

1 TOWN OF NEW CANAAN
2 PLANNING AND ZONING COMMISSION
3 PUBLIC HEARING
4 DATE: DECEMBER 18, 2012
5 HELD AT: NEW CANAAN NATURE CENTER
6 VISITORS CENTER
7 STURGESS ROOM
8 NEW CANAAN, CONNECTICUT
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21 BRANDON SMITH REPORTING & VIDEO
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1 all the time you're spending on this, and also I just
2 want to thank you for the last five years of support
3 you've given through the courts that we could push
4 this thing through.

5 MR. PAPP: Please identify yourself
6 for the record.

7 MR. PRINCE: Yes, sir. My name is
8 Bob Prince. I'm here because my wife Sharon and I
9 were among the founding families of Grace Community
10 Church, and we're also among the primary organizers of
11 the Grace Farms Project, and so we can explain both of
12 those very well and the interaction between those. I
13 also -- five years ago I also introduced the project
14 to you, and so I figured it would be good for me to
15 come back and -- you know, five years is a long time.
16 Memories are not always perfect, and so I thought
17 maybe I could just tell you again what we're doing.

18 In the last five years the
19 intentions haven't changed. All we've really been
20 trying to do is make it happen, and so I thought that
21 the best way that I could convey that to you was to
22 literally say, again, the same exact things that I
23 said at that time. So I pulled the transcript from
24 five years ago. I just want to read that to you,
25 because I really can't say it as well. This is what I

1 Vision of Grace Community Church as Expressed Through
2 Grace Farms.

3 So the point of it is we wanted to
4 utilize this project and this property to further the
5 mission of our church, and I also enclose here a
6 letter. This letter is a letter we sent to our whole
7 church congregation, and this is dated March 18, 2008,
8 and it says, "Dear Grace Community: As we move
9 forward to the next chapter of Grace Community Church,
10 the development of Grace Farms, it is very important
11 that we all coalesce around the vision of Grace
12 Community Church, because Grace Farms will simply be
13 an expression of this vision and a means to fulfill
14 it. Not an end in itself."

15 And then the rest of the letter goes
16 on. It says, "We are going to have various meetings"
17 and so forth, and at the end it says, "At the end of
18 April we will be collecting your input and will setup
19 programming groups to more fully express them.
20 Programming groups will be created to help design over
21 20 different areas of Grace Farms and will provide an
22 opportunity for everyone to be involved in the
23 project."

24 Subsequent to that we had 125 people
25 from the church who got involved in, you know,

1 dreaming the dream about what does the nursery look
2 like or what -- whatever they happen to have a passion
3 for, and we put together a book about this thick of
4 their ideas, and that book is what went to the
5 architects, which then led to the designs that we have
6 today.

7 So there is a continuity of purpose
8 between the vision for our church and the Grace Farms
9 project. I just want to be clear that that's never
10 changed. That's what it was at the beginning. That's
11 what it is today. There's an element of confusion, I
12 think, that has entered that exists related to the
13 foundation, and I just wanted to try to clarify that
14 for you.

15 You see, when we started this
16 project in 2007 -- I have this diagram, and I'll give
17 you a copy of it. When we started this project in
18 2007, you have to remember that our pastor once said
19 we're never going to build a church, because there's
20 nothing, no bigger distraction for a church than
21 building a building. So a number of families here, we
22 are a part of the start of the church, but the church
23 needed a home, and so we're trying to figure out a way
24 to do this.

25 What we did is we formed a company

1 outside of the church to make this happen and to give
2 this to our church, okay? So in 2007 when we
3 originally came to you applying for a permit, what you
4 have here is you have a series of individuals who are
5 part of the founding of our church who formed a
6 company called Grace Property Holdings. That company
7 then owned the property and also applied for the
8 permits.

9 So the permits were for the usage of
10 Grace Community Church, and those usages were for
11 religious services and ancillary activities related to
12 a church. So this is what you approved, you know,
13 five years ago and then -- but at that time we didn't
14 know if this whole thing was going to work out and so
15 we retained -- the individuals retained Grace Property
16 Holdings as a taxable entity so that if we needed to
17 close down, the project needed to sell the property,
18 we could get the cash out. If we want to sell half or
19 finance it in different ways by owning as individuals,
20 we had the maximum financial flexibility.

21 As we moved on down the road, what
22 happened was it looked like we were really going to be
23 able to do this thing, and so it took on a permanence,
24 and so we made one shift along the way. What we did
25 is we setup this foundation here and we donated --

1 these people donated Grace Property Holdings and the
2 assets, including the property, into that foundation.
3 That seemed appropriate because given the charitable
4 nature of what it was, a foundation is a charitable
5 entity, it seemed like it made sense.

