



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

March 13, 2015

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

**Re: Proposed Draft Contract Scope of Services for proposed replacement
boatyard/marina facility**

Finding: Revisions recommended and additional information requested

Dear Mr. Cole,

Thank you for the opportunity to review and comment on the above referenced Draft Contract with the Scope of Services to review proposals for boatyard/marina services to be provided at the multiple locations. The Draft Contract dated February 2015, is a consulting agreement between Bermello, Ajamil & Partners, Inc. (the "Consultant") and the City of Stamford. The Consultant also prepared a study of the previous boatyard proposal, "Comparable Evaluation of Yacht Haven Boatyard and 205 Magee Avenue Proposed Marina," dated January 31, 2013.

As you know, the stated purpose of the Draft Contract is to evaluate the proposed replacement boatyard/marina services, which consists of three components including: 1) a maintenance/storage facility at Davenport Landing, 2) in-water slips at the 14 acre peninsula, and 3) boat storage at 205 Magee. Our understanding is that the specific charge of the consultant is to address the language of the SRD-S zoning regulations, which state:

d. Preservation of Water-Dependent Uses. Except as provided for below, if a site contains an existing, viable water-dependent use, such use shall be retained. No proposed use shall be approved that would adversely impact a water-dependent use. The Board may authorize the modification of an existing water-dependent use provided that:

1. *the Board considers comments from the Office of Long Island Sound Programs, Connecticut Dept. of Environmental Protection before such a decision is made;*
2. *the applicant can demonstrate to the satisfaction of the Board that the modification of such use is warranted under pertinent sections of the Connecticut Coastal Area Management Act; any such claim to be supported by full disclosure of all pertinent information including but not limited to financial data regarding the water-dependent use*
3. *the applicant can demonstrate to the satisfaction of the Board that alternatives to the existing type or location of the water-dependent use will allow an appropriate level of service or activity to continue in accordance with the objectives of the SRD-S zoning district and Stamford's Municipal Coastal Program; and,*
4. *the applicant submits a professionally-prepared market study and needs analyses of the site's potential to support a water-dependent use under the existing zoning. The applicant shall be required to reimburse the City of Stamford for the cost of a peer review of the market study and analyses by an independent consultant reporting to the Zoning Board. The applicant shall pay the City of Stamford for the full cost of this peer review prior to the Zoning Board acting on the request to modify the existing water-dependent uses.*

The Exhibit A section of the proposed draft itself makes no specific mention of the SRD-S regulations in title or content. It does however state that one of the questions to be answered is: "Does the proposed boatyard facility provide an appropriate level of service based on the submitted market study and needs analysis?" The market study and needs analysis enclosed with the proposed boatyard/marina application only addresses demand for boat slips and doesn't look at boat repairs or boat storage, yet an assessment of the adequacy of these services is proposed. Therefore, additional detail and clarification should be provided to thoroughly assess the draft contract. Finally, it's unclear whether this study will provide for an evaluation of three separate boatyard/marina components as a replacement for the boatyard operations at the 14-acre site. As such, we offer the following comments for your consideration.

As stated in the previous paragraph, we have concerns about the focus and content of the proposed draft. We are curious as to why the draft contract does not directly compare the capacity and facilities of the former Brewers Yacht Haven West boatyard operations with the capacity and facilities of the boatyard/marina components that are currently proposed. The 2013 study did compare the former boatyard with the previously proposed boatyard at 205 Magee Avenue and the conclusion presented in Table 6.1 (Summary of comparison of both sites) of the 2013 study was that the previously proposed boatyard did not meet the level of services proposed by the former boatyard.

The Consultant pointed out that the 2013 study did not "include an evaluation of the current or future maritime needs of the Stamford and Connecticut area, so we are unclear

what the role of the market study and needs analysis is at this point. The 2013 study represented a comprehensive methodology to ensure that the same level and quality of marina and boatyard service would be maintained in accordance with the following CCMA policies that explicitly discourage diminution of existing water dependent uses and adverse impacts to future water-dependent development activities.¹

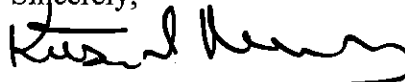
Another concern is that the proposed draft does not allow for the adequate comparison between a complete boatyard/marina facility at one centralized waterfront location with a boatyard/marina composed of multiple locations that are not all waterfront or contiguous to each other. We suggest that multiple locations would be less convenient and desirable for the boating public and would reduce the potential market value of such an operation. In particular, there should be an explanation of how boats will be transported to the 205 Magee Avenue site for upland storage, since that site has no direct waterfront access without use of City property

Lastly, we suggest that the proposed study also evaluate whether a long term lease would enhance the potential market value and viability of a future boatyard/marina. As you know, the former Brewers Yacht Haven West operated at high capacity for decades without a long term lease. A long term lease would have given the former operators the security that could have encouraged significant investment in upgrades, repairs and remediation of the site to further increase the economic viability of the facility.

In summary, we are seeking clarification regarding the criteria to be used to evaluate the current proposal for the boatyard. The market study and needs analysis would need to provide additional information. The proposed evaluation should clarify that the current boatyard proposal is being evaluated as a replacement for the boatyard operations at the 14-acre site. We also suggest that the review data include a discussion of the location issue (single site vs. multiple non-contiguous sites) and the long-term lease issue.

We hope that our comments have been helpful to the Zoning Board. If you have any questions regarding this or any other coastal management concerns, please feel free to contact me at (860) 424-3760 or at Kristal.Kallenberg@ct.gov.

Sincerely,



Kristal Kallenberg
Environmental Analyst 2
Office of Long Island Sound Programs

1.CGS 22a-93 (17) "Adverse impacts on future water-dependent development opportunities" and "adverse impacts on future water-dependent development activities" include but are not limited to (A) locating a non-water-dependent use at a site that (i) is physically suited for a water-dependent use for which there is a reasonable demand or (ii) has been identified for a water-dependent use in the plan of development of the municipality or the zoning regulations; (B) replacement of a water-dependent use with a non-water-dependent use, and (C) siting of a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters.