

TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF JANUARY 18, 2022

A Meeting of the Harbor Management Commission (HMC) of the Town of Fairfield was held on Tuesday, January 18, 2022 at 4:30 p.m. in the First Floor Conference Room of Town Hall, 611 Old Post Road, Fairfield, CT, and via teleconference.

MEMBERS PRESENT: Kim Taylor, Chairwoman, Jacob Herschler, Sam Cargill, Doug Metchick, Eric Sundman, Don Hyman, Bill Perugini. **ALSO PRESENT:** Geoffrey Steadman, HMC Consultant, Jeff Engborg, Pequot Yacht Club (PYC), Devin Santa, RACE and Attorney Chris Russo.

CALL TO ORDER: The meeting was called to order at 4:30 p.m. by Chairwoman Taylor.

SALUTE TO THE FLAG

Chairwoman Taylor encouraged all Members to review the Harbor Management Commission's Southport Harbor October 27, 2021 presentation which is available on the HMC website.

Chairwoman Taylor reported the following Committee Appointments:

Mooring Committee: Jac Herschler, Bill Perugini, Jeff Engborg

Harbor Management Plan Update: Doug Metchick, Don Hyman, Mary von Conta, Cheryl Beacock

Chairwoman Taylor encouraged all Commissioners to participate in Committee matters.

CHAIRMAN'S REPORT: Chairwoman Taylor reported the following communications:

1. December 27, 2021 site visit at Sasco Beach, Fairfield with Jac Hershler, Don Hyman and representatives of 1143-1155 Sasco Hill Rd., Fairfield in connection with their application for a pier and platform: *Chairwoman Taylor noted that although Noticed, there was not a quorum at the December 27, 2021 Special Meeting – there would not be minutes, and that she, along with Jac Herschler, Harbor Master Bryan LeClerc, and owners of the property were present.*

2. January 3, 2022 email exchange with Stephen Panus about his family's request for a memorial bench at the Lower Wharf - *discussed later in the meeting under "New Business."*

3. January 11, 2022 email from Bryan LeClerc that Emily Rychman requests a plaque on a bench at the Lower Wharf - *discussed later in the meeting under "New Business."*

HARBOR MASTER REPORT: Mr. LeClerc: *Harbor Master Bryan LeClerc was unable to be present this evening.*

PRESENTATION: Southport Harbor Presentation – Mr. Steadman: Geoff Steadman provided a PowerPoint presentation concerning the history of the HMC and the Harbor Management Plan. This continues to be edited and improved and a goal is to add narration to further enhance the value of the presentation for public outreach and education and to preserve the historical record of the HMC and Plan. A final version of this presentation should be available prior to the start of the 2022 boating season. High school students may be able to assist with addition of narration.

This can be reviewed at: [Southport Harbor Presentation Final 10.27.2021.pdf \(fairfieldct.org\)](#) and heard in detail by listening to this meeting at the following link [Harbor Management Commission - 1/18/22 - YouTube](#)

NEW APPLICATIONS: RACE Coastal Engineering (RACE) for applicant Russo & Rizio, LLC – DEEP Permit Consultation Form: Request for Pier and Platform at 1143-1155 Sasco Hill Road

Devin Santa of RACE and Attorney Chris Russo were present to describe the proposal and address Commissioners questions. Mr. Santa provided a description of the site and proposal for a pier and platform for water access. Chairwoman Taylor referred to the photo from the HMC's December 27 site visit attached to the meeting agenda and discussed Commissioners' impressions from the site visit.

Mr. Santa, as a continuation of his presentation at the previous meeting, noted that there were two issues that the HMC had raised at that time, one being the effect of the proposed pier on public access along the shoreline and the other being the status of the Conservation Restriction held by the Aspetuck Land Trust (ALT) along the shoreline in the vicinity of the proposed pier.

The HMC reviewed and discussed this pre-application at length, raising a number of questions, including but not limited to, how much water access the proposed pier will provide at low tide. Mr. Hyman noted that comments from the Harbor Master on these matters would be helpful.

