



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 17, 2014
Government Administration and Elections Committee

Testimony Submitted by Commissioner Robert J. Klee

House Bill No. 5550 Raised – AAC THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND

Thank you for the opportunity to present testimony regarding House Bill No. 5550 – AAC THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

DEEP has serious concerns about Section 8 of the proposal and we welcome the opportunity to offer the following testimony.

Section 8 of the bill reads in pertinent part:

Sec. 8. (Effective from passage) (a) Notwithstanding any provision of the general statutes, the Commissioner of Energy and Environmental Protection *shall* convey to the town of East Haddam three parcels of land located in the town of East Haddam, at a cost equal to the administrative costs of making such conveyance. The first parcel of land is identified as lot 59 on the town of East Haddam Tax Assessor's Map 39, conveyed to the state of Connecticut by George Comer in a deed recorded in the town of East Haddam land records at volume 51, page 413, and has an area of approximately .35 acre. The second parcel is identified as lot 60 on the town of East Haddam Tax Assessor's Map 39, and has an area of approximately .89 acre. The third parcel is identified as lot 58 on the town of East Haddam Tax Assessor's Map 39 and has an area of approximately 1.2 acres. The second and third parcel were conveyed to the state of Connecticut by George Comer in a deed recorded in the town of East Haddam land records at volume 51, page 509. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) Notwithstanding a certain restriction contained in the deed from George Comer to the state of Connecticut, dated July 10, 1935, and recorded on October 17, 1935, in the town of East Haddam Land Records in volume 51, page 509, that the two parcels conveyed in said deed constituting the second and third parcels described in subsection (a) of this section were conveyed for recreational and demonstration purposes, *the Commissioner of Energy and Environmental Protection may convey said*

parcels to the town of East Haddam free of said restriction, provided, if said parcels are so conveyed, the town of Haddam may only use said parcels for open space, recreational, agricultural and municipal purposes.” (Emphasis added.)

This section of the raised bill proposes to convey three parcels totaling approximately 2.44 acres from DEEP to the town of East Haddam for open space, recreational, agricultural, and municipal purposes. The land in question was deeded to the State of Connecticut in 1933 and 1935 by George Comer and the deed that conveyed two of the parcels in 1935 contains a deed restriction that states that the land “shall be maintained by the Forest Fire Service of the State of Connecticut for recreation and demonstration purposes.” The restricted uses of these two parcels could not be interpreted to include the extremely broad “municipal purposes” that is contemplated in this proposal.

The bill mandates that DEEP to convey the land to the town of East Haddam. Then, the bill authorizes DEEP to convey such land free of said restriction. (“ . . . *may convey said parcels to the town of East Haddam free of said restriction, provided, if said parcels are so conveyed, the town of Haddam may only use said parcels for open space, recreational, agricultural and municipal purposes.”* Emphasis added.)

This proposal raises serious legal questions about the authority of state government to effectively cancel a private deed restriction. For the record, DEEP does NOT intend to convey these parcels “free of said restriction” as it would have a chilling effect on land conservation in Connecticut and would undermine our shared conservation history.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP’s Director of Governmental Affairs, at 860.424.3401 or Robert.LaFrance@ct.gov (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or Elizabeth.McAuliffe@ct.gov).