

## State of Connecticut

HOUSE OF REPRESENTATIVES  
STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE ARTHUR J. O'NEILL  
SIXTY-NINTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING, ROOM 4200  
300 CAPITOL AVENUE  
HARTFORD, CT 06106-1591

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DEPUTY REPUBLICAN LEADER- AT- LARGE

CHAIRMAN  
LAW REVISION COMMISSION

MEMBER  
APPROPRIATIONS COMMITTEE  
JUDICIARY COMMITTEE  
REGULATIONS REVIEW COMMITTEE  
LEGISLATIVE MANAGEMENT COMMITTEE

*Testimony by Representative Arthur J. O'Neill  
Before the Environment Committee  
On House Bill 6542  
March 15, 2013*

Thank you Chairmen Meyer and Gentile, Ranking Members Chapin and Shaban, and all members of the Environment Committee for raising and holding a public hearing on House Bill 6542.

This piece of legislation has two basic purposes:

First it is intended to reinforce the long-standing state commitment to the preservation of Southbury Training School Farm;

Second it is intended to encourage more active agricultural use of this approximately 1000 acre tract of land.

This policy was originally placed in state statute as a result of legislation that I introduced more than 20 years ago. Unfortunately the second purpose has not been fulfilled. For a number of years I have proposed legislation in keeping with the recommendations of the task force that studied the future use of Southbury Training School Farm and other state owned agricultural lands. The key recommendation of the task force was that a private party be given control over the land for the purpose of encouraging and facilitating long-term agricultural use. For a variety of reasons the state agencies charged with this task were unable to implement it. Partly this was a result of state leasing policies and partly a result of the fact that encouraging agricultural use of these lands was not a core mission of any of the agencies involved.

In addition giving a private party dedicated to the encouragement of agricultural use of the land an easement on the land would also provide an additional layer of protection to ensure that no secret or sudden decision by either the executive or legislative branches would change the long-standing policy of preserving these lands for agriculture.

This committee recognized the wisdom of the foregoing policy when it reported out an earlier version of this bill which I had introduced in 2011. Unfortunately that piece of legislation died in another committee.

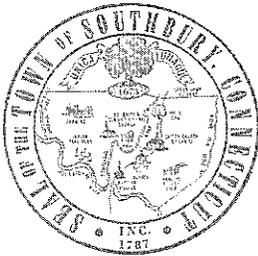
I am very pleased that the Administration is now supporting the concepts contained in this bill. This legislation will continue this legislature's long-standing policy commitment to preserving the Southbury Training School Farm. It will also, I hope, become a model, for the preservation and agricultural activation of the other lands all across our state which were identified in the task force report.

I would recommend one addition to the draft that is before you: the addition of language that makes clear that the easement holder will be able to bring court action, we hope never necessary, against the state to enforce the easement authorized by this legislation. I have attached proposed language that would accomplish this purpose.

I am also aware that at least one conservation organization is concerned about the preservation of migratory bird habitat that might be disturbed by more active agricultural use of the land. I am confident that it should be possible to incorporate language in the final bill and the easement to address those legitimate concerns.

Thank You

“Any such easement or related agreement shall provide that such non-profit organization, as grantee, shall have a right of action against the state, as grantor, to enforce the provisions of such easement as provided in this subsection.”



# TOWN OF SOUTHBURY

## OFFICE OF THE FIRST SELECTMAN

501 Main Street South

Southbury, Connecticut 06488

(203) 262-0647

Fax: (203) 264-9762

**Testimony in support of H.B. 6542  
AN ACT AUTHORIZING AN AGRICULTURAL CONSERVATION EASEMENT ON THE  
LANDS OF THE SOUTHBURY TRAINING SCHOOL.**

Submitted by Ed Edelson, First Selectman, Town of Southbury

Senator Meyer, Representative Gentile and Members of the Environment Committee:

At the outset, let me say that I have yet to find anyone in Southbury who is against the permanent designation of these lands for agriculture. Southbury is proud of its agricultural heritage. The ability to preserve these lands, which played such an important part of the town's history, is an important objective that has consistently scored highly in surveys done in support of Plans of Conservation and Development that have been prepared over the years.

