PLAN**

Preserving and protecting this property will benefit the Town of Westport in the following ways:

1. Add to the Green Corridor supported by the Aspetuck Land Trust.
2. Compliment the Connecticut Audubon Society's Westport Smith Richardson Wildlife Preserve.
3. Contribute to the Pollinator Pathway, a national environmental initiative.
4. Support the Town of Westport Plan of Conservation.
5. Provide educational opportunities to Westport students.
6. Provide local, tangible volunteer opportunities for those individuals and groups looking to make a positive impact on our environment.
7. Aesthetically enhances this area.
8. Remove invasive species dominating the property.
9. Protect the aesthetic and aid the pollination of plants grown at the Westport Community Gardens.
10. Subsequently increase adjacent residential property values.

11. Support the Westport Tree Board's mission.
12. Support Westport's designation as a Tree City USA by the Arbor Foundation.
13. Support Sustainable Westport's mission.

### **1. ASPETUCK LAND TRUST GREEN CORRIDOR**

The Aspetuck Land Trust Green Corridor connects environmentally healthy properties containing ecologically valuable flora and fauna in Fairfield County. These properties safeguard our land, wildlife and water sources for future generations. The southern part of the Green Corridor in Fairfield County is highly developed residential land, presenting a challenge to conservation efforts.

**The Long Lots Preserve will allow the Green Corridor to expand into this environmentally challenged suburban area.**

### **2. CONNECTICUT AUDUBON SOCIETY**

The Connecticut Audubon Society (CAS) protects Connecticut's birds, other wildlife and their habitats through conservation, education and advocacy. CAS manages 21 wildlife sanctuaries encompassing more than 3,300 acres of open space in Connecticut and educates over 100,000 children and adults annually.

Albeit on a smaller scale, The Long Lots Preserve initiative will mimic Audubon's Smith Richardson Wildlife Preserve, Westport's largest private open space at 75 acres. CAS has spent a half-million dollars restoring the Smith Richardson sanctuary in Greens Farms, planted over 3000 native trees and shrubs, installed educational signs, and led many community tours and classes. All these benefits would be realized at the Long Lots Preserve. The Connecticut Audubon Society has already committed to donate \$1,000 in seed money.

**The Long Lots Preserve will leverage CAS restoration success in Westport and provide wildlife habitat and sanctuary to resident and migrating birds.**

### **3. POLLINATOR PATHWAY**

The Pollinator Pathway is a grassroots movement focused on establishing pollinator friendly habitat and food sources for bees, butterflies, hummingbirds and other pollinating insects and wildlife along a series of continuous corridors. The pollinator pathway has gained nationwide momentum.

**The Long Lots Preserve will allow the pollinator pathway to expand into this environmentally challenged suburban area.**



#### **4. TOWN OF WESTPORT PLAN OF CONSERVATION DEVELOPMENT**

One of the goals of the Westport Plan of Conservation Development is to preserve and enhance open space and create meaningful connections to, within, and between open space areas.

From the Town of Westport Plan of Conservation Development:

"Open space helps protect natural resources; provide flood storage, wildlife habitat, and tree canopy; enhance overall community appearance; and enhance the quality of life of residents and visitors. Westport residents value the preserved open space areas that add to the overall beauty of the community and want to: maintain the open space areas we have, add more open space areas as opportunities arise..." and "Preserving open space will help make Westport a more sustainable community by retaining natural spaces and sustaining environmental health." Westport 2017 Plan of Conservation and Development, Section 5.1.

**The Long Lots Preserve will help achieve the goals of the Town of Westport Plan of Conservation Development.**

#### **5. EDUCATIONAL OPPORTUNITIES**

The educational opportunities presented by this project are unlimited. Located adjacent next to an elementary school this initiative strongly support multiple parts of the Next Generation Science Standards.

Additionally, this is a wonderful hands-on opportunity to help school-aged children understand basic scientific environmental concepts. If so inclined, Long Lots Elementary School would be able to integrate any component of the Long Lots Preserve in to the curriculum it currently uses or uses in the future. The same holds true for Staples High School. High School students would be able to use this property to enhance its environmental curriculum providing real-world experience in invasive species, native plantings and ecological succession.

