

Report of Meeting

PROJECT: Quinnipiac River Linear Trail Phase IIIB

MEETING DATE: January 30, 2024

PURPOSE: Public Information Meeting

LOCATION/TIME: Wallingford Town Hall, Room 315 at 7:00 pm

PRESENTERS: Alison Kapushinski, PE Town of Wallingford Town Engineer
Marc Mancini, PE SLR International Corp.

ATTENDEES: See Attached Sign-In for Additional Names

PURPOSE:

To present the proposed trail connection plans and provide an opportunity to discuss the project. The proposed plan was made available on the town website prior to the meeting and can now be found on the town website under the Engineering Department tab.

More than 30 people from the public were in attendance at the public meeting, with nearly all signing in. The meeting started with a presentation and ended with the comment/question period. The comment period will be open for 10 days following the meeting. Anyone may leave a question or comment via phone at (203)294-2035 or via email at engineering@wallingfordct.gov.

Below is a summary of the meeting and public comments/questions.

PRESENTATION:

The Town Engineer, Alison Kapushinski addressed the audience and introduced Marc Mancini of SLR who presented the proposed project. A PowerPoint slideshow was presented and handouts were made available. The presentation is summarized below:

1. The existing Trail extends from Community Lake Park at Hall Avenue to Fireworks Island behind 380 Main Street, Yalesville. Currently, pedestrian access is not provided to the Fireworks Island trailhead, only vehicular access through 380 Main Street is allowed.
2. Due to cost, Phase IIIB was not constructed at the time of Phase III. Phase IIIB construction is now fully funded. The 10-foot wide trail will be constructed within the 12-foot wide Town easement at 380 Main Street owned by Yalesville on the Green Condominium Assoc. The proposed trail is comprised of 3 types of infrastructure: at-grade trail, elevated boardwalk and pedestrian bridge.
3. Existing conditions at 380 Main Street include a 12-foot wide easement along the south side of property. The easement was provided to the Town by the developer of the property in connection with local regulatory permitting for the condominium development. The Quinnipiac River Raceway has a FEMA designated floodplain and floodway and is in Zone AE.

4. Design plans were presented. Starting at Main Street the proposed trail is 10- feet wide bituminous concrete on grade for 360 feet. It will then connect to a 100-foot long elevated boardwalk followed by an 80-foot long pedestrian bridge spanning the regulated floodway. Photo examples of the bridge and boardwalk were shown. The boardwalk is expected to be on helical piles. Final connection to the existing trail is a 210-foot long section of bituminous trail connecting near the existing Fireworks Island trailhead. Proposed trail is designed in accordance with Public Rights-of-Way Accessibility Guidelines (PROWAG).
5. Screening the trail from condominium Building #4 may include vegetation and/or fencing. Specific options to be discussed with condominium board as design progresses.
6. In response to a question, construction access was briefly discussed. Construction vehicles will utilize the existing bridge owned by the condominiums. The driveway and bridge will be restored to the existing condition by the Town's Contractor. Concerns were raised by the public that the repairs made after construction of Phase III were not satisfactory. Feedback regarding issues with construction of Phase III are welcomed by SLR.
7. Opinion of Probable Construction Cost - \$1.48 Million. Schedule – Construction begin Spring 2025

PUBLIC QUESTION / COMMENT

The following is a summary of public comments and questions. Responses, when provided by the Presenters, are in ***bold italic***.

1. Pedestrians and cyclists use the condominium parking lot, despite the signs saying no pedestrian access and the Police does not issue citations for the violation.
2. There is concern pedestrians will continue to use the driveway after the trail connection to Main Street is constructed.
After construction is completed, the Town will educate the public about the new trail connection and remind them the driveway is for vehicular access only.
3. Concern the Town is not properly maintaining its side of the parking lot on Fireworks Island.
4. Ron Barba, legal counsel to Yalesville on the Green Condominium Assoc. asked the following:
 - Q1. Has the impact of the impervious area from the proposed construction been considered?
A: ***Impervious area will be addressed in the next design phase for regulatory permitting.***
 - Q2. Are the walkway and bridge considered permanent structures, not temporary?
A: ***Yes***
 - Q3. Is the Town aware it needs to coordinate with the Association pursuant to the easement?
A: ***Yes***
 - Q3. Will CTDEEP be involved in the project?
A: ***Yes, for permitting.***
 - Q4. Will there be signage installed on the walkway?
A: ***Yes***