Of course, the history of the Southbury Training School has been such that parents and guardians have been concerned about any discussions about the future of the school. This is completely understandable. However, the agricultural lands can be permanently preserved for farming without any impact on the operation of the School or its residents.

The converse is not true. We cannot continue to ignore these prime agricultural lands without having an impact on their ability to be farmed with the type of long term commitment that farming requires. As the saying goes, by choosing not to decide you still have made a choice. In this case, weather and nature have been at work. Beautiful farm buildings are not maintained. They begin to deteriorate and in some cases barns have collapsed. Trees and invasive plants have begun to take their toll on pastures. Waiting any longer before deliberate action is taken to encourage farming will make future efforts more expensive and time consuming.

The Department of Agriculture has laid out ambitious and creative ideas for the use of these agricultural lands. I applaud those ideas as a way to encourage a rebirth of farming in our community. As with any industry, some amount of clustering is important to provide the type of infrastructure and support to keep a thriving industry going. Given the size and quality of these lands, this could become a new economic generator for the region as farming requires support for equipment and processing. It is also supportive of the tourism in our area including the many fine restaurants that are looking for more local food products.

Finally, the importance of these lands to the environmental quality of our community cannot be overstated. As the former executive director of the Pomperaug River Watershed Coalition, I had many conversations with the late Dr. Marc Taylor about the role of agricultural lands in preserving and protecting our aquifers and high-quality drinking water.

In closing, let me say how much I appreciate the strong support that these ideas about the future of the Southbury Training School lands have received from the Governor and his staff. His leadership on open space and specifically agricultural lands has been clear to me for many years. With this bill, the legislature has the opportunity to follow through with legislation that is good for our town, good for agriculture in our region and good for the State. I urge you to vote yes on Raised Bill 6542.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Ed Edelson". The signature is fluid and cursive, with the first name "Ed" being more prominent than the last name "Edelson".

Ed Edelson  
First Selectman, Southbury

  
**TOWN OF ROXBURY**  
**CONSERVATION COMMISSION**

14 March 2013

Environment Committee  
Room 2B, Legislative Office Building  
Hartford, CT 06106

env.testimony@cga.ct.gov

Re: HB 6542 AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE  
SOUTHBURY TRAINING SCHOOL

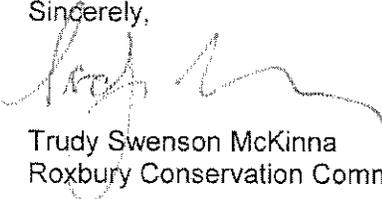
Dear Committee Members,

I write to you on behalf of the Roxbury Conservation Commission. As you may be aware, in the State of Connecticut, municipal conservation commissions are charged to serve as the "Conservation Consciousness of the Community." We seek to preserve Roxbury's open space, agricultural lands, scenic views and roads, unusual or important natural features, and historic or aesthetic resources. Roxbury treasures its farming heritage.

To that end we offer our testimony regarding the protection of the Southbury Training School lands. Please be aware: 105 acres of this property lies within the boundaries of Roxbury.

Our commission is concerned about the rapid loss of farmland in our community, region, and the state of Connecticut. We fully support the passage of HB 6542 as a means to conserve this vital resource and a prudent investment in our state's economic future. We request that provision be made for the towns of Roxbury and Southbury to establish trails through the contiguous Training School properties for the quiet enjoyment of all. Please reflect on these important issues and approve the proposed legislation.

