

**East Lyme Planning Commission
Public Hearing Minutes of
October 4, 2011**

Present: George McPherson, Francine Schwartz, Joan Bangtson, Frank Balantic,
Brian Schuch

Also Present: Gary A. Goeschel, II, Director of Planning; Ed O'Connell, Town Attorney
Tom and Nancy Kalal, Mark Christiansen, Dorothy Mattos, Mary Ellen Lindie,
Richard Beugtson, Rita Franco Palazzo, Steven Firgelesici, Edward Holiat,
Carol Murcko, John Bialowans, Jr.

IV. PUBLIC HEARINGS

A. Tom Kalal, Applicant; Continuation of Application 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.

Gary Goeschel reported we have received a number of requests to rescind an individual's decision after having signed the petition. Research was done. Town Attorney is available to discuss any issues that were brought up.

Based on the first report generated by the Assessor 53.6% signed the petition. This percentage dropped to 28.78% after individuals rescinded their decision to sign the petition. The second report stated 63.5% signed the petition and after individuals rescinded their decision the percentage dropped to 24.6%.

In terms of Walnut Hill Road 55% signed the petition. This percentage dropped to 42.4% after individuals rescinded their decision.

Several individuals were in opposition to this application. Notice was given based on a list of individuals with frontage.

Commission member Francine Schwartz arrived at 7:10 p.m.

Mr. Balantic asked if the portion of Grassy Hill running between the Nehantic State Forest was no longer part of the Application for scenic road designation. Mr. Goeschel replied DEEP submitted a letter supporting this application, but the State of Connecticut did not sign a petition.

Attorney O'Connell stated the first page of Exhibit 1 described the total length from the Montville Town line to the eastern border of the Nehantic State Forest. The description of the road in the attachments to the application states the area starts at the Montville Town line and extends to Stewart's Four Corners. He felt it was ambiguous.

Mr. Goeschel reported in either scenario this falls under the threshold of the majority of the lot frontage along the road.

Edward Holiat of 5 Upper Walnut Hill Road stated according to the application all residents that have frontage on the road have to be notified. He was never given notice at his 5 Upper Walnut Hill address and felt this was a defective application. His property at 5 Upper Walnut Hill Road has 380' that falls on Grassy Hill Road. In addition, he is an officer of a corporation at 93 Grassy Hill Road which also has approximately 380' under Grassy Hill Road and he received notice at that address.

Attorney O'Connell stated as a general rule regarding notice, individuals who have not been given notice by mail but appear at the hearing are determined to have received notice. In this case the lack of notice seems to be a mute point as this application has not met the threshold of a majority of the frontage of the lot owners abutting the road.

Mark Christiansen of 66 Grassy Hill Road stated Bill Stefanski was disallowed although he has a Power of Attorney for his father. He stated valid questions were raised but individuals withdrew their names because of inaccurate information. They were incorrectly told if it became a scenic road they could not paint their fence or cut a tree or rake their leaves. We did our best to provide ordinance regulations to individuals but clearly residents changed their minds for various reasons.

Alicia Geer of 86 Grassy Hill Road stated she was also given misinformation but did research and found the information was false. She found it would only improve that part of town. Private property would remain private property.

Mr. McPherson, recognized that since so many have rescinded their decision to sign the petition, we are below the threshold to approve this application.

Edward Holiat stated he approached several residents regarding this application and no one wanted this application approved because it was a scenic road. They wanted it because some individuals speed, and they did not want a child to get hurt.

He gave a letter that was supposed to be from the Town of East Lyme addressed at 56 Walnut Hill Road (Exhibit 20).

Fran Madsen of 98 Grassy Hill Road felt it is important to be honest. She felt residents were misled. Individuals who submit an application should abide by the regulations. She received a letter that stated it was from the Town of East Lyme (Exhibit 21).

Joan Bengtson asked when this was received. She was informed about a week ago. Ms. Bengtson stated she was concerned about rumors. She has two parcels of land there and has spoken to people. She did not sign the petition because of a potential conflict of interest. She felt the information provided was honest and informative. Possible clarification of the Ordinance is needed.

Nancy Kalal of 80 Grassy Hill Road stated this application was in total compliance with the Planning Office. No false statements were made.

There were no other comments made.

MOTION (4). Frank Balantic moved to close the 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.

Seconded by Joan Bengtson.

(5-0-0) Unanimous.

