



April 5, 2016

To: Board of Representatives  
Board of Finance  
Planning Board

From: David R. Martin, Mayor

**Re: Mayor's Report on Proposed Discontinuance of Waterside Place and an Unnamed Highway**

Pursuant to Section C8-60-1 of the City Charter, and City Code section 214-40 et seq., after reviewing the report of the Office of Operations and the estimate of the Director of Administration, I am submitting this report in support of the discontinuance of Waterside Place and an Unnamed Highway (The "Waterside Place Discontinuance"), pursuant to a signed Stipulation Agreement dated March 27, 2014.

**Summary of Proposed Action**

O&G Industries will convey to the City of Stamford 18,066 square feet (Parcel Y) and 8,387 square feet (parcel Z for a total of 26,453 square feet, which will be used to widen Pulaski Street (south of the Pulaski Street Bridge) and to create a park. The discontinuance of Waterside Place (Parcel X) will convey 12,219 square feet to O&G. The Office of administration has determined that the value of the land swap is even.

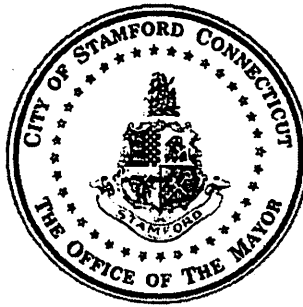
**Utilities**

Please see attached report regarding utilities.

**Value Estimate**

Please see attached Director of Administration's Report. The Office of administration has determined that the value of the land swap is even.

DAVID R. MARTIN  
MAYOR  
CITY OF STAMFORD, CONNECTICUT



TEL: 203 977 4150  
FAX: 203 977 5845  
E-MAIL: DMARTIN@STAMFORDCT.GOV

August 13, 2014

Ernie Orgera, Director of Operations  
Stamford Government Center  
888 Washington Boulevard  
Stamford, CT 06901

**Re: Request for the discontinuation of Waterside Place and an Unnamed Highway, Stamford, CT**

Dear Ernie:

I am writing to request the discontinuation of the roads known as Waterside Place and an adjacent Unnamed Highway located between Pulaski Street and Davenport Street. As you are likely aware from the Board of Representative's recent meetings, the City of Stamford has recognized that there is a need for the improvement of the Pulaski Street, Greenwich Avenue and Waterside Place intersection and adjacent rights-of-way and pedestrian sidewalks. This intersection improvement and related work requires several steps to implement, including a resolution from the Board of Representatives (2013), the acquisition by negotiation or eminent domain of 74/76 Pulaski Street, Stamford, CT (done as of April 15, 2014), the discontinuance of the existing City roadways described above (initiated herein), and an eventual property swap with O&G Industries, Inc. for certain land located south of Pulaski Street.

The purpose of this letter is to initiate the road discontinuance process pursuant to Section C1-50-3 of the Charter and Section 214-40 et seq. of the Code of Ordinances.

In particular, Section 214-41 states that the Mayor shall direct the Office of Operations to prepare certain documents for the Mayor's report:

"The Mayor shall direct the Office of Operations to do the preliminary engineering work, including the preparation of necessary surveys, plans, profiles, specifications and estimates of the total cost of the discontinuance action. ... Upon completion of said report, it shall be submitted to the Director of Administration, who shall make estimates of the value of any land proposed to be discontinued and the amount of the benefits or damages, if any, which shall be assessed against or in favor of each piece of property affected.

I hereby respectfully request that you initiate that process.

Sincerely,

David Martin

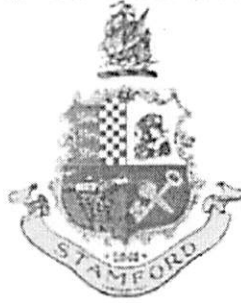
Enclosure

c: Kathryn Emmett, Esq.  
James Minor, Esq.  
Jacqueline O. Kaufman, Esq.

# CITY OF STAMFORD

MAYOR  
DAVID MARTIN

DIRECTOR OF OPERATIONS  
ERNIE ORGERA  
Email: orgera@stamford.ct.gov



CITY ENGINEER  
LOUIS CASOLO, JR., P.E.  
Email: Casolo@stamford.ct.gov

## OFFICE OF OPERATIONS ENGINEERING BUREAU

### INTEROFFICE MEMORANDUM

April 5<sup>th</sup>, 2016

To: Ernie Orgera – Director of Operations

From: Lou Casolo – City Engineer

A handwritten signature in black ink, appearing to be "LC", is written over the "From:" line.

**Subject: Discontinuance of Waterside Place – Engineering Review**

The Engineering Bureau of the City of Stamford has reviewed the map depicting discontinuance of Waterside Place as prepared for the City of Stamford by Edward Frattaroli, Inc. dated 7/3/13 and the utility impact statement and Utility Sketch revised date 5/29/15 as prepared by Edward Frattaroli.

The map depicting exchange of property between the City of Stamford and O&G Industries prepared by Edward Frattaroli, Inc. dated 1/23/13 allows for continued access into City of Stamford pumping station located at 204 Greenwich Ave. across parcel "W".

Utility easements should be granted to the respective utility companies, gas and water, that reside on city property outside of the roadway right of way proposed.

Prior to the issuance of a building permit for any development, a complete site plan shall be reviewed by the Engineering Bureau. The plan shall ensure that there will be no adverse impacts to the streets, street drainage, and adjoining properties.

With the considerations noted above, the Engineering Bureau has no objection to the discontinuance as proposed.

This letter replaces the 10/31/14 letter on this matter

If you have any questions or comments please contact me.

Reg# 109

# EDWARD J. FRATTAROLI, INC.



JOHN E. PUGLIESI, PE, CT, NJ, NY & PA  
KENNETH E. FRATTAROLI, LS, CT, NY  
ROBERT K. BULLARD, LS

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EDWARD J. FRATTAROLI, 1907-1993  
PAUL G. KOTOSKY, 1931-2001  
JOSEPH J. FRATTAROLI, 1927-2010  
RICHARD E. FRATTAROLI, (RETIRED)

May 14, 2015

Revised May 29, 2015

To whom it may concern,

Edward J. Frattaroli, Inc. has prepared this Utility Impact Statement and the attached Utility Sketch for the Discontinuance of Waterside Place and the subsequent Property Exchange between The City of Stamford and O&G Industries. The following are the results of our investigation.

In regards to electric supply the current electric utilities are suspended overhead on utility poles, with the exception of the power supply for the City of Stamford Sanitary Sewer Pump Station. The pump station has a transformer contained within the fenced compound for the pump station that is supplied by underground service from a riser on CL&P Pole 12357. The existing buildings on Pulaski Street are supplied by overhead electric service. These buildings are to be demolished. Upon the discontinuance of Waterside Place and subsequent property exchange between The City of Stamford and O&G Industries all electric supply will remain on City of Stamford property.

In regards to telephone/cable TV/communications, the current utilities are suspended overhead on utility poles. The existing buildings on Pulaski Street are supplied by overhead connections. These buildings are to be demolished. Upon the discontinuance of Waterside Place and subsequent property exchange between The City of Stamford and O&G Industries all telephone/cable TV/communications supply will remain on City of Stamford property.

