

July 5, 2016

Mr. John Goodwin
Chairman, Planning & Zoning
Town of New Canaan
77 Main Street
New Canaan, CT 06840

Re: Grace Farms Foundation

Dear Chairman Goodwin:

On behalf of the abutting Smith Ridge neighbors listed below, all of whom have reviewed and approved this letter, I would like to thank the Planning & Zoning Commission (Commission) for supporting the Zoning Enforcement Officer's formal request that Grace Farms Foundation (Foundation) submit an application for a modified/new special permit. We understand that the Foundation has agreed to submit such an application by August 29, 2016, and that public hearings with respect to that application will commence at the September 27, 2016 Commission meeting.

While we are encouraged by the Foundation's apparent willingness to discuss the issues surrounding their activities at Grace Farms as part of a public process, we would like to bring to your attention the following concerns:

1. Characterization of Commission's Review.

We are concerned that the repeated characterization of the Commission's review of the Grace Farms special permit conditions in official correspondence and statements issued by town officials is as one that "is in response to neighbors' complaints." The implication of this characterization is that -- were it not for the neighbors' complaints -- the Commission would be taking no action to monitor or ensure compliance with the conditions that it placed on activities at Grace Farms in its March 2013 special permit. We trust that the Commission, acting *sua sponte*, would proactively enforce the terms of its own orders to protect the integrity of New Canaan's zoning regulations and the process by which permitted uses of land, building and structures in town are determined, irrespective of whether any complaints have been lodged.

Our concerns in this regard are heightened when it became clear during discussions at the Commission's hearing on Tuesday June 28th that there is no process in place by which town officials monitor or approve activities currently taking place at Grace Farms. Given that the Foundation has continually tested and, in our view, intentionally disregarded on many occasions, the bounds of its special permit, we believe that the Foundation will continue to plan new events at Grace Farms in an attempt to move the baseline of the nature, scope and scale of its activities. While the Commission has explained its strategy for maintaining jurisdiction over this matter as part of its rationale for not issuing a formal cease and desist order, surely the Commission could provide a more definitive determination/statement regarding what activities are prohibited at

Grace Farms. Simply put, in our view, the Foundation should no longer be afforded any benefit of the doubt by the Commission.

In taking the approach that the Commission has adopted, the Foundation actually has an incentive to continue to push the envelope for what it might seek to be allowed to do in a new/modified special permit. Until effective monitoring and enforcement is adopted, the Commission is effectively allowing the Foundation to continue to disregard conditions – a situation which in and of itself calls into question the Commission's process and its ability to enforce its own rulings. While we understand the Commission's desire to have the matter remain within its jurisdiction, effective monitoring and enforcement of Grace Farms' existing special permit is nonetheless required even in the face of the threat of an appeal or formal legal action by the Foundation.

We hope and would expect that the Commission address this lack of monitoring and enforcement before the Foundation comes before the Commission with their new/modified permit request. At a minimum, shouldn't the Foundation be obligated to provide the Commission, in advance, with a periodic reporting of planned community and non-profit events to be held at Grace Farms, and where total attendance at any community or non-profit event is reasonably anticipated to exceed a set level of visitors? We strongly believe that the current information gap is a hindrance to the effective enforcement of the existing special permit, and that the current lack of monitoring and enforcement by the Zoning Enforcement Officer should not be allowed to continue.

2. *Impressions based on Usage Activities vs. the Special Permit Record.*

We are also concerned that current impressions of what might or might not be permissible under the terms of the existing special permit might be improperly influenced by impressions of the facts as they have subsequently developed, as compared to the way in which they were actually presented as part of the 2013 special permit process. In his June 24, 2016 letter to the Foundation (the "June 24th Letter"), the Zoning Enforcement Officer states "I believe the consensus amongst the past and present Commissioners from 2013 was that they were still approving a Church but with more defined and perhaps more robust outreach program through the Foundation." There is no support in the public record for any defined activities for the Foundation or outreach through the Foundation. In fact, testimony of the applicant's representatives made no reference to planned activities of the Foundation and denied that the Foundation was even planning to operate at Grace Farms.

3. *Scope of the Special Permit.*

Also important to us in the June 24th Letter is the discussion of Parcel 2, which has a direct bearing on whether the Commission is requesting the Foundation to apply for a new/modified special permit for the existing Parcel 1 or whether the Commission is requesting that the Foundation's application cover the entirety of what it operates and describes publicly as an integrated 80-acre site. Mr. Kleppin states that "[t]he neighbors also question the use of parcel 2 and it's possible Use in conjunction with the main campus. It is a fair point to consider but so long as the property is not developed or activities related to the Church or Foundation are not conducted on that parcel I believe that it would be consistent with the use of the property as

"open space" as permitted in section 3.2A of the zoning regulations. In my opinion simply walking a trail or fishing in a pond does not violate the special permit." We find Mr. Kleppin's interpretation to be difficult to justify in light of the fact that the 80-acre site and the walking trails which traverse both Parcels (including the 4-acre open space set aside between 1258 Smith Ridge and 1328 Smith Ridge) and the additional property (formerly 82 Puddin Hill Road) that has since been added to the site are part of the "draw" for all activities hosted at Grace Farms, including those hosted for profit or to which a fee is attached. An example of this kind of promotion is attached as Appendix I. The site today is effectively a public park. It cannot be both an open space and a public park.

