

February 20, 2013

Kenneth M. Collette
Adjudication Officer
Environmental Protection – Office of Adjudications
79 Elm Street
Hartford, CT 06106-5127

Re: Comments in Response to February 20, 2013 Testimony
Application/Permit 201207377- KB

Dear Mr. Collette:

I would like to submit comments and new supporting documents related to a number of misleading statements made by Attorney John Freeman in sworn testimony on February 20, 2013:

1. Already approved water-dependent use.

While it is true, per Attorney Freeman's testimony, that the City approved construction of a commercial office building, a non-water-dependent use, at 205 Magee Avenue, he omitted important material information about that approval.

Stamford Zoning Board issued Coastal Site Plan Approval (initially in 1999, then reapproved in 2002) for a commercial office building with the specific condition that a "waterfront park" be built for the City to meet the "water-dependent use" requirement.

The attached May 6, 2002 letter to James L. Lunney from Norman Cole (Attachment 1) outlines the Zoning Board's conditions and states:

The determination of consistency with CAM policies is dependent upon the conveyance of the waterfront portion of the site to the City of Stamford for park purposes, as represented by the applicant.

It further states:

The office building ... will be located on a 3.5 acres upland portion of the site, and the 3.3 acre balance ... bordering the Stamford Harbor and Magee Avenue will be developed with landscaping and public access facilities.

Condition 10 of the Zoning approval addresses the designs and specification of the public access "Waterfront Park".

Condition 16 indicates that the public park shall be built and conveyed for open space purposes prior to issuance of a Certificate of Occupancy.

The DEP also approved the park as a water dependent use. (See Attachment 2.)

2. Construction has begun on the office building.

Apparently Waterfront Magee still feels that a commercial building is, in fact, a highly appropriate use of the site: In April 2012 it secured a building permit for the foundation of a 75,000 square-foot office building and has begun work. In securing the permit, it agreed to all of the Zoning Board's

conditions, including those related to the “park”. To date, it has not asked for the permit to be cancelled.

See attached April 2012 approval for a building permit (BP-2012-0288) and correspondence from Jay Sheehan to City engineer Lou Casolo at the time of approval regarding status of the ELURs, which were not included in the application. (Attachment 4)

3. The fact that the City property to the south is a park is indisputable.

Contrary to the misleading sworn testimony provided by Mr. Freeman, the City property (Parcels B and X) is a park/open space. In addition to documents I previously submitted validating this, I have attached a Jan. 16, 2008 letter from Sandak Hennessey & Greco confirming that the park had opened and that the land was conveyed to the City (Attachment 3).

4. Deed restrictions.

Mr. Freeman also misrepresented deed provisions regarding open space restrictions and the construction of a marina. In reality, the deed provides for the construction of a marina by the City, not Waterfront Magee, and states that the only structures that shall be built are piers, slips and walkways and/or boardwalks. No bulkheads, boat lifts, travel lifts, fueling stations, or pump out stations, for example. (Attachment 5)

The Open Space Grant application for the “Waterfront Park” (already submitted into the record) and other documents in the City’s files indicate that the intent was to allow for possible future expansion of the adjacent public marina, Czecik Municipal Marina, and with maintaining municipal rights and public access along the waterfront. This also is consistent the City’s Master Plan and that Stamford Harbor Area Development Plan (Sasaki Associates, 1999) which calls for creating a public greenway/boardwalk/paths to the north, past the water pollution control facility.

The property is indicated as “Open Space – Park” on the City’s current Master Plan.(Attachment 7.)

5. Power of the mayor of Stamford to sign a letter of intent with Waterfront Magee LLC.

The mayor does in fact have the power to “sign” contracts. It is, however, the Board of Representatives that has the power to “approve” contracts, per Section C2-10-2 of the City Charter, which are then signed by the mayor.

The mayor also can “negotiate” contracts, including leases, sales agreements, etc. However, as outlined in Chapter 9 of the Charter, “City-Owned Property”, the mayor can only sign documents related to the sale, lease or purchase of City property once such transactions have been approved by various City Boards. For park land there are even more stringent requirements, which I included in my previous public comments.

Mr. Freeman has still failed to produce a document that proves that the Mayor had the authority to sign the letter of intent. Typically, such power is incorporated into such legal agreements.

Mr. Freeman continues to misrepresent the letter of intent. In addition to documents that I have already submitted, I have attached a Jan. 9, 2013 email from Harry Day, Deputy Minority Leader of the Stamford Board of Representatives. Attorney Day states that the mayor has no such powers and that the applicant must go before various Boards and commissions to obtain approvals to perform the proposed work in City property. (Attachment 6.)

It is indisputable that the letter of intent conveys nothing and offers consent to nothing. It also is indisputable that the DEEP application has been made prematurely.

Further, the applicant has not provided one witness from the City willing to attest to his statements or the City’s intentions.

