



MAYOR  
DAVID R. MARTIN



CITY OF STAMFORD, CONNECTICUT  
HARBOR MANAGEMENT COMMISSION

DR DAMIAN ORTELLI  
VICE CHAIRMAN  
RAYMOND L. REDNISS  
SECRETARY/TREASURER  
ROBERT M. KARP  
PAUL ADELBERG  
JEFFERY SAUNDERS  
ROBERT J. STRADA  
GRIFFITH H. TROW  
STEVEN M. LOEB, ALTERNATE  
MICHAEL PENSIERO, ALTERNATE

June 18, 2014

Honorable David R. Martin  
888 Washington Blvd  
Stamford, CT 06901

Re: The Future of Stamford Harbor

Dear Mayor Martin,

This is an exciting time in the history of the development of our City's most important natural resource, Stamford Harbor. Under your leadership the Martin Administration can take a proactive role in shaping this history and chart a course that will preserve and enhance this resource for the immediate future and for generations to come. The members of the Harbor Management Commission ("HMC") feel privileged to serve during this time.

By City Charter the HMC is mandated to implement the Stamford Harbor Management Plan ("SHMP")<sup>1</sup>, to make recommendations to the City - including your office, boards and agencies - to further the goals, objectives and policies set forth in the SHMP. This letter is intended to be a first step in performing this duty. The Mayor, as Stamford's Chief Elected Official, has the duty<sup>2</sup> to provide leadership in advancing the City's goals for the Stamford Harbor Management Area, as expressed in the SHMP. We look forward to assisting you in this effort. Members of the HMC have a deep knowledge of the Harbor, boating and the regulatory and legal framework concerning the Harbor and the development of the waterfront. We can significantly add to the "bench strength" of your administration.

We have attached for your convenience, as Exhibit A, excerpts of City and State laws specific to waterfront development in Stamford. A fundamental understanding of these laws and their interplay is necessary before actions should be taken with respect to prospective

<sup>1</sup> The SHMP was prepared by the HMC in accordance with Connecticut state statutes and adopted by the Stamford Board of Representatives effective March 20, 2009. The provisions of the Plan are consistent with and complement the provisions of the Stamford Master Plan, the Connecticut Coastal Management Act and the City's Zoning regulations and Certificates.

<sup>2</sup> See Chapter 8 of the SHMP

projects . Also included, as Exhibit B, is a short analysis of these laws which will help you and your administration.

**Historical Maritime Context.** Stamford has been among the premier centers of recreational boating in western Long Island Sound. It offers a deep water, protected harbor, well located on Long Island Sound that is uniquely suited for many kinds of watercraft activities. Much of our city's reputation as a boating center was due in large measure to the maritime services available in Stamford. The center piece of these services was most recently Brewer Yacht Haven West boatyard and marina ("BYHW"). BYHW was located on the 14 acre peninsula (the "YH site") in the SRD-S design district. The physical attributes of this site are significant and include deep water surrounding the entire peninsula, expansive water frontage providing space for a large number of docks and slips, ample land for boat storage and a superior location within the Harbor - close to the head of both the East and West branches - affording easy and quick access to Long Island Sound. BYHW serviced many racing sailboats and other yachts and was a viable, thriving and profitable enterprise. Not surprisingly, the YH site had been devoted to maritime use for more than 100 years.

As is well known and documented, BYHW was demolished in 2011 by the current owner of the YH site, Strand/BRC Group LLC, an affiliate of the developer, Building and Land Technology ("BLT"). It was the last full service boatyard in Stamford. The lack of such a facility in Stamford has diminished the City's reputation as a maritime center and threatens its future as such. Since the boatyard's removal, recreational boating activity in Stamford has declined and as a consequence there has been a loss of business and employment in the local marine industry here.

**BYHW Demolition / Golden Opportunity.** The demolition of BYHW has been a severe loss to the boating public as well as an economic drag to the City<sup>3</sup>. That said, the situation presents an excellent opportunity for a developer to begin anew with a blank slate to design-build a full service, state-of-the art boatyard facility that will meet the needs of the area now and into the future. While we acknowledge that the City is not solely in charge of the development of the YH site, we do believe that your office has the leadership authority to steer the course of development towards having the site reclaim its regional prominence as a maritime center. We are confident that you will show inspired leadership in pursuing this objective and that the City will exercise its authority appropriately to achieve it. We would be pleased to discuss with you our ideas concerning how this can be accomplished. We wish to express urgency. Decisions made or deferred regarding the YH site pose long-term consequences – some irrevocably - and may threaten future coastal development for Stamford and the region. With this in mind, we wish to share our thoughts concerning the current

---

<sup>3</sup> See discussion in Exhibit B regarding BLT's litigation with the City.

situation in Stamford Harbor as well as our preliminary vision for the future.

**Public Safety at Risk.** At present, the only boatyard in Stamford is the “temporary boatyard” located on a small portion of the YH site. The temporary boatyard was imposed by the Zoning Board (“ZB”) on BLT as a result of public pressure for certain boatyard facilities and public safety concerns after the demolition of the BYHW. The temporary boatyard is not a full service boatyard and it cannot not be viewed as such. We do not believe that the temporary boatyard has the capacity to deal with a major storm or other emergency, thus leaving the boating public and shore side property owners at risk. Accordingly, it is urgent that a full service boatyard be restored.

**Economic Impact.** It is the HMC’s view that Stamford Harbor can again be a first class harbor serving recreational boaters as well as water borne industry. Furthermore, the City is uniquely positioned to develop the Harbor as a regional attraction. Done creatively, plus leveraging the tremendous assets the Harbor offers for water activities and public access to them, Stamford’s viability as a place to live, work and recreate will only grow. As a result, the Harbor will attract additional commercial enterprises and employment to support the boating industry and emerging maritime attractions. Long Island Sound is estimated to bring more than \$ 8.9 billion dollars annually<sup>4</sup> to the regional economy. The waterfront is clearly important to the economic vitality of the area. Unfortunately, Stamford is missing this revenue boat, due to the current lack of marine services.

**Vision for the Future.** The Long Range Planning Subcommittee of the HMC has begun a vision process for Stamford Harbor; and in this connection has seen two very intriguing and innovative proposals for the YH site...probably ones you saw as well. While little more than colorful concepts illustrated in some detail scaled to the 14-acre site, each provides for a very attractive New England maritime village that would provide significant benefits to the public, including a full service state-of-the-art green boatyard and marina with additional public amenities ancillary to a first rate boatyard. What they clearly show us is that a boatyard is viable on the YH site and that the site is indeed a blank slate encumbered only by our imagination and our obligation to comply with existing regulations.

