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ROBERT J. STRADA
GRIFFITH H. TROW

STEVEN M. LOEB, ALTERNATE
MICHAEL PENSIERO, ALTERNATE

**CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION**

Minutes of August 24, 2015

DRAFT

A Scheduled Meeting was held on Monday, August 24, 2015 at the Stamford Government Center – Training Room, 6th Floor.

Called to order at 7:00 p.m., Chairman Ortelli presiding.

In Attendance:

Commissioners: Dr. Damian Ortelli; Robert Karp; Paul Adelberg; Jeffrey Saunders; Robert J. Strada; Ray Redniss; Griffith Trow; Alternates Steven Loeb and Michael Pensiero
Staff: Eric Knott, Harbor Master; Yale Greenman, Deputy Harbor Master; Sgt. Bob Monck, Stamford Police Dept.; Geoff Steadman, Consultant; Frank Fedeli, COS
Absent: Sean Elumba, Marina Supervisor
Guest: Ted Ferrarone BLT/Harbor Point; Marty Levine, Mayor's Office; Randy Dinter, Carolyn Goldberg, and Maureen Boylan, Save Our Boatyard.

1) Review and Approval of July 21, 2015 Meeting Minutes.

Commissioner Adelberg moved to approve July 21, 2015 Meeting Minutes.

Seconded by Commissioner Redniss **Approved Unanimously**

2) Chairman's Report: D. Ortelli

- a) Davenport Landing Public Hearing scheduled for Tuesday, September 8th at 6 p.m., UCONN Stamford GenRe Auditorium. Site visit 3 p.m. at Davenport Landing.
- b) Coast Guard Chief of Waterways Management and Aids to Navigation Programs requests an audience with the Commission in October or November to speak about the Seacoast ATON WAMS review.

3) Staff Reports:

- a) **Financial – Frank Fedeli** reported what expenses/checks have been paid. Revenue account is almost at \$49,000. Discussion ensued on a proposed cleaner boat for the harbor. Demonstration cost is \$5,000. That cost and other concerns were aired by Commissioners, such as: raising funds to purchase the boat, staffing its operations, maintenance, capabilities, operating schedule, opportunities, if any, to share costs and usage with neighboring waterfront municipalities, etc.

Commissioner Trow moved to authorize Frank Fedeli to spend up to \$5,000.00 to proceed with the Cleaner Boat demonstration with a target date of mid-September. Mr. Fedeli to negotiate with the vendor to have all or a substantial amount of the demonstration cost credited towards the boat's purchase, and that the demonstration include the full panoply of its capabilities. City officials from the various appropriating boards to be invited to view the demonstration.

Seconded by Commission Karp **Approved Unanimously**

Mr. Fedeli discussed the speed buoys, rock markers, costs, and concerns of getting them ordered and installed, an issue which has been an ongoing since last summer's boating season.

b) Harbor Master – E. Knott

See attachment for HM's report. Discussion on 20 no wake signs to be sized, printed and installed in appropriate locations.

4) Committee Reports:

Safety – R. Strada. Commissioner Strada discussed the meeting held on August 18, 2015. See attachment of Safety Committee minutes. Next scheduled meeting October 19, 2015.

Applications Review – G. Trow. Committee met on August 24, 2015, at 6 p.m. Commissioner Trow presented the following for the Commission's review and action: (Copy of Committee minutes attached)

- Robert Dettmer, 52 Sea Beach Drive proposal to enclose an 85 s.f. portion of an existing covered porch in front of his residence at 52 Sea Beach Drive.

Committee recommends the application is consistent with the HMP provided a series of conditions are met. Consultant Steadman discussed the conditions, among them: the applicant should be required to employ Best Management practices to ensure the work is not causing adverse environment impacts on environmental quality in the Harbor Management area.

Commissioner Karp commented in the interest of full disclosure he is a patient of Dr. Dettmer. He did not feel there are any conflicts of interest and can evaluate the application objectively and impartially. Commissioner Redniss made the same disclosure.

Commissioner Redniss moved for Commission support of the application per comments and findings as drafted by Steadman. Seconded by Commissioner Saunders. Approved Unanimously

- In2blue Design, 25 Lighthouse Way proposal to construct an in-ground swimming pool and pool equipment with site improvements at a residence at 25 Lighthouse Way.

Commissioner Trow commented similarly to the Dettmer application. Consultant Steadman finds the proposal consistent with the HMP provided the applicant applies all appropriate Best Management practices during construction to avoid any significant adverse impacts. The Committee authorized Consultant Steadman to draft a letter per discussion.

Commissioner Karp moved for Commission support of the application per comments and findings as drafted by Steadman. Seconded by Commissioner Redniss. Approved Unanimously

- Application for Certification of Permission to retain and maintain seawall modifications and gangway structure for 144 Davenport Drive by Dr. Robert Friedman.

Committee Chairman Trow briefly discussed seawall has been repaired and modified and fines. Consultant Steadman commented on previous application, the Committee found the proposal consistent with the HMP provided Applicant demonstrates to satisfaction of the Office of Long Island Sound programs (CT-DEEP) that the 18 inch height increase in applicant's seawall has no significant adverse impacts on the other properties. Also, transmit comments: 1) Policy of HMP any unpermitted work waterward of the high tide line in the HM area shall be considered an unauthorized encroachment to be eliminated or otherwise corrected in accordance with all applicable laws and regulations. 2) It is also a policy of the HMP that penalties assessed by DEEP for unauthorized work in the HM area should be used to fund beneficial projects in the area, including supplemental environmental projects for environmental enhancement and other improvements for the public. 3) The HMC was not notified by the DEEP about the violation of state environmental law that took place on this property. The Commission request that in the future copies of all notices of violations concerning unpermitted work effecting properties adjoining the HM area be provided to the HMC. Lastly, the Commission requests that DEEP invite the Commission to propose appropriate projects in the Stamford Harbor Area when penalties are assessed by DEEP to which said penalties can be applied.

Commissioner Adelberg moved to find the applicant consistent with the HMP subject to conditions that have been discussed. The Commission authorized Consultant Steadman to draft a letter per discussion. Seconded by Commissioner Redniss. Approved Unanimously

The next SHMC-Application Review Committee meeting will be on Tuesday, September 15, 2015 at 6 p.m., Training Room.

Stamford Harbor Master's Report 08/24/2015

- As of this morning (08/24/2015) mooring records indicate the following status;
 83 mooring renewal applications approved (+1 from last month)
 04 mooring / renewal applications under review / in progress
- The Sadik Khan / Ford North mooring issue was in court hearing this morning. We are awaiting the Judges ruling on a couple of matters but it is likely to come to trial in the next couple of months. As Harbor Master I have representation and support from the State Attorney General's office. (I hope that the parties concerned appreciate the cost to the public purse.) I will further update the Commission as information becomes available.
- On July 27th I received from Vice Chairman Ray Redniss a pre-owned Furuno Radar unit for fitment to the Harbor Master's boat (*Stamford 421*). This has been donated without charge or other commitment.
- At the request of Director Jankowski (public safety), I have reviewed the harbor hurricane plan from a professional safety perspective and provided comment and suggestion which is presently (8/7/2015) being reviewed by the USCG.
- The 'super-sized' barges that were mentioned a few months back (gravel/aggregate) are presently in used in the harbor. The tugs (even s/screw) are having no problems maneuvering them around the harbor. The operating companies are trying to avoid movements during the weekends, but commercial requirements are sometimes making it necessary. On those occasions, they have often asked for help as recreational boats are causing severe problems. The Police Harbor Unit are working together with the Deputy Harbor Master and myself to help wherever we can.
- Increased occurrences of speeding inside the main harbor. Many seem to be boats from 'local' clubs who claim to not know of the speed restrictions. The Police Harbor Unit together with the Deputy Harbor Master and myself are doing what we can to discourage this with the resources and authorities available to us.
- The USCG have recently had a buoy tender in the harbor servicing buoys in the federal channel. The Deputy Harbor Master was afloat and liaised with them regarding local issues.
- Total expenses remaining outstanding are;
 fuel \$ **131.96**
 Stamford 421 equipment/refit \$ **2,377.77**
 \$ **2,509.73**

Respectfully submitted

Captain Eric Knott

Harbor Master

Captain Yale Greenman

Deputy Harbor Master

STAMFORD HARBOR MANAGEMENT COMMISSION

SAFETY COMMITTEE

MINUTES OF MEETING

AUGUST 18, 2015

10TH FLOOR CONFERENCE ROOM

IN ATTENDANCE
COMMISSIONERS
ROBERT STRADA
Mike PENSIERO
JEFF SAUNDERS
STAFF
GEOFF STEADMAN

THE MEETING BEGAN AT 5:15 PM

- 1) THE STATUS OF THE CAMERAS.
THE HURRICANE BARRIER LOCATION HAS FINALLY BEEN SETTLED AND IS A GO.
THE PONUS LOCATION IS AWAITING THE SIGNATURE OF THE PONUS BOARD ON THE MEMORANDUM OF AGREEMENT AND IS IN THE WORKS
- 2) THE COMMITTEE REVIEWED THE CHANGED HURRICANE PLAN . WE AGREE WITH THE SUBSTANCE BUT OBJECT TO THE PROCEDURE. APPARENTLY TOM YOUNG WENT TO TED JANKOWSKI WHO CONTACTED ERIC KNOT WHO MADE THE CHANGES AND SUBMITTED THEM TO THE COAST GUARD FOR REVIEW .THE SAFETY COMMITTEE WAS CIRCUMVENTED AND HAD NO OPPORTUNITY TO REVIEW THE CHANGES FIRST.
- 3) THE COMMITTEE VOTED TO SEND A LETTER TO BLT RE: KAYAKS AND PADDLE BOARDS STAYING ON THE WEST SIDE OF THE WEST BRANCH INCLUDING COMMENTS RE: SUBMERGED PILINGS.
- 4) THE COMMITTEE VOTED TO RECOMMEND 20 SIGNS TO BE PRINTED UP TO BE DISBURSED THROUGH THE WEST BRANCH, EAST BRANCH AND WESTCOTT COVE.
- 5) ALSO THE POSSIBILITY OF ORDERING MORE HARBOR COMMISSION SIGNS TO BE PLACED ON COMMISSIONER'S BOATS TO CREATE MORE VISIBILITY WAS VOTED IN TO PLACE BEFORE THE FULL COMMISSION.
- 6) THE POSSIBILITY WAS DISCUSSED FOR COMMISSIONERS TO TAKE DOWN THE INFORMATION ON NAME ETC OF THE VIOLATING BOAT TO TURN IT OVER TO POLICE.
- 7) THE COMMITTEE ALSO IS INQUIRING AS TO THE STATUS OF A LETTER TO BARGE COMPANIES RE: 1 BARGE AT A TIME IN THE INNER HARBOR.

- 8) THE COMMITTEE ALSO VOTED TO BRING BEFORE THE FULL COMMISSION THAT DOT NEEDS TO BE CONTACTED RE DREDGING MONEY .DREDGING NEEDS TO BE DONE ASAP AT CUMMINGS AND WESTCOTT RAMP.WE UNDERSTAND FUNDS ARE AVAILABLE NOW.
- 9) ROCK MARKERS AT BREAKER WALL WERE DISCUSSED. WAS IT FOLLOWED UP ?

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING WAS ADJOURNED AT 8:00..

Stamford Harbor Management Commission - Applications Review Committee Minutes Draft

Date: August 24, 2015
Time: 6:00 p.m.
Location: Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901
Operations New Conference Room 10th Floor

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

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

1. Review and Approval of June 22, 2015 Meeting Minutes. (Correction on the agenda.)

**Adelberg moved to approve June 22, 2015 Meeting Minutes.
Seconded by Karp Unanimously Approved**

2. Discussion on Robert Dettmer, 52 Sea Beach Drive proposal to enclose an 85 s.f. portion of an existing covered porch in front of a residence at 52 Sea Beach Drive.

Commissioner Karp discloses he is a patient of Dr. Dettmer, and believes he is impartial and can review, discuss and vote on this application. Consultant Steadman recommended sending a letter to the Land Use Bureau that the proposed activity does not appear to impact the Harbor Management Area. Include, applicant should be required to employ Best Management Practices to ensure the work is not causing adverse environment impacts on environmental quality in the Harbor Management Area.

**Trow moved to find the proposal consistent with the HMP provided the applicant provides all appropriate Best Management Practices during construction to avoid any significant adverse impacts. The Committee authorized Consultant Steadman to draft a letter per discussion.
Seconded by Karp Unanimously Approved**

3. Discussion on In2blue Design, 25 Lighthouse Way proposal to construct an in-ground swimming pool and pool equipment with site improvements at a residence at 25 Lighthouse Way.

Consultant Steadman made a recommendation similar to the previous application. Committee Chairman Trow agreed.

**Trow moved to find the proposal consistent with the HMP provided the applicant provides all appropriate Best Management Practices during construction to avoid any significant adverse impacts. The Committee authorized Consultant Steadman to draft a letter per discussion.
Seconded by Karp Unanimously Approved**

4. Discussion on Application for Certificate of Permission to retain and maintain seawall modifications and gangway structure for 144 Davenport Drive by Dr. Robert Friedman.

Committee Chairman Trow commented seawall has been repaired and modified. Consultant Steadman commented the wall was raised by 18 inches without permission. This was done after Storm Sandy. (They will be paying a \$1,500 - \$2,000 fine.) Consultant Steadman commented on similar previous applications. The Committee found the proposal consistent with the HMP provided Applicant demonstrates to satisfaction of

Office of Long Island Sound programs that the 18 inch increase in the structures height has no significant adverse impacts on the other properties. Also, transmit comments: 1) It is a Policy of HMP any unpermitted work water ward of the high tide line in the Harbor Management Area area shall be considered an unauthorized encroachment to be eliminated or otherwise corrected in accordance with all applicable laws and regulations. (The HMP discourages after the fact authorizations for encroachments determined to occur after the March 2009 effective date of the HMP unless there are compelling clearly demonstrated reasons for doing so. The HMC understands that the Applicant's unauthorized construction occurred after Hurricane Sandy damaged the structure in 2012.) 2) It is also a policy of the HMP that penalties assessed by DEEP for unauthorized work in the Harbor Management Area should be used to fund beneficial projects in the area, including supplemental environmental projects for environmental enhancement and other improvements for the public. 3) The HMC was not notified by the DEEP about the violation of state environmental law that took place on this property. The Commission requests that in the future copies of all notices of violations concerning unpermitted work effecting properties adjoining the Harbor Management Area be provided to the HMC. Commission should request that in the future when DEEP considers opportunities for supplemental environmental projects, penalties assessed with respect to the Harbor Management Area consideration should be given to recommendations provided by HMC. Letter to be sent to Mr. Zavoy and Mr. Thompson

**Trow moved to find the applicant consistent with the HMP subject to conditions that have been discussed. The Committee authorized Consultant Steadman to draft a letter per discussion.
Seconded by Pensiero Unanimously Approved**

5. Continued discussion on Committee protocols and procedures.

Consultant Steadman explained he has done a second draft of the flow chart and will circulate same among Committee members.

6. The next scheduled Committee meeting on September 8, 2015 at 6 :00 p.m. has been cancelled and rescheduled prior to the SHMC scheduled meeting on Tuesday September 15, 2015 at 6:00 p.m.

**Commissioner Adelberg made a motion to adjourn at 6:43 p.m.
Seconded by Karp Unanimously Approved**

Respectfully Submitted by
Maria Vazquez-Goncalves
August 31, 2015



Maureen Boylan <saveourboatyard@gmail.com>

FW: DEEP hearing

8 messages

Bellantuono, Kristen <Kristen.Bellantuono@ct.gov>

Thu, Aug 20, 2015 at 2:03 PM

To: Maureen Boylan <saveourboatyard@gmail.com>

Cc: "Golembiewski, Brian" <Brian.Golembiewski@ct.gov>

Hi Maureen-I will be sending you over several email strings with regard to your inquiry today (inquiry included below). Please refer to the attachment I received from Mr. Madden and the email string from him at the bottom of this email

Kristen

From: Maureen Boylan [mailto:saveourboatyard@gmail.com]

Sent: Thursday, August 20, 2015 12:14 PM

To: Bellantuono, Kristen

Subject: RE: Status Conference Summary

Ok thank you, if you could send me the emails he submitted that would be great, tks
Maureen

On Aug 20, 2015 11:17 AM, "Bellantuono, Kristen" <Kristen.Bellantuono@ct.gov> wrote:

Hi Maureen-I have no documents submitted into the hearing record from Mr. Madden. I do have email correspondence from him/with him from a few weeks back regarding the timing of the Public Notice. I did not plan to submit that into the hearing.

Thanks,

Kristen

From: Deshais, Janice

Sent: Thursday, August 20, 2015 11:06 AM

To: 'Maureen Boylan'

Cc: Bellantuono, Kristen

Subject: RE: Status Conference Summary

I have no documents submitted by Mr. Madden. Perhaps Kristen Bellantuono has them. I have copied her on your request. J Deshais

From: Maureen Boylan [mailto:saveourboatyard@gmail.com]
Sent: Thursday, August 20, 2015 11:02 AM
To: Deshais, Janice
Subject: Re: Status Conference Summary

Tks Ms. Deshais for supplying the summary. If it's not to much trouble can you email the documents submitted by Thomas Madden as well?

Regards
Maureen Boylan

On Aug 20, 2015 10:31 AM, "Deshais, Janice" <Janice.Deshais@ct.gov> wrote:

Please see attached.

Janice B. Deshais, Esq.

Director

Office of Adjudications

*Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
P: 860.424-3038 / F: 860.424-3053*

From: Madden, Thomas [mailto:TMadden@StamfordCT.gov]
Sent: Thursday, July 02, 2015 10:46 AM
To: John Freeman; Bellantuono, Kristen
Cc: William Buckley; Golembiewski, Brian; 'William Heiple'; Thompson, Brian; Tereso, Nelson G; Smith, Catherine H
Subject: RE: DEEP hearing

Kristen,

This is a very important project for the City of Stamford and I want to make sure that we are continuing to move the all aspects of the project forward. The dredging portion of the project is extremely important as part of the overall development of the West Branch Marina area.

I also know how workloads go in term of being an government employee. You noted below that due to you workload, you would not be able to prepare the public hearing notice by July 8th before you went on vacation and this would have to wait until after July 20th. It takes teamwork between our jurisdictions to move projects along.

I took the liberty of drafting the public notice for you, in order to help the reduce you workload. I am hoping that you can review and make any corrects to the attached draft public hearing notice and to have Mr. Thompson review and approve it to allow the notice to be published on July 8th. I am hoping that this effort on behalf of the City will allow you to have the notice published in time to allow for the public hearing to take place on August 13 at 7 PM.

Thank-you for your attention to this matter and I look forward to having the public hearing on August 13th here at the Government Center.

Warmest regards,

Thomas Madden, AICP

Director of Economic Development

City of Stamford

Work: 203.977.5168

Cell: 203.585.9611

From: John Freeman [mailto:JFreeman@harborpt.com]

Sent: Thursday, July 02, 2015 9:20 AM

To: Bellantuono, Kristen

Cc: William Buckley; Golembiewski, Brian; 'William Heiple'; Brian P. Thompson; Nelson Tereso; Madden, Thomas; Catherine H. Smith

Subject: RE: DEEP hearing

Kristen I thought that because the response was very basic after all the time we have collective put into this (you have been helpful to give us comments early and we have addressed as we went through the process) that it was possible to issue notice prior to your vacation on July 10. The city is moving forward on a schedule that we can get approval and open the boat yard for business in 2016. I am very concerned we will miss the dredge window and be set back a year if we delay.

I have copied the city on this email.

at this point we have the room and if we can get the notice published by July 8 we will be on track we discussed weeks ago.

please let us know what we can do to help maintain this schedule.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Bellantuono, Kristen" <Kristen.Bellantuono@ct.gov>
Date: 07/02/2015 9:09 AM (GMT-05:00)
To: John Freeman <JFreeman@harborpt.com>
Cc: William Buckley <wjbuckley@snet.net>, "Golembiewski, Brian" <Brian.Golembiewski@ct.gov>, 'William Heiple' <WHeiple@fando.com>
Subject: RE: DEEP hearing

Hi John-as I indicated previously, and based on my workload, and management availability to review the public notice, it will not be published until later in July, after I am back from vacation, the end of the week of July 20th.

That being said, if you could please find other available dates at the Government Center, that would be appreciated.

Thank you,

Kristen

From: John Freeman [mailto:JFreeman@harborpt.com]
Sent: Wednesday, July 01, 2015 4:41 PM
To: Bellantuono, Kristen
Cc: William Buckley
Subject: DEEP hearing

From: John Freeman
Sent: Thursday, July 02, 2015 9:20 AM
To: Bellantuono, Kristen
Cc: William Buckley; Golembiewski, Brian; 'William Heiple'; Brian P. Thompson; Nelson Tereso; Thomas Madden; Catherine H. Smith
Subject: RE: DEEP hearing

[Quoted text hidden]

Bellantuono, Kristen <Kristen.Bellantuono@ct.gov>
To: Maureen Boylan <saveourboatyard@gmail.com>

Thu, Aug 20, 2015 at 2:05 PM

From: Madden, Thomas [mailto:TMadden@StamfordCT.gov]
Sent: Thursday, July 02, 2015 4:08 PM
To: Bellantuono, Kristen; John Freeman
Cc: William Buckley; Golembiewski, Brian; 'William Heiple'; Thompson, Brian; Tereso, Nelson G; Smith, Catherine H; Wingfield, Betsey
Subject: RE: DEEP hearing

Kristen,

Thanks for the response back. Please let me know if there is anything else I can do to pitch in to help the team move this project along.

I look forward to talking with you on Monday about the project.

Have a great holiday weekend.

Thomas Madden, AICP
Director of Economic Development
City of Stamford
Work: 203.977.5168
Cell: 203.585.9611

Maureen Boylan <saveourboatyard@gmail.com>
To: Damian Ortelli <drortelli@hotmail.com>, Maria Vazquez-Goncalves <MVazquezGoncalves@stamfordct.gov>, Steven LOEB <sloeb@cgsh.com>

Tue, Aug 25, 2015 at 6:52 AM

All,

Here is the entire email chain again with the page referencing July 1st along with the draft Notice that was approved by Brian Thomson and send by John Freeman. Question is Who wrote the draft Thomas Madden??

Maureen

----- Forwarded message -----

From: Bellantuono, Kristen <Kristen.Bellantuono@ct.gov>

[Quoted text hidden]

2 attachments

 PH -Notice of Tentative Determination to Approve Structures - 28 Southfield Ave Stamford 08-13-15.docx
21K

 PH -Notice of Tentative Determination to Approve Structures - 28 Southfield Ave Stamford 08-13-15.docx
19K

Loeb, Steven M. <sloeb@cgsh.com> Tue, Aug 25, 2015 at 8:32 AM
To: Maureen Boylan <saveourboatyard@gmail.com>, Damian Ortelli <drortelli@hotmail.com>, Maria Vazquez-Goncalves <MVazquezGoncalves@stamfordct.gov>

If you look at the Document properties it shows it was created by the City Of Stamford.

Steven M. Loeb
Cleary Gottlieb Steen & Hamilton LLP
Assistant: bprzyblinski@cgsh.com
One Liberty Plaza, New York NY 10006
t: +1 212 225 2620 | f: +1 212 225 3999
www.clearygottlieb.com | sloeb@cgsh.com

From: Maureen Boylan [mailto:saveourboatyard@gmail.com]
Sent: Tuesday, August 25, 2015 6:52 AM
To: Damian Ortelli; Maria Vazquez-Goncalves; Loeb, Steven M.
Subject: Fwd: FW: DEEP hearing

[Quoted text hidden]

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

Throughout this communication, "Cleary Gottlieb" and the "firm" refer to Cleary Gottlieb Steen & Hamilton

LLP and its affiliated entities in certain jurisdictions, and the term "offices" includes offices of those affiliated entities.

Dr. Damian Orтели <drortellifwp@hotmail.com>

Tue, Aug 25, 2015 at 8:57 AM

To: Maureen Boylan <saveourboatyard@gmail.com>

Cc: Maria Vazquez-Goncalves <MVazquezGoncalves@stamfordct.gov>, "sloeb@cgsh.com" <sloeb@cgsh.com>

Hi All,

I am still not seeing any communication on July 2 after Mr. Madden's 10:46am response.

[Quoted text hidden]

[Quoted text hidden]

<PH -Notice of Tentative Determination to Approve Structures - 28 Southfield Ave Stamford 08-13-15.docx><PH -Notice of Tentative Determination to Approve Structures - 28 Southfield Ave Stamford 08-13-15.docx>

Yours in health,
Damian Orтели D.C.

Stamford Family Wellness
1360 Bedford St.
Stamford, CT. 06905

(203) 348 8383
Fax (203) 961 1567
www.stamfordfamilywellness.com

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Maureen Boylan <saveourboatyard@gmail.com>
To: "Dr. Damian Ortelli" <dortellifwp@hotmail.com>
Cc: Steven LOEB <sloeb@cgsh.com>, Maria Vazquez-Goncalves <MVazquezGoncalves@stamfordct.gov>

Tue, Aug 25, 2015 at 9:02 AM

Ok I will print out later today and hand deliver to maria.

[Quoted text hidden]

Notice of Tentative Determination to Approve Structures, Dredging, and Fill

Applicant: Southfield Property, LLC

Application No. - 201503186-KB

City: Stamford

The Department of Energy and Environmental Protection ("DEEP") hereby gives notice that a tentative determination has been reached to approve the following application submitted under Section 22a-361 of the Connecticut General Statutes ("CGS") for a permit to conduct work waterward of the coastal jurisdiction line in tidal, coastal or navigable waters of the state for recreational boating access.

The Commissioner also gives notice that a public hearing will held on this application on August 13, 2015 at 7 pm in the Cafeteria, 4th floor, Government Center, 888 Washington Blvd, Stamford CT. 06902

Applicant's Name and Address: Southfield Property, LLC,
Contact: John Freeman, 2200 Atlantic Street, Suite 600, Stamford CT 06902
Site Location: 28 Southfield Avenue in Stamford, CT

PROPOSED ACTIVITY

The proposed activity includes the installation of an approximately 600-foot long steel sheetpile bulkhead along the shoreline after the existing structures and rip rap and soil above the mean low water line (MLW) are removed. The applicant will also conduct dredging in the area between the new bulkhead and the federal channel to provide adequate water depth for boatyard operations.

INFORMATION REQUESTS/PUBLIC COMMENT

Interested persons may obtain a copy of the application from the above contacts or by sending a request for an electronic copy to DEEP at kristen.bellantuono@ct.gov. The application is available for inspection at the DEEP Office of Long Island Sound Programs, 79 Elm Street, Hartford, from 8:30 - 4:30 Monday through Friday. Additional surveys, plans or other materials may be available with the original application file at DEEP. All interested parties are invited to express their views on the tentative determination concerning this application. Written comments on the application should be directed to Kristen Bellantuono, DEEP Office of Long Island Sound Programs, 79 Elm Street, Hartford, CT 06106-5127, no later than July 22, 2015. Comments regarding this application may be submitted via electronic mail to: kristen.bellantuono@ct.gov.

ADA PUBLICATION STATEMENT

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action and Equal Opportunity Employer that is committed to complying with the Americans with Disabilities Act. To request an accommodation contact us at (860) 418-5910 or deep.accommodations@ct.gov.

Approved By:
Brian P. Thompson, Director

August 10, 2015

To the Stamford Harbor Management Commission:

Dear Gentlemen:

Before I present a list of concerns regarding the proposal for a boatyard at Davenport Landing, I will point out some particulars regarding my experience. They are as follows:

1. Employed at the original Yacht Haven (1969 to 1972) where I worked in every capacity (yard proper, mechanical services, store, rigging, and dock departments) in one of the largest boat yards on the east coast at that time.
2. Employed at Rowayton Marine (a small yard) as lead technician. Took over as General Manager less than a year later.
3. Employed at Nichols Yacht yard in Mamaroneck as lead inboard technician. Was promoted to Assistant Manager after one year and became General Manager several months later. Nichols is the largest boatyard in that area of Westchester.
4. Employed at Beacon Point Marine in Cos Cob where I assisted the owner in building its service capability and reputation.
5. I was employed at Brewer's Yacht Haven as mechanical shop foreman. This was done by management there specifically to upgrade services as well as customer relations. I was employed there until shortly before the yard was closed.

These are representative of my experiences in the boat business. I have learned to handle and operate sail and power boats up to 65'. Travel-lifts, cranes, forklifts large and small, and all configurations of towing, hauling, un-stepping, stepping and blocking boats. I have every confidence in my ability to evaluate and critique this proposal. I hope the following provides you with useable information as well as being an expression of my concerns.

Randy Dinter

The financial sustainability of the proposed "Davenport Landing" boatyard:

With less than 30 boats in slips paying for summer dockage, and less than one third of the capacity for upland winter storage compared to the former boatyard, Davenport's revenue potential would hardly be promising. With no real business plan presented, it would be difficult to know if pricing for services and storage would be competitive with area yards. Higher pricing to make up for the lack of income producing space to generate income would likely force customers elsewhere. Economic viability under these conditions is unlikely.

While there is a list of services to be provided at Davenport, there is no explanation as to who and how it will be managed. It is curious that B.L.T. claims to be negotiating with a qualified boatyard operator, but the details must remain in secret. Information such as this is pertinent to the success of this business, and should not be proprietary. There is no explanation as to how the various disciplines, with their attendant needs, will be blended together in the space provided. In my opinion, the lack of in-water space provided for boats queuing-up or in for service is either a glaring omission or an ominous indication of the level of service expected.

Logistical challenges for the Davenport proposal:

At first glance the facility at Magee Avenue offered for additional storage has a major flaw. It's location away from the services at the Davenport site across the busy South End of Stamford. Without direct access to the harbor, boats will need to be trailered through city traffic adding further cost and liability along with other inefficiencies. This also is a limiting factor to the size and type of boat that can be moved there. Add to this the lack of electricity (for lighting, battery maintenance, or power tools) and water, and no washroom facilities, it simply becomes a parking lot and not a functioning component of the boatyard. Given that the size of boats that could be going there would likely be trailered home by a customer, it is not likely that the economic potential projected in this scenario would be realized. There is no clear description of any provision for security, nor is there any language indicating that another use would co-exist to profit the boatyard.

Another logistical challenge existing at the Davenport Yard is the lack of its ability to provide for the "queuing up" of boats. This is a problem which will be amplified during the fall for winter services and storage and in the spring as boats are launched, commissioned, and made ready for delivery to the customer. The former boatyard needed to rotate more than 60 boats a week through the processes of winterizing, or commissioning, unstepping or stepping boats in order to accommodate its winter storage commitment. A system of service docks at the former boatyard of at least the same total in-water capacity as that of "Davenport Landing" was dedicated to serve this purpose. 30 or more boats could be delivered in the fall or picked up during the spring by customers each weekend. As these boats were rotated out of the service area they were replaced by boats next on the schedule.

