

**Submission of David Markatos and Jennifer Holme
Grace Farms Special Permit Application
June 26, 2017**

Exhibit List

1. Joint Stipulation of Undisputed Facts from 2013 P&Z Litigation
2. Planner's Memos from 2012/2013 Special Permit Application
3. P&Z Minutes from 2012/2013 Special Permit Application
4. New Canaanite Article re: Glass House Visitors
5. Anticipated Visitor Volumes Chart
6. Attendee and Event Analysis
7. Special Permit Summary Table
8. Historical Zoning Approval Summary
9. Current Uses Summary
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11. Email Exchange Regarding Grace Visitors Leaving Buffer
12. Enforcement Summary re: Sound Sculpture
13. Public Hearing Transcript Excerpt
14. Special Permit Change Summary
15. Proposed Amended & Restated Grace Farms Operating Conditions

EXHIBIT 1

DOCKET NO. HHD-LND-CV-13-5037161-S

-----X
SANJIT SHAH,

Plaintiff *pro se*,

SUPERIOR COURT

v.

JUDICIAL DISTRICT
OF HARTFORD

PLANNING & ZONING COMMISSION
OF THE TOWN OF NEW CANAAN,
GRACE PROPERTY HOLDINGS, LLC
and GRACE FARMS FOUNDATION, INC.

LAND USE LITIGATION DOCKET

Defendants.

OCTOBER 4, 2013

-----X

**PLAINTIFF AND DEFENDANTS' JOINT
STATEMENT OF UNDISPUTED FACTS**

Plaintiff *pro se* Sanjit Shah ("Plaintiff"), Defendant Planning & Zoning Commission of the Town of New Canaan (the "Commission"), Defendant Grace Property Holdings, LLC ("Grace Property") and Defendant Grace Farms Foundation, Inc. ("Grace Foundation" and collectively with Grace Property, the "Grace Defendants") respectfully submit this Joint Statement of Undisputed Facts in accordance with the July 24, 2013 Stipulation (the "Stipulation") approved by the Court.¹

The parties respectfully submit that the purpose of filing this Joint Statement of Undisputed Facts is to assist the Court in its consideration of the parties' forthcoming summary judgment motions by the presentation of facts that are not in dispute. By stipulating to the below facts, the parties are neither admitting nor conceding that such facts are material or relevant to the claims or defenses in this matter. All arguments for or against materiality or relevance as to the facts set forth below are reserved and not waived.

¹ Although the Stipulation provides that the parties are to submit a joint statement of undisputed material facts, the parties, despite their good faith efforts, are unable to come to agreement on the materiality of the facts set forth herein.

In accordance with the Stipulation, the parties also reserve their rights to present additional facts in connection with the briefing on the parties' forthcoming motions for summary judgment or at trial.

The parties hereby stipulate to the following facts:

1. Grace Property is a Connecticut limited liability company.
2. Grace Foundation is a not-for-profit Delaware corporation that owns a 100% interest in Grace Property.
3. The Commission is the agency authorized to receive, consider and approve or reject applications for Subdivision and Resubdivision under the New Canaan Subdivision Regulations. The Commission is also authorized to receive, consider and approve or reject special permit applications under the New Canaan Zoning Regulations, and decide land use issues.
4. In 2007, the Commission approved the application of Grace Property to re-subdivide a previously approved 10 lot residential subdivision comprising a total of approximately 75-acres of land in New Canaan, Connecticut into two lots. Those two lots are identified on the New Canaan Assessor's map as map no. 41, block no. 38, lot nos. 76 ("Lot 76") and 77 ("Lot 77").
5. Grace Property is the record owner in fee simple of Lot 77, comprising approximately 48 acres, which has the street address of 365 Lukes Wood Road, New Canaan, Connecticut. Lot 77 is located in a 4-acre residence zone. Grace Property purchased Lot 77 in July 2008.
6. Grace Foundation is the record owner in fee simple of Lot 76, comprising approximately 27 acres, which has no street number assigned by the Town of New Canaan and

which is listed in the New Canaan Assessor's Records as "Lukes Wood Road." Grace Foundation purchased Lot 76 in December 2009.

7. On November 27, 2007, the Commission approved a special permit application submitted by Grace Property for Lot 77 (the "2007 Special Permit"). The Commission's approval of the 2007 Special Permit allowed the use and development of Lot 77 for Grace Community Church, including, among other things, the construction of a temporary sanctuary with capacity for 900 persons, and other improvements.

8. The sole access drive to Lot 77 is from Lukes Wood Road, in New Canaan, Connecticut.

9. A portion of the northern boundary of Lot 77 is along Lukes Wood Road in New Canaan. A portion of the eastern boundary of Lot 77 is along Smith Ridge Road (Route 123) in New Canaan.

10. Lot 76 is adjacent to Lot 77. Part of the northern border of Lot 76 is along Lukes Wood Road in New Canaan. Another part of the northern border of Lot 76 is along Puddin Hill Road, which is in Lewisboro, New York and Pound Ridge, New York. A portion of the eastern boundary of Lot 76 is along Smith Ridge Road (Route 123) in New Canaan.

11. Puddin Hill Road is located in the State of New York.

12. Puddin Hill Road connects to Smith Ridge Road (Route 123) in Lewisboro, New York.

13. A portion of Puddin Hill Road is located in Pound Ridge, New York.

14. Puddin Hill Road connects to Lukes Wood Road at the Pound Ridge/New Canaan border.

15. In connection with Grace Property's application for the 2007 Special Permit, Grace Property submitted the June 2007 Traffic Impact and Access Analysis Prepared by Frederick P. Clark Associates, Inc. (the "Clark Report").

16. Among the conclusions of the Clark Report was that area roads can accommodate the anticipated level of site traffic without any modifications or improvements to the roads or changes to traffic control.

17. On September 25, 2007, Mordechai Abel, a resident of New Canaan, Connecticut, submitted to the Commission a document entitled Traffic Study Review prepared by DLS Consulting (the "DLS Report").

18. On September 25, 2007, Michael Galante of Frederick P. Clark Associates submitted a letter to the Commission addressing traffic related comments from residents of New Canaan, Pound Ridge and Lewisboro. Mr. Galante also provided testimony addressing the traffic related comments at a public hearing before the Commission on September 25, 2007.

19. On November 27, 2007, Michael Pastore, New Canaan's Town Engineer, commented on traffic-related issues concerning the application for the 2007 Special Permit.

20. In 2008, the Commission approved Grace Property's application for an amendment to the 2007 Special Permit (the "2008 Amendment"). The 2008 Amendment allows, among other things, Grace Property to construct a permanent sanctuary with capacity for 900 people, a temporary sanctuary that was to be used as a gymnasium following the completion of the permanent sanctuary, and other improvements.

21. Plaintiff and five other individuals (Mary Shah, Modechai Abel, Savyona Abel, Daniel Cooper and Karen Cooper) appealed the 2007 resubdivision approval, the approval of the 2007 Special Permit, and the approval of the 2008 Amendment to the Superior Court.

22. In Count III of Plaintiff's appeal from the approval of the 2007 Special Permit, Plaintiff alleged that the Commission's decision approving the 2007 Special Permit was void *ab initio* because "the Commission unilaterally bound the adjoining New York State Towns of Lewisboro and Pound Ridge to its determination that their streets were adequate to handle the traffic from a specially permitted land use in New Canaan, in violation of section 8-7d(f)(2) of the Connecticut General Statutes[;]" and "[b]y unilaterally binding Lewisboro and Pound Ridge to its determination that the streets in those towns were adequate to handle the traffic from [Grace Property's] church complex, the Commission acted in excess of its delegated powers."

23. In Plaintiff's briefs in support of his appeal from the approval of the 2007 Special Permit, Plaintiff cited the Connecticut Supreme Court decision of *Wellswood Columbia, LLC v. Town of Hebron*, 295 Conn. 802 (2010) ("*Wellswood*"), in support of his cause of action set forth in Count III of his appeal.

24. In Count I of Plaintiff's appeal from the approval of the 2008 Amendment, Plaintiff alleged that the Commission's decision approving the 2008 Amendment was void *ab initio* because "the Commission unilaterally bound the adjoining New York State Towns of Lewisboro and Pound Ridge to its determination that their streets were adequate to handle the traffic from a specially permitted land use in New Canaan, in violation of section 8-7d(f)(2) of the Connecticut General Statutes[;]" and "[b]y unilaterally binding Lewisboro and Pound Ridge to its determination that the streets in those towns were adequate to handle the traffic from [Grace Property's] church complex, the Commission acted in excess of its delegated powers."

25. In Plaintiff's brief in support of his appeal from the approval of the 2008 Amendment, Plaintiff incorporated by referenced the argument made in his brief in the appeal from the 2007 Special Permit concerning his claim that the Commission unilaterally bound

Lewisboro and Pound Ridge to its determination that Puddin Hill Road could handle traffic from the proposed church.

26. Plaintiff's appeals from the approval of the 2007 Special Permit and approval of the 2008 Amendment were consolidated for purposes of trial. A trial was held in 2011.

27. On January 6, 2012, the Superior Court (Hon. A. William Mottolese) issued a Memorandum of Decision dismissing the appeals from the approval of the 2007 Special Permit and approval of the 2008 Amendment ("2012 Memorandum of Decision").

28. On January 17, 2012, Plaintiff filed with the Connecticut Appellate Court a Petition For Certification For Review By The Appellate Court In Accordance With Chapter 124 Of The Connecticut General Statutes ("Petition for Certification"), pursuant to which Plaintiff sought review by the Appellate Court of the 2012 Memorandum of Decision. In the Petition for Certification, Plaintiff argued, among other things, that the 2012 Memorandum of Decision conflicted with *Wellswood*.

29. By Order dated April 18, 2012, the Appellate Court denied the Petition for Certification.

30. In September 2012, Grace Property filed an application for an amendment to the 2007 Special Permit pursuant to section 8.2.B.6.d of the New Canaan Zoning Regulations requesting "an AMENDMENT to the SPECIAL PERMIT approved on November 27, 2007 pursuant to § 3.2.C.14 of the Regulations and previously amended on May 20, 2008 so that the proposed improvements may be built as shown on the plans submitted herewith in accordance with such existing special permit approvals."

31. In conjunction with the filing of the application for an amendment to the 2007 Special Permit in September 2012, Grace Property filed an associated application for site plan

approval (with the application for amendment to the 2007 Special Permit, the “2012 Applications.”).

32. Among other things, the 2012 Applications sought the Commission’s approval of the plans to construct a building on Lot 77 called the “River building,” to which certain functions which were to be located in the barn and barn addition in the previously approved plans were shifted.

33. According to the 2012 Applications, the sanctuary will be located in the River building, and will have fixed seating for approximately 716 persons, with a maximum capacity of 900.

34. By letter dated September 28, 2012, the Town of New Canaan notified the Town Clerk of the Town of Lewisboro, New York of a hearing on the 2012 Applications. Copies of the 2012 Applications were enclosed with the letter, which was sent via certified mail/return receipt requested.

35. By letter dated September 28, 2012, the Town of New Canaan notified the Town Clerk of the Town of Pound Ridge, New York of a hearing on the 2012 Applications. Copies of the 2012 Applications were enclosed with the letter, which was sent via certified mail/return receipt requested.

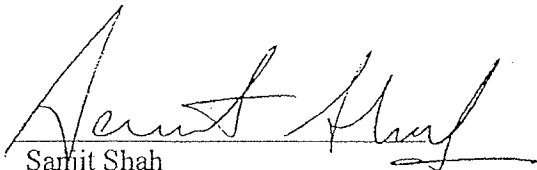
36. Gary Warshauer, the Supervisor for the Town of Pound Ridge, sent a letter dated October 10, 2012, on behalf of Pound Ridge to Laszlo Papp, the Chairman of the Commission, concerning the 2012 Applications.

37. On October 17, 2012, Plaintiff sent a letter to Steven Kleppin, the Town Planner for New Canaan, concerning the 2012 Applications with copies to officials of the towns of Pound Ridge and Lewisboro.

38. Peter H. Parsons, the Supervisor of the Town of Lewisboro, sent a letter dated October 22, 2012 on behalf of Lewisboro to Mr. Papp concerning the 2012 Applications.
39. Mr. Parsons appeared at the October 23, 2012 public hearing and the December 18, 2012 public hearing, and spoke on behalf of Lewisboro at those hearings.
40. Richard Lyman, a councilman of the Town of Pound Ridge, appeared at the November 27, 2012 public hearing, and spoke on behalf of Pound Ridge.
41. Mr. Warshauer sent a letter to the Commission dated December 6, 2012 on behalf of Pound Ridge.
42. Mr. Parsons sent a letter to the Commission dated December 18, 2012 on behalf of Lewisboro.
43. Public hearings on the 2012 Applications were held on October 23, 2012, November 27, 2012, December 18, 2012 and January 29, 2013.
44. The Commission deliberated on the applications on February 26, 2013, March 5, 2013, and March 26, 2013.
45. On March 26, 2013, the Commission approved the 2012 Applications with conditions.
46. Neither Pound Ridge nor Lewisboro appealed from the approval of the 2012 Applications.
47. Plaintiff and other parties (Mary Shah, Modechai Abel, Savyona Abel, Daniel Cooper and Karen Cooper) filed and are pursuing an appeal from the approval of the 2012 Applications in Superior Court pursuant to Connecticut General Statutes § 8-8 and the Complaint in the action styled *Shah et al. v. Planning & Zoning Commission, et al.*, Docket No. LND-HHD-CV13-5037160-S).

PLAINTIFF, SANJIT SHAH

By



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CERTIFICATION

I hereby certify that a copy of the above was mailed or electronically delivered on October 4, 2013, to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were electronically served.

BY U.S. MAIL AND E-MAIL

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By /s/ Erick M. Sandler
Erick M. Sandler

EXHIBIT 2

Planner's Memo



January 24, 2013

To: P&Z Commission
R. Mallozzi, First Selectman
N. Williams, Selectman (via email)
B. Jones, Selectman (via email)
I. Bloom, Town Attorney (via email)
M. Pastore, Town Engineer (via email)

From: Steve Kleppin, Town Planner

Just a reminder that the meeting will be held at the Nature Center!

Re: Meeting Memo – January 29, 2013

There are five (5) public hearing items on the Agenda, including the continuation of the Grace Church amendment to their Special Permit and the St. Lukes Public Hearing. In addition there is a proposed 4-lot subdivision proposed for Weed Street and two residential Special Permit requests.

Item Number:

1. John Engel III, Special Permit, §3.5.F.5, 15 Richmond Hill Rd.

Zone: Apartment

Request:

The applicant is proposing to construct a single family dwelling on the referenced property which exceeds the permissible side yard height setbacks.

Discussion:

The subject property is located immediately west of the Richmond Hill parking lot. There is a dwelling on the western property. The site survey indicates that the lot has a width of 60' and is only 50' at the rear. The lot width is substandard for the 100' requirement for the Apartment Zone & less than the 75' minimum lot width for a single family dwelling in the B-Residence Zone. If the lot width met the minimum standards for the B-Residence Zone it is likely that no Special Permit would be required.

In meeting with the applicant and his Architect prior to the submission of the application, I stressed to them that the placement of the building and its place in relation to the street and existing structures was important. In addition, the potential for future redevelopment of the Richmond Hill lot should also be considered.

Letters For or Against: None to date.

Certification of Mailing have not been provided.

2. Joann & James Slattery, Special Permit, §3.4.C.6, 67 Fable Farm Rd.

Zone: Two-Acre Res.

Request:

The applicant is proposing to locate a generator in a front yard.

Discussion:

The applicant has proposed to install a generator as indicated on the survey. According to the applicant the generator will be located behind a stonewall as well as mature landscaping and will not be visible from the street or from the southern neighbor.

I would recommend Commission members visit the site to determine the appropriateness of their request.

Letters For or Against: None to date.

Certification of Mailing have been provided.

3. Grace Property Holdings, LLC, Special Permits, §8.2.B.6.d and 6.11.C.3.f, 365 Lukes Wood Rd.

Zone: Four Acre-Res.

Request:

The applicant is proposing to modify the approved Special Permit and reconfigure the previously approved site layout.

Discussion:

Please note that the public hearing on this application must close after this hearing. In addition, the Inland Wetlands Commission (IWC) closed their public hearing on this application at their January meeting.

Several new submittals were received as part of this application.

There are several outstanding issues to be discussed at the hearing.

Landscaping & Lighting Issues

Several of the abutting neighbors have concerns about lighting and landscaping in relation to the potential impacts on their properties. It appears that progress has been made on all these fronts but a final agreement has not been reached with each of the abutters who are expressing concern regarding this issue. I would recommend not delving too deeply into minutia of tree size and number during the hearing. Hopefully the parties will continue to talk before the close of the hearing and if there are unresolved issues regarding landscaping plans that be considered during the deliberations after the hearing is closed.

It is important to note that as part of the application the applicant is requesting a Special Permit to allow up-lighting per §6.11.C.3.f. The applicant has modified the proposed up-lighting in response to concerns expressed by some neighbors but this should be clarified at the hearing.

Fill & Truck Traffic

At the December hearing the first substantive discussion on the import of approximately 63,000 cubic yards of fill occurred. This could equate to over 3,500 15-yard truck trips. A previous application at St. Lukes proposed to bring in approximately 56,000 cubic yards of material. As part of that application it was estimated this would result in 24 round trips per day for a period of six months. The applicant should clearly outline the anticipated staging and potential timing of the truck deliveries. Regardless of the staging of the projects, this could have a significant impact on the roadways as well as the traffic patterns in the surrounding area.

Septic System & Site Drainage – Matt Pawlik of the CT Department of Health has approved the proposed septic plan with conditions. A copy of the letter has been placed in the file. The applicant has made several revisions to the septic system based upon Mr. Pawlik's letter. The revised plan is being reviewed by Briggs Geddis who anticipates having his review completed by Tuesday's hearing.

Other Ancillary Uses – At the last two hearings there was considerable discussion on the scope of activities that may or may not occur on the church property and whether: 1) they were in keeping with the activities outlined in the previous application; 2) the mission and scope has increased beyond what was previously discussed and approved; 3) they are consistent with the activities conducted at other religious institutions in New Canaan; and 4) an additional Special Permit is required per §3.2.A.

The applicant has provided a listing of typical uses that may occur at various parts of the day and week. While this list is helpful and provides additional information, it is difficult to determine what if any activities will be occurring concurrently or whether they will occur on different days of the week. If these activities are currently being conducted by the church, where are they currently conducted and what is a typical weekly schedule? Another valid question is how this schedule compares to other religious institutions in New Canaan.

In addition, there has also been concern expressed whether this facility will be used for such things as a convention center and potentially a private school. Prior approvals had the following conditions relevant to this issue:

- i. There shall be no renting of the facility to outside commercial or for-profit organizations.
- ii. The site shall not be used as a school, as defined in the zoning regulations, except for religious education and/or nursery (preschool) schools.

While it can safely be assumed that these two conditions would seem to alleviate that fear and serve to prevent those uses from occurring, perhaps the wording of the first condition could be tweaked to include "used by" in addition to "rented", to remove any potential loopholes.

4. St. Lukes, Public Hearing/Site Plan Application, §8.2.A, 377 N. Wilton Rd.

Zone: Four Acre-Res.

Request:

The applicant is proposing to expand the main building for additional classroom space.

Discussion:

Chairman Papp identified five (5) unresolved issues at the December hearing: i) why the additional classrooms are needed, ii) the need to work with neighbors to resolve lighting and screening concerns, iii) the need for legal counsel to opine on the Special Permit vs Site Plan issue raised by Attorney Bayer, iv) the need for legal counsel to opine on the Commission's ability to impose an enrollment cap, and v) how to handle the Soundview Lane access issue.

- i. The applicant addressed this item at the December hearing as summarized in the draft Minutes.
- ii. Site lighting and landscaping were one area of concern expressed by neighbors, particularly the Soundview Lane neighbors. The applicant indicated that they would prepare a revised landscaping plan as well as provide measures to mitigate lighting emanating from the building. The project Architect, Jim Rogers, indicated that he would work with the neighbors to hopefully reach an agreement on landscaping and lighting for this meeting.
- iii. Town Attorney Ira Bloom has prepared a memo for the Commission regarding the need for a Special Permit application which is within your packet. Attorney Finn has subsequently submitted a Special Permit application.
- iv. At the December hearing Attorney Bloom indicated that the Commission could impose a cap but that cap could not be arbitrary and must be tied to substantial evidence in the record.

The applicant indicated that there is no intention of using Soundview Lane. I have been working with Attorneys Bloom and Finn on some draft language to hopefully address items 4 and 5 which I will get to you before Tuesday's hearing.

The applicant has also submitted an appraisal report/value impact analysis related to the proposed addition, which is part of your packet.

It is my understanding that the applicant has met with the neighbors since the last hearing but I do not know if an agreement on lighting and landscaping has been reached.

6. John Black Lee, 2-Lot Subdivision Application 160 Mill Rd.

I did receive a phone call from Attorney Robert Fuller indicating they were withdrawing the application and would send a formal letter.

7. 809 Weed Street Trust, 4-lot Subdivision, 809 Weed Street

Zone: One Acre Residence Zone

Discussion:

This application was on the December Agenda but the hearing was not opened in order to give the applicant more time to consult with some of the neighbors who had expressed concern over the proposal.

The applicant is proposing to subdivide the 4.817 property into four (4) building lots, containing 2 front lots and 2 rear lots. Driveway access for all four lots will be from a common drive. Each lot is a minimum of one acre. There are two front lots with street widths of approximately 200 feet, where 150 feet is required. There are two rear lots served by a central accessway. All four driveways will be served from the accessway which results in only one curb cut which will not alter the existing traffic flow. Each lot also contains a lot circle with a diameter of 150 feet.

The applicant has proposed to provide an approximate 12-foot conservation buffer strip around the perimeter of the property. While this does not provide any open space value and normally I would not recommend approving a configuration like this, the conservation strip will retain the integrity of the streetscape along Weed Street.

Public Works has reviewed and approved the application for connecting to the municipal sewer system and for storm drainage. Each building lot will be connected to the municipal sewer system through an existing private sewer line that exits at the rear of the property. Stormwater will be collected through underground detention and excess will flow into the existing stormwater drainage system along Weed Street.

I would recommend the following conditions of approval:

1. A street opening permit be obtained from Public Works.
2. A conservation easement be filed on the land records indicating the vegetative buffer will be maintained in perpetuity and any stone walls presently existing shall remain except that will be removed as part of any new driveway installation.
3. The applicant shall submit a Mylar and at least two paper copies of the record map for signing by the Commission and filing on the New Canaan Land Records within 90 days of the expiration of the appeal period. This shall be done prior to any earth disturbing activity on any of the property.
4. The Mylar shall contain the proposed open space/conservation easement.
5. Prior to submitting the Mylar map, the applicant shall obtain lot numbers from the Tax Assessor.
6. All utilities shall be buried underground.
7. Per Subdivision Map, Site Development Plan & Construction Notes & Details of 809 Weed Street prepared for 809 Weed Street Trust, prepared by RKW Land Surveying, dated November 15, 2012, on-file with the Planning and Zoning Department.

Letters For or Against: See letters in opposition.

Certification of Mailing has been provided.

END

Planner's Memo



February 21, 2013

To: P&Z Commission
R. Mallozzi, First Selectman
N. Williams, Selectman (via email)
B. Jones, Selectman (via email)
I. Bloom, Town Attorney (via email)
M. Pastore, Town Engineer (via email)

From: Steve Kleppin, Town Planner

Re: Meeting Memo – February 26, 2013

Please note that we will have a Special Meeting at 6:30 PM regarding Jelliff Mill.

There are four (4) public hearing items on the Agenda. The Agenda has been broken into two public hearing portions in order to give the St. Lukes application ample time since it was not heard at the January meeting. Following the St. Lukes hearing we will have a preliminary deliberation discussion (closed hearing) concerning the Grace Church application. Following the Grace discussion we will continue with the other three public hearing items.

Reminder - Upcoming Meetings:

- Tuesday March 5th: NC Nature Center – Special Meeting – Grace Church deliberation
- Thursday March 21st: Wagner Room, NC High School – POCD Public Hearing
- Tuesday March 26th: NC Nature Center – March Meeting

Item Number:

1. St. Lukes, Special Permit/Site Plan Application, §8.2.A, 377 N. Wilton Rd.

Zone: Four Acre-Res.

Request:

The applicant is proposing to expand the main building for additional classroom space.

Discussion:

Outstanding Issues from 12/18/12 Hearing:

Chairman Papp identified five (5) unresolved issues at the December hearing: i) why the additional classrooms are needed, ii) the need to work with neighbors to resolve lighting and screening concerns, iii) the need for legal counsel to opine on the Special Permit vs Site Plan issue raised by Attorney Bayer, iv) the need for legal counsel to opine on the Commission's ability to impose an enrollment cap, and v) how to handle the Soundview Lane access issue.

- i. The applicant addressed this item at the December hearing as summarized in the draft Minutes.

- ii. Site lighting and landscaping were areas of concern expressed by neighbors, particularly the Soundview Lane neighbors. The applicant indicated that they would prepare a revised landscaping plan as well as provide measures to mitigate lighting emanating from the building. The applicant has been working with the neighbors to hopefully reach an agreement on landscaping and lighting. I am hopeful that the applicant and neighbors are close to an agreement on these issues.
- iii. Town Attorney Ira Bloom has prepared a memo for the Commission regarding the need for a Special Permit application, which is in your packet. Attorney Finn has subsequently submitted a Special Permit application.
- iv. At the December hearing Attorney Bloom indicated that the Commission could impose a cap but that cap could not be arbitrary and must be tied to substantial evidence in the record.

Enrollment Cap

Attorney Bloom and I had prepared a draft of conditions related to enrollment which was given to the Commission for the last meeting. The neighbors drafted amendments to those conditions which were discussed between St. Lukes, myself and the neighbors on February 21st. Unfortunately no agreement has been reached on any conditions pertaining to this issue.

The applicant has also submitted an appraisal report/value impact analysis related to the proposed addition, which is part of your packet. The neighbors have also retained an appraiser who is preparing a report as well. To date, the report has not been received. As you will recall, this information was requested for receipt by February 16th.

Attorney Bayer's 2/16/13 Memorandum

Attorney Bayer prepared a memorandum dated February 16, 2013. In that memorandum he indicated that a new Special Permit was required when the lot containing the current Headmasters House on Soundview Lane was merged with the St. Lukes property. While Attorney Bayer believes a Special Permit is required for the property annexation, there is no provision in the zoning regulations preventing the merger. The merging of the lots does not necessitate a Special Permit unless the residential use of any portion of that property, including the Headmasters House, is no longer used for strictly residential purposes. This was indicated to St. Lukes in a letter dated March 14, 2011. This does allow St. Lukes to gain additional lot coverage, which affords them the ability to construct this addition without seeking relief for building coverage or possibly removing existing square footage. In addition, this prevents any future footprint expansion on the residential property reducing the impacts on Soundview Lane.

It is important to note that this matter was reviewed with former Town Attorney Chris Jarboe as well as a merging of residential property to the Country School property, increasing their total lot area. The Country School is also bound to the same restriction on the use of the former residential property and any change in use will require a new Special Permit application.

If the Commission wishes to limit St. Lukes or other institutions expansion, you can condition this approval or other institutions future approvals on the total lot area as presented at the time of the application. When the Glass House was approved as a museum, one of the conditions of approval was specific to the total lot area. As you may recall, the National Trust amended their Special Permit last year to include an additional residential parcel they wished to merge with the Glass House property. The amended Special Permit indicated the specific lot area after the merger. In addition, there was no proposed change in use of the residential property.

You may also recall there was a text amendment approved for the YMCA, in anticipation of expansion, which allowed for increased building coverage with a maximum 6% increase over the building coverage permitted for the lot area as of the date of the adoption of the amendment.

3. Grace Property Holdings, LLC, Special Permits, §8.2.B.6.d and 6.11.C.3.f, 365 Lukes Wood Rd.

Zone: Four Acre-Res.

Request:

The applicant is proposing to modify the approved Special Permit and reconfigure the previously approved site layout.

Discussion:

The hearing closed at the January meeting. Please note that the Health Department has approved the septic system and the Inland Wetlands Commission approved the application. In speaking with Chairman Papp he indicated it would be a good idea to begin deliberations at this meeting to formulate a game plan and hold substantive deliberations at the March 5th Special Meeting.

Time permitting I would recommend the Commission deliberate on the following key issues with an eye on more detailed discussion items for March 5th.

- i. The Commission should make a definitive statement whether the present application is an amendment to the previously approved Special Permit or a new Special Permit application?
- ii. Similarly, are the modifications to the previously approved Site Plan significant enough to require a new Special Permit application.
- iii. The Commission should make an affirmative statement regarding traffic. The applicant contends that a new study is not warranted while the opposition indicated that the data is outdated. However, recent traffic counts indicate that traffic volumes are less than when the original traffic counts were obtained. A similar finding should be made regarding the need for an updated real estate appraisal report.
- iv. Are the ancillary activities as represented by the applicant consistent with a church or do they require a new Special Permit. The Commission should also consider the potential operation of the Foundation from that address.
- v. The Commission should address the Petition for Intervention under CGA 22a-19 and 19a.

I am hopeful that if you can come to a consensus decision on the above matters. This would direct Attorney Bloom and I on how to proceed regarding a resolution of approval or denial.

I have also included the approvals from the first two applications which outline the conditions of approval. I would also direct you to the submission from Attorney Hennessey dated January 18th (tab 4) which contains suggested conditions of approval. In addition, the January 29th Minutes contain several references to suggested and agreed upon conditions between the applicant and some of the neighbors. I would recommend not discussing the issues of lighting, landscaping and screening until the March 5th meeting.

5. Town of New Canaan, Special Permit, §5.1.I.1 & 6.4.G, 677 South Ave.

Zone: Waveny

Request:

The Park and Recreation Department is proposing to install additional field lighting for the Boys Varsity field to the east of the water tower. In addition they are realigning and repurposing existing fields.

Discussion:

Parks & Recreation is proposing to install lighting to 70' in height as allowed per §5.1.I.1 to facilitate the Boys baseball team. The Commission has previously approved lighting to the same heights. I do not recall receiving any complaints from the lighting installed within Waveny. The applicant has also provided illumination studies from Musco Lighting.

In addition to the lighting the applicant will also be regrading the existing fields to accommodate the different user groups. There should be no impact on any off-site users.

Letters For or Against: None to date.

Certification of Mailing have not been provided.

6. Daniel & Nina Lota, Special Permit, §3.4.C.6, 5 Cecil Place

Zone: A Res.

Request:

The applicant is proposing to locate a generator in a front yard.

Discussion:

The applicant has proposed to relocate the existing, conforming, generator as indicated on the survey. The Commission should consider whether the generator can be relocated east of its existing location and not require a Special Permit.

I would recommend Commission members visit the site to determine the appropriateness of the applicant's request.

Letters For or Against: None to date.

Certification of Mailing have been provided.

7. Programmix, LLC, Special Permit, §3.2.C.1.b, 61 Lakeview Ave.

Zone: B Res.

Request:

The applicant is proposing to construct a second, detached, dwelling unit to the rear of the existing dwelling...

Discussion:

In reviewing the site survey, the proposed dwelling is proposed to be located 15.5 feet from the eastern property line. Section 3.5.F.5 requires reduced side yard heights within 8-16 feet from the side property line. The applicant should verify that corner of the dwelling does not violate that provision.

The survey indicates proposed building coverage is 2,675 square feet, which is the maximum permissible for this lot. In scaling the two structures, the existing dwelling including renovations equals approximately 1,222 square feet, while the proposed dwelling equals approximately 1,483 square feet, which totals 2,705 square feet. This should be clarified by the applicant.

Letters For or Against: None to date.

Certification of Mailing have been provided.

11. NC Teen Center, 2-Year Extension

For informational purposes, I am not aware of any complaints or recent issues related to the Teen Center.

13. Phillip Johnson Glass House, Annual Event

Within your packets you will find a letter from the Glass House outlining their request for their annual fund raiser. For informational purposes, last years event was approved with a conclusion at 9:30 PM with final site cleanup and exiting by 10:30 PM. Requirements and coordination of policing of the site should be made through the police department.

Additional materials will be provided by the Glass House related to activities they feel are in keeping with the Special Permit conditions.

END

EXHIBIT 3

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, NOVEMBER 27, 2012

REGULAR MEMBERS PRESENT: REGULAR MEMBERS ABSENT:

Mr. Papp, Chairman
Mrs. Grzelecki, Secretary
Ms. DeLuca
Mr. Goodwin
Mr. Rothballer
Mr. Scannell
Mr. Ward
VACANCY

Mr. Turner

ALTERNATE MEMBERS PRESENT: ALTERNATE MEMBERS ABSENT:

Mr. Shizari
Mr. Radman (arrived at conclusion of item 3)
VACANCY

Also in Attendance:
Steve Kleppin, Town Planner/Senior Enforcement Officer

PUBLIC HEARING

Chairman Papp opened the Public Hearing at 7:02 p.m. Mr. Shizari was seated for Mr. Turner.

LEGAL ADVERTISEMENT

10A NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, NOVEMBER 15, 2012

| | | |
|---------------------------------------|------------------------------------|----------------------------------|
| TOWN OF NEW CANAAN | for property in the A | with the Site Plan application |
| PLANNING & ZONING | Residence Zone at 43 St. John | of Stephen A. Finn, |
| COMMISSION | Place (Map L Block 204 Lot | Esq. Wofsey, Rosen, Kweskin |
| Notice is hereby given | 845). | & Kuriansky, LLP, Authorized |
| that the Planning and Zoning | 2. Upon application of | Agent, for St. Lukes |
| Commission will hold a | Amy S. Zabetakis, Rucci Law | Foundation Inc., owner, pursuant |
| Public Hearing on Tuesday, | Group, Authorized Agent, | to Section 8.2.A requesting |
| November 27, 2012 at 7:00 | for Joseph Hanson, contract | an addition to the main |
| p.m. in the Sturges Room, N. | Purchaser (George W. and | school building and removal |
| C. Nature Center, 144 Oenoke | Susan K. Baker, Jr., owners), | of certain existing structures, |
| Ridge to hear and decide applications | for a Special Permit of Section | for property in the Four Acre |
| as follows: | 3.7.E requesting building coverage | Residence Zone at 377 North |
| 1. Upon application of | of 3,450 square feet in | Wilton Road (Map 40 Block |
| Elizabeth A. and John F. | lieu of the 2,505 square feet | 105 Lot 12, 90 and 135). |
| Kennelly, owners, for a Special | allowed, for property in the | Dated: November 9, 2012 |
| Permit of Sections 3.5.F.5 to | One-Third Acre Zone at 6 | New Canaan, Connecticut |
| extend the existing roof to the | Kelley Green (Map N Block | Jean N. Grzelecki |
| north, within the east and west | 60 Lot 670). | Secretary |
| reduced side yard height setbacks, | 3. Public Hearing in accordance | 11-15 11-22 |

1. Robant LLC, owners, 31 Vitti Street – Special Permit

Upon application of Anthony Totilo, Anthony Totilo Architects and Associates, Authorized Agent, for Robant LLC, owners, for a Special Permit of Section 6.2.E.1 to allow a 25% reduction of the parking on site: 12 spaces provided in lieu of 17 spaces required, including one loading space and one handicap accessible space, for property at 31 Vitti Street in the Business B Zone (Map T Block 75 Lot 619A). (Continued from the August 28, 2012, September 24, 2012 and October 23, 2012 meetings).

This application was withdrawn.

2. Elizabeth A. and John F. Kennelly, owners, 43 St. John Place – Special Permit.

Upon application of Elizabeth A. and John F. Kennelly, owners, for a Special Permit of Sections 3.5.F.5 to extend the existing roof to the north, within the east and west reduced side yard height setbacks, for property in the A Residence Zone at 43 St. John Place (Map L Block 204 Lot 845).

James Schettino, Architect, representing Elizabeth and John Kennelly, spoke about the application for a special permit to expand the roof line to the north, an extension to the east and west side of the property. Due to reduced side yard setback requirements, they are proposing to extend the current roof to the north. He presented a diagram showing height requirements and stated that it's an extension of the current roof and they are not going any higher and that the attic ratios are in compliance.

The public hearing on this matter was closed.

3. Joseph Hanson, contract Purchaser (George W. and Susan K. Baker, Jr., owners), 6 Kelley Green – Special Permit.

Upon application of Amy S. Zabetakis, Rucci Law Group, Authorized Agent, for Joseph Hanson, contract Purchaser (George W. and Susan K. Baker, Jr., owners), for a Special Permit of Section 3.7.E requesting building coverage of 3,450 square feet in lieu of the 2,505 square feet allowed, for property in the One-Third Acre Zone at 6 Kelley Green (Map N Block 60 Lot 670).

Attorney Amy Zabetakis stated that the Bakers have sold the property to the Hansons and submitted a copy of the deed for the record. She also stated that there have been no concerns from the neighbors and she submitted eight letters of support from neighbors. She also submitted a drainage proposal prepared by McChord Engineering

The public hearing on this matter was closed.

4. John Black Lee, owner, for a two-lot resubdivision at 160 Mill Road.

Upon application of John Black Lee, owner, for a two-lot resubdivision for 2.95 acre parcel located in New Canaan and Wilton, of property in the One Acre Residence Zone at 160 Mill Road (Map 49 Block 113 Lot 2). (Not open on the August 28, 2012 meeting and continued from the September 24, 2012 and October 23, 2012 meetings).

Attorney Robert Fuller, representing the applicant, spoke regarding concerns raised at the last meeting. He discussed the issue of inter-municipal jurisdiction between New Canaan and Wilton and stated that New Canaan only has jurisdiction in New Canaan and Wilton only has jurisdiction over land in Wilton. There will be no development on the Wilton lot. Mr. Fuller discussed an October 17, 2012 letter from Robert Nerney, Wilton Town Planner, indicating that a formal subdivision approval is required by Wilton. The applicant intends to go back to the Wilton Planning and Zoning Commission in December to hopefully resolve the issue in Wilton. He will submit a letter requesting an extension until the January 29, 2013 meeting.

He further indicated that the septic system for the south lot has been approved by the Health Department. The other issues raised such as parking on the property, contour lines, and the retaining wall on the southern property are site planning issues that they will address.

The public hearing on this matter will be continued to the January 29, 2013 meeting.

5. Grace Property Holdings LLC, owners, 365 Lukes Wood Road – Amendment to Special Permit.

Upon application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, requesting, pursuant to Section 8.2.B.6.d of the New Canaan Zoning Regulations, an amendment to the Special Permit approved on November 27, 2007 pursuant to Section 3.2.C.14 of the Regulations and previously amended on May 20, 2008 so that the proposed improvements may be built as shown on the plans submitted herewith in accordance with such existing special permit approvals. In addition, in connection with certain proposed site lighting, the applicant seeks special permit approval pursuant to Section 6.11.C.3.f of the Regulations for ornamental up-lighting of landscape features, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77). (Continued from the October 23, 2012 meeting.)

Attorney Joseph Hammer of Day Pitney LLP, representing the owner, reviewed the history of the project. He stated that in 2007-2008 the Commission granted a Special Permit and Amended Special Permit to use the subject property for religious purposes, including a permanent sanctuary with a capacity of 900. The Special Permit and amended Special Permit were approved with the condition that the owner had to come back to the Commission for approval of the design of the sanctuary and that no further traffic study would be needed if the capacity of the sanctuary did not exceed 900. The Commission's approvals were appealed to the Superior Court. The Superior Court upheld the Commission's actions. The Appellate Court declined to hear a further appeal. The applicant is now before the Commission seeking approval of the design of the permanent sanctuary and adjustments and enhancements to the site plan.

Attorney Hammer spoke at length confirming that the previous traffic data and determinations were still appropriate considering the court actions and that the proposed sanctuary does not exceed the 900 seat capacity and that 716 fixed seats are proposed. The prior special permit cannot be revoked. Grace Property Holdings is the owner of this permit and they are not asking to change or modify the permit. He distributed his memo dated November 27, 2012 to the Committee. He stated that Grace Church is looking to provide a permanent home for its members and that they are not asking for anything more than any other religious organization. They may hold an occasional meeting on a given Tuesday night in the sanctuary and will light up only the one room they are using. They will install motion sensors lights, security cameras and an entrance gate.

Holt McChord, McChord Engineering Associates, Inc., spoke regarding site changes that were made. The first Wetlands meeting was last Monday. He displayed his diagram of the property. They have submitted a revised parking plan, relocating the southern parking lot to the west of the barn structure to move the parking lot off of the neighbor's property. This will require the relocation of that septic system. The relocated parking lot will reduce the number of spaces to 226 cars from the previous 231 cars. They are currently working on landscape plans which will include a berm as well as extensive planting.

Michael Kline spoke regarding the "natural diversity database hit."

Chairman Papp stated that there is a lot of information to digest and stated that the Commission will have to make a determination of whether this application is an amendment to the existing Special Permit or whether a new application is required.

Attorney Hammer noted for the record that Attorney Shansky was not present.

Mr. Bloom, Town Attorney, spoke pertaining to the central issue from a legal point of view. Is it simply an amendment or does it require more than that or a new application? He reviewed a letter he received yesterday about the actual use by the church, and suggests they investigate whether or not the scope of activities have changed.

Sanjit Shah spoke pertaining to his belief that the intensity of the use will be much greater and stated that he submitted evidence that there was an excess of 900 people at the church on Easter. He spoke at length insisting that Grace Church needs to apply for a new special permit because of the change in the scope of the project and also that they need to request a special permit pursuant to §3.2.C.17 since the Grace Community Foundation is apparently operating out of this location. Mr. Scannell asked Mr. Shah if he could give concrete references to the points that require a new application and to concentrate on regular activities, not on holiday use such as Easter.

Richard Lyman, a member of the Pound Ridge Town Board, stated his concerns about possible tax implications to the people of Pound Ridge, New York. Police officers would need to be hired for all Sunday services and holidays. He stated, "our tax payers should not have to bear the burden."

Continued to the December 18, 2012 public hearing.

6. St. Lukes Foundation Inc., owner, 377 North Wilton Road – Public Hearing for Site Plan.

Public Hearing in accordance with the Site Plan application of Stephen A. Finn, Esq., Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent, for St. Lukes Foundation Inc., owner, pursuant to Section 8.2.A requesting an addition to the main school building and removal of certain existing structures, for property in the Four Acre Residence Zone at 377 North Wilton Road (Map 40 Block 105 Lot 12, 90 and 135).

Stephen Finn, Esq., Wofsey Rosen, Kweskin & Kuriansky, LLP, provided a brief history of the St. Luke's School explaining that it has been around since 1940, is for grades 5 thru 12 and has 531 students. He described that for both the Middle School and the Upper School the start time is the same – 8:00 AM. This causes traffic problems during the morning rush hour. The proposed construction adds 14 additional classrooms. The school could then split the students and stagger the arrival and departure times. The split would mitigate the traffic back-ups on North Wilton Road that occur in the morning.

Holt McChord, McChord Engineering Associates, Inc., provided the plan that shows no changes to the drive network.

Mark Davis, Head of St. Luke's, spoke about the School's mission and purpose in the community. He believes that the growing strength of the School is good for New Canaan property values and the fact that there are 173 New Canaan students attending this year which represents a savings to the Town of about \$3,000,000. They allow the public to attend performances at no charge and St. Luke's serves as a secondary emergency shelter location. Mr. Davis stated that the additional classrooms would improve the quality of teaching and is not intended to increase their enrollment.

Mike Galante, Traffic Engineer from Frederick P. Clark Associates, spoke about the staggered start times and improved drop-off area and crosswalks which will get traffic off North Wilton Road faster. He then showed a diagram of intersections and traffic patterns. In addition, he reviewed peak times and benefits of the proposed split schedule.

Jim Rogers, architect for St. Luke's, spoke about the zoning regulations regarding building height and the number of stories. The whole addition wraps around the west side of the building. The addition contains two science labs and five humanities classrooms and the expansion of the library. An additional benefit brings the Art Program from a remote building back into the main building and it also improves the library.

Haik Kavookjian, 293 North Wilton Road, spoke about his concerns. The new construction site is high on a hill with two above-ground levels and two below-ground levels, adding to light production and glare. He also commented that St. Luke's has increased enrollment by 22% over the last decade and a cap on their enrollment is essential.

Eric Meyer, 270 North Wilton Road, spoke further about traffic patterns at the Laurel Road stop sign. A conclusion in their traffic study shows that the population has grown by 100 students while he has been living there but St. Luke's will not or cannot provide him with a population growth figure. This new plan will work only if school enrollment doesn't increase.

Hugh Wiley, 173 Soundview Lane, spoke concerning his fear that their cul-de-sac would someday become an entrance to the school. His property abuts St. Luke's property. He stated that the lighting can be seen high and above. From a southern exposure, he sees a 4-story building with 50 extra windows looking onto his property. He is very concerned about his property value.

Joe Sweeney, 155 Soundview Lane, spoke about the lights (that did not exist 14 years ago) and that the addition will be loaded with windows. He also spoke about the height of the building.

Wendy Brainard, 374 North Wilton Road, stated her concerns about parking and feels there is no space for additional parking. She doesn't want to see a parking lot where the Art Building currently is located. She stated that North Wilton Road is a winding country lane and excessive traffic can be dangerous.

Randy Guynn, a North Wilton Road resident, read from the zoning regulations and said that four stories is too high, it's in a four acre zone and that St. Luke's is out of character with the neighborhood.

Continued to the December 18, 2012 meeting.

REGULAR MEETING

7. Deliberation and any possible action on a closed public hearing item.

Discussion on Item #2 - Elizabeth A. and John F. Kennelly, owners, 43 St. John Place – Special Permit.

Upon motion of Mrs. Grzelecki and second of Mr. Ward, the Commission voted unanimously to approve the application.

Discussion on Item #3 - Joseph Hanson, contract Purchaser (George W. and Susan K. Baker, Jr., owners), 6 Kelley Green – Special Permit.

Upon motion of Mrs. Grzelecki and second of Mr. Goodwin, the Commission voted to approve the application with conditions.

Conditions, modifications or restrictions are as follows:

1. Per First Floor Plan (A-1), Second Floor Plan (A-2) and Building Coverage Exception Calculation, dated 10/31/12 and Elevations (A-3 & A-4) dated 11/22/12, prepared by Pogacnik Architects, on-file with the Planning and Zoning Department.
2. A restriction be placed on the Land Records in accordance with §3.7.E.1 of the zoning regulations.
3. Said restriction also placed on a map filed on the land records as well as depicted on the building footprint of the map.

8. Grace Property Holdings LLC, owners, 365 Lukes Wood Road – Site Plan.

Site Plan application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, pursuant to Sections 8.2.A and 8.2.B requesting approval of improvements as shown on plans, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77). (Continued from the October 23, 2012 meeting).

Continued to the December 18, 2012 meeting.

9. Proposed changes from Brooks & Falotico for a façade modification at 22 Pine Street. (Continued from the October 23, 2012 meeting).

Louise Brooks presented two pictures for approval to change the look of the building and make it more residential. The Committee felt that white was too stark and suggested the light gray with green awnings.

Upon motion of Mrs. Grzelecki and second of Mr. Ward, the Commission voted unanimously in favor of the modification.

10. Discussion of possible zoning amendments. (Continued from the August 28, 2012, September 24, 2012 and October 23, 2012 meetings).

No Action was taken on this hour due to the late hour.

11. Sign Task Force Report.

Upon motion of Mrs. Grzelecki and second of Mr. Ward, the Commission voted unanimously in favor of modifying the agenda to add the additional “c – f” sign applications.

- a. Dunkin' Donuts, 88 Elm Street – Recover one awning.

- b. Amy Ruth Designs, 5 Elm Street – Window sign second floor; door sign first floor.
- c. Jack Spade, 143 Elm Street – Orange awning.
- d. R R Builders, 5 Elm Street – Window signs.
- e. Bizay, 5 Burtis Avenue – Awnings.
- f. Manero's, 17 Elm Street

Upon motion of Chairman Papp and second of Jean Grzelecki, the Commission approved items “a-e.”

Item “f” – applicant submitted a sign not in compliance with the regulations. Sign will be handled administratively.

12. Administrative Actions or other matters as may properly come before the Commission (Town Planner).

- a. Announcement that P&Z meeting date for January 2013 has changed from January 22, 2013 to January 29, 2013.
- b. Approve 2013 Meeting Schedule.
- c. Approval of Updated Fee Schedule

Upon motion of Chairman Papp and second of Ms. DeLuca, the Commission approved items “a-c”.

13. Approve minutes of the October 23, 2012 Meeting.

Upon motion of Chairman Papp and second of Mrs. Grzelecki, the Commission unanimously voted to approve the minutes of the October 23, 2012 meeting as amended.

14. Adjournment.

Meeting was adjourned at 11:17 p.m.

Jean Grzelecki, Secretary

LEGAL ADVERTISEMENT

12A NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, DECEMBER 6, 2012

| | | |
|----------------------------------|---------------------------------|---------------------------------|
| TOWN OF NEW CANAAN | 3.5.F.5 to extend the existing | requesting building coverage |
| PLANNING & ZONING | roof to the north, within | of 3,450 square feet in lieu of |
| COMMISSION | the east and west reduced | the 2,505 square feet allowed, |
| Notice is hereby given | side yard height setbacks, for | for property in the One-Third |
| that the Planning and Zoning | property in the A Residence | Acre Zone at 6 Kelley Green |
| Commission at a special meeting | Zone at 43 St. John Place | (Map N Block 60 Lot 670) is |
| held on November 27, | (Map L Block 204 Lot 845) is | approved with conditions. |
| 2012 duly adopted the following | approved, | 3.RESOLVED, that the |
| resolutions. Approved | 2.RESOLVED, that | Proposed changes from Brooks |
| Special Permit Applications | the application of Amy S. | & Falotico for a façade |
| become effective upon the filing | Zabetakis, Rucci Law Group, | modification |
| of a copy thereof in the | Authorized Agent, for Joseph | at 22 Pine Street were |
| office of the Town Clerk. | Hanson, contract Purchaser | approved as presented. |
| 1.RESOLVED, that the | (George W. and Susan K. | Jean N. Grzelecki |
| application of Elizabeth A. and | Baker, Jr., owners), for a | Secretary |
| John F. Kennelly, owners, for | Special Permit of Section 3.7.E | Dated November 30, 2012 |
| a Special Permit of Sections | | 12-6 |

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, OCTOBER 23, 2012

REGULAR MEMBERS PRESENT: REGULAR MEMBERS ABSENT:

Mr. Papp, Chairman
Mrs. Grzelecki, Secretary
Ms. DeLuca
Mr. Goodwin
Mr. Rothballer
Mr. Scannell
Mr. Turner
VACANCY

Mr. Ward

ALTERNATE MEMBERS PRESENT: ALTERNATE MEMBERS ABSENT:

Mr. Shizari
Mr. Radman
VACANCY

Also in Attendance:
Steve Kleppin, Town Planner/Senior Enforcement Officer

REGULAR MEETING

Chairman Papp opened the Regular Meeting at 7:00 p.m. Mr. Radman was seated for Mr. Ward.

1. Executive Session: Discussion to update the Commission on the Jelliff Mill legal proceedings.

Upon motion of Mrs. Grzelecki and second of Mr. Goodwin, the Commission voted unanimously to go into Executive Session at 7:00 p.m. to discuss and update the Commission on the Jelliff Mill legal proceedings. Steve Kleppin, Town Planner and Ira Bloom, Town Attorney, were invited to remain for executive session. The Commission came out of executive session at 7:17 p.m. No decisions were made and no votes were taken.

