

STAMFORD PLANNING BOARD
PUBLIC MEETING
APPROVED MINUTES, WEDNESDAY, OCTOBER 14, 2015
WESTOVER ELEMENTARY SCHOOL
412 STILLWATER AVENUE, STAMFORD, CT

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair, Claire Fishman, Jennifer Godzeno, William Levin, Roger Quick, Jay Tepper, and Michael Totilo. Absent: Zbigniew Naumowicz. Present for staff were: Norman F. Cole, AICP, Land Use Bureau Chief and David W. Woods, Ph.D., AICP, Principal Planner.

Ms. Dell, Chair called the meeting to order at 7:10 p.m., and introduced the members of the Board. She welcomed everybody and introduced the following six items that were the focus of the meeting which are referrals to the Zoning Board.

1. **ZB Appl. #215-02 - THE STRAND/BRC GROUP, LLC - Text Change:** To Amend Article III, Section 9(J)(5)(b) by modifying non-residential floor area from .20 to .23 FAR in the SRD-S District.
2. **ZB Appl. #215-03 - THE STRAND/BRC GROUP, LLC, Amend GDP - Washington Blvd.:** Applicant is seeking approval of an amendment to the General Development Plan (GDP) for Harbor Point originally approved as Application 206-57, by: 1) removing the note on the plan stating “maintain existing boat storage operation” and adding a note concerning permitted uses and 2) deleting the language of approval Condition #7 and replacing it with “Subject to SRD regulations, any future final site plan application, for full development of the 14 acre site, shall include a marina and public access improvements which shall be subject to review and approval of the Zoning Board.” in the SRD-S district and to seek Coastal Site Plan Review of these amendments.
3. **ZB Appl. #215-04 - SOUTHFIELD PROPERTY, LLC - Text Change:** To Amend Article III, Section 9AAAA DWD Designed Waterfront Development District language regarding maximum building height, minimum side yard, add a new Water Dependent Uses paragraph and add a new paragraph regarding existing structures along the waterfront.
4. **ZB Appl. #215-05 - WATERFRONT OFFICE BUILDING, LP, Map Change:** Applicant proposes to change approximately 8.15 acres of property located at 46, 62, 68 and 78 Southfield Avenue, Block #25, from C-WD to DW-D.
5. **ZB Appl. #215-06 - SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, and 78 Southfield Avenue - Special Exception and General Development Plans:** Requesting approval of Special Exceptions and General Development Plan to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone. Special Exceptions being requested for proposed uses and development of the project and to establish a DWD district and to provide residential, retail and office and a boatyard/marina use and general public access.
6. **ZB App. #215-07 - SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, and 78 Southfield Avenue - Final Site & Architectural Plans and Coastal Site Plan Review:** Requesting approval of Final Site & Architectural Plans and Coastal Site Plan Review to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone.

Ms. Dell read into the record the following statement:

Under Charter Section 6-40-10, the Planning Board is required to meet with the applicant or opponents before it renders a decision on the referral to the Zoning Board.

Sec. C6-40-10. - Referral of Proposed Amendments to the Regulations or Zone Boundaries to Planning Board. Any proposed amendments to the Zoning Regulations or zone boundaries or changes thereof shall be referred to the Planning Board for a report at least thirty days prior to the date assigned for a public hearing to be held thereon. The failure of the Planning Board to report prior to or at the hearing shall be taken as approval of such proposals. A statement of the vote of the Planning Board, approving, disapproving, or proposing a modification of such proposal shall be publicly read at any public hearing held thereon. The full report of the Planning Board regarding such proposal shall include the reasons for the Board's vote thereon and shall be incorporated into the records of any public hearing held thereon. A proposal disapproved by the Planning Board may be adopted by the Zoning Board by a two-thirds vote of the Zoning Board. *Upon request to the Planning Board by either the applicant or the opponent, a meeting shall be held by the Planning Board with such applicant and/or opponent before it shall render a decision.*

This is not a public hearing, it is a public session. The Zoning Board will conduct Public Hearings on these applications starting Monday October 26, 2015, and will allow more time for the public to speak than this Board is required to by the Charter.

There is no requirement to allow lengthy testimony or grant continuances that are sometimes allowed at a Public Hearing.

This Board has a time limit to meet. If the Planning Board's opinion on these referrals is not sent to the Zoning Board by Monday October 26th, then failure to render the report prior to that hearing "shall be taken as approval of such proposals," according to Charter Sec. 6-40-10. With that being said, the Planning Board will close the public comment portion of tonight's meeting at 11:00 p.m.

The Planning Board has approved letters (Re: the Charter requirement) from the public that were received prior to this evening's meeting. They will be called upon now to make their comments to the Planning Board. No questions to the applicant will be allowed. Board members will ask questions of the speakers if they are not sure of a point made in their comment.

If time allows, we will ask the public gathered here this evening who wish to speak either for or against this application to please print your name and address on the sign in sheet provided. You will be asked to speak in order of sign-in until the close of tonight's meeting.

We ask that you speak only to the Planning Board on the applications presented this evening. As time is limited, you are asked to keep your comments to 4 minutes or less. We will keep advise when your time is up.

We ask you to please respect the Presenters this evening, be they the applicant, proponent or opponent; and request that no comments be made from the floor while discussion of the applications are made to the Board.

Ms. Dell emphasized that public portion of the meeting will be called at 11:00 p.m.; who will then ask if anyone, who was not able to speak, has a letter for the Board they would like to hand in to Dr. Woods and it will be given to the members of the Board.

Thank you for your cooperation.

Ms. Dell then called upon John W. Knuff, Attorney with Hurwitz Sagarin Slossbert & Knuff to present to the Board and the audience all the details of the applications. Mr. Knuff introduced the members of his team who would speak:

James E. Bronstein, Consultant for Boatyard Design & Operations
Scott Pollard, Architect
William Heiple, Fuss & O'Neill
Craig Lapinski, Civil Engineer - Fuss & O'Neill
John Freeman, BLT

The presentation took two hours. At the end, Mr. Knuff handed out to the Board a copy of the A) PowerPoint presentation [*Attachment #1*]; (b) Narrative of Compliance with Stamford Master Plan [*Attachment #2*]; (c) a memorandum regarding Compliance with the Coast Area Management Act [*Attachment #3*]; and (d) a copy of Mr. Bronstein's credentials [*Attachment # 4*].

Ms. Dell then led questions from the Planning Board.

Regular Members:

Theresa Dell, Chair
Claire Fishman, Secretary
Roger Quick
Jay Tepper
Michael Totilo

Alternates:

Jennifer Godzeno
William Levin

Ms. Dell called a 10 minute intermission at 10:00 p.m. Upon resuming the session, Ms. Dell announced that the meeting would be extended an additional ½ hour to try and allow as many residents who registered to speak on the sign-in sheets provided an opportunity to comment on the applications.

Ms. Dell then called upon the prescheduled speakers, who also handed in copies of their comments on the Applications to the Board, as follows:

- Damian Ortelli, Chairman, Stamford Harbor Management Commission (*Attachment #5*)
- Jack Condlin, President, Stamford Chamber of Commerce (*Attachment #6*)
- Captain Eric Knott, Stamford Harbor Master (*Attachment #7*)
- Maureen Boylan, Save Our Boatyard (*Attachment #8*)
- Bob Bayer (*Attachment #9*)
- Cynthia Reeder (*Attachment #10*)
- Jay Tepper - read a letter from Mr. Rives Potts, COO & President Brewer's Yacht Club, who was unable to attend (*Attachment #11*)
- Roger Quick - read a letter from Resident Vicky Papson & Family who were unable to attend (*Attachment #12*)

From the attached sign-in sheets *Attachment #13 & #14*) Ms. Dell called upon Russell Davis and Richard Warren of O&G who spoke in favor of the Boatyard applications as proposed. She then called Larry Slifkin who is opposed and who sent a summary of his comments in *Attachment #15*. George Hallenback spoke against calling for the Boatyard to be replaced on the 14 acre site.

The following residents who attended and were unable to speak forwarded their comments to the Board as per Ms. Dell's directive above:

- Kevin Dailey (*Attachment #16*)
- Captain Frank Fumega (*Attachment #17*)
- Don Corbo, New England Properties Real Estate, LLC (*Attachment #18*)
- Carol Ann McClean, RTC District 3 Representative (*Attachment #19*)
- Gary Silberberg (*Attachment #20*)
- Thomas O'Connell, Chairman, Young Mariners Foundation (*Attachment #21*)

Ms. Dell concluded the meeting by announcing that the Planning Board will meet next Wednesday, October 21st at 6:30 p.m. in the 6th Floor Safety Training Room of the Government Center. At that time, the Board will discuss the applications, have questions answered by the applicant and staff that were requested during tonight's meeting and any further questions the Board may have in order to render a final referral to the Zoning Board. Both the applicant and staff can only answer questions posed by the Planning Board; they cannot add any new information regarding the applications into the record. The public is welcome to come and hear the deliberations of the Planning Board; seating may be limited due to the size of the room and no further comments or letters regarding the applications will be accepted at that meeting.

OLD BUSINESS:

NEW BUSINESS:

Next regularly scheduled Planning Board meetings are:

10/20/15 - Capital Budget (4th Floor - Cafeteria)

10/21/15 - Regular Meeting (6th Floor - Safety Training Room)

INDEX OF ATTACHMENTS

- Attachment #1: BLT PowerPoint presentation
- Attachment #2: Narrative of Compliance with Stamford Master Plan
- Attachment #3: Memorandum regarding Compliance with the Coast Area Management Act
- Attachment #4: Credentials of Mr. James E. Bronstein
- Attachment #5: Presentation from Damian Ortelli, Chairman, Stamford Harbor Management Commission
- Attachment #6: Presentation from Jack Conclin, President, Stamford Chamber of Commerce
- Attachment #7: Comments from Captain Eric Knott, Stamford Harbor Master
- Attachment #8: Comments from Maureen Boylan, Save Our Boatyard
- Attachment #9: Comments from Bob Bayer
- Attachment #10: Comments from Cynthia Reeder
- Attachment #11: Letter read by Jay Tepper, Planning Board member, from Mr. Rives Potts, COO & President Brewer's Yacht Club, who was unable to attend
- Attachment #12: Letter read by Roger Quick, Planning Board member, from resident Vicky Papson & Family who were unable to attend
- Attachment #13: Sign-in Sheet - Opposed
- Attachment #14: Sign-in sheet - For
- Attachment #15: Comments from Larry Slifkin
- Attachment #16: Comments from Kevin Dailey
- Attachment #17: Comments from Captain Frank Fumega
- Attachment #18: Comments from Don Corbo, New England Properties Real Estate, LLC
- Attachment #19: Comments from Carol Ann McClean, RTC District 3 Representative
- Attachment #20: Comments from Gary Silberberg
- Attachment #21: Thomas O'Connell, Chairman, Young Mariners Foundation



Presentation to
Stamford Planning Board

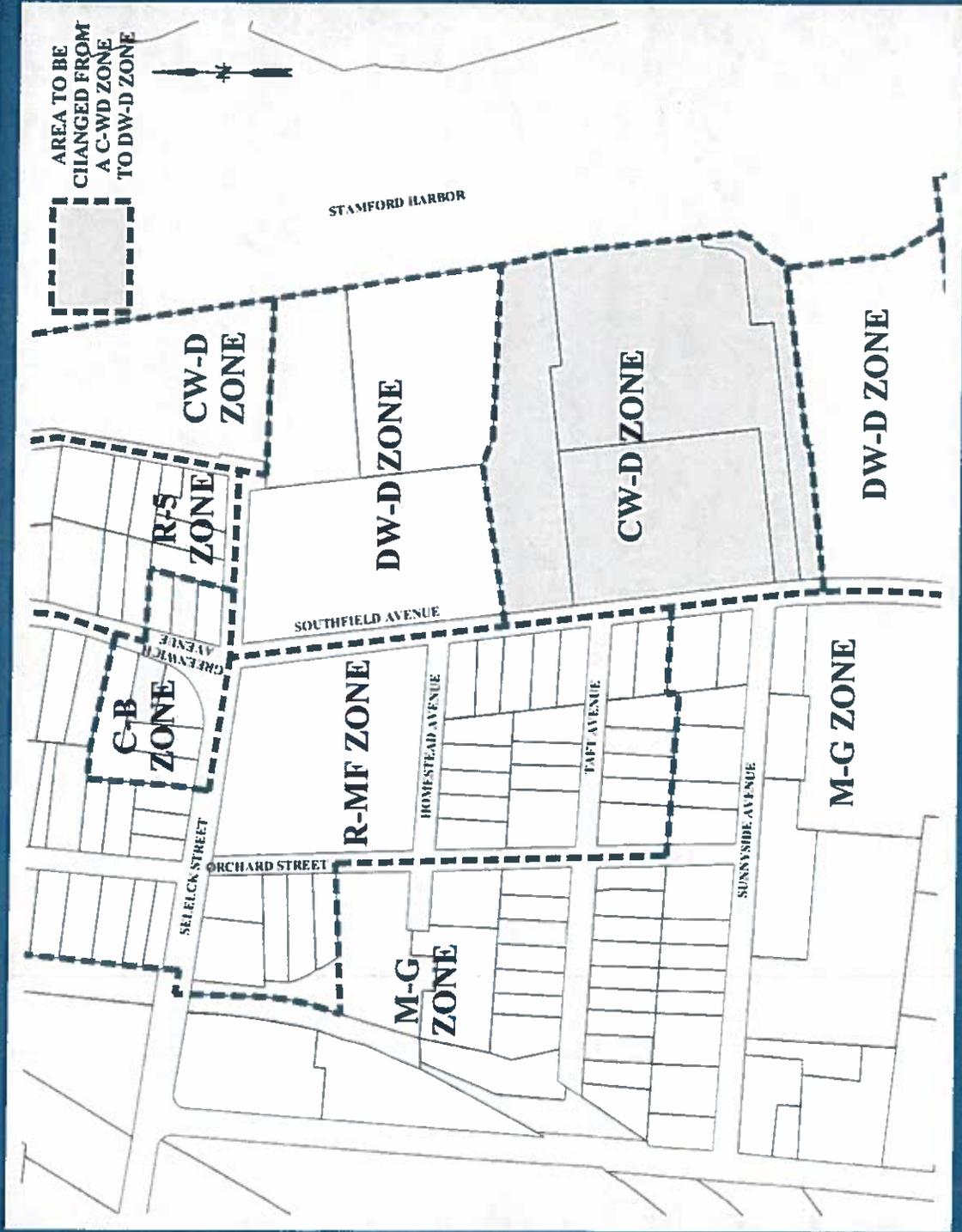
Davenport Landing/Stamford Landing,
205 Magee Avenue, and 14-Acre Sites

October 14, 2015

Overall Context Plan – Sites



Requested Zone Changes



Previous and Current Approvals

- Of note is that the previous Davenport Landing owner proposed a 30 slip marina and 256 apartment units in four buildings
- Marina received CT DEEP and USACE approval
- Upland development received city approval
- New plan provides more intensive water dependent uses including full service boatyard with upland storage and amenities, and less apartments than previously approved plan
- Similar federal channel setback and lack of conflict with navigation
- Similar lack of conflict with neighboring land uses
- CT DEEP and USACE permits pending

Boatyard Operations

Boatyard Rendering (from Southeast)



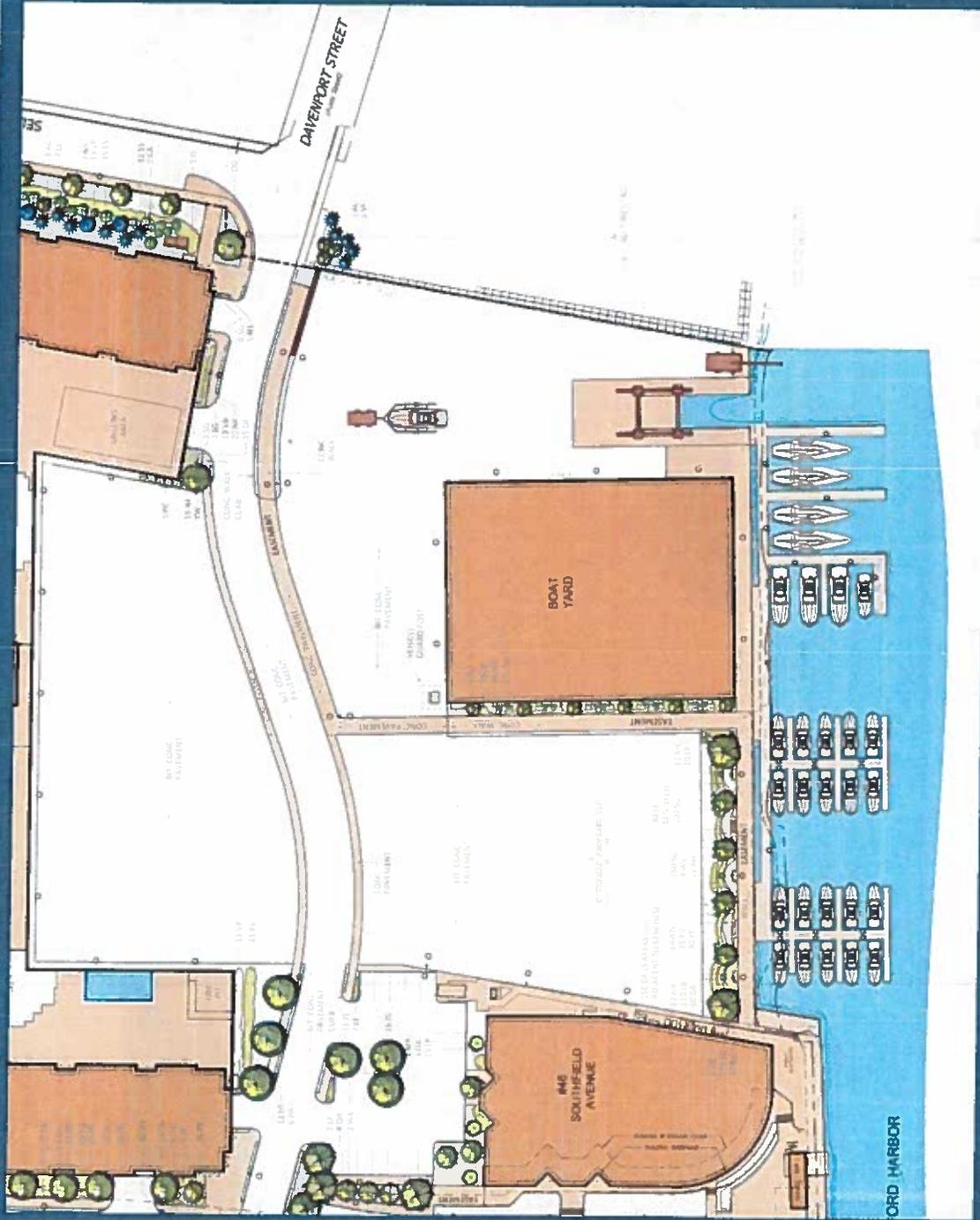
VIEW FROM EAST 27-10 October 2015

Boatyard Rendering (from East)



AERIAL VIEW FROM EAST / 16 October 2015

Boatyard Layout



Davenport Landing/ Stamford Landing Design and Architecture

Overall Context Plan – Pedestrian Paths



ARROWSTREET

DL/SL Site Description

- The site is bounded by:
 - The West Branch of the Stamford Harbor to the east
 - Southfield Avenue to the west
 - Selleck Street and O&G Concrete facility to the north
 - Condominium complex to the south
- Davenport Site is currently vacant and all buildings have been demolished
 - 400 feet of shoreline with inadequate riprap coverage
 - Dilapidated dock and timber dolphins to the south
- Stamford Landing Site contains offices & restaurants
- Current 100-year FEMA flood elevation is 13 NAVD 88

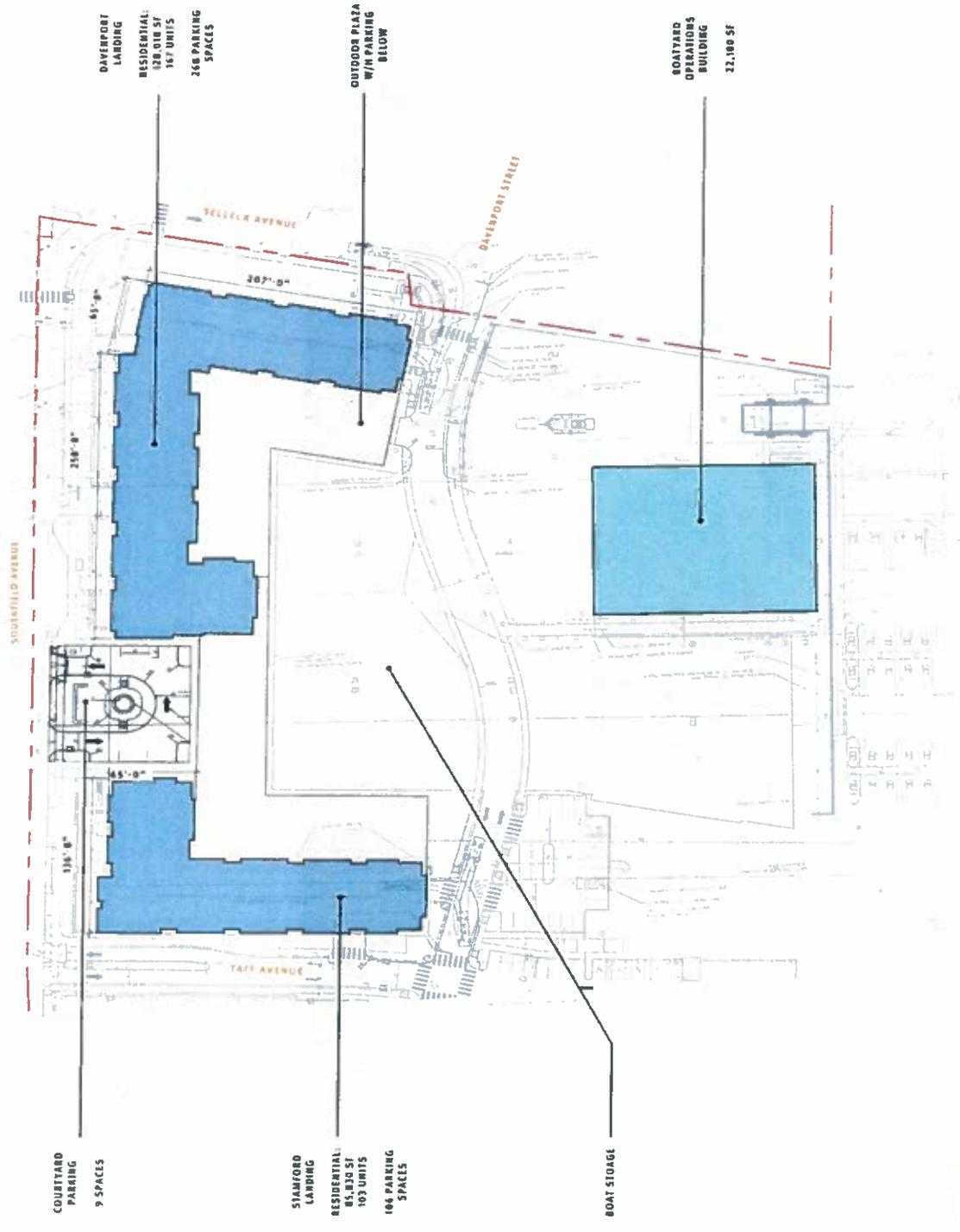
Site Setting



ARROWSTREET

Davenport Landing/Stamford Landing





COURTYARD
PARKING
9 SPACES

STAMFORD
LANDING
RESIDENTIAL
85,330 SF
103 UNITS
106 PARKING
SPACES

BOAT STORAGE

DAVENPORT
LANDING
RESIDENTIAL
120,000 SF
167 UNITS
268 PARKING
SPACES

OUTDOOR PLAZA
W/IN PARKING
BELOW

BOATYARD
OPERATIONS
BUILDING
32,100 SF

PROPERTY LINE



EXISTING CONDITIONS



PROPOSED DESIGN



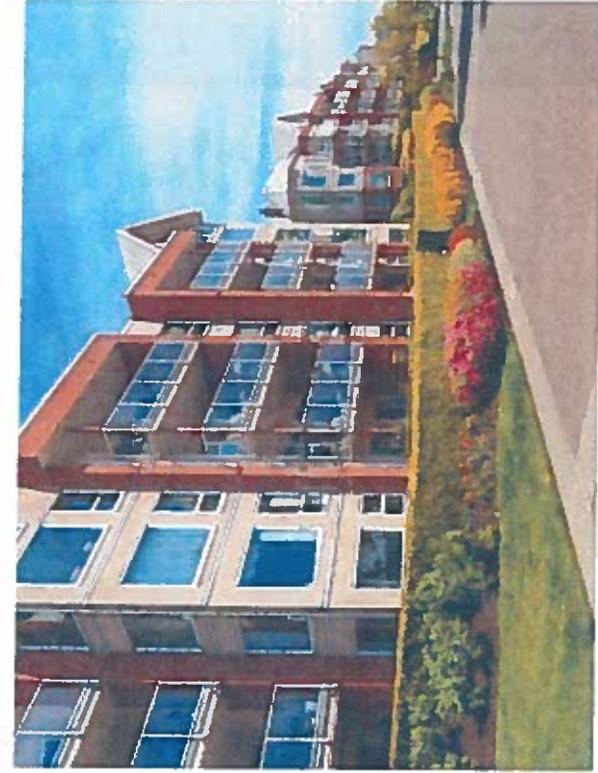
SALEM BAY, BOSTON



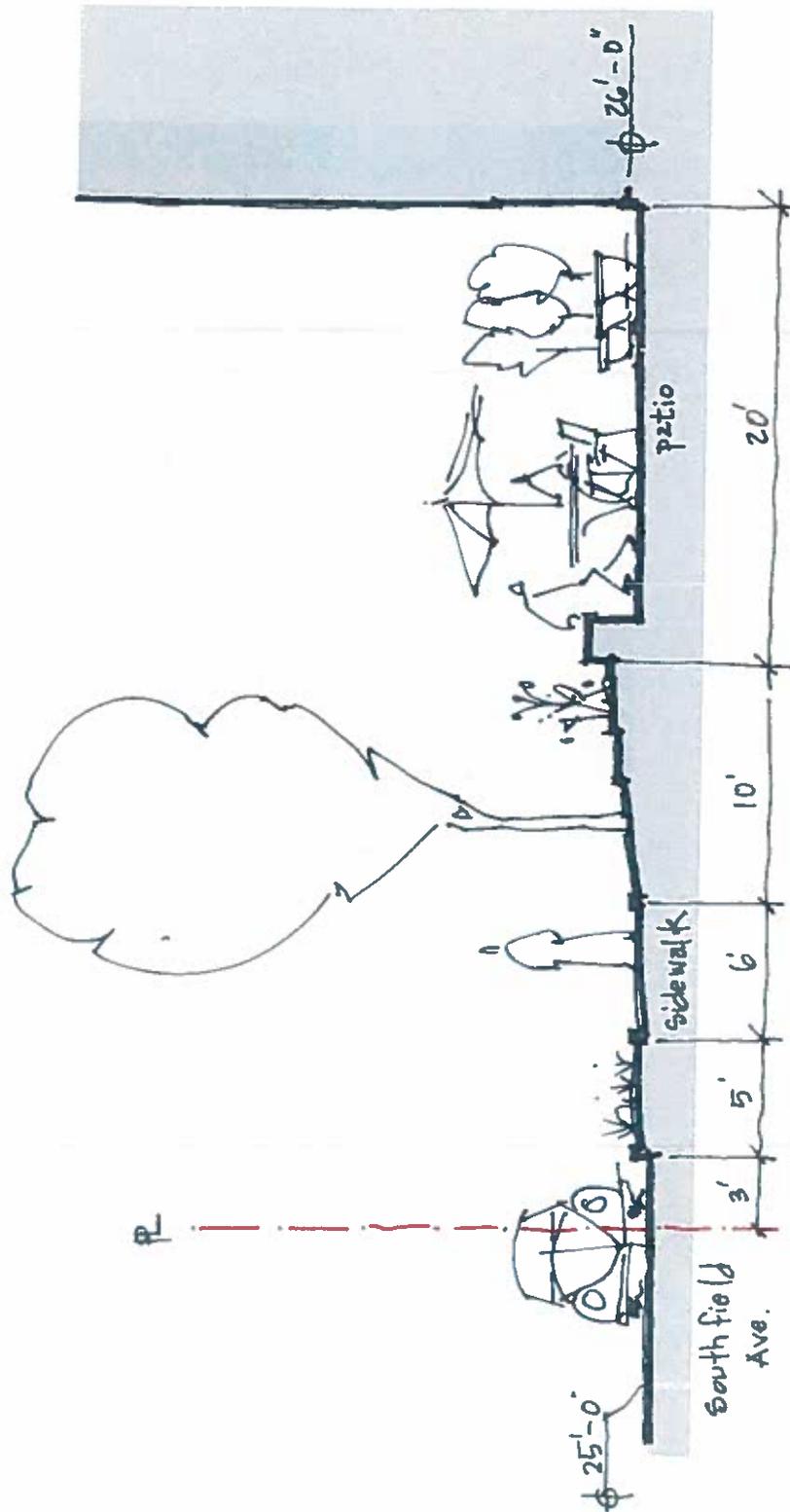
PULLMAN DISTRICT, CHICAGO



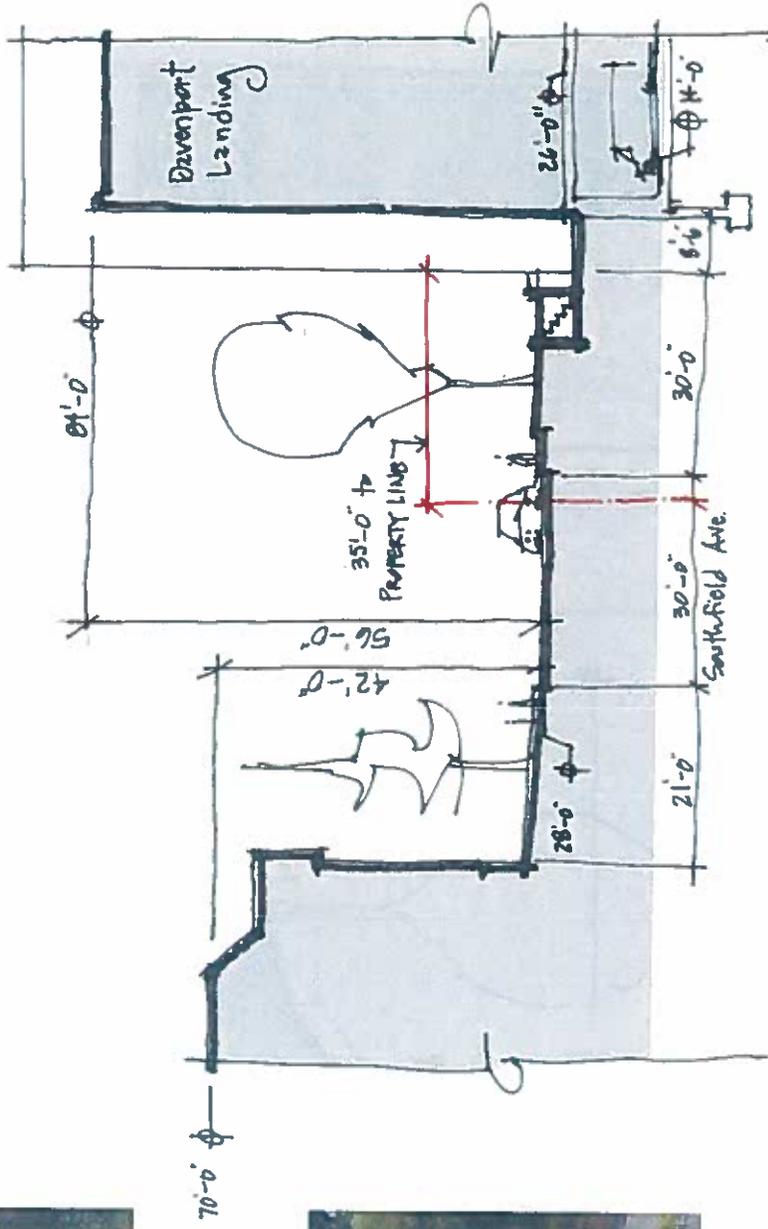
NEW WESTMINSTER, BRITISH COLUMBIA



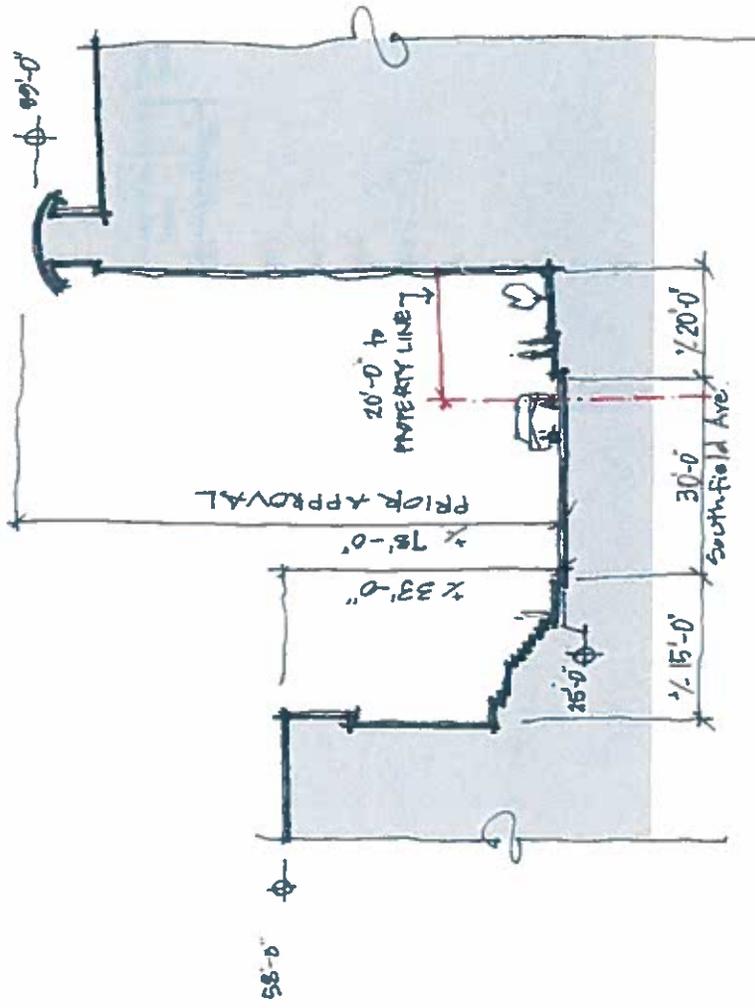
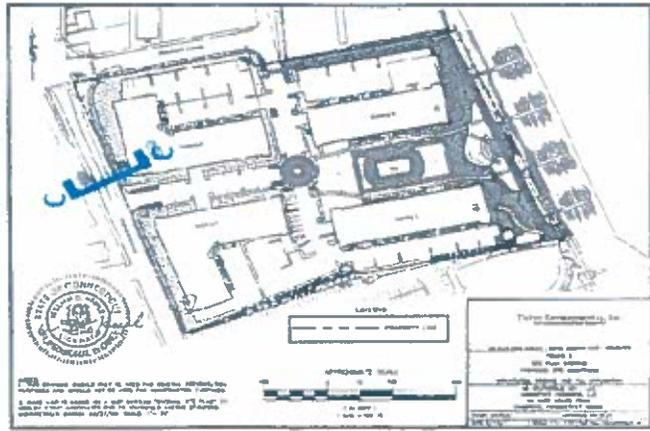
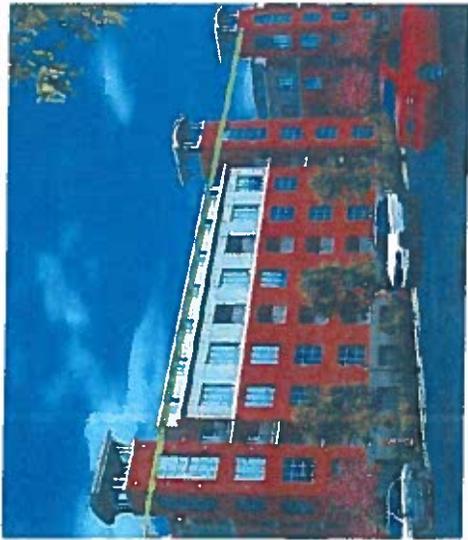
NEW WESTMINSTER, BRITISH COLUMBIA



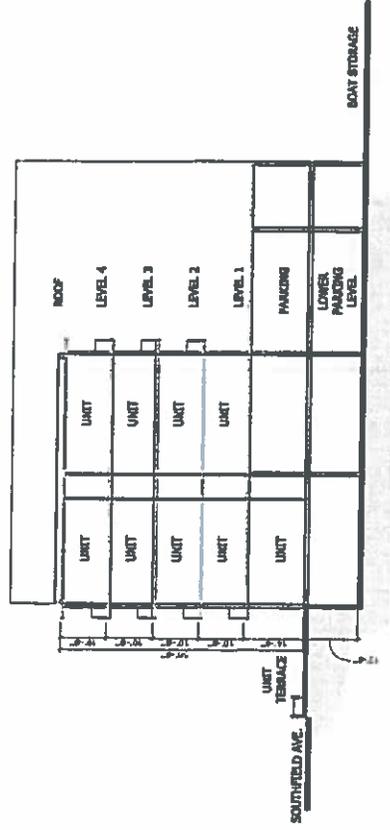
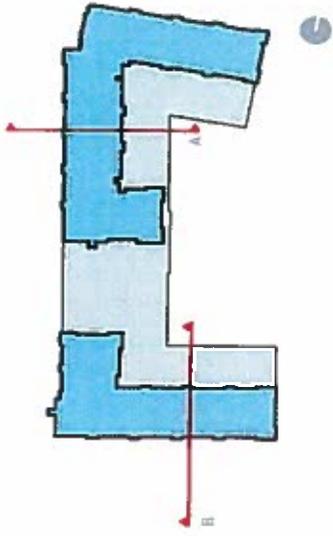
SECTION THROUGH SOUTHFIELD AVE.
 STAMFORD LANDING
 12/201 3/16" = 1'-0"



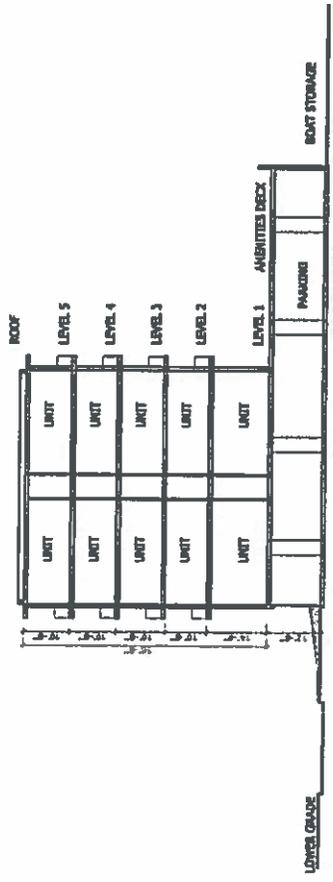
SECTION THROUGH SOUTHFIELD AVE.
 DAVENPORT LANDING
 141201 1/16 = 11'-0"



SECTION THROUGH SOUTHFIELD AVE.
 PRIOR PROJECT APPROVAL
 141208 1/6 - 1'-0"