5. What happens if construction bids are higher than the cost estimate?
Project will be reevaluated at that time.
6. Concerns about liability to the Association were raised.
The purpose of this meeting is to discuss the construction plans. Concerns about liability should be directed to the Administration (Mayor's office).
7. Is there an area for snow storage for the Association? The proposed trail is in the area where snow is stored from condominium snow removal operations.
The Town Engineer suggested the Association review the approved site plans to determine snow storage areas. Snow storage areas are commonly included on site plans for regulatory approvals.
8. Who will clean the dog waste and trash from the proposed trail?
The proposed trail will be maintained by Dept. of Public Works, as the existing trail is now.
9. The heavy equipment from construction of Phase III damaged the concrete underneath the Association's bridge and it was not repaired.
10. How will the dumpster to Building 4 be impacted by the proposed trail?
The dumpster will remain in place.
11. Will the trail be lit at night?
As with the existing trail, the area is intended to be used from dusk until dawn, no lighting is proposed.
12. If someone falls on the trail, who is liable?
Liability questions should be directed to the mayor's office.
13. Sharon Geil, Yalesville on the Green Assoc. Board President asked the following:

When the Assoc. has an issue, they are not sure which Town Dept to contact.
All questions can be directed to the mayor's office. It was suggested that Ms. Geil send her questions in an email to the mayor's office and a meeting could be scheduled with the involved Town Departments to get a clearer idea of responsibilities.

Concern that the trail will end at Route 150.

How will the proposed trail effect the existing drainage, particularly at Building 4?
This will be evaluated in the next phase of design. Marc Mancini asked if there were existing drainage issues onsite. Ms. Geil answered "No."
Is there a precedent in the State of public trails constructed on private property?

The Town has said the Trail is closed in the winter months.
The Town does not remove snow from the Trail but the Trail is not closed to the public.
14. There was another question about liability and loss of property values for the condominium owners.
Marc Mancini suggested the Town set up a meeting to discuss.
15. Where will people park their vehicles on Fireworks Island?
The parking configuration on Fireworks Island will remain unchanged.
16. Where is the next Phase of the Trail?

Alison Kapushinski referred this question to the Quinnipiac River Linear Trail Committee.

17. Concern about a place to walk dogs on condominium property when the grass is removed and the trail is installed.
18. Where will people park to use the trail and will parking be available on Main Street?
Parking will remain in the public portion of Fireworks Island. Town Engineer to look into additional parking areas along Main Street.
19. Comment in favor of extending the trail to provide pedestrian access from the existing trail to businesses along Main Street.
20. Concerns about lack of continuous sidewalk and pedestrian crossing on Main Street and Hill Avenue.
21. The proposed trail connection is unappealing with the two 90° bends. 352 Main Street was previously for sale, could that be utilized for access in Main Street instead of the proposed connecting through 380 Main Street?
22. There was question about the proposed boardwalk elevation, removal of existing trees and screening of Building 4.
Cross-sections with the building windows and boardwalk elevations were shown. Any potential removal or trimming of trees and screening of Building 4 will be addressed in the next phase of design and in conjunction with the environmental permitting process. Helical piles are proposed for the boardwalk to minimize disturbance.
23. Will a report of this meeting be made available?
Yes, the report of meeting will be made available.
24. Concerns about the proposed trail being constructed next to the Association's parking lot, drug dealing, loitering, littering and no ADA access provided along Main Street.
25. Resident of Stetson Street spoke in favor of the trail. To address an earlier question, he said the Hop River trail in Manchester is constructed on private land. He also said there is a need for sidewalks along Route 150.
26. A resident commented he frequently walks the trail and rarely sees dog waste or litter.
27. Members of the Trail Committee talked about how other areas for a trail connection, including 352 Main Street, were explored and 380 Main Street was the only available option. This work has been ongoing for 26 years.

The formal portion of the meeting ended as attendees formed smaller discussion groups.

Please notify me of any inaccuracies or missing information.

