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September 1, 2015

Mr. Thomas Madden
Director of Economic Development
Stamford Government Center
888 Washington Boulevard
Stamford, Connecticut 06904-2152

**Subject: Southfield Property, LLC Davenport Landing Project
DEEP OLISP Application No. 201503186-KB**

Dear Mr. Madden:

On behalf of the Stamford Harbor Management Commission (SHMC), I am writing to express concern and request clarification regarding your involvement in the state and municipal process to evaluate the above-referenced proposal. The proposal, including construction of a boatyard and marina in and adjoining the West Branch of Stamford Harbor, has been submitted by the Applicant to the Connecticut Department of Energy and Environmental Protection's Office of Long Island Sound Programs (DEEP OLISP), the Stamford Zoning Board, and the SHMC.

The SHMC is formally recognized by the DEEP OLISP as an interested party in the state's ongoing public hearing process in this matter. Our standing follows from our authority and responsibility, established by the Connecticut General Statutes and Stamford Code, to review the Applicant's proposal for consistency with the Stamford Harbor Management Plan. In accordance with Sec. 22a-113n of the General Statutes, a recommendation of the SHMC pursuant to the Harbor Management Plan is binding on regulatory decisions by state officials, unless those officials show cause why a different action should be taken.

In the course of our continuing review of the Applicant's proposal, the SHMC has become aware of ex-parte communication from you to the DEEP OLISP. That communication, seemingly on behalf of the Applicant, included your efforts to prepare the DEEP OLISP's own Notice of Tentative Determination to: a) approve the Applicant's proposal; and b) schedule a public hearing on a date in August proposed by the Applicant to accelerate the hearing process.

Prior to your intervention, the SHMC considered the Applicant's request for a public hearing and asked the DEEP OLISP to schedule no hearing prior to September 2015. We informed the DEEP OLISP of 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. Subsequently, the DEEP OLISP scheduled the public hearing for September 8.

The SHMC continued its discussion of the DEEP OLISP public hearing process during our meeting on August 24, 2015. It was the sense of the SHMC that your involvement on behalf of the Applicant, particularly in a manner that might reduce the opportunity for public input or short-cut the process, undermines the thoroughness of the hearing process involving review by not only the DEEP OLISP with respect to state environmental laws, but also by the SHMC with regard to the Harbor Management Plan. Further, the SHMC questions how your involvement comports with your responsibility, pursuant to the City of Stamford Charter, "to direct and coordinate [emphasis added] the economic development program of the city with other city departments, boards and agencies, business organizations, community groups and regional, state and federal agencies and to act as liaison in matters of economic development with said entities."

Of separate but equal concern is our understanding that you have also intervened in the ongoing review of the Applicant's proposal by the Stamford Zoning Board. As you know, the Applicant's proposal for Zoning Board approval is also subject to the SHMC's review for consistency with the Harbor Management Plan, as required by the General Statutes and Stamford Code.

Pursuant to the city's SRD-S waterfront zoning regulation, the consultant is to conduct a peer review of a market study and needs analysis submitted by the Applicant to the Board. Specifically, we are concerned that you may have facilitated effectuation of a confidentiality agreement between the Applicant and a consultant engaged by the Zoning Board to assist with the Board's review of the Applicant's proposal. The SHMC is troubled by the existence of a confidentiality agreement in this context, especially since the peer review is expected to provide information pertinent to the SHMC's evaluation of the Applicant's proposal for consistency with the Harbor Management Plan. The confidentiality agreement, a copy of which is attached for your convenience, purports to limit the use of information obtained from the Applicant during the peer review process. It is unclear to the SHMC by what authority the Applicant might unilaterally impose such a restraint on what is intended to be an independent study.

We understand the importance of your job to advance the economic development of our city, and that in doing so you may provide helpful information to those seeking to bring viable business opportunities here. However, we believe that all city officials concerned with economic development must recognize the distinction between, on the one hand, providing guidance through what some may describe as the "red tape" of city and state regulatory processes, and acting as an advocate for the applicant in those processes on the other. It is the latter action that

may create undesirable conflict with the independent decisions of the city's boards and commissions, including the SHMC and Zoning Board.

Thank you in advance for clarifying your interest and involvement in these matters. I look forward to discussing our concerns with you at your earliest convenience so we may continue to advance the policy of the Harbor Management Plan that all city agencies with authorities and responsibilities affecting the Stamford Harbor Management Area carry out their harbor management-related responsibilities in the most coordinated manner, consistent with the provisions of the Plan.

I can be reached at (315) 651-0070 or dortelli@stamfordct.gov and await your reply.

Sincerely,



Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission
Enclosure

cc:

Mayor David Martin

Ms. Kristen Bellantuono, CT DEEP OLISP

Mr. Norman Cole, Stamford Land-Use Bureau Chief

Mr. Frank Fedeli, Stamford Office of Operations

Mr. John Freeman, Attorney, Harbor Point Development

Ms. Kristal Kallenberg, CT DEEP OLISP

Mr. Griffith Trow, Chairman, SHMC Application Review Committee

Zoning Board Members