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STEVEN M. LOEB, ALTERNATE
MICHAEL PENSIERO, ALTERNATE

CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

February 24, 2015

TO: Ms. Anne Fountain, Director of Health and Social Services
Mr. Michael Handler, Chairman, Water Pollution Control Authority
Mr. Ernie Orgera, Director of Operations
Mr. Richard Talamelli, Environmental Protection Board
Mr. Tyler Theder, Stormwater Regulatory Compliance and Administrative Officer

FROM: Dr. Damian Ortelli, Chairman, Harbor Management Commission

SUBJECT: Stamford Harbor Water Quality

During its meeting on February 17, 2015 the Harbor Management Commission discussed the attached report and photos provided by the Stamford Harbor Master concerning a substantial amount of floating debris in Stamford Harbor.

The Stamford Harbor Management Plan adopted by the Board of Representatives identifies issues concerning water quality and describes how any significant pollution in Stamford's coastal waters can affect the enjoyment of boating activities, the vitality of fish and wildlife habitat, and the health of those who come in contact with the water.

In addition, the Harbor Management Plan encourages and supports all feasible measures to protect and improve water quality in Stamford's coastal waters. The Plan includes a number of provisions to advance that goal and calls for coordination among all city agencies to achieve the goal.

Acting on our own, the Harbor Management Commission does not have the resources to address this issue. After significant discussion during our meeting, it was the sense of the Commission to contact the city agencies with water quality interests and authorities and to request your assistance for developing a strategy to: 1) remove and properly dispose of the existing pollution; and 2) identify and mitigate the existing sources of this pollution.

On behalf of the Harbor Management Commission, I look forward to your response and guidance for how to proceed. I can be reached at (315) 651-0070 or dortelli@stamfordct.gov.

Respectfully submitted

Dr. Damian Ortelli

Chairman, Stamford Harbor Management Commission

cc:
Mr. Frank Fedeli, Stamford Office of Operations
Captain Eric Knott, State of Connecticut Harbor Master
Sergeant Robert Monck, Stamford Police Department Marine Unit

Stamford Harbor Master's Supplementary Report 02/13/2015

To Geoffrey Steadman

Geoff,
As directed at the Stamford Harbor Commission meeting 2/17/2015, please find attached photographs of assorted pollutants, garbage and debris in the harbor. The pictures were taken by me within the past week.

The pollution pictured had been present and unchanged for 5-10 days prior to the pictures being taken. Currents and tidal flow within the harbor are not removing the debris, but seem to be concentrating it is particular areas.

The location (of these pictures) is Czescik marina, but similar rafts of pollutants are present throughout the harbor, being mainly concentrated around structure. The items observed in the water include;

- Assorted plastic and polystyrene containers
- Discarded paper cups
- Assorted driftwood
- Dead animals/birds
- Lengths of rope (various sizes and lengths)
- Weed/plants
- Biological waste matter
- Food stuffs
- Clothing
- Globules of sticky and indeterminate nature.

At present, it is unsightly but as spring approaches, temperatures rise and members of the public return to the water/water side for recreation, it is going to become a safety issue. The possibility of disabling and causing damage to recreational boats will be very real, as will the health hazard to those nearby.

As Harbor Master, I do not have the facilities to remove and make safe the pollution. I therefore request that a means be sought to;

