

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, FEBRUARY 17th, 2005
MINUTES**

FILED IN EAST LYME P
Feb 23, 2005 AT 4:00 M

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Ed Gada, Norm Peck, Pamela Byrnes, William Dwyer, Alternate
L.A. Blair
EAST LYME TOWN CLERK

ALSO PRESENT: William Mulholland, Zoning Official
Marc Salerno, Alternate
Rose Ann Hardy, Ex-Officio, Board of Selectmen

ABSENT: Shawn McLaughlin, William Henderson, Alternate

1. Call to Order

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 9:50 PM immediately following the previously scheduled Public Hearings.

Public Delegations

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

There were no delegations.

2. Acceptance of February 3, 2005 Public Hearing I and Regular Meeting Minutes

Mr. Nickerson asked if they could, that they motion the Minutes together. He then called for any corrections to or discussion on the Zoning Commission Public Hearing I and Regular Meeting Minutes of February 3, 2005.

****MOTION (1)**

Mr. Peck moved to accept the Zoning Commission Public Hearing I and Regular Meeting Minutes of February 3, 2005 as presented.

Ms. Carabelas seconded the motion.

Vote: 4 – 0 – 2. Motion passed.

Abstained: Mr. Nickerson and Mr. Salerno

3. Application of Theodore A. Harris agent for "Mike's Famous of Niantic" for Special Permits for Regional Shopping, Restaurant and Repair Station at property identified in the Application as 15 Industrial Park Road, East Lyme, Lot 2 on East Lyme Assessor's Map 26.1.

Mr. Nickerson noted that Mr. Dwyer, Alternate was seated as he had sat for both of the public hearings.

Mr. Nickerson also noted that Ms. Byrnes was not here for part of the deliberations at the last meeting however she sat for both of the public hearings and she has indicated that she has been brought up to speed.

Ms. Byrnes said that was correct, she has been brought up to speed.

Mr. Peck said that they had asked the Zoning Official to come back to them with some potential requirements and limitations and that they have a list of six that they need to discuss. Mr. Peck read them although the Commission members all had a copy of this draft.

1. Mike's Famous shall obtain a Mass Gathering Permit from the Town of East Lyme if it is reasonably anticipated that an outdoor event shall draw two hundred (200) or more people. Because of the potential to draw two hundred (200) or more, a Mass Gathering Permit shall be required for all outdoor live music.
2. The exit to the premises shall be signed with No Right Turn – Local Traffic Only sign.

3. No alcohol shall be sold, allowed or served or used on the premises, except for private indoor events outside the normal course of the business, such as weddings, charitable events or functions.
4. No rally shall be conducted on the property. A rally is a multiple day event consisting of large numbers of motorcycles with stay overs.
5. Local law enforcement shall be notified, in advance, of all rides organized at the site. Rides organized at the site shall be required to make a left turn at the Route 161, Industrial Park Road intersection. Rides will not be directed toward Niantic Village, except at the specific request of the Town. Rides shall be defined as an organized assembly of motorcycles and drivers organized by or promoted by Mike's Famous which are staged from the site on to the site. Organized rides shall be limited to one (1) per calendar month.
6. The test ride policy for motorcycles shall include at least the following:
 - ◆ No right turn out of the driveway.
 - ◆ No test rides shall be accomplished through residential neighborhoods.
 - ◆ All riders shall be required to turn left at the Route 161 Industrial Park Road Intersection.

Mr. Mulholland said that they were only suggestions for the Commission and that they could cut, paste and change them as they felt necessary.

Mr. Dwyer noted that on Item #2. That the 'to' should be changed to 'from'. Also, on Item #5. It says to make a left turn at Route 161 – however, they are no longer on private property and it seems that it cannot be legal to tell people what to do on a public, State road.

Mr. Mulholland explained that the applicant volunteered this however, it is true that this cannot be enforced on public/State roads.

Mr. Dwyer said that he felt that one ride per month was too low and that it should be two.

Ms. Carabelas said that it does not mean events – it means rides and that they could still have events on the property.

Mr. Dwyer asked how they were going to enforce the instructions for a test ride.

Ms. Byrnes said that no one is going to ride on someone's shoulder – this is merely a suggestion to those who go out for a test ride.

Ms. Carabelas said that she felt that the parking situation for mass gatherings has not been addressed – if 200 people are coming to an event – where will they be parking.

Mr. Nickerson asked Ms. Carabelas how she would want to handle that issue. He suggested that she might be thinking that there is going to be only one person per vehicle and they have already been told through the traffic study that there would be more than one person per vehicle.

Ms. Carabelas said that she still was not sure although she may have been thinking of this in terms of only one person per vehicle rather than two. She said that she still was concerned with where they were going to park and that she did not want them parking along Industrial Park Road.

Mr. Nickerson said that if there is going to be a problem then the Town Hall would not provide them with a permit.

Mr. Peck said that the applicant would set up areas and make arrangements for parking should there be an event that warrants it. It is the responsibility of the applicant.

Mr. Nickerson said that he supposed that there could be a number of people – however he asked what about when the Town of East Lyme has the Celebrate East Lyme event and the parking is everywhere at McCook's and lines the streets everywhere.

Ms. Carabelas said that she wants to stick to this event.

Mr. Nickerson said okay – what if he makes arrangements with his neighbor to use their parking lot – then it is up to him.

Ms. Carabelas said that it would be okay only if he can prove it to them and, that she wants a guarantee that people will not be parking along Industrial Park Road.

Mr. Gada offered that there is a possibility that with all of the grass that the applicant has with his property that he puts lime down and parks vehicles there.

Mr. Nickerson directed them to a copy of the Mass Gathering Ordinance specifics that were given to them for information purposes. He noted that these permits are out of their jurisdiction and are issued by the First Selectman through his office. He further noted Section 4.3.13, which specifically addresses the parking issue that they have been discussing. (Copy of Mass Gathering Ordinance attached at end of Minutes).

Mr. Mulholland said that they also have to have security and fire protection, sound control and a host of other things that are contained within the Ordinance.

Mr. Peck asked the reason for #3. under Item 6. about all riders being required to turn left at the Rte. 161 Industrial Park Road intersection. He said that there is more traffic that goes in that direction and he recommended that it be stricken.

Mr. Mulholland said that the applicant had offered it.

Mr. Nickerson said, that as Mr. Dwyer has said, they couldn't control what the people do on public roads and that these are being suggested as a common courtesy. He said that he has trouble with Item 2., the no right turn and that he would rather have it say that it is not a thruway or no thru traffic.

Ms. Byrnes said that the trouble that she has with this is – what if she wants to go to the UBS and pick up some patio blocks after stopping at Mike's – with no right turn, does she have to go back out to Rte. 161 and go around?

Ms. Carabelas said that she heard that no alcohol would be served at all but this says that it can be inside for private events.

Mr. Nickerson said that the testimony was that there would be no alcohol outside and no liquor license and no alcohol served in the restaurant. The catered indoor events are few and far between.

Ms. Carabelas said that she didn't think that it was clear about the caterer's license and what it was for.

Mr. Gada said that it was straight forward and entered into the testimony that way.

Mr. Peck asked if there was a request for waivers on the sidewalk and the 2' on the height of the entrance tower.

Mr. Nickerson said yes. He explained that the 2' qualifies under the cupolas, steeples and architectural features area.

Mr. Peck said that he was ready to make a motion.

****MOTION (2)**

Mr. Peck moved to approve the Application of Theodore A. Harris, agent for "Mike's Famous of Niantic" for Special Permits for regional shopping, restaurant and repair station at property identified in the Application as 15 Industrial Park Road, East Lyme, Lot 2 on East Lyme Assessor's Map 26.1 with the sidewalk and height limitation waivers as requested and with the following conditions:

- 1. Mike's Famous shall obtain a Mass Gathering Permit from the Town of East Lyme if it is reasonably anticipated that an outdoor event shall draw two hundred (200) or more people. Because of the potential to draw two hundred (200) or more, a Mass Gathering Permit shall be required for all outdoor live music.**
- 2. The exit from the premises shall be signed with an arrow to the right clearly stating No Thru Traffic.**
- 3. No alcohol shall be sold, allowed or served or used on the premises, except for private indoor events outside the normal course of the business, such as weddings, charitable events or functions.**
- 4. No rally shall be conducted on the property. A rally is a multiple day event consisting of large numbers of motorcycles with stay overs.**

5. **Local law enforcement shall be notified, in advance, of all rides organized at the site. Rides organized at the site shall be required to make a left turn at the Route 161, Industrial Park Road intersection. Rides will not be directed toward Niantic Village, except at the specific request of the Town. Rides shall be defined as an organized assembly of motorcycles and drivers organized by or promoted by Mike's Famous which are staged from the site or on to the site. Organized rides shall be limited to one (1) per calendar month.**
6. **The test ride policy for motorcycles shall include at least the following:**
- ◆ **No right turn out of the driveway.**
 - ◆ **No test rides shall be accomplished through residential neighborhoods.**
 - ◆ **All riders shall be required to turn left at the Route 161 Industrial Park Road Intersection.**

Mr. Dwyer seconded the motion.

Mr. Nickerson called for any discussion on the motion.

Mr. Dwyer said that they have covered every issue and that he is satisfied with this motion. He said that while he is in favor of it that he feels that this fits well within the Light Industrial area.

Mr. Peck said that he studied this and that he feels comfortable with calling this a regional shopping center. The traffic issue has been addressed and they are talking about little traffic here – usually one vehicle at a time and the 'crunch' situation will not be the norm. Noise – being in an industrial park that directly abuts I-95 he said that he couldn't see where this would cause significant hardship or any devaluation of property.

Ms. Byrnes said that she went back through everything and read definitions and that she feels comfortable that this is okay in this area. She said that she does not see this as a car dealership and it is in an industrial park and not a residential area. With the road improvements that were made by the Stop & Shop, this is great for this area. Also, the Economic Development Commission, Planning Commission and every other department in our Town has said that this is a positive move for our Town to make. And – we do not have the luxury of picking other businesses to go here. Also, this is a summer Town and we all have to live with the traffic that being a summer beach Town brings.

Mr. Nickerson said that he has asked people all along not to reiterate what has already been said – so – he will try not to repeat here. There are issues that Mr. Peck has clearly defined - noise, traffic and the school and they all have been addressed except for the school, which is a non-issue. He said that he thinks that the applicant has shown remarkably good citizenship – he volunteered to the Town to improve Industrial Park Road at a significant cost to him and with full benefit and betterment to the Town and he changed the outside building design in two short weeks and he technically did not have to. They are talking about two tenths of a mile here with regard to traffic and some of those vehicles will go downtown and the Downtown Merchants Association has overwhelmingly approved this project hoping that they will come there and spend money. Good traffic means good commerce. With regard to noise he said that he would send a letter to the Board of Selectmen suggesting that an ordinance be put into place regarding the elimination of straight pipes.

Ms. Carabelas said that she came in tonight ready to not be in favor of this. She said that she wrote all kinds of notes and that all of the issues she had were addressed. She said that she really had concerns with the events and mass gatherings however the mass gathering ordinance addresses all of this and she is now in favor of this application.

Mr. Gada said that he would not repeat what has been said already however – he agrees with it. He added that he found himself going back and forth on this application with regard to making a decision.

Ms. Carabelas said that she wanted to note also that it was disturbing to her to see some of the letters to the editor that were in the paper regarding the biker image.

Mr. Nickerson said that was a good point and added that they cannot make their decision on those types of issues – they are charged with looking at a book of the regulations and if the application meets the requirements then it passes.

Mr. Nickerson called for a vote on the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Peck gave the following reasons for approval of the application: the applicant's proposed use of the property is expressly permitted under the Zoning Commission Regulations; the application complies with relevant standards of the regulations; the Commission has added conditions necessary to protect the public health, safety, convenience and property values and it is consistent with the Plan of Conservation and Development of the Town.

Mr. Mulholland said that this would publish on February 24, 2005 and be effective on February 25, 2005. (Note: Mr. Dwyer left and Mr. Salerno, Alternate was seated at the table)

4. Application of Theodore A. Harris, for a Special Permit for golf course residential accessory use pursuant to Section 12.1.4A of the East Lyme Zoning Regulations at property described in the application as 38 Holmes Road, East Lyme, Connecticut. East Lyme Assessor's Map 57.0, Lot 29.
This public hearing had just been closed.

5. Application of Theodore A. Harris, agent for Vespera Investments, for a Zone Change from RU-40 Residential to SU-E at properties identified in the Application as 191 Upper Pattagansett Road, 16 Mostowy Road, and 58 Mostowy Road, East Lyme, Connecticut. The properties are further identified as East Lyme Assessor's Map 35.0, Lot 31 (portion), Map 40.0, Lot 5, Map 40.0, Lot 5-1; and Map 44.0, Lot 7.

This public hearing was continued until the March 3, 2005 meeting of the Commission.

6. Application of Theodore A. Harris, agent for Vespera Investments, for a Preliminary Special Permit for elderly housing on parcels over 300 acres at properties identified in the Application as 191 Upper Pattagansett Road, 16 Mostowy Road, and 58 Mostowy Road, East Lyme, Connecticut. The properties are further identified as East Lyme Assessor's Map 35.0, Lot 31 (portion), Map 40.0, Lot 5, Map 40.0, Lot 5-1; and Map 44.0, Lot 7.

This public hearing was continued until the March 3, 2005 meeting of the Commission.

Old Business

1. Stormwater

This is a work in progress.

2. Aquifer Protection

This is a work in progress.

3. Report from Sub-Committee on Lot Sizes – Mr. Nickerson, Mr. Salerno and Mr. Henderson

This is in the process of being scheduled for a public hearing.

4. Neighborhood Zone Sub-Committee – Mr. Peck and Ms. Byrnes

Mr. Peck suggested that they look over the information that they had received in their packets so that they can discuss it at their next meeting.

New Business

1. Any other business on the floor, if any, by the majority vote of the Commission

There was none.

2. Zoning Official

Mr. Mulholland said that he had no further comments.

3. Comments from Ex-Officio

Ms. Hardy said that she would not report due to the lateness of the hour however she would answer any questions that they had for her.

There were no questions.

4. Comments from Zoning Board liaison to Planning Commission

Ms. Carabelas said that she would attend the next meeting of the Planning Commission on March 1, 2005.

5. Comments from Chairman

Mr. Nickerson said that he had no further comments.

6. Adjournment

****MOTION (3)**

Ms. Carabelas moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 10:50 PM.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

than September 10. The Assessor shall notify the applicants of his decision not later than September 30.

6. Any person claiming to be aggrieved by the actions of the Assessor under this ordinance may appeal to the Board of Tax Review on or before October 8, 1982.

Sept. 3, 1982

TM Volume 14, page 261

MASS GATHERING ORDINANCE

1. In order to preserve the health, welfare and safety of the citizens of the Town of East Lyme by requiring at assemblies adequate water facilities, sanitary facilities, illumination, and other safety precautions so as to minimize the risk of injury or illness to any person and in order to promote the safe, orderly and uninterrupted passage of vehicular and/or pedestrian traffic, a license shall be required before an actual or reasonably anticipated assembly of over two hundred people shall be allowed in the Town of East Lyme.

2. As used in this ordinance, "Persons" means any individual, partnership, corporation, firm, company, association, society or group. "Assembly" means a company of persons gathered together at any location at any single time for any purpose.

3.1 No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, organize, manage or sell or give tickets to an actual or reasonably anticipated assembly of over two hundred people, whether on public or private property, unless a license to hold the assembly has first been issued by the First Selectman. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

3.2 A separate license shall be required for each assembly and each location in which such people assemble or can reasonably be anticipated to assemble. No license shall be issued for an assembly for more than three (3) days, but the First Selectman may extend the permit if it appears that the requirements of this ordinance have been complied with and that a new permit would be granted if applied for. No extension shall be for more than three days, but more than one extension may be granted.

Attachment - Zoning Mtg. 2/17/05 5
PB

3.3 A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than that number of people.

4.1 Application for a license to hold such an actual or anticipated assembly shall be made in writing to the First Selectman at least five (5) days in advance of such assembly.

4.2 The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best of the knowledge of the applicant and shall be signed by the individual making application in the case of an individual or by a duly authorized officer or agent in the case of a corporation, partnership, unincorporated association, group or society. Such authorization of the officer or agent shall be in writing.

4.3 The application shall contain and disclose:

4.3.1 The name, evidence of majority, residence and mailing address of all persons required to sign the application by Section 4.2;

4.3.2 The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owner or owners of all such property;

4.3.3 Proof of ownership of all property upon which the assembly is to be held and a statement made upon oath or affirmation by the record owner or owners of all such property that the applicant has permission to use such property for such an assembly;

4.3.4 The nature or purpose of the assembly;

4.3.5 The total number of days or hours during which the assembly is to last;

4.3.6 The maximum number of persons which the applicant shall permit to assemble at any time, provided the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided, where the assembly is to continue overnight, the maximum number shall not exceed the maximum number which is allowed to sleep within the boundaries of the location of the assembly by the zoning regulations of the Town;

4.3.7 The maximum number of tickets to be sold, if any;

4.3.8 The plans of the applicant to limit the maximum number of people permitted to assemble;

4.3.9 The plans for supplying potable water meeting all federal and state requirements for purity, including the source, amount available and location of outlets. The potable water shall be sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day;

4.3.10 The plans for supplying toilet and lavatory facilities, including the source, number, location and type. The plans shall provide for separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every two hundred (200) females and at least one toilet for every three hundred (300) males, together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulation.

4.3.11 The plans for holding, collecting and disposing of solid waste material. The plans shall provide for a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half pounds of solid waste per person per day, together with a plan for collecting all such waste at least once each day of the assembly, sufficient personnel to perform the task and sufficient trash cans with tight-fitting lids.

4.3.12 If the assembly is to continue during the hours of darkness, the plans to illuminate the location of the assembly, including the source and amount of power and the location of lamps. The plans shall provide for illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine directly on properties adjacent to the boundaries of the location of the assembly;

4.3.13 The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots. The plans shall provide for a parking area inside of the assembly grounds or offstreet within a reasonable distance from the assembly grounds sufficient to provide parking space



for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;

4.3.14 If the assembly is to continue overnight, the plans for camping facilities including facilities available and their location. The plans shall provide for camping facilities, if any, in compliance with all state and local requirements, sufficient to provide camping accommodations for the maximum number of people to be assembled;

4.3.15 The plans for security, including the number of guards, their deployment, and their names, addresses, credentials and hours of availability. Such guards shall be either regularly employed, duly sworn, off-duty constables or private guards. The plans shall provide for sufficient guards to provide adequate security for the maximum number of people to be assembled, giving consideration to the nature of the assembly;

4.3.16 The plans for fire protection, including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available. The plans shall provide for sufficient protective devices, fire lanes and escapes to meet all state and local standards for the location of the assembly and for sufficient emergency personnel to operate efficiently the required equipment;

4.3.17 The plans for sound control and sound amplification, if any, including the number, location and power of amplifiers and speakers. The plans shall provide for all reasonably necessary precautions to insure that the sound of the assembly will not carry beyond the boundaries of the location of the assembly;

4.3.18 The plans for food concessions and concessioners who will be allowed to operate the grounds including the names and addresses of all concessioners and their license or permit numbers.

5. The completed application for a license shall be processed within three (3) days of its receipt and shall be issued if there is compliance with all conditions.

6. A license issued under the provisions of this chapter may be revoked by the First Selectman at any time if any of the conditions necessary for the issuing of the license are not complied with, or if any condition previously met ceases to be complied with.

