

## Chapter 84

### Health

#### Article IV

#### Reusable Checkout Bags

##### **§ 84-27 Purpose.**

Plastic bags are often discarded into the environment, resulting in waterway pollution, storm drainage issues, marine life endangerment, and litter, which, in turn, creates economic and social burdens and costs to Fairfield. The purpose of this ordinance is to encourage the use of Reusable Checkout Bags to mitigate the adverse impacts of plastic bag usage and to improve and maintain Fairfield's natural resources.

##### **§ 84-28 Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the following meanings:

**CHECKOUT BAG**—a bag of any material, commonly plastic or paper, that is provided to a customer at the point of sale to carry purchases out of the Retail Establishment. The term shall not include:

- A. Bags used by customers inside a Retail Establishment to:
  - 1. Package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items;
  - 2. Contain or wrap frozen foods, meat, or fish, whether prepackaged or not;
  - 3. Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
  - 4. Segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag;
  - 5. Contain unwrapped prepared foods or bakery goods; or
  - 6. Contain pharmacy prescriptions.
- B. Newspaper bags, door-hanger bags, or laundry-dry cleaning bags.
- C. Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.
- D. Bags of any type that customers bring to a Retail Establishment for their own use.

**RECYLCED PAPER CHECKOUT BAG**—a paper bag that (1) contains no old growth fiber, (2) is 100% recyclable, (3) contains a minimum of 40% post-consumer recycled content (except that an eight pound or smaller paper bag shall contain a minimum of 20% post-consumer recycled content), and (4) conspicuously displays the phrase “Reusable” and “Recyclable” on the outside of the bag and the percentage of post-consumer recycled content.

**RETAIL ESTABLISHMENT**—any person, corporation, partnership, business, or other organization or group, however organized, that transfers merchandise, goods, or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a customer in exchange for payment. The term includes, by way of example and not limitation, any grocery store, grocery delivery service, department store, clothing store, hardware store, pharmacy, liquor store, restaurant, delicatessen, convenience store, food truck, sidewalk vendor, farmers' market, flea market, and any other retail store or vendor. The term shall not include the sale of goods at yard sales, tag sales, or other sales by residents at their home.

**REUSABLE CHECKOUT BAG**—a bag with handles that is specifically designed and manufactured for multiple reuse and that is made of (1) cloth, fiber, or other machine washable fabric, and/or (2) durable plastic that is at least 12.0 mils (thousandths of an inch) thick. A Reusable Checkout Bag shall not contain lead, cadmium, or any other toxic material, as defined by applicable state and federal standards and regulations for packaging or reusable bags.

**§ 84-29 Restriction on Checkout Bags.**

- A. No Retail Establishment shall sell, provide, or distribute to customers or clients Checkout Bags made of plastic, unless such bags qualify as Reusable Checkout Bags as defined in Section 84-28.
- B. No Retail Establishment shall sell, provide, or distribute Checkout Bags to customers or clients made of paper unless they satisfy all of the conditions set forth in Section 84-28 for Recycled Paper Checkout Bags.
- C. Nothing in this Article shall prohibit a Retail Establishment from encouraging and providing incentives or rebates to customers or clients who bring their own Checkout Bags.
- D. Nothing in this Article shall prohibit customers or clients from using any bags or containers they choose to bring to a Retail Establishment to carry out goods.

**§ 84-30 Enforcement and penalties for violation.**

- A. The provisions of this Article shall be enforced by a person or persons, employed in the Fairfield Health Department, appointed by the Health Director to perform such task.
- B. Upon determination that a violation of this Article has occurred, the Retail Establishment shall be liable for the following:
  - 1. Upon the initial violation, written warning notice that a violation of this Article has occurred shall be issued to the Retail Establishment. No monetary penalty shall be imposed for the initial violation;
  - 2. For the second violation of this Article, a monetary penalty of one hundred-fifty dollars (\$150.00) shall be imposed; and
  - 3. For the third and each subsequent violation of this Article, a monetary penalty of two hundred-fifty dollars (\$250.00) shall be imposed.

- C. Payment of each monetary penalty imposed pursuant to this Article shall be made within 10 calendar days after the date of delivery of notice of the violation.
- D. Any written notice to the Retail Establishment of a violation of this Article shall be delivered by hand or certified mail to the Retail Establishment by a Health Department official or his/her designee.

**§ 84-31 Hearing Procedure for Citations.**

- A. *Right to Appeal to a Hearing Officer.* Any Retail Establishment in receipt of a notice of violation under this Article may contest the liability before a citation hearing officer by making a written request for a hearing within 10 calendar days of the date the notice of violation was delivered to the Retail Establishment. Such request for a hearing shall be delivered by hand or certified mail to the Health Department.
- B. *Failure to Appeal Is an Admission of Liability.* If a hearing is not requested, and if one or more monetary penalties are subsequently assessed, the failure to appeal shall be deemed an admission of liability and an assessment and judgment shall be entered against the Retail Establishment by the Superior Court as provided in Chapter 11, Section 11-3. Such judgment may be issued without further notice.
- C. *After an Appeal Has Been Submitted, No Further Notice of Violation Shall Be Issued.* Once a written request for a hearing has been received by the Health Department, no additional notices of violation shall be issued to the Retail Establishment until after the hearing procedure concludes.
- D. *Hearing Procedure for Appeals.* The procedures established in Chapter 11, titled "Citations Hearings," will apply to citations issued under this Article.

**§ 84-32 Severability.**

If any section, clause, sentence, or provision of the Article shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable, such adjudication shall not affect the validity or enforceability of any other provision hereof, and the applicability thereof to other persons or circumstances shall not be affected thereby.

**§ 84-33 Operative Date.**

This Article shall become effective as of 12:01 a.m. ET on February 1<sup>st</sup>, 2020.

## MEMORANDUM

TO: Fairfield RTM

FROM: Heather Dean, RTM Representative District 3, and Jill Vergara, RTM Representative District 7

CC: Co-sponsors: Nancy Lefkowitz (RTM District 1), Eric Newman (RTM District 2), Matt Jacobs (RTM District 3), Sharon Pistilli (RTM District 3), Phil Pires (RTM District 4), Jay Wolk (RTM District 5), Lisa Havey (RTM District 6), Lauren Bove (RTM District 7), Mark McDermott (RTM District 7), Kerry Berchem (RTM District 8), Dru Georgiadis (RTM District 9), Sam Cargill (RTM District 10)

RE: Reusable Checkout Bag Ordinance, Chapter 84, Article IV, Sections 84-27-84-33

DATE: March 11, 2019

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## BACKGROUND

In 2008, Westport became the first town in Connecticut to regulate the retail use of plastic checkout bags.<sup>1</sup> Several California towns and cities joined Westport in its effort to reduce plastic bag waste and litter, and by September 2018, some 349 cities, towns and states in the United States have banned and/or taxed plastic bag use.<sup>2</sup> The large majority of these municipal ordinances ban the use of plastic bags used to checkout (or “carryout”) goods from retail stores.<sup>3</sup> These efforts to reduce the harmful and costly effects of plastic bag use are not limited to the United States. Fifty-four percent of the world’s population, or 3.8 billion people world-wide, live in plastic bag ban and/or fee zones.<sup>4</sup>

This submission constitutes the fourth attempt to pass a reusable checkout bag ordinance in Fairfield. In August 2009, Representative Dean submitted an ordinance to regulate the use of

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<sup>1</sup> Westport’s RTM passed the ban on plastic checkout bags in September 2008, and the ordinance became effective six months later in March 2009.  
[https://library.municode.com/ct/westport/codes/code\\_of\\_ordinances?nodeId=PTIICOORTOWE\\_CH46SOWAMA\\_ARTVIRECHBA](https://library.municode.com/ct/westport/codes/code_of_ordinances?nodeId=PTIICOORTOWE_CH46SOWAMA_ARTVIRECHBA)

<sup>2</sup> <https://www.forbes.com/sites/trevornace/2018/09/20/heres-a-list-of-every-city-in-the-us-to-ban-plastic-bags-will-your-city-be-next/#1f558adc3243>

<sup>3</sup> “The most common strategy has been a ban on plastic bags coupled with a fee on paper bags. Of the 266 local ordinances, 94 percent ban plastic bags – the others impose a fee on bags without a ban (10 cents is the most common charge). And of the 94 percent that do ban plastic bags, 58 percent include a fee on paper bags.”  
<https://resource-recycling.com/recycling/2017/06/29/the-ordinance-era/>

<sup>4</sup> <http://www.bagmonster.com/track-the-movement>

plastic checkout bags, which was nearly identical to Westport's ordinance. Due to a lack of quorum, this effort failed in the Legislation and Administration Committee (L & A). Nearly ten years later, a reusable checkout ordinance was presented in October 2018 but denied without prejudice. L & A requested that the language be simplified and that a survey be conducted to verify Fairfield residents' support for such an ordinance as well as feedback from local businesses. In December 2018, Representative Dean presented a revised ordinance and provided results of a business survey; however, L & A tabled the item to allow more time for public input and further discussion of whether to require a fee for paper in addition to the prohibition on plastic checkout bags. Since that time, several towns (most notably Norwalk and New Canaan) have passed ordinances which improve on the process and simplify the definitions used; the ordinance which we now submit draws from these excellent models, with certain alterations specific to our towns' expressed goals and our enforcer's (the Health Director) preferred procedure. We have also included the requested results from a town-wide neighborhood survey.

With this Reusable Checkout Bag Ordinance, Fairfield would join a growing group of leading Connecticut municipalities that have adopted plastic checkout bag ordinances: as of March 2019, Westport, Greenwich, Stamford, Norwalk, Weston, Mansfield, New Britain, Hamden and New Canaan have all passed ordinances prohibiting single-use plastic bags.<sup>5</sup> Of note, Fairfield is the only remaining municipality of the Fairfield County Five, an economic development group comprised of Stamford, Greenwich, Norwalk, Westport and Fairfield formed around these five towns' similar assets and their push to attract businesses to the area, that has not enacted a checkout bag ordinance to date. At least seventeen other Connecticut municipalities are currently considering similar ordinances.<sup>6</sup> As a coastal town that enjoys one of the most beautiful coastlines of all of Connecticut, it is imperative that Fairfield joins this list of towns to protect, preserve and defend one of our most cherished and defining features.

Several bills are under consideration by the Connecticut State legislature to regulate the use of plastic bags in various ways. While state legislation has influenced our decision not to

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<sup>5</sup> Weston, Stamford, Norwalk, New Britain and New Canaan adopted "hybrid" models of a plastic bag ban/fee, in which plastic checkout bags are prohibited and retailers must charge a fee for paper checkout bags (typically 10 cent fee on paper).