LEGAL ADVERTISEMENT

20A NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, OCTOBER 11, 2012

| | | |
|---------------------------------|-----------------------------------|------------------------------------|
| TOWN OF NEW CANAAN | to expand a non-conforming | on the plans submitted herewith |
| PLANNING & ZONING | structure, for property in the B | in accordance with such |
| COMMISSION | Residence Zone at 91 Summer | existing special permit approvals. |
| Notice is hereby given | Street (Map T Block 75 Lot | In addition, in connection |
| that the Planning and Zoning | 65). | with certain proposed site |
| Commission will hold a Public | 2. Upon application of Day | lighting, the applicant seeks |
| Hearing on Tuesday, October | Pitney LLP, Authorized Agent, | special permit approval pursuant |
| 23, 2012 at 7:00 p.m. in the | for Grace Property Holdings | to Section 6.11.C.3.f of |
| Auditorium of the Town Hall | LLC, owners, requesting, | the Regulations for ornamental |
| to hear and decide applications | pursuant to Section 8.2.B.6.d | up-lighting of landscape |
| as follows: | of the New Canaan Zoning | features, for property in the |
| 1. Upon application of | Regulations, an amendment to | Four Acre Residence Zone at |
| Danny G. and Rosanna P. | the Special Permit approved | 365 Lukes Wood Road (Map |
| Frattaroli, owners, for a | on November 27, 2007 pursuant | 41 Block 38 Lot 77). |
| Special Permit of Sections | to Section 3.2.C.14 of the | Dated: October 5, 2012 |
| 7.1.B.3.b and 3.5.F.5 to allow | Regulations and previously | New Canaan, Connecticut |
| an addition to the existing | amended on May 20, 2008 | Jean N. Grzelecki |
| residence to exceed the side | so that the proposed improvements | Secretary |
| yard building height, total | may be built as shown | 10-11 10-18 |
| side yard building height and | | |

PUBLIC HEARING

Chairman Papp opened the Public Hearing at 7:17 pm.

2. Robant LLC, owners, 31 Vitti Street - Special Permit.

Upon application of Anthony Totilo, Anthony Totilo Architects and Associates, Authorized Agent, for Robant LLC, owners, for a Special Permit of Section 6.2.E.1 to allow a 25% reduction of the parking on site: 12 spaces provided in lieu of the 17 spaces required, including one loading space and one handicap accessible space, for property at 31 Vitti Street in the Business B Zone (Map T Block 75 Lot 619A). (Continued from the August 28, 2012 and September 24, 2012 meetings).

Anthony Totilo, Anthony Totilo Architects and Associates, introduced Harris Smith of Crown Design who stated that the seating layout had been revised to decrease the number of seats from 45 to 35. As a result of the decrease in seating there would be a decrease in parking demand and 13 parking spaces would be required. The applicant is requesting a Special Permit for a 25% reduction in parking spaces. The applicant's updated traffic study indicated that peak hour trips would decrease from 14-17 per hour to 10-12 per hour due to the reduction in the number of seats. The applicant asked the Commission to consider the temporary loading space as a parking space bringing the on-site parking spaces to 12. He indicated that he had a letter of intent with the adjacent property at 43 Vitti Street to lease 5 parking spaces on that property. Chairman Papp asked for evidence that the owner of 43 Vitti Street had excess parking spaces to lease to 31 Vitti Street and understood that if he could and did so lease the spaces, he would be restricting the development rights on his property. Mrs. Grzelecki noted that although mathematically the plan provided sufficient spaces, the configuration of the on-site spaces would make it very difficult to negotiate the parking lot. Mr. Kleppin stated that a 1,550 square foot restaurant would require 16 parking spaces. Chairman Papp asked for a letter from the owner requesting a continuance, a revised site plan with revised parking layout and a legally binding letter from the owner of 43 Vitti Street indicating that he has excess parking capacity so that he can lease 5 spaces to 31 Vitti Street. Mr. Goodwin requested that the Commission hire someone to do a peer review of the applicant's parking study and comment on the layout, turning radius, and navigation through the parking lot.

Mr. Totilo introduced the owner, Florence Milano, who stated that she purchased the property for her sons. The older son will design the restaurant; the younger son will run the restaurant. In response to Chairman Papp's question, Mrs. Milano indicated that she would bear the cost of the peer review of the revised parking layout. Mr. Totilo stated that he would follow up with a letter from the owner requesting a continuance, a legally binding letter from the owner of 43 Vitti Street and a revised parking layout.

The public hearing on this matter was continued to the November 27, 2012 public hearing.

3. John Black Lee, owner, 160 Mill Road - two-lot resubdivision.

Upon application of John Black Lee, owner, for a two-lot resubdivision for 2.95 acre parcel located in New Canaan and Wilton, of property in the One Acre Residence Zone at 160 Mill Road (Map 49 Block 113 Lot 2). (Not open on the August 28, 2012 meeting and continued from the September 24, 2012 meeting).

Attorney Robert Fuller, representing the applicant, stated that the property in question is located in both Wilton and New Canaan and is divided by the Silvermine River, which is the town line. Mr. Lee seeks to divide a 2.945 acre lot into two lots, a north lot and a south lot. Mr. Lee's home is currently located on the New Canaan portion of the proposed north lot. Both lots would be accessed from Mill Road. Future construction on the proposed south lot would be in New Canaan and would not interfere with the 100 year flood boundary. As proposed, both lots would meet New Canaan building coverage and setback requirements. Each lot would be approximately 1.47 acres. The south lot would have .5 acres in New Canaan. Mr. Fuller indicated that his client is willing to give the Town of Wilton a Conservation Easement over all the Wilton land but that the Town of Wilton has indicated that it might not want to be the recipient of such a Conservation Easement. Mr. Fuller stated that if Wilton does not accept a Conservation Easement, his client would record a conservation restriction on the Wilton Land Records which would dedicate the land to conservation purposes and would prohibit any building in Wilton.

No application for subdivision has been submitted to Wilton because no building would take place in Wilton. Mr. Fuller stated that he had received a letter from the Wilton Town Planner stating that Wilton would require subdivision approval but that Wilton could not

approve a subdivision because the property is in a 2 acre zone in Wilton but the applicant does not own 2 acres in Wilton. Mr. Fuller disagreed with the Wilton Town Planner. Mr. Fuller expressed his opinion that neither subdivision nor zoning approval was needed from Wilton. Mr. Fuller provided the Commission with a sketch prepared by Mr. Lee showing two possible locations for a house on the south lot that would meet all setbacks. Mr. Fuller introduced Jay Keeler of Land Engineering Associates. Mr. Keeler stated that he has performed test borings and percolation tests and has designed a fully code compliant septic system for a proposed dwelling on the south lot. The septic plan has been submitted to the New Canaan Health Department and he will try to have the Health Department's approval of the plan before the next meeting of this Commission.

Mr. Scannell raised questions about the impact of actions which Wilton might or might not take regarding this property. Mr. Fuller stated that he was of the opinion that no Wilton subdivision approval was needed if the land located in Wilton was dedicated to conservation purposes. Furthermore, he was of the opinion that land in Wilton could be used to meet New Canaan's 1 acre zone requirement and that each town could act independently. Mr. Fuller requested a continuance. Chairman Papp agreed to the continuance noting that there were numerous legal issues that needed to be discussed with Town Counsel.

Mr. Chip Critchell, representing 11 property owners within 100 feet of Mr. Lee's property, spoke in opposition to the application. He expressed three primary concerns: 1) location of septic, 2) access to proposed dwelling, and 3) location and design of the house and its impact on the Silvermine River. He also expressed a concern that if the septic plan is approved, the owner might try to revert to a prior plan to convert the barn to a dwelling.

Louise Washer, representing the Norwalk River Watershed Association and Harbor Watch, spoke in opposition to the application saying that further development of the site threatens the quality of the water in the Silvermine River.

Jack Webb spoke in opposition to the application. He noted the deterioration of the quality of the river over the last 15 years and said that the development of the proposed south lot would create irreparable erosion in a very sensitive area.

Laurent Dupont spoke in opposition to the application. He stated that adding acreage in Wilton to the ½ acre in New Canaan to meet New Canaan's 1 acre zoning requirement was not reasonable.

Mr. Keller said it is not practice to design septic systems for 100 year flood or extraordinary weather events. He indicated that he would provide more information on septic setbacks and proposed building location, and would respond to the concerns expressed by the Norwalk River Watershed Association at the next meeting.

Mr. John Black Lee addressed concerns about the frequency of flooding saying that the river has never reached his house.

Mr. Fuller addressed the four issues raised in Mr. Kleppin's Planner's Memo.

The public hearing on this matter was continued to November 27, 2012.

4. Danny G. and Rosanna P. Frattaroli, owners – 91 Summer Street – Special Permit.

Upon application of Danny G. and Rosanna P. Frattaroli, owners, for a Special Permit of Sections 7.1.B.3.b and 3.5.F.5 to allow an addition to the existing residence to exceed the side yard building height, total side yard building height and to expand a non-conforming structure, for property in the B Residence Zone at 91 Summer Street (Map T Block 75 Lot 65).

Mr. Frattaroli stated that the proposed second floor addition would not change the foot print of the building. The addition is necessary to accommodate his growing family. He indicated that he has letters from neighbors approving the application.

The public hearing on this matter was closed.

5. Grace Property Holdings LLC, owners, 365 Lukes Wood Road – Amendment.

Upon application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, requesting, pursuant to Section 8.2.B.6.d of the New Canaan Zoning Regulations, an amendment to the Special Permit approved on November 27, 2007 pursuant to Section 3.2.C.14 of the Regulations and previously amended on May 20, 2008 so that the proposed improvements may be built as shown on the plans submitted herewith in accordance with such existing special permit approvals. In addition, in connection with certain proposed site lighting, the applicant seeks special permit approval pursuant to Section 6.11.C.3.f of the Regulations for ornamental up-lighting of landscape features, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77).

Attorney Joseph Hammer of Day Pitney LLP, representing the owner, reviewed the history of the project. He stated that in 2007-2008 the Commission granted a Special Permit and Amended Special Permit to use the subject property for religious purposes, including a permanent sanctuary with a capacity of 900. The Special Permit was approved with the conditions that the owner had to come back to the Commission for approval of the design of the sanctuary and that no further traffic study would be needed if the capacity of the sanctuary did not exceed 900. The Commission's approvals were appealed to the Superior Court. The Superior Court upheld the Commission's actions. The Appellate Court declined to hear a further appeal. The applicant is now before the Commission seeking approval of the design of the permanent sanctuary and adjustments and enhancements to the site plan.

Sharon Prince, President of Grace Farms Foundation and a member of the Planning Team of Grace Community Church, said they had used the past four years to crystalize their vision. She has met with neighbors who have expressed design concerns.

Jay Fielden, a member of the Planning Team of Grace Community Church, spoke of the rich history of architecture in New Canaan and how the Grace Farms Foundation embarked on a search for an architect for the project with this history in mind. He introduced Ryue Nishizawa of the Tokyo firm of Sanaa Associates who have designed the buildings for the site.

Mr. Nishizawa described the site and stated that he has designed buildings which will become part of the landscape. The structures, improvements and landscaping are all designed to have a low impact on the natural surroundings. He then showed sketches of the buildings he has designed.

Gary Handel, Executive Architect on the project, described how the buildings would be located in the center of the site and that their low height would blend with the beauty of the landscape. He stated that the project is consistent with New Canaan regulations and that when completed it will make a contribution to New Canaan's legacy of great design.

Holt McChord, professional engineer, reviewed the existing conditions of the site. He described Phases I and II of the project as originally proposed and then reviewed the revised site layout. He stated that the existing wells on the property would be used, utilities will be underground, 4 new septic systems would be built, geothermal wells would be built and low impact drainage techniques would be used to control the storm run-off. He reviewed the site grading and soil erosion control plan. He stated that the location of the main parking lot was chosen because of the flat topography. He has met with 2 of the neighbors to the south with regard to the parking lot and increasing the separation between their properties and the parking lot.

Gabe Williams of Buro Happold, lighting consultant, presented the lighting plan for the project. He described the lighting as low impact. There would be lighting at the security gate at the main entrance. The main drive would be lit only at intersections with other drives. The parking lot lighting would shine directly down from 12 foot poles. Walkway lighting would be on low bollards. Lighting in the sanctuary would be down lighting into the seats and perimeter lighting which would provide an ambient glow. The buildings would be equipped with occupancy sensors so that when they were not occupied the

lights would go off. Exterior lights on the site would come on at dusk and turn off at 11 pm. Ms. DeLuca asked how much light would be visible from the site. Mr. Williams stated that there would be no light spilling outside the site and that from Smith Ridge Road the exterior lights would look like the glow of a light in a neighbor's window in the distance.

Landscape architect Dennis McGlade described the proposed landscape design as a subtle refining of the existing landscape. It is intended to complement and blend with the characteristics of the site. The River Building (sanctuary) would recede into its setting. Twenty and a half acres of the site would be meadows which would be mowed once a year. Twelve and a half acres of lawn around the buildings and pedestrian areas would be planted with 'no mow grass' which only needs to be mowed half as often as regular grass. The only trees to be cut would be in the immediate area of construction. Additional native trees would be planted including fruit trees in the barn courtyard.

Attorney Hammer presented the Commission with a letter from Dr. Michael Clemens, land use planner, who has reviewed the plan and has opined that the plan gives appropriate consideration to the protection, preservation and enhancement of the natural resources. Attorney Hammer then responded to the questions in Mr. Kleppin's Planner's Memo. Attorney Hammer noted while some of the letters the Commission has received from the public raise issues of traffic and use, these issues have been settled by the court.

Chairman Papp noted that much information has been received by the Commission and that time is needed to review it.

Sanjit Shah of Puddin Hill Road, Lewisboro, NY stated that there has been a material change in circumstances since the 2007 traffic study in that the membership of the church has grown and the design presented is radically different from that presented in 2007 and these factors require a new traffic study and a new real estate impact study. He felt that the application before the Commission was incomplete because it does not include existing and projected traffic volume as required by the zoning regulations.

Peter Parsons, Lewisboro Supervisor, noted that traffic from the church would have a significant impact on residents of Puddin Hill Road and West Lane with a significant impact at the corner of Puddin Hill Road and Route 123. He stated that Lewisboro does not have sufficient police to dedicate to traffic control at this intersection on Sunday mornings.

Attorney Joseph Rucci, representing Anita and Paul Ostling of 1196 Smith Ridge Road, stated that his clients own property which overlooks the south parking lot and that they have issues with the location of the parking lot, its lighting and its impact on wetlands. He reserved further comment until the next meeting.

John Zaro, a New Canaan resident, said he feels that the project does a fabulous job of protecting natural areas and water on the property.

Attorney Marjorie Shansky, representing Mary Shaw, Mr. and Mrs. Max Abel, and Mr. and Mrs. Dan Cooper presented the Commission with a verified petition for intervention due to the reasonable likelihood of pollution arising from the proposed development of the site. She stated that the application before the Commission is not truly an amendment because there has been a significant change in the project and that most of the conditions of the original approval are no longer germane because the current plan is so different from the original plan. She expressed concern about the simultaneous occupancy of 4 separate places of assembly. She stated that the 2007 traffic study only took into consideration the 900 person capacity of the sanctuary and there could be significantly more people occupying the other building on the site. She questioned the soil testing that was done to locate the septic systems and the capacity and location of the septic systems. Attorney Shansky then spoke to the Special Permit criteria in Section 8.2.B.4 of the New Canaan Zoning Regulations and why this application did not meet those criteria.

Attorney William Hennessey, representing the owners of 1328 Smith Ridge Road, stated that he was in attendance at the public hearing to listen on behalf of his clients, that his client is in conversation with the applicant and the reserved the right to voice his clients' concerns at a later date.

Chairman Papp asked Attorney Hammer if he had changed his mind about not updating the traffic study after hearing the public comment. Attorney Hammer stated that his client has a vested right to use the property for religious purposes. Under the prior approval, upheld by the court, the traffic study does not have to be updated so long as the capacity of the sanctuary does not exceed 900. The only requirement of the prior approval was that the applicant come back to the Commission for approval of the sanctuary design.

The public hearing on this matter was continued to November 27, 2012.

Chairman Papp closed the Public Hearing at 11:01 p.m.

REGULAR MEETING

6. Deliberation and any possible action on a closed public hearing item.

Discussion on Item #4 - Danny G. and Rosanna P. Frattaroli, owners -- 91 Summer Street -- Special Permit.

Mrs. Grzelecki stated that she felt that the proposed addition would bring the house more into conformity with other houses on the street and would represent an improvement in the neighborhood. Mr. Goodwin noted that he was absent when the application was originally presented.

Upon motion of Mrs. Grzelecki and second of Ms. DeLuca, the Commission voted to approve the application. Mr. Goodwin abstained.

7. Site Grace Property Holdings LLC, owners, 365 Lukes Wood Road - Site Plan.

Site Plan application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, Pursuant to Sections 8.2.A and 8.2.B requesting approval of improvements as shown on plans, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77).

This matter was combined with the public hearing on matter #5 above. This matter was continued to the November 27, 2012 meeting.

8. Proposed changes from Brooks & Falotico for a façade modification at 22 Pine Street.

Chuck Willett summarized the proposed changes to the façade at 22 Pine Street. Commissioners asked questions about the need for a façade change and various aspects of the design presented. Chairman Papp suggested that Mr. Willett review the Commission's design guidelines and keep the design more in line with the guidelines. Mr. Turner stated that he did not feel that what was presented was a well thought out design statement.

9. Discussion of possible zoning amendments. (Continued from the August 28, 2012 and September 24, 2012 meetings).

Due to the late hour, Chairman Papp continued the discussion of possible zoning amendments to the November 27, 2012 meeting.

10. Administrative Actions or other matters as may properly come before the Commission (Town Planner).

- a. St. Luke's School requests approval to rent out Athletic Facilities to three groups.

Mrs. Grzelecki asked what type of groups wanted to rent out St. Luke's School Athletic Facilities. Chairman Papp and Mrs. Grzelecki indicated that they would be comfortable having the facilities rented by New Canaan groups but not by outside adult, professional groups. Mr. Kleppin will review the list of proposed users and report back to the Commission.

11. Approve minutes of the September 24, 2012 Special Meeting.

Upon motion of Mr. Goodwin and second of Mr. Scannell, the Commission unanimously voted to approve the minutes of the September 24, 2012 Special Meeting.

12. Adjournment.

Meeting was adjourned at 11:28 p.m.

Jean Grzelecki, Secretary

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, NOVEMBER 1, 2012 9A

| | | |
|---------------------------------|--------------------------------|---------------------------------|
| TOWN OF NEW CANAAN | copy thereof in the office of | total side yard building height |
| PLANNING & ZONING | the Town Clerk. | and to expand a non-conforming |
| COMMISSION | 1.RESOLVED, that the | structure, for property in |
| Notice is hereby given | application of Danny G. and | the B Residence Zone at 91 |
| that the Planning and Zoning | Rosanna P. Frattaroli, owners, | Summer Street (Map T Block |
| Commission at a special meeting | for a Special Permit of | 75 Lot 65) is approved. |
| held on October 23, 2012 | Sections 7.1.B.3.b and 3.5.F.5 | Jean N. Grzelecki |
| duly adopted the following | to allow an addition to the | Secretary |
| resolution. Approved Special | existing residence to exceed | Dated October 26, 2012 |
| Permit Applications become | the side yard building height, | 11-1 |
| effective upon the filing of a | | |

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, JANUARY 29, 2013

REGULAR MEMBERS PRESENT:

Mr. Papp, Chairman
Mrs. Grzelecki, Secretary
Ms. DeLuca
Mr. Goodwin
Mr. Rothballer
Mr. Scannell
Mr. Shizari
Mr. Ward

REGULAR MEMBERS ABSENT:

Mr. Turner

ALTERNATE MEMBERS PRESENT:

Mr. Crofton
Mr. Flinn
Mr. Radman

ALTERNATE MEMBERS ABSENT:

Also in Attendance:

Steve Kleppin, Town Planner/Senior Enforcement Officer
Ira Bloom, Town Counsel

PUBLIC HEARING

Chairman Papp opened the Public Hearing at 7: 02 p.m. Mr. Radman was seated for Mr. Turner. Mr. Papp announced that Item 6: John Black Lee's application for a 2 lot re-subdivision at 160 Old Mill Road had been withdrawn.

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, JANUARY 17, 2013 11A

| | | |
|--------------------------------|----------------------------------|---------------------------------|
| TOWN OF NEW CANAAN | for property in the Two Acre | LLP, Authorized Agent, for |
| PLANNING & ZONING | Residence Zone at 67 Fable | St. Lukes Foundation Inc., |
| COMMISSION | Farm Road (Map 44 Block | owner, for a Special Permit |
| Notice is hereby given | 108 Lot 167). | of Sections 3.2.C.7 and 8.2.B |
| that the Planning and Zoning | 2. Upon application of | requesting an addition to the |
| Commission will hold a Public | John A. Engel III, owner, for | main school building and |
| Hearing on Tuesday, January | a Special Permit of Section | removal of certain existing |
| 29, 2013 at 7:00 p.m. in the | 3.5.F.5 requesting to increase | structures, for property in the |
| Sturgess Room, N. C. Nature | building height within the | Four Acre Residence Zone at |
| Center, 144 Oenoke Ridge to | reduced side yard height setback | 377 North Wilton Road (Map |
| hear and decide applications | area, for property in | 40 Block 105 Lot 12, 90 and |
| as follows: | the Apartment Zone at 15 | 135). |
| 1. Upon application of | Richmond Hill Road (Map K | Dated: January 15, 2013 |
| Joanne and James P. Slattery, | Block 139 Lot 910). | New Canaan, Connecticut |
| owners, for a Special Permit | 3. Upon application of | Jean N. Grzelecki |
| of Section 3.4.C.6 to install | Stephen A. Finn, Esq., Wofsey, | Secretary |
| a generator in the front yard, | Rosen, Kweskin & Kuriansky, | 1-17 1-24 |

1. John A. Engel III, owner, 15 Richmond Hill Road – Special Permit

Upon application of John A. Engel III, owner, for a Special Permit of Section 3.5.F.5 requesting to increase building height within the reduced side yard height setback area, for property in the Apartment Zone at 15 Richmond Hill Road (Map K Block 139 Lot 910).

Dennis Peters, representing the owners, stated that the proposed single-family dwelling would conform to the lot coverage requirements and the first floor would be within the eight foot sideline setback. The owner is seeking a Special Permit to reduce the setback for the second floor and to increase building height within the reduced side line setback for the second floor. The additional eight foot setback for the second floor would limit the width of the second floor to 22 feet. The applicant proposes a building height within the side line setback of 34.9 feet and a second floor that would be 25 feet wide. In response to a question by Mrs. Grzelecki, Mr. Peters indicated that there would be sufficient turnaround space. Mr. Scannell and Mr. Goodwin asked about plans for the third floor and expressed concerns about the mass of the proposed structure. Mr. Peters

stated that his client's objective was to construct a building with a classic colonial design that would fit in with the neighborhood.

The public hearing on this matter was closed.

2. Joanne and James P. Slattery, owners, 67 Fable Farm Road – Special Permit

Upon application of Joanne and James P. Slattery, owners, for a Special Permit of Section 3.4.C.6 to install a generator in the front yard, for property in the Two Acre Residence Zone at 67 Fable Farm Road (Map 44 Block 108 Lot 167).

Joanne Slattery said that locating the generator where it should be according to the zoning regulations would create an eyesore. The proposed location of the generator in the front yard is behind a stonewall, very little of the generator would be visible from the street and it is her intent to landscape around the generator. Mrs. Slattery responded to Commissioner's questions about why the generator could not be located in a permissible area.

The public hearing on this matter was closed.

3. Grace Property Holdings LLC, owners, 365 Lukes Wood Road – Amend Special Permit

Upon application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, requesting, pursuant to Section 8.2.B.6.d of the New Canaan Zoning Regulations, an amendment to the Special Permit approved on November 27, 2007 pursuant to Section 3.2.C.14 of the Regulations and previously amended on May 20, 2008 so that the proposed improvements may be built as shown on the plans submitted herewith in accordance with such existing special permit approvals. In addition, in connection with certain proposed site lighting, the applicant seeks special permit approval pursuant to Section 6.11.C.3.f of the Regulations for ornamental up-lighting of landscape features, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77). (Continued from the October 23, 2012, November 27, 2012 and December 18, 2012 meetings).

Attorney William Hennessey representing David Markatos and Jennifer Holme of 1328 Smith Ridge Road asked the Commission to clearly and concisely restate the conditions of the original approval or to modify them as appropriate to eliminate conflicts, delete conditions that no longer make sense and to create a clear, concise set of conditions that will be enforceable. He stated that his clients continue to have visual and lighting concerns. He suggested that conditions regarding screening, landscaping and hours of operation could mitigate his client's concerns and submitted in writing for the Commission's consideration conditions that would address his client's concerns. Because his clients often use their backyard on Sunday, the day when the church would be the busiest, a buffer strip between the church and his client's property was the most significant condition he proposed.

Attorney Hennessey introduced Eric Rains, the landscape architect that his clients engaged to develop a landscaping solution to address their concerns. Mr. Rains stated that he focused on the gym and dining hall as they would generate the most light. He stated that evergreen plantings, in addition to the deciduous trees planned by the applicant, could mitigate the continuous line of light from the 400 feet of the perimeter of the buildings that his clients would see.

Attorney Tom Cassone, representing Tim Curt and Dona Bissonnette of 1218 Smith Ridge Road, described his client's property as being lower than the applicant's property and facing the south parking lot, the gym and the athletic fields. He stated that three parts of the project impact his clients. First, the move of the southern parking lot away from the Ostling's property made it closer to his client's property and they have concerns about vehicle lights, parking lot lights and noise. Although the applicant has agreed to screening between his clients' house and the parking lot, his clients would like the trees to be taller because what the applicant has proposed will take several years to grow to a height that will provide adequate screening. Second, with respect to the athletic fields the applicant has proposed screening and his client wants to confirm the exact placement of

the screening. Third, his client has requested screening from the gym but the applicant has not agreed to provide any screening.

Karen Cooper, 94 West Road, Pound Ridge, New York, asked the Commission to be more sensitive to the traffic congestion concerns of New York neighbors. She expressed concerns about the number of construction vehicles and the church traffic that will travel local roads. She distinguished between traffic count and traffic congestions saying that the existing roads cannot sustain the high intensity of use that the applicant proposes. She suggested that another means of ingress/egress would lessen the church's impact on neighbors.

Sanjit Shah asked that if the Commission approves the application it include conditions that 1) the property cannot be used as community center or public park, and 2) no part of the property can be used for philanthropic purposes by the Foundation without a Special Permit. He reiterated his previous position that church's increase in membership since the original approval requires a new traffic study.

Sharon Prince, President of Grace Farms Foundation, stated that all members are not active participants. She further stated that the Foundation is not operating in the property. There is, however, a person on sight to provide security, meet contractors etc. With respect to using the property for religious school purposes she stated that any such use would be consistent with such uses by a church.

Attorney Marjorie Shansky, representing several of the neighbors, stated that the 2012 proposed use of the site is 154% greater than the proposed 2007 use and that this required the Commission to evaluate the impact of the proposed use on the neighbors. She stated that the applicant's proposed simultaneous use of multiple places of assembly requires an updated traffic study. She asserted that the application was incomplete because circumstances have changed since the original application. She urged the Commission to deny the application because of a material change in circumstances since the approval of the original application.

Attorney Robert Murray representing Aris and Patricia Kekedjian of 309 Lukes Wood Road and Jason and Felicia Alford of 347 Lukes Wood Road stated that the applicant and his clients have reached an agreement and asked the Commission to approve it.

Attorney Amy Zabetakis representing Mr. and Mrs. Ostling stated that her clients have reached an agreement with the applicant and asked the Commission to approve it with the conditions that 1) the applicant not expand/enlarge the south parking lot, and 2) the applicant be prohibited from erecting structures between her clients' property and the south parking lot.

Tim Curt, 1218 Smith Ridge Road, concurred with Mrs. Prince's reference to the church using the property as a school be limited to use as a Sunday school or a nursery school usual to a church.

Attorney Joseph Hammer stated that the additional use information requested by the Commission at the last meeting has been provided and that all the uses relate to the church's religious and social justice missions. With respect to other speakers comments he agreed that an agreement has been reached with the Ostlings. He stated that it was not appropriate to revisit the use of the property or the traffic study. He stated that the conditions that prior speakers were asking the Commission to approve would conflict with the prior permit. He expressed his opinion that most of the opposition to the application was due to traffic, an issue that has been closed by the courts. He disagreed with Attorney Shansky's assertions about the increased use of the site. In response to Mr. Papp's question if the applicant would agree to repair the roads damaged by construction vehicles, Attorney Hammer stated that it was his client's intention to work with the affected towns to remediate any damage caused by construction vehicles. In response to Mr. Papp's question if the applicant would provide traffic control for large events at locations other than the driveway entrance. Mr. Hammer stated that the applicant would work with the town to do so.

Holt McChord stated that all of the issues that had been raised by the Town's consultant Stantec had been addressed. An additional 10,000 – 11,000 cubic yards of fill will be

required because of the changes in the south parking lot agreed to with the Ostlings. Delivery of all of the fill required for the project will take approximately 60 days spread over the duration of the construction, spreading through several years. Environmental site monitoring will be provided. A Letter of Map Amendment request has been filed with FEMA to change the flood zone line. The septic system has been approved by the Town of New Canaan and the State of Connecticut. An application for a well permit will be filed with the state Department of Energy and Environmental Protection. He disagreed with the intervenor's argument that there will be an adverse environmental impact from the project and explained why. Mr. Papp asked Mr. McChord to compare the environmental impact of the current proposed project and the previously approved 10 lot subdivision. Mr. McChord said that in his opinion there is often more of an impact from small projects if they are not done all at the same time. In response to a question from Mr. Scannell, Mr. McChord stated that the contractor will look to large projects to buy the needed fill. The fill would be delivered by about 10 trucks per day for 60 – 63 days and those days would be spread over the 1- 1 ½ years of construction. Mr. Ward asked if the construction vehicles would damage the roads. Mr. McChord stated that all the roads on the site would have to be redone as part of the project. With respect to town roads, they are of higher quality than the roads on the site so they will sustain less damage. There will be a pre-construction survey of the condition of town roads and the applicant intends to work with the towns to repair any damage to town roads which result from construction vehicle traffic.

The applicant's lighting consultant, Gabe Williams from the firm of Buro Happold described how the applicant has reworked some of the lighting plan. He presented a photometric plan showing the light level when all interior building lights are on. Only at the exits does the luminance reach one foot candle. He stated that there is no measurable illumination anywhere near any site boundary. He explained that light on solid surfaces are perceived as being lit but that light passing through glass does not pick up light. He stated that as viewed from the Markatos/Holme home, less than 1/3 of the building length will appear to be lit when all the interior light are on. With respect to the gym, the view from the Markatos/Holme home would be thru glass above the playing floor of the gym. Pendants in the sanctuary would not be visible from the Markatos/Holme home because of the bow shape of the roof. Seats in the sanctuary would be visible but would be 25% less bright than the luminance of the current barn ridge. Mr. Williams stated that they have modified the lighting of trees. The original design called for up-lighting on both sides of trees. Now the trees will only be up-lit on their building side. Approximately 10 -15 trees between the River Building and Smith Ridge Road will have up-lighting. Lighting for the entrance drive will consist of up-lighting of 3 – 5 trees at each intersection along the entrance drive. Other lights on the site will be shielded and pointed at what they are intended to illuminate. 20 watts will be the greatest brightness. Motion sensors will be installed so that the lights will turn off when buildings are not occupied. Exterior lights will be on timers and will turn off at 11 pm when there is not an event.

Jennifer Toy, landscape architect, Olin, described the landscape enhancements that have been made since 2007 as well as those made as a result of conversations with neighbors. Car headlights and building lights are the major concerns of neighbors. Plantings along the west, south and southeast edges of the property will be increased by 20%. Planting plans have been agreed to with the Ostlings and the Alford and Kokedjians family. It has been agreed with the Curt/Bissonnette family that there will be plantings to block headlights from the south parking lot and plantings around the athletic field, however, they would like them to be a fuller tree than the applicant has proposed. Screening from the gym lighting is an area of disagreement between the applicant and the Curt/Bissonnette and Markatos/Holme families who have asked for large clumps of evergreens to be planted near the gym and river buildings. Ms. Toy stated that such plantings run counter to the proposed meadow refurbishment and that the appropriate place for screening is along the edge of the property. Large specimen trees will be placed at points along the building that will appear from a distance to be lit. Additional plantings will be done near the pond on the Markatos/Holme property to give them a greater sense of privacy. Applicant will be adding 40% more trees as a result of the discussions with the neighbors.

Mr. Hammer responded to the conditions proposed by Mr. Hennessey. Mr. Papp asked Mr. Hammer his view of Mr. Hennessey's request to restate the original conditions of approval. Mr. Hammer stated that he and Mr. Hennessey have agreed to 1) motion

sensors in the buildings, 2) maintenance of the existing perimeter fence, 3) probation of hunting, training of dogs, all-terrain recreational vehicles, discharging fire arms and, 4) exterior lights, except security lights, turning off at 11:00 PM except when the building is occupied.

Soil scientist and biologist Michael Klein stated that he believes that there will be no measurable adverse environmental impact from the project. Rather, the project will protect and enhance the natural resources on the site. He stated that all plantings on the site should be native species. He cited the following negative aspects of the planting/screening plans suggested by the abutters: they call for non-native species, the trees suggested create shade, the large trees suggested have a high transplant mortality rate and some of the suggested plantings would have a negative impact on the planned meadow enhancement. He opined that houses in a large subdivision would be far more detrimental to the environment than the proposed project.

Mordechai Abel, 1385 Smith Ridge Road, stated that his driveway is 4-5 car lengths from the intersection of Puddin Hill Road and Smith Ridge Road and asked 1) that the applicant find a way to ensure that cars do not block his driveway while waiting to turn left onto Puddin Hill Road, and 2) that the number of cars allowed on the site not exceed the available parking spaces.

Michael Clemens, natural resource specialist, stated his professional opinion that the project will have no negative impact on the natural resources on the site. He further stated that Mr. Rains' landscape plan violates the essence of the applicant's landscaping plan because it introduces non-native species. He stated that he could not comment on the intervenors' assertions of irreparable harm from the project because they were assertions without any data that he as a scientist could analyze. He concluded saying that the placement of buildings on high ground protects sensitive areas, that there are no endangered species on the site and that the proposed development will not harm flora and fauna.

Attorney Hammer concluded the applicant's presentation by stating that the intervenor has failed to show the reasonable likelihood of reasonable environmental harm from the proposed project.

The public hearing on this matter was closed.

4. St. Lukes Foundation Inc., owner, 377 North Wilton Road – Public Hearing/Site Plan

Public Hearing in accordance with the Site Plan application of Stephen A. Finn, Esq., Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent, for St. Lukes Foundation Inc., owner, pursuant to Section 8.2.A requesting an addition to the main school building and removal of certain existing structures, for property in the Four Acre Residence Zone at 377 North Wilton Road (Map 40 Block 105 Lot 12, 90 and 135). (Continued from the November 27, 2012 and December 18, 2012 meetings)

and

5. St. Lukes Foundation Inc., owner, 377 North Wilton Road – Special Permit

Upon application of Stephen A. Finn, Esq., Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent, for St. Lukes Foundation Inc., owner, for a Special Permit of Sections 3.2.C.7 and 8.2.B requesting an addition to the main school building and removal of certain existing structures, for property in the Four Acre Residence Zone at 377 North Wilton Road (Map 40 Block 105 Lot 12, 90 and 135).

By agreement of the parties, the public hearing on these matters was continued to the February 26, 2013 public hearing.

Mr. Papp instructed the parties to exchange additional information that they intend to present at the February 26, 2013 hearing no later than February 16 and to provide the Commission with a copy. In response to a question from Mr. Scannell, Attorney Finn said that he was working with Mr. Kleppin to develop language regarding a condition

with respect to limiting enrollment. The parties agreed to an extension of the 65 day requirement for the Commission to conclude the hearing.

6. John Black Lee, owner, 160 Mill Road – 2 lot resubdivision

Upon application of John Black Lee, owner, for a two-lot resubdivision for 2.95 acre parcel located in New Canaan and Wilton, of property in the One Acre Residence Zone at 160 Mill Road (Map 49 Block 113 Lot 2). (Not open on the August 28, 2012 meeting and continued from the September 24, 2012, October 23, 2012 and November 27, 2012 meetings. Not heard at the December 18, 2011 meeting).

The applicant withdrew the application.

7. 809 Weed Street Trust, owner, 809 Weed Street - four-lot subdivision

Upon application of David Rucci, Lampert, Toohey & Rucci, LLC, Authorized Agent, for 809 Weed Street Trust, owner, for a four-lot subdivision for 4.817 acre parcel in the One Acre Residence Zone at 809 Weed Street (Map 32 Block 20 Lot 27). (Not opened on December 18, 2012).

Attorney Rucci stated that the back two lots are larger than the front two lots so that there can be a buffer between the lots and properties on Kimberly Place. Two of the three existing curb cuts will be removed. There will be a 25 foot opening on Weed Street but the common driveway will be 16 feet wide. The lots will be served by underground utilities and sanitary sewer. There will be two open space areas 1) the buffer with the Kimberly Place properties, and 2) the streetscape on Weed Street. The wall along the Kimberly Place border will be rebuilt. The final subdivision map will note the lot owners' responsibility to maintain the open space areas. A homeowner's association will be formed and will have the right to enforce the open space maintenance responsibility or the right of enforcement can be given to the Town of New Canaan. Bryan Nesteriak, B & B Engineering, explained that each lot would have an underground retention system to treat storm runoff. The system will be built to handle a 25 year storm and it will reduce the amount of storm runoff going into the watershed. Attorney Rucci indicated that he accepts the conditions outlined in the Planner's Memo.

The public hearing on this matter was closed.

REGULAR MEETING

8. Deliberation and any possible action on a closed public hearing item.

Discussion on Item #1 - John A. Engel III, owner, 15 Richmond Hill Road – Special Permit

Upon motion of Mr. Rothballer and second of Mr. Radman the Commission voted 8-1 to approve the application. Mr. Goodwin voted nay.

Discussion on Item #2 - Joanne and James P. Slattery, owners, 67 Fable Farm Road Special Permit

Upon motion of Mr. Ward and second of Ms. DeLuca, the Commission vote unanimously to approve the application.

Discussion on Item #7 - 809 Weed Street Trust, owner, 809 Weed Street - four-lot subdivision

Upon motion of Mr. Goodwin and second of Mrs. Grzelecki, the Commission voted unanimously to approve the application with conditions.

Conditions, modifications or restrictions are as follows:

1. A street opening permit be obtained from Public Works.

2. A conservation easement be filed on the land records, enforceable by the Town of New Canaan, indicating the vegetative buffer will be maintained in perpetuity and any stone walls presently existing shall remain except that will be removed as part of any new driveway installation.
3. The applicant shall submit a Mylar and at least two paper copies of the recorded map for signing by the Commission and filing on the New Canaan Land Records within 90 days of the expiration of the appeal period. This shall be done prior to any earth disturbing activity on any of the property.
4. The Mylar shall contain the proposed open space/conservation easement.
5. Prior to submitting the Mylar map, the applicant shall obtain lot numbers from the Tax Assessor.
6. All utilities shall be buried underground.
7. Per plans entitled Subdivision Map, Site Development Plan & Construction Notes & Details of 809 Weed Street, New Canaan, Connecticut prepared for 809 Weed Street Trust, prepared by B&B Engineering, dated November 15, 2012, on-file with the Planning and Zoning Department.

9. Grace Property Holdings LLC, owners, 365 Lukes Wood Road - Site Plan

Site Plan application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, pursuant to Sections 8.2.A and 8.2.B requesting approval of improvements as shown on plans, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77). (Continued from the October 23, 2012, November 27, 2012 and December 18, 2012 meetings).

The public hearing on this matter was closed.

10. Discussion of Parking Commission memo distributed 11/12. (Not opened on December 18, 2012).

The discussion on this matter was not opened.

11. Discussion of possible zoning amendments. (Continued from the August 28, 2012, September 24, 2012, October 23, 2012, November 27, 2012 and December 18, 2012 meetings).

The discussion on this matter was not opened.

12. Sign Task Force Report.

- a. Ralph Lauren, 115 Elm Street – One awning.

Upon motion of Mrs. Grzelecki and second of Ms. DeLuca, the Commission voted unanimously to add the sign at LaMalle Couture to the agenda.

Upon motion of Mrs. Grzelecki and second of Mr. Scannell the Commission unanimously approved the awning at Ralph Lauren and the sign at LaMalle Couture on East Avenue.

13. Administrative Actions or other matters as may properly come before the Commission (Town Planner).

- a. Reminder - Special Meeting scheduled for Tuesday, February 5, 2013 at 6:00 PM at Waveny Park, Lapham Center, Douglass Room regarding the kickoff meeting of the Plan of Conservation and Development (POCD) update with Glenn Chalder of Planimetrics.
- b. Reminder - meeting venue for Tuesday, February 26, 2013 Regular Meeting at 7:00 PM has been changed from the New Canaan Nature Center to the Lapham Center in Waveny Park in the Douglass Room.
- c. St. Luke's School, 377 North Wilton Road, Kevin J. Herron – Rental of Performing Arts Center and Athletic Facilities in Spring 2013.

- d. The Commission authorized a visit to the Philip Johnson Glass House by architecture students from Texas Christian University on March 14, 2013 which is outside the date tours are allowed under their Special Permit.
- e. The Commission authorized Mr. Kleppin to issue a temporary generator permit to a resident who needs a backup generator for medical purposes and installed the generator without a Special Permit.

14. Approve minutes of the December 18, 2012 6:30 PM Special Meeting and approve minutes of the December 18, 2012 7:00 PM Regular Meeting.

Upon motion of Mr. Rothballer and second of Mr. Ward, the Commission unanimously voted to approve the minutes of the December 18, 2012 meeting as written and to approve the minutes of the December 18, 2012 Regular Meeting with changes.

15. Adjournment.

Meeting was adjourned at 11:27 p.m.

Jean Grzelecki, Secretary

LEGAL ADVERTISEMENT

10A NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, FEBRUARY 7, 2013

| | | |
|----------------------------------|-----------------------------------|-------------------------------------|
| TOWN OF NEW CANAAN | of Section 3.5.F.5 requesting | (Map 44 Block 108 Lot 167) |
| PLANNING & ZONING | to increase building height | is approved. |
| COMMISSION | within the reduced side yard | 3. RESOLVED, that the |
| Notice is hereby given | height setback area, for property | application of David Rucci, |
| that the Planning and Zoning | in the Apartment Zone | Lampert, Toohey & Rucci, LLC, |
| Commission at a special meeting | at 15 Richmond Hill Road | Authorized Agent, for 809 Weed |
| held on January 29, 2013 | (Map K Block 139 Lot 910) is | Street Trust, owner, for a four-lot |
| duly adopted the following | approved. | subdivision for 4.817 acre parcel |
| resolutions. Approved Special | 2. RESOLVED, that the | in the One Acre Residence Zone |
| Permit Applications become | application of Joanne and | at 809 Weed Street (Map 32 |
| effective upon the filing of a | James P. Slattery, owners, for | Block 20 Lot 27) is approved |
| copy thereof in the office of | a Special Permit of Section | with conditions. |
| the Town Clerk. | 3.4.C.6 to install a generator | Jean N. Grzelecki |
| 1. RESOLVED, that the | in the front yard, for property | Secretary |
| application of John A. Engel | in the Two Acre Residence | Dated February 1, 2013 |
| III, owner, for a Special Permit | Zone at 67 Fable Farm Road | 2-7 |

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, FEBRUARY 26, 2013

REGULAR MEMBERS PRESENT: REGULAR MEMBERS ABSENT:

Mr. Papp, Chairman
Mrs. Grzelecki, Secretary
Ms. DeLuca
Mr. Goodwin
Mr. Rothballer
Mr. Shizari
Mr. Turner
Mr. Ward

Mr. Scannell

ALTERNATE MEMBERS PRESENT: ALTERNATE MEMBERS ABSENT:

Mr. Crofton
Mr. Flinn
Mr. Radman

Also in Attendance:

Steve Kleppin, Town Planner/Senior Enforcement Officer
Ira Bloom, Town Counsel

PUBLIC HEARING

Chairman Papp opened the Public Hearing at 7:00 p.m. Mr. Radman was seated for Mr. Scannell.

LEGAL ADVERTISEMENT

NEW CANAAN, CONN., NEW CANAAN ADVERTISER, THURSDAY, FEBRUARY 14, 2013

| | | |
|---------------------------------|--------------------------------------|---------------------------------|
| TOWN OF NEW CANAAN | Field at Waveny Park, Install | Lot 81). |
| PLANNING & ZONING | four (4) new light towers on | 3. Upon application of |
| COMMISSION | new baseball field to be constructed | Rob Sanders Architects |
| Notice is hereby given | in place of the existing | LLC, Authorized Agent, for |
| that the Planning and Zoning | softball field, for property | Programmix LLC, owner, for |
| Commission will hold a Public | in the Waveny Zone at 677 | a Special Permit of Section |
| Hearing on Tuesday, February | South Avenue (Map 30 Block | 3.2.C.1.b to construct a second |
| 26, 2013 at 7:00 p.m. in the | 51 Lot 121). | detached dwelling unit, for |
| Lapham Center in Waveny | 2. Upon application of R. I. | property in the B Residence |
| Park in the Douglass Room, to | Pools, Authorized Agent, for | Zone at 61 Lakeview Avenue |
| hear and decide applications | Daniel and Nina Lota, owners, | (Map N Block 81 Lot 625). |
| as follows: | for a Special Permit of | Dated: February 7, 2013 |
| 1. Upon application of Town | Section 3.4.C.6 to relocate | New Canaan, Connecticut |
| of New Canaan for a Special | generator to a front yard as | Jean N. Grzelecki |
| Permit of Sections 5.1.1.1 and | shown on survey, for property | Secretary |
| 6.4.G to move existing softball | in the A Residence Zone at 5 | 2-14 2-21 |
| field to new location on Coppo | Cecil Place (Map Q Block 85 | |

1. St. Lukes Foundation Inc., owner, 377 North Wilton Road - Site Plan.

Public Hearing in accordance with the Site Plan application of Stephen A. Finn, Esq., Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent, for St. Lukes Foundation Inc., owner, pursuant to Section 8.2.A requesting an addition to the main school building and removal of certain existing structures, for property in the Four Acre Residence Zone at 377 North Wilton Road (Map 40 Block 105 Lot 12, 90 and 135). (Continued from the November 27, 2012 and December 18, 2012 meetings).

2. St. Lukes Foundation Inc., owner, 377 North Wilton Road – Special Permit.

Upon application of Stephen A. Finn, Esq., Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent, for St. Lukes Foundation Inc., owner, for a Special Permit of Sections 3.2.C.7 and 8.2.B requesting an addition to the main school building and removal of certain existing structures, for property in the Four Acre Residence Zone at 377 North Wilton Road (Map 40 Block 105 Lot 12, 90 and 135).

Matters #1 and #2 above were heard together. Attorney Finn reviewed the process that led to the filing of a Special Permit Application on January 10, 2013. He stated that there

are two remaining issues 1) planting, screening and lighting plans for the proposed addition, and 2) a condition regarding traffic. Numerous meetings have been held between the applicant and neighbors regarding screening and lighting. The responses from the neighbors have been varied and it is unclear if agreements have been reached. Attorney Finn circulated to the Commissioners a draft of conditions on which he, Mr. Kleppin and Attorney Bloom have agreed. With respect to traffic congestion on North Wilton Road, Attorney Finn stated that the school is willing to be held to the testimony that after the addition is built traffic conditions will be 20% better than existing conditions. Furthermore, the school has agreed not to divert traffic onto Soundview Lane as a way of decreasing traffic congestion on North Wilton Road. In addition, the school will agree to a condition that a specific increase in enrollment will trigger a new traffic study. Attorney Finn responded to the draft conditions that Attorney Bayer submitted on February 25, 2013. He concluded by saying that St. Luke's School is a good neighbor which adds value to the Town of New Canaan and that to place a cap on enrollment for a non-traffic issue has no basis in law.

Mark Davis, Head of St. Luke's School, confirmed the school's commitment to reach an agreement with neighbors with regard to screening and lighting and described the efforts that had been made in that regard. He described discussions with neighbors as positive and cooperative. He expressed the desire to formalize a procedure for receiving and responding to concerns of neighbors.

Amanda Martocchio, a member of the St. Luke's Board of Trustees and the chair of the Building Committee, reviewed a numbered site plan and described how the school planned to mitigate neighbors' concerns in approximately 20 different locations. Mitigation efforts included planting 10' – 12' trees for screening, shielding exterior lights to direct the light downward, installing motion sensors, removing some lighting, installing lower wattage lighting and installing blackout shades. In response to Mr. Papp's question, she stated that the school is waiting to hear from six neighbors as to whether the solution proposed for their property is acceptable.

Architect Jim Rogers spoke to two issues: 1) screening lighting from the new addition, and 2) Mr. Richey's letter. With respect to the new addition, he stated that classroom and corridor windows would have blackout shades, exterior lights would be screened/shaded to direct light downward, and interior lights would be on motion sensors. Mr. Rogers stated that in his opinion the photos Mr. Richey included in his February 25, 2013 letter do not accurately convey the impact of the schools' buildings on his property.

Commissioners asked questions about the proposed traffic condition. Attorney Finn clarified that it is a cumulative (not annual) 10% increase in enrollment which would trigger a new traffic study. He also gave several examples of actions that could be taken to mitigate traffic congestion on North Wilton Road.

Keith Richey, 183 Soundview Lane, said that over the years the school had expressed interest in purchasing his property should he want to sell it but when he offered the school a right of first refusal the school declined the offer. He described how the profile of the school has changed since he purchased his property in 1997. He stated that he believes that the proposed expansion will negatively impact the value of his property and that screening cannot negate the impact of the proposed expansion on his property.

Attorney Douglas Bayer, representing a group of neighbors, argued that the procedure and manner in which the Special Permit Application has moved forward is unfair to his clients and that his clients should be allowed to present testimony. He further argued that the parcel on which the Head of School's house sits cannot be included in the coverage calculation because its primary use is residential. He urged the Commission to impose meaningful conditions if the Commission approves the application. Conditions are necessary because history has shown that the school has come before the Commission and made representations about not increasing enrollment but in fact enrollment has increased. He argued that the Commission needs to keep this from happening in the future as the increase in activity at the school that comes with increasing enrollment has a negative impact on the neighbors' property values. As to what conditions should be imposed, Attorney Bayer said that the conditions worked out by Attorneys Finn and Bloom and Mr. Kleppin are ineffective because there is nothing in them which would

trigger an new traffic study. He stated that the imposition of an enrollment cap is the most effective way to protect his clients' property values.

Attorney Bayer introduced appraiser Nora King. Ms. King stated that she was asked to focus on the impact that increased traffic on North Wilton Road due to increased enrollment has had on the market value of properties near the school. She described how she had reviewed traffic patterns over time - from when enrollment was about 250 in 1976 to now when enrollment is 531. She concluded that the prior expansions by the school had a negative impact on the value of neighboring properties and that future expansions would also have a negative impact. Ms. King did not have a written report.

Haik Kavookjian, 293 North Wilton Road, spoke on behalf of himself and numerous neighbors. He thanked the school for its work with neighbors on lighting and screening issues. He expressed the concern that the split arrivals might not reduce traffic as planned and stated that traffic congestion on North Wilton Road might be more sensitive to increases in enrollment than previously thought. The Commission was urged to conduct an independent traffic study due to discrepancies in the school's traffic report. He said that enrollment drives issues which the Commission has authority over and that the Commission needs to discuss an enrollment cap to balance the interests of the neighbors and the Special Permit user.

Attorney Bloom raised several issues: 1) that the applicant and the Commission need to see Ms. King's written report in a timely fashion so that they have time to review it before the next meeting, and 2) if the public hearing is held open to March 5, 2013 there needs to be an extension of the site plan application. The applicant agreed to an extension until March 5, 2013 and agreed to discuss a further extension, if necessary, on March 5, 2013.

Attorney Finn objected that the data that the appraiser used to draw her conclusions had not been provided to his client. Mr. Papp ordered that the appraiser provide the applicant and the Commission with said data no later than the morning of February 28, 2013. The public hearing was continued to the public hearing on March 5, 2013.

Upon motion of Mrs. Grzelecki and second of Mr. Ward, the agenda was unanimously amended to move Public Hearing items #5, #6 and #7 before Regular Meeting items #3 and #4.