7.1 Any person aggrieved by the denial or revocation of a license under this chapter may appeal to the Board of Selectmen, provided such appeal is taken within fifteen (15) days from such denial or revocation. The Board of Selectmen shall consider and decide such appeal at its next regularly scheduled meeting after filing of the appeal provided that such appeal has been presented to the Board least 48 hours before such regularly scheduled meeting. In the event such appeal has not been filed at least 48 hours before the next regularly scheduled meeting of the Board, such appeal shall be considered and decided at the second regularly scheduled meeting following the filing of said appeal. In no event shall more than sixteen (16) days elapse between the filing of such appeal and the rendering of a decision by the Board. If no regular meeting is scheduled within said 16-day period, the Board of Selectmen shall hold a special meeting within said 16 days to consider and decide such appeal.

7.2 Any person aggrieved by a decision of the Board of Selectmen on any appeal regarding the denial or revocation of a license under this chapter may appeal to the Superior Court provided such appeal is taken within fifteen (15) days from the rendering of a decision by the Board of Selectmen.

8.1 The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

8.2 The holding of an assembly in violation of any provision or condition contained in this chapter shall be deemed a public nuisance and may be abated as such.

8.3 Any person who violates this ordinance shall be fined not less than one hundred dollars (\$100.00). Each day of violation shall be considered a separate offense.

9. This ordinance shall not apply to the following assemblies:

- 9.1 Religious services
- 9.2 Political meetings and demonstrations
- 9.3 Funerals
- 9.4 Weddings
- 9.5 Assemblies sponsored or authorized by any Town agency;
- 9.6 Athletic events
- 9.7 Assemblies conducted within any permanent structure;
- 9.8 Assemblies required to be licensed by other provisions of the Connecticut General Statutes or town ordinances.

FILED IN EAST LYME
JAN 12, 2005 AT 1:00 M

K. A. Blair ATC
TOWN CLERK

**LANDMARK DEVELOPMENT GROUP, LLC. & JARVIS OF CHESHIRE, LLC.
AFFORDABLE HOUSING APPLICATION**

JANUARY 6TH, 2005

WHEREAS on June 3, 2004, Landmark Development Group, LLC, and Jarvis of Cheshire, LLC, filed an "Affordable Housing Application" entitled "Riverview Heights (A Residential Community)" with the East Lyme Zoning Commission ("Commission") consisting of a cover letter dated May 12, 2004 and a set of plans for 352 total units of which 232 would be market-rate condominium units and 120 units would be affordable housing rental units. The application incorporated by reference a formerly submitted Affordability Plan from the applicants' previous 2002 application for an amendment to the East Lyme zoning regulations ("regulations") and a change of zone. The property consists of Tax Map 27, Lot 14; Map 31, Lot 4; Map 31.2, Lots 3 and 8; Map 32.1, Lots 2 and 36; and Map 32, Lot 1. The currently proposed development is designated by the applicants as "Phase 1" of a multi-phased affordable housing development. The applicants' parcels are currently zoned as a RU-200 Greenway Conservation District; and

WHEREAS, the applicants have not requested approval of a particular site plan, nor have they requested a zone change for the subject property, nor have they requested a special permit pursuant to Section 32 of the Town's Regulations ("Affordable Housing District"), nor have they requested permission to conduct regulated activities in areas subject to inland wetlands review. The applicants have limited their request to the approval of an application for an "Affordable Housing Development," as defined by General Statutes 8-30(a)(1), stating that the standards to be applied to such an application are those found in General Statutes 8-30g; and

WHEREAS, subsequent to the submission of its application, the applicants have requested that regulations that were previously proposed by the applicant in connection with its 2002 application, and rejected by this Commission, should govern the "Affordable Housing Application". The denial of these regulations was appealed to the Superior Court, which affirmed the Commission's denial. Landmark Development Group, LLC et al. v. East Lyme Zoning Commission, CV 02-0520497S, Judicial District of New Britain at New Britain (September 7, 2004). The Commission therefore considers the applicants' request to be for a text amendment to the zoning regulations, requesting the adoption of the same proposed regulations as were previously submitted; and

WHEREAS, the Commission has determined that an approval of the applicants' "Affordable Housing Application" would result, in fact, in a change in the zone of the designated area such that the application is the functional equivalent of a request for a change in zone and should be treated accordingly. The Commission, having determined that the application consists of a request for a text amendment to the zoning regulations and a change in zone, has made the requisite referrals to the Planning Commission pursuant to General Statutes 8-3a and the Southeastern Connecticut Council of Governments pursuant to General Statutes 8-3b; and

WHEREAS, the Commission has determined that the application proposes activity within the coastal boundary as defined in General Statutes 22a-94 and the Town's Plan of Development and the applicants have submitted a coastal site plan in accordance with General Statutes 22a-109, the Commission has referred the application to the Department of Environmental Protection

(DEP), Office of Long Island Sound Protection (OLISP). Pursuant to General Statutes 22a-106, the Commission must additionally review the application for potential adverse impacts on coastal resources and future water dependent activities; and

WHEREAS, pursuant to General Statutes 22a-19, the Friends of Oswegatchie Hills Nature Preserve, Inc. and Save the River, Save the Hills, Inc. have intervened in the hearing on this application upon the belief that the application involves conduct that is reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water and other natural resources of the State of Connecticut; and

WHEREAS, the Zoning Commission held six public hearings on the Application and coastal site plan and listened to numerous hours of testimony during those hearings. A total of 98 exhibits were submitted by the applicant and various agencies and individuals for consideration during the hearing process. In making its decision, the Zoning Commission is considering and taking into account the testimony and exhibits submitted at the six hearings on the Application.

WHEREAS, for the purposes of this affordable housing application, the Commission will address this motion in three separate parts:

- A. The proposed amendment to the text of the zoning regulations;
- B. The request for a zone change;
- C. The request for approval of an "Affordable Housing Application."

**A. THE PROPOSED AMENDMENT
TO THE TEXT OF THE ZONING REGULATIONS:**

WHEREAS, the Zoning Commission, having thoroughly reviewed the amendments to the zoning regulations that would result from the approval of this application and having considered all the evidence submitted throughout the public hearings, finds the text amendments to be inadequate to protect substantial public interests in health and safety, and inadequate to promote affordable housing for the following reasons:

1. The requirement of 50 acres to be designated as an affordable housing district will be overly restrictive and decrease opportunities for affordable housing;
2. While the applicants did not define the total number of units proposed in all phases of development, it is evident by the proposed regulations and conceptual site plan submitted for "Phase 1" that high-density development is contemplated. The applicants' proposed regulations do not require that the development be served by public water and sewer, which is deemed necessary to protect the public health;
3. The regulations proposed by the applicants do not contain a provision for the required submission of a conceptual site plan. Section 8-30g(c) provides that: "*Any commission, by regulation, may require that an affordable housing application seeking a change of zone shall include the submission of a conceptual site plan describing the proposed development's total number of residential units and their arrangement on the property and the proposed development's roads and traffic circulation, sewage disposal and water supply.*"

Additionally, the Section 32.8.1 of the Town's current regulations requires the submission of a conceptual site plan. The Commission considers it necessary that such a provision be included in any proposed regulations for affordable housing to properly consider the impact of the development. (The Commission notes that the applicant has, in fact, submitted numerous versions of the conceptual site plan, which were received as the hearings on the application were being held, that have been reviewed by the Commission.)

WHEREAS, the Zoning Commission finds that significant changes must be made to the regulations proposed in order to protect substantial public interests in health and safety, specifically by requiring that public water and sewer service be available, which is deemed necessary in order to support high-density development as proposed, to better promote affordable housing within the Town of East Lyme by reducing the minimum area requirement for designation as an Affordable Housing District, and to require the submission of a conceptual site plan for the Commission to better evaluate the relevant environmental, health and safety considerations. These public interests clearly outweigh the need for the applicants' proposed regulations, especially in light of the currently enacted regulations which adequately address these concerns.

BE IT THEREFORE RESOLVED, that the Zoning Commission hereby DENIES the application of Landmark Development Group LLC, and Jarvis of Cheshire, LLC, for a text amendment to the regulations for an Affordable Housing District for the reasons stated above.

BE IT FURTHER RESOLVED, in accord with the requirements of 8-30g(g)(1)(C), the Zoning Commission finds that reasonable changes can be made to the proposed text amendment which would protect the public interest in health and safety, and better promote affordable housing in the Town of East Lyme. More particularly, any regulations for an Affordable Housing District must include the requirement that public water and sewer be available to the site, such as are included in the Town's current Affordable Housing regulations. Such regulations should have a lesser minimum acreage for Affordable Housing Districts to increase the number of potential districts. Moreover, the regulations should include the requirement that a conceptual site plan be submitted with any application to assist the Commission in evaluating environmental, health and safety considerations implicated by the application.

