

Memorandum

To: Town of Somers Zoning Commission

From: Hillsdale College

Date: March 2, 2020

Re: Responses to Commission's Revised List of Questions Dated
January 21, 2020

INTRODUCTION

This memorandum concerns Hillsdale College's special-use applications for the properties at 700, 708, 732, and 740 Hall Hill Road ("the properties"), the site of the College's planned Blake Center for Faith and Freedom. On February 6, 2020, the Town of Somers Zoning Commission requested "[a]nswers to all of the questions numbered 1–49 in the form [it] sent, to avoid confusion." Email from J. Roy to J. Parks (Feb. 6, 2020). For the convenience of the Commission, this document provides the answers to those questions below, with cross-references where appropriate to other documents and materials in the record. Many answers below draw upon the College's previously submitted memoranda, the most recent of which also responded directly to many of the same comments and questions. *See* Hillsdale College Mem. (Dec. 2, 2019); Hillsdale College Supp. Mem. (Dec. 23, 2019); Hillsdale College Second Supp. Mem. (Jan. 31, 2020) (responding, in Part III, to many of the questions answered below).

I. RESPONSES TO QUESTIONS

1) Provide a comprehensive narrative for the proposed religious institution use.

The College has provided a comprehensive narrative for the Blake Center for Faith and Freedom project in previous memoranda and oral presentations. *See* Hillsdale College Mem. (Dec. 2, 2019); Hillsdale College First Supp. Mem. (Dec. 23, 2019); Hillsdale College Second Supp. Mem. (Jan. 31, 2020). Those submissions explain the many ways in which the mission of the Blake Center for Faith and Freedom radiates from the core Christian commitments and Christian mission of Hillsdale College. In the interest of brevity, it does not fully reproduce the content of those previous submissions here. Instead, it draws on those memoranda where appropriate, and it describes specific proposed uses in response to later questions.

2) The applicant needs to state the relationship between the applicant and the property owners on the application.

The College owns 732 Hall Hill Road, which now encompasses the entirety of what was formerly 740 Hall Hill Road (which it also has owned) as well as much of what was formerly 700 Hall Hill Road (specifically, the back acreage and outbuildings).

The College owns 708 Hall Hill Road.

The College has a contract to purchase what remains of the 700 Hall Hill Road parcel, including what is now the Blakes' primary residence. The closing will be in January 2021.

3) The application needs a written statement from property owners giving consent to inspect the properties.

The College and the Blakes have consented and continue to consent to any reasonable and appropriate inspections of its properties.

4) State the size and intensity of the proposed use what is the impact of such use on the neighborhood.

The size and intensity of the proposed use and impact on adjacent properties are as follows:

- Monticello Building¹ (732 Hall Hill Road)
 - Faith-Based Focus of All Monticello Programming
 - The Blake Center will focus most of its events (including its seminars and lectures) on topics or issues relating to Christianity and faith generally, devoting far more time to these issues and topics (as a proportional matter) than it does in Michigan or at its center in Washington D.C.
 - The College envisions that *all* seminars and lectures at the Blake Center will focus broadly on subjects in the humanities in general and will concern man's relationship to God in particular.
 - Further, it is expected that most of the Blake Center's

¹ Most of these descriptions draw upon and amplify descriptions set forth in the College's previous submissions. *See, e.g.*, Hillsdale College Supp. Mem. 4-7 (Dec. 23, 2019) (describing activities at Monticello building).

seminars and lectures will have clear religious themes.

- Continuing-Education Seminars
 - Three-day seminars led by a professor of the College or other guest lecturer and attended by guests of the College.
 - Attendance ranging from 25 to 50.
 - Up to 9 a year. Offered in June, July, and August.
 - Four-day seminars led by a professor of the College or other guest lecturer and attended by select alumni of the College's online courses.
 - Attendance ranging from 12 to 20.
 - Two a year. One offered during College's fall break and another offered during the College's spring break.
 - Possible offerings include "Classical and Modern Theology," "C.S. Lewis," "Christianity and Education," "Biblical Exegesis," "Natural and Divine Law," "Christianity and Politics," "Ethics," and the "Book of Genesis."
- Lecture Program
 - The College plans to host speakers for public lectures.
 - Speeches to be opened with a Christian blessing.
 - Lectures to be given by Christian theologians, philosophers, public figures, and others.
 - Topics to include issues of religious liberty, Christian theology, Christian philosophy, Christianity and the Western Heritage, contemporary issues in Christian thought, among numerous other topics.
 - An estimate of three such lectures in the year: one in the fall, one in the winter, and one in the spring.