The HMC, as set forth in the SHMP, envisions a vibrant and multi-purpose harbor. Central to this vision is a waterfront with top notch facilities that, at minimum, include the following amenities, many of which were provided by BYHW and which must be restored in accordance with law<sup>5</sup>.

---

<sup>4</sup> Long Island Sound Study (2011 estimate)

<sup>5</sup> See Exhibit B.

1) A full service boatyard and marina on the 14 acre YH site with the following services: <sup>6</sup>

- a) Deep-water Slips for 250+ boats - sizes 25 – 125 feet\*
- b) Two Travel lift (s), one suitable for larger boats and a mast crane\*
- c) Winter storage for 500+ boats\*
  - (1) Heated indoor storage for boats which enables winter work and the maintenance of a 12 month work force.
  - (2) Outdoor boat storage\*
- d) 12 month repair facilities\*
- e) Fuel dock\*
- f) Laundry, showers and bathroom facilities \*
- g) Sanitary pump-out facilities
- h) Dingy dock
- i) Transient dockage\*
- j) Paint facilities\*
- k) Spar storage\*
- l) Public amenities
  - (1) Waterfront Restaurant
  - (2) Snack bar
  - (3) Recreational facilities
  - (4) Retail boating support businesses:
    - (a) Ship's Store\*
    - (b) Sailmaker\*
    - (c) Marine electronics sales, installation and service\*

---

<sup>6</sup> Items marked with a "\*" were provided at BYHW and must be restored.

- (d) Outboard engine repair and service\*
  - (e) Inboard engine repair and service\*
  - (f) Marine refrigeration/air conditioning
  - (g) Marine Clothing
  - (h) New boat sales and brokerage\*
  - (i) Propeller service and sales\*
- (5) Marine Police, Fire Department and Coast Guard auxiliary offices overlooking the harbor with adjacent dock space for their vessels.
  - (6) Harbor Master office
  - (7) Pedestrian walkway linked to Harbor Point walkway
  - (8) Community sailing/boating schools with space for classrooms.
  - (9) Outdoor Space for summer waterfront events
- m) Link public transportation to the boatyard as a waterfront gateway to the Stamford Transportation Center, Downtown, and other city destinations
- 2) Moorings in the outer harbor for visiting recreational boaters. Access to land from these moorings would be provided by a launch service provided by the operator of the boatyard. Also the dinghy dock at the boatyard would serve as an access point to the City.
  - 3) Town dock to serve as access point to the City.

Clearly, a large parcel will be needed to house all these services and activities. The 14 acre YH site is ideally suited to accommodate them; and as discussed in the legal analysis set forth in Exhibit B, current law and zoning requirements mandate that it function for this purpose. No other available space in the harbor comes close to matching what already exists at the YH site for providing a modern, full service boatyard and marina.

We look forward to a meeting with you soon to discuss our views and our vision.

Respectfully submitted



Dr. Damian Ortelli  
Chairman, Stamford Harbor Management Commission

CC: City Board's and agencies:

Zoning Board

Planning Board

EPB

Zoning Board of Appeals

Board of Representatives

Board of Finance

Land Use Bureau

## Exhibit A

An understanding of the laws governing the development of Stamford Harbor and particularly the YH site is necessary to understanding the legal framework that must be followed in all decision making relating to development adjacent to the Harbor. We have attached as Exhibit A excerpts of the most relevant laws which include the Stamford Master Plan, the Connecticut Coastal Management Act, Stamford Zoning Regulations and the Zoning Board Certificate establishing conditions to the SRD-S design district and the GDP.

We have attached as Exhibit B a short analysis of the laws relating to the use of the YH site. It is very clear from the provisions of law set forth in Exhibit A that it was and is the express intent of both the City and State that a full service boatyard be maintained in Stamford and that the YH site be preserved as a working boatyard with no diminution of services thereat. It is clear from the analysis contained in Exhibit B that at the present time there has been no change in law relating to this site and that the boatyard must be restored on this site.

### Laws affecting the Use of the 14 Acre YH Site (most relevant provisions highlighted in red).

#### A. The Stamford Master Plan (2002) provides in relevant part:

##### "#13.MIXED-USE—Shorefront

The purpose of this category is to provide for appropriate mixed-use development of the waterfront in a manner that: **(1) protects existing water-dependent uses and encourages new uses which depend upon marine access;** (2) encourages the preservation and enhancement of public access to waterfront areas and waterfront vistas; and (3) encourages a mix of compatible uses so designed and integrated as to achieve these objectives within the capacity of the infrastructure and complementary

in scale to the general character of the area. Development plans must include significant water-dependent uses such as public access facilities, marinas, marine sales and service, and businesses requiring waterborne shipping and receiving or water access. **Existing water-dependent uses and waterfront vistas shall be protected.**

Complementing these uses may be retail, office, restaurant, exposition, residential and other compatible uses that enhance the opportunity for maintenance and development of existing and proposed water-dependent uses. All shore-front development shall include meaningful public access to the waterfront except where public safety would be a risk. All development within this category shall be subject to approval of site and architectural plans and requested uses by the Zoning Board and

a determination that the scale and nature of the proposed development is compatible with available traffic capacities and public infrastructure systems, and will be in compliance with the goal of directing most development to Downtown. Intensity of development shall be generally consistent with the density of Residential-Medium Density Multifamily (Category #4) computed on the basis of land above mean high tide." (Emphasis added).

**"NEIGHBORHOOD PLANS – STAMFORD MASTER PLAN 2002**

**2A12. Protect and promote water-dependent uses, recreation and boating.** Water-dependent uses include ferries, water taxis, boating, marinas, boat repairs, dry dock and other uses dependent on marine access. Yacht Haven—on the HELCO (Northeast Utilities) site—is one of Stamford's major waterfront assets and the city's last remaining ship service facility. It should be maintained; and its capacity, capability and integrity should not be compromised in any redevelopment scheme for the property. Additional marine-oriented recreational uses should be encouraged to develop along the harbor. All City-owned parkland should be periodically evaluated for their water-based recreational potential. Any uses or development that congests, restricts or otherwise limits the use of the harbor by commercial or recreational vessels should not be allowed. Structures and filling on the waterfront must also be designed in a manner that will not conflict with development of water-dependent uses and public safety." (Emphasis added).