DAVENPORT LANDING - SECTION A



STAMFORD LANDING - SECTION B







BATTERY PARK, NEW YORK



HUDSON RIVER PARK, NEW YORK



LONG WHARF PARK, BOSTON



EAST RIVER WATERFRONT PARK, NEW YORK



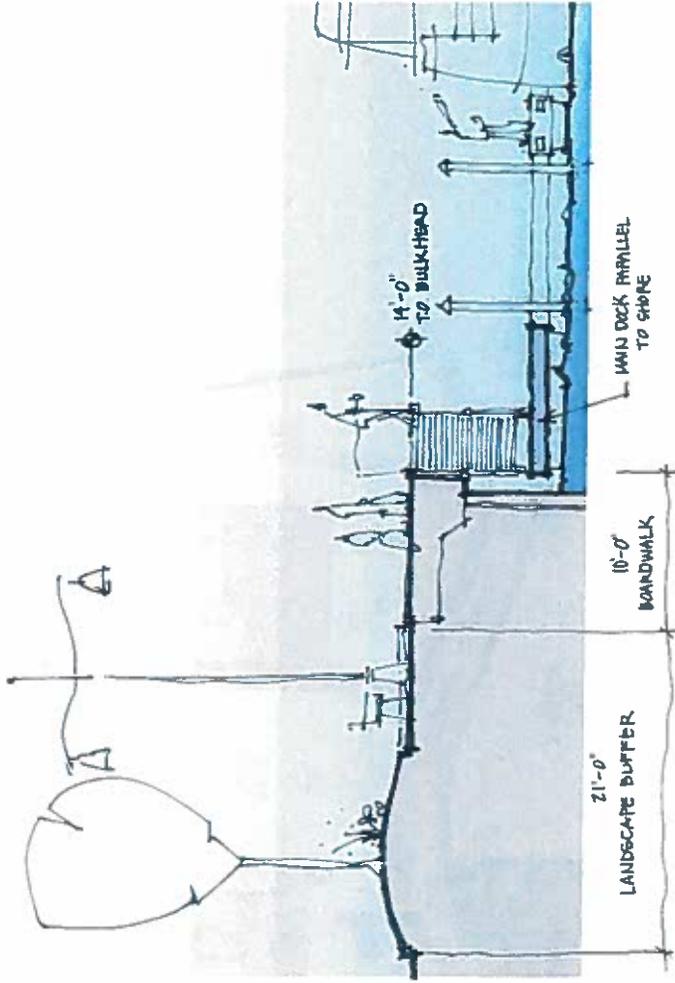
EAST RIVER WATERFRONT PARK, NEW YORK



WATERFRONT PARK, SAN FRANCISCO

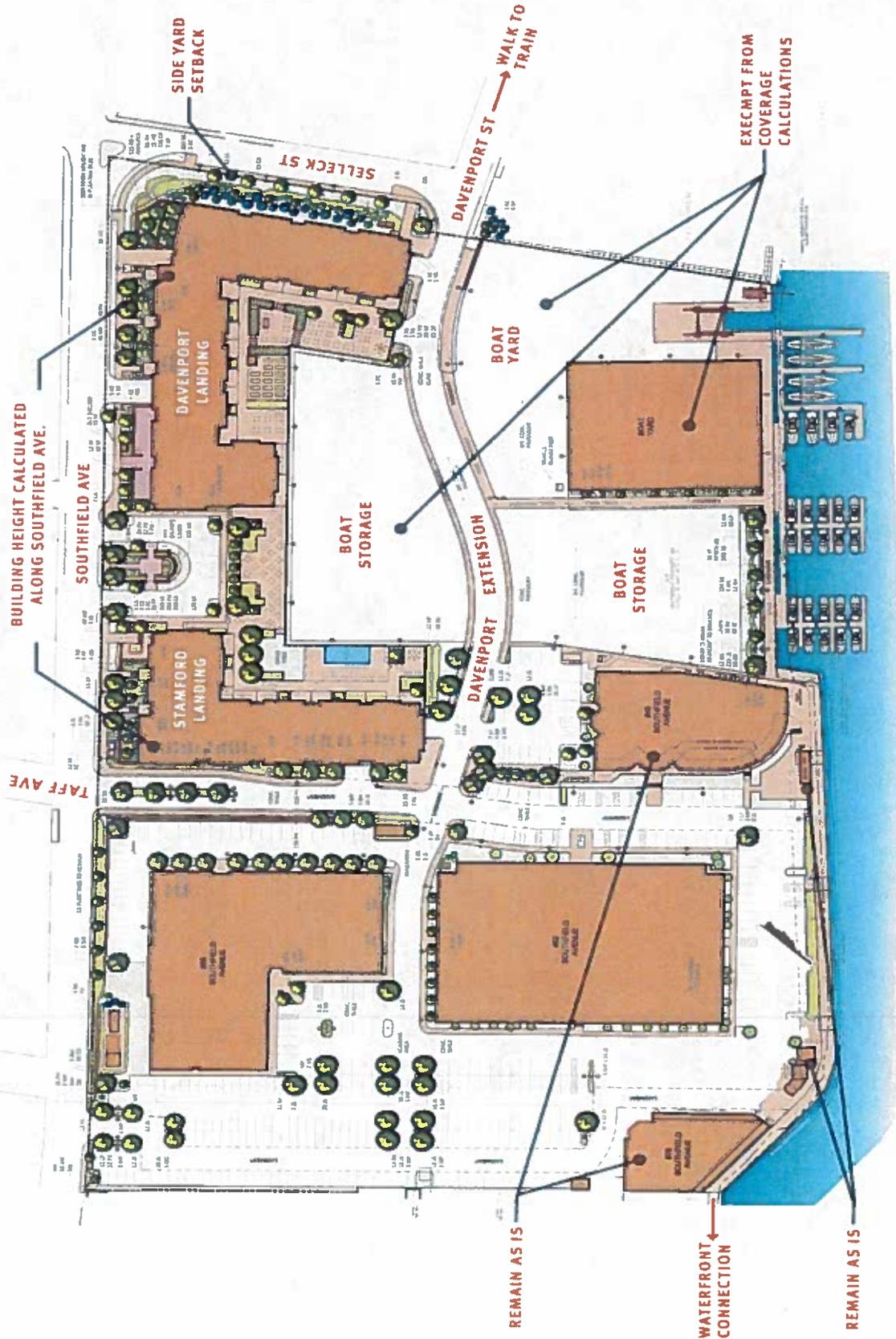


EAST RIVER WATERFRONT PARK, NEW YORK



SECTION THROUGH BULKHEAD
STAMFORD LANDING
1/9&1/2 3/16" = 1'-0"





Boatyard Site Details

Proposed Boatyard Facility

- Located on the eastern portion of the site
- Occupies approximately 3.3 acres
- 130' x 170' Boatyard Operations Building
 - 22,100 SF and 45' high at the center
 - Boat storage, boat maintenance/repairs, paint shop, boatyard offices, laundry services, and public restrooms
- Approximately 400' steel sheet pile bulkhead
 - Installed 100 feet west of the Federal channel line
 - At the existing top of slope
- Building & bulkhead are above Elev. 14 NAVD 88

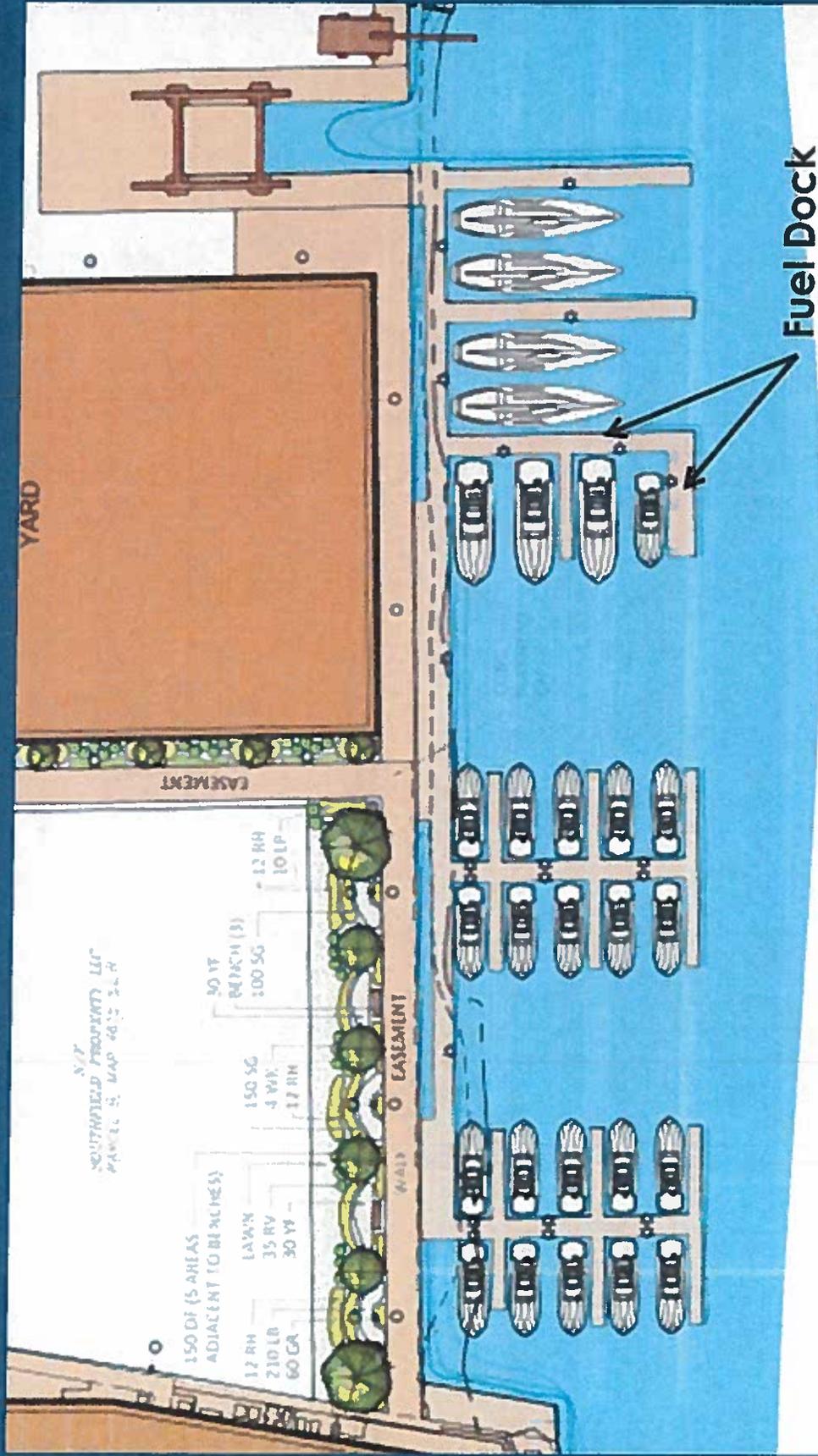
Proposed Boatyard Facility (cont.)

- 65' x 22' foot travel lift well
 - Accommodates forklift and travel lift systems
 - 60 ton capacity travel lift
 - One 2' wide floating dock inside the travel lift well
- Boat Wash Area to underground storage tank
- Fuel dock and sanitary pumpout
- Upland amenities – restrooms, etc
- New ADA accessible Boardwalk and pedestrian access way
 - Stamped concrete with planters to define route
 - Connection to Stamford landing

Proposed Docks

- 28 slip marina plus transient slips
- Main dock parallel to bulkhead: 10' x 300'
- 5 Secondary docks perpendicular to Main: 6' x 70'
 - 20 foot setback from Federal Channel
 - Northern 2 secondary docks used for boatyard operations, transients & berthing
 - Southern 3 secondary docks have 4' wide finger docks for smaller boats to berth
- Two 4' x 80' gangways from bulkhead to main dock
 - Complies with ADA
- Dock setbacks from property to the north and south exceed DEEP and USACE requirements

Proposed Docks



Note: boats shown above are for illustrative purposes only. Other sailboat/power boat configurations are possible.

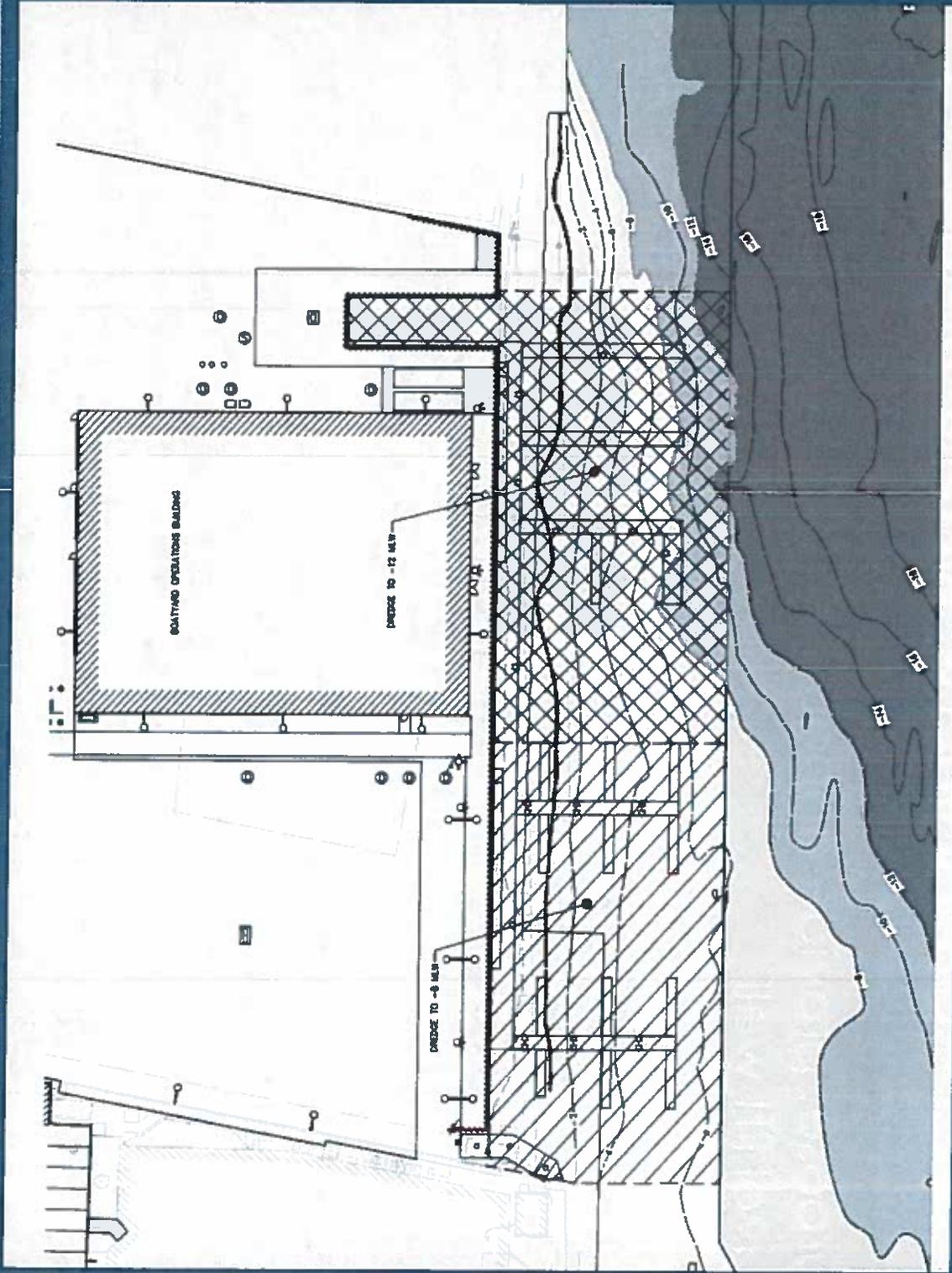
Proposed Utilities

- Building
 - New water, gas, electric, telecommunications & sewer service
- Docks
 - Fueling and sanitary pump out services on middle secondary dock
 - Pedestals provide electricity and potable water to slips
 - Fire protection through standpipes adjacent to the bulkhead
 - Lighting & safety equipment
- Davenport Landing Stormwater
 - Majority of SW will discharge through the bulkhead in two locations
 - Treated with hydrodynamic separators prior to discharge

Dredging & Navigation

- Purpose: provide adequate depths for docks and travel lift well
- Total Volume: approx. 12,000 CY over approx. 40,000 SF area
 - Area 1 to a depth of -12 MLW datum
 - Area 2 to a depth of -8 MLW datum
- Dredged material disposed at a DEEP/USACE approved disposal facility
- Navigation in West Branch
 - Federal Channel width: 125 feet
 - Ample room for largest boat (20' beam) and a barge to pass

Proposed Dredging Plan



Winter Storage Plan - Summary

- 157 boats at Davenport
- 252 boats at 205 Magee
- 100 Boats in-water (min.)
 - 70 at Stamford Landing
 - 30 at Harbor Square
 - Additional storage at 333 Ludlow
- 509 total boats accounted for on Winter Storage Plan

Recent Plan Modifications

- Latest complete plan set submitted on July 6, 2015
- Since this date, the following minor changes have been made:
 - Sheet CS-101 & CS-102 “Site Layout Plan”: revised to include an updated internal Boatyard Building Layout and Outdoor Covered Spar Storage
 - Sheet RC-111 “Winter Storage Plan – Southfield Avenue”: revised to include an updated internal Boatyard Building Layout and Outdoor Covered Spar Storage
 - Sheet CU-113 “Site Photometric Plan”: No content changes. Revised per City comments to make more readable.

205 Magee Avenue

205 Magee Site Description

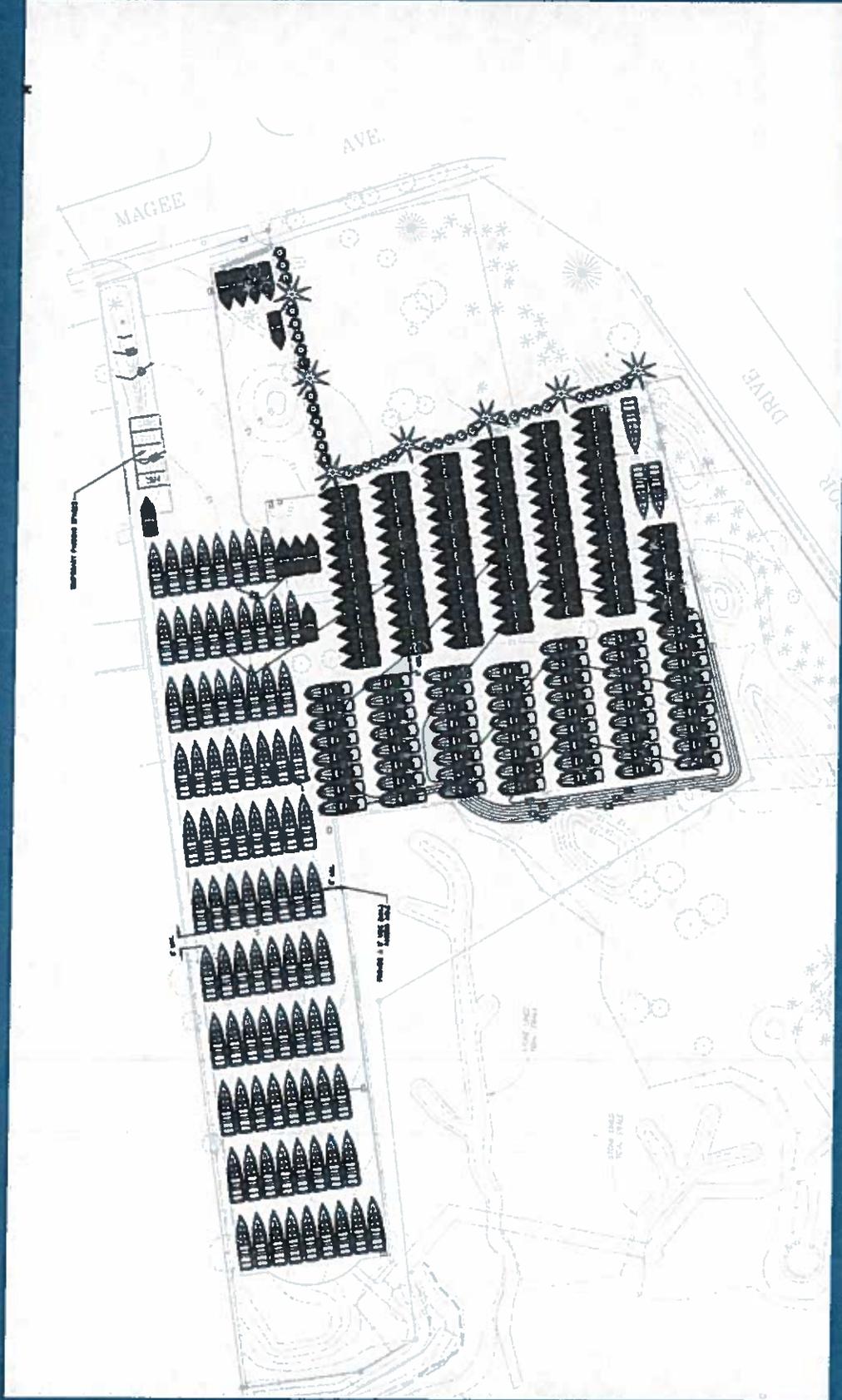
- Located at 205 Magee Avenue
- Site bounded by:
 - City of Stamford properties to the north (WPCA & Animal Shelter)
 - City park and Harbor Drive to the south
 - Magee Avenue to the east
 - Stamford-owned property that abuts the East Branch to the west

Site Setting



Winter Storage Plan

- Plan shows 252 boats at 205 Magee



Truck Route – Davenport to Magee

- CT DOT permitted route (less than 2 miles):
 - North on Davenport
 - right on Greenwich
 - straight on Pulaski
 - left on Washington Ave
 - right onto Station Place
 - straight through to the Urban Transit Way(Dock St/Jefferson)
 - right on Magee Ave to 205 Magee site
- Turning radii are acceptable
- Weight requirements are within limits
- Other routes available and feasible

Truck Route – Davenport to Magee



Truck Route – Magee to Davenport

- CT DOT permitted route (less than 2 miles)
 - North on Magee
 - left on Urban Transitway
 - Straight through Station Place
 - right on Washington Ave (bridge height 14'6" minimum)
 - left on Richmond Hill
 - left on Fairfield Ave
 - left on Selleck St to the end at Davenport Landing
- Turning radii are acceptable
- Weight requirements are within limits
- Other routes available and feasible

DOT Boat Hauling Permit



**State of Connecticut
Department of Transportation**

2600 Devon Turnpike P.O. Box 3179-26
Hartford, CT 06131-7926
Phone: (860) 384-2400 Fax: (860) 384-2840

Overweight/Overweight Trip & Return

ISSUE # _____ **DATE ISSUED** 10/20/03 **PERMIT EFFECTIVE DATES** 10/20/03 - 10/20/03 **TIME ISSUED** 1:04 PM **PERMIT NUMBER** 210206

DIMENSIONS	WIDTH	HEIGHT	LENGTH	HEIGHT	HEIGHT	LOAD DESCRIPTION
OVERHANGS	FRONT OVERHANG	REAR OVERHANG	REAR OVERHANG	HEIGHT	HEIGHT	HAULY (OVERWEIGHT)
OVERWEIGHT INFORMATION:						State DOT Permit Over
TRAILER	Year Make	License #	Year Make	License #		
TRAILER	2002 CI	11074	2002 CI	11074		
TRAILER	1998 CI	81502	1998 CI	81502		

Vehicle Configuration

Trailer 2002 CI 11074
Trailer 1998 CI 81502
Spacer 2002 CI 210206
Spacer 1998 CI 210206

ORIGIN STAMFORD **DESTINATION** STAMFORD
ORIGIN 10000 **DESTINATION** 10000
ORIGIN 12° 0' 29" W **DESTINATION** 12° 0' 29" W

Travel Restrictions

Notify the Connecticut Department of Transportation at 800-984-2350 immediately if a breakdown occurs on Interstate Highways or State Roads.
BR002 - CONVOY HAULING IS NOT PERMITTED. A MINIMUM DISTANCE OF TWO (2) MILES BETWEEN VEHICLES IS REQUIRED.
FL021 - FLAG REQUIREMENT FOR LOADS > 8' IN WIDTH: 10 inch square red flags mounted on four corners of the permitted vehicle and at the widest points of the load, unless indicated otherwise on permit.
HL002 - EXCEPT FOR MARTIN LUTHER KING DAY, LINCOLN'S BIRTHDAY, WASHINGTON'S BIRTHDAY, COLUMBUS DAY AND VETERAN'S DAY, NO TRAVEL IS PERMITTED ON HOLIDAYS!
HR003 - DAYLIGHT M-F MOVEMENT ONLY: Daylight movement only, Monday thru Friday, unless indicated otherwise on permit. Daylight is defined as 1/2 hour before sunrise to 1/2 hour after sunset.
HT007 - NO WEEKEND TRAVEL: Unless specifically indicated on permit, there is no travel 1/2 hour after sunset on Friday until 1/2 hour before sunrise on Monday.
GROSS WEIGHT AND AXLE WEIGHT LIMITS - tires, axles, components and/or gross weight shown on permit is limited to the manufacturer's rating.
LD001 - LANE TRAVEL RESTRICTIONS: Unless indicated otherwise on permit, travel shall be in the right travel lane. Exceptions shall be granted for left exits and entrance ramps as is required by the permitted routes. Also, maintenance or other shoulder related activities as in accordance with CGS Section 14-230c. Driving in right-hand lane.
RR001 - USE CAUTION AT EVERY RAILROAD CROSSING !!!
S1000 - LOADS MUST BE SECURED ACCORDING TO FEDERAL REGULATIONS
S021 - SIGN REQUIREMENT FOR LOADS > 10' IN WIDTH: A sign is required on the front and rear of the permitted vehicle, unless indicated otherwise on permit. Signs must measure a minimum of 7' long, 10" high with black lettering measuring 1" wide and 8" high on a yellow background.
INCLEMENT WEATHER: No travel is allowed when weather conditions or restricted visibility make traveling hazardous to the operator or to the driving public. No travel is allowed when any person, vehicle or roadway is not

Generated by E.T. PA25 Permit Administration Software System Form:ATX112

14-Acre Site

14-Acre Site Description

- Approximately 14 acre parcel
- Located at the foot of Bateman way
- The site is a steel sheet pile, timber and riprap-reinforced peninsula
- Extends into Stamford Harbor
- West Branch of Stamford Harbor to the west
- East Creek to the east
- Interim boatyard operating in northwest part of site
- Environmental remediation underway at other locations

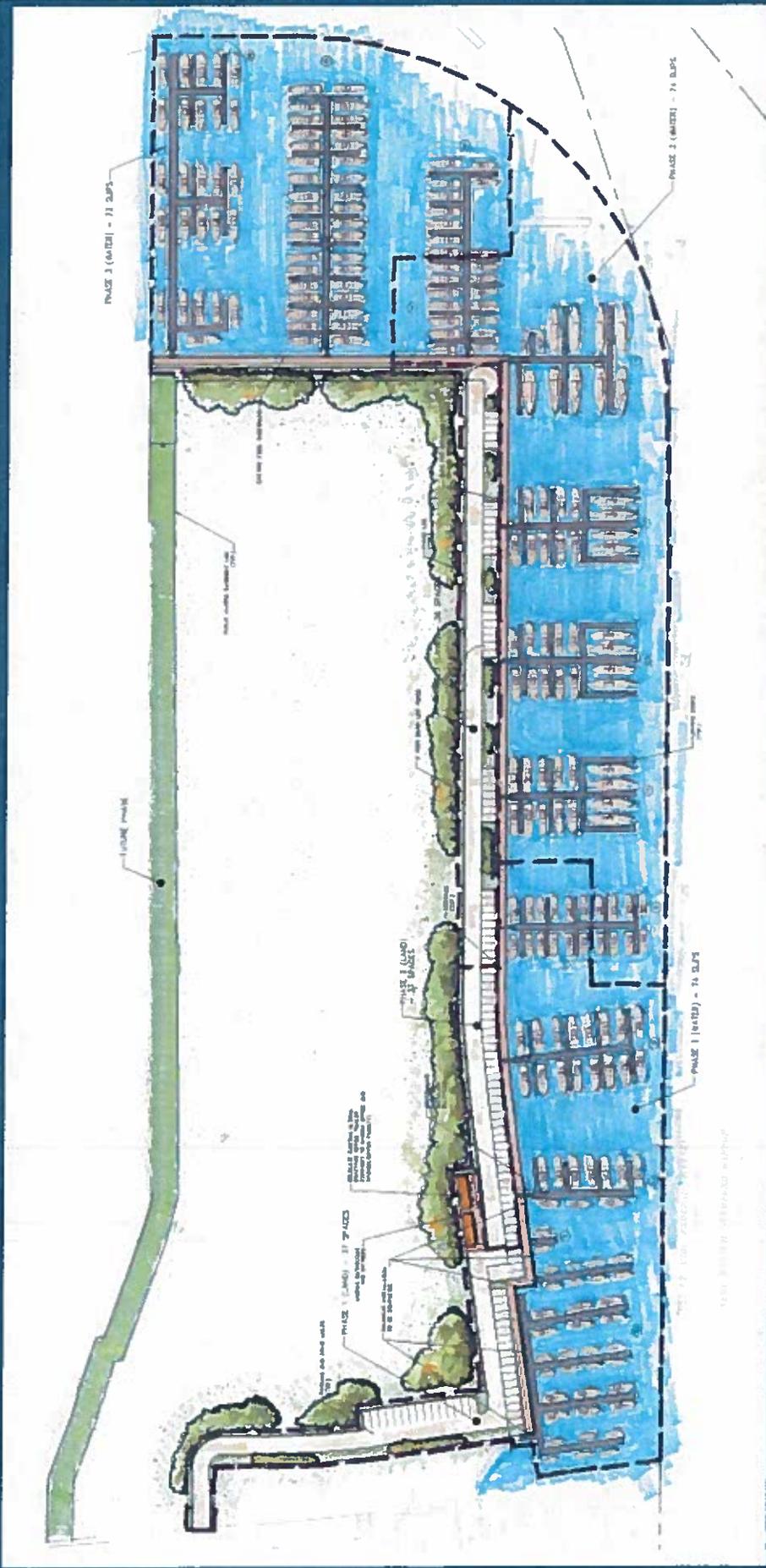
Site Setting



Proposed Dock Restoration Plan

- Remove interim boatyard
 - After Davenport Boatyard is operational
- Complete bulkhead installation in the northwest corner
- Restore 220 slips in three phases
 - 220 slips were active when Brewer ceased operations
 - New piles, floating docks and gangways
- Provide upland parking in three phases
 - One space for every two slips
- Construct fencing and pedestrian walkways

Proposed Dock Restoration Plan



Closing

- All three sites designed and will be constructed to:
 - Minimize coastal resource impacts
 - Provide full range of services to Stamford area boaters
 - Provide improved public access (Davenport and 14 acre)
 - Comply with all environmental and development regulations

ATTACHMENT #2

NARRATIVE OF COMPLIANCE WITH STAMFORD MASTER PLAN OCTOBER 14, 2015

The developments envisioned at the Davenport Landing, Stamford Landing, the Strand, and 205 Magee sites are consistent with the goals set forth in the Stamford Master Plan 2015-2025 ("Master Plan"). The pending applications include several text amendments to the Designed Waterfront Development (DW-D) regulations, a zone change for the Stamford Landing site to DW-D, amendments to the Strand General Development Plan ("GDP"), creation of a GDP for the Davenport site, and special exceptions at Davenport Landing. These related applications to construct a boatyard, marina and boat slips at three locations in Stamford Harbor ("Comprehensive Boatyard and Access Plan") fulfill the goals as articulated in the Master Plan. The overall proposal expands recreational boating and public access opportunities in a manner that encourages people to visit the area for boating, walking, dining and other recreational purposes while avoiding any conflict with the existing commercial water-dependent uses in the harbor.

The purpose of this memorandum is to outline how the text changes, zone change, GDP, and special exceptions included in the applications for the Comprehensive Boatyard and Access Plan comply with the City's Master Plan. The Master Plan emphasizes public access to and use of Stamford's waterfront for residents and visitors alike, while also ensuring the opportunity for water-dependent uses. It also establishes various policy goals for Stamford's neighborhoods, which are addressed as relevant below.

Master Plan Policy 5C: Encourage Public Access to the South End Waterfront

5C.1: Protect, enhance and promote water-dependent uses. Water-dependent uses include ferries; water taxis; boating; marinas; recreational and commercial fishing; port facilities; water-based recreational uses; industrial uses dependent on waterborne transportation; boat construction and repair; dry dock; uses which provide general public access to the waterfront; and other uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland. Additional marine-oriented recreational uses should be encouraged to develop along the harbor. All City-owned parkland should be periodically evaluated for its water-based recreational potential. Any uses or development that congests, restricts or otherwise limits the use of the harbor by commercial or recreational vessels should not be allowed. Structures and filling on the waterfront must also be designed in a manner that will not conflict with development of water-dependent uses and public safety.

The most notable feature of the Comprehensive Boatyard and Access Plan is its emphasis on water-dependent uses and public access that brings the public to the waterfront not only in the South End but in several of Stamford's neighborhoods. The proposed Davenport boatyard and marina will provide key boating services in the harbor, including fuel, dingy dock, and transient boat slips. The Marine Market Study and Needs Analysis dated September 2, 2015 ("Market Study") highlights the Davenport location as an excellent location for this facility. Its location in the West Branch has a generous main channel and turning basin depth to allow for

increased recreational boating. Moreover, the Market Study notes that the expanded recreational use at Davenport will not conflict with the industrial water-dependent uses located at O&G Industries to the north as noted in the letter of support, a copy of which is attached. These letters demonstrate that the potential operational conflicts raised by the City's consultant, MarineTec Management & Consulting ("MMC") in its October 1, 2015 report ("MMC Report") were already anticipated and satisfactorily addressed between the applicant and O&G.

These Davenport services will complement the other offerings in Stamford Harbor, including the water taxi across the channel between Harbor Point and Stamford/Davenport Landing, kayak and paddleboard rental at Harbor Point and the expansive Kosciusko Park. The Magee site will provide upland winter boat storage for boaters in Stamford and the surrounding communities. In addition to providing over 200 boat slips upon full build-out, the Strand site will enhance public access on a property that was historically privately owned and inaccessible to the public. As detailed in a separate memorandum regarding compliance with the CAM Act, these uses are entirely consistent with the goals established by DEEP in its 2000 Coastal Management Manual (the "Manual").¹

5C.2: Protect water-dependent industry. Existing water-dependent industrial uses are to be protected. For almost a century, a commercial boatyard was operated on a prominent waterfront site – historically called the HELCO (Northeast Utilities) or Yacht Haven West Site – in the South End. Beginning in 1912, this site on the west branch of Stamford Harbor was occupied for more than 50 years by the Luders Marine Construction Company, a Stamford shipbuilding industry of national renown. When the City's coastal management program was being developed in the early 1980s, the boatyard then occupying the site was identified by City planners as one of the largest boatyard/marina facilities serving pleasure craft in the northeast United States. 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. Actions at a State level to provide economic incentives for maintenance of water-dependent industries should be pursued.

The industrial boatyard on the Strand site had moved away from its historic manufacturing roots long before the closure of Brewer's Yacht Haven and thus this Master Plan policy is not truly applicable to the Strand site. With the advent of modern boat-building facilities (namely the invention of and transition to fiberglass), boat building shifted from waterfront operations, as noted by Bill Luders in a 1995 New York Times article about the Luders operations on the Strand site (copy attached). The Market Study notes that the nature of boating has changed in recent times as the result of several factors, including a decline in overall boat lengths and increased taxes on boats themselves. The MMC Report recognizes this distinction, noting that if the size and type of boats in Stamford Harbor has changed, then the service needs for the boating community have also changed.

¹ *Stamford's CAM Application form references the "Index of Policies Planning Report 30," which DEEP published in December 1979. The Manual replaces the Planning Report as the governing guidelines for coastal reviews.*

With ship building out of business along the waterfront, such a use is no longer feasible or prudent. The proposed Comprehensive Boatyard and Access Plan achieves the services and facilities sought in a world class boatyard/marina, while also expanding public access on the Strand site and completing a linear public access route along the channel in the Waterside neighborhood.

5C.3: This Master Plan encourages the development of a full-service boatyard and marina for Stamford's future.

The Comprehensive Boatyard and Access Plan implements this goal. The Davenport site will offer extensive boatyard and marina services and the MMC Report at page 9 found that a review of the pro forma reflects a "feasible and viable full service boatyard." Nearly 250 boat slips, including deep water slips, will be provided, along with indoor and outdoor winter boat storage, travel lifts and a mast crane. Services will include routine needs such as fuel (gas and diesel), transient boat slips, dinghy dock, sanitary pump out, and laundry, shower and bathroom facilities. The boatyard will also include maintenance and repair services, including inboard and outboard engine repair; paint, refrigeration, electronic and air conditioning service. As highlighted above, this location in the West Branch has appropriate water depths and access for recreational boating and the site itself has sufficient land space to allow for maneuvering of boats, trailers and lifts.

The Davenport proposal will be further complemented by an additional 220 boat slips at the Strand site, along with winter boat storage for over 200 boats at the Magee site. Because of the extensive service offerings at Davenport that can be offered to those choosing to store their boats at Magee, the applicant does not see a market need for duplication of those services at Magee as suggested in the MMC Report.

5C.4: Make non-water-dependent uses contingent upon providing public access and meeting other public objectives. Non water-dependent uses of waterfront property should only be permitted where they 1) provide meaningful general public access to the waterfront; 2) do not displace an existing water-dependent use or the opportunity to establish a new water-dependent use; 3) complement adjacent development; 4) function within the capacity of available infrastructure; and 5) achieve a high design quality.

Most notably, at both the Davenport and Strand sites, non-water-dependent uses are only proposed in conjunction with water-dependent uses – a boatyard and marina respectively. With respect to the non-water-dependent uses at the Davenport site, the development plan connects and expands the public access route that exists southerly of the project site and will establish the new water-dependent boatyard and marina detailed above. The proposed residential component complements the existing Stamford Landing and Avalon Harbor residential communities to the south. The residential proposal operates within the capacity of the existing roadways and utilities without extensive upgrades or improvements while still providing sufficient area for the boatyard and marina operations. Moreover, this residential component is consistent with the positive Planning Board referral given to the prior residential development in April 2009 as part

of the re-zoning of the Davenport property to DW-D, a copy of which is attached. The proposed regulation changes also implement this policy, as they include a provision that existing structures re-zoned to DW-D must provide public access to the waterfront and exclude water-dependent uses from coverage and other impervious area calculations. The rezoning of the Davenport properties to DW-D is consistent with this goal, as it establishes new water-dependent uses while also achieving a high quality residential component.

Although no specific use has yet been proposed for the upland Strand site, Strand has committed to more than 200 boat slips and an extensive area of public access along the site's waterfront. As the Market Study details, there is no demand in the market for a boatyard facility the size of the former Yacht Haven operation. Therefore, the opportunity lies in the establishment of new and enhanced public access and recreational boating areas along the Strand waterfront.

These public uses accord with the coastal policies established by DEEP. The Manual also emphasizes the inclusion of public access with the following statement: "Generally, coastal public access should be provided where appropriate as a stand-alone water-dependent use and at any waterfront site proposed for non-water-dependent use to make the project consistent with the water-dependent use policies of the CCMA and to mitigate unacceptable adverse impacts of the proposed development on future water-dependent development opportunities." Thus, the extensive public access included in this overall plan is not only deemed a water-dependent use by the Manual, but providing such access would be consistent with the CAM Act even if no water-dependent uses such as the boatyard or slips were proposed.

5C.5: Promote recreation and boating. Recreational boating facilities should be encouraged to develop along the waterfront. Existing recreational boating and support facilities should be preserved and, when necessary, protected by public actions. Additional marine-oriented recreational uses should be encouraged to develop along the harbor coastline at appropriate sites. All City-owned parkland should be periodically evaluated for its water-based recreational potential.

As noted above, the Comprehensive Boatyard and Access Plan satisfies this Master Plan goal of encouraging recreation and boating in Stamford's waters. The waterfront at the Davenport and Strand sites will be accessible by the public via walkways and site improvements designed to draw residents to the water. Additional permanent and transient boat slips create opportunities for marine related recreation and will attract boaters and visitors who want to enjoy a complete waterfront experience with dining, boating, shopping and other recreational opportunities in Stamford.

5C.6: Maintain and enhance harbor access. To encourage water-dependent uses, any uses or development which congests, restricts or otherwise limits the use of the harbor by commercial and recreational vehicles should not be allowed. Structures and filling on the waterfront must be designed in a manner that will not conflict with development of water-dependent uses and public safety. The use of fill and structures should be designed so as to minimize negative impacts on

coastal resources. Finally, the maintenance and protection of federally developed and maintained navigation channels, along with the development of a plan for the efficient and timely dredging of these channels, are priorities.

Harbor access will most certainly be maintained and enhanced under the Comprehensive Boatyard and Access Plan. The Market Study reviewed and reported the sufficiency of the West Branch of Stamford Harbor for additional boating access. The proposed structures are consistent with the nature of the channel and the nearby uses. The main channel and turning basin depth facilitate increased recreational boating.

As the MMC Report notes, there are both commercial and recreational boating uses in Stamford Harbor. The proposed plan has taken these potentially conflicting operations into account. As its letter indicates, O&G Industries supports the Davenport plan and does not believe it would have any negative impact on their industrial boating in the harbor.

Master Plan Policy W2: Preserve and enhance parks, open space and the natural environment [in Waterside]

W2.2: Promote waterfront views and access along the West Branch, with a focus on creating continuous public access along the water's edge, with frequent connections to upland streets and views of the water down cross streets.

W2.3: Protect and promote water-dependent uses, recreation and boating along the West Branch.

W2.4: Make non-waterfront dependent uses contingent upon providing public access and meeting other public objectives.

The Davenport Landing location in Waterside presents a unique opportunity to expand waterfront uses and public access to the West Branch. Its boatyard and marina services will enhance the recreational boating opportunities in Waterside. In conjunction with the public access and amenities existing at Stamford Landing, the Davenport site will expand the public walkway along the waterfront, provide connections to Southfield Avenue, and enliven a former industrial site for the benefit of the residents and general public. While this policy is specific to the Waterside neighborhood, this policy is also met by the Strand site, with its environmental improvements through remediation and enhanced public access.

The proposed text amendment and map change also implement these goals. The regulation would require that newly rezoned properties in the DW-D with existing structures provide public access to the waterfront. Additionally, by excluding water-dependent uses from coverage and other zoning limitations, the proposed amendment acts as an incentive to develop such uses by ensuring other development can occur on the site within the confines of the Zoning Regulations.

Master Plan Policy 7E: Support an Active and Diverse Waterfront Implementation Strategies

7E.1: Establish and maintain diversity of viable water-dependent uses that a) individually and collectively enhance the quality-of-life in the City and provide significant economic benefits; and b) are consistent with the capacity of coastal resources to support those uses without the occurrence of significant adverse impacts on environmental quality or public health, safety or security. Maintain and enhance Stamford's status as a center of recreational boating activity on Long Island Sound and a regional destination for visiting boaters.

The Comprehensive Boatyard and Access Plan ensures an active and diverse waterfront. In conjunction with the other uses in the harbor, the services and amenities of the boatyard and marina will enhance the overall waterfront experience in Stamford for boaters and the wider community. A full-time, year round workforce will benefit the local economy and provide boat services throughout the year. These features will complement the upland offerings with nearby parks, restaurants and shopping that will serve as a draw to residents and non-residents alike who want to enjoy a complete waterfront experience. Most notably, this plan can be constructed and operated without any detrimental impact to environmental quality or the natural resources of Stamford Harbor. Further, the plan will improve the waterfront environment by removing failed facilities and remediating long ignored contamination at the Strand site. Relocating the maintenance and repair operations to an appropriately sized location at the Davenport site will ensure its long-term viability.

7E.2: Encourage and support continued operation and, where feasible, enhancement of public and private recreational boating uses and facilities, including facilities for the maintenance, repair, storage, hauling and berthing of vessels. Avoid development that would result in significant reduction of available recreational boating services, including, but not limited to, vessel maintenance, repair, storage, hauling and berthing facilities of local and/or regional significance.

As detailed above, the Comprehensive Boatyard and Access Plan improves and expands the recreational boating opportunities in Stamford. The Davenport site is designed to address the maintenance, storage and repair needs of the boating community while also enhancing the ability of the non-boating public to access the waterfront at various points in the harbor. The Market Study outlines the improvements over the prior Yacht Haven boatyard, including a greater water depth, larger fuel docks, updated utilities and facilities, larger lift well, and better fetch and breakwater protection.

7E.3: Maintain and enhance, for public use and enjoyment, waterfront parks, beach areas and other facilities that provide opportunities for public access to the City's coastal waterways and Long Island Sound, including but not limited to, City-owned properties and privately owned areas that provide public access to and along the coastal waterways.

As detailed throughout this memorandum, a key component of the Comprehensive Boatyard and Access Plan is expanding and enhancing public access to Stamford Harbor. At

Davenport, the proposal continues the public access route that exists southerly of the project site and creates opportunities for both active and passive recreational uses along the western side of the West Branch. At the Strand site, the plan will create public access along the site's waterfront that did not exist during its industrial past.

Policy 7F: Maximize public access to the waterfront. Existing public access and visual access to the waterfront is to be preserved and enhanced wherever possible. New access should be mandatory as redevelopment occurs, except in cases where public safety would be at risk. The extent and layout of such access will be dependent upon 1) the use of each waterfront site (e.g. public access would pose safety or significant security issues on waterfront land used for water-dependent industry, and 2) its location in relation to other public access resources or opportunities. The most meaningful public access will most likely be achieved where site plan features and permitted uses draw people to areas where waterfront access is provided and where there is continuous public access along the water's edge. Frequent connections to inland streets should be provided with pedestrian and view corridors aligned with cross streets to the maximum extent practicable. Continuous public access along the waterfront should take into consideration ways to celebrate and circumnavigate the working waterfront. A series of public destinations such as overlooks and fishing piers along the waterfront edge will help draw people along the linear path. Large blank walls or extensive parking adjacent to the waterfront should be discouraged. New development facing the waterfront should contribute to an active presence along the water's edge.

Public access is a prominent feature of the Comprehensive Boatyard and Access Plan. A public walking trail already exists on properties to the south of the Davenport site, but ends at the current Stamford Landing. Extension of this walkway along the Davenport site will enhance the public realm by drawing residents to the myriad of restaurant and recreation uses in the vicinity both along the western side of the channel at Stamford Landing. New residential buildings located landward of this pathway will further activate the water's edge with residents, boaters and other visitors. Public access will also be added at the Strand property, where previously access was only permitted for those utilizing the businesses or boat slips on that site. This effort will extend the existing public access from Harbor Point and link with Kosciusko Park and its recreation areas.



August 28, 2015

State of Connecticut
DEEP – Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106
Attn: Kristen Bellantuono

RE: Structures, Dredging & Fill Application - Davenport Landing, Stamford, CT

Dear Ms. Bellantuono:

We have been asked to provide comment about the proposal to develop an in-water marina and a boatyard facility adjacent to our property at 72 Davenport Street in Stamford.

O&G believes that any responsible use of the public waterways generally provides a benefit to all users of the water. In redeveloping a former industrial water dependent site, we appreciate the efforts that Southfield Properties, LLC is taking to accommodate the industrial nature of our site and the needs of our suppliers to access our site moving large barges by tugboat.

We are pleased that the developer is placing the proposed marina slips towards the south to allow greater buffering between the pleasure vessels expected at their site and the industrial barges which navigate and berth at our facility. The companies responsible for the transport of these barges had previously expressed some concern about the ability to navigate their large loads with added pleasure vessels operating and docking in this area of the harbor. Although the proposed boat lift location is immediately adjacent to our site, the distance between the property line and our berth location should be sufficient that no impediment will occur between boat hauling at Davenport Landing and material deliveries at O&G.

It is our sincere hope and expectation that any approval granted for the benefit of pleasure vessels in the Stamford Harbor will be done in such a manner that no undue imposition is placed on those of us currently utilizing the harbor for industrial purposes as well.

Very truly yours,
O&G Industries, Inc.

Richard O. Warren
Facilities Administrator

cc: John Freeman – Southfield Property, LLC
William C. Heiple PE, LEP – Fuss and O'Neill
Ken Merz – O&G Industries, Inc.

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July 9, 1995

A Shipyard Legend Named Luders

By WILLIAM N. WALLACE

LONG before Interstate 95 paved its way eastward, Long Island Sound served as a nautical highway that ran 100 uncrowded miles from Throgs Neck to Plum Gut.

Shipyards were plentiful from Clason Point in the Bronx to Greenport, L.I., and one that had a great run was the Luders Marine Construction Company in Stamford Harbor.

For 60 years, until its demise in 1968, this yard built superb vessels for pleasure and for war. Its history is the subject of a comprehensive exhibition at the Stamford Historical Society on High Ridge Road that will continue until Sept. 17.

The highlight will be the Luders Reunion Weekend, from July 27 through July 30, a gala celebration whose highlight in turn will be a parade in Stamford Harbor of Luders boats built ranging in size from the L-16 sloops to a 110-foot subchaser.

There are about 150 boats bearing the Luders label still in service, said Bob Wallstrom, a writer and designer who once worked for the company. Mr. Wallstrom is compiling a Luders history and a directory of existing vessels that came out of the yard on the west branch of Stamford Harbor.

Records were lost during a fire in the shipyard in 1962 and Mr. Wallstrom asks that anyone knowing of or owning a Luders vessel please contact him at Post Office Box 828, Blue Hill, Me. 04614. "I'm collecting stories," he said.

What has not yet been found is one of those fast commuters that distinguished the Sound's nautical highway in the decades before and after World War I. The commuters, characterized by low deck houses, narrow beam and overall length from 35 to 50 feet, took the chiefs of commerce from their homes at, say, Oyster Bay or Greenwich to and from the environs of Wall Street.

In building these quick yet luxurious cruisers Luders vied with three other memorable builders: Henry B. Nevins on City Island, Consolidated at Morris Heights in the Bronx and Purdy's in Port Washington, L.I.

The captains would park their craft at the New York Yacht Club dock on the East River. There was no better way to go to work.

A gold scroll high at the bow marked the power yachts by Luders, sometimes described as the Tiffany of yacht builders. The Great Depression took the fun and practicality out of such expensive commuting and by then, the 1930's, the son of the founder was making his mark in the shipyard.

Alfred E. Luders Jr., always called Bill, was a racing sailor and Luders became known for its sailboats, the most popular of which was the one-design sloop of the L-16 class. About 220 were built in the years following World War II using a new technique of plywood molded with glues, and many are raced to this day.

The most famous Luders sailing yacht was called Weatherly, which in 1964 successfully defended the America's Cup with Bus Mosbacher as skipper against the first challenger, Gretel, from Australia.

Another America's Cup yacht of the 12-meter class was the American Eagle, designed and built by Luders. It was later converted into a distance racer by Ted Turner, before he became a cable television tycoon, and he sailed it in the Bermuda ocean race and on the European circuit.

American Eagle was among the last of the renowned racing yachts to be built of wood. Fiberglass had arrived, and it proved to be a superior material because of its strength, durability and minimum maintenance. But fiberglass was not for the Luders operation.

"We dabbled in fiberglass and made a few prototype boats," recalled Bill Luders, 85 and a resident of North Stamford. "But we didn't want to get into it. It seemed to us that if you built with fiberglass you did not need to be on the water." That was true. Fiberglass boat building factories arose in former farmers' fields in the Midwestern and Southern states and the boats were trucked to water sites. Big shipyards like Luders became dinosaurs, the land worth more for marinas -- for keeping boats rather than building them.

The demise of the yard came quickly in the mid-1960's. "It got to be hard to find good help," Mr. Luders said. "You need at least 35 people to run a yard and some of the woodworking trades were dying out."

The Historical Society's exhibition is divided into distinct eras for the company, founded on the Byram River in East Port Chester in 1908. The war periods stand out.

During World War I, the Luders yard won a naval patrol craft design contest sponsored by Franklin D. Roosevelt, then Assistant Secretary of the Navy. The company also built barges for seaplanes that were to be towed behind destroyers.

These were made of steel and the Luders labor force had no difficulty in moving from wooden vessels to steel ones. Later in 1924, the company built 10 75-foot patrol boats for the Coast Guard that were used to pursue bootleggers and smugglers.

In World War II the yard had as many as 1,200 employees and turned out more than 80 vessels --

subchasers, minesweepers, patrol craft, harbor tugs and tow-target boats. Minesweeper work continued during the Korean war.

The Luders men, father and son, were both naval architects, both educated at the Webb Institute of Naval Architecture almost 50 years apart. The elder Mr. Luders was one of the early experimentalists in marine gasoline engines and his first published design, in 1906, was an open launch powered by a 12-horsepower, 2-cylinder engine.

He began his shipyard with 25 employees and \$1,000 of capital and moved it to Stamford in 1911. His son became an apprentice in the yard in 1928. But weekends found Bill Luders out on Long Island Sound racing in the highly competitive six-meter class against skippers who had more resources than he did. He once recalled that he was glad to have the sails discarded by Briggs Cunningham, a Connecticut yachtsman from Greens Farms.

Mr. Luders designed any number of racing yachts, most successfully in the 5.5-meter class that for many years was one of the competition classes in the Olympic games. He continued racing yachts well into the 1960's and was a prominent figure on the New York Yacht Club's annual summer cruises.

He belonged to other yacht clubs -- American, Indian Harbor and Stamford -- and he and his wife, Peg, often would go by small boat to one of the Long Island Sound's yacht clubs for dinner. "It was good for business," Mr. Luders said.

He is still sailing. Tucked into a corner of the marina that replaced the shipyard is Sprig, a Luders 21 sloop of his design, that he and his wife often take out for daytime voyages.

Photos: The steel-hulled, 112-foot Doromar was built by the Luders Marine Construction Company in Stamford in 1931.; The Weatherly, left, won the America's Cup in 1962. DB boats, above, were built in 1941 to service mines. Lone survivor among the Luders subchasers, right. (The Stamford Historical Society)

MAYOR
DANNEL P. MALLOY



DIRECTOR OF OPERATIONS
BENJAMIN BARNES

LAND USE BUREAU CHIEF
ROBERT M. STEIN, JR., A.I.C.P.

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CITY OF STAMFORD
PLANNING BOARD
LAND USE BUREAU
888 WASHINGTON BOULEVARD
P.O. BOX 10152
STAMFORD, CT 06904 - 2152

April 15, 2009

Phyllis Kapiloff, Chairman
Zoning Board
City of Stamford, CT

Re: APPL. 209-05, 28 Southfield Investment LLC

Dear Mrs. Kapiloff:

At its meeting held on April 14, 2009, the Planning Board reviewed the above application referred in accordance with the requirements of the Stamford Charter.

The applicant is requesting a map amendment to rezone to DW-D property fronting on Southfield Avenue, Selleck Street and Davenport Street.

The Planning Board voted unanimously to recommend approval of the application. The proposed zone change is consistent with the Master Plan—Category #13, Mixed-Use—Shorefront. It is also consistent with the majority of the properties on both sides of the West Branch of the Harbor and would provide additional public access to the waterfront.

Sincerely,

Duane Hill, Jr.
Duane Hill, Chairman
Stamford Planning Board

MAYOR
DANNEL P. MALLOY



DIRECTOR OF OPERATIONS
BENJAMIN BARNES

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April 15, 2009

Phyllis Kapiloff, Chairman
Zoning Board
City of Stamford, CT

Re: APPL. 209-06, 28 Southfield Investment LLC

Dear Mrs. Kapiloff:

At its meeting held on April 14, 2009, the Planning Board reviewed the above application referred in accordance with the requirements of the Stamford Charter.

The applicant is requesting a special exception to construct a residential development containing 256 units, 30 boat slips and an associated water-dependent amenity on 5.8 acres fronting on Southfield Avenue, Selleck Street and Davenport Street.

The Planning Board voted unanimously to recommend approval of the application. The proposed development is consistent with the Master Plan—Category #13, Mixed-Use—Shorefront.

In the Planning Board's review of the proposed development, several issues were raised as follows:

- o Recognition should be given to the fact that the adjacent property to the north is a concrete and asphalt industry along with its associated barge traffic. The design features of the Davenport Landing project should address the impacts of this industrial use. Attention should be given to any proposed wall, including aesthetics, along the northerly boundary to mitigate these impacts.
- o The provision of public access to the waterfront is a key element of this project. Every effort should be made to insure that the design of the public access is of the highest quality and that appropriate signage is included.
- o In order to avoid parking and marina access conflicts between boaters and the public, a management plan for these facilities should be reviewed by the Zoning Board.

Sincerely,

A handwritten signature in cursive that reads 'Duane Hill'.

Duane Hill, Chairman
Stamford Planning Board

TO: Stamford Zoning Board

FROM: John W. Knuff

DATE: October 14, 2015

RE: Compliance with Coastal Area Management Act
Coastal Site Plan Applications of

- The Strand/BRC Group LLC,
- Southfield Property LLC and Waterfront Office Building L.P.
- Waterfront Magee LLC (collectively “the Applicants”)

I. Introduction

The Applicants have submitted three Coastal Site Plan Review applications (the “Applications”), which are subject to the provisions of the Connecticut Coastal Area Management Act, General Statutes § 22a-93 *et seq.* (the “CAM Act”). A Coastal Site Plan Review Application Report has been prepared by Fuss & O’Neill for each of the Applications and the reports were submitted simultaneously with the Applications (the “Reports”). The purpose of this memo is to (i) set forth the process by which Coastal Site Plan applications are to be reviewed and (ii) to demonstrate how the Applications satisfy both the letter and the spirit of the CAM Act.

II. The CAM Act

Section 22a-106 sets for the process by which a municipal agency shall review coastal site plans.

A municipal agency reviewing a coastal site plan shall determine “whether or not the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities are acceptable.”

In determining the acceptability of potential adverse impacts of the proposed activity described in the coastal site plan on both coastal resources and future water-dependent development opportunities a municipal agency shall:

- consider the characteristics of the site, including the location and condition of any of the coastal resources defined in section 22a-93; both beneficial and adverse;
- consider the potential beneficial effects of the proposed activity on coastal resources;
- consider the potential adverse effects of the proposed activity on coastal resources;
- consider the potential beneficial effects of the proposed activity on future water-dependent opportunities;
- consider the potential adverse effects of the proposed activity on future water-dependent development opportunities; and
- follow all applicable goals and policies stated in section 22a-92 and identify conflicts between the proposed activity and any goal or policy.

In addition, the CAM Act also provides that “[i]n approving any activity proposed in a coastal site plan, the municipal board or commission shall make a written finding that the proposed activity with any conditions or modifications imposed by the board: (1) Is consistent with all applicable goals and policies in section 22a-92; (2) incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

As described below, the Applications are consistent with all applicable goals and policies of the CAM Act and either have no or mitigate any adverse impacts on coastal resources and future water-dependent uses, and should therefore be approved.

III. Discussion

A. Characteristics of the sites

The characteristics of the three Application sites are set forth in detail in the Reports. The following should be noted, however.

The Davenport site “is currently protected by rip rap of varying size and condition, with most of the shoreline subject to erosion due to inadequate rip rap coverage. A dilapidated timber and concrete dock is present as the southern part of the shoreline, and four dilapidated timber dolphins are present along the shoreline.”

The Strand (14 acre) site is a Transfer Act site and a substantial environmental clean-up as mandated by Connecticut DEEP is on-going.

The Magee site currently includes paved parking areas, landscaped areas, and paved and gravel walkways. It does not have direct water access, and does not currently include a water-dependent use.

B. Beneficial effects on coastal resources

“Coastal resources” is defined at CGS § 22a-93 (7) and includes fourteen different types of resource types. Both the Reports and the Applications themselves identify the types of coastal resources found at each of the three sites.

Beneficial effects of the activities proposed in the Applications on coastal resources include the following:

- Elimination of erosion and related impacts on water quality in the estuarine embayment
- Removal of impacted sediment and soil thus improving water quality
- Removing chemical substances present in sediment and soil from the food chain
- Creation of more land under water: By excavating and dredging the shoreline and travel lift well, the Davenport application proposes creating land under water, which – from a resource perspective – is much preferable to filling water and making land.

- Replacement of dilapidated and unstable shoreline with developed shorefront that provides public access

C. Negative effects on coastal resources

Pursuant to the Reports, the Applications do not propose any negative effects on coastal resources.

D. Beneficial effects on future water-dependent uses

Each of the Applications proposes beneficial effects on future water-dependent uses as defined in the CAM Act.

The Davenport Application proposes a marina, recreational boating facilities, waterfront dock and port facilities, water-based recreational uses, and general public access.

The Strand/14 acre Application proposes a 220 slip marina and meaningful general public access where previously there had been none.

The Magee Application proposes recreational boat storage in Stamford Harbor.

E. Negative effects on future water-dependent development opportunities

The CAM Act defines “adverse impacts on future water-dependent development opportunities” as:

(A) locating a non-water-dependent use at a site that (i) is physically suited for a water-dependent use for which there is a reasonable demand or (ii) has been identified for a water-dependent use in the plan of development of the municipality or the zoning regulations; (B) replacement of a water-dependent use with a non-water-dependent use, and (C) siting of a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters.

Applying these three factors to the activities proposed in the Davenport and Strand Applications demonstrates that these Applications do not propose any adverse impacts on future water-dependent development opportunities. Notably, each of the three factors requires that a non-water-dependent use be proposed before one can make a finding that there will be adverse impact on future water-dependent opportunities. As described below, both of these two Applications propose multiple water-dependent uses and thus any adverse impacts on future water-dependent opportunities is acceptable.

The Stamford Coastal Site Plan application form references the “‘Index of Policies’ Planning Report 30.” In September 2000, the Connecticut Department of Environmental Protection

("DEEP") replaced Planning Report 30, which was published in December 1979, with the Coastal Management Manual (the "Manual")."

The Manual provides that provision of coastal public access will bring a project into compliance with the water-dependent use policies of the CAM Act. Specifically, the Manual provides:

Generally, coastal public access should be provided where appropriate as a stand-alone water-dependent use and at any waterfront site proposed for non-water-dependent use to make the project consistent with the water-dependent use policies of the CCMA and to mitigate unacceptable adverse impacts of the proposed development on future water-dependent development opportunities.

Manual, Office of Long Island Sound Programs Fact Sheet for General Public Access to Coastal Waters.

Thus, the provision of public access at any waterfront site proposed for a non-water-dependent use can independently make a project consistent with the water-dependent use policies of the Coastal Management Act and mitigates unacceptable adverse impacts of the proposed development on future water-dependent development opportunities. In the case of the Davenport and Strand Applications, public access is provided *in addition to* another water-dependent use.

1. Davenport site

There are no adverse impacts to future water-dependent opportunities because the Davenport Application proposes a comprehensive marina, boatyard, and public access – all of which are water-dependent uses - on a site that does not currently feature a water-dependent use. Thus, none of the three factors for a finding of an adverse impact to future water-dependent opportunities apply to the Davenport Application.

2. The Strand/14 acre site

Here, not only is meaningful public access proposed (where previously there was none), but also an active water-dependent use is proposed in the form of a 220 slip marina. Provision of such facilities is an appropriate modification to mitigate any potential adverse impacts to a level which is consistent with applicable goals and policies of the CAM Act.

This conclusion is consistent with a prior DEEP opinion regarding the Strand site. Specifically, DEEP provided the following opinion concerning a prior proposal for an office building at the Strand site:

Previously, this site had been the location of a succession of archetypical water-dependent uses . . . including marine manufacturers and more recently a major full-service boatyard that could accommodate large sailboats. While the site is now vacant, its location on an open waterfront peninsula adjacent to Stamford

harbor makes it physically well-suited to maritime and recreational boating use. . . .

In sum, on one side of the equation the [office building] proposal would permanently displace the opportunity for a substantial marine commercial facility with a non-water-dependent use, at a location physically and historically suited for marine commercial activity. On the other side of the balance, the applicant proposes to provide considerable mitigation, in the form of off-site compensation with a new marina facility, combined with on-site public access components. Ultimately, the issue of CMA consistency comes down to a qualitative balancing of all the relevant factors. Once the applicant has minimized and mitigated the adverse impacts to the maximum extent, the permitting authority must decide whether or not the remaining impacts are acceptable. While the complete extent of mitigating activities is not yet known and will be determined through the municipal coastal site plan review process, **if the proposal ultimately provides reasonable mitigation the [DEEP] considers the prospects of significant employment and economic benefits from [the office building project] to outweigh any unmitigated adverse impacts. Thus, the application would be deemed consistent with the water-dependent use policies of the [Act].**

(Emphasis added.) DEEP, Memo re: Coastal Consistency of Bridgewater Proposal, Harbor Point, Stamford (March 26, 2013).

Connecticut caselaw also supports the conclusion that provision of public access on its own can sufficiently mitigate any potential adverse impacts.

The chief case is *DeBerandinis v. Zoning Commission of the City of Norwalk*, 228 Conn. 187 (1994). In *Deberandinis*, the Supreme Court affirmed a trial court's judgment reversing a commission's approval of a coastal site plan with conditions. The site plan at issue concerned an application to expand an existing recycling operation onto an adjoining parcel located within a coastal area. The commission approved the plan but added six conditions, including mandating a grant by the applicant of an easement to provide public access along the Norwalk River. The trial court found that condition to be illegal because the condition did not sufficiently mitigate the potential adverse impacts of the plan. The Supreme Court affirmed, because the record contained evidence of suitable means to mitigate adverse impacts, including: suggestion by DEEP of erection of a walkway that easily could link to existing riverfront walkway; a list of six improved properties in the area that provided public access to the river; and a longstanding plan of development encouraging walkways.

In *Connecticut Conservation Association, Inc. v. Bridgeport Zoning Commission et al*, Superior Court, judicial district of Fairfield at Bridgeport, 1992 WL 123889 (May 28, 1992), the commission granted the defendant's application for coastal site plan approval and a special permit for filling, for the purpose of constructing a retail shopping center that contained a Price Club, several restaurants, a waterfront promenade of over 1000ft, and two fishing piers - all open to general public. The property at issue was 37 acres with 1300 ft of frontage on Yellow Mill Channel in Bridgeport. The plaintiff, an environmental non-stock corporation, appealed. The

trial court dismissed the appeal, on the basis that the record contained substantial evidence in support of the approval, including a letter from DEEP stating the plan satisfied the water-dependent use criteria. The court noted that the applicant was not required to adhere to every DEEP recommendation.

Because the Strand Application proposes both meaningful public access in a location where none had been offered and a 220 slip marina, it does not propose a negative impact on future water-dependent development opportunities.

3. Magee Application

The Magee Application proposes a non-water-dependent use of boat storage on a site that does not currently feature a water-dependent use. It should be noted, however, that the current Magee property was originally part of a larger parcel. The owner of that larger parcel donated a portion of the property for public access as part of another development plan. As a result, the current Magee property has no direct access to Stamford Harbor, but the original parcel does contain public access.

F. Goals and Policies of the CAM Act

The Reports describe in detail how the proposed activities are consistent with the goals and policies of the CAM Act. Notably, there are no conflicts between the Act's goals and policies and the activities proposed in the Applications.

IV. Conclusion

Each of the six factors of the CAM Act supports approval of the Applications. In addition, as noted in the Reports, the Applications include substantial measures to mitigate any potential adverse impacts on coastal resources.

**Harbor Point
Zoning Applications 215-02 to 215-07
And C SPR 978**

JPC's Comments

Good evening JPC, President and CEO Stamford Chamber of Commerce, representing 1,700 business in Stamford, the voice of the Stamford Business Community that employ nearly 30,000 city residence, people that live and work in Stamford every day.

It is no surprise that the SCC supports a Zoning Application that provides job opportunity and growth to the Stamford's Economy and that is why we are here tonight to support these applications. These are not just construction jobs but permanent good paying jobs.

The demolition of the previous boat yard has caused four years of upheaval and stopped one of the best recognized self-funded renewal projects in the north east. Something that has the promise of having as much positive impact on the city of Stamford as the Urban Renewal Plan did during the 70's, 80's and 90's. And this happened without federal, state or local dollars.

Whether you realize it or not Stamford's economic development has come to a screeching halt because of the removal of the boat yard. So now what are you going to do. Is this going to be a simple case of cutting off your nose to spite you face?

Things have turned upside down here in Stamford the past couple of years. It is no longer "what is in the best interest of the city of Stamford or the citizens of Stamford," it is now about punishing someone for the removal of the previous boat yard. This has to stop because the people that are protesting this the loudest are not concerned with, what is in the best interest of Stamford, there only goal is to prevent any further development of the south end, Harbor Point. Somehow they feel that their actions are going to bring back the boat yard on the previous site. Maybe someday it will, 10 to 20 years from now, when the people protesting the loudest are long gone and who are left holding the bag, the citizens of Stamford, unfortunately the boating industry is long gone from Stamford.

So who is really being hurt by all these delays and non-action by the land use boards? It is the people and businesses in the south end and more importantly the city of Stamford and the tax payers. Without growth we become stagnant and once you are stagnant you have a greater risk of becoming a Bridgeport. Stamford was the shining star of the Gold Coast, what are we now?

What have you been reading the past couple of years in the advocate, about economic growth in Fairfield County? It is all about Norwalk and its economic growth and its plan for growth. We have lost companies here in Stamford that have moved to Norwalk. Norwalk is going to build a super first class Mall at the intersection of I-95 and RT 7. What is Stamford celebrating? Not growth or a new business that has decided to call Stamford its home. No! We are celebrating the relocation of a small business that decided to move from the down town to the parkway because they are downsizing. We appreciate all business that chose to stay in Stamford, but we are not see growth.

It is time to move forward, it is time to put this dilemma behind us. you the members of the Planning Board have to decided, what is in the best interest of the city of Stamford, not the boat yard people not the developer, but the city of Stamford and the citizens of Stamford?

The independent Study commissioned by the city of Stamford has been completed and the conclusion is the proposed boat yard will work for the boating community, with some minor adjustment. And there is an opportunity for growth in this boat yard.

So it is time to move forward. Stamford can have a new state of the art boat yard by the 2016 boating season and let's get Stamford's economic growth back on track for the South End and Harbor Point.

There is an old saying I heard today, it is time to move forward so either lead, follow or get out of the way.

It is time.

Thank you.

James E. Bronstien

513 Par Ct
North Palm Beach
Florida 33408

Call: 561-346-9580
Fax: 561-626-8786
jimb@marineba.com

Summary: *30 years as owner, senior executive, advisor, and partner of marine industry businesses.*

Professional Experience

Marine Business Advisors

Owner

2006-present

An advisory/consulting firm specializing in operational, organizational, marketing, and financial management for new and existing businesses, primarily engaged in the yacht industry. Long and short-term clients include yacht builders, repair yards, marinas and marine accessory businesses. www.marineba.com

Marina Palms Yacht Club

Managing Partner

2015-present

Long term operating agreement for brand new 112 slip marina and residential development, Marina Palms, in Aventura, Florida. Operating partnership with principal of BR Marinas, Brazil's premier marina company and one additional locally based partner.

Tres Ninas Boat Rental

2011-present

Owner

Principal of a boat rental business in Quepos, Costa Rica. First boat rental business to be established in the country

Saunders Yachtworks

Shareholder/Board Chairman

2008-present

The premier full-service boatyard in the Gulf Region with facilities in Orange Beach and Gulf Shores, Alabama. Staff of 65. Outside shareholder and board chairman of the company.

Marina Pez Vela**Partner****2008 - 2010****Advisor****2011 - present**

One of 3 partners of a major Costa Rican based marina/boatyard development project. Responsible for marketing program and operational consultation. Sold project to local development group. Ongoing advisor to project thru Marine Business Advisors.

Broward Yacht**Chief Operating Officer****2006-2007**

Engaged on a contractual basis to provide a new owner structure, organization and development of all business operations following an acquisition of the mega yacht custom build and refit company. Staff of 150.

Rybovich**President/Owner****1984 -2005****10 years****COO/Vice President****11 years**

Owned and operated one of the most prominent and well recognized yacht refit, marina, brokerage and custom boat manufacturing businesses in the country. Led a staff of 175 and grew and guided all facets of this famed business prior to selling the company to a major investment family. \$6 million in sales in 1984, \$25 million in 2005.

EDUCATION:

Bachelor of Science in School of Business
Degrees in both Finance and Marketing 1982
University of Colorado, Boulder, Colorado

Numerous on-going seminars and personal
development courses

MAYOR
DAVID R. MARTIN



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

CHAIRMAN
DR DAMIAN ORTELLI

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RAYMOND L. REDNISS

SECRETARY/TREASURER
ROBERT M. KARP

PAUL ADELBERG
JEFFERY SAUNDERS
ROBERT J. STRADA
GRIFFITH H. TROW

STEVEN M. LOEB, ALTERNATE
MICHAEL PENSIERO, ALTERNATE

**Stamford Planning Board Public Hearing
Concerning Boatyard and Marina-Related Applications by
The Strand/BRC Group, LLC, Southfield Property, LLC,
and Waterfront Office Building, LP
Affecting the Stamford Waterfront and Harbor Management Area**

**Remarks by Dr. Damian Orтели
Chairman, Stamford Harbor Management Commission**

October 14, 2015

My name is Dr. Damian Orтели. I am the Chairman of the Stamford Harbor Management Commission and will speak tonight on the Commission's behalf. Other members of the Commission are also present. My remarks concern the boatyard- and marina-related applications by The Strand/BRC Group, LLC, Southfield Property, LLC, and Waterfront Office Building, LP affecting the Stamford waterfront and Harbor Management Area.

The applications have been submitted by the applicants to the Stamford Zoning Board. It is our understanding that the Planning Board is reviewing the applications for consistency with the Stamford Master Plan and that you will transmit your findings to the Zoning Board.

The applications are inter-related; they are intended to advance the applicants' comprehensive waterfront development plan involving: a) discontinuation of water-dependent uses on the 14-acre parcel described as the Boatyard Site in the Harbor Management Plan and referred to as the HELCO or Yacht Haven West site in the Master Plan; and b) establishment of new boating facilities on three separate properties, including the Davenport Landing Site and Boatyard Site on the West Branch of Stamford Harbor and property located on Magee Avenue near the Harbor's East Branch.

As presented to the Harbor Management Commission and Zoning Board, the boat service facilities proposed by the applicants for development on approximately 3.3 acres at

Davenport Landing are intended, in large part, to replace the water-dependent facilities of local and regional significance that previously operated on the 14-acre Boatyard Site and which were removed by The Strand/BRC Group, LLC in violation of the City's zoning requirements. In fact, the Commission understands that it is only due to the unauthorized removal of those facilities that the current proposals for new boating facilities have been submitted to the Zoning Board.

Of concern to the Harbor Management Commission with respect to these applications is the Cease and Desist Order issued to The Strand/BRC Group, LLC on July 16, 2012 by the City's Zoning Enforcement Officer. The Cease and Desist Order was issued for failure to comply with Condition of Approval No. 7 in the Harbor Point General Development Plan. This is the same condition from which the applicant now seeks release in Application 215-03. The Commission is aware that the applicant's appeal of the Cease and Desist Order to the Zoning Board of Appeals was unanimously denied, and that the applicant is currently challenging the Cease and Desist Order and the enforceability of Condition No. 7 in a pending legal proceeding before the Connecticut Superior Court.

In response to your request for comments from the Harbor Management Commission, the Commission held a Special Meeting on October 5, 2015 to discuss the applications and agreed to provide the following comments and findings to the Planning Board.

- No. 1. The applicants' proposals affect property on, in, or contiguous to the Stamford Harbor Management Area and therefore are subject to review by the Harbor Management Commission to determine their consistency with the Stamford Harbor Management Plan adopted by the Board of Representatives and approved by the State of Connecticut. The requirements of our review are specified in the Connecticut General Statutes, Stamford Code of Ordinances, and the Harbor Management Plan. Pursuant to the Statutes, Code, and Harbor Management Plan, a 2/3 vote of all members of the Zoning Board is needed to approve a proposal that has not received a favorable recommendation from the Harbor Management Commission.
- No. 2. There is a significant and vital relationship between the Harbor Management Plan which, among its many provisions, includes City policies for protecting and promoting water-dependent land-uses, and the Stamford Master Plan, which includes certain land-use provisions of Stamford's Municipal Coastal Program. It is the policy of the City of Stamford, adopted by the Board of Representatives, that the Harbor Management Plan and Master Plan should be implemented as complementary and consistent documents and should serve as the City's principal guides for land and water use on, in, or contiguous to the Stamford Harbor

Management Area. Both plans have established almost identical policies to: a) encourage and support continued operation and, where feasible, enhancement of public and private recreational boating facilities; and b) avoid development that would result in significant reduction of available recreational boating services of local and/or regional significance. Implementation of the water-dependent use policies established in the Harbor Management Plan and Master Plan is achieved in significant part in conjunction with the Stamford Zoning Regulations.

No. 3. The Harbor Management Plan attaches special significance to the Boatyard Site on the West Branch of Stamford Harbor. The Plan 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. Policies and recommendations to maintain those services are established in the Plan, including, but not limited to, the provision that development projects that may affect established water-dependent uses adjoining the West Branch 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. Prior to their unauthorized removal, the recreational boating services provided on the Boatyard Site were of such significance.

No. 4. The Master Plan, amended by the Planning Board in 2014, also attaches special significance to the Boatyard Site. The Master Plan states that *"For almost a century, a commercial boatyard was operated on a prominent waterfront site—historically called the HELCO (Northeast Utilities) or Yacht Haven West site—in the South End. Beginning in 1912, this site on the west branch of Stamford Harbor was occupied for more than 50 years by the Luders Marine Construction Company, a Stamford shipbuilding industry of national renown. When the City's coastal management program was being developed in the early 1980s, the boatyard then occupying the site was identified by City planners as one of the largest boatyard/marina facilities serving pleasure craft in the northeast United States. 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."*

The Master Plan calls for existing recreational boating facilities to be preserved and, when necessary, protected by public actions. In addition, the Master Plan calls for maintaining and enhancing Stamford's status as a center of recreational boating activity on Long Island Sound and a regional destination for visiting boaters. The Master Plan also calls for avoiding development that would result in "significant reduction of available recreational boating services, including, but not

limited to, vessel maintenance, repair, storage, hauling and berthing facilities of local and/or regional significance.”

- No. 5. The Harbor Management Commission previously reviewed the applicants’ proposals to the Zoning Board for consistency with the Harbor Management Plan and provided findings and comments to the Board in six separate letters dated March 28, 2015. Copies of those letters were provided to the Planning Board. The Commission intends to provide additional comments during the Zoning Board’s anticipated public hearings.

Please allow me to briefly summarize our initial response with respect to each application.

Regarding Application 215-02 to amend the zoning regulations concerning the SRD-S District, the Commission made no finding but provided comments.

Regarding Application 215-03 to amend Condition No. 7 of the Harbor Point General Development Plan, the Commission found 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. The Commission found the proposal to be inconsistent with the recreational boating and water-dependent use policies of the Harbor Management Plan and provided other findings and comments.

Regarding Application 215-04 to amend the Zoning Regulations concerning the Designed Waterfront Development District, the Commission deferred action pending additional review.

Regarding Application 215-05 to rezone Stamford Landing from CW-D Coastal Water Dependent to DW-D Designed Waterfront Development, the Commission deferred action pending additional review.

Regarding Application 215-06 for approval of Special Exceptions and General Development Plan for the Stamford Landing/Davenport Landing project, the Commission was not able to provide a favorable recommendation pending development of additional information.

Regarding Application 215-07 for approval of Final Site and Architectural Plan and Coastal Site Plan Review for the Stamford Landing/Davenport Landing

project, the Commission was not able to provide a favorable recommendation pending development of additional information.

We ask that you review our findings and comments with respect to each application in the course of your ongoing review.

- No. 6. Consistent with the Master Plan strategy that public actions should be taken, when necessary, to protect existing recreational boating and support facilities, the City provided an economic incentive for maintenance of water-dependent uses on the Boatyard Site. Paragraph 13 of the Cease and Desist Order states that: *“The 14-acre boatyard property was included within the SRD-S zone to establish additional development value of 700 +/- residential units coupled with the requirement that all of this development value be transferred to other, non-flood prone sites within the Harbor Point development to remove all redevelopment incentive and to preserve the existing boatyard and marina operations.”* In effect, transfer of these development rights from the Boatyard Site to other locations in the Harbor Point project allows the landowner to realize the economic benefits of development while retaining the water-dependent uses of local and regional significance.
- No. 7. The Harbor Management Plan directs the Harbor Management Commission to consider if there is any enforcement action pending for violations of law at the site of a proposed action being reviewed by the Commission. Recognizing the currently unresolved nature of the Cease and Desist Order, the Commission believes that it is inappropriate for the Zoning Board to consider modification of Condition No. 7 as requested in Application No. 215-03 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.
- No. 8. The Harbor Management Commission has not yet reviewed the October 1, 2015 report “Davenport Boatyard/Marina/Storage Yard Application Review” prepared for the Zoning Board by Pamela Lenzion, MarineTec Management & Consulting Company. We received this report on the day of our special meeting. Previously, the Commission reviewed several other reports prepared for the Zoning Board concerning the proposals, including:
- (a) “Comparable Evaluation of Yacht Haven Boatyard and Multiple Marine Development Sites,” July 10, 2015, prepared by Bermello, Ajamil & Partners Architects, Inc.;

- (b) "Preliminary Peer Review, Stamford Connecticut, Marine Market Study and Needs Analysis," July 12, 2015, prepared by Pamela Lenzion, MarineTec Management & Consulting Company, and
- (c) "Stamford Marine Market Study and Needs Analysis," July 23, 2015, prepared by Integra Realty Resources. This report was subsequently revised to September 2, 2015.

The Commission has informed the Zoning Board that the above-listed reports do not appear responsive to the SRD-S zoning requirements for retention of water-dependent uses. As a result, the Commission is concerned that implementation of the water-dependent use policies of the Stamford Harbor Management Plan, achieved in significant part in conjunction with the Stamford Zoning Regulations, including the SRD-S provisions, will be negatively affected. Our concerns in this regard are described in our letter to the Zoning Board dated July 30, 2015 with a copy to you.

No. 9. And this is my final point tonight. In order to conduct a proper review of the applicants' proposals with respect to the Harbor Management Plan and Master Plan, the proposals should be reviewed as essential elements of the applicants' larger development plan involving replacement of the significant water-dependent uses previously removed from the Boatyard Site in violation of City zoning requirements. Segmentation of the proposals for review purposes will preclude thorough evaluation of the proposals' cumulative positive and negative impacts. For example, the applicants' proposal to construct a boatyard at Davenport Landing, viewed in isolation, is seen to add water-dependent uses to Stamford Harbor; viewed as a whole, the applicants' proposals may very well result in a net loss of water-dependent facilities. Regarding the Davenport Landing boatyard proposal, the Harbor Management Commission has found that the applicant's proposal to the Connecticut Department of Energy and Environmental Protection, when reviewed as part of the larger development plan and in the absence of an independent assessment of the viability and sustainability of the separate water-dependent components of that plan, is not consistent with the water-dependent use provisions of the Harbor Management Plan. This finding is presented in our letter to the DEEP's Office of Adjudications dated September 18, 2015 with a copy to you.

In conclusion, the Harbor Management Commission wishes to thank the Planning Board for considering these comments and our ensuing concern that the applicants' proposals, when evaluated as one whole action, appear inconsistent with the recreational boating

and water-dependent use policies of the Master Plan and with the goals of Stamford's Municipal Coastal Program.

We hope our comments are helpful. We look forward to continuing to work with the Board to advance the City's policies, established in the Harbor Management Plan and Master Plan, to protect, promote, and enhance water-dependent uses of the Stamford waterfront, and to otherwise uphold the public interest in the beneficial use and conservation of the waterfront and Harbor Management Area.

Thank you for the opportunity to speak. I will submit these remarks and our formal letter to the Planning Board for the record of this hearing.

Respectfully submitted,



Dr. Damian Ortelli, Chairman
Stamford Harbor Management Commission

MAYOR
DAVID R. MARTIN



CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

CHAIRMAN
DR DAMIAN ORTELLI

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STEVEN M. LOEB, ALTERNATE
MICHAEL PENSIERO, ALTERNATE

October 13, 2015

Ms. Theresa Dell
Chair, Stamford Planning Board
Stamford Government Center
888 Washington Boulevard, 7th Floor
Stamford, CT 06901

Subject: ZB Application 215-02-by The Strand/BRC Group, LLC to amend the Zoning Regulations concerning the SRD-S District

ZB Application 215-03-by The Strand/BRC Group, LLC to amend Condition No. 7 of the Harbor Point General Development Plan and the GDP map and plans

ZB Application 215-04-by Southfield Property, LLC to amend the Zoning Regulations concerning the Designed Waterfront Development District

ZB Application 215-05-by Waterfront Office Building, LP to rezone Stamford Landing from CW-D Coastal Water Dependent to DW-D Designed Waterfront Development

ZB Application 215-06-by Southfield Property, LLC and Waterfront Office Building, LP, for approval of Special Exceptions and General Development Plan (Stamford Landing/Davenport Landing)

ZB Application 215-07-by Southfield Property, LLC and Waterfront Office Building, LP, for approval of Final Site and Architectural Plans and Coastal Site Plan Review (Stamford Landing/Davenport Landing)

Dear Ms. Dell:

In response to your request, I am herewith transmitting comments and findings of the Stamford Harbor Management Commission (SHMC) regarding the above-referenced applications submitted by the applicants to the Stamford Zoning Board. As understood by the SHMC, the Planning Board is reviewing the applications for consistency with the Stamford Master Plan and will hear public comments on the applications during a public meeting on October 14, 2015.

The applications are inter-related; they are intended to advance the applicants' comprehensive waterfront development plan involving: a) discontinuation of water-dependent uses on the 14-

acre parcel described as the Boatyard Site in the Harbor Management Plan and referred to as the HELCO or Yacht Haven West site in the Master Plan; and b) establishment of new boating facilities on three separate properties, including the Davenport Landing Site and Boatyard Site on the West Branch of Stamford Harbor and property located on Magee Avenue near the Harbor's East Branch.

As presented to the SHMC and Zoning Board, the boat service facilities proposed by the applicants for development on approximately 3.3 acres at Davenport Landing are intended, in large part, to replace the water-dependent facilities of local and regional significance that previously operated on the 14-acre Boatyard Site and which were removed by The Strand/BRC Group, LLC in violation of the City's zoning requirements. In fact, the SHMC understands that it is only due to the unauthorized removal of those facilities that the current proposals for new boating facilities have been submitted to the Zoning Board.

Of concern to the SHMC with respect to these applications is the Notice of Zoning Violation - Order to Cease and Desist (Cease and Desist Order) issued to The Strand/BRC Group, LLC on July 16, 2012 by the City's Zoning Enforcement Officer. The Cease and Desist Order was issued for failure to comply with Condition of Approval No. 7 in the Harbor Point General Development Plan. This is the same condition from which the applicant now seeks release in Application 215-03. The SHMC is aware that the applicant's appeal of the Cease and Desist Order to the Zoning Board of Appeals was unanimously denied, and that the applicant is currently challenging the Cease and Desist Order and the enforceability of Condition No. 7 in a pending legal proceeding before the Connecticut Superior Court.

The SHMC considered these matters during a Special Meeting on October 5, 2015. After significant discussion, the SHMC agreed to provide the following comments and findings to the Planning Board.

1. The applicants' proposals affect property on, in, or contiguous to the Stamford Harbor Management Area and therefore are subject to review by the SHMC to determine their consistency with the Stamford Harbor Management Plan adopted by the Board of Representatives and approved by the State of Connecticut. The requirements of this review are specified in Sec. 22a-113p of the Connecticut General Statutes, Sec. 6-62 of the Stamford Code of Ordinances, and the Harbor Management Plan. Pursuant to the General Statutes, City Code, and Harbor Management Plan, a 2/3 vote of all members of the Zoning Board is needed to approve a proposal that has not received a favorable recommendation from the SHMC.
2. There is a significant and vital relationship between the Harbor Management Plan which, among its many provisions, includes City policies for protecting and promoting water-dependent land-uses, and the Stamford Master Plan, which includes certain land-use provisions of Stamford's Municipal Coastal Program. It is the policy of the City of Stamford, adopted by the Board of Representatives, that the Harbor Management Plan

and Master Plan should be implemented as complementary and consistent documents and should serve as the City's principal guides for land and water use on, in, or contiguous to the Stamford Harbor Management Area. Both plans have established almost identical policies to: a) encourage and support continued operation and, where feasible, enhancement of public and private recreational boating uses and facilities; and b) avoid development that would result in significant reduction of available recreational boating services of local and/or regional significance. Implementation of the water-dependent use policies established in the Harbor Management Plan and Master Plan is achieved in significant part in conjunction with the Stamford Zoning Regulations.

3. The Harbor Management Plan attaches special significance to the Boatyard Site on the West Branch of Stamford Harbor. The Plan 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. Policies and recommendations to maintain those services are established in the Plan, including, but not limited to, the provision that development projects that may affect established water-dependent uses adjoining the West Branch 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. Prior to their unauthorized removal, the recreational boating services provided on the Boatyard Site were of such significance.
4. The Master Plan, amended by the Planning Board in 2014, also attaches special significance to the Boatyard Site. The Master Plan states that *"For almost a century, a commercial boatyard was operated on a prominent waterfront site—historically called the HELCO (Northeast Utilities) or Yacht Haven West site—in the South End. Beginning in 1912, this site on the west branch of Stamford Harbor was occupied for more than 50 years by the Luders Marine Construction Company, a Stamford shipbuilding industry of national renown. When the City's coastal management program was being developed in the early 1980s, the boatyard then occupying the site was identified by City planners as one of the largest boatyard/marina facilities serving pleasure craft in the northeast United States. 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."*

The Master Plan calls for existing recreational boating facilities to be preserved and, when necessary, protected by public actions. In addition, the plan calls for maintaining and enhancing Stamford's status as a center of recreational boating activity on Long Island Sound and a regional destination for visiting boaters. The plan also calls for avoiding development that would result in "significant reduction of available recreational boating services, including, but not limited to, vessel maintenance, repair, storage, hauling and berthing facilities of local and/or regional significance." On the Master Plan's Future Land Use Plan, the Boatyard Site falls within the land use category of "Shorefront Mixed-Use" intended, among other things, to protect existing water-

dependent uses and encourage new uses which depend upon marine access. (See the attached excerpts from the Master Plan concerning protection and promotion of water-dependent uses.)

5. The SHMC previously reviewed the applicants' proposals to the Zoning Board for consistency with the Harbor Management Plan and provided findings and comments to the Board in six separate letters dated March 28, 2015. Copies of those letters, previously provided to the Planning Board, are enclosed for your convenience. A summary of the SHMC's findings is included below. With regard to each application, the SHMC reserved its right to continue to review the proposal and provide additional comments at such time as the proposal may be modified, additional information is provided, or the proposal is the subject of a public hearing. The SHMC intends to provide additional comments during the Zoning Board's anticipated public hearings.

ZB Application 215-02: SHMC made no finding; provided comments.

ZB Application 215-03: SHMC found 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; SHMC found the proposal to be inconsistent with the recreational boating and water-dependent use policies of the Harbor Management Plan and provided other findings and comments.

ZB Application 215-04: SHMC deferred action pending additional review; provided comments.

ZB Application 215-05: SHMC deferred action pending additional review; provided comments.

ZB Application 215-06: SHMC was not able to provide a favorable recommendation pending development of additional information; provided comments.

ZB Application 215-07: SHMC was not able to provide a favorable recommendation pending development of additional information; provided comments.

6. Consistent with the Master Plan strategy that public actions should be taken, when necessary, to protect existing recreational boating and support facilities, the City provided an economic incentive for maintenance of water-dependent uses on the Boatyard Site. Paragraph 13 of the Cease and Desist Order states that: *"The 14-acre boatyard property was included within the SRD-S zone to establish additional development value of 700 +/- residential units coupled with the requirement that all of this development value be transferred to other, non-flood prone sites within the Harbor Point development to remove all redevelopment incentive and to preserve the existing boatyard and marina*

operations.” In effect, transfer of these development rights from the Boatyard Site to other locations in the Harbor Point project allows the landowner to realize the economic benefits of development while retaining the water-dependent uses of local and regional significance.

7. The Harbor Management Plan directs 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. Recognizing the currently unresolved nature of the Cease and Desist Order, the SHMC believes that it is inappropriate for the Zoning Board to consider modification of Condition No. 7 as requested in Application No. 215-03 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.

8. The SHMC has not yet reviewed the October 1, 2015 report “Davenport Boatyard/Marina/Storage Yard Application Review” prepared for the Zoning Board by Pamela Lenzion, MarineTec Management & Consulting Company. Previously, the SHMC reviewed several other reports prepared for the Zoning Board concerning the proposals, including:
 - (a) “Comparable Evaluation of Yacht Haven Boatyard and Multiple Marine Development Sites,” July 10, 2015, prepared by Bermello, Ajamil & Partners Architects, Inc.;
 - (b) “Preliminary Peer Review, Stamford Connecticut, Marine Market Study and Needs Analysis,” July 12, 2015, prepared by Pamela Lenzion, MarineTec Management & Consulting Company, and
 - (c) “Stamford Marine Market Study and Needs Analysis,” July 23, 2015, prepared by Integra Realty Resources. (This report was subsequently revised

The SHMC has informed the Zoning Board that the above-listed reports do not appear responsive to the SRD-S zoning requirements for retention of water-dependent uses. As a result, the SHMC is concerned that implementation of the water-dependent use policies of the Stamford Harbor Management Plan, achieved in significant part in conjunction with the Stamford Zoning Regulations, including the SRD-S provisions, will be negatively affected. Our concerns in this regard are described in the enclosed letter of July 30, 2015 to the Zoning Board.

9. In order to conduct a proper review of the applicants’ proposals with respect to the Harbor Management Plan and Master Plan, the proposals should be reviewed as essential elements of the applicants’ larger development plan involving replacement of the significant water-dependent uses previously removed from the Boatyard Site in violation of City zoning requirements. Segmentation of the proposals for review purposes will preclude thorough evaluation of the proposals’ cumulative positive and negative impacts and make the projects appear more acceptable to the reviewing agencies. For example,

the applicants' proposal to construct a boatyard at Davenport Landing, viewed in isolation, is seen to add water-dependent uses to Stamford Harbor; viewed as a whole, the applicants' proposals may well result in a net loss of water-dependent facilities. Regarding the Davenport Landing boatyard proposal, the SHMC has found that the applicant's proposal to the Connecticut Department of Energy and Environmental Protection, when reviewed as part of the larger development plan and in the absence of an independent assessment of the viability and sustainability of the separate water-dependent components of that plan, is not consistent with the water-dependent use provisions of the Harbor Management Plan. This finding is presented in the enclosed letter of September 18, 2015 to the DEEP's Office of Adjudications.

In conclusion, the SHMC wishes to thank the Planning Board for considering these comments and our ensuing concern that the applicants' proposals, when evaluated as one whole action, appear inconsistent with the recreational boating and water-dependent use policies of the Master Plan and with the goals of Stamford's Municipal Coastal Program.

We look forward to continuing to work with the Board to advance the City's policies, established in the Harbor Management Plan and Master Plan, to protect, promote, and enhance water-dependent uses of the Stamford waterfront, and to otherwise uphold the public interest in the beneficial use and conservation of the waterfront and Harbor Management Area.

If you have any questions or require any additional information, please contact me at (315) 651-0070 or dortelli@stamfordct.gov.

Sincerely,



Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

Attachment and Enclosures

cc:

Mr. Frank Fedeli, Stamford Office of Operations
Mr. John Freeman, Attorney, Harbor Point Development
Ms. Kristal Kallenberg, CT DEEP Office of Long Island Sound Programs
Mr. Griffith Trow, Chairman, SHMC Application Review Committee
Planning Board Members
Zoning Board Members

MAYOR
DAVID R. MARTIN



CITY OF STAMFORD, CONNECTICUT
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STEVEN M. LOEB, ALTERNATE
MICHAEL PENSIERO, ALTERNATE

March 28, 2015

Mr. Norman Cole
Land Use Bureau Chief
Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901

Subject: Application 215-02-by The Strand/BRC Group, LLC to amend the Zoning Regulations concerning the SRD-S District

Dear Mr. Cole:

The Stamford Harbor Management Commission (SHMC) has reviewed the proposal submitted to the Zoning Board by The Strand/BRC Group, LLC (the Applicant) to amend Article III, Section 9(J)(5)(b) of the Zoning Regulations by modifying non-residential floor area from .20 to .23 FAR in the South End Redevelopment District, South (SRD-S District).

As the Applicant's proposal affects property on, in, or contiguous to the Stamford Harbor Management Area, the proposal is subject to review by the SHMC to determine its consistency with the Stamford Harbor Management Plan. The requirements of this review are specified in Sec. 22a-113p of the Connecticut General Statutes, Sec. 6-62 of the Stamford Code of Ordinances, and the Harbor Management Plan. Pursuant to the General Statutes, City Code, and Harbor Management Plan, a 2/3 vote of all members of the Zoning Board is needed to approve a proposal that has not received a favorable recommendation from the SHMC.

During its meeting on March 17, 2015, 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.

If you have any questions or require any additional information at this time, please contact me 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
Mr. John Freeman, Attorney, Harbor Point Development
Ms. Kristal Kallenberg, CT DEEP Office of Long Island Sound Programs
Mr. Griffith Trow, Chairman, SHMC Application Review Committee
Planning Board Members
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MICHAEL PENSIERO, ALTERNATE

March 28, 2015

Mr. Norman Cole
Land Use Bureau Chief
Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901

Subject: Application 215-03-by The Strand/BRC Group, LLC to amend the Harbor Point General Development Plan

Dear Mr. Cole:

The Stamford Harbor Management Commission (SHMC) has reviewed the proposal submitted to the Zoning Board by The Strand/BRC Group, LLC (the Applicant) for amendment of the Harbor Point General Development Plan (GDP). The proposed amendment affects the 14-acre property within the GDP described as the "boatyard site" in the Stamford Harbor Management Plan, and would replace existing GDP Condition of Approval No. 7 calling in part for continued operation of the 14-acre boatyard as a working boatyard and full service marina with no reduction in any current capacity, facilities, uses or services unless specifically approved by the Zoning Board and any required state and federal authorities. The Applicant proposes to replace this requirement with a new condition that in part would allow for the full development of the 14-acre site while providing a marina and public access improvements.

As the Applicant's proposal affects property on, in, or contiguous to the Stamford Harbor Management Area, the proposal is subject to review by the SHMC to determine its consistency with the Stamford Harbor Management Plan. The requirements of this review are specified in Sec. 22a-113p of the Connecticut General Statutes, Sec. 6-62 of the Stamford Code of Ordinances, and the Harbor Management Plan. Pursuant to the General Statutes, City Code, and Harbor Management Plan, a 2/3 vote of all members of the Zoning Board is needed to approve a proposal that has not received a favorable recommendation from the SHMC.

During its meeting on March 17, 2015, 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.

If you have any questions or require any additional information, please contact me 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
Mr. John Freeman, Attorney, Harbor Point Development
Ms. Kristal Kallenberg, CT DEEP Office of Long Island Sound Programs
Mr. Griffith Trow, Chairman, SHMC Application Review Committee
Planning Board Members
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MICHAEL PENSIERO, ALTERNATE

March 28, 2015

Mr. Norman Cole
Land Use Bureau Chief
Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901

Subject: Application 215-04-by Southfield Property, LLC to amend the Zoning Regulations concerning the Designed Waterfront Development District

Dear Mr. Cole:

The Stamford Harbor Management Commission (SHMC) has reviewed the proposal submitted to the Zoning Board by Southfield Property, LLC (the Applicant) to amend Article III, Section 9AAAA Designed Waterfront Development (DW-D) District of the Zoning Regulations regarding maximum building height and minimum side yard and to add a new water-dependent uses paragraph and a paragraph regarding existing structures along the waterfront.

As the Applicant's proposal affects property on, in, or contiguous to the Stamford Harbor Management Area, the proposal is subject to review by the SHMC to determine its consistency with the Stamford Harbor Management Plan. The requirements of this review are specified in Sec. 22a-113p of the Connecticut General Statutes, Sec. 6-62 of the Stamford Code of Ordinances, and the Harbor Management Plan. Pursuant to the General Statutes, City Code, and Harbor Management Plan, a 2/3 vote of all members of the Zoning Board is needed to approve a proposal that has not received a favorable recommendation from the SHMC.

During its meeting on March 17, 2015, 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.

If you have any questions or require any additional information at this time, please contact me 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
Mr. John Freeman, Attorney, Harbor Point Development
Ms. Kristal Kallenberg, CT DEEP Office of Long Island Sound Programs
Mr. Griffith Trow, Chairman, SHMC Application Review Committee
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MICHAEL PENSIERO, ALTERNATE

March 28, 2015

Mr. Norman Cole
Land Use Bureau Chief
Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901

Subject: Application 215-05-by Waterfront Office Building, LP for a zoning map change on property adjoining the Stamford Harbor Management Area.

Dear Mr. Cole:

The Stamford Harbor Management Commission (SHMC) has reviewed the proposal submitted to the Zoning Board by Waterfront Office Building LP (the Applicant) to amend the zoning map to change the classification of approximately 8.15 acres of property located at 46, 62, 68, and 78 Southfield Avenue from Coastal Water-Dependent District (C-WD) to Designed Waterfront Development District (DW-D).

As the Applicant's proposal affects property on, in, or contiguous to the Stamford Harbor Management Area, the proposal is subject to review by the SHMC to determine its consistency with the Stamford Harbor Management Plan. The requirements of this review are specified in Sec. 22a-113p of the Connecticut General Statutes, Sec. 6-62 of the Stamford Code of Ordinances, and the Harbor Management Plan. Pursuant to the General Statutes, City Code, and Harbor Management Plan, a 2/3 vote of all members of the Zoning Board is needed to approve a proposal that has not received a favorable recommendation from the SHMC.

During its meeting on March 17, 2015, 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 non-water 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.

If you have any questions or require any additional information at this time, please contact me 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
Mr. John Freeman, Attorney, Harbor Point Development
Ms. Kristal Kallenberg, CT DEEP Office of Long Island Sound Programs
Mr. Griffith Trow, Chairman, SHMC Application Review Committee
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MICHAEL PENSIERO, ALTERNATE

March 28, 2015

Mr. Norman Cole
Land Use Bureau Chief
Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901

Subject: Application 215-06-by Southfield Property, LLC and Waterfront Office Building, LP for approval of Special Exceptions and General Development Plan for property adjoining the Stamford Harbor Management Area

Dear Mr. Cole:

The Stamford Harbor Management Commission (SHMC) has reviewed the proposal submitted to the Zoning Board by Southfield Property, LLC and Waterfront Office Building, LP (the Applicants) for approval of Special Exceptions and General Development Plan to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres at 28, 46, 62, 68, and 78 Southfield Avenue in a Designed Waterfront Development (DW-D) District.

As the Applicants' proposal affects property on, in, or contiguous to the Stamford Harbor Management Area, the proposal is subject to review by the SHMC to determine its consistency with the Stamford Harbor Management Plan. The requirements of this review are specified in Sec. 22a-113p of the Connecticut General Statutes, Sec. 6-62 of the Stamford Code of Ordinances, and the Harbor Management Plan. Pursuant to the General Statutes, City Code, and Harbor Management Plan, a 2/3 vote of all members of the Zoning Board is needed to approve a proposal that has not received a favorable recommendation from the SHMC.

During its meeting on March 17, 2015, 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 the Applicants' presentation that the Applicants intend to transport boats removed from the water at the proposed Davenport Landing boatyard to a 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 SHMC 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.

If you have any questions or require any additional information at this time, please contact me 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
Mr. John Freeman, Attorney, Harbor Point Development
Ms. Kristal Kallenberg, CT DEEP Office of Long Island Sound Programs
Mr. Griffith Trow, Chairman, SHMC Application Review Committee
Planning Board Members
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MAYOR
DAVID R. MARTIN



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March 28, 2015

Mr. Norman Cole
Land Use Bureau Chief
Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901

Subject: Application 215-07-by Southfield Property, LLC and Waterfront Office Building, LP for approval of Final Site and Architectural Plans and Coastal Site Plan Review for property adjoining the Stamford Harbor Management Area

Dear Mr. Cole:

The Stamford Harbor Management Commission (SHMC) has reviewed the proposal submitted to the Zoning Board by Southfield Property, LLC and Waterfront Office Building, LP (the Applicants) for approval of Final Site and Architectural Plans and Coastal Site Plan Review to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres at 28, 46, 62, 68, and 72 Southfield Avenue in a Designed Waterfront Development (DW-D) District.

As the Applicants' proposal affects property on, in, or contiguous to the Stamford Harbor Management Area, the proposal is subject to review by the SHMC to determine its consistency with the Stamford Harbor Management Plan. The requirements of this review are specified in Sec. 22a-113p of the Connecticut General Statutes, Sec. 6-62 of the Stamford Code of Ordinances, and the Harbor Management Plan. Pursuant to the General Statutes, City Code, and Harbor Management Plan, a 2/3 vote of all members of the Zoning Board is needed to approve a proposal that has not received a favorable recommendation from the SHMC.

During its meeting on March 17, 2015, 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 the Applicants' presentation that the Applicants intend to transport boats removed from the water at the proposed Davenport Landing boatyard to a 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 SHMC 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.

If you have any questions or require any additional information at this time, please contact me 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
Mr. John Freeman, Attorney, Harbor Point Development
Ms. Kristal Kallenberg, CT DEEP Office of Long Island Sound Programs
Mr. Griffith Trow, Chairman, SHMC Application Review Committee
Planning Board Members
Zoning Board Members
Harbor Commission Members

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MICHAEL PENSIERO, ALTERNATE

July 30, 2015

Mr. Tom Mills
Chair, Stamford Zoning Board
Stamford Government Center
888 Washington Boulevard
Stamford, Connecticut 06904-2152

Subject: Consultant Reports Concerning Water-Dependent Use of Stamford Harbor

Dear Mr. Mills:

On behalf of the Stamford Harbor Management Commission (SHMC), I am writing to express some concerns regarding the following reports prepared for the Zoning Board in the course of the Board's ongoing review of several inter-related applications affecting the Stamford Harbor Management Area (SHMA).

- (1) "Comparable Evaluation of Yacht Haven Boatyard and Multiple Marine Development Sites," July 10, 2015. Prepared by Bermello, Ajamil & Partners Architects, Inc. (Comparable Evaluation Report)
- (2) "Preliminary Peer Review, Stamford Connecticut, Marine Market Study and Needs Analysis," July 12, 2015. Prepared by Pamela Lendzion, MarineTec Management & Consulting Company, LLC. (Preliminary Peer Review Report)
- (3) "Stamford Marine Market Study and Needs Analysis," July 23, 2015. Prepared by Integra Realty Resources. (Market Study and Needs Analysis Report)

The reports as submitted do not appear responsive to the South End Redevelopment District, South (SRD-S) zoning requirements for retention of water-dependent uses. As a result, the Commission is concerned that implementation of the water-dependent use policies of the Stamford Harbor Management Plan, achieved in significant part in conjunction with the Stamford Zoning Regulations, including the SRD-S provisions, will be negatively affected.

The now purported inter-related applications—Zoning Board applications 215-02, 215-03, 215-04, 215-05, 215-06, and 215-07—affect property on, in, or contiguous to the SHMA, including: the 14-acre peninsula at Bateman Way described as the “boatyard site” in the Harbor Management Plan; properties adjoining the West Branch of Stamford Harbor at Southfield Avenue; and a parcel near the East Branch of Stamford Harbor at Magee Avenue. Among other things, the applicants are proposing to move water-dependent uses historically operated on the boatyard site to multiple locations.

The applications are subject to review by the SHMC to determine their consistency with the Harbor Management Plan. The requirements of this review are specified in Sec. 22a-113p of the Connecticut General Statutes, Sec. 6-62 of the Stamford Code of Ordinances, and the Harbor Management Plan.

Previously, the SHMC provided comments to the Zoning Board concerning applications that were presented as independent of each other, and informed the Board that the SHMC reserves its right to continue to review the applications and provide additional comments at such time as they may be modified, additional information is provided, or they are the subject of a public hearing.

During its meeting on July 21, 2015, the SHMC discussed the Comparable Evaluation Report, Preliminary Peer Review Report, and requirements of the SRD-S zoning regulations with Land-Use Bureau Chief Norman Cole. In addition, the SHMC was made aware of and considered a recent confidentiality agreement between the applicants and the consultant retained by the Zoning Board to conduct a peer review of the applicants’ “market study and needs analysis” required by paragraph 4.d.4 of the SRD-S regulations. Following that discussion, it was the sense of the SHMC to transmit some initial comments to the Zoning Board, with the understanding that we will provide more detailed comments during the Board’s public hearing process.

While the SRD-S regulation calls for retention of water-dependent uses, including uses on the boatyard site, those uses may be modified provided the applicant makes certain demonstrations and provides specific information to the Zoning Board as specified in the SRD-S regulation.

Pursuant to Sec. 4.d.2 of the SRD-S regulation, the applicant must “demonstrate to the satisfaction of the [Zoning] Board that the modification of such [water-dependent] use is warranted under pertinent sections of the Connecticut Coastal Area Management Act; any such claim to be supported by full disclosure of all pertinent information including, but not limited to, financial data regarding the water-dependent use.”

The SHMC is concerned that the confidentiality agreement recently effectuated between the applicants and consultant retained by the Zoning Board appears contrary to Sec. 4.d.2 of the SRD-S regulation and, as a result, may significantly compromise the integrity of the resulting peer review.

Pursuant to Sec. 4.d.4 of the SRD-S regulation, the applicant must submit “a professionally-prepared market study and needs analyses of the site’s potential to support a water-dependent use under the existing zoning.” In this instance, the ‘site’ to be addressed should be the 14-acre boatyard site with respect to which the owner, in 2011, demolished the only remaining water-dependent facility of its kind in the SHMA without proper approvals and in violation of requirements imposed by the Zoning Board.

The SHMC is concerned that the applicants’ Market Study and Needs Analysis Report submitted to the Zoning Board does not address the boatyard site’s potential to support water-dependent use under the existing zoning and therefore is not responsive to Sec. 4.d.4 of the SRD-S regulation.

Further, while the SHMC recognizes that changed circumstances and conditions may affect interpretation of the zoning regulations, the SHMC does not believe the unanticipated and unlawful demolition of water-dependent uses on the boatyard site should be accepted as a condition that would excuse an applicant from complying with the requirements of the SRD-S regulation. In other words, the requirements should not be relaxed as a result of an applicant’s own unlawful act.

In light of these concerns, the SHMC recommends that the Zoning Board re-evaluate the adequacy and responsiveness of the consultant reports and address any deficiencies before proceeding any further with review of the submitted applications. In this regard, the Zoning Board should consider rejecting the submitted Market Study and Needs Analysis Report as wholly inadequate under the SRD-S regulation.

Thank you for your attention to these concerns. The SHMC looks forward to discussing this matter in more detail with the Zoning Board and Land-Use Bureau so that we may continue the most effective and coordinated review of these substantial proposals that will affect the character of the Stamford waterfront for many years.

If you have any questions or require any additional information at this time, please contact me at (315) 651-0070 or dortelli@stamfordct.gov.

Sincerely,



Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:

Mr. Norman Cole, Stamford Land-Use Bureau Chief
Mr. Frank Fedeli, Stamford Office of Operations
Mr. John Freeman, Attorney, Harbor Point Development
Ms. Kristal Kallenberg, CT DEEP Office of Long Island Sound Programs
Mr. Griffith Trow, Chairman, SHMC Application Review Committee
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STEVEN M. LOEBB, ALTERNATE
MICHAEL PENSIERO, ALTERNATE

September 18, 2015

Ms. Janice B. Deshais, Esq.
Director, Adjudicator
Connecticut Department of Energy and Environmental Protection
Environmental Protection Office of Adjudications
79 Elm Street
Hartford, Connecticut 06106-5127

Subject: Application No. 201503186-KB for work in the Stamford Harbor Management Area—Notice of Tentative Determination to Approve Structures, Dredging and Fill Permit and 401 Water Quality Certificate and Notice of Hearing

Dear Ms. Deshais:

The Stamford Harbor Management Commission (SHMC) has reviewed the above-referenced application and Notice of Tentative Determination (Notice) concerning a proposal by Southfield Properties, LLC (the Applicant), 2200 Atlantic Street, Stamford, Connecticut. That proposal involves dredging, construction of a bulkhead, and placement of in-water structures in the West Branch of Stamford Harbor. The proposed project, known as Davenport Landing, would establish a boatyard and marina on the Applicant's property at 28 Southfield Avenue, Stamford, and has been submitted for approval to the Connecticut Department of Energy and Environmental Protection's Office of Long Island Sound Programs (DEEP OLISP).

The purpose of the SHMC's review was to determine the consistency of the proposal with the Stamford Harbor Management Plan (the Plan) approved by the State of Connecticut and adopted by the Stamford Board of Representatives.

Please consider the following sequenced timeline of events and statements of facts relevant to the SHMC's review of the Applicant's proposal.

1. In 2011, the SHMC reviewed plans, submitted by a site's previous owner, for development of a marina on the Davenport Landing site and determined those plans were consistent with the Harbor Management Plan. That previous proposal differed from the current application in several significant ways. The previous owner's plans did not include dredging, bulk-heading, and construction of a working boatyard with an excavated travel-lift area as now proposed. In addition, unlike the current plans, the previous owner's plans were not an integral part of a much larger and more comprehensive waterfront development plan involving discontinuation of water-dependent uses on a site that is significantly larger than the Davenport Landing site. That larger, 14-acre site is identified as the Boatyard Site in the Harbor Management Plan.
2. The Harbor Management Plan attaches special significance to the Boatyard Site and reports that the facilities provided on this site at the time of adoption of the Plan, including facilities for the service, repair, and storage of vessels of all sizes, distinguished the businesses on this property from all other water-dependent businesses in Stamford. In addition, the Plan recognizes that much of Stamford's reputation as a boating center in western Long Island Sound is due primarily to the marine services historically and currently (at the time of adoption of the Plan) provided on the Boatyard Site.
3. During the April 21, 2015 meeting of the SHMC, the SHMC reviewed the Applicant's current Davenport Landing plans as part of the DEEP OLISP's pre-application process. The SHMC did not provide a favorable recommendation at that time. Instead, the SHMC informed the Applicant and DEEP OLISP that additional information, including an independent analysis as commissioned by the Stamford Zoning Board, would be needed to determine the viability of the proposed Davenport Landing boatyard. The SHMC also noted the applicable policies of the Harbor Management Plan that support public access to Stamford Harbor, development of boating facilities, and redevelopment of underutilized waterfront properties. In addition, the SHMC expressed its concerns about the viability of the Applicant's proposed method of off-site boat storage as described to the SHMC and about the clear intensification of marine traffic that would be generated by the Applicant's proposed boatyard. As is its custom with all pre-application proposals, the SHMC made clear to the Applicant and DEEP OLISP that the SHMC reserves its right to determine the proposal's consistency with the Harbor Management Plan and provide additional comments at such time as the proposal may be modified, additional information is provided, or the proposal is the subject of a public notice or hearing. These comments were included in a letter of April 27, 2015 from myself in my capacity as Chairman of the SHMC to the Applicant, with a copy to the DEEP OLISP. (Copy is herein enclosed for your convenience.)
4. In a letter of June 12, 2015 from the Applicant's representative to the DEEP Office of Adjudications, the Applicant requested that the DEEP hold a public hearing on the Davenport Landing proposal. That request, pursuant to Sec. 22a-361 of the Connecticut General Statutes, was made before the DEEP had reached a tentative decision regarding the application, and precluded the opportunity, also provided in Sec. 22a-361 of the General Statutes, for twenty-five or more persons to submit a petition to the DEEP requesting a public hearing on the Applicant's application.

5. During its meeting on June 16, 2015, the SHMC considered the Applicant's public hearing request. Expressing concern that a public hearing in July or August—traditional vacation times—would serve to suppress public participation in this most important matter affecting Stamford's harbor and waterfront, the SHMC asked the DEEP Office of Adjudications to not schedule a public hearing on the Applicant's proposal prior to September 2015. That request was transmitted in a letter of June 18, 2015 from myself in my capacity as Chairman of the SHMC to the Office of Adjudications. (Copy of that letter is herein enclosed for your convenience.)

6. On July 30, 2015, the DEEP OLISP issued its Notice to approve the Applicant's proposal, along with a Notice to hold a public hearing on this matter on September 8, 2015.

7. During its meeting on August 24, 2015, the SHMC discussed the Applicant's proposal and approved a motion to request that the Office of Adjudications accept public comments regarding the application until September 18, 2015. The SHMC informed the Office of Adjudications that such an extension will allow the SHMC to review the proposal during the SHMC's September 15 meeting in light of additional information submitted to the DEEP OLISP since the SHMC's initial review, together with information presented at the public hearing. The SHMC's request for extension of the comment period was subsequently agreed to by the Office of Adjudications.

8. On September 8, 2015, the DEEP held a public hearing on the Applicant's proposal in Stamford consisting of informational presentations by the Applicant and DEEP OLISP, and collection by the DEEP of public comment on the record. The hearing is to be continued at DEEP Headquarters in Hartford for the presentation of the parties' cases on September 23, 2015. The two parties to the hearing, as deemed by the DEEP, are the Applicant and DEEP OLISP.

9. During the September 8, 2015 public hearing, in my capacity as SHMC Chairman, I submitted testimony on behalf of the SHMC, to reiterate the SHMC's previous and preliminary comments on the Applicant's proposal; assert the SHMC's authority and responsibility to review the proposal for consistency with the Harbor Management Plan; and recount some of the history of the SHMC's review of the Applicant's proposal. In addition, the Chairman informed the hearing that the SHMC recommends that the DEEP OLISP, in order to conduct a proper review of the Applicant's proposal with respect to state laws and policies, including the Connecticut Coastal Management Act, must recognize the proposal as an integral part of a much larger waterfront development scheme involving other coastal properties. The Chairman also emphasized that the SHMC was continuing to review the Applicant's proposal for consistency with the Plan and will complete its review and provide a statement of findings and recommendations to the DEEP prior to the DEEP's decision on the Applicant's proposal. (A copy of these public hearing remarks is herein enclosed for your convenience.)

10. During the September 8, 2015 public hearing, public comments were heard concerning the Applicant's pending applications for zoning approvals, including approvals for the proposed Davenport Landing project and other, related projects.

11. For the purpose of obtaining the DEEP OLISP structures, dredging, and fill permit needed to construct the proposed Davenport Landing boatyard, the Applicant has presented its proposal as a stand-alone project. The application makes no reference to the proposed Davenport Landing project's relationship to other, inter-related applications by the Applicant and its affiliates submitted for municipal zoning approvals. Those applications are now pending before the SHMC and Zoning Board.

12. As presented to the Zoning Board and SHMC as part of the City's land-use regulatory process, the Applicant's Davenport Landing proposal is part of a larger and more comprehensive waterfront development plan. That plan involves discontinuation of water-dependent uses on a much larger site (the Boatyard Site) and establishment of boating facilities on three separate properties, including the Davenport Landing site, Boatyard Site, and property located on Magee Avenue near the East Branch of Stamford Harbor (the three separate properties).

13. As presented to the Zoning Board and SHMC, the boat service facilities proposed by the Applicant for establishment on approximately 3.2 acres at Davenport Landing are intended, in large part, to replace the water-dependent facilities that previously operated on the 14-acre Boatyard Site and which were removed by the Applicant's affiliate in violation of the City's zoning requirements and following adoption of the Harbor Management Plan. In fact, the SHMC understands that it is only because of the un-permitted removal of those facilities that the current Davenport Landing application has been submitted to the DEEP OLISP and Stamford Zoning Board. This intent to replace previous water-dependent facilities, although not stated in the Applicant's submission to the DEEP OLISP, has been expressed by the Applicant during public meetings and in application materials submitted to the Zoning Board, and is a basic premise of the ongoing review of the Applicant's inter-related proposals for the three separate properties by the Zoning Board and SHMC.

14. In the course of its on-going review of the inter-related plans by the Applicant and its affiliates affecting water-dependent uses in Stamford Harbor, the SHMC has not been able to provide a favorable recommendation concerning the Davenport landing proposal, pending additional information, including an independent analysis of the viability of the proposed boatyard and method of offsite boat storage. Although not described in the application materials submitted to the DEEP OLISP, the Applicant intends to transport boats removed from the water at the proposed Davenport Landing boatyard to a proposed boat storage yard at 205 Magee Avenue, a distance of approximately two miles from the boatyard via public streets.

15. No independent study assessing the viability of the proposed Davenport Landing boatyard has been provided to the SHMC. An independent study ("Comparable Evaluation of Yacht Haven Boatyard and Multiple Marine Development Sites" by Bermello, Ajamil & Partners Ar-

chitects, Inc.) for the Zoning Board has looked at the boating facilities proposed by the Applicant and its affiliates on the the three separate properties and compares those facilities to the previously operating water-dependent facilities on the Boatyard Site. This study quantitatively compares numbers of boats, sizes of buildings, and other measurable, static items, but does not identify operational issues or provide an assessment of economic viability or operational feasibility as desired and requested by the SHMC. In addition, the study does not analyze the comparative advantages and efficiencies of boatyard operations on one site versus multiple sites owned and operated by different entities of the Applicant and its affiliates. The study report does not conclude nor provide any assurance that the multi-site proposal for boating facilities and services by the Applicant and its affiliates, including the Davenport Landing proposal, is sustainable or that it will provide a level of boating services equivalent to the services provided previously on the Boatyard Site.

16. As previously expressed by the SHMC to the DEEP OLISP, the Harbor Management Plan includes a number of provisions relevant to the Applicant's Davenport Landing proposal, including, but not limited to, goals and objectives to encourage and support:

- a) 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.
- b) Provision of facilities and opportunities for public access to the Harbor Management Area, including well-designed, meaningful, and coordinated public access to the Harbor Management Area provided as a substantial component of waterfront redevelopment projects.
- c) Establishment of new boating facilities, as needed, in appropriate locations.
- d) Protection and improvement of environmental quality, including water quality, in the Stamford Harbor Management Area.

Review of the Applicant's proposal for consistency with these and other Plan policies may be expected to produce different outcomes depending on whether the proposal is reviewed as a stand-alone proposal or as part of the larger development plan prepared by the Applicant and its affiliates affecting the three separate properties.

17. The Harbor Management Plan contains the following recommendation (see page 7-5 in the 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.]

18. During its meeting on September 15, 2015, the SHMC continued its review of the Applicant's Davenport Landing proposal for consistency with the Harbor Management Plan and approved a motion to transmit the following recommendations and findings to the DEEP OLISP.

Recommendations

1. *In order to conduct a proper review of the Applicant's proposal with respect to state laws and policies, including the Connecticut Coastal Management Act, the DEEP OLISP should review the Applicant's proposal as part of a larger development plan by the Applicant and its affiliates. That plan involves replacement of water-dependent uses of local and regional significance that were previously removed by the Applicant's affiliate from another waterfront property—identified as the Boatyard Site in the Harbor Management Plan—in violation of local zoning requirements.*

2. *The Applicant's proposal, insofar as it is an integral part of the larger development plan by the Applicant and its affiliates, should not be approved by the DEEP OLISP at the present time, absent an independent analysis of the viability of the proposed boatyard and assessment of the viability and sustainability of the separate water-dependent components of the larger development plan.*

3. *If the DEEP OLISP's decision regarding the Applicant's proposal does not consider the broader aspects of the proposed development, it should clearly state that such decision is specific to this application only and will not affect review of future development proposals and water-dependent development opportunities on other properties adjoining the Stamford Harbor Management Area, including but not limited to, the Boatyard Site.*

Findings

1. *The Stamford Harbor Management Commission finds that the Applicant's proposal, when reviewed as part of the larger development plan and in the absence of an independent assessment of the viability and sustainability of the separate water-dependent components of that plan,*

is not consistent with the water-dependent use provisions of the Harbor Management Plan. Those provisions include, but are not limited to, the policy 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), and the recommendation that redevelopment of waterfront properties adjoining the West Branch of Stamford Harbor should not result in any significant reduction of available recreational boating services.

2. Implementation of the policies of the Harbor Management Plan to protect water-dependent uses is achieved in significant part through the DEEP OLISP's coastal permitting process. The SHMC is concerned that the water-dependent use policies of the Harbor Management Plan and the State's Coastal Management Act will be significantly diminished if the DEEP fails to evaluate the Davenport Landing proposal as part of the larger development plan by the Applicant and its affiliates.

As you know, the DEEP, in considering our recommendations, is bound by Sec. 22a-113n (b) of the General Statutes. This section requires that a recommendation of the SHMC pursuant to the Harbor Management Plan shall be binding on any State official making a regulatory decision affecting the Stamford Harbor Management Area, unless that official can show cause why a different course of action should be taken. In that context, any decision by the DEEP that is contrary to our recommendations must be supported by specific findings, the soundness of which can be reviewed by the Connecticut courts.

Please be advised that the HMC reserves its right to continue to review the Applicant's proposal at such time as it may be modified or additional information regarding the proposal may be provided, and to provide additional comments to the appropriate regulatory agencies as appropriate.

If you have any questions or require any additional information, please contact me at (315) 651-0070 or dortelli@stamfordct.gov.

Sincerely,



Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

Enclosures are attached with referenced letters.

cc:

Ms. Kristen Bellantuono, CT DEEP OLISP
Mr. John Freeman, Attorney, Harbor Point Development
Mr. Norman Cole, Chief, Stamford Land Use Bureau

Ms. Theresa Dell, Chair, Stamford Planning Board

Mr. Frank Fedeli, Stamford Office of Operations

Ms. Kristal Kallenberg, CT DEEP OLISP

Mr. Tom Mills, Chair, Stamford Zoning Board

Ms. Diane Ray, U.S. Army Corps of Engineers

Mr. Griffith Trow, Chair, SHMC Application Review Committee

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STEVEN M. LOEB, ALTERNATE
MICHAEL PENSIERO, ALTERNATE

April 29, 2015

Mr. John Freeman
Southfield Property, LLC
2200 Atlantic Street, Suite 600
Stamford, Connecticut 06902

Subject: Plans submitted to the Harbor Management Commission by Southfield Property, LLC for work in the Stamford Harbor Management Area

Dear Mr. Freeman:

The Stamford Harbor Management Commission (SHMC) has reviewed the March 29, 2015 Draft Structures, Dredging, and Fill Permit Application submitted by Fuss & O'Neill, Inc. on behalf of Southfield Property, LLC (the Applicant), 2200 Atlantic Street, Stamford, Connecticut. Included in the application are draft plans for dredging, bulk-heading, and placement of in-water structures to establish a full-service boatyard on the Applicant's property known as Davenport Landing at 28 Southfield Avenue. The draft application and plans were submitted to the SHMC in accordance with the coastal permitting process and requirements of the Connecticut Department of Energy and Environmental Protection's Office of Long Island Sound Programs (DEEP OLISP).

In 2011, the SHMC reviewed plans for development of a marina on this property and determined that those plans were consistent with the Harbor Management Plan. The Applicant's current proposal differs from the previous owner's application in several significant aspects. The previous plans did not include dredging, bulk-heading, and construction of a working boatyard with an excavated travel lift area as now proposed.

During its meeting on April 21, 2015, the SHMC reviewed the Applicant's proposal with consideration of the SHMC's previous comments provided to the Stamford Zoning Board regarding the proposal. Following discussion, the SHMC approved a motion to transmit the following finding and comments to the Applicant and DEEP OLISP.

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 Harbor Management 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 the Applicant's presentation that the Applicant intends to transport boats removed from the water at the proposed Davenport Landing boatyard to a boat storage yard—the subject of a separate proposal—at 205 Magee Avenue, a distance of approximately two miles from the boatyard via public streets. The SHMC is concerned about the viability of this method of boat storage. The SHMC has recommended that the Stamford Zoning Board require additional information to address the viability of the proposed method of boat storage, including a professionally-prepared market study and needs analysis of the site's potential to support a water-dependent use.
5. The SHMC is concerned about the clear intensification in marine traffic that would be generated by the Applicant's proposed Davenport Landing boatyard in this heavily commercial portion of the harbor, and recommends that comments on the proposal should be obtained from potentially affected industrial users of the harbor.
6. The SHMC reserves its right to determine the proposal's consistency with the Harbor Management Plan and provide additional comments at such time as the proposal may be modified, additional information is provided, or the proposal is the subject of a public notice or hearing.

If you have any questions or require any additional information at this time, please contact me at (315) 651-0070 or dortelli@stamfordct.gov.

Respectfully submitted,



Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:

Ms. Kristen Bellantuono, CT DEEP OLISP

Mr. Norman Cole, Land Use Bureau Chief

Ms. Theresa Dell, Chair, Stamford Planning Board

Mr. Frank Fedeli, Stamford Office of Operations

Mr. Thomas Mills, Chair, Stamford Zoning Board

Mr. Griffith Trow, Chairman, SHMC Application Review Committee

MAYOR
DAVID R. MARTIN



CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

CHAIRMAN
DR DAMIAN ORTELLI

VICE CHAIRMAN
RAYMOND L. REDNISS

SECRETARY/TREASURER
ROBERT M. KARP

PAUL ADELBERG
JEFFERY SAUNDERS
ROBERT J. STRADA
GRIFFITH H. TROW

STEVEN M. LOEB, ALTERNATE
MICHAEL PENSIERO, ALTERNATE

June 18, 2015

Ms. Janice B. Deshais, Esq.
Director
Office of Adjudications
Connecticut Department of Energy and Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, Connecticut 06106-5127

Subject: OLISP Application No. 201503186-KB by Southfield Property, LLC for work in the Stamford Harbor Management Area at 28 Southfield Avenue

Dear Ms. Deshais:

The Stamford Harbor Management Commission (SHMC) is aware of the recent public hearing request submitted to your office by Southfield Property, LLC in connection with the above-referenced application.

The Applicant's proposed project—known as Davenport Landing—is a matter of significant local interest. Project plans were reviewed by the SHMC during our April 15, 2015 meeting at which time we determined that we were not able to make a favorable recommendation pending development of additional information. A copy of our letter to the Applicant is enclosed.

The SHMC considered the Applicant's public hearing request during our meeting on June 16, 2015 and approved a motion to request that no public hearing on the Applicant's proposal be convened by the DEEP prior to September 2015. We are concerned that a public hearing in July or August—traditional vacation times—will serve to suppress public participation in this most important matter affecting Stamford's harbor and waterfront.

Please inform us of your decision at your earliest convenience. You may contact me at (315) 651-0070 or dortelli@stamfordct.gov.

Sincerely,



Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:

Ms. Kristen Bellantuono, DEEP OLISP
Mr. Norman Cole, Land-Use Bureau Chief
Mr. Frank Fedeli, Stamford Office of Operations
Mr. John Freeman, Attorney for Applicant
Mr. Griffith Trow, Chairman, SHMC Application Review Committee

MAYOR
DAVID R. MARTIN



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

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GRIFFITH H. TROW

STEVEN M. LOEB, ALTERNATE
MICHAEL PENSIERO, ALTERNATE

December 17, 2014

Mr. Norman Cole
Chief, Stamford Land-Use Bureau
Stamford Government Center
888 Washington Boulevard, 7th Floor
Stamford, CT 06901

SUBJECT: STAMFORD LANDING PRE-APPLICATION REVIEW

Dear Mr. Cole:

The Stamford Harbor Management Commission (SHMC) has received your November 17, 2014 memorandum inviting us to participate in a pre-application review of a proposed waterfront redevelopment project by Waterfront Office Development, LP (the Applicant). The Applicant's proposal, known as Stamford Landing, affects property at 46, 62, 68, and 78 Southfield Avenue. Insofar as the proposal affects real property on, in or contiguous to the west branch of Stamford Harbor, it must be reviewed by the SHMC for consistency with the Stamford Harbor Management Plan.

Described in your memorandum and in pre-application materials dated November 5, 2014 submitted to you by the Applicant, the Applicant is requesting that the property be rezoned from the CW-D Coastal Water-Dependent District to the DW-D Designed Waterfront Development District. This request triggers a pre-application process with specific time periods for referral and agency response set forth in the DW-D zoning regulation.

The HMC is also aware of your November 18, 2014 letter in which you: 1) inform the Applicant that the submitted pre-application materials are inadequate to support a meaningful pre-application review; and 2) list additional information that should be provided.

These matters were considered by the SHMC during its meeting on December 16, 2014. Following significant discussion, the SHMC approved a motion to inform the Land-Use Bureau that, absent a complete pre-application, the SHMC is not able to conduct a proper review of the submitted materials and therefore must provide an

unfavorable recommendation at this time. This finding is presented without prejudice to the Applicant's proposal. In addition, the SHMC agreed to provide the following comments and recommendations to the Land-Use Bureau.

Comments and Recommendations:

1. It is a policy of the Harbor Management Plan that project applicants should provide the information necessary for the SHMC to adequately assess the potential impacts of proposed development projects on the Stamford Harbor Management Area. Information required should be reasonable in scope and should be in balance with the size, scope, and potential positive and negative impacts of the proposal.
2. The SHMC recommends that the 35-day agency response period specified in the pre-application section of the DW-D zoning regulation should not be initiated by the Land-Use Bureau until the pre-application is deemed adequate for review.
3. The Applicant's proposal appears to be part of a larger development project affecting additional waterfront properties. The SHMC is concerned that the individual parts of this larger project, if submitted separately, may be reviewed in a piecemeal manner, thereby limiting the opportunity for adequate assessment of project impacts and benefits. The SHMC recommends, to the extent permitted by law, that all of the Applicant's inter-related waterfront plans and proposals be submitted and reviewed in their entirety.
4. The SHMC reserves its right to review the Applicant's pre-application proposals for consistency with the Harbor Management Plan at such time as the proposals are deemed adequate for review by the Land-Use Bureau.

If you have any questions or require any additional information, please contact me 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

Mr. John Freeman, Applicant's representative

Ms. Kristal Kallenberg, Office of Long Island Sound Programs

Mr. Griffith Trow, Chairman, SHMC Application Review Committee

MAYOR
DAVID R. MARTIN



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

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MICHAEL PENSIERO, ALTERNATE

**Office of Long Island Sound Programs Public Hearing
Concerning an Application by Southfield Property, LLC
To Conduct Dredging, Construct a Bulkhead, and Place In-Water Structures
In the West Branch of Stamford Harbor**

**Remarks by Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission**

September 8, 2015

My name is Dr. Damian Ortelli. I am the Chairman of the Stamford Harbor Management Commission and will speak tonight on the Commission's behalf. Other members of the Commission are also present. My remarks concern the application by Southfield Property, LLC for a Department of Energy and Environmental Protection (DEEP) permit to dredge, construct a bulkhead, and place in-water structures in the West Branch of Stamford Harbor. The Applicant's proposed project is known as Davenport Landing.

Pursuant to the Connecticut General Statutes and Stamford Code of Ordinances, it is the responsibility of the Harbor Management Commission to review all proposals affecting Stamford Harbor and the City's other coastal waters so that we may determine the consistency of those proposals with the City's Harbor Management Plan. The Plan was prepared by the Commission, approved by the State of Connecticut, and adopted by the Stamford Board of Representatives. It is the water and waterfront equivalent of Stamford's Master Plan for land-use. The Plan contains the City's goals, objectives, policies, and recommendations for safe and beneficial use of our harbor management area and protection of the natural environment. It guides the Commission's review of submitted plans and applications.

With regard to any proposal subject to our review, it is our job to transmit our findings and recommendations to the appropriate regulatory agencies, including the DEEP and City agencies such as the Zoning Board. All applicants for DEEP permits are required to participate in a pre-application review process with the Harbor Management Commission.

In 2011, the Harbor Management Commission reviewed plans for development of a marina on the Davenport Landing site and determined those plans were consistent with the Harbor Management Plan. However, that previous proposal differed from the current application in several significant ways. The previous owner's plans did not include dredging, bulk-heading, and construction of a working boatyard with an excavated travel lift area as now proposed. In addition, unlike the current plans, the previous owner's plans were not an integral part of a much larger and more comprehensive waterfront development scheme involving the discontinuation of water-dependent uses on a site that is much larger than the property which is the subject of this application.

As part of the DEEP's pre-application process, the Commission reviewed the Applicant's current Davenport Landing plans during our April 21, 2015 meeting. The Commission did not provide a favorable recommendation at that time. Instead, we informed the Applicant and DEEP that additional information, including an independent analysis as commissioned by the Stamford Zoning Board, would be needed to determine the viability of the proposed Davenport Landing boatyard. We also noted the applicable policies of the Harbor Management Plan that support public access to Stamford Harbor, development of boating facilities, and redevelopment of underutilized waterfront properties. And we expressed our concerns about the viability of the Applicant's proposed method of off-site boat storage and about the clear intensification of marine traffic that would be generated by the Applicant's proposed boatyard. We included these comments in my letter of April 29, 2015 to the Applicant, with a copy to the DEEP.

In addition, as we do with all pre-application proposals that come before us, we made clear to the Applicant and DEEP that the Harbor Management Commission reserves its right to determine the proposal's consistency with the Harbor Management Plan and provide additional comments at such time as the proposal may be modified, additional information is provided, or the proposal is the subject of a public notice or hearing.

Subsequently, the Applicant requested that the DEEP hold a public hearing on the Davenport Landing proposal. That request, made before the DEEP had reached a tentative decision to approve the application, was transmitted to the DEEP's Office of Adjudications in a letter of June 12, 2015 from the Applicant's representative.

The Harbor Management Commission considered the Applicant's public hearing request during our meeting on June 16, 2015. We then asked the Office of Adjudications to not schedule a public hearing on the Applicant's proposal prior to September 2015. We expressed our concern that a public hearing in July or August—traditional vacation times—would serve to suppress public participation in this most important matter affecting Stamford's harbor and waterfront. Our request to the Office of Adjudications was transmitted in my letter of June 19, 2015.

On July 30, 2015, the DEEP issued a Public Notice of Tentative Determination to approve the Applicant's proposal, along with a notice to hold a public hearing on this matter on September 8.

In preparation for this public hearing, the Harbor Management Commission continued to discuss the Applicant's proposal during our meeting on August 24, 2015. In addition to reiterating our previous comments on the Applicant's proposal, asserting our authority and responsibility to review the proposal for consistency with the Harbor Management Plan, and recapping some of the history of our review of the Applicant's proposal, we wish to make the following statements.

We are mindful that the Applicant's proposal to the DEEP contains no references to the other, inter-related applications now pending before us and the Stamford Zoning Board. However, in order to conduct a proper review of the Applicant's proposal with respect to state laws and policies, including the Connecticut Coastal Management Act, the DEEP must recognize the proposal as an integral part of a larger waterfront development scheme involving other coastal properties. As previously noted, the water-dependent facilities proposed by the Applicant for establishment at Davenport Landing are intended, in large part, to replace water-dependent facilities that previously operated on another property owned by the Applicant's affiliate and which were removed in violation of the City's zoning requirements. In fact, it is only because of the previous unpermitted removal of those facilities that the current application has been submitted. This intent to replace previous water-dependent facilities, although not stated in the Applicant's submission to the DEEP, was expressed by the Applicant during public meetings and in application materials submitted to the Stamford Zoning Board, and is a basic premise of the ongoing review of the Applicant's proposal by the Zoning Board and Harbor Management Commission.

The Harbor Management Commission respectfully reminds the DEEP that implementation of the policies of the Stamford Harbor Management Plan to protect water-dependent uses is achieved in significant part through the DEEP's coastal permitting process. We are especially concerned that the water-dependent use policies of the Harbor Management Plan and the State's Coastal Management Act will be

significantly diminished if the DEEP fails to evaluate the Davenport Landing proposal as part of the larger development scheme.

We also wish to emphasize that the Harbor Management Commission is continuing to review the Applicant's proposal for consistency with the Harbor Management Plan. We will complete our review and provide a statement of our findings and recommendations to the DEEP prior to its decision on the Applicant's proposal.

As indicated above, at the present time the Commission is not able to provide a favorable recommendation on this proposal. As you know, the DEEP, in considering our recommendations, is bound by Sec. 22a-113n (b) of the General Statutes. This section requires that a recommendation of the Harbor Management Commission pursuant to the Harbor Management Plan shall be binding on any State official making a regulatory decision affecting the Stamford Harbor Management Area, unless that official can show cause why a different course of action should be taken. In that context, any decision by the DEEP that is contrary to our recommendations must be supported by specific findings, the soundness of which can be reviewed by the Connecticut courts.

In conclusion, I wish to thank the Hearing Officer for recognizing the Harbor Management Commission's special standing in this matter and extending the public comment period to September 18, 2015, thereby allowing the Commission to review the application during its September 15 meeting in light of the additional information submitted to the DEEP after our initial review, together with the information presented here tonight.

Thank you for the opportunity to speak. I will submit these remarks as well as our previous letters for the record of this hearing.

Respectfully submitted,



Dr. Damian Ortelli, Chairman
Stamford Harbor Management Commission

MAYOR
DAVID R. MARTIN



CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

CHAIRMAN
DR. DAMIAN ORTIZELLI

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JEFFERY SAVINIMERS
ROBERT J. STRADA
GRIFFITH H. TROW

STEVEN M. LOUD, ALTERNATE
MICHAEL PENNIBRO, ALTERNATE

April 29, 2015

Mr. John Freeman
Southfield Property, LLC
2200 Atlantic Street, Suite 600
Stamford, Connecticut 06902

Subject: Plans submitted to the Harbor Management Commission by Southfield Property, LLC for work in the Stamford Harbor Management Area

Dear Mr. Freeman:

The Stamford Harbor Management Commission (SHMC) has reviewed the March 29, 2015 Draft Structures, Dredging, and Fill Permit Application submitted by Fuss & O'Neill, Inc. on behalf of Southfield Property, LLC (the Applicant), 2200 Atlantic Street, Stamford, Connecticut. Included in the application are draft plans for dredging, bulk-heading, and placement of in-water structures to establish a full-service boatyard on the Applicant's property known as Davenport Landing at 28 Southfield Avenue. The draft application and plans were submitted to the SHMC in accordance with the coastal permitting process and requirements of the Connecticut Department of Energy and Environmental Protection's Office of Long Island Sound Programs (DEEP OLISP).

In 2011, the SHMC reviewed plans for development of a marina on this property and determined that those plans were consistent with the Harbor Management Plan. The Applicant's current proposal differs from the previous owner's application in several significant aspects. The previous plans did not include dredging, bulk-heading, and construction of a working boatyard with an excavated travel lift area as now proposed.

During its meeting on April 21, 2015, the SHMC reviewed the Applicant's proposal with consideration of the SHMC's previous comments provided to the Stamford Zoning Board regarding the proposal. Following discussion, the SHMC approved a motion to transmit the following finding and comments to the Applicant and DEEP OLISP.

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 Harbor Management 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 the Applicant's presentation that the Applicant intends to transport boats removed from the water at the proposed Davenport Landing boatyard to a boat storage yard—the subject of a separate proposal—at 205 Magee Avenue, a distance of approximately two miles from the boatyard via public streets. The SHMC is concerned about the viability of this method of boat storage. The SHMC has recommended that the Stamford Zoning Board require additional information to address the viability of the proposed method of boat storage, including a professionally-prepared market study and needs analysis of the site's potential to support a water-dependent use.
5. The SHMC is concerned about the clear intensification in marine traffic that would be generated by the Applicant's proposed Davenport Landing boatyard in this heavily commercial portion of the harbor, and recommends that comments on the proposal should be obtained from potentially affected industrial users of the harbor.
6. The SHMC reserves its right to determine the proposal's consistency with the Harbor Management Plan and provide additional comments at such time as the proposal may be modified, additional information is provided, or the proposal is the subject of a public notice or hearing.

If you have any questions or require any additional information at this time, please contact me at (315) 651-0070 or dortelli@stamfordct.gov.

Respectfully submitted,



Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:

Ms. Kristen Bellantuono, CT DEEP OLISP
Mr. Norman Cole, Land Use Bureau Chief
Ms. Theresa Dell, Chair, Stamford Planning Board
Mr. Frank Fedeli, Stamford Office of Operations
Mr. Thomas Mills, Chair, Stamford Zoning Board
Mr. Griffith Trow, Chairman, SHMC Application Review Committee



Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Office of Long Island Sound Programs

ATTACHMENT E: HARBOR MANAGEMENT COMMISSION DEEP PERMIT CONSULTATION FORM

You need to complete and submit this form only if your town has a Harbor Management Commission.

To the applicant- Prior to the submission of your permit application to the Connecticut Department of Energy and Environmental Protection- Office of Long Island Sound Programs (DEEP- OLISP), please complete Part I and submit this form to your local harbor management commission (contact the town for the appropriate contact person) with a location map of your site and project plans. Once the commission returns the completed form to you, please submit it along with your permit application to the DEEP.

Part I: To be completed by APPLICANT

1. List applicant information.

Name: Southfield Property, LLC

Mailing Address: 2200 Atlantic Street, Suite 600

City/Town: Stamford

Business Phone: 203-644-1585

Contact Person: John Freeman

E-mail: JFreeman@harborpt.com

State: CT

Zip Code: 06902

ext.

Fax:

Title:

2. List engineer/surveyor/agent information.

Name: Fuss & O'Neill, Inc.

Mailing Address: 146 Hartford Rd.

City/Town: Manchester

Business Phone: 203-374-3748

Contact Person: Craig Lapinski

Service Provided: Civil Engineering

State: CT

Zip Code: 06040

ext. 5258

Fax:

Title: Vice President

3. Site Location:

Street Address or Location Description: 28 Southfield Avenue

City/Town: Stamford

State: CT

Zip Code: 06902

Tax Assessor's Reference: Map 133

Block 25

Lot A,B,G1

4. Are plans attached? Yes No If Yes, provide date of plans:

5. Provide or attach a brief, but thorough description of the project: The Davenport Landing redevelopment includes a full service boatyard and a residential apartment building. Coastal improvements at the site will include removal of several derelict coastal structures, the installation of new docks and other coastal structures, and dredging to support boat hauling and berthing facilities. Please see draft application for details.



Attachment E

Harbor Management Commission Consultation Form

MAYOR
DAVID R. MARTIN



CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

CHAIRMAN
DR. DAMIAN ORTILE

VICE CHAIRMAN
RAYMOND L. BUDNICK
SECRETARY/TREASURER
ROBERT M. KARP

PAUL ADELBERG
JEFFERY SAUNDERS
ROBERT J. STRADA
CRISTINA H. TROW

STEVEN M. LEHR, ALTERNATE
MICHAEL PENIBERG, ALTERNATE

June 18, 2015

Ms. Janice B. Deshais, Esq.
Director
Office of Adjudications
Connecticut Department of Energy and Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, Connecticut 06106-5127

Subject: OLISP Application No. 201503186-KB by Southfield Property, LLC for work in the Stamford Harbor Management Area at 28 Southfield Avenue

Dear Ms. Deshais:

The Stamford Harbor Management Commission (SHMC) is aware of the recent public hearing request submitted to your office by Southfield Property, LLC in connection with the above-referenced application.

The Applicant's proposed project—known as Davenport Landing—is a matter of significant local interest. Project plans were reviewed by the SHMC during our April 15, 2015 meeting at which time we determined that we were not able to make a favorable recommendation pending development of additional information. A copy of our letter to the Applicant is enclosed.

The SHMC considered the Applicant's public hearing request during our meeting on June 16, 2015 and approved a motion to request that no public hearing on the Applicant's proposal be convened by the DEEP prior to September 2015. We are concerned that a public hearing in July or August—traditional vacation times—will serve to suppress public participation in this most important matter affecting Stamford's harbor and waterfront.

Please inform us of your decision at your earliest convenience. You may contact me at (315) 651-0070 or dortelli@stamfordct.gov.

Sincerely,



Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:

Ms. Kristen Bellantuono, DEEP OLISP
Mr. Norman Cole, Land-Use Bureau Chief
Mr. Frank Fedeli, Stamford Office of Operations
Mr. John Freeman, Attorney for Applicant
Mr. Griffith Trow, Chairman, SHMC Application Review Committee

MAYOR
DAVID R. MARTIN



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

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GRIFFITH II. TROW

STEVEN M. LOEB, ALTERNATE
MICHAEL PENSIERO, ALTERNATE

December 17, 2014

Mr. Norman Cole
Chief, Stamford Land-Use Bureau
Stamford Government Center
888 Washington Boulevard, 7th Floor
Stamford, CT 06901

SUBJECT: STAMFORD LANDING PRE-APPLICATION REVIEW

Dear Mr. Cole:

The Stamford Harbor Management Commission (SHMC) has received your November 17, 2014 memorandum inviting us to participate in a pre-application review of a proposed waterfront redevelopment project by Waterfront Office Development, LP (the Applicant). The Applicant's proposal, known as Stamford Landing, affects property at 46, 62, 68, and 78 Southfield Avenue. Insofar as the proposal affects real property on, in or contiguous to the west branch of Stamford Harbor, it must be reviewed by the SHMC for consistency with the Stamford Harbor Management Plan.

Described in your memorandum and in pre-application materials dated November 5, 2014 submitted to you by the Applicant, the Applicant is requesting that the property be rezoned from the CW-D Coastal Water-Dependent District to the DW-D Designed Waterfront Development District. This request triggers a pre-application process with specific time periods for referral and agency response set forth in the DW-D zoning regulation.

The HMC is also aware of your November 18, 2014 letter in which you: 1) inform the Applicant that the submitted pre-application materials are inadequate to support a meaningful pre-application review; and 2) list additional information that should be provided.

These matters were considered by the SHMC during its meeting on December 16, 2014. Following significant discussion, the SHMC approved a motion to inform the Land-Use Bureau that, absent a complete pre-application, the SHMC is not able to conduct a proper review of the submitted materials and therefore must provide an

unfavorable recommendation at this time. This finding is presented without prejudice to the Applicant's proposal. In addition, the SHMC agreed to provide the following comments and recommendations to the Land-Use Bureau.

Comments and Recommendations:

1. It is a policy of the Harbor Management Plan that project applicants should provide the information necessary for the SHMC to adequately assess the potential impacts of proposed development projects on the Stamford Harbor Management Area. Information required should be reasonable in scope and should be in balance with the size, scope, and potential positive and negative impacts of the proposal.
2. The SHMC recommends that the 35-day agency response period specified in the pre-application section of the DW-D zoning regulation should not be initiated by the Land-Use Bureau until the pre-application is deemed adequate for review.
3. The Applicant's proposal appears to be part of a larger development project affecting additional waterfront properties. The SHMC is concerned that the individual parts of this larger project, if submitted separately, may be reviewed in a piecemeal manner, thereby limiting the opportunity for adequate assessment of project impacts and benefits. The SHMC recommends, to the extent permitted by law, that all of the Applicant's inter-related waterfront plans and proposals be submitted and reviewed in their entirety.
4. The SHMC reserves its right to review the Applicant's pre-application proposals for consistency with the Harbor Management Plan at such time as the proposals are deemed adequate for review by the Land-Use Bureau.

If you have any questions or require any additional information, please contact me 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

Mr. John Freeman, Applicant's representative

Ms. Kristal Kallenberg, Office of Long Island Sound Programs

Mr. Griffith Trow, Chairman, SHMC Application Review Committee

October 12, 2015

**ATTACHMENT:
EXCERPT OF RECREATIONAL BOATING
AND WATER-DEPENDENT USE PROVISIONS FROM
THE STAMFORD MASTER PLAN 2015-2025¹**

Excerpt Prepared by Stamford Harbor Management Commission

Page 18:

Stamford boasts a nearly 13-mile waterfront bordering estuary, harbor, cove and inlet areas, all of which connect with Long Island Sound. Uses along the City's shoreline are as diverse as its geography is irregular. Active industrial uses – most of which are situated along the two tidal inlets bordering the South End neighborhood – include a scrap metal recycling facility and the City's waste transfer station. For almost a century, a commercial boatyard was operated on a prominent waterfront site – historically called the HELCO (Northeast Utilities) or Yacht Haven West Site – in the South End. Beginning in 1912, this site on the west branch of Stamford Harbor was occupied for more than 50 years by the Luders Marine Construction Company, a Stamford shipbuilding industry of national renown. When the City's coastal management program was being developed in the early 1980s, the boatyard then occupying the site was identified by City planners as one of the largest boatyard/marina facilities serving pleasure craft in the northeast United States. 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. (Emphasis added by SHMC.) Recreational resources can be enjoyed at several public waterfront parks and beaches, including Waterside, Kosciuszko, West Beach, Cummings, Boccuzzi and Cove Island Parks, while private residences and beach and yacht clubs occupy large stretches of the Cove, the East Side and Shippan shorelines. Stamford's rich boating and yachting history continues to thrive, with many docks and slips found along the inner harbors. Continuing this maritime and boating history is one of the aims of the Shorefront Mixed Use category of this Master Plan. [Emphasis added by SHMC.]

Pages 114-115:

5C.1: Protect, enhance and promote water-dependent uses. Water-dependent uses include ferries; water taxis; boating; marinas; recreational and commercial fishing; port facilities; water-based recreational uses; industrial uses dependent on waterborne transportation; boat

¹ This attachment prepared by the Stamford Harbor Management Commission (SHMC) identifies some provisions of the Stamford Master Plan considered by the SHMC when formulating comments to the Planning Board regarding the several boatyard and marina-related applications to be reviewed by the Planning Board during a public meeting on October 14, 2015. The SHMC recognizes the primary authority of the Planning Board for interpreting and implementing the Master Plan and that other provisions of the Master Plan may be identified by the Planning Board as pertinent to its review.

construction and repair; dry dock; uses which provide general public access to the waterfront; and other uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland. Additional marine-oriented recreational uses should be encouraged to develop along the harbor. All City-owned parkland should be periodically evaluated for its waterbased recreational potential. Any uses or development that congests, restricts or otherwise limits the use of the harbor by commercial or recreational vessels should not be allowed. Structures and filling on the waterfront must also be designed in a manner that will not conflict with development of water-dependent uses and public safety.

5C.2: Protect water-dependent industry. Existing water-dependent industrial uses are to be protected. For almost a century, a commercial boatyard was operated on a prominent waterfront site – historically called the HELCO (Northeast Utilities) or Yacht Haven West Site – in the South End. Beginning in 1912, this site on the west branch of Stamford Harbor was occupied for more than 50 years by the Luders Marine Construction Company, a Stamford shipbuilding industry of national renown. When the City's coastal management program was being developed in the early 1980s, the boatyard then occupying the site was identified by City planners as one of the largest boatyard/marina facilities serving pleasure craft in the northeast United States. 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. [Emphasis added by SHMC.] Actions at a State level to provide economic incentives for maintenance of waterdependent industries should be pursued.

5C.3: This Master Plan encourages the development of a full-service boatyard and marina for Stamford's future.

5C.4: Make non-water-dependent uses contingent upon providing public access and meeting other public objectives. Non water-dependent uses of waterfront property should only be permitted where they 1) provide meaningful general public access to the waterfront; 2) do not displace an existing water-dependent use or the opportunity to establish a new water-dependent use; 3) complement adjacent development; 4) function within the capacity of available infrastructure; and 5) achieve a high design quality.

5C.5: Promote recreation and boating. Recreational boating facilities should be encouraged to develop along the waterfront. Existing recreational boating and support facilities should be preserved and, when necessary, protected by public actions. [Emphasis added by SHMC.] Additional marine-oriented recreational uses should be encouraged to develop along the harbor coastline at appropriate sites. All City-owned parkland should be periodically evaluated for its water-based recreational potential.

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7.1 OPEN SPACES AND WATERFRONT

Goals

- Complete the Mill River Greenway from Scalzi Park to Kosciuszko Park
- Establish an east-west pedestrian and open space network connecting Mill River Park, Columbus Park and Veterans Park
- Connect open space and waterfront areas
- Protect and enhance public access to the waterfront
- Protect coastal resources
- Protect water-dependent use of the waterfront [Emphasis added by SHMC]

Stamford is part of the coastal area of the State of Connecticut as defined in the Connecticut Coastal Management Act. The City has its own coastal management program, the Stamford Municipal Coastal Program (MCP), established with adoption of the Master Plan Coastal Addendum in 1984. Stamford has established a Harbor Management Commission, tasked with planning for the use of the Stamford Harbor Management Area, the City's other coastal and navigable waters. The Stamford Harbor Management Commission, established in 2004, developed the Stamford Harbor Management Plan, which was adopted by the Stamford Board of Representatives in 2009 and approved by the State of Connecticut. [Emphasis added by SHMC.]

The shoreline covers approximately 14 miles and supports a diversity of land uses. Coastal waters include Stamford Harbor, Westcott Cove, Dolphin Cove and Cove Island Harbor. Coastal facilities include Cummings Park and Marina with its public beach, West Beach and adjacent boat launching ramp, Cove Island Park and Marina with beaches and a wildlife sanctuary, Czescik Park and Marina and Kosciuszko and Boccuzzi Parks on the Harbor. The Stamford Harbor Management Area is shown on Figure 21. Stamford's waterfront land uses include those genuinely dependent on their waterfront locations and those enhanced by their proximity to the shore. Water-dependent uses include industrial facilities (port facilities) and facilities supporting recreational boating and other water-based recreational activities.

The City's current port activities are among the most active in Long Island Sound. In terms of the amount of materials shipped to and from its waterfront terminals, Stamford historically has been the fourth largest commercial harbor in Connecticut, behind the three deep-water ports of Bridgeport, New Haven and New London. To maintain waterborne commerce, the port facilities depend on Stamford Harbor's Congressionally designated federal navigation channels.

Stamford is also a significant center of recreational boating on western Long Island Sound, with a number of facilities serving the boating public located on the waterfront and in the City's several harbors. Traditionally, these facilities have included docks, boat slips, moorings and launching ramps as well as boat sales, repair, service and storage facilities. Boating facilities include those owned and operated by the City of Stamford for public use, including the marinas at Czescik, Cummings and Cove Island parks. Privately owned facilities also serve the boating public,

including private clubs and marina facilities developed as ancillary components of waterfront residential and commercial developments. Historically, Stamford has been home to one of the largest boatyard/marina facilities serving pleasure craft in the northeast United States. When this facility, located on a 14-acre site in the South End, was temporarily removed in 2011 for environmental site remediation, Stamford was left without a fullservice boatyard. Upon completion of this remediation, the City should seek to achieve the objectives of the Shorefront Mixed Use category on the site. [Emphasis added by SHMC.]

Pages 169-170:

Policy 7E: Support an Active and Diverse Waterfront

Implementation Strategies

7E.1: Establish and maintain diversity of viable water-dependent uses that a) individually and collectively enhance the quality-of-life in the City and provide significant economic benefits; and b) are consistent with the capacity of coastal resources to support those uses without the occurrence of significant adverse impacts on environmental quality or public health, safety or security. Maintain and enhance Stamford's status as a center of recreational boating activity on Long Island Sound and a regional destination for visiting boaters. [Emphasis added by SHMC.]

7E.2: Encourage and support continued operation and, where feasible, enhancement of public and private recreational boating uses and facilities, including facilities for the maintenance, repair, storage, hauling and berthing of vessels. Avoid development that would result in significant reduction of available recreational boating services, including, but not limited to, vessel maintenance, repair, storage, hauling and berthing facilities of local and/or regional significance. [Emphasis added by SHMC.]

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#10. SHOREFRONT MIXED-USE The purpose of this category is to provide for appropriate mixed-use development of the waterfront in a manner that: (1) protects existing water-dependent uses and encourages new uses which depend upon marine access; [Emphasis added by SHMC](2) encourages the preservation and enhancement of public access to waterfront areas and waterfront vistas; and (3) encourages a mix of compatible uses so designed and integrated as to achieve these objectives within the capacity of the infrastructure and complementary in scale to the general character of the area. Development plans must include significant water-dependent uses such as public access facilities, boatyards, marinas, marine sales and service and businesses requiring waterborne shipping and receiving or water access. Existing water-dependent uses and waterfront vistas shall be protected. Complementing these uses may be limited retail, office, restaurant and other compatible uses that enhance the opportunity for maintenance and development of existing and proposed water-dependent uses. All shorefront development shall include meaningful public access to the waterfront except where public safety would be a risk.

After review and recommendation by the Harbor Management Commission and the Planning Board, all development within this category shall be subject to approval of site and architectural plans and requested uses by the Zoning Board. A determination will be made by the Zoning Board that the scale and nature of the proposed development is compatible with available traffic capacities and public infrastructure systems, and will be in compliance with the goal of directing most development to Downtown. Intensity of development shall be generally consistent with the density of Residential-Medium Density Multifamily (Category #4) computed on the basis of land above mean high tide.

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Policy 7E: Support an Active and Diverse Waterfront

- 7E.1** Establish and maintain diversity of viable water-dependent uses
- 7E.2** Encourage and support continued operation and, where feasible, enhancement of public and private recreational boating uses and facilities [Emphasis added by SHMC]
- 7E.3** Maintain and enhance waterfront parks, beach areas and other facilities that provide opportunities for public access to the city's coastal waterways

End

Presentation to Planning Board by Harbor Master 2015 10 14

Madam Chairman

I am the State appointed Harbor Master for Stamford. I hold sea-going Master's Certificates of Competence from both the US and UK administrations. I have 40 years' experience of commercial and recreational boating and am now safety manager for a large US tug boat company and specialize in incident investigation and risk assessment.

My authority and responsibilities for Stamford Harbor derive from CT general Statute 15-1 and include, "... *general care and supervision of the harbors and navigable waters ...*" and "*shall be responsible to the commissioner (State Commissioner for Transportation) for the safe and efficient operation of such waters and navigable waterways.*"

It is therefore reasonable to conclude that I should be consulted on matters that relate to navigation based risks within the harbor. Marine Tec have not contacted me or sought input from me concerning navigational risks or risk mitigation and as a result have expressed inappropriate opinions and flawed mitigating actions in their peer review report.

Their errors are as follows;

Methodology

2. *Make a list of people with knowledge and information regarding Connecticut's local and state regulations that come into play regarding recreational boating industry and the proposed plan.*

They failed to identify the local harbor master or the requirements of federal navigation regulations.

19. *Examine navigation in channel, conditions along the channel, commercial and recreational channel traffic and safety of the boating public.*

They failed to consult with local harbor master or marine police unit with regards to actual conditions and events within the harbor or note the navigation requirements of the USCG inland Navigation Rules.

Assessment of Navigational Access to the Proposed Boatyard/Marina (P.10)

While the report recognizes the potential for increased interaction between recreational vessels and commercial traffic, the proposed mitigation which advises "... *boatyards and marina operators ...*" to "... *develop a communication channel with the harbor master that keeps them informed of tug and barge schedules.*" Is flawed.

While this would work in a harbor with a full time harbor master or marine office, Stamford has neither. The positions of harbor master and deputy harbor master are very much part time and effectively unpaid. The collation and dissemination of the suggested information regarding tug/barge movements subject as it is to constant weather and operational updates is beyond the present capabilities of the harbor master or city. Although such a system could be developed, (but at a cost to who?), it shows a fundamental lack of understanding of the actual circumstances existing in Stamford harbor.

Assessment of Navigational Access to the Proposed Boatyard/Marina (P.19)

The report further states with regards to the tug Captains, "*The Captains are focused on time efficiency and expect boat traffic with better mobility to work around them.*" This is both incorrect and insulting.

The tug Captains are professional mariners who do everything in their power (and sometimes more) to avoid incidents with recreational craft. They often request assistance from the marine Police or harbor master's boat to ease passage through the harbor on busy weekends. They do not expect others to "... *work around them.*" but comply with the USCG Navigation Rules (as should all recreational vessels), in particular Rule 9 *Narrow Channels* which states, *A vessel of less than 20 meters (65 feet) or a sailing vessel shall not impede the passage of a vessel that can navigate only within a narrow channel or fairway.* To this end, the tugs are required to (and do) broadcast *Sécurité* (safety) messages on marine VHF radio before commencing any in/out bound transit or movement within the harbor.

I believe that the presentation of this part of the peer review report indicates either a lack of competent input to those compiling the report or a lack of understanding by those compiling the report of actual marine operations.

The report also states "*Tug boats have less control of the barges when they are towed as opposed to being pushed. O&G has stated that their barges are always pushed which makes sense in a narrow channel.*" This is misleading on several points;

1. While generally correct, depending on a variety of weather, tide, current, topographical and operational conditions, towing a barge (on the wire) can be the most appropriate means of transit.
2. While the majority of barges in the west branch (of the harbor) may be under the control of O&G there have been at least three (3) instances this year (two witnessed by the harbor master, one of which involved a barge carrying hazardous/explosive cargo) where control was lost of barges being towed resulting in allision/near allision with existing marina docks and structures. In fact, the barge containing hazardous cargo had to be set free by the tug before being re-acquired.

I therefore believe that the potential for greater risk resulting from increased interaction between recreational and commercial traffic in the west branch and the possibility of practical and effective risk management and mitigation strategies have not been properly assessed or presented in the peer review report.

As the State appointed Harbor Master, it is not appropriate for me to comment on previous or proposed boat yards/marinas in this forum. My intent in this short presentation is to identify and highlight some informational gaps in the preparation and presentation of the Marine Tec peer review report that you may feel represent a weakness in its conclusions.

Madam Chairman, Thank you for your time.

Captain Eric Knott MSc. AFRIN, MNI

State Appointed Harbor Master, Stamford CT.

Captain Eric Knott *MSc*

Associate Fellow of the Royal Institute of Navigation
Member of the Nautical Institute

Qualifications, Certifications and Experience

INVESTIGATION TRAINING and QUALIFICATIONS

Certificate, License or Training	Date of Issue	Issuing Authority
Accident Investigation Course and Certificate	11/1/1978	City and Guilds Institute of London
Legal Course - Maritime Expert Witness	12/7/1999	Thomas Sands Training, London
Certificate of Units Credits - Competencies in Training & Development / Vocational Assessor	8/1/2002	City and Guilds Institute of London
Daubert Challenge Louisiana State Court	2006	Nelson Faye, Attorneys at Law
Lead Auditor ISO 9001:2000	4/28/2006	Georgia Technical Institute
BP Contactor's Safety Seminar	5/12/2006	British Petroleum, Chicago
Incident Command System (ICS) for Single Resources and Initial Action Incidents	7/14/2006	Emergency Management Institute / FEMA
Introduction to National Emergency Management Systems (NIMS)	7/19/2006	Emergency Management Institute / FEMA
Decision Making and Problem Solving	7/19/2006	Emergency Management Institute / FEMA
IS-00242 Effective Communication	8/8/2006	Emergency Management Institute / FEMA
IS-00240 Leadership and Influence	8/8/2006	Emergency Management Institute / FEMA
IS-00240 Principals of Emergency Management	8/8/2006	Emergency Management Institute / FEMA
Marine Surveying - Diploma with Merit (Accreditation in ISM code)	9/2006	Lloyd's Maritime Academy, London and North West Kent College
Auditor Orientation - Responsible Carrier Program (RCP) Orientation and Examination	2/13/2007	American Waterways Operators
RCP Auditor Re-Certification course and exam.	2/14/2007	American Waterways Operators
Maritime Security Implementation, Drills, Exercises and Audits	5/9/2008	American Bureau of Shipping (Consulting)
Accident Investigation Orientation for Marine Professionals	10/8/2008	National Transportation Safety Board (NTSB)
Marine Accident Investigation	1/30/2009	NTSB
Auditor Examination and Certification - Responsible Carrier Program	2/7/2009	American Waterways Operators
Auditor Familiarization - Responsible Care Management System	2/19/2009	American Chemistry Council
Cognitive Interview Series	2/2010	National Transportation Safety Board (NTSB)
OSHA 2011 Update for the Maritime Industry	2/24/2011	Signal Insurance / OSHA
Marine Investigation - Diploma with Distinction	3/29/2011	Lloyd's Maritime Academy, London and North West Kent College
Certificate in Naval Architecture	9/1/2011	Lloyd's Maritime Academy, London and North West Kent College
Uninspected Towing Vessel Examiner Course (02-12) and Certificate	3/2/2012	USCG Marine Safety Branch
AWO RCP Auditor Certification # 2014-12-165	11/5/2014	Towing Vessel Inspection Bureau
Master's Degree (with honors) Marine Surveying	3/9/2015	Middlesex University and Lloyds Maritime Academy of London

MARITIME CERTIFICATION and QUALIFICATION

Certificate, License or Training	Date of Issue	Issuing Authority
VHF (Marine) Radio Operator	10/23/1985	UK Home Office
Boat Master's License (Class 2)	2/19/1986	UK Department of Transport (Marine Office)
Offshore Navigation	7/15/1988	UK Department of Transport (Marine Office)
Basic Sea Survival	2/17/1991	Sea Fish Industry Training Association
Basic Fire Fighting and Prevention	5/16/1992	Sea Fish Industry Training Association
Yachtmaster (Offshore) 200T Certificate of Service (Commercial Vessels)	9/22/1993	UK Maritime and Coastguard Agency
Basic Marine Diesel Engine Maintenance	11/15/1994	Royal Yachting Association
International Operator's Certificate (Pleasure Craft) up to 24 meters / 80T (CEVNI endorsed)	3/23/1995	Royal Yachting Association
Examiner for International Operator's Certificate	3/23/1995	Royal Yachting Association
Yachtmaster (Offshore) 200T Certificate of Competence (Commercial Vessels) (endorsed as "Instructor")	9/20/1995	UK Maritime and Coastguard Agency
Maritime Meteorology Course	11/25/1995	UK Meteorology College, Shinfield
Long Range Radio Operator's Certificate (incl. vhf, HF, MF, InMarSat, GMDSS)	3/12/1997	UK Radio Communications Agency
Radar Instructor	3/20/1999	Royal Yachting Association
National Power Boat Certificate (Coastal Endorsement)	3/11/2001	Royal Yachting Association
Risk Assessment / Safety Awareness Instructor	11/19/2001	UK Maritime and Coastguard Agency and Sea Fish Industry Training Association
Sea Survival Instructor (STCW / MNTB compliant)	12/6/2001	UK Maritime and Coastguard Agency and Sea Fish Industry Training Association
Fundamentals of Instructor Training - Instructor First Aid, CPR, Professional Rescuer	7/10/2003	American Red Cross
USCG Operator of Uninspected Passenger Vessels (UK citizen at time of issue)	8/5/2003	United States Coast Guard
USCG Authority to Instruct; OUPV, Master 100T, Deck License Renewal, Sail, Towing, First Aid/CPR	9/11/2003	United States Coast Guard
FCC vhf License	10/3/2003	Federal Communication Commission
Connecticut State Safe Boating Instructor and Examiner	4/4/2004	Secretary of State, Hartford CT.
Crew Endurance Management Training (CEMs)	6/6/2006	Moran Towing Corporation
Markey DESF-48 Winch Function/Operation	7/12/2006	Markey Engineering / Moran Towing Corporation
Crew Endurance Management Coach	8/18/2006	United States Coast Guard

MARITIME CERTIFICATION and QUALIFICATION

Certificate, License or Training	Date of Issue	Issuing Authority
Drug and Alcohol Training for Supervisory Personnel	12/29/2006	Moran Towing Corporation
Slip, Trip and Fall Avoidance in the Oil, Offshore Oil and Maritime Industries	11/14/2007	Moran Towing Corporation
Slips, Trips and Falls Prevention for Inland Waterways and Maritime Personnel	11/14/2007	Moran Towing Corporation
Medical Clearance for Voluntary Respirator Use	11/14/2007	3M Health and Safety Services
Vessel Security Training (Moran)	11/26/2007	Moran Towing Corporation
Instructor, Supervisor and Assessor Qualification Course (Train-the-Trainer)	5/9/2008	RTM Star Center (USCG/STCW/IMO accepted)
Merchant Mariner's Document	7/17/2008	United States Coast Guard
Master's License (US flag)	7/17/2008	United States Coast Guard
Lock-Out / Tag-Out	8/7/2008	Fleet Environmental Services
Confined Spaces for General Industry	8/7/2008	Fleet Environmental Services
Hazard Communication	8/13/2008	Fleet Environmental Services
Means of Egress and Fire Protection	8/13/2008	Fleet Environmental Services
Crew Endurance Management Training and Certification as "Expert"	4/9/2009	United States Coast Guard
Drug and Alcohol Specimen Collection	5/27/2010	American Maritime Services / United States Coast Guard
Coastal Safety at Sea Seminar (attendee / presenter)	2/7/2015	US Sailing
Professional Practices and Responsibilities	9/4/2015	Royal Yachting Association

MEMBERSHIPS

Certificate, License or Training	Date of Issue	Issuing Authority
Elected - Member of the Royal Institute of Navigation	9/22/1994	Royal Institute of Navigation
Elected - Associate Fellow of the Royal Institute of Navigation	8/1/2002	Royal Institute of Navigation
Elected - Companion of the Nautical Institute	1/21/2004	Nautical Institute
Notary Public, Connecticut	3/9/2004	Secretary of State, Hartford CT.
Elected - Full Member of the Nautical Institute	7/1/2010	Nautical Institute
Qualified and Elected - Member of Towing Vessel Inspection Bureau	11/12/2014	Towing Vessel Inspection Bureau (TVIB)

EXPERIENCE and POSITIONS

Maritime

Dates	Vessel / Company	Position	Responsibilities
1973-	"Patricia D " Fishing Vessel # LI.226	Deckhand	Learning the trade.
1984-	"Dawn Star " Fishing Vessel # PW.367	Owner / Master	All aspects of operation and maintenance
1986-	"Gerry's I" Fishing Vessel # NN.98	Owner / Master	All aspects of operation and maintenance
1989- 1993	"Jenifer's Pride" Fishing Vessel # LI.118	Owner / Master	Contract with shipyard for new build. All aspects of operation and maintenance
1993	"Lady Marina" Fishing Vessel # LI.80	Mate	Deck operations and Relief Master

Safety and Training

1994- 2003	Peter's Sea Tech PLC (Sea training Establishment) Chichester UK	Training Manager, Principal Instructor,	Operation of 2 owned and (up to) 12 contract/fleet vessels operating throughout Northern Europe. Responsible for crewing and training, routine and preventative maintenance (incl. shipyard periods) as well as 'at sea' and classroom training.
2003- 2006	Landfall Navigation -Stamford CT. USA	Training and Commercial Safety Manager	Set up and run marine training center, supply safety and navigation equipment to shipping companies, state and federal agencies and approved foreign agencies.
2006 - to date	Moran Towing Corporation	Assistant Manager - Quality, Health, Safety, Security and Environmental Department	Responsibilities include, but not limited to; conducting internal audits against company SMS, ISM, RCP and applicable CFR's. Internal /external audits on 3rd party/partner companies as above and ISO 9000. Investigations of incidents and casualties involving company personnel or equipment and the presentation of such reports to the board with safety recommendations. Developing company safety and operating policy. Developing, delivering and evaluating crew training programs to meet company, industry and regulatory requirements.

