

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, JANUARY 20th, 2005
MINUTES**

FILED IN EAST LYME P
Jan 28, 2005 AT 3:30 M
L. A. Blais ATC
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Application of Theodore A. Harris, agent for "Mike's Famous" Public Hearing for Special Permits for Regional Shopping, a Restaurant and Repair Station at property identified as 15 Industrial Park Road, on January 20, 2005 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:34 PM.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Norm Peck, Pamela Byrnes, William Dwyer, Alternate, Marc Salerno, Alternate

ALSO PRESENT: Attorney Theodore Harris, representing the Applicant
Michael Schwartz, Owner & CEO of Mike's Famous
Clint Brown, DiCesare Bentley - Engineers
Bill Vliet, Vliet & O'Neill - Traffic Engineers
Mary Richter, Architect - Kubala Washatko Architects, Inc.
William Mulholland, Zoning Official
William Henderson, Alternate

ABSENT: Ed Gada, Shawn McLaughlin

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Norm Peck, Pamela Byrnes, William Dwyer, Alternate, Marc Salerno, Alternate

Pledge of Allegiance

The Pledge was observed.

Public Hearing I

- 1. Application of Theodore A. Harris agent for "Mike's Famous of Niantic" for Special Permits for Regional Shopping, Restaurant and a Repair Facility 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 for the record that he had seated Mr. Salerno and Mr. Dwyer, both Alternates, at the table this evening.

Mr. Nickerson also stated for the record and for the people present that the second public hearing of the evening would not be held as the New London Day failed to publish the Public Hearing Notice as requested. Rather, it would be held at the next meeting of the Commission on February 3, 2005.

Mr. Nickerson lastly outlined the order of the public hearing to the audience indicating that the applicant would give their presentation first and that this would last about two hours. The public would then be called upon to speak if they wished to. He asked that they remain silent during the applicants' presentation and that cell phones be turned off so that they could hear the information being presented.

Mr. Nickerson asked Ms. Carabelas, Secretary to read the following correspondence into the record:

- ◆ Letter dated 1/20/05 to EL Zoning Commission from William Mulholland, Zoning Official – Re: Proposed Mike's Famous of Niantic – Special Permit Application 15 Industrial Park Road, LI Zone – noting that the property was previously occupied by Metal Pro, a manufacturer and prior to that a Budweiser Beer distributor, and that staff met with the applicant regarding the site plans and; the applicant has offered to reconfigure Industrial Park Road to improve the angle relevant to the bridge to improve safety in the area.

Mr. Nickerson stated that the Legal Ad ran correctly in the New London Day on 1/7/05 and 1/17/05.

- ◆ Letter dated 1/19/05 to William Mulholland, EL Zoning Officer from Attorney Theodore Harris - Re: Mike's Famous – noting the applicant is requesting a waiver of the sidewalk requirement because there are no existing sidewalks within the Industrial Park, and as part of the plan the Applicant has provided a donation of land to the Town, a re-design of Industrial Park Drive and will bear the cost of construction of a re-located Industrial Park Drive that will alleviate a current design deficiency.
- ◆ Letter dated 1/12/05 to Mark Nickerson, Chairman EL Zoning Commission from Greg Ellis, Secretary EL Planning Commission – Re: Aquifer Protection Referral – Application of Theodore Harris for a Special Permit, 15 Industrial Park Road – finding the Application CONSISTENT with the Plan of Conservation and Development upon successful demonstration with Sections 13.5 & 13.6 of the Zoning Regulations regarding aquifer protection.

Mr. Nickerson called upon the applicant to give their presentation.

Attorney Theodore Harris, 351 Main Street, Niantic representing the applicant, presented a picture of the sign posted on the property to the Commission. This was entered into the record as **Exhibit 1**. He also stated that they appeared before the Conservation Commission this past Tuesday regarding wetland areas and their stormwater management plan and that their activities and stormwater management plan were approved by that Commission.

Attorney Harris then said that he would give an overview of the project. Then, Michael Schwartz, Owner and CEO of Mike's Famous would do a presentation on what the Company is about. Mary Richter, Architect with Kubala Washatko Architects, Inc, will present the re-design of the building and site. Clint Brown of DiCesare Bentley will present the engineering of the site and explain how the traffic will flow on and around the site and Bill Vliet of Vliet & O'Neill will present the traffic study.

Attorney Harris explained that this application is one that is designed to rehabilitate an existing building that has been there since 1968. It is designed to be a regional shopping, restaurant and repair facility with the Harley-Davidson theme. It is designed to be a family-oriented destination. As an example, he cited Basspro in Florida, which is a regional draw that sells boats however it also sells clothing and supplies and has a restaurant. It is a place where people go to walk around and look and not necessarily to purchase a boat. At any given time, people will be walking around looking at what is there. It is a regional draw in a retail setting. The Bridal Mall in this area is a similar type of facility. A shopping center is only allowed in the LI zone. They need to be near a major travel service area and they are right off of I-95. Their property is located in an Industrial Zone with the Aerospace building on one side and the other side a commercial area. Route 161 is lined with the Days Inn, gas stations, tire places and various restaurants. The area where their building is located is heavy industry – there is a machine shop there and a building materials sales and supply house. The area from Route 161 to the Industrial Park was greatly improved by the Stop & Shop when they came here.

With this application they are also proposing to improve Industrial Park Road. This is something that they really do not need to do for their building as they have a straight shot into their building. However, there is a tight turn there for the school buses and Mr. Schwartz has agreed to improve the corner and the road there and to donate some of his land to get this done. This is by no means a small undertaking and he will be covering the entire cost. Mike's Famous also has another location in the State of Delaware. It is located off of I-95 and draws customers from several hundred miles away. The only difference is that it is adjacent to a residential area. They have operated there in a peaceful co-existence for six (6) years.