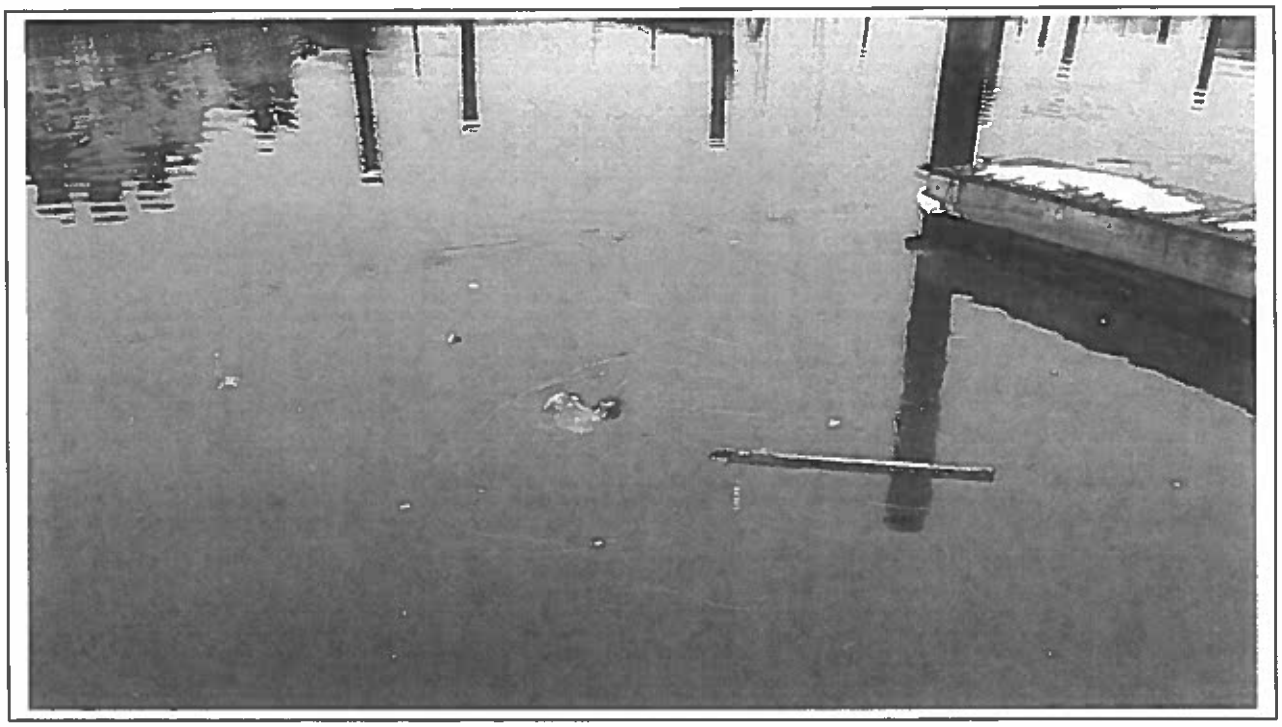
1. Remove and dispose of the debris presently in the harbor, a matter I consider of some urgency.
2. Locate and remove source of pollution. This will be more difficult as there is no single point of pollution and some may in fact be of 'natural' origin.

I request that you contact CT DEEP and other agencies/departments as you deem appropriate with a request to provide resources to remove the debris from the harbor.

Respectfully

Respectfully submitted
Captain Eric Knott
Harbor Master

Solace



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CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

March 12, 2015

Memorandum to the Zoning Board

Re: Exhibit A - Scope of Services for B&A - independent consultant.

You have asked us to review the proposed scope of services by March 13. We are very pleased to be able to assist the Zoning Board in this process and welcome any further involvement you deem appropriate.

The Application Review Committee ("ARC") is meeting again on March 17 and it is expected that it will formulate a recommendation to the Harbor Management Commission ("HMC") concerning the seven applications with respect to which the applicants made presentations on March 2. Those applications include removal of condition 7 from the Harbor Point General Development Plan, establishment of a boatyard and marina at Davenport Landing, and establishment of a boat storage facility at Magee Avenue. The applications contain no linkage between them and the applicants confirmed on the record during their presentation (see video of ARC meeting on our website) that each application was to be considered on its own merits. Thus, we are aware of no predicate that permits us to combine these applications during our consideration of their merit, and respectfully point out that such missing component may well make the commissioning of the study premature.

The HMC is also meeting on March 17 and you may expect a fuller response from the HMC thereafter. We are sending you this response now only so that you have something from us by your March 13 deadline.

We believe that there are two items that the consultant should opine on and we have attached a revised Schedule A that describes these items. However, please see our comments below.

The first item is a study comparing BYHW with the facilities proposed by the applicant (s). The Zoning Board should know quite clearly what is proposed to be given up by the City (by amending Condition 7 of the GDP which provides that "Unless specifically approved by the Zoning Board..., there will be no reduction in any current capacity, facilities ,uses or services, insuring the continued operation of this important water dependent use...") and what the City

is actually getting in return. It should be noted that in our review we have seen no detailed boatyard plans or financial viability study of the proposed facilities. Given the lack of detail submitted by the applicant(s), B&A will likely have some difficulty with this assignment.

