

**TOWN OF FAIRFIELD  
HARBOR MANAGEMENT COMMISSION  
MEETING MINUTES OF SEPTEMBER 20, 2011**

A meeting of the Harbor Management Commission (HMC) was held on Tuesday, September 20, 2011 at 4:30 p.m. in the Second Floor Conference Room of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

**MEMBERS PRESENT:** Mary von Conta, Chairman; E. Hewitt Gaynor; John Zygmant; Hugh Smith; Louis Schueler and Nelson North (Alternate Member). **ABSENT:** David Drabaski; James P. Bradley and Sandye Mann (Alternate Member). **ALSO PRESENT:** Patrick Carroll, Harbor Master; Geoff Steadman, HMC Consultant; Annette Jacobson, Conservation Administrator; Joel Kunkel, Pequot Yacht Club; Jeff Engborg, Manager, Pequot Yacht Club; John Hiltz, James DeStefano, and David Preusch on behalf of the Southport Realty Corporation.

The meeting was called to order at 4:30 p.m. by Chairman von Conta.

**I. APPROVAL OF MINUTES OF AUGUST 16, 2011 MEETING:**

Hugh Smith *moved* and John Zygmant *seconded* to approve the meeting minutes of August 16, 2011. *Motion passed unanimously.*

**II. CORRESPONDENCE:**

Chairman von Conta reported the following correspondence:

From Harbor Master Carroll to Mr. Paul Hiller, CFO of Town of Fairfield:

August 21, 2011: enclosing a check for \$80.00, a fee collected for costs related to the upgrade in size of a vessel currently assigned a mooring in Southport Harbor.

September 5, 2011: enclosing a check for \$50.00, filing fee for waiting list application (Boehm, # 115).

September 16, 2011: enclosing checks in the amount of \$295.00, \$245.00 of which is for the issuance of a new mooring permit and the balance is for filing of a mooring waiting list application (Wilson #116)

September 2, 2011: From Harbor Master Carroll to Mr. Peter Boehm, Sr., 234R Linwood Avenue, Fairfield, CT 06824 acknowledging receipt of a Southport Harbor mooring waiting list application and filing fee in the amount of \$50.00 (#115 on the list)

September 16, 2011: From Harbor Master Carroll to Mr. David Wilson, 12 Sugar Maple Lane, Westport, CT 06880 acknowledging receipt of his 2011 Southport Harbor Mooring Waiting List application and filing fee of \$50.00. (#116)

September 5, 2011: From Harbor Master Carroll to Commodore W. Bruce Kueffner, Pequot Yacht Club, 669 Harbor Road, Southport, CT 06890; a letter of commendation for PYC Manager Jeff Engborg and his "crew" who "deserve the highest thanks and praise for a job well done" before, during and after Tropical Storm Irene.

August 24, 2011: Copy of a letter from Tonia Selmeski, DEEP/OLISP to Randy Phelps, 240 Harbor Road, Southport, CT 06490 containing Permit #200801979-TS which authorizes Mr. Phelps to remove an existing dock and install a new dock for private recreational boating access in Southport Harbor.

August 31, 2011: From Thomas Steinke to Chairman von Conta and Geoff Steadman, an e-mail outlining some post Hurricane Irene observations Mr. Steinke made about areas of interest to the HMC; particularly those related to shoaling near the outer channel and other matters in the areas of Sasco Beach, the CC of F Beach and the Lower Wharf.

Early in September, 2011: A copy of the Fairfield Shellfish Commission Meeting Agenda for September 14, 2011.

Early in September, 2011: A copy of a DEEP/OLISP Certificate of Permission Application Form submitted by the Southport Realty Corporation for work to be done on a dock and house located at 789 Harbor Road, Southport, CT.

September 16, 2011: A copy of notes sent by Thomas Steinke to Edward Crowley, Chairman of the Fairfield Shellfish Commission, regarding the DEEP/OLISP/COP application submitted by the Southport Realty Corporation for work to be done on a dock and house located at 789 Harbor Road, Southport, CT

Announcements related to work/interests of HMC:

Chairman von Conta noted that in response to the effects of Tropical Storm Irene, the U.S. Army Corps of Engineers will be conducting a hydrographic survey of the Southport Harbor navigation channel and the Coast Guard will review the condition of the aids to navigation.

