

Revised: 6.9.11

FAIRFIELD HISTORIC DISTRICT COMMISSION
Application for Certificate of Appropriateness

Please read and follow the the instructions on the reverse and fill out the form below

Owner's Name: Town of Fairfield

Telephone(s): 475-257-0153

Street Address: 985 and 1101 Harbor Road

Assessor's Map# 7907 Lot# 1101

Town: Southport

Zip: 06890

Mailing Address, if different: Harbor Management Commission
Town Hall
725 Old Post Road
Fairfield, CT 06824

Brief description of ALL proposed work:

The Fairfield Harbor Management Commission has been directed by Town Risk manager Peter Richey, Town Attorney Philip Pires, and Director of Parks and Recreation Anthony Calabrese to erect signage on the properties known as Ye Yacht Yard and the Water Lot at 1101 Harbor Road adjacent to Lower Wharf. The signs warn of risks to public safety at Lower Wharf identified in a Risk Management Survey conducted by the Town and also advise on specific deed restrictions at the adjacent Water Lot.

The Ye Yacht Yard sign would be placed by the department of Public Works in the vicinity of the kayak rack near Harbor Road, visible to anyone walking to the entrance of Lower Wharf. The smaller Water Lot sign would be visible to people entering that lot by foot. This signage plan fully aligns with deed restrictions and instructions from 1999 and 2019 specified by the Grantors of each property. Copies of the two deeds are attached.

The signs will have a natural wood frame and closely resemble the sign styles long in use at Ye Yacht Yard. They will be constructed of wood and metal by Sign Creations, a local vendor who has done work for the Town previously. There will not be any illumination involved. The signage reflects feedback from Harbor Road neighbors who were consulted by the Harbor management Commission.

Permission is hereby granted the Commission and/or its representatives to make on-site inspections prior to the hearings and during construction.

Date 6/18/24


Signature Owner/Agent

Notices should be sent to:

Agents Name: Donald Hyman
Chairman Harbor Management Commission

Owner
or
☒ Agent

Address: 61 Northfield Road
Fairfield, CT 06824

Telephone: 917-846-6767

FOR COMMISSION USE ONLY					
Proposed work is visable from _____, a public way					
Stamped plot plan: Exhibit _____					
Drawings: Exhibit(s) _____					
Photo(s): Exhibit(s) _____					
Other: Exhibit(s) _____					
Hearing date: _____ Filing date of completed application: _____					
Orig _____ File _____ Bldg _____ Appl _____ Chm _____ Sec _____					

Town of Fairfield

Harbor Management Commission

Sullivan Independence Hall
725 Old Post Road
Fairfield, Connecticut 06824



To: Fairfield Historic District Commission members
From: Donald Hyman, Chair, Fairfield Harbor Management Commission
Re: Public Safety Signage Required at Lower Wharf in Southport
Date: June 17, 2024

Early in 2023 the Fairfield Harbor Management Commission (HMC) began coordinating closely with the Town Risk Manager, Peter Ritchey, regarding public safety risks at Lower Wharf in Southport. The 1999 deed transferring the land to the town gave the HMC oversight responsibility for managing the property. Among other concerns at the time were the remnants of a large, aging pier all but demolished by a severe December 2022 storm.

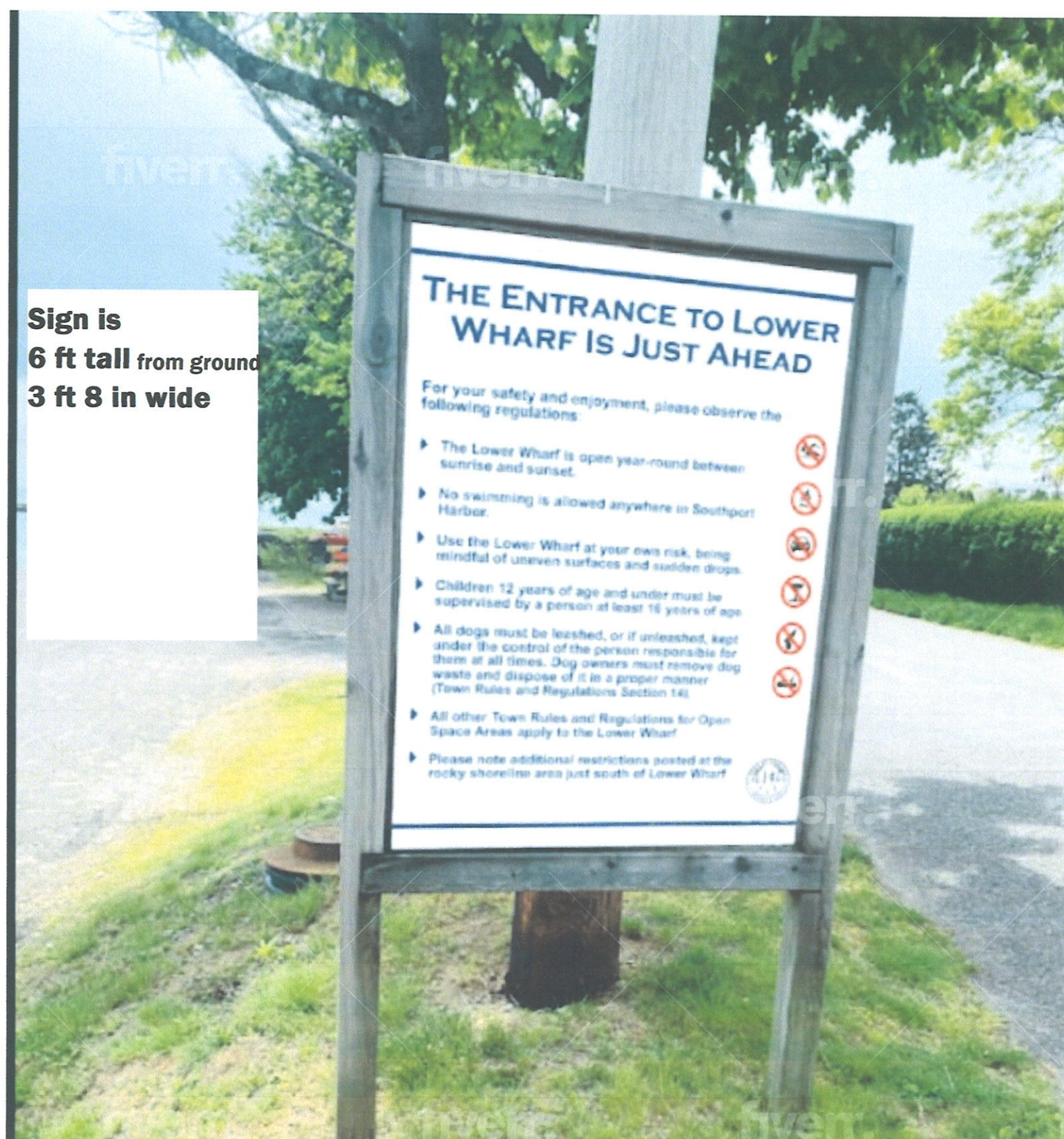
A professional risk management assessment was ordered after consultation with the Town Attorney in order to protect the public and manage risk exposure and financial liability for the town. *The risk assessment urged a public safety warning sign be installed at Lower Wharf to inform visitors and manage risks cited in the report. The risk management report is enclosed with this application.*

In addition, an additional 2019 deed for the adjacent Water Lot property next to Lower Wharf made clear specific restrictions in public behavior and land usage which were required to be posted in a sign at the Water Lot site as a condition in that land's transfer to the town. *Both deeds are enclosed with this application.*

An earlier signage plan developed by HMC originally included one large sign for Lower Wharf to cover all concerns on both land parcels. During HMC discussions with neighbors, including generous individuals who made the Lower Wharf transfer possible, objections were raised regarding a single large sign on that property. Instead, feedback from neighbors suggested a two-sign approach. One sign would be placed at Ye Yacht Yard (YYY) near Harbor Road visible to all pedestrians walking to Lower Wharf's entrance. A second, smaller sign would be placed at the Water Lot covering the 2019 deed specified land use restrictions for that particular parcel of land. Both would echo the design of historic YYY signage.

Language for both signs has been repeatedly reviewed and revised by HMC in concert with the Town Attorney, the Town Risk Manager, the Parks and Recreation Department, the Department of Public Works and the Conservation Department. Essentially, both signs function as legal documents. We believe they will give visitors important public safety warnings; enhance the quality of life in the neighborhood and reduce the town's liability exposure for the benefit of all. We on the HMC greatly appreciate the support and understanding of the Historic District Commission. We are available to answer any questions.

**Sign is
6 ft tall from ground
3 ft 8 in wide**



THE ENTRANCE TO LOWER WHARF IS JUST AHEAD

For your safety and enjoyment, please observe the following regulations:

- ▶ The Lower Wharf is open year-round between sunrise and sunset.
- ▶ No swimming is allowed anywhere in Southport Harbor.
- ▶ Use the Lower Wharf at your own risk, being mindful of uneven surfaces and sudden drops.
- ▶ Children 12 years of age and under must be supervised by a person at least 16 years of age.
- ▶ All dogs must be leashed, or if unleashed, kept under the control of the person responsible for them at all times. Dog owners must remove dog waste and dispose of it in a proper manner (Town Rules and Regulations Section 14).
- ▶ All other Town Rules and Regulations for Open Space Areas apply to the Lower Wharf.
- ▶ Please note additional restrictions posted at the rocky shoreline area just south of Lower Wharf





Sign #2
24 inches wide by 18 inches tall
Total 3 feet tall with post



THE FOLLOWING ACTIVITIES ARE PROHIBITED HERE:

- ▶ **The use of wheeled vehicles except wheelchairs and baby carriages;**
- ▶ **The use of any alcohol, firearms or watercraft of any kind including, without limitation, jet skis, sail boards, paddle boards, and kayaks;**
- ▶ **Littering, sunbathing, picnicking, and fires;**
- ▶ **The use of lawn chairs, beach chairs, and umbrellas.**

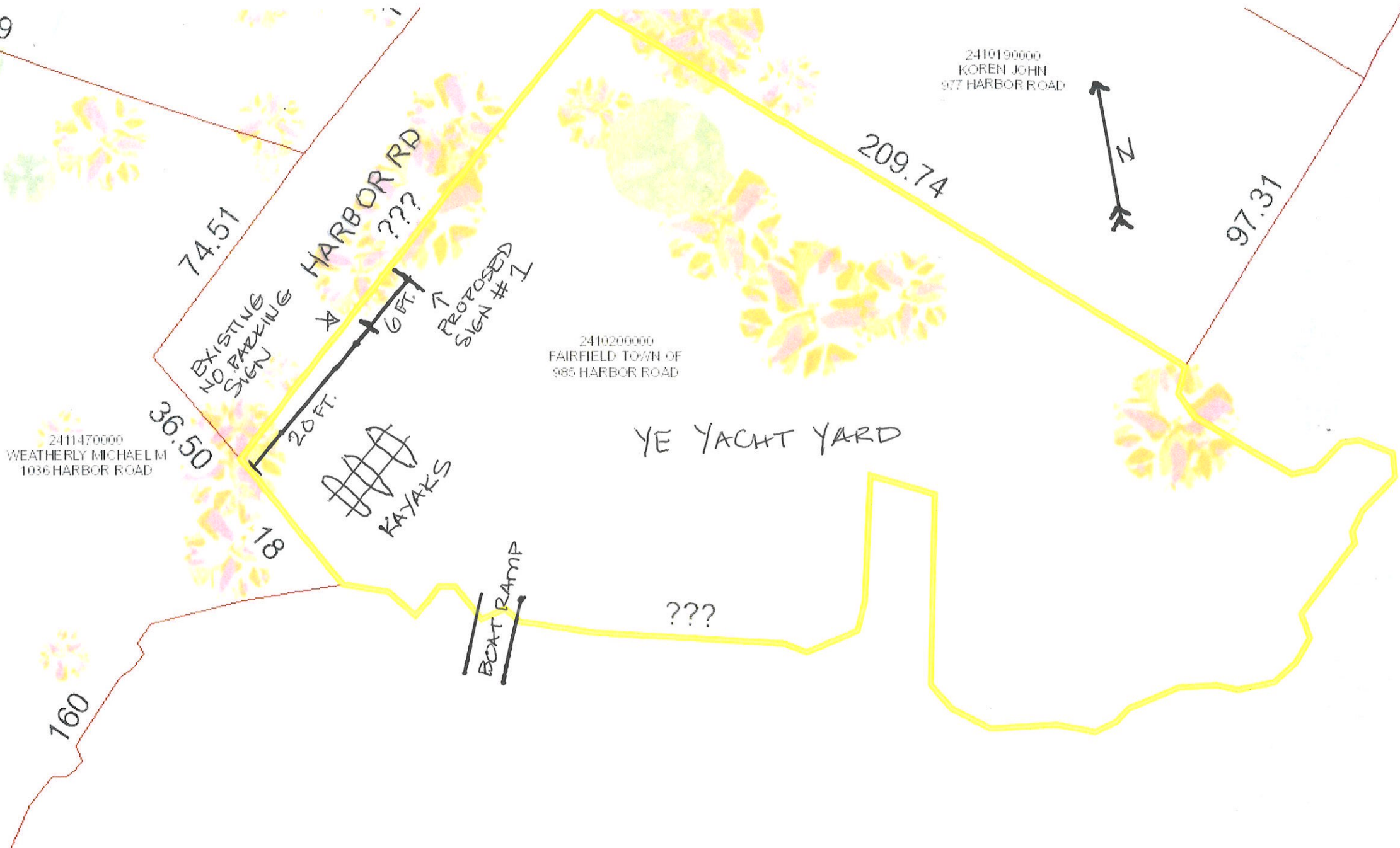
**TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION**



Sign #2 at the Water Lot
24" Wide by 18" Tall (3 feet tall with post)
Wooden frame & Post
To be placed aprox 3 Feet from existing
Hedge

Sign #2

19



2411470000
WEATHERLY MICHAEL M
1036 HARBOR ROAD

2410200000
FAIRFIELD TOWN OF
985 HARBOR ROAD

2410190000
KOREN JOHN
977 HARBOR ROAD

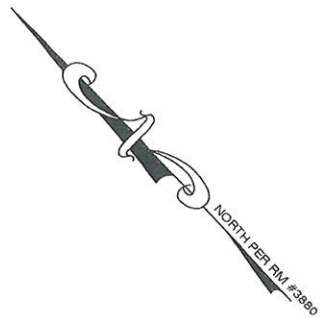
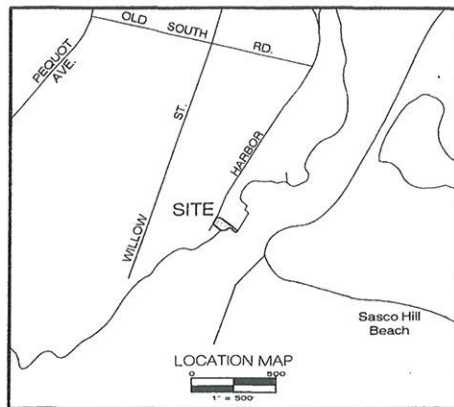
YE YACHT YARD