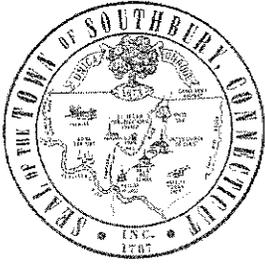
Sincerely,

  
Trudy Swenson McKinna  
Roxbury Conservation Commission Chairman

On behalf of all Roxbury Conservation Commission members:

Hugh Rawson, Vice Chair  
Cathy Masi, Secretary  
Ron Faanes

Cecelia Santillo  
Gary Steinman  
Joni Weller



# TOWN OF SOUTHBURY

## PLANNING COMMISSION

501 Main Street South  
Southbury, Connecticut 06488

(203) 262-0634

Fax: (203) 264-3719

Arthur J. O'Neill  
Representative 69<sup>th</sup> District

RE: Testimony in support of H.B. 6542

### AN ACT AUTHORIZING AN AGRICULTURAL CONSERVATION EASEMENT ON THE LANDS OF THE SOUTHBURY TRAINING SCHOOL

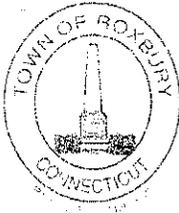
Dear Representative O'Neill:

The town of Southbury's Plans of Conservation and Development have historically stressed the importance of conserving "remaining working farms as productive and economic farm units" and to "give priority to land that preserves farmland". The 2012 Plan specifically speaks of the Southbury Training School as follows:

"ensure that the future use of the land and buildings at the Southbury Training School will..... preserve the site's agricultural and natural and historic resources." The Plan also extends the Town's goal of preserving open space which is enthusiastically supported by the residents. The proposed legislation is consistent with these goals and we appreciate your support of the proposed legislation.

Thank you.

Edward W. Gore, Jr.  
Chairman,  
Southbury Planning Commission



## TOWN OF ROXBURY CONNECTICUT

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**Barbara Henry**  
First Selectman

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203  
Tel: (860) 354-9938 • Fax: (860) 354-0560

**Testimony**  
**Barbara Henry**  
**First Selectman, Town of Roxbury**

**Environment Committee**  
**March 13, 2013**

Thank you for the opportunity to speak in *support* of **HB-6542, AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL.**

HB-6542 would preserve and protect 900 acres of farmland and open space owned by the Southbury Training School, of which 105 acres are in Roxbury. Agricultural land not only adds to the scenic beauty of our small towns but preserves our rich agricultural heritage and our state's heritage as well. Unfortunately, these lands are rapidly disappearing from the CT landscape.

Recognizing the importance of preserving and protecting Connecticut's agricultural lands, the state adopted the Farmland Preservation program in 1978 with the goal of preserving 130,000 acres. By authorizing the state to grant a conservation easement to preserve Southbury Training School's agricultural lands, HB-6542 helps Connecticut move closer to achieving this goal.

Small towns like Roxbury have fought to keep our farms and open space and supported the efforts of our Land Trust during its successful "Save Our Farms" campaign which preserved almost 800 acres and 3 farms being eyed for development. The volunteer Trust's dedication and efforts to preserving the community's rural character for generations to come has resulted in 3,400 acres or about 17 percent of Roxbury being conserved as open space under their stewardship. When the towns of Roxbury and Southbury are helped by this bill to get closer to achieving their preservation goals, the State of Connecticut is the beneficiary in meeting its goals.

In addition, by authorizing the state Department of Agriculture to lease the land for farming, this bill will generate additional state and local tax revenues and help create jobs in our region. This could benefit our local economy.

HB-6542 will help preserve hundreds of acres of farmland to be enjoyed by generations to come, create jobs and increase revenues. This bill is certainly a win-win for Connecticut and the communities of Roxbury and Southbury. I strongly urge your support.

Thank you for the opportunity to comment on this important issue.

## Williams, David

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**From:** DePalma, Christopher <depalma.c@pg.com>  
**Sent:** Thursday, March 14, 2013 3:53 PM  
**To:** zRepresentative Arthur O'Neill  
**Subject:** RE: HB 6542, An Act Concerning the preservation of Farmland at the Southbury Training School

Thanks for the reply. No objection at all; feel free to share my email.

Here are my additional comments which you can share as well if you like.

