

Connecticut Supreme Court Upholds Course Open Space

The Connecticut Supreme Court recently upheld that a private golf course is entitled to an open space classification for the purpose of real estate taxes. The National Club Association assisted the club and the Connecticut Golf Association in the development of information for this effort.

In its finding for the club (plaintiff) and against the township (defendant) the court stated a number of concepts which are worthy of consideration and which should prove useful in future court battles:

"The defendant's next claim of error is based upon his contention that a private golf course and country club on developed land does not qualify for an open space tax classification. Stressing first the fact that the land has been developed, it makes the assertion that it is doubtful whether developed land qualifies for the open space classification at all since the intention of Public Act 490 is to keep property from being

developed. There is no merit to this claim since neither Art. 12-107b nor any other legislation pertaining to open space land requires that it be left in its pristine, natural state. Nowhere is the word undeveloped employed, and the specific inclusion of farm land clearly militates against any such requirement. The basic concept is that the land be open, and that it be entirely unused, undeveloped or unimproved.

"The defendant makes the further claim that even though a public golf course might qualify as open space under Art. 12-107b, which includes any area of land the preservation or restriction of the use of which would . . . enhance public recreation opportunities, a private golf club could not qualify because it is open only to members and their guests but not to the general public. It certainly is not arguable that the mere fact of private ownership and use of the land disqualifies land from open space classification, for such ownership and such use are implicit in the entire structure of open space legislation. Otherwise, there would be no purpose in even considering preferential tax treatment for privately owned farm land, forest land and other lands which qualify physically as open space land under the definitions given in Art. 12-107b (c). The defendant further contends that the inclusion of land which would enhance public recreation opportunities as one of the qualifying categories indicates an intention by the legislature that uses which would enhance private recreation would not so qualify. The short answer to this contention is that land used as a golf course, whether private or public, falls clearly within several of the other alternative categories enumerated. It certainly would tend to (1) maintain and enhance the conservation of value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces; in many instances it tends to (2) protect natural streams or water supply; (3) promote conservation of soils, wetlands, beaches or tidal marshes through the preservation of open areas of fields, grasses, ponds, streams and marshes and simply by the absence of buildings, filling

operations and eroding factors introduced by residential or commercial developers. Although it is not necessary to qualify under category (5) as well as under one or more of the other categories enhances public recreational opportunities by relieving the pressure on public golfing facilities and by frequently permitting off-season public uses of the golf course for sledding, skating and skiing.

"In any event public use is not one of the statute's criteria, for it is clear that this legislation is directed toward privately owned and privately used properties by the total absence of any requirement that designated properties be open to use by members of the general public. If public use properties already would be exempt from taxation there would have been no purpose for the adoption of 1963 Public Acts No. 490, the clear intent of which is to promote conservation by offering a measure of tax relief to privately owned and privately used properties qualifying as open space land.

A Yankee Manager's Ideas On Florida's Licensing Plan

Licensing of golf pros in the state of Florida? The general manager of a golf club in New Hampshire thinks it would be a disaster.

In a recent letter, Fred J. Lovejoy, general manager of Sagamore-Hampton Golf Club, North Hampton, N.H., said:

"No reasons mentioned for licensing (in an article about the issue in the September/October issue of GOLFDOM) are valid," Lovejoy writes. "No license, certificate or card in any man's pocket proves he can run a shop, teach a beginner or perform any of the various duties required of a good pro.

"The deciding factor determining the value of a pro should be the people — let the people decide," he said. "No government agency, licensing board, or any other state body can determine if a man is doing a good job. If the pro is not providing the service expected of him, the people will eliminate him by not trading with him. This is a natural selection of good and bad businessmen; it is not perfect, but it is the purest form of selection."

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