

CONNECTICUT RIVER CONSERVANCY
Land Conservation Program Committee meeting
May 4' 2018

MEETING BACKGROUND MATERIALS

Spaulding Pond property & dam reconstruction

QUICK FACTS

- We own 800 acres of land in Norfolk, CT – called Spaulding Pond – that are conserved by deed language and an easement held by Eton Forest, Inc.
- The Pond is created by a dam that needs reconstruction. Dam is in poor shape but is not a hazard.
- We have designed and permitted a reconstructed dam which will cost approx \$350K. This reconstruction is entirely voluntary on our part.
- There is an in-holding of 2 acres and a camp owned by the heirs (3 siblings) of the donor of the property. The camp sits on Spaulding Pond and is the only structure on the Pond and the entire property.
- We have a fund – Spaulding Pond Trust – to support the maintenance of the property (\$284,866) and the acquisition of land in Norfolk, CT (\$142,000).
- The property is presently being appraised for its value if we were to sell it. Appraisal due May 1.

REASON FOR THIS MEETING

Respond to siblings' offer conveyed to Board via their attorney. See attached letter from Attorney Donohue

CURRENT CIRCUMSTANCES

In light of board policy to transfer our holdings by sale or gift we have been attempting to sell Spaulding Pond, to no avail. We have also been working on this dam reconstruction on and off for the last ten years. Considering two factors:

- A dam in good shape or bad is a liability and makes a property a tougher sell.
- We do not have enough \$ in the Spaulding Pond Trust to reconstruct the dam.

The Ad Hoc LCP committee has authorized me to negotiate with the siblings to support the costs of the dam reconstruction. For the last two years I have offered the siblings:

- They contribute \$ to the cost of the dam reconstruction and in return we convey the reconstructed dam, the fee ownership of the Pond and a strip of land around the Pond to the siblings.

The siblings have offered \$100,000 toward the cost and I have offered 500' around the Pond. They have refused however to take ownership of the dam citing liability concerns.

Are the siblings concerns about liability valid? No. The dam is not rated as a hazard and CT law insulates a landowner from liability re someone getting hurt on their property so long as they don't charge admission. There is also presently no public access to the Pond portion of the property per the conservation easement. And the family owns the camp via a limited liability company. The first attorney they hired to evaluate our offer recommended they take it. Their most recent attorney has been an aggressive (and obnoxious) advocate for their position as represented in the letter.

BACKGROUND ON THE SIBLINGS' PROPOSAL

Their attorney in seeking for solutions to the impasse suggested that the local land trust (with whom we have good relations and occasional contact) could acquire the entire property after the dam was repaired. The Norfolk Land Trust has always indicated they would love to own the property and said as much to the attorney. However they would only take it as a donation as it is already conserved, and were fine with owning the dam once it was reconstructed. We have responded that CRC cannot donate the property given that it does have value and the Board has a fiduciary responsibility.

RECOMMENDED RESPONSE TO SIBLINGS

We maintain our current position.

Marlborough & Haddam, CT properties

QUICK FACTS

- Marlborough property is fee ownership of 128-acres of conserved land adjacent to CT State Forest. No appraised value.
- Haddam property is fee ownership of 50 acres of land adjacent to Haddam Land Trust property and across road from CT State Forest. No conservation restrictions. Parcel is land locked. No appraised value.

CURRENT CIRCUMSTANCES

- State was willing to purchase both at bargain price and add to State Forest holdings. Deal fell thru when economy tanked.
- State would accept the properties as donation.
- No current discussions with State or Haddam Land Trust on these properties.

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March 16, 2018

Via Email to afisk@ctriver.org

Andrew Fisk
Executive Director
Connecticut River Conservancy
15 Bank Row
Greenfield MA 01301

RE: *Spaulding Pond Dam, Clarification of March 8, 2018 letter*

Dear Mr. Fisk,

This firm represents the Hamilton family for issues relating to the Spaulding Pond Dam and surrounding land. The Hamilton family is appreciative of your consideration of a method where they could make a significant contribution to the Connecticut Rivers Conservancy, enabling the repair of the dam structure.

The Conservancy has continued to insist that any participation by the Hamiltons must include provision that they take fee ownership of the pond and its surrounds. That proposal is not attractive to them as they do not wish to undertake any obligations and risk exposure for such a parcel. I believe that such a transfer would also be a violation of the condition of the Deed which provides that if the Conservancy wishes to divest itself of the property it must convey to either the Nature Conservancy or the Norfolk Land Trust.

The Hamiltons also point out that the conveyance to the Rivers Council included a significant endowment with a clear responsibility to utilize it for the care and maintenance of the dedicated land. At your convenience they would like to be advised of the status of that fund and also what plans you have for maintenance of the property.

In your review of this proposal please consider the following terms:

1. The Hamiltons will give the sum of \$100,000 for unrestricted use to the Connecticut River Conservancy.
2. The Connecticut River Conservancy shall proceed to completion of the repair of the Spaulding Pond Dam in accordance with the State DEEP approved and permitted design.
3. The Hamiltons will support transferring the entire parcel, including any remaining endowment, to the Norfolk Land Trust or The Nature Conservancy.

Thanks for your attention to these clarifications of the Hamilton family position. Please be in touch with me if you wish any further information.

Very Truly Yours,

A handwritten signature in black ink, appearing to be 'T.J. Donohue', written over a horizontal line.

T.J. Donohue, Esq.

TJD/djr