5. Town of New Canaan, owner, 677 South Avenue – Move Softball Field and New Light Towers.

Upon application of Town of New Canaan for a Special Permit of Sections 5.1.I.1 and 6.4.G to move existing softball field to new location on Coppo Field at Waveny Park and install four (4) new light towers on new baseball field to be constructed in place of the existing softball field, for property in the Waveny Zone at 677 South Avenue (Map 30 Block 51 Lot 121).

Stephen Benko, Recreation Director for the Town of New Canaan, explained that the Town would like to move an existing softball field to a new location in Waveny Park and install four new light towers to light the field. A new lighted baseball field would be constructed in the place vacated by the softball field. In response the questions from the Commissioners, Mr. Benko clarified that there would be four light towers at the relocated softball field and six light towers at the new baseball field.

The public hearing on this matter was closed.

6. Daniel and Nina Lota, owners, 5 Cecil Place – Special Permit.

Upon application of R. I. Pools, Authorized Agent, for Daniel and Nina Lota, owners, for a Special Permit of Section 3.4.C.6 to relocate generator to a front yard as shown on survey, for property in the A Residence Zone at 5 Cecil Place (Map Q Block 85 Lot 81).

Frank Iannone, R. I. Pools, explained that the generator that was previously behind the house had to be moved to accommodate an addition. It cannot be returned to its previous location because it would be too close to the house. The owner would like to relocate it

to the side of the house which technically places it in the front yard. If it were to be located in the rear yard, it would have to meet the setback and that would place it over the septic system. If the Commission grants the application, the generator would be located behind the existing fence and the owner is willing to screen the generator if the fence should be removed at a later date.

The public hearing on this matter was closed.

7. Programmix LLC, owner, 61 Lakeview Avenue – Special Permit.

Upon application of Rob Sanders Architects LLC, Authorized Agent, for Programmix LLC, owner, for a Special Permit of Section 3.2.C.1.b to construct a second detached dwelling unit, for property in the B Residence Zone at 61 Lakeview Avenue (Map N Block 81 Lot 625).

The public hearing on this matter was not opened.

The public hearing portion of the meeting was closed at 9:37pm.

REGULAR MEETING

3. Grace Property Holdings LLC, owners, 365 Lukes Wood Road – Amendment to Special Permit.

Upon application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, requesting, pursuant to Section 8.2.B.6.d of the New Canaan Zoning Regulations, an amendment to the Special Permit approved on November 27, 2007 pursuant to Section 3.2.C.14 of the Regulations and previously amended on May 20, 2008 so that the proposed improvements may be built as shown on the plans submitted herewith in accordance with such existing special permit approvals. In addition, in connection with certain proposed site lighting, the applicant seeks special permit approval pursuant to Section 6.11.C.3.f of the Regulations for ornamental up-lighting of landscape features, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77). (Continued from the October 23, 2012, November 27, 2012 and December 18, 2012 meetings. Closed at the January 29, 2013 meeting). Although the Commission will deliberate in public, no public comment will be taken.

4. Grace Property Holdings LLC, owners, 365 Lukes Wood Road – Site Plan.

Site Plan application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, pursuant to Sections 8.2.A and 8.2.B requesting approval of improvements as shown on plans, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77). (Continued from the October 23, 2012, November 27, 2012 and December 18, 2012 meetings. Closed at the January 29, 2013 meeting). Although the Commission will deliberate in public, no public comment will be taken.

Matters #3 and #4 were discussed together. Mr. Papp announced that the applications would be discussed but that no decision would be made at this meeting. The Commission identified the following threshold issues:

- 1) Need to decide if the Special Permit Application is an amendment of a prior application or a new application
- 2) Need to address the relationship between the foundation and the church, including foundation activities on the property
- 3) Need to decide if the ancillary activities of the church are usual and customary activities of a church
- 4) Need to understand the intensity of church and foundation activities on the property and whether there is a need to control them
- 5) Need to make a finding regarding the sufficiency or insufficiency of the traffic study
- 6) Need to make a finding on the intervention
- 7) Need to review conditions from prior applications, conditions suggested by opponents' attorneys, agreements with neighbors, and site plan issues and make a clear statement of the conditions to be imposed if the applications are approved.

The consensus of the Commission was that the applications should be approved. Attorney Bloom and Mr. Kleppin will work on a draft resolution, including conditions. The matter was continued to the March 5, 2013 regular meeting.

8. Deliberation and any possible action on a closed public hearing item.

Discussion on Item #5 - Town of New Canaan, owner, 677 South Avenue – Move Softball Field and New Light Towers

Upon motion of Mrs. Grzelecki and second of Ms. DeLuca the Commission voted unanimously to approve the application.

Discussion on Item #6 - Daniel and Nina Lota, owners, 5 Cecil Place – Special Permit.

Upon motion of Mr. Ward and second of Mrs. Grzelecki the Commission voted unanimously to approve the application with a condition.

The condition is as follows: Adequate screening must be maintained if the fence ever comes down.

9. Discussion of Parking Commission memo distributed 11/12. (Not opened at December 18, 2012, or January 29, 2013 meetings).

Not opened.

10. Discussion of possible zoning amendments. (Continued from the August 28, 2012, September 24, 2012, October 23, 2012, November 27, 2012, December 18, 2012 and January 29, 2013 meetings).

Continued.

11. New Canaan Teen Center, Inc. (“Outback Teen Center”), requests a two-year extension of the zoning permit for the Outback Teen Center, 71 Main Street. Zoning Permit extended January 25, 2011, expired January 2013.

Mr. Papp explained that the Zoning Permit for the Outback Teen Center needs to be extended every two years. No problems have been reported in the last couple of years. In response to a question by Mrs. Grzelecki, Mr. Kleppin will check to see if the teen center is required to present the Commission with its annual report. Upon motion of Mr. Radman and second of Mr. Turner, the Commission voted unanimously to extend the Outback Teen Center’s Zoning Permit for two years.

Upon motion of Mrs. Grzelecki and second of Mr. Turner, the Commission voted unanimously to amend the agenda to add a sign permit request from EightyMane located at 80 Main Street. Upon motion of Mrs. Grzelecki and second of Mr. Rothballer, the Commission voted unanimously to approve the sign for EightyMane at 80 Main Street.

12. Administrative Actions or other matters as may properly come before the Commission (Town Planner).

- a. The Philip Johnson Glass House, 842 Ponus Ridge Road, Special Event Fund Raiser, Saturday, June 22, 2013, and introduction of ideas for adjunct revenue-producing programs.

Attorney Ted O’Hanlon explained that the Philip Johnson House was seeking permission to hold its major fundraiser on June 22, 2013 from noon to 4 pm. Upon motion of Mrs. Grzelecki and second of Mr. Rothballer the Commission unanimously voted to approve the request.

- b. American Cancer Society, Inc. to sponsor a Mini-Relay for Life of New Canaan, Sunday, May 5, 2013 at a New Canaan Country School field.

Karen Sneirson, a neighbor of the New Canaan Country School, spoke in opposition to the request citing concerns about excessive traffic, decreased property values and that the success of an event such as this would generate more requests for permits to use the school for special events. Heather Goldberg of Ponus Ridge Road supported Ms. Sneirson's comments. Mr. Radman noted that there was no compelling reason for the event to be held at New Canaan Country School when it could be held in Waveny Park. Mr. Ward expressed a concern about the impact that such an event would have on the neighbors. It was the consensus of the Commission that the application should be denied but that the applicant could come back with an application to hold the event at Waveny Park. Should the applicant come back with another application, Mr. Radman requested background information on the event. Mr. Goodwin noted that the denial of this application represents a change in how the Commission has treated items on the Administrative Actions Agenda and suggested that the Commission discuss this change at a later date.

- c. New Canaan Baseball/Softball Inc., permission to use fields at New Canaan Country School, 545 Ponus Ridge Road.

Steve Benko, Recreation Director for the Town of New Canaan, stated that use of the New Canaan Country School's fields is an integral part of the town's baseball and softball program because use of the town's fields are maxed out in the spring season. Upon motion of Mr. Goodwin and second of Mrs. Grzelecki the Commission unanimously voted to approve New Canaan Baseball/Softball, Inc.'s request to use fields at New Canaan Country School.

13. Approve minutes of the January 29, 2013 6:30 P.M. Jelliff Special Meeting, the January 29, 2013 Regular Meeting and the February 5, 2013 6:00 P.M. POCD Special Meeting.

Upon motion of Mr. Ward and second of Mr. Goodwin, the Commission unanimously voted to approve the minutes of the January 29, 2013 6:30 pm Jelliff Mill Special Meeting.

Upon motion of Mr. Goodwin and second of Mrs. Grzelecki, the Commission unanimously voted to approve the minutes of the January 29, 2013 Regular Meeting with modifications.

Upon motion of Mr. Goodwin and second of Mrs. Grzelecki, the Commission unanimously voted to approve the minutes of the February 5, 2013 POCD Meeting.

14. Adjournment.

The meeting was adjourned at 10:55 pm.

Jean Grzelecki, Secretary

LEGAL ADVERTISEMENT

| | | |
|-----------------------------------|---|-------------------------------|
| TOWN OF NEW CANAAN | of the Town of New Canaan for a Special | Daniel and Nina Lota, owners, |
| PLANNING & ZONING | Permit of Sections 5.1.I.1 and | for a Special Permit of |
| COMMISSION | field to new location on Coppo | Section 3.4.C.6 to relocate |
| Notice is hereby given | Field at Waveny Park. Install | generator to a front yard as |
| that the Planning and Zoning | four (4) new light towers on | shown on survey, for property |
| Commission at a regular | new baseball field to be constructed | in the A Residence Zone at 5 |
| meeting held on February | in place of the existing | Cecil Place (Map Q Block 85 |
| 26, 2013 duly adopted the | softball field, for property | Lot 81) is approved with |
| following resolutions. Approved | in the Waveny Zone at 677 | conditions. |
| Special Permits become effective | South Avenue (Map 30 Block | Dated: |
| upon filing a copy thereof in the | 51 Lot 121) is approved. | New Canaan, Connecticut |
| Office of the Town Clerk. | 2. RESOLVED, that the application of R. I | Jean N. Grzelecki |
| 1. RESOLVED, that the application | Pools, Authorized Agent, for | Secretary |

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, MARCH 26, 2013

REGULAR MEMBERS PRESENT: REGULAR MEMBERS ABSENT:

Mr. Papp, Chairman
Mrs. Grzelecki, Secretary
Ms. DeLuca
Mr. Goodwin
Mr. Rothballer
Mr. Scannell
Mr. Shizari
Mr. Turner
Mr. Ward

ALTERNATE MEMBERS PRESENT: ALTERNATE MEMBERS ABSENT:

Mr. Crofton
Mr. Flinn
Mr. Radman

Also in Attendance:
Steve Kleppin, Town Planner/Senior Enforcement Officer
Ira Bloom, Town Counsel
Rob, Mallozzi, First Selectman

REGULAR MEETING

Chairman Papp opened the Regular Meeting at 7:32 p.m.

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, MARCH 14, 2013 9A

| | | |
|-------------------------------|---------------------------------|----------------------------|
| TOWN OF NEW CANAAN | Center, 144 Oenoke Ridge, to | Town Hall, located in the |
| PLANNING & ZONING | hear and decide the application | Retail A Zone at 77 Main |
| COMMISSION | as follows: | Street (Map T Block 43 Lot |
| Notice is hereby given | Upon application of Town | 839). Dated: March 7, 2013 |
| that the Planning and Zoning | of New Canaan, Department | New Canaan, Connecticut |
| Commission will hold a Public | of Public Works, for a Special | Jean Grzelecki |
| Hearing on Tuesday, March | Permit of Sections 7.1.B.3.b | Secretary |
| 26, 2013 at 7:00 p.m. in the | to allow the renovation and | 3-14 3-21 |
| Sturgess Room, N. C. Nature | expansion of the New Canaan | |

1. Discussion with Tucker Murphy, Chamber of Commerce, regarding Pop-Up Park.

Tucker Murphy, Executive Director of the New Canaan Chamber of Commerce, updated the Commission on the Chamber's activities. She reported several items. The Chamber is building a 'destination website' and running educational workshops, may has been designated Healthy New Canaan Month, vacancy rates are down and compression only CPR training is being offered by the New Canaan YMCA.

Ms. Murphy reported the following highlights of the Pop-Up Park: 1) it was well attended, 2) merchants generally had positive comments about the park, 3) signage will divert traffic around the town center, 4) a light weight fountain is on order, 5) in 2013 the park will be open every weekend from May to Labor Day, 6) local non-profit organizations have been offered the opportunity to sponsor the park for a weekend, and 7) there will be a contest to name the pop-up park.

2. CGS 8-24 referral from Mike Pastore, Director of Public Works Department, 77 Main Street.

CGS 8-24 referral from Mike Pastore, Director of Public Works Department, for a request to review the Town Hall Renovation Project for Town of New Canaan, owner, 77 Main Street located in the Retail A Zone (Map T, Block 43, Lot 839).

Mr. Pastore explained that the front portion of the building will be preserved but that the rear portion of the building will be demolished, rebuilt and expanded. Upon motion of Mrs. Grzelecki and second of Mr. Rothballer, the Commission voted 8-0 to approve the referral, as it is not inconsistent with the Plan of Conservation and Development. Mr. Goodwin recused himself because he is a member of the Town Hall Building Committee.

PUBLIC HEARING

Chairman Papp opened the public hearing at 7:50 p.m.

3. Town of New Canaan, Department of Public Works, 77 Main Street – Special Permit.

Upon application of Town of New Canaan, Department of Public Works, for a Special Permit of Sections 7.1.B.3.b to allow the renovation and expansion of the New Canaan Town Hall, located in the Retail A Zone at 77 Main Street (Map T Block 43 Lot 839).

Mike Pastore stated that a Special Permit is needed because the existing height of the building is 32 feet 9 inches and this exceeds the 30 foot building height that is permitted in the Retail A Zone. He introduced Lea Cromwell of KSQ Architects who noted that the Special Permit is for a non-conforming structure as the original portion of the building dates back to 1909. She explained that the intent is to preserve and renovate the front portion of the building, demolish, rebuild and expand the rear portion of the building, improve the flow within and outside of the building, and install 21st century technology in the renovated, expanded building. She stated that the project would probably be done in three phases. Two options were presented to the Building Committee in January and one option has been refined. She showed the Commission various external views of the option selected by the Building Committee as well as a draft floor plan.

Mr. Papp said that in considering the Special Permit Application, consideration should be given to the size of the building in proportion to the site, the building height and the Village District requirements.

Mrs. Grzelecki asked why the largest meeting space in the new building will have a smaller capacity than the auditorium in the old building. Rob Mallozzi, First Selectman, responded saying that many people do not come out to meetings because they can watch/participate in meetings from home and that there are large meeting rooms elsewhere in town. Mrs. Grzelecki also asked why the largest meeting space will be located on the second floor. Mr. Mallozzi stated that the second floor location is convenient for daytime use and that the land use departments have its own meeting room where it's been located in a part of the building where they can have a dedicated entrance. In response to Mr. Scannell's question, Mr. Mallozzi stated that members of the Building Committee have visited a number of renovated town halls where the auditorium is on the second floor. Mr. Ward asked if any departments previously not located in town hall will be located in the renovated town hall. Mr. Mallozzi stated that the land use departments will move back into town hall but that there will be two fewer departments because the Probate Court has moved to Darien and the parking department will be located at the police station. Mr. Radman asked about screening of roof top mechanical equipment. Mr. Mallozzi stated that the equipment serving the 1909 portion of the building will be located in the attic, others will be screened. Mrs. Cromwell stated that there will be mechanical equipment on the roof but that her early rendering does not show it. Mr. Flinn asked if there would be office space for the other Selectmen or boards. Mr. Mallozzi stated that there would not be dedicated office space but that conference room space would be available for their use. Mr. Turner and Mr. Scannell asked about steps that would be taken to make it a 'special' building. Mr. Mallozzi said that preservation of the front of the building is a key component of making it a 'special' building. Mrs. Cromwell said that the original staircase will be kept and that unique details will be added so that the building does not have the look or feel of a 1960's office building.

Dick Bergmann asked where the highest point of the roof would be.

The public hearing on this matter was closed.

REGULAR MEETING

4. Deliberation and any possible action on a closed public hearing item.

Discussion on Item #3 - Application of Town of New Canaan, Department of Public Works, for a Special Permit of Sections 7.1.B.3.b to allow the renovation and expansion of the New Canaan Town Hall, located in the Retail A Zone at 77 Main Street (Map T Block 43 Lot 839).

Upon motion of Mrs. Grzelecki and second of Ms. DeLuca the Commission voted 8-0 (Goodwin recused) to approve the application with one condition.

Conditions, modifications or restrictions are as follows:

1. A Site Plan Application must be filed for the proposed final building and site plans.

5. 3-11 Forest Street KKE LLC, owner, 11 Forest Street – Site Plan.

Site Plan application of Redding Railroad Frozen Yogurt, LLC and John Meyer Consulting, Authorized Agents for 3-11 Forest Street KKE LLC, et al c/o Tec Associates, owner, pursuant to Sections 4.3.C.1 and 4.3.C.4 to allow retail (frozen yogurt) establishment with outdoor seating on a patio/sidewalk on the same property, for property in the Retail B Zone at 11 Forest Street (Map T Block 73 Lot 721).

James Ryan, John Meyer Consulting, stated that the applicant wanted to use the premises for a retail food use. He introduced Greg Roberts from Peachwave Frozen Yogurt who described the company and its vision that the store at 11 Forest Street would be a place where customers would stay to eat their purchases. Interior seating capacity would be 30 and there would be several outside tables. The outdoor tables would not encroach on the travelled part of the sidewalk. There are 18 designated parking spaces in the lot adjacent to the store that customers will be able to use and the owner has hired a parking attendant to monitor the parking lot. The store would be ADA compliant.

Upon motion of Mrs. Grzelecki and second of Mr. Scannell, the Commission voted unanimously to approve the application.

6. Grace Property Holdings LLC, owners, 365 Lukes Wood Road – Amendment to Special Permit.

Upon application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, requesting, pursuant to Section 8.2.B.6.d of the New Canaan Zoning Regulations, an amendment to the Special Permit approved on November 27, 2007 pursuant to Section 3.2.C.14 of the Regulations and previously amended on May 20, 2008. In addition, in connection with certain proposed site lighting, the applicant seeks special permit approval pursuant to Section 6.11.C.3.f of the Regulations for ornamental up-lighting of landscape features, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77). Closed at the January 29, 2013 meeting.

and

7. Grace Property Holdings LLC, owners, 365 Lukes Wood Road – Site Plan.

Site Plan application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, pursuant to Sections 8.2.A and 8.2.B requesting approval of improvements as shown on plans, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77). Closed at the January 29, 2013 meeting.

Items #6 and #7 were discussed together. Chairman Papp stated that the consensus of the Commission at the last meeting was that the applications could be approved with proper conditions. Mr. Kleppin distributed a revised draft of conditions. The Commission discussed the following resolution:

Resolution

WHEREAS, the applications were physically received by the Planning and Zoning Department on September 24, 2012.

WHEREAS, the Planning and Zoning Commission (Commission) opened a hearing on said application on October 23, 2012 and conducted subsequent hearings on November 27, 2012, December 18, 2012 and January 29, 2013.

WHEREAS, the Commission conducted deliberations on the closed applications on February 26, 2012, March 5, 2012 and March 26, 2012.

WHEREAS, deliberations were concluded on March 26, 2012 and made the following findings:

1. On November 27, 2007, Grace Property Holdings LLC, was granted a Special Permit, recorded in the New Canaan Land Records in Volume 779, Page 1023, to allow the use of the subject property for Grace Community Church and permitting renovation of the existing buildings and construction of a temporary sanctuary. On May 20, 2008, Grace Property Holdings LLC applied for an Amendment to Special Permit, which was granted. In addition to Phase I as allowed under the November 27, 2007 Special Permit, construction of a permanent sanctuary building with a capacity up to 900 persons was permitted under the 2008 Amendment. The 2008 Amendment also provided as a condition that architectural drawings for the permanent sanctuary building were to be submitted to the Commission for design review. The 2008 Amendment also provided that no additional traffic study would be required unless the permanent sanctuary building proposed a seating capacity of 901-1200 persons. Accordingly, the Commission finds that the Applicant was entitled to proceed with building construction and site activities associated with the approved church based upon the 2007 and 2008 approvals from this Commission, only subject to the limited review pursuant to the 2008 condition set forth above.
2. The Commission finds that two appeals of these 2007 and 2008 were filed, entitled Mordechai Abel, et al. v. New Canaan Planning and Zoning Commission, et al., in the Superior Court in Stamford, Docket Numbers FST 08-4013132S and FST CV 08-4014331S. After extensive litigation, a Memorandum of Decision dated January 6, 2012 was issued by the Court (Mottoliese, J.) dismissing the appeals and upholding the Commission's findings and conclusions in a 68-page decision. The Memorandum of Decision discussed and rejected multiple arguments presented by the plaintiffs including traffic claims, property value claims, emergency service claims, long term viability claims, drainage issues, sight lines, concerns of adjacent towns, and other issues.
3. The Commission finds that with the exception of the up-lighting Special Permit being requested pursuant §6.11.C.3.f, that the Site Plan and Special Permit applications being submitted are amendments to the previously approved 2007 and 2008 applications.
4. Evidence presented in the record indicates that Grace Farms Foundation is a not-for-profit charitable foundation established in 2009 in New Canaan, Connecticut, to support initiatives in the areas of faith, the arts, social justice and community.
5. The Commission finds that the data and conclusions contained in the 2007 Traffic Impact and Access Analysis prepared by Frederick P. Clark (Clark) and Associates as well Clark's subsequent submittal information are still relevant and a new traffic study is not required, pursuant to the express terms of the 2008 amendment. Furthermore, the previous approval contemplated a 900 seat sanctuary, whereas the revised application contains a sanctuary with a seating capacity of 716 seats. Furthermore, the Commission notes that traffic data collected by the Connecticut Department of Transportation indicated traffic volumes at the intersections of CT Route 123 and North Wilton Road and Route 123 at the CT/NY line, *which is located at the intersection of Route 123 and Puddin Hill Road*, actually decreased since 2011. In addition, the Commission also recognizes that the above litigation previously brought against the Commission delayed the start of this project and therefore the applicant should not be penalized for the length of time between the previous approval and the present application.

6. There was no written report prepared by a qualified professional or expert testimony received in opposition to the Commission's findings regarding traffic.
7. The Commission finds that a new appraisal is not required since property values were resolved during the 2007 and 2008 applications and upheld by the Court. In addition, the modified site plan, the screening proposed and the low scale of the buildings architecture will in reality result in less visual impact to neighboring properties. Furthermore, since a 1,200 seat sanctuary is no longer being considered and the conclusions reached regarding traffic are in fact still valid, the appraisal data previously submitted are also still valid. The Commission also recognizes that litigation previously brought against the Commission delayed the start of this project and therefore the applicant should not be penalized for the length of time between the previous approval and the present application.
8. There was no written report prepared by a qualified professional or expert testimony received in opposition to the Commission's findings regarding property values.
9. The Commission finds that Sanjit Shah on October 23, 2012, filed a Notice of Intervention pursuant to §22a-19 and §22a-19a of the General Statutes.
 - a. The Commission finds that that this intervenor filed a verified pleading and has alleged claims within the jurisdiction of this Commission. The Commission finds that this intervenor has not proven that the applicant's proposed conduct is reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the State. More particularly, the Commission finds that the intervenor has not set forth sufficient, credible and quantifiable evidence of the following effects:
 - likely increase in volume of stormwater runoff or the likely decrease in ground water recharge.
 - degradation of water quality due to extensive soil disturbance, fill and slope creation pose a significant risk for adverse impacts to the wetlands and watercourses from erosion and sedimentation.
 - no subsurface drainage systems are provided on the plan and may lead to lowering the seasonal ground water tables leading to an increased rate of drainage to the down slope wetlands and watercourse or during dryer months, the subsurface drainage system will cause a reduction of ground water recharge to the wetlands from the uplands.
 - lack of subsurface sewage disposal details and adequate design.
 - lack of adequate accommodation for infiltration and flow attenuation, due to increased impervious surface coverage will lead to increased runoff poised to have a significant adverse impact on wetlands and watercourses.
 - degradation of water quality because of the discharge from basin 2 poses a threat for erosion and possible sedimentation into wetlands.
 - inadequate soil testing for construction and detention basins, missing fore bays and level spreaders for detention basins, increase in post-development runoff, diversion of runoff to different receptors, scope of site disturbance.
 - up-lighting of landscape features can adversely impact flora and fauna.
 - b. With regard to the above claims, based upon the evidence in the record, the activities proposed will not have the effect of unreasonably impairing or

destroying the public trust in the air, water, or other natural resources of the State. The intervenor presented only the following evidence into the record:

- Soil Science and Environmental Services, Inc. regarding Wetland Application Review for Grace Property Holdings, LLC 8 page report and Figure 1 to Mr. Shah from Thomas W. Pietras, Professional Wetland and Soil Scientist dated 10/09/12 and date stamped received by Planning and Zoning 10/23/12.
 - Martinez Couch and Associates, LLC Regarding 365 Lukes Wood Road, New Canaan, CT, MCA Project Number 32-267, 18 page report to Attorney Shansky from Robert E. Couch, PE, dated 10/15/12 and date stamped received by Planning and Zoning 10/23/12.
- c. The intervenor's conclusions were mere speculation or general concerns and no substantial evidence was presented. These allegations were not substantiated and, in fact, they were contradicted by the town's consultant, Stantec Consulting Services, Inc., and contradicted expressly by the following consultants reports, plan and testimony:
- Letter from McChord Engineering Associates, Inc. dated 11/27/12 regarding response to Martinez Couch Associates, LLC Application Review (8 pages).
 - Letter from South Norwalk Electric & Water (SNEW) dated 10/15/12 (3 pages).
 - Letter from McChord Engineering Associates, Inc. dated 11/27/12 regarding response to SNEW letter (4 pages).
 - Letter by Michael S. Klein (10 pages) from Environmental Planning Services dated 11/27/12 regarding Response to Soil Science and Environmental Services Review.
 - Report by Stantec dated 12/15/12 (20 pages).
 - Stormwater Management Report revised 12/17/12 by McChord Engineering Associates, Inc.
 - 100-Year Flood Study dated 12/17/12 by McChord Engineering Associates, Inc.
 - Response to Stantec Peer Review by McChord Engineering Associates, Inc. dated 12/17/12 (4 pages).
 - Project Memo – Proposed Cut and Fill Analysis dated 01/07/13 McChord (2 pages).
 - Letter from Stantec dated 1/7/13, regarding peer review of McChord (2 pages).
 - Memorandum from Briggs Geddis to Kathleen Holland Regarding Grace Property Holdings LLC dated 01/14/13.
 - Site Plans, as revised 1/22/13
 - i. Site Grading and Soil Erosion Control Plan (C-300)
 - ii. Overall Site Development Plan (C-100)
 - iii. Site Utility Plan (C-400)
 - iv. Site Utility Plan (C-401)
 - v. Septic Notes & Details (C-700)
 - vi. Septic Notes & Details (C-701)
 - Site Plans, as revised 12/14/12
 - i. Site Grading and Soil Erosion Control Plan (C-300)
 - ii. Site Grading and Soil Erosion Control Plan (C-301)

- iii. Site Grading and Soil Erosion Control Plan (C-302)
- iv. Construction Phasing Plan (C-500)
- v. Construction Phasing Layout (C-501)
- vi. Construction Details (C-600)
- vii. Construction Details (C-601)
- Site Lighting
 - i. Site Lighting (E-101)
 - ii. Site Lighting (E-102)
- Landscaping Plans, as Revised 1/25/13
 - i. Overall Landscape Plan (L-200)
 - ii. Landscape Plan (L-210)
 - iii. Landscape Plan (L-220)
 - iv. Landscape Plan (L-230)
 - v. Landscape Details (L-700)
 - vi. Planting Details (L-930)
- Landscaping Plans, as Revised 1/29/13
 - i. Overall Landscape Plan (L-200)
 - ii. Section Key Plan, L2.00
 - iii. Section A – Sanctuary, L3.00
 - iv. Section B – Dining, L4.00
 - v. Section C – Gymnasium, L5.00
 - vi. Section A – Curt/Bissonnette Residence to the South Parking Lot, L1.00
 - vii. Curt/Bissonnette Residence – Plant Palette, L2.00
 - viii. Plant Schedule – Proposed Screening Curt/Bissonnette Residence, L3.00
 - ix. Section Key Plan, L1.00
 - x. Section A – Alford Residence to the Fork in the Entry Road, L2.00
 - xi. Section B – Alford Residence to the North Parking Lot, L3.00
 - xii. Section C – Kekedjian Residence to the North Parking Lot, L4.00
 - xiii. Section D – Kekedjian Residence to the South Parking Lot, L5.00
 - xiv. Alford and Kekedjian Neighbors – Plant Palette, L6.00
 - xv. Plant Schedule – Proposed Screening, Alford and Kekedjian Residences, L6.00

The intervenor presented no further evidence beyond this initial report during the public hearing.

The intervenor's conclusions were mere speculation or general concerns, but no substantial evidence was presented.

10. The Commission finds that Mary Shah, Savyna and Mordechai Abel and Daniel and Karen Cooper on January 14, 2013, filed a Notice of Intervention pursuant to §22a-19 and §22a-19a of the General Statutes.

- a. The Commission finds that that these intervenors filed a verified pleading and have alleged claims within the jurisdiction of this Commission. The Commission finds that these intervenors have not proven that the applicant's proposed conduct is reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the State. More particularly, the Commission finds that the these intervenors have not set forth sufficient credible and quantifiable evidence of the following effects:

- likely increase in volume of stormwater runoff or the likely decrease in ground water recharge.
 - degradation of water quality due to extensive soil disturbance, fill and slope creation pose a significant risk for adverse impacts to the wetlands and watercourses from erosion and sedimentation.
 - no subsurface drainage systems are provided on the plan and may lead to lowering the seasonal ground water tables leading to an increased rate of drainage to the down slope wetlands and watercourse or during dryer months, the subsurface drainage system will cause a reduction of ground water recharge to the wetlands from the uplands.
 - lack of subsurface sewage disposal details and adequate design.
 - lack of adequate accommodation for infiltration and flow attenuation, due to increased impervious surface coverage will lead to increased runoff poised to have a significant adverse impact on wetlands and watercourses.
 - degradation of water quality because of the discharge from basin 2 poses a threat for erosion and possible sedimentation into wetlands.
 - inadequate soil testing for construction and detention basins, missing fore bays and level spreaders for detention basins, increase in post-development runoff, diversion of runoff to different receptors, scope of site disturbance.
 - up-lighting of landscape features can adversely impact flora and fauna.
- b. With regard to the above claims, based upon the evidence in the record, the activities proposed will not have the effect of unreasonably impairing or destroying the public trust in the air, water, or other natural resources of the State. The intervenors presented only the following evidence into the record:
- Soil Science and Environmental Services, Inc. regarding Wetland Application Review for Grace Property Holdings, LLC 8 page report and Figure 1 to Mr. Shah from Thomas W. Pietras, Professional Wetland and Soil Scientist dated 10/09/12 and date stamped received by Planning and Zoning 10/23/12.
 - Martinez Couch and Associates, LLC Regarding 365 Lukes Wood Road, New Canaan, CT, MCA Project Number 32-267, 18 page report to Attorney Shansky from Robert E. Couch, PE, dated 10/15/12 and date stamped received by Planning and Zoning 10/23/12.
- c. The intervenor's conclusions were mere speculation or general concerns and no substantial evidence was presented. These allegations were not substantiated and, in fact, they were contradicted by the town's consultant, Stantec Consulting Services, Inc., and contradicted expressly by the following consultants reports, plan and testimony:
- Letter from McChord Engineering Associates, Inc. dated 11/27/12 regarding response to Martinez Couch Associates, LLC Application Review (8 pages).
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 - ii. Site Grading and Soil Erosion Control Plan (C-301)
 - iii. Site Grading and Soil Erosion Control Plan (C-302)
 - iv. Construction Phasing Plan (C-500)
 - v. Construction Phasing Layout (C-501)
 - vi. Construction Details (C-600)
 - vii. Construction Details (C-601)
- Site Lighting
 - i. Site Lighting (E-101)
 - ii. Site Lighting (E-102)
- Landscaping Plans, as Revised 1/25/13
 - i. Overall Landscape Plan (L-200)
 - ii. Landscape Plan (L-210)
 - iii. Landscape Plan (L-220)
 - iv. Landscape Plan (L-230)
 - v. Landscape Details (L-700)
 - vi. Planting Details (L-930)
- Landscaping Plans, as Revised 1/29/13
 - i. Overall Landscape Plan (L-200)
 - ii. Section Key Plan, L2.00
 - iii. Section A – Sanctuary, L3.00
 - iv. Section B – Dining, L4.00
 - v. Section C – Gymnasium, L5.00
 - vi. Section A – Curt/Bissonnette Residence to the South Parking Lot, L1.00
 - vii. Curt/Bissonnette Residence – Plant Palette, L2.00
 - viii. Plant Schedule – Proposed Screening Curt/Bissonnette Residence, L3.00
 - ix. Section Key Plan, L1.00

- x. Section A – Alford Residence to the Fork in the Entry Road, L2.00
- xi. Section B – Alford Residence to the North Parking Lot, L3.00
- xii. Section C – Kecedjian Residence to the North Parking Lot, L4.00
- xiii. Section D – Kecedjian Residence to the South Parking Lot, L5.00
- xiv. Alford and Kecedjian Neighbors – Plant Palette, L6.00
- xv. Plant Schedule – Proposed Screening, Alford and Kecedjian Residences, L6.00

These intervenors have presented no further evidence beyond this initial report during the public hearing.

These intervenors conclusions were mere speculation or general concerns, but no substantial evidence was presented.

THEREFORE, BE IT RESOLVED, that upon a motion made by Ms. Grzelecki and seconded by Mr. Scannell the Commission voted unanimously to approve both the Special Permit and Site Plan Applications with the following conditions, modifications and restrictions, which supersede and replace those conditions recorded in the New Canaan Land Records in Volume 779, Pages 1023-1025 and Volume 791, Pages 0611-0613.

1. 365 Lukes Wood Road, Map 41, Block 38, Lot 77, a 47.98 acre parcel, owned by Grace Property Holdings, LLC (the property) and improvements is approved as a Religious Institution as defined in the New Canaan Zoning Regulations.
2. This approval shall not apply to the use of the adjoining parcel to the north, Map 41, Block 38, Lot 76, a 26.38 acre parcel owned by the Grace Farms Foundation.
3. The property shall be improved in accordance with the following approved plans:
 - Property Survey Depicting Property of Smith Ridge Road prepared by Rocco V. D'Andrea, Inc., dated September 4, 2012.
 - Site Plans, as revised 1/22/13
 - i. Overall Site Development Plan (C-100)
 - ii. Site Utility Plan (C-400)
 - iii. Site Utility Plan (C-401)
 - iv. Septic Notes & Details (C-700)
 - v. Septic Notes & Details (C-701)
 - Site Plans, as revised 12/14/12
 - i. Site Grading and Soil Erosion Control Plan (C-300)
 - ii. Site Grading and Soil Erosion Control Plan (C-301)
 - iii. Site Grading and Soil Erosion Control Plan (C-302)
 - iv. Construction Phasing Plan (C-500)
 - v. Construction Phasing Layout (C-501)
 - vi. Construction Details (C-600)
 - vii. Construction Details (C-601)
 - Site Lighting
 - i. Site Lighting (E-101)
 - ii. Site Lighting (E-102)
 - Landscaping Plans, as Revised 1/25/13
 - i. Overall Landscape Plan (L-200)
 - ii. Landscape Plan (L-210)
 - iii. Landscape Plan (L-220)
 - iv. Landscape Plan (L-230)

- v. Landscape Details (L-700)
 - vi. Planting Details (L-930)
- Landscaping Plans, as Revised 1/29/13
- i. Section Key Plan, L2.00
 - ii. Section A – Sanctuary, L3.00
 - iii. Section B – Dining, L4.00
 - iv. Section C – Gymnasium, L5.00
 - v. Section A – Curt/Bissonnette Residence to the South Parking Lot, L1.00
 - vi. Curt/Bissonnette Residence – Plant Palette, L2.00
 - vii. Plant Schedule – Proposed Screening Curt/Bissonnette Residence, L3.00
 - viii. Section Key Plan, L1.00
 - ix. Section A – Alford Residence to the Fork in the Entry Road, L2.00
 - x. Section B – Alford Residence to the North Parking Lot, L3.00
 - xi. Section C – Kekedjian Residence to the North Parking Lot, L4.00
 - xii. Section D – Kekedjian Residence to the South Parking Lot, L5.00
 - xiii. Alford and Kekedjian Neighbors – Plant Palette, L6.00
 - xiv. Plant Schedule – Proposed Screening, Alford and Kekedjian Residences, L6.00
- Architectural Plans dated September 24, 2012
- i. Level 1 Plan (A-101)
 - ii. Sanctuary Plan – LVL 1 (A-102)
 - iii. Sanctuary Plan Basement (A-103)
 - iv. Library & Offices Plan – LVL 1 (A-104)
 - v. Living Dining Plan – LVL 1 (A-105)
 - vi. Living Dining Plan – Basement (A-106)
 - vii. Foyer Plan – LVL 1 (A-107)
 - viii. Gymnasium Plan – LVL 1 (A-108)
 - ix. Gymnasium Plan – Basement (A-109)
 - x. Barn –East BLDG – LVL 1 (A-110)
 - xi. Barn –West BLDG – LVL 1 (A-111)
 - xii. Site Elevations (A-200)
 - xiii. Sanctuary Elevations (A-201)
 - xiv. Library Elevations (A-202)
 - xv. Living – Dining Elevations (A-203)
 - xvi. Foyer Elevations (A-204)
 - xvii. Gymnasium Elevations (A-205)
 - xviii. Barn Elevations (A-211)
 - xix. Barn Elevations (A-212)
 - xx. Site Sections (A-250)
 - xxi. Building Sections – Sanctuary (A-251)
 - xxii. Building Sections – Library, Offices & Living (A-252)
 - xxiii. Building Sections – Gymnasium (A-253)
 - xxiv. Building Sections – Barn (A-254)
4. Any modification to the approved plans listed above, which in the opinion of the Zoning Inspector, result in a change or intensification of Use or increase vehicular traffic requires an amendment to the Special Permit.
5. To the extent the applicant and Curt/Bissonnette, owners of 1328 Smith Ridge Road, reach an agreement on any adjustments and additional landscaping in areas near the 1328 Smith Road, all referencing documents should be submitted to the

Zoning Inspector. In the event that an agreement is not reached, the Zoning Inspector will make a final determination prior to the issuance of the Zoning Permit on the sanctuary building to determine whether additional landscaping is necessary.

6. To the extent the applicant and the Markatos', owners of 1218 Smith Ridge Road, reach an agreement on any adjustments and additional landscaping in areas near the 1218 Smith Road, all referencing documents should be submitted to the Zoning Inspector. In the event that an agreement is not reached, the Zoning Inspector will make a final determination prior to the issuance of the Zoning Permit on the sanctuary building to determine whether additional landscaping is necessary.
7. Worship services meant for the entire congregation shall only occur within the Sanctuary.
8. Should the Applicant conduct multiple services in one day, it shall provide appropriate time between services in order for parishioners from the first service to depart prior to parishioners arriving for the second service.
9. During Sunday services, major holiday worship services, or other large events, when full capacity within the sanctuary is reasonably expected, no other use of the church facility which results in any substantial traffic impact shall occur at the same time.
10. The property shall not be used as a school as defined in the Regulations, except for religious education and/or a nursery (preschool) school.
11. There shall be no renting or use of any portion of the property including any building or the athletic field to outside commercial or for-profit organizations.
12. While the Commission acknowledges that as part of its religious mission, the Applicant, among other activities, pursues interfaith meetings and charitable initiatives, the use of the property for multi-organizational conferences and/or usage as a conference center is not part of this approval.
13. The proposed gymnasium and athletic field shall be incidental and accessory to individuals and activities related to the Applicant and shall not be rented or used by outside organizations without the approval of the Commission.
14. The granting of this Special Permit does not obviate the applicant's obligation to obey all federal, state and local laws, or to obtain any required federal, state and local permits.
15. The Applicant shall comply with §8.2.A.6 of the Regulations.
16. Lines-of-sight at the entranceway shall be maintained in accordance with the previously approved 10-lot subdivision. Final approval to be reviewed and approved by the Town Engineer.
17. In order to establish baseline road conditions; immediately prior to the initiation of any site disturbance or construction activity, the Applicant shall, in conjunction with the Town Engineer and the Towns of Lewisboro and Pound Ridge, assess the conditions of the roadways leading to the Property, including Puddin Hill Road and Lukes Wood Road.
18. There shall be no deliveries of fill prior to 8:30 a.m., which corresponds to the decrease in peak hour of traffic on Puddin Hill/Lukes Wood Road as identified in the June 2007 traffic report prepared by Frederick P. Clark Associates.
19. The applicant shall ensure that there is no dust from site disturbance and construction or from uncovered soil and materials piles. Whenever possible topsoil piles should be seeded to prevent erosion and allow the piles to blend into the landscape. In addition, the applicant shall ensure that soils and materials piles are screened from neighboring properties whenever feasible.
20. Dump trucks or similar construction vehicles being used to transport materials such as fill to the Property shall not use West Road in Pound Ridge, unless permission is obtained from the Town of Pound Ridge.
21. During construction activities, the Applicant shall ensure that all vehicles exiting the site do not track mud onto any area roadways.

22. All activities for the prevention of soil erosion, such as silt fences and hay bales shall be under the direct supervision of a certified engineer, who shall employ the best management practices to control stormwater discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the Applicant weekly and after rains and all deficiencies must be remediated within twenty-four hours of finding them.
23. The Applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourses.
24. Bi-annually (Spring and Fall), the Applicant shall cause all elements of the stormwater management system identified by the Applicant in the two page memo "Stormwater Facilities Maintenance Plan" to be inspected by a technically qualified individual, to check for compliance with maintenance of the system; and the inspector shall submit a report of such findings and recommendations to Grace Property Holdings LLC with a copy to the Planning and Zoning Department. To assure proper functioning of the stormwater system, any and all issues identified in the report shall be repaired/corrected within 30 days of notice to Grace Property Holdings LLC.
25. The Applicant shall submit to the Planning and Zoning Department, written verification from a certified laboratory, that all fill to be utilized at the site is clean and free of any contaminants.
26. The Applicant shall submit to the Planning and Zoning Department a copy of the Long Term Stewardship Plan as approved by the Inland Wetlands Agent.
27. No buildings, as indicated on Overall Site Development Plan C-100, shall be constructed in the area between the southernmost parking lot shall and the property identified as Assessor's Map 41, Block 38, Lot 48.
28. The proposed plantings located between the southernmost parking lot and the property identified as Assessor's Map 41, Block 38, Lot 48 shall be maintained and replaced by the Applicant.
29. Any proposed increase to the number of parking space, above the 226 spaces, expansion of paved surface, or change in parking lot configuration as indicated on the Overall Site Development Plan (C-100), requires an amendment to the Site Plan and Special Permit applications.
30. At no time shall parking for any event at the property occur on any Street as defined in the Regulations or roadway in the State of New York.
31. As agreed to by the applicant and at their expense, Police Officers shall be stationed at the Church driveway/Lukes Wood Road intersection and the intersection of Route 123/Puddin Hill Road during all worship services and events where substantial traffic is reasonably expected.
32. The Applicant or their successors shall submit annual traffic reports to the Commission for a period of five (5) years after the opening of the church for worship services. In addition, the Applicant will conduct an additional traffic report immediately prior to the opening of the church to serve as the baseline of future analysis. The reports should include, but not be limited to, determinations of the Level of Service at the following intersections: the church driveway/Lukes Wood Road, Puddin Hill Road/Route 123, Lukes Wood Road/West Road and Lukes Wood Road/Route 124. In addition to Levels of Service, the report should also evaluate the on-site parking and attendance records obtained from the Church. The traffic report should not only include Sunday services, but also account for mid-week peak activities. The Commission may waive the requirement for the annual traffic report, should they determine that they are no longer warranted.
33. The Commission reserves the right to retain the assistance of its own traffic consultant to conduct an independent peer review of the traffic report, at the Applicant's expense, in accordance with section 8.1.E.2 of the Regulations. Should the subsequent traffic reports indicate that levels of service at the studied intersections have deteriorated since the initiation of church services, the

Commission reserves the right to require mitigation remedies, including, but not limited to the placement of additional traffic officers in the vicinity.

34. There shall be no lighting of the proposed athletic field, as indicated on the approved plans.
35. All interior lighting in the River Building shall include motion sensors that shut off interior lighting due to inactivity.
36. Exterior lighting, with the exception of security lighting, shall be turned off by 11:00 p.m. when the facilities are not in use.
37. All exterior lighting shall comply with sections 6.11.B.1, 6.11.B.2, 6.11.B.3, 6.11.B.7 and 6.11.B.8 or as otherwise approved or referenced in this document.
38. All exterior up-lighting shall not exceed 20 watt, ceramic metal halide. In addition, site lighting shall be modified in accordance with the Memorandum prepared by Buro Happold date January 29, 2013.
39. Outdoor use of bullhorns, loudspeakers, or other noise amplifying devices is prohibited.
40. The existing fence shall be maintained around the perimeter of the property to delineate the applicant's property from that of its abutting neighbors.
41. As agreed to by the Applicant, prior to obtaining their Certificate of Occupancy for the last building, the applicant shall, in conjunction with the Town Engineer and the Town of Lewisboro, assess and make arrangements to repair and/or replace and road damage caused by construction activities or construction vehicles accessing the Property.
42. Prior to obtaining their Certificate of Occupancy for the last building, the applicant shall provide written certification by a Landscape Architect regarding the number, types and sizes for all plant material. Plants that are found to be in poor condition shall be identified, replaced and re-inspected within 30 days of said certification, or as soon as possible depending on the time of year.
43. Prior to obtaining their Certificate of Occupancy for the last building, the applicant shall submit an As-Built Survey performed to Class A-2 standards. The survey shall also include the open space area, as agreed to as part of the previous approval, which is located on the easterly side of the Church parcel, previously delineated as Exhibit 1 of the May 2008 approval.
44. Prior to obtaining their Certificate of Occupancy for the last building, the applicant shall submit an As-Built Site Plan indicating all the completed improvements on the Property.
45. Prior to obtaining their Certificate of Occupancy for the last building, the applicant shall provide Certificate of Drainage in accordance with the town's Drainage Certification Policy.

8. St. Lukes Foundation Inc., owner, 377 North Wilton Road – Special Permit.

Special Permit application of Stephen A. Finn, Esq., Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent, for St. Lukes Foundation Inc., owner, pursuant Sections 3.2.C.7 and 8.2.B requesting an addition to the main school building and removal of certain existing structures, for property in the Four Acre Residence Zone at 377 North Wilton Road (Map 40 Block 105 Lot 12, 90 and 135).

and

9. St. Lukes Foundation Inc., owner, 377 North Wilton Road – Site Plan.

Site Plan application of Stephen A. Finn, Esq., Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent, for St. Lukes Foundation Inc., owner, pursuant to Section 8.2.A requesting an addition to the main school building and removal of certain existing structures, for property in the Four Acre Residence Zone at 377 North Wilton Road (Map 40 Block 105 Lot 12, 90 and 135).

Items #8 and #9 were discussed together. Mr. Kleppin distributed a revised draft of conditions. The Commission discussed the following resolution:

Resolution

WHEREAS, the Site Plan Application was physically received by the Planning and Zoning Department on November 1, 2012.

WHEREAS, the Special Permit Application was physically received by the Planning and Zoning Department on January 11, 2013.

WHEREAS, the Planning and Zoning Commission (Commission) opened a hearing on the Site Plan Application on November 27, 2012 and conducted subsequent hearings on November 27, 2012, December 12, 2012, January 29, 2013, February 26, 2013 and March 5, 2013.

WHEREAS, the Commission opened a hearing on the Special Permit Application on January 29, 2013 and conducted subsequent hearings on February 26, 2013 and March 5, 2013.

WHEREAS, the Commission conducted deliberations on the closed applications on March 21, 2013 and March 26, 2012.

WHEREAS, deliberations were concluded on March 26, 2012 and made the following findings:

1. St. Luke's is an allowed Special Permit in the Four Acre Residential Zone and has been operating from this location since 1928.
2. The Commission views Soundview Lane as a cul-de-sac. Therefore, to maintain the integrity of the street and surrounding areas, St. Luke's should not consider Soundview Lane for through access to St. Luke's, unless warranted in an emergency situation.
3. The Traffic Access and Impact Study dated November, 2012, prepared by Frederick P. Clark Associates and testimony provided by Michael Galante, of Frederick P. Clark Associates indicated an improved Level of Service/Delay at the driveway/North Wilton Road intersection after the staggered start times are implemented by St. Luke's, which according to St. Luke's will only be possible with the proposed classroom additions.
4. There was no written report or expert testimony received in opposition to the Frederick P. Clark Associates traffic report.
5. The Commission considered testimony and supporting data provided by Michael Gold, of Michael B. Gold Associates, representing the applicant, as well as testimony and supporting information provided by Nora King, of Nora King and Company, representing several neighbors and concluded that Ms. King's information was not sufficiently specific to this application.
6. As the result of extensive discussions, St. Luke's School and its neighbors have agreed to numerous landscape and lighting mitigation plans. The plans, outlined in the conditions below, include landscape screening, exterior lighting mitigation, and opaque shading of windows to prevent interior light from spilling to the exterior at night.
7. All numbered items are described in further detail below and are reflected with the same number on the site plan prepared by JGR Architects, dated January 28, 2013, to indicate their approximate location on the St. Luke's campus. In addition, a Planting Plan, dated January 28, 2013 and prepared by JGR Architects, demonstrates the screening that St. Luke's will provide adjacent to the Soundview Lane property line referred to in Item #9 below.

THEREFORE, BE IT RESOLVED, that upon a motion made by Mr. Ward and seconded by Ms. Grzelecki the Commission voted unanimously to approve both the Special Permit and Site Plan Applications with the following conditions, modifications and restrictions:

1. As stated in §1.2 of the regulations, the Commission feels that in order to ensure that the residential character of the area is maintained and adverse impacts from traffic, lighting, noise and events at the school do not negatively impact the neighborhood, the permit shall remain valid only so long as the site remains a single undivided parcel of 45.2979 acres. Reference is made to the Zoning Location Survey Depicting St. Luke's School Located at 377 North Wilton Road in New Canaan, Connecticut, prepared for St. Luke's Foundation, Inc.
2. Site work shall be in accordance with Site Development Plan SE-1 and Notes and Details DT-1, prepared by McChord Engineering, dated October 9, 2013, submitted to P&Z October 31, 2012, on file with the Planning and Zoning Department.
3. The building addition shall be constructed in accordance with Additions and Alterations dated October 29, 2012, Lower Floor Plan, First Floor Plan, Second Floor Plan, Third Floor Plan, and Exterior Elevations prepared by James G. Rogers Architects, on file with the Planning and Zoning Department.
4. After the addition is completed, or sooner if possible, the applicant will split the arrival times for the upper and middle schools. The arrival times will be split by at least thirty (30) minutes as recommended within the Traffic Access and Impact Study.
5. By September 15th of each year thereafter, the applicant, its successors and assigns, shall provide to the Planning & Zoning office annual enrollment figures. For each cumulative increase in enrollment of 53 students (based upon a current enrollment of 531 students), a traffic study shall be submitted to the Planning & Zoning office by November 15th of the year in which such an increase has occurred. The traffic study shall include updated traffic counts and determinations of Levels of Service and measured delay ("Level of Service/Delay") at the affected intersections. By way of examples, when the annual enrollment figure reaches 584 students, a traffic study shall be submitted. When the annual enrollment figure reaches 637, another traffic study shall be submitted. The Planning and Zoning Commission reserves the option to waive any particular traffic study.
6. After split arrivals commence, Level of Service/Delay resulting from on-campus enrollment increases shall at all times be a minimum of twenty percent (20%) improved from the "existing conditions" shown in the Traffic Access and Impact Study dated November, 2012, and the applicant shall be required to take action as soon as possible to mitigate traffic conditions which go below this minimum twenty percent (20%) improvement level so as to restore the minimum twenty percent (20%) improvement. Unless authorized by the Commission, there shall be no additional increase in enrollment until the Level of Service/Delay once again is a minimum of 20% improved from the "existing conditions" shown in the Traffic Access and Impact Study dated November, 2012.
7. The Commission reserves the right to retain the assistance of its own traffic consultant to advise the Commission or conduct an independent peer review of the applicant's traffic study and/or traffic mitigation measures, at the applicant's expense, in accordance with 8.1.e.2 of the Regulations. No traffic mitigation remedies sought by St. Luke's shall (a) include the use of Soundview Lane for vehicle or access or egress by students or staff or (b) cause any deterioration in the Level of Service/Delay at any other means of access or egress existing as of the effective date of the Commission's action on these applications.
8. St. Luke's shall prepare an addendum to their landscaping plan, to be reviewed and approved by the Zoning Inspector, indicating additional plantings to be installed at the south end of the building addition, as near the building addition as possible, to serve as a visual buffer. The plan should consist of the appropriate number of 10'-12' evergreen screening trees consisting of a variety of species (pine, cedar, and spruce). Maintaining the health of the trees on the

St. Luke's property and replacing them when they no longer provide adequate screening, due to ill health, will be the responsibility of St. Luke's. In addition and upon agreement of the property owner, St. Luke's will also install four (4) evergreens on 183 Soundview Lane (40/105/74) near the tennis court. Planting will be completed in the Spring of 2013, according to landscape contractor's recommended planting schedule.