\* \* \*

**B. The Connecticut Coastal Management Act reflecting the policies of our State: (Chapter 444, CGS)**

(1) Policies concerning development, facilities and uses within the coastal boundary are:

(C) to promote, through existing state and local planning, development, promotional and regulatory authorities, the development, reuse or redevelopment of existing urban and commercial fishing ports giving highest priority and preference to water dependent uses, including but not limited to commercial and recreational fishing and boating uses; to disallow uses which unreasonably congest navigation channels, or unreasonably preclude boating support facilities elsewhere in a port or harbor; and to minimize the risk of oil and chemical spills at port facilities;

(G) to encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting non-water-dependent land uses that preclude boating support facilities, (iii) increasing state-owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land;

(I) to protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries; to maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided; to design and locate, where feasible, proposed recreational boating facilities in a manner which does not interfere with the needs of the commercial fishing industry;



(16) "Water-dependent uses" means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: Marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, water-based recreational uses, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters;

(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; and

\* \* \*

## **C . Stamford Zoning Board Regulations establishing the SRD-S design district:**

### **J. SOUTH END REDEVELOPMENT DISTRICT, SOUTH (SRD-S)**

1. **Purpose:** The South End Redevelopment District, South (SRD-S) is a flexible design district, subject to special standards and review procedures, intended to provide for and encourage the land use planning and coordinated development of large-scale mixed-use developments that include the revitalization of industrial brown fields sites and the appropriate redevelopment of significant waterfront properties, while giving highest priority and preference to water-dependent uses and meaningful public access on waterfront sites, consistent with the policies of the Connecticut Coastal Area Management Act. Application of the SRD-S Zoning District will be considered where a proposal meets the objectives and criteria set forth below, and where the mix of uses,

architectural design, public amenities, and pedestrian oriented spaces are judged to be superior to a development conforming to the standards of the underlying zoning district(s). The SRD-S District is intended to permit flexibility in the design and phased development of large tracts of property over time, with the review and approval of final site and architectural plans and requested uses for each phase of development controlled and coordinated by a General Development Plan serving as the master plan for the overall development of the SRD-S designated area.

**2. Objectives:** The Zoning Board may designate properties as a SRD-S Tract provided that the General Development Plan for the property is consistent with the following objectives:

- a. Protection and encouragement of existing and new water-dependent uses and their essential supporting uses;

**4. Permitted Uses:**

- 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.

**7. Review Procedures:** All applications for designation and development of property within the South End Redevelopment District, South (SRD-S) District shall conform to the following procedures.

- a. Application For SRD-S Designation and Approval of General Development Plan. The application to amend the Zoning Map to SRD-S and application for approval of General Development Plan and Coastal Site Plan Review shall be submitted simultaneously and acted on in common by the Zoning Board.
1. An application for SRD-S designation and approval of General Development Plan shall be submitted to the Zoning Board which shall review the submission for completeness, as defined in subsection 8.a, below. Any incomplete applications may be rejected by the Board as ineligible for consideration. The Board shall refer the complete application to the Conn. Office of Long Island Sound Programs, Conn. D.E.P. pursuant to Section 22a-103 C.G.S., and shall also refer the application to the Stamford Planning Board. The Land Use Bureau Chief shall be authorized to refer the application to any other unit of City, state, or federal government, and to convene technical staff meetings and to confer with the applicant as necessary to develop information to support a complete review of the application at a public hearing. Following a public hearing, the Board shall by separate resolutions act to approve or disapprove the petition for establishment of the SRD-S Zoning Tract, and to approve, approve with modifications, or disapprove the application for General Development Plan and the application for Coastal Site Plan Review. No SRD-S Zoning District shall be approved or shall become effective unless the Board shall also approve General Development Plan for the subject property, and record the Certificate of Approval and a copy of the General Development Plan in the land records of the City of Stamford. Upon recording of the approved General Development Plan, the SRD-S District shall be considered to be established and the Zoning Map shall be amended to show the boundaries of the SRD-S Zoning Tract area along with a reference to the location in the land records containing the General Development Plan authorizing the development.
2. Adoption of a SRD-S District shall authorize the submission of an application for final Site and Architectural Plans & Requested Uses to the Zoning Board, consistent with the approved uses, buildings, structures and site development standards, design criteria, phasing schedule and timetable shown and described on the recorded General Development Plan.

- b. Final Plans. Application for final Site and Architectural Plans & Requested Uses shall be submitted for approval to the Zoning Board in conformance with the approved General Development Plan. An application for approval of final Site and Architectural Plans & Requested Uses and Coastal Site Plan Review shall be submitted to the Zoning Board which shall review the submission for completeness, as defined in subsection 8.b, below. The Board may request additional information necessary to clarify or complete the application or may reject any incomplete application as ineligible for consideration. In acting to approve the application, the Board may direct the applicant to modify the plans and may establish reasonable conditions to insure that site improvements are provided in a timely manner to conform to the purpose and intent of the SRD-S District. Reasonable conditions may include the filing of a performance guarantee acceptable to the Office of Legal Affairs, and establishment of a timetable and construction phasing plan. The Zoning Board shall hold a public hearing on any application for final plan approval. No building permit shall be issued for the proposed development or any part thereof until the Board has approved final plans and has confirmed in writing that implementation of conditions of approval has been assured.
- c. Modification of the General Development Plan. Subsequent to the approval and recording of the General Development Plan, a request to modify the approved General Development Plan shall be reviewed and acted upon by the Zoning Board following the procedures specified in subsection 7-a(1) above, provided that the Board, in its sole discretion, may waive the public hearing and notice requirement for minor modifications.