B. THE ZONE CHANGE REQUEST

WHEREAS, the Zoning Commission finds that the application for the zone change is in contravention of substantial public interests, below enumerated, which are supported by sufficient evidence in the record:

Reason #1: The proposal is incompatible with local and state Plan of Development and the stated goals to preserve and protect Oswegatchie Hills. Chapter 478a of the Connecticut General Statutes designates the majority of the subject property as a "Conservation Zone". Further, the proposal is inconsistent with the long-standing efforts by the Town to preserve the Oswegatchie Hills as open space demonstrated by the evidence showing a long history of conservation efforts. *{See East Lyme Planning Commission report, Exhibit # 2; Testimony page 37, August 5, 2004 Transcript; letter from Southeastern Connecticut Council of Governments (Regional Planning*

Agency) dated July 27, 2004, page 33, August 5, 2004 transcript; letter from Marcy L. Balint, Senior Coastal Planner, Office of Long Island Sound Programs, Connecticut Department of Environmental Protection, page 21, August 5, 2004 transcript; East Lyme Harbor Management/Shellfish Commission letter/testimony, page 46, August 5, 2004 transcript; testimony of Meg Parulis, East Lyme Director of Planning, page 17, September 2, 2004 transcript and Exhibit 29 - Future Land Use in the Plan of Development, East Lyme; testimony of Rose Ann Hardy, pages 70-71, September 2, 2004 transcript.}

Reason #2: The site proposed as an Affordable Housing District does not have the recommended characteristics for the placement of high-density multi-family housing deemed necessary for the preservation of public health and safety due to:

- a. Lack of infrastructure and capacity to provide adequate water. There was substantial credible evidence that public water is not available to the site. Evidence did not support the feasibility of a high-yield well in lieu of public water that would be capable of serving the high densities contemplated with this proposal. *{See letter from East Lyme Water & Sewer Commission dated July 29, 2004, page 44, August 5, 2004 transcript; East Lyme Planning Commission Report, Exhibit #21 and supporting documents; letter from Fred Thumm, Director of Public Utilities to William Mulholland dated August 5, 2004, page 22, August 5, 2004 transcript; letter from George Calkins, East Lyme Town Sanitarian, dated August 3, 2004, page 24, August 19, 2004 transcript; Exhibit #50 from Michael Giannattasio, Director of Public Works, to William Mulholland dated November 1, 2004, page 26, November 4, 2004 transcript; testimony of Paul Geraghty, page 55 & 56, September 2, 2004 transcript; letter from Don Landers, Chairman, East Lyme Harbor Management/Shellfish Commission, dated July 28, 2004.}*
- b. Lack of infrastructure and capacity to provide adequate sewer. There was substantial credible evidence that public sewers are not available to the majority, if not all, of the site and that the vast majority of the subject area is outside of the sewer shed boundary. Evidence did not support the feasibility of a subsurface disposal in lieu of public sewers that would be capable of serving the high densities contemplated with this proposal. *See letter from East Lyme Water & Sewer Commission dated July 29, 2004, page 44, August 5, 2004 transcript; testimony of Paul Geraghty, pages 63-70, August 19, 2004 transcript; East Lyme Planning Commission Report, Exhibit #21; Letter From Fred Thumm, East Lyme Director of Public Utilities to William Mulholland dated August 5, 2004, pages 21-24, August 19, 2004 transcript; letter from George Calkins, East Lyme Town Sanitarian, to William Mulholland dated August 3, 2004, Exhibit #77, pages 24-32, August 19, 2004 transcript; letter from Michael Giannattasio, Director of Public Works to William Mulholland dated November 4, 2004, pages 26-29, November 4, 2004 transcript; Exhibit #50; testimony of Wade Thomas of Nathan Jacobson Consulting Engineers, pages 31-36; Exhibit #52 Nathan L. Jacobson Consulting Engineers Report; letter from George Calkins, East Lyme Town Sanitarian, to William*

Mulholland dated November 4, 2004, pages 37-43, November 4, 2004 transcript; letter from Dennis Greci, P.E. Supervising Sanitary Engineer Municipal Facilities Section, Bureau of Water Management, State of Connecticut Department of Environmental Protection, pages 17-22, November 4, 2004 transcript; letter from Dennis Greci, P.E., dated September 29, 2004, pages 22-23, September 29, 2004 transcript; memo from Dennis Greci, P.E., dated August 3, 2004; letter from Joe Wetteman, DEP Bureau of Water Management dated October 12, 2004 and memo dated August 30, 2004; letters and attachments from Marcy Balint, Senior Coastal Planner, Office of Long Island Sound Programs State of Connecticut Department of Environmental Protection, dated August 4, 2004, September 2, 2004, and October 13, 2004, page 4, November 4, 2004 transcript; testimony of Carl Stamm, page 60, September 2, 2004 transcript.}

- c. Unsuitability of soils for building site development at the density proposed. *{See Soil Suitability Analysis based on New London County Soil Survey; letters and attachments from Marcy Balint, Senior Coastal Planner, Office of Long Island Sound Programs State of Connecticut Department of Environmental Protection, dated August 4, 2004, September 2, 2004, and October 13, 2004, page 4, November 4, 2004 transcript; Exhibit #52, Report from Nathan L. Jacobson Consulting Engineering, page 31-36, November 4, 2004 transcript; Exhibit #32, "Soil Analysis for Building Site Development"; testimony of Meg Parulis, East Lyme Director of Planning, pages 27-33, September 2, 2004 transcript; testimony of Paul Geraghty, pages 48-57, September 2, 2004 transcript; Planning Commission Report, Exhibit #21; letter from Francine Schwartz, page 37, August 5, 2004 transcript; letter from Clinton Brown, P.E., pages 45-48, September 2, 2004, transcript; testimony of Carl Stamm, page 60, September 2, 2004 transcript.}*
- d. Lack of adequate access to site from public roadways. The Commission finds the representations from the applicant that the applicant has the right to access the King Arthur Drive right-of-way, which is designated as the sole public egress and exit to the site, not to be credible. The Commission concludes that the applicant does not have the right of access through the King Arthur Drive right-of-way. The Commission finds that suitable access to the site is a substantial public interest for the health and safety of the residents of any proposed development. *{See testimony of Meg Parulis, East Lyme Director of Planning, page 37-40, August 19, 2004 transcript; Exhibit #20, Memo from Meg Parulis, East Lyme Director of Planning, to William Mulholland & Map; Memo from William Mulholland, East Lyme Zoning Official, to Zoning Commission, page 24-25, November 4, 2004 transcript; Glenn Russo testimony, page 135, August 5, 2004, page 41, September 29, 2004, pages 37-40, November 8, 2004 transcripts; letter from Dennis Greci, P.E. Supervising Sanitary Engineer Municipal Facilities Section, Bureau of Water Management, State of Connecticut Department of Environmental Protection,*

pages 17-22, November 4, 2004 transcript; letter from Clinton Brown, P.E., pages 45-48, September 2, 2004, transcript.}

Reason #3 The proposed use of the site, which is fully or partially within coastal boundary, will have potentially adverse impacts on coastal resources and future water dependent activities. The development of the site at the density allowed by the proposed regulations and as shown on the conceptual site plan submitted would result in adverse impacts to the ecosystem and habitat of Long Island Sound, which includes the Niantic River. Pursuant to General Statutes 22a-106, the Commission finds that the characteristics of the site, including the proximity of its steep slopes to the Niantic River and the river's dependent environmental resources and the proposed site's freshwater wetlands and watercourses that feed into the Niantic River, the necessity for clear cutting and blasting on the site and the erosion and run-off into the river that would precipitate, the precarious condition of the Niantic River's dependent resources such as the struggling eelgrass and shellfish populations and the diminishing habitats for nesting and migratory birds along coastal waterways, all contribute to the potential for unacceptable adverse impacts on coastal resources, as defined by General Statutes 22a-93. The substantial evidence clearly demonstrated the potential for detrimental effects on coastal resources by rezoning the site to allow for high density multifamily structures and uses within the coastal boundary. The applicants did not demonstrate that the proposed activity and uses were consistent with the goals and policies of preserving coastal resources. Additionally, the Commission finds that the proposed use would not adequately provide for future water-dependent uses and access for the public to future water dependent uses. *{See testimony of Paul Geraghty, page 73, August 19, 2004, page 48, September 2, 2004 transcripts; letter from Waterford/East Lyme Shellfish Commission, Planning Commission Report and supporting documents; testimony of Meg Parulis, East Lyme Director of Planning, page 33-37, August 19, 2004, page 19, September 2, 2004 transcripts; State of Connecticut Referral Report/Department of Environmental Protection Review/OLISP, correspondence from Marcy Balint, Senior Coastal Planner, Office of Long Island Sound Programs, Department of Environmental Protection, State of Connecticut, dated August 4, 2004, September 2, 2004, September 29, October 13, 2004 and, page 4, November 4, 2004 transcript; letter from Don Landers, Chairman, East Lyme Harbor Management/Shellfish Commission, dated July 28, 2004; East Lyme Planning Commission Report, Exhibit #21 & Supporting Documents.}*

Reason #4 The Commission finds that, pursuant to General Statutes 22a-19, the proposed activity is reasonably likely to have the effect of unreasonably polluting, impairing and destroying the surrounding natural resources, including the Niantic River's eelgrass and shellfish populations, the woodland habitats of nesting and migratory forest birds and the wildlife dependant on the site's vernal pools. Having considered all the relevant circumstances, the Commission finds further that any feasible and prudent alternative to the proposed zone change for this site must be confined to the portion of the applicants' site that is within the Town's sewershed and the applicant must demonstrate that public water and sewer are available to the site so that the unreasonable pollution of the Niantic River and wetlands, watercourses and vernal pools on the site are minimized. Additionally, any feasible and prudent alternative must demonstrate that the planned construction will not be likely to impair, pollute or destroy the above mentioned natural resources. *{See testimony of Meg Parulis, East Lyme Director of Planning, page 33-37, August 19, 2004, page 19, September 2, 2004 transcripts; letter from Prof.*

James Kremer; testimony of Paul Geraghty, page 48, September 2nd, 2004 Transcript; testimony of Carl Stamm, page 60, September 2, 2004 Transcript; Marvin Schutt, page 66, September 2, 2004 transcript; Letter from East Lyme Harbor Management/Shellfish Commission, page 46, August 5, 2004 Transcript; Letter from Town of Waterford/East Lyme Shellfish Commission dated August 16, 2004; letter from Professor Robert Askins, dated August 13, 2004; letter from Milan Kesser, Ph.D.; letter from Professor Nelson Marshall; testimony of Michael Giannattasio, Director of Public Works, page 43, August 19, 2004 transcript; testimony of Jason Sarojak, page 76, September 29, 2004 transcript.}

Reason #5 The applicant has not demonstrated that the affordable units are comparable to the market-rate units. The units designated as “affordable” by the applicant in “Phase 1” of the proposed development are rental units that are separately located apart from the market-rate condominiums and at a less desirable location and are of a different design and build as the condominiums and do not appear to be of comparable size and workmanship as the condominiums. {*See testimony of Mike Zizka, page 81, August 5, 2004 transcript; testimony of Glenn Russo and Mike Zizka, pages 17-18, August 19, 2004 transcript; testimony of Paul Geraghty, pages 54-57, September 2, 2004 transcript.*}

WHEREAS, the Zoning Commission finds that the proposal fails to protect substantial public interests in health, safety, and other matters which the Zoning Commission may consider including the protection of the ecosystem and habitat of Long Island Sound (General Statutes 8-2(b)) and Coastal Resources (General Statutes Ch. 444) which includes the Niantic River and the coastal boundary; and

WHEREAS, the Zoning Commission finds that such public interests clearly outweigh the need for Affordable Housing in the specified location especially because of the availability of other parcels in town which would be suitable for affordable housing; and

WHEREAS, the Zoning Commission finds that such public interests cannot be protected by reasonable changes to the “Affordable Housing Application.” Because the majority of above cited reasons for denial are site specific, the Commission cannot consider whether any “plan specific” problems might be eliminated or adjusted by reasonable design modifications, except that the affordable units might be constructed comparably and located among the market-rate units. The physical “site specific” constraints in the area of the proposed zoning district including the lack of public water and sewer, the proximity to sensitive environmental resources, and lack of proper access, cannot be changed by a decree of this Commission:

BE IT THEREFORE RESOLVED, that the Zoning Commission hereby DENIES the application of Landmark Development Group, LLC and Jarvis of Cheshire, LLC for a request to re-zone the applicants’ property as above described from the Greenway Conservation District (RU-200) to an Affordable Housing District, which regulations creating said District were also previously denied.