Prepared By: ***Tiffany Shipman***

Date: **February 1, 2024**

Tiffany Shipman
Assistant Town Engineer

MEETING SIGN-IN SHEET

Project: Quinnipiac River Linear Trail Phase IIIB

Meeting Date & Time: January 30, 2024 at 7:00 pm

Facilitator: SLR International

Place: Wallingford Town Hall Room 315

Name	Address	Phone	E-Mail
Tiffany Shipman	Ass Town Engineer		
RONALD BARBA	250 State St, North Haven		
SHARON GEIL	380 MAIN ST. UNIT 43 WFD		
SUSAN Humana	380 main #19 Wfd		
Justin Calabrese	380 main st #33 wfd		
Larry Kellogg	19 Stetson St, WFD		
STEPHEN LYNCH	380 MAIN ST #33 WFD		
Dawn Jones	380 main st #34 Wfd		
CHRIS SCHROCK	93 N. AIRLINE RD		
FRANK CANTALINI	380 Main St Unit 43 Wallingford CT		
Richard Deane Scatillo	380 main st unit 26		

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Name	Address	Phone	E-Mail
Tara Knapp	211 Highland Ave		
Ch Buchholz			
Frank Cantalini	380 MAIN ST UNIT 47		
Jesse Reynolds	850 OLD DURHAM RD		
Natasha Bayrelic	380 Main St.		
Fred Nellums	19 Kszeske		
Joellen Nellums	19 Kozersky Dr. Wlfd.		
Annette Dimassa	380 Main St		
Barbara Gargano	380 Main St		
Emily Alderman	380 Main St		
Robert Alderman	380 Main		
Mary Mushinsky	188 S Cherry St.		
Charles Essliger	41 Johnson Rd		
Chris McLean	50 Hanover St		
Craig Villone	60 Erika Rd		

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Name	Address	Phone	E-Mail
Joanne Correia	380 Main St. #38		
Joanie McAfee	200 Main St #32		
Cathy Quavucco	53 South Orchard		
David Bedell	381 Long Hill Rd		
Rosamary Pich	270 S. Elm		
JAY COSGROVE	103 COLONIAL Hill		
STEPHAN COSGROVE	4		
Dony Benigni	380 MAIN ST #15		

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Town of Wallingford
Department of Engineering
45 South Main Street
Wallingford, Connecticut 06492
Tel: (203) 294-2035; Fax: (203) 284-4012

Alison M. Kapushinski, P.E.
Town Engineer

PUBLIC COMMENTS

RE: Quinnipiac River Linear Trail Phase IIIB

Date: February 13, 2024

The following is a compilation of public comments received following the January 30, 2024 Public Information Meeting.

Dear Ms. Kapushinski, dear QRLT advisory committee,
Congratulations to obtaining funding for the new pedestrian and non-motorized bridge to the fireworks island trailhead of the Quinnipiac River Linear Trail!
As a frequent user of the QRLT, I strongly support this endeavor. Such a bridge would, for instance, finally allow cross country teams from the schools uphill allow to „officially“ use the QRLT for training purpose. And it would finally allow bicyclists and pedestrians to make this a loop trail, allowing access from the trail to Yalesville businesses (taco & pizza places, bars, etc) and vice versa. Definitely a big win for the community!

Thank you for your work on this.
Sincerely,

Adelheid Koepfer
35 Whiffle Tree Road
Wallingford, CT 06492

Hello, I am unable to join the public meeting but wanted to share my comments for the record. I believe that the design depicted in the SLR Consulting drawing “PLN-01”, sheet “06”, titled “Quinnipiac River Trail Extension, 380 Main Street, Wallingford, CT, Trail Layout Plan”, dated September 16, 2022 is a good plan that is deserving of progression into construction. I extend my full support as a Wallingford resident and taxpayer. I have had concern for the safety of pedestrians and bicyclists being forced to traverse the vehicular easement to travel from the Main Street (Route 150) public way to the Quinnipiac River Linear Trail (QRLT) firework island trail head. This proposed plan takes advantage of a pre-existing town easement to provide the public with a safe, well surfaced, and well graded connection of the QRLT to the Main Street public way. I commend the Town of Wallingford staff, their Consultant, and the QRLT Advisory Committee for facilitating this public service improvement.

Sincerely,

Andrew Whitehouse
56 Bayberry Drive
Wallingford, CT 06492

I'd just like to say that I support this project. As far as I'm concerned, it can't be completed soon enough. I have been cycling between Yalesville and the center of town on a regular basis for over 40 years. In that time, traffic has gotten heavier, faster, more distracted, angrier and ruder. Couple that with potholes, debris on the road in fall in and winter and the seemingly never ending construction near Neal's Donuts and Rt 150 has become a nightmare for cyclists. Someone is going to get seriously hurt, or killed, some day and that would be a shame, given there is a perfectly good linear trail that parallels the road. It only lacks full access at its northern end for cyclists. I look forward to seeing this project completed.

