

Government Administration and Elections Committee
JOINT FAVORABLE REPORT

Bill No.: HB-5520

AN ACT CONCERNING THE CONVEYANCE OF A PARCEL OF STATE LAND

Title: IN THE TOWN OF BERLIN.

Vote Date: 4/10/2024

Vote Action: Joint Favorable Substitute

PH Date: 4/9/2024

File No.:

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SPONSORS OF BILL:

Government Administration and Elections Committee

REASONS FOR BILL:

The legislation, as amended, aims to convey a parcel of State land in the town of Berlin at fair market value.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie Dykes, DEEP Commissioner:

DEEP opposes the bill, which reflects a proposal by a private property owner seeking to resolve a long-standing and extensive encroachment on Lamentation Mountain State Park in Berlin. Numerous encroachments on the State land include four buildings, an extensive bituminous driveway, a basketball court, dumping, draining improvements, lights, and extensive lawn area. Conveying the land to the encroaching party at fair market value without additional fines would set a concerning precedent in which abutting property owners may misuse State land then seek relief through the conveyance process.

Donna Veach, State Representative:

Writes also on behalf of Mayor Mark Kaczynski, with many questions and concerns regarding the proposal, as it may block from public access a "Right of Way" to approximately 50 acres of state-owned land with trails frequently used by the public for outdoor recreation. Would like opportunity to review before moving forward.

NATURE AND SOURCES OF SUPPORT:

Sam Carabetta:

Family homestead land abuts State land on the Berlin side of the town line. The proposed conveyance is approximately 2.7 acres of non-buildable property that includes area of an easement that crosses the southwest corner of the State land. The proposal would resolve issues with the Homestead property line and any possible encroachments onto the State land.

NATURE AND SOURCES OF OPPOSITION:

Kathy Czepiel, Save the Sound, Land Protection Manager:

The proposal sets a dangerous precedent regarding private encroachment on public lands, and if passed will send a message that the State will hand over land when encroached.

Robert LaFrance, CT National Audubon Society, Director of Policy:

Aligns testimony with that of the Commissioner of DEEP. Rewarding actors who encroach on State property to convert to their own benefit sets a bad precedent.

Margaret Miner, Environmental Consultant:

The conveyance would flout Connecticut law on land encroachment, and this bill totally absolves the encroacher.

Amy Blaymore Paterson, CT Land Conservation Council, Executive Director:

Irrespective of the circumstances surrounding the encroachment and the parcel size to be transferred, CLCC is concerned that this conveyance may establish a precedent for how DEEP addresses encroachments on its land, entrusted to the state for the benefit of the public. There are also concerns as to whether accepting fair market value and administrative costs constitutes adequate consideration.

Reported by: Lindsay de Brito

Date: 4/11/2024