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EAST LYME PLANNING COMMISSION  
 PUBLIC HEARING I  
 Tuesday, SEPTEMBER 6th, 2011  
 10:00 AM

*Esther B. Williams*

EAST LYME TOWN CLERK

The East Lyme Planning Commission held a Public Hearing on the Application of Tom Kalal for Scenic Road Designation of approximately 16,685.85 linear feet of Grassy Hill Road and approximately 8,586.63 linear feet of Walnut Hill Road on September 6, 2011 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Chairman Bowers opened the Public Hearing and called it to order at 7:00 PM.

**PRESENT:** Mike Bowers, Chairman, George McPherson, Secretary, Joan Bengtson, Frank Balantic

**ALSO PRESENT:** Tom Kalal, Applicant  
 Gary Goeschel, Planning Director

**ABSENT:** Brian Schuch, Francine Schwartz, Brian Bohmbach, Alternate

**Pledge of Allegiance**

The Pledge was observed.

**Public Hearing I**

- 1. Application of Tom Kalal for Scenic Road Designation of approximately 16,685.85 linear feet of Grassy Hill Road and approximately 8,586.63 linear feet of Walnut Hill Road.**

Mr. Bowers called for the applicant to present his application.

Tom Kalal, 80 Grassy Hill Road said that he along with a group of his fellow residents have filed seeking Scenic Road designation for Grassy Hill Road and Walnut Hill Road. He explained that they had begun this in the fall of 2010 by contacting the DEP in September 2010 as they own a significant amount of property on both roads. On August 23, 2011 they received a response from the DEP that found the scenic road designation consistent with their intent and supporting it. He said that they submitted the list to the Tax Assessor and she reviewed it and stated that it meets the 51% requirement.

Mr. Goeschel noted that the letter from the DEP is Exhibit 13. (Exhibit Listing attached)

Mr. Bowers asked Mr. Goeschel the exact percentages.

Mr. Goeschel said that Exhibit 3 is the letter from the Assessor. He noted that there were also people who had issues with the signing and that it also does not include all of the properties.

Mr. Bowers called for members of the public who wished to comment on this application.

Ed Holiat, 93 Grassy Hill Road and 5 Upper Walnut Hill Road said that his Upper Walnut Hill property has approximately 380 linear feet and that the scenic road ordinance states that the names, addresses and amount of frontage of all of the owners needs to be on the list and that he was left off of it. He said that the application is therefore defective as it has not complied with the requirements of the ordinance.

Dorothy Mattos, 41 Walnut Hill Road said that she is against this as when the petition went around they never mentioned what would happen if they wanted to dig up a tree or do something to the front of their property near the roadway. She said that she wants her name removed from the listing as things were not explained regarding removal of stone walls, etc. She has a large area of frontage and wants to be able to do what she would like with it.

Mary Ellen Lindie, 35 Walnut Hill Road said that she also wants her name taken off of the listing. Walnut Hill Road is a horrible road and she would not want anything to impede the widening and improvement of it. She cited a serious accident that had taken place right in front of her yard involving a school bus and said that she did not want to bring more traffic to an already congested road.

Mark Christiansen, 66 Grassy Hill Road said that is a misunderstanding as this would only encumber the Town owned land. He said that while he does agree that it is a tough road that he feels that if the speed limit was followed that it could be safe. He said that due to the winding nature of Grassy Hill and Walnut Hill that widening the roads will only encourage faster travel.

Robert Mattison, 98 Grassy Hill Road said that he feels that the application does not meet the requirements set forth in the ordinance. Grassy Hill has about 25,000 linear feet of frontage and approximately 12,000 linear feet worth of owners who had originally signed the petition want out of it – so that lowers it to around 12,000 linear feet and he said that he does not think that you can include the State as they cannot designate the Town road as a scenic road. Also, some frontage properties are not even on the total list and are missing. He suggested that they not approve it and /or that it is resubmitted properly. He added that while it says up to the stone walls that there are too many variables that do not clearly state what it entails. The roads are also in very bad shape and he feels that this will present more of an expense on them as taxpayers to keep it up as a scenic road. He submitted letters from neighbors on Grassy Hill Road totaling 12,000 linear feet of frontage who said that they were never even asked or contacted in the first place. He said that everyone should be informed for this to be done properly. (17 pages of opposition entered as Exhibit 16)