The second item is the peer review of a "professionally –prepared market study and needs analysis of the site's potential to support a water-dependent use under the existing zoning". This is the peer review required under section J.4. d.4. of the SRD-S zoning regulations. Please note that in our review of the applications to date, that we have not seen such a study. There is a study of the "need for boat slips" prepared by Integra that was submitted as part of the application but that is not the study called for by the zoning regulations. No other study was disclosed by the applicant at a recent meeting of the ARC of the HMC. Again, given the lack of a study to review, it would appear that a "peer review" cannot be accomplished.

Respectfully submitted

Dr. Damian Ortelli

Chairman, Stamford Harbor Management Commission

EXHIBIT A

SCOPE OF SERVICES AND COMPENSATION

I. Evaluation of Proposals

B&A to review and evaluate the filed application materials to establish a comparison study of the services offered at Brewers Yacht Haven West Marina and Boatyard (BYHW) with the three sites identified in the separate applications:

a. In-water slips and parking at the 14 acre site

b. Boatyard, boat storage and marina at Davenport landing

c. Boat storage at 205 Magee.

1. Boat transport to and from 205 Magee (through Stamford Transportation Center area).

This study would use the data assembled with respect to services offered at BYHW as set forth in the January 31, 2013 study prepared by B&A and would be in similar format. The study should state clearly whether there is

any reduction in capacity, facilities, uses or services as compared to BYHW or whether there is any adverse impact to a water-dependent use.

II. Peer Review of the Market Study and Analysis

B&A shall perform a peer review of the market study and needs analysis of the BYHW site's potential to support a water dependent use under the existing zoning prepared by the applicant's professional consultant.

III. Report

B&A will present its report to the Zoning Board of the City of Stamford. All communications concerning the report, requests for additional information shall be directed solely to the Zoning Board.

IV. Schedule and Compensation

The report will be completed within four (4) weeks of the date of this Agreement, TIME BEING OF THE ESSENCE, at a cost not to exceed $ xx, 000.

Fund: 0001 General Fund
Office: 005 Government Services
Dept/Div: 0556 Commissions
Program: 5094 Harbor Commission

Program Description:

The Harbor Commission assists the land use boards in reviewing waterfront development and has the enforcement ability to safeguard the public's access to the waterfront and to preserve waterfront businesses and recreational facilities. The commission is taking the first steps to combat water pollution as well as applying for grants for waterfront capital improvements. The Harbor Commission oversees waterfront and preservation of Stamford's waterfront. It coordinates and assists in harbor safety, mooring applications and enforcement and preserves waterfront industries and access.

		FY 14/15			FY 15/16						
Description	FY 13/14 Actual	Adopted Budget	Revised Budget	Projected Exp & Enc	Department Request	Mayor's Proposed	% of Total	$ Var Adopted	% Var Adopted	FY 16/17 Estimate	FY 17/18 Estimate
Expense											
Overtime	1,995	1,885	1,885	4,000	8,000	1,885	9.91%	0	0.0%	1,942	2,000
Employee Benefits	147	147	147	306	612	144	0.76%	-3	-2.0%	148	153
Purchased Professional Services	15,000	15,000	15,000	15,000	50,000	15,000	78.83%	0	0.0%	15,300	15,606
Community & Cultural	2,000	2,000	2,000	2,000	4,000	2,000	10.51%	0	0.0%	2,040	2,081
Total Expense	**19,142**	**19,032**	**19,032**	**21,306**	**62,612**	**19,029**	**100.00%**	**-3**	**0.0%**	**19,430**	**19,840**
Net Operating Cost	**19,142**	**19,032**	**19,032**	**21,306**	**62,612**	**19,029**		**-3**	**0.0%**	**19,430**	**19,840**

Stamford Harbor Master's Report 02/17/2015

- A short report this month. Firstly, please accept my thanks for making the snow 'go-away' as per my request last month. Very much appreciated.

- As of this morning (3/17/2015) mooring records indicate the following status;
  a. 15 mooring renewal applications fully paid and approved
  b. 11 new mooring applications under review
  c. 17 mooring renewal applications fully paid but not yet approved
  d. 74 mooring renewal applications incomplete and/or undergoing review

  The on-line mooring (application) system is exhibiting idiosyncrasies, particularly in the documentation of payments. This is requiring individual follow-ups to confirm status. Block payments, by check to the Permit and Cashiers office without referencing the individual moorings to which the payments apply are causing a backlog in approvals and properly documented applications are being processed first.

- I have received more than half a dozen enquiries regarding new moorings and the availability of "dinghy docks near down-town Stamford. I have explained the application procedure and provided contact details for the commercial marina facilities in the harbor.

- The harbor boat is back in service and a tour of the harbor has confirmed ice damage to private and commercial structures. Owners are aware and there is no obvious danger at present. I will continue to keep an eye on matters as spring progresses.
  3/16/2014 UPDATE #1; Sgt. Monck and his staff have retrieved a dock floating free in the harbor and returned it to its owner. They are liaising with staff at the temporary boat yard to remove this and any other docks in danger of breaking free.
  3/17/2015 UPDATE #2; Sgt. Monck report severe shoaling on the approach to the West Beach boat launch ramp. (see picture). This is and will continue to restrict access both for regular and emergency use and urgent considera6tion is requested to address the issue before it gets any worse.

- Service and replacement of moorings will be commencing shortly in preparation for the season. I am liaising with the mooring service providers and will be inspecting and stickering them as they are placed. (Are the 2015 mooring stickers available yet?).

- Outstanding Harbor Master expenses total $183.57 (since 10/30/2014). A further amount of $22.30 (SHM cell) will be submitted next month and fuel (est. $50-100) and 2-stroke oil (est. $120) will have to be purchased in 4-6 weeks.) I am happy to continue with the current purchasing arrangements with the commission's approval.

- Two questions;
  a. Is there any news of the state harbor commission or progress on the future of the Harbor Master program?
  b. Is there any update on the appointment of a deputy Harbor Master? An early appointment would help ensure that moorings are inspected in a timely manner and unapproved moorings are identified and dealt with.

Respectfully submitted
Eric Knott. Harbor Master

ONLINE MOORING

To: Current or past Mooring permit holders in the Stamford Harbor Management Area

From: Stamford Harbor Management Commission

The Harbor Management Commission has enacted updated Mooring Regulations, Minimum Mooring Tackle Specifications and a List of Approved Mooring Inspection Services which apply for all mooring permits issued in 2015 and beyond. You can find the text of the regulations and specifications on the Harbor Management Commission website at www.StamfordCT.gov/harbor-management.

Please review these documents to be sure you are in compliance. Please be aware that there is now a minimum liability insurance requirement of $500,000. Copies of your vessel registration and proof of the required liability insurance must now be submitted to the Harbor Master.

Mooring renewals are due by March 31.

Any questions can be submitted to the Harbor Master at Harbormaster@StamfordCT.gov.

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. Condlin; 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 CSPR – 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

PROPOSED TEXT CHANGE TO DW-D DISTRICT

AMEND Zoning Regulations, City of Stamford, Article III, Section 9AAAA DWD Designed Waterfront Development district, as follows:

1. Amend Article III, Section 9AAAA 4.d – **Maximum Building Height**, by adding the underlined language:
   6 stories, not to exceed 70 feet, provided that, if a structure is located more than 100 feet from MHW, the height and number of stories shall be measured from the grade located at the primary entrance of the building that is adjacent to a public street.

2. Amend Article III, Section 9AAAA(g) **Minimum Yards** by adding the following sentence:
   For Corner Lots fronting on more than two streets, the yard with the narrowest frontage on a street shall be considered a side yard.

3. Amend Article III, Section 9AAAA by adding a new paragraph, to read as follows: NEW SECTION Article III, Section 9AAAA(6) – Water Dependent Uses:
   In order to encourage and promote the preservation and creation of water dependent uses and recognizing the unique nature of such uses, impervious area and structures used in connection with water dependent uses shall be exempt when calculating Maximum Building Coverage (4(c)), Maximum Ground Coverage (4(e)), Public Access to the Waterfront (5(b)), Preservation and Enhancement of Visual Resources (5(c)) and Landscaping (5(h)).

4. Amend Article III, Section 9AAAA by adding a new paragraph, to read as follows: NEW SECTION Article III, Section 9AAAA(7) Existing Structures: All structures existing at the time a property is zoned DWD shall be permitted to remain in their existing locations, provided any such structures allow for public access along the waterfront.

HARBOR POINT

Re: Davenport Landing and Stamford Landing / Written Statement of Compliance with the Goals of the Design Waterfront Development District (DWD)

We are pleased to submit applications to develop a mixed-use waterfront project in the Waterside community. The subject properties are located along the west branch of Stamford Harbor: 46, 62, 68 and 78 Southfield Avenue, commonly referred to as Stamford Landing and 28 Southfield Avenue, commonly referred to as Davenport Landing. The properties are currently zoned CWD and DWD. The Stamford Landing portion of the Site is currently improved with surface parking spaces, and four buildings consisting of 175,419 square feet of office and 12,621 square feet of retail. In addition, there is a marina with 70 slips and a public boardwalk. The Applicant has filed an Application to Amend the Zoning Map to rezone the Stamford Landing parcel from CWD to DWD. The Davenport portion of the site is undeveloped at this time. The site was formerly a heating oil transfer facility that was approved by the Zoning Board in 2009 to be redeveloped as 256 residential units and a marina.

The current proposal is to maintain the existing buildings on the Stamford Landing site, and, on the combined parcels, improve public access, construct a new marina and full service boatyard and a residential building with 261 units (10% BMR). The Applicant will complete road improvements to Southfield Avenue consistent with the prior approval for the Davenport property.

A complete set of plans and reports demonstrating the project's compliance with the standards and consistency with the goals of the DWD are included in this application binder.

The proposed development satisfies the following objectives of the DWD Zone:

1. The existing water dependent uses will remain and new water dependent uses will be created. Public access to the waterfront will be improved through the addition of sidewalks and landscaped areas. A full service boatyard will be constructed and 730 feet of new public access will be created. This is consistent with objectives (a), (c) and (d) of Section 1 of the Designed Waterfront Development District (DWD) (copy attached).

2. The addition of residential uses and a full service boatyard to the existing development will add vibrancy and activity to the project and make the waterfront more accessible and inviting. (See specifically DWD objectives (c) and (d).)

3. The boardwalk along the waterfront of the property will be preserved and extended through the Davenport parcel, creating and preserving visual access to the coastal landscapes. (See specifically DWD objective (c).)

4. The residential use is compatible with the seasonal cycle of retail and marine uses. (See specifically DWD objective (f).)

5. The scale and massing of the proposed building is in harmony with the pattern and scale of other development along the coastline. The boatyard building is located adjacent to the waterfront. The building is proposed to be 45 feet high, which is in keeping with the adjacent buildings at Stamford Landing. The residential building is designed consistent with adjacent residential buildings with a large front yard setback and five stories facing Southfield Avenue. (See specifically DWD objective (g).)

AAAA. DW-D DESIGNED WATERFRONT DEVELOPMENT DISTRICT

1. Purpose

The Designed Waterfront Development District (DWD) is a flexible design district, subject to special standards and review procedures, intended to provide for and encourage the most appropriate use and development of waterfront property, giving highest priority and preference to water dependent uses on sites that are physically suited for such uses and for which there is a reasonable demand, consistent with the policies of the Connecticut Coastal Area Management Act. Application of the Designed Waterfront Development District is intended to promote the following objectives:

a. Protection and encouragement of existing and new water-dependent uses and their essential supporting uses;

b. Conservation of significant resources;

c. Promotion of those uses which maximize the opportunity for public access to and enjoyment of waterfront areas without conflicting with viable existing water-dependent uses or sites highly suitable for other water-dependent uses;

d. Encouragement of harbor revitalization measures that emphasize the waterfront as a public pedestrian district connecting the shorefront with the adjacent neighborhoods and the Central Business District;

e. Protection of key public vistas and development of visual access to coastal landscapes;

f. Provide for new uses which are compatible with the seasonal cycle of water-based activities and those environmental hazards unique to the coastal area;

g. Promotion of architecture and site development of design merit that makes best use of natural features, that harmonizes with the pattern and scale of the coastline, and that remains compatible with the surrounding architecture and pattern of development, and that preserves significant structures and features representing the historic pattern and scale of Stamford's waterfront heritage;

h. Control of the type and intensity of development to insure a positive impact on adjacent neighborhoods and the Central Business District, to encourage the retention of employment opportunity associated with water-dependent uses, and to prevent adverse impact on municipal services and infrastructure capacities and capabilities.

2. Criteria For Designation of a Designed Waterfront Development District

In order to qualify for consideration as DWD-Designed Waterfront Development District, a tract of land must satisfy all of the following requirements:

a. Zoning District. The proposed site shall be located within the C-WD district.

Supplementary Comments and Findings of SHMC Votes on BLT Applications 215-02 thru 215-07 and CSPR-978. Commission meeting 03/17/2015

Appl. 215-02: the SHMC approved a motion to transmit the following comments to the Zoning Board and Applicant.

