

## Enforcement Timeline – Grace Farms Sound Sculpture

Implicated Special Permit Condition:

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

### A. October 2015

1. *October 25, 2015*

– Sent inquiry to Roy Medile, a director at Grace Farms Foundation, regarding the installation of a multi-speaker amplified sound sculpture around the large pond in Parcel 2 (approximately 30 acres) that abuts our property

2. *October 27, 2015*

– Roy responds that the sound sculpture is approximately 2 minutes long, and is presented on the half hour until dusk

– Roy advises that Parcel 2 is not subject to the special permit conditions, and that the town was notified of the art sound installation and its placement (triangulated) around the large pond

3. *October 28, 2015*

– Sent inquiry to Steve Kleppin regarding the amplified sound work, and requested confirmation about its conformance to state noise regulations and copies of the results of any sound metering

4. *October 28, 2015*

– Steve responds that Grace Farms Foundation had mentioned to him the installation of the “sound sculpture” on that Monday (October 26<sup>th</sup>).

– Steve directs us to the Police Department and that the Police Dept. has the equipment for measuring noise levels and is the town agency that handles noise complaints

### B. November & December 2015

– Research and review Connecticut noise ordinances and flow-down of those regulations to local municipalities

### C. January 2016

– Conference calls with the Office of Connecticut Attorney General

### D. February 2016

1. *February 27, 2016*

– As the sound sculpture continues to play and be broadcast across our property, met with Officer Lambert at the Police Dept. to discuss the situation and Steve Kleppin’s referral

2. *February 28, 2016*

– At Officer Lambert’s suggestion, sent inquiry to Captain DiFederico of Police Dept. requesting an official decibel level reading to be taken at our property line

3. *February 29, 2016*

– Capt. DiFederico responds that the Police Dept. does not have the mechanism to measure sound volumes and has received no training to certify an officer to take an official decibel measurement, and that the town noise ordinance does not address artwork.

E. March 2016

1. *March 1, 2016*

– In a conference call discussing the situation, Capt. DiFederico makes clear that the Police Dept. has received neither the training nor the equipment to take an official decibel level reading per state regulations

F. May 2016

1. *May 13, 2016*

– With no ability for the Police Dept. to provide an official decibel reading, several abutting Smith Ridge neighbors send a series of letters to the Commission concerning, among other matters, the amplified sound sculpture at Grace Farms

G. 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, including whether or not the sound sculpture constitutes a “structure” on Parcel 2 which would be prohibited by the terms of the 2013 special permit

Begin forwarded message:

**From:** Roy Medile <[rmedile@gracefarmsfoundation.org](mailto:rmedile@gracefarmsfoundation.org)>  
**Subject:** RE: Special Permit Condition #39 -- Amplifying Devices  
**Date:** October 27, 2015 at 12:47:27 PM EDT  
**To:** David Markatos <[davidmarkatos@gmail.com](mailto:davidmarkatos@gmail.com)>  
**Cc:** Jennifer Holme <[holmejenn@gmail.com](mailto:holmejenn@gmail.com)>

Dear David and Jennifer,

Thank you for your kind email. The opening of Grace Farms has been a wonderful success and we are so thankful for all the support of the New Canaan community.

As you know a cornerstone of Grace Farms Initiatives is the Arts Program. We have commissioned a sound work by Susan Phillipsz on the large pond. Specifically, her work "New Canaan," is approximately 2 minutes long and it is presented on the half hour until dusk.

Please note that condition #39 refers specifically to the 48 acres on which we requested the Special Permit for, and where we have developed the "River Building." We do not have any outdoor amplification devices on this parcel. The sound installation on the large pond is on the 27 acre-property that is undeveloped and not subject to the Special Permit. Even though it is not subject to the Special Permit we still notified the Town of the art sound installation and its placement. We have also, and will continue to, abide by the local noise ordinance from the Town of New Canaan that all property owners are required to comply with.

In addition, we would welcome you to come visit Grace Farms at your convenience. It is a place for you and your family to enjoy as well.

