The town of Berlin has taken steps to preserve and protect many of the open lands that give our town its community character. In turn, your Conservation Commission has made a commitment to help educate our fellow citizens and those who enjoy these beautiful and expansive open lands in ways in which they can help to nourish these shared spaces. It is especially important that our residents who are fortunate to reside nearby our open space lands learn and take heed of some common sense approaches to preserve these areas for today and for years to come.

While benefitting from having protected open space that will remain in its natural state right outside your back, front, or side door; you are the gatekeeper for a unique habitat and the Commission asks that you consider some common rules and practices. Most fall in the category of what we now call “green” living, but others are particularly important due to the fragility of protected lands and wildlife habitats. Concerns about open space ‘encroachments’ led the CT Legislature in 2006 to pass a law that not only prohibits activities that alter the landscape, but institutes major financial penalties [see details on reverse side.]

Also, many subdivisions in Berlin have small strips of open space created within their neighborhoods. Usually wetlands, these places are fragile and can be connected to groundwater reserves. These are NOT for dumping yard wastes.

Realizing that conservation area use by hikers and others may impose some difficulties with higher activity levels for some areas, including parking, the town has been working to create safe off-street parking lots in the areas most likely to attract visitors. Most hikers heed appropriate etiquette and will respect neighboring landowners. Knowing that conservation lands are a shared resource that benefit all is important; please alert the police if visitors are abusing neighborhoods or open space lands.

ATVs, Motorized Vehicles, and Damages

Sales of ATVs and motorized trail bikes over the last few years have outpaced any legal place in which to use them, and sadly, violators are running these vehicles on conservation lands, completely destroying the very habitats that we hope to save. This occurs throughout many towns in our region.

Wildlife is threatened by noise and intrusions; tranquil hikers are disturbed; harmful paths are created by tearing through vegetation. Since water seeks the easiest flow, erosion along ATV-carved paths undermines trails and tree roots. Erosion is silting the precious stream habitat of Berlin. Damage can be widespread.

Berlin Police carefully monitor town open space areas and they will issue fines for violating ordinances. Remember that motorized vehicles are not allowed on any town owned open space property. Call the Police at 860-828-7080 if you see any motorized vehicles on open space (including snowmobiles, ATVs, motorcycles or trucks).

Reminders for Those Whose Land Abuts Open Space

- Respect the boundary - do not let dogs stray, build structures or gardens, and do not dump yard waste onto town owned open space or conservation easements.
- Don’t divert stormwater, empty swimming pools, or otherwise send water onto open space.
- Don’t take water from open space – no irrigation pumps!
- Use native plants to ‘greenscape.’
- Consider all-natural lawn practices: eliminate herbicides and pesticides, mow high and mulch grass clippings and fall leaves.
- Create a natural buffer of varied vegetation, especially if adjacent to streams.
- Minimize outdoor lighting that shines on conservation areas, use motion detectors & timers and aim lights down.
- Do not fence, cut, dig, or take down trees on the edge without permission.
- Regularly maintain any septic system, do not dump hazardous products, medications, or household cleaners which can damage your system and leach into soils and waterways.
- Please call the town planning department at 860.828.7060 if you have any questions.
Open Space Encroachment Law = Tough Penalties

In response to several blatant damages to supposedly protected lands that benefited the violators’ finances far more than penalties imposed, the state in 2006 passed legislation codified at CGS §52-560a that states that “no person may encroach or cause another person to encroach on open space land.” Since encroachment is any conduct that causes damage in addition to that which alters the land without actually damaging it, this was a major legal boon to hard-pressed land trusts and conservation organizations, as well as to towns.

The law listed some examples of penalized activities, including “erecting buildings or structures, constructing roads, driveways or trails, destroying or moving stone walls, cutting trees or other vegetation, removing boundary markers, installing lawns or utilities, or using, storing, or depositing vehicles, materials or debris.” Its definitions include vehicles or ATVs on open space lands, dumping trash, removing resources from the land such as trees, water, etc.

Most important, the courts are authorized not only to force the violator to pay to restore the land or award the landowner such costs, but to award all costs of the legal action, including attorney fees, and, monetary damages up to 5 times the cost of restoration or statutory damages up to $5000, which is designed to discourage small violations such as dumping trash or ATV use. This state law recognized conservation lands’ precarious position and profound public good.

We ask all neighbors and users of Berlin’s open lands to call police at 860-828-7080 with any violations you see. Everyone will benefit.

Hike, Don’t Surf the NET — New England Trail

Berlin has been at the crossroads of the Metacomet and Mattabesset hiking trails for decades, but in 2009 those trails became part of the New England National Scenic Trail. As described in detail on its website www.newenglandtrail.org, this is:

... a 220-mile trail route that has been in existence for over half a century. It travels through 39 communities in Connecticut and Massachusetts. Comprised of the Metacomet, Monadnock and Mattabesset Trails, the route features classic New England landscape features: long distance vistas with rural towns as a backdrop, agrarian lands, unfragmented forests, and large river valleys. The trail also travels through important Native American and colonial historical landmarks and highlights a range of diverse ecosystems and natural resources—traprock ridges, mountain summits, forested glades, vernal pools, lakes, streams and waterfalls.

For more information, and for guided hikes that sometimes include Berlin lands, see Connecticut Forest and Park Association, at www.ctwoodlands.org

For more information on Berlin open space, including trail maps and links to many detailed resources, please go to the town web site, www.town.berlin.ct.us and click on the Community Services tab for Conservation and Open Space information or use this link http://www.town.berlin.ct.us/content/199/2112/default.aspx