"Rafting" boats together in a confined space to meet scheduling goals is not a great option. "Rafting" boats is not an operation that most boaters can be expected to accomplish without issues in cramped quarters. Besides the fact that neighboring businesses as well as the federal channel could be impacted, it would bring nightmarish challenges to scheduling, handling, and the ability to move safely to or from "outer" boats to the dock. The potential liabilities presented here can mount exponentially. It would not be likely that the Davenport site could meet even half the capacity of the former boatyard when all is considered, nor is it likely to come close to meeting the goals projected by this applicant.

Location, Location, Location:

The obvious problem with the "Davenport" site is that it is next to a facility where abrasive dust being produced can be an issue for boats in the water as well as ashore and this dust will not be compatible with certain boatyard operations (some mechanical, painting, and varnishing). Its proximity to residences and a few businesses nearby can present problems stemming from noise and possibly odors (painting, paint booth, curing fiberglass). A facility located in this manner where the public can have the ability to access it can easily become what lawyers refer to as an "attractive nuisance", a potential liability.

Another concern is the prop-wash from tugboats working in the area, as well as the barge traffic. This prop-wash can exert forces on boats many yards from where it originates and can come as a surprise to those inside a boat, on a boat, or trying to maneuver a boat in close quarters. Sailboats, with their deeper keels will be more affected. This concern comes from personal experience in this circumstance.

Of further concern is the removal of the Mill River Dam. It is becoming increasingly obvious that the north end of the West Branch of Stamford Harbor is silting at a much faster rate. While B.L.T. will dredge out a very nice recess for the proposed marina, it will simply turn into a "settling basin" for the silt. River flow, tidal activity and prop-wash will all be contributors to this situation. The need to dredge the proposed marina every 5 to 10 years will add significantly to its financial challenges.

Misinformation, Facts Overlooked, and other concerns:

B. L. T. and their consultants have pointed out that the greatest number of boats registered in Connecticut are 22 ft. and under. Given the many recreational opportunities offered by the State's lakes and rivers as well as Long Island Sound, this makes perfect sense. However, areas adjacent to Long Island Sound have provided a wonderful venue for larger boats and recreation in a unique resource. Aerial photographs or a ride through many of Connecticut's harbors will attest to this fact. During a ride through harbors (particularly in the Sound's western reaches) one will find many boats registered in New York or New Jersey, berthed here. In my experience, boats being registered elsewhere is not an indication that the owner is not a Stamford resident. It simply indicates the desire to go boating here for reasons that are obvious to those not land-bound.

The "Stamford Marine Market Study and Needs Analyses" implies that the need for storage and service would be mostly for powerboats. Anyone looking at a photographic overview of the 14 acre former boatyard taken during, or close to the winter storage season would see that at least one half of the boats ashore are sailboats. The reason for this is obvious. Stamford Harbor offers easy access and fairly deep water. This harbor is not constrained by a narrow, difficult, shallow channel, bridges, or uncharted rocks or shoals as are neighboring ports.

The conclusion that has been portrayed that "Brewer's Yacht Haven" was not financially viable is a myth. No statistics or facts were presented to support this logic. Mr. Brewer owns over 20 boatyards and certainly knows the formula for making them profitable. The Brewer organization made several overtures to the current and former owners of the property and had gone so far as to plan and lay out a new boatyard for the peninsula. They were rebuffed. During my employment at Brewers, it was usually surpassed only by Pilot's Point (a combination of 3 properties, considered to be Brewer's premier yard and many feel it is the benchmark for boatyards in the northeast) in its ability to generate money as a business. Yacht Haven paid high rent and taxes while maintaining the property conservatively (including a fairly comprehensive repair to the west bulkhead) with no real financial help or incentive from a landlord. In addition, inferences that Yacht Haven contributed in any significant way to pollution fail to consider that it had achieved the "Green Marina" status for standards and practices at Mr. Brewer's insistence.

While the market study is filled with statistics, charts and explanations of various economic data, it fails to provide the information needed to explain how the Davenport yard will be operated successfully. How would it accomplish storage goals indicated with the equipment listed? For instance, it would make no sense to haul and wash a boat and then try to set it in close proximity to another with a 60 ton, wide, travel-lift with a large turning radius. It would make less sense to haul boats with this lift, block them and then re-pick them with the crane in order to keep them close together for efficiency. How would boats be moved into the building? A suitable hydraulic trailer is the way to accomplish these rotations, but none is listed.

It is also presumed that the 60 ton lift listed is the one now employed at the present "Temporary Boatyard", and is the machine to be used at Davenport. This machine was considered too slow for modern operations and had been used for larger, heavier boats or as a back-up unit when it operated in the former boatyard. Its slow speed would soon cause scheduling problems if used to accomplish hauling large numbers of boats and would put an operator at an economic disadvantage. Further, there is no mention of an adjustable trailer that could be used for moving boats from Davenport to Magee Ave for storage. Boaters supplying their own trailers would be likely to move their boats home for storage.