What Mike's Famous is NOT is that they are NOT a biker bar or hangout. They do not serve alcohol on the premises and it is not allowed on the site. They also are not going to create noise issues as they will see in a summary to follow on the maximum allowable noise dB per the State. Every cycle sold will comply with the State Regulation on noise. He submitted this to the Commission – Maximum Allowable Noise Per Section 14-80a-4(a) that was entered into the record as **Exhibit 2**. This exhibit lists (as allowable decibels) vehicles of less than 10,000 lbs. at **72 dB**, Motorcycles next at **78 dB**, then Buses including school buses at **83 dB** and lastly vehicles greater than 10,000 lbs. at **86 dB**. (Attached at end of Minutes)

Mike's Famous is also very community oriented and heavily involved with charities. They recently saw some of the comments from the neighborhood here and as a met with them a few days ago. As a result, some changes were made in his operation for this area.

Attorney Harris continued - Traffic and Noise are the issues that have most been brought up with relation to this application. The bottom line is that they are not going to be creating any traffic issues with respect to Route 161 as the levels of service will remain the same especially due to the times of operation of the facility. With regard to noise, every cycle sold must and will comply with the State and Federal requirements on noise. Mike does not alter bikes and will not sell bikes that have been altered. The fact is that the motorcycles sold today have to be and are quieter. He also noted that they are on I-95 and they have the background noise already present. They are also in an industrial and commercial zone and noise is inherent to those zones. Attorney Harris explained that they will first rehabilitate the site. They will install oil & water separators, as they are not present at the facility now. They will re-design the drainage and it will be brought up to the current DEP standards. They will also follow the aquifer protection standards as noted in the letter from Planning. This will mean that the water that runs off will be filtered before it returns to the ground. He noted that prior to this operation that there was a paint shop there that used a lot of chemicals. This operation will utilize oil and brake fluid and it will be contained in enclosed tanks that will be hauled away per the DEP criteria. He directed them to the 6" black binder on the table which is a listing of every possible chemical from cleaners for the bathroom to oil and brake fluids. 99% of those listed will not be on-site however the book is kept on-site. All that will be used will be contained in a controlled environment.

He also noted that the building is a big metal building at present and that it will be renovated inside and outside. Harley-Davidson is a brand that has been around for 100 years and one that has survived the advent of the Japanese motorcycle and has come back even stronger. It has done this by attracting a wide variety of customers. Mike's business is one that is oriented towards the family and community. He then introduced Mike Schwartz to present his vision of the operation in East Lyme with a PowerPoint presentation.

Michael Schwartz, CEO Mike's Famous Delaware and Groton, CT presented his current operation in Delaware and his vision for the East Lyme facility with a PowerPoint presentation – 'More than a Dealership' which was also compiled in binder format and entered into the record as **Exhibit 3**.

This presentation noted the following things: Harley-Davidson is a great American success story. They are 101 years old, their average customer is 48 years old and earns \$80,000. The female customer segment is the fastest growing segment. They are about charitable giving – the Harley-Davidson Foundation supports communities in the areas of education, community revitalization, arts & culture and health. They have also raised and given over \$50M to the Muscular Dystrophy Association.

He explained that his dream was to expand the Harley-Davidson brand. In 1994 he purchased an existing Harley-Davidson of Wilmington Delaware that had five (5) employees. His vision was to expand it and to create a family friendly atmosphere where people would stop and visit and learn about Harley-Davidson. Today they are right off of I-95 at the Delaware Memorial Bridge on a six acre former Howard Johnson's site and have 160 full and part time people. They border a neighborhood association of 220 homes who have no complaints regarding the operation and who visit it frequently.

The profile of Mike's Famous Customers is – 63% are over Age 41; 61% earn over \$75,000 and 37% earn over \$100,000+. Their customers are not only individual people but also: over 70 law enforcement agencies; nine (9) states – as far away as North Carolina, Local agencies – The Hartford Police Department and various State and Federal agencies. The secret to their success is that they are involved in the community and charitable giving. They get their customers involved in the community and the community involved in their business.

In February 2004 he purchased a dealership in Groton, CT and in less than a year they have contributed to Camp Harkness, the CT Children's Medical Center and Covenant Shelter of New London. Mike's Famous contributed to over 140 charities in 2004. Mike's Famous is also involved with Operation AC for the troops. In East Lyme they anticipate that they would employ over 100 people at this new location. He said that they have also hired a local builder and have instructed him to utilize local firms for products and services. They have been written up as a destination place in Southern Living magazine (a magazine targeted solely to women). He noted that they do not serve or allow alcohol on the premises and that they have limited hours of operation. He said that they would post signs that alcohol is not allowed on the premises. They will also post signs with 10-MPH speed limits on the premises. They also have a community meeting room that will be available for use by outside people for meetings. They will also provide 14-day notices to the community prior to any events being held on the premises.

(Note: A five-minute recess was taken here. Mr. Henderson left the meeting at this time.)

Attorney Harris introduced Architect Mary Richter of Kubala Washatko Architects from Cedarberg Wisconsin. Ms. Richter said that Kubala Washatko is one of the five (5) authorized design firms by Harley-Davidson. This means that there are only five architectural firms in the country that are authorized to design the dealerships for Harley-Davidson. They are very proud to be the design team for Mike Schwartz and Harley-Davidson. She said that her job is to keep both of them happy and the Town. They analyzed the site and one of the amenities is the beautiful old trees that are there. These will be nice for picnics on the lawn. The building itself is a disadvantage to the site. They are low metal structures and provided a challenge. She explained a screen wall that would be placed across the I-95 facing side – a nondescript façade with 50% perforated metal, lightweight that you can see the sky through. It will be light silver, almost white-like in appearance. Some signage must be put on the building per Harley-Davidson standards and this will be done in a tower type of entrance area. She explained these on the plans. She noted that there were no real design standards in the area to tie into. As was stated - it is an Industrial Park with metal buildings. With respect to the interior, they will continue the raw commercial aesthetics inside to tie the both design areas together. She summed that they feel that this design gives this building a sense of architecture and suits the Harley-Davidson brand requirements.

Mr. Nickerson asked that the Commission ask any questions that they might have now as Ms. Richter is from out of Town and may not be able to return if this hearing is continued.

Ms. Byrnes asked what one would see from the industrial park side regarding the building.