<sup>6</sup> As per a working list obtained from the Director of the Plastics Project, Patricia Taylor, at EHHI, Branford, Bridgeport, Darien, Glastonbury, Groton, Guilford, Hartford, Middletown, Milford, New Haven, Newtown, Stonington, Washington, Waterford, West Hartford and Windham are all in the process of considering plastic checkout bag ordinances.

include a fee for paper,<sup>7</sup> we are not confident that the State will act in a timely way (as similar legislation has been considered by the State for 10 years), if at all, and Fairfield simply cannot wait any longer to protect our environment and our health and to limit the municipal costs that plastic bag usage exposes the town to in terms of clean up, flood mitigation and recycling. Our ordinance ensures strong protection of our town's resources and environment and is an important step in preserving Fairfield's natural resources for future generations.

## ADVERSE IMPACTS OF PLASTIC BAG USAGE

Single-use plastic bags have become a ubiquitous sight on our landscape; a blight on our roadways and sidewalks, parks, beaches and marshland, and a source of great cost (both short- and long-term). According to the EPA, more than 380 billion plastic bags are used in the United States each year.<sup>8</sup> In Connecticut alone, one billion single-use plastic bags are used each year, which means that Fairfield residents use about 17 million plastic bags a year.<sup>9</sup> All of the towns in Connecticut that do not limit plastic bag usage, like Fairfield, are contributing to a major worldwide crisis, in which 5 trillion pieces of plastic have ended up in our oceans,<sup>10</sup> causing there to be more plastic in our oceans than plankton;<sup>11</sup> if our plastic usage continues at this rate, there will be more plastic by weight in the world's oceans than fish by 2050.<sup>12</sup>

Plastic bags play a serious and detrimental role in coastal pollution: one out of every ten items picked up in an International Coastal Cleanup was a plastic bag, making plastic bags the second most common kind of waste item found in the coastal cleanup.<sup>13</sup> Coastal communities in particular bear a responsibility to control the release of plastic into the environment, as mismanaged waste ends up feeding directly into our oceans: "Some 18 billion pounds of plastic waste flows into the oceans every year from coastal regions."<sup>14</sup> We, as a coastal community,

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<sup>7</sup> We see the need to have a uniform approach to fees.

<sup>8</sup> <https://www.masslive.com/business/2019/01/big-y-to-eliminate-single-use-plastic-bags-in-2020-at-all-stores-in-massachusetts-connecticut.html?fbclid=IwAR0G1mTclKPof2z3BZZs-LwkWvJH3Jvp0OldHszg95YHFR3c86D2yjjrWA>

<sup>9</sup> <https://www.courant.com/news/connecticut/hc-news-plastic-bans-campaigns-20180910-story.html>

<sup>10</sup> <https://www.cnn.com/interactive/2016/12/world/midway-plastic-island/>

<sup>11</sup> <https://www.citizenscampaign.org/campaigns/plastic-bags.asp>

<sup>12</sup> [https://www.washingtonpost.com/news/morning-mix/wp/2016/01/20/by-2050-there-will-be-more-plastic-than-fish-in-the-worlds-oceans-study-says/?utm\\_term=.5ee926d56f9d](https://www.washingtonpost.com/news/morning-mix/wp/2016/01/20/by-2050-there-will-be-more-plastic-than-fish-in-the-worlds-oceans-study-says/?utm_term=.5ee926d56f9d)

<sup>13</sup> <https://www.thebalancesmb.com/plastic-recycling-facts-and-figures-2877886>

<sup>14</sup> <https://news.nationalgeographic.com/2018/05/plastics-facts-infographics-ocean-pollution/>

have a heightened obligation to protect against this insidious and pervasive pollution, and this plastic bag ordinance aims to encourage the use of reusable bags to reduce the negative impact plastic bags have been having and will continue to have on our environment.

While plastic bags themselves cost cents to produce and are utilized for an average of 12 minutes, they persist in our environment for up to 1,000 years,<sup>15</sup> all the while polluting our waterways, endangering our wildlife, clogging our storm drains and releasing microplastics and toxins into our water, air and soil. These microplastics and toxins represent huge risks to our health, as well as the health of our wildlife. Microplastic pollution is a serious concern in a state where we burn our trash. As only 1-4% of plastic bags are recycled annually,<sup>16</sup> the large majority of these bags end up being burned, likely at Bridgeport's Wheelabrator plant right next door to Fairfield.<sup>17</sup> Thus, the large majority of these bags end up releasing highly toxic substances like lead, mercury, acid gases and particulate matter<sup>18</sup> into the air that our children breathe, soil that we play and garden in, and water—most notably, the Long Island Sound. For instance, a study conducted by the University Connecticut last summer (2018) found substantial microplastic contamination in the Long Island Sound. Two of the four testing locations in the Sound were off of Fairfield's coast.<sup>19</sup>

Outside of the overwhelming environmental impacts briefly discussed above, plastic bag usage also imposes significant municipal costs. Plastic bags often jam processing equipment at recycling facilities, potentially shutting down facilities for hours and up to several days.<sup>20</sup> These processing delays and jams have cost towns and cities across the country millions of dollars annually.<sup>21</sup> Plastic bags are also one of the most common types of litter requiring towns to spend

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<sup>15</sup> <https://www.citizenscampaign.org/campaigns/plastic-bags.as>

<sup>16</sup> <http://www.wmnorthwest.com/guidelines/plasticvspaper.htm>

<sup>17</sup> <https://www.wtienergy.com/plant-locations/energy-from-waste/wheelabrator-bridgeport>

<sup>18</sup> <https://www.ciel.org/news/plasticandhealth/>

<sup>19</sup> <https://www.ctenvironment.org/2019/01/18/cooking-up-plastic-soup-in-long-island-sound/>