I fear that the agricultural land owned by the Southbury Training School could be sold to developers. If the area is built-up, it would necessitate the expansion of a multitude of town services and infra-structure (police, fire, road maintenance, additional school, etc) resulting in an increased tax burden as well as changing the character of the two towns. Or, similar to Newtown, the towns may feel the need to purchase the land which will also result in an increased tax burden.

Your Bill seeks to preserve land for agricultural use, protect open space, protect the character of the communities, and hold the two towns' infra-structure and costs in control.

I applaud your effort and support the Bill (NB 6542).

I do wish that more of the acreage could be preserved and would support expanding the proposed area.

Thanks Again and Best Regards,  
Chris DePalma

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**From:** zRepresentative Arthur O'Neill [<mailto:Arthur.O'Neill@housegop.ct.gov>]  
**Sent:** Thursday, March 14, 2013 3:25 PM  
**To:** DePalma, Christopher  
**Subject:** FW: HB 6542, An Act Concerning the preservation of Farmland at the Southbury Training School

Hello Chris, thank you for your e-mail. Would you have any objection if I showed your e-mail to my colleagues on the Environment Committee?

Rep. O'Neill

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**From:** DePalma, Christopher [<mailto:depalma.c@pg.com>]  
**Sent:** Wednesday, March 13, 2013 5:33 PM  
**To:** envtestimony  
**Cc:** zRepresentative Arthur O'Neill  
**Subject:** HB 6542, An Act Concerning the preservation of Farmland at the Southbury Training School

I support the bill, HB 6542, which would preserve and protect land owned by the Southbury Training School and ensure its continued use for agricultural purposes.

The preservation of this land for continued agricultural use will preserve the character of the Southbury and Roxbury communities as well as provide the benefits of open space to the surrounding communities.

Preserving this land benefits the entire state.

I wish more of the 1600 acres could be preserved for agricultural purposes and I would support expanding the proposed area.

Thank you to Representatives O'Neil and Kane for their support.

Thank you,  
Chris DePalma

157 Hinman Lane  
Southbury, CT

## Williams, David

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**From:** Lauren Rizzo <lrizzo@cogcnv.org> on behalf of Peter Dorpalen <pdorpalen@cogcnv.org>  
**Sent:** Thursday, March 14, 2013 3:58 PM  
**To:** Williams, David  
**Cc:** Edward Edelson; DeLoris Curtis  
**Subject:** HB 6542 An Act Concerning the Preservation of Farmland at the Southbury Training School  
**Attachments:** HB6542-Southbury Training School Farmland Presevation Letter.docx

March 14, 2013

Representative Arthur O'Neill, CT 69<sup>th</sup> District  
Connecticut House Republican Office  
L.O.B. Room 4200  
Hartford, CT 06106

RE: HB 6542 An Act Concerning the Preservation of Farmland at the Southbury Training School

Dear Rep. O'Neill:

COGCVN staff has reviewed HB 6542, *An Act Concerning the Preservation of Farmland at the Southbury Training School* and has found it in conformity with the *Central Naugatuck Valley Regional Plan of Conservation and Development: 2008* and the *State Conservation and Development Policies Plan: 2005*.

The 900 acres of land surrounding the Southbury Training School in the Town of Southbury are of local, regional, and state significance. The property's unique combination of cultural, historical, and natural resources contributes to the rural and historic character of Southbury and makes its preservation important. The Training School property is designated a Historic District on the National and State Registries of Historic Places. A vast majority of the property is used for agriculture (46%) or has been left in a natural state (35%). In addition, the property is part of the environmentally sensitive Pomperaug River Watershed, contains an aquifer protection area, and is partially located in the 100 year flood plain of Transylvania Brook. The State Plan categorizes the property as a mix of "conservation areas," "preservation areas," and "rural." The new draft State Plan map shows a Local Conservation Factor for the agricultural land of the Southbury Training School. Preservation of the farmland at the Southbury Training School will help the state reach its goal to preserve 21% of the state's total land area as open space by 2023.

