

1328 Smith Ridge Road  
New Canaan, CT 06840

February 22, 2021

Dear Planning & Zoning Commissioners:

Having moved to New Canaan in 1999 with the expectation of living in a residential zone, we can say that assumption and expectation is now completely shattered. The closing of Grace Farms to the public for the past year due to the COVID-19 pandemic has brought into sharp focus the impacts and encroachments that a Grace Farms run amok has wrought on abutting neighbors since opening in October 2015. In September 2017, you approved a special permit for Grace Farms Foundation to operate at Grace Farms which had 100 conditions to protect abutting neighbors and ensure our residential zone continued to be a residential zone. With the naïve belief that these operating conditions would be enforced and followed, unlike Grace Farms Foundation itself and several of our neighbors, we did not pursue litigation at that time. We were optimistic that the Town would enforce and monitor the special permit, the applicant would operate within its generous terms of three principal uses and a panoply of accessory uses, and that the sanctity of our neighborhood would be preserved and protected. Instead, what we have witnessed is unchecked growth, no enforcement from the Town, continued commercial expansion both physical (e.g., Operations Center redevelopment/expansion, West Barn redevelopment/expansion) and financial (e.g., material, year-over-year retail sales at the site), clear cut special permit and zoning violations (e.g., UNCHAIN Foundation, extensive light trespass, roaming public, criminal activity) and no avenue except the Connecticut land use court to find relief.

In 2017, we intervened on Grace Farm Foundation's "friendly appeal" against the Town of New Canaan with the expectation to resolve some of these substantive land use issues. We participated for more than six months in the mediation sessions with Judge Zemetis, and then Judge Lager with those same hopes. We simply asked for a few common protections afforded to all neighbors in land use: screening from the light trespass emanating from the River Building, the public pushed away from our property and out of the wetlands corridor, improved controls to ensure a residential neighborhood, etc. With no response from Grace Farms Foundation to any of our proposals, after six months, we withdrew from mediation.

Here is the truth and it is very simple: we want to live in residential neighborhood, we want our privacy, security and safety, we want to be protected from a commercial facility (e.g., parking lots, light pollution, cameras trained on our property, restaurants, retail activities, and a movie theater) and we want to enjoy our home like every other New Canaan resident. When you review the intensity, the impacts and encroachments, and the lack of adherence as well as enforcement of the 2017 special permit, ask yourself:

- Would I want to live with 180,000 people in my backyard and the intensity/impacts resulting from that activity?
- Would I want the general public coming within 125 feet of my property, and having them able to see me and I see them including photographing me and my backyard?
- What about the complaints? Why does the Town Planner do nothing except flip neighbors' complaints to the applicant's external lawyer? Isn't the town obligated to protect our interests?

- Would you want a neighbor who can't follow rules, continues to flaunt the regulations with impunity in your backyard?

The answer to all of the above is probably “no” and it is up to this Commission to ensure that we are protected. Grace Farms Foundation is back once again to ask for something that was definitively answered by this Commission in 2017 – no more commercial expansion, no for-profit entities, and operate within your approved three principal uses. With this new request, let's be clear what the Commission is being asked to approve:

- A new 5,471 sq ft commercial office building operating from 7am to 10pm seven days a week in a residential zone which will only add to the 70,000+ sq ft commercial space existing today
- A 1,039 sq ft “records warehouse” with a half bathroom
- 23 striped spaces (5,800 square feet) in addition to the existing 226 parking spaces
- A maintenance yard/overflow parking area of 5,000 square feet (i.e. enough space for an additional 15 parking spaces) for heavy equipment, trucks and other vehicles
- For profit, sustainability activity, including the rental of the facility, catering and events. This would result in Grace Farms morphing into a for-profit commercial conference center
- New Grace Farms Foundation affiliates – 5I's LLC and G Farms Foods LLC -- two for-profit companies, operating in a residential zone
- Expansion of the existing not-for-profit space grant program to “Partners” -- in other words for-profit entities – that would operate at Grace Farms independent of events actively sponsored and led by Grace Farms Foundation
- Substantially increased retail activity (for-profit) which makes the Commons and the souvenir shop no longer an accessory use.
- Reduction in reporting with no justification as to why
- Reduction in controls and privacy with a separate public entrance to the new office building f/k/a 82 Puddin Hill Road
- Heavy equipment out in the open in a residential zone as opposed to being housed within a structure
- Garbage dumpsters out in the open in a residential zone as opposed to being housed within a structure
- Amendment of more than 15 conditions that are impacted by this request – not the 6 alleged.

Do not fall for the latest bait and switch - “Grace Community Church needs new offices.” We heard that in 2007, 2008 and 2013 when the mantra was Grace Community Church needs a permanent home. As a matter of fact, Grace Community Church has been worshipping out of St. Paul's Episcopal Church in Darien since last fall.