BE IT FURTHER RESOLVED, that the Zoning Commission hereby DENIES the coastal site plan of Landmark Development Group, LLC and Jarvis of Cheshire, LLC for the reasons stated above (Reason #3), finding that the coastal site plan fails to comply with the regulations and the Coastal Management Act.

BE IT FURTHER RESOLVED, that the Zoning Commission cannot approve the application with modifications that would not have a substantial adverse impact on the viability of an affordable housing development. A new application, if submitted, would need to be substantially different to address the above cited constraints and would require the following: that the request for a change in zone and text amendment be restricted to such portions of the applicants' site that may be within the sewershed; that Town water and sewer are available to that portion of the applicants' site; that suitable access by roadway is available to that portion of the applicants' site; that the potential adverse impacts upon coastal resources which would result from their proposed development and that the development would include suitable public access to coastal resources; and a showing that the affordable housing application would generally alleviate the above stated reasons for denial.

C. THE REQUEST FOR APPROVAL OF AN "AFFORDABLE HOUSING APPLICATION"

WHEREAS, the Zoning Commission has resolved to deny the applications for a text amendment to the zoning regulations and a zone change, see A and B above, the Commission recognizes that an affordable housing application need not be in strict compliance with existing zoning regulations (see *Wisniowski v. Berlin Planning Commission*, 37 Conn. App. 303 (1995)). Nonetheless, Section 32 of the Town's existing regulations, entitled "Affordable Housing District," adopted in accordance with General Statutes 8-30g (c), contains basic requirements that must be addressed in any "Affordable Housing Application". The Commission finds that the applicants' "Affordable Housing Application" does not comply with Section 32 for one or more of the following reasons:

1. The application did not include a letter from the Water and Sewer Commission indicating adequate sewer capacity to serve proposed development, pursuant to 32.8.2 of the regulations;
2. The application did not include a letter from the Water and Sewer Commission indicating adequate source of potable water to serve proposed development, pursuant to 32.8.3 of the regulations;
3. The application was not accompanied by a Special Permit Application and evidence required thereunder.

WHEREAS, the Zoning Commission concludes that the reasons enumerated above in Section B, Reasons 1-5 also apply equally to the evaluation of the applicants' "Affordable Housing Application" under Section 32 of the Town's current regulations.

WHEREAS, the Zoning Commission finds, pursuant to General Statutes 22a-106, that the proposed use of the site, which is fully or partially within coastal boundary, will have potentially adverse impacts on coastal resources and future water dependent activities. The substantial evidence clearly demonstrated the potential for detrimental effects on coastal resources that would result from approval of this application. The applicants did not demonstrate that the proposed activity and uses were consistent with the goals and policies of preserving coastal resources. The Commission finds the proposed coastal site plan review application inconsistent with the policies and standards of the Connecticut Coastal Management Act, the Town's Plan of

Development, the Municipal Coast Program and the Harbor Management Plan based on severe onsite development constraints and the potential adverse impact on coastal resources and water quality. Additionally, the Commission finds that the proposed use would not adequately provide for future water-dependent uses and access for the public to future water dependent uses. (*See Section B, Reason 3 above.*)

WHEREAS, the Zoning Commission finds that, pursuant to General Statutes 22a-19, the proposed development at the site is reasonably likely to have the effect of unreasonably polluting, impairing and destroying the surrounding natural resources, including the Niantic River's eelgrass and shellfish populations, the woodland habitats of nesting and migratory forest birds and the wildlife dependent on the site's vernal pools. Having considered all the relevant circumstances, the Commission finds further that any feasible and prudent alternative to the "Affordable Housing Application" must confine the zone change to the portion of the applicants' site that is within the Town's sewershed and the applicant must demonstrate that public water and sewer are available to the site so that the unreasonable pollution of the Niantic River and wetlands, watercourses and vernal pools on the site are minimized. Additionally, any feasible and prudent alternative must demonstrate that the planned construction will not be likely to impair, pollute or destroy the above mentioned natural resources and would substantially mitigate the likelihood of unreasonably polluting the Niantic River and its surrounding and dependent natural resources. (*See Section B, Reason 4 above.*)

BE IT THEREFORE RESOLVED, that the application for an "Affordable Housing Development" is denied.

We are not in favor
of Harley Davidson
coming to East Lyme.
This will add to the
terrible traffic congestion
now and especially in the
summer time.

Thomas C. Barren
Michael Ferris

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Jan 24 2005 at 12:00 ^{AM}
~~PM~~

Esther B. Williams
EAST LYME TOWN CLERK

To: Mr. Mark Nickerson
Re: Harley Davidson Motorcycle
Repair and Dealership in East Lyme
From: Mr Thomas Nebel
6 Mulberry Lane
Niantic, CT. 06357

cc: William Muholland
Wayne Fraser

This letter is to both **(a) register my opposition** to the proposed new business to be located in the Industrial Park behind Stop and Shop and **(b) identify specific concerns** associated with their proposed design and location.

We recently retired and chose to relocate to East Lyme from outside the CT. area primarily because of the "small New England town" environment. The town was growing with a focus on adding "Active Adult" communities to balance the growth and pressure to add new school facilities. *This growth has been seen to be positive for the town – providing an increased tax base, more local spending with local businesses, and more volunteers and charity work for the community. However, even though "adult community residents" do not increase school needs, we do increase traffic and require a good roadway infrastructure and are very concerned with related safety and quality of life issues. **The proposed Harley Davidson dealership challenges traffic, safety, and quality of life issues.***

The traffic issues raised and not answered at the meetings, except by reference to some possible changes in the distant future, are:

- Increased congestion at both Rt 95 Exits as well as at the Rt 161 traffic light corner near Stop and Shop.
- Increased traffic past the Elementary and Middle Schools
- Increased traffic along Rt 161 & Rt 156 during the summer and fall months, just when the roads are already congested.
- Increased traffic across the narrow bridge to Industrial Park; despite the improved turning radius, which should be corrected regardless for school bus and pedestrian safety.

The Safety issues raised, not answered at the meetings, except also for some future and possible addition – IF the adjacent parcel is developed:

- Lack of a safe PEDESTRIAN crossing on the bridge. (This is a routine walkway to both the town library and schools.)
- Lack of a sidewalk along the proposed property area and newly designed roadway and turn. (If sidewalks are in the code and to be constructed as part of new development, AND the need for them is there – WHY ARE THEY NOT ON THEIR PLAN?)
- Strong concern about the "Sunlight" REFLECTIONS from the large amount of glass used on the new wall. The Architectural firm had no response nor consideration about its impact on traffic, homes, and business in the area. (Major concern first for traffic on Rt 95, but also for other areas based upon the morning and evening sun at various seasons of the year.)

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Jan 24 05 at 4 PM
Esther Bulliams
EAST LYME TOWN CLERK

- General safety concern due to related traffic congestion along Rt 161 during the summer as noted under “Traffic” above.

The Quality of Life issues addressed at the meeting, which I strongly support, are:

- The INCREASED NOISE Levels during the summer and fall months. (Although the Harley Davidson business indicated that they do not sell nor supply non conforming mufflers for their bikes, it is well known that Harley owners do remove and modify them and that the dealer has no power to ask them to change nor modify – that is a law enforcement issue.)
- The Building Design has no eye appeal! They say they are only improving the existing buildings. The current buildings are “typical industrial” and are not appealing, however they are not eye catching either. The proposed “Connecting Wall and Architectural design with Tower” is eye catching, however it is ugly and totally not in keeping with what I and others would like to see in New England. (Issues raised are “Retro 1950’s look” with glass and silver look does not fit what most would like to see as the first thing people view and remember of East Lyme. It was suggested that in addition to changing the “LARGE MIRROR LOOK” that they also change the colors and the Tower, perhaps into a “Sail”/triangular two sided corner.)
- The change of East Lyme into a “Biker Community” similar to Old Saybrook and others, during the summer and fall, is not what we chose East Lyme for when we selected this town for our retirement.
- Anticipated decrease in property values as a result of this addition if approved.

For the above reasons, some of which fall under the Zoning Commission’s authority and others for which I hold the Town Selectman responsible for, I oppose the approval of this business for East Lyme and specifically at the proposed location.

Sincerely;

Thomas A. Nebel

PS: Please be sure to read this letter into the town record.