In addition, the bill's objective satisfies several recommendations from COGCVN's 2008 Regional Plan:

- Protect more open space in the region.
- Encourage settlement patterns that reduce the rate of land consumption in the region.
- Recognize farmland as an important natural resource worthy of conserving for farming activity, as well as its present aesthetic and economic benefits to the community.
- Encourage efforts to preserve areas threatened by development.
- Encourage preservation of cultural resources.

- Protect water resources.

Southbury's 2012 Plan of Conservation and Development recommends preservation for a substantial portion of the Training School for open space or agriculture, which will help the Town preserve its rural and historic character. The Town would like to ensure that the future use of the land at the Southbury Training School will maintain the site's agricultural, natural, and historic resources.

Please feel free to contact me if we can be of assistance with this proposed bill.

Sincerely,

Peter Dorpalen  
Executive Director

CC: First Selectman Edward Edelson, Town of Southbury  
Deloris Curtis, AICP, Land Use Administrator, Town of Southbury



March 14, 2013

Representative Arthur O'Neill, CT 69<sup>th</sup> District  
Connecticut House Republican Office  
L.O.B. Room 4200  
Hartford, CT 06106

RE: HB 6542 An Act Concerning the Preservation of Farmland at the Southbury Training School

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land at the Southbury Training School will maintain the site's agricultural, natural, and historic resources.

Please feel free to contact me if we can be of assistance with this proposed bill.

Sincerely,

Peter Dorpalen  
Executive Director

CC: First Selectman Edward Edelson, Town of Southbury  
Deloris Curtis, AICP, Land Use Administrator, Town of Southbury

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Presevation Letter.docx

## Williams, David

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**From:** Williams, David  
**Sent:** Thursday, March 14, 2013 5:12 PM  
**To:** envtestimony  
**Subject:** FW: House Bill 6542

Testimony

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**From:** ROBERT BROWN [<mailto:bwtr107@sbcglobal.net>]  
**Sent:** Wednesday, March 13, 2013 5:57 PM  
**To:** zRepresentative Arthur ONeill  
**Subject:** House Bill 6542

Dear Representative O'Neill,

To me, It is important to save the gorgeous farmland found at the Southbury Training School. I hope you also support House Bill 6542. Is it possible to save all the land?

Thank you for your interest and hard work.

Robert N. Brown

## Williams, David

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**From:** Lucinda Hunt-Stowell <lhunt@dmstowell.com>  
**Sent:** Wednesday, March 13, 2013 5:13 PM  
**To:** zRepresentative Arthur O'Neill  
**Subject:** HB No. 6542

To the Honorable Arthur O'Neill:

Thank you for sponsoring HB No. 6542 that will protect the farmland of the Southbury Training School with a permanent and perpetual conservation easement. As a citizen of Southbury, CT, and as an advocate for environmental non-profits in the area, I am very supportive of this action.

I'm sorry that my schedule prevents me from attending the public hearing on March 15th, but I know that the town of Southbury as well as the Southbury Land Trust will be well represented.

Sincerely,  
Cindy Hunt-Stowell

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Lucinda Hunt-Stowell  
167 Colonial Drive  
Southbury, CT 06488-1207  
203-262-6744

Commissioner: Land Trust Accreditation Commission  
<http://www.landtrustaccreditation.org/>  
Committee Member: Rural Preservation Advisory Committee, Town of Southbury, CT  
<http://www.southbury-ct.org/content/994/276/2589/default.aspx>  
Advisor: Non-profit Assistance Initiative, Connecticut Community Foundation, Inc. <http://conncf.org/nai/index.htm>  
Trustee: Southbury Land Trust, Inc.  
<http://www.southburylandtrust.org>  
Advisory Committee: Pomperaug River Watershed Coalition, Inc.  
<http://pomperaug.org/>

**Williams, David**

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**From:** Ron Rada <ronrada@gmail.com>  
**Sent:** Thursday, March 14, 2013 5:23 PM  
**To:** zRepresentative Arthur O'Neill  
**Subject:** HB6542

I support your bill to preserve STS land.  
Thanks,  
Ron Rada