GRACE FARMS NEW CANAAN

PLANNING & ZONING COMMISSION

JULY 25, 2017

Reporter: Wendi M. Bendzinski, #156
DICK WARD: Comment. In accordance with your wise request, the neighbors who object have submitted the conditions they feel are necessary and appropriate for their purposes.

CHAIRMAN GOODWIN: Right.

DICK WARD: Will the applicant have an opportunity or be asked to comment on the conditions that the neighbors have now put forward or indicate whether there's been any further discussion between the two parties with respect to those conditions?

CHAIRMAN GOODWIN: Yes. I absolutely agree, the applicant does have that opportunity tonight.

DICK WARD: Okay.

CHAIRMAN GOODWIN: Okay. Mr. O'Hanlan.

MR. O'HANLAN: Thank you.

Good evening members of the planning and zoning commission. Thank you for the opportunity tonight to present our response and to close this hearing. It's been a long process. We're here tonight -- I'm going to slide up here, essentially set forth the scope of it. Initially it was planned to address the neighbors' presentation, but
we're going to do that mostly in writing. We're going to sit there and write it and you all can read it in your deliberation because it's important, we think, to get this to a conclusion. This has been a process that's been going for almost a year, it's been a discussion for over a year, and we're anxious to finish it and to let you all move to your deliberations. This has been a very, very helpful and collaborative process with the town planner, with the consultant, with the neighbors, and, you know, we've learned a lot and we think this application has morphed to the point where, you know, it's time to finish it. Grace Farms is a terrific asset for the town of New Canaan, and so we'd like to move it to the finish line and hopefully get a revision to this special permit that everyone can live with. So we intend to address the chairman's questions, to summarize our application and to close this. Now, why we are here. Grace Farms received -- the Foundation received its initial permit in April of 2013. It opened in October of 2015 after the construction
period. It was barely a year later when the application for amended special permit was submitted. There have been no enforcement proceedings and no violations cited by the town against Grace Farms. There have been a number of questions raised about the special permit, but that's why we're here. The justice initiative that's part of the Grace Farms Foundation's program realized very quickly after they began operating that you run into a constitutional problem when you're holding -- when you're operating under the mantle of a religious use permit. And so that's the principal reason for the amendment to the application, is to establish an independent use, not a change in activities. Just a hat that it can wear so that it can work with the police forces, it can work with governmental agencies, as it does training, as it drafts legislation, all in part of this civil justice initiative to combat human trafficking and gender violence. But in addition this application presents the opportunity to update the commission on Grace Farms' activities, to provide additional
supplements to the Grace Farms' campus, the additional screening that's identified as being needed, the trails have been modified, there have been adjustments to lighting. All in response to identify concerns to the neighbors through discussions directly with them and through discussions with the town planner and their attorneys.

Grace Farms is offering a special permit amendment that's going to tighten up its operating hours, it's going to establish procedures, it's going to demonstrate and ensure P and Z and the community that it is a place of grace and peace and that there isn't an agenda to grow wildly or without -- with abandon or without concern for the community around it.

The one thing I would mention that was troublesome about the neighbors' presentations, there was a suggestion that in response to their concerns Grace Farms never -- I think the quote from one of the attorneys was that all they heard was crickets. The Foundation representatives -- we've met with the neighbors over 30 times
condition of an approval that we -- if the
building is used at night that that rheostat
be turned down to the minimum level.

FEMALE SPEAKER: Mr. O'Hanlan, are you
saying the curtains are currently being used?

MR. O'HANLAN: No, it's just that
we've -- we've measured it for the -- if you
look at the curtains that are in the
sanctuary, it's a huge volume of fabric that
needs to be bunched up. The commons area
that's being used is not a -- it's not the
alter and all where those curtains are in the
sanctuary, so they can exist there and
they're not a problem.

FEMALE SPEAKER: But they're not
currently used?

MR. O'HANLAN: They're not being used.
They're not installed. And what we'd like to
do is if the commission is of a view that
some kind of curtains or shades be used there
instead of just turning the rheostat down,
that it expressly allow the Foundation to
work with the town planner and engineer which
one works better. Because, again, the
curtains involve -- I mean, you can see with
these shades here, pulling the shade down doesn't involve any bulk. That may be the better solution. It's just shades aren't available. You have to have them made. But that could be done. But rather than just require that curtains be done with the yards of heavy fabric that's required to be bulky there, is if the commission is of the view that that's the way it should go, we'd like to be able to explore both options and consider the town planner. But, again, the idea of being is that the rheostat does provide a good solution. And, again, the idea isn't to make these things disappear. I don't think anybody has that right to say to somebody else we don't want to see you at night. Clearly you can't shine a light at somebody, clearly you can't -- you know, it's a matter of degree.