January 17, 2005

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Mr. Wayne Fraser
P. O. Box 519
Niantic, Ct. 06357

HAND=DELIVERED

Jan 19 20 05 at 3 AM
PM
Esther B Williams
EAST LYME TOWN CLERK

Dear Mr. Fraser:

Normally I do not write my town officials. However, I feel that you, the zoning commission and others involved in trying to attract this dealership-restaurant destination for Harley aficionados is so OUTSIDE the interest of the constituents you have sworn to represent that I must express my deep disappointment. It is incongruous to think that this same group of officials can vigorously oppose Oswegatchie Hills and spend town funds to preserve it but happily express "nothing but benefit for us." when referring to **FAMOUS Mike's!!!**

May I remind you that many locate here and pay an estimated \$2,000 more in taxes than they were led to believe to be able to walk to the Library, Smith-Harris House and Senior Center. Never in our wildest imaginations could we envision this town's lack of desire to be described as a "residential and summer resort town" as Old Lyme is in the Ct. State Register. None would have located to that Delaware/New Jersey corridor where the other Mike's is located. Connecticut is a different state with environmental concerns and forests and green space being a prime attraction. SCHOOLS are the draw for the young professionals with children who will not be interested in coming to a "Biker Heaven on Earth". I seem to recall that wetlands were a big topic when considering the Stop & Shop. Where is that concern now?

Each Saturday during the summer season as the beach rentals turn over here and in Rhode Island, I return from a class in Old Saybrook at mid-day. It is necessary to get in the right lane and sit on the bridge until I can exit at EXIT 70—impossible to stay on 95 to Exit 74. Often traffic is so backed up to get to Route 1 that I come Route 156 as do numerous bikers (and this is before a Famous Mike's). While I sit in bumper-to-bumper traffic near Rocky Neck State Park the bikers can ZOOM over to the left lane if they see a break in oncoming traffic and make it early to Roxbury, East Pattagansett or Pennsylvania Avenue. Then when I finally reach my home I am virtually a prisoner there to avoid 161-Rt. 95 until late Sunday evening. Meanwhile, we hear all the traffic on Rt. 95 as well as the sirens of EAST LYME's emergency vehicles. Has any consideration been given to the increased costs for our safety departments? It is disheartening to envision a "Pappy's Run" 365 days a year. **ROLLING THUNDER, SCREAMIN EAGLES** are not what we as town residents deserve when sitting in our homes. Please make this appeal letter read into the minutes at the Public Hearing on January 20th.

Most Sincerely,



Claudette H. Horton

copies: Mr. Mark Nickerson, Zoning Chairman
Mr. William Mulholland-Zoning Officer



Recd 1/14/05
Fuller
TCL

3 Amberly Lane
Niantic, CT 06357
January 13, 2005

Mr. Mark Nickerson, Chairman of the Zoning Committee
P.O. Box 519,
Niantic, CT 06357

Reference: Harley Davidson Dealership and Repair Facility

Dear Mr. Nickerson:

We are writing to you to respectfully ask that you and all members of the East Lyme Zoning Committee vote against zoning approval of the Metal Pro property to a Harley Davidson Motorcycle Sales, Service, and Repair Center which includes a restaurant and museum.

The reason we are requesting the denial is as follows:

- significant increase in noise and air pollution from the hundreds of motorcycles projected to enter the facility,
- growth in traffic volume throughout the East Lyme Community specifically Society Road and Industry Park Road,
- safety and quality of life of the East Lyme residents,
- lack of adequate capacity on Industrial Park Road to accommodate incremental motorcycle, bus, trucks and automobile traffic volume, and
- further aggravation of vehicular safety hazards now in existence on Society Road between UBS, East Lyme Middle School, East Lyme Library and the intersection of Route 161 and Industry Park Road,

In addition to the above, approval of a Harley Davidson Dealership will add significant demands on the town's law enforcement resources due to traffic problems, and other issues centered on the "biker" culture. We do hope that you will consider our request.

Please ensure that this letter be read during the Public Hearing, January 20, 2005 and entered into the minutes of the meeting.

Sincerely,


Diane C. Zettergren


James F. Zettergren

Cc:

Mr. Wayne Fraser, First Selectman

✓ Ms. Esther Williams, Town Clerk

Mr. William Mulholland, Town Zoning Officer
file

Reid Vukob
E. Williams
TOWN CLERK

January 12, 2005
2 Mulberry Lane
Niantic, CT 06357

Mr. Mark Nickerson
Chairman, Zoning Committee
Town of East Lyme
P.O. Box 519
Niantic, CT 06357

Re: Harley Davidson Motorcycle Dealership Zoning Hearing

Dear Mr. Nickerson:

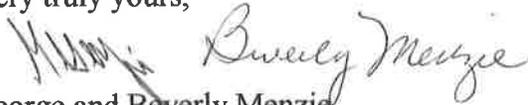
As residents and homeowners in the Chapman Woods Community, we wish to express our strong opposition to any change in zoning of the old Metal Pro property on Industrial way which would allow the construction and operation of a proposed Harley Davidson dealership, restaurant and repair shop at this location.

The potential increase in both traffic and noise (Harley's are not quiet machines), added to that which already exists due to proximity to I-95 and Stop and Shop, will significantly downgrade the safety and environment in the surrounding community, particularly in Chapman Woods. This would also have a negative impact on property values. Also, the inclusion of a restaurant at this dealership would attract Harley riders from I-95 as well as the surrounding communities and potentially be a site for "Harley Rallies" and motorcycle club activities. This would further add to the noise and traffic safety issues cited above.

In closing, we believe that granting a variance to build and operate the above mentioned Harley Davidson business is not in the best interest of a significant number of East Lyme residents and should not go forward.

Please have this letter read into the minutes at the Public Hearing on January 20.

Very truly yours,


George and Beverly Menzie

Cc:
Wayne Fraser-First Selectman
Esther Williams-Town Clerk
William Mulholland-Town Zoning Officer

6 Carlisle Lane
Niantic, CT 06357
January 14, 2005

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Esther Williams
Town Clerk
PO Box 519
Niantic, CT 06357

Jan 19 20 05 at 10 AM
PM
Esther B Williams
EAST LYME TOWN CLERK

Dear Ms. Williams,

As residents of Chapman Woods, we are deeply concerned by the decision that the town of East Lyme has considered making; the allowing a motorcycle repair shop, and a restaurant, to be situated on Industrial Way. The following are reasons why we are concerned about this decision:

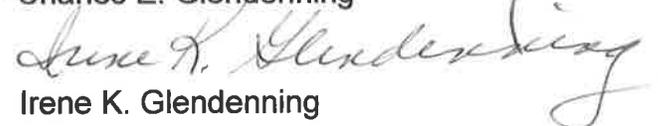
1. The noise that motorcycles make
2. The road testing of motorcycles close to middle school
3. Increased traffic next to Stop & Shop
4. Increased noise near the Kinderland School and Chapman Woods
5. The restaurant could become a hangout for motorcyclists.
6. Property values will decline due to the increased industrial activity in the area.

Something else to consider is the effect on traffic at the intersection of route 161 and Industrial Way. There is new construction that is currently underway on 161; this area is currently congested. If a motorcycle repair shop and a restaurant are allowed to be built, this congesting will continue to get worse.

This is not a decision that should not be made lightly since it will affect a great number of people. We hope that you will take all of these reasons into consideration, before making your decision.

Sincerely,


Charles E. Glendenning


Irene K. Glendenning

C.C. V. Horton

Esther Williams

From: Constance Pflomm [cpflomm@snet.net]
Sent: Tuesday, January 18, 2005 5:21 PM
To: mnickerson@eltownhall.com; wmulholland@eltownhall.com; ewilliams@eltownhall.com
Subject: Harley-Davidson Proposal

Please be advised that we are completely opposed to the Harley-Davidson proposal for the East Lyme Industrial Park. We do not want the noise, the traffic, nor this type of commercial growth for our town. The leadership of East Lyme should do better or, perhaps, be replaced.

Bob and Connie Pflomm 16 Kevin Road, Niantic

FILED IN EAST LYME TOWN
CLERK'S OFFICE
Jan 19 20 05 at 10 AM
PM
Esther B. Williams
EAST LYME TOWN CLERK

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Jan 19 20 05 at 10:20 AM
PM
Esther B. Williams
EAST LYME TOWN CLERK

5 Mulberry Lane
Niantic, Ct. 06357
January 17, 2005

East Lyme Town Hall
P.O. Box 519
Niantic, Ct. 06357

Att: Wayne Fraser, First Selectman

Dear Sirs:

I am a Senior Citizen who recently moved to the Chapman Woods Community in Niantic.

I am very concerned and distressed that the Town of East Lyme would consider a zoning change that would allow Harley Davidson to establish a motor cycle repair and dealership at the old "Metal Pro" property for all of the following reasons:

1. Its location behind Stop and Shop would create a traffic tie-up for shoppers leaving or entering the shopping area or trying to gain access to Rte,161.
2. Safety for the children entering and leaving the day care center across the road.
3. Excessive noise not only during the day but when people have retired at night. The possibility also exists of disturbing persons who might be ill and are trying to rest.
4. With everyone so concerned about the environmental issued, it could cause significant health problems due to pollution.
5. What will it do to the property values of the people in the surrounding developments?

I strongly urge the Zoning Board to reject the Harley Davidson application.

If the Board wishes to read this letter and enter it as part of the minutes at the meeting to be held on Thursday, January 20, 2005, it may do so.

Respectfully,

A handwritten signature in cursive script that reads "Theresa Catanese".

Theresa Catanese

CC: Esther Williams, Town Clerk
Mark Nickerson, Chairman, East Lyme Zoning Committee
William Mulhalland, Town Zoning Officer
Editor: The Day: m.mcginley@theday.com
Editor: The Lyme Times

Copy to zoning

Susan Kaye Clark
2 Bittersweet Lane
Niantic, CT 06357-1400

Phone: (860) 739-2614
e-mail donsueclark@sbcglobal.net

Jan 12 2005

Esther Williams
Town Clerk
P.O. Box 519
Niantic CT 06357

Dear Sir,

I wish to express deep concern at the application by Harley Davidson to have a dealership and restaurant on Industrial Way.