Roy Medile  
Controller & Human Resources Manager  
tel 203.920.1903

365 Lukes Wood Road  
New Canaan, CT 06840

Join us for our [Justice Initiative Launch, Graduation, Child Exploration](#)  
on November 5th & 6th at Grace Farms

grace farms

**From:** David Markatos [<mailto:davidmarkatos@gmail.com>]  
**Sent:** Sunday, October 25, 2015 7:55 AM  
**To:** Roy Medile <[rmedile@gracefarmsfoundation.org](mailto:rmedile@gracefarmsfoundation.org)>  
**Cc:** Jennifer Holme <[holmejenn@gmail.com](mailto:holmejenn@gmail.com)>  
**Subject:** Special Permit Condition #39 -- Amplifying Devices

Roy, good morning. We trust this finds you well. Congratulations on the recent opening of Grace Farms. How exciting that must be for you and the foundation members.

With Susan Phillipsz' installation by the pond, we just wanted to remind you of special permit condition #39, which restricts outdoor amplification devices, whether as part of an exhibit, concert, etc. We would greatly appreciate your turning off the sound feature of this installation.

For ease of reference, we have excerpted the condition below:

"39. Outdoor use of bullhorns, loudspeakers, or other noise amplifying devices is prohibited."

Thanks in advance for your prompt attention to this request.

David & Jennifer

From: Kleppin, Steven <Steven.Kleppin@newcanaanct.gov>  
Subject: RE: Grace Farms -- Special Permit Condition #39 -- Amplifying Devices  
Date: October 28, 2015 at 3:31 PM  
To: David Markatos <davidmarkatos@gmail.com>



I believe the Police Department has the equipment for measuring the noise levels and handles the complaints.

Steve

**From:** David Markatos [mailto:davidmarkatos@gmail.com]  
**Sent:** Wednesday, October 28, 2015 3:30 PM  
**To:** Kleppin, Steven  
**Cc:** Jennifer Holme  
**Subject:** Re: Grace Farms -- Special Permit Condition #39 -- Amplifying Devices

Ok; thanks Steve. Is it the Police Department or Environmental Dept. the local agency that performs metering procedures? We will want to validate the sound levels at our property line.  
Regards, David

On Oct 28, 2015, at 3:18 PM, Kleppin, Steven <[Steven.Kleppin@newcanaanct.gov](mailto:Steven.Kleppin@newcanaanct.gov)> wrote:

Hi David & Jennifer,

I was on the site for another matter Monday. They mentioned the "sound sculpture" to me. They indicated it's on the second parcel they purchased, which is not part of the special permit. I believe it is their intention to leave the sculpture at that location.

They indicated to me that they tested the noise levels at the property line and they were below what was permitted in the noise ordinance.

Hope all is well.

Steve

**From:** David [mailto:davidmarkatos@gmail.com]  
**Sent:** Wednesday, October 28, 2015 2:58 PM  
**To:** Kleppin, Steven  
**Cc:** Jennifer Holme  
**Subject:** Grace Farms -- Special Permit Condition #39 -- Amplifying Devices

Steve, good afternoon. We trust this finds you well and enjoying the fall colors!

We have had some preliminary conversations with the folks at Grace Farms about their installation of an amplified sound work by Susan Phillipsz' on their property and how that squares with Special Permit Condition #39 which restricts the use of outdoor amplification devices. In case you are not aware, this sound work is presented on the half-hour


throughout the daytime until dusk.

We understand from Grace Farms that they had advised the town of this sound installation. Could you please share with us the correspondence related to this sound installation. Is this sound work intended to be a permanent or only temporary exhibit for purposes of their grand opening?

It would be great if you could also clarify exactly where on their property this sound work has been installed and whether sound measurement procedures were performed at the property lines of abutting neighbors to confirm that the amplified sounds coming from the exhibit conform to Connecticut's regulations for lands designated as within the Class A Noise Zone. If such metering procedures were performed, we would appreciate receiving a copy of those results as well as the location(s) where those metering procedures were performed.

Thanks in advance for your assistance with this request.

