



TOWN OF NEW CANAAN

TOWN HALL, 77 MAIN STREET
NEW CANAAN, CT 06840

LYNN BROOKS AVNI, AICP
TOWN PLANNER/
SR. ENFORCEMENT OFFICER

TEL: (203) 594-3046
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Certified Mail/Return Receipt: 7017 3040 0000 4773 3419

October 15, 2019

Edward V. O'Hanlan
Robinson & Cole, LLP
1055 Washington Boulevard
Stamford, CT 06901

RE: Certificate of Decision: Special Permit Modification – 842 Ponus Ridge Road


Dear Mr. O'Hanlan:

Attached is a copy of the Planning & Zoning Commission Certificate of Decision on your Special Permit.

The Certificate of Decision was filed with the Town Clerk of the Town of New Canaan on October 8, 2019 and was advertised in the legal notice of the New Canaan Advertiser October 3, 2019.

Should you wish to appeal the decision to the Court, you have fifteen (15) days from the date of publication to do so.

Sincerely,



Lynn Brooks Avni, AICP
Town Planner/Sr. Enforcement Officer

cc: Gregory Sages, Executive Director, The Glass House

Enclosure

RECEIVED

JUN 26 2019

NEW CANAAN PLANNING & ZONING



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SPECIAL PERMIT APPLICATION

June 26, 2019

The undersigned owner(s) of record hereby apply for a SPECIAL PERMIT APPROVAL as to certain Real Estate located at: ADDRESS: 842 Ponus Ridge, New Canaan, Connecticut ("The Glass House")
Owner's Name: National Trust for Historic Preservation in the United States
Applicant's Name: ATTN: Gregory Sages, Executive
Address: Director, The Glass House, c/o Edward V. O'Hanlan, Esq., Robinson & Cole LLP, 1055 Washington Boulevard, Stamford, CT 06901
Applicant's Email Address: tohanlan@rc.com

ZONING DISTRICT R-2 as shown in the New Canaan Land Records: VOLUME 333, PAGE 338
And more particularly described by bounding owners as follows: Volume 817, Page 58

Northerly by: SEE ATTACHMENT A Southerly by:
Easterly by: Westerly by:
Within 500 Feet of another municipality? Yes (X) No () Name Town(s) Stamford
MAP # 26 BLOCK # 13 LOT # C7

I am requesting a SPECIAL PERMIT APPROVAL of Section(s) 3.2C.16. and 8.2B. described as follows: Modifications of conditions of Special Permit authorizing use of 842 Ponus Ridge as a limited public access museum ("The Glass House"), originally granted on 1/27/1998, and last modified on 5/12/2016 (EXHIBIT A), as described in the cover letter, SCHEDULES A-1, A-2, and B, dated June 26, 2019.

- You must attach a detailed statement describing: 1) the existing and proposed use or uses; and 2) how the Special Permit Criteria are addressed.
- If any Special Permits or Variances previously granted for this property attach Certif. of Decision(s) YES (X) NO ()
- I hereby acknowledge that unless I comply with provisions of Article 8. Section 8.1.G. of the Zoning Regulations, which require specific notification of certain neighbors, my application will not be complete and cannot be heard.

ROBINSON & COLE LLP
PRINT: Edward V. O'Hanlan, Esq. SIGNED: [Signature]
Owner of Record/Authorized Agent Town of Record/Authorized Agent

Official Use Only
Date of Receipt: 6/26/19 Hearing Date(s): 7/30/19 Decision Date: 9/24/19

I, Jean Grzelecki, Secretary of the Planning & Zoning Commission of the Town of New Canaan, hereby certify that at a meeting of said Commission duly held on 9/24/19, said Commission by resolution voted:

- 1. That said SPECIAL PERMIT Application is DENIED.
2. That said SPECIAL PERMIT Application is GRANTED in accordance with the approved plans or as modified herein.
3. That notice of such Action is published as required.
4. Conditions, modifications, or restrictions:

Jean N. Grzelecki, Secretary
10/3/19
Publication Date

Town of New Canaan
Planning and Zoning Commission
Request

842 Ponus Ridge Road - Upon application of Edward V. O'Hanlan, Robinson and Cole LLP, Authorized Agent for The National Trust for Historic Preservation, owner for a Special Permit approval of Section(s) 3.2.C.16 and 8.2.B to allow modifications of conditions of special permit authorizing use of 842 Ponus Ridge as a limited public access museum ("The Glass House"), for property in the Two Acre Zone at 842 Ponus Ridge Road (Map 26 Block 13 Lot C7). (Hearing opened and closed at June July 30, 2019; public discussion at August 27, 2019 meeting)

Upon application of Edward V. O'Hanlan, Robinson and Cole LLP, Authorized Agent for The National Trust for Historic Preservation, owner for a Special Permit approval of Section(s) 3.2.C.16 and 8.2.B to modify the existing special permit, for property in the Two Acre Zone at 842 Ponus Ridge Road (Map 26 Block 13 Lot C7). (Hearing Opened January 26, 2016 meeting; Continued to and Closed March 29, 2016 meeting; Discussion continued at the April 26 and May 10, 2016 meetings).