This sort of plastic pollution represents a threat to our town's economy. For instance, in 1988, the problem with "floatable debris," when trash was accumulating in the Long Island Sound, led to a decrease in beach patrons, resulting in \$1-2 billion loss for businesses on the Long Island Sound. <http://longislandsoundstudy.net/about/our-mission/management-plan/floatable-debris/>

<sup>20</sup> [https://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/dplasticbagreport2017.pdf](https://www.dec.ny.gov/docs/materials_minerals_pdf/dplasticbagreport2017.pdf);

[https://www.cleanwateraction.org/sites/default/files/CA\\_Fact%20Sheet\\_final.pdf](https://www.cleanwateraction.org/sites/default/files/CA_Fact%20Sheet_final.pdf)

<sup>21</sup> California, New York and Rhode Island all report such costs. California, for example, has reported that before its ban on plastic bags, recycling jams were costing the City of San Jose \$1 million annually.

[http://www.cleanwateraction.org/sites/default/files/CA\\_Fact%20Sheet\\_final.pdf](http://www.cleanwateraction.org/sites/default/files/CA_Fact%20Sheet_final.pdf)

considerable amounts of money on management and clean up.<sup>22</sup> Residents in coastal communities are reported to pay almost \$15 per resident in overall clean up costs of plastic bags annually.<sup>23</sup>

Another concerning, and costly, impact that plastic bags have on cities around the world is that they clog storm drains. This interference with drainage, in turn, has caused increased flooding risks.<sup>24</sup> As Fairfield is a community that has been hard-hit by floods and is spending considerable amount of time and money investigating and investing in flood mitigation procedures, eliminating plastic bags is essential to our long-term wellbeing and sustainability.

## WHY RECYCLING IS NOT AN OPTION

The most significant problem with recycling right now is that “Connecticut’s recycling market [has] collapse[d].”<sup>25</sup> Where towns used to make money for their recyclables, they now must expend money to manage their growing stockpiles of recyclables. For Fairfield, that means that what used to be a \$50,000+ profit center is now a \$525,561 cost center.<sup>26</sup> In prohibiting plastic checkout bags, we are reducing our trash, reducing our recycling and reducing this cost source.

## FAIRFIELD’S REUSABLE CHECKOUT BAG ORDINANCE

### Section 84-27—Purpose

The purpose of the Ordinance is to encourage the use of Reusable Checkout Bags to mitigate the adverse impacts of plastic bag usage, as discussed above, and to preserve and protect Fairfield’s natural resources.

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<sup>22</sup> New York City alone spends \$12.5 million to dispose of single-use carryout bags. [https://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/dplasticbagreport2017.pdf](https://www.dec.ny.gov/docs/materials_minerals_pdf/dplasticbagreport2017.pdf); In 2013, the City of San Diego spent \$160,000 on clean up of plastic bags. <https://energycenter.org/sites/default/files/Plastic-Bag-Ban-Web-Version-10-22-13-CK.pdf>

<sup>23</sup> “Plastic Bag Bans: Analysis of Economic and Environmental Impacts”. Equinox Center. Oct. 2013.

<sup>24</sup> [https://www.business-standard.com/article/news-ians/urban-flooding-caused-by-plastic-clogging-poor-drainage-117091000339\\_1.html](https://www.business-standard.com/article/news-ians/urban-flooding-caused-by-plastic-clogging-poor-drainage-117091000339_1.html); see also <https://www.reusethisbag.com/articles/plastic-shopping-bags-environmental-impact/>

<sup>25</sup> <https://www.stamfordadvocate.com/politics/article/CT-s-recycling-market-collapse-13661573.php>

<sup>26</sup> <https://www.stamfordadvocate.com/politics/article/CT-s-recycling-market-collapse-13661573.php>

#### Section 84-28—Definitions

Certain key definitions include: Checkout Bag and Retail Establishment. Checkout Bags under the Ordinance are bags given to a customer at the point of sale to carryout purchased items. These bags do not include bags used inside the store to contain or wrap produce or to contain moisture; newspaper or dry-cleaning bags; or any bags that a customer may have brought to the store to carry out goods. Retail Establishments are any person, corporation, partnership, business, or other organization that transfers goods/merchandise to a customer for payment. Several examples of Retail Establishments are given, such as grocery stores, restaurants, convenience stores and food trucks, but Retail Establishment is not limited to those examples. The definition specifically excludes yard sales, tag sales, and other sales by residents at their homes.

#### Section 84-29—Restriction on Checkout Bags

In furtherance of the stated purpose, the Ordinance prohibits Retail Establishments from providing plastic bags to customers; it also prohibits Retail Establishments from providing paper bags that are not 100% recyclable and made from a certain percentage of post-consumer recycled content. Customers are explicitly allowed to bring any bag they choose. Retail Establishments are also enabled to (and encouraged to) provide incentives and/or rebates to its customers who bring their own bags.

#### Section 84-30—Enforcement and penalties for violation

Fairfield's Health Director is the enforcer of this Ordinance, who can appoint anyone in the Health Department to perform these tasks. The first violation is only a written warning; there is no monetary penalty. The second violation incurs a \$150 fee. The third (and each subsequent) violation incurs a \$250 fee. The violator must pay the fee within 10 days after the notice of violation is delivered. Delivery of such notice of violation and/or warning can be delivered by hand or by certified mail to the violator Retail Establishment by the Health Department official or his/her designee.