Ms. Richter said that they would see the corner of the building as depicted on one of the plans. She explained how the drive goes and what they would see on the plan.

Ms. Carabelas asked if the building would be illuminated during the night time.

Ms. Richter said that the lights would illuminate downward as no lights are allowed to be shining upward here. The lights would shine downward and light up the activity inside the dealership and the bikes in the window. With respect to other parts there will be some general wash lighting for pedestrians.

Ms. Carabelas asked if they would be on a timer or on all night.

Mr. Schwartz said that the lights are on all night for security reasons but they would follow any ordinance that they have here.

Attorney Harris added that the light poles are about 21' high and the lights are a much softer lighting. They have supplied the lighting plan to staff with the lumens specified.

Mr. Mulholland said that they have reviewed the lighting plan and there is no spillage. He would like their engineer to illustrate all of the lighting on the plan with regard to the tower and how it will be illuminated.

Ms. Richter said that the tower would have a soft glow – nothing flashing or pulsating.

Mr. Salerno asked if there was any attempt made to make the building a bit more colonial New England looking as this appears to be out of synch to the Stop & Shop for instance.

Ms. Richter said that was brought to their attention however, it is a metal building and not inclined towards colonial. Colonial New England architecture is for much smaller buildings. Metal buildings did not exist at that time and architecturally this is not of that style.

Mr. Salerno said that Stop & Shop is a big building but looks fitting – he asked about false roofs.

Mr. Schwartz said that they asked Mary to look at that and they have looked at other styles and they kept coming back to working with what they have and making it look as good as they could.

Mr. Salerno said it is a gateway to the Town and as it looks now –

Mr. Nickerson said he concurs – it is extremely industrial – even though it is in an industrial zone – but they have a Wendy's fast food joint that does not look like a Wendy's and a re-tooled Stop & Shop.

Attorney Harris said that obviously aesthetics is an opinion that everyone can differ upon. They were faced with a pre-existing structure that placed limitations on them. Diversity sometimes is very nice and this has a neat, clean and eclectic look for the Town. This was not slapped together, they worked very hard on some very real problems.

Mr. Nickerson said that they have an architectural component.

Mr. Mulholland said that while they do, that it is not an end all and there are other considerations as well and as Mr. Harris has said, it is subjective. Also, our regulations are not concrete.

Ms. Richter said that there really are not any other buildings around that are colonial or New England style and the Stop & Shop really is not of the New England style either. They had no real style to relate to.

Mr. Dwyer asked the height of the tower.

Ms. Richter said that to the top of the tower it is 57'. She noted that it is all about proportion and how the pieces work together that creates a piece of architecture. This acts as an entry piece and they had to put in huge glass windows to give it a retail flavor. There are 7' high doors at the end of the building.

Mr. Dwyer asked if there would be signs that would just sort of grow into each of the screened panel areas.

Mr. Schwartz said that they have no intent to put something there.

Ms. Carabelas said that the existing building is a horrible building and she imagined that it takes a lot to bring it up to code and to fix it and if they are going to spend that much to restore it, then why not rebuild it.

Mr. Schwartz said that they purchased six acres of land and they will have to demolish the structure out front that were offices. The whole intent is with the panes of glass to be able to see into the building. He not only has already spent millions of dollars on this property and building but he is very willing to bring this up to code and take care of all of the other issues that go with it. However, he is still a small business person and at some point it becomes impractical to take it over the top and start over.

Attorney Harris introduced Clint Brown from DiCesare Bentley to present the traffic study.

Clint Brown said that he is a professional engineer in the State of CT. The goal of his project was to work with the outside of the building. He said that he would characterize this site as industrial through and through and that it has been so since the day it was built. There are two buildings on the site, one large warehouse and a smaller one that recently was used for painting and previously as a beer warehouse. The area facing I-95 is open lawn. There are two topographic characteristics of the site, it slopes up in one area and is flat otherwise. The project is to renovate the two buildings and to then join them together. The existing parking areas will go completely around the building and will provide a one-way circulation pattern around the building. This will also provide access for fire and emergency purposes.

The lighting is all down directed with no spillover. The tight turn on Industrial Park Road will be changed and bent away from the bridge. The applicant is providing the real estate for that as well as the final design and construction. The stormwater drainage system will be designed to accommodate a 50-year storm. They will change the current discharge system so that it will infiltrate into the ground rather than running into the Pottagansett River. They have worked with the DEP best management design standards on sediment control and oil/grit separators. This will provide an 80% removal of total suspended solids. They will also replace the separators on Industrial Park Road. On all of these systems there is also an inspection/maintenance schedule that will have to be followed.

Public water and sewer serves the area and they will upgrade the water line and bring the gas line into the area. They will also have a grease separator for the restaurant.

Mr. Peck asked about if there was a fuel pump on the site now.

Mr. Brown said that there was and that it would be relocated but the tanks will remain as they are.

Mr. Nickerson asked if they would be selling gas.

Attorney Harris said that this provides for a clean operation for new motorcycles as they typically are sold with a full tank of gas. It is already there and is permitted so it will be utilized.

Attorney Harris introduced Bill Vliet of Vliet & O'Neill Traffic Engineers.

Mr. Vliet said that they are located in Manchester, CT and that he has prepared a document that was dated January 19, 2005 and faxed down as a draft. He said that he would synopsize it and then submit it in final copy as an exhibit. First and foremost, he said that he did not want any misconception that this is a major traffic generator. To that end, it should be understood that according to State Statute 14-311, no application to CT DOT is required for this application as the proposed development does not exceed 100,000 sq. ft. or 200 parking spaces.

This is not a virgin site for traffic purposes, it previously was a beer distributorship and a warehousing and office facility business. Mike's Famous opens at 9 AM so there will be no morning peak hour traffic impact because the peak flow will have already happened. Likewise with the operation closing at 5 PM Monday thru Friday there will be no peak impact there either. This means a decrease in the morning and very little impact when open until 8 PM.