Keith Weber
44 Hill Avenue
Yalesville CT

As long time residents of Wallingford we have followed the expansion over time of the Quinnipiac River Linear Trail. As a family we have enjoyed and used the trail countless times for recreation, for a connection to nature and as an escape from the stresses of everyday living. We were very excited in 2016 when the trail expanded to include Firecracker Island and access to Yalesville. We have been dismayed that unfortunately for many reasons full access for pedestrians, bicycle riders and those needing motorized wheelchairs has not been realized on the Yalesville side of town.

This submitted plan for access does allow at long last for the trail to realize its full potential for everyone in the community. While no plan will please everyone it has been negotiated in good faith and will be an asset and point of pride for the entire community. We fully support this project in concept and plan.

The implementation of this plan will allow not only the completion for access but will begin hopefully the next phase of expansion. The vision for a greater trail where the trail becomes not only a pathway to nature and recreation but one of people possibly commuting to jobs without cars involved.

Let's get this phase done. The funding is here, the plans are in place. Time to realize for both sides of the town the full benefit to all our citizens.

Finally, a huge thank you to all the folks at the Quinnipiac River Linear Trail Committee who along with many volunteers have put in their heart and soul to implement, maintain and build this community jewel. Also a thank you to all government officials, locally and statewide for their support. When we work together and dream together our community grows. It's time.

Larry Morgenstein
Gina Morgenstein
177 S Main St
Wlfd Ct

To whom this concerns,

I Cynthia totally support a bridge to extend the trail. I ride my ebike on it and would love if it were to be expanded!! Thank you for your attention.

Sincerely,
Cynthia Piscatelli
11 King Rd. Wlfd

Good evening,

I attended the public information session last week regarding the Quinnipiac River Linear Trail Phase 3B and though I didn't get a chance to speak at the meeting, I wanted to offer my thoughts and comments during the concept/preliminary design period.

For the record, my name is Chris McLean and I live at 50 Hanover St and am a practicing professional engineer in CT. I am in favor of this project as a whole and am excited to continue extending the trail. I use the QRLT a few times per month and have a puppy that I like to take for walks there. Since I live within walking distance to the Fireworks Island terminus, I would love the opportunity to walk from my house to the trail. I have seen the signs about vehicular access only through the condos and abide by that rule. Though, it seems counterintuitive to drive 2 minutes to then go for a walk. It makes sense to me to be able to walk directly to the trail. It would be a great benefit to me if this project moves forward.

I understand the concern that the current residents for the condos have for the project. I think that their concerns should be heard and some effort to separate the trail from the parking lot should be made. Maybe that's a split rail fence between the new pavement and the existing parking area, at least to provide a barrier between the condos and the trail. I would also suggest breaks in it at each of the parking lots so that current residents can access the trail if desired. I also think that the visual barrier along Building 4 is necessary to lessen noise and visual impacts.

Overall, I think the current plan does its best to balance the new trail and impacts to the condos, but a few barriers may help with hearing resident concerns.

Regarding stormwater management, the presentation mentioned that it would be managed properly and that an FMC would be secured before the project went into construction. I think that adding additional impervious area to the condo parcel is likely to increase stormwater flows, though not by very much. Was the condo stormwater system sized for this impervious area, including detention and water quality units? It appears that existing grades are being maintained but it may increase flows and should be accounted for. There is a potential to use pervious pavement here, which would allow water to still infiltrate. Since the trail is not salted or sanded in the winter, nor has vehicular traffic, it would be a good selling point without a significant maintenance issue.

Lastly, I was hoping that the presenter would speak a bit about the filling of Fireworks Island for the bridge abutment. Is compensatory flood storage required since it is within the flood zone? Is it being provided? I think it would be a good idea to account for any fill placed within the flood area.

Overall I'm very excited about this project and look forward to being able to walk to the trail.

Thanks for your consideration,
Chris
Christopher McLean, P.E.
E: cmclean333@gmail.com

To: Alison Kapushinski, Engineer, Town of Wallingford

Thank you again for providing a thorough review of the proposed QRLT Phase 3B plan on January 30, 2024.

Please accept the following additional comments and suggestions.

1. Creating access on the QRLT trail for pedestrian and bicyclist from Main Street/Chapel Street to Community Lake Park at Hall Ave is a great benefit to the entire community. A ped/bike trail is a town amenity that often attracts new people. Trails drive and often equate to an economic development and a

boost to existing town businesses.

2. Consider a permeable surface (with wood edging) from the Main St. Instead of the proposed asphalt/concrete trail material. (This change can accommodate UO complaints: Dog walking area, mitigate potential for water run off and slow bike speed thru the area)

Add Pedestrian/bike walkway road markings from trail head at Main Street to Chapel (thru an existing path on the small green).

