

## **Salisbury Pathways Committee**

### *Fifty Seventh Meeting*

Date and Time: Monday, March 8, 2021, at 5:30 p.m.

Location: Virtual via Zoom.

Present via Zoom: Natalia Smirnova, Kathy Trahan, Gerry Stanton, Pat Hackett, Chris Williams

### **Minutes:**

Call to order -- 5:30 p.m.

1. Approval of the minutes of January 11, 2021.  
Minutes approved unanimously.
2. Status of the Connectivity Grant.
  - On Wednesday, January 27, at 2 p.m., on a Zoom call Natalia Smirnova and Pat Hackett from Salisbury Pathways Committee met with Rob and Tracy Macgowan, property owners at 223 Main Street in Lakeville. Several questions were brought up by property owners and committee was charged to get answers for these questions.
  - On February 11, 2021, the letter from Rob and Tracy Macgowan, property owners at 223 Main Street, was received by Curtis Rand. The letter reiterated questions discussed on the Zoom call on 01/27 and added several more concerns. The letter is attached to these minutes.
  - The questions from the 01/27 Zoom call and from the 02/11 letter were answered by the engineering firm in charge of the project and by Curtis Rand. The summary of questions and answers was compiled and emailed to property owners on March 5, 2021. This summary is attached to these minutes.
  - The CT DOT Historical Preservation determination letter is also attached to these minutes.
  - Wetland Commission is now reviewing the paperwork for the bridge over brook. It agreed with the project in general but needs to have a 15-day public notice period. This will be compliant with by the end of March.
  - The sidewalk project was publicized several times through Lakeville Journal, so it is compliant with the public notice provision for the project itself.
3. Status of Library to Salmon Kill Road Sidewalk.
  - Waiting for snow to melt to mark out grading stakes.
  - RFP will be put out after marking.
4. Citizens comments – none.

Meeting adjourned at 6:03 p.m.

*Minutes respectfully submitted by Natalia V. Smirnova, Secretary, on March 12, 2021.*

Pathways Committee,

Our property is located at 223 Main Street Lakeville CT. We are not in favor of a sidewalk running through our property. At 394 feet of frontage, we have the largest piece of land that would be disturbed and would have the most responsibility. We moved to the area from Oregon in June and purchased the property on Nov. 3, 2020, we were not aware of the proposed sidewalk.

There is very little foot traffic on this section of the road and our side of the street has only 3 residential houses. It seems odd to put time, money and effort into a project that would have little benefit. Are there any plans to slow traffic on this stretch of road since most drivers do not drive the posted speed limit? It seems to me that more effort should be put towards projects such as that.

We were on a Zoom call that was intended to aid in answering some questions we have regarding the proposed construction of a sidewalk through the front of our property. We spoke with both Pat and Natalia who gave us the history of the project. They were unable to answer some of our questions, in most instances they directed these questions back to Curtis Rand, who we have also sent a letter to. We did receive a letter giving us the opportunity to express concerns about the project, which we were told was not necessary as it's in the state right of way. What IS the distance from the center of road into our property? The plans that were given to us say "approximate ROW line". Even in the last meeting of the pathways committee on 1/11/21 the project was called "minor", clearly the committee has given little thought to how this will affect the property owners.

Again, our property has 394 feet of frontage on Main Street, one of our questions we asked was who would be responsible for maintaining the sidewalk? Who will shovel the snow? Who will pull the weeds? Who will maintain the sidewalk when it cracks or heaves? We understand from the Connecticut State Website under 7-163b that it is our responsibility, as the property owner, to clear away any fallen snow on the sidewalk, after a snowstorm. Currently, we don't need to plow/shovel any snow as there is no sidewalk, which we found appealing when we purchased the home. It was mentioned that a contract exists for snow removal for the sidewalk on the south side of Main Street, but neither Pat nor Natalia could confirm that this contract work would extend to our side of the street. Would we also be covered for snow removal by the Town of Salisbury for this section of sidewalk? If we are covered by the current snow removal contract, and this contract expires in the future, would we then become responsible for removing snow on the 394 feet of sidewalk? No small task.

It was also mentioned on the call that the small staircase in front our house would be removed as it was considered obsolete. Neither my wife nor I can make sense of this. As the homeowner the stairs, should only matter to us. We use the stairs often and would be quite disappointed and sadden to have them removed. Our home is designated as a history property in the Town of Salisbury and we don't know the age of the stairs but do think they contribute to the historic feeling of the home. Removing them would be an error if in fact they are historic. Also, there is

a small embankment to the street, how should we then get to the street from our front door if the stairs were removed. The preliminary design plan shows the sidewalk above (to the north of) the stairs. I have seen several sidewalks installed in the area and cannot make sense of this proposal. Also, the map indicates that the sidewalk would be 5" wide, can that be correct? The sidewalk on the opposite side of the street is certainly smaller.

Currently, we enjoy our privacy without interruptions from walkers, bicycles or anyone as there is no access to our property, which was a consideration when purchasing the home. This sidewalk would have a direct impact to our privacy and property and also affect our dog. He is sweet but protective and by losing our privacy, we must now be mindful of how this will affect him. We have an invisible fence that runs the length of the property that is currently located where the proposed sidewalk will be, now that too must be moved?

Please know that we are community minded, but this has a direct effect to us, our privacy and our property. We would appreciate a response to our concerns.

Thank you for your time, please feel free to reach out to either of us with any questions you may have.

Sincerely,

Rob and Tracy Macgowan

## Salisbury Pathways Committee

The summary of issues that were brought up on Wednesday, January 27, at 2 p.m., on a Zoom call with Natalia Smirnova and Pat Hackett from Salisbury Pathways Committee and Tracy MacGowan and her husband, property owners at 223 Main Street in Lakeville, and responses:

1. Stone stairs -- the owners are opposed to their removal because they claim the historic nature of them and if the stairs are removed, the owners cannot get to the street to cross it. The owners are using the stairs for safer access to the street.

The State Historic Preservation Office reviewed the project area and determined that there was no adverse effect to historic properties in the project area. If the stairs were considered historic then they would have specified in their report (see attached). Unfortunately, the stairs are located on property owned by the state of CT and they own the right to remove them. The state does offer the adjacent property owners an opportunity to "lease" space within the ROW to keep the steps, but this involves a payment to the state. (The state will be reaching out to all property owners with permanent objects within the state-owned ROW, if they have not done so already).

2. Liability for the sidewalk -- owners are worried that they will need to assume a liability for pedestrians falling on the sidewalk in front of their property.

The Town maintains all sidewalks despite the statute, and this will include plowing and replacement when necessary.

3. Snow removal – owners want to make sure that the Town will assume snow removal.  
The Town maintains all sidewalks despite the statute, and this will include snow removal.

4. Changing the location of their mailbox and the speed sign (they did see it was just getting shifted over toward the street on the map). How these will be affected?

The location of their mailbox will not change. The speed limit sign is proposed to be moved closer to the road but will not impact the property owner.

5. Fencing in front of their property to shield them from the pedestrian traffic – owners would like to have some shielding because they bought the house without the idea that people will be walking in front of their front door all day long. It looked like they keyed in more on a planting buffer.

The DOT will need to obtain a "temporary right to grade" from the property owner. Curtis would be happy to talk about some screening to help you along the house/sidewalk area, maybe some plantings or a more physical separation.

6. Owners did not receive the Letter to Abutters -- their address is 223, not 233 as listed on the map they are viewing. Need to correct the address and send the Letter to Abutters to them. – **The letter was sent and received (January).**
7. The map should reflect 223 Main Street, not 233 as currently shown. -- **Noted.**

**8.** The owners just installed the invisible fence for their dog. Who is going to relocate the invisible fence?

We noticed flagging for the new dog fence in the field. We will add a callout on the plans for the contractor to relocate it behind the sidewalk. It probably should not have been installed on state property.

**9.** A question from the letter sent to Curtis on February 11, which was not discussed on the Zoom call: Are there any plans to slow traffic on this stretch of road since most drivers do not drive the posted speed limit?

This project includes the crossing of Rt 41/44 from Iron Bank to the Fire Station. The crossing will have flashing beacon to help pedestrians cross the road. The crosswalk approach will have appropriate signage, so the speed of vehicles will be reduced.

**10.** A question from the letter sent to Curtis on February 11, which was not discussed on the Zoom call: The map indicates that the sidewalk would be 5" wide, can that be correct? The sidewalk on the opposite side of the street is certainly smaller.

The various current regulations concerning safety no longer would allow a 4' sidewalk, they must be 5' due to federal/state funding and regulations.



STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

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Transmittal:

From: Kevin Fleming
Date: January 30, 2019
Through: Kimberly C. Lesay, Transportation Assistant Planning Director
To: Catherine Labadia, Deputy State Historic Preservation Officer
Project: Phase 1 of Community Connectivity Grant Program
Subject: SHPO Consultation - No Adverse Effect to Historic Properties

On January 24, 2019, the CT State Historic Preservation Office (CTSHPO) met with the CT Department of Transportation (CTDOT) and conducted a preliminary review of the grant applications for the municipalities that were awarded grants under Phase 1 of the Community Connectivity Grant Program (CCGP). This initial review was performed to determine if any of the awarded projects have the potential to adversely affect Archaeological and/or Historic resources, thus requiring additional coordination with the CTSHPO.

It was determined that the projects proposed by the following municipalities under Phase 1 of the CCGP will result in No Adverse Effect to Historic Properties:

- Salisbury, Manchester, Tolland, Torrington, Bristol, Ansonia, West Hartford, Waterford, New Britain

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Based on the information provided to the State Historic Preservation Office, we concur with CTDOT's understanding that the projects proposed by the municipalities listed above under Phase 1 of the CCGP will result in No Adverse Effect to Historic Properties. No further coordination is required.

[Handwritten signature]

2/14/19

Catherine Labadia
Deputy State Historic Preservation Officer

Date



Department of Economic and Community Development

