

Enforcement Timeline – Grace Farms Lighting, Conferences & Services

Implicated Special Permit Conditions:

Condition 7 – “Worship services meant for the entire congregation shall only occur within the Sanctuary.”

Condition 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.”

Condition 35 – “All interior lighting in the River Building shall include motion sensors that shut off interior lighting due to inactivity.”

Condition 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.”

A. January 2016

1. January 3, 2016

– Sent inquiry to Steve Kleppin regarding, among other matter, Grace Farms’ hours of operation and interior & exterior lighting cutoff times

2. January 4, 2016

– Steve to review special permit conditions and revert

3. January 5, 2016

– Steve acknowledges Grace Farms’ lighting has been out of compliance on several occasions, and commits to discuss same with Grace Farms Foundation

– Steve to discuss November 2015 Child Trafficking Symposium with Ira Bloom

4. January 7, 2016

– Following discussions with Ira Bloom, Steve to follow-up with a letter to Grace Farms Foundation regarding Condition 12, and obtain an update on their lighting plan

B. May 2016

1. May 13, 2016

– With no update or reply to our January 7th correspondence, several abutting Smith Ridge neighbors send a series of letters to the Commission concerning, among other matters, usage activities at Grace Farms

C. 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, and cites specific violations of Condition 12

Enforcement Timeline – Grace Farms Conferences, Amplifying Devices & Services

Implicated Special Permit Conditions:

Condition 7 – “Worship services meant for the entire congregation shall only occur within the Sanctuary.”

Condition 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.”

Condition 39 – “Outdoor use of bullhorns, loudspeakers, or other amplifying devices is prohibited.”

A. February 2016

1. February 5, 2016

- Sent inquiry to Ira Bloom regarding usage activities at Grace Farms that we believe violate the above conditions
- Ira to discuss with Steve Kleppin

2. February 22, 2016

- Having had no reply from Ira or Steve, we sent a further inquiry to Ira Bloom
- Ira indicated again that he would discuss with Steve

B. April 2016

1. April 25, 2016

- Having had no reply from Ira or Steve for over 2 months, we sent a further inquiry based on Grace Farms’ Earth Day 2016 commemoration

C. May 2016

1. May 13, 2016

- With no reply to our April Earth Day correspondence, several abutting Smith Ridge neighbors send a series of letters to the Commission concerning, among other matters, usage activities at Grace Farms

D. 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, and cites specific violations of Condition 12

From: **David Markatos** davidmarkatos@gmail.com
Subject: Re: Grace Farms -- New Canaan
Date: April 25, 2016 at 6:16 PM
To: **Steven Kleppin** steven.kleppin@newcanaanct.gov, **Ira Bloom** ibloom@bmdlaw.com
Cc: **Jennifer Holme** holmejenn@gmail.com, **Bill Hennessey** whennessey@carmodylaw.com



Steve, Ira, good evening. We trust you both were enjoying the great spring weather this past weekend.

As you may know, on Saturday, Grace Farms held a community event at their property in commemoration of Earth Day 2016.

During the course of that afternoon, we heard a gentleman on a microphone addressing/directing the participants. We would greatly appreciate your reminding Grace Farms that Special Permit Condition #39 prohibits the outdoor use of amplifying devices at their property.

As the Earth Day commemoration included a number of components, including a farmers' market and a panel of outside experts discussing sustainable capitalism and related topics, we wanted to follow-up on our January & February correspondence with you concerning activities at Grace Farms that we believe either run counter to various conditions that were imposed by the P&Z Commission or, in the case of Saturday's farmers' market, would require their own stand-alone special permit.

With regards to Saturday's symposium on sustainable capitalism, Special Permit Condition #12 prohibits use of the property as a conference center.