\* \* \*

**D. Zoning Board Certificate approving the SRD-S district with conditions:**

**Block # 25, 87, 89, 95 & 96**

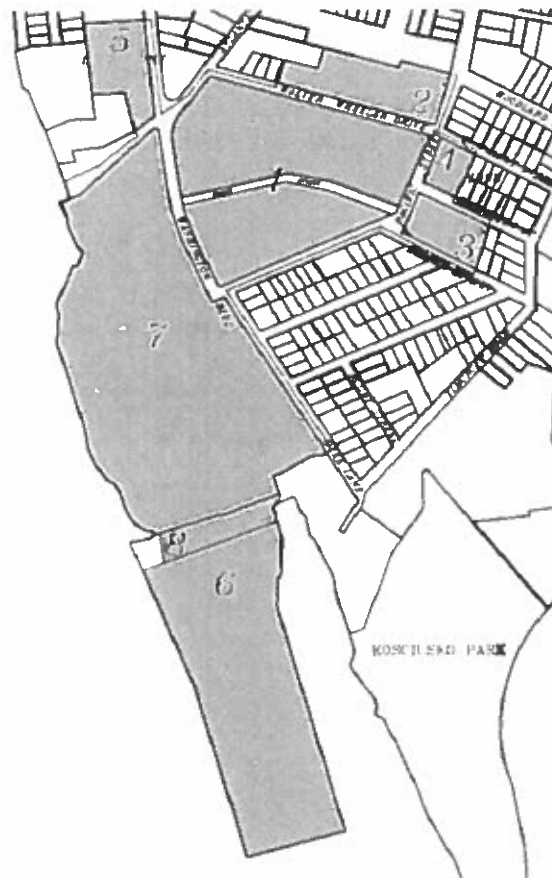
**ZONING BOARD CERTIFICATE**

I, Phyllis Kapiloff, Chairman of the ZONING BOARD of the CITY OF STAMFORD, in compliance with Special Act. No. 619 of the 1953 General Assembly, hereby certify that on April 30, 2007, continued to May 21, 2007, June 4, 2007, June 11, 2007, and June 18, 2007, a Public Hearing was held by the ZONING BOARD on the application of:

**APPL. 206-57 & CSPP 790 – ANTARES STAMFORD WATERFRONT  
MANAGER LLC, ANTARES WALTER WHEELER DRIVE SPE LLC AND THE  
STRAND/BRC GROUP LLC**

Requesting approval of 1) General Development Plans to construct a mixed-use development with multiple buildings containing approximately 512,000 square feet of non-residential Floor Area, approximately 3,000 residential housing units, as well as associated parking, landscaping, open space, and drainage, roadway and utility improvements; and 2) Coastal Site Plan Review

The properties that are the subject of the applications are comprised of several parcels shown as shaded on the following map, all of which are rezoned to South End Redevelopment District, South:



The subject properties illustrated above include all or part of the following parcels:

**No. 1:** 69 Walter Wheeler Drive (includes the former 717 Pacific Street and 25 Washington Boulevard), Blocks 89 and 90, Assessor Parcel 004-3322, and further described as follows:

Property fronting on Washington Boulevard, Atlantic Street, Walter Wheeler Drive and Pacific Street, totaling 14.34 acres, as depicted on "Property & Topographic Survey depicting Existing Conditions, Prepared for Antares Walter Wheeler Drive SPE, LLC, Stamford, CT", prepared by Redniss & Mead, Inc. being generally bounded Easterly

374± feet by Pacific Street, Southerly 782± feet by Pacific Street, Westerly 1009± feet by Washington Boulevard and Atlantic Street and Northerly 953± feet by Walter Wheeler Drive

**No. 2:** Block 87, Assessor Parcels 001-8176, 001-8182, 000-7238, and further described as follows:

Property fronting on Walter Wheeler Drive and Pacific Street, totaling 2.93 acres, as depicted on "Property & Topographic Survey depicting Existing Conditions, Prepared for Antares Walter Wheeler Drive SPE, LLC, Stamford, CT", prepared by Redniss & Mead, Inc. being generally bounded Easterly 233± feet by Pacific Street, Southerly 697± feet by Walter Wheeler Drive, Westerly 340± feet by land now or formerly of Holy Name Athletic Club Inc., and Northerly 564± feet by land now or formerly of VR Associates Partnership

**No. 3:** Assessor Parcels 001-8172, 001-8173, 001-8180, 001-2048, 000-1296, and further described as follows:

Property fronting on Belden Street, Remington Street and Pacific Street, totaling 1.53 acres, as depicted on "Property & Topographic Survey depicting Existing Conditions, Prepared for Antares Walter Wheeler Drive SPE, LLC, Stamford, CT", prepared by Redniss & Mead, Inc. being generally bounded Easterly 206± feet by land now or formerly of Antoni Godlewski and Jorge Abad, Southerly 350± feet by Belden Street, Westerly 190± feet by Pacific Street and Northerly 326± feet by Remington Street

**No. 4:** Block 96, Assessor Parcels 001-8168, 001-8171, and further described as follows:

Property fronting on Walnut Street, Remington Street and Pacific Street, totaling 0.76 acres, as depicted on "Property & Topographic Survey depicting Existing Conditions, Prepared for Antares Walter Wheeler Drive SPE, LLC, Stamford, CT", prepared by Redniss & Mead, Inc. being generally bounded Easterly 206± feet by land now or formerly of Marian E. Pearson and Alma R. Pincince, Southerly 149± feet by Remington Street, Westerly 216± feet by Pacific Street, and Northerly 165± feet by Walnut Street

**No. 5:** Block 25, Assessor No. 001-8181, and further described as follows:

Property fronting on Washington Boulevard and Atlantic Street, totaling 2.17 acres, as depicted on "Property & Topographic Survey depicting Existing Conditions, Prepared for Antares Walter Wheeler Drive SPE, LLC, Stamford, CT", prepared by Redniss & Mead, Inc. being generally bounded Easterly 425± feet by Washington Boulevard, Southerly 108± feet by Atlantic Street, Westerly and Southerly 305± feet by land now or formerly of Clearwater Associates LLC, Westerly 321± feet by land now or formerly of Sprague Energy Corp. and Thomas G. Radesky, and Northerly 254± feet by land now or formerly of Jay Bee Associates Inc.