- The College plans to schedule such events for weekday evenings or weekend afternoons or evenings.
 - The College expects the number of attendees to range between 35 and 75 for each lecture.
- Annual Admissions Event
 - Hold an annual admissions reception for prospective students and their parents who are beginning their College search or who are applicants and desire to learn more about the College.
 - Expectation that the annual reception would be held in January or February.
 - Possible program structure: chapel activities, opening prayer; talks and presentations; and a reception.
 - To begin at 6:30 P.M. and conclude by 9:00 P.M.
 - Estimated 50 to 75 in attendance.
- Annual Local Alumni Reception
 - Program to include opening Christian blessing, possible chapel activities, a speech by a professor emphasizing the College's four purposes rooted in Christianity and Western Heritage.
 - Expected to hold this event in the month of October.
 - Estimated 30 to 40 in attendance.
- Education Training
 - Host regional board, head of school, and teacher training and consultation for K–12 public, charter, and private schools, focusing on incorporating traditional principles of liberal learning and character formation into the American classical education model.
 - Estimated 15 to 30 guests per training session.

- Intend to hold 2 training sessions in the summer months only.
 - Focus on traditional principles of liberal learning and character formation, consistent with the College's Christian identity and mission even while, when addressing public or public charter teaching, refraining from religious content and material.
- Chapel Activities at Blake Center
 - Two Chapels:
 - Chapel in Monticello Building
 - The inside of the chapel will feature an altar, explicitly Christian imagery, symbols, iconography, and décor, including a cross or crucifix.
 - The College will encourage staff, guests, neighbors, and visitors to use the chapel for prayer, worship, Bible studies, vespers, sacred music, and other appropriate devotional activities.
 - Other Christian clergy members, including from the local community, will be invited to preside over services and liturgies at the chapel.
 - To be used in addition to and generally when standalone chapel (described below) is not in use.
 - Standalone Chapel (formerly on 700 Hall Hill Road; now on 732 Hall Hill Road with Monticello)
 - Similar design and same uses as indoor Monticello chapel.
 - This chapel will be in use seasonally and weather permitting.

- Chapels' Integration in Blake Center Programming
 - Although some facilities offer chapels merely for the convenience of religious visitors, the College envisions a much more active—indeed, a central role—for the chapels in the Blake Center
 - The Chapels' use will be *central* to, and will feature prominently in, the College's programming at the Blake Center. Programming at the Center will integrate the chapels into all of its activities and will be crafted to promote their use. In short, the chapels will be a principal use of the Blake Center.
 - In connection with programming at the Center, the College will host Christian services at the chapels, including sermons, retreats, and group prayer liturgies, such as vespers (evening prayer).
 - For example, the schedule for a particular day might be as follows: 8:00 a.m., morning prayer at chapel; 9:00 a.m., chaplain invocation and breakfast; 10:00 a.m., seminar and discussion; 12:00, chaplain blessing and lunch; 3:00 p.m., prayer in chapel; 4:00 p.m., seminar and discussion; and 6:00 p.m., vespers (evening prayer) in chapel.
 - The College expects to employ the services of a Christian chaplain. The chaplain will be responsible for setting the chapels' schedule, presiding over certain liturgies and services, and helping to ensure that the chapels' uses are fully integrated in the Center's programming, as well as conducted in an appropriate and sacred manner.
- Blakes' Current Primary Residence (700 Hall Hill Road)
 - The College anticipates hosting in two offices in this building one or more staff persons who will be in charge of coordinating and managing activities and programming at the Blake Center, including its religious programming, and/or institutional advancement projects.
 - The College also anticipates eventually devoting a room in this building to what it will call the "Faith and Reason Library," which

will include classical and modern books that address the relationship between the truths of Christian revelation and truths accessible to natural reason, the relationship between knowing by faith and knowing by reason, and like topics.