6 So we transferred the property to
7 the Grace Farms Foundation, and everything else stayed
8 the same. Grace Property Holdings still owns the
9 property and the permits. The permits are for Grace
10 Community Church, and the usages are related to
11 religious services and ancillary activities of the
12 church. So the only thing that changed is that the
13 owner of the property shifted from individuals to a
14 foundation. So those are the two things I wanted to
15 clarify, and I would be happy to answer questions.

16 MR. PAPP: Mr. Prince, I don't
17 believe that anybody is questioning the good intents
18 of what you describe. These are very respectable
19 aims, and we certainly do respect them. On the other
20 hand, the confusion you commented about was created
21 somewhat by various explanations the church gave to
22 the activities on the site. We are not hung up on who
23 owns what and how the day-to-day works. The question
24 that this commission has to answer are the activities
25 described to us at that time in 2008 and today as

1 MR. PAPP: Anybody else?

2 MR. HAMMER: May I briefly, Mr.
3 Chairman?

4 MR. PAPP: Yes. I am expecting that
5 you are going to answer all of these questions at the
6 next hearing.

7 MR. HAMMER: We will do our best,
8 yes. Joseph Hammer for the record. I just wanted to
9 submit -- this is some backup information from other
10 churches' web sites, local newspapers, etcetera, that
11 show the activities that they do that are in the chart
12 that was submitted earlier. So I'll just give that to
13 Mr. Kleppin so you have that for the record.

14 You know, the church obviously wants
15 to be a good neighbor, wants to talk to people, wants
16 to try to work out differences, but as the lawyer, as
17 you would expect, you know, I do need to just -- and
18 we'll do this in more detail before the next hearing,
19 but I need to sort of pushback a little bit just in
20 terms of from a legal and a zoning and a land use
21 standpoint, you know, what are we here for and what
22 are we not here for, you know, basically, and Mr.
23 Chairman, I know you've pointed that out to some
24 people that there are certain things we're not here
25 for such as where is the entrance to this development,

1 to keep in mind. Again, in an attempt to re-argue
2 things that are past and that can't properly be
3 reargued, we've got a lot of paper that was submitted
4 to you. I received it yesterday. It was 80 pages of
5 materials with tax returns and other things from the
6 Grace Farms Foundation. Again, that's not the issue.

7 I guess I would like to put it in as
8 simple terms as I can possibly try to put it for you,
9 which is the intent is to live within the scope and
10 bounds of the permit that you've already granted when
11 it comes to uses and ancillary uses, and, again, we
12 think, from our perspective, that this commission
13 probably has given as much, if not more, scrutiny five
14 years ago to the uses of this church than any other
15 church in town, and many of those churches granted
16 have been operating perhaps since before there even
17 was zoning in New Canaan.

18 But you imposed specific conditions
19 on the ancillary uses five years ago, and we don't
20 think it is appropriate to be revisiting that, because
21 that is not, we don't think, within the scope of this
22 application. But to keep it simple, we intend to
23 comply with the terms of the existing permit, and
24 we're not asking you for some other type of permit
25 that we don't have. We're not asking you for a

1 philanthropic organization permit or any other type of
2 permit, and I guess I probably can't be any simpler
3 than to say if anybody wants to perform a use on this
4 property that is not within the scope of the existing
5 special permit, whether it be Grace Farms Foundation
6 or anyone, any individual or any entity, if anybody
7 wants to do something that needs a new and different
8 permit, then either that permit is sought or that
9 activity doesn't get done.

10 I don't think we can be any clearer
11 about it than that and I will -- we will respond in
12 more detail to that filing we received yesterday from
13 Mr. Shah. By the way, I do have a full set of the
14 wetlands submission here with us tonight for Attorney
15 Shansky, so we'll give that to her. One -- actually,
16 let me get to that at the end, if I could.

17 Just to be very brief here, we do
18 think, by the way, that the zoning law of Connecticut
19 is such that, you know, again, as you can see from
20 that handout, churches aren't what they were a hundred
21 years ago. They do a lot of things now, weekdays,
22 outside of service, and what we do is no different
23 than the others, and we think that the Connecticut
24 Supreme Court, in evaluating how you approach
25 churches, has said that we're in a New Age, and

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1 judicial scrutiny so they should have no fear of
2 submitting a new traffic report by Mr. Galante or
3 anyone else whom they find is qualified to submit such
4 a report. But because there's an increase in
5 membership, there should be a new traffic report, and
6 I would also submit that the original traffic report
7 contemplated full build by 2012. Now we're looking at
8 full build by 2014 or 2015.

9 There's so many changes and
10 conditions at least you should have the very latest
11 accident information, and with that I thank you all
12 for taking the time to hear this.