The next question by Chairman was the -- about usage and density and whether there could be a cap on all events, and that would be acceptable, and we propose that there be a cap of 1,200 people for any single -- for any event where -- of the number of people there
at any single time.

The third question raised was -- the question was articulated can you avoid side by side events with the church? And I have a problem with the way that's articulated because there are side-by-side events with the church, but the way the site is managed is they never present a problem. Now, obviously if both church and Foundation had a -- each of them had a very large event you could overwhelm the parking of 226 spaces. But the idea is that the Foundation manages the site in close collaborations with Grace Community Church and that does not happen. So they will never -- so there's really no need to have a rule that says no side-by-side events because the Foundation manages the entire site for the church and itself. There's 226 spaces. They count the cars coming in. If there's ever -- if the count ever approaches the maximum number, they close it down. Nobody comes in until somebody leaves. So you can manage the site. So the next question was input from the police departments about how traffic flagging
moved by Grace personnel. Rod Khattabi is
the director of safety at Grace Farms. He's
the former director of Connecticut Homeland
Security, so he knows the police departments
well. He's in constant contact with them.
The understanding with the police departments
is that the Luis Bureau Police Department
will follow what the New Canaan Police
Department does. The New Canaan Police
Department will follow what you all
recommend. Each of those departments knows
and has alumni on the Grace Farms' police
force, so they know the qualifications and
the training of the safety staff at Grace
Farms. And they also know that there's, now
and nearly two years, that Grace Farms and
Grace Community Church have been operating
there haven't been any traffic incidents
there. So we would ask that -- and I think
that Mr. Palmer can confirm this -- that that
be part of the permit, but we were not able
to get anything in writing to submit today.

The next question was enforcement. And,
you know, the question from a couple members
was thoughts on a third-party monitoring and
that's something that some of the neighbors have harped on in their submissions, and then self-reporting was the other issue.

The Foundation manages this site very effectively. It's been doing it through parking and it started doing it through parking and through counting people. The third-party monitor is simply not required. And, respectfully, I don't think that that's been imposed on any other property in town. It's -- you know, the way that the property is managed can be verified very easily. When anybody who goes through that gate, they take down your license plate. You know how many cars are on site. You can be verified by staff going to the front gate, ask him for the log of how many cars are there then and counting parking spaces. Very easy. How many people are there. But, again, if the count reaches close to 300 or if the parking spaces is close to 226, they very easily just close the gates, tell people respectfully that, you know, we -- you'll have to come back another time because the site is full. And that's worked very well. We've never had
a problem. I think the correct -- you know, the town planner can confirm that.

The self-report, the other way that staff can verify what's going on up there is that there are cameras located at the front gate and around the site. If there's a complaint or an incident, those tapes are available for 30 days. There's no park or public property in New Canaan that has that type of safety features. Self-reporting is something that Grace Farms welcomes. Part of the management plan was submitted and anticipates an annual report. But one of the things we talked about with the town planner is reporting to him, looking back what happened last month and what we anticipate this month, and it gives him an ability to see how the swing of events is. I think he's going to see very quickly that it -- what's anticipated is often less of what actually happens because these are non-profits that work there and these are very dynamic schedules so a lot of things get rescheduled. But that would be the type of reporting that I think the town planner indicated he would
welcome and we would welcome. That information is there in realtime and available.

The next thing is a moratorium on future special permit requests. That's an attractive thing to seek. It may not be such a good idea because you want, in any special permit situation, a very healthy and constant dialogue between the town planning office and a special permit user because the -- and in our operations plan that was submitted we have articulated a long-term strategy that's intended to demonstrate to you a low-intensity use of the property, the concept of grace and peace. The whole idea of this is that it's not growth for growth's sake or growth unmanaged so -- and the advantage of that is that's our words. It's not your words in a permit that somebody says they don't understand or that somebody says it didn't mean what it says. It's our words. And it's an effective enforcement mechanism. But the other reason is that, you know, it also -- and that's long-term strategy. There is one of the parcels that we're merging with
MALE SPEAKER: No, no, no. Not proposing. You said you imposed limits on your operations?

MR. O'hanlan: The trails have been backed off.

MALE SPEAKER: The what?