Kenneth Collette, February 20, 2013 | 3

I respectfully ask you to take into consideration these additional facts regarding land use approvals, the status of the property as park land, and the lack of requisite consents and approvals from the property's owner.

Please recommend to the Commissioner that the final permit be denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Reeder', with a long, sweeping horizontal stroke extending to the right.

Cynthia Reeder

With attachments

CC: Norman Cole, City of Stamford
Joseph Capalbo, Corporation Counsel, City of Stamford
Kristen Bellantuono

INDEX TO ATTACHMENTS

Attachment 1	205 Magee Avenue Zoning Approval with park requirement	1
Attachment 2	DEP consent that park meets water-dependent use policies	5
Attachment 3	Waterfront Magee LLC attorney's confirmation that park has opened and park conveyed to City	8
Attachment 4	April 2012 building permit to Waterfront Magee to begin construction of office building at 205 Magee Avenue	9
	Email addressing ELUR's	11
Attachment 5	Extract from deed indicating land to be used solely for passive recreation and stating conditions for construction of municipal marina	13
Attachment 6	Email from Board of Representatives Leader regarding required land use and land transfer approvals from municipal Boards and Commissions	14
Attachment 7	Current Stamford Master Plan Map	15

MAYOR
DANNEL P. MALLOY



CITY OF STAMFORD
ZONING BOARD
LAND USE BUREAU
288 WASHINGTON BOULEVARD
P.O. BOX 10152
STAMFORD, CT 06904-2152

Attachment 1

DIRECTOR OF OPERATIONS
TIM CURTIN

ROBERT M. STEIN, JR., A.I.C.P.,
LAND USE BUREAU CHIEF
Tel: (203) 977-4711

NORMAN F. COLE, A.I.C.P.,
PRINCIPAL PLANNER
Tel: (203) 977-4719

JAMES J. LUNNEY III, R.A.,
LAND USE ADMINISTRATIVE OFFICER
ZONING ENFORCEMENT OFFICER
Tel: (203) 977-5943

May 6, 2002

James J. Lunney, Jr.
Zoning Enforcement Officer
City of Stamford, CT

RE: CSPR-510, Collins Magee LLC
205 Magee Avenue

Dear Mr. Lunney:

At its meeting held on Monday, April 29, 2002, the Zoning Board reviewed the above captioned application to construct a 75,000 square foot office building and development of a Public Park along the waterfront to be deeded to the City of Stamford, on property located at 205 Magee Avenue, Stamford, CT.

Coastal resources identified on and contiguous to the proposed office site are classified as "Shorelands", "Coastal Flood Hazard Area" and "General Resource" with applicable CAM policies including "General Development". Coastal resources identified on and contiguous to the proposed waterfront park site include "Coastal Flood Hazard Area", "Intertidal Flats", "Tidal Wetlands", "Estuarine Embayments", "Coastal Waters" and "General Resource" with applicable CAM policies including "Water Dependent Uses", "Coastal Recreation Areas", "General Development" and "Open Space".

The Board found the project consistent with all applicable goals and policies set forth in the CAM Act and issued final Coastal Site Plan approval. This determination of consistency with CAM policies is dependent upon the conveyance of the waterfront portion of the site to the City of Stamford for park purposes, as represented by the applicant.



Subject to satisfaction of the conditions set forth in the following approval motion, you may certify that the application has been reviewed and approved in accordance with the requirements of the Coastal Management Act and a zoning permit and building permit may be issued:

WHEREAS the applicant COLLINS MAGEE LLC requests Coastal Site Plan approval to develop a three story, 75,000 square foot office building with associated parking, drainage,

①

landscaping, and a 1,000 square foot accessory building and public access facilities, for property located within the M-G Zoning District and Park District, located at 205 Magee Avenue, Stamford, CT.

WHEREAS the applicant represents that the office building and accessory building will be located on a 3.5 acre upland portion of the site, and that the 3.3 acre balance of the site bordering the Stamford Harbor and Magee Avenue will be developed with landscaping and public access facilities and will be conveyed to the City of Stamford.

WHEREAS the application contents include:

- site plan and architectural plans, prepared by Do Chung and Partners, on six sheets, dated Feb. 12, 1999 revised to April 24, 1999;
- property and topographic survey, prepared by Redniss & Mead, dated March 27, 1998;
- landscape plan, prepared by Stearns & Wheeler, LLC, dated April 22, 1999;
- grading and utility layout plan entitled "Site Plan Exhibit", prepared by Redniss & Mead, dated May 24, 1999.

WHEREAS the Zoning Board finds that the proposed 3.5 acre office site is classified as "Shorelands", "Coastal Flood Hazard Area" and "General Resource" with applicable CAM polices including "General Development", and that the proposed waterfront park site is classified as "Coastal Flood Hazard Area", "Intertidal Flats", "Tidal Wetlands", "Estuarine Embayments", "Coastal Waters" and "General Resource" with applicable CAM policies including "Water Dependent Uses", "Coastal Recreation Areas", "General Development" and "Open Space". This determination of consistency with CAM policies is dependent upon the conveyance of the waterfront portion of the site to the City of Stamford for park purposes, as represented by the applicant.