- The College also anticipates eventually allowing outside pastors and clergy members, including those from out of town, to use space in this building to work and lodge as a part of their role in activities in the chapels, as well as from time to time faculty and staff.
- The Dumas Residence (708 Hall Hill Road)
 - The College and Mr. Dumas intend that Mr. Dumas continue to work as manager of the properties, to oversee the three full-time staff who are caring for the facilities and grounds, and to provide security services to the property and its visitors.
 - As manager of the Blake Center properties, Mr. Dumas's (and any successor's) role is critical to ensuring that the College's religious vision for the Blake Center is realized.
 - The Center's main chaplain would take meetings in an office in this building, including meetings regarding explicitly religious subject matter (such as spiritual direction), at the office.

5) State what the impacts will be on the nearby properties.

The impact of the use on the nearby properties will be minimal. Our traffic reports demonstrate that the effects on traffic and parking will be negligible.

6) Show how the four properties are to interconnect for the convenience and safety of vehicular and pedestrian traffic on the sites.

The Lot Line Configuration Plan prepared by J.R. Russo & Associates, LLC displays the current structures on the properties, as well as all existing roads, driveways, and paths which will be utilized for access. It is understood that access to some of the buildings will require walking across lawn areas.

7) Needs a review and report from the Fire Marshall regarding the accessibility of emergency vehicles to the sites.

The review has been completed. The applicant is unaware of whether there will be a written report.

8) Show septic systems and adequacy for this proposed use.

The existing septic system serving the Monticello building is shown on the Site Plan (Sheet 1 of 4). Included on this sheet is an analysis of the existing septic system to verify that it is sufficiently sized to accommodate the proposed future use of the building. The applicant received a letter from the Town Sanitarian dated December 4, 2019, stating that the plan meets all of the requirements of the Public Health Code for the proposed use.

9) Show water supply adequacy for this proposed use.

The site buildings are currently served by on-site wells. The well locations are shown on the plans provided. These wells will continue to be used as the water supply for the buildings. The current well yields are anticipated to be adequate for the proposed use.

10) Show proposed waste disposal areas and screening treatments.

Proposed site improvements include the construction of a concrete pad for dumpsters behind the existing building where it is not visible from the street (See Site Plan Sheet 1 of 4). Arborvitae plantings are proposed around the dumpster pad to provide additional screening. Additionally, a fence and landscaped screening will be installed near the boundary of the neighbor to the south (660 Hall Hill Road) along the area of the land being conveyed from 700 Hall Hill Road to 732 Hall Hill Road. The fence and landscaping will be designed with input from the owner of 660 Hall Hill Road.

11) Schedule and description of all activities.

In Connecticut as in Michigan, it will be the “conspicuous aim” of the College “to teach by precept and example the essentials of the Christian faith and religion.” A.5. In particular, the “object” will be “to furnish . . . a literary, scientific or theological education . . . and to combine with this, such moral, social and artistic instruction and culture as will best develop [] minds and improve [] hearts.” A.5. The Blake Center will host programs with explicit religious themes, always having as a focus the question of man and his relationship to the Christian God. Its events will routinely include activities at the Blake Center chapels, from Bible studies and worship services to vespers and other organized prayers. While we do not have a schedule yet, as we cannot schedule speakers and events until the use is approved, we would be happy to provide a schedule at a later date. The activities will include the following:

- Monticello Building² (732 Hall Hill Road)
 - Religious and Faith-Based Focus of Monticello Programming
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 - The College envisions that all seminars and lectures at the Blake Center will focus broadly on subjects in the humanities in general and will concern man’s relationship to God in particular.
 - Further, it is expected that most of the Blake Center’s seminars and lectures will have clear religious themes.
 - Additional details regarding those events are described below.
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“Biblical Exegesis,” “Natural and Divine Law,” “Christianity and Politics,” “Ethics,” and the “Book of Genesis.”

○ Lecture Program

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sacred music, and other appropriate devotional activities.

- Other Christian clergy members, including from the local community, will be invited to preside over services and liturgies at the chapel.
- The room immediately to the east of this chapel will be designated the Fellowship Hall, for post-chapel faith-based gatherings.
- To be used in addition to and generally when standalone chapel (described below) is not in use.
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These planned uses of the Blake Center not only constitute "religious institution or place of worship" uses under Somers law but also constitute "religious exercise[s]" under RLUIPA. Many of the uses proposed by the College have been found to be a part of "religious exercise," under RLUIPA. See, *Chabad Lubavitch of Litchfield Cnty., Inc. v. Borough of Litchfield*, 2016 U.S. Dist. LEXIS 10491, *17 (D. Conn. Jan. 27, 2016); Doc. No. 226 at 4-5. (The sanctuary, the library, the rabbi's study, the rabbi's residence, classrooms, ritual bath, kosher kitchen, coffee bar constitutes religious exercise. *Id.* at *23; Doc. No. 226 at 16.) Even construction of a seemingly secular facility can constitute religious exercise if the facility will be used, at least in part, for religious exercise. See, e.g., *Fortress Bible Church v. Feiner*, 734 F. Supp. 2d 409, 500 (S.D.N.Y. 2010); *Westchester Day III*, 504 F.3d at 348. Accordingly, staff and visitor housing qualify as religious exercise. *Chabad Lubavitch*, 2016 U.S. Dist. LEXIS 10491 at *30-31; Doc. No. 226 at 20.; *Fortress Bible Church*, 734 F. Supp. 2d at 500; *Westchester Day III*, 504 F.3d at 348. The same type of uses approved in *Chabad Lubavitch*, *Fortress Bible Church*, and *Westchester Day School* as religious uses are present in the instant applications.

12) Show the days and hours of operation on the plans.

See revised plans.

13) Show the exact size and location of the existing and proposed buildings.

See Lot Line Reconfiguration Plan.

14) Submit 2 copies of dimensional floor plans of all existing and proposed buildings

See plans submitted today, March 2, 2020.

15) Show how the buildings and rooms are going to be utilized.

See plans submitted today, March 2, 2020.

16) Submit 20 scale site plans.

The application includes Site Plans prepared at 40 scale rather than 20

scale so that all of the proposed improvements can be shown on a single sheet. The Somers land-use commissions have consistently accepted and approved plans at other than 20 scale in cases where the proposed improvements cannot all fit on a 20 scale plan.

17) Submit a masterplan of all four properties.

See Lot Line Reconfiguration Plan.

18) Show building lines.

See revised plans.

19) Show existing and proposed lot coverage.

See revised plans.

20) Show existing and proposed parking.

See revised plans.

21) Show existing and proposed walkways.

See revised plans.

22) Show existing and proposed surface treatments of driveways and walkways.

Existing and proposed driveway surface treatments are called out on the Site Plans, and a proposed pavement detail provided on Detail Sheet 3 of 4.

23) Location of watercourses and wetland boundaries on all properties.

The Site Plans reflect the wetland delineation along a portion of the intermittent stream in the vicinity where site improvements are proposed. In addition, the three existing ponds located in the vicinity of the existing buildings on the property have been surveyed and are shown on the Lot Line Reconfiguration Plan. In accordance with the Town Engineer's direction, the remaining ponds and wetlands shown on the Lot Line Reconfiguration Plan on the eastern portion of the site where no work is being proposed were located based on mapping available on the Town's GIS and the NRCS Web-soil Survey.

24) Location of all proposed and existing signs.

The Site Plan has been revised to show the location of a proposed monument sign near the entrance of the 732 Hall Hill Road property.

25) Show the nature of existing land uses on all abutting properties.

See revised plans.

26) Show proposed drainage improvements and submit hydraulic computations.

The proposed Site Plan depicts the proposed drainage improvements at the site. A drainage report detailing the sizing of the drainage system to provide adequate stormwater treatment and detention is being submitted separately.

27) Show the location of the existing and proposed exterior lighting.

The proposed Site Plan shows existing and proposed site lighting at the 732 Hall Hill Road property. Cut sheets for the proposed poles and fixtures have been submitted along with a Photometric Plan demonstrating that the proposed lighting will not result in light spillover onto adjacent properties.

28) Submit Traffic Studies, including all roads within 3 miles, showing the before and after development conditions.

A Traffic Impact Assessment prepared by Tessera Engineering, along with a revised assessment, has been submitted with the application. The assessment concludes that the proposed facility will not have a significant impact to traffic on the surrounding roadway network.

29) How will the seminar topics compare to the course offerings that Hillsdale College offers on its campus and other satellite campuses/locations the applicant operates

Although seminar topics planned for the Blake Center have not yet been determined, the College anticipates holding seminars that focus on topics or issues relating to Christianity and religious faith generally, devoting far more time to these issues and topics (as a proportional matter) than it does in Michigan or at its center in Washington D.C. The College envisions that all seminars and lectures at the Blake Center will concern man's relationship to God. Further, it is expected that most of the Blake Center's seminars and lectures will have clear religious themes.

30) Who will be invited or eligible to attend the seminars

The College expects to invite alumni, individuals in the region who have completed the College's informal online courses (not offered for credit),

recipients of its publications, friends of the College, and generally those supportive of its mission, including residents of Somers and of the neighboring communities.

31) How will the seminars be advertised and potential attendees solicited

The College will invite individuals of the sort identified in its previous answer through its usual means, such as by e-mail, U.S. mail, and phone.

32) Will the attendees be charged a fee

The College does not charge fees to those wishing to attend seminars of the kind proposed, lectures, or other events like those proposed to occur at the Blake Center, and it has no plans to change this practice with respect to its events in Somers.

33) Describe in detail the teacher and other trainings the applicant proposes

The College regularly offers a variety of training programs for teachers, school boards, and school leaders. For leaders and teachers, the College's programs have focused, for example, on how to structure a K-12 curriculum broadly, on how to implement and administer a senior-thesis requirement, how to approach lesson planning, or how to have an effective parent-teacher conference. Additionally, professors sometimes present on specific subject-matter areas of the curriculum, such as by recommending certain approaches to commonly taught works of literature. The College expects to host similar programs in Somers, although smaller in scale and only twice a year.

34) How many full and part time employees will work on the property

The College and Mr. Dumas intend that Mr. Dumas continue to work as manager of the properties, to oversee the three full-time staff who are caring for the facilities and grounds, and to provide security services to the property and its visitors. The College also anticipates retaining the services of a pastor or clergy member to manage and preside over certain prayer and liturgical services in the chapels and for occasional meetings with staff, invitees, and other guests, such as to provide spiritual direction. The College also anticipates eventually having one to three full-time College staff with offices at the Blake Center who will oversee and manage its religious programming, handle institutional-advancement portfolios, and/or assist with events.

35) Where will employees park

The College anticipates having employees park in the garages at the current Blake primary residence and the Dumas house. In all events, the College fully expects that vehicles will be parked out of sight from the road.

36) At what time in the evening will the lighting go off

On evenings during which the Center is hosting an event, it anticipates turning off most lighting at or around 9:00 or 10:00 p.m, while keeping a security light on at all times. All of the Center's outside lights will be certified dark-sky compliant and minimally invasive.

37) Explain in detail how the proposed shuttle service will work, including the type of shuttle vehicles that will be used and where they will be stored when not in use

The College anticipates that its facilities crew will be tasked with transporting guests to and from the airport. If the College obtains a shuttle vehicle of its own, it expects that it would use some version of a 12- of 15-passanger van. The facilities crew will manage the reservations and shuttle schedule in coordination with the event planner. The College expects no more than 4 round trips per event.

38) How will Hillsdale determine who it allows to use the properties for recreational use, when and how often will it occur, and what measures will be taken to prevent trespass onto neighboring properties

The College is committed to maintaining the properties in a way that preserves their beauty and maintains their attractive recreational features. Yet, mindful of concerns expressed by some nearby residents regarding the College's proposal to open up the properties for general recreational use by neighbors, as described in the College's December 23, 2019, supplemental memorandum, the College anticipates adopting a "use by permit" system, requiring would-be users of the properties to seek and obtain permission from the College to enter the premises for certain recreational or other purposes, as well as requiring those guests to check in with the grounds crew upon each entry (depending on the terms of that particular user's permit). The College intends to use this permitting system to control access to the properties so that there are no negative collateral impacts on the neighbors. In addition, the College anticipates installing "no trespass" signs in various key locations throughout the properties.