Comments:

1. The proposed action affects property on, in or contiguous to the Stamford Harbor Management Area but is not directly addressed in the Stamford Harbor Management Plan and therefore the SHMC has no comment at this time provided the Zoning Board determines the proposal will not affect existing water-dependent uses and/or opportunities for future water-dependent uses in the SRD-S District.

2. The SHMC reserves its right to continue to review the Applicant's proposal and provide additional comments at such time as it may be modified, additional information is provided, or the proposal is the subject of a public hearing.

Appl. 215-03: the SHMC approved a motion to transmit the following findings and comments to the Zoning Board and Applicant.

Findings:

The SHMC finds the Applicant's proposal would: 1) eliminate an existing development condition calling for continued operation of a working boatyard and full service marina on the boatyard site with no reduction in capacity, facilities, uses or services; and 2) replace that requirement with a provision that would allow full development of the site while providing only ancillary marina facilities and public access improvements. In addition, the SHMC finds that the Applicant has not demonstrated that viable replacement boatyard facilities and services of equal capacity and quality to the facilities and services required on the boatyard site will be provided by the Applicant elsewhere in the Stamford Harbor Management Area. Accordingly, the SHMC finds the Applicant's proposal is inconsistent with the recreational boating and water-dependent use policies of the Harbor Management Plan, including:

- Policy 5.1.1 stating that any future development that may affect existing marina and/or boatyard facilities should not result in a significant reduction of currently available boat slips and boat service facilities;

- Policy 5.1.2 calling for the authority and policies of the Connecticut Coastal Management Act and the Stamford Master Plan to be used to encourage and support the continued operation of water-dependent boat service facilities (including maintenance, repair, and storage facilities);

- Policy 5.1.3 calling for city planning and zoning requirements to be applied as necessary to protect and promote water-dependent uses such as private boating and yacht clubs and commercial marina and boatyard facilities; and

- Policy 7.2.1 calling for the city to continue to implement (through appropriate zoning and other regulations) the coastal area management policies established in the Stamford Master Plan to support and encourage the development and continued operation of water-dependent land uses on waterfront sites.

The Applicant's proposal also is inconsistent with the following recommendation (see page 7-5 in the Harbor Management Plan) specifically addressing recreational boating facilities in the west branch of Stamford Harbor.

3(a) *Water-Dependent Uses: The continued beneficial operation and enhancement of existing water-dependent uses, including Stamford port facilities and recreational boating facilities, in the west branch is encouraged and supported, consistent with all other applicable provisions of the Plan, Stamford Master Plan, Stamford Zoning Regulations, and the Connecticut Coastal Management Act.*

The authority and provisions of the Plan, Master Plan, Zoning Regulations, and Connecticut Coastal Management Act should be applied to encourage and support the continued operation and enhancement of existing water-dependent uses; to encourage and support the development of appropriate new water-dependent uses; and to review any plans and proposals for new uses. With respect to waterfront properties adjoining the west branch, future development projects that may affect established water-dependent uses should not result in significant reduction of available recreational boating services, including, but not limited to, boat maintenance, repair, berthing, and storage facilities of local and/or regional significance. [Emphasis added.]

Comments:

1. The 2009 Stamford Harbor Management Plan adopted by the Stamford Board of Representatives and approved by the State of Connecticut attaches special significance to the boatyard site; describes how much of Stamford's reputation as a boating center in western Long Island Sound is due primarily to the boating services historically provided on this site; and establishes municipal provisions intended to maintain those services.

2. The Stamford Master Plan, amended by the Planning Board in 2014, also attaches special significance to the boatyard site. The Master Plan states that "Retention of uncompromised boatyard services and facilities on this property has been a goal of Stamford's master plans since the beginning of the city's coastal management program and should continue to be a top priority."

3. Of concern to the SHMC with respect to this proposal is the Notice of Zoning Violation - Order to Cease and Desist issued to the Applicant on July 16, 2012 by the City's Zoning

Enforcement Officer for failure to comply with the above mentioned Condition of Approval No. 7, the same condition from which the Applicant hereby seeks release. The SHMC is aware that the Applicant's appeal of this Notice and Order to the Zoning Board of Appeals was denied, and that the Applicant is currently challenging the enforceability of Condition No. 7 in a pending legal proceeding before the Connecticut Superior Court.