We bought our home here in Sept 2001 when it was evident that it was a relatively quiet neighborhood. I shudder to think how our peace will be shattered by the roar of motorbikes. The addition of the Stop and Shop has already caused a noticeable increase in traffic and we feel that a shopping center and restaurant would increase it further, to an unacceptable level.

Chapman Woods is an active senior community in which many of us planned to enjoy our retirement. We ask you to respect the wishes of people who have earned the right to peace and quiet and a healthy environment. The noise and air pollution from motorbikes is not something we anticipated when we purchased our homes.

Please would you read this letter into the records and include in the minutes of the meeting on January 20

Sincerely,

Susan K. Clark

Susan K. Clark

FILED IN EAST LYME TOWN
CLERK'S OFFICE
Jan 13 20 05 at 10:40 AM
Esther B Williams
EAST LYME TOWN CLERK

Mr. and Mrs. Walter F. Hoffman
5 Gatelatch Lane
Niantic, CT 06357

Mr. Mark Nickerson, Chairman
Zoning Commission
Town of East Lyme
P.O. Box 519
Niantic, CT 06357

January 11, 2005

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Jan 13 20 05 at 10:40 AM PM

Esther B. Williams

EAST LYME TOWN CLERK

Dear Mr. Nickerson,

We are writing concerning the application for special permits submitted on behalf of the Mike's Famous Harley Davidson facility, which has been proposed for the former Metalpro property. We urge you in the strongest terms to deny the permit.

In an article published September 3, 2004 by "The Lyme Times" (copy attached), based on interviews with Marketing Director Christine Kubik and General Manager Alec Petersen of Mike's Famous, it is reported that the planned East Lyme facility will be as large as the existing dealership in Delaware, and that the owner, Mike Schwartz, intends to virtually duplicate the Delaware operation.

Their intent, emphasized repeatedly in the article, is not simply to establish a motorcycle dealership, but to create a "massive" tourist attraction, complete with restaurant and other facilities of interest to motorcyclists. In words attributed to Petersen, "We hope to have a real destination" in East Lyme, and "Mike's Famous of Delaware is one of the leading tourist attractions in Delaware".

Then, according to Kubik, Mike's Famous in Delaware averages 35,000 visitors a month, and "We anticipate doing the same thing for Connecticut. We target the biker community..."

Thirty-five thousand motorcycle visitors a month!! That's over a thousand a day. And that's visitors, meaning over a thousand arrivals and another thousand departures, all these motorcycles revving their engines through the intersection of Industrial Parkway/Chapman Woods Road and Flanders Road, at least 250 per hour on average. Along with, of course, all the north/south auto traffic on Flanders Road and the crossing/turning traffic from the grade and middle schools, the Super Stop and Shop, UBS, the Kiddie Kampus, residents of Chapman Woods, and more.

Is that kind of traffic, with attendant safety concerns, in the interest of the people of East Lyme?

And then there's the **NOISE**, the loud, grinding, grating **NOISE** that is the special province of the motorcycle. Piercing, invading, constant, long range, inescapable. Devastating to the quality of life of area residents, and certainly detrimental to local property values.

A tourist attraction for overwhelming numbers of motorcycles -- is that what we want East Lyme to be? Is that the town character East Lyme residents seek? We can't believe it is, not by any stretch of the imagination. It certainly isn't what attracted us to move here from Fairfield County. Again, we are adamantly opposed to the Harley Davidson project and strongly urge you to deny their request.

FELIX T. TROMMER
4 GOOSEBERRY LANE
NIANTIC, CONNECTICUT 06537

January 15, 2005

Mr. Wayne Fraser
P. O. Box 519
Niantic, Ct. 06357

Dear Mr. Fraser:

In July of 2003 Peggy and I sold our Lyme home and bought a house in Chapman Woods, East Lyme, Ct. It is a senior (55 year and older) community consisting of 90 completed houses.

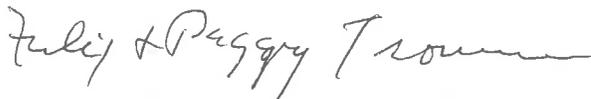
We knew East Lyme to be a community noted for its quiet life-style and peaceful atmosphere. Needless to say, we were shocked when we heard about the sale of the Metal Pro property to a proposed Harley-Davis facility.

In our opinion, this sort of facility can only cause a safety hazard to the Middle School, Library and Senior Center – which are only ½ mile away and on the same road - and a noise pollution problem to the surrounding neighborhood. Our concern is further alarmed by the additional traffic that will occur on Rt. #161. Needlessly, our property values can only recede by the placement of such a facility in our area.

Peggy and I also have a health concern as we can vision additional air pollution in the air caused by the exhaust emissions of the motorcycles.

Let the record show that Peg and I are completely opposed to the granting of a Use Permit to the Harley-Davis facility.

Very truly yours,

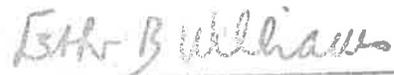


Felix & Peggy Trommer

Cc: Mark Nickerson, Chairman of the Zoning Committee
Esther Williams, Town Clerk ✓
William Mulholland, Town Zoning Officer

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Jan 18 20 05 at 10:50 AM



EAST LYME TOWN CLERK

Thomas & Joan Holland

1 Carlisle Lane - Niantic, CT 06357 - Phone & Fax 860 691 1229

January 13, 2005

· Mr. Wayne Fraser
First Selectman
Town of East Lyme
Post Office Box 519
Niantic, CT 06357

Dear Mr. Fraser,

We lived in New York all of our lives and moved to Niantic three years ago. We chose to retire here because of its seaside quaintness and closeness to recreational attractions. We have been impressed with the controlled growth in the area, until now. We are strongly opposed to the building of a Harley Davidson Motorcycle dealership, repair shop and restaurant.

We recognize that we abut a commercial zone, which could accommodate a dealership and repair shop. It is the restaurant that we are particularly concerned about because this facility could have the potential to become a destination and meeting place for an inordinate number of motorcyclists. The prominent signing, which would be seen on I95, would attract a great number of cyclists not only to buy and repair motorcycles but also to socialize and congregate in the restaurant and surrounding area. At times there could be hundreds of motorcycles converging on this site and remaining for hours.

This congestion, particularly during the summer months, would lead to excessive noise and create traffic hazards in the area. This type of facility does not belong in this area, and it would have an adverse impact on the quality of life for both an adjacent school population and a residential community.

We don't think the town of East Lyme wants to become the Motorcycle Capitol of the North East. If the Harley Davidson complex is allowed to come to East Lyme, it will cause a hazardous environment and change the landscape of a beautiful town.

Please have this letter read at the Town Hall Meeting on Thursday, January 20, 2005 and entered into the meeting minutes.

Sincerely,


Thomas and Joan Holland

Copies to: Mr. Mark Nickerson, Chairman of the Zoning Committee
Mrs. Esther Williams, Town Clerk
Mr. William Mulholland, Town Zoning Officer

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Jan 18 20 05 at 10:50 AM PM



EAST LYME TOWN CLERK

Jan 18 2005 at 11:55 AM PM

Esth. B. Williams
EAST LYME TOWN CLERK

January 17, 2005

Dear Mr. Williams,

As a senior citizen and 40 year property owner in East Lyme I strongly object to any consideration of a Harley Davidson enterprise to enter our town.

I have seen many changes, but, by far, this is the very worst ever proposed.

It's a sin to building a casino or a pornography business directly on the exit ramp of I-95 that enters into our area.

It amazes me that you, as town officials would even consider such a degrading action.

NO - HARLEY DAVIDSON!

There must be several other better & proper choices available for this land. We urge you to consider them.

As residents of East Lyme, we deserve your best judgement concerning our properties & quality of life.

Thank you,
Yours truly,
Ruth D. Sarrell

2 Hawthorne Lane
Nantico, CT 06357
January 17, 2005

Mr. Mark McKerson, Chairman
Zoning Committee - East Lyme
P.O. Box 519
Nantico, CT 06357

Dear Mr. McKerson:

I am concerned about zoning the property on Industrial Park Way to allow Harley-Davidson to build a facility.

My main concerns are the noise and traffic issues. With the advent of Stop & Shop, the traffic at the intersection of Industrial Park Way and Rte 161 has increased greatly. One only needs to notice the traffic flow in and out of the store to realize the impact the store has made. In addition, the town now requires all trucks doing business along Industrial Park Way to enter and exit at the above mentioned intersection, another reason for increased traffic. What we don't need is motorcycle traffic on that road.

I live in an area which at certain times is very noisy, due to traffic on I 95. Nearby motorcycle traffic would increase the noise to a very disagreeable level.

Recently, there have been articles in the East Lyme Times regarding the quality of life in our town. Some feel it has declined. While that is debatable I do believe allowing Harley-Davidson to build a business in the proposed spot (or any spot in a busy section of East Lyme) would affect the quality of life negatively.

Very truly yours,
Dorothy E. Hull

cc: Mr. Wayne Fraser
Ms. Esther Williams
Mr. William Mulholland

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Jan 18 20 05 at 11:55 AM PM

Esther B. Williams

EAST LYME TOWN CLERK

Recd 4/14/05
Fuller
T. Cleh

January 13, 2005

To Whom This May Concern,

Because I will be out of town on Thursday, January 20th, I am writing to "voice" my opposition to the proposed Harley Davidson Motorcycle Dealership/repair shop/restaurant on Industrial Way. I request that this letter be read at the meeting and/or be entered into the meeting minutes.

My main concern is the increase in traffic on both I 95 and Rte 161. As you know, traffic on both these routes is already overcrowded/strained with no room for expansion at this time. Driving can be quite hazardous due to volume even without the summer months.

Also, of concern is the intersection of Rte 161 and Industrial Way/Chapman Woods Rd. The traffic pattern seems to be working for now but what about with ensuing increased traffic? Are officials, also, aware of Liddie Kempue on Chapman Woods Rd. using the corner as a "bus stop" for children while waiting for the school bus? This is a problem now when the bus is stopped in the intersection while boarding the students.

