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**CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION**

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FEB 20 2013

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS

February 21, 2013

VIA EMAIL TRANSMISSION AND REGULAR MAIL

Mr. Kenneth M. Collette, Esq.
Connecticut Department of Energy and Environmental Protection
Environmental Protection Office of Adjudications
79 Elm Street
Hartford, Connecticut 06106-5127

Subject: Application No. 201207377-KB Comments with respect to Public Hearing of February 6, 2013

Dear Mr. Collette:

Thank you for the courtesy of an extension of the time enabling the Harbor Management Commission (HMC) a reasonable amount of time to submit comments with respect to the above referenced application.

Pursuant to the presentation by 205 Waterfront Magee LLC (Applicant) and responses made by the public during the February 6, 2013 public hearing, as well as a review of the full application as submitted and as subsequently augmented, the HMC appreciates the opportunity to comment. The following are in response to the pending Structures, Dredging and Fill application only. They do not, in any way, reflect a position on the merits of the proposed upland boatyard or its adequacy as a replacement for the former boatyard and marina known as "Brewer's Yacht Haven West."

The Harbor Management Plan contains a number of relevant provisions for maintaining navigational safety and avoiding conflicts between recreational and commercial vessels in the Stamford Harbor Management Area (SHMA), including provisions specific to the East Branch. These include, but are not limited to:

Recreational, commercial, and other beneficial uses of the SHMA should be effectively planned, managed, and regulated as necessary to avoid vessel congestion in the SHMA and conflicts among vessels operating in the SHMA, including any conflicts between recreational and commercial vessels and between motorized and nonmotorized vessels. (Policy 2.5.1 on page 6-14.)

Reducing or eliminating potential conflicts between recreational and commercial vessels and facilities should be a significant consideration in the design and review of future public and private waterfront development proposals. (Policy 6.2.2 on page 6-34.)

Recreational and commercial water-dependent uses of the East Branch should be effectively planned, managed, and regulated as necessary to avoid any undue conflicts between commercial and recreational vessels, including vessels operating in the east branch federal channel. Commercial vessels loading or unloading at port facilities in the east branch should not unduly obstruct the passage of vessels in the channel. (Recommendation 2(c) on page 7-11.)

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The HMC is concerned that the Applicant's current design may create an undue conflict with commercial vessels. Specifically: a) the proximity of the proposed floating docks to the federal channel and the potential for conflicts between barges navigating the channel and recreational vessels using the docks. As currently proposed, there is inadequate in-water staging and storage area; b) the lack of any protective structures to buffer the recreational boating facilities from commercial vessels; and c) currently restricted depths along the westerly part of the federal channel which affect the ability of commercial vessels to navigate a safe distance away from the area of the proposed project.

Based on the safety concerns and lack of conformity with the policies listed herein, the HMC finds that this application is inconsistent with the harbor management plan and thus the HMC recommends that no decision to approve the current Application be made until such time as the above-stated safety concerns have been addressed to the satisfaction of the commercial barge operators, the Army Corps of Engineers, and the HMC.

Thank you for the opportunity to submit the foregoing comments. Should you have any questions, I can be reached at drortelli@hotmail.com or (203) 348-8383.

Respectfully submitted,



Dr. Damian Ortelli, Secretary

cc: Kristen Bellantuono, OLISP; Mr. Jack Conklin, HMC; Frank Fedeli, Stamford Office of Operations;
John Freeman, Esq., Attorney for Applicant; Diane Ray, U.S.A.C.O.E; Brian Thompson, OLISP;
Mr. Michael Taylor, Stamford Harbormaster

Collette, Kenneth

From: Dr. Damian Ortelli D.C. [drortelli@hotmail.com]
Sent: Tuesday, February 19, 2013 10:19 PM
To: Maureen Boylan
Cc: Bellantuono, Kristen; jjosel@hotmail.com; John Freeman; Collette, Kenneth; Golembiewski, Brian
Subject: WaterfrontMageeColletteLetter022113.pdf
Attachments: WaterfrontMageeColletteLetter022113-DRAFT.pdf; ATT00001..txt

Ladies and gentlemen,

Please see the attached statement which is the conclusions of the Stamford HMC regarding the 205 Magee dredging and fill application. The following is the result of the commissions review of all pertinent information available to us following the public hearing on the issue. Thank you for your patience in granting an extension to the application comment period so that we could have our due process in this matter. A copy of this will be hand delivered in Hartford at the hearing tomorrow by the HMC consultant Geoff Steadman as well as mailed copy. Please don't hesitate to contact me for this matter or any other should the need arise.