NOW THEREFORE BE IT RESOLVED that the Zoning Board issue Coastal Site Plan Approval subject to the following conditions:

1. Confirmation by the ZEO that all applicable zoning standards have been satisfied, including building height, parking, loading, and permitted Floor Area Ratio;
2. Storm drainage and utility connection plans are subject to final approval by the Engineering Bureau prior to issuance of a building permit. The storm drainage system shall incorporate "passive skimmers" as recommended by Conn. D.E.P. and shall be constructed under the supervision of the project engineer with as-built certifications provided to EPB staff prior to the issuance of a Certificate of Occupancy;
3. Submission of final landscaping, lighting, grading, signage and public access plans including streetscapes, buffer plantings along Harbor Drive and habitat enhancements, subject to Zoning Board staff approval prior to issuance of a building permit.

4. Landscaping shall be installed under the supervision of a qualified professional with certifications provided to EPB staff prior to the issuance of a Certificate of Occupancy;
5. Erosion control measures as depicted on the approved development plan shall be installed under the supervision of the project engineer;
6. Filing of a standard Drainage Facilities Maintenance Agreement and Landscape Maintenance Agreement on the Stamford Land Records prior to issuance of a building permit, subject to review and approval by EPB staff;
7. Submission of a performance bond or other surety, acceptable in form and amount to Corporation Counsel and Zoning Board staff, based on an estimate of the cost of installing erosion controls, drainage improvements, landscaping, and providing supervision, to be filed with the Zoning Board staff prior to the start of any work on site;
8. Submission of final design drawings and certifications for all structural improvements within the flood plain, subject to final approval by EPB staff for consistency with applicable Flood Prone Area Regulations prior to a building permit;
9. Submission of standard Flood Proofing and Elevation Certificates upon completion of construction and prior to issuance of a Certificate of Occupancy;
10. Submission of final designs and specifications of the public access "Waterfront Park" area providing a system of pedestrian paths and seating areas, wheel chair accessible, connecting to the existing City marina walkway and extending to the northerly property line, with appropriate signage, subject to Zoning Board staff approval prior to a building permit; 
11. Submission of final design plans for the new signalized driveway access on Magee Avenue and related traffic operations improvements within the site and within the Magee Avenue - Shippan Avenue intersection, subject to final approval by the Operations Department prior to a building permit;
12. Submission of final architectural designs, specifications for exterior building materials and finishes, and any mechanical penthouse or roof-mounted structures, subject to Zoning Board staff approval prior to a building permit;
13. The location designated on the site plan for a sailing school facility shall be provided with utility connections and reserved for the establishment of such use for a minimum of five years from the date of issuance of a Final Certificate of Occupancy for the office building. Subject to approval of plans by the Zoning Board, any non-profit sailing school or other similar maritime educational organization established at this location shall be permitted to use the site, free of rent for a period of not less than 25 years;
14. Any street trees removed in the widening of Magee Avenue shall be replaced, subject to approval of specifications by the Tree Warden;

15. No temporary signage shall be displayed on the exterior of the building.

16. The public park shall be built and the parcel subdivided and conveyed for open space purposes, prior to the issuance of a Certificate of Occupancy for the office building.



17. Pursuant to the standards of Section 7-T-(8) for phased development projects, this approval shall be in effect for an initial period of five years and the public park shall be constructed in the first phase, provided that upon timely request and good cause shown, the Zoning Board may grant not more than five one-year extensions of the expiration date.

Sincerely,

A handwritten signature in cursive script that reads "Norman F. Cole".

Norman F. Cole
Principal Planner

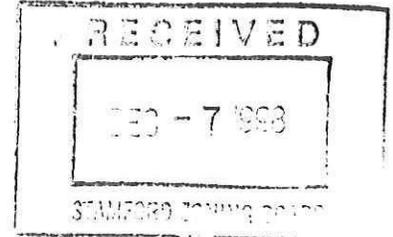
cc: applicant
Building Department
EPB
CAM-OLISP



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LONG ISLAND SOUND PROGRAMS



December 3, 1998



Stamford Zoning Board
c/o Norman Cole
Principal Planner
888 Washington Blvd., P.O. Box 10152
Stamford, Connecticut 06904-2152

Subject: CSPR No. 480, 205 Magee Avenue
Collins Magee, LLC, Applicant

Finding: Consistent with water-dependent use policies

Dear Board Members:

Thank you for the opportunity to comment on the aforementioned application for coastal site plan review. We have reviewed this application for its consistency with the policies and standards of the Connecticut Coastal Management Act (CCMA). Based upon a review of the site plans and narrative prepared by Stearns and Wheler, LLC dated October 1998, the Drainage Summary Report prepared by Redniss and Mead Inc. dated October 5, 1998, and two site inspections by office staff, we offer the following comments for your consideration.

