



TOWN OF NEW CANAAN

TOWN HALL, 77 MAIN STREET
NEW CANAAN, CT 06840

STEVE KLEPPIN
TOWN PLANNER
SR. ENFORCEMENT OFFICER

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June 24, 2016

Grace Farms Foundation Inc.
357 Lukes Wood Road
New Canaan, CT 06840
Attn: Sharon Prince, President

**Re: Compliance with Special Permit Criteria: Grace Property Holdings, LLC
365 Lukes Wood Rd.**

Dear Ms. Prince:

As you are aware, the town has received several complaints regarding some of the Uses occurring on your property. Specifically, the complaints allege that the Uses occurring at the site exceed the bounds of the March, 2013 Special Permit granted by the Planning and Zoning Commission (Commission). In response to these complaints the Commission instructed me to investigate and render a preliminary opinion letter on whether I felt that there were any violations of the Special Permit conditions. Please note that the conclusions in this letter are indeed preliminary and I reserve the right to revise any conclusions herein based upon my later review of the facts. Similarly, this letter is not intended to constitute an "order" from me. Rather, this letter is intended to give you my initial thoughts and a specific request, which I will also recommend to the Commission, that you seek a modification of your special permit from the Commission.

Based on my review of the complaints and in reviewing the past approvals for the site it is my opinion that some of the Uses occurring at the site have indeed exceeded some of the special permit conditions granted in March, 2013.

I began by reviewing past Minutes and materials submitted in association with both the 2013 and 2007 approvals in order to obtain a basis for the proposed nature and scope of future activities by both Grace Church and the Grace Farms Foundation (Foundation). My conclusion is that the initial approval granted in 2007 was for a Church with some ancillary Uses, similar to how other churches operate. During the 2013 hearings there was considerable discussion regarding the scope of Uses that would be conducted in addition to the Church services. I believe the consensus amongst the past and present Commissioners from 2013 was that they were still approving a Church but with a more defined and perhaps

more robust outreach program through the Foundation. During the 2013 hearings your team submitted a chart that listed potential Uses for the Church in one column and for Community/Non-Profit Groups in a second column. What is notable about that chart is that the proposed activities related to the Church outnumber the Community/Non-Profit Group activities by about three to one. When I look at the monthly calendar for both Grace Church and Grace Community Foundation it appears the level of activity is equal. There was also other testimony during the public hearings that the level of activity would be limited.

A common sentiment I hear expressed is that the property was approved as a church with ancillary Uses but it now appears that the ancillary Uses associated with the Foundation have become the principal Use, while the Church itself is the ancillary Use.

While many of the activities and initiatives undertaken by the Foundation are worthy efforts and there is testimony on the record that there would be fundraising and community gatherings at the property, the depth and scope was not defined and no permission or confirmation was sought from the Commission on these types of events. For example, I am aware of two specific instances where I believe the Foundation has directly violated Condition #12. In my opinion, the November 5th and 6th, 2015 Child Trafficking Symposium and the Modern House Day Symposium held May 14th, violate Condition #12 which states that “the use of the property for multi-organizational conferences and/or usage as a conference center is not part of this approval”. In addition, the neighbors question whether these types of events are better conducted in-town. That is a valid point. Provided the proper venue could accommodate the event, this could more directly benefit the entire community by attracting more people to the downtown.

I feel it is also fair to question whether some of the activities that have occurred and continue to occur since the opening of the property are beyond what was represented to the Commission during the hearings. For example, there have been several “community events” such as the Memorial Day Barbeque, the Community Dinners or the Winter Outing that while not expressly prohibited, are not indicated as permissible either. The potential Use chart, provided during the hearing, outlines in broad terms the types of activities contemplated but testimony provided to the Commission indicates the activities would be related to the Church and its mission. I understand that as part of the Church’s mission it is your intent to be active in the community and for this property to be an asset to the community but it is my opinion that at the time of the approval that the Commission did not intend for the site to be used as a public park or community center.

In addition, there are several examples where there appears to be a for-profit connection to some of the event and activities. Some specific examples include:

- “Grace Farms River Walk & Tea Tours”, which appear to occur on a frequent basis and has a \$25.00 fee for attendance.
- Tai Chi classes with a \$10.00 fee for attending.
- Cooking classes through the Chamber of Commerce which has a \$200.00 fee for four classes.
- Tours conducted in conjunction with the Glass House.
- The Commons which serves food to the public on a daily basis.

My preliminary analysis indicates that several other complaints raised by the neighbors which at this point in time, based on the evidence that I have seen, do not appear to be violations of the special permit conditions or the zoning regulations. There was a complaint about parking of cars on the sports field during one Sunday worship service. While that is not permitted, it is my understanding that there were some new individuals who were placed in charge of parking on that date and were unfamiliar with the rules and procedures. We were contacted after the event and steps were taken to ensure that hopefully does not occur in the future. I view that as an isolated instance since that occurred one a single Sunday and as far as I am aware, has not happened before or since that event.

Similarly, there have been complaints regarding site lighting but I believe many of those have been addressed. I have not seen evidence at this point in time of site lighting violations, but it may be in your best interest to look at any steps that can be taken to reduce light, particularly from the Commons building during the evening hours.

The neighbors also question the Use of Parcel 2 and its possible Use in conjunction with the main campus. It is a fair point to consider, but so long as the property is not developed or activities related to the Church or Foundation are not conducted on that parcel, I believe it would be consistent with the use of the property as "open space" as permitted in Section 3.2.A of the zoning regulations. In my opinion, simply walking a trail or fishing in a pond does not violate the special permit. That Use does state that there can be no structures on that parcel. It is my understanding that Parcel 2 does contain a sculpture that chimes and is audible to the neighbors. Whether that sculpture constitutes a structure or not is debatable. Perhaps another discussion with the abutting neighbor could remove this item from the discussion. It should also be noted that during the 2008 amended application the Commission sought to gain public access to part of Parcel B.

Interestingly, we have not heard to date, about complaints related to traffic since the site has opened. That is a credit to the actions taken by Grace to accommodate cars off site. However, concerns related to the impacts of visibility and privacy are valid complaints that are in your best interest to address.

Based on the most recent letter received from the neighbors, dated June 20, 2016, it is clear that there may be no simple fixes to address their concerns and that action by the Commission and this office is needed to obtain a solution. Therefore, as I previously stated, I believe a modified special permit application should be submitted by the Foundation pursuant to Section 3.2.C.16, Clubs and Organizations, which seems to be a more appropriate definition of the Uses and activities associated with the Foundation. In looking at the calendar, I think an August 30, 2016 application filing, for the September 27, 2016 Commission meeting is appropriate. The Commission may have some thoughts on scheduling as well. Between now and the hearing, I would hope that there is an opportunity for additional dialogue between the Foundation and the neighbors.

In the interim, I would request that any seminars or conferences being planned or contemplated be placed on hold until the issues outlined above are resolved.

Again, this is not to be considered an order from this office, nor are the conclusions stated herein conclusive on my part. I feel the proper venue to resolve these issues is in front of the Commission during a public hearing where all parties can properly air their cases.

We look forward to receiving your upcoming application.

Should you have additional questions, please do not hesitate to call.

Sincerely,



Steve Kleppin, AICP
Town Planner

- c/ M. Shen, Sr. Advisor to the President
- K. Patel, General Counsel
- T. O'Hanlan, Robinson & Cole
- J. Goodwin, Chairman, Planning and Zoning Commission
- Planning & Zoning Commission
- R. Mallozzi, First Selectman
- I. Bloom, Town Attorney
- B. Platz, Chief Building Official
- J. Eielson, Chief Sanitarian