In addition, we find Mr. Kleppin's discussion of the sound sculpture on Parcel 2 to be troubling in a few respects. This issue was first brought to Mr. Kleppin's attention on October 28, 2015, and we have been awaiting his determination on it ever since. In his discussion of Parcel 2 he states "That Use [of Parcel 2 (i.e., open space)] does state that there can be no structures on that parcel. It is my understanding that Parcel 2 does contain a sculpture that chimes and is audible to the neighbors. Whether that sculpture constitutes a structure or not is debatable. Perhaps another discussion with the abutting neighbor could remove this item from the discussion." Statements such as this further the impression that the Commission cannot bring itself to enforce its own rules. Leaving all of these issues to be sorted out among neighbors is not practical when it is the Commission's own rules that are at issue. To reduce the opportunity for further disputes like this in the future and to provide clarity to all parties, we strongly believe that the new/modified special permit application should be required to address the entire 80 acre site, and that conditions relating to noise emissions on the entire site be covered by the applicable conditions.

4. Statements to the Press.

Although we have not previously commented on press reports related to this matter, we note that town zoning officials have been quoted in the press on this matter. We certainly understand that the public would have an interest in the status of the Commission's review, and therefore, the need for town officials to be open with the press. We appreciate and support openness and accessibility by town officials. But we believe town officials should be cautious to be balanced in their discussion and not to pre-judge the relevant matters or to attribute motives to any of the interested parties. In addition, should the statements attributed to town officials be incomplete or out of context, it would be in the Commission's interest to ensure that the record is corrected appropriately.

As neighbors, we have not questioned whether the activities of the Foundation are good for New Canaan; rather we have questioned whether there is not a better place, such as the former Outback teen center in the heart of downtown, for many of these activities to be conducted. For town officials to feel obligated to note the good works of the Foundation and give examples of where they feel other neighbors have overstated their objections in other situations, does not give the impression of a balanced perspective that is important for the effective functioning of the Commission's enforcement responsibilities. Inasmuch as the characterization of the Commission's review to date has been a review that has been initiated in response to neighbors' complaints, perhaps in addition to noting the good works of the Foundation, town officials could also thank the neighbors for bringing to their attention a number of issues that by their own

admission, the town officials have not been actively monitoring and have yet to take any official action.

In relation to the question of whether actions by Grace Farms have adversely impacted our property values or quality of life, many of us have invited representatives of the Commission and the Zoning Board of Appeals to our properties to see the impact for themselves. Comparing the interests of neighbors of the YMCA (a one acre zone) to neighbors in four acre zoning where the selling point for property is to be away from the congestion of town hardly seems appropriate.

The New Canaan Advertiser's recent article described the Commission as addressing a number of "aggressive accusations" by the neighbors. We see nothing aggressive about asking the Commission to review the compliance with its own special permit conditions after the neighbors have for some time tried and failed to have these issues addressed by the Foundation directly. Providing commentary to the press that gives credibility to the false narrative of aggressive neighbors can limit the effectiveness of the Commission's review. Once again, we would hope that more of an effort can be made in the future to striking a more representative balance of the parties' relative interests without attributing motives to one group or another.

5. Other Events.

Finally, we would like to bring to your attention for the record two additional activities at Grace Farms that were not referenced in our earlier letters.

- On June 28, 2016, Grace hosted a forum entitled: Campus Safety: Challenging the New Reality in association with New Canaan Domestic Violence Partnership. *Using the same interpretation of the Special Permit as seem to be articulated in the June 24th Letter, this event would appear to be the type of multi-organizational conference that is prohibited by Condition #12.* We understand that there were expected to be approximately 300 participants. According to a June 26, 2016, article in the New Canaan Advertiser, the event was filmed by the History Channel.
- On July 15, 2016, after the Grace Farms Community Dinner, there is a presentation (that requires separate registration) by wildlife expert Jim Fowler. *This event seems similar to the event that occurred on June 17, 2016, (as noted in our letter of June 20, 2016).*

We sincerely appreciate the Commission's continuing investigation and evaluation of the Foundation's activities at Grace Farms. We look forward to working with the Commission to ensure that these activities are consistent with the special permit granted by the Commission, and that all interested parties' respective property interests are fairly, impartially and judiciously considered through an open and transparent public process.

Respectfully yours,



David Markatos

Neighbors on behalf of whom this letter is submitted:

1196 Smith Ridge Rd
1208 Smith Ridge Rd
1218 Smith Ridge Rd
1258 Smith Ridge Rd
1328 Smith Ridge Rd

Paul Ostling
Donald Bissonnette
Timothy Curt
Jennifer Buczkiewicz
Jennifer Holme

Danita Ostling
Emiko Bissonnette
Dona Bissonnette
Mike Buczkiewicz

Copies to:

Rob Mallozzi, First Selectman
Steve Kleppin, Zoning Enforcement Officer
Ira Bloom, Town Attorney

Appendix I

The following was excerpted from the Grace Farms Facebook page. The post specifically uses “Cattail Pond” (on Parcel 2) to attract visitors to the Grace Farms site and encourages people to have lunch at the Commons restaurant.



Grace Farms, CT

June 19 at 8:36am ·

Happy Father's Day | Invite your dad for a walk around Cattail Pond, to shoot hoops in the Court, or for lunch at the Commons at [Grace Farms, CT!](#)

Sunday, June 19; 12–6 pm

gracefarms.org

—...

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