Following a request by Chairman von Conta, Hugh Smith *moved*, and E. Hewitt Gaynor *seconded* to change the order of the meeting agenda so that items listed under New Business will be addressed prior to those listed on Old Business. *Motion passed unanimously.*

### III. NEW BUSINESS:

1. Review of DEEP/OLISP Certificate of Permission Application filed by Southport Realty Corporation/President Andrew Hall regarding property located at 789 Harbor Road, Southport, CT. The proposed activities at this site involve the replacement of the timber pier, ramp and floating dock; replacement of the timber decks adjacent to the dwelling and upland; and amendments to curtain walls below the dwelling attendant with proposed elevation of the building: Chairman von Conta noted that all questions and comments should be addressed to the Chair. The applicant's consultants, John Hilts, James DeStefano, and David Preusch provided the HMC with a description of the proposed activities. The consultants noted that the structure was built in 1835, and that it served as the original building of the Pequot Yacht Club. Chairman von Conta remarked that a previous study conducted for the HMC identified the presence of significant contamination in harbor sediments in the vicinity of Perry Green and Horse Tavern Creek and inquired if the proposed activities could possibly effect and/or cause

redistribution of the contaminated sediments in the harbor. Mr. Hilts said he will review this matter further. Mr. Steadman said that a copy of the study report referred to by Chairman von Conta will be provided by the HMC to Mr. Hilts. Annette Jacobson of the Fairfield Conservation Department spoke on behalf of Thomas Steinke, Conservation Director, who was unable to attend this evening. Ms. Jacobson reviewed Mr. Steinke's concerns, provided in writing to the HMC, regarding this project, including concern for protecting and maintaining the integrity of the Town's existing stone wall and Horse Tavern Creek stone culvert which appear to be connected to the foundation of the house proposed to be raised by the applicant. Mr. Steinke has also expressed concerns about the impact of the proposed project on shellfish habitat and he has described information that he believes should be included in the application, including information concerning property boundaries. Ms. Jacobson advised the HMC that Mr. Steinke's concerns were to be considered staff comments; that he may recommend denial of the application absent the provision of the identified information; and that the Shellfish Commission has not yet reviewed this application. Mr. Steadman reported that although Commissioner Bradley could not be present this evening, he had commented that consideration should be given to the effect that any new lights on the property may have on harbor navigation and that the new owner must recognize that approval of the proposed dock does not grant the owner any rights to relocate existing harbor moorings. The HMC commenced deliberation of the matter, and Mr. Steadman provided a summary of information that should be provided by the applicant before any action is taken on the application. Mr. Steadman recommended that: (1) The application should address the potential adverse impacts on environmental conditions in Southport Harbor that may be associated with any disturbance of contaminated sediments in the vicinity of the proposed work, and include a description of any best management practices that may be needed to avoid adverse impacts. (2) The application drawings should include accurate depictions of the applicant's littoral property boundaries, extended into Southport Harbor, as determined by a licensed professional surveyor. (3) The application drawings should show and identify the location of Horse Tavern Creek, a significant coastal resource that enters Southport Harbor near the applicant's property. In addition, the drawings should show and identify the existing stone walls and the Horse Tavern Creek culvert which are owned and maintained by the Town of Fairfield and adjoin the applicant's property. (4) The applicant should review the proposed plans with the Town Engineering Department and include the results of that review in the application, including appropriate assurances that the proposed work will be conducted in manner to avoid any adverse impacts on the nearby Town walls and culvert. Following inquiry by Louis Schueler, Mr. Steadman added that the applicant's plans should be modified to show that the nearby Federal navigation project boundary is a Federal anchorage boundary, not a Federal channel boundary, and that the plan drawing should show the distance from the proposed new floating dock to the Federal anchorage boundary and to the applicant's extended littoral property boundaries. In addition, the plan drawing should include the dimensions of the proposed new pier, ramp, and floating dock. Following considerable discussion on this matter, Hugh Smith *moved*, and E. Hewitt Gaynor *seconded* to continue the review and discussion of this matter to the October 18, 2011 meeting of the Harbor Management Commission, pending receipt of the information recommended by Mr. Steadman. Motion passed unanimously. This motion and the summary of information required by the HMC will be provided to the DEEP/OLIP with a copy to the applicant in a letter from Chairman von Conta.