9. As agreed to by St. Luke's, thirty-five (35) 10'-12' evergreen screening trees will be installed along the south edge of the upper softball field to serve as a visual buffer of the St. Luke's campus from Soundview Lane. A variety of species (pine, cedar, and spruce) will be used to create a naturalistic buffer. Location and spacing will be according to the planting plan provided by JGR Architects, dated January 28, 2013. Maintaining the health of the trees and replacing them when they no longer provide adequate screening, due to ill health, will be the responsibility of St. Luke's. Planting will be completed in the Spring of 2013, according to landscape contractor's recommended planting schedule.
10. As agreed to by St. Luke's, twenty (20) 10'-12' evergreen screening trees will be installed on 173 Soundview Lane (40/105/75) to serve as a visual buffer of the St. Luke's addition from the Wiley Residence. The homeowners will be consulted regarding the specific location and species of trees to be planted on their property. St. Luke's will also cover the nominal cost of relocating the fence to provide the room required for the plantings. Work is to be completed in the Spring of 2013. Maintenance and replacement of the fence and plantings will be the responsibility of the homeowner, not St. Luke's.
11. As agreed to by St. Luke's, the fallen large pine behind the baseball backstop near 293 North Wilton Road (40/105/26) property line will be removed and replaced with three new 10'-12' evergreen trees, which will be planted on a berm.
12. As agreed to by St. Luke's, the leaning tree located on the existing berm by the St. Luke's maintenance garage will be straightened or replaced with the same species. Any planting will be completed in the Spring of 2013, according to landscape contractor's recommended planting schedule. St. Luke's will be responsible for maintaining the health of the trees and replacing them when they no longer provide adequate screening.
13. As agreed to by St. Luke's, the garbage dumpster at the Art House will be relocated and removed from view from 374 North Wilton Road (40/104/6) and whenever possible, school vans will also be relocated to another location other than the lower parking lot. St. Luke's will install five (5) screening trees behind the Art House. A variety of species (pine, cedar, and spruce) will be used to create a naturalistic buffer. St. Luke's will be responsible for maintaining the health of the trees and replacing them when they no longer provide adequate screening.
14. To the extent the applicant and the owners of 320 North Wilton Road, reach an agreement on any adjustments and additional landscaping in areas near 320 North Wilton Road (40/102/7), all referencing documents should be submitted to the Zoning Inspector. In the event that an agreement is not reached, the applicant shall submit a landscaping plan to the Commission or the Zoning Inspector prior to the issuance of a zoning permit, and no zoning permit shall be issued until such landscaping plan is approved by the Commission to the Zoning Inspector.
15. As agreed to by St. Luke's, custom-made, fully shielded, 360-degree cut-off shades will be installed on all 28 pole-mounted parking lights. St. Luke's will ensure that 19-20 of the 28 parking lot lights will be turned off by 9:00 pm. For safety reasons, the remaining 8-9 lights closest to the main building will remain on between 9:00 pm and 11:00 pm, when the cleaning crew leaves the premises. Special evening events that fall after 9:00 pm are exempt from this requirement.
16. St. Luke's will request that CL&P remove the fixture near the St. Luke's bridge after St. Luke's furnishes and installs one or two fully shielded pathway light(s),

activated by motion sensors, along the walkway to the lower playing field and lower parking area, as needed for safety. The location of these fixtures will be placed with consideration toward natural screening provided by rock outcroppings on the St. Luke's property. If after the lights are installed, should the St. Luke's neighbors object to one or both pathway lights, St. Luke's agrees to maintain the existing on-campus CL&P pole light. Independent of the use of the lower parking lot, St. Luke's is obligated to provide safely lit walkways to the lower campus.

17. The illuminated "St. Luke's School" sign at the front door of the building shall only be illuminated for special evening occasions, anticipated to be 3-6 times per year.
18. As agreed to by St. Luke's, the two exterior lights facing south on the Dining Commons facade and the three lights facing west on the Middle School Gym and Performing Arts Center facade shall be removed and replaced with exterior safety lights at doors in these locations with lower wattage light bulbs and placed on a timer that turns off lights by 11:00 pm. These lights should be fully shielded so the light source is not visible to neighboring properties.
19. As agreed to by St. Luke's, the two existing exterior sconces at the lower entrance to the Athletic Center shall be modified to include two full cut-off shields, to prevent glow from the sides of fixtures.
20. As agreed to by St. Luke's, by the Spring of 2013, the two existing exterior door lights, located at the bottom of the stairs over the door to the trainer's office, and at the top of the first landing over the door to the athletic cage, shall be placed on motion sensors to remain off unless temporarily turned on with use of exit doors and stairs.
21. As agreed to by St. Luke's, by the Spring of 2013, all remaining and new exterior lights at the Art House shall be fully shielded to prevent light trespass onto neighboring properties and equipped with motion sensors.
22. As agreed to by St. Luke's, the library shall be rewired to eliminate lights at night, unless occupied or emergency lighting. In addition, St. Luke's shall require that the cleaning crew clean the library space early, to ensure lights are turned off earlier. As agreed to by St. Luke's, the lower level of the Athletic Center shall be rewired so that when it is unoccupied, all lights are turned off, except for emergency exit lights.
23. As agreed to by St. Luke's, the Athletic Center entrance lights at the trophy cases shall be rewired to eliminate lights from that space at night, except for emergency exit lights.
24. As agreed to by St. Luke's, manual blackout shades shall be installed to cover windows on the Butler and Wagner Room offices, above the trophy cases. The maintenance crew shall close the shades for these windows nightly at dusk.
25. As agreed to by St. Luke's, manual blackout shades shall be installed to cover windows in the Bomstein Room, Whitcomb Room, 10 offices, and restroom windows at the mezzanine level of the Athletic Center. Maintenance crews shall cover windows nightly at dusk.
26. As agreed to by St. Luke's, by the Spring of 2013, the small (1' x 1') windows in the following locations: 6 in the gym on field side, 5 in stairwell top on field side, 6 in locker rooms at front of building shall be blocked off.
27. As agreed to by St. Luke's, all windows of the new building addition (hallway and classroom) will have opaque black-out shades, except at the school entry. Classrooms windows will be covered nightly at dusk by St. Luke's maintenance crew using manually operated black-out shades. It is the responsibility of St.

Luke's to ensure this practice. All other floor-to-ceiling windows located in corridors will be covered by motorized operation with light sensors to automatically cover the windows at dusk.

28. As agreed to by St. Luke's, all Interior lights of the new addition (classrooms and hallways), with the exception of emergency lighting required by the fire marshal, will turn on only as the result of a motion sensor and will turn off automatically after 20 minutes.
29. As agreed to by St. Luke's, any exterior lights of the new addition will be fully screened (full cut-off, with no exposed lamp) and will be turned off by automatic time clock operation by 9 pm, at which time they will be on motion sensors. The exception is any emergency lighting required by the Building Code.
30. Neighbors shall report any lapses in St. Luke's' implementation or effective monitoring of any of the enumerated items above by emailing the St. Luke's, Director of Facilities, or appropriate individual within the school. As agreed to by St. Luke's, the Director of Facilities will respond to concerns within 24 hours. St. Luke's shall rectify any problem as soon as possible. As agreed to by the applicant, St. Luke's will host an annual Fall meeting among St. Luke's representatives, including members of the Board of Trustees, and neighbor representatives, including properties noted here and future owners of their homes, for an opportunity for ongoing review and discussion to address solutions that do not satisfy the intended goals established above.
31. Prior to obtaining their Certificate of Occupancy for the building addition, the applicant shall provide written certification by a Landscape Architect regarding the number, types and sizes for all plant material. Plants that are found to be in poor condition shall be identified, replaced and re-inspected within 30 days of said certification, or as soon as possible depending on the time of year.
32. The applicant shall submit a Landscape Maintenance Agreement, approved by the Senior Enforcement Officer, to be recorded on the Land Records for all plantings installed on the St. Luke's property required as a condition of this approval as well as plantings required as part of previous conditions required by this Commission. Dead and dying plants shall be replaced by the applicant and an adequate buffer maintained at all times.

10. Sign Task Force Report.

- a. Oxygen, 22 Pine Street – One wall sign.

Upon motion of Mrs. Grzelecki and second of Ms. DeLuca, the Commission approved item "a" with the condition that the letters be stainless steel.

11. Administrative Actions or other matters as may properly come before the Commission (Town Planner).

- a. Philip Johnson Glass House, 842 Ponus Ridge Road, introduction of ideas for adjunct revenue-producing programs. (Continued from the February 26, 2013 meeting).

Attorney Ted O'Hanlon made a report and spoke about how well the Special Permit process has served the Philip Johnson Glass House. He introduced Henry Urbach, Director of the Philip Johnson Glass House, who shared his background, his vision for the Glass House and new ideas for revenue producing programs. Small weddings and overnight stays in the house for one or two persons were two of the new initiatives he reported to the Commission. In response to questions from Commissioners, he stated that the weddings and overnight stays would be conducted within the conditions of the current Special Permit. He expressed the desire to operate the necessary fundraising activities in a manner that is respectful of the neighbors' need for peace and quiet. Mr. Papp stated that the Glass House is beneficial to the

town, existing permit allows for fundraising events and that weddings and overnight stays are an evolution in fundraising events.

- b. Temporary Permit, Philip Johnson Glass House, temporary tent, 842 Ponus Ridge Road.

Mr. Urbach explained that the roof of the painting gallery is scheduled to be replaced beginning in July. The work is expected to take 3-4 months. During that time, he would like permission to erect a tent to accommodate the programs usually held in the painting gallery. The tent would be located so that it would not be visible from the road. Mr. Goodwin asked if there was an ongoing capital expenditure plan. Mr. Urbach responded that there is a priority list of capital projects but that they can only be done when the money is raised for them as the operating budget does not include funds for capital projects. Mr. Goodwin expressed the concern that the tent could become a de facto permanent structure on the property. Mr. Urbach stated that it was not his intent that the tent be permanent. In response to Mr. Turner's question, Mr. Urbach stated that the neighbors had been invited to a meeting where they were told about the plan to replace the painting gallery roof and run programs in a tent during construction. Mr. Papp asked if Mr. Urbach was aware of the Goldberg's letter requesting that three conditions be imposed on the June gala. Mr. Urbach stated that he intends to comply with the conditions suggested by the Goldbergs. Mr. Turner asked if the tent would be lit. Mr. Urbach stated that it could be lit in the fall on the one evening per week that the Glass House can operate until 8 pm. Mr. Scannell expressed concern about the noise that a generator would make. Mr. O'Hanlon said that if a generator is needed, Mr. Urbach would consult with Mr. Kleppin.

Joseph Najmy, 815 Ponus Ridge, expressed concern about the continued expansion of the use of the property and cited safety concerns about having people park at West School for large events.

Upon motion of Mrs. Grzelecki and second of Mr. Ward, the Commission approved the temporary permit.

- c. Temporary Permit, New Canaan Library, fundraiser – Saturday, June 8, 2013.

The Commission approved the Temporary Permit by consensus.

- 12. Approve minutes of the February 26, 2013 Regular Meeting 7:00 p.m., the February 26, 2013 Special Meeting 6:30 p.m. minutes and the March 5, 2013 Special Meeting 7:00 p.m. minutes.

Upon motion of Mr. Goodwin and second of Mrs. Grzelecki, the Commission voted 8-0 to approve the minutes of the February 26, 2013 6:30 pm Special Meeting with modifications. Mr. Scannell abstained.

Upon motion of Mr. Goodwin and second of Mrs. Grzelecki, the Commission voted 8-0 to approve the minutes of the February 26, 2013 7:00 pm Regular Meeting with modifications. Mr. Scannell abstained.

Upon motion of Mrs. Grzelecki and second of Mr. Rothballer, the Commission unanimously approved the minutes of the March 5, 2013 7:00 pm Special Meeting.

- 13. Adjournment

Meeting was adjourned at 10:48 p.m.

Jean Grzelecki, Secretary

LEGAL ADVERTISEMENT

8A NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, APRIL 4, 2013
NOTICE TO CREDITORS

| | | |
|----------------------------------|----------------------------------|-----------------------------------|
| TOWN OF NEW CANAAN | Forest Street KKE LLC, et | approval of improvements as |
| PLANNING & ZONING | al c/o Tec Associates, owner, | shown on plans, for property |
| COMMISSION | pursuant to Sections 4.3 C.1 | in the Four Acre Residence |
| Notice is hereby given | and 4.3 C.4 to allow retail | Zone at 365 Lukes Wood Road |
| that the Planning and Zoning | (frozen yogurt) establishment | (Map 41 Block 38 Lot 77) is |
| Commission at a special meeting | with outdoor seating on | approved with conditions. |
| held on March 26, 2013 | a patio/sidewalk on the same | RESOLVED, that the |
| duly adopted the following | property, for property in the | Special Permit application of |
| resolutions. Approved Special | Retail B Zone at 11 Forest | Stephen A. Finn, Esq., Wofsey, |
| Permit Applications become | Street (Map T Block 73 Lot | Rosen, Kweskin & Kuriansky, |
| effective upon the filing of a | 721) is approved. | LLP, Authorized Agent, for St |
| copy thereof in the office of | RESOLVED, that the application | Lukes Foundation Inc., owner, |
| the Town Clerk. | of Day Pitney LLP, | pursuant Sections 3.2 C.7 and |
| RESOLVED, that the | Authorized Agent, for Grace | 8.2.B requesting an addition to |
| CGS 8-24 referral from Mike | Property Holdings LLC, owners, | the main school building and |
| Pastore, Director of Public | requesting, pursuant to | removal of certain existing |
| Works Department, for a | Section 8.2.B.6.d of the New | structures, for property in the |
| request to review the Town | Canaan Zoning Regulations, | Four Acre Residence Zone at |
| Hall Renovation Project for | an amendment to the Special | 377 North Wilton Road (Map |
| Town of New Canaan, owner, | Permit approved on November | 40 Block 105 Lot 12, 90 and |
| 77 Main Street located in the | 27, 2007 pursuant to Section | 135) is approved with conditions. |
| Retail A Zone (Map T, Block | 3.2.C.14 of the Regulations | RESOLVED, that the Site |
| 43, Lot 839) is not inconsistent | and previously amended on | Plan application of Stephen |
| with the Plan of Conservation | May 20, 2008. In addition, | A. Finn, Esq., Wofsey, Rosen, |
| and Development (POCD). | in connection with certain | Kweskin & Kuriansky, LLP, |
| RESOLVED, that the | proposed site lighting, the | Authorized Agent, for St |
| application of Town of New | applicant seeks special permit | Lukes Foundation Inc., owner, |
| Canaan, Department of Public | approval pursuant to Section | pursuant to Section 8.2 A |
| Works, for a Special Permit of | 6.11.C.3.f of the Regulations | requesting an addition to the |
| Sections 7.1.B.3.b to allow the | for ornamental up-lighting of | main school building and |
| renovation and expansion of | Landscape features, for property | removal of certain existing |
| the New Canaan Town Hall, | in the Four Acre Residence | structures, for property in the |
| located in the Retail A Zone at | Zone at 365 Lukes Wood Road | Four Acre Residence Zone at |
| 77 Main Street (Map T Block | (Map 41 Block 38 Lot 77) is | 377 North Wilton Road (Map |
| 43 Lot 839) is approved with | approved with conditions. | 40 Block 105 Lot 12, 90 and |
| one condition. | RESOLVED, that the Site | 135) is approved with conditions. |
| RESOLVED, that the Site | Plan application of Day Pitney | Jean N. Grzelecki |
| Plan application of Redding | LLP, Authorized Agent, for | Secretary |
| Railroad Frozen Yogurt, LLC | Grace Property Holdings LLC, | Dated March 28, 2013 |
| and John Meyer Consulting, | owners, pursuant to Sections | 4-4 |
| Authorized Agents for 3-11 | 8.2.A and 8.2.B requesting | |

6A NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, APRIL 11, 2013 – Revised Notice

| | | |
|------------------------------------|---------------------------------------|---------------------------------|
| TOWN OF NEW CANAAN | Zone at 365 Lukes Wood Road | of landscape features |
| PLANNING & ZONING | (Map 41 Block 38 Lot 77), | is approved with conditions. |
| COMMISSION | pursuant to Section 8.2.B.6.d | RESOLVED, that the Site |
| REVISED NOTICE | of the New Canaan Zoning | Plan application of Day Pitney |
| Notice is hereby given | Regulations, an amendment to | LLP, Authorized Agent, for |
| that the Planning and Zoning | the Special Permit approved | Grace Property Holdings LLC, |
| Commission at a meeting | on November 27, 2007 pursuant | owner, pursuant to Sections |
| held on March 26, 2013 duly | to Section 3.2.C.14 of the | 8.2A and 8.2B of the New |
| adopted the following resolutions. | Regulations and previously | Canaan Zoning Regulations |
| Approved Special | amended on May 20, 2008 | requesting approval of |
| Permit Applications become | so that the proposed improvements | improvements as shown on |
| effective upon the filing of a | may be built as shown | plans, for property in the Four |
| copy thereof in the office of | on the plans submitted is | Acre Residence Zone at 365 |
| the Town Clerk. | approved with conditions. In | Lukes Wood Road (Map 41 |
| RESOLVED, that the application | addition, in connection with | Block 38 Lot 77), is approved |
| of Day Pitney LLP, | certain proposed site lighting, | with conditions. |
| Authorized Agent, for Grace | the applicant's request for special | Jean N. Grzelecki |
| Property Holdings LLC, | permit approval pursuant | Secretary |
| owner, requesting, for property | to Section 6.11.C.3.f of the | Dated: April 8, 2013 |
| in the Four Acre Residence | Regulations for ornamental uplighting | 4-11 |

PLANNING & ZONING COMMISSION MINUTES
SPECIAL MEETING – 7:00 P.M.
TUESDAY, MARCH 5, 2013

REGULAR MEMBERS PRESENT: **REGULAR MEMBERS ABSENT:**

Mr. Papp, Chairman
Mrs. Grzelecki, Secretary
Mr. Goodwin
Mr. Rothballer
Mr. Scannell
Mr. Shizari
Mr. Turner
Mr. Ward

Ms. DeLuca

ALTERNATE MEMBERS PRESENT: **ALTERNATE MEMBERS ABSENT:**

Mr. Crofton Departed at 9:50 pm
Mr. Flinn
Mr. Radman Departed at 10:15 pm

Also in Attendance:
Steve Kleppin, Town Planner/Senior Enforcement Officer
Ira Bloom, Town Counsel

PUBLIC HEARING

Chairman Papp opened the Public Hearing at 7:00 p.m.

1. St. Lukes Foundation Inc., owner, 377 North Wilton Road - Site Plan.

Public Hearing in accordance with the Site Plan application of Stephen A. Finn, Esq., Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent, for St. Lukes Foundation Inc., owner, pursuant to Section 8.2.A requesting an addition to the main school building and removal of certain existing structures, for property in the Four Acre Residence Zone at 377 North Wilton Road (Map 40 Block 105 Lot 12, 90 and 135). (Continued from the November 27, 2012, December 18, 2012, January 29, 2013 and February 26, 2013 meetings);

and

2. St. Lukes Foundation Inc., owner, 377 North Wilton Road – Special Permit.

Upon application of Stephen A. Finn, Esq., Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent, for St. Lukes Foundation Inc., owner, for a Special Permit of Sections 3.2.C.7 and 8.2.B requesting an addition to the main school building and removal of certain existing structures, for property in the Four Acre Residence Zone at 377 North Wilton Road (Map 40 Block 105 Lot 12, 90 and 135). (Continued from the January 29, 2013 and February 26, 2013 meetings).

Item #1 and #2 were heard together. Attorney Douglas Bayer introduced appraiser Nora King who stated that in the documents provided to her she did not see any proof that the staggering of traffic would impact the volume of traffic nor did she see any evidence that the staggering of traffic would not impact property values. She characterized St. Luke's as a commercial property said that increased traffic is associated with negative factors such as noise, pollution and safety concerns. She described how she had looked at 341 properties in New Canaan and Darien which sold for more than \$1M and concluded that properties on busy roads were 10 -15% lower in value. She also spoke to the assessors in New Canaan, Darien and Westport about the factor they use in their valuation model to show the commercial influence of schools and the traffic they generate. Mr. Papp asked how traffic influences property values. Ms. King stated that she believes traffic has already decreased the values of properties near St. Luke's School and if there is an increase in traffic, it will further negatively influence property values. Mr. Papp asked

whether mitigation actions recommended by Ms. King would prevent a decrease in property values. Ms. King said no because traffic has already decreased property values but an enrollment cap could prevent further decreases in property values. Mr. Scannell asked Ms. King why she was looking back. She indicated that she did so to find a pattern. She assumed that there will be an increase in enrollment when the addition is completed and based upon that assumption there will be a 10 -15% decrease in property values within 12-18 months because buyers are already wary of purchasing near the school because of the proposed addition. She stated that her assumption that increased enrollment would cause increased traffic problems is based upon the assumption that efforts to mitigate traffic congestion would not be effective. Mr. Crofton asked if she was testifying that past expansions have impacted the neighbors' property values. Ms. King indicated that the impact of past expansions is probative of the future impact of the proposed addition. Mr. Papp asked if a house near St. Luke's School or another commercial property is already less valuable than it would be in another location because of the traffic the school generates. Ms. King said that was true. Mr. Goodwin stated that there are positive aspects to buying a home near a school. In response to Mr. Radman's question about why she did not look at houses near the school and houses away from the school, Ms. King stated that she had looked at 341 properties in Darien and New Canaan and that the important factor is the impact of traffic, not being near a school. Mr. Scannell asked how she determined that the increase in traffic is due to a growing school rather than an increase in the population of New Canaan. Ms. King indicated that she believes that the traffic problem on North Wilton Road is the result of increased enrollment at the school and that it decreases property values. The appraisal methods that she used include assumptions that are generally acceptable in the appraisal business. Her underlying assumption is that the school's enrollment will increase and therefore traffic congestion will increase. Mr. Flinn asked if property values on Soundview Lane would decrease due to their proximity to construction. Ms. King said they would. Mrs. Grzelecki asked if Ms. King has looked at the assessments of houses near the school. Ms. King stated that she had not but she talked to the New Canaan, Darien and Westport assessors to see what assumptions they build into their valuation model. Mr. Papp stated that he had talked to the New Canaan assessor and that it was his opinion that the impact of increased traffic may manifest itself in a change in property values over about five years.

Steven Sosnick, 144 Soundview Lane, speaking on behalf of himself and some of the neighbors of the school explained the actions of the neighbors and why it took so long to engage an appraiser. He challenged several aspects of school's appraiser's report. He expressed the following concerns of neighbors: 1) lighting and screening, 2) traffic, 3) use of Soundview Lane by St. Luke's School, and 4) establishing a growth target or enrollment cap. He asked that if the project is approved, there be a binding agreement with the school regarding the lighting and screening and that there be recourse if split arrivals do not decrease traffic congestion. Mr. Papp assured him that the Commission would consider the concerns of the neighbors when making a decision on the applications.

Attorney Bayer questioned why the school didn't originally apply for a Special Permit and why the school is unwilling to talk about an enrollment cap when the school has stated that it has no intent to increase enrollment. He suggested that the school was trying to avoid having the Commission place a limit on its future ability to grow. Attorney Bayer cited several reasons why the Commission should deny the application. First, in his opinion, the site plan does not conform to the regulations because the parcel that the Head of School's house sits on requires a Special Permit and without a Special Permit it cannot be added to the school property to meet the coverage requirements for the proposed addition. Second, even if the Commission decides that no Special Permit is needed for the Head of School's house parcel to be included in the coverage calculation, the applicant has failed to meet the burden of proof showing that the application meets the criteria for a Special Permit.

Attorney Finn explained why his client filed a Site Plan application first and later filed an application for a Special Permit.

Mark Davis, Head of St. Luke's School, denied Mr. Richey's allegation that the school had offered to purchase his house. He stated that the proposed addition supports the

school's mission and that the vision of the addition was shared with neighbors as early as 2008.

Keith Richey shared his recollection of the conversations he had with Mr. Davis. He asked the Commission to impose conditions regarding the time and length of construction activities if the application is approved.

Christine Seaver, Chair of the Board of Trustees of St. Luke's School, spoke about the purpose and values of the school. She said that enrollment is based upon the mission and programs of the school, that there are no specific plans to grow the school but that the school currently has the capacity to grow. The desire to separate the middle school and the upper school schedules, not the desire to increase enrollment, drives the need for an addition. She stated that the school opposes a cap on enrollment because it needs to maintain its flexibility, retain its ability to respond to the competitive landscape and retain its institutional resiliency. She stated the school is committed to 1) improving traffic conditions, 2) decreasing light pollution from the campus and adding screening to, 3) continuing the good relationship the school has with the neighbors and meeting every fall to hear concerns, and 4) not using Soundview Lane for to mitigate traffic.

Attorney Finn stated that he believes that the neighbors have lost sight of the fact that the issue is the impact of the new addition on property values, not the impact of the existence of St. Luke's School on property values. He spoke about the distance between the proposed addition and the Richey property. He addressed the concept of student density ratio as presented in Randall Guynn's letter submitted on March 4, 2013 and concluded that using Mr. Guynn's analysis St. Luke's School could increase its enrollment substantially. He stated that he had received no objections to the lighting and screening plan presented on February 26, 2013. He disagreed with Attorney Bayer's arguments that the lot that the Head of School's house sits on cannot be used in lot coverage calculations and that an enrollment cap should be imposed. Attorney Finn read from a letter submitted by Mike Galante, the school's traffic expert, refuting Mr. Kavookjian's allegations that there were deficiencies in his traffic study. With respect to Ms. King's appraisal, Attorney Finn stated that the proper analysis is to compare present value to projected value after the addition is built, that the appraisal ignores Mr. Galante's traffic report which says traffic will improve, that there is no analysis of how much traffic would have to increase to negatively impact property values and as such there is no basis for Ms. King to conclude that traffic will decrease property values. Attorney Finn responded to Margaret Cooper's March 4, 2013 letter in which she expressed the concern that growth of St. Luke's would increase pollution by saying that the proposed conditions protect against an increase in traffic therefore pollution would decrease. Attorney Finn said that the proposed conditions provide a 'soft cap' and give the Commission ongoing oversight and jurisdiction over the school.

Attorney Finn introduced Michael Gold, the school's appraiser. Mr. Gold said that a before and after analysis is the standard measure of impact. St. Luke's School now and St. Luke's School with the addition is the comparison that should be made. The proper analysis is to try measure the impact on property values of the proposed addition but that it is difficult to segregate out a particular factor. He characterized Ms. King's appraisal as containing opinions that are outside the scope of the appraisal.

Mr. Crofton asked Attorney Finn to clarify the schools position on an enrollment cap. Attorney Finn said that there is no evidence on the record on which the Commission could base the imposition of an enrollment cap. There must be evidence for a basis for calculating a cap that is tied to a reason authorized by the regulations and the calculation of the cap must be based on evidence that allows you to arrive at a number for the cap.

Chairman Papp noted that there were two applications with different timelines before the Commission and that the public hearing on both would be closed tonight. Attorney Finn said he had the authority to agree to an extension until the next meeting. Mr. Papp stated that if the Commission does not have time to make a decision on the site Plan application at the next meeting he will ask for another extension and if the school does not agree to it the Site Plan application may have to be denied.

Chairman Papp canvassed the Commissioners and determined that they were all eligible to deliberate and render a decision on both applications.

Mr. Bloom noted that there have been some changes in the wording of the proposed conditions and a new draft of conditions will be circulated.

The public hearing on this matter was closed.

REGULAR MEETING

3. Deliberation and any possible action regarding Grace Property Holdings LLC, 365 Lukes Wood Road.

The Commission discussed Mr. Kleppin's draft of the conditions for the project. At the next meeting, the Commission will review a revised draft of the conditions and will address the intervention.

4. Adjournment.

The meeting was adjourned at 11:10 pm.

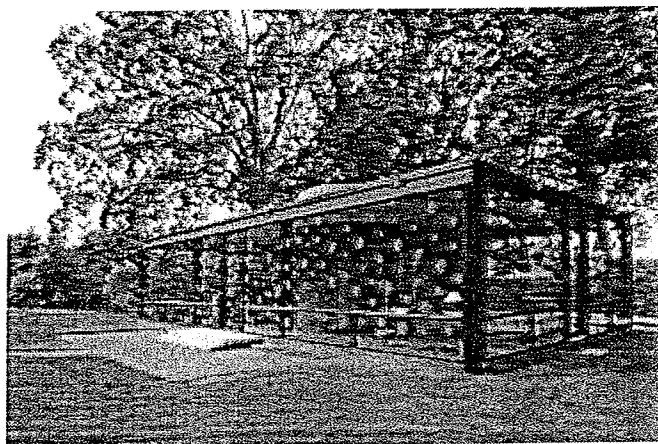
Jean Grzelecki, Secretary

EXHIBIT 4

'A Huge Amount of Interest': Philip Johnson Glass House Sees Record-High Visits in September

By: **MICHAEL DINAN** | October 6, 2016

Anchored by a popular, special installation (<http://theglasshouse.org/whats-on/yayoi-kusama-narcissus-garden/>), the Philip Johnson Glass House (<http://theglasshouse.org/>) in September set a new high-water mark in visits for a single month since opening to the public in 2007.



The Dots Obsession installation at Philip Johnson Glass House. Photo by Matthew Placek

The National Trust for Historic Preservation site welcomed 2,595 visitors to its iconic 49-acre campus on Ponus Ridge last month (by way of shuttles from Elm Street), primarily through tours, according to the nonprofit organization. The figure marks a 111 percent year-over-year increase for visits in the month.

It likely had to do with Yayoi Kusama's "Dots Obsession" installation, which closed last week, while the artist's "Narcissus Garden" and "Pumpkin" installations will run through Nov. 30, the season's end, according to Christa Carr, communications director at The Glass House.

"It generated a huge amount of interest all over the world, locally and regionally," Carr said. "It basically sold out before tickets were up."

Here's a look at visitor numbers at The Glass House over the past two years:

Glass House Monthly Visits 2015-2016

| | 2015 | 2016 |
|-------|-------|-------|
| Jan. | 54 | 37 |
| Feb. | 15 | 36 |
| March | 9 | 46 |
| April | 285 | 275 |
| May | 1,761 | 2,197 |
| June | 1,760 | 2,150 |
| July | 1,243 | 1,890 |
| Aug. | 1,335 | 723 |

| | 2015 | 2016 |
|--------------|---------------|--------------|
| Sept. | 1,227 | 2,595 |
| Oct. | 2,114 | -- |
| Nov. | 1,623 | -- |
| Dec. | 16 | -- |
| Total | 11,442 | 9,949 |

* Source: Philip Johnson Glass House

The “Dots Obsession” installation, full title “Alive, Seeking for Eternal Hope,” was the third part of a landscape installation on view throughout the season in celebration of the 110th anniversary of Philip Johnson’s birth and the 10th anniversary of the opening of the Glass House site to the public.

Kusama created an “infinity room,” covering the Glass House with her signature infinity polka dots.

Visitors who attend the exhibition during this period were drawn to the unique experience of seeing the world through the eyes of both Johnson and Kusama simultaneously.

“It shows the programming was a draw,” Carr said. “Nobody wanted to miss it.”

After its Nov. 30 closing, The Glass House will reopen for the 2017 season on May 1.

Backed by Carr and Deputy Director Scott Drevnig, The Glass House has been led for one year by Executive Director Greg Sages. Hired originally as finance manager and with a background in construction, Sages put a new focus (<http://newcanaanite.com/we-need-to-be-doing-better-new-director-eyes-fundraising-capital-needs-at-the-glass-house-32718>) on fundraising and capital needs at the site. In January, Sages and The Glass House came to the New Canaan Planning & Zoning Commission seeking a modest expansion (<http://newcanaanite.com/facing-financial-crunch-and-neighbors-concerns-philip-johnson-glass-house-pursues-expansion-of-operations-35320>) of hours and operations. Following several public hearings at which some neighbors voiced opposition (<http://newcanaanite.com/that-property-is-struggling-pz-chairman-voices-support-for-expanded-operations-at-philip-johnson-glass-house-37199>) and several community members expressed support, The Glass House won P&Z approval (<http://newcanaanite.com/you-are-assuming-that-theyre-bad-actors-after-some-wrangling-pz-agrees-to-modify-operating-permit-for-philip-johnson-glass-house-38622>) in May.

Asked about how the modified permit may have affected attendance at The Glass House this fall, Sages said that the “timing of the approval did not allow us to take full advantage of its provisions during our current tour season.”

“It did, however, allow us to increase attendance at our Annual Fundraiser held in June from 250 persons to 400 persons. As a result, the fundraiser set a record for both revenue and net result available for maintenance and preservation of our 14 structures on 49 acres and our museum quality collection of contemporary art. We will also be able to hold a post tour party for attendees of our Philip Johnson House Tour in October, a celebration of our 10th season of operation as a public museum and the 110th anniversary of Johnson’s birth.”

For the current tour season, then, the permit modifications “led to more than \$100,000 of incremental revenue,” Sages said.

“This is significant to the Glass House preservation efforts. Our expectation for the next few years is that the permit modifications will allow us to raise a multiple of this year’s result.”

At the final public hearing for the modified permit, P&Z commissioner Laszlo Papp objected to a reference to the Glass House’s plans as “institutional creep,” saying it set New Canaan off “in the wrong direction.”

“I would personally not call these entities ‘institutions.’ I would call them ‘public entities.’ Why? Because I think a town like New Canaan is not a number of houses or residents. It is also the activities these residents conduct in various ways, whether it’s schools or the YMCA or a museum or whatever—so the ‘institutional’ designation implies that these are alien bodies inserted into the residential

neighborhoods, which is not true, in my view. I have even more problems with the word 'creep.' I assume 'creep' means some increased activity by these entities. And again, the life of any organization or any town or any community, means evolving and changing. The 'creep' in my view is a somewhat derogatory description of that activity. If we call it 'institutional creep' then we can cite some institution or public entities which preceded the surrounding neighbors after these entities were already established and some of them even before zoning was instituted—and we don't call it 'residential creep.' This kind of designation makes absolutely no sense, in my view."

EXHIBIT 5

| Volume of Activity (Visitors) | 2013 Approval | 2015/2016 Usage | Post Approval- First Year Low Estimate 10% | Post Approval- First Year Modest Estimate 20% | Post Approval- Usage Year 5 with 10% increase YOY |
|---|------------------|--------------------|--|--|---|
| Religious Institution - Religious Services, Church Ancillary Activities (AA etc.) and Church Staff | 74,561 | 74,561 | 81,742 | 91,262 | 133,183 |
| Club Activities - Arts for Healing, Space Grant Program, General Public Grace Farm Usage, GFF Personnel, Commercial For Profit Events | 0 | 79,681 | 126,458 | 167,435 | 245,141 |
| Philanthropic Activities - Architecture Tours, Foundation Events, Foundation Personnel, Large Events, Regular Events, Incremental Usage, Sustainability Events <i>Note: Excludes General Public</i> | 0 | 32,318 | 63,201 | 76,830 | 108,583 |
| Total Visitors | 74,561 | 186,560 | 271,400 | 335,527 | 486,907 |

| Volume of Activity (Visitors) | Permit Type (2015/2016 Usage) | | | Permit Type (Post Approval- First Year- Low Estimate 10%) | | | Permit Type (Post Approval- First Year- Modest Estimate 20%) | | | Permit Type (Post Approval- Usage Year 5 with 10% Increase YOY) | | |
|--|-------------------------------|---------------|---------------|--|----------------|---------------|---|----------------|---------------|--|----------------|----------------|
| | Religious Institution | Club | Philanthropic | Religious Institution | Club | Philanthropic | Religious Institution | Club | Philanthropic | Religious Institution | Club | Philanthropic |
| Religious Institution - Religious Services, Church Ancillary Activities (AA etc.) and Church Staff | 74,561 | | | 81,742 | | | 91,262 | | | 133,183 | | |
| Club Activities - Arts for Healing, Space Grant Program, General Public Grace Farm Usage, GFF Personnel, Commercial For Profit Events | | 79,681 | | | 126,458 | | | 167,435 | | | 245,141 | |
| Philanthropic Activities - Architecture Tours, Foundation Events, Foundation Personnel, Large Events, Regular Events, Incremental Usage, Sustainability Events <i>Note: Excludes General Public</i> | | | 32,318 | | | 63,201 | | | 76,830 | | | 108,583 |
| Total | 74,561 | 79,681 | 32,318 | 81,742 | 126,458 | 63,201 | 91,262 | 167,435 | 76,830 | 133,183 | 245,141 | 108,583 |
| Grand Total | 186,560 | | | 271,400 | | | 335,527 | | | 486,907 | | |

| Volume of Activity (Visitors) | Permit Type (2015/2016 Usage) | | | Permit Type (Post Approval- First Year Low Estimate 10%) | | | Permit Type (Post Approval- First Year Modest Estimate 20%) | | | Permit Type (Post Approval- Usage Year 5 with 10% Increase YOY) | | |
|--|-------------------------------|---------------|---------------|---|---------------|---------------|--|----------------|---------------|--|----------------|---------------|
| | Religious Institution | Club | Philanthropic | Religious Institution | Club | Philanthropic | Religious Institution | Club | Philanthropic | Religious Institution | Club | Philanthropic |
| Church Related Uses: | | | | | | | | | | | | |
| Grace Community Church (services only) - Religious Services [NOTE 1] | 48,405 | | | 53,246 | | | 58,086 | | | 85,044 | | |
| Church Ancillary - Church Sponsored Events (e.g. Amazing Grace (AA meetings), pickup basketball, women's morning Bible study, Alpha Series (exploring Christianity), men's morning Bible study). Figures are based on 75 people each day multiplied by 6 days by 52 weeks. [NOTE 1] | 23,400 | | | 25,740 | | | 30,420 | | | 44,538 | | |
| Church Staff - 8 FTE. Figures based on 5 church staff on site every day | 1,820 | | | 1,820 | | | 1,820 | | | 2,665 | | |
| Subtotal - Church Usage | 73,625 | | | 80,806 | | | 90,326 | | | 132,247 | | |
| Ancillary Uses - Non Church Related: | | | | | | | | | | | | |
| Arts for healing - Source Grace September 2016 Application | | 855 | | | 941 | | | 1112 | | | 1,627 | |
| Architecture Tours - Source Grace September 2016 Application - Reported 61 tours. 83 tours represents an annualized number. Applicant's current tour program consist of daily River Walk & Tea tours (18 people) and monthly Group Architectural tours (16 to 45 people). Figures are based on 25 people per tour. Low Estimate - 95 total tours annually (i.e. 1 additional tour per month). Modest Estimate - 107 tours annually (i.e. 2 additional tours per month). | | | 1,011 | | | 2,375 | | | 2,675 | | | 3,916 |
| Space Grant Program - Source Grace March 2017 Application, Tab F and Applicant's Grace Farms website Applicant has awarded space grants to at least 58 not-for-profits. Low Estimate - Assumes 29 not-for-profits have an executive board meeting once a month with 20 attendees and 12 fundraising galas of 250 people. Modest Estimate - Assumes 40 not-for-profits have an executive board meeting once a month with 20 attendees, 12 fundraising galas of 250 people and 6 fundraising galas of 500 people. [NOTES 3 & 4] | | 4,570 | | | 9,960 | | | 15,600 | | | 22,840 | |
| Foundation (Prior Events) - Source Grace September 2016 Application Events include Applicant's 2015/2016 programming, including concerts, conferences, annual special events such as Earth Day and Winter Outing, etc. | | | 12,587 | | | 13,846 | | | 16,363 | | | 23,957 |
| Subtotal - Church + Events | 73,625 | 5,425 | 13,598 | 80,806 | 10,901 | 16,221 | 90,326 | 16,712 | 19,038 | 132,247 | 24,467 | 27,874 |
| General Public Grace Farm Usage - Restaurant, Tea Service, Library, Walking Trails, Fishing, Pickup Basketball, Open Play. Figures are based on 178 people 6 days a week x 52. Source of 178 is from Applicant's November 10 2016 traffic report - attendance records. The only limitations proposed for public use of Grace Farms are its hours of operation (Tuesday through Saturday 10:00AM to 7:00PM and Sundays Noon to 6:00PM). [NOTES 2 & 5] | | 55,536 | | | 61,090 | | | 66,643 | | | 97,572 | |
| Foundation Personnel- Applicant's representations in 2012/2013 was that it had 2 or 3 FTE. Applicant now has 60+ personnel. Figures are based on 60 people x 6 days a week x 52. Low estimate - assumes an additional 4 FTE; Modest estimate - assumes an additional 5 FTE. | 936 | 18,720 | 18,720 | 936 | 19,968 | 19,968 | 936 | 20,280 | 20,280 | 936 | 29,692 | 29,692 |
| Total | 74,561 | 79,681 | 32,318 | 81,742 | 91,958 | 36,189 | 91,262 | 103,635 | 39,318 | 133,183 | 151,732 | 57,566 |

| Volume of Activity (Visitors) | Permit Type (2015/2016 Usage) | | | Permit Type (Post Approval- First Year Low Estimate 10%) | | | Permit Type (Post Approval- First Year Modest Estimate 20%) | | | Permit Type (Post Approval- Usage Year 5 with 10% increase YOY) | | |
|--|-------------------------------|---------------|---------------|---|----------------|---------------|--|----------------|---------------|--|----------------|----------------|
| | Religious Institution | Club | Philanthropic | Religious Institution | Club | Philanthropic | Religious Institution | Club | Philanthropic | Religious Institution | Club | Philanthropic |
| Additional Stated Uses Sought: | | | | | | | | | | | | |
| Space Grants - 58 Space grants awarded to date. <i>Low estimate - Assumes 29 organizations conduct 1 recurring event a month with 75 attendees in addition to their monthly executive board meeting and 12 fundraising galas of 250 people.</i> <i>Modest estimate - Assumes 40 organizations conduct 1 recurring event a month with 100 people in addition to their monthly executive board meeting, 12 fundraising galas of 250 people. [NOTES 4, 7 & 8]</i> | | | | | 29,100 | | | 51,000 | | | 74,669 | |
| Additional Space Grants - Currently the Foundation solicits additional space grants quarterly. Figures assume 10 new space grants annually. <i>Low Estimate - Assumes that each new grantee conducts 4 board meetings with 20 people and has 2 general meetings/events with 50 people annually.</i> <i>Modest Estimate - Assumes that each new grantee conducts 6 board meetings with 20 people and has 4 general meetings/events with 50 people annually.</i> | | | | | 1,800 | | | 3,200 | | | 4,685 | |
| Large Events - The Foundation is seeking 12 events of more than 700 persons each calendar year. Figures based on 701 persons attending a one day event 12 times a year. | | | | | | 8,412 | | | 8,412 | | | 8,412 |
| Regular Events - The Foundation has requested 24 additional sponsored events of between 300 and 700 persons. Only advance notice to ZEO required. These can be held 2x a month. See 2017 Management Plan. <i>Low and Modest Estimate - Figures are based on 500 people attending a one day event twice a month.</i> | | | | | | 12,000 | | | 12,000 | | | 17,569 |
| Incremental usage (Events less than 300 persons; no notice or approval required). Foundation sponsored programming (e.g. conferences) for its 5 Initiatives] - As per the application, these are events that are less than 300 persons. The March 2017 Application proposes no limitation on the number of these events. <i>Low Estimate - Figures assume 12 events per year with 250 people on average with each event lasting one day.</i> <i>Modest Estimate - Figures assume 15 events with 250 people on average with each event lasting two days.</i> | | | | | | 3,000 | | | 7,500 | | | 10,981 |
| Sustainability Events - Commercial for profit rentals - The Applicant is now requesting to hold revenue positive events to cover its operating costs. The River Building has multiple spaces that can support varying occupancies (e.g. Commons - 250 persons, Library - 60 persons, Lecture Hall - 42 persons, Pavilion - 30 persons, Sanctuary - 700 persons, West Barn - 100 persons) | | | | | 3,600 | 3,600 | | 9,600 | 9,600 | | 14,055 | 14,055 |
| Grand Total | 74,561 | 79,681 | 32,318 | 81,742 | 126,458 | 63,201 | 91,262 | 167,435 | 76,830 | 133,183 | 245,141 | 108,583 |

Notes:

1. Annualized church attendance of 48,405 represents 931 members of Grace Community Church attending services on a given Sunday which generally comports with representations made by the Applicant's predecessor in 2008 and 2012/2013 that there would be 900 parishioners at Grace Farms on any given Sunday. This attendance figure also comports generally with the "Sunday Visitor Count" of 889 on Sept. 11, 2016 set forth in Table 3 of the 2016 Annual Traffic and On-Site Parking Study included in the September 2016 Application. On average, each week 1,586 people from Grace Community Church come to Grace Farms. No limits are placed on the number of religious services that Grace Community Church may offer during a given week. Similarly, there is no limit to either (i) the number of attendees for any ancillary religious use or (ii) the number of ancillary religious events that Grace Community Church can sponsor during a given week.
2. This annualized estimate is conservative as more members of the general public would utilize Grace Farms on a weekend or holiday. Based on the Applicant's November 10, 2016 traffic report (pg.3 Attendance Records section), on September 23, 2016 a total of 535 people visited Grace Farms. Disregarding 289 people who attended the September community dinner event and 68 staff members results in a total of 178 members of the general public visiting Grace Farms on that day. Assuming that a typical day at Grace Farms would have 178 general public visitors, our calculation is 178 people x 6 days x 52 weeks.
3. It is unclear in the March 2017 Application whether the Applicant has accounted for attendance at all reported not-for-profit 2016 fundraisers -- for example, (i) the February 27, 2016 New Canaan Country School - Swing into the Centennial Gala, (ii) the June 28, 2016 New Canaan Domestic Partnership's Campus Safety Discussion, and (iii) the September 12, 2016 Voices of September 11th Public Discourse Initiative.
4. Note that the Applicant's "Space Grant" program (initial awards were announced on February 26, 2016) has two categories: Small Space Grants and Large Space Grants. See Notes 7 & 8 below for more details on the Applicant's space grant program.
5. On page 6 of Enclosure II of the September 2016 Application, the Applicant states (and as reconfirmed by the Applicant's attorney at the Commission's November 29, 2016 hearing) that "Grace Farms has not been held out or operated as a 'public park,' nor will it be," yet given that it encourages members of the public to come visit, it is unclear what distinguishes its activities from that of a "public park" except for the fact that it is sponsored by an entity not affiliated with the town government.
The following text is excerpted from gracefarms.org:
*"Visiting Grace Farms: Grace Farms is a gift of open space to the community. Admission is free. All drivers parking at the facility during public hours will be offered a free day pass at our Entry Kiosk.
Grace Farms public hours are Tuesday through Saturday 10 am to 6 pm, and Sunday noon to 6 pm
Grace Farms Pass: To expedite entry and make use of special benefits, we suggest registering for a free Grace Farms Pass at the West Barn Welcome Center.
The Grace Farms Pass includes access to an express entry lane and the option to borrow Grace Farms Library books for up to two weeks. The Library, one of the five glass-enclosed volumes of the River building, offers a complete selection of 1,400 books to borrow or to purchase, curated around Grace Farms' five core initiatives: nature, arts, justice, community, and faith. Please bring a valid identification to activate your pass.
Guided tours are offered every Thursday at 12:45 pm and Saturday at 11:30 am and 2 pm (\$25).
Tea service is offered in the Pavilion every half-hour Tuesday-Friday from 11 am-3 pm; Saturday from 11 am-5 pm; & Sunday from 12-3 pm (\$5)
Commons: Refreshments and light fare are offered in the Commons Tuesday-Friday from 10 am-5 pm, Saturday from 10 am-6 pm, & Sunday from 12-5 pm. Lunch is served until 3 pm."*
6. To meet its annual operating expenses, the Applicant is looking to engage in revenue raising programming at Grace Farms. To that end, in its March 2017 Application the Applicant is requesting to supplement its current uses with additional for-profit commercial use - e.g. corporate retreats, photo shoots, team retreats, movie location filming. (See 2017 Management Plan - Section B-V Foundation Program Sustainability Funding Opportunity Events page 8). This request apparently is due to the fact that only the architectural tours are revenue positive at Grace Farms, and that to make Grace Farms financially viable the Applicant now needs to offer additional revenue raising programming. Based upon the Applicant's 2015 IRS Form 990 tax return, we estimate the annual aggregate expense to run Grace Farms to be between \$5,000,000 and \$7,000,000 on a conservative basis.
7. Characteristics of Small Space Grants (per Tab E of Applicant's March 2017 Application): smaller programs of <100 persons that may occur multiple times that use only one space and involve minimal set up and do not interrupt daily Grace Farms activities. Examples would be strategic planning sessions, trainings, small meetings, and private or public programming (e.g. board meeting or general lecture).
8. Characteristics of Large Space Grants (per Tab E of Applicant's March 2017 Application): a one-time event of >100 persons that uses more than one space (typically the Commons and Sanctuary for dining and entertainment) that is generally held during a weekday evening (6pm to 10pm) and involves a catered meal. An example would be an annual fundraiser gala.

EXHIBIT 6

Intensity Review:

When reviewing the application, **all uses** must be taken into account to establish a baseline of intensity of usage at Grace Farms as represented by the application, and consideration given to the impacts and encroachments of allowing three independent principal uses to occur contemporaneously in New Canaan's lowest density residence zone.

Grace Community Church's activities, including Sunday services, must be included and actively considered when reviewing the cumulative effect of the proposed three principal uses on the surrounding residential neighborhood.

We estimate the true total of attendees at Grace Farms to be closer to 186,000 for the applicant's first year of operations (see filing: April 13, 2017).