David & Jennifer

From: DiFederico, John [mailto:john.difederico@newcanaanct.gov]   
Subject: RE: Request for Decibel Level Reading -- Grace Farms  
Date: March 1, 2016 at 10:41 AM  
To: David Markatos [mailto:davidmarkatos@gmail.com]  
Cc: Jennifer Holme [mailto:holmejenn@gmail.com]



David

Please feel free to give me a call today. I will be in the office until 3pm

John D.

**Captain John W. DiFederico**  
**New Canaan Police Department**  
*Staff Services Division Commander*  
174 South Avenue  
New Canaan, Connecticut 06840  
(203) 594-3515  
(203) 594-3551 Fax  
[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)  
[www.newcanaanpolice.org](http://www.newcanaanpolice.org)



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**From:** David Markatos [mailto:davidmarkatos@gmail.com]  
**Sent:** Monday, February 29, 2016 12:40 PM  
**To:** DiFederico, John  
**Cc:** Jennifer Holme  
**Subject:** Re: Request for Decibel Level Reading -- Grace Farms

John, many thanks for your note. This indeed is helpful. If we hire a consultant who is certified to measure decibel levels in Connecticut, will that be accepted by the town/police department as an official reading? Our concern lies with Grace Farm's compliance the Connecticut state regulations that govern sound levels emanating from residential zones.

If it would be helpful to discuss this matter in person later today or over the phone, please let me

know as I have taken a vacation day today, and would be available after 3pm.

Kind regards, David

On Feb 29, 2016, at 12:21 PM, DiFederico, John  
<[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)> wrote:

David and Jennifer

Thank you for your email and hopefully I can give some guidance so this can be resolved. First let me say that we do not have anyone at the police department that can provide you with an official decibel reading. We simply do not have any training available that would certify our officer to take decibel measurements in these types of situations. Perhaps someone that specializes in sound engineering would be able to provide you with an official reading that would be useful to you.

The Town ordinance (<http://ecode360.com/9044963?highlight=noise%20noise,noises,noise#9044963>) specifically prohibits noises from exterior burglar alarms, equipment or machinery, motor vehicles, and construction equipment during certain hours. It specifies that these noises are allowed M-F from 7am – 7pm, Sat 8am – 6pm and Sun 10am – 4pm. The noise ordinance also exempts the following ; Bells, carillons or chimes associated with specific religious observances, or emanating from a building clock or school. The noise ordinance does not speak directly to artwork as is the case in this situation.

Based on the information that you have provided me it does not appear that this situation violates the Town noise ordinance. My suggestion would be to continue to work with Grace Farms and see if an agreeable solution can be found.

If you need anything further please let me know.

**Captain John W. DiFederico**  
**New Canaan Police Department**  
*Staff Services Division Commander*  
**174 South Avenue**  
**New Canaan, Connecticut 06840**  
**(203) 594-3515**  
*(203) 594-3551 Fax*  
[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)  
[www.newcanaanpolice.org](http://www.newcanaanpolice.org)

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**From:** David Markatos [<mailto:davidmarkatos@gmail.com>]  
**Sent:** Sunday, February 28, 2016 2:28 PM  
**To:** DiFederico, John  
**Cc:** Jennifer Holme  
**Subject:** Request for Decibel Level Reading -- Grace Farms

Captain DiFederico, good afternoon. Officer Lambert suggested that we reach for you.

We would like to have an official sound reading taken at our north western property line to measure the decibel level of an amplified sound work that has been installed at the Grace Farm property adjacent to the large pond. This “sound sculpture” – an approximately 2 minute long sound work -- is presented throughout the year on the half-hour until dusk, and we can hear this sound work across our entire two-acre property. Our property — 1328 Smith Ridge Road in New Canaan — abuts both parcels comprising Grace Farms.

Our understanding from Steve Kleppin, the town's zoning enforcement officer, is that the police department is charged with ensuring compliance with the state and local noise ordinances.

Could you please let us know when we could arrange to have an official decibel level reading taken at our property line.

Thanks in advance,

David Markatos & Jennifer Holme