In regards to gas supply there is a 6" Steel Low Pressure gas main running under the current sidewalk along the southerly side of Pulaski Street /Greenwich Avenue and a 4" Cast Iron Low Pressure gas main running under the travelled way along Davenport Street. The existing buildings on Pulaski Street are supplied by the gas main running along the southerly side of Pulaski Street /Greenwich Avenue. These buildings are to be demolished. The pump station has a generator contained within the fenced compound for the pump station that is supplied by underground service from the gas main running along the southerly side of Pulaski Street /Greenwich Avenue. Upon the discontinuance of Waterside Place and subsequent property exchange between The City of Stamford and O&G Industries all gas mains will remain on City

of Stamford property. There are two (2) gas "test" boxes that appear in the field, but not on the utility maps. Eversource has no record of these structures. They appear to be monitoring wells. Eversource requests before any excavation is done in this area that they (Eversource) be contacted and that test pits are to be dug in coordination with Eversource to verify that there are no underground gas pipes or structures.

In regards to water supply there is a 12" water main running under the northerly side of the travelled way along Pulaski Street/Greenwich Avenue, a 16" water main running under the westerly side of the travelled way along Davenport Street and a 12" water main running underground adjacent to the easterly side of the pump station compound and under the travelled way along the northerly side of the westerly portion of Waterside Place. The existing pump station is serviced by this water main. Aquarion Water Company wishes this water main to remain. Upon the discontinuance of Waterside Place and subsequent property exchange between The City of Stamford and O&G Industries the portion of this main that services the pump station will remain on property of The City of Stamford. Upon the discontinuance of Waterside Place and subsequent property exchange between The City of Stamford and O&G Industries all water mains will remain on City of Stamford property except a portion of the water main running underground adjacent to the easterly side of the pump station compound and under the travelled way along the northerly side of the westerly portion of Waterside Place which will be property of O&G Industries. The portion of the water main running underground adjacent to the easterly side of the pump station compound and under the travelled way along the northerly side of the westerly portion of Waterside Place which upon the discontinuance of Waterside Place and subsequent property exchange between The City of Stamford and O&G Industries will become property of O&G Industries will require an easement in favor of Aquarion Water Company. The existing buildings on Pulaski Street are supplied by the water main running along the northerly side of Pulaski Street/Greenwich Avenue. These buildings are to be demolished.

In regards to sanitary sewer there is a 12" RCP sewer line running under Pulaski Street/Greenwich Avenue to the pump station, there is also a 15" RCP running under Davenport Street that ties into a 24" RCP running under Greenwich Avenue that runs to the pump station. A force main exits the pump station at or near the northeasterly corner of the compound and runs northerly under Greenwich Avenue. The existing buildings on Pulaski Street are serviced by the 12" RCP in Pulaski Street. These buildings are to be demolished. Upon the discontinuance of Waterside Place and subsequent property exchange between The City of Stamford and O&G Industries all sanitary sewer systems will remain on City of Stamford property.

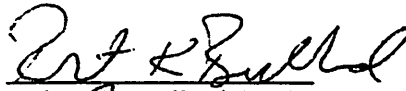
In regards to the storm drain there is an existing 15" RCP storm drain in Waterside Place. This 15" storm sewer runs from a low spot in Waterside Place where two catch basins are located which drain to a manhole in Pulaski Street. The two catch basins as well as a manhole and about 33 LF of the 15" pipe are located within the property which will be transferred to O&G Industries as part of the property exchange. The three structures and pipe located on future O&G property need to be removed. The additional length of 15" pipe (approximately 100 LF) located

on City of Stamford property should also be removed to the point of the manhole located on Pulaski Street unless the City determines there may be future use for the drainage pipe. If the pipe is to remain, it should be properly capped to prevent soil from entering into the pipe. Once the drainage structures have been removed from O&G Industries future property, the low area in Waterside Place will need to be filled in to prevent water from ponding in that area. Refer to the attached Utility Sketch.

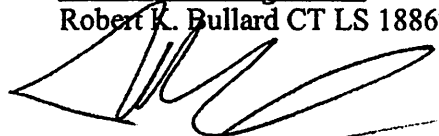
All existing buildings (excluding the 52 Pulaski Street building) and plant systems on property of O&G Industries are serviced by utilities located on and in Davenport Street and will not be affected by the discontinuance of Waterside Place and subsequent property exchange between The City of Stamford and O&G Industries.

Underground utility, structure and facility locations depicted and noted hereon have been compiled, in part, from record mapping supplied by the respective utility companies or governmental agencies, from parol testimony and from other sources. These locations must be considered as approximate in nature. Additionally, other such features may exist on the site, the existence of which are unknown to Edward J. Frattaroli, Inc. The size, location and existence of all such features must be field determined and verified by the appropriate authorities prior to construction.