No. 6: Admiral's Wharf North & South, Block 25, Assessor Parcel 000-4269, and further described as follows:

Property off Dyke Lane, totaling 13.89 acres, as depicted on "Property & Topographic Survey depicting Existing Conditions, Prepared for The Strand/BRC Group, LLC, Stamford, CT", prepared by Redniss & Mead, Inc. being generally bounded Easterly, Southerly and Westerly 3259± feet by waters of Stamford Harbor – Long Island Sound, Northerly 548± feet by land now or formerly of Ponus Yacht Club

No. 7: Assessor Parcels 000-9776, 000-9783, and further described as follows:

Property fronting on Atlantic Street, Washington Boulevard and Dyke Lane, totaling 24.29 acres, as depicted on "Property & Topographic Survey depicting Existing Conditions, Prepared for The Strand/BRC Group, LLC, Stamford, CT", prepared by Redniss & Mead, Inc. being generally bounded Easterly 1663± feet by Washington Boulevard and Dyke Lane, Southerly 1006± feet by land now or formerly of The City of Stamford (Batemans Way) and Ponus Yacht Club, Westerly 1565± feet by waters of Stamford Harbor, and Northerly 579± feet by Atlantic Street

\*\*\*\*\*  
\*\*\*\*

and that the following is a statement of its findings: UNANIMOUSLY APPROVED AS MODIFIED at its meeting held on June 25, 2007, subject to the following conditions:

1. The plans entitled "Site Plan" ("GDP") by Sasaki Associates, Inc. dated June 18, 2007, are approved as the General Development Plan, subject to the conditions contained herein, and shall be deemed to designate the location of publicly accessible areas, streets, sidewalks, open spaces, and to generally define the location, bulk and use of buildings to guide the subsequent review and approval of final plans. The lines identified as "Build-To Line TYP" on the GDP are intended to establish the general bounds to which a building may extend; provided, however, the Zoning Board, in connection with a Final Plan approval, reserves the right to modify this line to require additional building setback required to meet Section 9.J.5.d of the Zoning Regulations and the Design Guidelines standards, prepared by Cooper Robertson & Partners, Inc. dated June 11, 2007, to provide landscaping, architectural articulation (i.e. stoops, bays, bows cornices, etc.) and to accommodate and address pedestrian and vehicular traffic circulation and operations plans within the area. The following notes to be added to the General Development Plan:
  1. Block C8 – "The Shaded area depicted hereon is subject to easement rights to be granted to the City, as necessary, for the widening of Atlantic Street. The required easement shall be granted to the City as a condition to Final Site Plan Approval for Block C8."
  2. To be placed on Block C1 – "The proposed realignment of Walter Wheeler Drive as shown hereon is subject to additional approvals by the City as required by the City Charter." The Zoning Board may also exempt architectural articulation features from the Build-to line.

2. The scale, height and massing of buildings shall be generally consistent with the illustrative architectural massing plans and design guidelines provided by the applicant entitled, "Harbor Point, Design Guidelines" prepared by Cooper, Robertson & Partners, Inc. and dated June 11, 2007, subject to Zoning Board approval of final Site and Architectural Plans & Requested Uses.

3. No building permit shall be issued until the Zoning Board approves a Final Plan in accordance with Section 9.J.8.b of the City of Stamford Zoning Regulations. Any application for Final Plan approval shall include:

- a. final Site and Architectural plans including detailed exterior architectural designs, materials specifications, color renderings and architectural models of principal buildings, landscaping plans, grading and erosion control plans for all the proposed portions of the site and for buildings proposed for development as required by Section 9.J.8.b and Section 7.2C of the City of Stamford Zoning Regulations. Such plans shall be consistent with Section 9.J.6.f of the City of Stamford Zoning Regulations and generally consistent with the "Design Guidelines", dated June 11, 2007, and the GDP (Drawings A-01 through A-42) revised through June 6, 2007.
- b. a draft "Below Market Rate Housing" Affordability Plan detailing how the application conforms to Section 9.J.5.j of the City of Stamford Zoning Regulations.
- c. submission of a construction sequence and timetable for development of Phase I. Any construction sequence plan shall require completion of the "V" Park and the eastern portion of Teardrop Park and, to the extent that no other approvals are required, a substantial amount of the public access improvements associated with the waterfront esplanade prior to issuance of a Certificate of Occupancy for any Phase I improvements.
- d. a design for the traffic improvements as shown on the drawings entitled, "Harbor Point General Development Plan, Conceptual Site Layout Plan, Drawings #20.01, #20.02, and #20.03," prepared by Langan Engineering, dated April 16, 2007. Said design plan shall be revised to reflect the additional right-of-way to widen Atlantic Street between Washington Blvd. and Walter Wheeler Drive, in accordance with the written recommendations of the City Traffic Engineer, dated June 18, 2007, and submitted for review and approval by the City Traffic Engineer and Transportation Planner and shall include a construction timetable and arrangement detailing the method of financing said improvements. It should be noted that the proposed realignment of a portion of Walter Wheeler Drive has not received necessary approvals of the City of Stamford and the removal of the "dog leg" on Washington Boulevard requires action by the City. If for any reason such approvals are not obtained the applicant shall revise the layout and submit said revision for review and approval by Zoning Board staff.



- e. a design for the stormwater and sanitary sewer improvements as shown on the drawings prepared by Langan Engineering, dated April 16, 2007, entitled: "Harbor Point General Development Plan, Conceptual Grading & Drainage Plan, Drawings #21.01, #21.02, and #21.03;" and "Harbor Point General Development Plan, Conceptual Utility Plan, Drawings #23.01, #23.02, and #23.03." Said plans shall be modified to include sanitary sewers to serve the boatyard. Such plans shall be modified to conform same to the GDP. Said design plan shall be submitted for review by the City Engineer and shall include a construction timetable and proposed arrangement detailing the method of financing said improvements.
  - f. a plan showing new sidewalks, street trees and curbing as generally shown on the drawings entitled, "Harbor Point General Development Plan, Conceptual Site Layout Plan, Drawings #20.01, #20.02, and #20.03," prepared by Langan Engineering, dated April 16, 2007, conforming to the design contained in the "Public Realm Plans" and submitted by the applicant and consisting of the following drawings: A-05, A-09, A-23, A-24, A-25, A-29, A-30, A-31, A-35, A-36, A-37, A-38, as contained in "Harbor Point General Development Plan" dated April 26, 2007 and revised through June 6, 2007. Such plans shall be modified to conform same to the GDP.
4. The first phase of development shall conform to paragraph 3 c above and include the improvements contained on "Drawing A-13 Phasing Plan – Phase I," dated June 6, 2007 and submitted by the applicant. Improvements planned include 6.61 acres of park land, including the "V" Park, the Waterfront Esplanade (construction of which shall be subject to obtaining all necessary approvals as set forth in paragraph 3 hereof) and a western segment of the "Teardrop Park". The first phase may also include approximately 890 dwelling units, approximately 58,000 square feet of neighborhood retail and convenience service development, a 150 room hotel, and a 100,000 square foot office building. The Applicant shall have two years from the approval of this General Development Plan to submit a Phase I Final Site Plan application, subject to one-year extensions by the Zoning Board, and shall have two years after Final Plan approval for any phase to obtain a building permit, subject to one-year extensions by the Zoning Board. Building permits for all structures and improvements shown on the GDP approval shall be obtained within fifteen years of said approval.
5. Parking amounts reported in the GDP by block (aka "parcel", "sub-parcel") and parking layouts and tandem spaces shown for individual buildings in the Design Guidelines are not approved, and will require separate application and approval of the Zoning Board pursuant to Section 9.J.5.g of the Zoning Regulations.
6. Phase I Final Plan submittal shall include a Parking Management Plan detailing the amount, design, layout, operation and management of all proposed parking and loading areas, and a request for approval of any required parking reductions, shared parking, or use of tandem or valet parking. Adequate public parking shall be provided at each phase of construction, in general proportion to the amount of total project floor area constructed.