Our understanding is that Grace Farms Foundation, as opposed to Grace Community Church, sponsored the Earth Day commemoration, and that the planned activities were open to the general public, and advertised as such, as opposed to limited to the Grace Church congregants and their guests. Had Grace Farms Foundation included amusement rides on Saturday, the commemoration would have been, in substance, little different from the St. Mark's Episcopal Church May Fair which is held only once during any calendar year.

We look forward to understanding the town's position on these activities/developments at Grace Farms, and your guidelines for enforcement when conditions imposed by the P&Z Commission continue to be disregarded.

We would be pleased to discuss the foregoing with you at your earliest convenience. Our home number is (203) 801-0537 if you wish to speak.

Regards, David & Jennifer

On Feb 22, 2016, at 9:12 PM, Ira Bloom <ibloom@bmdlaw.com> wrote:

David: I will discuss with Steve. Ira

Ira W. Bloom
Berchem, Moses & Devlin,
P.C.
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On Feb 22, 2016, at 4:33 PM, David Markatos <davidmarkatos@gmail.com> wrote:

Ira, good afternoon. We just wanted to circle back with you on this. Could you please let us know the town's position on these conditions.

We also wanted to bring to your attention the planned Winter Outing on March 5th at Grace Farms. As with the child trafficking symposium, this event is sponsored by the Foundation with no apparent involvement by Grace Church. It would be helpful to us and other abutting neighbors to understand how these activities square with the basis for the amended special permit.

Kind regards, David

On Feb 5, 2016, at 1:17 PM, Ira Bloom <ibloom@bmdlaw.com> wrote:

David and Jennifer: Thank you for this summary. I have to follow the usual protocol and send this to Steve Kleppin for his review. I will discuss with Steve. Thanks Ira

Ira W. Bloom
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Westport, CT 06880

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On Feb 5, 2016, at 8:20 AM, David Markatos <davidmarkatos@gmail.com> wrote:

Ira, good morning

By way of introduction, Jennifer and I own the property at 1328 Smith Ridge Road in New Canaan, and are abutting owners to both Parcel 1 (47.98 acres) owned by Grace Property Holdings (Holdings) and Parcel 2 (26.38 acres) owned by the Grace Farms Foundation (Foundation).

Following the opening of Grace Farms last October, there have been several developments that we have become aware of and/or experienced at our property, that we believe run counter to several conditions that were imposed by the New Canaan P&Z Commission (Commission) in April 2013 when approving the special permit for Holding's development of Parcel 1, and we are reaching out to you to understand the town's position with respect to these conditions.

A. Condition 7 – Services only in the Sanctuary

Condition 7 – "Worship services meant for the entire congregation shall only occur within the Sanctuary."

We understand from a December 18th article published in the New Canaan Advertiser that Holdings had sought and received an exception from this condition for Grace Community Church's (Church) 2015 Christmas services, and has requested a similar exception for the Church's planned Easter services this year.

From an abutting neighbors' perspective, we believe that (i) the abutting neighbors should have been advised of, and been offered an opportunity to present their views on such a request to the Commission, and (ii) any such request

been afforded an opportunity to present their views on such a request to the Commission, and (ii) any such request should have been treated by the Commission as a request to amend the special permit, and be subject to the procedures relevant to a special permit amendment.

While we can understand that Holdings may not be happy with certain of the conditions that the Commission imposed when granting the special permit, it is equally true that the Commission did not accept wholesale the conditions proposed by the neighborhood, and now that Grace Farms is operating, the neighborhood would likely have additional requests for conditions that could not have been reasonably anticipated in the abstract based on the activities and events that have taken place at Grace Farm since its opening.

B. Condition 12 – The River is not a Conference Center

Condition 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.”

On November 5th and 6th last year, the Foundation organized and sponsored a two-day symposium on child trafficking at which representatives from more than a dozen organizations presented on various topics or participated as panelists in various panel discussions. The Church had no involvement with this symposium as evidenced on their website and in press announcements related to the symposium. The special permit granted by the Commission was for the development of Parcel 1 for use by the Church as a “Religious Institution” which the New Canaan Zoning Regulations define narrowly as “[a] place where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body which is organized to sustain public worship.”