KAYAKS

BOAT RAMP



L06L



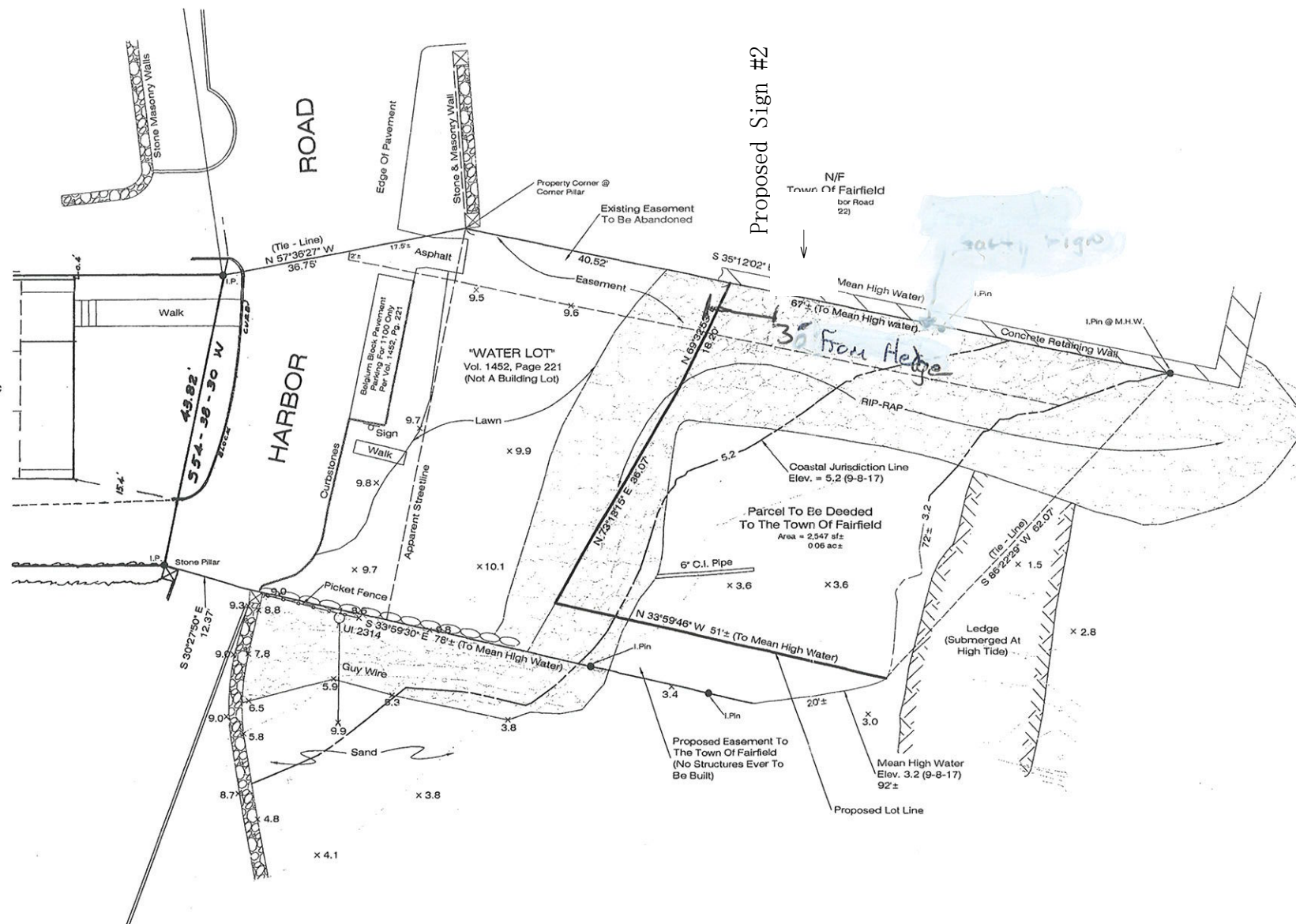
NOTES:

1. This survey and map has been prepared in accordance with the Sections 20-300b-1 through 20-300b-20 of the Regulations of Connecticut State Agencies - "Minimum Standards for Survey and Maps in the State of Connecticut" as endorsed by the Connecticut Association of Land Surveyors, Inc. It is a Data Accumulation Plan based upon a Resurvey and conforms to Horizontal Accuracy Class A-2. Topography Depicted Hereon conforms to Topographic Accuracy Class T-2.
2. Reference is made to the following maps on file in the Fairfield Town Clerk's Office:
A. RM #3880 - "Map of Property for Willard G. Reynolds and Josephine S. Reynolds, Fairfield, Conn., July 15, 1968" Map prepared by The Huntington Company.
B. RM #6228 - "Map of Property for Robert G. Lee and Jean D. Lee and The Town of Fairfield" dated December 23, 1994. Map prepared by The Huntington Company.
3. The underground utilities shown, if any, have been located from visible field survey information. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. The surveyor has not physically located the underground utilities, unless specifically noted as such. It is the Contractor's responsibility to contact CALL BEFORE YOU DIG (CBYD) prior to commencement of any excavation, Dial 811 or 1-800-922-4455.
4. Property is located in FEMA Zone AE(12). Per Flood Insurance Rate Map #09001C0418G, Effective Date: July 8, 2013; Panel 418 of 626.

5. Property is served by public water and sanitary sewer.
6. Property lies in Zone: Residence R3.
7. Reference the following on file in the Fairfield Land Records:
A. Volume 1452 Page 221 - Agreement (Water Lot)
B. Volume 932 Page 203 - Historic Notice
8. Vertical Datum: NAVD 88.

RESIDENCE R3 DISTRICT	
Minimum Lot Area	20,000
Minimum Square On Lot	100
Minimum Lot Frontage	20
MINIMUM SETBACK	
Setback From Street Line	40
Setback From Side Property Lines - One Story	30
Setback From Side Property Lines - More Than One Story	30
Setback From One Side Property Lines	15
Setback From Rear Property Lines	30
Setback From Street Line On A Corner Lot - One Story	30
Setback From Street Line On A Corner Lot - More Than One Story	30
MINIMUM FLOOR AREA	
Floor Area - One Story Building	900
Floor Area - Split Level Building	1,200
Floor Area - Two Or More Story Building Total Floor Area	1,200
Floor Area - Two Or More Story Building Ground Floor Area	800
Maximum Height For A Building Or Structure	40
Maximum Number Of Stories Per Building	3
Maximum Building Lot Coverage As A Percentage Of Lot Area	15%
Maximum Building Floor Area As A Percentage Of Lot Area	30%
Minimum First Floor Elevation	12

N/F
1100 Harbor Road, LLC
#1100 Harbor Road
(241/150)



APPROVED
FOR ZONING COMPLIANCE
FOR HISTORICAL REVIEW
[Signature]
5-30-24
Zoning Enforcement Officer

STREET ADDRESS #1101 HARBOR ROAD
ASSESSORS MAP# 241 PARCEL# 23
ZONE RESIDENCE R3
OWNER/APPLICANT 1100 HARBOR ROAD, LLC
#1100 HARBOR ROAD
SOUTHPORT, CT 06890
PROPOSAL PARCEL TO BE DEEDED TO THE TOWN
OF FAIRFIELD & EASEMENT TO BE
ABANDONED
DATE 03.19.2018 SCALE 1\"/>

THIS MAP PRODUCED BY
ORIGINAL INK DRAWING
ON POLY FILM OR LINEN
HUNTINGTON COMPANY
303 LINWOOD AVE.
FAIRFIELD, CT 06824

NO.	DATE	DESCRIPTION
3	5-6-19	Revise Per Site Meeting
2	4-15-19	Proposed Lot Line / Area
1	8-21-18	Additional Topo Added
REVISIONS		

DATA ACCUMULATION PLAN DEPICTING PARCEL TO BE DEEDED TO THE TOWN OF FAIRFIELD PREPARED FOR 1100 HARBOR ROAD, LLC #1101 HARBOR ROAD SOUTHPORT, CONNECTICUT			
DATE: MARCH 19, 2018	SCALE: 1\"/>		

NOT VALID UNLESS EMBOSSED WITH SEAL OR
FIXED WITH THE LIVE STAMP OF THE SIGNATORY
TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
SUBSTANTIALLY CORRECT, AS NOTED HEREON
[Signature]
Jason T. Spall Sr., L.S. #70136

Received for Filing August 28, 2019. Attest: *[Signature]* Asst. Town Clerk

8-4395
1907

DEED RESTRICTIONS FOR LOWER WHARF

The Town of Fairfield, acting herein by Kenneth A. Flatto, its First Selectman, gratefully acknowledges receipt of donations by the Sasquanaug Association for Southport Improvement, Inc. and ten individuals named hereafter which have been used to fund a portion of the purchase price for the property located at 1085 Harbor Road, formerly known as the "Trefz Property" which is to be known henceforth as "Lower Wharf" and is further described on Schedule A annexed hereto. In consideration for the substantial donations made by Sasquanaug and the individuals named hereafter, the Town of Fairfield hereby agrees to and by recording of these deed restrictions shall be bound to the following limitations of use on Lower Wharf.

014421

1. No buildings or structures of any character or any picnic tables, playground equipment or equipment or facilities for sports or games shall be erected or maintained at the premises, except for not more than three benches none of which shall be longer than six feet.
2. No portion of the premises shall be used for vehicular parking, and no vehicles shall be permitted on the premises except for maintenance vehicles and equipment.
3. A plaque shall be placed at the premises naming the premises "Lower Wharf."
4. No concessions to operate at the premises shall be granted to any vendors of goods, food products, merchandise or services and no facilities of any character to be erected or maintained.
5. The premises shall be used as a public green for the benefit and enjoyment of the people of Fairfield and others for walking, viewing, and recreational fishing and shall be maintained as unimproved open space. No portion of the premises shall be paved, and no shrubbery, trees, or other plantings shall be permitted which are higher than three feet.
6. No light or illumination of any kind shall be permitted.
7. No use shall be made of the premises before sunrise or after sundown.
8. Other than docking of boats at the dock and access to the dock by foot, no portion of the premises shall be used as a boat yard or for marina operations or for storage or equipment. The term "boats" includes watercraft of any description.
9. The assignment of dock space shall be given with preference first to Fairfield Residents and then to the general public.
10. The existing or similar dock configuration is to be maintained by the Fairfield Harbor Management Commission and no changes are to be made thereto without consultation with the Sasquanaug Association for Southport Improvement, Inc., provided however that a dock for the Fairfield Community Sailing Association or other group approved by the Harbor Management Commission may be installed.

11. Responsibility for management of the premises shall rest with the Fairfield Harbor Management Commission.
12. The Town of Fairfield shall use its best efforts to maintain its sole jurisdiction and control over the property and dock facilities.

Each of the individuals named hereafter has contributed financially to the purchase of the premises by the Town of Fairfield and each of them (other than H. Barclay Morley and Annette Morley) owns property, and resides in close proximity to the premises. They therefore have a specific and special interest in the preservation of the premises and the use thereof as a public green.