Support for using preserve initiatives such as this for educational purposes can be found in this article from edutopia.org. [Using Nature to Engage Students in Learning](#)

**The Long Lots Preserve will offer ample opportunity to enhance the educational curriculum of the Westport Public Schools.**

#### **6. VOLUNTEER OPPORTUNITIES**

There are always citizens looking to engage in activities that they feel will bring about a positive impact in their community. We are lucky to have a significant number of these citizens in the Town of Westport.

**The Long Lots Preserve will provides local, tangible volunteer opportunities for those individuals and groups looking to make a positive impact on our environment.**

## 7. AESTHETIC ENHANCEMENT

As this property has been unmaintained by the Town since its purchase around 2004, it has accumulated trash. Much of the trash comes from the parking lot and adjacent elementary school.

Representatives from the Westport Community Gardens have been removing trash from this property for 17 years. Most notably, a truckload of garbage was removed during the last town cleanup day in Spring 2021.

The lack of maintenance of the property has allowed the invasive vines and weeds to proliferate, compromising the natural beauty of the forest.

**The Log Lots Preserve will enhance the overall aesthetic of the area by replanting the property with flowering trees, shrubs and wildflowers. This will compliment the ongoing trash removal by Westport Community Gardeners.**

## 8. REMOVAL OF INVASIVE SPECIES

The area proposed for the Long Lots Preserve is currently overrun with non-native, invasive plants.

Dominating much of the landscape are invasive, not-native vines including Porcelainberry, Barberry, Mile-a-Minute, Bittersweet and Wineberry. These vines are carpeting the area, overtaking the trees and becoming problematic for some of the adjoining properties. Representatives from the Westport Community Gardens have been cutting the vines from trees for over 10 years at no cost to the town.

Additionally, non-native and invasive trees established on the property include Tree of Heaven and Norway Maple. These trees inhibit the growth of their native counterparts. Tree of Heaven is of particular concern to the State of Connecticut as it is the primary reproductive host of the spotted lanternfly, *Lycorma delicatula*. This insect is noted for its adverse effect on a wide variety of trees and other plants in Connecticut. Places where large amounts of tree-of-heaven grow are potential points of establishment for populations of the spotted lanternfly. There is a stand of at least 5 of these trees in Phase 1 of the project. The Southwest Conservation District, having toured the property and having provided initial site planning and design, suggests "Removal of Tree of Heaven should be a priority."

Other invasive plants dominating the landscape include garlic mustard, mugwort, multiflora rose, Japanese Stilt Grass and purple loosestrife.

**The Long Lots Preserve will methodically remove these invasive species while planting native species in densities that will keep the non-natives from proliferating. Ultimately, the goal is to plant large populations of native flora to out-compete the non-natives. This will benefit the local ecology and adjacent property owners who are adversely affected by the aggressive nature of the vines.**

## **9. BENEFIT TO THE WESTPORT COMMUNITY GARDENS**

The Westport Community Gardens has served residents of the Town of Westport for approximately 17 years. Membership has grown from the original 30 members to approximately 120 members who are town residents or town employees. Members and their guests grow plants including fruit, vegetables, flowers, herbs and grasses. In addition to managing this town land in an environmentally responsible manner, significant quantities of fresh food grown here is donated to those who are food insecure through the "Grow-A-Row" program.

The proposed preserve surrounds the gardens on three sides. Part of the attraction of the gardens is that it is relatively secluded and it provides measures of peace and tranquility to its members and their guests. Growing food, flowers and herbs is dependent upon pollinators such as bees, butterflies and moths. Natural areas such as the proposed preserve afford the habitat necessary to support populations of pollinating insects. The Southwest Conservation District notes about the area surrounding the gardens: "At the current state, the border of invasive plants is not attracting pollinators, but rather deterring them as they are not supporting a source of food or habitat."

The land surrounding the gardens has been compromised by tree cutting and dumping.