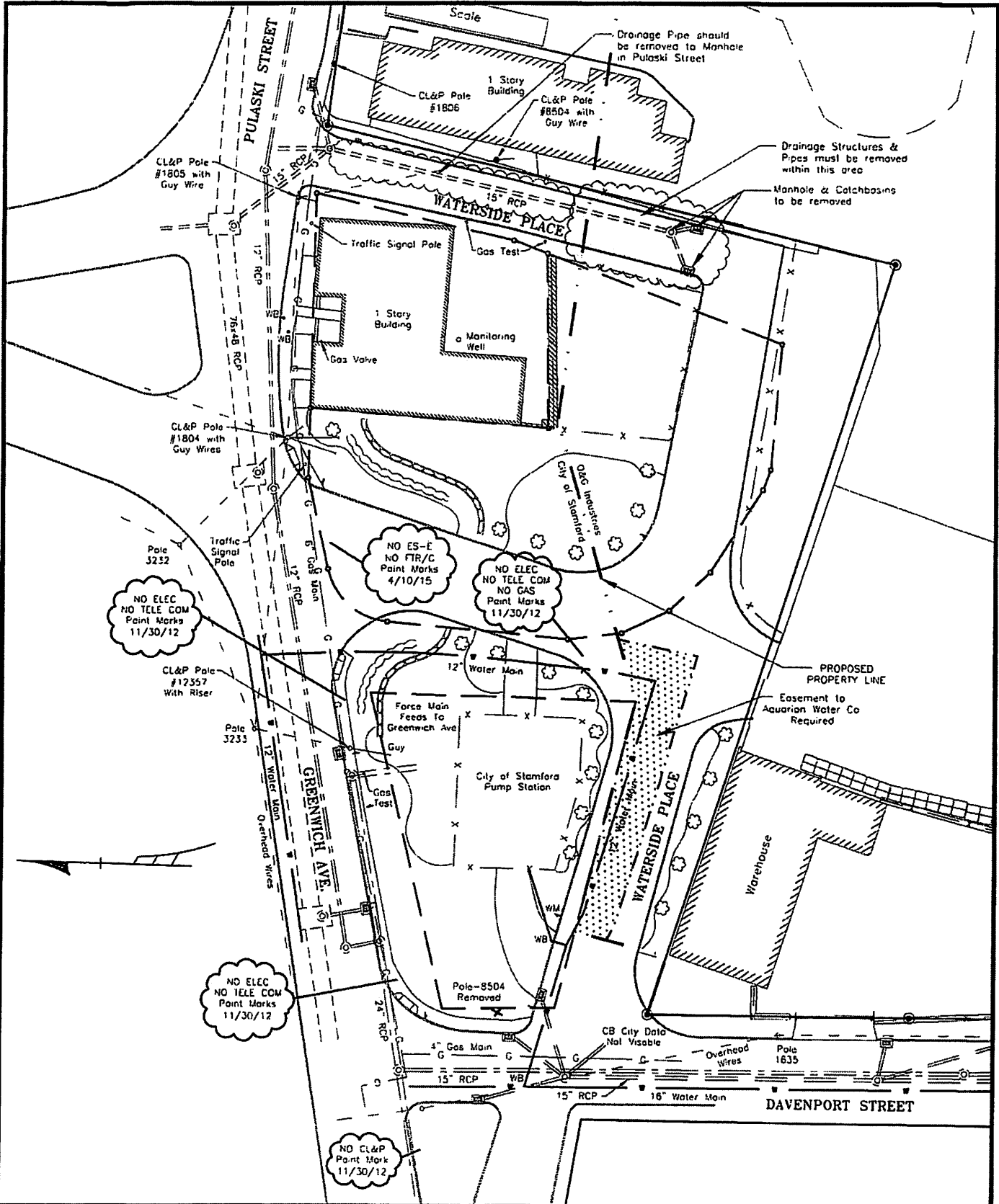
Respectfully submitted,



Robert K. Bullard CT LS 18862



John E. Pugliesi CT P.E. 13503



**EDWARD J. FRATTAROLI, INC.**  
*Land Surveyors • Engineers • Land Planners*  
 62 Mill River Street  
 Stamford, Connecticut 203-359-2235

Figure Title:  
 Utility Sketch

Project:  
 O&G/City of Stamford  
 Waterside Place

Scale:  
 1"=50'

Fig.No.  
 1

# 28<sup>TH</sup> BOARD OF REPRESENTATIVES CITY OF STAMFORD

President  
**RANDALL M. SKIGEN**  
Clerk of the Board  
**ANNIE M. SUMMERVILLE**

Majority Leader  
**ELAINE MITCHELL**  
Minority Leader  
**ROBERT "GABE" DELUCA**



**RESOLUTION NUMBER 3603**  
**NOTICE OF INTENT TO DISCONTINUE**  
**WATERSIDE PLACE**  
**STAMFORD, CONNECTICUT**

INSTR # 2013018967  
VOL 10834 PG 114  
RECORDED 08/23/2013 11:59:17 AM  
DONNA M LOGLISCI  
CITY & TOWN CLERK STAMFORD CT  
**BLOCK**

**WHEREAS**, pursuant to the provisions of Section C8-60-1 of the Charter of the City of Stamford and Section 214-40 of the Stamford Code of Ordinances, the Board of Representatives of the City of Stamford is contemplating the discontinuance of Waterside Place & an Unnamed Highway, Stamford, Connecticut, more specifically depicted in the attached plan entitled "Map Depicting Discontinuance of Waterside Place From Pulaski Street to Davenport Street and an Unnamed Highway Connecting Greenwich Avenue and Waterside Place;" prepared by Edward J. Frattaroli, Inc. and dated July 2, 2013 ("Exhibit A") and which are owned by the City of Stamford; and;

**WHEREAS**, Waterside Place & an Unnamed Highway, which the Board of Representatives is contemplating discontinuing, begins at land owned by the City of Stamford comprising what is Davenport Street and continues to additional land owned by the City of Stamford comprising what is Pulaski Street in said City of Stamford. The total area of Waterside Place & Unnamed Highway is 18,280.35 square feet (.42 acres) as depicted on Exhibit A and further described in area, length and width on the attached property descriptions, entitled, "Property Description – Discontinuance of Waterside Place and Unnamed Highway" prepared by Edward J. Frattaroli, Inc. and dated July 2, 2013 ("Exhibit B").

**NOW THEREFORE, BE IT RESOLVED BY THE 28<sup>TH</sup> BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD THAT:**

The public health, safety and welfare, convenience and necessity may require the discontinuation of Waterside Place as shown in Exhibit A; and

Pursuant to the provisions of Section C8-60-3 of the Charter of said City of Stamford, the Mayor is hereby requested to cause a report to be made on the contemplated discontinuance of Waterside Place as is more particularly described hereinabove and shown on said Exhibit A.

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This resolution was approved on the Consent Agenda at the regular monthly meeting of the 28<sup>th</sup> Board of Representatives held on Monday, August 5, 2013.

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Randall M. Skigen, President



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Annie M. Summerville, Clerk

- cc: Mayor Michael A. Pavia  
Michael Handler, Director of Administration  
Ernie Orgera, Chair, WPCA & Director of Operations  
Ted Jankowski, Director of Public Safety  
Joseph Capalbo, Esq., Director of Legal Affairs  
Donna Loglisci, City & Town Clerk

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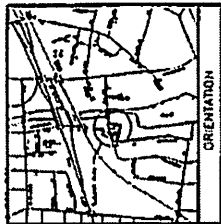


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RICHARD E. FRATTAROLI, L.S. (RETIRED)  
JOSEPH J. FRATTAROLI (RETIRED)

## PROPERTY DESCRIPTION – DISCONTINUANCE OF WATERSIDE PLACE AND UNNAMED "HIGHWAY"

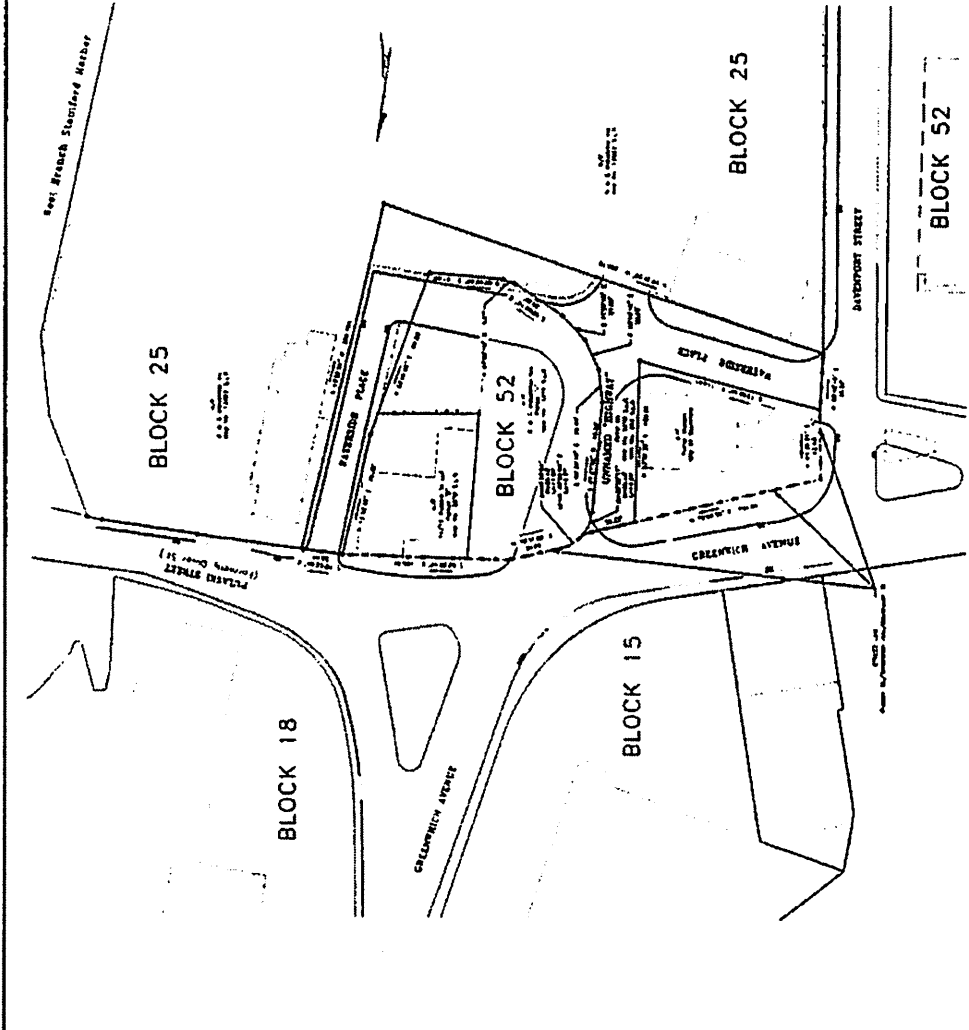
Beginning at a point on the easterly side of Davenport Street where the same intersects the southerly side of Waterside Place; thence running northerly along the easterly side of Davenport Street N 05°42'19" E a distance of 35.32 feet to the Northerly Side of Waterside Place; thence running easterly along the northerly side of Waterside Place S 73°05'56" E a distance of 118.61 feet to the westerly side of an unnamed "Highway"; thence running northerly along the westerly side of said unnamed "Highway" N 03°59'35" E a distance of 100.06 feet to the southerly side of Greenwich Avenue; thence running easterly along the southerly side of Greenwich Avenue N 79°06'59" E a distance of 33.23 feet to the easterly side of an unnamed "Highway"; thence running southerly and easterly along the easterly, northerly and southerly sides of said unnamed "Highway" and Waterside Place along a non-tangential curve turning to the left with a delta angle of 33°29'11", a radius of 25.43', an arc length of 14.86', a chord bearing of S 24°22'07" W, and a chord length of 14.66'; thence S 07°37'50" W a distance of 68.32 feet; thence S 04°30'10" E a distance of 20.60 feet; thence S 23°10'10" E a distance of 20.00 feet; thence S 41°20'10" E a distance of 21.00 feet; thence S 55°08'10" E a distance of 36.60 feet; thence S 67°22'10" E a distance of 8.27 feet; thence S 82°48'10" E a distance of 47.00 feet; thence N 22°46'50" E a distance of 94.80 feet; thence N 15°33'50" E a distance of 76.30 feet to the southerly side of Pulaski Street; thence running along the southerly side of Pulaski Street S 78°52'09" E a distance of 25.44 feet to the easterly side of Waterside Place; thence running southerly and westerly along Waterside Place the following courses and distances S 15°35'35" W a distance of 220.794 feet; thence N 69°36'50" W a distance of 295.76 feet; to the point or place of beginning.

The above described tract of land contains 18280.35 square feet or 0.420 acres.



ORIENTATION

MAP DEPICTING  
DISCONTINUANCE OF  
WATERSIDE PLACE  
FROM PULASKI STREET TO DAVENPORT STREET  
AND  
AN UNNAMED "HIGHWAY"  
CONNECTING GREENWICH AVENUE AND WATERSIDE PLACE  
PREPARED FOR  
THE CITY OF STAMFORD  
STAMFORD, CONNECTICUT



The City of Stamford, Connecticut, hereby certifies that the map herein is a true and correct copy of the original map on file in the City Clerk's Office, Stamford, Connecticut, and that the same has been duly recorded in the City Clerk's Office, Stamford, Connecticut, on this 15th day of September, 1958.

City of Stamford, Connecticut  
City Clerk  
Stamford, Connecticut, Sept. 15, 1958

Approved by the Board of Public Works  
for the City of Stamford  
City of Stamford, Connecticut  
Sept. 15, 1958

Map of September 15, 1958, No. 10  
Sheet 1 of 20

Mayor  
DAVID R. MARTIN



DIRECTOR OF ADMINISTRATION  
MICHAEL E. HANDLER


Phone: (203) 977-4192  
FAX: (203) 977-6657  
Email: mhandler@stamfordct.gov

**CITY OF STAMFORD**  
**OFFICE OF ADMINISTRATION**  
888 WASHINGTON BOULEVARD  
P.O. BOX 10152  
STAMFORD, CONNECTICUT 06904-2152

## MEMORANDUM

DATE: February 29, 2016

TO: David R. Martin, Mayor

FROM: Michael E. Handler, Director of Administration 

RE: Estimate of value of property from discontinuance of Waterside Place

In order to widen Pulaski Street, the Director of Administration must determine the value of land that will be conveyed to O&G by discontinuance of Waterside Place and an unnamed highway, pursuant to the attached signed Stipulation dated 3/27/14.

As depicted in a "Map Depicting Exchange of Property between O&G and the City of Stamford" dated 1/23/13, O & G will convey to the City of Stamford parcel "Y" (18,066 square feet) and parcel "Z" (8,387 square feet) for a total of **26,453 square feet**, which will be used to widen Pulaski Street, south of the Pulaski Street bridge, and to create a park. The discontinuance of Waterside Place, parcel "X," will convey **12,219 square feet** to O&G.

The Office of Administration has found that an estimate of value of the land proposed to be discontinued (Waterside Place and unnamed highway as depicted on the attached "Map Depicting Discontinuance of Waterside Place dated 7/2/13" is equal in value to the amount of benefits/damages of the property that O & G Industries, Inc. will convey to the City of Stamford.

The Office of Administration endorses this road discontinuance and land swap with O & G.

**Attachments:**

Stipulated Judgement dated 3/27/14, 14 pages and Exhibits A-E  
O&G Map Depicting Discontinuance of Waterside Place 7/2/13  
O&G Map Showing Property Exchange O&G and City 1/23/13

**FST CV 09-5012574 S** : **SUPERIOR COURT**  
**O&G INDUSTRIES, INC.** : **J.D. OF STAMFORD/NORWALK**  
 : **AT STAMFORD**  
**vs.** :  
**CITY OF STAMFORD ZONING** :  
**BOARD** : **March 27, 2014**

**STIPULATED SETTLEMENT AGREEMENT**

The parties hereby stipulate and agree to the following in settlement of this Zoning Appeal.