The Board should be aware that a portion of the proposed waterfront park is regulated by the Office of Long Island Sound Programs (OLISP). Permit application # TWSD-DS-98-1484 is currently under review by our office. The permit is required to allow for the installation of the boardwalk, riprap, stormwater control weir and discharge slough, and excavation within tidal wetlands. Accordingly, we cannot comment on the consistency of the regulated components that are subject to ongoing review by this office. Our consistency determination on those project components will be rendered in conjunction with permit application review.

Water-Dependent Uses

The site contains State regulated tidal wetlands and intertidal flats which limit the potential use of the site for many active water-dependent uses. In light of these natural resource constraints, the proposed public access park, boardwalk, and sailing school appear to provide a level of water-dependent uses proportionate to the size and suitability of the site and the length of its waterfront and appears adequate to offset the non-water-dependent nature of the upland development. We commend the applicant for revising the plan to include a sailing school, reducing the impacts on tidal wetlands, and reworking the continuous walkway along the channel.

The proposed boardwalk along the channel is consistent with the intent of Harbor Area Development Study which is being conducted by Sasaki Associates. The charge to Sasaki, in part, has been to develop a long term plan for South Stamford and investigate opportunities which will increase public access to the harbor area. The proposed boardwalk, which would be connected to the City marina property to the south, would increase and enhance public access in accordance with the objectives of the harbor area study.

5

Stamford Zoning Board

Page 2

Stormwater Management

As mentioned in our letter dated June 5, 1998, the proposed activity will be subject to a General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities. In accordance with this general permit, projects on sites that contain stormwater discharges located within 500 feet of tidal wetlands must be designed to retain the first 1 inch of stormwater and 80% of the total suspended solids onsite. Based upon the submitted material, it appears that the current design may not meet the 1 inch retention permit condition. Accordingly, the details of the stormwater management plan should be coordinated with the Stormwater Management Section of the DEP to ensure compliance with all relevant permit conditions. While some modifications to the stormwater management system are probable, the overall appearance and layout of the development would likely remain relatively unchanged.

Habitat Restoration

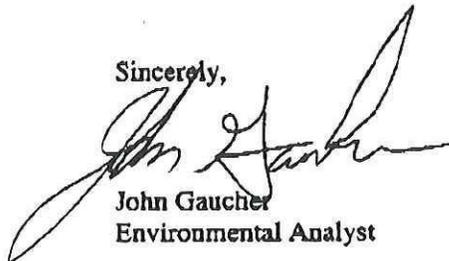
The applicant should also be commended for proposing to restore tidal wetlands on the property. Since the revised plan does not directly impact existing tidal wetlands (except for the public access boardwalk), the applicant is not required to restore, mitigate, or create any tidal wetlands. However, the applicant is proposing to improve tidal flow to the existing tidal wetland system between the proposed office building and the channel. The restoration of flow will be achieved through a combination of grading and creating channels and pool areas to convey and contain tidal water. Finally, native tidal wetland vegetation will be planted in appropriate areas.

Conclusion

The revised plans as modified to include a public access boardwalk and a sailing school increase water-dependent uses, both in quantity and quality. The boardwalk is consistent with the city's long term planning effort to increase public access to the harbor area. The interpretive signs and tidal wetland restoration will enhance the waterfront park. In addition, the inclusion of a sailing school, which is an active water-dependent use, will enhance the public access experience when it is in use. Therefore, the application appears to be consistent with the water-dependent use policies of the CCMA (attached).

We are available to answer any questions regarding these comments or review any revised plans that may be submitted by the applicant. Please feel free to contact me at 860-424-3034.

Sincerely,



John Gaucher
Environmental Analyst

JG\g

Attachment

cc: Dwight Collins, Collins Enterprises
Chris Stone, DEP Bureau of Water Management, without attachment
Deborah Simon, DEP OLISP, without attachment

CCMA policies and definitions:
CSPR 480, Collins Magee, LLC

Water-dependent use policy

to manage uses in the coastal boundary through existing municipal planning, zoning and other regulatory authorities...giving highest priority and preference to water-dependent uses and facilities [C.G.S. Sec. 22a-92 (b)(1)(A)]

Definition of water-dependent uses

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...and uses which provide general public access to marine or tidal waters [C.G.S. Sec. 22a-93(16)]

Definition of adverse impacts on future water-dependent development opportunities and adverse impacts on future water-dependent 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 [C.G.S. Sec.22a-93(17)]

Adverse impact policy

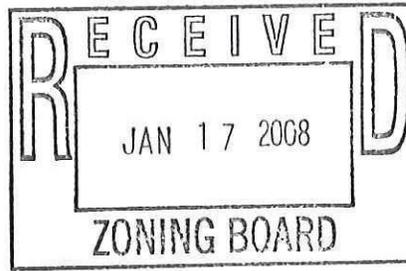
In approving any activity proposed in a coastal site plan, the municipal board or commission shall make a written finding that the proposed activity with any conditions or modifications imposed by the board:(1) Is consistent with all applicable goals and policies in section 22a-92; (2) incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities [C.G.S. Sec.22a-105(e)].