Grace Farms Foundation is simply looking to further expand its commercial activities at Grace Farms, and not as it states, “to identify three discrete ways its operations could be improved, described below, without expansion, or intensification of use or impact”. Our understanding is that the applicant's requests for “sustainability events” and additional commercial space at the Grace Farms site was already asked and answered by this Commission in 2017. Ironically, when asked to define intensification at a recent ZBA hearing relating to the redevelopment/expansion of the Operations Center at Grace Farms, Attorney O'Hanlon said explicitly and definitively that the “adding of parking spaces is an intensification of the site.”

Let's be logical, everything being asked for by Grace Farms Foundation -- moving a paying tenant, Grace Community Church, and capturing back the East Barn for use for by for-profit "Partners" -- will result in additional commercialization of the site and put further pressure on the sanctity of the surrounding residential neighborhood.

Enclosed with this letter is a memorandum detailing the issues of intensity, significant growth in operations and activity, unpermitted organizations based at the property, and repeated violations of the 2017 Special Permit, along with exhibits supporting those issues. We have also outlined the impacts to our property as a direct result of Grace Farms. In light of this history and issues presented by the current application, we ask that you:

- Deny the application to convert the structure f/k/a 82 Puddin Hill Road into a commercial office building. This intensification would only further erode abutting property values and the surrounding neighborhood. This building and its ancillary structures are in our direct viewshed, and our National Register listed property will be significantly impacted by the addition of 10,800 square feet of parking directly within that viewshed and the attendant lighting and noise that go hand-in-hand with vehicle parking at a site open from 7am to 10pm seven days a week. The morphing of a single family residence into a commercial office building with the comings and goings of 14 staff members of Grace Community Church for 15 hours each day just adds to that adverse impact.
- Deny the use of the Grace Farms site by for-profit entities -- including GFF LLC and 5i's LLC -- except in conjunction with activities/events directly led and sponsored by Grace Farms Foundation. Sustainability events should continue to be prohibited at the site. Similarly, eligibility for participation in any space grant program should be limited to not-for-profit entities.
- Require the members and managers of GFF LLC and 5i's LLC to provide this Commission with a sworn affidavit as to where GFF Foods LLC and 5i's are actually operating from and where their respective personnel are located.
- Require that any additional parking to the Grace Farms site be added to the existing parking lots and no new lots created on the property. There is ample space to add striped spaces to the existing parking lots; Grace Farms Foundation made such a proposal as part of its 2016 special permit application.
- Require that Grace Farms Foundation notify OSTA of any changes to the Grace Farms site plan that would result in more than 226 parking space at Grace Farms and/or increase the permitted square footage at Grace Farms. The Commission should also mandate that annual traffic studies be performed to document and evaluate traffic flows and related issues.
- Require that a new access driveway to the structure f/k/a 82 Puddin Hill house be created that is accessible after the main entrance security gate and abandon the current driveway. All ingress/egress to the Grace Farms site needs to be funneled through the main entrance gate and security hut so that it can be actively monitored and controlled by Grace Farms Foundation for the security of abutting neighbors.

- Require Grace Farms Foundation to come into compliance with the reporting requirements of Condition 92.
- Based on Grace Farms Foundation's July 2017 representations to this Commission, impose a hard cap of 60,000 people per year, or 5,000 people per month, at the Grace Farms site to protect the integrity of the surrounding residential neighborhood. The cap would be measured by means of traffic counting strips installed at the site's main entrance.
- Require the abandonment of all walking trails in the Federal wetlands and turn the wetlands corridor into a no public access security "white space" to address the safety and privacy concerns of abutting neighbors. Require that a fieldstone wall or paddock fencing be added along the Grace Farms edge of the wetlands corridor to serve as a physical barrier to any visiting general public.
- Mandate that additional screening be added to the site with the objective of reducing the ability of our being seen from Grace Farms and us seeing a commercial facility. Screening would address the existing River Building complex, including existing parking lots, and the structure f/k/a 82 Puddin Hill Road.
- Enclose all heavy equipment and related vehicles and trash dumpsters at the site in a four-sided shed removing it from view of the neighborhood.
- Implement Condition 98 and appoint, at Grace Farm Foundation's expense, an independent third- party monitor with full authority to monitor the property, review complaints and assess penalties based on determined condition violations.
- Add a new condition that establishes a prescriptive penalty scheme for all future condition violations. This scheme would automatically remove privileges (loss of retail), reduce the number of events and reduce the number of visitors allowed if the third-party monitor determines that condition violations exist.

Like many of our neighbors, we predate the Grace Farms commercial development by more than a decade. In moving to New Canaan's 4-acre residence zone, our expectation is to have a standard of living equivalent to that of a low density residential zone. The impacts and encroachments resulting from the intensity of usage activity taking place at Grace Farms since October 2015, however, has shattered any semblance of living in a residential neighborhood. And now that Grace Farms has been closed to the public for the past year, the tangible effect of those cumulative impacts and encroachments is palpable. Clearly the intentions of Grace Farms Foundation is to continue to grow but at whose expense? The neighborhood's. There is no legitimate basis upon which this Commission can continue to turn a blind eye and allow this intensity and commercialization of the Grace Farms site to continue unabated and unchecked.

Sincerely,

Jennifer Holme & David Markatos