

From: [Carolyn Goldenberg](#)
To: [Collette, Kenneth](#)
Cc: ncole@ci.stamford.ct.us
Subject: DEEP hearing on February 6th regarding an application from Waterfront Magee LLC
Date: Thursday, February 21, 2013 12:30:34 PM
Attachments: [Heiple_email.txt](#)

Carolyn Goldenberg
18 Rising Rock Road
Stamford, CT 06903

February 21, 2013

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

Dr. Mr. Collette:

I attended the DEEP hearing on February 6th regarding an application from Waterfront Magee LLC to construct a boat yard on property owned by the City of Stamford.

I am concerned that Ms. Bellantuono in her Public Notice Summary Sheet (Exhibit DEEP-17) and in her testimony implied that Waterfront Magee's proposed project would somehow "transform" the site into a water-dependent use where there is none today. Ms. Bellantuono writes in her Summary Sheet: "The project site ... currently does not support any water dependent uses or provide public access to this area of the shoreline." Nothing could be further from the truth. The property is now a waterfront public park reserved for passive recreation, something that under the Coastal Management act **is** certainly a water-dependent use. What the applicant is proposing – and DEEP supports -- is replacing a quiet City-owned waterfront park with a more intrusive and ill-conceived commercial venture.

In fact, the proposed use would reduce general "public access", per comments made by the applicant's consultant, William C. Heiple of Triton Environmental, Inc. Under "Item 12" in the attached email that he submitted to Ms. Bellantuono and Mr. Brian Thompson on January 4th, Mr. Heiple states:

"we do not plan to offer the general public access to the site – no working boatyard does. HP [Harbor Point, another BLT entity] may agree to providing signs pointing to the adjacent city park that does have general public access. So, could this condition be revised to reflect that, or omitted entirely? I understand you will omit this condition."

This exchange between the consultant and staff is disturbing on many fronts. For one, it seems that there is some kind of collusion between DEEP staff and the applicant to withhold or misrepresent details about the project and the site and to eliminate any requirements to provide general public access, which is precisely what Ms. Bellantuono says the project will achieve in her Summary Sheet!

Mr. Heiple's correspondence also implies that a city park is "adjacent" to the property. The city park

"is" the property where the proposed dredging and dock construction would occur! Ironically, the park came about as the result of three different permits issued by DEP beginning in 2001 and of remediation work overseen by DEP to restore tidal wetlands and create a "water dependent" use on what had been an industrial site. What's more, creation of this park was a condition of a zoning permit granting the owner of the adjacent parcel (the applicant) the right to build a commercial office building on its land locked parcel – a permit which enabled Waterfront Magee to actually secured a building permit in April 2012. The foundation for the approved 3-story office building is now being built precisely on the spot where Waterfront Magee told the DEEP that it will build a boat repair building. I suspect this is not a mere coincidence. Unlike the office building, the boat yard has not been approved by the local zoning and planning boards or the Harbor Management Commission.

The email exchange between Mr. Heiple and Ms. Bellantuono also is disturbing because the dates indicate that there was still significant and important dialog among DEEP staff, the applicant and its representatives just two days before and one day after the DEEP actually issued a public notice and draft permit.

Other application items, such as a toxicity report (Exhibit DEEP-7 and DEEP 15a), and text changes to the application related to dredging, for example, were still being submitted to DEEP staff weeks after the draft permit and public notice appeared in the local newspaper.

It seems that the DEEP is fast-tracking an application that has been hastily and sloppily executed, in the process short changing opportunities for various parties, including the public, the Army Corps of Engineers and Stamford's Harbor Management Commission --in addition to DEEP staff -- to carefully assess the still moving parts of the application. NOAA, for example, requested additional time to review material submitted by Waterfront Magee and the Stamford's Harbor Management Commission for some reason has been marginalized by DEEP staff.

For example, Brian Thompson, rather than respond immediately to the Commission's December 20th letter and opinion, deliberately opted to wait until after the permit and hearing were publicly noticed to respond. (Exhibits DEEP 10 and DEEP 11). Any questions regarding the Commission's opinion should have been ironed out before issuing a draft permit and commencing the public input process.

Overall, the permitting process, and the many concerns brought out at the public hearing, have raised many questions in my mind about the fairness of the process but also about DEEP's motives for accepting an application with so many loose ends. The process appears to have been less than thorough or professional and perhaps illegal.

The process also raises concerns about whether the DEEP is truly concerned about the public's interest and protecting the public trust or if certain DEEP staff members are simply more interested in promoting the applicant's commercial interests -- at any cost and without any regard for defined procedures and regulations. For some reason the applicant's application is proceeding at a pace that has eluded virtually every other applicant that has come before the DEEP.

I respectfully ask you to not betray the public's confidence in the fairness of the DEEP permitting process and to recommend that the permit be denied because of the misleading, inaccurate and incomplete information provided by both the applicant and DEEP staff.

Sincerely,

Carolyn Goldenberg

Attachment: Jan. 7, 2013 and Jan. 4, 2013 email from William Heiple

Cc: Norman Cole