7

Attachment 3

SANDAK HENNESSEY & GRECO LLP
C O U N S E L O R S A T L A W

707 Summer Street Stamford, CT 06901-1026
Telephone (203) 425-4200 Facsimile (203) 325-8608



Stephen J. Conover
Kevin M. Greco
William J. Hennessey, Jr.
Gary S. Klein
Marc J. Kurzman*
Peter M. Nolin
Jay H. Sandak
Mary Sommer Sandak
Michael P. Sweeney

January 16, 2008

Stephanie A. McLaughlin*
Kelly A. Molloy*
Amy E. Souchuns
Jacqueline N. Olschan*
Joanna M. Czekajewski
Susan R. Briggs*
Brian A. Daley*

*Also Admitted in New York

Norman Cole
Principal Planner
City of Stamford
888 Washington Blvd.
Stamford, CT 06901

RE: CSPR 510 Waterfront-Magee, LLC 205 Magee Avenue

Dear Mr. Cole,

On April 29, 2008 the above Coastal Site Plan will expire. Condition 17 of CSPR-510 allows for 1 year extension upon timely request and good cause shown.

Within the last year, the environmental remediation has been completed, the public park has been opened, the portion of the land dedicated to use as a public park has been conveyed to the City of Stamford, and my client (an affiliate of Antares) has purchased the portion of the property for which a 75,000 sq. ft. office building has been approved. 

As the new owner of the property, my client has determined that the community's interest would be served by a reexamination of the potential uses of the property in order to assure that a 75,000 foot office building is in fact the most appropriate use. My client anticipates that the analysis may take some time and therefore hereby requests permission to extend the permit for an additional year until April 29, 2009. At that time, we are hopeful that an appropriate development will be determined.

Thank you for your consideration for this request and I would be pleased to answer any questions that you or Board members may have.

Sincerely,


William J. Hennessey, Jr.

WJH/am

cc Rick Redniss
William Durkin, Esq.
John Freeman, Esq.



BLT MANAGEMENT, LLC
 100 Washington Blvd.
 Stamford, CT 06902

Building Permit
BP-2012-0288

PARCEL	
Parcel Id	004-4080
Card	W 016
Lot	A
Owner	Waterfront-magee Llc
Location	LOT A Magee Avenue (aka 205 Magee)

APPLICATION	
Application id	76764
Dated	4/26/2012
Applicant	BLT MANAGEMENT, LLC
Job Category	437 Other
Use Group	s202
Const. Type	1B
Fee Type	Commercial
Dwelling Type	foundation
Units Now	
Units To Be	
Est. Cost	\$850,000.00

Building Permit Issued On 04/26/2012

Handwritten signature
 Application for Building Permit is Approved and the permission is hereby granted to perform the following work:
FOUNDATION ONLY!
 At - LOT A MAGEE AVENUE (AKA 205 MAGEE)
 By Contractor - BLT MANAGEMENT, LLC License Number - 0902726

Robert D. Demarco
 Chief Building Official

PAYMENT SUMMARY

Invoice#	Due Date	Fee Description	UseGrp	Rate	Est. Cost	Fee Due	Tax Due	Date Paid	Check#	Fee Paid	Tax Paid
72958	04/26/2012	Permit Fee	S202	C16	850,000.00	13,600.00	221.00	04/26/2012	389	13,600.00	221.00
72959	04/26/2012	COA Residential	S202	F75	0.00	75.00	0.00	04/26/2012	392	75.00	0.00
BALANCE: \$0.00					TOTAL DUE: \$13,896.00			TOTAL PAID: \$13,896.00			

9

- NOTE 1. Permit is void if work is not started within six (6) months of issuance and permit will also become void if work is suspended for six (6) months after it has commenced.
 2. This permit may be Revoked by the City of Stamford upon violation of any of its rules and regulations.

CITY OF STAMFORD

BP-20 12-0288

BUILDING BUREAU

SWO #: 20 _____

DEPARTMENT APPROVAL FOR BUILDING PERMIT

Owner's Name: Waterfront Mgmt LLC ^{BLT} Address: 100 Washington Blvd

Gen. Contractor: BLT Management Address: 100 Washington Blvd

Architect: EDI Architects ^{LOT A} Address: 51 East 12th St, New York, NY

Job Address: 205 Mayer Ave Location: Stamford, CT

Permission to: CONSTRUCT FOUNDATION FOR OFFICE BUILDING

1) Owner Applicant or Contractor is was a City of Stamford Employee or Official

2) No Building Permit will be issued until the following signatures are obtained with reference to above mentioned project