After nearly a decade, Westport has had only one reported violation that required enforcement by their Conservation Department. We have sought the advice and language approval of the town's Health Director, Sands Cleary, who has helped to revise the language and has approved the current form. As with Westport, other towns that have enacted similar ordinances have not experienced enforcement problems. Businesses have conformed quite easily to the new restrictions and have been cooperative. We anticipate having a similar experience here in Fairfield and do not believe that enforcement will be a problem.

#### Section 84-31—Hearing Procedure for Citations

Any Retail Establishment that receives a warning or notice of violation can contest the liability by making a written request for appeal within 10 days of receipt of the warning/violation. This request must be delivered to Fairfield's Health Department by hand or certified mail. If this request for a hearing is not made, such failure to appeal is an admission of liability and any monetary penalty must be paid (within 10 days of the initial notice of the violation). Once a written request to appeal is made, the Health Department must cease from issuing any further notices of violation until after the hearing procedure. The procedures in Chapter 11, entitled "Citations Hearings," apply to citations issued under this Ordinance.

#### Section 84-32—Severability

If anything is deemed to be invalid in this Ordinance, that invalidity does not affect the enforceability of the Ordinance as a whole.

#### Section 84-33—Operative Date

In order to give our businesses sufficient time to adjust to these new restrictions and to use current inventory stocks, we established an effective date of nearly one full year after this submission date—February 1<sup>st</sup>, 2020.

## CONCLUSION

It is in Fairfield's best interests to pass this Reusable Checkout Bag Ordinance. Let's work together to be environmentally responsible and make Fairfield a steward of our coastal environment, and save the town money while we do so.

# HISTORIC DISTRICTS AND PROPERTIES HANDBOOK



## Fairfield Historic District Commission 2019

### **Commissioners**

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Adam Klyver, Vice Chairman  
Margaret Kufferman  
Rosina Negron, Clerk  
Arthur Gravanis

### **Alternates**

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## Part Five: FAIRFIELD'S HISTORIC DISTRICTS AND MAPS

Old Post Road Historic District  
1963

Southport Historic District  
1967

Greenfield Hill Historic District  
1967

Fairfield's three historic districts and its individual historic properties are described in the following sections. A list of all properties in historic districts, as well as individual historic properties, with basic information on buildings and structures is included as Appendix D (for historic districts) and Appendix E (for historic properties). The narratives present the districts through descriptions of some of the buildings and structures, and sometimes their architects and owners. This information will assist the reader in understanding the overall historical context of the historic district. All the buildings and structures described in these narrative sections are significant. It is important to note, however, that many buildings and structures not singled out for mention in the narrative descriptions are also important elements of Fairfield's historic districts. Those buildings and structures specifically mentioned are intended to be a representative sample of the important architecture in Fairfield's historic districts. They should not be understood as a complete list of important buildings and structures in Fairfield's historic districts. The dates associated with specific buildings and structures are in all instances approximate, whether or not "circa" or "c." is used in the description.

The Historic District Commission has made every effort at accuracy in this regard but precise dating of old buildings and structures is sometimes impossible, particularly for barns as well as buildings originally intended for commercial or industrial use. Approximation in dating in no way diminishes the historical importance of any of the buildings and structures in historic districts regulated by the Fairfield Historic District Commission.

## APPENDIX E: INVENTORY OF HISTORIC PROPERTIES

## Historic Properties in Fairfield

STREET NO.	DATE	STYLE	HOUSE NAME	ARCH/BUILDER
1135 Mill Hill Road Southport (1999)	1858	Gable-roof Cottage	Burr Sherwood Cottage	Burr Sherwood
375 Warner Hill Road (7 Half Mile Court) Southport (1999)	1910	Flemish Renaissance Revival	Restmore Ira De Ver Warner Villa National Register of Historic Places (2009)	Ira De Ver Warner
1529 Bronson Road Fairfield (1999)	c. 1720-1750	Saltbox	Ogden House National Register of Historic Places (1979)	David Ogden
230 Unquowa Road Fairfield (1999)	1814	Civic Structure	Powder House Historic American Buildings Survey (1937)	
170 Pequot Avenue Southport (1999)	1880	Carpenter Gothic/ Queen Anne	Northrup Cottage	George Northrup
506 Jennings Road Fairfield (2005)	1756	Colonial	General Gold Selleck Silliman House	Gold Selleck Silliman
449 Mill Plain Road Fairfield (2005)	1840	Gothic Revival	Johnathan Sturges House "The Cottage" National Register of Historic Places (1984) National Historic Landmark (1994)	Joseph Collins Wells
5210 Congress Street Fairfield (2005)	c. 1800	Federal	Ann S. Carter House	Medad bradley
12 Ermine Street Fairfield (2008)	1940	Modern	Victor Civkin Home and Studio	Victor Civkin

## Description of Historic Properties

### **Ogden House**

#### **1520 Bronson Road**

The Ogden House is a two and a half story Saltbox built between 1720 and 1750 and listed on the National Register of Historic Places in 1979. The house has a dual importance--first as a very early Fairfield dwelling and second as one of the earliest twentieth-century restoration efforts.

Annie Burr Jennings acquired the house in 1931. In conjunction with Norman Isham and Henry Stoddard she undertook an extensive renovation--removing Federal-period additions in order to return the house to what was believed to be its original eighteenth-century appearance while retaining a substantial amount of the original fabric. The Ogden House thus embodies distinctive characteristics of two periods of American history--construction methods used in the first half of the eighteenth century and restoration techniques used by early twentieth-century preservationists.

