

February 7, 2017

Mr. Steve Palmer  
Town Planner/Senior Enforcement Officer  
Town of New Canaan  
77 Main Street  
New Canaan, CT 06840

Re: Grace Farms Foundation – Special Permit Application

Dear Steve:

We wanted to thank you again for meeting with us last Thursday, listening to our concerns regarding the operation of Grace Farms to date, and offering your assistance in addressing those concerns with the leadership at Grace Farms Foundation (Foundation). To that end, we thought it would be helpful to recap the highlights of our conversation.

Previously in 2012, we shared a complete set of operating conditions with the Foundation's leadership at the commencement of the 2012/2013 special permit application proceedings, and we were met with no reply and no desire to listen or discuss the neighbors' concerns. The Foundation essentially took the neighborhood's conditions and walked away. After being stonewalled by the Foundation's leadership, we learned some very hard lessons then that we are not prepared to repeat.

We hope to see genuine and meaningful engagement on the part of the Foundation's leadership to address the well-documented impacts and encroachments caused by Grace Farms' activities to date, along with proposals that offer realistic and permanent solutions to address those impacts and encroachments. **As noted in our meeting, suggestions by the Foundation to (i) put window film on our windows, (ii) install screening trees in our septic fields, and (iii) move rather than remove the walking path's sitting benches demonstrate that, so far, the Foundation's leadership remains steadfast in its long-standing approach of stonewalling the neighborhood.** Put simply, we are looking for the Foundation to put forward permanent, meaningful solutions that they will abide by, and that will not require monitoring by the neighborhood to address the various impacts and encroachments caused by Grace Farms.

In an effort to foster dialog during this interim period and find some measure of common ground, we are looking to understand the Foundation's position on the following key concerns of the neighborhood. As discussed, these concerns are only representative of a broader set of operating conditions that we will request that the Commission impose at Grace Farms. How the Foundation responds to these concerns will be indicative of whether its leadership is genuinely interested in finding solutions with the neighbors. The Foundation's willingness to constructively and meaningfully address these concerns will serve as the foundation upon which substantive discussions on other issues and concerns may occur.

1. Mitigate Light Pollution: Both families would like to see permanent evergreen screening to diminish the severe light pollution of the River building complex at night. Your

solution of no events after dusk is fully endorsed by both families but as the Foundation is unwilling to adjust to only having evening events in their barns, we have submitted a screening proposal from our landscape architect (see attachment). This flexible design proposal establishes an evergreen conifer planting zone for screening purposes to block out the night light as well as provide us with a modicum of privacy during the day. It is for the Foundation to determine how close to their structure to screen (e.g. 40 feet from the glass curtain walls or, alternatively, the Foundation can terrace out and fill to put the trees farther away from their structure) provided, that, in all cases the entire structure/glass volume is appropriately screened. As the applicant is reopening the permit process and now requesting additional uses/activities at the property, we feel it is only appropriate to readdress the light pollution and want a permanent solution.

2. No Public Park: With the exception of designated and approved scheduled events, the general public is not allowed access to Grace Farms. This operating condition would materially reduce the intensity of use at the site and mitigate numerous security concerns of the neighbors. Only people who have preregistered for an approved event could then be on the property. In their September 2016 application, the Foundation intentionally omitted this category of “general public” visitors, and based on their own traffic report, we believe that at least 65,000 people had unscheduled visits to Grace Farms during the first year of operations. This intentional omission was alarming in that we believe that the number of unscheduled “general public” visitors to Grace Farms will only increase over time, given the Foundation’s ambition for Grace Farms to become a year round event destination in itself – essentially privately owned public space with various temporary/seasonal and permanent programming attractions designed to bring repeat visitors back on numerous occasions. With the added control of preregistration and permitted events, it would also aid in understanding who is on the property and when.
3. Demarcated Buffer Zone: Both families believe that a 250’ buffer zone with a permanent fence/hardscaping on the inside edge and additional screening within the zone is necessary to ensure privacy and security. The proposed buffer zone follows the general topography of the site (the lower wetlands of the property), eliminates superfluous and duplicative walking paths (e.g. the lower path coming off the large pond), allows the Foundation to organize multiple walking paths across their property but also gives the neighbors a degree of separation from the activities taking place at Grace Farms (see attachment). Incorporating a permanent fence/hardscaping on the inside edge of the buffer zone, will also allow the Foundation’s security team to clearly see who is out of bounds with sufficient time to react before there is an incident, and bring visitors to Grace Farms closer to the structures for better monitoring. We will submit an additional planting plan for this buffer zone.
4. Operating Conditions Apply Across Grace Farms: In dealing with the Foundation on the sound sculpture, they took the position that the 2013 conditions only applied to Parcel 1 and not Parcel 2 on which the sound sculpture was erected. Ensuring that the operating conditions apply across all parcels comprising Grace Farms ensures consistency across the site by establishing a set of common rules across the entire property and simply mirrors the Foundation’s own approach of how it markets and has developed Grace Farms to date – the walking trail network across all three parcels being a prime example.
5. Dedicated Open Space: The Foundation repeatedly touts in its marketing and promotional materials that more than 77 of the 80 acres comprising Grace Farms have been preserved as open space for the community’s benefit. Yet the Foundation has never made any formal commitments to the town regarding that open space other than a 4 acre parcel between our respective properties – a dedication mandated by the Commission as part of

its 2008 approval. A formal open space dedication for Parcel 2 would serve to regulate any future development plans that the Foundation may have at Grace Farms, and those acres would then be then added and counted officially as open space in support of the town's goals in the Plan of Conservation and Development.

6. 10 Year Moratorium: Similar to the moratorium agreed in 2016 for the benefit of the abutting neighbors of the Glass House, this provides the neighborhood, after a decade 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", as evidenced by this latest special permit application. A long term moratorium also allows for the Applicant to demonstrate to the town, the Commission and neighborhood that it can comply with the stipulated conditions going forward.
  
7. No Sound Amplification: We request that the amplified sound sculpture installed around the large pond be dismantled completely and not sited anywhere else on the grounds of Grace Farms. To be clear, we have no issue with the Foundation installing this sound work inside one of the glass volumes comprising the River building complex or inside their barns as part of the Foundation's arts initiative. But this nuisance should not be moved to another part of the property to then disrupt other neighbors. An amplified sound work does not belong outside in a suburban residential zone.
  
8. No Retail Activities: The Commons kitchen facilities shall be operated only as an incidental amenity for programmatic events conducted under the Foundation's principal use designation. The Commons restaurant has the same licensure as Ching's Table, Gates, and other destination restaurants located in New Canaan's commercial district. No retail activities are permitted at the Glass House on Ponus Ridge. A restaurant only serves to amplify the intensity of use at Grace Farms, and runs counter to the mandates of New Canaan's Plan of Conservation and Development.

Thanks again Steve for your time Thursday; we look forward to understanding the Foundation's feedback on the above concerns.

Sincerely,

Handwritten signatures of David Markatos and Jennifer Holme in blue ink.

David Markatos & Jennifer Holme

Handwritten signatures of Jennifer and Mike Buczkiewicz in black ink.

Jennifer & Mike Buczkiewicz

cc: Rob Mallozzi, First Selectman  
John H. Goodwin, Chairman, Planning & Zoning  
Commission