2. Proposal to amend the “Fairfield Harbor Management Commission Application Review Requirements” to include a requirement that applicants must inform their neighbors about any proposed activities. The HMC reviewed the September 20, 2011 proposed amendment to the “Fairfield Harbor Management Commission Application Review Requirements”. Following discussion, Nelson North *moved*, and John Zygmant *seconded* to amend the review requirements to add the following paragraph no. 4:

“4. Prior to meeting with the HMC for the purpose of presenting a specific proposal to the HMC for review, applicants must provide notification of the proposed project to the owners of the properties that adjoin the site of the proposed project.” *Motion passed unanimously.*  
The document will be revised and paragraphs re-numbered accordingly.

### III. OLD BUSINESS:

**Finance Committee:** Chairman von Conta advised the HMC that the Finance Committee had met and following lengthy discussions and review, the Committee was recommending an increase of the annual Southport Harbor mooring maintenance fees approximately 10% (for vessels 20 feet in length and less the fee would be increased from \$145.00 to \$160.00; for vessels 20 ft. 1 in. to and including 30 ft the fee would be increased from \$175.00 to \$195.00; for vessels 30 ft. 1 in. to and including 40 ft. the fee would be increased from \$200.00 to \$220.00; and for vessels 40 ft. 1 in. to and including 50 ft. the fee would be increased from \$230.00 to \$255.00). Nelson North *moved*, and Louis Schueler *seconded* to accept the draft proposal of the Finance Committee. A public hearing will be conducted at the October meeting of the HMC.

**Mooring Report:** Harbor Master Carroll reported that the Mooring Committee reviewed the proposal of the Finance Committee at its last meeting and was in favor of the proposed fee increase. Harbor Master Carroll recommends that the costs incurred by Mr. Gene Szersan related to the propeller damage on his vessel due to a submerged mooring ball should be reimbursed by the HMC. Shoreline dock owners must provide vessel registration information to the Harbor Master. The Fairfield Police Marine Unit has just received a new 33’ patrol boat, which was purchased with funds received in connection with a port security grant through Homeland Security. Harbor Master Carroll thanked Jeff Engborg, Manager of the Pequot Yacht Club for his significant efforts provided prior, during and subsequent to Tropical Storm Irene. When attempting to contact certain vessel owners relative to the storm, Harbor Master Carroll had difficulty reaching some individuals since the contact information (phone numbers, etc.) listed on the form was illegible; legible information must be made a requirement on the documentation.

E. Hewitt Gaynor *moved*, and John Zygmant *seconded* to authorize an expenditure in the amount of \$250.67 as reimbursement for the costs incurred by Gene Szersan relative to damage to his propeller due to the submerged mooring ball. *Motion passed unanimously.*

Hugh Smith noted that a lot of soil was distributed from the golf course into the channel as a result of the recent storm. Chairman von Conta indicated that she will initiate informal discussions with the club, as an analysis will be needed in order to determine how much actually got into the anchorage.

**Lower Wharf Report:** Mr. Steadman reported that he anticipates that the DEEP/OLISP Notice of Tentative Determination to approve the HMC's application for Lower Wharf improvements to be issued within the next week or two.

**Sand Management Report:** It was noted that the findings of the hydrographic survey of navigation channel conditions conducted for the HMC just prior to Tropical Storm Irene will be compared to the findings of the post storm hydrographic survey to be conducted by the Corps of Engineers.

**IV. PUBLIC COMMENT:** None

**V. ADJOURNMENT:**

There being no further business to come before the HMC, the meeting was adjourned at 6:12 p.m.

Respectfully submitted,  
Betty Gabriel