



# TOWN OF WESTBROOK CONSERVATION COMMISSION

866 BOSTON POST ROAD  
WESTBROOK, CONNECTICUT 06498  
(860) 399-3046 • Fax (860) 399-2084

## JOINT COMMITTEE ON JUDICIARY HEARING Monday, April 4, 2011 Raised Bill No. 6557

### AN ACT CONCERNING LIABILITY FOR THE RECREATIONAL USE OF LANDS

The Westbrook Conservation Commission strongly supports House Bill No. 6557, An Act Concerning Liability for Recreational Use of Land, as means of restoring liability protection for Westbrook and other municipalities that have followed Plans of Conservation and Development and invested in open space acquisition for preservation and protection of natural resources and community recreation.

With State of Connecticut encouragement (e.g. the State policy of preserving 21% of the state's land as open space) and assistance (e.g. CT DEP's Open Space and Watershed Land Acquisition Matching Grant Program), the Town of Westbrook has acquired over 170 acres of open space land that is being managed for protection water resources (rivers, aquifers and Long Island Sound) and community recreation. A primary reason for resident support for acquisition of open space is the availability of forests and fields for outdoor recreation, as described in HB No. 6557 Section 1 (4).

Now, with the settlement of the MDC liability law suit, we are concerned that public access to the trails and vistas of Westbrook's open space will need to be restricted. Passage of An Act Concerning Liability for Recreational Use of Land would eliminate the need for such restriction and support the state's "21%" open space policy by providing municipalities with the liability protection afforded state and private landowners.

Statewide many municipally owned open space lands are adjacent to, or are planned to be connected to, state or private (e.g., land trust) open space land that are protected against recreational accidents. For example, Westbrook's planned Menunketesuck River Greenway will connect to Cockaponset State Forest trails greatly increasing the recreation investment value of adjacent town owned open space. This on-going project will be threatened or stopped if the town is not protected from recreational liability. Access to town owned open space from adjacent state or private property will be restricted (think STOP sign) and town residents will be reluctant to support further open space acquisition unless the town is protected from potential exposure to costly personal injury lawsuits, for example the MDC law suit.

**The Westbrook Conservation Commission urges the Joint Committee on Judiciary to support Raised Bill No. 6557 An Act Concerning Liability for Recreational Use of Land.**

The Westbrook Conservation Commission, established, pursuant to CT General Statutes Sec. 7-131a, by Town Meeting July 18, 1966, is a research and advisory commission for other municipal land use boards and the community. The Commission is responsible for identifying, prioritizing and recommending lands for open space acquisition, and for developing appropriate standards and limitations for their use. For further information please contact Tom ODell, Chairman, at 860-399-1807; todell@snet.net.