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CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

October 26, 2015

Mr. Thomas Mills
Chairman
Stamford Zoning Board
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. Mills:

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 increasing 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.

The SHMC first considered this application during its meeting on March 17, 2015. At that time, the SHMC decided to transmit no comment regarding the consistency of this proposal with the Harbor Management Plan 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. The SHMC also reserved 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. Those comments were transmitted in my March 28, 2015 letter to Land Use Bureau Chief Norman Cole.

The SHMC again considered the Applicant's proposal following notice of the Zoning Board's Public Hearing on this matter. During a meeting of the SHMC on October 20, 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. Therefore, the SHMC has no comment at this time regarding the consistency of the proposal with the Harbor Management Plan 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. If the Applicant's proposal is approved by the Zoning Board, the increase in floor area ratio should be applied only with respect to non-flood prone sites.

3. 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.

Sincerely,

Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:
Mr. Norman Cole, 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
Planning Board Members
Zoning Board Members

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CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

October 26, 2015

Mr. Thomas Mills
Chairman
Stamford Zoning Board
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. Mills:

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.

The SHMC first considered this application during its meeting on March 17, 2015. At that time, the SHMC determined that the proposal is inconsistent with the recreational boating and water-dependent use policies of the Harbor Management Plan and provided a number of other findings

and comments. The SHMC also reserved 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. Our findings and comments were transmitted in my March 28, 2015 letter to Land-Use Bureau Chief Norman Cole.

The SHMC again considered the Applicant's proposal following notice of the Zoning Board's Public Hearing on this matter. During a meeting of the SHMC on October 20, 2015, the SHMC approved a motion to reiterate its previous findings and 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 of 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. Two reports prepared for the Zoning Board subsequent to the SHMC's initial comments on the Applicant's proposal include the July 10, 2015 report "Comparable Evaluation of Yacht Haven Boatyard and Multiple Marine Development Sites" by Bermello, Ajamil and Partners, Inc. and the October 1, 2015 report "Davenport Boatyard/Marina Storage Yard Application Review" by Pamela Lendzion, Marine Tec Management and Consulting Company, LLC. These reports include information supporting the SHMC's initial finding 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.

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, please contact me at (315) 651-0070 or dortelli@stamfordct.gov.

Sincerely,

Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:
Mr. Norman Cole, 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
Planning Board Members
Zoning Board Members

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CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

October 26, 2015

Mr. Thomas Mills
Chairman
Stamford Zoning Board
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. Mills:

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.

The SHMC first considered this application during its meeting on March 17, 2015. At that time, the SHMC approved a motion to defer action on this application pending additional review and to transmit certain comments to the Zoning Board and Applicant. The SHMC also reserved 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. Those comments were transmitted in my March 28, 2015 letter to Land Use Bureau Chief Norman Cole.

The SHMC again considered the Applicant's proposal following notice of the Zoning Board's Public Hearing on this matter. During a meeting of the SHMC on October 20, 2015, the SHMC raised concerns about the potential adverse effects of increased waterfront development density on water-dependent uses and water-dependent development opportunities. As a result, the SHMC approved a motion to find the proposal inconsistent with the waterfront development-related provisions of the Harbor Management Plan, including Goal 10 calling for the most effective planning and regulation of waterfront land-use and for waterfront land-use to be consistent with the capacity of the natural and man-made environment. In addition, it is the sense of the SHMC that the proposal is also inconsistent with the Plan policies calling for the city's planning and zoning requirements to protect and promote water-dependent uses. The SHMC hereby transmits 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 storm-water 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.

Sincerely,

Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:
Mr. Norman Cole, 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
Planning Board Members
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CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

October 26, 2015

Mr. Thomas Mills
Chairman
Stamford Zoning Board
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. Mills:

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.

The SHMC first considered this application during its meeting on March 17, 2015. At that time, the SHMC approved a motion to defer action on this application pending additional review and to transmit certain comments to the Zoning Board and Applicant. The SHMC also reserved 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. Those comments were transmitted in my March 28, 2015 letter to Land Use Bureau Chief Norman Cole.

The SHMC again considered the Applicant's proposal following notice of the Zoning Board's Public Hearing on this matter. During a meeting of the SHMC on October 20, 2015, the SHMC approved a motion to transmit the following comments to the Zoning Board and Applicant.

Comments:

1. It is a policy of the Harbor Management Plan that the city should continue to implement (through appropriate zoning and other regulations) the coastal area management policies established in the Stamford Master Plan to support and encourage the development and continued operation of water-dependent land uses on waterfront sites.

2. It is a policy of the Harbor Management Plan that public access to the Harbor Management Area should be promoted wherever feasible, but the city should ensure, through appropriate zoning and other land-use provisions, that existing water-dependent uses are not replaced by nonwater-dependent uses providing only limited public access to the Harbor Management Area.

3. No amendments to waterfront zoning districts should be approved that would diminish existing water-dependent uses and/or opportunities for future water-dependent uses in the Harbor Management Area, including but not limited to amendments that would diminish currently available parking area for the existing water-dependent use and public access facilities on the Applicant's property.

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.

Sincerely,

Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission
cc:
Mr. Norman Cole, 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
Planning Board Members
Zoning Board Members

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CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

October 26, 2015

Mr. Thomas Mills
Chairman
Stamford Zoning Board
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. Mills:

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.

