Begin forwarded message:

From: Jennifer Holme <holmejenn@gmail.com>
Subject: Re: Grace Farms - Sanctuary Lighting
Date: February 25, 2018 at 8:40:31 AM EST
To: "Fink, Keisha" <keisha.fink@newcanaanct.gov>, Ira Bloom <ibloom@berchemmoses.com>
Cc: Mike Buczkiewicz <buczkiewicz@gmail.com>, Dona Bissonnette <bissocurt@aol.com>,
Danita Ostling <danita.ostling@gmail.com>, Jennifer Buczkiewicz <miskowiec@gmail.com>,
Paul Ostling <paul.ostling@pauljostling.com>, kevin.moynihan@newcanaanct.gov

Hi Keisha,

Our neighbors kindly forwarded the attached to us. I don't believe we were on the email chain. The attached from yourself and Ted O'Hanlon does does not answer any of the questions from my email of February 22.

The two lightening violations are not for the Commons/Restaurant but for the Sanctuary/Amphitheater which is required to have it curtains closed, if in use, during the winter evening hours as per the various lighting conditions including specifically number 69.

If you have any questions on the February 22 email, feel free to call me at 203-434-9785.

Regards,

Jennifer

On Thu, Feb 22, 2018 at 8:41 PM, Jennifer Holme <holmejenn@gmail.com> wrote:

Keisha,

Please find attached two separate instances (February 3 and February 16) where Grace failed to adhere to various conditions including conditions 69. As per the special permit, Grace must mitigate the light k when the sanctuary is in use evening by closing the curtains. They failed to do this on two separate occasions in February. If you could please investigate, much appreciated.

Additionally, can you send over the attendance logs for both the proposed and actual events for December, January and February (proposed only). We would like to get a copy of these monthly if possible and are happy to disseminate to the neighbors. Also, we would also like to get a copy of the aggregated activity log (e.g running tally) which I believe P&Z required to be kept which would count
the number of events/activity levels used to date along with the number remaining in accordance with the Activity Chart.

I believe there is another question outstanding from a previous mail which was can you also let us know how many cited violations there are to date as well.

Thanks,
Ms. Holme.

As to your concerns, please see the response from Grace Farm below.

Have a great weekend.

Keisha B. Fink
Acting Town Planner
Town of New Canaan
Phone: 203.594.3044
Fax: 203.594.3127
www.newcanaan.info

Keisha,

This email is written in response to concerns raised by neighbors of Grace Farms, regarding (1) security issues first mentioned at the public hearing; (2) lighting in the Commons; and (3) privacy concerns with video cameras on Foundation property.
SECURITY ISSUES

This section is written in response to security complaints raised in written submission to the Commission at the public hearing on January 16, 2018, entitled “Impact of Grace Farms Activity on Privacy and Security at Curt/Bissonnette Home.” The Foundation was not shown these photographs or the video footage from which they were taken prior to their being presented at the public hearing. However, the Foundation has now had a chance to review both the video footage and these materials and is satisfied they do not depict any form of security threat to the neighbors.

Flashlight “Incidents”

On page 26 of this submission is a photograph allegedly showing a flashlight pointing toward the Curt-Bissonnette property on the morning of December 23, 2017; a similar incident is also alleged to have occurred on the morning of December 26, 2017. To be clear, the Foundation first learned of the Curt-Bissonnette’s concerns from you in early January 2018, and was only provided with the Curt-Bissonnette’s video footage of these “incidents” at the conclusion of the hearing on January 16, 2018.

The Foundation has since reviewed this video footage and compared it to the Foundation’s own security logs. By email to you on January 22, 2018 (copy attached), the Foundation’s Director of Safety, Rod Khattabi, explained that the light pictured on the morning of December 26 was the result of a Safety Officer’s patrol inside the River Building. The same is true for the light pictured on the morning of December 23. This light was not the result of someone walking near the Curt-Bissonnette property.

Persons Alleged to be Near Curt-Bissonnette Property Boundary
Additionally, alleged in her submission that persons were walking off-trail, near the property boundary of Grace Farms and Curt-Bissonnette, on December 30, 2017 (page 14) and January 11, 2018 (pages 15-25). The Foundation has reviewed its security logs from these dates, and is confident that these photographs are of the Foundation’s Director of Facilities and a member of his staff. On the dates in question they were conducting checks of the boundary fences, which is done periodically to make sure it is intact, and has not been damaged by fallen limbs or the like.

In the future, to make responding to concerns even faster, Facilities personnel will inform the Safety staff of such checks in advance, so that Safety staff in the Operations Center can readily answer any inquiries from the neighbors in this regard.

The Need for Timely Communications

In each of these instances used by Grace Farms’ neighbors to suggest a security problem, they did not notify the Foundation on the line provided for just that purpose, or even the Town police, in a timely fashion. Instead, days went by and the only report that was made was to your office. Had the neighbors timely called the Foundation at the designated telephone number, or even called 911, which would have called Foundation Safety staff, they would have learned that no threat in fact existed and the real nature of this activity.

We cannot emphasize enough the importance of a timely, direct call to the Foundation, and, if necessary, to 911, to alert the appropriate authorities of potential security issues.

LIGHTING IN THE COMMONS

This section is written to address an ambiguity in the terms of Special Permit Condition 70, and how the Foundation proposes to address it.
The 2017 Special Permit provided the Foundation three choices to address neighbor concerns about lighting in the Commons. Specifically, Condition 70 states that the interior pendant lighting shall be:
(a) Converted to a cut-off fixture to block horizontal project of direct light,
(b) Modified with a temporary shade from October 15 to May 15 to block horizontal project of direct light during the winter months, or
(c) Shielded with floor-to-ceiling curtains similar to those that exist in the Sanctuary from dusk to dawn from October 5 to May 15 to block horizontal projection of direct light during the winter months.

As discussed at your November 6, 2017 site inspection, and confirmed by letter dated December 21, 2017, the Foundation elected option (b), meaning to shield the interior pendant lighting of the Commons with temporary shades. You had agreed to a ninety-day period for the measuring, construction of prototypes, testing, and final production of custom-made shades. These shades have now been installed and are in use.

The Foundation has previously mentioned the ambiguity between subparts (b) and (c) of Condition 70: While in (c) floor-to-ceiling curtains must be drawn “from dusk to dawn”, there is no comparable time requirement in (b) for temporary shades. Therefore, the Foundation had previously reverted to the requirements for shutting down lighting in section 68 which required that lights be off by 8:00 pm except for scheduled events. We understand that the Town is requesting that Grace Farms Foundation read the same “dusk to dawn” requirement into section (c) with the caveat that we will be provided an additional one-half hour after dusk. We are willing to comply to this request and have been doing so since the implementation of the shades. Accordingly, to address this issue, the Foundation will agree to draw the shades in the one-half hour after sundown during the October 15 – May 15 period.

RENEWED DISCUSSION OF PRIVACY CONCERNS
This section is written in response to the privacy concerns raised by David Markatos to Captain John DiFederico of the New Canaan Police Department by email on Friday, February 16, 2018. Safety Director Rod Khattabi has contacted Captain DiFederico regarding the Foundation’s security video camera and the neighbors’ stated concerns, and offered to answer any questions he may have.

You should note that this is the same concern raised by Mr. Markatos in an email to you on November 30, 2017, which you forwarded to the Foundation, to which I responded by email of December 1, 2017 (copy attached) and explained:

First, the Foundation does not use its cameras to collect or document information about its neighbors. The outdoor cameras are not directed or pointed at neighbors or used in any way to record them or activity on their property.

Second, the reasons the Foundation will not share data regarding its security cameras with Mr. Markatos or any other neighbors are for personal safety and property security. Such information could be used to avoid or to disable the system, and thus result in injury to persons or property on site. The Foundation has a duty to its employees, visitors, and insurers to maintain this security system in a way that serves its intended purposes to protect them.

You will recall that Mr. Khattabi demonstrated to you the positioning of the cameras at the site inspection in November 2017. Please feel free to contact him directly or through me if you would like to visit the site again to confirm this information. As we have discussed, too, to the extent you have any questions about the sufficiency of the Foundation’s position on this issue, you should contact Town Counsel, with whom we have spoken about it. And, again, we urge you not to create any record of what you have seen or will see regarding the camera locations, that can be obtained through FOIA and used for improper purposes.
With these issues having been addressed, it is the Foundation’s understanding that, as of this email, it has addressed all neighbor complaints of which it has been informed to date.

I appreciate the courtesy you have sharing these communications and allowing the Foundation to address the concerns expressed, as part of your diligence. We believe this is both efficient and fair, and we invite you to share the Foundation’s responses with the party who initiated the inquiry.

Edward V. O’Hanlan

Edward V. O’Hanlan
Robinson & Cole LLP
1055 Washington Boulevard
Stamford, CT 06901
Direct 203.462.7556
Fax 203.462.7599
ohanlan@rc.com

Robinson Cole

it-admin@rc.com
From: Fink, Keisha <keisha.fink@newcanaanct.gov>
Sent: Monday, April 09, 2018 11:11 AM
To: 'Ira Bloom'
Cc: Goodwin, John; 'Jean Grzelecki'
Subject: FW: Grace Farms Traffic Controls
Attachments: Letter Concerning Public Safety _ Grace Farms Conditions.pdf

Ira.
Please see attached. Let’s discuss.