**WHEREAS**, the Plaintiff, O&G Industries, Inc. (“O&G”) is the owner of real property with the improvements thereon located at 72 Davenport Street, Stamford, Connecticut (the “Property”);

**WHEREAS**, the Defendant, City of Stamford Zoning Board (hereinafter “Zoning Board”), is a municipal agency created pursuant to the Charter of the City of Stamford and Chapter 124 of the Connecticut General Statutes and is duly designated by the City to hear and decide an application for coastal site plan and special exception approval;

**WHEREAS**, the history of Zoning Board actions on the Property is extensive: shortly after its acquisition of the Property, in 1997, the Zoning Board granted O&G approvals in connection with an upgrade of its concrete plant; in November 2003, O&G obtained approvals for a masonry block building to be used as a mineral testing lab in conjunction with the existing bituminous concrete plant and one condition of that approval was that no changes be made to the northern portion of the Property without Zoning Board approval; and in late 2005, O&G applied

to the Zoning Board for permission to make various site improvements that would actually increase the intensity of the water-dependent use, but that application was denied and O&G appealed;

**WHEREAS**, O&G appealed that denial to this Court and in November 2006, O&G and the Zoning Board reached a settlement which resulted in a Stipulated Judgment entered by this Court, and part of that settlement required that O&G file a new application for the new activities and improvements it sought to implement on the Property;

**WHEREAS**, in February 2007 O&G submitted applications for a Special Exception approval and for Coastal Site Plan Approval (“Application 207-05”) in connection with its proposal to replace an existing mixer rinse out facility, construct nine (9’) foot area walls for dust and noise mitigation and concealment of storage materials, paving, maintenance of a seasonal salt and sand storage structure, reconfiguration of a marina and dock and other site improvements located at the Property and in February 2009, while such Application review was pending, O&G modified its applications accompanied by requisite plans, surveys, reports and other documents to the Board (the “Application”);

**WHEREAS**, the Zoning Board duly conducted public hearings on the Application on March 3, 2008, and continued on April 7, 2008, May 19, 2008, July 7, 2008, September 15, 2008 and April 6, 2009;

**WHEREAS**, on July 13, 2009, the Zoning Board approved Application 207-05 by a unanimous, 4-0 vote (the “Decision”);

**WHEREAS**, the Zoning Board's approval contained sixteen (16) conditions of approval (the "Conditions of Approval");

**WHEREAS**, O&G took this Appeal from the decision of the Zoning Board on July 30, 2009 seeking to have the approval of Application 207-05 sustained but to have an order of this Court invalidating certain of the conditions imposed on the Approval by the Zoning Board;

**WHEREAS**, while this Appeal has been pending, the City of Stamford (the "City") has developed plans for a reconfiguration of the intersection of Pulaski Street and Greenwich Avenue which currently abut portions of the northern boundary of the Property;

**WHEREAS**, the current proposal for such plans is shown on the following maps and plans: "Proposed Site Improvements, SP-1;" prepared by Wesley Stout Associates dated 4-1-05 and revised to 3-26-14 (Exhibit A); "Proposed Planting Plan, SP-2;" prepared by Wesley Stout Associates dated 4-1-05 and revised to 3-26-14 (Exhibit B); "Details & Notes, SP-3;" prepared by Wesley Stout Associates dated 4-1-05 and revised to 3-26-14 (Exhibit C); (Exhibits A, B, & C collectively referred to herein as, "New Planting Plan"); "Map Depicting Discontinuance of Waterside Place from Pulaski Street to Davenport Street and an Unnamed Highway Connecting Greenwich Avenue and Waterside Power," prepared by Edward J. Frattaroli, Inc. and dated 7-2-13 (Exhibit D); and "Map Depicting Exchange of Property Between The City of Stamford and O&G Industries" prepared by Edward J. Frattaroli, Inc. and dated 1-23-13 (Exhibit E) (Exhibits D & E collectively referred to herein as "New Road Plan");

**WHEREAS**, the New Road Plan will involve a road discontinuance by the City of Stamford of all or a portion of Waterside Place and Unnamed Highway, a land swap between the

City and O&G, and a purchase/taking of 74/76 Pulaski Street by the City from a non-party to this Appeal, as part of the reconfiguration of such streets and the creation of a proposed traffic roundabout;

**WHEREAS**, on May 7, 2013 the parties submitted a resolution to the Stamford Board of Representatives to authorize the purchase or condemnation of 74/76 Pulaski Street as a street widening of Pulaski Street south of the Pulaski Street bridge to accommodate increased traffic caused by the South End development;

**WHEREAS**, after approval by the Stamford Board of Representatives Steering Committee on June 20, 2013, the Land Use Committee of the Board of Representatives conducted a public hearing on June 20, 2013 and approved resolution LU28.068 RESOLUTION & APPROVAL authorizing the acquisition by negotiation or eminent domain of rights of way for the Pulaski Street, Greenwich Avenue and Waterside Place intersection improvement project;

**WHEREAS**, on July 1, 2013 the Stamford Board of Representatives approved the resolution No. 3596 to authorize the purchase or condemnation of 74/76 Pulaski Street as a street widening of Pulaski Street south of the Pulaski Street bridge to accommodate increased traffic caused by the South End development;

**WHEREAS**, on July 3, 2013, plaintiff's attorney requested the Stamford Board of Representatives consider a road discontinuance for Waterside Place and Unnamed Highway, and a letter from the Mayor to Engineering with four attachments, the electronic map and property description, draft Road Discontinuance, and draft letter from the Mayor to be signed;



**WHEREAS**, on July 8, 2013, the Stamford Board of Representatives Steering Committee approved the Land Use Committee to review and approve LU28.076 and to conduct a public hearing authorizing notice of intent to discontinue Waterside Place and a nearby Unnamed Highway;

**WHEREAS**, on July 9, 2013 the Stamford Planning Board approved unanimously item #2 on the agenda, the condemnation/negotiated purchase of 74/76 Pulaski Street part of an overall settlement of a lawsuit between O&G and the Zoning Board, as well as a street widening of Pulaski Street south of the Pulaski Street bridge to accommodate increased traffic caused by the South End development;

**WHEREAS**, on July 11, 2013, the Board of Finance approved the purchase/condemnation of 74/76 Pulaski Street;

**WHEREAS**, on July 23, 2013, the Board of Representatives Land Use Committee conducted a public hearing and approved resolution LU28.076 RESOLUTION & APPROVAL authorizing notice of intent to discontinue Waterside Place and a nearby Unnamed Highway;

**WHEREAS**, on August 5, 2013, the Planning Board reviewed Resolution No. 3606 authorizing the notice of intent to discontinue Waterside Place and Unnamed Highway;

**WHEREAS**, on August 5, 2013 the Board of Representatives by Resolution 3603 approved the Mayor to prepare a report to be made on the contemplated discontinuance of Waterside Place (18,280.35 square feet, .42 acres) as described in a map and property description dated 7/2/13 by Edward J. Frattaroli, Inc. entitled "Property Description- Discontinuance of Waterside Place and Unnamed Highway";

**WHEREAS**, in August 2013, the Mayor directed the Stamford Engineering Department to draft the Mayor's report for referral to the City of Stamford Planning Board and Board of Finance;

**WHEREAS**, on November 29, 2013, the City of Stamford and the attorney for the owner of 74/76 Pulaski Street by letter dated 11/ 29/13 from Director of Legal Affairs & Corporation Counsel Joseph J. Capalbo, II to Attorney John Wayne Fox reached an agreement for the price to take title to 74/76 Pulaski Street, subject to two conditions;

**WHEREAS**, on February 25, 2014 the Board of Representatives Land Use Committee conducted a public hearing and approved LU29.013, the Director of Administration's Final Report and directing the acquisition by eminent domain of rights of way for the Pulaski Street, Greenwich Avenue and Waterside Place intersection improvement project;

**WHEREAS**, on March 4, 2014, the Planning Board approved unanimously item #1 on the agenda, the Final Report of Property and Easement Acquisition Damages for the Pulaski Street, Greenwich Avenue and Waterside Place intersection improvement project as part of an overall settlement of a lawsuit between O&G and the Zoning Board;

**WHEREAS**, on March 10, 2014 and March 24, 2014, O&G and the City of Stamford legal counsel appeared before the Zoning Board to present this Stipulated Agreement, associated New Road Plan and New Planting Plan, and modified Conditions of Approval;

**WHEREAS**, O&G and the Zoning Board agree that if the plans concerning Pulaski Street and Greenwich Avenue and the associated land swaps are implemented, the configuration of the

northern portion of the Property shall be significantly altered and some of the Conditions of Approval shall be modified and/or cease to be applicable;

**WHEREAS**, O&G and the Zoning Board agree that the land swaps, New Planting Plan, New Road Plan and modified Conditions of Approval result in a plan which is consistent with the goals of Section 22a-93(16) of the Connecticut Coastal Management Act, which include uses which provide general public access to marine or tidal waters achieved via the intended land swap;

**WHEREAS**, the final approvals for and implementation of the plans concerning Pulaski Street and Greenwich Avenue and the associated land swaps may take many months to complete;

**WHEREAS**, O&G and the Zoning Board wish to avoid the cost and burdens of proceeding with this Appeal in light of the plans concerning Pulaski Street and Greenwich Avenue and the associated land swaps;

**NOW THEREFORE**, in consideration of the foregoing and the mutual undertakings contained herein, O&G and the Zoning Board hereby stipulate and agree as follows, subject to the final approval and implementation of the New Road Plan and the associated land swaps:

1. O&G agrees in good faith to pursue expeditious final approval and implementation of the land swaps contemplated under the New Road Plan with the City.
2. O&G and the Zoning Board agree that the Conditions of Approval as stated in the Decision are deleted and restated as follows:

- a. All conditions of approval of Appl. 97-021 shall remain in full force and effect and shall also apply to the use of the northerly portion of the site to the extent modified by the New Planting Plan.
- b. The approved site plans shall include the following, as modified by this approval: "Proposed Site Improvements, SP-1;" prepared by Wesley Stout Associates dated 4-1-05 and revised to 3-26-14 (Exhibit A); "Proposed Planting Plan, SP-2;" prepared by Wesley Stout Associates dated 4-1-05 and revised to 3-26-14 (Exhibit B); "Details & Notes, SP-3;" prepared by Wesley Stout Associates dated 4-1-05 and revised to 3-26-14 (Exhibit C); (Exhibits A, B, & C collectively referred to herein as, "New Planting Plan");
- c. O&G and the Zoning Board agree that the following plans shall be implemented by the City of Stamford pursuant to roadway discontinuance and land swap applications before the Board of Representatives: "Map Depicting Discontinuance of Waterside Place from Pulaski Street to Davenport Street and an Unnamed Highway Connecting Greenwich Avenue and Waterside Power," prepared by Edward J. Frattaroli, Inc. and dated 7-2-13 (Exhibit D); and "Map Depicting Exchange of Property Between The City of Stamford and O&G Industries" prepared by Edward J. Frattaroli, Inc. and dated 1-23-13 (Exhibit E) (Exhibits D & E collectively referred to herein as, "New Road Plan");
- d. Landscape improvements on the East Side of Davenport Street previously installed by the Applicant, shall be replanted as necessary and shall be

augmented with eight (8) cherry trees planted toward the southern end of Davenport Street to repeat the tree/shrub pattern existing at the northern end of Davenport Street. Further, the entire frontage of Davenport Street shall be augmented with ivy plantings and an irrigation system shall be installed.

Landscaping plans for Davenport Street shall be subject to Zoning Board staff approval prior to the start of any work.

- e. Execution of a Landscape Maintenance Agreement, to include all landscaped areas located on land owned by O&G after the completion of the land swaps as shown on the New Planting Plan, subject to approval by the Director of Legal Affairs and Zoning Board staff prior to the issuance of a Certificate of Occupancy.
- f. A Street Opening Permit shall be required for any and all work within any street right of way of the City of Stamford.
- g. Submission of a Performance Bond, or other acceptable surety, to ensure compliance with these conditions and completion of all required landscape improvements located on land owned by O&G after completion of the land swaps, all streetscape improvements located along Davenport Street, and sedimentation and erosion controls, in an amount equal to the estimated cost of said improvements, subject to the approval of the Director of Legal Affairs as to form and subject to approval of any amount by the Zoning Board staff, to be provided prior to the start of any construction activities.

- h. The Applicant may not utilize any right for storage of aggregate material granted herein until such time as it has fully completed all paving, installed the landscaping located along the easterly edge of the 240 foot wall facing the Stamford Harbor and landscaping along Davenport Street as depicted on the New Planting Plan; and executed the standard Landscape Maintenance Agreement relevant to same. Landscaping located along the easterly edge of the 240 foot wall shall include trees which are 8-10 feet tall at the time of planting, ivy plantings, and an irrigation system shall be installed. This condition shall not restrict or limit existing uses previously approved as legal as of the date hereof.**
- i. The storage of demolition materials shall be limited to the amount shown on the approved 1997 site (Appl. 97-021).**
- j. The concrete block wall running a distance of approximately 240 feet along the easterly (Mill River) side of the property and wrapping around the northerly perimeter of the site shall have a finished height of not more than twelve (12) feet from finished grade. Said wall shall be located as shown on the New Planting Plan. In addition, said wall shall be comprised of decorative framed block face. O&G shall install 10-12 foot tall trees at the time of planting along the northerly face of said wall facing Pulaski Street and an irrigation system shall be installed, as indicated on the New Planting Plan.**

- k. Equipment and material storage, including seasonal materials, a vehicle parking area, and the proposed concrete walls separating such areas shall be used and/or constructed as shown on the New Planting Plan. A total of five (5) storage areas may be located along the easterly side of the property and utilized as depicted on the New Planting Plan. In no event shall any aggregate product or seasonal product stored therein exceed the height of the bin wall.
- l. O&G and Zoning Board agree that technology has advanced since the time of the original approval and that a more efficient system may replace the originally approved equipment. Accordingly, submission of final design and construction plans and details for the “reclaimer facility” and “rinse out area” or the equivalent thereof shall be subject to administrative Zoning Board staff approval prior to the issuance of a Building Permit. Until such time as the new system is administratively approved and installed, the existing rinse out area shall be permitted to remain.
- m. O&G and the Zoning Board agree that the submission of final design and construction plans, compliant with flood height regulations, for a new, single-story scale house building shall be subject to administrative Zoning Board staff approval prior to the issuance of a Building Permit. O&G and the Zoning Board agree that the new scale house shall be relocated and replaced as shown on the New Planting Plan. O&G agrees that upon final approval of the New Road Plan by all required City boards, commissions, authorities, and agencies,

O&G shall build the new scale house and subsequently demolish the existing scale house building at a time mutually agreeable to O&G, Zoning Board staff, and the Traffic Engineer of the City of Stamford.