Add Bike path road markings on Main St/150 to/from the new trail head.

Add a large trail sign on Main St at new trail head.

Add Rectangle Rapid Flashing Beacon (RRFB)

Add new sidewalk south on Main Street to connect to existing sidewalk north of the trail head opening.

Thanks,
Jay and Sheila Cosgrove
103 Colonial Hill Drive
Wallingford CT 06492

To Whom It May Concern,

Phase 3B of QRLT, 326 and 328 Main Street, the Bridge at Fireworks Island and the walkway to Route 150, Main Street Yalesville is crosstown alternate transportation promoting recreation and entertainment in the town of Wallingford.

From Hall Avenue, Phase 3B will enable walkers and bicyclists to leave the QRLT in Yalesville, exit near a traffic light and continue their travel in Yalesville, or return from a walk or bike ride around Yalesville and head back on the QRLT to Hall Avenue and return to their home in Wallingford or a surrounding town.

All this without the concern of oncoming traffic or the challenge of walking without sidewalks.

The plan benefits one and all; a long-awaited addition to the QRLT of Wallingford.

Very truly yours,

Cathy Granucci
53 South Orchard Street
Wallingford

Alison,

I am writing to inform you that my husband, John Burbank, and I, Betsy Burbank, strongly oppose the proposal for the extension of the Quinnipiac Trail.

I have forwarded our objections and the reasoning behind them to Attorney Ronald Barba. If you have any questions, please contact him.

Betsy Burbank

To Whom It May Concern,

My family and I wholeheartedly support the expansion of the Linear Trail. Please approve this so we can finally ride our bikes and/or walk into the trail from Yalesville.

Thank you.
-Jenn

Comments: Town Meeting, January 30, 2024 re "Extension of the Linear Trail Phase IIIB"

The Town Meeting on January 30, 2024 concerning the "Extension of the Linear Trail Phase IIIB" was disappointing to the private property Owners of Yalesville on the Green Condominiums. I am a Yalesville on the Green property Owner and am an elected Board Member. I and my two Board colleagues are trying to defend and protect our Owners' rights, safety, and continued enjoyment of their property investment.

Before I list our concerns, please take a moment for me to describe Yalesville on the Green.

Yalesville on the Green is a privately owned condominium complex consisting of 49 habitable units in 4 buildings. Units, when they rarely become available, are listed as "Luxury Condominiums". The complex is discreetly set back from Rte 150 (Main Street, Yalesville) and is beautifully landscaped and maintained, environmentally stable, and safe. The site boasts plenty of open space, mostly given to grass lawns, and is largely surrounded by mature woodland. Although the site is close to the Quinnipiac River, it is uphill from the River and Wetlands and drainage is excellent and the land itself is stable. It is an unspoiled, semi-rural 'gem' set within the Town.

To put it bluntly, the proposed, so-called "Extension of the Linear Trail Phase IIIB", appears to be an illegal and thinly-veiled land-grab of our privately owned property by the Linear Trail Committee or Town of Wallingford.

The original purpose of the easements through our property was for access only and the deed registered with Wallingford expressly excludes the building of 'permanent structures' on the easement.

When this proposal was first introduced to the Board and Management Company in December, we were told by the Town Engineer that they had taken advice from the Legal department and this plan was not considered to contain 'permanent structures.' The proposal is for an asphalt path, 360 feet long by 10 feet wide, replacing almost all of our 'front yard' grassed areas, plus a raised wooden bridge supported on concrete abutments sunk into our land on the Wetlands side of the property, running along most of one wall, about 15 feet away from windows and the building's gas supply meters/pipes and a part of the building's heating/cooling equipment.

I subsequently showed the plans and discussed this with two licensed P.E.s (Professional Engineers) and an architect. None of them are affected by Wallingford politics or concerned about loss of their jobs. The reaction of each was, "Lunacy! Of course, these are 'permanent structures!'" At least, at Tuesday's meeting, when asked for clarification by our attorney, the Contractor acknowledged these are 'permanent structures.'

These same professionals also expressed concern about the effects these structures would have on the drainage and stability of our property. Replacing such a large, grassy and porous area with a hard, non-porous surface would mean significant water runoff. The property is on a slope and any runoff would flow over our parking lots, causing hazards in bad weather. Any unabsorbed water could cause flooding of the basement of one of our buildings downhill, which we have never before experienced. Also, the loss of mature tree root systems could leave our banks and slopes unstable and liable to erosion.