Resolution

WHEREAS, the Special Permit Application was physically received by the Planning and Zoning Department on June 26, 2019,p

WHEREAS, the Commission opened a hearing on the Special Permit Application on July 30, 2019.

WHEREAS, the Commission conducted deliberations on the closed application on August 27, 2019 and September 24, 2019.

WHEREAS, the Commission concluded deliberations on September 24, 2019 and made the following findings:

1. The Phillip Johnson Glass House (the Glass House) is a nationally recognized architectural treasure worthy of preservation.
2. The Glass House has a positive economic impact on the business community and also aides in the branding of New Canaan.
3. Access to the Glass House by the global community on terms that are balanced with the interests of the residential neighborhood is important to the cultural and economic identify of the community.
4. The Commission recognizes the concerns expressed by some neighbors, in specific, public

safety, traffic and noise, which could occur as a result of increased activity on the site. However, in the nearly ten (10) year operating history of the Glass House, there have been very few instances of violations or complaints concerning activities on the site and that the modifications proposed will not lead to any undue burden on any of the neighboring properties. There have been no violations or complaints in the three (3) years since the May 12, 2016 approval.

5. The Commission also recognizes the concern of "institutional creep" within the neighborhood and within the town. However, while the Glass House has added properties to their original holdings; unlike other institutions, these properties were added to protect the visual integrity of the Glass House, not for additional activity on the site.
6. While the additional programming proposed, *as amended with the conditions below*, does increase the overall activity at the site, the Commission recognizes that institutions, like businesses, housing choices, government and societies, are subject to change and must adapt and be dynamic in order to remain viable, desirable and competitive.
7. The proposed modifications, *as amended with the conditions below*, are consistent with the Special Permit Criteria listed in §8.2.B.4.
8. The proposed modifications, *as amended with the conditions below*, while expanded from the initial special permit approved in 1998, are not inconsistent with the initial intent and efforts to preserve the property and reflect the operational realities of running and managing a property as unique as the Glass House.
9. The Glass House in conjunction with the Commission and neighbors have worked cooperatively since the initial application to ensure that the surrounding neighborhood is not impacted by traffic to and from the tours and events at the site.
10. Utilization of parking at parking lots at nearby schools for special events, whereby attendees are then shuttled to the Glass House has not resulted in any complaints of increased traffic or any negative impacts on surrounding properties as the result of the event parking.
11. None of the proposed amendments to the special permit, *as modified with the conditions below*, shall discourage development on any neighboring parcels or affect the value thereof.
12. This amended special permit application is consistent with the goals and objectives of the Plan of Conservation and Development as stated by the applicant.

THEREFORE, BE IT RESOLVED, that upon a motion made by Mr. Laszlo Papp and seconded by Ms. Grzelecki, the Commission voted unanimously to approve the application to modify the existing Special Permit subject to the following conditions, modifications and restrictions.

1. The permit shall remain valid only so long as the site remains a single undivided parcel of 35.330 +/- acres within the Town of New Canaan, and may not be reduced in size in any manner, other than as taken under the powers of eminent domain. Reference is made to the attached map titled, "COMPILATION PLAN PREPARED FOR NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE UNITED STATES NEW CANAAN, CONNECTICUT", dated January 27, 2012, and recorded as Map #

7554 in the New Canaan Land Records¹, which map is expressly incorporated as part of this Fifth Revised Special Permit.

2. The 35.330+/- acre historic site shall be operated under the terms and conditions of this Fifth Revised Special Permit.
3. Adequate and sufficient parking for residents, service personnel and two (2) handicapped spaces shall be provided on the site pursuant to section 6.2.C and 6.2.D of the Zoning Regulations. All other parking for visitors, staff, supervisory, official and governmental personnel shall be provided at the Philip Johnson Glass House Visitor Center located at 199 Elm Street, and at in-town public parking facilities in New Canaan, Connecticut, except as permitted pursuant to Condition 12, for guests of special events on site allowed under Condition 6.
4. Visitation of The Glass House property shall be by advance reservation only, and no ticket sales or retail sales shall take place on the site.
5. Tours of The Glass House property shall be subject to the following limitations:
 - a. The Glass House historic site may be open no more than five (5) days a week. It may be open from April 16th through and including December 15th each year (the "Tour Season"). It may be open between the hours of 10:00 A.M. and 5:30 P.M. The site may be open until 8:00 P.M. two (2) extended evenings per week. Once per month, one extended evening may be substituted for an extended Friday or Saturday night opening until 10:00 P.M. to accommodate educational lectures that are in line with their mission; this shall only be permitted a maximum of six (6) times a year.
 - b. The Glass House historic site will be open to the public on Monday, Thursday, Friday, Saturday and Sunday and shall be closed to the public on Tuesdays and Wednesdays. Regular maintenance shall be permitted at the site Tuesdays and Wednesdays.
 - c. All visitors shall be transported to The Glass House property by a van designed to carry no more than twenty (20) persons including driver, guides and visitors.
 - d. The maximum number of daily tours shall not exceed eight (8). Each tour shall accommodate no more than eighteen (18) visitors, and each tour shall be accompanied by at least one (1) guide.
 - e. All tour vans shall travel between the Visitor Center and The Glass House by way of the route shown on the "Transportation Route" Map attached hereto and made a part of this Fifth Revised Special Permit.
6. Public and private visitation, other than tours governed by Condition 5 above, shall be considered "special events".

