

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.