

July 11, 2017

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

Re: Grace Farms Foundation – Renewed Application

Dear Chairman Goodwin:

Further to your request at the June 26<sup>th</sup> special public hearing, my clients have the following suggestions concerning Grace Farms Foundation's ("Foundation") pending renewed application ("Renewed Application"). If implemented, these suggestions would substantially resolve my client's concerns with the Renewed Application:

1. Select One Principal Use at Grace Farms

The Foundation should be directed to select its **one** principal use at Grace Farms. My clients are agnostic as to that principal use and would not hold the Foundation to a religious institution principal use if the Foundation's mission has now moved beyond Grace Community Church. Once that single principal use has been determined, the Foundation can then identify subordinate accessory uses that are dependent upon and related to that principal use, and develop, with Planimetrics' and Steve Palmer's assistance, a management plan that more closely aligns the programming/activity levels at Grace Farms to that of other institutional uses in New Canaan's residence zones, such as The Glass House.

Should the Foundation revert back to a Religious Institution principal use at Grace Farms, my clients would view the principal and accessory uses as follows:

Principal Use: Grace Community Church – Religious Services

Examples: Sunday Services and commonly recognized Christian holidays

Accessory Uses related to Religious Institution: Religious ministries, church athletic league, parishioner counseling, religious study, parish day care services, **all** sponsored and led by Grace Community Church

Examples: Amazing Grace AA Meetings, Women's Morning Bible Study, Alpha Series, Men's Morning Bible Study, Love and Marriage Course, Pickup Basketball, Youth Volleyball, Story time with Miss Adrienne, Kids Club and Pura Vida, Midnight Run

See Attachment A for a schematic of principal and accessory uses at Grace Farms

## 2. Apply the appropriate Special Permits to Grace Farms

Throughout these proceedings, the Foundation's attorney has conflated intentionally the principal and accessory uses that are subject to special permit approval into a generic "special permit uses" in an attempt to confuse the Commission. My clients have never disputed that New Canaan's zoning regulations allow a site to have multiple special permits. In fact, the Commission's own special permit master data file reveals that most special permits issued in the 4-acre residence zone relate to discrete and incidental activities to the use as of right (i.e. a single family home) – for example, installing a generator, approving a landscaping plan, and building an addition. Put simply, there is no "time tested" interpretation of this Commission regarding multiple, contemporaneous principal uses in the residence zones upon which to afford any deference. Ironically, the examples cited by the Foundation's attorney serve to demonstrate how institutions can successfully operate within a residence zone under the framework of the existing regulations. Once the Foundation has designated its singular principal use and related accessory uses at Grace Farms, then the necessary special permits will flow from those designations.

In developing this framework of a single principal use and accessory uses at Grace Farms, the Commission should keep two issues in mind. First, the principal use and accessory uses selected by the Foundation should be consistent with uses that are currently permitted in New Canaan's residence zones under the regulations. As highlighted at the June 26 hearing, a number of uses taking place today at Grace Farms – such as the restaurant, movie theater, tea house, and retail shop – were not only never approved by this Commission, but are also illegal in New Canaan's residence zones. Second, the Foundation's management plan must include controls and conditions to ensure that (i) the selected principal use remains consistent with the revised Renewed Application, (ii) none of the approved accessory uses morph over time into additional principal uses, and (iii) Commission approval is required for any additional accessory uses at the site.

See Attachment B for a synopsis of the Commission's master special permit database, and an itemization of the special permits obtained by St. Luke's School and the New Canaan Country Club.

See Attachment C for a summary of the Foundation's use cases regarding multiple special permits

3. Incorporate operating conditions into Grace Farms' management plan

In its management plan, the Foundation proposes uses that are variable and based upon seasonality (e.g. proposed lighting plan and southern walking path), require human intervention (e.g. turning down interior lights and closing curtains) and place the burden on abutting neighbors to continue serving as *de facto* zoning enforcement officers. My clients are looking for **permanent solutions** to the encroachments and impacts caused by the Foundation's activities at Grace Farms, including a set of operating conditions that provide visibility to the activities taking place at the site, and are clear and actionable by this Commission with meaningful penalties if violated.