He also noted that there is a difference between a Stop & Shop and a Super Stop & Shop. The Stop & Shop here is a Super Stop & Shop and building it resulted in some significant off-site road improvements. Mr. Vliet lastly explained a 35,000 number that was in the newspaper and that people have taken to mean vehicles when it is rather a monthly people number. It relates to people who walked in front of a 'counter' in the facility that ticked them off as they passed in front of it. This did not discern if the same person passed in front of it two or three or more times. He ran some numbers and came up with maybe 12,000 cars visiting the facility in a month. By comparison the Super Stop & Shop sees 115,000 cars per month and the Chapman Woods project sees 17,000 car trips per month. He submitted this final report and it was entered into the record as **Exhibit 4**. (Attached at end of Minutes)

Mr. Salerno asked if the restaurant served breakfast and what time it opened.

Mr. Schwartz said that they do serve breakfast however it is primarily for their employees. The restaurant opens at 8 AM.

Ms. Byrnes asked about the exit ramps off of I-95 and what the traffic study said about further time delays there as people are already stuck there behind boats during the summer. She asked how much they would add to this delay in the summer on weekends.

Mr. Vliet said that is a seasonal problem and that is more of an existing problem than anything that Mike's Famous could possibly add to it.

Ms. Byrnes asked if they would be seeing those traffic studies.

Mr. Vliet said no, as they really do not overlap as Mike's Famous even during the summer is not seeing a huge amount of traffic in the morning hours when the traffic piles up for the beaches. He said this was what he was trying to explain with respect to the low impact and how they tend not to overlap with peak traffic hours.

Ms. Carabelas said that they would be selling merchandise and motorcycles and asked what amount of delivery traffic they would see. How often the trucks would come and what time of the day.

Mr. Schwartz said that they typically do not receive deliveries during the busy times of the day. They receive daily deliveries from UPS and Fed-X and motorcycle deliveries once or twice per week. He said they designed a traffic flow pattern to accommodate the deliveries.

Mr. Brown further explained the delivery drop-off areas and traffic flow.

Ms. Byrnes asked if there are sidewalks along the parking lot so that people could walk on them rather than the roadway where the traffic is.

Mr. Brown said that there are sidewalks for the people to traverse there on site.

Mr. Mulholland said that they made a statement that Chapman Farms generates 17,000 trips per month.

Mr. Vliet said that came out of the IT trip generation for age restricted.

Attorney Harris said that he had some further comments regarding the regulations and the proposal however he would hold them to the end so that the public can speak.

Mr. Nickerson noted that there are a number of letters that they received but that he would hold off on reading them for now so that the public that is present will have a chance to speak. He then explained that they will hear from those wishing to speak in favor of the application first, then from those wishing to speak against it and lastly from anyone with neutral comments.

Mr. Nickerson called for anyone from the public who wished to speak in favor of this application –

Melody Avery, Fairway Drive, Meriden, CT said that she is the sixth district MDA regional offices coordinator. 2005 is a special year for them as it marks the 25-year relationship between them and Harley-Davidson. Harley-Davidson has raised over \$50M for MDA and this money comes from everyone. At the camp for the kids, it is amazing and rewarding to see the kids' light up when someone comes with a Harley-Davidson with a sidecar and gives the kids rides. Their compassion and enthusiasm is next to none.

Jeremy Nappi, 264 Peck Ave., West Haven, CT said that he is the district director for the New Haven district of MDA. This encompasses New Haven Country, Middlesex County and New London County. It represents over 300 Harley owners. Mike's Famous is a first-class dealership with first class customers who have great heart and spirit. In five (5) short years the local HOG Chapter has raised over \$50,000 for the New London area children. One person has raised over \$10,000 himself – Dan Huber (?) and he has given many, many hours of

his time to MDA. He said that he could not say enough about these people who continually go above and beyond to make others lives better.

Joe Mingo, 397 Boston Post Road, East Lyme said that six or seven years ago he and his wife took a motor trip vacation out west. They ended up in Reno, Nevada and there was a Harley-Davidson rendezvous being held there. The newspaper said that there were 10,000 bikers there. He envisioned his boyhood passion of seeing bare-breasted women riding on the back of the Harleys and Harleys popping wheelies going down the road. But, the first thing he saw was an old 1974 Harley with a side car and a grandmother getting out of it and boy was he disappointed. The highlight of the event was a square dance. There were 10,000 motorcycles in that Town and he did not even know that they were there. Then he found out that the lady who cuts his hair in the center of Niantic is a grandmother with a Harley-Davidson – and that is the type of folks who ride Harleys today – people his age. He said that he thinks that this is the greatest thing that can happen to East Lyme and he hopes that they greet him with open arms.

Paul Formica, 20 Bush Hill Drive, Niantic said that he is happily speaking in favor of the application for the reasons that the gentleman who owns it spoke about. This is a quality business. Those types of things that he presented to you this evening do not happen by mistake. They happen through hard work and dedication not only to the community but also to taking care of business. They have the opportunity to put a quality business in an industrial zone. It may generate traffic but that is what businesses intend to do – bring business to the Town. As the Commission knows 3% of the land mass in this community is zoned commercial or industrial and we need to make this percentage the most efficient that we can. We put over \$60M into our schools over the past five (5) years, we need to keep continually expanding the tax base. We need to make it possible for our elderly citizens to continue to live here. We need to make the tax base reasonable and to keep growing the community with good positive businesses that are not only successful but also community minded. He said that he thought that they have seen this group bring forth a great opportunity for East Lyme and he would strongly urge them to pass this application.

Greg Lutzen, 19 Whitebird Circle, Niantic said that he has lived in Niantic since 1961 and has owned a home here for the last 31 years. He served on the EL Planning Commission for 10 years. He is a Harley owner and belongs to the local Harley owners' chapter sponsored by Mike's Famous of Groton. He said that he supports this application not because he is a Harley owner but because this makes sense for the Town of East Lyme. During his tenure on the Planning Commission he said he was involved with two (2) Plans of Development and each plan endorsed having development of residential, business and Light Industrial areas. The premise was that the Light Industrial areas could help foot the bill for running Town Government and ease the burden for residential taxpayers. Spin forward to 2005 and we see a Town that is heavily dependent on residential taxes, a population that is maturing and, more reluctant to foot the bills. Mike's Harley-Davidson is a great opportunity to stem this tide. The positives are that Mr. Schwartz will improve the property at 15 Industrial Park Road. He said that he has been to the operation in Delaware and it is a first class operation. He will create over 100 jobs for people in the area and a tourist attraction – which he sees as a positive and which Niantic Main Street must agree with as they see a positive with the Boardwalk and the hopes of increasing the traffic to downtown Niantic. The dealership will create a positive image to the Industrial Park and possibly improve the whole park. It will attract the type of clientele who raise millions of dollars for local and national charities – so much for a bad image. And, bikers spend money and that can't be bad for local businesses. Some opponents cite loud noise and traffic jams. To loud noise – perhaps yes as some people are inconsiderate – but we have loud cars and loud trucks that traverse I-95 near this site right now. Let's not let a great opportunity pass us by.

Fran Lutzen, 19 Whitebird Circle, Niantic said that she has been a homeowner since 1974 and has been a business owner for over 10 years in this Town. She also worked for Flanders Health Center in East Lyme. She also owns and rides a Harley-Davidson. She is a member of the Harley owners group and is a Ladies of Harley Officer. HOG is a family-oriented organization. This past year they raised money for local shelters and organizations. She said that she is very excited about Mike Schwartz locating his business in East Lyme as his reputation precedes him. He not only sells motorcycles but also is a place to stop for great food. She said that she couldn't wait for him to open his shop in East Lyme, as it will be an asset in more ways than one.

Len Tourville, 11 North Edgewood Road, Niantic said that he has been around this Town for a number of years and that he agrees with Fran and Greg Lutzen. This Harley business is going to be good for the Town of East Lyme and certainly this Town has to augment its' tax base from residential to more commercial. He said that some people who obviously were objecting to the Harley new construction confronted him the other day in

the Super Stop & Shop. He had the paper/literature that they were presenting. There were several things they were questioning – public safety cost and impact on Town image and quality of life in East Lyme. He said that he has trouble with this – not so much in figuring out what they mean but how this is going to affect the Town image and quality of life in the Town of East Lyme. They claim that there is a 'throaty roar' and that is why people buy them and it is called 'rolling thunder' – well – to an old person – 'rolling thunder' can be cured with Kaopectate. He summed that he thinks that they should support this as it does help the tax base and get it off the residential property owner and it can do nothing but good for the Town of East Lyme.

Donald Ames, 74 Old Black Point Road, Niantic said that he came to support this application as he really feels that it is a good idea for the Town. He said that he really had his eyes opened about the charitable side of the Harley operation. This allows an opportunity for those who do not own a Harley to also experience their charitable side. Also, from a selfish viewpoint, this is certainly going to help the tax base in the Town of East Lyme.

Michael Kuchta, 152 Pennsylvania Ave., Niantic said that he does not own a Harley but has lived in Niantic for 35 years. He said that he works at a prominent Niantic business – Boats Inc. He had the opportunity to visit Mike's Famous in Delaware this past year. He and his wife chose to visit Mike's because of the literature they read about it in the magazines such as were presented tonight. His point here is that he does not own a motorcycle however the aspect of the charitable giving and the dealership itself is very unique with something for everyone. He said that he also relates Mike's dealership in Delaware very closely with how people feel when they walk into Boats Inc. in Niantic. They have the same type of unique atmosphere.

Randy White, 41 West Main Street, Niantic said that he has been travelling around Connecticut a lot lately and all of the roads tend to look alike and it would be nice to see something unique and different in this Town. Flanders Road is beginning to look exactly the same as all others. Niantic is unique, East Lyme is unique and he would really like to see something unique and we should seek to attract unique businesses. Thank You.

Mindy Horner, Cedarbrook Lane, East Lyme said that she has been a homeowner here for seventeen (17) years and has come out this evening to support Mr. Schwartz's adventure. She said that she owns two (2) Harleys and is also a grandmother of four (4).

Dave Kelly, 310 Boston Post Road, Waterford said that he lived in East Lyme but now lives in Waterford. He is a grandparent, Harley owner, HOG member and a business owner in Niantic. If Mike's is going to bring people to Niantic it is going to create business. For years we have been talking about living in a dead Town – let's liven it up.

Fred Burke, 1 West Road, Niantic said that he owns a house here in Town and a small business they may have heard of - Burke's Tavern in Niantic. He is in support of Mike, he is surprised that they even need a hearing as Mike is going to add significantly to our tax base. He is also going to add significantly to the community through benefits, through involvement and it does not make sense that we are even questioning it.

Tom Nebel, 6 Mulberry Lane, Niantic said that he had a question.

Mr. Nickerson said that he could not ask the applicant anything directly but could through the Commission. Mr. Nebel said that there is going to be a lot of glass on one side of the building that faces I-95 and he wants to know what type of sunlight reflection there will be to traffic or the community. Our sun is very strong and he would like this considered for a safety issue. For the lighthouse, he would consider a sail or something on the spire. There was a waiver for sidewalks and he is concerned with a sidewalk exemption and future sidewalks for the Town to consider overall.

Mr. Nickerson said that they would talk about the sidewalk exemption during their deliberations.

Mr. Nickerson called for anyone from the public who wished to speak against this application –

Virgil Horton, 2 Amberly Lane, Niantic said that he is the President of Chapman Woods Association but is speaking for himself as an individual homeowner. Although he is there to speak against this application he is very much impressed with Mike Schwartz – he considers him to be a gentleman, a good businessman and he wishes him much future success someplace other than in East Lyme. He said that he has four (4) issues that are not biker related – Noise, Traffic Volume/Congestion, Public Safety issues and negative impact on

property values in close proximity to the site. He thinks that it is important for everyone to know that the Chapman Woods community is not against everything, they came out and spoke in favor of the Stop & Shop and they also think that the Gymnastic school/Creative use is an excellent use for the Industrial Park. He applauds companies who help others and who are not greedy – but they are not the only way that charity and other giving is done. They (Chapman Woods) live and work and help with Care & Share and the Literacy Program. Their residents give a monthly amount of food to the food pantry. Back to the issues – Noise – Harleys are noisy – those that have after market mufflers are something that he cannot control. They are faced with a fair amount of noise from Rte. 161 and I-95 already. The profile of owners is one of economics and is a marketing ploy. They have to live there and listen to the noise decibels. The term 'rolling thunder', as anyone knows, is the parade at the Vet's Memorial in DC. Traffic – the 35,000 number came from the Lyme Tymes and Mike's own people gave it and it was an average number of visitors per month. The population of East Lyme is 17,684 and it would take the whole Town of East Lyme two visits per month to make up this number. He believes that this is going to create an impact on traffic be it delivery trucks, cars or whatever. There were no roads coming out of the residential neighborhood in Delaware to his business and here they are coming out right into the intersection. There is a traffic problem with several hundred cars per day with a daycare center so don't say that there is no traffic problem as there is one. They will need more police to help move traffic along and this will be a taxpayer expense. He said that he has heard that it is gong to bring us a lot of business – but I-95 is easy on and easy off and it does nothing for Flanders and Niantic. Lastly, the real estate issue – when someone does a true appraisal they look at the property around it, the exits and the general traffic patterns. Most of the people where he is are like him and they have invested in their homes here. He looked at the Zoning Regulations on the WEB and the Plan of Development. The Plan of Development suggests looking for low impact to expand out tax base – we should reach out to low impact business that would not give the type of traffic problems that this would. The Plan of Development also states that you have to be specific in your regulations.

Mr. Nickerson asked Mr. Horton to tighten it up so that others could have the chance to speak.

Mr. Horton asked that they look for low impact as Chapman Woods currently gives over \$400,000 in taxes to the grand list and he thinks that it is significant.

Mr. Nickerson asked that those coming up to speak to please limit their discussion to as short as possible so that all will be able to speak.

Elaine Bono, 5 Tupelo Lane, Niantic submitted her letter to the Commission – this was entered into the record as **Exhibit 5**. (Attached at end of Minutes)

Ms. Bono noted prior to reading her letter into the record that if they were going to count the number of vehicles coming out of Chapman Woods - that if the count is being done at the bottom of the road where it meets Rte. 161 – then they should include Best Western and Kiddie Campus in that count. Otherwise they have to do it at the top where the left-hand turn is, if they are going to count Chapman Woods.

Paul Concannon, 101 Laurelwood Drive, Niantic said that no one has mentioned his concerns with the proximity to LB Haynes and the Middle School. He has two children attending LB Haynes and he heard about this at the Stop & Shop over the weekend. He took a ride out there on the access road and their business hours encompass the school hours. He has lived in Town for seven (7) years and he lives over Exit 74 and he thinks that this could be a hot spot as he has seen numbers of bikers going by during the summer.

Paulette Thibodeau Baker, 1 Mulberry Lane, Niantic said that Mike has gotten her out for her first Town Meeting in Niantic. She said that her greatest objection is that Mike sells insurance. She has a concern about the architectural and how this is better. Anything is better here as we are just now emerging on that front. If they make this exception for this bike shop and he abandons it, she said she does not know enough about Zoning to know if this is a one-time use or if other bikers can come in. And, again, the architecture what about the side of it – it's a metal building – why not tear it down – maybe the architectural firm does not have experience with New England buildings. It would be nice for us to come out of the dark ages – take a look at Simsbury.

Jim Zettergren, 3 Amberly Lane, Niantic said that they have heard generalities relative to traffic flow and traffic congestion. He sees that this business is a seasonal business with the summer months of June through August as being the heavy demand. They also probably sponsor more events during that time. If they suppose that 70% of the business of the operation is done from June through August that equates to about 4000 to

5600 extra vehicles going down Industrial Road Parkway during that time. He would propose that Industrial Park Road is inadequate infrastructure to support that volume.

Walt Hoffman, 5 Katelatch Lane, Niantic said that Mike put on a superb presentation and that his worst nightmare is that Mike would be as profitable and successful in East Lyme as he is in Delaware. They have not addressed traffic and noise properly. The area is zoned industrial but if you look at the area it is primarily residential. These homes are subject to the noise that a motorcycle makes. He thinks that motorcycles arrive in groups and that this is not the kind of tourist attraction that we want in East Lyme. He urges them to vote no.

Marie Cassidy, 40 Laurel Hill Drive, Niantic said that her biggest concern is about the schools and not to say that she is for or against it. She has two children and one is special needs and she brings them to school each day and she sees people flying through that area. She would like to know that there would be precautions taken so those vehicles can't cut through.

Mr. Nickerson noted for the record that this has come up before and that the area is not supposed to be a throughway. He said that he suspects that the Chapman Woods people also pass through there going from the Library to the Stop & Shop. The Zoning Commission cannot do something about it, perhaps the Board of Selectmen can. The most they could do is to put conditions on the application.

Mr. Nickerson also noted that the hour is getting late and thanked everyone for coming and explained that this would most likely be continued due to the hour.

Arnold Danielson, 4 Carlisle Lane, Niantic said that he has written a letter to them but wanted to comment on something else as he heard it brought up. They have two schools in the area and he is concerned. Also, he wants them to know that he lives in Chapman Woods and that he did not know about this meeting/hearing. He drove down there and saw the sign. He doesn't think that the soccer moms want this near their kids and the schools.

Bob Cassidy, 40 Laurel Hill Drive, Niantic said that he doesn't want to beat a dead horse here but he thinks that the issue is traffic on Rte. 161. He sometimes has to wait five minutes to get out of where he lives during the summertime. It hasn't gotten any better and this needs to be addressed. He realizes that it is a State road and he has brought the issue up to the Town and complained and was told that someone has to be killed there before something is done. He said that he has called the State and they have not called him back.

Albert Littlefield, 23 Beverly Road, said that as a parent of children in the school system that the paved area from/behind the school to the street is not a driveway and not a road. It is also not a short cut or a bypass. It is designed to service the school. He sees this as a safety issue and wants it factored into the deliberations.

Mr. Nickerson called for anyone else from the public who wished to speak on this application –
Hearing no one –
Mr. Nickerson called upon Attorney Harris for comments.

Attorney Harris said that due to the hour that they would have to continue this anyway so he would prefer to start fresh at the next meeting.

Mr. Nickerson called for a motion to adjourn this public hearing and continue it to February 3, 2005 at 7:30 PM.
****MOTION (1)**
Ms. Byrnes moved to adjourn this public hearing and continue it to February 3, 2005 at 7:30 PM.
Mr. Peck seconded the motion.
Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson adjourned this Public Hearing at 11:30 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

**SUMMARY
MAXIMUM ALLOWABLE NOISE
PER SECTION 14-80a - 4 (a)
(INCREASING ORDER)**

Vehicles less than 10,000 lbs 72 dB(A)

Motorcycles 78 dB(A)

Buses (including school buses) 83 dB(A)

Vehicles greater than 10,000 lbs 86 dB(A)

Exh. 2 1/20/05 Zoning Attachment

(a) Any motor vehicle or combination motor vehicle having a G.V.W.R. or G.C.W.R. of less than 10,000 pounds (4536 kg) including passenger motor vehicles:

MAXIMUM PERMISSIBLE SOUND LEVEL READINGS dB(A)

HIGHWAY SPEED LIMIT	HIGHWAY OPERATION				STATIONARY	
	Soft Site		Hard Site		Soft Site	Hard Site
	35 MPH or less	Above 35 MPH	35 MPH or less	Above 35 MPH		
VEHICLES MANUFACTURED						
Prior to Jan. 1, 1979	76 dB(A)	82 dB(A)	78 dB(A)	84 dB(A)	76 dB(A)	78 dB(A)
On and After Jan. 1, 1979	72 dB(A)	79 dB(A)	74 dB(A)	81 dB(A)	72 dB(A)	74 dB(A)

(b) Any motor vehicle or combination motor vehicle having a G.V.W.R. or G.C.W.R. of 10,000 pounds (4536 kg) or greater excluding buses:

MAXIMUM PERMISSIBLE SOUND LEVEL READINGS dB(A)

HIGHWAY SPEED LIMIT	HIGHWAY OPERATION				STATIONARY	
	Soft Site		Hard Site		Soft Site	Hard Site
	35 MPH or less	Above 35 MPH	35 MPH or less	Above 35 MPH		
	86 dB(A)	90 dB(A)	88 dB(A)	92 dB(A)	86 dB(A)	88 dB(A)

(c) Any bus including school buses having a G.V.W.R. or G.C.W.R. of 10,000 pounds (4536 kg) or greater:

MAXIMUM PERMISSIBLE SOUND LEVEL READINGS dB(A)

	HIGHWAY OPERATION				STATIONARY	
	Soft Site		Hard Site		Soft Site	Hard Site
	35 MPH or less	Above 35 MPH	35 MPH or less	Above 35 MPH		
HIGHWAY SPEED LIMIT						
VEHICLES MANUFACTURED						
Prior to Jan. 1, 1979	86 dB(A)	90 dB(A)	88 dB(A)	92 dB(A)	86 dB(A)	88 dB(A)
On and After Jan. 1, 1979	83 dB(A)	88 dB(A)	86 dB(A)	90 dB(A)	83 dB(A)	85 dB(A)

(d) Any motorcycle:

MAXIMUM PERMISSIBLE SOUND LEVEL READINGS dB(A)

	HIGHWAY OPERATION				STATIONARY	
	Soft Site		Hard Site		Soft Site	Hard Site
	35 MPH or less	Above 35 MPH	35 MPH or less	Above 35 MPH		
HIGHWAY SPEED LIMIT						
VEHICLES MANUFACTURED						
Prior to Jan. 1, 1979	80 dB(A)	84 dB(A)	82 dB(A)	86 dB(A)	80 dB(A)	82 dB(A)
On and After Jan. 1, 1979	78 dB(A)	82 dB(A)	80 dB(A)	84 dB(A)	78 dB(A)	80 dB(A)

Jan 19 05 04:29p

860-533-1374

P. 2

Bill Vliet

*Rec 1/20/05
(EN)*

VLIET & O'NEILL, LLC
CRASH RECONSTRUCTION
TRAFFIC ENGINEERING

263 MAIN STREET
MANCHESTER, CT 06040-3538
TELEPHONE 860.533.1210
FACSIMILE 860.533.1374

January 19, 2005

Town of East Lyme Zoning Commission
108 Pennsylvania Avenue
Niantic, Ct 06357

RE: Traffic Impact Statement
Mike's Famous of Niantic
15 Industrial Park Road

Dear Commissioners:

This letter has been prepared to document the traffic impacts associated with the proposed development plan for the existing developed parcel of land located at 15 Industrial Park Road. Presently, the site consists of 36,830 SF of Warehouse Use and 3,990 SF of Office Use as well as 24 Parking Spaces. The proposed development plan consists of a Motorcycle Dealership including service, parts/accessories and retail areas as well as a restaurant totaling 41,510 SF and supported by 144 Parking Spaces. The following is a summary listing of the findings of our traffic engineering analysis to date:

- ** In accordance with State Statute 14-311, as revised, application to the Connecticut Department of Transportation/State Traffic Commission (ConnDOT/STC) will not be required as the proposed development does not exceed 100,000 SF or 200 parking spaces.
- The proposed development plan for the parcel results in generated traffic primarily in the form of passenger vehicles while the previous use generated a mix of vehicles ranging from passenger vehicles to 18 wheel tractor-trailers.
- ** The proposed development plan will not generate vehicle trips during the AM Peak Hour as the opening operating hour for the Dealership will be 9:00 AM seven (7) days a week with the exception of the Service Area which will be closed on Sundays.
- ** Minimal weekday PM Peak Hour is expected to be generated as the closing time for the development will be 5:00 PM Saturday through Tuesday and 8:00 PM Wednesday through Friday.