Required (✓)	N/A ()	Assessor's Office:
(✓)	()	<u>HTJ</u> <u>004-4080</u>
()	()	Lot#: <u>6</u> List#: <u>0000357</u>
()	()	Card#: <u>W016</u> Date: <u>4/17/12</u>
(✓)	()	Tax Collector: <u>Tax Dept. Cleared</u>
()	(✓)	Construction Waste Recycling: _____
(✓)	()	Zoning: <u>TJA 4/26/2012</u>
(✓)	()	Coastal Management: <u>(Zoning Board) CSPR-510 Memo 7 Feb 4/20/12</u>
(✓)	()	Envir. Prot: <u>AM Valwell 4/25/12</u>
()	(✓)	Flood Plain: <u>Zero X / AE-6' P Valwell 4/25/12</u>
(✓)	()	Fire Marshal: <u>4/18/2012</u>
()	(✓)	Health Dept: _____
()	(✓)	Housing Code: _____
()	(✓)	Traffic Dept: _____
(✓)	(✓)	Engineering Dept: <u>4/21/12</u> <u>Engr. Permit Dec 4/14/12</u>
()	(✓)	D.O.T.: <u>4/21/12</u> <u>6001, 66-103</u>
(✓)	(✓)	W.P.C.A.: <u>4/21/12</u> <u>Is Street Opening Permit Required? () Yes (X) No</u>
(✓)	()	Building Official: <u>Constantine J. Capone</u>

Upon securing the required signatures, return this document to the Division of Building Inspection, City of Stamford.

Director of Operations: _____

By: _____

Date: _____

Robert D. DeMarco
Chief Building Official

10

Casolo, Louis

From: Jay Sheehan <jsheehan@woodardcurran.com>
Sent: Monday, April 23, 2012 2:04 PM
To: Casolo, Louis
Cc: Don Weeks; Nick Hastings
Subject: 205 Magee Avenue...

Lou,

In accordance with our discussion, we can provide additional information on the work at 205 Magee Avenue for your use:

- 1) The November 10, 2006 "Record Drawings" are the most recent final plans for site. We submitted to you these stamped drawings on April 17, 2007 with a request for Building Permit (BP-205-1151) inspection.
- 2) Groundwater monitoring is complete as of 2010. CTDEP gave final authorization to discontinue all groundwater monitoring and all wells have been decommissioned (fully removed) at the site.
- 3) To understand the contamination at the site, your best resource is the Temporary Environmental Land Use Restrictions (ELURs). This was prepared by Wyeth (now Pfizer) and recorded with the City. We do not have the final recorded ELURs (since we helped the attorneys in developing it but they made final edits) so you should check with the City Land Use Department to ensure you have the correct copy. Please note, final ELURs are being prepared now that will supersede the temporary version, possibly in the next few months.

I hope this provides the information you need. If you have any questions, please call my cell phone at 203-605-3127.

Jay

Jay G. Sheehan, P.E.
Woodard & Curran
1520 Highland Avenue | Cheshire, CT 06410
Tel. (203) 271-0379 | Cell (203) 605-3127
www.woodardcurran.com

COMMITMENT & INTEGRITY DRIVE RESULTS

Attachment 5

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

INST R # 2006026848 VOL 06788 PG 0001 RECD 11/21/2006 12:36:55 PM
DONNA M LOGUSCI CITY & TOWN CLERK STAMFORD CT
BLOCK 025

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **WYETH HOLDINGS CORPORATION** (formerly known as American Cyanamid Company), a Maine corporation, which has an address Five Giralda Farms, Madison, New Jersey 07904 ("Grantor"), for the consideration of ONE DOLLAR (\$1.00) paid to Grantor, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, subject to the exceptions, restrictive covenants and reservations hereafter set forth, hereby GIVES, GRANTS, BARGAINS, SELLS AND CONVEYS unto the **CITY OF STAMFORD**, a Connecticut municipal corporation, having offices at Stamford Government Center, 888 Washington Boulevard, Stamford, Connecticut ("Grantee"), and its successors and assigns, all right, title, interest, claim and demand whatsoever which the said Grantor has or ought to have in or to:

All those certain pieces, parcels or tracts of land, with the improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, more particularly described in Schedule A attached hereto and made a part hereof (collectively, the "Premises").

TOGETHER with all right, title, interest, claim and demand whatsoever which the said Grantor has, or ought to have, in or to the Existing Boardwalk (the "Boardwalk") located within the area shown and described on the Map (as defined on Schedule A attached hereto) as the as the "Access Easement For Parcel B", said Access Easement For Parcel B being located within the parcel of land referred to as "Parcel A" on the Map.