Also notable is the portrayal of a congregation of boats alike in size and type stored at both the Davenport and Magee Ave. locations. The least experienced of boaters would realize that this would not be likely near Long Island Sound. To use this scenario as a basis for comparison of the capacity of this proposal to what was a reality in Stamford is ridiculous. Any attempt to derive real economic numbers from such a depiction would be misleading at best. Pictures of smaller boatyards, packed with boats, in rural areas east of Stamford offer no real comparative value. The reality is that smaller yards in Stamford (Muzzio Bros., New England Shipyard, Doanes, and Lindstrom's to name some) were not able to stand up to the economic pressures of development. Small yards such as those in neighboring Greenwich (Sea Beavers, Skimmer Boats, Old M. Amundsen and Axels Marine Service) also likewise succumbed. The remaining yards in Cos Cob (Drenckhan's Boat Basin, Palmer Point and Beacon Point) are doing well. This is due largely to the Town of Greenwich aligning its zoning requirements to those of the C.A.M. act. Cos Cob Harbor has become revitalized as well as its surrounding areas. It provides a much nicer, cleaner environment for boating, living, and working than was present before the C.A.M. act. What we are experiencing at present is a clear cut case for why the C.A.M. act was put into law and why our City's harbor management plan follows closely its tenants.

Another shortcoming of the Davenport proposal is how it would or could contribute to economic development. The former boatyard housed six businesses on site which were mutually beneficial to each other. A machine shop, sailmaker, two yacht sails organizations, a propeller service, and marine electronics service. They are all gone now. Besides those jobs directly servicing the yard, others grew up around it. These were air conditioning and refrigeration specialists, rigging services, specialized paint and varnish services, boat covering, boat washing, yacht surveyors, as well as the benefits derived by local, landlocked boat dealers. Other area boat businesses enjoyed mutually beneficial relations with the former boatyard as well. Some other local businesses such as automotive parts (for yard equipment) and food service outlets who gained on weekends from boaters profited as well. The loss of all this has had a negative impact for Stamford, with jobs and business gone. But of a more serious consequence may be the loss of highly skilled and experienced technicians whose contribution to boating safety should not be overlooked. True economic development can find its way seamlessly into local communities without being an all-consuming trend designed to serve special interests with political ties.

A potentially problematic scenario that needs to be considered is the possibility that Davenport Management may hire sub-contract or part-time people to augment on-staff technical services or in place of an on-sight staff. My experience in dealing with subcontractors has been enough for me to know that their use must be minimal. Each is a business unto itself and businesses will put their needs first. This can lead to shifting priorities, scheduling difficulties and disappointed customers. Constant vigilance is required to ensure that sufficient and current insurance policies are in place as well a

qualifications (education) regarding skill levels and abilities to do the jobs. Further, scheduling difficulties can be encountered when trying to blend two or more of these skillsets to accomplish certain jobs (fiberglass repair and running gear, cabinetry and electronics, rigging and electronics, major installations such as engines, wiring and exhaust systems). The traditional method used by successful boat yards develops those individuals who show reliability and conscientiousness into the skillsets needed. This is more easily done in the presence of more experienced people while also providing the opportunity of learning to work among other disciplines on site. Today's boats are models of technological advances requiring highly trained technical support, while older boats sometimes require skills that are very hard to find. Having a blend of these skilled people on site, under his direction, will provide a manager with the best environment of control to sustain quality service and to keep abreast in an ever changing environment. It also will have the added assurance to boaters that the training, skill levels and experience needed to maintain or repair their boats is being evolved here.

While the scant information to be gleaned from this proposal is clothed in unsupported speculation and statistical information, charts and pictures which maybe a distraction to some, they would hardly provide a basis upon which to act. The three non-mutually supporting pieces of property constitute a very diminished capacity as a boatyard for this City and can, in no way, replace what was on the 14 acre site, let alone what could be build there. What is most disturbing in this entire exercise in frustration is that the last three administrations of City "leadership" have undertaken a "behind the scenes" approach to undermining state law, the City's own regulations and criteria, as well as the City's Boards and Commissions. We have seen City's Corporate Council and Dept. of Economic Development used to aid this developer instead of supporting the rule of law, supporting the board and Commissions, or at least remaining neutral. Add to this the heavy-handed involvement of our former Mayor and Governor, the Zoning board, Harbor Commission and Planning boards have all had to fight an uphill battle to keep to laws, roles and regulations and City guidelines while being fair to all. This City deserves better political leadership and more honesty in those who serve us.

In Closing:

The two most glaring concerns I have with the Davenport proposal are the lack of substantive, factual information as to how it can function and survive, and the fact that it is based on three separated, non-mutually supporting or connected properties. In an attempt to supplant storage numbers removed from our harbor it fails to recognize and account for the true mission of a boatyard and to incorporate the realities of boatyard operations. One would think that, given the importance and prominence of this issue, a more detailed and thought-out presentation would be presented. Instead we have a proposal that clearly ignores the C.A.M. act (by not proving that the previous large water dependent use was not viable and to replace that use with a much diminished mixed use elsewhere), the Harbor Management Plan and agreements made by the previous developer in place with the City.

Given what is known and what can be deduced from this proposal, should it be accepted the City of Stamford will likely never be the home of another in-water boat show. Nor will we be treated to a gathering of racing boats, gleaming in new technology. Stamford will no longer be the stop-over destination for boats making their way North or South through the Sound. Diminished services and storage opportunities will eventually take their toll on boating as well as Stamford's once vibrant harbor. It is not likely that the skills once evolved here will ever appear to contribute to technological advances, as has been in our history. And, as it stands, emergency services once in prominence will still be waiting for a proper base of operations. This would seem to be a lot to give up for a business so obviously designed to fail.