**The Long Lots Preserve will aid in the pollination of Westport Community Garden plants and will strengthen the Westport Community Gardens overall. Establishing an ecologically rich preserve would enhance the functionality of the gardens by increasing habitat for pollinators. Protecting the area around the gardens will continue the viability of the gardens as a town asset.**

## **10. PROPERTY VALUES**

Substantial information supporting the claim that minimally used open space increases adjacent property values is available from private, not-for-profit and public sources including the State of Connecticut.

**The Long Lots Preserve will subsequently increase adjacent residential property values by preserving and protecting this town property.**

## **11. SUPPORT FOR THE WESTPORT TREE BOARD MISSION**

The Westport Tree Board promotes the planting, maintenance, restoration and survival of desirable trees and shrubs on Town property. It is also tasked with educating the public. This project clearly aligns with the Tree Board's mission. In addition to planting and preserving trees, educational signage would be posted during Phase 1 of the initiative, describing the benefits of native planting and non-native plant removal. Consequently, in a July 15, 2021 letter from the Tree Board supporting this preserve initiative, they write "The Tree Board supports the protection of trees and we applaud your efforts."

**The Long Lots Preserve will support the Westport Tree Board's mission to support native tree planting and protection as well as to educate the local population.**

## **12. SUPPORT FOR WESTPORT'S DESIGNATION AS TREE CITY USA**

Westport has been designated as a Tree City USA by the Arbor Day Foundation. As noted in the Arbor Day Foundation's communication to the Town of Westport received on April 7, 2021, "Residents of Westport should be proud to live in a community that makes planting and care of trees a priority." Included in the Arbor Day Foundation's requirements for such designation is "a community forestry program with an annual budget of at least \$2 per capita" and "an annual Arbor Day Observance and Proclamation."

**The Long Lots Preserve will provide an excellent platform to support Westport's continued designation as a Tree City USA.**

## **13. SUPPORT FOR SUSTAINABLE WESTPORT'S MISSION**

Sustainable Westport's mission centers on becoming a Net Zero community by the year 2050. Attaining that goal involves reducing the environmental impact of our community. Sustainable Westport supports approaches to community living that are economically viable, of social benefit and environmentally responsible. One of the pillars to reaching their overall goal is that our community should be responsible stewards of natural resources.

**The Long Lots Preserve will support Sustainable Westport's mission by implementing an environmental stewardship program that is economically viable, socially beneficial and environmentally responsible.**

## **LONG LOTS PRESERVE PROJECT DETAILS, COSTS AND TIMELINE**

The project will have four phases. Each phase is numbered and its location on the property identified on the diagram at the end of the proposal.

### **Phase 1 - Spring 2022**

Phase One (noted 1 on the map) is an approximately 90' x 50' plot located adjacent to the Long Lots Elementary School parking lot, northeast of the gardens.

**Plant Removal:** This area will be cleared of invasive plants, primarily mugwort, and selected trees, primarily Tree of Heaven. Decomposed wood chips will be redistributed from an on-site supply (adjacent to Phase 1) and spread over the cleared area.

The invasive trees to be cleared are commonly known as Tree of Heaven and are the preferred host plant for the invasive Spotted Lanternfly. The Connecticut Agricultural Experiment Station has issued a Quarantine Order with defined restricted areas for the exotic pest spotted lanternfly, *Lycorma delicatula* (SLF for short). This insect has been detected in Connecticut with

established populations detected in Fairfield and New Haven Counties and single individuals intercepted in numerous towns. The spotted lanternfly is a new plant pest to the United States and represents a threat to Connecticut's environment, residential areas, and agricultural interests, particularly forests, orchards, vineyards, and nurseries. All activity associated with the removal, quarantine and proper disposal of Trees of Heaven shall comply with all applicable state and federal orders, laws and regulations.

**Plant Removal Responsibility: Long Lots Preserve Steering Committee**

**Plant Removal Cost: Estimated cost for weed and weed root removal, and composted wood chip redistribution: \$6,000 - \$8,000. This cost will be covered by The Long Lots Preserve Steering Committee.**

**Planting:** Native plants to be added to this area will follow best practices for ecological enrichment. This multi-tiered planting approach will include native tall trees, shorter trees, shrubs, wildflowers and grasses. Expert guidance will be provided by representatives from the Aspetuck Land Trust, Audubon Society, Southwest Conservation District and individuals with specialized knowledge of Connecticut native flora. Additionally, educational signage, similar to that attached, will be installed. All plants will be donated at no cost to the town. Fencing will be provided, at no cost to the town, to protect newly planted trees from destructive deer activity.