### **General Gold Selleck Silliman House**

#### **506 Jennings Road**

This typical example of an early New England central chimney house was built in 1756 by Gold Selleck Silliman, a Revolutionary War general and father of Benjamin Silliman. General Silliman participated in the Battles of Long Island, White Plains and Ridgefield and was taken prisoner by the British in 1779. According to the Connecticut Historical Commission, the house is noted for its "central entry which consists of a modillioned broken pediment flanking a central urn". The house was the childhood home of famed Yale professor Benjamin Silliman, a leader in early American science.

### **Ann Shaw Carter House**

#### **5210 Congress Street**

This Federal style house probably dating to about 1800 is a good example of the double pile center entry format. The main section of the building has survived with a remarkable degree of integrity. The property includes two outbuildings--a wooden barn and a partially cobblestone coach house/garage--both of which possibly date to the nineteenth century. The property's late 20th Century owner, Ann Shaw Carter, was a Fairfield civic leader.

The property is especially important taken as a whole in that it includes an early house with great architectural integrity along with two outbuildings that have served the main house for generations. A stone outbuilding is particularly noteworthy. Every effort should be made to preserve the entire compound in its current state of excellent preservation.

**Powder House****230 Unquowa Road**

The Powder House was built at public expense around 1814, just after the War of 1812, for the safe storage of munitions. The small rubble stone structure was covered with a subsequently-parged brick vault. A rough slate gambrel roof was added in 1924 by the Eunice Dennie Burr Chapter of the Daughters of the American Revolution. At this time, additional land was added to the site and a stone wall built. The building was included in the Historic American Buildings Survey in 1937.

**Jonathan Sturges House -- The Cottage****Mill Plain Cottage****449 Mill Plain Road**

This very early and highly sophisticated example of the Carpenter Gothic style of the Gothic Revival movement was built in 1840 as a summer residence for Jonathan Sturges by the noted English architect Joseph Collins Wells. It was designated a National Historic Landmark by the U.S. Department of the Interior in 1994. Three additions (in 1846, 1883, and 1890) added to the size of the house. The property includes a gazebo, coach house and garage.

**Burr-Sherwood Cottage****1135 Mill Hill Road**

The Burr-Sherwood Cottage is a one and a half story frame farmstead probably built by Burr Sherwood between 1854 and 1858. The gable dormers were probably added in the 1920s. The cottage is a well-preserved example of the town's vernacular agricultural architecture.

**Northrup Cottage****170 Pequot Avenue**

The Northrup Cottage at 170 Pequot Avenue is significant not only for its exceptional original architecture with massing and detailing representative of local vernacular craftsmen traditions but also as a part of the village streetscape of Southport's commercial center.

The house is a well-preserved, representative example of the Carpenter Gothic and Queen Anne styles of architecture. It was built in about 1880 by George Northrup, who resided next door and built many houses in Fairfield and Southport. The house exhibits virtually all of its original features although a substantial but lower wing was added to its rear for commercial purposes in the 1960s. The detailing on this house, being so well preserved, is especially important.

**Ira DeVer Warner Villa — "Restmore"****375 Warner Hill Road**

"Restmore" is a Flemish Renaissance Revival villa built by Ira DeVer Warner in 1910. Ira DeVer Warner was an important Bridgeport industrialist and local philanthropist so this house is significant in the social history of the area.

The Flemish Renaissance Revival style of architecture of “Restmore” is exceptional in Fairfield and unique in historic districts and among historic properties in the town. The design is based on Cecil Rhodes’s house in Capetown, South Africa.

**Victor Civken House**

**12 Ermine Street**

The Victor Civken house is a split-level Modernist building. It was the residence and studio of architect Victor Civkin, who was the pioneer of Modernism in Fairfield. Between the late 1930s and his death in 1968, Civkin designed many residences in the Modernist style. This one, which was his own residence and studio, was built in 1940-41.

## Chapter 26

### HISTORIC DISTRICTS

#### GENERAL REFERENCES

Historic District Commission — See Charter, § 10.14. Harbor Management Area — See Ch. 24, § 24-14B.

Real property management — See Ch. 35.

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#### **§ 26-1. Old Post Road Historic District.**

An historic district is hereby established in the Town, the boundaries of which are shown on the map entitled "Historic District, Fairfield, Connecticut," which map is filed in the office of the Town Clerk, and which district is more particularly bounded and described as follows:

- A. Beginning at a point of intersection of the center line of Turney Creek and the southerly street line of the Old Post Road; thence southerly along the center line of Turney Creek for a distance of one hundred forty feet, more or less, to a point of intersection with a line which is parallel to and one hundred twenty-five feet southerly of the southerly street line of the Old Post Road; thence westerly along a line which is parallel to and one hundred twenty-five feet southerly of the southerly street line of the Old Post Road for a distance of four hundred ten feet, more or less, to a point of intersection with the westerly property line of land now or formerly of David and Jean H. Whitney; thence southerly along the westerly property line of land now or formerly of David and Jean H. Whitney for a distance of seventy-five feet, more or less, to a point of intersection with a line which is parallel to and two hundred feet southerly of the southerly street line of the Old Post Road; thence westerly along a line which is parallel to and two hundred feet southerly of the southerly street line of the Old Post Road for a distance of one hundred feet, more or less, to a point of intersection with the easterly property line of land now or formerly of Lawrence and Doris N. Hemmendinger; thence northerly along the westerly property line of land now or formerly of Lawrence and Doris N. Hemmendinger and Ernest M. and Hedwig D. Rappolt for a distance of seventy-five feet, more or less, to a point of intersection with a line which is parallel to and one hundred twenty-five feet southerly of the southerly street line of the Old Post Road; thence westerly along a line which is parallel to and one hundred twenty-five feet southerly of the southerly street line of the Old Post Road for a distance of one thousand sixty feet, more or less, to a point of intersection with the westerly street line of South Benson Road; thence southerly along the westerly street line of South Benson Road for a distance of twenty-five feet, more or less, to a point of intersection with a line which is parallel to and two hundred feet southerly of the southerly street line of the Old Post Road; thence