Fran Mattison, 98 Grassy Hill Road said that it must be nice having a few people going around telling people to sign a piece of paper and they will then have a scenic road. Half of those people going around do not even abide by the zoning or planning rules themselves. She said that she does not want anyone taking anymore rights away from property that she pays taxes on. If she wants to move the stone wall, she will move it and she does not want someone who does not follow the rules themselves telling her what to do. She added that properties that have the largest frontage were not even approached. People look for scenic roads and the designation will bring more traffic and more bikers there and the road is too narrow to begin with.

Mark Christiansen, 66 Grassy Hill Road said that he had to say again that it only refers to Town owned land and the right of way and not private property. Regarding some of the people being out of the loop, he said that they did not get to all of the properties but got to a lot of them and got the 51% that was needed for the designation.

Ed Holiat, 93 Grassy Hill Road and 5 Upper Walnut Hill Road said that Mr. Kalal owns 377 linear feet on Grassy Hill and that he owns 385 linear feet and was never even notified. He said that his family has been here on Grassy Hill for 71 years and they sort of resent newcomers coming to change things around for them and telling them what they can or cannot do. There are things in the ordinance that state that you cannot straighten out walls or cut trees and some of the people bringing up the application have even less frontage than he does.

Ann Aiello, 77 Walnut Hill Road said that she is totally lost with this and that she also speaks for her husband. She said that they do not have the proper information to make a decision and have not signed anything.

Mr. Bowers asked if there was proof of the certificates of mailing.

Mr. Goeschel said that it is listed as Exhibit 11.

Irena Holiat, 93 Grassy Hill Road and 5 Upper Walnut Hill Road said that she and her husband have the property that they have because their family preserved the property. Walnut Hill Road is very dangerous to travel on. Regarding what the ordinance states that you may or may not do – what if the tree or stone wall straddles the boundary line – whose is it then – and who maintains it. There also is nothing in place to make sure that this does not get changed in the future and encumber the former people/owners. This could also lead to lawsuits by owners who feel that the Town has over-stepped.

Mr. Bowers asked what part of the ordinance is at issue.

Ms. Holiat said that the ordinance is very vague and that when you make this kind of change you want to make sure that there are no questions and that the people are all heard. She said that they alone own almost 800 linear feet of frontage and that is a significant amount.

John Bialowans, 61 Walnut Hill Road said that he had some questions to ask and comments to make. He asked if the scenic road designation would have any influence on improving Walnut Hill Road as he had

been told that the drainage would be done this year and paving next year and nothing has been done yet. He said that Mr. Mattison brought up some very good points and asked if he would have control of the frontage of his property; if he would need permits or permission to do work near the road; if his taxes would go up due to the designation; if the Town or scenic road committee could tell them how their property has to look and if they would still be able to develop their or adjoining properties that they own. He said that when someone else pays his taxes, his bills and does his yard work, then they can dictate – but until then, he will not listen to someone dictate to him what to do. (Letter submitted – Exhibit 16)

Richard White, 4 Mountainview Road said that he has a son who has friends who ride their bikes on Walnut Hill Road and that he and his wife also bike there. He said that they have almost been hit on that road and if the road is approved to be scenic, it says that the travel portion is no more than 20' in width and some sections are wider. He wants to know if that would change as the road is narrow to begin with. He said that while he understands what Mr. Christiansen keeps saying that he suggests that they follow the school bus up that road as frequently the tires are over the yellow line as the road is too narrow for the bus.

Mark Christiansen, 66 Grassy Hill Road said that people are confused over their land and the Town land. He noted that driveway cuts have to be approved by the Town.

Irena Holiat, 93 Grassy Hill Road and 5 Upper Walnut Hill Road asked if there was a traffic study done on these roads as it appears that the presumption is that they are lightly traveled – which is 400 cars or less. She said that she thinks that is something that should be done.

