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**CITY OF STAMFORD, CONNECTICUT  
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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](mailto: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

Planning Board Members

Zoning Board Members

Harbor Commission Members



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GRIFFITH H. TROW

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](mailto: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

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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](mailto:dortelli@stamfordct.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Ortelli', with a long horizontal flourish extending to the right.

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



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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](mailto: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

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STEVEN M. LOEB, ALTERNATE  
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 Orтели  
Chairman, Stamford Harbor Management Commission

September 8, 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 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



CITY OF STAMFORD, CONNECTICUT  
HARBOR MANAGEMENT COMMISSION

CHAIRMAN  
DR DAMIAN ORTELLI

VICE CHAIRMAN  
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GRIFFITH H. TROW

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](mailto: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** State: **CT** Zip Code: **06902**  
Business Phone: **203-644-1585** ext.                      Fax:  
Contact Person: **John Freeman** Title:  
E-mail: **JFreeman@harborpt.com**

**2. List engineer/surveyor/agent information.**

Name: **Fuss & O'Neill, Inc.**  
Mailing Address: **146 Hartford Rd.**  
City/Town: **Manchester** State: **CT** Zip Code: **06040**  
Business Phone: **203-374-3748** ext. **5258** Fax:  
Contact Person: **Craig Lapinski** Title: **Vice President**  
Service Provided: **Civil Engineering**

**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**

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Harbor Management Commission Consultation Form





**Part II: To be completed by HARBOR MANAGEMENT COMMISSION**

This consultation form is required to be submitted as part of an application for a Structures, Dredging & Fill permit (section 22a-361 of the Connecticut General Statutes (CGS)) and/or Tidal Wetlands permit (CGS section 22a-32) to the DEEP- OLISP. The application has not yet been submitted to the DEEP. Please review the enclosed materials and determine whether the project is consistent or inconsistent with your local Harbor Management Plan. You may also provide comments or recommendations regarding the proposal. The Harbor Management Commission may still provide written comments to the Commissioner during the Department's public notice comment period. Should you have any questions regarding this process, please call DEEP-OLISP at (860) 424-3034 to speak with the analyst assigned to the town in which the work is proposed. **Please return the completed form to the applicant.**

<b>HARBOR MANAGEMENT COMMISSION DETERMINATION:</b>	
Check one of the following:	
<input type="checkbox"/>	The Commission has determined that the work as described in Part I of this form and attachments is <b>CONSISTENT</b> with the harbor management plan.
<input type="checkbox"/>	The Commission has determined that the work as described in Part I of this form and attachments is <b>INCONSISTENT</b> with the following section of the harbor management plan:
COMMENTS/RECOMMENDATIONS (or check here if attached: <input checked="" type="checkbox"/> ):	
 _____ Signature of Commission Representative	_____ Date
_____ Print Name of Commission Representative	_____ Title



CITY OF STAMFORD, CONNECTICUT  
HARBOR MANAGEMENT COMMISSION

CHAIRMAN  
DR DAMIAN ORTELLI

VICE CHAIRMAN  
RAYMOND L. REDNISS

SECRETARY/TREASURER  
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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](mailto:dortelli@stamfordct.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Ortelli', with a horizontal line extending to the right.

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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JEFFERY SAUNDERS  
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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](mailto: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

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