Even though the original purpose of the easements through our property was for access only and the deed registered with Wallingford expressly excludes the building of 'permanent structures', over the past few years we have carefully considered a number of 'proposals' brought to the Board and Owners for a non-destructive access to the Trail through our property. None have been viable proposals for a variety of reasons. We have articulated our concerns and have been unable to obtain clarification of how these 'proposals' will impact our community, our safety and security, our financial obligations, and our property rights.

Although we are most unhappy about being forced into the expense, the Board finally decided we needed legal assistance and have retained Ron Barba of Bender, Anderson & Barba P.C. Last evening's meeting was attended by the full Board, our attorney, the Principal of our Management Company, and several Owners. At the meeting, as so many times before, important and relevant questions from YoG owners were deflected by the Town Engineer and Contractor by what amounted to a "Not my Department" evasion.

Before this, or any plan, can proceed, the additional concerns listed below must be clearly answered. In addition to the 'permanent structures' issue, the Grantee – the Town – may not cause additional hardship, financial or otherwise, to the YoG Owners.

- Public Liability:

Although the easement is still YoG property, who is responsible if someone becomes injured?

- The Association and our Owners must not be held responsible for the actions or injuries of anyone who is not a resident or invited guest.

- How do we guarantee this?

2. Maintenance Responsibility:

Although the easement is still YoG property, who is responsible – and at what interval - for snow removal, repairs and clean-up of litter and dog-fouling caused by non-residents? The Grantee – the Town – may not cause additional hardship, financial or otherwise, to the YoG Owners.

- Security and Safety of YoG buildings and owner vehicles:

- The proposed path runs two feet or less from owners' cars parked on private land. YoG does have camera coverage of our parking lots, but it is not monitored.

- Will the Town/QRLT cover repair costs/insurance for any damage to vehicles caused by non-residents?

- Will the Town reimburse YoG for the costs of having a security company perform 24/7 monitoring of the cameras in our parking lots?

- The proposed path also runs within 15 feet of a side of Building 4, which has previously been 'hidden' from public access and view, and on which are located gas meters/service pipes and plant for the buildings heating and cooling systems.

- Nothing has been discussed with or suggested to the Board about plans to protect this sensitive equipment. Will the Town cover all costs for securing this area?

- Will the Town/QRLT cover repair costs/insurance for any damage to property caused by non-residents?

- Or will the Town just wait until the building blows up?

- Loss of amenity and aesthetics:

The proposed path and bridge will remove from our common property nearly half of our community's lawn areas. Instead of residents looking out at a grass/trees/birds, they will instead be looking at black asphalt. So much for our 'curb appeal.' And are we still expected to pay taxes on land we can no longer use as our own?

- Drainage and plot stability concerns:

What professional research studies will be/have been included in the plan? YoG Board will insist on their own Advisors assessing the results.

Hello my name is Christopher Larocque (149 Fair St.) And on behalf of myself, my wife, and our 2 year old Husky Raya I'm writing in support of the extension of the Linear Trail.

The Linear Trail is a key piece of infrastructure in Wallingford, both year-round and especially in the winter months where the use of Tyler Mill Preserve to exercise ourselves and our husky is made difficult by the weather conditions.

As it's currently configured the trail (specifically the paved portion) is a bit on the short side for notoriously energetic dogs such as Raya, and continuing to build out the Trail and lengthen it would be a blessing for us.

Thank you for reading and taking our feedback into consideration. Enclosed is a picture of Raya for reference.

I attended the Jan. 30 public presentation about the QRLT extension. As a biker, I am looking forward to the completion of this project. However, one of the concerns raised by nearby residents struck me. Paving over a grassy area could lead to drainage issues. Is it possible to use a permeable paved surface? Wallingford has a permeable-surface parking lot at Vietnam Veterans Memorial Park on East Center St., and it seems like a similar surface would be preferable here.

David Bedell

BENDER, ANDERSON AND BARBA, P.C.

