March 24, 2009

Attorney Gary Hawes
Office of the Attorney General
55 Elm Street
Hartford, CT 06106

SUBJ: **Deed Restriction Issue in Waveny Park, New Canaan, Connecticut Land on the west side of Lapham Road in the July 22, 1967 Deed of Ruth L. Lloyd, a/k/a Ruth Lapham Lloyd**

Dear Mr. Hawes,

I have been a resident of New Canaan for over seventy-eight years, attended New Canaan public schools, and served in the United States Navy for four-and-a-half years after graduating from New Canaan High School in 1942. After my military service and also after school from the age of fifteen, I worked for the *New Canaan Advertiser* in their print shop until I joined United Publishing and Printing in Stamford, which I eventually owned. My wife Joan and I raised our family in New Canaan and we continue to live here.

My public service to New Canaan has included two activities germane to this letter: Chairman of the New Canaan Parks & Recreation Commission during the time when Mrs. Lloyd sold and deeded her Waveny property to New Canaan, and a founder and for several years a co-chairman of the New Canaan Family Fourth Celebration which takes place in Waveny Park every year.

I wish to share with you a conversation that I had with Mrs. Lloyd as she was considering the deed restrictions which would be part of the sale of her Waveny property to the Town of New Canaan. I am in good health, but given the fact that I am 85 years old, I thought it wise to have my recollections notarized. I hope my comments will shed light on Mrs. Lloyd's intent for Waveny.

Sincerely,

Joseph Toppin

Joseph Toppin
131 Overlook Drive
New Canaan, CT 06840
Daytime telephone: (203) 966-2213

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

Before me, the undersigned Notary Michael G. Victor on this 25th day of March, 2009, personally appeared Joseph Toppin (Joseph Toppin), known to me to be a credible person and of lawful age, who being duly sworn, on his oath, deposes and says,

"This is my statement about a current deed restriction issue in Waveny Park, New Canaan, Connecticut, having to do with the land on the west side of Lapham Road, described in the July 22, 1967 Deed of Ruth L. Lloyd, a/k/a Ruth Lapham Lloyd.

In its March 12, 2009 issue, the *New Canaan Advertiser* ran a story which purported that the New Canaan Elder Care Council and the Waveny Care Network are considering the construction of a continuing care retirement center ("CCRC") that would be located on 18 (eighteen) acres of public park land, located on the western border of Waveny Park, across the street from Lapham Road. The intent of Mrs. Lloyd's deed restrictions is currently a major issue in New Canaan. The following is my recollection of a conversation which I had with Mrs. Lloyd, sometime during the late spring or summer of 1967, at the time when the Waveny property deed was being written.

I was Chairman of the New Canaan Parks & Recreation Commission when Mrs. Lloyd deeded her property to New

Canaan. One afternoon First Selectman Charles Kelley called me at my company, United Publishing & Printing, in Stamford, and said, "Joe, get over to Waveny. Mrs. Lloyd wants to walk the grounds with you so that she can explain her wishes for the property." I dropped everything and went to meet Mrs. Lloyd, who was a very pleasant and particular lady. Her chauffeur had driven her to Waveny, which had been her family home for many years. Mrs. Lloyd got out of her car and we walked out on the patio of Waveny House, then around the house, and finally down the driveway toward Lapham Road.

During our conversation, Mrs. Lloyd told me that the northern part of the property was where the town could build a high school or a hospital. She thought that a football or baseball field could be built on the northern side of the driveway where the airstrip was located and which is now the site of the soccer fields.

As Mrs. Lloyd and I began walking from Waveny House down the driveway toward Lapham Road, the sun was beginning to set. The view across the fields in front of Waveny House and to the west across Lapham Road was magnificent. As we faced the fields and great meadow where the Family Fourth of July fireworks and weekly band concerts now take place every summer, Mrs. Lloyd remarked, looking toward Darien, "This is what I hope will stay forever."

Mrs. Lloyd and I then looked toward the western vista of her property. Located on the west side of Lapham Road, it spans south to north from above the Talmadge Hill railroad station all the way to the intersection of Route 106 and Lapham Road. Many of those 50 acres were originally a dairy farm, and the pastures, returned now in 2009 to secondary growth forest, were still mostly open fields. Mrs. Lloyd turned to me, and referring to that beautiful stretch of land, said, "I hope everything stays just like it is. Please don't touch this."

In my opinion, Mrs. Lloyd would be turning over in her grave if she knew of development plans for a hockey rink, retirement housing—any construction, in fact—on the Waveny land west of Lapham Road, or on the lawn and fields stretching to the south toward the Merritt Parkway and to the west of Waveny House to Lapham Road. This is not what she wanted."

Joseph Toppin
Signature of affiant

Joseph Toppin
(Typed name of affiant)

131 Overlook Drive
New Canaan, CT 06840
Daytime telephone: (203) 966-2213
(Address and telephone number of affiant)

Subscribed and sworn to before me, this 25th of March, 2009.

Signature of Notary

My commission expires _____.

Michael G. Victor
Notary Public
State of Connecticut
My Commission Expires 12/31/2010