¹ Merger of Lot C7 and Lot 99 to form a single 35.330+/- acre property (identified today as New Canaan Tax Lot C7 by the New Canaan Tax Assessor, and shown on Map #7554 NCLR), subject to the terms and conditions of The Glass House's Third Revised Special Permit, approved by the New Canaan Planning and Zoning Commission on February 28, 2012.

- a. Special Small Group Events on the site, for up to 50 persons, which occur during the Tour Season and hours approved in Condition 5 above, are already authorized under the Second Revised Special Permit and do not require further action. Special Small Group Events, for up to 50 persons, held outside the Tour Season approved in Condition 5 above, shall be subject to prior approval by the Zoning Inspector. All Special Small Group Events shall be directly related to the history, educational, and/or cultural mission of The Glass House. The Applicant shall be permitted to hold six (6) such events outside the tour season, subject to prior approval by the Zoning Inspector.
 - b. Special events on the site involving between fifty-one (51) and one hundred and fifty (150) persons shall be considered "Special Programmatic Events" and shall require prior approval of the Zoning Inspector, including a plan for transportation and parking. A "Special Programmatic Event" shall be directly related to the history, educational, and/or cultural mission of The Glass House. A total of four (4) Special Programmatic Events are permitted per Tour Season.
 - c. Not more than one (1) time in any calendar year, The Glass House may conduct fundraising events/activities involving more than one hundred and fifty (150) persons, but not exceeding five hundred (500) persons, subject to coordination with the Zoning Inspector.
 - d. The Glass House shall also obtain all necessary permits for any Special Events or programmatic changes from the Building Department, Health Department, Police Department and Fire Marshall.
7. No commercial activities of any nature, including but not limited to the sales of souvenirs, shall be permitted on the site.
 8. No construction, other than the parking spaces required by condition 3, above is authorized by this action.
 9. Pursuant to Condition 9 of the Special Permit granted January 27, 1998, and modified March 30, 1999, as set forth in the Town Planner's letter dated June 5, 2002, the merger map required by Condition 2 was recorded prior to the effective date of the operations by the Trust under the Special Permit, which was April 2007.
 10. The existing service drive on Ponus Ridge located near the Sculpture Gallery may only be used by construction-related contractors and vendors, for access and egress and the delivery of materials and related equipment associated with the maintenance, repair, and restoration work occurring on the site. The repair of any damage caused by construction vehicles to public or private property as a result of construction at the site is the responsibility of the Glass House.
 11. For Special Small Group Events permitted under Condition 6.a above, the Glass House may only utilize parking within downtown New Canaan.
 12. For Special Events permitted under Condition 6.b and 6.c above, guests may park by prior arrangement made by the Glass House, at nearby public or private school and/or private institutions, from which the guests will be shuttled to and from the site. Final

location to be approved by the Zoning Inspector in coordination with the Special Events Committee.

13. During Tours and Special Events permitted under Conditions 5 and 6 above, noise emission from the site, as measured at the property lines, shall not exceed 55 dBA. Aside from special events allowed under 6.a, 6.b or 6.c above, there shall be no noise amplification devices used. Noise emitted by construction equipment while engaged in construction-related, repair or maintenance activities, in emergencies, and warning signals from vehicles as may be required by OSHA shall comply, as applicable, with Chapter 36A of the Town of New Canaan Code of Ordinances.
14. At no time shall there be parking at any residential property or along any street for any activity associated with the Glass House.
15. *Condition removed by the Planning and Zoning Commission*
16. The Glass House will prepare an annual report by the end of the calendar year for the Commission outlining the year's small group events, and special programmatic events, as well as attendance figures for the tour season. In addition, the Glass House shall also notify the Zoning Inspector within thirty (30) days of the receipt of any complaint related to any site activity and outline corrective measures taken.
17. The Commission reserves the right to conduct periodic reviews, both on-site and off-site, to determine compliance with the terms and conditions of this approval, and to amend or revoke said approval, upon written notice, should violations of such terms and conditions so warrant.

Received for Record at New Canaan, CT
On 10/08/2019 At 1:42:59 pm

Claudia A. Weber