- n. Required building permits for the approved improvements shall be obtained within one year from the effective date of this approval, subject to time extensions granted by the Zoning Board for good cause shown, not to exceed three one-year extensions. O&G and the Zoning Board agree that the “effective date of this approval” shall be deemed to mean the date of the adopted New Road Plan by the Board of Representatives and the completion of the associated land swaps between the City of Stamford and O&G.
- o. O&G shall construct the proposed concrete block wall 10 feet from the modified northern boundary of the Property as shown on the New Planting Plan.
- p. O&G and the Zoning Board agree that the future access drive to the plant shall be located as shown on the New Planting Plan.
- q. As a result of the intended land swap, the City of Stamford will take possession of the landscaped area south of Pulaski Street, north of O&G, as depicted on the New Planting Plan (“Easterly Planting Area”). O&G and the Zoning Board agree as follows with respect to said Easterly Planting Area:
  - i. The Easterly Planting Area shall be maintained by the City of Stamford as dedicated, permanent Open Space;



ii. O&G shall prepare a grading plan for the Easterly Planting Area, subject to administrative approval by Zoning Board staff, and shall implement same in connection with the New Road Plan work by the City of Stamford; and

iii. Upon completion of the New Road Plan by the City of Stamford, O&G shall grade, loam, grass seed and provide a walkway and benches within the Easterly Planting Area. The City of Stamford shall be responsible for the balance of the improvements to the Easterly Planting Area.

r. The City of Stamford shall maintain control over the landscaped area located south of Greenwich Avenue, north of O&G, as depicted on the New Planting Plan (“Westerly Planting Area”). Landscaping and improvements associated with the Westerly Planting Area shall be the sole responsibility of the City of Stamford.

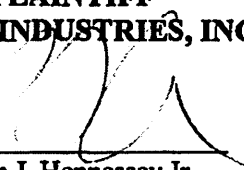
3. O&G and the Zoning Board agree that to the extent that any other of the Conditions of Approval are inconsistent with the New Road Plan and New Planting Plan and the associated land swaps, such inconsistent Conditions of Approval shall be deemed modified to be consistent with the New Road Plan and New Planting Plan and the associated land swaps as finally approved by the City and O&G.

4. O&G and the Zoning Board agree that the Court shall affirm the Decision as modified by this Stipulation.


5. O&G and the Zoning Board agree that the Court shall retain continuing jurisdiction to enforce, review, modify, or reopen this Stipulation and the Judgment entered on this Appeal and the parties expressly waive any time limitation to have this Court review, modify or reopen this Stipulation or the Judgment.

6. O&G and the Zoning Board agree and confirm their common understanding that O&G would not have entered into this Stipulation if there was any possibility that Conditions of Approval No. 3 and associated Conditions of Approval in the Decision on Application 207-05 were to remain in force and effect. Therefore, if the New Road Plan and the associated land swaps are not finally approved by the City and O&G, or not implemented and completed within thirty-six (36) months of the date of this Stipulation, either O&G or the Zoning Board may seek to reopen this Stipulation and return this Appeal to the Administrative Appeals Docket, in which case the Court shall return this case to the Administrative Appeals Docket for review of the Decision and the Conditions of Approval as alleged in the Appeal.

**THE PLAINTIFF  
O&G INDUSTRIES, INC.**

By   
William J. Hennessey Jr.  
Carmody Torrance Sandak  
& Hennessey LLP  
707 Summer St  
Stamford, CT 06901-1026  
203-425-4200 Fax: 203-325-8608  
[WHennessey@carmodylaw.com](mailto:WHennessey@carmodylaw.com)

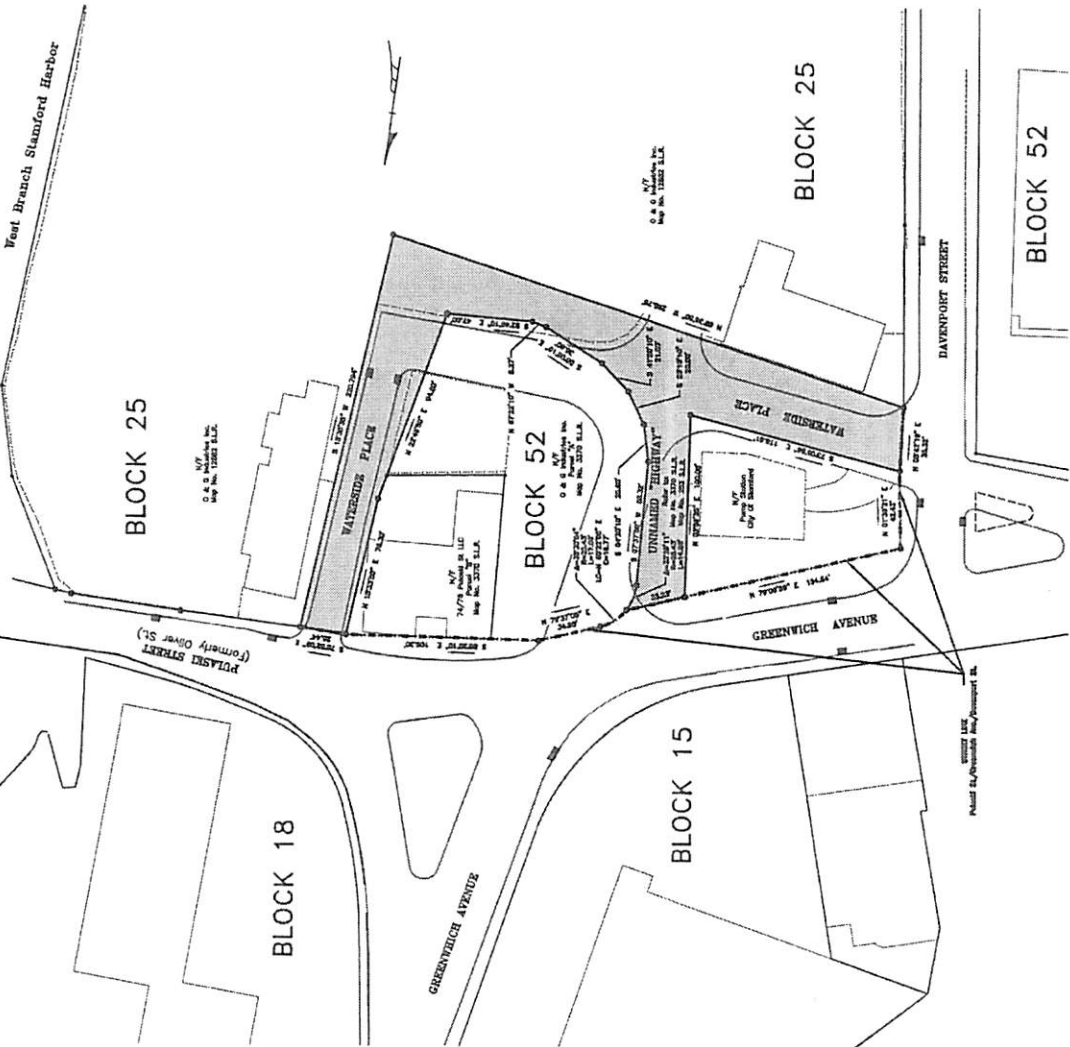
**THE DEFENDANT,  
ZONING BOARD OF  
THE CITY OF STAMFORD**

By   
James V. Minor  
Special Corporation Counsel  
City of Stamford  
888 Washington Blvd.  
Stamford, CT 06904  
203-977-5158 Fax 203-977-5560  
[jminor@ci.stamford.ct.us](mailto:jminor@ci.stamford.ct.us)

Approved by the Court:

\_\_\_\_\_

Date: 3/27/14



MAP DEPICTING  
DISCONTINUANCE OF  
WATERSIDE PLACE  
FROM PULASKI STREET TO DAVENPORT STREET  
AND  
AN UNNAMED "HIGHWAY"  
CONNECTING GREENWICH AVENUE AND WATERSIDE PLACE  
PREPARED FOR  
THE CITY OF STAMFORD  
STAMFORD, CONNECTICUT



This plat and map have been prepared in accordance with Section 36-200(a) of the Statutes of the State of Connecticut, State Agency Minimum Standards for Surveyors, and the Rules and Regulations of the Board of Surveyors, State of Connecticut, as amended by the Connecticut Association of Land Surveyors, Inc. It is a true and correct copy of the original plat and map as recorded in the Hartford Accuracy Data, "A-2" and located in the City of Stamford Land Records.