Attendee Analysis:

- Reviewing the data provided by the Applicant from its three filings (9/26/2016, 3/27/2017 and 5/25/2017), the numbers do not reconcile.
 - Using the weekly attendance sheet (May 2017 presentation) and comparing it to the same time period from Appendix C Statistical Data for Grace Farms (September 2016 filing), the Applicant reported in September the total number attendees to be 59,498 whereas in May the total number of attendees was 112,725 using their weekly data.
 - Applicant **underreported 65,482** GFF visitors in their September 2016 filing as compared to their May 2017 presentation for the same time period.
 - Applicant **over reported 12,255** GCC attendees
 - Applicant failed to count a **total of 53,227** people
 - As per the Applicant, the security gate is raised for all large events (see Applicant's space grant materials)
 - In the rolling calendar provided as part of their May presentation, the total visitor number presented is: **131,698**.

| Attendees | September 26, 2016 Filing 321 days (10/15/2016 to 8/31/2016) Source: Appendix C Statistical Data for Grace Farms | May 25, 2017 Filing 324 days (10/26/2015 to 9/4/2016) Source: Total Attendance (GFF+GCC) By Week | (+/-) |
|---------------|--|--|---------|
| GCC Attendees | 42,820 | 30,565 | -12,255 |
| GFF Attendees | 16,678 | 82,160 | 65,482 |
| Total | 59,498 | 112,725 | 53,227 |

- Conclusion: The numbers continue not to reconcile.
 - The level of usage intensity in New Canaan's 4-acre residence zone is extreme by any reasonable measure. By comparison, The Glass House on Ponus Ridge Road had just a total of **9,949** attendees in 2016.
 - The Applicant fails to demonstrate that they have controls in place to assess intensity or can accurately count.
 - We estimate that each principal use had the following numbers of attendees during Grace Farm's opening year:
 - Religious Institution (GCC) – 74,561 attendees
 - Foundation (GFF) – 32,318 attendees
 - Community Center – 79,681 attendees
 - TOTAL –186,560 attendees
 - One principal use alone accounts an intense usage

Activities:

When reviewing all the activities at the site, the Applicant failed to review or take into consideration the total number of current activities taking place at Grace Farms. Again, the number of activities must be reviewed and considered in relation to Grace Community Church's own program of activities. **The Applicant has proposed unlimited usage for all events with 250 people and less.**

| Actual Source: Appendix C Statistical Data for Grace Farms - 9/26/2016 Filing | | Proposed as per Applicant Source: Summary of Second Amended Special Permit | |
|--|---------------------------------------|---|--|
| Event Activity Analysis (entity - # of people) | # Events (10/15/2015 to 8/31/2016) | Proposed Events as per March 27, 2017 Application | Event Activity Analysis (entity - # of people) |
| Grace Church (1001 +) | 1 | Unlimited | Grace Church (1001 +) |
| Grace Church (701 - 1000) | 18 | Unlimited | Grace Church (701 - 1000) |
| Grace Church (251 - 700) | 31 | Unlimited | Grace Church (251 - 700) |
| Foundation + Church (101 - 250) | 21 | Unlimited | Foundation + Church (101 - 250) |
| Foundation + Church (21 - 100) | 282 | Unlimited | Foundation + Church (21 - 100) |
| Foundation + Church (less than 20) | 605 | Unlimited | Foundation + Church (less than 20) |
| Foundation (701 - 1000) | 2 | 12 | Foundation Large Events >700+ |
| Foundation (1001 +) | 1 | | |
| Foundation (251 - 700) | 4 | 24 | Regular Events (300 to 700) |
| Sustainability Events (For profit =25> to 300) | 0 | 24 | Sustainability Events (For profit =25> to 300) |
| Total Events | 964 | ? | |

Key Facts:

- The number of activities given by the Applicant does not even represent one full year. Total Events will be greater as data provided by Applicant is only for 10.5 months (due to missing 1.5 months). **GFF hosts 91 events each month** $= (964/10.5)$.
- Annual number of activities – **1,092 activities without any additional approved uses as requested by Applicant.**
- Grace Community Church held **50 events with 250+ people in 10.5 months.**
- Grace Farms Foundation had **3 events with 700+ attendees** and is looking to increase that to **12 events (400% increase)**
- **No Cap - Foundation and Church events are unlimited for 250 and less attendees**
- Additional large events are being requested:
 - GFF had 3 events with 700 people or greater. They are requesting to have 12 events **(400% increase)**
 - GFF had 4 events (250 to 700 people) and is now requesting 24 events **(600% increase)**
 - Grace Community Church activities are unlimited for all usage levels – **no caps**
- **Conclusion:** The existing program of activities exceeds the current approved use and represents an intensity of use that is extreme by any reasonable measure for New Canaan's lowest density residence zone. With its current congregation, Grace Community Church's activity program standing alone -- **with more than 50 events of 250+ attendees in one year** – represents an intensity of usage that adversely impacts the neighborhood. With additional independent and concurrent principal uses, and the Applicant's proposed increase in activities, the 4-acre residential neighborhood surrounding Grace Farms will morph into a *de facto* commercial district.

Continued Growth – Staff & Space Grants:

GFF continues to grow since its opening and once again, the numbers do not reconcile. As GFF represented in its May 30, 2017 presentation, the chart below represents total attendance at Grace Farms from November 2015 to October 2016. GFF increased staff, Space Grants and events; but the numbers below do not show a corresponding increase. Once again, the numbers compared to the usage do not reconcile to the reported activities.

| Total Attendance (GFF + GCC) By Month November 2015 - October 31, 2016 | | | |
|---|--------------------|----------------------------|-----------------------------------|
| <u>Months</u> | <u>Monthly #'s</u> | <u>GCC Sunday Mornings</u> | <u>Sunday Mornings Percentage</u> |
| Nov-15 | 14,386 | 4,256 | 29.58% |
| Dec-15 | 12,427 | 3,004 | 24.17% |
| Jan-16 | 7,088 | 2,642 | 37.27% |
| Feb-16 | 9,200 | 2,616 | 28.43% |
| Mar-16 | 12,562 | 3,520 | 28.02% |
| Apr-16 | 11,742 | 2,659 | 22.65% |
| May-16 | 13,107 | 3,472 | 26.49% |
| Jun-16 | 9,819 | 2,370 | 24.14% |
| Jul-16 | 9,767 | 3,072 | 31.45% |
| Aug-16 | 9,071 | 2,317 | 25.54% |
| Sep-16 | 10,108 | 2,666 | 26.38% |
| Oct-16 | 12,421 | 3,467 | 27.91% |
| Total for 12 Months | 131,698 | 36,061 | 27.38% |

Key facts: The reported numbers do not reflect growth by GFF and GCC Staff and or use of facility by “Space Grantees.”

Staff - Staffing has **grown by 81%** since opening day and continues to grow. GFF currently has open requisitions on LinkedIn and is looking to increase staff as well as potentially add another 41+ parking spaces on Puddin Hill Road with the conversion of the former single family residence into a proposed office building.

37 FTE - Grace Farms Opened in October 2015

42 FTE – February 2016

58 FTE – December 2016 (8 GCC + 50 GFF)

67 FTE – May 2017

Conference Facility - The use of Grace Farms as a conference facility for non-profits continues to grow. As of May 2017, GFF had awarded 47 active "Space Grants" with 2 more additional solicitation rounds to be completed in the second half of 2017. As per GFF's press release in February 2016, the "Space Grant" program had 42 "grants" which figure had increased to 58 by October 2016.

- 42 Space Grants as per press release (February 2016)
- 58 Space Grants (October 2016)
- 47 YTD (May 2017)

The Grace Farms facility is used as a classroom, as a meeting center and has hosted multiple conferences in violation of the 2013 special permit conditions, and New Canaan's zoning regulations. Ordinarily, this type of usage activity would have had to come before P&Z for a special permit review and approval. Users of the facility – with the exception of GCC which is operating under the 2013 religious institution special permit -- have not come before P&Z for approval of their activities. Moreover, many of the "space grantees" have their own permanent locations "off-campus" and are now using Grace Farm's as a satellite facility from which to operate.

Example: Arts for Healing – Overall, Arts for Healing has used Grace Farms' facilities 84 times with 1,680 attendees (see slide 70, May 30, 2017 presentation). By being a "space grantee," Arts for Healing has expanded its programming to now use Grace Farms as a satellite classroom location instead of continuing to expand its presence in its approved location in downtown New Canaan. In July 2004, P&Z reviewed and approved Arts for Healing's lease for its permanent location on Grove Street in the business district. There has been no P&Z review or oversight of Arts for Healing's expansion onto Grace Farm's campus; thereby allowing Arts for Healing to skirt all regulatory reviews and approvals.

Example: YMCA – The YMCA has conducted 26 events with a total of 1,020 attendees at Grace Farms (see slide 70, May 30, 2017 presentation) without first obtaining P&Z's permission as required by operating condition 13 of the 2013 special permit approval. Since 2010, the YMCA has come before P&Z repeatedly to request permission to expand its usage of its South Avenue campus facility but has faced growing neighborhood resistance and complaints about adverse impacts and encroachments.

Conclusion: By leveraging GFF's Space Grant program, activities and businesses that would normally be under the purview and control of P&Z, avoid New Canaan's zoning requirements entirely and shift their volumes and activities – and the related adverse impacts and encroachments -- to New Canaan's lowest density residence zone without any oversight or reporting. This begs the question, are we moving the downtown to a 4-acre residential zone under the guise of a "space grant"? Grace Community Church awarded none of these "space grants" and, as required by P&Z regulations, these uses would normally be "accessory" to GCC and would be subject to Commission review, approval and oversight.

EXHIBIT 7

| Permits/Requests in the 4 Acre Zone (1960 to 2016) | | |
|--|------------|-------------|
| Special Permit Activity | Volume | % |
| Generator | 67 | 24% |
| Landscaping Plan | 50 | 18% |
| Grading/Drainage | 20 | 7% |
| Guest House/Rental Apt | 13 | 5% |
| Site Plan | 13 | 5% |
| Additions | 11 | 4% |
| Accessory Building | 10 | 4% |
| Lighting | 9 | 3% |
| Pool House/Pool | 9 | 3% |
| Home Office | 8 | 3% |
| Fence/Gate | 8 | 3% |
| Special Permit - Portable Classroom | 6 | 2% |
| Other (Barns, Decks, Sub-division of Land, Playing Fields, Easements, Tennis Court..) | 55 | 20% |
| Total | 279 | 100% |
| <i>Excluded: Letters, Environmental Study Impact, Renamed Street, Incomplete data, Violations...</i> | | |

| St. Luke's School | | |
|---|------------|-------------------------------------|
| Location: 377 North Wilton Road, 4 Acre Zone, Lowest Density | | |
| Activity | Date | Type |
| Additions | 3/1/02 | Additions |
| Additions | 3/1/04 | Additions |
| Field use | 6/1/04 | Playing Fields |
| Raise field | 8/19/04 | Playing Fields |
| Field Conversion to Turf | 8/17/05 | Playing Fields |
| Raise field | 8/19/05 | Playing Fields |
| Nature Trail | 4/17/07 | Special Permit - Nature Trail |
| Temp. portable classroom | 5/22/07 | Special Permit - Portable Classroom |
| Temp. portable classroom, continued to 9/14/10 | 6/29/10 | Special Permit - Portable Classroom |
| Two additions to main school building, continued to 9/14/10 | 7/27/10 | Additions |
| Temp. portable classroom, continued to 9/14/10 | 7/27/10 | Special Permit - Portable Classroom |
| Two additions to main school building, Sec. 3.2.C.7- Special Permit | 9/14/10 | Additions |
| Temp. portable classroom, approved for 2 years, Sec. 3.2.C.7- Special Permit | 9/14/10 | Special Permit - Portable Classroom |
| Designate headmaster house as residence and office- Amend Site Plan | 11/16/10 | Accessory Building |
| Sec.8.2.A, addition to main building-Site Plan | 3/26/13 | Additions |
| Sec.3.2.C.7 & 8.2.B, addition to main building- Special Permit | 3/26/13 | Additions |
| Temp. portable classroom allowed to remain until addition completed | 5/21/13 | Special Permit - Portable Classroom |
| Sec. 8.2.A to construct dug out-Site Plan | 3/31/15 | Construct Dug Out |
| Sec. 6.4.G, 1,000 cubic yards of soil disturbance- Special Permit | 3/31/15 | Grading/Drainage |
| Additions | 1983-2004 | Additions |
| Temp. portable classroom | 1999-2000 | Special Permit - Portable Classroom |
| Additions | 2000, 2002 | Additions |

| New Canaan Country Club | | |
|--|-----------|-------------------------------|
| Location: 95 Country Club Road, 4 Acre Zone, Lowest Density | | |
| Activity | Date | Type |
| Lights | 2/1/99 | Lighting |
| Employee apartment | 2/1/00 | Accessory Building |
| Squash court | 3/1/04 | Special Permit - Squash Court |
| Add 14 parking spaces, exit road, Sec. 3.2.C.16, Special Permit | 5/25/10 | Parking |
| Expand squash court- Site Plan | 5/24/11 | Squash Court |
| Building Additions | 2003-2008 | Accessory Building |

EXHIBIT 8

Exhibit C
Zoning Approval Summary

None of the examples cited by Grace Farms Foundation, Inc. ("Foundation") support its position that New Canaan's Regulations allow multiple, contemporaneous principal uses on a single property.

1. Group Home/Elderly Housing -- 162 South Avenue

Zoning Location: Property located in the multi-family residential zone

Key Facts:

- Property includes multi-family elderly housing and a group home comprised of six developmentally disabled adults, both of which are multi-family residential uses
- Daycare use is pre-existing non-conforming use that predates adoption of special permit regime in current Regulations

Conclusion: As the Foundation itself notes, both residential uses are multi-family residential developments allowed in the zone, and thus as the identical type of use, do not support Foundation's position of multiple, contemporaneous principal uses.

2. Irwin Park -- 848 Weed Street

Zoning Location: Property located in 1 & 2 acre residential zones

Key Facts:

- Predicate of town's purchase was the property's use for passive and active recreation users and Commission stated it is a unique park because of location within residence zone; intent to preserve large portion of park for passive recreation and natural enjoyment plus provide needed athletic fields
- December 2007 Special Permit application was under Regulation § 3.2.C.10 for a municipal facility and secondarily under 3.2.C.11 for a government facility for temporary office space in Irwin House for town hall employees due to renovation of New Canaan Town Hall.
- March 2009 special permit was for Historical Society's use of the Gores Pavilion as an accessory use under Regulation § 3.3.C.7 (which is for unspecified "other uses") as an arts center instead of as a pool house (original purpose) and not for an additional principal use. Gores Pavilion is open during specific hours.
- May 2009 special permit was for use of property for baseball fields again under Regulation § 3.2.C.10 with conditional controls added for use and noise.
- December 2009 special permit was for use of property to construct an overflow gravel parking lot again per Regulation § 3.2.C.10
- August 2010 special permit for a municipal facility was again sought and approved again per Regulation § 3.2.C.10
- April 2012 special permit for additional municipal office space was also per Regulation § 3.2.C.10

Conclusion: Principal use of 848 Weed Street is as a municipal facility with passive and active recreation, including athletic fields. Gores Pavilion was approved as an accessory use. The secondary approval of the property as a government facility was only on a temporary basis and due to the extraordinary circumstances of the pending gut renovation of the Town Hall.

3. *K.E. Manuel / Congregational Church -- 23 Park Street*

Zoning Location: Property located in the 1-acre residence zone at God's Acre

Key Facts:

- Application in August 1980 predates special permit regime in Regulations and was approved by Zoning Permit
- Nursery school has minimal impact on abutting neighbors -- 1 day a week for 2 hours for a maximum of 8 children

Conclusion: The principal use of 23 Park Street is the Congregational Church as a Religious Institution. Nursery school/daycare activities, including the 1980 Zoning Permit, represent a well-recognized ancillary activity of any church, no different than anticipated at Grace Community Church as part of Commission's 2013 approval of a Religious Institution at Grace Farms.

4. *671 South Avenue*

Zoning Location: Property located at Waveny Park in Waveny Zone

Key Facts:

- July 2010 approval relates only to a permit for telecommunication (i.e. cellular) facilities on existing town-owned structure per Regulation § 7.8

Conclusion: Completely distinguishable from Foundation's application as it is not a principal use of the property.

5. *St. Michael's Lutheran Church -- 5 Oenoke Ridge Road*

Zoning Location: Property located in the 1/2-acre residential zone

Key Facts:

- Foxglove School's January 1977 application for a nursery school predates special permit regime in Regulations and was approved by Zoning Permit in August 1977.
- Church's Sunday school facilities to be used for a not-for-profit nursery school
- Minimal impact on abutting neighbors – maximum enrollment in nursery school 15 children
- May 2014 application for Toddlertime Nursery School to locate their "5's" class in Church's Sunday school facilities; appears to have been a temporary request

because program now located at Congregational Church

Conclusion: The principal use of 5 Oenoke Ridge is St. Michael's Lutheran Church as a Religious Institution. Nursery school/daycare activities represent ancillary activities of any church, similar to that anticipated at Grace Community Church as part of Commission's 2013 Approval of a Religious Institution at Grace Farms.

6. *St. Mark's Church -- 111 Oenoke Ridge*

Zoning Location: Property located in the 1-acre and ½-acre residential zones

Key Facts:

- January 2002 administrative action to allow for temporary doubling of existing daycare given YMCA construction -- YMCA daycare effectively merged with St. Mark's daycare for duration of YMCA's construction activities
- STAR Inc. day care center predates special permit regime in Regulations and was approved by Zoning Permit in 1985
- **Conclusion:** The principal use of 111 Oenoke Ridge is St. Mark's Church as a Religious Institution. Daycare activities represent a well-recognized ancillary activity of any church, and the 2002 administrative approval related to the YMCA temporary use was an identical use, both of which are similar to those anticipated at Grace Community Church as part of Commission's 2013 Approval of a Religious Institution at Grace Farms.

7. *New Canaan Nature Center -- 144 Oenoke Ridge*

Zoning Location: Property located at the Susan Dwight Bliss Park in a Park zone

Key Facts:

- New Canaan Nature Center established in 1960 and pre-dates existing Regulation's special permit regime; only cited approval was an advisory referral per Conn. Gen. Stat. § 8-24
- 1982 agreement with town relates to building of a horticultural education building that became town property upon completion
- Nature Center offers preschool for 2, 3, 4 and 5 year olds in the mornings
- Child day care approved administratively by town planner in November 2003 and again in December 2011

Conclusion: Principal use of this property is a public park. The environmental education center and nursery school/daycare are accessory activities related to the Nature Center's environmental education mission and were approved administratively, not by special permit. These uses are similar to the ancillary nursery/daycare uses approved for Grace Community Church as part of Commission's 2013 Approval of a Religious Institution at Grace Farms.

162 South Avenue

PLANNING & ZONING COMMISSION

ORGANIZATIONAL MEETING

TUESDAY, JANUARY 27, 1998

REGULAR MEMBERS PRESENT:

MR. JEX
MR. MCKAY
MR. FLAHERTY
MR. SCANNELL
MR. WENDELL
MRS. GRZELECKI
MR. KOLFF

REGULAR MEMBERS ABSENT:

MR. HUNZIKER
VACANCY

ALTERNATE MEMBERS PRESENT:

MR. COBURN
MR. ROTHBALLER
MRS. MASON

ALTERNATE MEMBERS ABSENT:

The Organizational Meeting was called to order at 7:15 P.M., by the First Selectman. The first order of business was the election of officers for 1998.

On motion of Mr. Wendell, seconded by Mrs. Grzelecki, Mr. Jex was nominated for another term as Chairman. There were no further nominations, and Mr. Jex was unanimously elected.

On motion of Mr. Jex, seconded by Mrs. Grzelecki, Mr. McKay was nominated for another term as Secretary. There were no further nominations, and Mr. McKay was unanimously elected.

Mr. Bond thanked the members for their service as volunteers and their commitment to making appropriate and difficult decisions. A brief discussion followed on budget requests for the update of the Development Plan.

Mr. Bond then turned the meeting over to the Chairman, and on motion of Mrs. Grzelecki, seconded by Mr. McKay, it was voted to adjourn the Organizational Meeting at 7:25 P.M.

PLANNING & ZONING COMMISSION

REGULAR MEETING

TUESDAY, JANUARY 27, 1998

REGULAR MEMBERS PRESENT:

MR. JEX, CHAIRMAN
MR. MCKAY, SECRETARY
MR. FLAHERTY
MR. SCANNELL
MR. WENDELL
MRS. GRZELECKI
MR. KOLFF

REGULAR MEMBERS ABSENT:

MR. HUNZIKER
VACANCY

ALTERNATE MEMBERS PRESENT:

MR. COBURN
MR. ROTHBALLER
MRS. MASON

ALTERNATE MEMBERS ABSENT:

The Regular Meeting was called to order at 8:09 P.M., following the Hearing on the N.C. Bar proposal. Mr. Coburn was seated for the vacancy, Mr. Rothballer for Mr. Hunziker.

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GROUP HOME - SOUTH AVENUE

The Chairman led a quite lengthy discussion on this application, noting that two letters had been received subsequent to the close of the Hearing, and that they would be excluded from the record. The legal opinions requested by the Commission from the Town Attorney and the applicant's attorney (with attachments), for which the Hearing record had been held open, were received and considered. On motion of Mr. Wendell, seconded by Mr. Scannell, and with Mr. Flaherty in the minority, voted 7 to 1 to approve the application, subject to the following conditions:

1. The proposed lease will violate the maximum density allowed under Zoning for Lot #127. Therefore, the lease cannot be approved prior to the applicant obtaining a solution to that issue.
2. All requirements of the Town Engineer shall be met.
3. Any necessary easements for access, utilities or other purposes shall be executed and recorded by the several parties.

SECTION 8-24 REFERRALS

N.C.H.S. Roof Replacement. On motion of Ms. Grzelecki, seconded by Mr. Rothballer, and with Mr. McKay recused, the Commission voted to report to the Board of Selectmen that the proposal was not inconsistent with the Town Plan.

Highway Garage Relocation. After discussion, on motion of Mr. Scannell, seconded by Mr. McKay, it was voted to report to the Board of Selectmen that the concept to relocate the Highway Garage to the Solid Waste Disposal area was not inconsistent with the Town Plan; however the Commission would anticipate the opportunity to comment on the specifics of the proposal as they evolve.

SWRPA MEETING

Discussion followed on the SWRPA Meeting of Feb. 18th on the subject of telecommunication towers. Mr. Scannell agreed to audit the meeting for the Commission and report back.

F.O.I.C. COMPLAINT

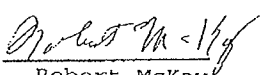
The Chairman discussed the complaint filed against the Commission by the Mulvey group on the Reservoir property matter. He asked that the members submit their vacation schedules to the Planner's office to be transmitted to Hartford.

Discussion on the Budget was carried to February 3rd.

There being no further business to come before the meeting, on motion of Mr. Kolff, seconded by Mr. Flaherty, it was voted to adjourn at 10:53 P.M.

TOWN PLANNING & ZONING COMMISSION
NOTICE OF ACTION TAKEN
NOTICE IS HEREBY GIVEN that the Town Planning and Zoning Commission at its meeting of January 27, 1998, took the following ACTION:
APPLICATIONS APPROVED WITH CONDITIONS:
1. Application of the TOWN OF NEW CANAAN, owner, and New Canaan Group Home, Inc., applicant, East side of South Avenue, (behind Police Station) for a Special Permit to allow a group home for six developmentally disabled adults.

2. Application of M. & V. Bothwell, Lot 722 River St., for a Zoning Permit to allow grading activity which will not meet the standards of Sect. 60-20.3.B.
Map "T" Block 96 Lot 722
3. Application of the National Trust for Historic Preservation in the United States, Westerly Side Ponus Ridge, for a Special Permit to allow use as a limited access museum, including a visitor's center following Philip Johnson's life tenancy. No proposed new construction.
Map 26 Block 13 Lots C-7, 27, 67, 68 and 81.


Robert McKay
Secretary
4. Application of St. Luke's Foundation Inc., 377 No. Wilton Rd., for approval of a 30 ft. by 50 ft. maintenance garage.
Map 40 Block 105 Lot 90
5. Application of A. & R. Seger-son, 102 Valley Rd., for a Resub-division of two lots on the westerly side of Valley Rd.
Map 44 Block 108 Lot 125
ROBERT MCKAY
Secretary

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Legal Notices

TOWN PLANNING & ZONING COMMISSION NOTICE OF ACTION TAKEN

Notice is hereby given that the Town Planning and Zoning Commission at its meeting of May 19, 1998 took the following actions:

I. Application withdrawn:

1. Petition of the N.C. Bar As-

sociation that the Zoning Regulations as amended be further amended as advertised in the April 16 and 23, 1998 issues of The New Canaan Advertiser.

II. Applications approved:

2. Application is made by the Town of New Canaan as Owner/Applicant together with

New Canaan Group Home, Inc. as co-applicant, pursuant to Section 60-3.17(F) of the Zoning Regulations of the Town of New Canaan to amend the Commission's approval of a Group Home for 6 developmentally disabled adults. The Commission approved the application on January 27, 1998 with a condition regarding density. The Applicant now asks the Commission to amend the approval by deleting the condition regarding the

density issue.

3. Application of J. Chachkes, 110 South Ave., for site plan approval to add one apartment to an existing building in the Apartment Zone.

Map "E" Block 64 Lot 911

4. Application of S.N.E.T. and C.D.O.T., Rte. #123 and No. Wilton Rd., for a Zoning Permit to place an additional telephone equipment cabinet on an existing site.

Map 40 Block 39 Lot N/A
(State R.O.W.)

5. Application of New Canaan Country School, 545 Ponus Ridge, for a Special Permit to allow site work. (Structural changes approved February 24, 1998.)

Map 25 Block 12 Lot 76.

ROBERT McKAY
Secretary
5-21

848 Weed Street



SPECIAL PERMIT APPLICATION/PUBLIC HEARING REQUEST FORM

The undersigned owner(s) of record hereby apply for a SPECIAL PERMIT as to certain Real Estate located at # 848 Weed Street.

Within 500 feet of another municipality? Yes () No (X) Town of _____

Applicant's Name: Town of New Canaan, Park & Recreation Commission

Address: 677 South Avenue, New Canaan, CT 06840

Applicant's Telephone Number: 203-594-3605 Email Address: Stephen.Benko@newcanaanct.gov

In the 1&2 Ac Res. Zone, as shown in the New Canaan Land Records: VOLUME 713, PAGE 113

And more particularly described by bounding owners as follows:

Northerly by: Elizabeth Vigano, et al.
Easterly by: Sara Rehnberg, et al.

Southerly by: Thomas J. Letarte, et al.
Westerly by: Kevin C. Clark, et al.

MAP # 32 BLOCK # 201 LOT # 1

I am requesting a SPECIAL PERMIT of Section(s) 3.2.C.10 (or requesting a PUBLIC HEARING) described as
1) municipal park and 2) recreation facilities at the Irwin Park property

You must attach a detailed statement describing: 1) the existing and proposed use or uses; and 2) how the Special Permit criteria are addressed.

Were Special Permits or Variances previously granted for this property? Yes (X) No ()
If yes, a copy of the Certificates or Decision must be attached.

I hereby acknowledge that unless I comply with provisions of Article 8, Section 8.1.G. of the Zoning Regulations, which require specific notification of certain neighbors, my application will not be complete and cannot be heard.

PRINT: Town of New Canaan
Owner of record

SIGNED: [Signature]
Owner of record

Official date of receipt: 08/30/10 Hearing scheduled: 09/28/10

I, X Jean Grzelecki, Secretary of the Planning & Zoning Commission of the Town of New Canaan, hereby certify that at a meeting of said Commission duly held on 12/14/10, said Commission by resolution voted:

- _____ 1. That said Special Permit be DENIED.
- X 2. That said Special Permit be GRANTED
- X 3. That said Special Permit be effective upon its recording on the Land Records in the Town Clerk's Office.
- X 4. That notice of such Action be published as required.
- X 5. Conditions, modifications, or restrictions:



Doc ID: 001834330001 Type: LAN
Book 840 Page 566
File# 2503

[Signature]
Jean Grzelecki, Secretary

12/23/10 NC Advt.
Published NC News

Doc ID: 001834330003 Type: LAN
Book 840 page 566 - 566
File# 2503

12/14/10 Granted Special Permit
Irwin Park
848 Weed Street
Town of New Canaan

Page 2

Conditions, modifications or restrictions are as follows:

The Planning and Zoning Commission recognizes the Parks and Recreation Commission's desire to expedite and simplify the permitting process for the various user groups that utilize Irwin Park. Both the Parks and Recreation Commission and the Planning and Zoning Commission have publicly stated that Irwin Park is a unique park because of its location within a residential area and its diverse user groups. In addition, many of our elected officials have testified that when the town decided to purchase the park one of the major benefits, recognized by many of the neighbors and the community at large, was the ability of this park to satisfy both passive and active recreation users. This Commission acknowledges that fact and believes that this Special Permit application will not only preserve a large portion of the park for passive recreational and natural enjoyment, but will also provide needed athletic fields for New Canaan's youth.

This Commission also recognizes the concerns of the park's neighbors and believes additional safeguards can be added to the application to protect their rights and preserve the integrity of the surrounding neighborhood. Therefore, the Planning and Zoning Commission approves this Special Permit application as proposed, with the modifications outlined below. In addition, it is the opinion of this Commission that the proposed Special Permit Application, as modified, the accompanying Irwin Park Master Plan titled Use Demarcation Plan and the Topographical Survey, prepared by RKW Land Surveying, dated November 9, 2010 are the Master Plan for Irwin Park and should be viewed as such by the Town of New Canaan.

1. The Parks and Recreation Commission shall prepare an annual report to the Planning and Zoning Commission each December summarizing the programs and user groups from the previous year, anticipated changes to the programs and user groups for the coming year, any anticipated changes to the park's facilities for the coming year and any complaints received by the Parks and Recreation Department regarding activities related to the Special Permit as well as the actions taken on each complaint.
2. Any new structure or facility, or modification to an existing or approved structure or facility, that is not contained within the Special Permit text, indicated on the Irwin Park Master Plan, Use Demarcation Plan, or the Topographical Survey, prepared by RKW Land Surveying, dated November 9, 2010, requires an additional Special Permit from the Planning and Zoning Commission.
3. Permission to use the fields for organized sporting activities and special events must be obtained from the Park and Recreation Commission in accordance with the Special Permit text.

12/14/10 Granted Special Permit
Irwin Park
848 Weed Street
Town of New Canaan

Page 3

4. As indicated in the application, loud speakers and noise-amplifying devices are prohibited. In addition, noise associated with special events approved by the Parks and Recreation Commission shall comply with the Noise Ordinance, as indicated in the Town Code.
5. On such dates where there is a large special event or when the athletic fields are being utilized at a high capacity, the designated overflow parking shall be opened and attendees shall be directed to park in that area.
6. On such dates where there is a large special event or when the athletic fields are being utilized at a high capacity, the Parks and Recreation Commission shall require that the authorized group(s) or organization(s) shall appoint or hire an individual(s) to ensure that vehicles entering the park, park in the designated spaces and direct them to the overflow parking area once the other spaces are full.
7. Large events, aside from regularly scheduled sporting events, proposed for 50 or more people shall obtain a Temporary Permit from the Planning and Zoning Commission.
8. There shall be no parking associated with sporting or special events along Weed Street, Wahackme Road or Bayberry Road.
9. The use of the sports fields shall not start prior to 9:00 AM on weekends and conclude at sunset when the park closes. This restriction includes practices prior to the regularly scheduled games.
10. The dates and hours of operation for the fields shall be posted. The associated signage shall be in accordance with "Proposed Signage Limitations for Irwin Park", as indicated on page five of the Special Permit application.
11. The Irwin House shall not be used for night meetings.
12. Additional evergreen screening, excluding White Pine, shall be installed along the park's northern boundary, the full length of Wahackme Road. Any diseased or deceased trees shall be replaced as soon as planting conditions become favorable.
13. Any play structures, including swing sets, proposed within the Children's Garden shall be approved by the Planning and Zoning Commission and shall be constructed of neutral colors as to blend with the natural environment.

Received for record on 12-20-10 at 11:14 am
And recorded by Claudia A. Weber
TOWN CLERK

VOL 779 PG 0798

Doc ID: 000258230001 Type: LAN
Book 779 Page 798
File# 2226



SPECIAL PERMIT APPLICATION/PUBLIC HEARING REQUEST FORM

The undersigned owner(s) of record hereby apply for a SPECIAL PERMIT as to certain Real Estate located at: #
848 Weed Street _____ Street/Road.

Within 500 feet of another municipality? Yes () No (x) Town of _____

Applicant's Name: Town of New Canaan (Frank DeNicola) Address: 77 Main St, New Canaan, CT 06840

Applicant's Telephone Number: 203-854-3057 Email Address: frank.denicola@ci.new-canaan.ct.us

In the 1 & 2 Acre Zones, as shown in the New Canaan Land Records: VOLUME 713, PAGE 113

And more particularly described by bounding owners as follows:

Northerly by: Elizabeth Vigano

Southerly by: Thomas J. Letarte

Easterly by: Sara Rehnberg

Westerly by: Kevin C. Clark

MAP # 32 BLOCK # 201 LOT # 1

I am requesting a SPECIAL PERMIT of Sections 3.2.C.10 & 3.2.C.11 (or requesting a PUBLIC HEARING)
described as follows: to use a portion of the Main House at the Irwin property as temporary office space to
accommodate Town Hall employees during renovations to Town Hall.

You must attach a detailed statement describing: 1) the existing and proposed use or uses; and 2) how the Special Permit criteria are addressed.

Were Special Permits or Variances previously granted for this property? Yes (x) No ()

If yes, a copy of the Certificates or Decision must be attached.

I hereby acknowledge that unless I comply with provisions of Article 8, Section 8.1.G. of the Zoning Regulations,
which require specific notification of certain neighbors, my application will not be complete and cannot be heard.

PRINT: Town of New Canaan
Owner of record

SIGNED: Frank DeNicola
Owner of record

Official date of receipt: 10/29/07

Hearing scheduled: 11/27/07

I, XX Jean Grzelecki, Secretary of the Planning & Zoning Commission of the Town of New Canaan, hereby certify that at a meeting of said Commission duly held on 11/27/07, said Commission by resolution voted:

- _____ 1. That said Special Permit be DENIED.
- X 2. That said Special Permit be GRANTED.
- X 3. That said Special Permit be effective upon its recording on the Land Records in the Town Clerk's Office.
- X 4. That notice of such Action be published as required.
- _____ 5. Conditions, modifications, or restrictions:

Jean N. Grzelecki
Jean Grzelecki, Secretary

12/6/07 New Canaan Advertiser
Published

Rev 11/01/07

S:\BLANK FORMS\SPECIAL PERMITS\Special Permit 848 Weed St Irwin Certification Application P&Z P11 11.27.07.doc

Received for record on 12-3-07 at 11:16am
And recorded by Claudia A. Weber
TOWN CLERK

VOL 801 PG 0990



SPECIAL PERMIT APPLICATION/PUBLIC HEARING REQUEST FORM

The undersigned owner(s) of record hereby apply for a SPECIAL PERMIT as to certain Real Estate located at:
 # Town Park 848 Weed Street Street/Road.

Within 500 feet of another municipality? Yes () No (X) Town of _____

Applicant's Name: The New Canaan Historical Society Address: _____
 Applicant's Telephone Number: 961-7926 Email Address: newcanaanhistoricalsociety.net
 In the 1 & 2 ACR Zone, as shown in the New Canaan Land Records: VOLUME 713, PAGE 113
 And more particularly described by bounding owners as follows:

Northerly by: Elizabeth Vigano Southerly by: Thomas J. Letarte
 Easterly by: Sara Rehnberg Westerly by: Kevin C. Clark

MAP # 32 BLOCK # 201 LOT # 1

I am requesting a SPECIAL PERMIT of Section(s) B.B.C.7 (or requesting a PUBLIC HEARING)
 described as follows: To change the use of the Gores Pavilion
from a posthouse to a center for the arts.

You must attach a detailed statement describing: 1) the existing and proposed use or uses; and 2) how the Special Permit criteria are addressed.

Were Special Permits or Variances previously granted for this property? Yes (X) No ()
 If yes, a copy of the Certificates or Decision must be attached.

I hereby acknowledge that unless I comply with provisions of Article 8, Section 8.1.G. of the Zoning Regulations, which require specific notification of certain neighbors, my application will not be complete and cannot be heard.

PRINT: The New Canaan Historical Society SIGNED: Janet Lindstrom
Owner of record Authorized Agent
In The Town of New Canaan Hearing scheduled: 2/24/09
 Official date of receipt: 1/26/09

I, XX Jean Grzelecki, Secretary of the Planning & Zoning Commission of the Town of New Canaan, hereby certify that at a meeting of said Commission duly held on 2/24/09, said Commission by resolution voted:

- _____ 1. That said Special Permit be DENIED.
- XX 2. That said Special Permit be GRANTED.
- XX 3. That said Special Permit be effective upon its recording on the Land Records in the Town Clerk's Office.
- XX 4. That notice of such Action be published as required.
- _____ 5. Conditions, modifications, or restrictions:

Jean M. Grzelecki
 Jean Grzelecki, Secretary

3/5/09 New Canaan Advertise:
 Published

SABLANK FORMS/SPECIAL PERMITS/Special Permit App_Info. 11.01.07.doc



Doc ID: 000577890001 Type: LAN
 Book 801 Page 990
 File# 2354

Received for record on 3/5/09 at 2:54 pm
 And recorded by Chaudhry A. Weber
 TOWN CLERK

VOL 806 PG0606



SPECIAL PERMIT APPLICATION/PUBLIC HEARING REQUEST FORM

The undersigned owner(s) of record hereby apply for a SPECIAL PERMIT as to certain Real Estate located at: #
848 Weed Street Street/Road.

Within 500 feet of another municipality? Yes () No (x) Town of _____
 Applicant's Name: Town of New Canaan (Tiger Mann) Address: 77 Main St, New Canaan, CT 06840
 Applicant's Telephone Number: 203-594-3056 Email Address: tiger.mann@ci.new-canaan.ct.us
 In the 1 & 2 Acre Zones, as shown in the New Canaan Land Records: VOLUME 713, PAGE 113
 And more particularly described by bounding owners as follows:

Northerly by: Elizabeth Vigano
 Easterly by: Sara Rehnberg

Southerly by: Thomas J. Letarte
 Westerly by: Kevin C. Clark

MAP # 32 BLOCK # 201 LOT # 1

I am requesting a SPECIAL PERMIT of Sections 3.2.C.10, described as follows: to use a portion of the northeast corner of the property for baseball fields.

You must attach a detailed statement describing: 1) the existing and proposed use or uses; and 2) how the Special Permit criteria are addressed.

Were Special Permits or Variances previously granted for this property? Yes (x) No ()
 If yes, a copy of the Certificates or Decision must be attached.

I hereby acknowledge that unless I comply with provisions of Article 8, Section 8.1.G. of the Zoning Regulations, which require specific notification of certain neighbors, my application will not be complete and cannot be heard.

PRINT: TIGER Mann

Owner of record

SIGNED: _____

Owner of record

TIGER Mann

Official date of receipt: April 20, 2009

Hearing scheduled: May 19, 2009

I, XX Jean Grzelecki, Secretary of the Planning & Zoning Commission of the Town of New Canaan, hereby certify that at a meeting of said Commission duly held on 5/19/09, said Commission by resolution voted:

1. That said Special Permit be DENIED.
- XX 2. That said Special Permit be GRANTED.
- XX 3. That said Special Permit be effective upon its recording on the Land Records in the Town Clerk's Office.
- XX 4. That notice of such Action be published as required.
- XX 5. Conditions, modifications, or restrictions: Please see page 2 attached.

Jean M. Grzelecki
 Jean Grzelecki, Secretary

New Canaan News Review
 New Canaan Advertiser
 Published May 28, 2009

Rev 11/01/07

Doc ID: 000965140002 Type: LAN
 Book 806 Page 606 - 607
 File# 3414

VOL 806 PG 0607

05/19/09 Granted Special Permit
848 Weed, Irwin Park
Page 2

1. The backstop and fencing may be seasonal only and can be erected for the requested period of time: April 15th to July 1st.
2. There shall be no scoreboards or lights.
3. Screening shall be installed, as soon as practical, along Wahackme Road to preclude the neighbors view of the backstops.
4. There shall be no parking associated with the sports activities along Weed Street, Wahackme Road or Bayberry Road.

Received for record on 6/1/09 at 2:30 pm
And recorded by Claudia A. Weber
TOWN CLERK

VOL 818 PG 1062

Doc ID: 001647470001 Type: LAN
Book 818 Page 1062
File# 2303



SPECIAL PERMIT APPLICATION/PUBLIC HEARING REQUEST FORM

The undersigned owner(s) of record hereby apply for a SPECIAL PERMIT as to certain Real Estate located at: #
848 Weed Street Street/Road.

Within 500 feet of another municipality? Yes () No (x) Town of _____

Applicant's Name: Town of New Canaan (Tiger Mann) Address: 77 Main St, New Canaan, CT 06840

Applicant's Telephone Number: 203-594-3056 Email Address: tiger.mann@ci.new-canaan.ct.us

In the 1 & 2 Acre Zones, as shown in the New Canaan Land Records: VOLUME 713, PAGE 113

And more particularly described by bounding owners as follows:

Northerly by: Elizabeth Vigano
Easterly by: Sara Rehnberg

Southerly by: Thomas J. Letarte
Westerly by: Kevin C. Clark

MAP # 32 BLOCK # 201 LOT # 1

I am requesting a SPECIAL PERMIT of Sections 3.2.C.10, described as follows: to construct a parking lot in the northeast corner of the property.

You must attach a detailed statement describing: 1) the existing and proposed use or uses; and 2) how the Special Permit criteria are addressed.

Were Special Permits or Variances previously granted for this property? Yes (x) No ()
If yes, a copy of the Certificates or Decision must be attached.

I hereby acknowledge that unless I comply with provisions of Article 8, Section 8.1.G. of the Zoning Regulations, which require specific notification of certain neighbors, my application will not be complete and cannot be heard.

PRINT: Michael Pastore
Owner of record

SIGNED: Michael Pastore
Owner of record

Official date of receipt: 11/16/09 Hearing scheduled: 12/15/09

I, X Jean Grzelecki, Secretary of the Planning & Zoning Commission of the Town of New Canaan, hereby certify that at a meeting of said Commission duly held on 12/15/09, said Commission by resolution voted:

- _____ 1. That said Special Permit be DENIED.
- X 2. That said Special Permit be GRANTED.
- X 3. That said Special Permit be effective upon its recording on the Land Records in the Town Clerk's Office.
- X 4. That notice of such Action be published as required.
- X 5. Conditions, modifications, or restrictions: 1. The Parking Lot construction must comply with the Town's Drainage Certification policy

Jean Grzelecki
Jean Grzelecki, Secretary

12/23/09 N.C. Alvarado
Published N.C. Alvarado

Received for record on 12-21-09 at 2:32 pm

And recorded by Sharon A. Webster 2303 Seq: 1
TOWN CLERK



SPECIAL PERMIT APPLICATION/PUBLIC HEARING REQUEST FORM

The undersigned owner(s) of record hereby apply for a SPECIAL PERMIT as to certain Real Estate located at:
848 Weed (Street/Road).

Within 500 feet of another municipality? Yes () No ☒ Town of _____

Applicant's Name: Town of New Canaan Address: 77 Main St New Canaan
Applicant's Telephone Number: 203-594-3710 Email Address: william.ortmann@newcanaanct.gov
In the 4.2 acre Zone, as shown in the New Canaan Land Records: VOLUME 713, PAGE 113
And more particularly described by bounding owners as follows:

Northerly by: Elizabeth Vignone et al. Southerly by: Thomas J. Letarte et al.
Easterly by: Sara Rehder et al. Westerly by: Kevin C. Clark et al.

MAP # 32 BLOCK # 201 LOT # 1

I am requesting a SPECIAL PERMIT of Section(s) 3.2, C.10 & 8.2 (or requesting a PUBLIC HEARING)
described as follows: to allow for municipal office space within
the first floor of the Guest Apartment

You must attach a detailed statement describing: 1) the existing and proposed use or uses; and 2) how the Special Permit criteria are addressed.

Were Special Permits or Variances previously granted for this property? Yes ☒ No ()
If yes, a copy of the Certificates or Decision must be attached.

I hereby acknowledge that unless I comply with provisions of Article 8, Section 8.1.G. of the Zoning Regulations, which require specific notification of certain neighbors, my application will not be complete and cannot be heard.

PRINT: Town of New Canaan SIGNED: R. E. Molloy, III
Owner of record Owner of record

Official date of receipt: 01/30/12 Hearing scheduled: 02/28/12

I, Jean Grzelecki, Secretary of the Planning & Zoning Commission of the Town of New Canaan, hereby certify that at a meeting of said Commission duly held on 03/27/12, said Commission by resolution voted:

- _____ 1. That said Special Permit be DENIED.
- ✓ 2. That said Special Permit be GRANTED.
- ✓ 3. That said Special Permit be effective upon its recording on the Land Records in the Town Clerk's Office.
- ✓ 4. That notice of such Action be published as required.
- _____ 5. Conditions, modifications, or restrictions:


Jean M. Grzelecki
Jean Grzelecki, Secretary

04/05/12 New Canaan
Published Advertiser

C:\Users\dolucis\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\0P311FGE\Special Permit App_Info 10 01 09.doc

Received for record on 4-3-12 at 2:31 pm
And recorded by Claudia A. Weber
TOWN CLERK

23 Park Street



S. M. Barnes
Secretary

TOWN PLANNING AND ZONING COMMISSION
SPECIAL MEETING

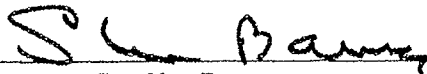
Tuesday, August 12, 1980

Members Polled:

Mr. William D. Hart, Jr., Chairman
Mr. John M. Jex
Mr. John M. Reid
Mr. David A. Teaze
Mr. S. M. Barnes

The Town Planner polled each listed member regarding the request of the Board of Selectmen for a Report and Recommendation on its proposal to lease the former Lloyd house on Lapham Road to a private party for residential purposes.

Each member, after due consideration, voted unanimously to recommend that it had no objection to the leasing of the house until such time as the Town decides upon the appropriate use for the property as a part of the Waveny Park complex.



S. M. Barnes
Secretary

TOWN PLANNING AND ZONING COMMISSION
PUBLIC HEARING

Tuesday, August 26, 1980
8:15 P.M.

Present: Mr. William D. Hart, Jr., Chairman
Mr. John M. Jex
Mr. Gouverneur M. Nichols
Mr. Laszlo Papp
Mr. John M. Reid
Mr. Crosby R. Smith
Mr. David A. Teaze
Mr. S. M. Barnes, Secretary
Mr. Daniel A. Foley, Town Planner

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The Chairman opened the Public Hearing at 8:20 P.M. and read the first Call as follows:

NOTICE IS HEREBY GIVEN that the Town Planning and Zoning Commission will hold a Public Hearing in the Board Room of the Town Hall on Tuesday, August 26, 1980 at 8:15 P.M. to consider the following:

1) Application of H. T. White, Jr. for a Resubdivision of six lots on the Westerly side of Weed Street and the South-erly ends of Parish Road and Parish Lane.

Maps 2-7, Block 11, Lots 261, 262, 263 (H-7)

2) Application of the New Canaan Water Company for a Zoning Permit under Sections 60-4.1.0 and 60-4.2(a) to allow expansion of an existing storage building on the Westerly side of Weed Street.

Map 1, Block 11, Lot 166

3) Application of K. L. Manuel, Congregational Church. property owner, for a Zoning Permit under Sections 60-4.1F and 60-4.2 to allow an additional nursery school on the premises on the Westerly side of Park Street, maximum of eight (8) children, one (1) day per week, two (2) hours per day.

Map B, Block 19, Lot 812

Mr. Ackerly presented the H. T. White, Jr. Application and discussed it with members of the Commission.

Mr. Negria, the Manager of the New Canaan Water Company, discussed the New Canaan Water Company Application with members of the Commission.

→ Although the Town Planner reported that she had been notified of the Public Hearing. Mrs. Manuel was not present and, as there was no one present opposed to the Application, it was assumed that no one would be prejudiced if the Application was discussed with Mrs. Manuel at a later meeting.

The Chairman read the second Call as follows:

NOTICE IS HEREBY GIVEN that the Town Planning and Zoning Commission will hold a Public Hearing in the Board Room of the Town Hall on Tuesday, August 26, 1980 at 8:15 P.M. to consider the proposal of the Commission to amend the ZONING REGULATIONS as follows:

60-10.5. Roof-top Appurtenances.

In a Business Zone, no rooftop appurtenances, including but not limited to stairwell housings, air-conditioning units, cooling towers, solar panels, heat pumps, elevator shafts or similar mechanical equipment shall extend above the roof level of any building unless the following requirements are met:

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Mr.

CERTIFICATION

I, S. M. BARNES, Secretary of the Town Planning and Zoning Commission, hereby certify that I caused the Notice of Public Hearing to be filed in the Office of the Town Clerk and published in the NEW CANAAN ADVERTISER issues of September 11, 1980 and September 18, 1980.

S. M. Barnes

S. M. Barnes
Secretary

LEGAL NOTICE

LEGAL NOTICE

**PUBLIC HEARING
TOWN PLANNING AND
ZONING COMMISSION**

NOTICE IS HEREBY GIVEN that the Town Planning and Zoning Commission will hold a Public Hearing in the Board Room of the Town Hall on Tuesday, September 23, 1980 at 8:15 P.M. to consider the following:

Application of J.E. Crego for a subdivision of three lots on the Easterly side of White Oak Shade Road, Map 11, Block 88, Lot 54.

SEP 11, 1980

**TOWN PLANNING AND ZONING COMMISSION
REGULAR MEETING
Tuesday, September 9, 1980
8:15 P.M.**

Present: Mr. William D. Hart, Jr., Chairman
Mrs. David B. Findlay, Jr.
Mr. John M. Jex
Mr. Gouverneur M. Nichols
Mr. Laszlo Papp
Mr. John M. Reid
Mr. Crosby R. Smith
Mr. S. M. Barnes, Secretary
Mr. Daniel A. Foley, Town Planner

The recessed meeting of August 26, 1980 was reconvened at 8:22 P.M. and, upon motion of Mr. Papp, seconded by Mr. Jex, the MINUTES of said meeting were unanimously approved as corrected and the meeting was unanimously adjourned.

The Chairman then called the meeting of September 9, 1980 to order at 8:30 P.M. and meetings were scheduled for October 14th and October 28th, the Public Hearing to be held on the 28th.

The Chairman recalled that no one had been present at the Public Hear-

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→ ing of August 26th to discuss the K. E. Manuel and Congregational Church Application and reported that Mrs. Manuel had asked to attend tonight's meeting to discuss the Application. Following a discussion with Mrs. Manuel, upon motion of Mr. Jex, seconded by Mr. Smith, it was voted unanimously to approve the Application of K. L. Manuel and the Congregational Church for a Zoning Permit to allow an additional nursery school to be conducted on the Church premises at 1 Park Street, the Permit to be limited to no more than eight (8) children, one (1) day per week, two (2) hours per day.

After consideration of the New Canaan Water Company Application, upon motion of Mr. Reid, seconded by Mr. Smith, it was voted unanimously that the Application of the New Canaan Water Company for a Zoning Permit under Sections 60-4.1.0 and 60-4.2(a) to permit expansion of an existing storage building located on the Westerly side of Weed Street be approved.

Following discussion of the Kiwanis Club request to be permitted to hold its annual Antique Show at the New Canaan High School, the Chairman agreed to talk with Mr. Jeremiah Miller and tell him the Commission prefers to hear representatives of the Club at the Public Hearing the Commission hoped to hold in October on an amendment to the Regulations, however, if they wish to attend the September 23rd Hearing as Mr. Miller indicated in his letter, he would suggest they be represented by one or two people who could address themselves to the merits of the request.


The proposed amendment was discussed at length as prepared by the Chairman, suggestions were made and the Town Planner instructed to request the Corporation Counsel to check the language and it was hoped that he would be able to do so as early as possible in order that the Public Hearing could be held at the October Hearing.

Following discussion of the suggestion that the Commission require a bond to insure swimming pools would be properly fenced, it was the consensus that such a regulation was not within the scope of the planning function.

The Town Planner explained the request of Mr. John Kennedy, the lawyer for the owner of the McCrum property on Oenoke, and the Commission agreed to listen to the request at the meeting of September 23rd, however, it was to be understood that the Commission's willingness to listen was in no way to be considered an indication that the proposed realignment of the accessway would be approved.

The request of the Burning Tree for approval of a sign was turned over to the Sign Committee for a report.

At 10:26 P.M., Mr. Smith moved that the Commission recess this meeting until the meeting of September 23, 1980, Mr. Jex seconded the motion and it was voted unanimously.



S. M. Barnes
Secretary

671 South Avenue

VOL 831 PG 0568



SPECIAL PERMIT APPLICATION/PUBLIC HEARING REQUEST FORM

The undersigned owner(s) of record hereby apply for a SPECIAL PERMIT as to certain Real Estate located at:
671 South Avenue.

Within 500 feet of another municipality? Yes () No (X) Town of _____
 Applicant's Name: Clear Wireless LLC ("Clearwire") Address: Agent - Brown Rudnick, 185 Asylum Street
 Applicant's Telephone Number: 860-509-6527 Email Address: jherz@brownrudnick.com
 In the Waveny Zone, as shown in the New Canaan Land Records: VOLUME 188, PAGE 575
 And more particularly described by bounding owners as follows: 465 382

Northerly by: Town of New Canaan Southerly by: Town of New Canaan
 Easterly by: " Westerly by: "

MAP # 30 BLOCK # 51 LOT # 122

I am requesting a SPECIAL PERMIT of Section(s) 7.8 (Telecommunications) (or requesting a PUBLIC HEARING) described as follows: Clearwire proposes to install 3 dishes behind the existing screening located on top of the existing water tank located at 671 South Avenue in Waveny Park. Clearwire proposes to locate 1 GPS antenna on the existing equipment building and locate its equipment inside the existing equipment building located adjacent to the water tank.

You must attach a detailed statement describing: 1) the existing and proposed use or uses; and 2) how the Special Permit criteria are addressed.

Were Special Permits or Variances previously granted for this property? Yes () No (X)
 If yes, a copy of the Certificates or Decision must be attached.

I hereby acknowledge that unless I comply with provisions of Article 8, Section 8.1.G. of the Zoning Regulations, which require specific notification of certain neighbors, my application will not be complete and cannot be heard.

PRINT: Jennifer A. Herz SIGNED: Jennifer A. Herz
 Owner of record *Agent for Applicant Owner of record *Agent for Applicant

Official date of receipt: 06/28/10 Hearing scheduled: 07/27/10

I, Jean Grzelecki, Secretary of the Planning & Zoning Commission of the Town of New Canaan, hereby certify that at a meeting of said Commission duly held on 07/27/10, said Commission by resolution voted:

1. That said Special Permit be DENIED
2. That said Special Permit be GRANTED
3. That said Special Permit be effective upon its recording on the Land Records in the Town Clerk's Office.
4. That notice of such Action be published as required.
5. Conditions, modifications, or restrictions:

Jean Grzelecki 08/05/10 Advertiser + News
 Jean Grzelecki, Secretary Published

Doc ID: 001682730001 Type: LAN
 Book 831 Page 568
 File# 579

Received for record on 8-10-10 at 10:26am

And recorded by Charles A. Anderson 579 Seq: 1
 TOWN CLERK

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, 07/27/10

REGULAR MEMBERS PRESENT: REGULAR MEMBERS ABSENT:

Mr. Papp, Chairman
 Mrs. Grzelecki, Secretary
 Mr. Goodwin
 Mr. Hunziker
 Mr. Rothballer
 Mr. Scannell
 Mr. Ward
 Mr. Wendell

Mr. Turner

ALTERNATE MEMBERS PRESENT: ALTERNATE MEMBERS ABSENT:

Ms. DeLuca
 VACANCY

Ms. Boyd

Also in Attendance:

Steve Kleppin, Town Planner/Senior Enforcement Officer
 Christopher Jarboe, Town Attorney

PUBLIC HEARING

Chairman Papp opened the Public Hearing at 7:32 p.m. Ms. DeLuca was seated for Mr. Turner.

LEGAL ADVERTISEMENT

A Legal Notice was also published in the New Canaan News
 NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, JULY 15, 2010 21A

TOWN OF NEW CANAAN
 PLANNING & ZONING
 COMMISSION
 Notice is hereby given
 that the Planning and Zoning
 Commission will hold a
 Public Hearing on Tuesday,
 July 27, 2010 at 7:00 p.m. in
 the Auditorium of the Town
 Hall to hear and decide applications
 as follows:

1. Upon application of
 Edward Mellick, Mellick &
 Sexton, P.C., Authorized Agent,
 for St. Lukes Foundation Inc.,
 owner, for a Special Permit of
 Section 3.2.C.7 to allow two
 additions to the main school
 building, for property at 377
 North Wilton Road, in the Four
 Acre Residence Zone (Map 40
 Block 105 Lot 90).
 2. Upon application of
 Edward Mellick, Mellick
 & Sexton, P.C., Authorized
 Agent, for Cherry Street
 Associates LTD Partnership,
 owner, for a Special Permit
 of Section 6.2.E.2.b to allow

the use of 1700 square feet
 on the lower level for medical
 offices rather than general
 business offices without
 providing an additional five
 (5) parking spaces, for property
 at 65 Locust Avenue, in
 the Business Zone C (Map T
 Block 71 Lot 722).
 3. Upon application of
 Edward Mellick, Mellick
 & Sexton, P.C., Authorized
 Agent, for Melissa A. Vaske,
 owner, for a 2-lot resubdivision
 for 5.177 acres of property
 in the Two Acre Residence
 Zone at 219 Canoe Hill Road
 (Map 38 Block 108 Lot 52).
 4. Upon application of
 Jennifer A. Herz, Brown
 Rudnick, Authorized Agent,
 for Clear Wireless LLC,
 (Clearwire), Applicant,
 (Aquarion Water Company
 of Connecticut, owner), for a
 Special Permit of Section 7.8
 to install three dishes behind
 the existing screening located
 on top of the existing water

tank and locate one GPS
 antenna on existing equipment
 building, for property at 671
 South Avenue (water tower in
 Waveny Park), in the Waveny
 Zone (Map 30 Block 11 Lot
 221).
 5. Upon application of
 Steve Ilsley, Oldford Studios,
 L.L.C., Authorized Agent,
 for Mark E. and Kirsten H.
 Grzymski, owners, 53 Farity
 Drive, for a Special Permit of
 Section 3.5.F.5 to allow a second
 story addition to exceed
 the Maximum Side Yard
 Building Height of 20 feet and
 the Maximum Side Yard Total
 Building Height of 25 feet, for
 property in the A Residence
 Zone (Map M Block 138 Lot
 H81C).
 Dated: July 13, 2010
 New Canaan, Connecticut
 Jean N. Grzelecki,
 Secretary
 7-15
 7-22

on the issue of the dam, as a matter of safety maybe it can make one of the requirements for the approval that the applicant not start any work on the site until they produce a certification from the DEP showing that they have complied with the DEP requirements. He put into the record the binder discussed here, as well as a letter from an engineer that could not be present at the meeting. The thrust of his report has to do with how the proposed activity meshes with the flood plain requirements in the regulations and also the drainage runoff issues. He also has some traffic information that he doesn't have tonight, and he will submit that, as well as the picture that Mr. Wray mentioned. In addition, he has a copy of the record on appeal of the decision of the Inland Wetlands Commission, which he would like to submit to be considered as well. Also, a few other residents signed onto their petition during the meeting, and he will add that.

Mr. Papp thanked everyone who spoke, and assured them that, in its consideration of the application, the Commission will consider the applicant's property rights, the impact on the neighbors, and whether the application is going to benefit positively or negatively the entire town. Taking all of this information into consideration, along with the Town's regulations and State laws, the Commission will come to a conclusion.

Mr. Stan Mrus, 25 Hillcrest Road, said he has owned the property since 1952 and is concerned that the Commission has already accepted that this is a very intensive use when in reality it is a low keyed, innocuous operation and has been from the beginning. Putting in a commercial building is simply a more intensive use. He pointed out that a good portion of the property is on the river, and he questioned how the size of a septic system required for a multi tenant office building, the setback requirements taking into account the river and a well and the building itself, and the 24 parking spaces all fit on this half acre of land. It also concerns him that the Commission does not know what impact the dam issue is going to have on the building, and also how obtrusive the outside lighting and signage will impact the neighborhood, not to mention the additional traffic that will be generated.

The public hearing on this matter was continued until August 24, 2010.

6. Clear Wireless LLC, Applicant, 671 South Avenue

Upon application of Jennifer A. Herz, Brown Rudnick, Authorized Agent, for Clear Wireless LLC, (Clearwire), Applicant, (Aquarion Water Company of Connecticut, owner), for a Special Permit of Section 7.8 to install three dishes behind the existing screening located on top of the existing water tank and locate one GPS antenna on existing equipment building, for property at 671 South Avenue (water tower in Waveny Park), in the Waveny Zone (Map 30 Block 11 Lot 221).

Ms. Jennifer Herz, Brown Rudnick, presented the application. She said Clearwater is currently upgrading its system to provide faster and larger data transfers. The site is FCC compliant. The applicant selected the site as it complies with its plan of conservation and development by using an existing structure which is fully screened. Mr. Kleppin pointed out that the map attached to the application was for the wrong town. Ms. Herz said she was not aware of that and will provide the Commission with an update.

Jane Muschamp, 585 Old Stamford Road, asked if this will increase the electromagnetic radiation coming from that site. Ms. Herz said all environment and health effects are governed by the FCC, and they have submitted a letter stating they will comply with all FCC requirements.

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The public hearing on this matter was closed.

REGULAR MEETING

7. Deliberation and any possible action on a closed public hearing item.

Discussion on Item #4 Cherry Street Associates LTD Partnership, 65 Locust Avenue

Upon motion of Ms. Grzelecki and second of Mr. Hunziker, the Commission voted unanimously to approve the application.

Discussion on Item #5 Melissa A. Vaske, owner, 219 Canoe Hill Road

Upon motion of Mr. Goodwin and second of Ms. Grzelecki, the Commission voted unanimously to approve the application with conditions.

Conditions, modifications, or restrictions are as follows:

1. Final approval shall be obtained from the Health Department.
2. The applicant shall submit a Mylar and at least two paper copies of the record map for signing by the Commission and filing on the New Canaan Land Records within 90 days of the expiration of the appeal period. This shall be done prior to any earth disturbing activity on any of the property.
3. Prior to submitting the Mylar map, the applicant shall obtain lot numbers from the Tax Assessor.
4. All utilities shall be buried underground.
5. Per Resubdivision Map Prepared for Melissa A. Vaske, prepared by RKW Land Surveying, dated May 26, 2010, on-file with the Planning and Zoning Department.

Discussion Item #6 Clear Wireless LLC, Applicant, 671 South Avenue

Upon motion of Mr. Hunziker and second of Mr. Rothballer, the Commission voted unanimously to approve the application.

8. Modification of the Plan Approval for 32 Forest Street.

(Withdrawn by the applicant.).

9. Sign Task Force Report.

None.

10. Appointment of two members for oversight of IHOZ study.

Mr. Kleppin explained that the Town applied for a grant through the State of Connecticut Office of Policy and Management. The State enacted some regulations to make housing more affordable, and it set up a program for an overlay zone which basically allows increased density for affordable housing than current regulations allow. Mr. Hunziker and Mr. Rothballer agreed to become members of this Committee to work with the consultant on the final scope of work and implementation of the plan.

5 Oenoke Ridge Road

TOWN PLANNING AND ZONING COMMISSION

REGULAR MEETING

Tuesday, January 11, 1977

8:15 P.M.

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Present: Mr. William D. Hart, Jr., Chairman
 Mr. Laszlo Papp, Vice Chairman
 Mr. John M. Jex
 Mr. John M. Reid
 Mr. Crosby R. Smith
 Mr. Walter A. Stewart
 Mr. David A. Teaza
 Mr. Marshall Walker
 Mr. Henry S. Noble, First Selectman and Member ex officio
 Mrs. Patterson Morgan, Secretary
 Mr. Daniel A. Foley, Town Planner

The First Selectman swore in Mr. Smith as a member of the Commission and told him that he was confident the Commission would go on smoothly with the addition of him as a member.

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The Chairman then called the meeting to order at 8:19 P.M. and welcomed Mr. Smith to the Commission.

The Chairman read a request from the Board of Selectmen for a report and recommendation on the proposed exchange of land of West School property with land presently owned by Mr. Archie Stewart and, upon motion duly made and seconded, after consideration of the request, the following resolution was adopted:

WHEREAS a proposal has been made to the Board of Selectmen to exchange 0.41 acres of Town land abutting the West School site for a total of .45 acres of land now owned by Archie Stewart, including a permanent right-of-way over lands of Archie Stewart, and

WHEREAS the Board of Selectmen has requested a Report and Recommendation from this Commission on the exchange, in accordance with State Statute, and

WHEREAS the Board of Education has approved the proposal and released the 0.41 acres to the Town

NOW THEREFORE BE IT RESOLVED that the Commission hereby reports its recommendation to the Board of Selectmen that the exchange of property with Mr. Archie Stewart be consummated, said property being described as follows:

Beginning at a point on the Westerly side of Frogtown Road at a stonewall intersection being a Southeasterly corner of New Canaan Country School, Inc., thence running in a generally Northerly direction along the center of a stonewall the following courses and distances:

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Zone

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|-------------|--|
| N 35-22-50W | 46.71 feet |
| N 42-15-10E | 3.20 feet |
| N 29-35-50W | 38.10 feet |
| N 32-56-50W | 196.69 feet |
| N-31-56-50W | 31.16 feet |
| N 31-20-50W | 131.35 feet to a stonewall intersection on a |

Southerly boundary of the Town of New Canaan; thence turning in a generally Easterly direction along a Southerly boundary of the Town of New Canaan being the centerline of a stonewall the following courses and distances:

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|-------------|--|
| N 85-39-10E | 62.08 feet |
| N 81-04-10E | 35.13 feet |
| N 83-01-10E | 117.00 feet |
| N 84-35-10E | 61.00 feet to the point or place of beginning; |

thence turning and running in a general Northerly direction through lands of the grantor the following course and distance:

N 25-17-15W 161.78 feet to a point on a stonewall being a Northerly boundary of the Town of New Canaan; and a Southerly boundary of land of the grantee thence turning and running in a generally Easterly direction along a Southerly boundary of the land of the grantee and the centerline of a stonewall the following course

and distance:

S 84-34-10W 104.02 feet to a point being a stonewall intersection; thence turning and running in a generally Southerly direction along a Westerly boundary of land of the grantee and the centerline of a stonewall; the following courses and distances:

S 24-15-50E 7.74 feet
S 35-41-50E 153.16 feet to a stonewall intersection;
thence turning and running in a generally Westerly direction along a Northerly boundary of land of the grantee and the centerline of a stonewall the following courses and distances:

S 43-53-10W 14.07 feet
N 88-41-50W 10.31 feet
S 80-27-10W 64.00 feet
and S 84-36-10W 44.02 feet to the point of place of beginning. Said parcel contains 9.409 ac.

BE IT FURTHER RESOLVED that the foregoing recommendation is made for the following reasons:

1. The right-of-way will permit immediate and reasonable access to the West School septic system for necessary maintenance
2. The strips along Frogtown Road will permit the eventual widening of a very dangerous portion of Frogtown Road.

Those voting "Yes":

Mr. Hart
Mr. Pagg
Mr. Jex
Mr. Reid
Mr. Smith
Mr. Stewart
Mr. Teaze
Mr. Walker
Mrs. Morgan

Those voting "No":

None

Those Absent:

None

The Secretary was instructed to notify the Board of Selectmen of the foregoing action and that the Commission recommended that the following conditions be made a part of the legal instrument conveying the right-of-way easement to the Town:

1. The Town shall have no liability whatever for construction, maintenance or snow plowing in the accessway.
2. The Town shall have no liability whatever for damage or injury claims within the right-of-way.
3. The Town shall have a right-of-way over the entire length of the accessway.

The Application of a Nursery School was considered and, upon motion duly made and seconded, it was voted unanimously to approve the issuance of a Zoning Permit to Foxglove School, lessee, St. Michael's Lutheran Church, owner, to allow the use of the Sunday School facilities for a non-profit Nursery School, subject to the following conditions:

1. The Permit shall be issued to Foxglove School and shall not be transferable.
2. All requirements of the Fire Marshal shall be met prior to occupancy.

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and any conditions thereof met.

4. Enrollment shall not exceed fifteen (15) children at any one time.
5. All parking shall be limited to the "Lower Lot".
6. The Zoning Permit shall be obtained from the Zoning Inspector.

At 8:54 P.M. Bishop Hawes and Mr. Bergmann arrived to discuss with the Commission revisions they wished made to the action on the Mormon Church Application in order that the Commission might reach a decision as to whether the revisions were significant enough to require another Public Hearing. Mr. Bergmann, the architect for the Church, explained that the original plan had a coverage of 11,500 square feet, the revision had 11,000 and the building would be turned about 40° as some of the ground floor area had been put underneath and the building turned in order to have less impact upon the surrounding properties.

The Chairman thanked the Bishop and Mr. Bergmann for their explanations and told them that he did not think the question could be resolved tonight and they retired from the meeting at 9:20 P.M.

Mr. Jex requested that the record note that the discussion with the Bishop and Mr. Bergmann was not on the Agenda, he had remained during it but had taken no part in the discussion nor would be participating in any further discussion or in the decision as he was a member of the Mormon Church although not a participating member of the Church.

The Town Planner presented Applications upon which a Public Hearing would be required and, before calling the Public Hearing, the Commission considered the Town Counsel's opinion as to disqualification of Commission members and it was the consensus that, as no member was on the Board of the Country Club, it would not be necessary for anyone to disqualify himself for the purposes of this Application. It was agreed, however, that the question of disqualification would be given further study.

During consideration of the Carson Application, the Chairman reviewed for the new members the background, following which, upon motion duly made and seconded, it was voted unanimously that the Application for a Subdivision as shown on map entitled "Subdivision Map Prepared for Cady Daniels Carson New Canaan, Connecticut Two Acre Residence Zone Total Area = 10.725 Acres", certified "Substantially Correct" Robert M. Henrici under date of October 18, 1976 be approved, subject to the following:

1. All requirements of the Department of Health and Sanitation shall be met.
2. No surface water shall be directed onto either Brookside Road or Charter Oak Drive.
3. Access to Parcel No. 59 shall be by way of the accessway and no direct access to Brookside Road is hereby approved.
4. Parcel No. 57 may use the accessway for Parcels Nos. 58 and 59 in lieu of direct access to Brookside Road.
5. A note calling attention to the conditions of this approval shall be affixed to the map to be filed on the Town Land Records.

Sign Applications were then considered and, upon motion duly made and seconded, it was voted unanimously that the Application for a sign for a store to be known as Crafty Lady be approved as submitted as it was the opinion of the Commission that it was not out of line for the location.

Upon motion duly made and seconded, it was voted unanimously that the Application of Colonial Spirit Shop for a sign to replace the Morehead Liquor sign be approved as submitted as it was in scale with signs of other tenants of the building.

No action was taken on the third Application, that of Mr. McKenzie on South Avenue, as the members wished to inspect the site before taking action.

Upon motion duly made and seconded, it was voted to recommend to the Board of Selectmen the appointment of Mr. Jex as a member of the Inland Wetlands and Water Courses Commission.

TOWN OF NEW CANAAN

ZONING PERMIT

NO. 2100

Zone 1/2 Acre Zone

New Canaan, Conn. August 30, 1977

Upon application duly filed, pursuant to and in conformity with the Zoning Regulations enacted by the Town Planning and Zoning Commission of the Town,

This permit is hereby granted for the following building construction, or use of building or buildings or land, viz:

To allow the use of the Sunday School facilities for a non-profit

nursery school, subject to conditions of P-Z Commission dated

1-11-77. on land of the permittee

No. 5 on the North side of Oenoke Ridge Street or Road in the Town, in compliance with said application and accompanying plans and drawings on file in the office of the undersigned.

This permit authorizes only the use of said building or buildings and of said land herein provided.

By acceptance of the Permit, the permittee agrees that all acts performed thereunder shall be in compliance with the Laws of the State of Connecticut and the By-Laws and Ordinances and Zoning Regulations of the Town of New Canaan.

By Authority of
The Town Planning and Zoning Commission
of New Canaan

Zoning Inspector

Permit issued to:

Foxglove School

Assessor's Map D

5 Oenoke Ridge

Block 42

New Canaan, Ct. 06840

Lot XX 81
Map

Fee Paid \$ 5.00

ACTION
of the
TOWN PLANNING AND ZONING COMMISSION

Approved the issuance of a Zoning Permit to Foxglove School, lessee, St. Michael's Lutheran Church, owner, to allow the use of the Sunday school facilities for a non-profit nursery school, subject to the following conditions:

1. The Permit shall be issued to Foxglove School and shall not be transferable.
2. All requirements of the Fire Marshall shall be met prior to occupancy.
3. All necessary State and Local Health Departments licenses shall be obtained and any conditions thereof met.
4. Enrollment shall not exceed fifteen (15) children at any one time.
5. All parking shall be limited to the "Lower Lot".
6. The Zoning Permit shall be obtained from the Zoning Inspector.

Dated at New Canaan, Connecticut this 11th day of January 1977

Elizabeth P. Morgan
Secretary

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, MAY 27, 2014

REGULAR MEMBERS PRESENT:

Mrs. Grzelecki, Sec & Chairman Pro Tem
 Ms. DeLuca
 Mr. Radman (arrived at 7:04 pm)
 Mr. Scannell
 Mr. Shizari
 Mr. Turner

REGULAR MEMBERS ABSENT:

Mr. Papp
 Mr. Goodwin
 Mr. Ward

ALTERNATE MEMBERS PRESENT:

Mr. Crofton (arrived at 7:07 pm)
 Mr. Flinn
 VACANCY

ALTERNATE MEMBERS ABSENT:

Also in Attendance:
 Steve Kleppin, Town Planner/Senior Enforcement Officer

PUBLIC HEARING

Chairman Pro Tem Grzelecki opened the Public Hearing at 7:00 p.m. Mr. Flinn and Mr. Crofton were seated.

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, MAY 15, 2014 9A

| | | |
|------------------------------------|--------------------------------|-----------------------------------|
| TOWN OF NEW CANAAN | in the Waveny Zone at 677 | modification of the previously |
| PLANNING & ZONING | South Avenue (Map 30 Block | approved Special Permit of |
| COMMISSION | 51 Lot 121). | Section 3.2.C.1, 3.5.F.5 and |
| Notice is hereby given | Upon application of Diane | 7.1.B.3.b to allow construction |
| that the Planning and Zoning | Star, DB Designs, Authorized | of a two-family dwelling |
| Commission will hold a Public | Agent, for Arlene Dyrvik, | with reduced side yard on the |
| Hearing on Tuesday, May | owner, for a Special Permit | south side and reduced side |
| 27, 2014 at 7:00 p.m. in the | of Section 3.4.C.6 to locate a | yard height setback, for property |
| Sturgess Room, N. C. Nature | pool and pavilion in a front | in the B Residence Zone |
| Center, 144 Oenoke Ridge to | yard, for property in the Two | at 474 Main Street (Map Q |
| hear and decide applications | Acre Residence Zone at 86 | Block 82 Lot M50). |
| as follows: | Hoyt Farm Road (Map 43 | Dated: May 9, 2014 |
| Upon application of Steve | Block 591 Lot 35). | New Canaan, Connecticut |
| Benko, Town of New Canaan, | Upon application of Kaeser | Jean N. Grzelecki |
| for a Special Permit of Section | Development, LLC, Contract | Secretary |
| 5.1.E.1 to construct an additional | Purchaser, (Richardson | 5-15-22 |
| tennis court, for property | Properties Inc., owner), for a | |

1. Arlene Dyrvik, owner, 86 Hoyt Farm Road - Special Permit.

Upon application of Diane Starr, DB Designs, Authorized Agent, for Arlene Dyrvik, owner, for a Special Permit of Section 3.4.C.6 to locate a pool and pavilion in a front yard, for property in the Two Acre Residence Zone at 86 Hoyt Farm Road (Map 43 Block 591 Lot 35).

This property is a through lot between New Norwalk Road and Hoyt Farm Road with vehicular access from Hoyt Farm Road. Pool installer Ernie Cavatkey explained that the owner would like to install an in-ground pool and pavilion behind the house in what is technically a front yard. Diane Starr, landscape designer, stated that the existing shed and fence will remain. The height of the pavilion will be 12 feet, 11 inches. The current plan shows the pavilion set back 10 feet from the pool and Ms. Starr asked permission to move the pavilion forward 10 feet so that it is even with the pool.

The public hearing on this matter was closed.

2. Kaeser Development, LLC, 474 Main Street - Modification of Special Permit

Upon application of Kaeser Development, LLC, Contract Purchaser, (Richardson Properties Inc., owner), for a modification of the previously approved Special Permit of

Sections 3.2.C.1, 3.5.F.5 and 7.1.B.3.b to allow construction of a two-family dwelling with reduced side yard on the south side and reduced side yard height setback, for property in the B Residence Zone at 474 Main Street (Map Q Block 82 Lot M50).

John Kaeser explained that he would like to modify the previously approved Special Permit by making changes in grading and retaining wall locations. There are no changes to the height, setbacks or footprint that were previously approved.

Steve Johnson of 482 Main Street stated that he wanted to ensure Mr. Kaeser's property was graded in such a way that runoff from it would not be directed onto his property. He said that he thinks the proposed modification to grading will keep runoff off his property.

Mrs. Grzelecki reiterated that there was no change in the location from what was approved by the Commission in March and that the purpose of the hearing was to correct a deficiency regarding the Legal Notice which did not correctly note the reduced side yard setback on the Johnson's side and also for the modification to the grading and retaining walls.

The public hearing on this matter was closed.

REGULAR MEETING

3. Deliberation and any possible action on a closed public hearing item.

Discussion on Item #1 - Arlene Dyrvik, owner, 86 Hoyt Farm Road - Special Permit.

Upon motion of Ms. DeLuca and second of Mr. Turner, the Commission voted unanimously to approve the application.

Discussion on Item #2 - Kaeser Development, LLC, 474 Main Street - Modification of Special Permit

Upon motion of Mr. Flinn and second of Ms. DeLuca, the Commission voted unanimously to approve the modification of the Special Permit.

4. Discussion and consideration to slightly modify the Special Permit of Lot 713 and 21 Forest Street pursuant to §8.2.B.6.d of the regulations.

Architect Jeff Wyszynski reviewed the modifications to the building plans that his client would like to make to the approved Special Permit: 1) construct the lower level of the building in a different location but at the same elevation, 2) modify the west elevation to accommodate an egress stairwell and to raise parapets to accommodate continuous insulation, 3) modify the south elevation by raising the underground parking clearance by one foot and raise parapets to accommodate continuous insulation, and 4) modify the east elevation by replacing the shed dormer with a gable and raising the ridge line. He stated that all modifications comply with height regulations, that there is no change to the site plan or approved materials, and rooftop mechanicals will be concealed. In response to questions by Mr. Radman, Mr. Wyszynski stated that the building would be fully sprinklered and that the ceiling of the covered parking area will be finished so piping will not be visible. The construction schedule will be 12 - 14 months. Mr. Radman expressed concern about needing to shut down Forest Street for major deliveries and suggested that neighbors be notified of the times of major deliveries. Owner Chris Gatto says that he has spoken to all Forest Street merchants and that they support the project and understands what the logistics of the project will involve.

Upon motion of Mr. Scannell and second of Mr. Turner, the Commission voted unanimously to approve the modification of the Special Permit.

5. Request to modify the conditions of approval for Toddlertime Nursery School, St. Michael's Church, 5 Oenoke Ridge.

Barbara Davis explained that the enrollment in Toddlertime Nursery School exceeds the space that the school has at the Congregational Church and that the school would like to locate their 5's class at St. Michael's Church in a space previously occupied by the

Foxglove School. In response to Mr. Radman's question about pedestrian traffic between the two locations, Ms. Davis said there are currently no elements of the program which require the children to regularly move between the two locations. Mr. Radman asked that the Commission strongly recommend to the traffic commission that additional signage be placed near St. Michael's to encourage traffic to slow down.

Upon motion of Ms. DeLuca and second of Mr. Shizari, the Commission voted unanimously to approve the modification of the conditions.

6. Discussion and consideration to modify the existing Site Plan Application of David Ball, The Monroe Partnership, LLC, Authorized Agent, for ESP Wexford II LLC, owners, (Mrs. Greens tenant), in the Business A Zone at 2 Pine Street (Map L Block 139 Lot 918).

Mr. Ball agreed that all signage in the windows and near the cart storage area, including the help wanted sign, would be removed.

Although outdoor cart storage was not included in the site plan approval, Mr. Ball stated that carts are being stored outside the main entrance and Mrs. Green's would like to continue to store them there but would be willing to permanent hedge to screen the carts from view from Park Street. Commissioner's expressed concern about loose carts. Matt Taylor, Director of Construction for Mrs. Green's, acknowledged that store employees could do a better job of policing loose carts. Mr. Radman suggested lengthening the existing cart storage aisles and wrapping the green hedge/screening around the entrance to the storage area so that the carts would not be visible from Park Street.

The Commissioners discussed the best way to minimize the appearance of the rooftop units. The consensus was that the small rooftop units, the screening for the large rooftop units and the building trim should all be painted the same 'Stormy Monday' dark grey in a flat finish.

Matt Taylor agreed to immediately remove construction materials currently stored in the underground parking area. Mr. Ball stated that the store is experiencing a lack of storage for dry goods and would like to build storage in the parking garage. Various options were discussed but no decision was made as Mr. Kleppin wants input from other municipal officials. In response to Mr. Scannell's question about the adequacy of the lighting in the parking garage, Mr. Ball acknowledged a need to replace some of the light fixtures. The applicant will work with Mr. Kleppin to clarify the signage regarding the shared parking with Oxygen Fitness.

Mr. Ball said that the applicant would like to place six (6) umbrellaed tables along the Pine Street side of the building. Mr. Kleppin asked that these tables be kept off the town portion of the sidewalk.

Upon motion of Ms. DeLuca and second of Mr. Shizari, the Commission voted unanimously 1) to allow outdoor cart storage in an area designed as proposed by Mr. Radman, and 2) to allow six (6) outdoor tables with umbrellas on the private portion of the sidewalk along the Pine Street side of the building.

7. Nick Martschenko, Southend Restaurant, Tenant (Eton Centers Inc., owner), 36 Pine Street - Site Plan Modification.

Upon motion of Mr. Shizari and second of Mr. Turner, the Commission voted unanimously to amend the agenda to add a modification to the approved Site Plan for Southend Restaurant. Nick Martschenko explained that in accordance with condition 6 of the previous approval, he will have 1500 pound and 2000 pound cement planters custom made. He has spoken to the police and the police felt that given the size and weight of the concrete planters, removable, vehicle-proof balusters would be redundant.

By consensus, the Commission agreed not to require the balusters.

8. Discussion to clarify the interpretation of Sections 3.7.E.1 and 3.5.F.5 of the Zoning Regulations - Mr. Shizari. (Continued from April 29, 2014).

After discussion, the Commission agreed by consensus that dormers are not to be included in the reduced side yard setback (§3.5.F.5) calculations and that heights shall be interpreted consistently with §3.5.F.1 and §3.5.F.2.

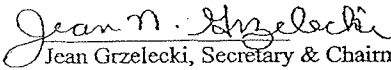
9. Approve minutes of the April 22, 2014 POCD Special Meeting and the April 29, 2014 Regular Meeting.

Upon motion of Mr. Shizari and second of Mr. Radman, the Commission voted to approve the minutes of the April 22, 2014 POCD Special Meeting (Mr. Turner and Mr. Scannell recused themselves).

Upon motion of Mr. Turner and second of Mr. Radman, the Commission voted to approve the minutes of the April 29, 2014 Regular Meeting (Mr. Scannell recused himself).

10. Adjournment.

Meeting was adjourned at 9:03 p.m.


Jean Grzelecki, Secretary & Chairman Pro Tem

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, JUNE 5, 2014 11A

| | | |
|---------------------------------|---------------------------------------|---------------------------------|
| TOWN OF NEW CANAAN | approved. | of the condition of |
| PLANNING & ZONING | RESOLVED that the application | approval to remove the name |
| COMMISSION | of Kaeser Development, | of the Nursery School operator |
| Notice is hereby given | LLC, Contract Purchaser, | for Toddlertime Nursery |
| that the Planning and Zoning | (Richardson Properties Inc., | School, St. Michael's Church, |
| Commission at a regular meeting | owner), for a modification | 5 Oenoke Ridge is approved. |
| held on May 27, 2014 | of the previously approved | RESOLVED that modifications |
| duly adopted the following | Special Permit of Section | to the existing Site Plan |
| resolutions. Approved Special | 3.2.C.1, 3.5.H.5 and 7.1.B.3.b | approval regarding the shopping |
| Permit Applications become | to allow construction of a two-family | cart storage area, rooftop |
| effective upon the filing of a | dwelling with reduced | mechanical units, signage and |
| copy thereof in the office of | side yard on the south side | outdoor seating, as requested |
| the Town Clerk. | and reduced side yard height | by David Ball, The Monroe |
| RESOLVED that the application | setback, for property in the | Partnership, LLC, Authorized |
| of Diane Starr, DB | B Residence Zone at 474 | Agent, for ESP Wexford II |
| Designs, Authorized Agent, | Main Street (Map Q Block | LLC, owners, (Mrs. Greens |
| for Arlene Dyrvik, owner, for | 82 Lot M50) is unanimously | tenant), in the Business A Zone |
| a Special Permit of Section | approved. | at 2 Pine Street (Map L Block |
| 3.4.C.6 to locate a pool and | RESOLVED that the modification | 139 Lot 918) are approved. |
| pavilion in a front yard, for | of the Special Permit | Jean N. Grzelecki |
| property in the Two Acre | of Lot 713 and 21 Forest | Secretary |
| Residence Zone at 86 Hoyt | Street pursuant to §8.2.B.6.d | Dated May 29, 2014 |
| Farm Road (Map 43 Block | of the regulations is unanimously | 6-5 |
| 591 Lot 35) is unanimously | approved. | |
| | RESOLVED that the modification | |

111 Oenoke Ridge

TOWN OF NEW CANAAN, CONNECTICUT

Zone 1/2 acre & 1 acre zoneMap # 32Date 6/28/85

PART I - APPLICATION FOR ZONING PERMIT

Block # 42

(Please type or print)

Lot # 27Property Owner of Record St. Marks ParishTelephone 966-4515Mailing Address 111 Oenoke Ridge, New Canaan, CT 06840

Applicant (if not Owner) _____

Telephone _____

Mailing Address _____

1. Location of land: No. on the East side of 111 Oenoke Ridge Street or Road
2. Present use of existing building or land church
3. Proposed use of existing building, new building and/or land S.T.A.R. Inc. day care center
4. Is there map of land in Town Clerk's Office? YES ☒ Number 5920 NO ☐
5. Are there any Variances relating to the land or building granted by the Zoning Board of Appeals? YES ☐ NO ☒ If Yes, attach all copies of all Variances. If No, Owner or Applicant initial here _____
6. Is an Access or Driveway Permit required? YES ☐ NO ☒ If Yes, attach copy of Permit. If No, have Town Engineer's Office initial here _____
7. Is off-street motor vehicle parking required? YES ☐ NO ☒ If Yes, number of motor vehicle spaces . Number of loading spaces . If No, Applicant or Owner initial here _____
8. Is a License required under the Inland Wetlands & Water Courses Regulation? YES ☐ NO ☒ If Yes, attach copy of License. If No, Owner or Applicant initial here _____
9. Is existing building, proposed building or land located in an area requiring conformity to the National Flood Insurance Program? YES ☐ NO ☒
10. Is a public hearing required under the Zoning Regulations? YES ☐ NO ☒ If Yes, have Zoning Inspector insert Zoning Section number _____

Application Fee \$5.00 Paid on _____

Public Hearing Fee; _____

if required \$25.00 Paid on _____

Owner or Applicant

(If the signature is not that of the owner of the property, a letter from the owner authorizing the agent to act in owner's behalf must be attached to the original application)

PART II - ZONING PERMIT

A Zoning Permit is hereby issued in accordance with the facts and information included in the above application subject to the following conditions:

- A. The Permittee agrees that all actions performed hereunder shall be in compliance with the laws of the State of Connecticut, all By-laws and Ordinances, all Zoning Regulations, Subdivision Regulations and Inland Wetlands & Water Courses Rules and Regulations of the Town of New Canaan.
- B. By acceptance of this Permit, the Permittee agrees to allow inspections at all reasonable hours by the Zoning Inspector.
- C. Upon completion of the foundation of any building or addition to an existing building not requiring a foundation, the Permittee shall file with the Zoning Inspector a certified plot plan prepared by a licensed land surveyor which shall show that there has been compliance with all applicable zoning regulations, driveway requirements, flood plain requirements and requirements of the Inland Wetlands & Water Courses Regulations.
- D. Upon completion of any building or addition to any existing building for which this Zoning Permit was issued, an update of the plot plan shall be filed with the Zoning Inspector showing that all Regulations have been complied with, including location of sanitary facilities and water supply.
- E. Also subject to conditions attached hereto, if any.

Permit Granted 6/28/85

(Date)

Permit Denied _____

(Date)

Planning & Zoning Commission
of the Town of New CanaanBy [Signature]
Its Zoning Inspector

PLANNING & ZONING COMMISSION MINUTES
REGULAR MEETING

TUESDAY, JANUARY 29, 2002

REGULAR MEMBERS PRESENT:

Mr. Jex, Chairman
Mr. Coburn
Mr. Flaherty
Mrs. Grzelecki
Mrs. Mason
Mr. Rothballe
Mr. Scannell
Mr. Wendell

ALTERNATE MEMBERS PRESENT:

Mrs. Johnson
Mr. Zech

Also in Attendance:

Hiram Peck, Town Planner
Richard Bond, First Selectman

1. The Regular Meeting of January 29, 2002 was called to order at 7:30 p.m. in the Town Hall Auditorium as advertised.

PUBLIC HEARING

2. The Chairman called the public hearing to order at 7:31 p.m. and referenced the call.

J. M. TRAYNOR – 728 Carter Street

Application of J. M. Traynor for home business use at 728 Carter Street in the 2 Acre Residence Zone, (Map 43 Block 222 Lot 76). Atty. Sperry DeCew representing J.M. Traynor opposed previous exhibits by neighbor's counsel that suggested that the home office use by Traynor was responsible for any vehicle accident in the area. Citing the inflation of accident numbers, the types and various causes he determined that none involved the common drive in question. The number of employees was clarified. Gail Banigan is the full time employee. There was an objection to the petition submitted by the opposition. The homeowners who signed the petition were no longer living in area or owned properties to distant from the area. The number of client visits was shown in a monthly log presented by Atty. DeCew. Ms. Banigan stated that the maximum number of clients, although rare, would be five in a given day. Atty. Ed Mellick representing the opposition, Mrs. Thorndike, addressed future policing issues to enforce "occasional visit" portion of the Regulation. Mrs. Thorndike raised a possible liability issue and believes the number of vehicle trips exceeds the number of clients in Ms. Traynor's log. Commission members' questions were answered.

The public hearing was closed.

The Chairman Recognized Scout Troop in attendance.

C. and L. COSTIGAN – 54 Marshall Ridge Road

Application of C. and L. Costigan, for a 2 lot subdivision of 2.53 acres in the One Acre Residence Zone at 54 Marshall Ridge Road, (Map 31 Block 10 Lot 995). The chairman opened the new application and all forms received by Town Planner. Engineer Holt McChord representing the petitioners presented the property division of a back lot. The plan includes the use of existing drive to access lot and the destruction of existing second dwelling on property line. The septic system will be changed to town sewer. The existing trees will be maintained with Mr. McChord speculating that as few as three trees will have to be removed. No one was heard in opposition.

The public hearing was closed.

D. GANNALO – 46 Bank Street

Application of D. Gannalo, for a 2 lot subdivision of .63 acres in the B Residence Zone at 46 Bank Street, (Map K Block 49 Lot 91). Atty. Michael Sweeney and Engineer Holt McChord represented the petitioner. The existing house will be removed. The plans are for one single family home and one single family with subordinate unit. A neighbor, Mr. Lato, submitted a letter stating concern for the retention of two large Ash trees on the Brinkerhoff street line. Both trees will be saved by the relocation of the driveway. Mr. McChord stated the water and sewer lines exist and the current curb cut will remain. No public opposition heard.

The public hearing was closed.

K. and S. RICCOBONI – 61 Strawberry Hill

Application of K. and S. Riccoboni, for home business use at 61 Strawberry Hill in the One Half Acre Zone, (Map P Block 97 Lot 784). Atty. Carol Young represented Sheila Riccoboni in her application to use the front office of the main house for the purpose of a licensed massage therapy practice. The average number of clients would be three clients per day, three days a week. No construction or additions will be needed. Parking exists for one additional car between the main house and the separate garage. Supporting letters were received by Town Planner, including those from the Ryan and Koutsakis families. Ms. Riccoboni stated that she would not object to the Commissions limit of the number of clients and hours of operation. A copy of the occupational license will be submitted for file with the Town Planner. No public opposition was heard.

The public hearing was closed.

REGULAR MEETING

Regular Meeting started at 8:32 p.m.

Mr. Zech was seated for Mr. Hunziker.

J. M. TRAYNOR – 728 Carter Street

Chairman Jex proposed that the committees' action on this item be moved to the February meeting, citing the allowable 65-day consideration period. No objections were heard.

C. and L. COSTIGAN – 54 Marshall Ridge Road

There was a brief discussion of the revised plan including the elimination of the septic system and the preservation of trees on the property. The plan included the use of the existing drive and town sewer line. The plan as approved by the Town Engineer was found to acceptable. Commission expressed concern that any additional tree removal be avoided. Moved by Mrs. Grzelecki, Seconded by Mr. Zech. Unanimous approval.

D. GANNALO – 46 Bank Street

There was a brief discussion of the revised plan including questions of lot size and preservation of existing trees by the redirection of the drive on Brinkerhoff Street. The

plan was found acceptable. The Commission expressed concern for the preservation of the existing berm. Moved by Mr. Scannell, Seconded by Mrs. Grzelecki. Unanimous approval.

K. and S. RICCOBONI – 61 Strawberry Hill

After a brief discussion concerning the limiting of client numbers to three per day as well as the hours, The Commission recommended approval. Moved by Mr. Flaherty and Seconded by Mr. Zech. Unanimous approval.

CGS 8-24 referral for purchase of open space on Weed Street.

After discussion of the property type and small proposed parking lot, the plan was found to be not inconsistent with the Plan of Development. Moved by Mr. Rothballer, Seconded by Mr. Scannell. Unanimous approval.

AVALON BAY – Lakeview Avenue

Application of Avalon Bay for revisions include reorientation of building #8, planting plan for tree protection area, discussion of electric easement through replanted area, and relocation of electrical box on Elm Street project site.

Discussions were heard from Atty. Sandak and Mr. Kinol concerning each item. The reorientation of building #8 will facilitate the addition of a tot lot. Mr. Wendell asked that the propane tank be moved from its underground location near the tot lot to the other side of the building. Mr. Kinol agreed. Architecture will remain as original plan but level is lower.

Plan for tree protection area was revised. Number of trees to remain was lower than expected. Additions of evergreens and deciduous trees are on plan which includes \$30,000 to \$40,000 worth of trees and shrubs. The Commission noted that some plant material will attract deer. Mr. Kinol will consider variety changes.

Plan was presented to increase plantings around electrical easement. Chairman Jex asked if easement could be moved. Mr. Kinol stated that site change would conflict with sewer. The Commission asked if CL&P will allow plantings. Mr. Kinol stated that the planting plan will be allowed and maintained but not changeable. Mr. Kinol presented photos of large trees that have been saved by easement placement. the Commission expressed concern about the excavated cliff on site. Mr. Kinol assured the Commission that a protection fence will be added immediately. The Commission asked how plantings would be maintained and was assured that the plantings have a one-year guarantee and irrigation issues would be addressed.

The above ground green transformer on the Elm Street Office site was proposed to be moved to the back of the lot and the lines placed underground. The transformer would be placed near a sidewalk accessible to railroad parking. The placement will ensure a 5' walkway clearance for pedestrians.

All proposed changes were found to be acceptable. Moved by Mr. Flaherty, Seconded by Mr. Wendell. Unanimously approved with modifications noted.

Administrative Actions by Town Planner

- A. Approval of request from New Canaan Baseball Inc. for play at New Canaan Country School for 2002 season. No opposition voiced by neighbors.
- B. YMCA temporary construction trailer at 564 South Ave. This is acceptable as long as it is removed promptly after construction is completed. There are to be no unnecessary lights or signs.
- C. Planting plan for Park Slope condominiums. Acceptable as long as limited to slope.
- D. Questions regarding the Domino residence, 83 Long Lots Road. Item removed from agenda by the Town Planner.
- E. Extension of Philip Johnson special permit was accepted with no changes to use.


Actions approved. Moved by Mr. Flaherty, Seconded by Mr. Wendell.

SIGN COMMITTEE REPORT

- A. Plaza Too, 145 Elm Street for a retractable awning with signage, was approved as submitted.
- B. Waveny Care Center, 3 Farm Road for two signs attached to stonewalls, was approved as submitted.
- C. Fleet Bank
42 Forest Street, Replace two (2) existing wall signs, was approved as submitted.
94 Elm Street, Replace two (2) existing wall signs, was approved as submitted.
278 Elm Street, New wall sign and New wall sign, was approved with modifications, only one sign permitted, applicant must choose.

The sign report was approved as submitted. Motion to approve the report by Mr. Rothballer. Seconded by Mr. Scannell. Unanimous approval of report.

ADDITIONAL AGENDA ITEMS

- 
- A. YMCA temporary addition of St. Mark's daycare to double in size was recommended for approval for no longer than 12 months. Moved by Mrs. Mason, Seconded by Mr. Wendell.
 - B. ABC on Locust Avenue for construction of room and bath above garage may be approved administratively. Applicant must provide acceptable plans that should not include a kitchen area and neighbors to be notified. Moved by Scannell. Seconded by Mr. Wendell. Unanimous approval.

Discussion on possible Zoning Regulation revisions. Moved to the February 26, 2002 Meeting. Hearing date to be set at that time.

A brief discussion of POCD included density versus FAR and the benefits of each. The Commission discussed a possible telephone survey for the POCD. Discussion on POCD will continue at special February 12, 2002 meeting.

The meeting was adjourned at 10:15 p.m.

Jean N. Grzelecki, Secretary

144 Oenoke Ridge

TOWN PLANNING AND ZONING COMMISSION

REGULAR MEETING

TUESDAY, MAY 27, 1982

REGULAR MEMBERS PRESENT:

Mr. William D. Hart, Jr., Chairman
 Mrs. David B. Findlay, Jr.
 Mr. Laszlo Papp
 Mr. Gouverneur M. Nichols
 Mr. Walter T. Flaherty, Jr.
 Mr. Victor H. King
 Mr. Crosby R. Smith
 Mr. Churchill B. Phyfe, Secretary

REGULAR MEMBERS ABSENT:

Mr. David M. Burke

ALTERNATE MEMBERS PRESENT:

Mr. Lawrence W. DeVito
 Mrs. John Baldwin
 Mr. Stanley M. Barnes

ALTERNATE MEMBERS ABSENT:

None

The Chairman convened the Regular Meeting of May 27, 1982 at 8:40 P. M. in the Board Room of the Town Hall and designated Mr. DeVito to act for Mr. Burke. Upon motion of Mr. King, seconded by Mr. Smith, the MINUTES of the Regular Meeting of April 27, 1982 were unanimously approved as submitted. Upon motion of Mr. Nichols, seconded by Mr. Smith, the MINUTES of the Special Meeting of May 11, 1982 were unanimously approved as amended.

Mr. Milton Johnson then presented a plan, elevations and cross-sections of the proposed solar greenhouse building to be erected at the Nature Center on Oenoke Ridge. Pursuant to the provisions of Section 8-24 of the General Statutes of the State of Connecticut, the Board of Selectmen requested a report and recommendation from the Town Planning and Zoning Commission with regard to this proposal. After discussion, upon motion of Mr. Papp, seconded by Mr. Nichols, it was unanimously voted that the Secretary be instructed to inform the First Selectman that the project as presented does not violate any provisions of the Town Plan of Development, and that therefore, the Commission finds no objection to its construction.

The Town Planner presented the request of Intex Corporation for a Zoning Permit to allow an additional use, a used car dealership, at the New Canaan Texaco property at 272 Elm Street. The Zoning Board of Appeals, acting under its authority as representative of the State Commissioner of Motor Vehicles, had approved the location for a used car dealership at its meeting of January 4, 1982 and had noted the necessity for review of the Zoning Permit by the Planning and Zoning Commission. According to the provisions of Section 60-17.3, Subsections O and P, a determination of the off-street motor vehicle parking facilities would need to be made by the Commission. Attorney Marvin Gruss of Hawthorne, Ackerly and Dorrance represented the Intex Corporation and introduced Mr. Keith Simpson, Environmental Design Associates, as an expert witness. Mr. Simpson presented a plan of the available parking spaces at the Texaco Station and described their existing and proposed utilization. Mr. Neville Frve, President of the Intex Corporation, also appeared and

TOWN OF NEW CANAAN
CONNECTICUT 06840

CHARLES P. MORTON
FIRST SELECTMAN

TELEPHONE
(203) 966-1687

May 20, 1982

Mr. William D. Hart, Jr., Chairman
Planning and Zoning Commission
Town Hall
77 Main Street
New Canaan, Connecticut 06840

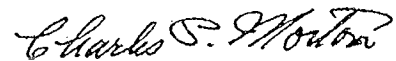
Dear Mr. Hart:

Enclosed, find a copy of the agreement between the Town of New Canaan and the Nature Center, relative to the proposed Horticultural Education Building.

The Town Council approved this agreement at their meeting of May 12, 1982.

Will you please consider this item for commission approval at your earliest convenience.

Sincerely,



Charles P. Morton
First Selectman

CPM:dh
cc: Mr. Milton Johnston
encl. (1)

THIS AGREEMENT, by and between the TOWN OF NEW CANAAN, a municipal corporation located in the County of Fairfield and State of Connecticut (hereinafter called Town), acting herein by the BOARD OF SELECTMEN (hereinafter called Selectmen), hereunto duly authorized by vote of the TOWN COUNCIL of New Canaan, Connecticut (hereinafter called Council), under date of May 12, 1982 and the NEW CANAAN NATURE CENTER ASSOCIATION, INC., a non-profit corporation located in the Town of New Canaan, County of Fairfield and State of Connecticut (hereinafter called Nature Center), acting herein by REBA ROORBACH, its President, hereunto duly authorized.

W I T N E S S E T H :

WHEREAS, the Nature Center is desirous of replacing at its cost and expenses the existing greenhouse complex at the Susan Dwight Bliss Park, which greenhouse complex is being used by and is under the supervision of the Nature Center in accordance with an arrangement between the New Canaan Nature Center Association, Inc. and the Board of Selectmen dated November 17, 1970, because of the fact that this greenhouse complex, through age, the element and hard use, has reached a condition where heating is inefficient arrangements are inconvenient for present use and maintenance is increasingly expensive and decreasingly effective; and

WHEREAS, it is proposed that upon completion of such new greenhouse complex by the Nature Center, which complex is to be hereinafter called the Horticultural Education Building, the Town will abandon the presently existing greenhouse complex, including the maintenance thereof, (with the exception of the existing frame and stone "headhouse" or potting shed which shall remain operational) and shall dispose of the same at its own expense as it sees fit.

NOW, THEREFORE, it is mutually agreed as follows:

1. The Nature Center may at its sole cost and expense undertake and complete the construction of the Horticultural Education Building, the same to be located in the area immediately West of the presently existing garage and garage apartment subject to, the following terms and conditions:

(a) The location, architectural plans and specifications thereof together with all other pertinent facilities relating thereto shall be approved in writing by the Board of Selectmen.

(b) The architects shall be hired by the Nature Center, which organization shall pay for the same, and the Town of New Canaan shall be under no obligation to pay the architects for their services or assistance.

(c) The architects shall furnish to the Nature Center, when the plans have been approved by the Nature Center and the Selectmen, a cost estimate on the complete work, including all architectural and engineering fees.