Robert Mattison, 98 Grassy Hill Road said that he does not feel that they need the kind of control that could come from these roads being designated as scenic. He said that they do not need to add more regulations to things such as driveway cuts. He likened it to a 'historic district' which dictates specific colors and the like. Scenic roads traditionally draw more activity and bicyclists and increase the potential for accidents. The people living on these roads now like the quiet, rural nature of them and are not looking for more traffic or sightseers.

Carol Murko, 61 Walnut Hill Road said that one section of the ordinance state not to widen the road. She noted that the residents do not even do the speed limit now so to add more cars would only make it worse.

Fran Mattison, 98 Grassy Hill Road asked if they have a stone wall and they take it down and the Town says that it is theirs – who pays for the surveyor.

Mr. Goeschel said that the Town Engineer is a licensed surveyor and that if they survey it and the homeowner disagrees with it then they can get their own surveyor and they can decide from the two surveys.

Ms. Mattison asked if there is going to be a committee designating items.

Mr. Bowers said no, the ordinance that was adopted was based from what was listed in the State Statute.

Ms. Mattison asked what if a prospective buyer of a property wants to do something at the front of the property and is told that they cannot and then they do not want to buy the property.

Mr. Goeschel noted that the area of the Town right of way varies from property to property.

Ms. Mattison noted that there are a lot of homes on small lots and that they cannot afford to lose their frontage.

Joseph Aiello, 77 Walnut Hill Road asked about the right of way and for example if the Town owns where the stone wall is and the road is to be widened – would the Town put the stone wall back – on his property as he has a stone wall there and said that he would not want to lose it.

Richard White, 4 Mountainview Road asked if the Town would still widen the road if it were designated as scenic.

Mr. Bowers said that sections of the road that would be widened for safety would still be widened.

Joseph Aiello, 77 Walnut Hill Road noted that the State Forest is across the road from him and that it would be impossible to widen the road on that side as there is a deep vertical drop off that side.

Carol Murko, 61 Walnut Hill Road said that she considers Walnut Hill Road scenic now and asked what designating it as such would do for them when it is that way now.

Mr. Bowers said that it puts an additional layer on it such that you have to think before doing something so that the character of the road is maintained.

Steven Firgeleski, 113 and 118 Grassy Hill Road said that he has 1500-1600 linear feet of frontage and that he was born here. It was a scenic road many, many years ago however now you have junk yards up there. He said that he signed the original petition but was misinformed on what it was about. He came to the Town and spoke with the Town Planner and asked to be taken off the list. He said that a lot of people were not properly informed or were misinformed of what this is.

Mark Christiansen, 66 Grassy Hill Road said that the people who signed the petition were sent to the Town website to read the ordinance.

Mr. Firgeleski said that he does not have a computer and does not want one and should not have to have one to read an ordinance.

Mr. Goeschel said that he thinks that they need to re-examine the people on the listing and the petition and recommended that they keep the public hearing open to be able to do this and to receive any other comments from the public.

Robert Mattison, 98 Grassy Hill Road said that he did not get the chance to speak with everyone on the road as he was not originally contacted and it was not until he was sent a letter regarding the public hearing that he went about talking to people and finding out what this was about as he was not approached to sign the petition. He asked if he could submit more papers from more people.

Mr. Goeschel said that he could submit them as long as the public hearing is open. He said that he would ask that letters of rescission such as what was submitted this evening are submitted a week in advance of the October 4, 2011 public hearing continuation date so that they can be checked and the figures recalculated.

Ed Holiat, 93 Grassy Hill Road and 5 Upper Walnut Hill Road said that the application is defective regardless of if they have 51% or not as he never received notification for his property. He said that he also owns another piece of property on Grassy Hill Road of 1800 linear feet under a corporation that owns #93 that got a mailing. He maintained that if all of the residents are not included, then the application is defective.

Tom Kalal, 80 Grassy Hill Road said that the Holiat's are not on the Assessor's list.

Fran Mattison, 98 Grassy Hill Road said that with the number of people requesting to be taken off of the petition that she cannot stress enough to them that the people were not properly informed of what they were signing.

Mr. Bowers said that they would continue this Public Hearing to the October 4, 2011 meeting of the Commission at 7 PM.

This Public Hearing was adjourned at 8:35 PM and continued to October 4, 2011 at 7 PM.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary