

LIME ROCK CITIZENS COUNCIL

JUDGE MOORE'S DECISION

You are all probably aware from the Lakeville Journal article last week of Judge Moore's decision. We, your Executive Committee, write you now to clarify what Judge Moore did and did not decide. First, it is important to understand that this ruling does not affect the Court injunction which dates back to 1959, bans Sunday racing and limits types and hours of racing on other days. Judge Moore ruled only on what the P&Z may do to regulate racing. Second, this is an initial decision by a trial judge. There will be a process for reconsideration and appeals, so nothing is final at this point.

Nevertheless, the Judge made three rulings of real importance to our Town. The first was to hold that under a State statute, no P&Z of any Town, City or Borough in Connecticut has authority to limit Sunday racing. Relying almost entirely on the punctuation and grammar of the statute, the Judge ruled broadly that it denies every municipality in Connecticut the power to prohibit Sunday racing. This decision then would appear to allow racing at all times except for Sunday mornings, which are expressly barred by the statute unless specifically authorized by a municipality. The lawyers for the P&Z and our own lawyers

believe that the court's interpretation of the statute is not correct and that there is a basis for an appeal.

Second, the P&Z's lawyers, and ours, have contended from the outset of this case that the Track is required to file an application with the P&Z for a Special Permit to carry out the expansion of racing which it seeks. This is important because such a procedure requires a public hearing at which all Town residents may be heard on the subject. On this issue Judge Moore ruled that no Special Permit application is required.

Third, in our favor, Judge Moore ruled that the P&Z did have authority to limit unmuffled racing and that its Amended Regulation limiting unmuffled racing to Tuesdays and 10 Saturdays and Fridays a year was valid. His basis for this ruling was that, as the Track contended, this was an attempt to limit noise but that P&Z Commissions do have authority to make reasonable regulations limiting noise.

While there can be no certainty of this, we believe that the Track may well file its own appeal of Judge Moore's ruling on unmuffled racing. The P&Z's Amended Regulations only allow unmuffled racing on 10 Fridays and Saturdays. The Track has repeatedly said that it must have the ability to run unmuffled races on Sunday as well if it is to attract the big car events such as IMSA and

NASCAR that it wants. If the Track were to succeed on appeal on all issues, our Town would be faced with the truly horrible prospect of an unlimited number of big car events on every weekend with 3, 4 or even 5 days of consecutive, unmuffled racing. That we believe would spell the final conversion of our Town into a highly undesirable “Track Town” where few would wish to live.

Everyone should understand that nothing will change now. The decision just made is that of a trial judge and is subject to appeal. Moreover, there is a second case pending, the Track’s motion made in 2016 to modify the Litchfield Court’s injunction, dating back to 1959, which restricts racing at the Track in ways very similar to the P&Z’s Amended Regulations. Judge Moore’s decision does not affect this case. The injunction’s restrictions and prohibitions on racing will remain in effect, regardless of the final outcome of Judge Moore’s decision, until the Track’s motion to modify the injunction is heard and decided.

Our P&Z has now voted unanimously to ask Judge Moore to allow re-argument of the case on the grounds that his opinion did not deal with certain points made by the P&Z and the LRCC in their presentation of the case. It has also voted unanimously to appeal Judge Moore’s decision. The LRCC will join the P&Z in these two actions and will continue to support it and our Town in the battle to

preserve the peaceful character of our Town from the Track's attempted expansion.

We will be posting Judge Moore's full opinion on the LRCC website, so you may look there, or inquire of any of us if you have further questions or concerns.

The Executive Committee.

Stuyvesant Bearns

Jocelyn Cohen

Victor Germack

Douglas Howes

Lisa Keller

Pat Kowalski

Peter Wolf