7. Phase I Final plan submittal shall include conceptual plans to improve and insure the continued operation of the 14 acre boatyard as a working boatyard and full service marina. Unless specifically approved by the Zoning Board and any required state and federal authorities, there will be no reduction in any current capacity, facilities, uses or services, insuring the continued operation of this important water dependent use for so long as the balance of the SRD-S Zoning Tract derives any benefits of the General Development Plan approval, as may be amended.

8. The applicant shall insure construction of necessary sewer, storm water, street and traffic improvements to provide adequate capacity to service the requirements of the project, and shall submit detailed plans, construction timetable and funding sources for such improvements as part of any Phase I Final Plan approval request to the Zoning Board.

9. Phase I Final Plans shall include a preliminary plan for a system of interpretive signage placed at various points along the public access area chronicling the coastal and natural habitats, natural resources, geologic and hydrologic processes, maritime history and development impacts affecting the Stamford Harbor.

10. All public access areas as shown on the GDP drawing entitled "Public Access Plan" prepared by Sasaki Assoc., dated April 25, 2007, shall be subject to the terms of a public access easement granting the general public the right to access same for the intended uses. A public access easement governing all of these areas shall be granted and recorded prior to issuance of a building permit for any Phase I improvements and shall be consistent with the terms and provisions of existing public access easements established for other similar waterfront projects (i.e. Stamford Landing, Village at Stamford Landing, and Avalon Harbor). Submission of Phase I Final Plans shall also include an overall plan for the ownership, operation and maintenance of all proposed public access facilities and areas.

11. Final plans for any in-water improvements shall be accompanied by evidence of required permits from the Conn. D.E.P. and U.S. Army Corps or written staff review comments indicating the likelihood that required permits will be issued. Structural improvements providing meaningful public access immediately adjacent to the waterfront shall be expanded and extended where feasible to maximize the public experience and enjoyment of the waterfront.

12. Submission of Phase I Final Plans and subsequent construction phases shall be accompanied by evidence of the required "remedial action plan" permit approval from the Conn. D.E.P. Remediation measures shall include plans for interim landscaping necessary to make all areas reserved for future development attractive and safe. It is anticipated that these plans may include selective placement of fencing and temporary landscaping, grading and seeding measures.

13. Phase I Final Plans shall include plans to implement a jitney transit system, as outlined in the record of the GDP application (Memo to Zoning Board, from Josh Lecar, Transportation Planner, dated April 26, 2007), to be operational prior to the issuance of any certificate of occupancy for Phase I development. Plans shall include a mechanism to fund and insure the continuing operation of the jitney transit service after development of the SRD-S Tract is complete.

14. Phase I development shall participate in the LEED "ND" pilot program instituted by the U.S. Green Building Council to develop goals, standards and objectives for sustainable development, and shall be designed to comply with the LEED ND Silver standards of the Leadership in Energy and Environmental Design program established by the United States Green Building Council. Prior to the issuance of a certificate of occupancy, applicant's architect shall certify to the Zoning Board that the project satisfies the requirements for LEED ND "Silver" certification.

15. Prior to issuance of the initial Building Permit, payment of the sum of \$50,000 to a consultant selected by the City of Stamford to perform a Master Plan study of the Stamford Transportation Center. This contribution is to be required as a "fair share" contribution which shall be imposed upon other major development projects expected to have impact on the Stamford Transportation Center.

16. Traffic calming measures, when developed and finalized in the City's Traffic Calming Master Plan for the South End, shall be incorporated and implemented within the boundaries of the Zoning Tract and abutting neighborhood streets.

17. This approval shall be effective upon recording of the approved General Development Plan and Design Guidelines on the City of Stamford Land Records. Any material modifications of the General Development Plan, approved by the Zoning Board, shall also be effective upon recording on the Stamford Land Records.

18. Prior to conveyance of any Block, the Applicant shall file a written certification with the Land Use Bureau, executed by the Applicant, that the Block to be conveyed, as well as all remaining Blocks in the Zoning Tract, will remain in compliance with the GDP approval and conditions and these Regulations. Further, the Applicant shall identify the party responsible for providing all required public services and completing construction of all public improvements and necessary infrastructure as shown on plans prepared by Langan Engineering, submitted by the applicant and identified in paragraphs 3 d, 3 e, and 3 f above. This obligation shall cease to apply for any Block which has received final site plan approval.