Being a resident of Chapman Woods, I am concerned with noise pollution. We all know the "din" of a Harley Davidson. There is already noise pollution from I 95 and, at times, the Speedway on Rte 85

Thank you.

Karen B. Quinn
4 Metelatch Lane

NIANTIC CT

Esther Williams

From: mbristol62@aol.com
Sent: Wednesday, January 19, 2005 7:15 AM
To: wfraser@eltownhall.com
Cc: ewilliams@eltownhall.com; billm@eltownhall.com
Subject: Public Hearing On Harley Davidson Permits

Dear Mr. Fraser, Ms. Esther Williams and William Mulholland

I will be in attendance on Thursday, January 20, 2005, when Mr. Michael Schwartz comes before the Zoning Board seeking his permits for his repair license and restaurant permit for the proposed Mike's Famous Harley-Davidson.

I wish Mr. Schwartz nothing but success but not in East Lyme.

What, if anything, will this restaurant/motorcycle dealership do for the Town of East Lyme? Will it add any tax dollars to our tax base? What about the school buses that travel four times a day thru the intersection of route 161 and Industrial Way with our grade school and middle school citizens? Has anyone considered the impact this noise, air pollution, congestion of our road ways will have on East Lyme Citizens?

Mr. Schwartz's quote in "The Lyme Times" issue of September 9, 2004, he indicated that 35,000 visitors frequent his current establishment in New Castle, Delaware.

Why not have him approach the State of Connecticut Department of Transportation and have a study done in regard to an entrance and exit ramp for this TOURIST ATTRACTION right off I-95 into his parking lots and out again when they are ready to leave.

Has anyone considered the impact this establishment will have on our Police Department, Fire Department, and Medical equipment? Will Mr. Schwartz add another ambulance for the Town of East Lyme to handle all the situations that will arise from all these visitors?

I presume that once he has a restaurant permit, a liquor license will follow. What about the crime that will come with 35,000 visitors per month?

East Lyme does not need another "Tourist Attraction" of this magnitude.

Vote no on these permits on Thursday, January 20, 2005. The citizens of East Lyme deserve better than this.

Sincerely,

Mr Wayne Fraser
First Selectman
Town of East Lyme
Post Office Box 519
Niantic, CT 06357

FILES IN EAST LYME
CLERK OF TOWN
Jan 27 20 05 11:55 PM
Esther Williams
EAST LYME, CT

Dear Mr Fraser:

My wife and I have now been residents of East Lyme for twenty and one-half years. We were here from 1969 to 1973 when I was assigned to the Coast Guard Academy. Later, in 1988 after spending thirty-eight years wearing a Coast Guard uniform, we decided to retire here and lived on Morris Lane until 2002 when we decided to enjoy the "active adult community" of Chapman Woods where we now live. We obviously think very highly of East Lyme and intend to spend our remaining years here.

The recent news that a Harley Davidson motorcycle dealership intends to build a restaurant, repair shop and dealership very near the recently built Stop and Shop has surely caused a great amount of concern. Having a motorcycle venue close to our homes with a steady flow of noisy motorcycles, added traffic, and pollution will surely be a tremendous detriment to all of us who came to Chapman Woods to live out our remaining years in a wholesome community. There is no question in my mind that our property values would plummet once the motorcycles arrive!

Also, having a massive amount of motorcycles at the proposed location will be an absolute detriment to the nearby schools!

I truly hope that you and all those involved in making the zoning decision in this matter will be sensible and not allow massive amounts of motorcycles to enter our neighborhood and ruin our lives.

When the meeting is held at the Town Hall on Thursday, January 20, 2005, please have this letter read to those assembled.

Sincerely,

A. M. Danielsen

Rear Admiral,

U. S. Coast Guard (Retired)

cc: Mr. Mark Nickerson, Chairman of the Zoning Committee
Mrs. Esther Williams, Town Clerk ←
Mr. William Mulholland, Town Zoning Officer
Mr. Morgan McGinley, The Day
The Lyme Times
Mr. Virgil K. Horton, Board President, Chapman Woods

Esther -
Hope this helps!
Dan

To: Mr. Mark Nickerson
Re: Harley Davidson Motorcycle
Repair and Dealership in East Lyme
From: Mrs. Arlene Nebel
6 Mulberry Lane
Niantic, CT. 06357

cc: William Muholland
Wayne Fraser

I oppose the approval of Mike's Famous Harley Davidson Dealership for East Lyme. We attended both the Chapman Woods and Zoning Commission meetings. A recurring theme at both was "Mike's Famous Harley Davidson" would be a tourist attraction for Niantic; bringing 35,000 people!!!!

We took Three (3) years to research very carefully where we wanted to retire!!! The town of East Lyme was chosen!!! It was chosen for it's quaintness, uniqueness, and even a serenity!! Only 10 months of living here and we felt that our 3 year search was well accomplished. Now, we have a "Tourist Attraction" added to our lovely community!! If we wanted a tourist attraction added to our retirement status - we would have gone to Orlando, Disney, or possibly any other location that deems to have the title - Tourist Attraction or Trap. Mike seems like a very pleasant man, Harley a good provider and Charitable Company, BUT it is not about Mike's personality or how much Harley donates to any charity!!!!

We are looking to keep the tranquility as much as possible of this picturesque quaint ocean town!!!!

Addressing the NOISE and TRAFFIC issues - There isn't anyway that these presentations are believable. In our home we can hear the Waterford Speed Bowl quite clearly even at the distance it is from our home on Mulberry Lane. Now we are being told we won't hear any motorcycles or tourist attraction traffic coming into this town??!

Also, I see a problem then gaining access into Stop & Shop to take care of our "daily needs" for food as others are going to the "Tourist" location at Mike's Famous!!! This possible location doesn't set up in comparison to his Delaware location!! The attributes of that site are not the same as Niantic to us as seen in his presentation photo. Schools are sitting close by and do not need a tourist attraction added to the safety totally for our Children attending school or playing around the school grounds on off-hours of school!!

Mike & Harley Davidson Company - There is a Sports Saying that applies: "NOT IN OUR HOUSE!!!!!"

Also, the building as shown is not conducive to Niantic!!!! Surely there is another area where the Building and Business would thrive as your Delaware site does.

Sincerely, from the Quaint town of Niantic, East Lyme,

Arlene E. Nebel

PS: Please read this into the official Zoning Commission minutes

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Jan 24 20 05 at 4 AM PM

Esther B. Williams

FILED IN EAST LYME TOWN

CLERK'S OFFICE
Jan 31 2005 at 11:05 AM
Est. B. Williams
TOWN CLERK

January 28, 2005
2 Mulberry Lane
Niantic, CT 06357

Mr. Mark Nickerson
Chairman, Zoning Committee
Town of East Lyme
P.O. Box 519
Niantic, CT 06357

Re: Harley Davidson Motorcycle Dealership Zoning Hearing-February 3, 2005

Dear Mr. Nickerson:

Having attended the February 20 hearing on the above matter, I offer the following comments for the committee to consider prior to the continuance of this hearing on February 3 and prior to rendering a decision on this matter.

Arguments were made by the applicant, his attorney and several witnesses concerning the family nature of Harley riders, average age, number of children involved, the growing number of Harley enthusiasts and the charitable contributions attributed to Harley Motor Company, Mike's Famous and "Harley Rides". Although commendable, in my opinion this argument is totally irrelevant to the issue at hand. What is relevant is the real cost versus the benefits that this business will bring to the Town of East Lyme.

From a benefits perspective Mike's Famous will contribute property tax revenue and some minor road reconfiguration on Industrial Way. Perhaps there will be several East Lyme residents finding employment in this business as well as some small purchases of business supplies from local merchants. By and large, however, I do not see any substantial financial benefit that this business would bring to our community beyond property tax revenues which I understand are estimated at \$45,000 per year, a relatively small benefit.

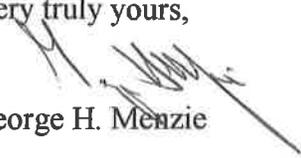
Since this business will also contain a restaurant, Harley museum and merchandise store, a Harley Mall and gathering place as described by Mr. Schwartz, it is clearly geared toward the Harley rider and enthusiast who will ride into town, patronize Mike's Famous, and leave with no need for the goods and services of our local merchants. It is also unlikely that East Lime residents, other than a few Harley enthusiasts, would be patrons of this Harley oriented establishment. I would conclude that the economic value to our community of Mike's Famous is minimal.

From a real cost perspective we must include increased traffic and noise, as well as East Lyme being know as the Harley Davidson capital of the northeast (promoted as a benefit by Mr. Schwartz's attorney). This dubious distinction could well have a negative effect

on our community as a desirable place to live. The effect on the quality of life in our community would be substantially negative. Consider the impact of 35,000 (Mr. Schwartz's number) visitors per month, some in cars, most on motorcycles and mostly on weekends, coming into our community. With all due respect to Mr. Schwartz's paid traffic consultant, this number of vehicles will have a profound influence on the traffic and noise along route 161 from I-95 to Industrial Way and could additionally contribute to congestion along the entire length of 161 into Niantic and 156 through Niantic. The additional cost of managing this traffic needs to be considered along with the noise generated and interference to our citizens in conducting their daily business. A "Harley Ride" either originating or stopping in our town, especially on a summer weekend, would be a nightmare for our citizens with virtually no economic benefit to any business in town other than Mike's Famous.

In conclusion, as a resident of East Lyme I am absolutely opposed to granting permits for the establishment of the above business. As a responsible citizen I recognize the need of our community to broaden our tax base by attracting suitable industry. I do not believe Mike's Famous is in our best interest and respectfully urge you not to grant the permits.

Very truly yours,



George H. Menzie

Cc:

Wayne Fraser-First Selectman

Esther Williams-Town Clerk

William Mulholland-Town Zoning Officer