

## Minor, Craig

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**From:** Kathleen-Marie Clark <somepoodles@gmail.com>  
**Sent:** Wednesday, May 08, 2019 6:09 PM  
**To:** Minor, Craig  
**Cc:** Fuerstenberg, Gary; DeMaio, William  
**Subject:** Re: Cedar Mountain trail

Thanks, Craig. So far it has been don't ask, have not been confronted before. I'm glad to have "right of way" vs "town property" clarified. In general, who DOES maintain a right of way- I would guess the property owner, but would like to hear from a land use attorney. Signs proclaiming Humane Society Nature trail are in this right of way , as well as on what I thought to be town property/ Ancient Highway.

Should we provide the open space committee with any information prior to their meeting?

We would especially like to know if we can continue to park in the single space we have been using for years.

For us senior citizens, this access is much easier than down below, by the water tower.

Sent from my iPad

On May 8, 2019, at 11:14 AM, Minor, Craig <[CMinor@newingtonct.gov](mailto:CMinor@newingtonct.gov)> wrote:

Kathleen:

I think this is exactly the type of "gray area" issue that the Open Space Committee likes to tackle. They only meet quarterly, and their next meeting is in June. I will tell the Chairman that this should be on their agenda, and I'll let you know what she says.

BTW this is not the first time a citizen has raised this issue. John Bachand and I talked about it a number of years ago.

Craig Minor, AICP  
Town Planner

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**From:** Kathleen-Marie Clark [<mailto:somepoodles@gmail.com>]  
**Sent:** Tuesday, May 07, 2019 12:48 PM  
**To:** Fuerstenberg, Gary <[gfuerstenberg@newingtonct.gov](mailto:gfuerstenberg@newingtonct.gov)>  
**Cc:** Minor, Craig <[CMinor@NewingtonCT.Gov](mailto:CMinor@NewingtonCT.Gov)>; DeMaio, William <[WDeMaio@NewingtonCT.Gov](mailto:WDeMaio@NewingtonCT.Gov)>  
**Subject:** Re: Cedar Mountain trail

Does the Open Space Committee have a budget?

Sent from my iPad

On May 7, 2019, at 9:44 AM, Fuerstenberg, Gary <[gfuerstenberg@newingtonct.gov](mailto:gfuerstenberg@newingtonct.gov)> wrote:

Hi Kathleen.

The corridor probably falls under the open space committee (and the Town Planner).

Gary J. Fuerstenberg, P.E.  
Town Engineer  
Town of Newington  
131 Cedar Street  
Newington CT 06111  
Office: 860-665-8572  
Mobile: 860-608-3493

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**From:** Kathleen-Marie Clark [<mailto:somepoodles@gmail.com>]  
**Sent:** Tuesday, May 07, 2019 9:22 AM  
**To:** Fuerstenberg, Gary <[g fuerstenberg@newingtonct.gov](mailto:g fuerstenberg@newingtonct.gov)>  
**Subject:** Re: Cedar Mountain trail

Thank you for the clarification. Is the town of Newington empowered with keeping the right of way accessible to foot traffic?

Thanks  
Kathleen-Marie Clark  
Secretary  
Conservation Commission

Sent from my iPad

On May 7, 2019, at 9:19 AM, Kathleen-Marie Clark <[somepoodles@gmail.com](mailto:somepoodles@gmail.com)> wrote:

Hi Jeff, this probably fits into the don't ask, don't tell category. Wanted to put you in the loop.  
KMC

Sent from my iPad

Begin forwarded message:

**From:** "Fuerstenberg, Gary"  
<[g fuerstenberg@newingtonct.gov](mailto:g fuerstenberg@newingtonct.gov)>  
**Date:** May 6, 2019 at 3:57:49 PM EDT  
**To:** "DeMaio, William" <[WDeMaio@NewingtonCT.Gov](mailto:WDeMaio@NewingtonCT.Gov)>, Anita Shaffer <[afshaffer200@cox.net](mailto:afshaffer200@cox.net)>  
**Cc:** Kathleen Clark <[somepoodles@gmail.com](mailto:somepoodles@gmail.com)>, "House, Emmett" <[ehouse@newingtonct.gov](mailto:ehouse@newingtonct.gov)>, "Clark, Stephen" <[SClark@NewingtonCT.Gov](mailto:SClark@NewingtonCT.Gov)>, "Don Woods" <[dfwslco1@aol.com](mailto:dfwslco1@aol.com)>  
**Subject: RE: Cedar Mountain trail**

All.