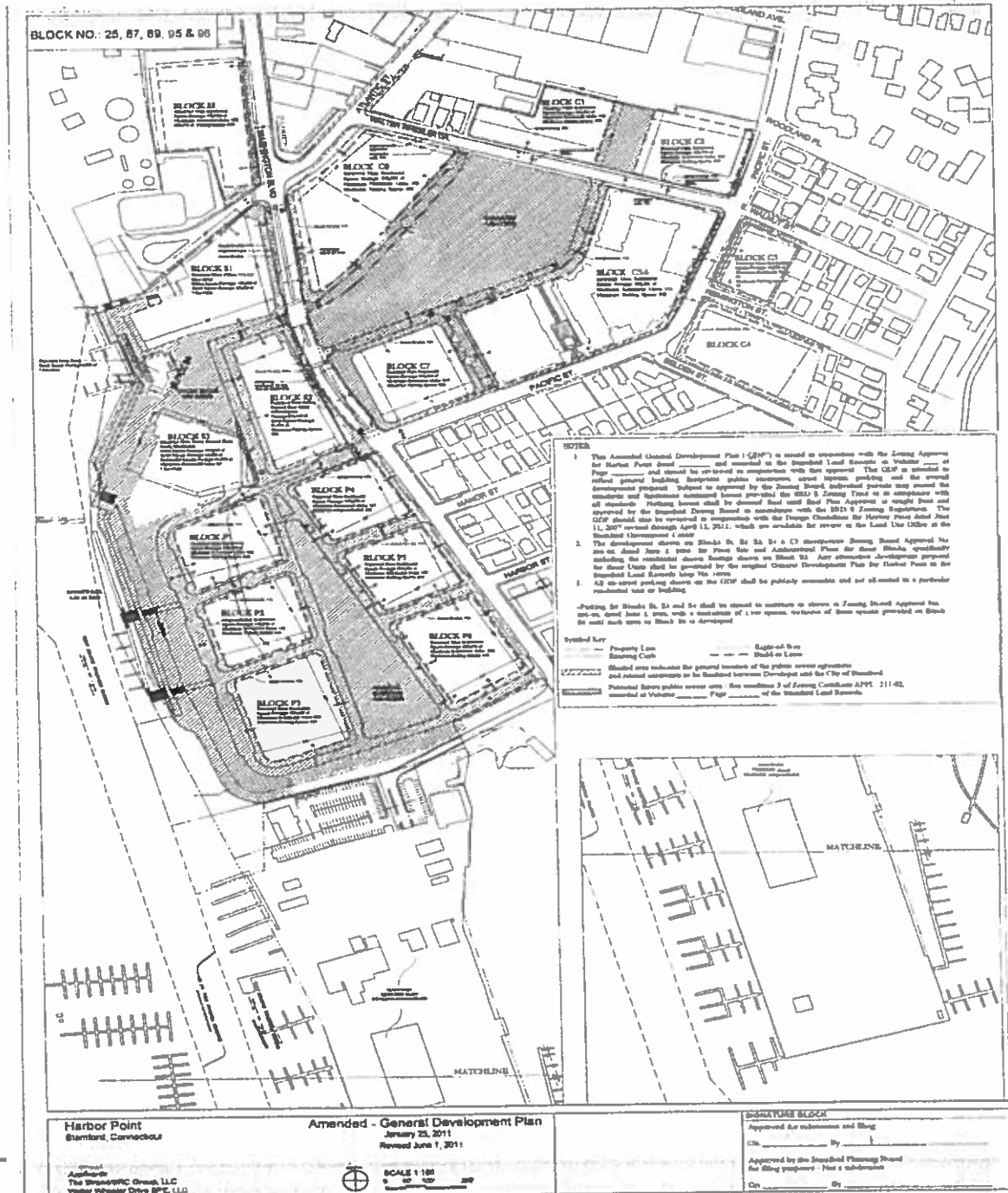
Effective date of this decision: July 10, 2007

PHYLLIS KAPILOFF, CHAIRMAN  
ZONING BOARD, CITY OF STAMFORD, CT

Filed in the Town Clerk's Office of the City of Stamford, CT on August 7, 2007.

\*\*\*

The GDP for the SRD-S design district as amended through  
June 2011:



**NOTES**

1. This Amended General Development Plan (GDP) is issued in accordance with the zoning Ordinance for Harbor Point dated \_\_\_\_\_ and amended by the Standard Land Ordinance on Volume \_\_\_\_\_ of Page \_\_\_\_\_ and shall be reviewed in accordance with the approval. This GDP is intended to reflect general building, landscape, public amenities, street layout, parking and the overall development proposal. Subject to approval by the Zoning Board, individual permits may exceed the development proposal and business conditions herein provided for SRD-S zoning. Final as in compliance with all standards. Nothing herein shall be deemed final until final Plan Approval is granted and approved by the Zoning Board in accordance with the SRD-S zoning regulations. The GDP shall also be reviewed in accordance with the Design Guidelines for Harbor Point dated June 11, 2007 revised through April 11, 2011, which are available for review in the Land Use Office at the Standard Development Office.
2. The development shown on Blocks B1, B2, B3, B4 & C7 is subject to final Board Approval No later than about June 1, 2011 for Final Site and Architectural Plans for these blocks specifically including the residential drive building shown on Block B1. Any alternative development proposed for these blocks shall be governed by the original General Development Plan for Harbor Point in the Standard Land Ordinance, July 1st, 1997.
3. All on-street parking shown on the GDP shall be publicly accessible and not of mixed in a particular residential use or building.

\*Parking for Blocks B1 and B2 shall be shown in accordance with the Zoning Board Approval No. \_\_\_\_\_ dated June 1, 2011, with a maximum of 1,100 spaces, no fewer of these spaces provided on Block B1 and such more to Block B2 as developed.

**Symbol Key**

Property Line	Right-of-Way
Easement	Block or Lot

Shaded area indicates the general location of the public access agreement and related easements to be located between Developer and the City of Stamford.

Personal future public access only. See condition 2 of zoning Ordinance APN 1-211-02, amended in Volume \_\_\_\_\_ Page \_\_\_\_\_ of the Standard Land Ordinance.

**Harbor Point**  
Stamford, Connecticut

**Amended - General Development Plan**  
January 23, 2011  
Revised June 1, 2011

Amended by:  
The Windsor/WPC Group, LLC  
Vander Wagoner Drive SPC, LLC

SCALE 1/8" = 100'

**SIGNATURE BLOCK**

Approved for submission and Sign  
City of Stamford By \_\_\_\_\_

Approved by the Standard Planning Board  
of the City of Stamford By \_\_\_\_\_

June 18, 2014

The Stamford Harbor Management Plan:

The relevant text is too long to copy into this letter. See:

[http://www.stamfordct.gov/sites/stamfordct/files/u358/stamford  
hr.pdf](http://www.stamfordct.gov/sites/stamfordct/files/u358/stamford_hr.pdf)

\* \* \*

**Exhibit B – Legal Analysis of State and City land use restrictions relating to the YH site.**

BLT is the current developer of the 60 acre development (SRD-S) popularly known as Harbor Point which includes the 14 acre YH site. BLT acquired the property in 2007. The SRD-S is a designed waterfront development district intended to provide for the most appropriate use and development of the waterfront with priority to water-dependent uses such as the boatyard. BLT made many public statements from 2007 on that it would continue the operation of a boatyard on the YH site but since 2012 it has been trying to get approval to get additional development rights for the site, build an office building thereon and find an alternate site for the boatyard.