Ronald M. Bender (1949 - 2013)
Lisa J. Anderson, Retired†
Ronald J. Barba
Kristie Leff

ATTORNEYS AT LAW
250 STATE STREET, #D-2
NORTH HAVEN, CONNECTICUT 06473
TELEPHONE: (203) 248-6440

File No. YALE-001

Of Counsel:
Edward S. Hill
Richard Shapiro
Susan Epstein

†Admitted to the CAI
College of Community Association Lawyers

January 30, 2024

Sent via Fax to: (203) 284-4012

Alison Kapushinski, PE
Town Engineer
45 South Main Street
Wallingford, CT 06492

Quinnipiac River Linear Trail Advisory Committee
P O Box 6017
Wallingford, CT 06492

Re: Plan to connect Fireworks Island to Main St. (Route 150)

Dear Ms. Kapushinski:

Please be advised that the law office of Bender, Anderson and Barba, P.C. is retained counsel for the Yalesville on the Green Condominium Association, Inc. ("Yalesville") The Board of Directors has requested that we provide a record of the community's objection to the current plans being considered to alter the accessway over its property to Fireworks Island. This correspondence will enumerate and memorialize the many factors which strongly suggest that the current plan is inappropriate and will hurt the Yalesville community.

As I'm sure you recall, in November 2023 the Town and Quinnipiac Linear Trail Committee (QLTC) presented plans previously commissioned for the use of the easement through and over the Yalesville property naming the project as an 'Extension' of the Linear Trail. The plan, in its current form will have a devastating negative impact of the owners at Yalesville. Below are some of the major concerns voiced by its members:

Public Injury Liability

If the plans are carried out and the substantial changes are made to the accessway, the foot traffic through the accessway and Yalesville property will increase dramatically as will the chances of injury to the public. The Yalesville Board is reviewing the impact of such increase traffic upon its liability insurance coverage as it has been advised that the premiums would most certainly increase.

Yalesville was sued three times in 2023 for personal injury claims by pedestrians crossing over its property to reach the Trail. The lawsuits were described by the Connecticut Insurance Ombudsman as “frivolous claims”. Nevertheless, each claim resulted in settlement payments to the claimants by its insurance carrier. The increased loss run naturally resulted in the Association’s rates to rise, causing an increase to owners in monthly common charges. Note that *none* of the claimants against Yalesville were residents. In addition to the increased insurance premiums, Yalesville is having great difficulty finding insurance companies willing to offer coverage.

Property Care and Maintenance

Trash:

It should be noted that the proximity of the accessway to the Yalesville dumpster is a mere two feet. For years, those not simply littering the property have used the dumpster as a public accommodation rather than respecting the private rights and needs of the Yalesville residents. There are three nearby commercial businesses, two of which are food vendors. The certain increase in foot traffic your plans will no doubt create will only exacerbate the problem of litter and trash removal.

Landscape Maintenance:

Is there a plan for the Town of Wallingford or the QLTC to reimburse Yalesville for any increase in cost to landscapers for additional services required? Yalesville is not obliged to clear snow from the bridges; a fact that has been confirmed by Town officials. There have been innumerable complaints from Trail users that Yalesville does not plow our bridges after snowfalls. The Trail is closed in inclement weather and during the night/hours of darkness. Has the Town or the QLTC devised a plan and/or rules pertaining to snow removal or to educate Trail users about whose responsibility it is to clear that snow? Do the plans commissioned by the Town address access to and use of the Trail during those months of inclement weather?

Under the provisions of the deed granting the Easement, the Town agreed to defend and hold Yalesville harmless from any “claims, action or actions, suits, cause or causes of action, suits, damages, judgments, executions, claims for personal injuries, property damage and demands whatsoever...” It is time that the Town establish a liaison to the community to respond to the claims brought against Yalesville.

The plan being considered by the Town appears to include the placement of asphalt over a significant portion of Yalesville’s grassy common areas. Increasing coverage of impermeable surfaces will no doubt have an impact on the surrounding areas, units and common areas alike. There does not appear to have been any real consideration to the

impact that the increased impermeable surface will have to drainage. Covering over such a large area of the community's grassed landscaping with hard surfaces would undoubtedly affect the drainage characteristics of a stable landscape. The asphalt to be placed be situated uphill from Building 4 and its parking lot, causing possible flooding of the Building 4 basement and cars parked in front. Building 4 has never before had problems with flooding.

The plan to place the bridge to the south of Building 4 is problematic for three reasons: (1) Sinking of concrete pillars into what was a stable landscape; (2) extra weight of the wooden bridge, (3) the hard surface path leading to it will all have a considerable impact on the stability and drainage of that area.

Yalesville representatives have been clear that the Town is not permitted to remove any trees. There are well-rooted, mature trees protecting the bank from erosion and contributing to the successful drainage away from Building 4 foundations and basements. Removing them will negatively impact that stability.