-Keisha

From: DMB/TJC [mailto:bissocurt@aol.com]
Sent: Monday, April 09, 2018 11:09 AM
To: Fink, Keisha; Baia, Ron
Subject: Grace Farms Traffic Controls

Dear Ms. Fink and Mr. Baia:
Please see the attached letter concerning the absence of required traffic controls for events at Grace Farms. I would appreciate your prompt attention to this public safety issue. Please keep me informed of your findings and actions being taken.
Thank you
Tim Curt
April 9, 2018

Ms. Keisha B. Fink, Interim Town Planner
Mr. Ron Baia, CZET, Assistant Enforcement Officer
Town of New Canaan
Town Hall, 77 Main Street
New Canaan, CT 06840

Re: Grace Farms’ Traffic Control

Dear Ms. Fink and Mr. Baia:

On the previous two successive Sunday mornings, Grace Farms Foundation has failed to provide for traffic control at the intersection of Puddin Hill Road and Smith Ridge Road and at the intersection of its driveway and Lukes Wood Road.

On the mornings of Sunday April 1, 2018 (Easter Sunday) and Sunday April 8, 2018, there was no one at either location directing or controlling traffic. On both days, Grace Community Church held a church service at 9:30am and on April 1 the service was followed by their Easter Egg Hunt. And on both occasions the parking lots were full and shuttle buses were being operated.

Note that condition #31 of the 2013 special permit requires that police officers be stationed at these intersections during all worship services and condition #26 of the permit approved by the Planning and Zoning Commission on September 26, 2017 requires “trained traffic officers during all church events [be located at these intersections] where more than 400 attendees are reasonably expected.” In addition, you will recall that with the exception of the spelling of the name of Lukes Wood Road, Grace Farms Foundation proposed no changes to condition #26 in their now withdrawn re-application for a special permit for which there was a hearing January 2018.

Consistent with the testimony of neighbors at the 2012 and 2013 public hearings, the Commission properly identified the intersection of Puddin Hill Road and Smith Ridge Road as being potentially dangerous. This concern resulted in the adoption of condition #31 in the 2013 special permit. The Commission’s retention of conditions concerning this intersection in the form of condition #26 in the 2017 permit language strongly suggests such concern remains. As you may be aware, as recently as January 14, 2018, this intersection was the site of a serious accident.

To date, you have refrained from taking any enforcement action against Grace Farms Foundation, Inc. Grace Farms Foundation continues to operate in direct violation of conditions which the Commission has included to protect public safety.

The absence of traffic controls on these occasions constitutes a clear violation of the requirements contained in condition #26 of the 2017 special permit, which you maintain is currently in effect. Please take appropriate and immediate corrective action.

Sincerely,

Timothy J. Curt
From: Fink, Keisha <keisha.fink@newcanaanct.gov>
Sent: Monday, April 09, 2018 11:46 AM
To: 'Ira Bloom'
Cc: Goodwin, John; 'Jean Grzelecki'
Subject: FW: Letter Concerning Public Safety _ Grace Farms Conditions.pdf
Attachments: Letter Concerning Public Safety _ Grace Farms Conditions.pdf; ATT00001.txt

Ira.

Please see below.

-Keisha

-----Original Message-----
From: Paul Ostling [mailto:paul.ostling@pauljostling.com]
Sent: Monday, April 09, 2018 11:43 AM
To: Fink, Keisha
Subject: Letter Concerning Public Safety _ Grace Farms Conditions.pdf

Dear Ms Fink,

We have not formally met, but we have corresponded. Tim Curt forwarded to me the letter attached that he has sent you. I wish to join his request.

As you may be aware, we had long ago agreed with representatives, who presented themselves as representing Grace Church (and not any Foundation), that we would agree to the construction of what we thought was a church — subject to certain screening and limitations. Of course, we have learned much in the years that followed.

One of the things we have learned is that it seems clear that the Town has no intention of enforcing the conditions of any permits that it has issued to Grace Foundation. So my direct question is: will the Town enforce the conditions?

I have iterated and reiterated that it is the unintended consequences of the Town’s decisions which will eventually expose the mistakes and knowing compromises that it has made in handling the Grace matter. Public safety is the area of most exposure. Here we have a glaring example. Will the Town wait for some sort of tragedy before it takes enforcement action?

You are well on notice of the glaring and reckless lack of attention to enforcement of the conditions.

Some on the P&Z, and our Town’s government have made a value judgment. That value judgment seems to be that the actual neighbor taxpayers’ (who are the ones who receive notices in the formal process as dictated by governing procedures) rights to privacy, security, and peaceful enjoyment of their residentially-zoned 4 acre properties have been outweighed by some as yet unrealized, inchoate benefit to the “Town” of having the sprawling Grace Foundation building and its mushrooming uses devalue our properties (with no tax relief), and diminish our privacy.

It would be one thing for the Town and P&Z to take such actions and actually oversee and enforce the permits. It is a far different matter when it abandons its oversight responsibilities. To be clear, forwarding emails (or failing to do so) and paper shuffling do not appear to be enforcement under the guiding statutes, regulations and precedents.
Respectfully,
Paul J. Ostling
Via Email

April 9, 2018

Ms. Keisha B. Fink, Interim Town Planner
Mr. Ron Baia, CZET, Assistant Enforcement Officer
Town of New Canaan
Town Hall, 77 Main Street
New Canaan, CT 06840

Re: Grace Farms: Traffic Control

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Timothy J. Curt