The governing laws and documents on the City level are the Stamford Master Plan, the Zoning Regulations, the Zoning Board Certificate approving the General Development Plan with Conditions, the General Development Plan (“GDP”), and the Stamford Harbor Management Plan. The governing law on the State level is the Coastal Management Act <sup>1</sup>(“CAM Act”). The relevant portions of each of these documents are set forth in Exhibit A.

The analysis starts with the most site specific documents, the ZB Certificate and<sup>2</sup> the GDP. Condition 7 of the ZB Certificate for the SRD-S district expressly provides:

“... plan submittal shall include conceptual plans to improve and insure the continued operation of the 14 acre boatyard as a working boatyard and full service marina” and that “unless approved by the Zoning Board and any required state and federal authorities, there will be no reduction in any current capacity, facilities, uses or services, insuring the continued operation of this important water dependent use for so long as the balance of the SRD-S Zoning Tract derives any benefits of the General Development Plan approval, as may be amended.”

The GDP shows on the face of the area of the plan showing the 14 acre site “Maintain existing boat storage operations”.

---

<sup>1</sup> Conn. Gen. Stat. §§ 22a-90-22a-111

<sup>2</sup> The Zoning Board Certificate approving the GDP of the SRD-S with Conditions was effective July 10, 2007 and files in the town clerk’s office on August 7, 2007.

BLT accepted Condition 7 when it acquired the property in 2007 and it continues to benefit from the GDP in that they enjoy the development rights for approximately 700 residential units that were transferred from the YH site to other property owned by BLT in the SRD-S district. Other than a boatyard, there is no permissible use for the YH site. The GDP does not just provide what can be built on the YH site but provides an affirmative obligation to submit plans to improve the boatyard and to maintain the boatyard on this site. Nevertheless, in late 2011 BLT demolished the boatyard without notice to the ZB or ZB approval.

On July 16, 2012 a Cease and Desist order dated July 16, 2012 was issued by the Zoning Enforcement Officer. The Cease and Desist Order among other things requires BLT to submit a comprehensive site plan to reestablish a working boatyard and marina at the YH site. BLT appealed this order and on January 8, 2014, after a public hearing at which BLT made a lengthy presentation in support of its case, the Zoning Board of Appeals unanimously upheld the Cease and Desist Order finding that it was appropriately issued. BLT then appealed the decision of the ZBA and this matter is currently pending in the Superior Court in Hartford.<sup>3</sup> The parties to this litigation are BLT, the City of Stamford and an intervenor, Soundkeeper Inc.

It is without doubt that the Zoning Certificate and the GDP require a full service boatyard on the 14 acre YH site. BLT continues at this date to be in violation of the ZB Certificate, the GDP and the Cease and Desist Order.

The next step in the analysis is to review the Stamford Zoning Regulations. The regulations give the ZB authority to amend the zoning on the YH site but provide very specific criteria. The regulations incorporate the provisions of the other City laws and the CAM Act so they will be discussed as part of this analysis.

The Zoning Regulations allow the ZB to authorize a modification of an existing water-dependent use if<sup>4</sup>:

1. The ZB considers comments of the OLISP of the DEEP;
2. The applicant can demonstrate to the satisfaction of the ZB that the modification is warranted under the CAM Act;
3. The applicant can satisfy the ZB that there is an alternative to the existing location of the water-dependent use that will allow an appropriate level

---

<sup>3</sup> The Strand/BRC Group LLC v Zoning Board of Appeals of the City of Stamford, Docket No. HHD LND CV-14-6051109-S (Superior Court, Judicial District of Hartford, CT). See also Soundkeeper, Inc. v. Connecticut Department of Economic and Community Development, HHD-CV-146049999-S (Superior Court, Judicial District of Hartford, CT.) also currently pending in the same court relating to DECD's failure to analyze environmental impact of a proposed office development on the 14 acre site and other violations of law.

<sup>4</sup> Stamford Zoning Regulations § 9(J)(4)(d).

of service to continue in accordance with the objectives of the SRD-S zoning district and Stamford's Municipal Coastal Program (Master Plan, SHMP, zoning rules etc.); and

4. The applicant submits a professionally prepared market study and needs analysis of the site's potential to support a water-dependent use under the existing zoning.

At the present time none of these conditions has been satisfied. Nevertheless, an analysis of these conditions is instructive in thinking about the YH site.

Condition 1 – This condition speaks for itself.

Condition 2- The CAM Act states that water dependent uses are to be given preference and that non water-dependent uses should be limited where they preclude boating support facilities<sup>5</sup>. Given that the BYHW was an existing viable water dependent use, it is extremely unlikely that condition 2 could be satisfied.

Condition 3 - There is no alternative location that we know of in Stamford to the 14 acre YH site that meets the tests of SRD-S and the Municipal Coastal Program. As discussed above, the ZB Certificate approving the SRD-S design district states that there shall be no diminution of services of the boatyard. The Master Plan states that the BYHW boatyard **"should be maintained; and its capacity, capability and integrity should not be compromised in any redevelopment scheme for the property."** The SHMP is similar. The Zoning regulations state **"No proposed use shall be approved that would adversely impact a water-dependent use."** and **"if a site contains an existing, viable water-dependent use, such use shall be retained."**<sup>6</sup> We do not believe that this condition can be satisfied.

As is commonly known, BLT did propose 205 Magee Avenue as an alternative location. As proposed, 205 Magee was an approximately 6 acre site. There was much public opposition to this proposal because of its small size, location and the proximity of other uses and facilities. In October of 2013, BLT withdrew its proposal for a substitute boatyard and there are currently no proposals pending.

Condition 4 – This condition speaks for itself. There has been no professionally prepared market study and needs analysis presented concerning the 14 acre site's potential to support a water-dependent use under the existing zoning. All that have been made known to date are

---

<sup>5</sup> Conn. Gen. Stat. § 22a-92(b)(1).

<sup>6</sup> Stamford Zoning Regulations § 9(J)(4)(d).



proposals from credible sources each demonstrating that the site can support a boatyard under the existing zoning.

**Conclusion** - It is clear that it was the intent of the City in establishing the SRD-S zoning district and in the approval of the GDP that a full service boatyard and marina be maintained on the 14 acre YH site. It is also clear that it is close to impossible for a change in the zoning for the YH site to be accomplished under existing State and City law.