TOGETHER with a perpetual easement over and across the Access Easement For Parcel B, for the purposes of owning, maintaining, using and operating the Boardwalk on the terms and conditions set forth below, and together with a perpetual, non-exclusive easement, for the benefit of Grantee, its successors and assigns, and their respective employees, agents, contractors, guests and invitees, for pedestrian passageway over and across the Access Easement For Parcel B, to and from the land shown and described on the Map as Parcel B. Grantee, its successors and assigns, shall be solely responsible for all costs associated with the Boardwalk, and with the use of the easements granted to Parcel A caused by the use, operation, maintenance, repair and replacement of the Boardwalk, or by the use of the Access Easement For Parcel B, by Grantee, or its employees, agents, contractors, guests and invitees. In order that Grantee may, from time to time, maintain, repair and replace the Boardwalk, subject to the terms and conditions of this easement, the owner of Parcel A shall permit Grantee, the right, from time to time, and upon reasonable prior notice to the then current owner of Parcel A, to enter upon such portions of Parcel A, and to cross over and on such locations within Parcel A, as are reasonably necessary to access the Access Easement For Parcel B so as to facilitate maintenance, repairs and replacements to the Boardwalk. Grantee shall not store

12

(iii) Indemnification. Grantor, its successors and assigns shall indemnify, defend and hold harmless Grantee, its successors and assigns from and against any and all claims, suits, causes of actions, damages and liabilities arising out of or in connection with any damage to property, or injury to persons, caused by Grantor's activities on Parcel B.

The Premises is conveyed subject to the following obligations, agreements easements and restrictive covenants, which shall run with the land and be binding on Grantee, its successors and assigns, as owners from time to time of the Premises, and which obligations, agreements and restrictive covenants shall inure to the benefit of, and may be enforced in law and equity by Grantor:

(i) During any period that the land of Grantor shown and described on the Map as "Parcel A" is used for office or other commercial use, the Premises shall be used solely for the permitted passive recreational uses described in this subparagraph. Grantee agrees that Grantor, its successors and assigns, as the owners, of Parcel A, may specifically enforce the foregoing restriction. The permitted passive recreational use of the Premises shall include, but not be limited to, the use by the public for picnicking, site seeing, bird watching and other similar recreational activities. Notwithstanding the generality of the foregoing, the Premises shall not be utilized as a concert venue or for ball fields nor shall there be erected upon the Premises any playground equipment. Grantee agrees, for itself, its successors and assigns, that there shall be no further development of or improvements made to the Premises, nor changes made to the Premises landscaping without the prior written consent of Grantor, or its successors and assigns, as the owner of Parcel A; provided, however, Grantee may develop a marina on the Premises, provided, in the event Grantee develops a marina on the Premises, Grantee agrees that (i) no improvements or structures shall be built or erected on the Premises other than pier(s) and slips and the walkways and/or boardwalks servicing the same; and (ii) Grantee shall, at its sole cost and expense, develop maintain, insure and operate (or cause to be operated) the marina.

(ii) The Premises are also conveyed subject to the temporary environmental restrictive covenants set forth on Schedule "C" attached hereto and made a part hereof (the "Temporary Environmental Restrictive Covenants"). The Temporary Environmental Restrictive Covenants shall run with the land and be binding on Grantee, and its successors and assigns, as owners, from time to time, of the Premises, or any part thereof, until such time as additional environmental land use restrictions are recorded in the City of Stamford land records, which Grantor, or a Licensed Environmental Professional responsible for overseeing the Remediation Plan (as defined below), determines are (i) consistent with the activities contemplated in the Remediation Plan, as the same may hereafter be amended, and (ii) necessary, in Grantor's reasonable opinion, in order to permit Grantor to implement or complete the Remediation Plan in the manner contemplated in the Remediation Plan, as the same may hereafter be amended. The term "Remediation Plan" shall mean, collectively, (1) the final Uplands Area Remedial Action Plan, prepared by Woodard & Curran, entitled "Remedial Action Plan, Former

Attachment 6

Cynthia Reeder

From: HDayRep13thD@aol.com
Sent: Wednesday, January 09, 2013 1:30 PM
To: kmryan@RyanDelucaLaw.com; westcott@snet.net; ckreeder@mindspring.com
Subject: Re: Letter of Intent re 205 Magee

Dear Kieran, Mary and Cynthia,

I am taking the liberty of writing all of you at the same time, inasmuch as you have all inquired about the same issue.

I have reviewed the Letter of Intent, with particular attention to the language which Elizabeth Kim focused on in the article.

I believe Elizabeth has completely misconstrued the language. The intent of the language is NOT to allow the Mayor to usurp the power of the Boards and Commissions, but rather the opposite--to allow the Mayor in fact to require the applicant to go before such Boards so as to avoid any argument. In this language, the Mayor is a "require" in addition to--not in place of--the Charter or state law. AAA

Admittedly, the language can be misread by a lay person. However, there is no way the Mayor can override the Charter and state law. So the only plausible reading is that the Mayor has further protected--not diminished--the rights of our Boards and Commissions by reserving the right to REQUIRE the applicant to go before a board or commission even if there is doubt under the charter or state law.

Corporation Counsel confirms that my reading of this is correct. He also informed me that BLT vigorously fought inclusion of this provision, so BLT apparently had no doubt as to the intent.

I believe the Letter of Intent is actually well written and serves its intended purpose--to allow the plan to get before the Zoning Board, while explicitly protecting any rights the City's Boards and Commissions may have.