Consulting

1974- 1990		Accident investigation	Assist UK Police Force with accident investigations
1993 - to date	JP Services Maritime Safety and Training LLC (also d.b.a. Admiralty Consulting)	Partner	UK, Europe (incl. Mediterranean) and North America. Consult with law firms, businesses and industry bodies regarding training, safety risk assessment and accidents. Conduct investigation, prepare and deliver reports to courts, industry bodies and others. Prepare and deliver training ashore and at sea. Contract as Master on vessels for delivery, charter or other purposes.

2014 July 1st	State of Connecticut. Appointed by Governor Dannel Malloy	Harbor Master Stamford CT	... general care and supervision of the harbors and navigable waterways ..., subject to the direction and control of the Commissioner of Transportation, ... responsible ... for the safe and efficient operation of such harbors and navigable waterways ... Connecticut General Statute 15-1
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**COMMENTS FROM MAUREEN BOYLAN
SAVE OUR BOATYARD**

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

Sent: Thursday, October 15, 2015 11:10 PM

To: Dell, Theresa; Fishman, Claire; Tepper, Jay; Quick, Roger; Levin, William; Naumowicz, Zbigniew; Godzeno, Jennifer; Totilo, Michael

Cc: Woods, David

Subject: Save Our Boatyard Planning Board Letter and Information

All,

Here is the information I discussed at the planning board meeting that I am presenting now. I have my speech, Stamford Advocate articles regarding Tom Madden, recreational boating study, i.e 4th district Fairfield, increased boat sales, and a very intriguing picture of Dan Malloy and John Freeman which puts this whole application in doubt.

<http://www.stamfordadvocate.com/news/article/Officials-question-Stamford-s-role-in-BLT-s-6465206.php>

NMMA Recreational Boating Economic Study - CT (Natl. Marine Manufacturers Assoc.)

http://www.nmma.org/assets/cabinets/Cabinet432/NMMA_ecoimpact_booklet_optimized.pdf

Norwalk Boat Show 2015 Increased Attendance and Sales

<http://www.stamfordadvocate.com/business/article/Norwalk-Boat-Show-caps-strong-2015-sales-season-6498997.php>

Trade Magazine - boat increases started last January 2015

Regards,

Maureen Boylan

Save Our Boatyard

Thank you to Chairman Dell and members of the Planning Board for having this public meeting in letting our voices be heard.

There needs to be some clarification that some members of the public are misinformed on:

WE represent over 1400 boaters from Maine to Florida who have either used the previous BYH West site and are former Stamford residents who have moved out of state thanks to Dan Malloy. So to say we represent a small group of boaters who have their own agenda is completely untrue. We are taxpayers and boaters fighting for what is right, we pay our taxes and abide by the rules like everyone else and are not beholden to ANY developer or politician!

To be clear on the following:

We did NOT destroy the piano shop at the Yale and Town property, We did NOT destroy the brown brick bldg. on the 14 acre site by fire that that misplaced 6 businesses that BLT claimed it was asbestos

WE did not obtain an illegal demolition permit when Bob DeMarco claims he didn't know about Cond 7 GDP

We are not the ones who have 34 work stoppage orders by the state CT Dept. of Labor for having illegal workers

We did not employ a 15 year old illegal worker who was working construction on the restaurant Sign of the Whale and have the CT Dept. of Labor come down and raid BLT again and yet all these occurrences seem to be our fault when clearly they are not. BLT likes to transfer blame to everyone else because they think their above the law.

What we have here is BLT has failed to meet their contractual obligation to restore the boatyard to its rightful place on the 14 acre site. The agreement with the city was to keep the boatyard and its services with no reduction in services in the GDP and clearly this was not done. This is a lack of respect by BLT for the city's zoning agreement which allowed BLT to build more residential and commercial space in exchange for keeping the boatyard 14 acre site. Clearly there is a lack for state regulations that protect coastal areas.

This Daven port Plan is a 7 part application that the DEEP has questions about and clearly the HMC does not agree with this plan as it violates not only the harbor mgmt. plan , its violates coastal area mgmt. regulations, the city's development plan and state regulations as previously stated at the DEEP hearing.

BLT's intent is to overwhelm all the boards with their documents, market studies, and peer reviews which are very conveniently documented by back door deals such as the non-disclosure agreement.

Where is the transparency with the NDA? Why are there financials between the two parties regarding a boatyard not made public, it doesn't make sense but then again BLT has never been transparent either.

No successful boatyard mgmt./marina company would not only manage one location but 3 separate locations that is set up for failure, it would not be a profitable business model. Considering it doesn't even have half of the services previously offered by BYH.

The developer is trying to escalate a dredging permit in 7 mo time, Whereas, most coastal communities along the coast shores of CT, the average wait time is 5 yrs for a dredging permit, this developer Karl Kuehner seems to think their above the law in obtaining one.

City officials are still questioning Economic Development Mr. Madden's involvement in writing a draft letter for publication on behalf of the developer BLT to try and expedite a DEEP hearing to be held in August. Mr. Madden completely over stepped his bounds whereas he was questioned by the HMC and in the court of public opinion has ridiculed him for doing so. A lot of Mr. Madden's answers were I don't know, I'm not aware before the commission.

The city's contracted vendor Pamela Landzione of MMC her hiring is quite suspect, as she was hired by the city's Economic Developer Thomas Madden and Ms. Landzione is a friend of Mr. Madden's. We at Save Our Boatyard met with Mr. Madden many months ago and offered the name of Dan Natchez of Mamaroneck NY who has built and designed boatyards for over 30 yrs and Mr. Madden completely ignored his name and the suggestion in contacting him directly.

The market study peer review by MMC is right on some points and wrong on many others. We question how a contractor who lives in Florida who has supposedly has been to the Stamford harbor twice, let alone never saw the former BYH WEST facility in its full operation and she never traveled up the East branch of the Stamford harbor because otherwise if she had, she would know that there many boats that are above 28ft in length and a ton of sailboats that make her opinion regarding this davenport plan questionable that the boatyard should only have up to 28ft boats? It doesn't make sense. She fails on many of the details and did not supply information regarding where she has operated a boatyard herself on LI sound which is also subject let alone her financials.

I find it ironic how she inserted some points of the NMMA information that I supplied to the zoning and planning boards over two year and half years ago and yet she fails to mention the boating industry is steadily climbing back. She fails to mention the boating industry in the US is a 121.5 Billion dollar industry. She fails to mention the TOTAL economic significance in Congressional district 4 which is Fairfield County creates in boat sales, creation of jobs, spending, boat bldg., boat mfg. generates 325.2 million dollars. So really when BLT questions the boating the viability of a boatyard, these figures alone speaks volumes folks. If you restore what you destroyed the return on the economic impact will be magnified.

This Davenport plan does not provide the necessary services that were at the former BYH, such as a rigging shop, sail repair shop, no woodworking shop, etc. They mention a 70ft gas dock which is laughable and not conducive, 3 properties to be managed by three separate contractors. Rental units next to a concrete site with 3 chimney's that blows gravel dust that we know get sprayed on the boats. Silt continually keeps coming into the harbor from the Mill River project. BLT wants a dredging permit to dredge in front of their property only instead of paying for and doing the whole West branch. No signed agreement has been provided by Hinckley let alone the financial contract or any other boatyard operators. Nowhere in the application does this say it replaces the 14 acre site, so BLT is still required to build a boatyard on the 14 acre site.

I find it ironic that BLT has now on its third occasion stolen from us our boatyard plan that we presented 10 month ago in regards to now providing showers, toilets, sales and conferences rooms, laundry, outside locker storage and an ADA boardwalk, which BLT nor Bill Heiple has ever provided before.

On page 22 paragraphs 3 & 4 Ms. Landzione claims only boats 28ft and under is recommended for transport but at the same time she doesn't know the percentage of the small boat market, so how can she make that claim.

Members of the Planning Board this is a doomed plan from the start for the reasons I previously mentioned. All you have to do is look at the CAM laws, the states' regulations, and the HMC conclusion to know that BLT is desperate and will try and spin this to their advantage. The Rule of Law is on your side, to not be swayed by BLT's over abundant propaganda. Although the old saying is a picture tells a 1,000 words. (show picture of Dan Malloy, John Freeman, Ted Ferrone Oct.1st Stamford Chamber luncheon)

In our research of the Hinckley company just last week, we found out that the marina is located in PortSmith R.I. it is placed on 15 acres of land. On Sept. 24th, 2015 not one but THREE boats went on fire, a 60 ft sailboat, a 35ft cabin cruiser, and a 50 ft sailboat. The first two boats sank and the last boat had severe damage. The last boat named the Robin Two, is owned by the late yachtsman Ted Hodd, a former America's Cup Skipper and a sail making company. Copy and paste enclosed link:

<http://www.providencejournal.com/article/20150914/NEWS/150919657>

Your referral to the ZB and the ZB itself hopefully will NOT change the outlook of the Stamford harbor and the 14 acre site that has been designated for over 100 years and we know its long standing history.

Do not approved this Davenport Plan as part of your referral.

Regards,

Maureen Boylan
Save Our Boatyard

BY THE NUMBERS

Aluminum, fiberglass markets at a glance

			Month			Year		
			January 2015	January 2014	Percent Change	2015	2014	Percent Change
All Propulsions	Aluminum	Aluminum fish	972	915	6.2 %	972	915	6.2 %
		Pontoon	531	439	21.0 %	531	439	21.0 %
Outboard	Fiberglass	All (Inshore/Offshore)	1,549	1,391	11.4 %	1,549	1,391	11.4 %
IO/IB	Fiberglass	All (Bowrider/Deck)	173	215	-19.5 %	173	215	-19.5 %
IO/IB	Fiberglass	All (Cruiser)	84	61	37.7 %	84	61	37.7 %
IO/IB	Fiberglass	All (Yacht)	73	51	43.1 %	73	51	43.1 %
IO/IB	Fiberglass	All (Semicustom & Custom Yacht)	18	13	38.5 %	18	13	38.5 %
All Propulsions	All	Ski Boats	132	129	2.3 %	132	129	2.3 %
Main Powerboat Segments			3,532	3,214	9.9 %	3,532	3,214	9.9 %
All Propulsions	All	Jetboats	53	61	-13.1 %	53	61	-13.1 %
		PWC	603	530	13.8 %	603	530	13.8 %
		Sailboats	106	97	9.3 %	106	97	9.3 %
		Electric boats	8	17	-52.9 %	8	17	-52.9 %
		Houseboats	4	1	300.0 %	4	1	300.0 %
All Propulsions	Aluminum	All (General Recreation)	426	425	0.2 %	426	425	0.2 %
All other boats not classified above			144	121	19.0 %	144	121	19.0 %
Total Industry			4,876	4,466	9.2 %	4,876	4,466	9.2 %

The data represent 30 states, about 65 percent of the U.S. boat market. Coast Guard (Documented Vessels) information is complete. If you have any questions, please contact Statistical Surveys Inc. • Phone: (616) 281-9898 • Website: www.statisticalsurveys.com

Boat sales continue steady gains in January

By [Name] / Associate Editor

Pontoon-boat buyers and people looking for small to midsize outboard boats have been leading the recreational boating market since the Great Recession. They are not going to any other company. January doesn't contradict what has been the trend, but they suggest that some boat categories may be poised to play

sent about 65 percent of the national market.

"The momentum of sales from last year has definitely carried over and consumer confidence continues to grow," said Ryan Kloppe, national marine sales manager at Statistical Surveys.

Sales for the month were highest in the 11- to 40-foot outboard fiberglass category, where the gain was 11.4 percent, to 1,549 boats. Pontoon sales climbed 21 percent, to 531 boats, and sales of aluminum fishing boats rose 6.2 percent, to 972.

and sales of 63- to 99-foot custom and semicustom yachts increased by five, to 18.

The only category in the main segments that showed a decline was 14- to 30-foot inboard sterndrives, where sales fell 19.5 percent. The segment has been steadily losing ground.

A majority of the top 10 states for sales in January were Southern, as is often the case during the heart of the winter in much of the nation. Florida was the leader among the early-reporting states with 1,784 sales, followed by Texas with

SOUNDINGS

Trade Only

April 2015
Vol. LII, No. 10



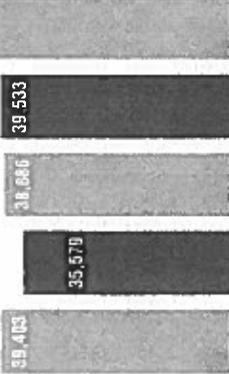
WWW.TRADEONLYTODAY.COM

\$5.00

PWC sales

show 2014 gain

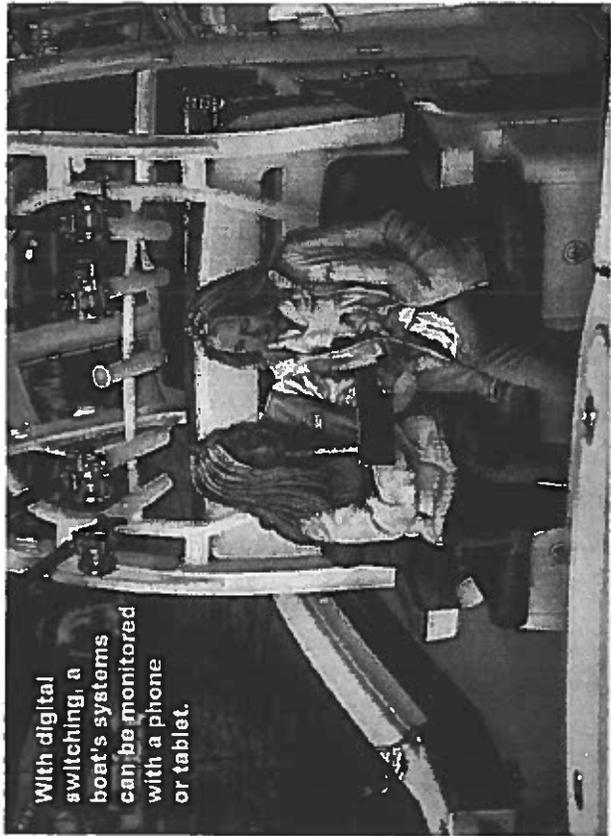
SOURCE: Statistical Services Inc.



Figures are for the full year and all 50 states.

Digital switching is in the on position

The mainstreaming of the technology, disrupted by the recession, is picking up again



With digital switching, a boat's systems can be monitored with a phone or tablet.

One of the many encouraging signs at the Miami International Boat Show was the resurgence of digital switching technology, says ABYC vice president and education director Ed Sherman.

Long a fixture on larger, high-end boats, the technology was working its way into mid-size vessels before the financial meltdown, but that trend was largely abandoned during the recession years, says Sherman. Now it again is being used on mid-size vessels and even is trickling down to ski and wakeboard boats.

That's a good thing, says Sherman, a strong digital-switching advocate who is pleased to see boatbuilding catching up with other industries where use of the technology is widespread.

Sherman explores the features of some of the systems and shares his thoughts on digital switching in a guest column.

Page 28

INSIDE

Q&A with Scott Deal

The Maverick Boat Co. founder and president talks about the company's recent sales success and discusses his work as an architect of the Morris-Deal Commission's "vision" for salt-water fishing. **Page 10**

'Right-sizing'

Dealer Larry Russo's impending move into smaller facilities isn't downsizing; it's "right-sizing" for today's market, he says. He expects to cut operating costs by 40 percent and still have the "largest showroom in the Northeast." **Page 30**

Show toughs it out

Who buys a boat in a blizzard? Apparently some Bostonians do. **Attention**

Sections

Norwalk Boat Show caps strong 2015 sales season

By Alexander Soule Published 4:51 pm, Friday, September 11, 2015



IMAGE 1 OF 3

BUY PHOTO

Michael Frank, president of Prestige Yacht and Sales, shows off a Beneteau Oceanis 55 sailboat at the 2013 Norwalk Boat Show in Norwalk, Conn.

Tom Pilkington still remembers the Norwalk Boat Show of 2008, held the weekend after news broke on the collapse of Lehman Brothers, with he and some of his fellow yacht brokers comparing notes while mostly idle at an exhibit booth.

"We were all standing around talking, because there was no one there," recalled Pilkington, owner of Prestige Yacht Sales in Norwalk.

Seven years later, Pilkington and the National Marine Manufacturers Association are expecting big crowds at NMMA's 2015 installment of the Norwalk Boat Show, scheduled for Sept. 24-27 in East Norwalk, with many prospective boat buyers feeling financially better off these days.

Manufacturers are bringing new models to market after several years of relatively quiet activity on the drawing board, according to Pilkington, in part a reflection of the overall economy and a flood of used boats hitting the market during the recession and its aftermath, as cash-strapped families jettisoned their expensive weekend hobby, creating additional competition for boat designers.

The manufacturers are back in force with many models equipped with newfangled systems, whether in the form of onboard infotainment systems that can deliver maritime information, power winches on sailboats or even joystick controls at the helm that can be used to maneuver boats in and out of tight slip spaces.

"I would definitely say there's been a steady growth in the buying of boats in the past three years," Pilkington said. "The stock market has been great, interest rates have been low."

The boat show runs from 10 a.m. to 6 p.m., at the 400-slip Norwalk Cove Marina at 48 Calf Pasture Beach Rd., with nearly 60 makes of boats on display, from Absolute Yachts of Italy to Zodiac Nautic of Summerville, S.C. It is the largest of Connecticut's slate of boat shows, which include the in-water Greenwich Boat Show held in April, Mystic's Wooden Boat Show in June and the Connecticut Marine Trades Association's Hartford Boat Show staged in January at the Connecticut Convention Center. NMMA also runs the New York Boat Show at the Jacob K. Javits Convention Center in New York City, which each January kicks off the annual circuit of U.S. boat shows and where attendance surged 24 percent this year.

The 2015 season is fast coming to a close, with the Norwalk Boat Show sandwiched between the Newport International Boat Show, revving up for next weekend in Newport, R.I.; and the tandem U.S. Sailboat Show and U.S. Powerboat Show held back to back in mid-October in Annapolis, Md., billed as the largest in-water boat show in the United States.

Norwalk Boat Show tickets are \$13 if purchased online through Sept. 23 or \$15 at the gate, with children age 15 and younger free when accompanied by an adult. Admission covers many happenings at the show, with extra fees for skills-based boating workshops, ranging from \$5 to \$75. Information is online at www.boatsshownorwalk.com.

Totally different

While the Norwalk Boat Show is a major draw for the Tri-state area, attendance dropped sharply last year to 12,900 people, as reported by the marine industry publication Trade Only Today, a 21 percent drop from 2013. Weather willing, NMMA expects a rebound this year to anywhere between 14,000 and 20,000 people, according to Jon Pritko, NMMA's regional manager in charge of the Norwalk and New York boat shows.

If attendance figures were down, boat dealers said their sales were up last year, and that has continued into 2015.

"Norwalk is totally different," Pritko said. "There are several hundred (boats) on display, including probably 125 in the water. That's what makes in-water shows unique. The (boats) in Norwalk are much larger than you can get into any convention center."

Connecticut residents spent \$136.3 million in 2014 on the purchase of boats, outboard motors and other accessories, a 9.5 percent increase according to NMMA, ranking the state 32nd of the 50 states for percentage increase in sales and sixth of the eight Northeast states, ahead of New York at 7.3 percent and Massachusetts at 3.4 percent.

With a 25 percent increase in boat and accessory sales, Rhode Island led all Eastern states and ranked fifth nationally.

Nationally in 2014, sales of powerboats rose 6.4 percent to 177,500 vessels in all, with NMMA expecting another increase this year of between 5 percent and 7 percent.

Connecticut boat registrations hit the high water mark in 2004 at just under 112,000 watercraft, dropping precipitously following the recession to 104,000 boats as of 2012. Connecticut does not require registration of boats lacking motors that are less than 19½ feet in length.

A sign of the times

If lower fuel prices are swaying some boat-buying decisions, it remains a pricey hobby—the website SeeDealerCost.com lists the manufacturer's suggested retail price at \$103,000 for the 25-foot Grady White powerboat, among the models on display at the Norwalk Boat Show. At Stamford's private marinas, slip fees average between \$2,180 and \$3,330 for boats 24 feet to 30 feet in length, according to a study published in May by Stratford-based Roberge Associates Coastal Engineers, with the city's public marinas at Cove Island, Cummings Park Marina and Czesnik Municipal Marina charging less. Tack on taxes, fees, insurance, winter storage, maintenance and others costs, and it adds up.

But in well-heeled Fairfield County, which looks out on the Long Island Sound, it is a hobby that many pursue.

If boaters are coming back, so are the dealers, Pritko thinks.

"A sign of the times that things are improving is that I'm seeing manufacturers bringing more product to the show, ones that haven't been at Norwalk in recent years," Pritko said. "Right after the recession ... they kind of faded away."

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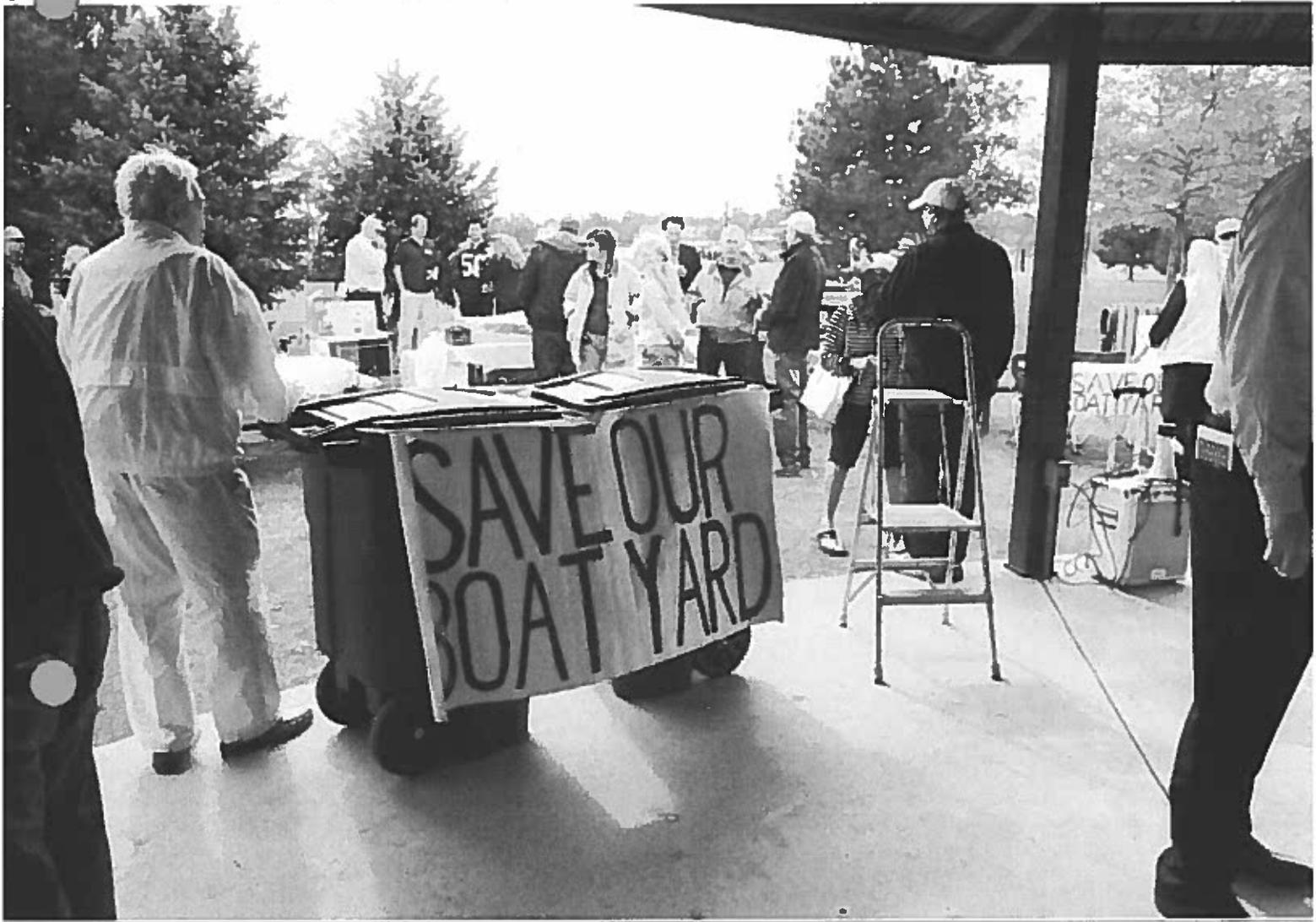
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Officials question Stamford's role in BLT's rush to dredge proposed boatyard site

by **A. Carella** Published 6:30 pm, Tuesday, August 25, 2015



Residents rallied in Kosciuszko Park in October 2011 to save the city's boatyard. Harbor Point developer Building and Land Technology later demolished it, and has been haggling with the city since on how ... more

Here's the story behind the July 1 email that Building and Land Technology attorney **John Freeman** wrote to the state **Department of Energy and Environmental Protection's** permitting and enforcement office:

During Christmas week 2011, BLT illegally tore down Stamford's historic - and only - boatyard. Zoning officials then slapped BLT with a court order, preventing the developer from continuing to build portions of its massive \$3.5 billion South End project until it presented a viable plan for a new boatyard.

BLT then came up with a plan for a replacement boatyard on Magee Avenue. It was deemed not viable. So last year, BLT bought a parcel on Southfield Avenue and came up with a second plan - build a small boatyard there, build storage on Magee Avenue and truck boats back and forth. That way BLT can also fit a housing development, which is much more lucrative than a boatyard, on the Southfield Avenue site.

alled Save Our Boatyard that works to ensure BLT replace what it destroyed:

Freeman wrote **Kristen Bellantuono**, a DEEP permitting and enforcement official, to push for an Aug. 13 public hearing on BLT's application to dredge Stamford Harbor near the proposed boatyard site. He emphasized that notice of the hearing had to go out by July 8 in order to provide the public with the required 35 days' notice.

He'd checked, Freeman wrote, and DEEP could have the **Stamford Government Center** cafeteria for the hearing on Aug. 13. "I hope that works," Freeman wrote. "We need to get the DEEP hearing process started in August so we can complete it in September."

The following day, July 2, Bellantuono wrote back: "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."

Freeman kept pushing. It seems he'd already booked the City Hall cafeteria. "At this point we have the room, and if we can get the notice published by July 8 we will be on the track we discussed weeks ago," he responded 10 minutes later.

About an hour and 20 minutes after that, Stamford's director of economic development, **Thomas Madden**, also wrote Bellantuono. Madden made the same push as Freeman, taking it a step farther.

I took the liberty of drafting the public notice for you, in order to help reduce your workload. I am hoping that you can review and make any corrections to the attached draft public hearing notice" and have it approved so it would be published by July 8, Madden wrote. "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 Aug. 13 at 7 p.m."

The push by Freeman and Madden didn't work - the public hearing is scheduled for 6 p.m. Sept. 8 at the University of Connecticut's downtown Stamford campus. But here's the problem:

Madden attached to his email the notice he'd drafted. The DEEP "hereby gives notice that a tentative determination has been reached to approve" BLT's application, Madden wrote.

It appears that a city employee intervened on behalf of a private developer on a project about which the **Stamford Zoning Board** and the **Stamford Harbor Management Commission** have significant questions.

The sense I get is that this cannot be pushed fast enough," Zoning Board member **Barry Michelson** said. "It seems to be a lack of unanimous support or tacit approval from others. But we haven't approved anything."

As part of the process, BLT submitted a report on the viability of its boatyard proposal and the Zoning Board had a consultant analyze it.

As of now, BLT's report is not complete," Michelson said. "Our consultant needs more information from BLT."

At Monday night's meeting of the Harbor Management Commission, members said they plan to ask Madden why he intervened.

I am concerned about the process. It was circumvented to begin with, when the boatyard was torn down. That's how we got to this point," commission member **Griffith Trow** said. "There is a specific set of rules to get a development approved and we're not following them."

"We want the city and BLT to know we've seen this and we want the process to be upheld," commission Chairman Dr. **Damian Ortelli** said. "We are open to hearing Mr. Madden's side of the story."

Madden said yesterday by email that one of the reasons Mayor **David Martin** hired him "was to reduce the amount of repeated bureaucratic hindrance that impacts citizens and developers moving through the city's approval process."

BLT's application seeks permission to dredge the harbor near the site of the proposed boatyard, and that is needed, Madden wrote.

"My support for the dredging application in question is consistent with what I have done for other organizations and citizens," he wrote. "My intent was to assist DEEP in getting to the public comment process of the application and avoiding red tape that plagues both state and city government."

Martin also responded by email, saying that if the boatyard is approved, the harbor must be dredged. If not, the harbor still must be dredged.

"This dredging would ideally take place this winter," Martin wrote. "But if we don't act soon, we will have to wait until next winter, delaying (for) a year multiple projects that rely on a dredged harbor."

The wariness of zoning and harbor management officials is founded. When BLT surreptitiously ripped down the boatyard violated a state environmental protection act and its development agreement with the city.

While the city and BLT were litigating the cease and desist order that followed, BLT was secretly meeting with Gov. **Dann Malloy** and state agencies to build a headquarters for hedge fund giant **Bridgewater Associates** where the boatyard had been. State approvals for that project sailed through – until last year, when **Bridgewater** pulled out of the deal.

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10/09/15

Comments to the Planning Board at the Oct. 14 meeting

- RE: 1. ZB Appl. #215-02 - THE STRAND/BRC GROUP, LLC
2. ZB Appl. #215-03 - THE STRAND/BRC GROUP, LLC, Amend GDP - Washington Blvd.:
3. ZB Appl. #215-04 - SOUTHFIELD PROPERTY, LLC - Text Change
4. ZB Appl. #215-05 - WATERFRONT OFFICE BUILDING, LP, Map Change:
5. ZB Appl. #215-06 - SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, and 78 Southfield Avenue - Special Exception and General Development Plans
6. ZB App. #215-07 - SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, and 78 Southfield Avenue - Final Site & Architectural Plans and Coastal Site Plan Review:

Thank you Ms. Dell and the Planning Board for allowing me the opportunity to comment at your hearing about the multitude of applications before you.

I believe it is fair to say that these applications as a whole involve getting rid of the 14 acre boatyard that is required to be maintained by City and State law. Approval would breach current and past Master Plans, and replace the former Yacht Haven boatyard with three separate facilities, none of which are required to stay as a boatyard, two of which - Davenport and Magee Ave are not viable and "Designed to Fail", and a couple of apartment buildings in the Waterside area.

There is nothing before you about how the 14 acre site will be used, but it is clear that it will be residential and/or commercial structures or both if BLT gets its way, again. The Applicant will be requesting additional development rights that it is not entitled to, resulting in undue congestion in an already very congested area which includes the Stamford Transportation Center and will result in strain on already overworked City services such as the WPCA , the fire department and the school system.

If these applications are approved, the future can be clearly seen – *overdevelopment in the South End and no boatyard ever again in Stamford.*

This future is entirely **inconsistent** with the vision contained in Stamford Master Plan 2015-2025 just adopted¹. The provisions of the Master Plan cited in the footnotes make it clear that the Planning

¹ Policy 5C: Encourage Public Access to the South End Waterfront *Implementation Strategies*

5C.1: Protect, enhance and promote water-dependent uses. Water-dependent uses include ferries; water taxis; boating; marinas; recreational and commercial fishing; port facilities; water-based

Board has no other path than to find these applications inconsistent with the Master Plan. It is hard to imagine that an Applicant would have the nerve to submit plans that are inconsistent with the current and past Master Plans, the City Zoning regulations, and the agreements made by the Applicant. But that is what you have before you.

recreational uses; industrial uses dependent on waterborne transportation; boat construction and repair; dry dock; uses which provide general public access to the waterfront; and other uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland. Additional marine-oriented recreational uses should be encouraged to develop along the harbor. All City-owned parkland should be periodically evaluated for its waterbased recreational potential. Any uses or development that congests, restricts or otherwise limits the use of the harbor by commercial or recreational vessels should not be allowed. Structures and filling on the waterfront must also be designed in a manner that will not conflict with development of water-dependent uses and public safety.

5C.2: Protect water-dependent industry. Existing water-dependent industrial uses are to be protected. For almost a century, a commercial boatyard was operated on a prominent waterfront site – historically called the HELCO (Northeast Utilities) or Yacht Haven West Site – in the South End.

Beginning in 1912, this site on the west branch of Stamford Harbor was occupied for more than 50 years by the Luders Marine Construction Company, a Stamford shipbuilding industry of national renown. When the City's coastal management program was being developed in the early 1980s, the boatyard then occupying the site was identified by City planners as one of the largest boatyard/marina facilities serving pleasure craft in the northeast United States. 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.

Actions at a State level to provide economic incentives for maintenance of water dependent industries should be pursued.

5C.3: This Master Plan encourages the development of a full-service boatyard and marina for Stamford's future.

5C.4: Make non-water-dependent uses contingent upon providing public access and meeting other public objectives. Non water-dependent uses of waterfront property should only be permitted where they 1) provide meaningful general public access to the waterfront; 2) do not displace an existing water-dependent use or the opportunity to establish a new water-dependent use; 3) complement adjacent development; 4) function within the capacity of available

infrastructure; and 5) achieve a high design quality.

5C.5: Promote recreation and boating. Recreational boating facilities should be encouraged to develop along the waterfront. Existing recreational boating and support facilities should be preserved and, when necessary, protected by public actions. Additional marine-oriented recreational uses should be encouraged to develop along the harbor coastline at appropriate sites. All City-owned parkland should be periodically evaluated for its water-based recreational potential.

In addition to reports on the matters at hand, I believe the facts on the ground speak clearly to the viable water dependent use on the 14 acre site that was illegally destroyed by the Applicant in 2011, and is the subject of a current law suit between the City ZBA and the Applicant.

The history of 100 years of continuous and successful water dependent uses at the 14 acre site should have some weight². For 100 years or more a variety of businesses have operated at the Bateman Way site, successfully. Clearly there were a stream of viable enterprises depending upon water front access for their viability and success.

Recently a Brewers yacht yard has operated on the 14 acre site for 15 years. Normally a business does not operate continuously for 15 years at a location that does not support profitable and viable operation. It would be difficult to claim a marina and boat yard is not water dependent, and Brewers was clearly successful and very viable. Brewer closed because BLT would not renew their lease, and BLT illegally destroyed the facilities that Brewers had been using to run their business. Otherwise they would still be there serving Stamford and providing highly skill jobs.

The only thing that has stopped the 14 acre site from continuing to be used for viable water dependent purpose is BLT and its illegal actions.

“Current use” with economic success is a common standard for determining viability and as the basis of an appraisal value. Perhaps a long successful history up to the present is one of the most useful standards for viability. There is no conjecture or guess work involved with a current use standard. The 14 acre site has years of demonstrated viable water dependent use, while the claims for the 3 acre site are based on tortured speculation, at best.

Why in the world would anyone trade a 14 acre site with demonstrated *viability* for water dependent uses, for a 3 acre site with major credibility problems with respect to its viability as a boatyard and its ability to provide the services that were provided on the 14 acre site?

Why would we set aside:

- The CT Coastal Area Management Act
- The Stamford Master Plan

² For almost a century, a commercial boatyard was operated on a prominent waterfront site – historically called the HELCO (Northeast Utilities) or Yacht Haven West Site – in the South End. Beginning in 1912, this site on the west branch of Stamford Harbor was occupied for more than 50 years by the Luders Marine Construction Company, a Stamford shipbuilding industry of national renown. When the City’s coastal management program was being developed in the early 1980s, the boatyard then occupying the site was identified by City planners as one of the largest boatyard/marina facilities serving pleasure craft in the northeast United States. 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.

- Stamford Zoning Regulations
- The GDP for the Harbor Point development

Why set these valid laws and regulations aside for BLT or anyone else, even if it were lawful?

Slides

Why toss a benefit to BLT that they are in no way entitled to, that breaks existing law, and damages the present and future of Stamford? BLT got a very sweet and lucrative deal with Harbor Point. They were given the consideration of development rights for 700 additional apartments for the assurance that the 14 acres would remain a boat yard in continuous use, without diminution of services, while at the same time paid a discounted price for the 14 acres. In other words, the 700 units of development rights were at the essence of a bargain. BLT got all the benefits of the Harbor Point deal, and now they want to further line their pockets by *reneging* on the boatyard deal. It is really not much more complicated than that. Why reward bad behavior? How will others be instructed by the actions of the City if these applications are approved? Developers will know that there is no law in Stamford, and the way to proceed is to do whatever you want, lawful or not, and it will be rewarded.

The City keeps spending time, effort and money dealing with the complex and unreasonable demands from BLT for MORE, MORE, & MORE. The highly biased, defective, and disingenuous studies recently received by the City can easily be refuted, but not in five minutes. I will leave that to others.

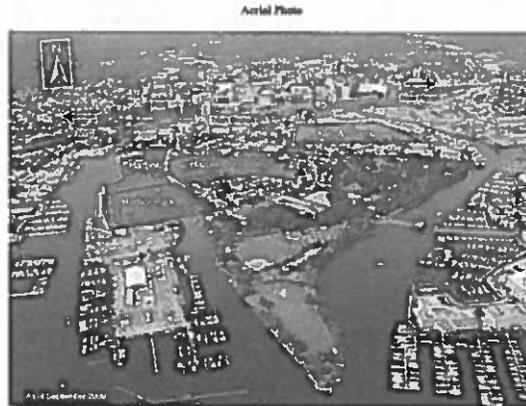
The six applications under discussion tonight, taken together, are an attempt to ignore, subvert, or change existing well founded laws and regulations, simply to benefit BLT. These applications require laws to be broken, considered City plans and Zoning decisions overturned, and public policy violated. There is no reason or equity in supporting the BLT applications.

I respectfully suggest that the Planning Board reject these applications as a group, and find them inconsistent with the Stamford Master Plan, which they certainly are!

Thank you,

Bob Bayer

Former Yacht Haven West Marina



Even BLT puts Yacht Haven front and center as the most attractive photo featured in their TIF bond offering memorandum!

It was really pretty nice as it was. Too bad it was destroyed.

Bet you cannot find the Davenport Road site in this photo!



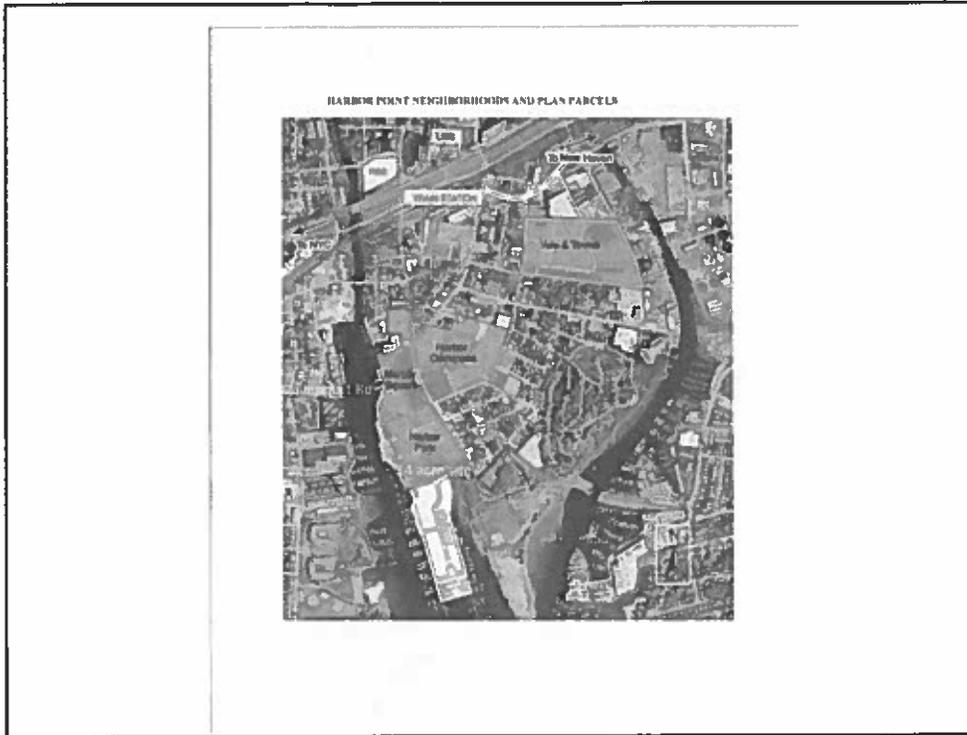
Now, and for years, we have bare dirt where a thriving boat yard stood. We were promised a major boat yard in continuous operation, and what we have is a non-stop effort by BLT to grab what they have no right to.



Green – former Yacht Haven site
Red – proposed Davenport Rd. site

A picture can save a lot of words sometimes! What is comparable about these two sites? How much more complex is it than this?

How much do we want to torture logic to try to make a silk purse out of a sow's ear? This is just plain nuts!



To be sure there is no confusion, here is a photo prepared by BLT on which we have identified the Davenport Road site in red, and the 14 acre site is outlined in Green. **What else is there to say?**

Facility Comparison

Former Yacht Haven Marina

- ≈14 acres
 - **4.5 times** Davenport site
- ≈ 2,900 feet of water frontage
 - **7.25 times** Davenport site
- All winter storage on premises – no traffic issues
- Compliant with Zoning Regs. & Statutes NOW!
- **Viable!**

Davenport site

- ≈3 acres
- ≈ 400 feet of water frontage
- No
- No
- **Not viable – Designed to Fail**

14 acre site – the 14 acre site, which is a peninsula, has over one half mile of water frontage upon which docks can be built. The Davenport Rd. site has about 400 feet of water frontage. The 14 acres can accommodate over **7 times** the number of boats in the water than can the Davenport Road site, the biased study findings notwithstanding.

- Far more space for winter storage and service facilities, and all in one place, is available on the former Yacht Haven site.
- The 14 acres does not add to traffic congestion and delays by moving boats around Stamford on trailers among three sites.
- The 14 acres comply with existing zoning rules, City Plans and State law, without modification or infractions, **RIGHT NOW!**
- The 14 acre site has DEMONSTRATED viability compared with “Designed to Fail” **and zero viability** at Davenport Road.

Cynthia Reeder
Statements to the Planning Board
October 14, 2015
BLT/Strand Applications

I recently came across a 30-year-old letter to the Zoning Board from a rather prescient former mayor. In 1985, the late Mayor Julius Wilensky, who had been out of office for about 10 years, wrote to the Board with his concerns about the need to preserve land along the waterfront for true water-dependent uses.

(Wilensky was an avid sailor and a visionary who had a true appreciation for how access to the water and other natural resources enhances the quality of life and desirability of a City. He was responsible for the acquisition of lands that are now Cove Island Park, Kosciuszko Park, Mianus River Park and Sterling Farms.)

At that time he bemoaned the loss of five full-service boatyards on the East branch. He said he didn't blame the developer but the "city fathers for letting him do it, while we had the means to stop it."

He also referred to what he saw as a well-established pattern used by "speculators and developers to rape our waterfront". They persuade you that their condos and office buildings are water-related by throwing in a few boat slips, putting a public access boardwalk along the waterfront, along with a restaurant or two. This has become a joke, he said.

Fast-forward 30 years and the City is facing the same issues. It did not stop the destruction of Brewers Yacht Haven West when it had the means to do so – when BLT terminated the lease with Brewers. In the months that various Boards and Commissions were discussing what to do about the announced closing of the boatyard, the developer destroyed it.

Fortunately, all is not lost and the City has the means to ensure that Stamford's once well-known reputation as a boating capital is not wiped out forever.

You play a key role in ensuring that true water-dependent uses -- those that support recreational boating and other marine industries – continue to be an

important part of the City's fabric and are sited appropriately on the waterfront. You can do this by finding the applications before you to be inconsistent with the Master Plan.

Both the former Yacht Haven site and the Davenport Landing site fall into the Master Plan Shorefront Mixed Use category (#10 in the Master Plan). This category calls for the protection of existing water-dependent uses and encourages new uses that depend upon marine access. It also calls for a mix of compatible uses designed and integrated to achieve these objectives.

It goes on to say that development plans must include significant water-dependent uses, such as boatyards, marinas and marine sales, with limited retail, office, restaurant and other "compatible" uses that enhance the opportunity to preserve and develop water dependent uses.

The Davenport Landing / Stamford Landing plan clearly does not represent "significant water-dependent uses", with complementary commercial uses, as required under the Master Plan. Rather, it represents a "significant" commercial office and residential complex that surrounds a less significant and uncomplementary boat shed and boat parking lot.

I also would like to point out the comments of Kristal Kallenberg of DEEP's Office of Long Island Sound Programs, on the failure to fully utilize the site to provide contiguous, accessible boating and marine facilities on the property and how the apartment buildings limit potential future water-dependent opportunities on the site.

Then there's the issue of rezoning the parcels from CW-D to DW-D, something that's totally unnecessary given that the CW-D zoning already provides for the water-dependent uses called for in the Shorefront Mixed Use Master Plan category. In fact, a zoning change would open the door for diminishing, rather than encouraging, water dependent use as called for in the Master Plan. Kallenberg points this out in her October 8th letter to you. She writes that such a change could "increase the likelihood that one of Stamford's last remaining waterfront parcels that are suitable and appropriate for active water-dependent uses may be converted to another non-water-dependent use, i.e. housing or commercial office space. "

This is why Wilensky called the Designed Waterfront Development category a "dangerous loophole". He also warned that the DWD creates an opening for the replacement of vital truly water-dependent uses with condos and office

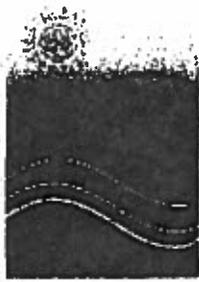
buildings. By changing the zoning classification the door would be kicked wide open for leaving the City without a boatyard. And this is not one of the goals of the Master Plan.

If these are reasons are not enough to find the associated applications inconsistent with the master plan, then it's worth noting that on the Davenport Landing site, the proposed apartments building alone exceeds the density standards outlined for the Master Plan's Shorefront Mixed Use category. (It which allows for density generally consistent with the Residential-Medium Density Multifamily category of 29 units per acres). On the Davenport Landing site, the proposed apartment units alone exceed that hurdle, without factoring in the additional density of the boatshed.

I ask the Board to find all of the associated applications inconsistent with the Master plan.

I also would like to ask BLT to stop wasting the time and resources of the City's Land Use department (which is paid with our tax dollars) and of the various Boards and Commission that have to endure reviewing applications that are inconsistent with the Master Plan and that do not adhere to Zoning Regulations, the Coastal Management Act, or their own zoning certificate.

The boating community, the general public ... and even the mayor ... have been crying for an expeditious solution to reestablishing a boatyard befitting this wonderful coastal City. The most expeditious solution is obvious. A plan to rebuild the boatyard where it belongs and where BLT was legally obligated to preserve it.



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

October 8, 2015

Stamford Planning Board
c/o Norman Cole
Land Use Bureau Chief
888 Washington Blvd
Stamford, Connecticut 06904-2152

Re: Appl. #215-05-Waterfront Office Building-78 SOUTHFIELD Avenue, LP-Map Change (rezone 8.15 acres from CW-D to DW-D)

Dear Mr. Cole,

Thank you for the opportunity to review and comment on the above referenced proposal to amend the Zoning map. We have reviewed the proposal for consistency with the applicable policies of the Connecticut Coastal Management Act (CCMA) [CGS Sections 22a-90 through 22a-112, inclusive] and offer the following comments for your consideration.

The subject parcel, Block 25, is the Davenport Landing parcel located on the western side of the West Branch Channel just south of O&G and just north of the Stamford landing parcel. The subject parcel is currently designated as a Coastal Water Dependent (CW-D) zone and has a history of industrial use. The proposal is to rezone approximately 8.15 acres of property located at 46, 62, 68 and 78 Southfield Avenue, Block 25, from CW-D to DW-D to allow for redevelopment of the site with new housing and a boatyard/marina.

The existing zoning of the subject parcel already provides for the construction and operation of a boatyard or marina, and this proposal has potential implications for the future water dependent use of this parcel. The rezoning of this parcel to DW-D may increase the likelihood that one of Stamford's last remaining waterfront parcels that are suitable and appropriate for active water-dependent uses may be converted to another non-water-dependent use i.e., housing or commercial office space, with the addition of a public access component which is a passive water dependent use.

As we have stated in previous comments with respect to the current development proposal for this site, the Board should ensure that alternatives utilizing greater percentages of the site, up to and including the entire parcel for boatyard/marina services

have been evaluated, and consider how those alternatives would enhance the long-term viability of this water dependent use.

While the applicant has considered the balance needed to provide a new, modern residential development alongside a new commercial boating/marina facility, failure to fully utilize the entire site to provide contiguous, accessible services in as central a location as possible may constrain the potential success of a new boatyard operation. This could ultimately facilitate conversion to more non-water-dependent, waterfront development that may limit potential future water dependent opportunities for that site to a simple public access amenity.

Accordingly, we would advise the Planning Board as well as the Zoning Board when considering the development proposal, to carefully review whether the proposed boatyard development at this site should be conditioned in accordance with CGS sections 22a-106(a) and (e)¹ so the proposed development would not limit any future water-dependent opportunities. Lastly, we emphasize that increasing the scope of marina/boatyard services or other water-dependent uses relative to residential components would increase the proposal's consistency with the CCMA.

We hope that our comments have been helpful to the Planning Board. We have attached our OLISP fact sheet for your assistance as a reiteration/validation of why it's important to make special provisions for water-dependent uses and how municipalities can promote water-dependent uses and minimize potential adverse impacts to such uses. If you have any questions regarding this or any other coastal management concerns, please feel free to contact me at (860) 424-3760 or at Kristal.Kallenberg@ct.gov.

Sincerely,



Kristal Kallenberg
Environmental Analyst 2
Office of Long Island Sound Programs

¹Municipal boards and commissions reviewing coastal site plans shall determine if the potential adverse impacts to future water-dependent development activities are acceptable and that such impacts have been mitigated using all reasonable mitigation methods [CGS sections 22a-106(a) and (e)].

Enclosure: OLISP letter dated December 18, 2014 to Mr. William Heiple
Enclosure: OLISP Water-Dependent use fact sheet

the City. ~~Conservation and~~ preservation of those existing elements of the district having significant architectural or historical value should be encouraged. This category supports and encourages the design and development concepts expressed in the South End Redevelopment Districts, North and South. All new construction and façade renovation in the Urban Mixed-Use area should be subject to review based upon land use standards that promote the objectives set forth herein. Development will be at a significantly lower density than in the Downtown (Category #11) and consist of buildings that are generally compatible in scale to the general character of the surrounding area. Throughout the Urban Mixed-Use area, development should meet superior standards of design and consider such factors as: (1) compatibility with adjacent residential areas, (2) extensive planning and outreach directed or overseen by the Land Use Bureau (3) preference that the uses will not lead to a net decrease in habitable affordable housing (4) safe and efficient movement by pedestrians and bicyclists, (5) proximity to mass transit, (6) determination that the scale and nature of the proposed uses are compatible with available traffic capacities and public infrastructure system, (7) final approval of architectural and site plans and requested uses by the Zoning Board, and (8) compliance with the goal of directing regional commercial development to the Downtown. Residential development within this category shall be at a density not to exceed that permitted in Residential-High-Density Multifamily (Category #5).

#10. SHOREFRONT MIXED-USE

The purpose of this category is to provide for appropriate mixed-use development of the waterfront in a manner that: (1) protects existing water-dependent uses and encourages new uses which depend upon marine access; (2) encourages the preservation and enhancement of public access to waterfront areas and waterfront vistas; and (3) encourages a mix of compatible uses so designed and integrated as to achieve these objectives within the capacity of the infrastructure and complementary in scale to the general character of the area. Development plans must include significant water-dependent uses such as public access facilities, boatyards, marinas, marine sales and service and businesses requiring waterborne shipping and receiving or water access. Existing water-dependent uses and waterfront vistas shall be protected. Complementing these uses may be limited retail, office, restaurant and other compatible uses that enhance the opportunity for maintenance and development of existing and proposed water-dependent uses. All shorefront development shall include meaningful public access to the waterfront except where public safety would be a risk. After review and recommendation by the Harbor Management Commission and the Planning Board, all development within this category shall be subject to approval of site and architectural plans and requested uses by the Zoning Board. A determination will be made by the Zoning Board that the scale and nature of the proposed development is compatible with available traffic capacities and public infrastructure systems, and will be in compliance with the goal of directing most development to Downtown. Intensity of development shall be generally consistent with the density of Residential-Medium Density Multifamily (Category #4) computed on the basis of land above mean high tide. 29 units

#11. DOWNTOWN

This category is intended to provide for and protect an intensive, pedestrian-oriented mixed-use district. Intended is a full array of retail, office, cultural, recreation and residential uses serviced by mass transportation and integrated pedestrian access systems, always at-grade, enhanced by up-to-date

Julius M. Wilensky
51 Barrett Avenue
Stamford, Connecticut 06905

RECEIVED

AUG 26 1985

August 26, 1985

STAMFORD ZONING BOARD

Ms. Margaret Ann Ross, Chairman
Stamford Zoning Board
429 Atlantic Street
Stamford, CT 06901

Dear Ms. Ross:

Your board is to be commended for having taken one small step to prevent the use of our waterfront for non-waterfront related uses. However, you have not gone far enough and you've left a large loophole that could eliminate Stamford Harbor.

First, I hope you'll agree with a logical definition of waterfront uses. Obviously public access is desirable, as are beaches, fishing piers, launching ramps, public and commercial marinas, sailing schools, yacht clubs, public restaurants, and parks and recreational facilities. Long Island Sound is Stamford's greatest recreational asset, and our citizens must be able to enjoy it.

I can't blame Mr. Collins for wiping out five full service boat yards in the east branch. I blame our city fathers for letting him do it, while we had the means to stop it. Enabling legislation was passed nationally and at the state level long ago, a Coastal Zone Management Act. Study money was provided to enable Connecticut's shorefront towns to decide what they wanted on their shores. I have called this to the attention of the present and previous Stamford Mayors and urged action. Stamford has been studying this for four years! We have yet to adopt a CAM plan. This is disgraceful. The job could be done in four months by anyone who knows our waterfront. While they were studying, condos and monstrous office buildings were replacing the East Branch's five boat yards, desecrating our shore. You can't even buy gas there now, let alone service, haul, repair a boat, buy marine supplies, engine or hull work, rigging, sails-- the boating capital of Long Island Sound has been wiped out! Muzzio's in Wescott Cove fared no better. Condos and an out-of-scale office building! Yacht Haven East was one of the largest marinas and boat yards in Long Island Sound. Scofield's and Muzzio's were known for their capabilities, and hauled many famous ocean racers. Doane's, Lindstrom's and Gacher's were used by hundreds of Stamford boatmen.

I have no objection to commercial use of some waterfront, but let it be enterprises which need the waterfront, such as building supplies, scrap yards, fuel oil terminals, or a powerhouse which needs cooling water (if we need one in the future). Except for the powerhouse, these uses are all in place now. Stamford receives oil, sand, gravel, building materials by barge in the east and west branches, and ships out scrap iron including compressed automobiles. Before Rubino

Brothers bought their equipment to squeeze cars, abandoned autos were a constant problem on Stamford's streets. If we wipe out shorefront facilities to receive oil, sand, gravel and building materials, fuel and building materials will cost more in Stamford. Movement of bulk materials by barge is far less expensive than truck or rail. You must protect these waterfront uses. Anyone who preaches condos and office buildings in their place doesn't know how Stamford works. Don't wipe out Stamford Harbor!

The pattern used by speculators and developers to rape our waterfront is well established. They persuade you that their condos and office buildings are water-related by throwing in a few boat slips, which are later poorly or not at all maintained, putting a "public access boardwalk" along the waterfront, and a restaurant or two. This has become a joke. There's a gateman and other security to keep the public out unless they have business there.

Mixed use is a dangerous euphemism. This would be fine downtown, but let's save our precious waterfront for waterfront-related uses. Condos and office buildings block our waterfront. They should go inland. It fries me that our Mayor and his committee are seeking out a developer to do this to us. He'll put all the condos and office buildings you'll let him, and so would any other developer.

Yacht Haven West is Stamford's only full service boat yard, with space and complete capability to haul and store boats, space to lay out masts and do rigging, engine and hull repairs of any kind, and a good marine supply store. It can't even handle all the work in Stamford now. I've had to go to Greenwich and Norwalk in recent years to get prompt service on my boat. The newest Collins proposal would wipe out this last yard, moving it north to an area bisected by the hurricane barrier. He either doesn't know or doesn't care that Yacht Haven West needs all the space it has to remain viable. You take away some important service capability by making them smaller, and how do they move boats over the hurricane barrier?

The Designed Waterfront Development District is a dangerous loophole. Specualtors and developers will make offers they can't refuse, to owners of building supply yards, oil terminals, and scrap yards. We can look ahead to replacement of these vital facilities with condos and office buildings, the same as was done to six boat yards. Mr. Collins and his hired hands say you have gone too far in restricting his plans. I say you haven't gone far enough!

Think also of the effect of further crowding an already crowded South End. Washington Boulevard, Canal Street, and Atlantic Street are the only roads that go under the railroad bridge and Turnpike. They are jammed now. The South End already has mixed use including thousands of industrial jobs and well-kept single family homes, and

not so well kept apartments, as well as a few stores. It can and should be developed for these uses, and traffic flow improved by street widening. If you allow condos and office buildings on the shore, they'll spread all over the South End, wiping out the jobs and homes. Is this what the people living or working there want? Is it what Stamford needs? Look ahead to the predictable consequences of your actions. Protect our waterfront!

Very truly yours,

Julius M. Wilensky

Julius M. Wilensky

cc: Mayor Serrani
Jon Smith
Chairman Planning Board
Mort Lowenthal
Stamford Mail
Advocate
Bridgeport Post
WSTC

Rives Potts

October 12, 2015

VIA EMAIL and FIRST CLASS MAIL

Theresa Dell, Chairperson
Stamford Planning Board
888 Washington Boulevard
Stamford, CT 06901
Teridl@hotmail.com

Re: Viability of a boatyard on the 14 acre site

I am the President/COO and General Manager of Brewer Yacht Yard Group ("BYG"). I have been managing boatyards for over 30 years. BYG owns and operates 24 boatyards and marinas from Maryland to Maine, including the Brewer Yacht Haven Marina located on the East branch of Stamford harbor. This marina has over 350 slips from 30 to 100 feet and is fully rented out.

BYG was also the owner of a full service boatyard and marina business on the West branch of the harbor on the 14 acre site that was formerly known as Brewer Yacht Haven West. Unlike most of our other boatyards, we did not own the land and were a tenant of The Strand/BRC Group LLC until our lease was terminated in 2011. BYG ran a profitable boatyard/marina at that location for over 15 years and had hoped to remain there to continue our service to the boating community. I am fully familiar with the operations of Brewer Yacht Haven West as I supervised its operations as well as our marina in the East branch of the harbor.

As you know, the 14 acre boatyard site has been involved in boating for over 100 years. It is uniquely well suited for use as a boatyard given its size, layout, deep draft and location in the harbor. There is no more suitable site in the area. Brewer Yacht Haven West was one of the best full service boatyards in New England attracting boats from all over the world. Our clientele at Brewer Yacht Haven West was 80% sailboats. The majority of these boats were from 30 - 50 feet. When the yard was in full swing, we employed over 70 people. We had

approximately 260 boat slips, with over 600 boats stored on land during the winter. At times we had as many as 60 transient boats. These boats would come for service work as well as just a place to stop during a passage.

In addition to the Brewer operations, there were eight other marine businesses (rigging, electronics, sail making, canvas, metal work, boat brokerage, boat detailing, and carpentry) at the 14 acre site that served our customers and the boating public. These businesses likely employed over 25 additional persons.

The 14 acre boatyard site was a center of activity. In the past, it hosted one of the largest in water boat shows in the Northeast. More recently, yacht racing crews from all over the eastern seaboard would base their operations at this site for the many regattas held in the area. Boats would be delivered by truck or by sea, and land based containers filled with sails and other equipment would be stored on the premises.

I made a presentation last year to both the Harbor Management Commission and the Mayor's office to show what we would like to do at the 14 acre site. We believe a modern state of the art boatyard and marina would be well received in Stamford and would be a great addition to the Brewer's portfolio of boatyards. We also think it would be a great addition to the City and help maintain its maritime history. Our big boat customers are constantly asking for this in Stamford. A sketch of our boatyard plan for the 14 acre site is attached. Note that this plan includes a great deal of public space and access to the public as required by the Stamford Master Plan. It also includes dock space for transient boats and dinghies for boats moored or anchored in the harbor that would serve as a maritime gateway to Stamford's many shops, restaurants and hotels. We believe these facilitates would enable Stamford to become a popular cruising destination for yachts.

I have been following the proceedings at the Zoning Board and the Harbor Management Commission regarding the boatyard. I understand that one issue for the Zoning Board is whether a boatyard on the 14 acre site is viable *water-dependent use*." I further understand the law requires that if it is a *viable water-dependent use*, that the use [a boatyard/marina] must be retained.

In this connection, I am writing to you now, to tell you that the Brewer Yacht Haven West boatyard and marina was a profitable¹ and *viable* business and we are quite sure that if it had not been demolished that it would have continued as such into the future. We also believe a newly built facility on the 14 acre boatyard site would continue to be even more *viable* and

¹ I am aware that The Strand/BRC Group LLC submitted financial statements purporting to be Yacht Haven West financials into the record in the ZBA proceedings. These "financial statements" were extremely misleading and omitted income from service, parts and fuel sales which are major components of our profitability.

that is why we have spent the time and money to develop plans for the site and present them to the City.

I have attached a copy of my letter to you dated September 9, 2013 concerning the proposed boatyard at 205 Magee. Much of what I said there is relevant to the current proposals being considered.

I am available to answer any questions you might have. I would appreciate it if one of the cc's would read this letter into the record of the Planning Board and Zoning Board hearings.

Respectfully submitted,



Rives Potts

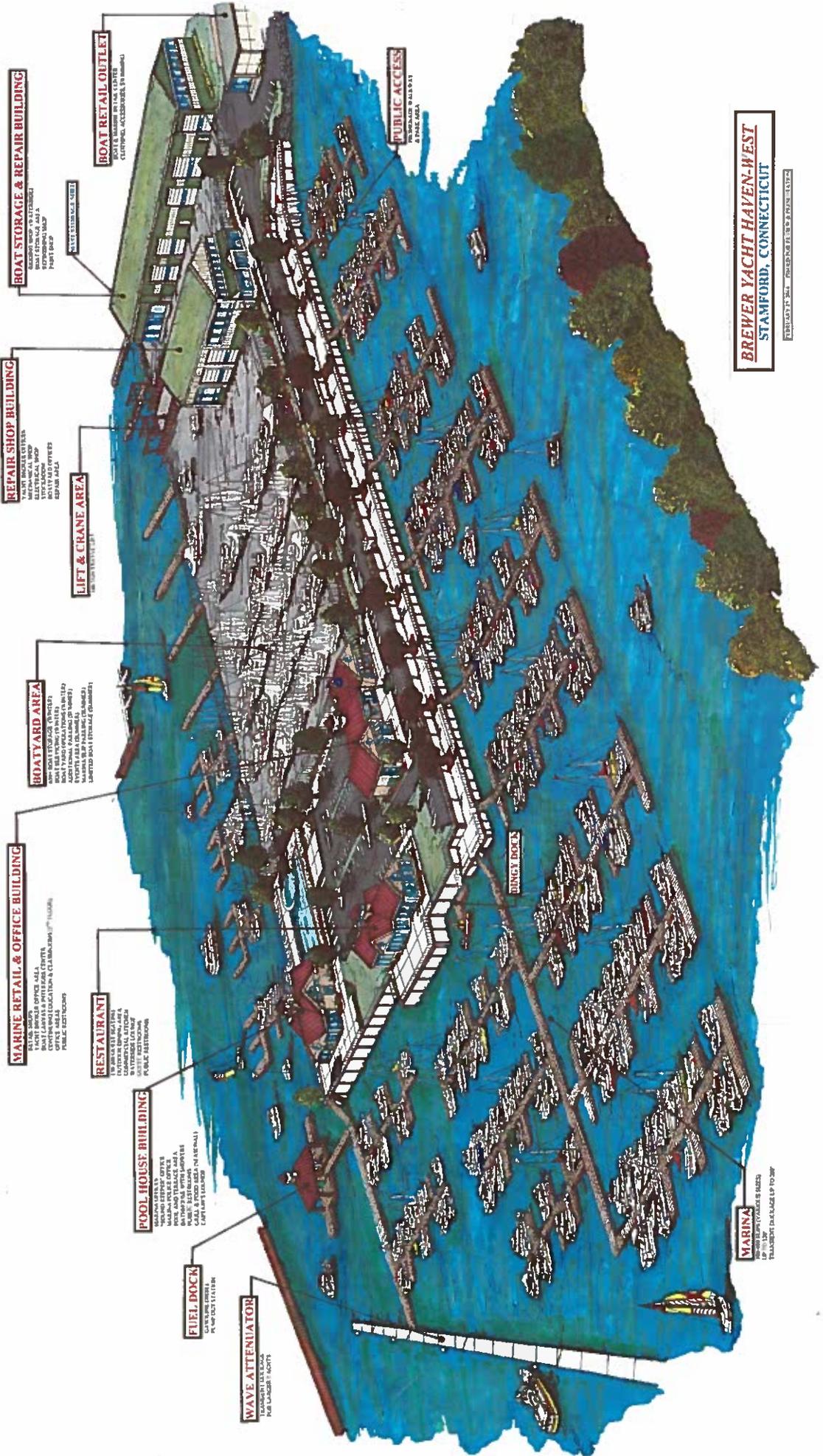
President
Brewer Yacht Yard Group
Westbrook, CT.

CC: (VIA EMAIL)

Norman Cole, Land use bureau chief
NCole@ci.stamford.ct.us

Tom Mills, Chair
City of Stamford Zoning Board
Tmills1122@gmail.com

Dr. Damian Ortelli, Chair
City of Stamford Harbor Management Commission
DOrtelli@StamfordCT.gov



BOAT STORAGE & REPAIR BUILDING
 ACCORDING TO THE ARCHITECTURE
 BOAT STORAGE AND REPAIR BUILDING
 BOAT STORAGE AND REPAIR BUILDING
 BOAT STORAGE AND REPAIR BUILDING

BOAT RETAIL OUTLET
 BOAT RETAIL OUTLET
 BOAT RETAIL OUTLET
 BOAT RETAIL OUTLET

REPAIR SHOP BUILDING
 REPAIR SHOP BUILDING
 REPAIR SHOP BUILDING
 REPAIR SHOP BUILDING

LIFT & CRANE AREA
 LIFT & CRANE AREA
 LIFT & CRANE AREA
 LIFT & CRANE AREA

BOATYARD AREA
 BOATYARD AREA
 BOATYARD AREA
 BOATYARD AREA

MARINE RETAIL & OFFICE BUILDING
 MARINE RETAIL & OFFICE BUILDING
 MARINE RETAIL & OFFICE BUILDING
 MARINE RETAIL & OFFICE BUILDING

RESTAURANT
 RESTAURANT
 RESTAURANT
 RESTAURANT

POOL HOUSE BUILDING
 POOL HOUSE BUILDING
 POOL HOUSE BUILDING
 POOL HOUSE BUILDING

FUEL DOCK
 FUEL DOCK
 FUEL DOCK
 FUEL DOCK

WAVE ATTENUATOR
 WAVE ATTENUATOR
 WAVE ATTENUATOR
 WAVE ATTENUATOR

PUBLIC ACCESS
 PUBLIC ACCESS
 PUBLIC ACCESS
 PUBLIC ACCESS

PIER DOCK
 PIER DOCK
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 PIER DOCK

MARINA
 MARINA
 MARINA
 MARINA

BREWER YACHT HAVEN-WEST
 STAMFORD, CONNECTICUT

STAMFORD, CT 06904 - PH: 203.356.1111 - FAX: 203.356.1112

FOR MORE INFORMATION CONTACT US TODAY
 VISIT US AT WWW.BREWERMARINA.COM
 OR CALL US AT 203.356.1111

September 9, 2013

VIA EMAIL AND FIRST CLASS MAIL

Theresa Dell, Chairperson
Stamford Planning Board
888 Washington Boulevard
Stamford, CT 06901
teridl@hotmail.com

Re: Stamford boatyard at Magee Ave

Dear Ms. Dell,

I am the President of Brewers Yacht Yard Group and have been managing boatyards for over 30 years. I have reviewed with interest the recently proposed boatyard site to be located at 205 Magee Ave (205 Magee) which I understand is designed to replace the former 14 acre boatyard known as Brewers Yacht Haven West (BYH) without reduction in capacity, facilities, uses or services.¹ As discussed below, after reviewing the plans, it is clear that 205 Magee neither comes close to meeting this objective or servicing the needs of the boat owners previously serviced by BYH.

I had looked at this site for Antares several years ago when they were looking for a replacement site for the BYH facility, and then again last year with BLT. After studying the channel, the intertidal flats that front the property, the height of the ground above the river's surface, the possibility of installing staging docks in the river, the upland layout (including the large section of inland wetlands making up approx. 1/3 of the 205 Magee site, and the resultant total useable area for a boatyard operation, I concluded that it would fall far short of providing the capacity for service, slips and storage that were offered by the BYH facility, and would not be economically feasible. I also consulted with BLT and the City as to the feasibility of adding part of the WPCA and animal shelter property to the 205 Magee site to allow more storage and working area.

I was told at that time by the DEEP that the intertidal flats could not be dredged, which would eliminate the possibility of (1) hauling boats either with a travelift or a forklift, and (2) the installation of staging docks landside of the channel. Surprisingly, the DEEP now appears to be changing its view.

Therefore, I concluded at the time, that the property was just too small, landlocked and with its inaccessibility to deep water would not allow a proper boatyard to be built.

My current review of BLT's latest proposal for a boatyard on the 205 Magee site reveals a more feasible boatyard but a much smaller one than at BYH, one that does not compare to the BYH facility in any way and one with very questionable economics.

As the lessee and operator of the BYH site, I can say with authority that when we were in full operation, we stored in winter over 600 boats on land, comprising of approximately 160 boats under 30' outside and 10 inside; approximately 290 boats between 30' and 50' outside and 40 inside; and approximately 32 boats over 50' outside and 12 inside. In addition, approximately 60 boats were wet stored in slips surrounding the property. Our outside space was approximately 90% of capacity, our inside space was nearly 100% of capacity, and our wet storage utilized approximately 25% capacity. Capacity in boatyard terms is the *practical capacity* or number of boats that can be stored and still allow service to be performed on those boats and to have reasonable access for hauling and launching.

We had the capability of hauling and servicing 80'+ boats with drafts up to 13 feet. It was not uncommon to see several large sailboats over 60 feet in length to be hauled and blocked for service at the same time.

We had over 70,000 sf of building space, including storage, work shops, service areas, parts department, a wood working and joinery shop, an engine repair shop, paint bays, and rental space for onsite marine support businesses such as rigging, yacht brokerage, electronics, metal fabrication, welding, new boat sales, sail making and marine canvas.

We had approximately 260 available slips in the water, ranging from spaces for 25' boats up to 100 foot + boats. These slips were used for seasonal and transient dockage, as well as space for visiting boats needing service.

We also had four large staging docks that would allow a dozen or more large boats to be staged for haul outs or in the water service.

Considering the need to block and space the land storage boats to allow them to be moved and serviced, we believe that we were near our *practical capacity* of approximately 650-

700 boats, depending on boat size on our approximately 14 acres. This *practical capacity* would allow boats to be positioned for storage with our two hydraulic trailers and two marine travelifts.

Considering the proposed 205 Magee property is just shy of six acres, including the possible addition of the WPCA and animal shelter property, it would only have less than ½ the practical land storage capacity of the BYH site and at 25,000sf, less than 37% of the inside space. There is very little staging dock space and no slips for larger boats brought in for service. During hauling and launching season, this lack of staging and temporary slip space would severely hamper and most likely cripple the operation.

The boat storage layout depicted in the proposed plan for the 205 Magee Ave site is totally impractical, if not impossible. It assumes that all of the boats are exactly the same size and dimensions in each storage area, that they are possibly put in by helicopter, and that most boats will be completely inaccessible for service. Once boats are in their storage places, there is no room for a travelift or hydraulic trailer to move in the yard, and furthermore, there is no inside work space available for moving boats in and out during the winter for service. To keep a boatyard in business its workforce must be working year round. It is imperative that the workmen have access to the boats, and that boats be transferred from outside storage to inside work areas during periods of inclement weather, such as winter, or when being inside and near shops is significantly more efficient to carry out the work.

There is no dedicated paint spray booth shown, which is traditionally in high demand year round, and is a key draw for bring business to the boatyard. A dedicated spray booth requires special venting, air filters and lighting.

There is no fuel service provided for on the plans.

In a proper *practical boat storage layout*, access for emergency and fire department vehicles must be provided. In the 205 Magee proposed site plan, there is little or no access for such vehicles, and in most areas, little or no access for even foot traffic due to the closely packed storage boats. A fire on a boat three rows back, 10 boats in from any access point, would be unreachable and could possibly allow a boat fire to rage with no possible means of suppression. Fiberglass boat fires are some of the most difficult fires to extinguish and can destroy large numbers of surrounding boat and property. Research case history of rack storage boat fires across the country over the years and you will find that they are devastating. A review by the local fire department might be helpful to ensure a safe plan.

As many as 80% of the boats stored and serviced at BYH were sailboats. There were several mast storage sheds included in the inside space figures at BYH. 205 Magee does not

appear to have any mast storage provided, nor does it appear to have any accommodation for unstepping or stepping masts while the boats are in the water. A crane must have access to waterside slips to accomplish this. There are also no provisions for a mast area to stage the mast for stepping and unstepping. This would have to be at least an area of 100'x50' to handle the staging of the mast for unstepping and stepping, and servicing.

It is unclear from the proposed 205 Magee site plan as to where employees, boat owners, guests, subcontractors or vendors would park their vehicles during the winter storage season. These vehicles would have to be parked in areas that would not interfere with the moving of boats for service, or for vendors or workers accessing the property and the boats.

In summary, I believe that although a boatyard could function at the 205 Magee Ave location, if the dredging and water access issues could be resolved. But it would have significantly less capacity for storage of boats, mast and related gear, and for meaningful service work than the BYH site enjoyed prior to its lease running out. The currently proposed layout of the 205 Magee yard leaves many critical concerns unanswered, many of which cannot be resolved because of the desire to pack over twice as many storage boats onto the property than can be *practically and safely stored, handled and serviced*.

Although not entirely relevant to your current deliberations, it is without a doubt that a new world class state of the art marina built at the BYH site would attract enormous amounts of business and commerce to the area. Such a facility is sorely needed.

If you have any questions, please feel free to contact me.

Respectfully submitted,



Rives Potts

President

Brewer Yacht Yard Group

Westbrook, CT.

Cc: (via email and First Class Mail):

Norman Cole, Land Use Bureau Chief
City of Stamford Land Use Bureau
888 Washington Boulevard
Stamford, CT 06904-2152
NCole@ci.stamford.ct.us

Tim Abbasid, Chair
City of Stamford Board of Finance
888 Washington Blvd, 4th Floor
Stamford, CT 06901
tabbazia@optonline.net

Randall Soigné, Chair
City of Stamford Board of Representatives
888 Washington Boulevard, 4th Floor
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skigen@ci.stamford.ct.us

Tom Mills, Chair
City of Stamford Zoning Board
888 Washington Blvd, 7th Floor
Stamford, CT 06901
tmills1122@optonline.net

¹ The Zoning Board certificate for the SRD- S district states:

“7. Phase I Final plan submittal shall include conceptual plans to improve and insure the continued operation of the 14 acre boatyard as a working boatyard and full service marina. Unless specifically approved by the Zoning Board and any required state and federal authorities, **there will be no reduction in any current capacity, facilities, uses or services, insuring the continued operation of this important water dependent use** for so long as the balance of the SRD-S Zoning Tract derives any benefits of the General Development Plan approval, as may be amended. “ (emphasis added).

ATTACHMENT #12

**Letter read by Roger Quick on behalf of
Vicky Papson & Family**

October 14, 2015

Stamford Planning Board

Stamford CT

Re: New Boatyard

Dear Planning Board,

We have been attending Planning meetings for the Stamford Boatyard for over 2 years. It's hard to believe that this is still an open item.

BLT has transformed the Southend of our City and opened up the waterways to the public. Until BLT invested in this area, the land was contaminated, dangerous and eyesore to our community.

The new proposed Boatyard will be managed by Hinckley (one of the most prestigious boat builders in the country). They will manage a full service boatyard, onsite storage interior and exterior, public water access, parking for Marina and boatyard and many other features that meet the Harbor Commission's requirements.

At the same location, BLT will develop 261 residential units with 10% affordable BMR units. Road improvements, sidewalks and improvements to Bocuzzi Park will add to it's appeal.

The 14 acre site will have Waterfront public access connected to Harbor Point waterfront and Kosciuszko Park resulting in 2 miles of public waterfront.

220 new boat slips, office, bathrooms and showers.

110 parking spaces .

Magee Ave will offer 3.5 acres of additional boat storage.

Stamford residents have waited long enough for this proposal to be approved and delaying is only hurts the City and it's residents. This sends a negative message to those companies who would like to relocate to Stamford and future residents.

We propose that this project gets a speedy approval.

Respectfully ,



Vicky Papson and family

26 year Stamford resident

OPPOSED

STAMFORD PLANNING BOARD
 PUBLIC MEETING - BLT BACKYARD PROJECT - 7:00 P.M.
 ATTACHMENT #13

WESTOVER ELEMENTARY SCHOOL
 421 STILLWATER AVENUE, STAMFORD, CT
 WEDNESDAY, OCTOBER 14, 2015

PURSUANT TO SECTION C6-40-10 OF THE CITY CHARTER REQUEST TO SPEAK TO THE PLANNING BOARD ON
 ZONING BOARD APPLICATION NOS. 215-02 TO 215-07
 ALL PUBLIC COMMENTS WILL END AT 11:00 P.M.

	NAME	ADDRESS	EMAIL	PHONE
1.	Jane + Earl Chalkley	76 Rock Springs Ave		978 1364
2.	Debra Kozlowski	HARBOR MASTER - STAMFORD -	HARBORMASTER@STAMFORDCT.GOV	203 233 7123
3.	Larry S. Sifkin	24 Amb - Ln Stamford, CT	Larry@sifkin.net	203-962-6110
4.	Kevin Dailey	18 oak lawn Ave. Stamford, CT	kevin.dailey@usn.com	204-434-6060
5.	George Hallenbeck	27 Van Rensselaer Ave Stamford, Ct	gwlk@comcast.net	203-347-7121
6.	Bob Boyer	Pointfield Ct	rbboyer@pointfield.com	203-862-8633
7.	Carol Ann McLean	256 Washington Blvd Sturct	mc@carolstamford@aol.com	
8.	GARY SILBERSON	998 winter Ave ORC		
9.	Elizabeth Cooper	43 ONE Rd		
10.	Missie Rantony	255 Strawberry Hill Ave - 0-11, Stamford	michymis@yahoo.com	203-554-7078
11.	Bill Krasner	4 S. Sagamore Ln	WKRASNER@yahoo.com	917-596-1812
12.	Carolyn Goldenberg	18 Rising Rock Rd - Stamford	carolyngoldenberg@hotmail.com	203-333-8502
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FOR

STAMFORD PLANNING BOARD
 PUBLIC MEETING - BLT BOATYARD PROJECT - 7:00 P.M.
 WESTOVER ELEMENTARY SCHOOL
 421 STILL WATER AVENUE, STAMFORD, CT
 WEDNESDAY, OCTOBER 14, 2015

PURSUANT TO SECTION C6-40-10 OF THE CITY CHARTER REQUEST TO SPEAK TO THE PLANNING BOARD ON
 ZONING BOARD APPLICATION NOS. 215-02 TO 215-07
 ALL PUBLIC COMMENTS WILL END AT 11:00 P.M.

	NAME	ADDRESS	EMAIL	PHONE
26.	Russell Davis	627 Guinea Rd Stamford		203-249-3081
27.	DONALD CORBO	410 West Ave	NewEnglandProp	203-726-0081
28.	SINZAS FREJORE	DAVEMORE RD. #15	EFRECIOR@H.1911.COM	203-526-9225
29.	Richard Warren	72 Davenport St.	rwarren@ogind.com	203-366-4586
30.	Dick Glicker-Jerue	PH 88 SOUTHFIELD AVE	dick.glicker@icloud.com	" 904 5776
31.	Frank Farnell			
32.	Ryker Knud			
33.	Frank Farnell	128 Hubbard Av Stamford	Frankfume@yahoo.com	203-219-2673
34.	Paul Norton			
35.	Paul Norton			
36.	PAUL NORTON	59 DOZMAN COVE QUAY STAMFORD CT 06902	PAUL.NORTON.MA@GMAIL.COM	203-359-8646
37.	Paul Knag	177 Broad Street	paulknag	203-561-6444
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ATTACHMENT 15

From: Lawrence S. Slifkin [mailto:larry@slifkin.net]
Sent: Thursday, October 15, 2015 11:01 AM
To: Woods, David
Cc: Judith N. Slifkin
Subject: Boatyard Meeting and BLT

Dr. Woods,

I would like to thank you and the Board for the opportunity to speak at last night's Planning Board Meeting. I would also like to stress that the prior Brewer's Yacht Haven West site was a historical Maritime site and a major piece of Stamford's history. The boatyard should be re-established, and should celebrate the Maritime contributions the site has contributed across the decades to Stamford and our Country.

Thank you again and hopefully the board will make the right decision and promote the historical value of the site.

Sincerely,

Larry

October 14, 2015

Comments from Kevin Dailey

To the Stamford Planning Board

ATTACHMENT #16

- RE: 1. ZB Appl. #215-02 - THE STRAND/BRC GROUP, LLC
 2. ZB Appl. #215-03 - THE STRAND/BRC GROUP, LLC, Amend GDP - Washington Blvd.:
 3. ZB Appl. #215-04 - SOUTHFIELD PROPERTY, LLC - Text Change
 4. ZB Appl. #215-05 - WATERFRONT OFFICE BUILDING, LP, Map Change:
 5. ZB Appl. #215-06 - SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, and 78 Southfield Avenue - Special Exception and General Development Plans
 6. ZB App. #215-07 - SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, and 78 Southfield Avenue - Final Site & Architectural Plans and Coastal Site Plan Review

My name is Kevin Dailey. I have been in the marine industry for over 35 years and have a tremendous amount of experience with boatyards and marinas. In fact I worked at the Brewer Yacht Haven West site for 7 years as a yacht broker. I have also followed the proceedings relating to BLT, the City of Stamford and the 14 acre boatyard from 2011 to the present time.