MR. O'hanlan: The trails exist there. We're not waiting to get permission for that. We've already abandoned the parts of the trails that went closer to the Buckewicz line and the Markatos line. That's one. The lighting, we've turned down the lighting at night so that the Ostlings that -- you know, the parking lighting has been reduced by, I think, 85 percent. It's down to five lights. The exterior lights have been turned down. Once we realized, taking that picture in March, that -- using that rheostat down, we can do that. That's in place. The operations -- the daytime -- I mean, there's no limits on when this thing opens and closes. You know, we've imposed them on ourselves. So, again, we've managed the site. You haven't had a complaint about traffic, you know, out the gate, parking off
the thing. I mean, we're managing it. If Rod's staff sees close to 226, that gate goes down and people are told, you know, we're sorry, we're very sorry to do this, we hope you'll come back again but we can't take any more visitors today. Or come back in an hour and maybe we'll have -- but that's what it's done. So, again, the -- you know, I think the best way of -- options available. You know, the Foundation didn't rest on the vagueness of that permit. It didn't force an enforcement action. It didn't -- you know, one of the lawyers talked about RLUIPA. We've never raised the RLUIPA prospect which was where you -- the town has the -- shifts the burden completely to the town to demonstrate before you can stop a religious activity, you've got to prove that it's the least impactiful that you can impose. That's not been in our agenda or, you know, even partial cooperation. The time has come to say, you know, we'd like you to withdraw this application or resubmit it or we'd like you to submit a text change. We didn't say no. We didn't say no, we want to insist on you
granting our application. So, again, the
idea is this thing hasn't worked. 2013
permit hasn't worked for what the town needs
in terms of clarity, in terms of transparency
and in terms of openness about what's going
on up there and we recognize that. But we're
happy to provide it. We need the charitable
use -- independent charitable use. So that
this is where we are. So the focus tonight
is how can we make this gift to the community
work because that's where we are. Again, the
Foundation is seeking that independent
charitable use. We've listed the uses, the
accessory uses. Again rather than rely on
common law or somebody's interpretation,
we've listed them out there. We've defined
the operations, we've accepted limits and the
changes there.

For the commission, you know, expanding
that special permit to cover three parcels is
big. The detailed clarity and transparency.
The monitoring, you can see how to do it.
We've discussed it with Steve, we've gone
through three different iterations of various
ways to monitor it and various ways to report
on it and various ways of enforcing.

Again, the two uses, it's only the peculiarities of those two uses. If I had known now what, I mean, a year ago what I talked to Steve Kleppin about, the idea of using two uses was just easier than doing a text change. The idea that somehow there would be a legal limitation or protest raised to that was just not considered. But there's no expansion or alteration of the structures, and there's no increase in the pace of activity or intents of the use from what we're proposing.

Accessory uses, you can see them listed there. The trails, tours, the passive recreation, the space grants. Again, if you make those clear, then there's no problem with enforceability, there's no misunderstanding. The entry house is a clean-up item. The operations of the management plan, you know, I've got to take credit for the authorship of that. But, again, it was Glen's idea. I asked him if he had a paradigm, he said no. But, you know, I think we did a pretty good job in setting
forth a vision and then setting forth the specifics of it. The neighbor outreach and contact protocols are there, the safety staff, the annual report. If you want it to be monthly, you can change that. But the idea is that this becomes part of the special permit. It's not a separate document. Site management is -- I need to look at this slide with you because this is where things have changed in discussions with Glen Chadler and with Steve Palmer. Again, the idea is that the site is managed Tuesday through Saturday. There are parking counts and now people counts. So if it gets up to 226 or 300 we start turning people away. It's managed in conjunction with Grace Community Church. We're not asking for the church to be treated differently. And that's a significant benefit for the town. Because normally you can't manage a church's activities. Sunday is the church's day. The services, the site is closed to the public until noon. If the church's activities extend past that it's not open to the public. It's open from noon on Sunday. But that's a -- that could fall off
if the church activities take place. And the examples there, I said if the automobile count or the total people count, the site's closed until people or automobiles leave. The enforceability is easy because you can walk up to the staff and get the counts and verify the cars.

This next slide is where we've made some changes from the application we talked about in the beginning of June or the end of May. The idea was how do you define events and programs, and what we did was -- the analogy that Mr. Chadler made was there use -- there was proposed at one time a north school that was going to be on Michigan Road, or it could've -- you know, on a site like this. If you had a school on a site like this, you would probably have 180 days where you were going to have activities of up to 400 kids if it was, you know, the size of the other schools. And, you know, that's the sort of intensity that a school would bring. And by contrast, the Foundation and church activities combined don't come anywhere close to that. So the idea was to define, rather
CERTIFICATE OF REPORTER

I, Wendi M. Bendzinski, a commissioner in and for the State of Connecticut, do hereby certify that the videotaped hearing of the Grace Farms New Canaan Planning & Zoning Commission was transcribed by me on Monday, January 15, 2018.

I further certify that I am neither attorney nor counsel for, nor related to, nor employed by any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the outcome of the action.

IN WITNESS THEREOF I have hereunto set my hand this 15th day of January, 2018.

Wendi M. Bendzinski
Wendi M. Bendzinski, LSR 156
Notary Public