Property Damage Concerns:

Several of Yalesville residents have assigned parking spaces adjacent to the accessway. Some are as close as two feet away. Insurance coverage costs for casual and/or intentional damage to owners' vehicles will rise commensurate with increasing incidents of damage or theft. Thus far, no public comments or discussion by the Town or the QLTC have addressed the issues of liability exposure, mitigating public misuse of private property or enforceable rules to regulate the public's conduct while on Yalesville property.

Privacy and Security of Residents:

Over the years, the Yalesville residents have experienced difficulty with trespassers allowing dogs to foul its grassed areas neglecting cleaning up after themselves. While the residents of the community are bound by condominium rules to curb their animals while on the common areas, the public ignores rules with impunity.

Yalesville has a well-deserved reputation as a clean, well-maintained, safe, responsible, and affordable common interest community. Despite the clearly posted "No Trespassing" signs, municipal support for the rights of the Yalesville residents has been notoriously lacking in enforcement against pedestrian and cycling trespassers. Moreover, some of our owners who, in defense of their property, have advised trespassers that they are not allowed through the property, have themselves been threatened by the trespassers and most egregiously by a police officer - with 'obstruction' charges!

Even a cursory review of the plans being contemplated reveals a significant change in the accessibility to heretofore protected areas of the Yalesville development. In particular, Building 4 has previously been secure by virtue of being situated on a side of the property that is not accessed by unauthorized persons. The proposed plan now provides unknown persons on the Trail to pass on the 'blind' side of Building 4 rendering it highly vulnerable to onlookers, tampering, vandalism, and break-ins.

Building 4's gas supply pipes, meters and central air system becomes visible to and within reach of the public on the Trail. Such exposure raises serious safety risks of leaks and explosions if tampered with. Such an exposure compels the Association to take costly measures to provide secured enclosures with accessible only to authorized personnel.

Engineering:

The plans being considered contemplate the construction of permanent structures. I suggest that the opinion on which the Town relies that the work to be done does not involve permanent structures is somewhat self-serving and arbitrary. The plans provide for the construction of a ten-foot wide bitumen (asphalt) from Main Street, running alongside the private parking lot in front of Building 4, continuing around to the blind side of Building 4, thereby connecting to the raised wooden bridge.

It has been represented several times now that the work contemplated does not involve the construction of any permanent structures. The idea that the path and bridge are not "permanent structures" is ludicrous; they are. Upon reviewing the Town's plans, I find that conclusion not only self-serving but ludicrous. Asphalt cannot be easily placed over what is now Yalesville grassed landscaping. The preparation alone takes several days. Neither asphalt nor the underlying bed could be laid or removed easily or without damage to Yalesville's property and certainly not in 24 hours. The record reveals that the Town has, in the past, stated that any structure that could not be removed in 24 hours is considered permanent. Such has been the ruling on applications for something as simple as an above-ground swimming pool.

Moreover, the plan involves the leveling out of the slope so that the Trail Committee can obtain the necessary Federal or State Grants. The wooden bridge, which you and the legal department do not define as a "permanent structure" will require the sinking of concrete support pillars into Yalesville property to the side of Building 4. The entire plan contemplates the construction of permanent structures.

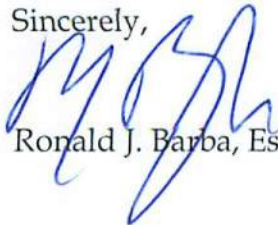
Legal:

The State and Federal Constitutions make clear that private property may not be taken by the State without just compensation. There is little doubt that, should the Town's and QLTC's plans proceed, the value of the properties at Yalesville will diminish. You must answer the residents' legitimate concerns in this area **before** the plan moves another inch forward.

An easement is an instrument that carves out specific uses for the servitude beneficiary. As in the current circumstances, the easement specifically delineates the limited bounds of permitted use. While the Town is entitled to make any use of the easement, it may do so as long as that use does not unreasonably interfere with enjoyment of the owner. The terms of the easement, from which the Town derives its rights, makes very clear that prior to the construction of any temporary or permanent structure, the Town is required to obtain written consent of Yalesville. Moreover, Yalesville must approve the proposed building plans. Our client expects that the Town will comply with the provisions of the Easement in all aspects of its plans.

The correspondence should make clear to the QLTC and the Town, that there is much to discuss with the owners at Yalesville before any movement is made to go forward with its plans. We look forward to those discussions.

Sincerely,



Ronald J. Barba, Esq.

Cc: Sharon Geil, President Yalesville on the Green
Vincent Cervoni, Chairman, Town Counsel, towncouncil@wallingfordct.gov