4. In accordance with Policy 1.4.9 of the Harbor Management Plan directing the SHMC to consider if there is any enforcement action pending for violations of law at the site of a proposed action being reviewed by the SHMC, the SHMC believes that it is inappropriate to consider modification of Condition No. 7 until such time as the legality of the Applicant's actions that are the subject of the Cease and Desist Order have been adjudicated and the order complied with should it be upheld by the court.

5. The SHMC reserves its right to continue to review the Applicant's proposal and provide additional comments at such time as it may be modified, additional information is provided, or the proposal is the subject of a public hearing.

Appl. 215-04: the SHMC approved a motion to defer action on this application pending additional review and to transmit the following comments to the Zoning Board and Applicant.

Comments:

1. It is a policy of the Harbor Management Plan that the city should continue to implement (through appropriate zoning and other regulations) the coastal area management policies established in the Stamford Master Plan to support and encourage the development and continued operation of water-dependent land uses on waterfront sites.
2. It is a policy of the Harbor Management Plan that public access to the Harbor Management Area should be promoted wherever feasible, but the city should ensure, through appropriate zoning and other land-use provisions, that existing water-dependent uses are not replaced by nonwater-dependent uses providing only limited public access to the Harbor Management Area.

3. No amendments to the Designed Waterfront Development District should be approved that would diminish existing water-dependent uses and/or opportunities for future water-dependent uses in the Harbor Management Area.

4. Regarding the proposed new water-dependent uses paragraph, the SHMC is concerned that exempting impervious areas and structures used in connection with water-dependent uses when calculating maximum building coverage and maximum ground coverage may increase stormwater runoff into Stamford Harbor.

5. The SHMC expresses its concern regarding the Applicant's proposal that "all structures existing at the time a property is zoned DW-D shall be permitted to remain in their existing locations, provided any such structures allow for public access along the waterfront." The SHMC is concerned that this may restrict opportunities for

enhancement of water-dependent facilities if the existing structures to remain do not support well-designed, meaningful, and coordinated public access to the Harbor Management Area provided as a substantial component of a waterfront redevelopment project.

6. The SHMC reserves its right to continue to review the Applicant's proposal and provide additional comments at such time as it may be modified, additional information is provided, or the proposal is the subject of a public hearing.

Appl. 215-05: the SHMC approved a motion to defer action on this application pending additional review and to transmit the following comments to the Zoning Board and Applicant.

Comments:

1. It is a policy of the Harbor Management Plan that the city should continue to implement (through appropriate zoning and other regulations) the coastal area management policies established in the Stamford Master Plan to support and encourage the development and continued operation of water-dependent land uses on waterfront sites.
2. It is a policy of the Harbor Management Plan that public access to the Harbor Management Area should be promoted wherever feasible, but the city should ensure, through appropriate zoning and other land-use provisions, that existing water-dependent uses are not replaced by nonwater-dependent uses providing only limited public access to the Harbor Management Area.

3. No amendments to waterfront zoning districts should be approved that would diminish existing water-dependent uses and/or opportunities for future water-dependent uses in the Harbor Management Area.

4. The SHMC reserves its right to continue to review the Applicant's proposal and provide additional comments at such time as it may be modified, additional information is provided, or the proposal is the subject of a public hearing.

Appl. 215-06: the SHMC approved a motion to transmit the following finding and comments to the Zoning Board and Applicants.

Finding:

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.

Comments:

1. The Harbor Management Plan encourages and supports redevelopment of underutilized waterfront properties where that redevelopment is expected to result in significant and long-term beneficial impacts on the Stamford Harbor and waterfront.

2. The Harbor Management Plan encourages and supports the provision of facilities and opportunities for public access to the Harbor Management Area, including well-designed, meaningful, and coordinated public access to the Area provided as a substantial component of waterfront redevelopment projects.

3. The Harbor Management Plan encourages and supports establishment of new boating facilities, as needed, in appropriate locations.

4. Although not included in the application materials, the SHMC understands from its application that the Applicants intend to transport boats removed from the water at the proposed Davenport Landing boatyard to a proposed boat storage yard – the subject of a separate application - at 205 Magee Avenue, a distance of approximately two miles from the boatyard via public streets. The SWHMC is concerned about the viability of this method of boat storage. The SHMC recommends that the Zoning Board require additional information to address the viability of the proposed method of boat storage, including a professionally-prepared market study and needs analyses of the site's potential to support a water-dependent use.

5. The SHMC understands that the Applicants are currently pursuing a Structures, Dredging and Fill Permit and other permits from the State of Connecticut as needed to construct the proposed boatyard/marina. Applications for those permits have not been submitted to the SHMC for review at this time. Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the SHMC pursuant to the Harbor Management Plan shall be binding on any official of the state when making a regulatory decision affecting the Harbor Management Area, unless that official shows cause why a different course of action should be taken. The SHMC recommends that additional analysis of the viability of the proposed boatyard/marina should await issuance of any permits that may be granted by the State of Connecticut.

6. The SHMC reserves its right to continue to review the Applicants' proposal and provide additional comments at such time as it may be modified, additional information is provided, or the proposal is the subject of a public hearing.

Appl. 215-07: the SHMC approved a motion to transmit the following finding and comments to the Zoning Board and Applicants.

Finding:

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.

Comments:

1. The Harbor Management Plan encourages and supports redevelopment of underutilized waterfront properties where that redevelopment is expected to result in significant and long-term beneficial impacts on the Stamford Harbor and waterfront.

2. The Harbor Management Plan encourages and supports the provision of facilities and opportunities for public access to the Harbor Management Area, including well-designed, meaningful, and coordinated public access to the Area provided as a substantial component of waterfront redevelopment projects.

3. The Harbor Management Plan encourages and supports establishment of new boating facilities, as needed, in appropriate locations.

4. Although not included in the application materials, the SHMC understands that the Applicants intend to transport boats removed from the water at the proposed Davenport Landing boatyard to a proposed boat storage yard – the subject of a separate application - at 205 Magee Avenue, a distance of approximately two miles from the boatyard via public streets. The SWHMC is concerned about the viability of this method of boat storage. The SHMC recommends that the Zoning Board require additional information to address the viability of the proposed method of boat storage, including a professionally-prepared market study and needs analyses of the site's potential to support a water-dependent use.

5. The SHMC understands that the Applicants are currently pursuing a Structures, Dredging and Fill Permit and other permits from the State of Connecticut as needed to construct the proposed boatyard/marina. Applications for those permits have not been submitted to the SHMC for review at this time. Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the SHMC pursuant to the Harbor Management Plan shall be binding on any official of the state when making a regulatory decision affecting the Harbor Management Area, unless that official shows cause why a different course of action should be taken. The SHMC recommends that additional analysis of the viability of the proposed boatyard/marina should await issuance of any permits that may be granted by the State of Connecticut.

6. The SHMC reserves its right to continue to review the Applicants' proposal and provide additional comments at such time as it may be modified, additional information is provided, or the proposal is the subject of a public hearing.

Appl. CSPR-978: the SHMC approved a motion to find the Applicant's proposal consistent with the Harbor Management Plan subject to the following comments and recommendations.

Comments and Recommendations:

1. It is a policy of the Harbor Management Plan to encourage and support establishment of boat service facilities, including boat maintenance, repair, and storage facilities.
2. The proposed activity adjoins an existing city-owned walkway and open space adjoining the East Branch of Stamford Harbor and designated as "Open Space – Public Parks" in the 2014 Master Plan. The proposed activity should not interfere or in any way diminish public use and enjoyment of the existing waterfront walkway and open space.

3. Best management practices, including but not limited to storm-water management practices and practices to manage any hazardous materials and sewage spills associated with boat storage operations, should be required to ensure that the proposed activity does not cause any significant adverse impacts on the environmental quality, including water quality, in the Harbor Management Area and in the tidal wetland area adjoining the Applicant's property.

4. Any boat storage that may be permitted on this site should be in accordance with any requirements imposed by the Fire Marshall to maintain public safety and provide emergency access for fire-fighting purposes and for effective response to any contamination caused by spills of fuel, oil, anti-fouling paint, sewage, and other hazardous materials and contaminants.

5. Although not included in the application materials, the SHMC understands that the Applicant intends to transport boats removed from the water at the proposed Davenport Landing boatyard to the proposed boat storage yard – the subject of a separate application - at 205 Magee Avenue, a distance of approximately two miles from the boatyard via public streets. The SWHMC is concerned about the viability of this method of boat hauling and storage. The SHMC recommends that the Zoning Board require additional information to address the viability of this apparently proposed method of boat hauling and storage, including a professionally-prepared market study and needs analysis.

6. The SHMC reserves its right to continue to review the Applicant's proposal and provide additional comments at such time as it may be modified, additional information is provided, or the proposal is the subject of a public hearing.