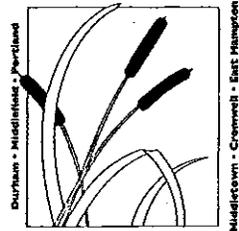


MIDDLESEX LAND TRUST, INC.  
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**MIDDLESEX**



**LAND TRUST**

February 23, 2016

Judiciary Committee  
Connecticut General Assembly  
State Capital  
Hartford, CT 06106

RE: Testimony for 2/24 public hearing— Raised Bill 144

Dear Co-Chair Coleman, Co-Chair Tong, and Honorable Members of the  
Judiciary Committee,

Please accept this as my testimony (for public hearing held on 2/24/16) in  
OPPOSITION of Raised Bill 144, AAC Land That Is Subject to a Conservation  
Restriction Held by A Nonprofit Land-Holding Organization.

The Middlesex Land Trust opposes Raised Bill 144, which deletes a provision  
passed last year by the General Assembly, because it will weaken protections on  
our conserved lands by allowing title to all or a portion of a property subject to  
conservation restrictions to be claimed by adverse possession. The loss of this  
protection will increase the likelihood of encroachment on our conserved land, as  
well as increase the likelihood of other violations of the conservation restrictions  
on conserved land.

The bill will also increase the financial burden on our all-volunteer land trust. The  
land trust has an obligation under its easements to enforce its terms and defend  
against violations. As a result of the loss of this protection, our limited funding  
and volunteer time will necessarily be redirected to enforce and defend our  
conserved property against the increase in violations and encroachments,  
leaving other land trust needs potentially unmet. This will add additional,  
unnecessary and costly stress to our not-for-profit conservation organization.

Additionally, this bill would reward those who intentionally encroach on  
conservation lands to attempt to expropriate land or extort financial settlements  
for contrived disputes. This seems neither a desirable consequence of, nor a  
worthy goal for legislative action. The protection of conserved land should be  
increased, not diminished in a manner that would benefit underhanded action.

The Middlesex Land Trust feels strongly that the action intended in this bill is contrary to the intent of C.G.S. Section 52-560a, "*Damages for encroachment on state, municipal or nonprofit land conservation organization open space land. Attorney General enforcement. Civil action*" (2006). This section of the C.G.S. is clearly intended to protect conservation land. It provides for punitive damages for encroachments on conservation land, including those protected by conservation easements, and these protections should be further strengthened, not eroded as would result from this bill.

Thank you for your time and consideration.

Sincerely,

David M. Brown  
Executive Director  
Middlesex Land Trust