39) Aside from the real estate contracts are there any other written agreements between the property owner and Hillsdale College that you would like entered into the record?

The College has entered (or will enter as soon as possible) the following documents into the record:

1. Deed of a portion of 700 Hall Hill Road (the rear land with the proposed chapel) from S. Prestley Blake and Helen Blake to Hillsdale College. This has resulted in a lot line reconfiguration. This property has been added to the 732 Hall Hill Road parcel.
2. Utility Easement over 700 Hall Hill Road to benefit Hillsdale College. The easement allows utilities to run from 700 Hall Hill to the property being reconfigured with 732 Hall Hill Road.
3. Right of Way Agreement over 700 Hall Hill Road to benefit Hillsdale College. This allows access through 700 Hall Hill Road to the property being reconfigured with 732 Hall Hill Road.
4. Use and Occupancy Agreement. This agreement allows Hillsdale College to use the current residence and other portions of 700 Hall Hill Road until the College completes the purchase of 700 Hall Hill in 2021.

40) Have you determined where the septic system for the chapel will be located? Has testing been done? Has Steve Jacobs reviewed any results?

Bathroom facilities within the Monticello building will be available for visitors to the chapel in the Monticello building. The College is exploring whether to have bathroom facilities for use in connection with the standalone chapel when Monticello building is closed. If one is necessary, the College will present bathroom and septic plans at that time.

41) How will overflow parking be handled

The College does not anticipate there being overflow parking. To accommodate the stated interests of members of the public, the College has sought to make its parking footprint as small as possible. Yet of course the College remains willing to expand the size of its proposed parking lot if that would be desirable to the Commission. In all events, the College is committed to ensuring that vehicles parked at the Blake Center generally are not visible from the road.

42) Provide any materials or plans regarding the previously proposed operation of the “The Prestley and Helen Blake Center for Business, Ethics, and Entrepreneurship.”

The College responded to this request in previous submissions and at the public hearing on February 3, 2020. *See* Letter from R. Walsh to C.

Landolina (Jan. 31, 2020). It also has submitted today an additional memorandum on this topic, responding to a memorandum from Special Counsel Evan J. Seeman circulated on February 3, 2020.

43) How will the seminar offerings be different from the originally proposed “The Prestley and Helen Blake Center for Business, Ethics and Entrepreneurship”

See answer to #42. The College never formed plans for seminar (or any other) offerings for a “Prestley and Helen Blake Center for Business, Ethics, and Entrepreneurship.” Even if it had, those plans would have no relevance at all to this proceeding.

44) What is the seating capacity

It is anticipated that the standalone chapel will have a maximum capacity of 49 people.

45) Will a Christian minister be assigned to it or lead services in it

Yes. The College expects to retain the services of a minister who will serve as the principal chaplain of the Blake Center chapels. In addition, the College expects also to invite ministers and clergy members from the community as well as from out of town to preside over or participate in various spiritual activities to occur in Monticello and the chapels.

46) If Hillsdale is not buying 700 Hall Hill Road until 2021, then when will Hillsdale convert the barn into a chapel

The College now owns the property in question. The College anticipates converting the building into a standalone chapel as soon as its applications are granted.

47) How regularly will the chapel hold worship services

As regularly as the Blake Center hosts events, either one or both chapels will hold spiritual services or spiritual activities of various kinds, including prayer, prayer liturgies (such as Vespers), worship, Bible studies, clergy-guided meditations, and sermons—which activities will be made a part of Blake Center programming. In addition, the College anticipates that at least one chapel will generally be open for individual spiritual use by staff, guests, and invitees, and for use by the chaplain or any guest ministers.

48) What “other forms of prayerful gatherings” will take place at the chapel

See answer to Question 47. *See also, e.g.*, Hillsdale College Supp. Mem. 2–3 (Dec. 23, 2019).

49) Parking shown on site plan for chapel

See revised site plan. All guests to the Blake Center will use the proposed parking area adjacent to the Monticello building which has been sized appropriately for the number of invitees to the events. On days that the Blake Center is hosting events, the people using the chapels will be limited to the same guests that are attending the events. On days that the Blake Center is not hosting events, the parking lot will be available for members of the public who have been granted permission to use the chapels and/or grounds in accordance with the “use by permit” system described above.