In our view, Condition 12 is quite clear -- multi-organizational conferences, such as the November child trafficking symposium, that are not organized and sponsored by the Church and unrelated to the Church’s religious mission of “. . . chang[ing] lives for the better by helping people to know Jesus Christ, to grow in Christ-like character and to live out authentic Christian community . . .” are strictly prohibited.

C. Condition 39 – No Amplifying Devices

Condition 39 – “Outdoor use of bullhorns, loudspeakers, or other noise amplifying devices is prohibited.”

At some point following the opening of Grace Farms, the Foundation installed an amplified “sound sculpture” on Parcel 2 adjacent to a walking path and the large pond. This “sound sculpture” – an approximately 2 minute long sound work -- is presented throughout the year on the half-hour until dusk. We can hear this sound work across our entire two-acre property. Given the volume levels, we presume that other surrounding properties on Lukes Wood, Puddin Hill and Smith Ridge also can hear this amplified sound work.

In conversations with representatives of the Foundation, we understand that their position is that this amplified work has been installed on Parcel 2 and therefore is not subject to Condition 39. We respectfully disagree with the Foundation’s position.

As part of the River experience, Holdings and the Foundation have proceeded to incorporate Parcel 2 into the development of Parcel 1 by means of walking trails, staging areas for overflow parking, etc. That is to say, the parcels comprising Grace Farms are viewed and treated as one property, such that the walking trails that Holdings have developed run across both Parcels, and for certain events at the River building the Foundation has designated parking areas on the lawns of Parcel 2. While we believe that this conflation of Parcels 1 and 2 and specific development/use of Parcel 2 is in contravention of the Special Permit and express representations made to the Commission by representatives of Holdings and the Foundation during the application hearings, the fact is that invitees of Grace Farm are carrying on activities on both Parcels 1 and 2, and that, under such circumstances, the Special Permit conditions do in fact apply to any related activities that may be taking place on Parcel 2.

We look forward to understanding the town’s position on these developments at Grace Farms, and would be pleased to discuss the foregoing with you at your earliest convenience. Our home number is (203) 801-0537 if you wish to speak.

Regards,

David Markatos & Jennifer Holme

From: **David Markatos** davidmarkatos@gmail.com
Subject: **Re: Grace Farms Condition Review**
Date: **January 7, 2016 at 4:46 PM**
To: **Kleppin, Steven** Steven.Kleppin@newcanaandct.gov
Cc: **Jennifer Holme** holmejenn@gmail.com



Ok; many thanks Steve for the update. We appreciate it.

To be honest, we just wish that Grace Church would respect the agreed P&Z conditions -- their actions just continue to demonstrate an approach of "we will do what we please, when we want" with no respect for boundaries or the impact that their actions may have on other parties.

David

Sent from my iPhone

On Jan 7, 2016, at 3:32 PM, Kleppin, Steven <Steven.Kleppin@newcanaandct.gov> wrote:

Hi David,

I just met with Ira about your email, specifically condition #12. He recommended I follow-up to Grace with a letter. We both feel that based on the information you shared with us that they are walking a very thin line on whether that is a violation or not. I am also going to request that Grace provide me with an update on the lighting for all interior & exterior lighting.

Steve

-----Original Message-----

From: David Markatos [mailto:davidmarkatos@gmail.com]
Sent: Tuesday, January 05, 2016 3:07 PM
To: Kleppin, Steven
Cc: Jennifer Holme
Subject: Re: Grace Farms Condition Review

Ok; many thanks Steve for your feedback.

Please let us know what the town attorney's view is on Grace's compliance with condition #12.

