

Stamford Harbor Management Commission - Applications Review Committee Minutes Draft

Date: April 6, 2015
Time: 6:00 p.m.
Location: Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901
Safety Training Room nferencecent

Roll Call: In Attendance were: Committee Chairman Griffith Trow; Committee members Commissioners Paul Adelberg, Robert Karp, and Mike Pensiero; SHMC Consultant Geoff Steadman; and OSS Maria Vazquez-Goncalves.

Guests: Bill Buckley, HP/BLT; Bill Heiple, Fuss & O'Neill/HP; and Max Haub, HP/BLT.

The meeting was called to order by Commissioner Trow at 6:05 p.m.

1. Discussion on COP Application by Richard Kohlberger, 134 Davenport Drive. The owner repaired and raised the height of a coastal seawall in Stamford Harbor following storm Sandy without obtaining the requisite permits Fromm DEEP. DEEP issued a Notice of Violation and a Consent Order requiring that the owner pay a civil penalty of \$1,500.00 to fund a Supplemental Environmental Project. Consultant Steadman advised that it is a policy of the Harbor Management Plan (HMP) that work should not be undertaken in the Stamford Harbor Management Area without permits, and made a distinction between work undertaken prior to the HMP and after the effective date of the HMP. It is a policy of the HMP that after-the-fact permits should not be issued for non-permitted work that was undertaken after the effective date of the HMP unless there are compelling reasons to do so. The DEEP should be informed of this policy. Also, the HMP calls for Supplemental Environmental Projects to be conducted for the benefit of Stamford Harbor to the extent possible. The Harbor Management Commission (SHMC) should be copied on all notices of violations issued by DEEP and should be consulted as to the use of civil penalties. SHMC finds that the application is consistent with the HMP provided DEEP determines that the 2-foot increase in the height of the structure has no adverse impacts on nearby properties. **Committee authorized Consultant Steadman to draft a recommendation as per above.**

2. Discussion on the Structures, Dredging and Fill Permit Application by Southfield Property, LLC, for work at the Davenport Landing Site, 28 Southfield Avenue. Applicant requests SHMC completion of appropriate section of "Harbor Management Commission DEEP Permit Consultation Form." William Buckley submitted the same document that was previously submitted to SHMC re: Harbor Management Commission/Conflicts of Commission Members. Mr. Buckley gave a presentation regarding the applicant's permit application to the DEEP. Committee asked questions regarding proposed bulkhead, viability of walkway entirely along water vs. inland. Mr. Buckley informed Committee that the walkway cannot follow entire shoreline due to location of proposed travel lift area. Committee noted that marina was proposed for this property in 2011. Consultant Steadman asked the following questions: Would there be more vessel traffic in this area associated with the current proposal than with the 2011 proposal? Mr. Buckley confirmed yes. What is the status of remediation? Mr. Buckley commented that areas east and west of Davenport Street need remediation. There was discussion of the required Remedial Action Plan. Mr. Buckley said that the applicant's proposed dredge area would extend to the federal channel. Chairman Trow asked what percentage of the site would be used for boatyard vs. residential development? Mr. Heiple replied that about 60%+ is for boatyard uses. Committee noted that SHMC reviewed the 2011 marina proposal for this site and found that proposal was consistent with HMP which supports reuse and redevelopment of underutilized waterfront properties, new public access, and boating facilities. Currently proposed project is significantly different from 2011 proposal. Current project calls for

dredging, bulkhead construction, travel lift, and a working boatyard, and involves linkage with other properties. Consultant Steadman reviewed the pre-application process involving the Harbor Management Commission Consultation Form. That form has a section for indicating whether an applicant's proposed project plans are consistent or not consistent with HMP, but that SHMC is not required by law to indicate consistency or inconsistency and can provide comments instead, without delaying submittal of an application. Consultant Steadman's recommendation is that the SHMC, in commenting on this proposal, must be consistent with its finding and comments previously provided to the Zoning Board regarding the applicant's plans for this property. To summarize, the SHMC previously found that pending development of additional information, including an independent analysis of the viability of the proposed boatyard/marina, the SHMC is not able to provide a favorable recommendation at this time, but offers the following comments: the HMP encourages and supports the redevelopment of underutilized waterfront properties that will result in beneficial impacts on the harbor; the HMP encourages and supports opportunities for public access to the harbor, including well-designed, meaningful, coordinated public access; and the HMP encourages and supports establishment of new boating facilities as needed in appropriate locations. The SHMC previously commented that although not specifically included in the application, the applicant advises that it intends to move boats from the proposed boat yard to a boat storage facility, the subject of a separate application, at 205 Magee Avenue. The SHMC is concerned about the viability of this off-premises boat storage plan and recommended that the Zoning Board require additional information to address this. In addition to the previously expressed comments, the SHMC now has concerns about the clear intensification in marine traffic that would be generated by the applicant's proposed project in this heavily commercial portion of the harbor, and requests input from potential industrial users. Committee asked whether applicant's plan can be revised to use more of the site for more water-dependent services to mitigate adverse effect impacts per page 7 of the Draft Permit Application Form. Committee recommends that SHMC cannot provide a favorable recommendation at this time..

Committee authorized Consultant Steadman to draft a recommendation as per above.

3. Application 215-11 – Stamford Zoning Board, Text change. Medical Marijuana dispensaries and production facilities. The Stamford Harbor Management Plan does not address this and the Committee has no comment.
4. Discussion on Committee protocols, procedures and application forms. Consultant Steadman discussed pre-application forms.
5. Confirmed the next scheduled meeting on May 4, 2015 at 6:00 p.m.

Commissioner Adelberg made a motion to adjourn at 8:04 p.m.

Seconded by Karp

Unanimously Approved

Respectfully Submitted by
Maria Vazquez-Goncalves
April 7, 2015