13 MR. PAPP: Thank you. Next? Yes,
14 ma'am.

15 MS. PRINCE: Hello. I'm Sharon
16 Prince, president of Grace Farms Foundation and also a
17 member of Grace Community Church, and I was here at
18 the first hearing. I was trying to write really fast
19 what Sanjit was saying, and I'm sure that our attorney
20 will address most of these issues or some things that
21 have already been, have already been addressed so I
22 won't take your time. But I think there are a few
23 things important to note, which is he said that
24 there's nowhere we've said what our membership is.
25 We're trying to be cagey and that's absolutely wrong.

1 studying this all, too, is really -- we tested at the
2 very maximum amount that you could test, you know, for
3 the maximum capacity. Not what we have right now.

4 So I think that's just one thing I
5 want to make sure. The other thing that's important
6 to note is that Grace Farms, the web site that says
7 gracefarms.org, the differentiator, that is a place.
8 It's different than -- we're just calling the -- like
9 it was Windsome Farms. It's called Grace Farms. We
10 know there's two. We know that the 48 acres is for
11 Grace Community Church. The 27 acres has been
12 preserved for open space, and it's just called Grace
13 Farms is the name of an area that was formerly
14 Windsome Farms and we're really just --

15 We realize that, and we're very
16 careful in noting that the 48 acres is what we're
17 applying for. If we ever want to come back for a
18 permit for the open space intentionality of that site,
19 we know we have to come back for that, for any of
20 those uses on the 27 acres. There was a few --
21 there's many other things.

22 I couldn't write as fast as he was
23 talking about a park, the idea of a park. We have the
24 right to have a beautiful -- I think every church has,
25 you know, they have picnics. They're outside. People

1 You've already heard from my attorney, Mr. Cassone, so
2 I'll be very brief here. I just wanted to address the
3 fact that earlier tonight one of the buildings was
4 referenced as a school, and Mrs. Prince, in connection
5 with another hearing related to a cell tower, has
6 referred to the project as a school, and I understand
7 that part of the application for a church involves a
8 Sunday school and nursery school.

9 I just want to make sure that for
10 the record when reference is made to a school, it is a
11 narrow definition consistent with the use of it as a
12 nursery school or a Sunday school, that we're not
13 talking about a larger enterprise for a school. Thank
14 you.

15 MR. PAPP: Thank you.

16 MS. SHANSKY: Mr. Chairman, I
17 neglected to turn in this petition to intervene on
18 behalf of my clients. Thank you.

19 MR. PAPP: Thank you. Anybody else?
20 Mr. Hammer?

21 MR. HAMMER: Mr. Chairman, members
22 of the commission. Good evening. Joseph Hammer for
23 the applicant, and we will try to be efficient tonight
24 in terms of responding to some of the things that
25 you've heard from members of the public during the

1 here.

2 I want to just reiterate Grace is
3 not proposing any new or different use than they
4 contemplated in 2007 and 2008 when they were before
5 you. They're not proposing any new or different use
6 than what you contemplated when you approved the
7 application, and they are not proposing any new or
8 different use beyond what other churches throughout
9 the Town of New Canaan do on a daily basis.

10 Nonetheless, we wanted to be
11 responsive to your requests. So we provided you with
12 the chart that you've seen regarding church use and
13 what I'll call ancillary use, and please note, as we
14 did on the chart, that with all churches these things
15 evolve, and they change to some degree over time as
16 activities change. So we wanted to give you a
17 sampling, a typical summary of the typical kind of
18 things that you'd see. All of those things that are
19 on the chart, both the direct church activities as
20 well as the ancillary activities, are related to the
21 church's function and to its social justice mission.

22 I also just wanted to point out to
23 you that we hope you're not misled by the fact that we
24 listed everything together in a column. That doesn't
25 mean that all these things are happening at the same

1 would conflict with the church's ability and its right
2 to function as a church and with its existing special
3 permit allowing it to do that.

4 I want to be clear we're not asking
5 you for any new or different permit. We're not asking
6 you to expand the existing permit or to obtain a
7 different type of use permit. If in the future there
8 was a desire by anyone, whether it's Grace Farms
9 Foundation or anyone, to conduct any activity that's
10 not within the scope of the existing permit, then
11 either additional approval would be obtained or that
12 activity would not take place.

13 I would say Mr. Kleppin, in his
14 memo, had a suggestion that the word use be added to
15 one of the existing conditions that says there will be
16 no rental, I believe it is, to commercial for-profit
17 organizations. We have no problem, you know, with the
18 addition of the word use as Mr. Kleppin suggested, if
19 that's something that the commission sees fit, just
20 for clarification of that.

21 I want to briefly address the square
22 footages that Attorney Shansky spoke to you about a
23 minute ago. Again, this is an effort to reopen the
24 closed issue of traffic, and that's really what a lot
25 of this is about. It's an effort to reopen traffic.