Regards, David

Sent from my iPhone

On Jan 5, 2016, at 2:13 PM, Kleppin, Steven <Steven.Kleppin@newcanaandct.gov> wrote:

Jennifer/David,

I had a meeting last night & went by the facility around 9:30 & have observed it over several times the last couple of months after dark. I will forward your email to the Grace folks for comment. I have met with them on several occasions since they've opened & I believe they are now turning off all interior lights by 9 PM. I will confirm that time with them. I am not sure about what time the up-lighting of the trees is being turned off but I will clarify that as well. I did notice the lights on the 2 barn buildings being very visible on several occasions.

I will also reach out to our attorney to get his opinion on condition #12 & the event held at the church to determine whether that is contrary to the approved condition or not.

Please note that the Commission approved the use of the gymnasium for overflow seating on Christmas Eve and Easter, with the proviso that there were no negative impact. I am not aware of any. It is my understanding that they did not need to use the extra space and remained below capacity within the sanctuary. In addition, they have been utilizing a shuttle service from the small shopping center in Vista which has alleviated the traffic.

Steve

-----Original Message-----

From: David Markatos [mailto:davidmarkatos@gmail.com]
Sent: Sunday, January 03, 2016 10:53 AM
To: Kleppin, Steven
Cc: Jennifer Holme

Subject: Grace Farms Condition Review

Hi Steve

Since the opening of Grace Farms, we have seen the exterior lights on well past 11pm which is in violation of special permit condition #36. The lighting included all interior structures as well as exterior lighting (for example, outdoor tree lighting) which were on well beyond the 11pm cutoff. If you could please confirm with Grace Farms that their required interior light sensors are working and request that they turn off any exterior non-security lighting, that would be much appreciated. As noted during the special permit hearings, the facility should not be used operationally past 11pm. If you could remind them of this requirement, that would be much appreciated.

With regards to the amplified sound exhibit on the north parcel, thank you for the reference to the police department. As that exhibit has continued to be played, we will ask the police to confirm that the decibel level at our property line comports with state regulations for our residential zone.

Also, are you aware that the foundation is holding multi organizational functions/conferences which is prohibited by special permit condition #12? A recent example was the two day conference held by the Grace Farms Foundation back on November 5 and 6. See the attached agenda/press announcement/calendars. Our understanding is that the usage as a conference center is not part of the approved usage of the facility. All conferences should be directed and sponsored by the Church and not be multi organizational. This one was clearly not sponsored by the Church and is being driven by Grace Farms Director of Justice Initiatives. If you could look into this matter, we appreciate it.

We also noted that you had granted an exception to special permit condition #7 with respect to Grace Church's Christmas services. From an abutting neighbor point of view, we believe that, at a minimum, that the surrounding neighbors should have been consulting and agreed to this exception, or that a formal P&Z hearing should have taken place to discuss this matter and vote on the 1 time exception. We would appreciate that approach being taken for any further exceptions to this condition that Grace Church may seek -- we note in the Advertiser article that Grace Church was seeking to extend this exception to their Easter services as well as future holiday services..

Thanks and let us know if you would like to discuss any of the above. Happy to chat

Jennifer Holme
David Markatos
1328 Smith Ridge Rd

From: Kleppin, Steven [mailto:kleppin@howland.net]
Subject: RE: Grace Farms Condition Review
Date: January 4, 2016 at 6:37 PM
To: David Markatos [mailto:davidmarkatos@gmail.com]
Cc: Jennifer Holme [mailto:jenn@fgrmfd.com]



David/Jennifer:

Sorry for the delayed response. I will review the conditions in more detail & get back to you tomorrow.

Steve

-----Original Message-----

From: David Markatos [mailto:davidmarkatos@gmail.com]
Sent: Sunday, January 03, 2016 10:53 AM
To: Kleppin, Steven
Cc: Jennifer Holme
Subject: Grace Farms Condition Review

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Thanks and let us know if you would like to discuss any of the above. Happy to chat.

Jennifer Holme
David Markatos
1328 Smith Ridge Rd