(d) The amount of the architects' estimate as to costs and the amount of architects' and engineering fees shall be raised by the Nature Center in cash or by collateral, bond or other form of security satisfactory to the Selectmen. It is presently estimated that the complete work, including architectural and engineering fees, will cost \$750,000 approximately.

(e) Upon and only upon the raising of the funds as aforesaid shall a contract to construct the Horticultural Education Building be executed, the contract to be approved by the Selectmen prior to signing by the Nature Center. Such contract shall run between the Nature Center and the person, firm or corporation who has been awarded the construction contract and shall not involve the Town in any obligation relative thereto, nor shall the Town be named as a party therein. However, it is agreed and understood that the Nature Center and the construction contractor shall have full permission to and may enter upon the land of the Town known as Susan Dwight Bliss Park for the purpose of constructing the Horticultural Education Building in accordance with the plans and specifications approved by the Board of Selectmen.

(f) If at the time the bid on the contract for the work on the Horticultural Education Building is accepted by the Nature Center it is found that the total costs, including architectural and engineering fees, are greater than the amount of funds previous

ly raised, no contract shall be signed and no work shall be undertaken until the amount of funds raised are equal to or are greater than the amount of the contract plus all costs of architectural and engineering fees.

(g) It is the intent and purpose of the Nature Center to hold the Town fully harmless for any and all claims by third parties in connection with the construction costs or other incidentals relative to the construction of the Horticultural Education Building.

(h) During the course of construction of the Horticultural Education Building the Nature Center shall provide any and all general liability insurance policies necessary in connection with the construction work in a minimum amount of \$500,000, together with all fire insurance and other casualty policies, which policies shall run to the benefit of the Nature Center or the Town as their respective interests may appear. Certificates of insurance to that effect shall be furnished to the Town. Upon completion the Town will provide at its expense all liability insurance, together with fire and other casualty policies, covering the Horticultural Education Building up to its full replacement value.

2. Completion, for the purposes of this agreement, shall mean (a) the architects and engineers have certified to the Nature Center and the Town that all work on the new Horticultural Education Building has been completed and (b) a Certificate of Occupancy has been issued by the Chief Building Official of the Town of New Canaan.

3. The Town agrees to continue to provide the current level of services for maintenance of the Nature Center, including the new Horticultural Education Building in accordance with the arrangements dated November 17, 1970, as now or hereafter amended.

4. The Nature Center shall comply with all State, Federal and local laws, rules and regulations and ordinances relating to the construction of the said new Horticultural Education Building com-

plex and any and all permits which may be required shall be obtained and paid for at the expense of the Nature Center.

5. Upon completion of the Horticultural Education Building, as aforesaid, the Town shall immediately discontinue the maintenance of the presently existing greenhouse facilities, (with the exception of the existing frame and stone "headhouse" or putting shed which shall remain operational), the Nature Center shall remove all of its present activities therefrom, and the Town shall at its own expense dispose of the same by sale or razing, as it shall deem best.

6. The Horticultural Education Building, upon completion, shall become the property of the Town without payment therefor or any part thereof by the Town, and the Town shall be under no obligation to the Nature Center or any other person or persons relative to the costs of the construction thereof.

7. It is anticipated that the proposed construction work shall begin not later than December 31, 1982 and shall be completed as rapidly and speedily as possible.

8. The Nature Center acknowledges that fulfillment of the provisions of Section 49-41 of the General Statutes of Connecticut is a condition precedent to approval by the Town of New Canaan of any construction contract.

IN WITNESS WHEREOF, the parties hereto have hereunto set their respective hands and seals this 13th day of May, 1982.

Signed, sealed and delivered
in the presence of:

Barbara P. Kennedy
Edwin F. Gutt

As to the Selectmen

TOWN OF NEW CANAAN

BY Charles P. Morton
Charles P. Morton

BY Jennifer W. Delage
Jennifer W. Delage

BY Robert P. Ready
Robert P. Ready

A Majority of the
Board of Selectmen

Marion Green
MARION GREEN

Milton S. Johnston Jr.

As to Nature Center
MILTON S. JOHNSTON JR.

NEW CANAAN NATURE CENTER
ASSOCIATION, INC.

BY Reba Roach 4/17/82
President

STATE OF CONNECTICUT)
) ss. New Canaan
COUNTY OF FAIRFIELD)

Personally appeared CHARLES P. MORTON, JENNIFER W. DELAGE and ROBERT P. READY, the BOARD OF SELECTMEN of the TOWN OF NEW CANAAN, hereunto duly authorized, three of the signers and sealers of the foregoing instrument, and acknowledged the same to be their free act and deed, in the capacities aforesaid, before me,


Notary Public

STATE OF CONNECTICUT)
) ss. New Canaan
COUNTY OF FAIRFIELD)

NOTARY PUBLIC
STATE OF CONNECTICUT
MY COMMISSION EXPIRES MARCH 31, 1986

Personally appeared REBA ROORBACH, President of NEW CANAAN NATURE CENTER ASSOCIATION, INC., hereunto duly authorized, one of the signers and sealers of the foregoing instrument, and acknowledged the same to be her free act and deed, and the free act and deed of said corporation, before me,


Notary Public

VIVIAN E. OVERTUN, Notary Public
State of Connecticut, County of Fairfield
My Commission Expires April, 1984

32
20
41BUILDING INSPECTION DEPARTMENT
New Canaan, Connecticut

No 7796

CERTIFICATE OF OCCUPANCY

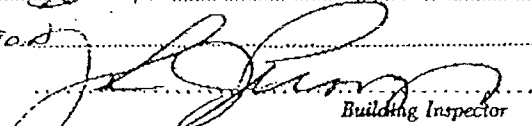
Dated April 13, 19 98

Zone

This is to certify that building at 144 Oenoke Ridge - New Canaan Nature center
as building renovation under Permit No. A-18753 conforms substantially to the require-
ments of the Building Ordinances and the Zoning Regulations of the Town of New Canaan and is hereby approved for
occupancy as indicated below.

Approved for occupancy April 13, 1998 PL 3-98

LOWER LEVEL NEW PRESCHOOL FOURTH


Building Inspector

Notice:—If this certificate is lost or destroyed, a duplicate should be immediately obtained from the Building Inspection
Department.

Any change or extension of the use herein approved requires a new certificate of occupancy.

Copies of this certificate may be obtained at the Building Inspection Department at a charge of one dollar.

June, 1998

On October 9, 1997 the Planning and Zoning Commission approved renovations for the existing art workshop building to accommodate an additional preschool classroom for the New Canaan Nature Center - Beginner's Nature Program, Annex on the ground level.

It is understood that the preschool classroom will meet all state licensing requirements.

Dan Foley
Town Planner

NEW CANAAN NATURE CENTER



144 Oenoke Ridge
New Canaan, Connecticut 06840
(203) 966-9577
Fax (203) 966-6536

Early Childhood Education Building (presently the Art Workshop) Fact Sheet

June 23, 1997

Zone: 1 acre Residential Assessor's Map: 32 Block: 20 Lot: 41

Present Use: Ground Floor: Maintenance Shop and Storage
Main Floor: Multipurpose crafts and program room; storage

Proposed Use: Ground Floor: One licensed preschool classroom
Main Floor: Multipurpose crafts and program room; storage

Proposed Construction: Install water and sewer service; Renovate interior; New porch to be added to shelter ground floor entrance on north side; existing attached storage shed to be replaced with an enclosed code compliant stair connecting the first and second floors

| A. <u>Setbacks in Feet</u> | <u>Existing</u> | <u>Proposed</u> |
|--|-----------------|-----------------------|
| Nearest Side | 1 1/2 | 1 1/2 |
| B. <u>Lot Area in Acres</u> | 39.778 | 39.778 |
| C. <u>Building Coverage in Sq. Ft.</u> | 1270 | 1446 (includes porch) |
| D. <u>Building Height</u> | | |
| In Feet: | 25 | 25 |
| In Number of Stories: | 2 | 2 |

APPROVAL FOR CHILD DAY CARE

Marsh River ☒ Town Zoning Department
Lake Rooms ☐ Town Building Department
Education Bldg ☐ Town Fire Marshal
New Canaan ☐ Director of Health
Native Center

AN ☐ Inspection
☐ Architectural Review
☒ Administrative Review/Inspection Not Required

HAS BEEN COMPLETED ON:

☐ Child Day Care Center
☐ Group Day Care Home

LOCATED AT:

144 Oeroke Ridge
(Street Address)
New Canaan CT 06840
(Town) (State) (Zip)

IS CONSTRUCTED IN ACCORDANCE WITH APROPRIATE USE GROUPS AND:

☐ The State Building Codes in effect at the time of construction
☐ Chapter 9, Article X1 of the Fire Safety Code
☒ Town Zoning Regulations
☐ Health Ordinances

☐ PRELIMINARY APPROVAL IS GRANTED

☒ FINAL APPROVAL IS GRANTED for use at this location

Signed: [Signature]

Title: Town Planner / Zoning Inspector

Town: New Canaan CT

Date: November 13, 2003

APPROVAL FOR CHILD DAY CARE

- ☒ Town Zoning Department
- ☐ Town Building Department
- ☐ Town Fire Marshal
- ☐ Director of Health

AN ☐ Inspection Reason for Approval Request
☐ Architectural Review
☒ Administrative Review

HAS BEEN COMPLETED ON:

- ☐ Child Day Care Center -- Program Name: _____ Lic.# _____
- ☐ Group Day Care Home -- Program Name: _____ Lic.# _____

LOCATED AT: NC Nature Center, 144 Denoke Ridge Rd.
(Street Address)
New Canaan CT 06840
(Town) (State) (Zip)

IS CONSTRUCTED IN ACCORDANCE WITH APPROPRIATE USE GROUPS AND:

- ☐ Connecticut State Building Code (CGS sec. 29-252-1c)
- ☐ Connecticut State Fire Safety Code (CGS sec. 29-292-8d)
- ☐ New Day Care Occupancies
- ☐ Existing Day Care Occupancies
- ☐ Other _____
(list code title, edition, and section)
- ☒ Town Zoning Regulations
- ☐ Health Ordinances

☐ PRELIMINARY APPROVAL IS GRANTED

☒ FINAL APPROVAL IS GRANTED

Signed: [Signature]
 Title: Town Planner / Sr. Enforcement Officer
 Town: New Canaan
 Date: 12/2/11

EXHIBIT 9

Grace Farms -- Current Uses

The multiple independent and contemporaneous uses occurring today at Grace Farms were never presented to the Commission during any of the three prior special permit proceedings (2007, 2008 and 2012/2013) regarding the site. More importantly, many of these uses are impermissible given the text of Sections 3.2 and 3.3 of New Canaan's zoning regulations, and the fact that New Canaan's Zoning Regulations are permissive in nature.

Several of these ongoing uses were not referenced in Planimetrics' framework document for the Commission for the June 26, 2017 public hearing, and should be specifically considered by the Commission as part of its deliberations on the application.

This poses another threshold question: Given the permissive nature of New Canaan's Zoning Regulations, is the Commission now required to update the categories of permitted principal and accessory uses allowed by special permit in a residence zone should it determine to approve one or more aspects of Grace Farms Foundation's application?

Examples of these Ongoing Uses:

1. Movie Theater:

Activity Description: Grace Farms Foundation is operating a movie theater.

Saturday Family Matinee – regular scheduled activity on Grace Farms' calendar

Excerpt from Grace Farms' Website:

Saturday Family Matinee

"Join Us on Saturdays for Our Family Matinees – a series of animated shorts and feature films that underscore life lessons connected to our core initiatives – nature, arts, justice, community and faith. "

As these matinee screenings are a stand-alone activity and unrelated to any other uses taking place at the site, these screenings should be considered a principal use.

Special Permit Use: Operation of a movie theater is not listed as an activity permitted by special permit as either a principal or accessory use in a residence zone.

Additional Certificate of Occupancy Issue: A movie theater is not listed on the final site plan provided by the applicant during the 2012/2013 proceedings and approved by this Commission.

Conclusion: As New Canaan's Zoning Regulations do not permit the operation of a movie theater in a residence zone either as a principal or accessory use, the movie theater at Grace Farms should cease operations.

2. Restaurant: "The Commons" & "Barbeque Courtyard":

Activity Description: The applicant is operating a restaurant in a residence zone and holds the highest level of food service license from the New Canaan Department of Health. The general public can come for breakfast or lunch. The restaurant has extended its eating area to outdoor seating, and now includes a BBQ pit. As this restaurant operation is not tied to any other uses taking place at the site, it should be considered a principal use.

Special Permit Use: Operation of a restaurant (including BBQ pit) is not listed as an activity permitted by special permit as either a principal or accessory use in a residence zone. Licensed restaurants in New Canaan's business district must seek special permit approval to provide additional seasonal outdoor seating.

Conclusion: As New Canaan's Zoning Regulations do not permit the operation of a restaurant in a residence zone either as a principal or accessory use, the operation of a restaurant at Grace Farms for the general public should cease.

3. Retail Tea Room - The Pavilion - Tea Room:

Activity Description: One volume within the River Building complex is a beverage bar, commonly referred to as the Tea Room, with pots of tea for purchase. Originally designated as the site's "Welcome Center" on the approved 2012/2013-site plan, the applicant has instead elected to operate a retail beverage bar in this space. As the activities taking place in this structure are independent of any other activity taking place at the site, including the existing restaurant, it should be considered a principal use.

Special Permit Use: See analysis above regarding the operation of a restaurant in New Canaan's residence zones.

Conclusion: As New Canaan's Zoning Regulations do not permit the operation of a beverage bar in a residence zone either as a principal or accessory use, the Tea Room should cease operations in this structure.

4. Security House/Commercial Office Space:

Activity Description: The applicant has converted a family residence on the site into commercial offices without obtaining a special permit or any approvals from the Commission. The current space currently serves as a security house but can be used for commercial space. A similar conversion plan is under consideration by the applicant for another former family residence on the site.

Special Permit Use: Commercial office space is not listed as an activity permitted by special permit as either a principal or accessory use in a residence zone. Only a medical office and home office are permitted in the residence zones.

Additional Certificate of Occupancy Issue: The house at the entrance to the site was converted into offices without zoning or building department approval. This space could be used for other commercial offices.

Conclusion: As New Canaan's Zoning Regulations do not permit the operation of commercial offices in a residence zone either as a principal or accessory use, the use of this former family residence needs to come into compliance with the regulations.

5. Garden Shed:

Activity Description: The applicant has built a garden shed that exceeds the footprint and dimensions set forth on the approved site plan.

Special Permit Use: Accessory facilities, such as a garden shed, are permitted by special permit in New Canaan's residence zones. This garden shed should only be used for machinery, tools and items associated with the applicant's community garden. Should the applicant seek to use the shed as an animal manger to house donkeys, sheep, etc., then a principal use special permit for agricultural uses must be sought.

Additional Certificate of Occupancy Issues: As built, the Garden Shed exceeds the specifications on the final approved site plans. The applicant formally sought no variance approval. Emails were exchanged between former town planner Kleppin and the applicant, but no detail updates or site plans were submitted to document any approval of the variance.

Conclusion: As an approved accessory use, the Garden Shed should be associated with an approved principal use at the site. An "as built" audit should be performed at the site to document this garden shed's dimensions and bring it into compliance with the approved site plans.

6. Retail Gift Shop:

Activity Description: The applicant sells various merchandise items at its west barn structure and is operating a retail shop in a residence zone. No retail shops presently exist in any New Canaan residence zone. By way of example, The Glass House only sells merchandise items at its visitor center located in New Canaan's business district.

Special Permit Use: Retail activities are not permitted in New Canaan's residence zones. No special permits use would support this type of commercial activity.

Conclusion: All retail activity at the site should cease immediately. To the extent the applicant desires to conduct retail activities, the applicant should be directed to follow the example of The Glass House and locate its retail operations in New Canaan's downtown business district.

7. Large Public Events - Special Event Permitted Activities:

Activity Description: The applicant's calendar for the site documents numerous large-scale public events that have occurred at Grace Farms. Examples would include:

2016 Winter Carnival - Month-long winter carnival open to the public. Temporary structure built - Skating rink supported by generators (require special permit) which should have received a permit(s).

2016 Concert Series - Grace hosted outdoor concerts that normally would require a permit and are not permitted in a residential zone.

2016 & 2017 Earth Day - Facility open to the public to support commemoration of Earth Day. Numerous activities conducted and event was publicized via various regional media outlets.

In hosting these events, the applicant has, at times, set up temporary structures at the site, which also would have required oversight and review by the Commission and appropriate town agencies.

While many clubs and charitable organizations sponsor large public events in New Canaan, these entities are required to obtain proper permits from the Town as well as demonstrate approval and support from the proper authorities. At all times, as these events are open to the general public, the proper town support staff are onsite to ensure public health and safety. Approval for one year does not always mean that the event will be permitted the following year. Instead, these organizations come before the town annually and seek special permit approval. It should be noted as well that many of these events have been curtailed or have come under greater regulatory scrutiny in recent years. These events have grown over time and based upon their popularity, have faced additional controls when reviewed by the Town.

Examples of such other large public events in New Canaan include:

St Mark Church - Public May Fair - Police, Ambulance and Fire are required to be at this event. Event is subject to review by the town and proper authorities as well as onsite monitoring during the event.

Caffeine and Carburetors - Organization is required to get a permit and recently was only allowed to have 4 events annually. Support from the police department is required and the Town has designated hours for the car show.

Family Fourth – Private Party held at Waveny Park on 4th of July requires town review and oversight as well as support of police, fire and emergency medical services. Pyrotechnic activities are reviewed and closely regulated.

Special Permit Use: For public health and safety reasons, large public events/gatherings are subject to special permit review & approval and town oversight.

Conclusion: The applicant should not be given preferential treatment as compared to other New Canaan clubs and charitable organizations. The applicant should be required to obtain specific special permit approval for any planned large public events and have the appropriate town resources on hand to ensure public health & safety.

8. Public Park:

Activity Description: The general public is allowed access to the River Building complex, the barn complex and grounds of Grace Farms during its operating hours independent of any scheduled/organized activity.

Special Permit Use: A public park is a principal use permitted by special permit in a residence zone under the “Municipal Facility” principal use; which requires ownership or a leasehold interest in the property by the Town of New Canaan. Grace Farms is owned by Grace Farms Foundation, a private foundation, and the Town of New Canaan has no property interest in the site.

Conclusion: Privately owned public spaces are not permitted in New Canaan’s residence zones. General public access to Grace Farms should be prohibited for public health and safety reasons.

EXHIBIT 10

Class 1

| # | Name | Location |
|----|-------------------------------------|--------------------|
| 1 | ALLTOWN NEW CANAAN SOUTH #825 | Merritt Pkwy South |
| 2 | Bowtie Cinemas New Canaan Playhouse | 89 Elm St |
| 3 | CVS | 94 Park St |
| 4 | Funky Monkey by Pomme Inc | 4 South Ave |
| 5 | Goldenberry | 149 Cherry St |
| 6 | Kean's Korner LLC (Mobil Station) | 16 South Ave |
| 7 | Mackenzies | 7 South Ave |
| 8 | New Canaan Healthfare LLC | 2 Morse Ct |
| 9 | New Canaan Olive Oil | 98 Elm St |
| 10 | Station Services | 198 Elm St |
| 11 | Walgreens #09821 | 36 Pine St |

Class 2

| # | Name | Location |
|----|----------------------------------|--------------------|
| 1 | ALLTOWN NEW CANAAN NORTH #824 | Merritt Pkwy North |
| 2 | Baskin Robbins | 103 Main St |
| 3 | Columbus Center of New Canaan | 43 Vitti St |
| 4 | Connecticut Muffin | 108 Main St |
| 5 | Dunkin Donuts | 88 Elm St |
| 6 | Garcia Coffee Truck | <i>Itinerate*</i> |
| 7 | Gelatissimo | 26 Forest St |
| 8 | Green & Tonic | 5 Burtis Ave |
| 9 | Kaahve Coffee (new - March 2016) | 96 Main Street |
| 10 | Lapham Community Center | 663 South Ave |
| 11 | New Canaan Gulf (Gasworld LLC) | 36 South Ave |
| 12 | Oliveira Coffee Truck | <i>Itinerate*</i> |
| 13 | Oxygen Fitness LLC | 22 Pine St |
| 14 | Starbuck Coffee #877 | 88 Park St |
| 15 | Swirl | 111 Cherry St |
| 16 | Zumbach's | 77 Pine St |

Class 3

| # | Name | Location |
|----|--|---------------------|
| 1 | Bruegger's | 11 South Ave |
| 2 | Club Sandwich | 107 Cherry St |
| 3 | Country Club of New Canaan Golf Shack | 95 Country Club Rd |
| 4 | Country Club of New Canaan Pool Snacks | 95 Country Club Rd |
| 5 | Day Care Center of New Canaan | 156 South Ave |
| 6 | East School | 54 Little Brook Rd |
| 7 | Joe's Pizza | 23 Locust Ave |
| 8 | Kiwanis Park Snack Bar - Apple Cart | 77 Old Norwalk Rd |
| 9 | KPV CT New Canaan 95N, LLC d/b/a Dunkin Donuts | 47B Gerdes Rd North |
| 10 | KPV CT New Canaan 95S, LLC d/b/a Dunkin Donuts | 47B Gerdes Rd South |
| 11 | Mead Park - Apple Cart | 241 Park St |
| 12 | Miles Above LLC | 45 Grove Street |
| 13 | Mr Sushi & Dumpling (Sky Food Corp) | 229 Elm St |
| 14 | New Canaan Country School | 635 Frogtown Rd |
| 15 | New Canaan High School | 11 Farm Rd |
| 16 | New Canaan High School Concession | 3 Farm Rd |
| 17 | New Canaan Pizza | 53 East Ave |
| 18 | Saxe Middle School | 468 South Ave |
| 19 | Simply Delicious (YMCA) | 564 South Ave |
| 20 | South School | 8 Farm Rd |
| 21 | St Aloysios School - Apple Cart | 33 South Ave |
| 22 | Station Eats | 19 South Ave |
| 23 | Subway of New Canaan | 64 Main St |
| 24 | Susan Goodman Catering (Waveny) | 683 South Avenue |
| 25 | Waveny Castle | 677 South Ave |
| 26 | Waveny Pool - Apple Cart | 140 Lapham Rd |
| 27 | West School | 769 Ponus Ridge |

Class 4

| # | Name | Location |
|---|----------------------------|-------------|
| 1 | Acme #2633 | 288 Elm St |
| 2 | Baldanza Natural Market | 17 Elm St |
| 3 | Barolo Restaurant | 134 Main St |
| 4 | Cava Wine Bar & Restaurant | 2 Forest St |
| 5 | Chef Luis | 129 Elm St |

| | | |
|----|---|---------------------|
| 6 | Cherry Street East | 45 East St |
| 7 | Chicken Joe's - now NEW CANAAN CHICKEN | 151 Elm St |
| 8 | Chings Table | 64 Main St |
| 9 | Connecticut Sandwich Company | 78 Pine St |
| 10 | Country Club of New Canaan Restaurant | 95 Country Club Rd |
| 11 | Elm Restaurant | 73 Elm St |
| 12 | Fabulous Feasts Catering/Field Club snack bar | 164 Smith Ridge Rd |
| 13 | Farmer's Table | 12 Forest St |
| 14 | Fish Tales Seafood | 53 East Ave |
| 15 | Fjord Fish Market | 22 East Ave |
| 16 | Garellick & Herbs | 97 Main St |
| 17 | Gates Restaurant | 10 Forest St |
| 18 | Gingerbitz | 155 Elm St |
| 19 | Good2Gourmet | 31 Vitti St |
| 20 | Grace Farms | 365 Lukes Wood Rd |
| 21 | Hunan Taste | 25 Elm St |
| 22 | India (NEW- March 2016) | 62 Main St |
| 23 | J & J Sushi Corp. | 22 East Ave |
| 24 | Le Pain Quotidien | 81 Elm St |
| 25 | Locali Pizza Bar & Restaurant | 32C Forest St |
| 26 | Mrs Green's Natural Markets | 2 Pine St |
| 27 | New Canaan Diner | 18 Forest St |
| 28 | New Canaan Inn | 73 Oenoke Ridge |
| 29 | Pinocchio Pizza | 115 Main St |
| 30 | Roger Sherman Inn | 195 Oenoke Ridge |
| 31 | Rosie | 27 Elm St |
| 32 | S E Uncorked | 15 Elm St |
| 33 | Silver Hill Hospital | 208 Valley Rd |
| 34 | Silvermine Market | 1032 Silvermine Rd |
| 35 | Sole Ristorante | 105 Elm St |
| 36 | South End Restaurant | 36 Pine St |
| 37 | St Lukes High School | 377 North Wilton Rd |
| 38 | Tequila Mockingbird | 6 Forest St |
| 39 | Tony's Deli | 75 Pine St |

| | | |
|----|--------------------------|-------------|
| 40 | Vegetable Barn & Deli | 22 Cross St |
| 41 | Vicolo Pizza & Trattoria | 62 Main St |
| 42 | Walter Stewart's Market | 229 Elm St |
| 43 | Waveny Care Center | 3 Farm Rd |

EXHIBIT 11

Good morning Krishna and Rod,

Below is an email from a neighbor regarding some kids fishing at the lower pond yesterday afternoon in the lower pond. According to the neighbor, they took steps to notify Grace about this and it appears that there was no response. Please ensure that the hotline is functional and responsive and take whatever measures are necessary to secure that area from trespass and this type of activity. Please let me know what changes, as necessary, you intend to make. Thanks in advance for your cooperation.

Steve

-----Original Message-----

From: Jennifer Holme [<mailto:holmemarkatos@gmail.com>]

Sent: Monday, May 01, 2017 7:26 AM

To: Palmer, Steve

Cc: David; Jennifer Buczkiewicz; Mike Buczkiewicz

Subject: Sunday

Steve,

We want to report to you this Sunday we observed two fisherman using the Grace lower pond in the off limits area. They were there for sometime - easily a half hour or more and easily recognizable - i.e white t-shirt etc. This was in the afternoon around 3pm. At no time did Grace security pick up that these kids were there and had gone into the closed area. They simply fished. We called the hotline at 3:43 pm and after calling, we did not see anyone from Grace find them or speak to them in area but instead they decided to pack it in and head out.

Clearly the signs are being disregarded, security is not capable of monitoring a large property, permanent fencing is needed to deter the public west of the stream and why do the neighbors have to act as the control mechanism? It is concerning to us with a gap in the fence that someone can now take it upon themselves to come on to our property and perhaps take a swim or do something worse.

If you could please remind Grace that this area is closed, much appreciated.

Jennifer and David

Sent from my iPhone

This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution, or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone at 1-860-275-8200, or e-mail at it-admin@rc.com, and immediately delete this message and all its attachments.

-----Original Message-----

From: O'Hanlan, Edward V. [mailto:tohanlan@rc.com]

Sent: Monday, May 01, 2017 1:04 PM

To: Palmer, Steve <Steve.Palmer@newcanaanct.gov>

Cc: 'Krishna Patel' <kpatel@gracefarmsfoundation.org>; Rod Khattabi
<rkhattabi@gracefarmsfoundation.org>; Amy Souchuns <ASouchuns@hssklaw.com>

Subject: Reply to "Sunday."

Steve:

Thank you for forwarding the email below from a Foundation neighbor. As you can see, Ms. Holme did not copy the Foundation on her email.

I have spoken to the Foundation Safety Office to learn the following: On Sunday afternoon there was a call to the Safety Office from a person who stated that there were people fishing at one of the ponds and who stated "they need to get out." The person then hung up without identifying herself. The call lasted 19 seconds.

The safety staff inquired and was told that neighborhood boys had checked in at the welcome center and were known to be on the Property. The Foundation welcomes its neighbors to fish in the ponds on a "catch-and-release" basis. The pond in which they were fishing is entirely on Foundation property, and the walking trail goes alongside its west side; this is not the area in the eastern wetlands from which the trails have been relocated. For these reason, and without the identity of the caller, no further action was taken regarding the call.

Had Ms. Holme identified herself to the safety staff as a neighbor when she called, this information would have been relayed directly to her. I am copying Ms. Holme's attorney (I cannot communicate with a represented person) so that she will pass it along to her client. Thank you again for letting us know. Please let me know if you have any questions.

Ted

Edward V. O'Hanlan

Robinson & Cole LLP

1055 Washington Boulevard

Stamford, CT 06901

Direct 203.462.7556 | Fax 203.462.7599

tohanlan@rc.com | www.rc.com

Boston | Hartford | New York | Providence | Stamford
Albany | Los Angeles | Miami | New London

-----Original Message-----

From: Palmer, Steve [mailto:Steve.Palmer@newcanaanct.gov]

Sent: Monday, May 01, 2017 7:54 AM

To: 'Krishna Patel'; Rod Khattabi

Cc: O'Hanlan, Edward V.

Subject: FW: Sunday

From: Jen Holme <holmejenn@gmail.com>
Subject: **Response to your email.**
Date: May 1, 2017 at 3:27:47 PM EDT
To: tohanlan@rc.com
Cc: Amy Souchuns <ASouchuns@hssklaw.com>, David
<davidmarkatos@gmail.com>, Steve Palmer
<Steve.Palmer@newcanaanct.gov>

Ted,

Let's be clear on what has been communicated to the neighborhood and the facts surrounding yesterday's call.

1. Roy Medile has requested that the neighborhood call the dedicated security line when an issue presents itself. The neighborhood was told that this hotline has been established specifically for the neighborhood's benefit. The Grace Farms security staff fielded my call Sunday afternoon, took the information that they deemed pertinent for purposes validating the incident, and then ended the call.
2. During this withdrawal period, the walking trails are supposed to stop at the footbridge with visitors being redirected along a path adjacent to the stream. The pond system that the boys were fishing in Sunday is east of the footbridge and not part of any marked path that we are aware of. The boys could have only reached that pond by disregarding the closed trail sign on the footbridge, and then making their way through 20+ yards of underbrush to the ponds.

3. As you can see from the black chain link fence in the foreground of the picture -- which marks our property line with Grace Farms -- the boys were in fact fishing in the pond system east of the closed footbridge.

Thanks,

Jennifer

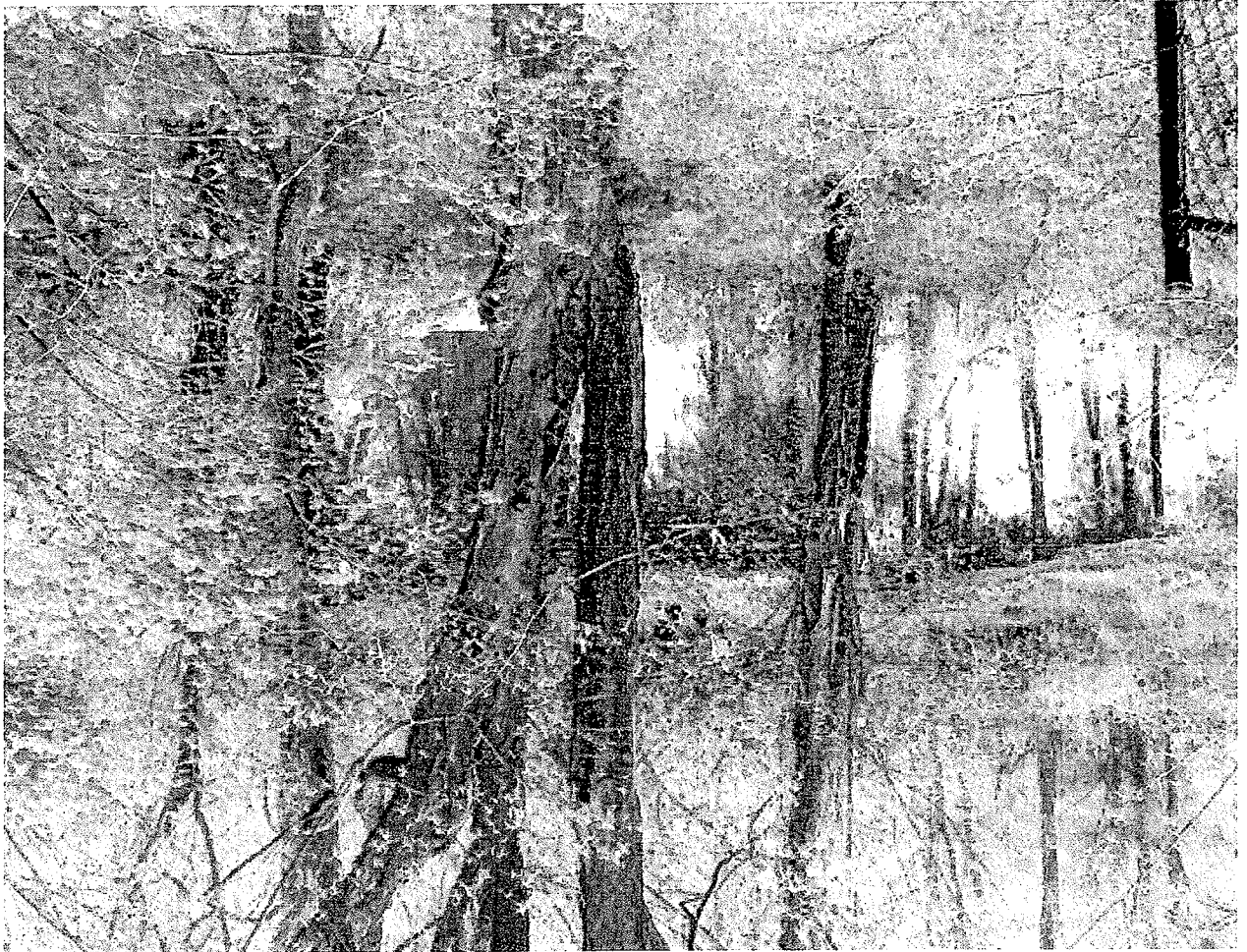


EXHIBIT 12

Enforcement Timeline – Grace Farms Sound Sculpture

Implicated Special Permit Condition:

Condition 39 – “Outdoor use of bullhorns, loudspeakers, or other amplifying devices is prohibited.”

A. October 2015

1. October 25, 2015

– Sent inquiry to Roy Medile, a director at Grace Farms Foundation, regarding the installation of a multi-speaker amplified sound sculpture around the large pond in Parcel 2 (approximately 30 acres) that abuts our property

2. October 27, 2015

– Roy responds that the sound sculpture is approximately 2 minutes long, and is presented on the half hour until dusk

– Roy advises that Parcel 2 is not subject to the special permit conditions, and that the town was notified of the art sound installation and its placement (triangulated) around the large pond

3. October 28, 2015

– Sent inquiry to Steve Kleppin regarding the amplified sound work, and requested confirmation about its conformance to state noise regulations and copies of the results of any sound metering

4. October 28, 2015

– Steve responds that Grace Farms Foundation had mentioned to him the installation of the “sound sculpture” on that Monday (October 26th).

– Steve directs us to the Police Department and that the Police Dept. has the equipment for measuring noise levels and is the town agency that handles noise complaints

B. November & December 2015

– Research and review Connecticut noise ordinances and flow-down of those regulations to local municipalities

C. January 2016

– Conference calls with the Office of Connecticut Attorney General

D. February 2016

1. February 27, 2016

– As the sound sculpture continues to play and be broadcast across our property, met with Officer Lambert at the Police Dept. to discuss the situation and Steve Kleppin’s referral

2. *February 28, 2016*

– At Officer Lambert’s suggestion, sent inquiry to Captain DiFederico of Police Dept. requesting an official decibel level reading to be taken at our property line

3. *February 29, 2016*

– Capt. DiFederico responds that the Police Dept. does not have the mechanism to measure sound volumes and has received no training to certify an officer to take an official decibel measurement, and that the town noise ordinance does not address artwork.

E. March 2016

1. *March 1, 2016*

– In a conference call discussing the situation, Capt. DiFederico makes clear that the Police Dept. has received neither the training nor the equipment to take an official decibel level reading per state regulations

F. May 2016

1. *May 13, 2016*

– With no ability for the Police Dept. to provide an official decibel reading, several abutting Smith Ridge neighbors send a series of letters to the Commission concerning, among other matters, the amplified sound sculpture at Grace Farms

G. June 2016

1. *June 25, 2016*

– Steve Kleppin issues a preliminary opinion letter to Grace Farms Foundation that raises concerns about a number of their activities and initiatives at Grace Farms, including whether or not the sound sculpture constitutes a “structure” on Parcel 2 which would be prohibited by the terms of the 2013 special permit

Begin forwarded message:

From: Roy Medile <rmedile@gracefarmsfoundation.org>
Subject: RE: Special Permit Condition #39 -- Amplifying Devices
Date: October 27, 2015 at 12:47:27 PM EDT
To: David Markatos <davidmarkatos@gmail.com>
Cc: Jennifer Holme <holmejenn@gmail.com>

Dear David and Jennifer,

Thank you for your kind email. The opening of Grace Farms has been a wonderful success and we are so thankful for all the support of the New Canaan community.

As you know a cornerstone of Grace Farms Initiatives is the Arts Program. We have commissioned a sound work by Susan Phillipsz on the large pond. Specifically, her work "New Canaan," is approximately 2 minutes long and it is presented on the half hour until dusk.

Please note that condition #39 refers specifically to the 48 acres on which we requested the Special Permit for, and where we have developed the "River Building." We do not have any outdoor amplification devices on this parcel. The sound installation on the large pond is on the 27 acre-property that is undeveloped and not subject to the Special Permit. Even though it is not subject to the Special Permit we still notified the Town of the art sound installation and its placement. We have also, and will continue to, abide by the local noise ordinance from the Town of New Canaan that all property owners are required to comply with.

In addition, we would welcome you to come visit Grace Farms at your convenience. It is a place for you and your family to enjoy as well.

Roy Medile
Controller & Human Resources Manager
tel 203.920.1903

365 Lukes Wood Road
New Canaan, CT 06840

Join us for our Cyber Initiative Launch, Leadership 360 & Exploration
on November 5th & 6th at Grace Farms

grace farms

From: David Markatos [<mailto:davidmarkatos@gmail.com>]
Sent: Sunday, October 25, 2015 7:55 AM
To: Roy Medile <rmedile@gracefarmsfoundation.org>
Cc: Jennifer Holme <holmejenn@gmail.com>
Subject: Special Permit Condition #39 -- Amplifying Devices

Roy, good morning. We trust this finds you well. Congratulations on the recent opening of Grace Farms. How exciting that must be for you and the foundation members.

With Susan Phillipsz' installation by the pond, we just wanted to remind you of special permit condition #39, which restricts outdoor amplification devices, whether as part of an exhibit, concert, etc. We would greatly appreciate your turning off the sound feature of this installation.

For ease of reference, we have excerpted the condition below:

"39. Outdoor use of bullhorns, loudspeakers, or other noise amplifying devices is prohibited."

Thanks in advance for your prompt attention to this request.

David & Jennifer

From: Kleppin, Steven <Steven.Kleppin@newcanaanct.gov>
Subject: RE: Grace Farms -- Special Permit Condition #39 -- Amplifying Devices
Date: October 28, 2015 at 3:31 PM
To: David Markatos <davidmarkatos@gmail.com>

I believe the Police Department has the equipment for measuring the noise levels and handles the complaints.

Steve

From: David Markatos [mailto:davidmarkatos@gmail.com]
Sent: Wednesday, October 28, 2015 3:30 PM
To: Kleppin, Steven
Cc: Jennifer Holme
Subject: Re: Grace Farms -- Special Permit Condition #39 -- Amplifying Devices

Ok; thanks Steve. Is it the Police Department or Environmental Dept. the local agency that performs metering procedures? We will want to validate the sound levels at our property line.
Regards, David

On Oct 28, 2015, at 3:18 PM, Kleppin, Steven <Steven.Kleppin@newcanaanct.gov> wrote:

Hi David & Jennifer,

I was on the site for another matter Monday. They mentioned the "sound sculpture" to me. They indicated it's on the second parcel they purchased, which is not part of the special permit. I believe it is their intention to leave the sculpture at that location.

They indicated to me that they tested the noise levels at the property line and they were below what was permitted in the noise ordinance.

Hope all is well.

Steve

From: David [mailto:davidmarkatos@gmail.com]
Sent: Wednesday, October 28, 2015 2:58 PM
To: Kleppin, Steven
Cc: Jennifer Holme
Subject: Grace Farms -- Special Permit Condition #39 -- Amplifying Devices

Steve, good afternoon. We trust this finds you well and enjoying the fall colors!

We have had some preliminary conversations with the folks at Grace Farms about their installation of an amplified sound work by Susan Phillipsz' on their property and how that squares with Special Permit Condition #39 which restricts the use of outdoor amplification devices. In case you are not aware, this sound work is presented on the half-hour

throughout the daytime until dusk.

We understand from Grace Farms that they had advised the town of this sound installation. Could you please share with us the correspondence related to this sound installation. Is this sound work intended to be a permanent or only temporary exhibit for purposes of their grand opening?

It would be great if you could also clarify exactly where on their property this sound work has been installed and whether sound measurement procedures were performed at the property lines of abutting neighbors to confirm that the amplified sounds coming from the exhibit conform to Connecticut's regulations for lands designated as within the Class A Noise Zone. If such metering procedures were performed, we would appreciate receiving a copy of those results as well as the location(s) where those metering procedures were performed.

Thanks in advance for your assistance with this request.

David & Jennifer

From: DiFederico, John [mailto:john.difederico@newcanaanct.gov]
Subject: RE: Request for Decibel Level Reading -- Grace Farms
Date: March 1, 2016 at 10:41 AM
To: David Markatos [mailto:davidmarkatos@gmail.com]
Cc: Jennifer Holme [mailto:jholme@newcanaanct.gov]

David

Please feel free to give me a call today. I will be in the office until 3pm

John D.

Captain John W. DiFederico
New Canaan Police Department
Staff Services Division Commander
174 South Avenue
New Canaan, Connecticut 06840
(203) 594-3515
(203) 594-3551 Fax
john.difederico@newcanaanct.gov
www.newcanaanpolice.org



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From: David Markatos [mailto:davidmarkatos@gmail.com]
Sent: Monday, February 29, 2016 12:40 PM
To: DiFederico, John
Cc: Jennifer Holme
Subject: Re: Request for Decibel Level Reading -- Grace Farms

John, many thanks for your note. This indeed is helpful. If we hire a consultant who is certified to measure decibel levels in Connecticut, will that be accepted by the town/police department as an official reading? Our concern lies with Grace Farm's compliance the Connecticut state regulations that govern sound levels emanating from residential zones.

If it would be helpful to discuss this matter in person later today or over the phone, please let me

know as I have taken a vacation day today, and would be available after 3pm.

Kind regards, David

On Feb 29, 2016, at 12:21 PM, DiFederico, John
<john.difederico@newcanaanct.gov> wrote:

David and Jennifer

Thank you for your email and hopefully I can give some guidance so this can be resolved. First let me say that we do not have anyone at the police department that can provide you with an official decibel reading. We simply do not have any training available that would certify our officer to take decibel measurements in these types of situations. Perhaps someone that specializes in sound engineering would be able to provide you with an official reading that would be useful to you.

The Town ordinance (<http://ecode360.com/9044963?highlight=noise%20noise,noises,noise#9044963>) specifically prohibits noises from exterior burglar alarms, equipment or machinery, motor vehicles, and construction equipment during certain hours. It specifies that these noises are allowed M-F from 7am – 7pm, Sat 8am – 6pm and Sun 10am – 4pm. The noise ordinance also exempts the following ; Bells, carillons or chimes associated with specific religious observances, or emanating from a building clock or school. The noise ordinance does not speak directly to artwork as is the case in this situation.

Based on the information that you have provided me it does not appear that this situation violates the Town noise ordinance. My suggestion would be to continue to work with Grace Farms and see if an agreeable solution can be found.

If you need anything further please let me know.

Captain John W. DiFederico
New Canaan Police Department
Staff Services Division Commander
174 South Avenue
New Canaan, Connecticut 06840
(203) 594-3515
(203) 594-3551 Fax
john.difederico@newcanaanct.gov
www.newcanaanpolice.org
<image002.png>

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From: David Markatos [<mailto:davidmarkatos@gmail.com>]
Sent: Sunday, February 28, 2016 2:28 PM
To: DiFederico, John
Cc: Jennifer Holme
Subject: Request for Decibel Level Reading -- Grace Farms

Captain DiFederico, good afternoon. Officer Lambert suggested that we reach for you.

We would like to have an official sound reading taken at our north western property line to measure the decibel level of an amplified sound work that has been installed at the Grace Farm property adjacent to the large pond. This "sound sculpture" — an approximately 2 minute long sound work — is presented throughout the year on the half-hour until dusk, and we can hear this sound work across our entire two-acre property. Our property — 1328 Smith Ridge Road in New Canaan — abuts both parcels comprising Grace Farms.

Our understanding from Steve Kleppin, the town's zoning enforcement officer, is that the police department is charged with ensuring compliance with the state and local noise ordinances.

Could you please let us know when we could arrange to have an official decibel level reading taken at our property line.

Thanks in advance,

David Markatos & Jennifer Holme

EXHIBIT 13

1 would see a projected portion of that or if you're
2 seeing the ceiling surface, you would see the light
3 that's on the ceiling surface also that's correct.
4 And what I wanted to put up here, just as comparison,
5 the Markatos family was concerned that we would have
6 this glowing band at 60 feet long, and I hope the last
7 slide shows we don't really expect that.

8 The second piece that I wanted to
9 talk about here is exactly what you just brought up,
10 and the question is do you still read this glow for
11 the entire length, because you're seeing the roof
12 surface, and on the ground surface we talked about the
13 amount of light there. It's from -- it ranges in
14 order of magnitude of 10 percent to 50 percent of what
15 you would see from a candle lit a foot away landing on
16 the ground.