I have carefully reviewed the "Davenport Boatyard/Marina/Storage Yard Application Review" prepared by the City's Consultant, MarineTec Management & Consulting Company dated October 1, 2015. My conclusion which I will elaborate on later is that the report contains numerous errors and incorrect assumptions that render the report close to useless.

Viability of the 14 acre site as a boatyard - The report correctly infers that the viability of the Boatyard at the 14 acre site is a threshold issue that must be determined before going any further. The Zoning law requires that viable water-dependent uses must be retained. The Master Plan Policy 5C is explicit:

"Any use that restricts the use of the harbor by recreational vessels should not be allowed"

"Existing water-dependent industrial uses are to be protected" "Retention of uncompromised boatyard services and facilities on this property [the 14 acre site] has been a goal of Stamford's master plans ... and should continue to be a top priority"

"This Master Plan encourages the development of a full-service boatyard and marina for Stamford's future"

"Existing recreational boating and support facilities should be preserved and, when necessary, protected by public actions. "

Given that the effect of the applications before you today is to replace a 14 acre full service boatyard with a 3 acre poorly planned boatyard "Designed to Fail"¹ your job is easy. If the Davenport boatyard is built, it will fail and Stamford will forever be without a boatyard. Clearly contrary to the Master Plan.

The report says due to lack of verifiable specific financial data the comparison report leaves room for speculation... as to the viability of BYHW. A few comments on this. I have spoken to Rives Potts, the President

¹ See September 25, 2015 Advocate article entitled "The Boatyard Designed to Fail" attached hereto.

of Brewers and he told me that no one asked him for any data. Wouldn't you think one would ask if this was an important issue? Maybe they knew the answer and didn't want to know it officially?

asked, and was told that Brewer Yacht Haven West was a very profitable operation and that Brewers would love to get back on the property and build a world class state-of-the-art boatyard and marina on the site. In fact I have seen plans prepared by Brewers and presented to the Harbor Commission and the Mayor for the 14 acre site. That proves that the water dependent use on the site was and would be viable, had BLT not illegally destroyed the boatyard.

At this point the analysis should end. However, to better inform the Planning Board and the public, I will continue to comment to show the poor quality of this report.

What is the Stamford Boating Market? - After skipping over the critical issue of viability discussed above, the consultants look to determining the "appropriate level of service". This requires a determination of the target market. The Applicant's study incorrectly concludes that the market has changed from 2011 to 2015. In 2011 the market was 30-50 foot sailboats and in 2015 the market is less than 28 ft power boats. There is basically no support for this except to say that 80% of the boats registered in CT are less than 28 ft. That was also true when BYH was in business and their target market was mostly larger sailboats as set forth in the B & A Comparison report.

Neither the City's consultant nor the Applicant's consultant must have looked around Stamford Harbor. Stamford Harbor is home to many 30-50 foot and larger sailboats. Also, if they talked to Brewers they would have found out that many of the boats formerly located in Stamford have gone to other Brewer's yards, particularly Pilots Point in Westbrook Ct. The sailors and power boaters did not turn into small boat power boaters overnight. If Stamford had the required facilities, these boats and other large boats would be back in Stamford.

Once the premise that Stamford is a small boat powerboat market is shown to be false, the entire report premised on that conclusion becomes irrelevant. The proposed boatyard and storage arrangements just don't work for larger boats.

Transporting under 30 ft powerboats and use of Public Parkland -The Applicant's plan is to move boats from the Davenport site 2 miles thru the train station area to be stored at 205 Magee Avenue. MarineTec points out that this is very inefficient and suggests that the Applicant haul boats at the public ramp located in a public park known as West Beach just down the block from 205 Magee. The Planning Board will no doubt remember the Applicant's proceedings involving a "License" for the parkland at 205 Magee. A license would no doubt be needed here since the Applicant would be running a commercial enterprise on public parkland. MarineTec also doesn't think to mention that hauling boats that are in the water all season requires power washing of bottoms and DEEP requires reclamation of the water and biocides that will come off the boat. West Beach doesn't have any facilities for that.

Navigational dangers- MarineTec correctly points out that there could be dangerous intersections between barges and tugs and recreational vessels at the Davenport site. The Consultant's solution is that the Stamford Harbor Master (an unpaid volunteer who has a day job) should coordinate the schedules of barges and the

boatyard customers. This is ridiculous. The harbor Master was never consulted about this or anything in either consultant's report. Further evidence that MarineTec has no idea of our Stamford environment.

Dirt, Dust and Noise from O&G- MarineTec in analyzing the viability of the proposed Davenport boatyard did not take into account the noise and dirt from O&G which is just to the North of the proposed boatyard. O&G works round the clock. It is a very noisy and dirty environment. Hinckley is the proposed boatyard operator of this facility. Hinckley is known for its fine varnish and paint work. How will they varnish and paint when the air is full of dust? Can't be done. I have seen boats across the way at Harbor Point North marina covered with dirt and dust on a regular basis.

Financial Pro forma? - MarineTec reviewed Hinckley's financial pro forma but none is shared in the report despite the zoning law's requirement of full financial disclosure. The Applicant required a nondisclosure agreement which prohibits MarineTec from sharing the facts with the public. Since the burden is on the Applicant to prove viability of the proposed boatyard, lack of evidence and failing to fulfill the minimum requirements of the zoning regulations for full disclosure should result in a finding that the burden of proving viability of the proposed boatyard was clearly not met by the Applicant and thus the application must be turned down.

Amenities required at the marina at the 14 acre site? Finally, MarineTec correctly concludes that the marina at the 14 acre site needs amenities such as a swimming pool, gym, restaurants, bathrooms and showers, etc. Of course, nothing is proposed by the Applicant on land. The use of the land for boating services is just what the Applicant is trying to avoid. If the Applicant were willing to add normal amenities for a first class marina, they would also be willing to put the boatyard back as required by law.

The foregoing examples are only the highlights of the points I could raise about the inapplicability of the Consultants' reports. From the Planning Board perspective, the decision should be obvious. The applications are clearly inconsistent with the Master plan and that is what you must report to the Zoning Board. To do otherwise, would render the Master Plan impotent and of no effect.

Respectfully submitted,

Kevin Dailey

Stamford Taxpayer

September 25, 2015 Stamford Advocate article:

The “Boatyard Designed to Fail”

“Designed to Fail”, is the heart of the plan by developer Building, Land and Technologies (BLT) for the proposed new boatyard at Davenport Landing.

Here is a bit of background: BLT has an agreement with the City of Stamford to maintain, “in perpetuity”, the boatyard on the former 14 acre Yacht Haven site in exchange for development concessions it received from the City on other parcels of land in the Harbor Point district also known in the zoning regulations as the SRD-S District. This agreement is still in place and is embodied in the Zoning laws of the City of Stamford and in the Zoning Certificate for the General Development Plan. BLT violated this agreement and the law by tearing the boatyard down in 2011 without permission from the Zoning Board. The Zoning Board issued a Cease and Desist order in 2012 requiring BLT, among other things, to submit a plan for a new boatyard with no diminution of services as required by the Zoning laws. BLT appealed this order to the Zoning Board of Appeals. The Zoning Board of appeals unanimously upheld the Zoning Board’s order. BLT then appealed the order to the Connecticut Superior Court. BLT and the City are currently litigating this appeal. Against all logic, the City has consented to “pause” the lawsuit to appease BLT pending action of the Zoning Board on BLT’s current applications!

Two years ago BLT presented a plan for a “replacement” boatyard that was approximately 3 acres in size on the landlocked parcel known as 205 Magee Ave. vs. the original 14 acres. It met with overwhelming disapproval from many sides because of its small size and the use of City land to gain access to the water. The plan was then amended to encompass approximately 6 acres. Half of this was City “park land” property offered via a proposed license from the City. The plan was actually voted on, and “disapproved” by the Planning Board during a meeting that was chaotic at best. It appeared that the Planning Board did not even realize they had voted and before anyone could actually bother to confirm and affirm the vote, BLT had withdrawn their proposal.

So here we are again with a less than 3-acre boatyard proposal from BLT, with about 3 acres of off-site storage and off-site slips under different management and no legal requirement whatsoever that the sites continue to be used as boatyards or a marina. BLT suggests that this is equal to, or even surpasses, the 14-acre Yacht Haven site. For what are supposed to be really smart developers, they sure are not good with math.... 3 plus 3 does not equal 14! No matter how they twist and manipulate the figures, it is impossible for two parcels of property totaling less than 6 acres to equal the capacity of 14 acres of waterfront property. What BLT is good at is deception. They are trying to look like knights in shining armor coming to the rescue with this latest boatyard plan, despite the fact that they are the villain’s that tore down the one they were supposed to keep.

Sorry for the long history lesson, and now to the point of my letter.... The boatyard “Designed to Fail”. BLT has presented a plan that has the boatyard placed on less than 3 acres of land, which was already proven by independent consultants to be too small to equal the old yard. This proposed boatyard is very inefficient and will have very limited capacity. They propose to add additional storage two miles away at 205 Magee Avenue, transporting boats all day long through residential and commercial areas including the Stamford Transportation Center. The route is not easy and with additional traffic from the new South End development and possible further development of the train station, the area is surely going to be a complete mess. So it will not only be inefficient for an operator to spend 30 minutes or more transporting boats each direction, it

will add congestion to the area when reducing congestion should be a priority for the City. The 205 Magee boat storage area will only be able to store small powerboats – not the clientele of the former 14-acre boatyard, which was mostly sailboats. In fact most small powerboats are stored on trailers at the owner's homes. Again, a boatyard "Designed to Fail", since there will not be demand for this service. The proposed 205 Magee "facility" will have no services such as water, electricity or bathrooms, so no work will be able to be done there. This further reduces any attraction a boat owner would have to store a boat there. BLT does not want to invest in infrastructure at this site since they don't really intend to use it as a boat storage facility for the long-term.

BLT proposes to use less than 3 acres of the 5.4 acre Davenport Landing site as a boatyard. The balance is proposed to be additional residential housing. Why would BLT not use the entire property where the boatyard is proposed if they were looking to build a successful boatyard business? Storing more boats there would certainly be more efficient than towing them back and forth to Magee Avenue. The reason is that by building residential units on half the property they make the boatyard less efficient and more likely to fail. They then already have half the residential properties in place, thus it sets the stage for a "failed boatyard" to be replaced with more housing. If you look at the site plan it is obvious where the second residential building will go. The streets are already laid out. Thus they achieve the outcome they want..... no more boatyard and more residential properties. Once the boatyard fails, BLT would most likely revert the Magee Avenue site to a commercial office building. All the while ignoring the agreement with the City to maintain a working boatyard on the 14-acre site. And worst of all, leaving Stamford without any working boatyard forever!

It was also recently revealed that BLT has required that an outside consultant hired by the City to review the boatyard plan sign a non-disclosure agreement regarding details surrounding the proposed plan and other data supplied by BLT. This is further evidence that a developer is running the City and not our elected officials and City Boards. So even if the consultant spots a "plan to fail", they will not be permitted to tell anyone... especially the City who hired them to evaluate BLT!

Do not be fooled for a second! BLT has no intention of creating a "boatyard of the future" or anything close. They are setting the stage such that any boatyard operation on their property will fail and will be quickly followed by non-water dependent uses. This is fully against what they promised, agreed to, and by the way, against the State of Connecticut law, and in particular, the Coastal Area Management Act!

Hopefully the Zoning Board, Planning Board and the State DEEP will see this for what it is, an illegal land grab and abuse of the citizens of Stamford and State of Connecticut. This latest plan needs to be completely rejected. Otherwise the City of Stamford will never have a boatyard again. Our elected officials have to push the court action to completion and collect the over \$1,000,000 in fines due to the City and citizens of Stamford. BLT needs to be "forced" to return the 14-acre boatyard immediately or face work stoppage on ALL projects within the entire boundaries of the SRD-S District General Development Plan. No other developer or citizen gets to violate the zoning laws and continue to build. Enough is enough! The City has to stand its ground and enforce its laws and regulations on even the biggest of developers, or it faces a slippery slope in the future where breaking the law is accepted as the norm. None of us want this, nor can we afford it financially or morally! Stamford's quality of life is under attack and this is unacceptable!

Kevin Dailey
Stamford Taxpayer

From Capt. Frank Fumega

I attended the Planning Board meeting on 10/14/15 and signed as a speaker "FOR" that did not have a chance to speak. I am a lifelong city resident, with family roots in Stamford for over 75 years. More importantly I am a lifelong boater and a Professional Licensed Captain, Merchant Mariner Credential #USA000284765, Master 100 GRT Inland. I also served as Deputy Harbor Master, Stamford 2010-2013. Owner of the "Nautical Wheeler" a Navy Motor Whale Boat, that serves as the water taxi in Stamford harbor since 2013, this year alone we transported 10,688 passengers across the harbor to enjoy the amenities the offered by BLT and Stamford water front.

In my professional and personal opinion BLT should be allowed to move forward with their proposal. I have traveled within the United States and observed many boatyard operations; the majority is 5 acres or less with full amenities. There shipyards with less of a foot print then what is proposed that can handle yachts 100+ feet, which is not what is need in Stamford. The majority of yachts 60+ feet are only seasonal or transient and may only need minor work when in port, as they will serviced by shipyards that they have established a relation with.

Please take the following observations and facts into consideration.

- 75% of boats, larger than 35 feet, berthed in Stamford are out of town or state residents.
- When Stamford boaters use their boat they go over to Long Island, and when New Yorkers use their boat they come over to Stamford, very rare do I see a Stamford boaters come to use the restaurants and docks locally.
- Cummings Marina has been out of service for 3 years, where did those 100+ boats go???? Why isn't something being done about that?? City resident boaters are suffering, yet we are concerned about bringing out of town boats back to Stamford.
- The majority of "AGAINST" have not been lifelong Stamford residents and do not know what the South End really was.
- The old Brewers were an underutilized eye sore. The building that everyone states, were dilapidated and some even rat infested. Remember that was a land fill site in the 1960's
- CT general statutes, DEEP regulations, do not allow work to be done on boats without proper reclamation procedures, as stated by several speakers, therefore any kind of painting and power washing must be done in proper settings by trained personnel
- Tug/Barge traffic has been a problem in Stamford Harbor. This is something that has been on the Harbor Commission's radar for along time. I have called the US Coast Guard several times to report violations, within the federal waterways, of illegal maneuvering and danger to boaters. This needs to be addressed by proper Police presence on the water during busy boat times not on Monday at 10 am during routine patrols when boat traffic is null.

If the City of Stamford allows Save Our Boatyard to dictate what is to be done and where does that make it legal for me to dictate what I think your property and house should be???? They are proposing a Country Club for the minority and not a good thing for the majority that will come to Stamford to enjoy all that it has to offer.

On behalf my family, friends and other professional Merchant Mariners endorse what BLT has proposed in the good of Stamford.

Capt. Frank Fumega
Makin' It Happen! LLC
USCG 100 Ton Master
(203) 219-2673
frankfume@yahoo.com

ATTACHMENT #18

From: Don Corbo [mailto:newenglandprop@aol.com]

Sent: Thursday, October 15, 2015 10:47 AM

To: Woods, David

Subject:

Dear Mr. Woods,

I was the second person to sign in to speak in favor of the boat yard last night. We ran out of time and I did not get a chance to speak.

I have owned several boats in the last 50 years. All of them have been docked in Stamford Harbor on both the east branch and the west branch. I presently have a boat docked on the west branch.

BLT's contribution to Stamford Harbor is extraordinary. For the Harbor Commission to take the biased attitude that the new boatyard will not be good enough or big enough is absurd. In the 50 years of boating in Stamford I used the Yacht Haven yard twice. Both times were very bad experiences. Most local boaters like myself, knew it was the last place you wanted to bring your boat. While my boat was there the first time it was broken into and my television was stolen. There was no security. The only bathrooms available were on a septic system which constantly backed up and ran into the LI sound. I, for one, was glad to see it demolished. Davenport Landing is an opportunity to have a new state-of-the-art facility with a travel lift. In an emergency this will provide a safe haven for boaters particularly if you are taking on water. This past summer there were an abundance of empty slips on the dock where my boat is tied up which was likely caused by the cost of fuel and the price of boats.

I know some of the people that get up to speak against BLT and the boat yard controversy. I find it ironic that many of these vocal opponents do not even own a boat.

Don Corbo
New England Properties Real Estate LLC
Cell: 203.326.0081
Fax: 203.966.0684
Email: newenglandprop@aol.com

ATTACHMENT #19

From: McClean District Three [mailto:mcclean.district3@aol.com]
Sent: Thursday, October 15, 2015 1:43 AM
To: Cole, Norman
Subject: Testamony Oct 14, 2015 Planning and Zoning Meeting

Re: Testimony for 10/14/15, Davenport Board yard Meeting

Dear Norman and Chairwoman Dell and Committee:

Thank you for your time last night regarding the Davenport Boat Yard. As I did not get the opportunity to speak, I had a few items that I would like to be added to the record.

As Carl Kuehners representative from Hinkley Marinas spoke about how in this economy, marinas are downsizing and more effective. What he failed to mention or be asked about is the fact that Hinkley has two full service marinas on the East Coast, one is in Portland Maine and the other is in Rhode Island. Both yards are full service yards, and both yards are very close to our boat yard, one is 15 and the other is 16 acres. They boast on their website that the customers there are "serious boaters". So if they know how to run a full service top of the line boat yard, why would he not design a spectacular plan for our 14 acres? As our taxpayers and surrounding boat owners are just as much "serious boaters".

The other item he did not mention or was asked, how the Harbor Master in those two states were included in the safety of those harbors. As both of those yards had serious boat fires this year, if we were to have an emergency, such as a boat fire in the canal, this would pose a serious problem for the safety of our Harbor Master and our Harbor Police as they are barely paid anything for the serious duty they perform. Please keep Eric our harbor Master in the loop and ask him for opinions.

Carol Ann McClean
RTC District 3 Representative

mcclean.district3@aol.com

To Members of the Stamford Planning Board:

Thank you for your service to the City of Stamford and for the residents of the region who are all affected by the actions of BLT.

Due to time, I was not able to voice my concerns at last night's meeting, so I am submitting them here by email. In my haste to get these to Mr. Woods by noon today, I was not able to properly edit or format my comments. Consequently, I wish that you would use this document as a substitute for my earlier submission.

While I keep hearing reference to the "14-acre *BOATYARD*", the original name as I knew it was Brewer's Yacht Haven *MARINA*! A marina is much more than just a boatyard! It provides a way of life. Three separate sites doesn't make for a coherent way if life.

And having a first class boating facility affects the quality of life for **all** those in the region, not just Stamford boaters. Having a quality boatyard improves the desirability of living in Stamford and the region, and thereby improves property values!

I found my prior boat while attending the Stamford In-Water boat show at Brewer's Yacht Haven around 1981. I was a resident of New Jersey at the time. Nevertheless, the Brewer's facility was a centerpiece of my being in the area. So much so, in fact, that I moved to Connecticut in 1989. I then berthed that very boat on Davenport Avenue right near the O&G facility, and had access to Brewer's operations and winter storage.

Frankly, after one season, I couldn't wait to leave Davenport. The facility was dirty and provided few amenities. Even the sanitary facilities were inadequate and disgusting and parking a joke.

I bought my current boat the next year, a 32' sailboat, and kept it at what was then known as Stamford Harbor Park, located at 333 Ludlow Street, where it was for 17 summers and several winters. When not in the water at Stamford Harbor Park, it was at Brewer's Yacht Haven's 14-acre site for both storage and service work. But after years at the Ludlow Street docks, I finally got fed up with the way the docks were being managed, or should I say mis-managed, and moved the boat to Greenwich where it still resides. But when I needed emergency work in 2011, as the result of a grounding, there was nowhere in Stamford to bring it. Yacht Haven had been closed down.

That Ludlow Street site had been the former location for the Richardson-Vick Chemical Company (Vick's Vaporub, etc.) They used to use the former marina facility adjacent to the factory to receive shipments of chemicals by boat.

When the property was being redeveloped as an office building, one of the requirements under both the Coastal Area Management Act and Stamford's Land Use Agencies, was that they must

maintain the water dependant nature of the location. As a result, they were required to put in a 32-slip marina and rebuild the seawall.

Unfortunately, the owners had no interest in operating a marina, and only put it in to meet the requirements of the approval to build. Consequently, the marina offered no services, other than having water and electric, and was allowed to slowly deteriorate.

Even the security and surveillance system they claimed was an amenity was not attended to and my boat was broken into numerous times with the operator refusing to provide me with the surveillance tapes, or patrol records, etc. that I could turn over to the police to aid in their investigation. One of the requirements of putting in the marina was that there would be no preference given to the office building tenants, and all should be treated as equals to the marina tenants. This was never followed!

The docks have been and continue to be deteriorating and the bulkhead collapsing. I have photographs I can submit to substantiate my claims, if you wish. Recently, after my complaining to Norman Cole about the bulkhead, it has seen some remediation. The docks still have not been touched. Further, there is constant floating debris in the marina making it quite unsightly and unpleasant.

The property is now known as the Starwood building and one of BLT's many properties. Though the marina is located behind the hurricane barrier, adding to its desirability, BLT is not interested in operating a marina and do not try to market it. They are only trying to show that there's "no demand" for a boating facility. Therefore, it is never at capacity.

I recently inquired about in-water winter storage there. Their prices were such that no person in their right mind would want to keep their boat there. In past years, the operator violated state law regarding the submetering of electricity to boats, again making berthing there unpleasant. So, while they are claiming to maintain a water dependant use, they are hardly making it affordable, or competitive with similar facilities in the area, thereby forcing boaters to find other facilities or get out of boating.

Similarly, the docks just to the north, along the west side of the canal, in the area I have known as "Harbor Square," are vacant. At one point in time, they were either owned by or operated by BLT. Last week I inquired about winter storage there as well, and they are not providing either in-water or land storage. And from what I could tell, none of the slips were occupied this past summer either!

Since BLT owns or controls so many of the privately owned marinas in Stamford, they can easily make it unpleasant for a boater to be in one of their facilities, resulting in vacancies and making it appear that there is little demand.

If the 3-parcel project is allowed to be developed, such will be the case again. The proposed operator is not the owner, and therefore, will not have the same ability or incentive to maintain the facility and keep it in good repair and make it appealing to the public at a reasonable price.

Such was the case with case with the former Brewer's Yacht Haven West *Marina and Boatyard*. Brewer's wanted to purchase the facility and greatly expand and improve it, similar to what they have done at their other owned marinas, but were denied. Their intent was to develop Yacht Haven like they did at Pilot's Point in Westbrook, where they have a "family oriented marina... [which] is more than just a marina, it's a boating lifestyle. We don't just store your boat and see you in passing; we invite you into our community." (Please see www.bvy.com)

They have two swimming pools, two clubhouses, on-site restaurants, social events, courtesy vans, etc. *And they make money!*

Brewer's wanted to acquire the 14-acre site and do similar work there. But since they didn't own it, they were unable or unwilling. After all, what businessman would want to make a substantial investment in a rented facility they would have to vacate at a moment's notice?

If the Planning Board approves the 3-parcel project being presented, will the developer provide these same services? The shuttle bus, the playground, the swimming pool, the clubhouse, the barbecues, the social events, the showers, etc? Will they be required to maintain the docks and other facilities? I certainly didn't see it in any of their presentations.

But lets get back to the specifics of this 3-parcel proposal:

At the Brewer's Yacht Haven *MARINA* owners were allowed to come to their boats in the winter season and pull their cars right up to the boats, unload their winter covers and frames, install them and do their own winterizing and other work. They were even allowed to call in an outside contractor if they felt it was warranted.

Who would want to park in a far away lot at Davenport and have to return repeatedly for equipment which weighs many pounds or is awkward to carry, such as interior cushions, sails or a winter cover and frame?

Many owners consider (and finance) their boats as a second home, a home away from home, or even a part of their family experience where they raise their kids and entertain friends. And working on their boats is important to them. It is a way of bonding with their boats, getting to make improvements or curing problems before they become significant. The developer has stated that in the proposal in front of you owners would be precluded from doing any real work on their boats, other than, perhaps, "changing the radio," as was mentioned.

This not only creates a substantial expense for the boat owners, many of whom, like me, are not millionaires, but it also becomes a **RESTRAINT OF TRADE!**

You heard testimony that the former Yacht Haven facility stored more than 600 boats on land, a majority of which were over 28 feet.

I for one, have stored my boat on land with the mast in at Brewer's

Can the new facility store 70 sailboats or more, with their masts in, like Yacht Haven easily could?

Can the new facility store 50 powerboats, or more, with tuna towers, like Yacht Haven easily could? Or store power boats in the 60 and 70 foot range?

Can they do this all at the same time.

Can they pull 60, 70 and 80 foot masts and store them? How many? Where will they be stored? Where will they have the in-water winter storage? Will there be a bubbler system/ice eaters to prevent ice damage? The Southfield site already exists and existed before Yacht Haven was closed. Combining 3 new sites does not provide a REPLACEMENT for the 14-acre site, only an adjunct, and not a very good one at that.

Where will they store the other few hundreds of LARGER boats needing dry storage, especially when they can't be easily transported through city streets and under wires and bridges?

They claim to have indoor rack storage with the building height, at the peak, to be 48'. But what is the roof height at the outside/side wall? While there may be demand to store larger, more expensive boats indoors, how many small boat owners are willing to pony up for the extra indoor storage expense, especially when inexpensive winter covers are available and they can store their boats on trailers?

Yes, rack storage is fine for small boats that are taken out of the water after each use, but it is not at all practical for a larger vessel and certainly not a sailboat that requires a different support system.

And regarding this indoor facility, is there sufficient slope in the roof to discharge snow to prevent collapse? If so, where will the snow go? How many sailboats, and of what size, can they fit, AND PROPERLY SUPPORT, in their rack storage? (I already answered that, *none!*) Will they be plowing between boats stored outdoors to allow owner's access during the winter to clear off snow from the boat covers and gain access inside to make sure there is no damage?

The consultant mentioned his experience with marinas in Costa Rica and Alabama, but do these places get significant snowfall? What experience does he have with mangling boats that sit out in the snow?

While the consultant says the proposed project can't provide all services to all boat owners, I believe that all involved would agree that Yacht Haven came much closer than the proposed project at providing these services in the SIZE AND SCOPE needed.

While they claim they will have a "full service" boatyard, they haven't discussed the capacity of the services, only of the size of the storage yards.

How many full-time permanent QUALIFIED employees will they employ? They stated that they would be able to haul (and presumably launch) up to 10 boats in a day with their travel lift,

but how many days would that take them to accommodate the vast number of boats that need to be hauled. If Brewer's stored 600 boats on land at their facility, that would take Davenport 60 *working days* to haul in the winter and another 60 *working days* to launch in the spring. And those are just the boats stored at Brewer's. It does not include boats that were hauled and shipped elsewhere. Obviously too, the working days do not include days with foul weather, such as hurricanes or severe storms like we often find at this time of year, such as the Halloween snowstorm we had just a few years ago.

That is hardly maintaining the size and scope required to do the job property.

When it's haul out time, like it is right now, the proposer stated, they could haul out about 10 boats per day. And while they are hauling these 10 boats each day, where will they berth the boats *waiting* to be hauled? If an owner only has a 2-3 day window (28 slip marina, 10 boats per day) to bring his boat to the facility to be queued up, it will put a great strain on those who work and can only attend to this on their days off. Additionally, they may also have to contend with foul weather adding to a delay. And if they have to be transported out of the facility by a different transport company, how can this be efficiently scheduled if there is a weather delay?

How can BLT possibly reach the capacity and provide the services that the 14-acre Yacht Haven yard had?

Yacht Haven stated that they employed 70 full time people. BLT claims they would hire about 14. How can 14 people do the work of 70 in the same amount of time? That's 1/5th the number of people Yacht Haven needed to operate. You know the answer, they can't! Again, lacking the same size and scope of the 14-acre boatyard.

And when will the hauled boats get winterized if they are constantly being moved around? And who are the personnel to do that? Are they the same people hauling and moving the boats?

It takes about 3 hours to winterize my engine and other equipment. If they haul 10 boats a day and have to winterize them all, that's 30 man hours. In other words, based on an 8 hour day, that's 3.75 man days of work or nearly 4 people each day just to winterize. That is more than 25% of their entire staff, and tie them up for 60 working days, based upon 600 boats to be hauled.

When Yacht Haven hauled boats, they merely moved the boat on the travel lift to its winter location right there on the same 14-acre property. It took a matter of minutes. They did not have to reposition the boat onto a transporting trailer to move to a different facility. A boat was made to be supported by water. Each movement, whether by travel lift or trailer puts additional strain on the hull and other parts of the boat.

As was stated by the consultant, Hinckley will not be able to store the same capacity of boats on the site thereby requiring an owner to make special arrangements to have their boat transported to another site, adding significant complications, a DOT permit in many cases, and a huge added expense, not to mention the wear and tear on the boat.

How will they be able to manipulate all these boats in that small yard while they are awaiting their final storage location? Or while they are awaiting the transportation company which may have gotten stuck in traffic or could not arrive on the date and time Hinckley specifies?

When my 32' sailboat gets hauled out, it is on a hydraulic trailer. Once on the trailer the cabin top is about 17 feet above the roadway, not including the mast which must be pulled out to go over roads. But even with the mast out, I don't think I could get through many streets going under wires and bridges. I don't normally pull my mast, but the Davenport site doesn't have nearly the dry storage, mast-in capacity that Brewer's did, or the ability to dry store powerboats with tuna towers. Again, the size and scope of the replacement property is not there.

If the project is approved and a boat owner comes to Hinckley and is told that they no longer have space to haul and store his boat and that the boat can't fit through city streets, who will hear those complaints? Will the Planning Board stand ready to resolve the issues? I think not!

Brewer's had a brokerage business at Yacht Haven, as Hinckley is also proposing. I therefore ask, where will Hinckley store their brokerage boats if there is only a 28 slip marina? Will the 28 slips be available to the public, or will Hinckley impound many of them? And how will they be able to provide a sea trial if the boat is not readily available and in the water?

Will a boat owner be able to put a "For Sale" sign in his boat and not use the Hinckley brokerage?

Where will the ship's chandlery be located, or the retail parts department. Or their carpentry shop?

How many people will be there to winterize engines and water systems or to fix electronics or repair fiberglass or paint boat bottoms. If there are not enough qualified people then work will get stacked up and cause problems down the line as engines suffer freeze ups and water systems fail. How many employees will they have available to install winter covers? Mine is a custom cover and requires skill to install. If their people don't know what they are doing, the cover will be ruined and the boat damaged. I usually install the cover myself.

Will there be water and electricity in the boatyard so that I can winterize my engine in the fall, keep my batteries topped off during the winter and so I can wash and prepare my boat in the spring?

Can they carry out warranty work if they are not an authorized dealer or if they are not familiar with that particular brand?

When spring starts to come, how many full time, qualified employees will there be to remove those winter covers, paint bottoms, install masts, tune the rigging, connect or install electronics? And if they can only launch 10 boats a day, as the consultant stated, it will take @60 days to launch the 600 boats that Yacht Haven had capacity for. Of course, the launch may be greatly delayed as they await the bottom being painted, the topsides cleaned and waxed, and the brightwork varnished. What the heck, by that time, you might as well skip the boating season.

If the 205 Magee facility does not provide water, electric and pressure washing of the bottoms, where will boats get cleaned when hauled out? Obviously at the Davenort facility, again, causing a backup in both personnel and space. Where and how will the owners of the Magee rack stored boats be able to winterize their engines and other systems? Or what about the boats that are on trailers? If they can't get their bottoms cleaned at the town parks and have to rely on the 205 Magee facility, what are they to do? Obviously, the 205 Magee facility is inadequate to handle the hundreds of boats they claim will be stored there. And without electricity, how do these stored boats keep their batteries topped off? How and where will these boat owners be able to winterize their engines at 205 Magee? Or get ready for spring?

As you can see, the 205 Magee is a facility destined to fail. Without the ability to properly deal with their boats, owners will not go there, creating a business operating at a loss and not providing the services that are needed and would have been supplied by the 14-acre site.

205 Magee is not a viable business as currently contemplated.

Sure, Hinckley may have a good reputation, but have they provided the names, and qualifications of the employees that will provide the necessary level of services? Or will all that come once they are in place and have to scramble to fill those positions

The applicant shows 4 slips for sailboats, which they say claim can berth a 70' boat, then mentions that boats fueling up will be able to dock not just along the outside dock, but also back into one of the sailboat slips that shares the berth with another sailboat along side it. The potential of another boat fueling in front of it, pinning it in, or perhaps damaging it while they maneuver, is ludicrous. Who, in their right mind, would want to berth their boat in a slip that would be an active fueling slip, or even in the slip next to it. How could they get in and out of their slip with a boat fueling up? How can they leave their dock lines or dock boxes on the dock if there would be random transient boats using the same facility? How can they be sure that a boat coming in to fuel up won't damage their boat? They can't.

The docking diagram shows about 6 other boat slips adjacent to the "L" shaped fueling area. Since the fuel dock is not a separate dock, the boats in the adjacent slips must always be wary of potential fires that can occur at a fuel dock that do not occur when fueling is not present, like smoking on their boats, or using a galley stove or propane marine grill. All activities are fully legal and appropriate, but not when boats are fueling up.

At the Brewer's facilities, the fuel docks are totally separate from the berths, preventing potential fires or disruption or inconvenience to berthed boats. Look what happened at the Southfield facility this past winter when one boat caught fire causing damage to other, adjacent boats.

And if it were necessary to get fire trucks into the fuel dock, is there sufficient room and the ability to do so? Will having the fuel dock next to the boat slips cause unnecessary risk for the slip occupant?

Incidentally, the diagram of the slips showed the sailboats having backed into their slips. While this may be easy for a twin-screw powerboat, few sailboats I know of have bow thrusters or will back into their slips. Due to prop walk and cross currents, this is a difficult maneuver without bow thrusters and several crew members.

I, for one, have been docking my boat without the aid of crew, but can only do so by going bow-in.

On the one hand, BLT wants you to consider these three properties as one project to take the place of the single 14-acre site. But then, in the other, they will only supply Hinckley services to the Davenport site. They can't have it both ways. And without the three projects being considered as one, the failure of one project will greatly impact the viability of the others. For instance, should Hinckley pull out of the Davenport site, how will the Magee site or the portion of the 14-acre site operate? Without the 14-acre site, how will Davenport operate?

Since each is a separately owned and operated entity, the combination is not feasible. You cannot compel one company to provide services to another company that may not want them or may not be willing to pay for them.

205 Magee appears to be a totally independent facility. If it was determined that rack storage was not feasible for all those boats, could they convert it to storage for large power boats? No. The services required aren't there. So why are we considering it along with the Davenport site. It makes no sense.

Whereas, if the 14-acre site were returned to its former size and scope, not only could portions be rearranged as necessary, such as more large boat storage taking the place of vacant small boat trailers, but there would be sufficient room for the operations to expand if and as needed.

And Brewer's often had boats stored on land during the summer. Has the Davenport site addressed this matter? Or when boats need in water servicing, what slips will they use if the 28 slips are for rental customers? There just isn't sufficient capacity.

When sailboat halyards clang against their masts, will that create a noise problem for the residential portion of the Davenport property? It isn't a problem at the 14-acre site since that site is industrial/commercial and does not have a residential use.

The developer boasts that they are cleaning up the toxic materials at the 14-acre site, but they are doing that with a State grant. Brewer's would have gladly done the same, so BLT's boastfulness is out of order.

The developer said that Hinckley will handle the services and operations of the boatyard, but then stated that individual owners must make their own arrangements to transport or store at 205 Magee or the 14-acre site. How is that providing full service?

And how much more will it cost an owner to have their boats hauled and then separately transported with a different contractor, needing a DOT permit when Yacht Haven merely drove

the travel lift to a different point in the same yard. And how much additional stress will such an involved multi-stage transport cause to the hulls, especially to the larger boats?

If you approve some, but not all, the project will certainly fail, but even if you approve it all, it will not resolve the problem of the destruction of the boatyard and the replacement of the prior size and scope of operations.

Further, the 14-acre site allows for future growth, the current proposal does not!

The headline of the lead article in today's (10/15/15) Greenwich Time states, "Showdown Looms over River Dredging." (<http://www.greenwichtime.com/news/article/Proposal-to-dredge-Mianus-River-coming-up-to-6570599.php>) The article refers to the planned dredge of the Mianus River in Greenwich and how New York State is fighting Connecticut's ability to use the mid-sound dumping site. It is stated that this situation could not only stall the dredge plan, but also could wind up in court.

Any approval the Commission might grant, and I hope you do not, MUST be contingent on BLT getting approval to dump into Long Island Sound in a timely manner, and not get hung up in court. And the approval should not allow them to use the 3-location project in lieu of the 14-acre boatyard site if all the necessary facilities aren't fully installed and operational. That is, no approval to use the 14-acre boatyard site for anything other than a boatyard should be granted unless they fully install a working replacement facility of the same size and scope, which they obviously can't.

BLT has claimed that demand for boats has declined, but they are responsible for at least part of that!

They have closed docks, quoted prices for winter storage that don't make sense, and fail to maintain facilities, thereby dissuading customers from signing up.

By removing the Yacht Haven facility, they have forced many boats to relocate. One such boat is Larry Silverstein's 131' *Silver Shalis*, which used to regularly tie up in Stamford at Yacht Haven.

While in Stamford, Mr. Silverstein and his crew, like many of the other boats that used to spend time in Stamford and no longer do, spent money in the local economy, at restaurants, stores and at the boatyard. Mr. Silverstein, if you don't know, is the developer of the Twin Towers and now the Freedom Tower. His new 174' *Silver Shalis* now bypasses Stamford and comes to Greenwich.

As you may know, Mark Cuban, the billionaire of Dallas Mavericks and Shark Tank fame, brought his boat to this area this past summer, but it was kept off Greenwich and Darien, NOT Stamford.

Jack Brewer, a Stamford resident, has wanted to purchase the 14-acre site he used to operate. If he were able purchase it we would already have a working full service boatyard of the same

scope as was there, but with improved services and amenities, such as swimming pools, like he put in at Westbrook's Pilot's Point. I agree with the local resident who yearns for a new boatyard facility, but it has to be the right one, not a project that is destined to fail. If Brewer's were allowed to install their facility at the 14-acre site, it would have been up and running years ago, not sitting in contentious limbo and awaiting a court decision.

The Brewer operation is over 100 years old, having been founded in 1879. So let me make this suggestion, force the sale of the 14-acre property to Jack Brewer, perhaps under eminent domain as was done with a property in Groton a few years ago, and let him develop it. Then, if BLT thinks there is sufficient demand, then let them come up with a plan to put in these *additional* facilities. Should the new Brewer 14-acre site fail, which it won't, then it can be torn down and redeveloped as something else. But if you remove the water dependent requirement from this site and allow it to be developed differently, it will be lost forever. That is not a viable option.

If the site is developed as an office building and not a marina, as has been proposed at one point, who is to say that *it* won't fail? After all, look at all the major companies that are threatening to move out of Connecticut, or Stamford. And look at all the vacant office space that already exists in Stamford. Building yet more office space will create additional pressure on already vacant properties. If you allow an office building to use the 14-acre site, it will never be returned to a boatyard and marina.

If you are looking at the viability of the 3-parcel boatyard, why not look at the viability of an office building and the effect it would have on other commercial properties throughout Stamford, not just itself.

The original master plan required maintaining the same size, scope and range of services at the 14-acre site. Obviously BLT did not honor that requirement. Therefore, they should not be given special consideration because they violated their permit.

While condition 7 and 9J 14(?) might have provided an *opportunity* to change the use of the 14-acre facility, it was not a *guarantee*, and BLT was taking their chances by illegally tearing down the boatyard without approval for a replacement facility. It was a business risk that they assumed, believing that they could violate local regulations and get away with it.

As to the comment of the larger boats leaving Stamford Harbor, its true, they left. However, should the 14-acre site be rebuilt, as they say, "If you build it, they will come!" Brewer's Pilot's Point is a perfect example of that. And if boating was dying out, hyou wouldn't know if by Jack Brewer's purchase and upgrade of additional marinas, now totaling 26.

And just how does Brewer's market to their potential customers:

"You, your family, and friends... belong at Brewer. Look around any Brewer yard and you'll see more than a first-class marina. You'll see people having fun. Crystal clear pools. Professionally maintained and perfect for families. Playgrounds, volleyball, and tennis courts. Restaurants and lounges. Both on-site and nearby, Brewer offers plenty of choices for patrons of all ages. Picnic areas. Supplied with grills and tables and ideal for relaxed dining with friends.

Air-conditioned clubhouses. Perfect for escaping the heat, socializing, and relaxing."
(www.bvy.com)

If BLT marketed their properties in the same way, they would be clamoring for more marine facilities, not looking to downsize.

BLT is requesting that you alter long standing Planning and Zoning regulations to allow them to put in a boat yard to replace the one they illegally took down.

I am left with the feeling that it is like the person who kills his parents then pleads for leniency because he is an orphan!

This alternate plan must be turned down and the original 14-acre boatyard be rebuilt!

Thank you for your consideration.

Gary Silberberg
SilverMtns@aol.com

**Comments from Thomas O'Connell
Chairman, Young Mariners Foundation**

ATTACHMENT #21

-----Original Message-----

From: Thomas O'Connell [mailto:tamjoconnell@icloud.com]

Sent: Monday, October 19, 2015 10:23 AM

To: Woods, David

Subject: Davenport boatyard

Dear Mr. Woods,

As Chairman of the Young Mariners Foundation I wanted to express my support for the proposed boat yard at the Davenport site and other related projects including the slips on the 14 acre site (on the old Brewer's boat yard).

I am also a sail boat owner, and it would be great to have a full service yard back in Stamford and to not have to go as far as Norwalk or Mamaroneck for work.

We operate our summer sailing camp out of Boccuzzi Park and it would be a significant visual and economic improvement to see the old yard put to good use.

The Davenport site means jobs during construction and jobs year round when the yard is completed and operating. It will also be good for other boat related businesses in Stamford, including Sail makers, riggers and boat chandlers.

I very much hope the project goes forward as planned.

Sincerely

Tom O'Connell
Chairman,
Young Mariners Foundation