no impact on commuting traffic

Seasonal + weekends

School buses

*NET -
i.e. decrease in AM
+ min. on weekend*

*Exh. 2.2 4 Zoning Commission 1/20/05
Attachment*

VLIET & O'NEILL, LLC

- The proposed development access driveway intersection will provide safe and efficient operations for traffic entering and exiting the site as well as for traffic on Industrial Park Road passing by the site.
- The recently improved signalized intersection of Industrial Park Road and Route 161 (Flanders Road) can easily accommodate the negligible amount of peak hour traffic which may be generated by the development.
- The proposed development will generate peak volumes during the lunch hour associated with the restaurant portion of the development plan. The adjacent roadway traffic volumes are significantly lower during the middle part of the day when compared to the peak AM & PM commuter traffic volumes. Also, the development as whole will generate peak volumes on Saturday afternoons during the warmer weather months (typically April through October).
- As part of the development plan, Industrial Park Road will be improved just west of the existing Pattagansett River bridge crossing located near the northeast corner of the development parcel. This will significantly improve the horizontal alignment of Industrial Park Road and provide unencumbered travel for the many busses which use this section of road.

Restaurant
only has
60 person
seating
capacity

SITE GENERATED TRAFFIC

Typically, the expected generation for a proposed development is calculated using the Institute of Transportation Engineers (ITE) "TRIP GENERATION" - 7th Edition. However, the proposed development use is not contained in the ITE data base. Accordingly, extensive discussions were held with the Mike's Famous development team in order to gain an understanding of the proposed operations and expected traffic generation.

Review of the proposed development plan to the existing warehouse/office development resulted in the opinion that the proposed development will generate less AM & PM peak hour traffic than the previous use Monday through Friday. The proposed use will generate traffic on Saturdays and Sundays whereas the previous use did not.

As stated above, the highest traffic generated from the site will occur during the typical weekday lunch periods as a result of the restaurant portion of the plan. Also, seasonal good weather Saturdays will generate traffic during the day with no significant peak hour impact to the adjacent roadway system.

v.

AREA TRAFFIC OPERATIONS

Review of existing traffic data as well as the Traffic Impact Study prepared recently constructed Stop & Shop project was used to assess the peak hour of As mentioned above, the intersection of Industrial Park Road with Route 161 (of the Stop & Shop development) and provides safe and efficient peak hour Industrial Park Road and Route 161 traffic. This intersection has sufficient accommodate the additional traffic generated by the proposed development

In summary, it is the professional opinion of VLJET & O'NEILL, LLC that generated from the proposed development use on the site parcel can be accommodated by the adjacent roadway system. In fact, it is most probable will generate less traffic during the weekday commuting peak hours (the time 161 traffic volumes are at their highest levels) than the previous warehouse/ parcel.

We trust the information contained in this letter is sufficient for your needs forward to presenting this information to the Town of East Lyme as required. with any questions.

Very truly yours,

~~DRAFT~~

William A. Vliet, P.E.

Final copy submitted as exhibit - Some information as this

EAST LYME ZONING COMMISSION
TESTIMONY, HARLEY-DAVIDSON SPECIAL PERMITS HEARING, 1/20/05

My name is Elaine Bono, and I live at 5 Tupelo Lane in Niantic. My husband and I moved to East Lyme three years ago after living in Ledyard for 27 years. After seeing the drastic changes that have taken place in Ledyard since it became a tourist destination (i.e., Foxwoods) in 1992, we decided to sell our home and move to the quiet adult community of Chapman Woods. The negative impacts of having a tourist destination in Ledyard included traffic, congestion, accidents, and pollution (water, air, light, and noise). I have every reason to believe that similar negative impacts go along with any tourist destination, including the one proposed here by Mike's Famous.

My husband and I chose East Lyme as a community in which to live because of its excellent reputation as a family-oriented bedroom community. Even though the taxes are higher here than where we lived before, we saw East Lyme as a community where our property values would increase as time went on so that our nest egg (i.e., our home) would carry us into the next place we would want to live, perhaps somewhere like Crescent Point in Niantic. In addition, East Lyme seems to welcome and encourage adult communities like Chapman Farms and Chapman Woods (and now Spinnaker and Clark's Hollow) and provide the quiet, stable community that people seek in their mature years.

The proposed Mike's Famous Harley-Davidson tourist destination will, I believe, create traffic, congestion, odor, fumes, pollution, and other objectionable features associated with this kind of development. With an estimated 35,000 visitors a month (as at the Delaware resort), there is potential for 1,000 vehicles a day with backups on the single lane entering Industrial Park Road, thus blocking access to the businesses on that road (i.e., Stop & Shop, the car wash, and UBS further down the road). In addition, there will be the constant noise of motorcycles. Let me explain to you about the noise we and other residential development near I-95 experience on a 24/7 basis. There is a constant din of traffic, even through our closed windows. In good weather we like to sit outside on our deck and enjoy the serenity of our community and the woods behind us. The noise varies depending on weather and atmospheric conditions. There are times in the summer when we can hear even the whirring noise of the Waterford Speed Bowl, miles away. The proposed Mike's destination would bring the sound of motorcycles closer and louder than any noise we currently experience. I certainly believe that it would decrease our property values and make our community much less attractive.

Not only is Chapman Woods within earshot of this proposed development, but so are other residential complexes such as Briarwood condos, King Arthur Drive condos, Deerfield Village units, and homes along Flanders and Society Roads. This development would also be 1/3 mile from two schools, the library, and the senior center. When traffic backs up on I-95 due to an accident, holiday weekends, and summer vacation, vehicles often get off I-95 onto our local roads, such as Flanders Road, Boston Post Road, Society Road, and even down to Main Street in Niantic, in order to avoid the backups. Vehicles of all kinds, including cars, trucks, and motorcycles, flood our local roads. I know—I've been stuck many times when I drive on I-95 to and from Groton, where I work every day.

Therefore, I urge this commission to deny special permits for a motorcycle repair shop, shopping center, and restaurant tourist destination due to the potential detrimental effects I mentioned per Section 11.1.1 of the zoning regulations. Thank you.

Elaine Bono, 5 Tupelo Lane, Niantic, 739-4841

Exhibit 5 Zoning Commission 1/20/05