

**Stamford Harbor Management Commission - Applications Review Committee Minutes
Draft**

Date: March 2, 2015
Time: 6:00 p.m.
Location: Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901
Safety Training Room nferenceent

Roll Call: In Attendance were: Committee Chairman Griffith Trow; Committee members Commissioners Paul Adelberg, Robert Karp, Mike Pensiero and Dr. Damian Ortelli; Commission member Steven Loeb; SHMC Consultant Geoff Steadman; Staff Member Frank Fedeli and OSS Maria Vazquez-Goncalves.

Guests: Andrea Scaccianoce, BLT Business Centers; Frank Fumega, Makin' It Happen! LLC; Carolyn Goldenberg, Save Our Boatyard; Mauren Boylan, Save Our Boatyard; Randy Dinter, Save Our Boatyard; Donald Corbo, New England Prop.; Bill Buckley, HP/BLT; Hattie Firlik, HP/BLT; Scott Pollack, Arrow Street; John Freeman, BLT; John Knuff, Attorney/BLT; Craig Lapinski, Fuss & O'Neill; Bill Heiple, Fuss & O'Neill; Dick Gildersleene, Crab Shell; Lori Wortz, Belpointe; William Hennessey, Belpointe; Ted Ferranrone, HP/BLT; Thomas Madden, City of Stamford; J. Conclin; and Stephen Bourtin.

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

1. Review and Approval of February 23, 2015 Meeting Minutes.

Adelberg moved to approve February 23, 2015 Meeting Minutes.

Seconded by Karp

Unanimously Approved

2. Referral from the Zoning Board: Committee Chairman Trow invited Attorney John Knuff to make his presentation, who explained that the seven applications were combined for that purpose. The following are the applications: Appl. 215-02 –The Strand/BRC Group, LLC, Text change; Appl. 215-03 The Strand/BRC Group, LLC, Amend GDP, Washington Blvd.; Appl.215-04 – Southfield Property, LLC, Text change; Appl. 215-05 – Waterfront Office Building, LP, Map Change; 215-06 – Southfield Property LLC and Waterfront Office Building, LP, 28, 46, 62, 68, and 78 Southfield Avenue, Special Exception and General Development Plans; Appl. 215-07 – Southfield Property LLC and Waterfront Office Building, LP, 28, 46, 62, 68, 78 Southfield Avenue, Final Site & Architectural Plans and Coastal Site Plan Review; and C SPR – 978 – Waterfront Magee, LLC. Attorney Knuff distributed documentation re: Harbor Management Commission/Conflict of Commission Members to review with committee, as well as with the Stamford Harbor Management Commission. Committee Chairman deferred commentary on same to permit the presentation to proceed. First presenter: Scott Pollock, discussed the Overall Context Plan regarding Davenport Landing/Stamford Landing, site setting, proposed boatyard facility and docks, utilities, equipment and dredging and navigation, winter storage and services. He also discussed 205 Magee Avenue for winter storage, truck route, etc., and 14 Acre Site dock restoration plan. Second presenter: Craig Lapinski discussed the overview of Stamford

Landing/Site Description; 205 Magee Avenue; and 14 Acre Site. Third presenter: Bill Heiple, Professional Engineer with Fuss & O'Neill discussed compliance with HMP and CAM in 14 Acre Peninsula, stating the projects all comply with the Harbor Management Plan. A slide show accompanied the presentation.

Committee Chairman Trow briefly reviewed the recusal letter presented by Attorney Knuff. Mr. Trow advised that Mr. Redniss' would not have, as described in the letter, a mere appearance of conflict of interest but rather a clear conflict in that he is employed by the applicant and that is why he is not present. Mr. Trow stated, as for anyone else referenced in the letter, they can recuse themselves if they feel it is appropriate, but that his brief review of the letter and accompanying materials did not persuade him that the basis for recusal of members other than Commissioner Redniss was manifest and that he would therefore not request them to recuse themselves. No one commented that they would recuse themselves.

Committee Chairman Trow went through a chronology of the background of application 215-03 with Attorney Knuff dating back to 1994. Condition #7 is part of the General Development Plan approved by the Zoning Board in 2006; application 215-03 requests modification of condition #7 which was imposed for the 14 Acre Site; In October 2011 applicant demolished the facilities that comprised the boatyard at Brewer's. Attorney Knuff confirmed that they had to go through extensive remediation after Brewer's lease terminated and extensive remediation began in October 2011. Mr. Freeman stated that in 2006 the property owner received general development approval and that condition #7 of that approval called for maintaining boatyard services on the 14-Acre Site and that it was a misconception that the prior owner Antares agreed it would maintain a boatyard on the 14 acre site in perpetuity. Committee Chairman Trow referred to the South End redevelopment district south zoning regulations and requirements concerning modifications of water-dependent uses.

Mr. Trow stated that in July 2012, the Stamford Zoning Board issued a cease and desist order to Strand to re-establish the boatyard in accordance with condition #7 of the General Development Plan. Attorney Knuff confirmed and stated that the cease and desist order is on appeal currently in Connecticut Superior Court and that the grounds of appeal are that #7 impermissibly mandates a specific use of applicant's property. Mr. Trow suggested that since the applicant had sought relief from condition #7 by appealing to the Superior Court, and that since that appeal was ready for decision, it was unfortunate that the parties had agreed to a continuance of same, depriving the Commission of a judicial opinion on the condition's challenged legality, and that absent such a judicial pronouncement, the Committee would have to assume the condition's validity in its review of application 215-03. Attorney Knuff acknowledged that if all 7 applications were granted, there would be nothing prohibiting the owner of the Davenport property from subsequently demolishing any boatyard constructed there.

Other Committee members expressed their concerns about the proposed Davenport Landing boatyard, Magee Avenue boat storage area, and 14-Acre Site marina. Consultant Steadman mentioned a key policy of the harbor Management Plan that redevelopment of certain waterfront properties including the 14-Acre Site should not result in any significant reduction of available boating services and facilities, and asked Attorney Knuff, if, as part of the General Development

Plan approval, the applicant had been allowed to transfer any development rights off the 14-Acre Site. Attorney Freeman stated that no development rights were transferred.

Committee Chairman Trow recommended that Committee members review the extensive materials submitted in support of these applications and that a meeting be convened at 6 p.m. prior to the next Stamford Harbor Management Commission meeting on Tuesday, March 17, 2015 for the purpose of discussing the Committee's recommendations to the Commission.

3. Regarding the proposal by James Evans to renovate and expand residence at 373 Stamford Avenue (CPSR-979) the Committee discussed that all proposals subject to the municipal process of coastal site plan review and located on parcels adjacent to the Harbor Management Area or otherwise affecting the area, including proposals involving single-family residences, are properly referred to the Harbor Management Commission by the Land-Use Bureau.

Commissioner Trow made a motion to find the application affects property on, in or contiguous to the Harbor Management Area but does not appear to significantly affect the area and therefore the Harbor Management Commission has no comment on the proposal at this time.

Seconded by Ortelli

Unanimously Approved

4. Confirmed next scheduled meeting on March 17, 2015 at 6:00 p.m. subject to change.

Commissioner Adelberg made a motion to adjourn at 8:51 p.m.

Seconded by Karp

Unanimously Approved

Respectfully Submitted by
Maria Vazquez-Goncalves
March 6, 2015