westerly along a line which is parallel to and two hundred feet southerly of the southerly street line of the Old Post Road for a distance of one hundred thirty feet, more or less, to a point of intersection with the easterly property line of land now or formerly of Robert G. and Jean D. Lee; thence southerly along the easterly property line of land now or formerly of Robert G. and Jean D. Lee for a distance of fifty feet, more or less, to a point of intersection with a line which is parallel to and two hundred fifty feet southerly of the southerly street line of the Old Post Road; thence westerly along a line which is parallel to and two hundred fifty feet southerly of the southerly street line of the Old Post Road for a distance of three hundred feet, more or less, to a point of intersection with the easterly property line of land now or formerly of Joseph A. and Susan G. Racioppi; thence northerly along the easterly property line of land now or formerly of Joseph A. and Susan G. Racioppi and Agnes G. Fairfield for a distance of fifty feet, more or less, to a point of intersection with a line which is parallel to and two hundred feet southerly of the southerly street line of the Old Post Road; thence westerly along a line which is parallel to and two hundred feet southerly of the southerly street line of the Old Post Road for a distance of four hundred seventy feet, more or less, to a point of intersection with a line which is parallel to and two hundred feet easterly of the easterly street line of Beach Road; thence southerly along a line which is parallel to and two hundred feet easterly of the easterly street line of Beach Road for a distance of six hundred fifty feet, more or less, to a point of intersection with the northerly street line of Sunnieholm Drive; thence westerly along the northerly street line of Sunnieholm Drive for a distance of two hundred seventy feet, more or less, and extending to a point of intersection with the westerly street line of Beach Road; thence southerly along the westerly street line of Beach Road for a distance of four hundred seventy feet, more or less, to a point of intersection with the northerly property line of land now or formerly of Edward A. Wenzel; thence westerly along the northerly property line of land now or formerly of Edward A. Wenzel, Town of Fairfield and Sybil B. McLaughlin, for a distance of one thousand one hundred seventy feet, more or less, to a point of intersection with the easterly street line of Penfield Road; thence northerly along the easterly street line of Penfield Road for a distance of eight hundred ten feet, more or less, to a point of intersection with a line which is parallel to and two hundred feet southerly of the southerly street line of the Old Post Road; thence westerly along a line which is parallel to and two hundred feet southerly of the southerly street line of the Old Post Road for a distance of six hundred seventy feet, more or less, to a point of intersection with the easterly property line of land now or formerly of Donal M. and Eleanor D. Collimore; thence northerly along the easterly property line of land now or formerly of Donal M. and Eleanor D. Collimore for a distance of two hundred seventy feet, more or less, and extending to a point of intersection with the northerly street line of the Old Post Road; thence westerly along the northerly street line of the Old Post Road for a distance of one hundred ninety feet, more or

less, to a point of intersection with a line which is parallel to and two hundred feet westerly of the easterly street line of the Old Post Road; thence northerly along a line which is parallel to and two hundred feet westerly of the easterly street line of the Old Post Road for a distance of eight hundred thirty feet, more or less, to a point of intersection with the westerly extension of the southerly property line of land now or formerly of the City Trust Company; thence easterly along the extension of and the southerly property line of land now or formerly of the City Trust Company for a distance of two hundred feet, more or less, to a point of intersection with the westerly street line of the Old Post Road; thence southerly along the westerly street line of the Old Post Road for a distance of sixty feet, more or less, to a point of intersection with the westerly extension of the southerly property line of land of the Town; thence easterly along the extension of and the southerly property line of land of the Town for a distance of two hundred seventy feet, more or less, to a point of intersection with a line which is parallel to and two hundred feet easterly of the easterly street line of the Old Post Road; thence southerly along a line which is parallel to and two hundred feet easterly of the Old Post Road for a distance of five hundred seventy feet, more or less, to a point of intersection with a line which is parallel to and two hundred feet northerly of the northerly street line of the Old Post Road; thence easterly along a line which is parallel to and two hundred feet northerly of the northerly street line of the Old Post Road for a distance of one thousand one hundred fifty feet, more or less, to a point of intersection with the westerly property line of land now or formerly of the First Church Congregational in Fairfield; thence southerly along the westerly property line of land now or formerly of the First Church Congregational in Fairfield for a distance of fifty feet, more or less, to a point of intersection with a line which is parallel to and one hundred fifty feet northerly of the northerly street line of the Old Post Road; thence easterly along a line which is parallel to and one hundred fifty feet northerly of the northerly street line of the Old Post Road for a distance of two hundred forty feet, more or less, to a point of intersection with the easterly street line of Beach Road; thence northerly along the easterly street line of Beach Road for a distance of fifty feet, more or less, to a point of intersection with a line which is parallel to and two hundred feet northerly of the northerly street line of the Old Post Road; thence easterly along a line which is parallel to and two hundred feet northerly of the northerly street line of the Old Post Road for a distance of one thousand one hundred feet, more or less, to a point of intersection with the westerly street line of South Benson Road; thence southerly along the westerly street line of South Benson Road for a distance of one hundred ten feet; more or less, to a point of intersection with a line which is parallel to and one hundred twenty-five feet northerly of the northerly street line of the Old Post Road; thence easterly along a line which is parallel to and one hundred twenty-five feet northerly of the northerly street line of the Old Post Road for a distance of one thousand three hundred twenty feet, more or less, to a point of intersection with the westerly street line of the Post Road (U.S.

Route No. 1); thence southerly along the westerly street line of the Post Road (U.S. Route No. 1) for a distance of one hundred ninety feet, more or less, and extending to the point of beginning.

### **§ 26-2. Greenfield Hill Historic District.**

An historic district is hereby established in Greenfield Hill to be known as the "Greenfield Hill Historic District," the boundaries of which are shown on a map entitled, "Historic District, Greenfield Hill, Town of Fairfield," and which map is filed in the office of the Town Clerk. Such district being more particularly bounded and described as follows:

- A. The village green and the adjacent properties on Meeting House Lane, Hillside Road and Old Academy Road, the Greenfield Hill Congregational Church and Church House, and extending southerly along both sides of Bronson Road to and including the old cemetery, and southerly along both sides of Hillside Road to a point below Verna Hill Road, including therein the following parcels of property as recorded in the Town Assessor's office:

<b>Map No.</b>	<b>Parcel No.</b>
171	28-32, inclusive
173	17-19, inclusive
173	28, 29
173	35-37, inclusive
173	43, 44
173	54-56, inclusive
173	60-85, inclusive
223	1, 10, 11

### **§ 26-3. Southport Historic District. [Amended 1-23-1995]**

- A. An historic district is hereby established in Southport to be known as the "Southport Historic District," the boundaries of which are shown on a map entitled, "Southport Historic District, Town of Fairfield," which map is filed in the office of the Town Clerk. Such district being more particularly bounded and described as follows:

- (1) The Southport Historic District is generally bounded on the north by the southerly line of the New York, New Haven & Hartford Railroad Company, on the south by the Mill River and Southport Harbor, on the west by Old South Road, including both sides, and on the east by Rose Hill Road, including both sides, Church Street and the west side of Prospect Lane. The east extension boundary crosses Prospect Lane in a northerly direction to the northwest corner of Lot 55 (Map 241). At said point the boundary runs around the north, east and south property lines of said lot and returns across Prospect Lane to the existing Southport Historic District

boundary, then returns along said boundary in a northwesterly direction to the point of beginning. Said district includes therein the following parcels of property as recorded in the Town Assessor's office:

<b>Map No.</b>	<b>Tax Parcel No.</b>
241	1-27, inclusive
241	34-53, inclusive
241	55
241	72-76, inclusive
241	79-87, inclusive
241	93, except that portion thereof used for commercial purposes
241	94-151
241	156-157
241	165-168, inclusive
241	186-201, inclusive
241	201A-202A
241	202-205, inclusive
241	210-213, inclusive
241	214, that portion fronting on Pequot Avenue to a depth of 200 feet
231	418-427, inclusive
231	441
231	453-455, inclusive

B. Spruce Street Extension. The existing Southport Historic District established in Southport, known as the "Southport Historic District," the boundaries of which are shown on a map entitled, "Southport Historic District, Town of Fairfield," shall be amended to include an extension. Upon adoption of this ordinance, a map entitled "Southport Historic District, Town of Fairfield, Amended 2007," shall be filed in the office of the Fairfield Town Clerk, which will include the extension bounded and described as follows: **[Added 10-22-2007]**

- (1) The existing northern boundary of the Southport Historic District shall be amended and generally bounded to include both sides of Spruce Street, to No. 100 on the east side and to Rennell Drive on the west and that portion of the railroad easement that connects with the existing historic district and includes the railroad stations on both sides of the tracks.
- (2) Said extension includes therein the following parcels of property as recorded in the Assessor's Office:

Map No.	Tax Parcel No.
241	181
241	221-226, inclusive
243	25-27, inclusive
243	39-41, inclusive

#### **§ 26-4. (Reserved)<sup>1</sup>**

#### **§ 26-5. (Reserved)**

#### **§ 26-6. (Reserved)**

#### **§ 26-7. Adoption of rules and regulations.**

The Historic District Commission shall adopt regulations and rules of procedure and shall be subject to all of the requirements imposed by the state statutes and the Charter regarding the administration and operation of the Commission.

##### **§ 26-7.1. Historic properties designation. [Added 7-26-1999]**

The Historic District Commission is authorized to study and make recommendations to the Representative Town Meeting to establish additional historic properties from time to time as the Historic District Commission sees fit to make such studies and recommendations. Only those properties authorized in writing by the owner or owners of record shall be recommended by the Historic District Commission and designated by the Representative Town Meeting as historic properties.

##### **§ 26-7.2. Designated historic properties.**

The following properties have been designated as historic properties by the Representative Town Meeting: 1520 Bronson Road, 506 Jennings Road, 5210 Congress Street, 230 Unquowa Road, 449 Mill Plain Road, 1135 Mill Hill Road, 170 Pequot Avenue, 375 Warner Hill Road, 12 Ermine Street, and 554 Tunxis Hill Road.

#### **§ 26-8. Construal.**

Nothing contained in this chapter shall relieve any property owner of complying with the requirements of any other state statutes, this Code or municipal ordinances or regulations affecting the uses of land within the Town.

1. Editor's Note: Former §§ 26-4 through 26-6, concerning the Historic Commission, were repealed 9-28-1998. See § 10.14 of the Charter.

26:6

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