17 And then the second point to note
18 here is because -- this is another point I was trying
19 to make in the previous presentation, but I didn't
20 have a slide to show it and this shows it. We do have
21 light on the underside of the ceiling surface and on
22 the covered walkway between the buildings. But from
23 the view from Smith Ridge Road, which is what you're
24 seeing at the top, you're largely seeing external
25 roof, which means that the internal, the underside of

EXHIBIT 14

GRACE FARMS FOUNDATION, INC.
SPECIAL PERMIT APPLICATION -- SUMMARY OF SUBSTANTIVE CHANGES SINCE 2013 APPROVAL

| <u>Item</u> | <u>2013 Approval</u> | <u>2016 Withdrawn Application</u> | <u>2017 Renewed Application</u> | <u>Comments</u> |
|--------------------------------------|---|--|---|---|
| 1. Principal Use | Religious Institution | a. Religious Institution b. Club or Organization C. Philanthropic/Eleemosynary Institution | a. Religious Institution b. Club or Organization C. Philanthropic/Eleemosynary Institution | New Canaan's Zoning Regulations prohibit multiple principal uses in the lowest density 4-acre residential zone where Grace Farms is located |
| 2. Accessory Uses | a. Bible Studies b. Church Socials c. Ministry Meetings d. Sunday School e. Individual Counseling f. Youth Programs g. Pastor's Meetings h. Pantry Collection i. AA Meetings j. Pick-up Basketball | --- | a. Limited Food Service b. Space Grants for Nonprofits c. Walking trails/Tours/Passive Recreation d. Entry House Operations Center | <p>Renewed Application omits (i) accessory uses to Religious Institution use, (ii) staff office building accessory use, and (iii) artist-in-residence building accessory use</p> <p>Proposed accessory use of limited food service (i) constitutes a prohibited retail activity in a residential zone, (ii) is not associated with any proposed principal use, and (iii) itself constitutes a principal use</p> <p>Proposed artist-in-residence accessory use is not associated with any proposed principal use</p> |
| 3. Parcels Subject to Special Permit | Lot 77 (48 acres) | Lot 77 | Lot 77, Lot 76 (27 acres) and 82 Puddin Hill Road (5 acres) | All New Canaan parcels comprising Grace Farms to be subject to special permit conditions |
| 4. Site Plan Changes | Special Permit Conditions Nos. 3, 5, 6, 27 & 28 | --- | a. Buffers/Screening/Fence Barriers for Neighbors b. Trail Delineation and Signage | No screening proposed to address light pollution from evening activities at River Building |

GRACE FARMS FOUNDATION, INC.
SPECIAL PERMIT APPLICATION -- SUMMARY OF SUBSTANTIVE CHANGES SINCE 2013 APPROVAL

| <u>Item</u> | <u>2013 Approval</u> | <u>2016 Withdrawn Application</u> | <u>2017 Renewed Application</u> | <u>Comments</u> |
|--------------------|--|-----------------------------------|---|--|
| | <p>No. 3 – Abutting Neighbor Landscaping Plans</p> <p>No. 5 – Curt Landscaping</p> <p>No. 6 – Markatos Landscaping</p> <p>No. 27 – Ostling Landscaping</p> <p>No. 28 – Ostling Landscaping</p> | | | <p>Insufficient plantings proposed to screen cars parked in Grace Farms' southernmost parking lot from the viewshed of all Smith Ridge neighbors</p> <p>Proposed fence barriers do not constitute a continuous fence line and are easily circumvented by visitors</p> <p>Proposed placement of fence barriers does not allow for the creation of a security "white space"</p> <p>Significant other acreage available at Grace Farms for walking trails that would not impact wetlands or encroach on abutting neighbors</p> <p>Seasonal access proposed for trail looping through 4-acre dedicated open space wetlands</p> |
| 5. Management Plan | N/A | --- | <p>Management Plan to include:</p> <p>a. Neighborhood Outreach Plan</p> <p>b. Safety Protocol</p> <p>c. Site Management through Parking</p> <p>d. Description of Events and Procedures for attendance</p> <p>e. Description of the Space Grant process</p> <p>f. Long Range Plans</p> | <p>Anticipated increase of more than 40 parking spaces at Grace Farms (see, for example, Appendix H to Withdrawn Application) undercuts credibility of Applicant's suggestion of site management through existing parking</p> |

GRACE FARMS FOUNDATION, INC.
SPECIAL PERMIT APPLICATION -- SUMMARY OF SUBSTANTIVE CHANGES SINCE 2013 APPROVAL

| <u>Item</u> | <u>2013 Approval</u> | <u>2016 Withdrawn Application</u> | <u>2017 Renewed Application</u> | <u>Comments</u> |
|--------------------------------------|--|-----------------------------------|--|---|
| | | | | <p>Notwithstanding clear "institutional creep" since 2013 Approval, Applicant unwilling to agree to a moratorium re. further zoning applications to provide certainty to the neighborhood re. the nature of the institutional use and demonstrate compliance with stipulated conditions</p> <p>Grace Community Church's activities outside scope of management plan</p> <p>Applicant unwilling to agree to a formal open space dedication re. Lot 76 (27 acres)</p> |
| 6. Reduced Public Hours of Operation | <p>7AM to 11PM daily</p> <p>Since 2007 Approval, use of Grace Farms limited to congregants & clergy of Grace Community Church. General public access limited to accessory uses (e.g. Alcoholics Anonymous)</p> | --- | <p>a. Sunday: Noon – 7 PM</p> <p>b. Monday: Closed</p> <p>c. Tuesday – Saturday: 10AM to 7PM</p> | <p>Proposed operating hours limited to general public visitation – no proposed reduction in hours events can occur at Grace Farms</p> <p>No consideration given to when neighbors are most likely to be active at and enjoying their respective properties – i.e. weekends and in the evenings after work</p> <p>No other institutional use in New Canaan has unregulated hours for its programming events.</p> |

GRACE FARMS FOUNDATION, INC.
SPECIAL PERMIT APPLICATION -- SUMMARY OF SUBSTANTIVE CHANGES SINCE 2013 APPROVAL

| <u>Item</u> | <u>2013 Approval</u> | <u>2016 Withdrawn Application</u> | <u>2017 Renewed Application</u> | <u>Comments</u> |
|---|---|-----------------------------------|--|--|
| 7. Church and Foundation Evening Lighting | <p>Special Permit Conditions Nos. 35 – 38</p> <p>No. 35 – Interior Lighting Motion Sensors</p> <p>No. 36 – Exterior Lighting off by 11pm</p> <p>No. 37 – Exterior Lighting comply with Regulations</p> <p>No. 38 – Exterior Up-lighting</p> | --- | <p>a. Policy for lowering intensity of interior lights during events seasonally</p> <p>b. Policy for lowering intensity of exterior security lighting</p> <p>c. Earlier shut-off when not in use</p> | <p>2013 Approval mandated light sensors to cut-off interior lighting when no activity</p> <p>Variable (i.e. policies evolve) versus permanent solution that screening or a full light “cut-off” at dusk provides</p> <p>Neighbors shouldn’t have burden of monitoring Applicant’s compliance and calling for enforcement</p> <p>Light trespass caused by intensity of glowing band of interior lights that are orders of magnitude greater than Applicant’s representation to Commission of “less than 50% of 1 foot candle” of light spill-over at January 2013 P&Z hearing</p> <p>River Building should be completely dark during the overnight hours</p> <p>Renewed Application contemplates a level of activity at Grace Farms with corresponding impacts & encroachments to the neighborhood that is significantly greater than contemplated in the 2013 Approval</p> |

GRACE FARMS FOUNDATION, INC.
SPECIAL PERMIT APPLICATION -- SUMMARY OF SUBSTANTIVE CHANGES SINCE 2013 APPROVAL

| <u>Item</u> | <u>2013 Approval</u> | <u>2016 Withdrawn Application</u> | <u>2017 Renewed Application</u> | <u>Comments</u> |
|--|---|-----------------------------------|---|--|
| 8. Limitation on Type/Number of Events | <p>Special Permit Conditions Nos. 1, 7 – 13</p> <p>No. 1 – Religious Institution use</p> <p>No. 7 – Worship only in Sanctuary</p> <p>No. 8 – Multiple Religious Services</p> <p>No. 9 – No other use of Grace Farms when Religious Services occurring</p> <p>No. 10 – Grace Farms not to be used as a School</p> <p>No. 11 – No renting/use of Grace Farms by For-profit Organizations</p> <p>No. 12 – No use of Grace Farms as a Conference Center</p> <p>No. 13 – Use of Gym or Athletic Field by Outside</p> | --- | <p>Event restrictions for Foundation and Religious Institution principal uses:</p> <p>a. Large Events (= attendance at one time > 700): 12 per year</p> <p>b. Regular Events (=300 > attendance at one time <700): 24 per year</p> <p>c. Sustainability Events (=25 > attendance at one time <300): 24 per year</p> <p>i. Limited opportunity to host for-profit entities.</p> <p>ii. Consultation with Zoning Official.</p> <p>iii. Will count as Large Event or Regular Event if attendance at one time</p> <p>d. Closing of site whenever attendance at one time > 500</p> | <p>No limitations imposed on Club activities</p> <p>No limitations imposed on architectural and/or landscape tours</p> <p>Religious services, weddings, memorials, etc. excluded from any limitations</p> <p>Unlimited events of up to 300 persons each year</p> <p>No limitations on concurrent events</p> <p>Each year an aggregate of 60 Large Events, Regular Events and Sustainability Events – in other words at least 1 significant Foundation event per week. Combined with Sunday Services, then at least 2 significant events per week at Grace Farms</p> <p>A condition prohibiting for-profit activities at Grace Farms has been in effect since the 2007 Approval</p> <p>During 2012/2013 proceedings, Applicant repeatedly assured Commission that Grace Farms</p> |

GRACE FARMS FOUNDATION, INC.
SPECIAL PERMIT APPLICATION -- SUMMARY OF SUBSTANTIVE CHANGES SINCE 2013 APPROVAL

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|--|--|-----------------------------------|--|--|
| | Organizations requires Commission approval | | | <p>operations, management/staff and maintenance were fully funded.</p> <p>No proposed limit on space grantees</p> <p>New Canaan's existing security & safety infrastructure insufficient to handle a major incident at Grace Farms (e.g. active shooter at a Large Event) and a large structure fire, multi-car accident or serious domestic incident happening contemporaneously in other parts of town</p> |
| 9. Limitations on Accessory Food Service | --- | --- | <p>a. General Public Visitors</p> <p>i. Lunch only 11 AM to 3 PM Tues. – Sat.; Sunday Noon – 3 PM.</p> <p>ii. Snacks/beverage 10 AM to 6 PM</p> <p>iii. Self-service; no carryout.</p> <p>iv. Commons and Pavilion only</p> <p>b. Report annually to Commission on revenue/costs</p> | <p>Proposed accessory use of limited food service (i) constitutes a prohibited retail activity in a residential zone, (ii) is not associated with any proposed principal use, and (iii) itself constitutes a principal use</p> <p>Serves as a magnet to attract more visitors to Grace Farms and therefore increasing intensity of use at site with corresponding impacts and encroachments on neighborhood</p> |
| 10. Other | Special Permit Conditions Nos. 13, 31 and 39 | --- | <p>a. Use Foundation Safety Staff Certified Flaggers for traffic control on Sunday/events where traffic/overflow parking is anticipated</p> | <p>A condition mandating police control of traffic entering/exiting Grace Farms at all Sunday Services, holidays and special events has been in place since the 2007 Approval</p> |

GRACE FARMS FOUNDATION, INC.
SPECIAL PERMIT APPLICATION -- SUMMARY OF SUBSTANTIVE CHANGES SINCE 2013 APPROVAL

| <u>Item</u> | <u>2013 Approval</u> | <u>2016 Withdrawn Application</u> | <u>2017 Renewed Application</u> | <u>Comments</u> |
|-------------|---|-----------------------------------|--|---|
| | <p>No. 13 -- Use of Gym or Athletic Field by Outside Organizations requires Commission approval</p> <p>No. 31 -- Stationing of Police Officers at Grace Farms Driveway and Rte. 123 Intersection</p> <p>No. 39 -- Noise Amplifying Devices Prohibited</p> | | <p>b. Use amplification for scheduled outdoor programs, but in observation of Town noise ordinance</p> <p>c. Limited seasonal display (11AM to 3 PM) at Cattail Pond of site-specific art installation, "New Canaan," by Susan Philipsz.</p> <p>d. Use of athletic field or court for athletics by outside groups subject to Commission approval</p> | <p>The intersection of Rte. 123 and Puddin Hill Road is in New York State and New York has its own licensure requirements for traffic flaggers</p> <p>A condition prohibiting amplified sound outside at Grace Farms has been in effect since the 2013 Approval</p> <p>There is no prohibition on Applicant installing "New Canaan" sound work inside River Building or barn complex</p> <p>A condition mandating Commission approval of use of athletic field/basketball court by outside groups has been in place since the 2007 Approval</p> |

EXHIBIT 15

CONDITION LEGEND**1. Amended & Restated Grace Farms Operating Conditions:**

-- Following Planimetrics' recommendation, the below conditions represent proposed amended & restated operating conditions for Grace Farms. These operating conditions are fully endorsed by the families owning property at 1258 Smith Ridge Road and 1328 Smith Ridge Road, both of whom directly abut the Grace Farms development.

2. Condition Theme:

-- Each condition is labeled with a theme -- "Reporting" for example -- that describes the general nature and purpose of the condition.

3. Condition Application:

-- Those conditions labeled "All" under the column "Special Permit Use" apply irrespective of the special permit principal use approved for Grace Farms

-- Those conditions labeled with a specific special permit principal use -- "Religious Institution" for example -- would apply only if that specific special permit principal use is approved for Grace Farms

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|----|------------|--------------------|---|---|---------------------------------------|--|---|
| A1 | Scope | All | The entire 80+/- acre site (Parcels 1 and 2, and the 4.61-acre property commonly known as 82 Puddin Hill Road that abuts Parcel 2) shall be operated under the terms and conditions of this Special Permit. Any new structure or facility, or modification to an existing or approved structure or facility, that is not contained within the text of this Special Permit or results in a change or intensification of use or increase in vehicular traffic, requires an additional Special Permit from the Commission. No accessory use of the property beyond what is specifically approved by the Commission is permitted without further Special Permit approval. | Grace Farms is marketed and used as one contiguous parcel. Ensures that intensity of use and neighbors' concerns re. security, safety and privacy are managed consistently across the entire site. Furthermore, as per the gracefarms.org website, the Foundation has declared that "[a]pproximately 77 of the 80 acres will be retained in perpetuity as open meadows, woods, wetlands, and ponds," leaving little basis for objection to incorporating the entire 80 acres within the purview of these conditions. This condition mirrors a similar operating condition in effect at Irwin Park. | Similar Concept Proposed by Applicant | Major Recommendation & Management Plan Consideration | - |
| A2 | Reporting | All | The Applicant shall designate one (1) board member as a community liaison, and that board member shall notify the Zoning Inspector in writing within five (5) business days of the receipt of any complaint related to any site activity and outline the response/corrective measures taken to address that complaint. The designated board member shall ensure that abutting neighbors are simultaneously provided with copies of all reports required to be delivered to representatives of the Town of New Canaan hereunder. | Formalized process ensures that infractions are properly documented and establishes a defined process for remediation and dialog between the Applicant and neighborhood. Current process is ad-hoc and awareness to concerns and issues raised by the neighborhood are not being addressed in a timely or comprehensive manner. This condition mirrors similar operating conditions in effect at the Glass House property, Irwin Park, Silver Hill Hospital and the YMCA development. | Similar Concept Proposed by Applicant | | - |
| A3 | Activities | All | There shall be a ten (10) year moratorium, beginning at the date of publication of this approval, imposed on requests with respect to (i) additional special permit modifications or amendments, (ii) site plan modifications or amendments, or (iii) a new special permit or a new site plan for any parcel comprising the Grace Farms site, including the 4.61-acre property commonly known as 82 Puddin Hill Road that abuts Parcel 2. The Applicant acknowledges and agrees that should the Zoning Inspector find a violation of any of these conditions (i) a <i>per diem</i> fine equal to the maximum permissible by law shall be assessed against the Applicant for each condition violated, and (ii) specific privileges granted to the Applicant under this Special Permit shall be subject to immediate suspension notwithstanding any prior approval by the Zoning Inspector and/or Commission. | Similar to the moratorium agreed in 2016 for the benefit of the abutting neighbors of the Glass House, this provides the neighborhood, after the past 10 years of proceedings before P&Z, with a degree of certainty around the scope of permitted activities at Grace Farms by eliminating the potential for "institutional creep", and provides assurances - in the form of potential monetary fines and revoked privileges - that the Applicant will abide by the conditions of this Special Permit. Also allows for the Applicant to demonstrate to the town that it can comply with the stipulated conditions going forward. | | | - |
| A4 | Activities | All | The site shall not be used as a public park. | Reduces intensity of usage; addresses privacy, safety and security concerns of abutting neighbors. | | Management Plan Consideration | Proposed as a condition to the 2013 special permit. |
| A5 | Reporting | All | The Applicant shall submit annual traffic reports to the Commission through calendar 2020. The reports shall include, but not be limited to, determinations of the level of service at the following intersections: the Applicant's driveway/Luke's Wood Road, Puddin Hill Road/Route 123, Luke's Wood Road/West Road and Luke's Wood Road/Route 124. In addition to levels of service, the traffic reports shall also evaluate the on-site parking and attendance records obtained from the Applicant. The traffic reports shall not only include Sunday services, but also account for mid-week peak activities. | Existing condition that ensures continued monitoring of traffic conditions with respect to the site. | | Major Recommendation | Yes - Condition 32 (2013) |
| A6 | Reporting | All | The Commission reserves the right to retain the assistance of its own traffic consultant to conduct an independent review of the annual traffic report, at the Applicant's expense, in accordance with section 8.1.E.2 of the Regulations. Should the subsequent traffic reports indicate that levels of service at the studied intersections have deteriorated since the initiation of activities at Grace Farms, the Commission reserves the right to require mitigation remedies, including, but not limited to, the placement of additional police officers in the vicinity | Existing condition that allows the Commission to engage an impartial expert at their discretion. Mechanism to address and mitigate any traffic-related issues at the site. | | Major Recommendation | Yes - Condition 33 (2013); Condition 4 (2008) |

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|-----|-----------------|--------------------|--|---|---------------------------------------|-------------------------------|------------------------------|
| A7 | Reporting | All | Bi-annually (Spring and Fall), the Applicant shall cause all elements of the storm water management system identified by the Applicant in the two page memo "Storm water Facilities Maintenance Plan" to be inspected by an independent technically qualified individual to validate compliance with such maintenance plan; and the independent inspector shall submit a report of such findings and recommendations to the Applicant with a copy to the Planning and Zoning Department. To assure proper functioning of the storm water system, any and all issues identified in the report shall be repaired/corrected within 30 days of notice to the Applicant. | Existing condition that allows for monitoring and correction of storm water-related issues at site. | | | Yes - Condition 24 (2013) |
| A8 | Reporting | All | The Applicant shall submit on an annual basis to the Commission an emergency action plan and a security site assessment report with respect to Grace Farms. Such reports shall be commissioned by a nationally recognized, ASIS International accredited, security services firm and shall be delivered to the abutting neighbors simultaneous with their delivery to the Commission. Within 90 days of receipt of the report, the Applicant shall address any deficiencies identified in the report or explain its alternative plans to the Commission and the abutting neighbors in writing. The New Canaan Police Chief will review and approve the Applicant's annual emergency action plan. | Ensures that the Applicant's emergency and security procedures at Grace Farms are comprehensive and in-line with current best practices. Also ensures complete transparency regarding security & safety incidents and concerns. This condition will also allow the Commission to adjust or correct any security & safety issues directly with the Applicant. | | Major Recommendation | - |
| A9 | Enforcement | All | The Chairman of the Commission shall appoint a Special Zoning Inspector to serve as the Zoning Inspector for all purposes of this Special Permit during the moratorium period set forth in Condition A3. The Special Zoning Inspector shall be certified as a CZEO by CAZEO and shall responsible for (i) managing the Applicant's compliance with the conditions of this Special Permit, (ii) coordinating with the Applicant's community liaison referenced in Condition 2 and abutting property owners to Grace Farms, and (iii) reviewing and approving any proposed programming events at Grace Farms. The Special Zoning Inspector shall report to the Chairman of the Commission and shall issue an annual compliance report. The Applicant shall contribute up to \$50,000 per year toward the cost of the Special Zoning Inspector during the moratorium period referenced in Condition A3. | Enforcement of the 2013 special permit conditions has been inconsistent and has exacerbated a situation of non-compliance. A dedicated institutional use enforcement officer would be prudent for New Canaan. | | | - |
| A10 | Enforcement | All | The Commission reserves the right to conduct periodic reviews, both on-site and off-site, to determine compliance with the terms and conditions of this approval, and to amend or revoke said approval, including, without limitation, suspending specific privileges granted to the Applicant under this Special Permit (for example, the ability to hold programming events at Grace Farms) for failing to comply with one or more of the terms and conditions of this approval. Any abutting property owner to the Applicant shall be deemed a third party beneficiary of the terms and conditions of this approval for all purposes. The Applicant shall be responsible for any costs and reasonable attorney's fees associated with enforcing the terms and conditions of this approval. | Pro-active review and enforcement of zoning rules coupled with impactful penalties if violations are found, will help establish a culture of compliance at the Applicant. Revoking programming privileges (as opposed to simply levying monetary fines) should help drive compliance with zoning regulations. This condition mirrors a similar operating condition in effect at the Glass House property. | | Major Recommendation | - |
| A11 | Scope | All | The granting of this Special Permit does not obviate the Applicant's obligation to obey all federal, state and local laws, or to obtain any required federal, state and local permits. | Existing condition that helps drive a culture of compliance at the Applicant. | | | Yes - Condition 14 (2013) |
| A12 | Operating Hours | All | Grace Farms may be open no more than six days a week and shall be closed on all Federal and Connecticut holidays. Grace Farms shall be open between the hours of 10:00 A.M. and 6:00 P.M. If the principal use is club or philanthropic, (i) the site may be open until 8:00 P.M. one extended evening per week, except on Saturday or Sunday, and (ii) once per month, in connection with a special programmatic event, the weekday extended evening close hour may be further extended from 8:00 P.M. until 10:00 P.M. If the principal use is Grace Community Church (religious institution), the site may be open on commonly recognized Christian holidays for religious observances. | Condition serves to mitigate intensity of use; and address neighborhood concerns about security, safety and privacy. This condition mirrors a similar operating condition in effect at the Glass House property. | Similar Concept Proposed by Applicant | Management Plan Consideration | - |
| A13 | Activities | All | There shall be no public advertising, marketing or promotion of the Commons kitchen facilities. The Commons kitchen facilities shall be operated only as an incidental amenity for programmatic events conducted under the principal use designation. The Commons kitchen facilities shall be subject to all relevant health codes and inspections and shall be operated in accordance with all applicable Connecticut and New Canaan registration and licensing requirements. No alcoholic beverages shall be served at the Commons. All alcohol will be served at only at designated special events and will have the proper permitting as required by the State of Connecticut and local laws. | In conjunction with the public park condition, this mitigates intensity of use by limiting operation of the Commons kitchen for only programming events; Grace Farms would no longer be engaged in commercial retail activities or serve as a destination location for the general public. | Similar Concept Proposed by Applicant | Management Plan Consideration | - |

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|-----|---------------------------------------|--------------------|--|---|--------------------------|-------------------------------|--|
| A14 | Activities | All | The Applicant must obtain all necessary permits for any programming events at the site from the Building Department, Health Department, Police Department and Fire Marshall. Any required support services provided by the Town of New Canaan for any programming event shall be at the Applicant's expense. No events shall be held at Grace Farms by or for the benefit of or in conjunction with (i) any "for profit" organization or (ii) any "not-for-profit" organization except pursuant to the Applicant's designated principal use. | Other institutions within town pull the appropriate permits when hosting programming events -- e.g. St. Mark's Episcopal Church's annual May Fair. This ensures that the town has adequate health & safety coverage at the programming event should the need arise, and allows for the town to flex its municipal resources in a responsible and timely manner to meet the community's needs as they may arise. This condition mirrors a similar operating condition in effect at the Glass House property. | | | - |
| A15 | Activities | All | The property shall not be used as a school as defined in the Regulations. | Existing condition that mitigates intensity of use. | | | Yes - Condition 10 (2013); Condition 4 (2007) |
| A16 | Activities | All | There shall be no renting or use of any portion of the property, including any building or athletic field, to (i) outside commercial or "for-profit" organizations, or (ii) "not-for-profit" organizations except pursuant to the Applicant's designated principal use. | This condition has been modified from the existing condition to dovetail with the principal use of the site. The existing condition reads - "There shall be no renting or use of any portion of the property including any building or the athletic field to outside commercial or for-profit organizations, or to non-profit organizations unaffiliated with Grace Community Church". If the Applicant now elects philanthropic or eleemosynary as its principal use, then based upon their developed space grant program, the Applicant can permit a space grant holder to use the site. | | | Yes - Condition 11 (2013); Conditions 3 & 5 (2007) |
| A17 | Activities | All | No commercial activities of any nature, including, but not limited to, the sales of souvenirs, merchandise and food, shall be permitted on the site. | This condition mirrors a similar operating condition in effect at the Glass House property. | | Management Plan Consideration | |
| A18 | Activities | All | The gymnasium and athletic field shall be incidental and accessory to individuals and activities related to the Applicant's designated principal use, and shall not be rented or used by outside organizations. There shall be only one athletic field permitted on the property. | This condition serves to mitigate intensity of use and has been modified from the existing condition to dovetail with the principal use of the site. The existing condition reads - "The proposed gymnasium and athletic field shall be incidental and accessory to individuals and activities related to the Applicant and shall not be rented or used by outside organizations without the approval of the Commission." Given the Applicant's history of allowing outside organizations to use its gymnasium and athletic field without seeking Commission approval, that exception mechanism has been removed. | | Management Plan Consideration | Yes - Condition 13 (2013); Condition 5 (2007) |
| A19 | Environmental and Landscaping Matters | All | The Applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourses. | Existing condition that addresses environmental matters. | | | Yes - Condition 23 (2013); Condition 8 (2007) |
| A20 | Environmental and Landscaping Matters | All | The Applicant shall comply with all terms and conditions of the Long Term Stewardship Plan approved by the Inland Wetlands Agent. | Existing condition that addresses environmental matters. | | | Yes - Condition 26 (2013); Condition 9 (2007) |
| A21 | Environmental and Landscaping Matters | All | The Applicant shall submit a landscape maintenance agreement, approved by the Zoning Inspector, to be recorded on the Land Records for all required plantings and screening installed at Grace Farms as a condition to the approval of the 2013 Special Permit and required to be installed for the benefit of the Smith Ridge neighbors as a condition of this approval. Any dead and dying plants shall be replaced within three (3) months by the Applicant. | Mitigates abutting neighbors' concerns re. lighting, security and privacy. Expands on existing Conditions 5, 6 & 28 | | | Yes - Conditions 5, 6 & 28 (2013) |
| A22 | Environmental and Landscaping Matters | All | The Applicant shall preserve as dedicated open space (i) a 4-acre area on the easterly side of Parcel 1, as delineated on Exhibit 1 of the May 2008 approval and (ii) the entire Parcel 2. | In 2008, the Applicant agreed to the following an open space requirement -- "The Church will preserve as open space an area on the easterly side of the Church parcel as delineated on Exhibit I hereto which will be an additional condition of this Amendment to Special Permit." In its marketing and promotional materials, the Applicant touts that it has preserved 77 of the 80 acres comprising Grace Farms as open space for the benefit of the community. A formal open space dedication by the Applicant with respect to Parcel 2 would help the town to meet its statutory open space preservation obligation under Connecticut public law (incorporated by reference in New Canaan's POCD), and is necessary to mitigate the intensity of usage of the property and address neighbors' concerns regarding continued institutional creep. | | | Yes - Condition 43 (2013); Condition 10 (2008) |
| A23 | Parking Matters | All | Any proposed (i) increase to the number of parking spaces, (ii) expansion of paved surfaces, and/or (iii) change in parking lot configuration as indicated on the Overall Site Development Plan (C-100), requires an amendment to the Site Plan and Special Permit applications. | Existing condition. Mitigates intensity of use and abutting neighbors' concerns re. traffic and noise. Parking is one of the ways that the Commission can enforce and manage activity levels at the site. | | Major Recommendation | Yes - Condition 29 (2013) |

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|-----|---------------------------|--------------------|--|---|--|-------------------------------|---|
| A24 | Parking Matters | All | At no time shall there be parking at any residential property (including the 4.61-acre property commonly known as 82 Puddin Hill Road that abuts Parcel 2), along any Street (as defined in the Regulations) or roadway in the State of New York, or on the field grounds of Grace Farms, for any event or activity taking place at Grace Farms. Any overflow parking that may be necessary for any programmatic event shall be approved in advance by the Zoning Inspector with arrangements made at the Applicant's expense to shuttle guests to and from Grace Farms and the approved overflow parking location(s). All parking lots at Grace Farms shall be fully-screened and not visible from any abutting property. | Mitigates intensity of use and abutting neighbors' concerns re. traffic, noise and privacy. Expands on existing Condition 30. This condition mirrors a similar operating condition in effect at the Glass House property and Irwin Park for the benefit of abutting neighbors. | | Management Plan Consideration | Yes - Condition 30 (2013) |
| A25 | Lighting & Sound Matters | All | There shall be no lighting of the athletic field. | Existing condition. Reduces light pollution, external noise issues and intensity of use. | | Management Plan Consideration | Yes - Condition 34 (2013); Condition 7 (2007) |
| A26 | Lighting & Sound Matters | All | All interior lighting in the River Building shall include motion sensors that shut off interior lighting due to inactivity. | Existing condition. Reduces light pollution. | | Management Plan Consideration | Yes - Condition 35 (2013) |
| A27 | Lighting & Sound Matters | All | Exterior lighting including parking lighting, with the exception of indoor security lighting, shall be turned off at the designated closing time of the facility. | Light pollution continues to be a significant adverse impact to the abutting neighbors due to the size, scale and predominantly glass architecture of the River Building complex. A requirement that the parking lot lighting being turned off will serve to mitigate the lighting impact on abutting properties. Expands on existing Condition 36. | Similar Concept Proposed by Applicant | Management Plan Consideration | Yes - Condition 36 (2013) |
| A28 | Lighting & Sound Matters | All | All exterior lighting shall comply with sections 6.11.B.1, 6.11.B.2, 6.11.B.3, 6.11.B.7 and 6.11.B.8 or as otherwise approved or referenced in this special permit. Shielding shall be added to all exterior light fixtures. | Existing condition. Downlight/uplight shielding reduces light pollution. | Similar Concept Proposed by Applicant | Management Plan Consideration | Yes - Condition 37 (2013) |
| A29 | Lighting & Sound Matters | All | All exterior up lighting shall not exceed 20 watt, ceramic metal halide. In addition, all site lighting shall comply with the Memorandum prepared by Buro Happold dated January 29, 2013. | Existing condition. Reduces light pollution. | | Management Plan Consideration | Yes - Condition 38 (2013) |
| A30 | Lighting & Sound Matters | All | Outdoor use of bullhorns, loudspeakers, or other noise amplifying devices is prohibited. This condition applies to all property owned by Grace Farms Foundation or any affiliate. | Existing condition has been updated to include noise amplifying devices. This condition would apply to all parcels comprising Grace Farms per proposed condition #1. This condition mirrors a similar operating condition in effect at Irwin Park. | | Management Plan Consideration | Yes - Condition 39 (2013) |
| A31 | Lighting & Sound Matters | All | Noise emission from Grace Farms, as measured at the site's property lines, shall not exceed 55 dBA. Noise emitted by construction equipment while engaged in construction-related repairs or maintenance activities, in emergencies, and warning signals from vehicles as may be required by OSHA shall comply, as applicable, with Chapter 36A of the Town of New Canaan Code of Ordinances. Except in the case of emergency repair work, no construction vehicles shall be allowed to enter and/or operate at Grace Farms prior to 10:00 A.M. Noise generating construction activity, including, but not limited to excavation, sawing, hammering, etc. shall occur only Monday thru Friday during the hours of 10:00 A.M. and 4:00 P.M. During the moratorium period, the Applicant shall cover all costs associated with equipping and training the Police Department to use sound monitoring equipment. | The Applicant continues to build on the site. This condition mirrors similar operating conditions in effect at the Glass House property, Irwin Park, Silver Hill Hospital and the YMCA development. | Similar Concept Proposed by Applicant | Management Plan Consideration | - |
| A32 | Security & Safety Matters | All | The existing fence line shall be maintained around the perimeter of the property to delineate the Applicant's property from that of its abutting neighbors. | Existing condition. Provides abutting neighbors with a physical barrier and a demarcation of property lines; addresses neighbors' concerns re. security and privacy; reduces liability exposure for both abutting neighbors and Applicant. | | | Yes - Condition 40 (2013) |
| A33 | Security & Safety Matters | All | As agreed to by the Applicant and at their expense, police officers shall be stationed at the Applicant's driveway/Luke's Wood Road intersection and the intersection of Route 123/Puddin Hill Road during all programming events where more than 50 attendees are reasonably expected. | Existing condition. Serves to address neighbors' security and traffic concerns re. large programming events. This condition mirrors a similar operating condition in effect at Irwin Park. | Applicant proposes substituting state certified flaggers for police officers | Management Plan Consideration | Yes - Condition 31 (2013); Condition 2 (2007) |

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|-----|-----------------------------|--------------------|---|---|---------------------------------------|-------------------------------|--|
| A34 | Security & Safety Matters | All | Dedicated onsite security services shall be maintained during Grace Farms' operating hours, at the Applicant's expense. The Applicant shall establish policies and protocols to ensure that any firearms or munitions at Grace Farms are solely possessed by those possessing a proper license. Breaches of security by visitors shall be promptly reported to the appropriate law enforcement authorities and to the Zoning Inspector. | Since at least 2015, the Applicant has contracted with Securitas to provide security services at the site. To date, the Applicant's security focus has been on its real property improvements and not that of abutting neighbors. Serves to address abutting neighbors' security and safety concerns. | Similar Concept Proposed by Applicant | | - |
| A35 | Security & Safety Matters | All | No walking paths shall be established within 250 feet of the property line of any abutting Smith Ridge Road property (the "Buffer Zone"). The Buffer Zone shall be reduced to 180 feet in the area immediately surrounding the existing southernmost parking lot. No activities shall take place within the Buffer Zone. All persons using the walking paths shall be directed via prominently located and dedicated signage in the relevant areas to remain on the mowed paths and to respect the privacy of abutting neighbors. Per the landscape maintenance agreement referenced in Condition A21, suitable plantings and a native fieldstone wall with a height of at least three (3) feet or paddock fencing that matches the existing paddock fencing shall be installed by the Applicant along the inside edge of the Buffer Zone to reinforce, visually, the requirement that visitors remain on the mowed paths. No walking paths shall be paved. Use of the walking paths are allowed only for guests at the facility who are attending a programming event. | Mitigates intensity of use of the site and addresses neighborhood concerns re. security and privacy. A hardscaping/fencing element is necessary to clearly delineate the buffer zone and serve as a visual marker for facilities personnel when monitoring visitors and allowing them time to re-direct anyone who may have strayed into the buffer zone to come back to the walking trail. Paved walking trails are an attraction and would draw increased foot traffic and more encroachments on the neighbors. Dedicated signage directing visitors to remain on paths and to respect neighbors' privacy important given several incidents that already have occurred with visitors on/around the paths & ponds. | Similar Concept Proposed by Applicant | Management Plan Consideration | Proposed as a condition to the 2013 special permit |
| A36 | Security & Safety Matters | All | Visitors shall be prohibited from bringing alcohol, recreational drugs or any controlled substances to Grace Farms without a valid prescription. Any visitor who is or appears intoxicated or under the influence of drugs/alcohol shall be prohibited entry or, if discovered thereafter, promptly escorted off the property by the Applicant's security staff and reported to the appropriate law enforcement authorities. Any visitor engaging in lewd and lascivious conduct or acts of indecency shall be escorted off the property promptly by the Applicant's security staff and reported to the appropriate law enforcement authorities. | Serves to address neighbors' security and safety concerns. This condition outlines the requirements for proper reporting and the procedure in case incidents arise due to illegal behavior/activity. | | | - |
| A37 | Security & Safety Matters | All | The Applicant shall conduct periodic security patrols by uniformed security staff during Grace Farms' operating hours. Such patrols would include periodic visual inspections each day of the entire perimeter of the property and a security log shall be maintained and available to the Commission and Police Department for inspection and used for the semi-annual review of security procedures | Since at least 2015, the Applicant has contracted with Securitas to provide security services at the site. To date, the Applicant's security focus has been on its real property improvements and not that of abutting neighbors. Serves to address abutting neighbors' security concerns. | Similar Concept Proposed by Applicant | | - |
| A38 | Security & Safety Matters | All | The Applicant shall conduct at the time of hire/engagement and thereafter, on a periodic basis, security background checks and drug testing for all personnel working at Grace Farms (including contractors and subcontractors) and have such documentation available for inspection by law enforcement authorities upon request. Compliance with this policy shall be evaluated and addressed in the compliance report referenced in Condition A9. | Serves to address neighbors' security and safety concerns. | | | - |
| A39 | Security & Safety Matters | All | Campfires, pyrotechnic displays or the use of incendiary devices of any kind is prohibited. | This condition eliminates risks and hazards at the property that could impact the personal property and real property of abutting neighbors, and tax town resources should an incident arise requiring intervention. | | | - |
| A40 | Miscellaneous Usage Matters | All | "Catch and release" fishing shall be permitted solely in cattail pond by persons with valid fishing licenses, and the property shall be accessible to Connecticut DEEP enforcement officers for purposes of licensure validation. | This condition tracks Connecticut DEEP licensure requirements. | | | - |
| A41 | Miscellaneous Usage Matters | All | Hunting (other than nuisance animal control), discharging of firearms, training of dogs, or use of recreational ATVs, snowmobiles or similar vehicles at Grace Farms other than in connection with security patrols per Condition 37 (above) is prohibited. | Previously the property had been used as a training area for field dogs and in the winter as a snowmobile course. | | | Proposed as a condition to the 2013 special permit |
| A42 | Miscellaneous Usage Matters | All | Use of power generation equipment at Grace Farms shall be limited to emergency use and such minimal use as required to test normal operation and maintenance of power generation equipment. No power generation equipment shall be sited in the Buffer Zone referenced in Condition A35. | Reduces noise pollution and diesel emissions, and ensures that any power generation equipment at the property is used only for emergency purposes. During the 2016 winter carnival, the Applicant installed a generator to keep the outdoor skating rink cold. This generator ran continuously as the weather conditions were not cold enough to maintain the rink naturally. | | | - |
| A43 | Miscellaneous Usage Matters | All | Overnight camping is prohibited. Travel trailers, camper trailers and caravans are prohibited. | Addresses intensity of use and security, privacy and safety concerns of neighbors, especially during evening hours | | | - |
| A44 | Miscellaneous Usage Matters | All | Temporary structures such as tents, marquees, canopies or pavilions are prohibited. | Addresses intensity of use and ensures that the size and scale of programming events is linked to existing occupancy limits of the River building complex. | | | - |

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|-----|-------------------------------------|--------------------|---|---|--------------------------|-------------------------------|------------------------------|
| A45 | Environmental & Landscaping Matters | All | Additional screening shall be installed for the Holme-Markatos residence - See Exhibit Y. As permitted under Section 6.1-G-1 of the New Canaan Zoning Regulations, a performance bond shall be provided to ensure the faithful performance of the landscaping work. | Condition addresses light and privacy concerns. Landscape mitigation strategy designed to meaningfully screen the River building complex from abutting property and substantially mitigate the existing light spill-over. | | Management Plan Consideration | - |
| A46 | Environmental & Landscaping Matters | All | Additional screening shall be installed for the Buczkiewicz residence - See Exhibit Z. As permitted under Section 6.1-G-1 of the New Canaan Zoning Regulations, a performance bond shall be provided to ensure the faithful performance of the landscaping work. | Condition addresses light and privacy concerns. Landscape mitigation strategy designed to meaningfully screen the River building complex, walking paths and footbridge from abutting property and substantially mitigate the existing light spill-over. | | Management Plan Consideration | - |
| A47 | Activities | All | Except as may be expressly permitted by these conditions, the use of the property for multi-organizational conferences, as a conference center, or off-site location is prohibited. | Existing Condition; Mitigates intensity of use | | Major Recommendation | Yes - Condition 12 (2013) |
| A48 | Enforcement | All | The Applicant shall have 60 days from the date of issuance of this Special Permit to bring all deviations raised by the 2015 As-Built Site Plan -- for example, the footprint and building height of the community garden shed, movie theater and the continued existence of a parking lot adjacent to its gate house -- into compliance with the Overall Site Development Plan C-100 that formed part of the 2013 Approval. | The 2015 As Built Survey reveals material deviations from the approved 2013 Overall Site Development Plan, including, the approved Architectural Plans (A-101 to A-111 and A-200 to A-254) dated September 24, 2012, and those deviations have a material adverse effect on abutting property owners. The Applicant should be required to obtain a Certificate of Correction from the Building Department. | | | - |
| A49 | Activities | All | With the exception of designated and approved events compliant with the terms of this Approval, the general public is not allowed access to Grace Farms. There shall be no general advertising or search engine optimization for Grace Farms or its amenities as a gathering place or destination for general visitation. | This condition ensures that the general public is aware that the site is not promoted as a destination location and the space is not open to the general public. | | Management Plan Consideration | - |
| A50 | Activities | All | Indemnity Agreement -- The Foundation agrees to indemnify and hold harmless the residents at 1258 Smith Ridge Road and 1328 Smith Ridge Road (collectively, the "Property") from and against any and all loss, cost, damage, liability, claim, or expense, including, but not limited to, reasonable attorneys' fees and court costs, arising out of the injury to or death of persons, or damage to or destruction of property, in any manner caused by, resulting from, or connected with (i) a visitor to Grace Farms trespassing on the Property or (ii) an activity taking place at Grace Farms. | This condition makes clear that should there be an incident affecting an abutting neighbor that involves either a visitor to Grace Farms (e.g. a trespasser) or an activity at Grace Farms (e.g. faulty stormwater containment system), the Foundation will hold harmless the abutting neighbors from any claims, liabilities, damages, etc. associated with that incident. It is not reasonable for the abutting neighbors to bear solely the financial risks associated with this abutting institutional use. | | | - |
| A51 | Activities | All | Additional Insured Endorsement -- The residents at 1258 Smith Ridge Road and 1328 Smith Ridge Road (collectively, the "Property") shall be included as an additional insured on the Applicant's commercial general liability insurance policy (and any related excess liability policies), under a form of additional insured endorsement providing the maximum protection to the residents of the Property allowed by applicable law. All such policies will be endorsed to reflect thirty (30) days notice of cancellation or modification to the residents of the Property. Each year, the Applicant shall provide the residents of the Property with a certificate of insurance and policy endorsement from the issuing insurance company(s). | The Foundation's insurance company should respond on a primary basis if there is an incident involving a visitor to Grace Farms on an abutting neighbor's property (e.g. trespasser that commits burglary) or an activity at Grace Farms that directly impacts the abutting neighbor's property (e.g. stormwater runoff surges into wetlands corridor). Should such a visitor/activity incident occur, it is not reasonable for the abutting neighbors to bear solely the financial risks associated with this institutional use. Those financial risks would include higher insurance policy premiums and out-of-pocket deductible payments. | | | - |

CONDITION LEGEND**1. Amended & Restated Grace Farms Operating Conditions:**

-- Following Planimetrics' recommendation, the below conditions represent proposed amended & restated operating conditions for Grace Farms. These operating conditions are fully endorsed by the families owning property at 1258 Smith Ridge Road and 1328 Smith Ridge Road, both of whom directly abut the Grace Farms development.

2. Condition Theme:

-- Each condition is labeled with a theme -- "Reporting" for example -- that describes the general nature and purpose of the condition.

3. Condition Application:

-- Those conditions labeled "All" under the column "Special Permit Use" apply irrespective of the special permit principal use approved for Grace Farms

-- Those conditions labeled with a specific special permit principal use -- "Religious Institution" for example -- would apply only if that specific special permit principal use is approved for Grace Farms

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|----|------------|-------------------------|---|--|---------------------------------------|-------------------------------|--|
| C1 | Scope | Clubs and Organizations | The Community Center will maintain a membership list and will be capped at total of 200 memberships. All applicants will be reviewed and screened prior to acceptance as a member to the Community Center. When accessing Grace Farms, all members, including any family members, associated caregivers and/or guests, shall be required to register/check-in. The Applicant shall provide the Commission with an annual certification with respect to the Community Center's membership. | Grace Farms' parking lots have a capacity of 231 cars. With a staff of more than 70 persons to maintain the facility, approximately 160 parking spaces would be available for Community Center members at any given time. Addresses security concerns of abutting neighbors. | - | Management Plan Consideration | - |
| C2 | Activities | Clubs and Organizations | Community Center programming activities at the site involving up to fifty (50) persons shall be considered regular events (each a "Regular Community Event"), and shall require specific review and advance written approval by the Zoning Inspector. There shall be no more than two simultaneous Regular Community Events occurring at any one time at Grace Farms and each event shall be deemed to occur for at least one hour before and after the scheduled times. Regular Community Events may only take place between the hours of 10:00 A.M. and 6:00 P.M., and attendees must register in advance for these programming activities. | Mitigates intensity of use and mirrors the practice of established community centers in New Canaan, such as the Library and YMCA. | Similar Concept Proposed by Applicant | Management Plan Consideration | - |
| C3 | Activities | Clubs and Organizations | Community Center programming activities at the site involving more than fifty (50) persons shall be considered special events (each a "Special Community Event"), and shall require specific review and advance written approval by the Zoning Inspector. There shall be no more than four (4) Special Community Events -- one per calendar quarter -- each calendar year at Grace Farms. Special Community Events shall be open to members and their guests, shall take place between the hours of 10:00 A.M. and 6:00 P.M., and shall not extend for more than two consecutive days. The Applicant shall maintain a registry of all attendees of a Special Community Event, and make those registration logs available for inspection by the Zoning Inspector and other law enforcement authorities upon request. | This would be for tournaments or events with outside groups similar to programming activities sponsored by the YMCA. | Similar Concept Proposed by Applicant | Management Plan Consideration | - |
| C4 | Activities | Clubs and Organizations | The Community Center cannot lease, rent or allow access to the facility to any outside parties, including for "for profits" and "non for profits" | The prohibition of "for profit" activities at the site is long standing. | - | Management Plan Consideration | Yes - Condition 11 (2013); Conditions 3 & 5 (2007) |

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|----|-----------|-------------------------|--|--|---------------------------------------|---------------------------|------------------------------|
| C5 | Reporting | Clubs and Organizations | The Applicant will prepare and submit to the Special Zoning Inspector and the Commission (I) on or before each January 1, April 1, July 1 and October 1, a calendar of all proposed events at Grace Farms for the upcoming calendar quarter and such events shall require the prior written approval of the Zoning Inspector before being scheduled, and (II) an annual report within 30 days following the end of each calendar year outlining (A) that year's Regular Small Group Community Events and Special Community Events, (B) the average daily number of visitors to Grace Farms and whether those visitors are members or invited guests, (C) any security incidents during that year, and (D) any complaints registered and actions taken by the community liaison referenced in Condition A2 to address those complaints. | The Applicant agreed to reporting requirements in its November 29th presentation. This condition mirrors similar operating conditions in effect at the Glass House, Irwin Park and YMCA. | Similar Concept Proposed by Applicant | Major Recommendation | - |
| C6 | Scope | Clubs and Organizations | The ancillary use activities conducted by the Applicant shall not constitute activities governed by another special permit principal use under the Regulations (e.g. nursing home or hospital). | Only 1 special permit principal use is permitted in the residence zones under New Canaan's Zoning Regulations. | - | - | - |

CONDITION LEGEND**1. Amended & Restated Grace Farms Operating Conditions:**

-- Following Planimetrics' recommendation, the below conditions represent proposed amended & restated operating conditions for Grace Farms. These operating conditions are fully endorsed by the families owning property at 1258 Smith Ridge Road and 1328 Smith Ridge Road, both of whom directly abut the Grace Farms development.

2. Condition Theme:

-- Each condition is labeled with a theme -- "Reporting" for example -- that describes the general nature and purpose of the condition.

3. Condition Application:

-- Those conditions labeled "All" under the column "Special Permit Use" apply irrespective of the special permit principal use approved for Grace Farms

-- Those conditions labeled with a specific special permit principal use -- "Religious Institution" for example -- would apply only if that specific special permit principal use is approved for Grace Farms

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|----|------------|-----------------------|--|--|--------------------------|-------------------------------|---|
| R1 | Scope | Religious Institution | While the Commission acknowledges that as part of its faith Initiative Grace Community Church, among other activities, pursues interfaith meetings and charitable initiatives, the issuance of space grants to not-for-profit organizations or use of the property for multi-organizational conferences and/or usage as a conference center is prohibited | Existing condition that mitigates intensity of use. | - | Major Recommendation | Yes - Condition 12 (2013) |
| R2 | Activities | Religious Institution | Worship services meant for the entire Grace Community Church congregation shall only occur within the Sanctuary. | Existing condition that mitigates intensity of use. | - | - | Yes - Condition 7 (2013); Condition 12 (2008) |
| R3 | Activities | Religious Institution | Should Grace Community Church conduct multiple services in one day, it shall provide appropriate time between services in order for parishioners from the first service to depart prior to parishioners arriving for the second service. | Existing condition that mitigates intensity of use. | - | - | Yes - Condition 8 (2013) |
| R4 | Activities | Religious Institution | During Sunday services, major holiday worship services, or other large Grace Community Church sponsored events, no other use of Grace Farms shall occur at the same time. | Existing condition that mitigates intensity of use. | - | Management Plan Consideration | Yes - Condition 9 (2013) |
| R5 | Activities | Religious Institution | The Applicant shall not rent, lease or allow any ancillary use of the facility or property that is not sponsored and led by Grace Community Church and related to its religious ministries, as illustrated in the "Sample of Activities at New Canaan Churches" document submitted to the Commission by representatives of Grace Community Church in December 2012. Grace Community Church may conduct religious education and/or a nursery (preschool) school at the facility. | Mitigates intensity of use. Grace Community Church made explicit representations to the Commission during the 2012/2013 proceedings as to the nature of its ancillary activities. | - | Management Plan Consideration | - |
| R6 | Reporting | Religious Institution | The Applicant shall require that Grace Community Church (i) publish on its website a calendar of all proposed events at Grace Farms for the upcoming calendar month with the understanding that individual events shall be published at least one week in advance of being scheduled for the benefit of the Special Zoning Inspector, and (ii) issue an annual report within 30 days following the end of each calendar year outlining (A) that year's ancillary religious activities sponsored and led by Grace Community Church, (B) attendance figures for those ancillary religious activities, and (C) annual membership figures of Grace Community Church. | The Applicant agreed to reporting requirements in its November 29th presentation. This condition mirrors similar operating conditions in effect at the Glass House, Irwin Park and YMCA. | - | Major Recommendation | - |

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|----|-------|-----------------------|---|--|--------------------------|---------------------------|------------------------------|
| R7 | Scope | Religious Institution | The ancillary use activities conducted by the Applicant shall not constitute activities governed by another special permit principal use under the Regulations (e.g. nursing home or hospital). | Only 1 special permit principal use is permitted in the residence zones under New Canaan's Zoning Regulations. | - | - | - |

CONDITION LEGEND**1. Amended & Restated Grace Farms Operating Conditions:**

-- Following Planimetrics' recommendation, the below conditions represent proposed amended & restated operating conditions for Grace Farms. These operating conditions are fully endorsed by the families owning property at 1258 Smith Ridge Road and 1328 Smith Ridge Road, both of whom directly abut the Grace Farms development.

2. Condition Theme:

-- Each condition is labeled with a theme -- "Reporting" for example -- that describes the general nature and purpose of the condition.

3. Condition Application:

-- Those conditions labeled "All" under the column "Special Permit Use" apply irrespective of the special permit principal use approved for Grace Farms

-- Those conditions labeled with a specific special permit principal use -- "Religious Institution" for example -- would apply only if that specific special permit principal use is approved for Grace Farms

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|----|------------|--|--|---|---------------------------------------|-------------------------------|------------------------------|
| P1 | Activities | Philanthropic or Eleemosynary Institutions | Programming activities at the site (other than Tours) involving up to fifty (50) persons shall be considered special events (each a "Special Small Group Event"), and shall require specific review and advance written approval by the Zoning Inspector. All Special Small Group Events shall be directly related to the nature, arts, justice, community and/or faith initiatives of the Applicant. There shall be no more than two simultaneous Special Small Group Events occurring at any one time at Grace Farms and each event shall be deemed to occur for at least one hour before and after the scheduled times. Special Small Group Events may only take place between the hours of 10:00 A.M. and 6:00 P.M. | This condition would apply to all users of the facility, including space grantees, and cover all small scale programming activities at the site. Serves to mitigate intensity of use and addresses abutting neighbors' concerns re. security, safety, traffic, lighting and privacy. This condition mirrors a similar operating condition in effect at the Glass House property and Irwin Park for the benefit of abutting neighbors. | - | Management Plan Consideration | - |
| P2 | Activities | Philanthropic or Eleemosynary Institutions | Special events on the site involving between fifty one (51) and three hundred (300) persons shall be considered "Special Large Group Events" and shall require prior written approval of the Zoning Inspector. A "Special Large Group Event" shall be directly related to the nature, arts, justice, community and/or faith initiatives of the Applicant. A total of four (4) Special Large Group Events -- one (1) event per calendar quarter -- are permitted each calendar year. Special Large Group Events shall take place only Monday through Friday, and shall be limited in duration to one (1) day. Special Large Group Events may only take place between the hours of 10:00 A.M. and 6:00 P.M. | This condition would apply to all users of the facility, including space grantees, and cover all large scale programming activities at the site. Events that would be covered would include fundraisers, lectures, conferences, community dinners, movie screenings, dance recitals, musical concerts, etc. Serves to mitigate intensity of use and addresses abutting neighbors' concerns re. security, safety, traffic, lighting, noise and privacy. This condition mirrors a similar operating condition in effect at the Glass House property and Irwin Park for the benefit of abutting neighbors. | Similar Concept Proposed by Applicant | Management Plan Consideration | - |
| P3 | Activities | Philanthropic or Eleemosynary Institutions | Special events on the site involving more than three hundred (300) persons shall be considered "Special Programmatic Events" and shall require prior written approval of the Zoning Inspector. A "Special Programmatic Event" shall be directly related to the nature, arts, justice, community and/or faith initiatives of the Applicant. A total of two (2) Special Programmatic Events -- one (1) event every six (6) months -- are permitted each calendar year. Special Programmatic Events shall take place only Monday through Friday, and shall be limited in duration to two (2) days. Special Programmatic Events may only take place between the hours of 10:00 A.M. and 6:00 P.M. No Special Programmatic Event shall exceed 750 people. | This condition would apply to all users of the facility, including space grantees. Events that would be covered would include, fundraisers, lectures, conferences, community dinners, movie screenings, dance recitals, musical concerts, etc. Serves to mitigate intensity of use and addresses abutting neighbors' concerns re. security, safety, traffic, lighting, noise and privacy. This condition mirrors a similar operating condition in effect at the Glass House property and Irwin Park for the benefit of abutting neighbors. | Similar Concept Proposed by Applicant | Management Plan Consideration | - |
| P4 | Activities | Philanthropic or Eleemosynary Institutions | Not more than once each calendar year, the Applicant may conduct a public fundraising event (the "Fundraising Event") at Grace Farms, subject to coordination with the Zoning Inspector. The Fundraising Event shall not exceed 750 people. | Serves to mitigate intensity of use and addresses abutting neighbors' concerns re. security, safety, traffic, lighting, noise and privacy. This condition mirrors a similar operating condition in effect at the Glass House property and Irwin Park for the benefit of abutting neighbors. Aligns with the practice of St. Mark's Episcopal Church and its annual May Fair. | Similar Concept Proposed by Applicant | Management Plan Consideration | - |
| P5 | Activities | Philanthropic or Eleemosynary Institutions | Spaces Grants (Large and Small) will be capped at 15 approved space grantees annually. Only these designated space grantees are allowed to use the facility for their activities & events in accordance with the conditions of this Special Permit. Approved space grantees may utilize the facility for lectures, meetings, fundraising and registered classes. | Mitigates intensity of use; addresses neighbors' concerns re. noise, lighting, privacy and security. | - | Management Plan Consideration | - |

| # | Theme | Special Permit Use | Condition - Description | Condition - Rationale | 2017 Renewed Application | 2017 Planimetrics Reports | Existing Operating Condition |
|----|------------|--|---|--|---------------------------------------|-------------------------------|------------------------------|
| P6 | Activities | Philanthropic or Eleemosynary Institutions | The property shall not be made available to any for profit organization or to any not-for-profit that is not one of the 15 annual approved space grantees. | Mitigates intensity of use; addresses neighbors' concerns re. noise, lighting, privacy and security. The prohibition of "for profit" activities at the site is long standing. | - | Management Plan Consideration | - |
| P7 | Reporting | Philanthropic or Eleemosynary Institutions | The Applicant will prepare and submit to the Special Zoning Inspector and the Commission (i) on or before each January 1, April 1, July 1 and October 1, a calendar of all proposed events at Grace Farms for the upcoming calendar quarter and such events shall require the prior written approval of the Special Zoning Inspector before being scheduled, and (ii) an annual report within 30 days following the end of each calendar year outlining (A) that year's Special Small Group Events, Special Large Group Events, Special Programmatic Events and Fundraising Event, (B) attendance figures for the Tour Season, (C) the average daily number of visitors to Grace Farms and whether those visitors are local residents or non-residents, and in the case of non-residents, the postal code of their residence (or country of origin if a foreign visitor), (D) any security incidents during that year, and (E) any complaints registered and actions taken by the community liaison referenced in Condition A2 to address those complaints. | The Applicant agreed to reporting requirements in its November 29th presentation. This condition mirrors similar operating conditions in effect at the Glass House, Irwin Park and YMCA. | Similar Concept Proposed by Applicant | Major Recommendation | - |
| P8 | Scope | Philanthropic or Eleemosynary Institutions | The ancillary use activities conducted by the Applicant shall not constitute activities governed by another special permit principal use under the Regulations (e.g. nursing home or hospital). | Only 1 special permit principal use is permitted in the residence zones under New Canaan's Zoning Regulations. | - | - | - |