The Town of Newington owns no property which abuts Russell Road. The following property owners abut Russell Road (north to south):

- State of Connecticut
- Balf Company

- Connecticut Humane Society
- HDC One LLC

There is a 66-foot-wide public right-of-way that connects Russell Road (between Balf property and Humane Society property at Russell Road) and Mountain Road. The corridor is unimproved (for vehicle access), except the western 400 feet which is paved (and gated) for access to MDC facilities.

Newington owns about 15 acres north of Cedar Street and east of Mountain Road (of the ~200-acre mountain):

- ~10 acres south of the public right-of-way
- ~5 acres north of the public right-of-way

Gary J. Fuerstenberg, P.E.  
Town Engineer  
Town of Newington  
131 Cedar Street  
Newington CT 06111  
Office: 860-665-8572  
Mobile: 860-608-3493

-----Original Message-----

From: DeMaio, William  
Sent: Monday, May 06, 2019 2:09 PM  
To: Anita Shaffer <[afshaffer200@cox.net](mailto:afshaffer200@cox.net)>  
Cc: Kathleen Clark <[somepoodles@gmail.com](mailto:somepoodles@gmail.com)>; House, Emmett <[ehouse@newingtonct.gov](mailto:ehouse@newingtonct.gov)>; Clark, Stephen <[SClark@NewingtonCT.Gov](mailto:SClark@NewingtonCT.Gov)>; Fuerstenberg, Gary <[gfuerstenberg@newingtonct.gov](mailto:gfuerstenberg@newingtonct.gov)>; Don Woods <[dfwslco1@aol.com](mailto:dfwslco1@aol.com)>  
Subject: RE: Cedar Mountain trail

Hello Anita:

Thanks for your email. Your request is complicated. It involves several departments. We have never been officially told that we are responsible for the property. In fact, I once was told that the open space committee is in charge of it. I am not sure that is true. Surveys come out of the engineering department and enforcement lies with the police department. I will copy in the others and see if we can talk about it amongst eachother.

Sorry this happened to you . I am happy that you brought it to our attention. I will try to investigate and see who actually is in charge of the property. I do know that there has been some new state legislation that will deem the town owners of a parcel of it. Details should follow soon..

With much kindness,

William A. DeMaio, CPRP  
Superintendent of Parks and Recreation  
Town of Newington  
131 Cedar Street  
Newington, CT 06111  
Phone: (860) 665-8669  
Fax: (860) 665-8739  
[www.newingtonct.gov/parksandrec](http://www.newingtonct.gov/parksandrec)  
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Newington Parks and Recreation  
Building a Strong Community

-----Original Message-----

From: Anita Shaffer [mailto:[afshaffer200@cox.net](mailto:afshaffer200@cox.net)]  
Sent: Monday, May 06, 2019 1:47 PM  
To: DeMaio, William <[WDeMaio@NewingtonCT.Gov](mailto:WDeMaio@NewingtonCT.Gov)>  
Cc: Kathleen Clark <[somepoodles@gmail.com](mailto:somepoodles@gmail.com)>  
Subject: Cedar Mountain trail

Hi Bill. Kathy Clark and I, along with another friend, were birding this morning at Cedar Mountain in conjunction with the Hartford Audubon Society annual spring census. We pulled into an area that we have used as a 2 car parking area along Russell Road along the town right of way at the beginning of the trail. We no sooner got out of our car when a staff member from Ct Humane Society came scurrying over to basically tell us we could not park there. We tried to explain that it was town property but she said she was not aware of that. They have signs posted in several spots about no trespassing or that the trail is a CT Humane Society trail. There is no indication anywhere that this is a town trail or town property. Is there any way the town could either re-survey the area where the 2 properties connect and mark where the town access begins or at least clear a pathway up to the trail head which is currently overgrown with shrubs and invasives. We have run into this issue several times in the past, so I'm sure others have had problems in the past as well. As you know there is no parking allowed on Russell Road so we have always utilized the "2 car parking spots". Cedar Mountain is a great resource for the residents and I would love to see the town take more interest in this beautiful space. I'm just not sure who is responsible for maintaining the property. By the way, we got 38 species of birds in about 2 hours of walking the trails.

Sincerely,  
Anita Shaffer  
[Afshaffer200@cox.net](mailto:Afshaffer200@cox.net)

Sent from my iPad

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