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

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,

A handwritten signature in black ink, appearing to read "D. Ortelli", with a stylized flourish at the end.

Dr. Damian Ortelli, Chairman  
Stamford Harbor Management Commission



CITY OF STAMFORD, CONNECTICUT  
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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 boyard 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 boyard 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,

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, 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.**






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**Attachment E**

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.**

HARBOR MANAGEMENT COMMISSION DETERMINATION:	
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	<u>April 21 2015</u> Date
<u>Damian Orrell</u> Print Name of Commission Representative	<u>Chair</u> Title



MAYOR  
DAVID R. MARTIN



CITY OF STAMFORD, CONNECTICUT  
HARBOR MANAGEMENT COMMISSION

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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 stylized 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

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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