Mr. Steadman explained that this is a DEEP-required pre-application review by the HMC for the purpose of determining any issues prior to the applicant submitting a permit application to DEEP. He said it is not advisable for the HMC at this point in the application process to determine that the proposed project is consistent with the Harbor Management Plan. Instead, the HMC may, if it chooses to do so, express "no objection" to the pre-application plans being included in a permit application to DEEP and reserve its right to continue to review the proposal and issue further comments. Mr. Steadman further noted that the HMC only learned of this matter at its last meeting, and that subdivision plans including this property were the subject of a Town Plan and Zoning (TPZ) Commission Public hearing in July of 2021. TPZ subsequently approved a 7-lot subdivision including this property with a condition that only this property would be permitted a dock. Mr. Steadman noted that it is his opinion that the HMC should have been provided an opportunity to review and comment on the subdivision plans prior to TPZ Public Hearing and approval. Mr. Herschler requested clarification as to the legal basis by which only one waterfront property of the subdivision would be permitted to construct a dock, thereby affecting the littoral rights of the property owners who acquire the remaining parcels of this subdivision.

Attorney Chris Russo provided a presentation on behalf of his client, and discussed the conservation restriction granted to the Aspetuck Land Trust (ALT) by the former property owner. Mr. Russo noted that the restriction contains various provisions permitting certain activities and prohibiting others. Mr. Russo has had many discussions with both the Town and ALT. As a result of those discussions, an agreement was entered into whereby the applicant would enhance the existing conservation restriction by removing the possibility for construction of a helipad and reducing the area for a pool. The new agreement also provides for increased protection of the unique bird habitat and coastal meadow area. In response to Mr. Herschler's inquiry regarding the legal basis by which littoral rights for dock construction could be restricted, Mr. Russo explained that it is a condition of the subdivision approval that only one property is permitted to have a dock subject to DEEP approval.

Upon inquiry by Mr. Steadman, the subdivision map was provided which gave a description of the conservation restriction in favor of ALT. This is approximately 7 acres and apparently extends to the Mean High Water line. An additional two acres will be considered Town Open Space which enhances the protection of the coastal meadow area.

Mr. Russo further stated that the subdivision approval condition whereby only one dock is permitted for the properties created by this subdivision will be included in the deeds to the properties and the properties would be purchased subject to those restrictions.

Mr. Hyman noted that he is a Board Member, immediate past President and current member of ALT, and asked whether his involvement, although he did not have a financial interest, would present a conflict of interest in his participation on this matter.

The HMC thanked Mr. Hyman for this disclosure.

Chairwoman Taylor noted that Mr. Hyman can abstain from voting if he felt that he wanted or should do so.

Mr. Santa acknowledged the limited water depth and noted that the owner is aware of this restriction. No dredging is conceptualized – there would not be larger boats being docked at this location.

Mr. Herschler referred to the HMC Rules and Procedures for Mooring and Anchoring, page 8 under 6vi, "assignment of mooring locations," and noted that it is important that the owner of the property – as well as future owners of the other waterfront properties, be aware that the HMC has no intention of approving mooring locations in this area which is outside of the Inner Harbor and this should be included in any comments provided to DEEP concerning this proposal.

Mr. Steadman recommended that all HMC concerns discussed at the meeting should be included in written comments to DEEP, and that the TPZ Department should be informed of the need to refer all proposals affecting property adjoining the Harbor Management Area to the HMC in the future.

Following considerable discussion, Jac Herschler *moved* and Sam Cargill *seconded* that the HMC complete the DEEP pre-application consultation form by checking the box to indicate that “comments/recommendations” are provided and to provide a letter indicating that the HMC has reviewed the pre-application plans and has no objection to the plans being included in a permit application to the DEEP and that the HMC reserves its rights to continue to review the proposal and provide additional comments and recommendations as additional information is provided and the proposal is subject to a DEEP Public Notice or Hearing. In addition, the HMC moves to transmit to DEEP and the Applicant the HMC’s comments and concerns discussed at this meeting. *Motion passed unanimously.*

OLD BUSINESS:

1. **LOWER WHARF PROJECT:** Mr. Steadman reported that he is continuing to review RACE’s proposal in the amount of 11k for submitting a new application to DEEP on behalf of the HMC for the Lower Wharf improvements (excluding the previously planned dredging) including replacement of the public piers and repair of the stone work. The Town Purchasing Department has given permission for a sole source agreement with RACE. A formal statement from the Port Authority will be requested by the HMC to confirm that the Port Authority grant (SHIPP grant) can be re-purposed from the originally planned dredging work to the project as now planned. Mr. Steadman further noted that due to the requirement that the Town must formally accept all grant funds when originally awarded, it will be necessary to also work with the Town for permission to re-purpose the funds for the revised project. Mr. Steadman will provide background information to the Finance Department in this regard. In addition, the Port Authority expects to issue notice of another round of grant funds in the near future.

