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March 12, 2015

Memorandum to the Zoning Board

Re: Exhibit A - Scope of Services for B&A - independent consultant.

You have asked us to review the proposed scope of services by March 13. We are very pleased to be able to assist the Zoning Board in this process and welcome any further involvement you deem appropriate.

The Application Review Committee ("ARC") is meeting again on March 17 and it is expected that it will formulate a recommendation to the Harbor Management Commission ("HMC") concerning the seven applications with respect to which the applicants made presentations on March 2. Those applications include removal of condition 7 from the Harbor Point General Development Plan, establishment of a boatyard and marina at Davenport Landing, and establishment of a boat storage facility at Magee Avenue. The applications contain no linkage between them and the applicants confirmed on the record during their presentation (see video of ARC meeting on our website) that each application was to be considered on its own merits. Thus, we are aware of no predicate that permits us to combine these applications during our consideration of their merit, and respectfully point out that such missing component may well make the commissioning of the study premature.

The HMC is also meeting on March 17 and you may expect a fuller response from the HMC thereafter. We are sending you this response now only so that you have something from us by your March 13 deadline.

We believe that there are two items that the consultant should opine on and we have attached a revised Schedule A that describes these items. However, please see our comments below.

The first item is a study comparing BYHW with the facilities proposed by the applicant (s). The Zoning Board should know quite clearly what is proposed to be given up by the City (by amending Condition 7 of the GDP which provides that "Unless specifically approved by the Zoning Board..., there will be no reduction in any current capacity, facilities ,uses or services, insuring the continued operation of this important water dependent use...") and what the City

is actually getting in return. It should be noted that in our review we have seen no detailed boatyard plans or financial viability study of the proposed facilities. Given the lack of detail submitted by the applicant(s), B&A will likely have some difficulty with this assignment.

The second item is the peer review of a “professionally –prepared market study and needs analysis of the site’s potential to support a water-dependent use under the existing zoning”. This is the peer review required under section J.4. d.4. of the SRD-S zoning regulations. Please note that in our review of the applications to date, that we have not seen such a study. There is a study of the “need for boat slips” prepared by Integra that was submitted as part of the application but that is not the study called for by the zoning regulations. No other study was disclosed by the applicant at a recent meeting of the ARC of the HMC. Again, given the lack of a study to review, it would appear that a “peer review” cannot be accomplished.

Respectfully submitted

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

Dr. Damian Ortelli

Chairman, Stamford Harbor Management Commission

EXHIBIT A

SCOPE OF SERVICES AND COMPENSATION

I. Evaluation of Proposals

B&A to review and evaluate the filed application materials to establish a comparison study of the services offered at Brewers Yacht Haven West Marina and Boatyard (BYHW) with the three sites identified in the separate applications:

- a. In-water slips and parking at the 14 acre site
- b. Boatyard, boat storage and marina at Davenport landing
- c. Boat storage at 205 Magee.
 - 1. Boat transport to and from 205 Magee (through Stamford Transportation Center area).

This study would use the data assembled with respect to services offered at BYHW as set forth in the January 31, 2013 study prepared by B&A and would be in similar format. The study should state clearly whether there is

any reduction in capacity, facilities, uses or services as compared to BYHW or whether there is any adverse impact to a water-dependent use.

II. Peer Review of the Market Study and Analysis

B&A shall perform a peer review of the market study and needs analysis of the BYHW site's potential to support a water dependent use under the existing zoning prepared by the applicant's professional consultant.

III. Report

B&A will present its report to the Zoning Board of the City of Stamford. All communications concerning the report, requests for additional information shall be directed solely to the Zoning Board.

IV. Schedule and Compensation

The report will be completed within four (4) weeks of the date of this Agreement, TIME BEING OF THE ESSENCE, at a cost not to exceed \$ xx, 000.