The SHMC first considered this application during its meeting on March 17, 2015. At that time, the SHMC approved a motion to inform the Zoning Board and Applicants that, pending development of additional information, including an independent analysis of the viability of the proposed boatyard/marina, the SHMC was not able to provide a favorable recommendation. The SHMC also transmitted certain comments to the Zoning Board and Applicant and reserved 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. Those comments were transmitted in my March 28, 2015 letter to Land Use Bureau Chief Norman Cole.

The SHMC again considered the Applicant's proposal following notice of the Zoning Board's Public Hearing on this matter. During a meeting of the SHMC on October 20, 2015, the SHMC discussed issues concerning the viability of the proposed boatyard/marina and considered the two reports prepared for the Zoning Board subsequent to the SHMC's initial comments on the Applicant's proposal: the July 10, 2015 report "Comparable Evaluation of Yacht Haven Boatyard and Multiple Marine Development Sites" by Bermello, Ajamil and Partners, Inc.; and the October 1, 2015 report "Davenport Boatyard/Marina Storage Yard Application Review" by Pamela Lendzion, Marine Tec Management and Consulting Company, LLC. The SHMC agreed that these reports have not provided information that would demonstrate the viability of the proposed boatyard/marina to the satisfaction of the SHMC. Accordingly, the SHMC approved a motion to transmit the following finding and comments to the Zoning Board and Applicant.

Finding:

The SHMC remains concerned about the viability of the proposed boatyard/marina and is not able to provide a favorable recommendation on this application.

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 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.

Sincerely,

Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:
Mr. Norman Cole, 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
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CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

October 26, 2015

Mr. Thomas Mills
Chairman
Stamford Zoning Board
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. Mills:

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.

The SHMC first considered this application during its meeting on March 17, 2015. At that time, the SHMC approved a motion to inform the Zoning Board and Applicants that, pending development of additional information, including an independent analysis of the viability of the proposed boatyard/marina, the SHMC was not able to provide a favorable recommendation. The

SHMC also transmitted certain comments to the Zoning Board and Applicant and reserved 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. Those comments were transmitted in my March 28, 2015 letter to Land Use Bureau Chief Norman Cole.

The SHMC again considered the Applicant's proposal following notice of the Zoning Board's Public Hearing on this matter. During a meeting of the SHMC on October 20, 2015, the SHMC discussed issues concerning the viability of the proposed boatyard/marina and considered the two reports prepared for the Zoning Board subsequent to the SHMC's initial comments on the Applicant's proposal: the July 10, 2015 report "Comparable Evaluation of Yacht Haven Boatyard and Multiple Marine Development Sites" by Bermello, Ajamil and Partners, Inc.; and the October 1, 2015 report "Davenport Boatyard/Marina Storage Yard Application Review" by Pamela Lendzion, Marine Tec Management and Consulting Company, LLC. The SHMC agreed that these reports have not provided information that would demonstrate the viability of the proposed boatyard/marina to the satisfaction of the SHMC. Accordingly, the SHMC approved a motion to transmit the following finding and comments to the Zoning Board and Applicant.

Finding:

The SHMC remains concerned about the viability of the proposed boatyard/marina and is not able to provide a favorable recommendation on this application.

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 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.

Sincerely,

Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:
Mr. Norman Cole, 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
Planning Board Members
Zoning Board Members

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CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

October 26, 2015

Mr. Tom Mills
Chairman
Stamford Zoning Board
Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901

Subject: Coastal Site Plan Review 978 Application by Waterfront Magee, LLC to provide winter boat storage on property near the Stamford Harbor Management Area

Dear Mr. Mills:

The Stamford Harbor Management Commission (SHMC) has reviewed the proposal submitted to the Zoning Board by Waterfront Magee, LLC (the Applicant) to provide winter boat storage on 3.5 acres at 205 Magee Avenue in a General Industrial (M-G) 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.

The SHMC first considered this application during its meeting on March 17, 2015. At that time, the SHMC approved a motion to find the Applicant's proposal consistent with the Harbor Management Plan subject to certain comments and recommendations. The SHMC also reserved 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. Those comments were transmitted in my March 28, 2015 letter to Land Use Bureau Chief Norman Cole.

The SHMC again considered the Applicant's proposal following notice of the Zoning Board's Public Hearing on this matter. During a meeting of the SHMC on October 20, 2015, the SHMC

discussed how review of this proposal for consistency with the Harbor Management Plan will produce different outcomes depending on whether the proposal is reviewed as a stand-alone project or as part of a larger development plan involving replacement of the significant water-dependent uses previously removed by the Applicant's affiliate from the property known as the Boatyard Site adjoining the West Branch of Stamford Harbor in violation of City zoning requirements. Following significant discussion, the SHMC approved a motion to find the Applicant's proposal, when considered as a stand-alone project, is consistent with the Harbor Management Plan, subject to the following comments and recommendations.

Comments and Recommendations:

1. It is a policy of the Harbor Management Plan to encourage and support establishment of boat service facilities, including boat maintenance, repair, and storage facilities.

2. The proposed activity adjoins an existing city-owned walkway and open space adjoining the East Branch of Stamford Harbor and designated as "Open Space – Public Parks" in the 2014 Master Plan. The proposed activity should not interfere with or in any way diminish public use and enjoyment of the existing waterfront walkway and open space.

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

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

5. Although not included in the application materials, the SHMC understands 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 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 hauling and storage. The SHMC recommends that the Zoning Board require additional information to address the viability of this apparently proposed method of boat hauling and storage, including a professionally-prepared market study and needs analysis.

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

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, 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
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