At the June 26<sup>th</sup> special public hearing, my clients submitted a set of operating conditions that relate to any use on the property (see the "ALL" conditions) and then specific conditions that relate to the single principal use chosen by the Foundation. These conditions not only help the Foundation meet its burden of satisfying the various special permit criteria but also mitigate the intensity of use at the site and concomitant impacts and encroachments on the surrounding neighbors.

The operating conditions address specifically the following key concerns of my clients that were shared with Steve Palmer and the Foundation in early February:

A. No Outdoor Sound Amplification. A prohibition on exterior loudspeakers and microphones at Grace Farms has been in place since 2013. The Commission should direct the Foundation to remove the amplified sound work surrounding Cattail Pond. My clients have no issue with this sound work being relocated inside one of the glass volumes comprising the River building or inside the barns at Grace Farms as part of the Foundation's arts initiative.

B. Light Pollution Mitigation. My clients are looking for permanent, non-variable solutions to the light pollution emanating from the River Building complex. My clients have publicly endorsed, and would accept, Planimetrics' proposal of a full "cut-off" of interior and exterior lighting at the River building complex at dusk, with all evening activities migrating to the adjacent barn complex. Should the Foundation desire to hold evening activities at the River building complex, my clients have proposed a screening formula to mitigate and address the material artificial light encroachments emanating from Grace Farms.

C. Demarcated Buffer Zone. My clients would accept the Foundation's proposed buffer zone as presented in its Inland Wetlands Commission application (No. 17-27) with the following two changes: (i) that the walking trail in the dedicated open space between my clients' property (1328 Smith Ridge) and the Buczkiewicz's property (1258 Smith Ridge) be moved west of the existing brook, and (ii) that an unbroken paddock fenceline/fieldstone wall be installed in the uplands on the inside edge of the buffer zone to create a security "white space" between Grace Farms and my clients' and the Buczkiewicz's respective property lines. With those two changes, my clients believe no plantings or other disturbance to the wetlands corridor at Grace Farms is necessary.

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D. No Public Park. Access to Grace Farms should be limited to those persons who have registered for designated and approved scheduled events. Unscheduled, “general public” access to the site should be prohibited.

E. Open Space Dedication. The Commission should require the Foundation to make a formal open space dedication with respect to all of Parcel 2 (Lot 76 comprising approximately 27 acres). Such a dedication would serve to regulate any future development plans for Grace Farms, and allow those acres to be added to and counted officially as open space in support of New Canaan’s open space preservation obligation (Connecticut’s public policy goal of preserving open space has been specifically incorporated into New Canaan’s Plan of Conservation and Development).

F. No Retail Activities. The Commission should direct the Foundation to cease all retail activities at Grace Farms. As with The Glass House, the Grace Farms gift shop should be relocated to downtown New Canaan. The Commons’ kitchen facility, tea house, and movie theater should be operated only as incidental amenity for programming events conducted under the Foundation’s principal use designation.

G. Moratorium. The Commission should impose a long-term moratorium on further land use filings (site plan amendments, special permit applications, special permit amendment applications, etc.) at Grace Farms. Such a moratorium would eliminate the potential for further “institutional creep” by the Foundation (as evidenced by the Renewed Application), allow for a culture of compliance to take root at the Foundation, and provide a degree of certainty to abutting neighbors after a decade of proceedings before the Commission.

See Attachment D for proposed operating conditions for Grace Farms.

The implementation of these suggestions would result in a revised Renewed Application that would (i) meet the requirements of the zoning regulations’ special permit criteria, (ii) be in line with the Plan of Conservation and Development, and (iii) be endorsed by my clients.

Sincerely,



Amy E. Souchuns

cc: Steve Palmer, Town Planner/Senior Enforcement Officer  
Daniel P. Stepanek, Chairman, Inland Wetlands Commission  
Cameron Hutchins, Chairman, Conservation Commission