2. **SAND MANAGEMENT PROJECT:** Mr. Steadman: Mr. Steadman reported that he is continuing to work with the Army Corps of Engineers (ACOE) to restore the 100’ channel; this project will involve, as in the past, coordination with the Country Club of Fairfield (CCOF) with regard to equipment access and to address other questions; there is an upcoming meeting with the CCOF representatives to discuss the project. The dredging project involves utilization of the ACOE dredge; upland access to the sandbar also is necessary for operation of additional excavating equipment.

3. **MOORING COMMITTEE:** Mr. Herschler reported that the Mooring Committee met on January 12th. At that meeting the Harbor Master reported that Online Mooring is working well and that there appear to be three vacant mooring locations. Additionally, he reported that there are 78 people on the waiting list; there are an additional 9 wait list applications to be approved; and 36 approved moorings. There have been 29 south anchorage mooring renewals approved and completed and another 14 which are currently being reviewed.

4. **PLAN UPDATE COMMITTEE:** Chairwoman Taylor provided an update. A key component of the revised plan will include the ACOE dredging plan and a plan for sand management. A background presentation concerning the dredging project has been reviewed by the Committee and will be presented at the February meeting. Chairwoman Taylor encouraged full Commission attendance at the February meeting. Following inquiry by Devin Santa, Mr. Steadman provided a description of the location of the proposed dredging.

5. **STATUS AND SCOPE OF HMC'S RESPONSIBILITY FOR LOWER WHARF:** Chairwoman Taylor noted that she has not yet received a response from Town Attorney on this matter.

6. **HMC 2022-2023 BUDGET REQUEST:** Chairwoman Taylor indicated that she has not yet received any meeting dates. Sam Cargill will participate in any future hearings/presentations relative to the HMC budget.

NEW BUSINESS:

1. Panus Family Request For Memorial Bench at Lower Wharf: Chairwoman Taylor indicated that the Panus family had submitted a request to place a memorial bench at the Lower Wharf, and expressed her sympathy for the family's loss. The HMC discussed this matter at length, reviewed the current deed restrictions for the Lower Wharf, and will continue to review this matter for any opportunities to allow future memorials at this location. The HMC will also obtain information from the Conservation and Parks & Recreation Departments relative to how they address these requests and any policies that may be in place.

Chairwoman Taylor noted that she recently visited the South Benson Marina area and noted that there are various benches, some with no memorials, others that have one or two.

It was the consensus of the HMC to review existing restrictions, obtain legal input, and consider opportunities to have any existing benches and perhaps new work at the Lower Wharf upgraded with the addition of an appropriate memorial.

Upon suggestion by Mr. Herschler, following opinion from Town Attorney relative to the additional parcel acquired adjacent to the Lower Wharf area and determination of HMC jurisdiction, Sam Cargill and Don Hyman will participate in a subcommittee to be established to oversee the management of the Lower Wharf under the jurisdiction of the HMC, including the additional parcel.

2. Emily Ryckman Request For A Plaque on Bench At Lower Wharf: see discussion above.

Chairwoman Taylor welcomed public input.

Former Harbor Master Patrick Carroll – commended new Commissioners and the efforts of the HMC. Mr. Carroll also encouraged opportunities to provide the public with information, perhaps at the Blessing of the Fleet event, to educate the public on the HMC role and efforts.

Sam Cargill indicated that the Blessing of the Fleet event is a good opportunity for public outreach concerning the work of the HMC. Bill Perugini agreed.

Chairwoman Taylor reminded the HMC that the next meeting is scheduled for February 15th at 4:30 p.m., and will be held in the 2nd floor conference room at Independence Hall.

ADJOURNMENT: There being no further business to come before the Commission, Jac Herschler *moved*, and Eric Sundman *seconded* to adjourn at 6:48 p.m. *Motion passed unanimously.*

The audio recording can be found here: [Harbor Management Commission - 1/18/22 - YouTube](#)

Respectfully submitted,

Betty Gabriel