**New Native Plant Materials Cost: Donations**

Planting will be done by volunteers beginning Spring 2022. Continuous planting and weeding will be done annually at no cost to the town.

## **Phase 2 - Fall 2022**

Phase Two (noted **2** on the map) is an approximately 180' x 50' plot located in the back area of the gardens on the southeast side.

**Plant Removal:** This area will be cleared of invasive plants, primarily mugwort and aggressive invasive vines.

**Plant Removal Responsibility: Long Lots Preserve Steering Committee**

**Plant Removal Cost: Estimated cost for weed and weed root removal is \$5,200. This cost will be covered by The Long Lots Preserve Steering Committee.**

**Planting:** Native plants to be added to this area will follow best practices for ecological enrichment. This multi-tiered planting approach will include native tall trees, shorter trees, shrubs, wildflowers and grasses. Expert guidance will be provided by representatives from the Aspetuck Land Trust, Audubon Society, Southwest Conservation District and individuals with specialized knowledge of Connecticut native flora. All plants will be provided at no cost to the Town. Fencing will be provided, at no cost to the town, to protect newly planted trees from destructive deer activity.

### **New Native Plant Materials Cost: Donations**

Planting will be done by volunteers beginning Fall 2022. Continuous planting and weeding will be done annually at no cost to the town.

## **Phase 3 - Spring 2023**

Phase Three (noted 3 on the map) is an approximately 120' x 60' plot located in the back area of the gardens on the south side.

**Plant Removal:** This area will be cleared of invasive plants, primarily very aggressive invasive vines.

**Plant Removal Responsibility:** Long Lots Preserve Steering Committee

**Plant Removal Cost:** Estimated cost for weed and weed root removal is \$5,200. This cost will be covered by The Long Lots Preserve Steering Committee.

**Planting:** Native plants to be added to this area will follow best practices for ecological enrichment. This multi-tiered planting approach will include native tall trees, shorter trees, shrubs, wildflowers and grasses. Expert guidance will be provided by representatives from the Aspetuck Land Trust, Audubon Society, Southwest Conservation District and individuals with specialized knowledge of Connecticut native flora. All plants will be provided by donations at no cost to the Town. Fencing will be provided, at no cost to the town, to protect newly planted trees from destructive deer activity.

### **New Native Plant Materials Cost: Donations**

Planting will be done by volunteers beginning Fall 2023. Continuous planting and weeding will be done annually at no cost to the town.

## **Phase 4 - Fall 2023**

Phase Four (noted 4 on the map) is an approximately 300' x 40' plot located adjacent to the gardens on the west side.

**Plant Removal:** This area will be cleared of invasive plants, primarily very aggressive invasive vines and garlic mustard weed.

**Plant Removal Responsibility:** Removal of vines and weeds will be done by volunteers. This area would not generate significant quantities of green waste so no removal is anticipated.

**Plant Removal Cost:** \$0. No plant removal costs are anticipated with this phase of the project. Any costs that surface will be covered by The Long Lots Preserve Steering Committee.

**Planting:** Native plants to be added to this area will follow best practices for ecological enrichment. This multi-tiered planting approach will include native tall trees, shorter trees, shrubs, wildflowers and grasses. Expert guidance will be provided by representatives from the Aspetuck Land Trust, Audubon Society, Southwest Conservation District and individuals with specialized knowledge of Connecticut native flora. All plants will be provided at no cost to the Town. Fencing will be provided, at no cost to the town, to protect newly planted trees from destructive deer activity.

**New Native Plant Materials Cost: Donations**

Planting will be done by volunteers beginning Fall 2023. Continuous planting and weeding will be done annually at no cost to the town.

**The worst possible outcome for the town would be that the project is no longer actively managed by the Long Lots Preserve Steering Committee and the property stays in, or reverts to, its current state.**

EXHIBIT D

DIAGRAM OF PHASES OF WORK PROPOSED BY THE MASTER PLAN