To my knowledge and belief this plan is substantially correct as noted herein.

By: **FORWARD J. PASTORAL, INC.**  
Professional Land Surveyor  
STAMFORD, CONNECTICUT July 2, 2013

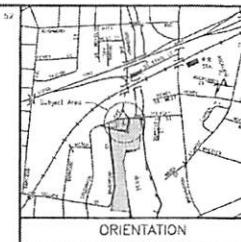
Approved By The Stamford Planning Board  
For Filing Purpose  
Date: \_\_\_\_\_  
By: \_\_\_\_\_  
Checked By The Planning Commission  
Neil A. Subitich

Approved For Submission And Filing  
Date: \_\_\_\_\_  
By: \_\_\_\_\_  
For: Olds Industries

Area of Discontinuance = 18,240.33 Sq. Ft.  
Scale: 1" = 20'

ZONE AS DEPICTED

Block No. 75 & 54



PANEL	CONVEYANCE	REFERENCE	AREA (Square Feet)
8	24718 Public to LLC to the City of Stamford	Parcel "W" Map No. 3370 S.L.R.	6,480
5	O&G Industries - To Remain O&G Industries	Portion of Parcel "A" Map No. 3370 S.L.R.	7,770
1	City of Stamford - To Remain City of Stamford	City of Stamford - Pump Station	5,788
9	Waterline from the City of Stamford	Waterline from Decemuriance Map*	2,043
10	Waterline from the City of Stamford	Waterline from Decemuriance Map*	7,502
11	Waterline from the City of Stamford	Waterline from Decemuriance Map*	916
6	the City of Stamford to O&G Industries	Waterline from Decemuriance Map*	12,219
7	O&G Industries to the City of Stamford	Portion of Map No. 12893 S.L.R.	19,286
2	O&G Industries to the City of Stamford	Portion of Parcel "M" Map No. 3370 S.L.R.	8,587
TOTAL AREA			97,261

\* Refer to Map No. 3370 S.L.R.

ADDITION	AREA (Square Feet)	ACTION	AREA (Square Feet)
O&G to the City of Stamford ("W&Z")	26,453	The City of Stamford to O&G ("M")	12,219
To Remain for the City of Stamford ("R", "T", "U", "V", "A", "B")	30,838	To Remain O&G ("S")	7,770
The City of Stamford After Exchange	47,292	O&G After Exchange	19,989

Approved By The Stamford Planning Board For Filing Purposes  
Date: \_\_\_\_\_

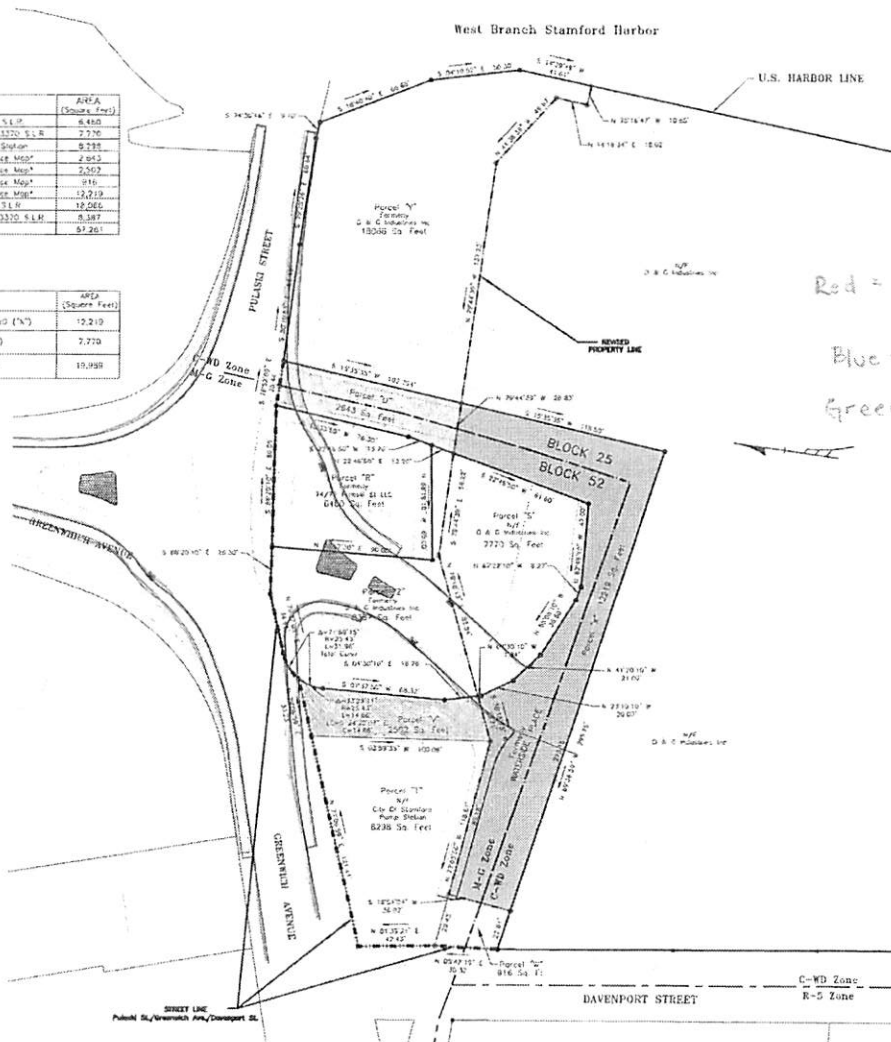
Chairman Of The Planning Commission  
Not A Subdivision

Approved For Submission And Filing  
Date: \_\_\_\_\_

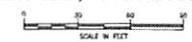
By: \_\_\_\_\_  
For: O&G Industries

Approved For Submission And Filing  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
For: The City of Stamford



MAP DEPICTING  
EXCHANGE OF PROPERTY  
BETWEEN  
THE CITY OF STAMFORD  
AND  
O&G INDUSTRIES  
PREPARED FOR  
THE CITY OF STAMFORD  
AND  
O&G INDUSTRIES  
STAMFORD, CONNECTICUT



This survey and map has been prepared in accordance with Sections 20-300a-1 thru 20-300c-20 of the Regulations of Connecticut State Agencies - Minimum Standards for Surveys and Maps in the State of Connecticut as endorsed by the Connecticut Association of Land Surveyors, Inc. It is a LIMITED PROPERTY/BOUNDARY SURVEY, based on a "DEPENDENT RESURVEY" conforming to horizontal Accuracy Class "A-2" and intended to be filed on the Stamford Land Records.

To my knowledge and belief this plan is substantially correct as noted herein.

BY:  
FOR: EDWARD J. FRATTALONI, INC.  
Land Surveyors - Engineers - Land Assessors  
STAMFORD, CONNECTICUT January 23, 2013

This document and Copies Thereof are valid only if they bear the signature and licensed seal of the undersigned licensed professional. Unauthorized alterations render any restriction herein null and void.