Please let me know if you have any further questions.

Best,

Harry

Harry Day

Deputy Minority Leader

City of Stamford Board of Representatives

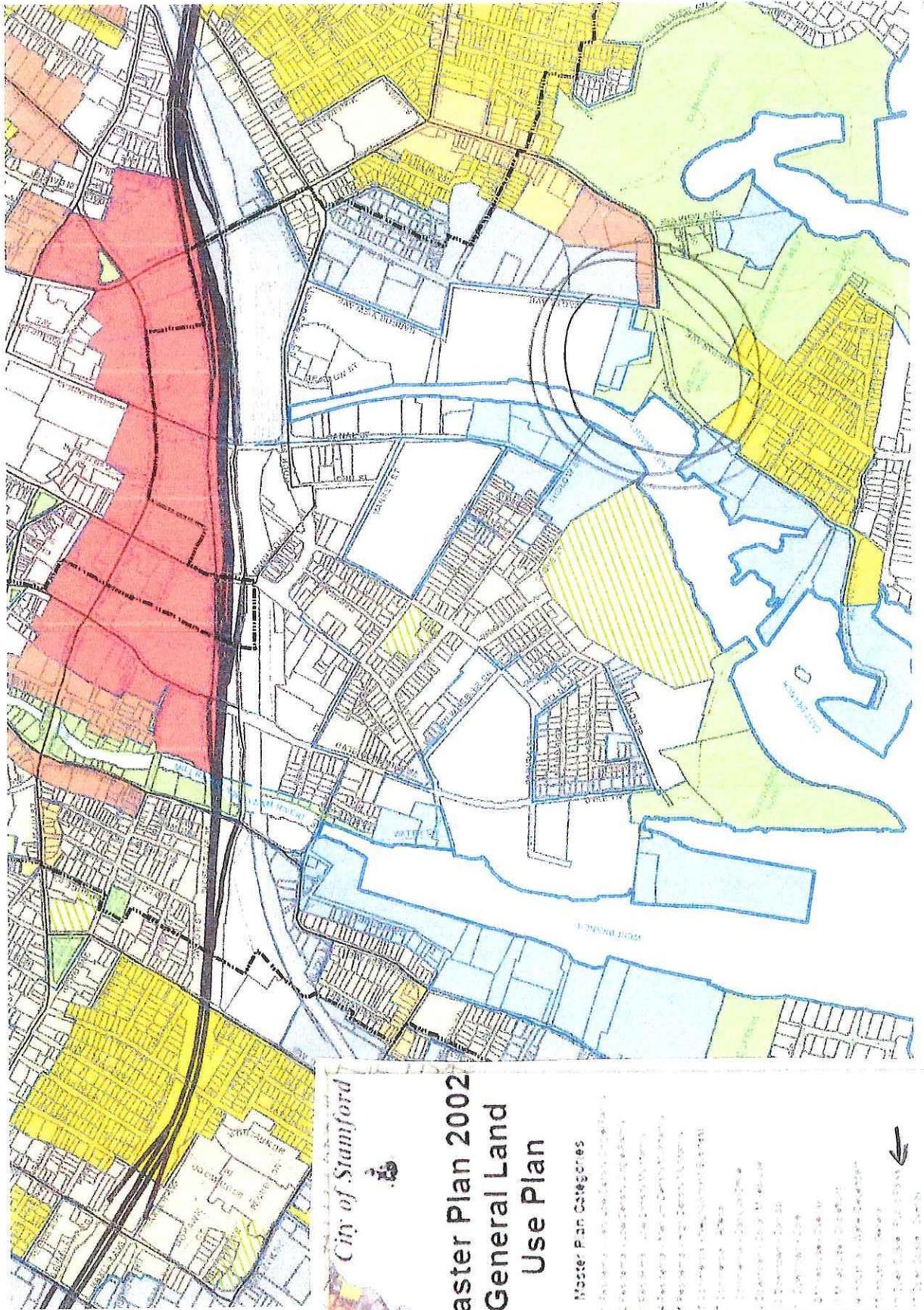
In a message dated 1/9/2013 12:28:40 P.M. Eastern Standard Time, kmryan@RyanDelucaLaw.com writes:

Thanks Harry

From: Harry Day [mailto:hdayrep13thd@aol.com]
Sent: Wednesday, January 09, 2013 11:37 AM
To: Kieran M. Ryan
Cc: Harry Day; Mary Uva
Subject: Re: Letter of Intent re 205 Magee

14

Attachment 7



13

City of Stumford



Master Plan 2002 General Land Use Plan

Master Plan Categories

- 1. Residential Single-Family
- 2. Residential Medium-Density
- 3. Residential High-Density
- 4. Commercial
- 5. Industrial
- 6. Office
- 7. Public Use
- 8. Institutional
- 9. Agricultural
- 10. Forestland
- 11. Open Space
- 12. Water
- 13. Wetlands
- 14. Conservation
- 15. Other