It therefore is expressly understood and agreed that each and every of the following named individuals, or any of them, and their respective heirs and successors of their respectively identified properties, shall have standing to bring and maintain any action as may be necessary or appropriate, either in law or equity, in order to enforce or interpret the aforesaid restrictions or any of them:

J. Maxwell Soper
1074 Harbor Road
Southport, Ct. 06490

Annette Morley
P.O. Box 579
Southport, Ct. 06490

H. Barclay Morley
P.O. Box 579
Southport, Ct. 06490

Jean Lee
1100 Harbor Road
Southport, Ct. 06490

Ruth E. Glendenning
1088 Harbor Road
Southport, Ct. 06490

Lucy D. Roberts
1060 Harbor Road
Southport, Ct. 06490

Virinia K. Cargill
P.O. Box 44
Southport, Ct. 06490

Rolando E. Pantoja
1000 Harbor Road
Southport, Ct. 06490

Berkeley Soper
1074 Harbor Road
Southport, Ct. 06490

Rosemary Q. Barry
1000 Harbor Road
Southport, Ct. 06490

In addition, the Sasquanaug Association for Southport Improvement, Inc., a non-profit corporation, comprised primarily of residents of Southport and a recognized representative and spokesman of the residents of Southport, has contributed financially to the purchase of the premises by the Town of Fairfield, and therefore it is further understood and agreed that the said Association shall also have standing to bring and to maintain any action as may be necessary or appropriate, either in law or equity, in order to enforce or interpret the aforesaid restrictions or any of them, and that if any question shall arise with respect to the intent and meaning of any of the foregoing restrictions or the uses permitted or prohibited thereby special weight shall be given to the views or wishes of said Association in such controversy.

Signed, sealed and delivered
in the presence of:

Richard H. Saxl
Richard H. Saxl

THE TOWN OF FAIRFIELD

John E. Wroblewski
John E. Wroblewski

By Kenneth A. Flatto
Kenneth A. Flatto
Its First Selectman
Duly authorized

STATE OF CONNECTICUT)
COUNTY OF FAIRFIELD)

ss. Fairfield Nov 1, 1999

Personally appeared, KENNETH A. FLATTO, First Selectman of the Town of Fairfield, duly authorized signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed and that of said Town of Fairfield

Richard H. Saxl
Richard H. Saxl
Commissioner of the Superior Court

RECEIVED FOR RECORD
NOV - 1 1999 AT 3:44P M
ATTEST: Margaret H. Flatto
TOWN CLERK

Return to:
John F. Fallon, Esq.
P.O. Box 541
Fairfield, CT. 06824

Receipt # 39816
Instr # 2019-5664
Local Tax \$0.00
State Tax \$0.00



VOL 5814 PG 313
08/28/2019 09:56:34 AM
3 Pages
WARRANTY DEED

Elizabeth P. Browne, Fairfield Town Clerk

STATUTORY FORM WARRANTY DEED

1100 HARBOR ROAD, LLC (hereinafter "the Grantor") of the Town of Fairfield and State of Connecticut, for one (\$1.00) dollar and other valuable consideration grants to **THE TOWN OF FAIRFIELD** (hereinafter "the Grantee"), WITH WARRANTY COVENANTS,

All that certain parcel of land situated in the Town of Fairfield and designated as #1101 Harbor Road, Southport, Connecticut, said parcel described in Schedule A attached hereto and made a part hereof and being further referenced as "Parcel to be Deeded to the Town of Fairfield Area = 2,547 sf ± 0.06 ac± on a certain map entitled "Data Accumulation Plan Depicting Parcel to be Deeded to the Town of Fairfield prepared for 1100 Harbor Road, LLC #1101 Harbor Road, Southport, Connecticut" dated March 19, 2018, last revision -5-6-19 scale 1"= 10' prepared by the Huntington Company, LLC, said map being recorded herewith on the Land Records of the Town of Fairfield as Map # 7907.

Said Parcel being known as **1101 Harbor Road, Southport, Connecticut**.

The Parcel and it's use shall be subject to the "Deed Restrictions for Lower Wharf" (#1 thru #12) as set forth in Volume 2057 pages 118-119 of the Fairfield Land Records.

In addition the Parcel shall be subject to the following Restrictions enforceable by the Grantor and/or the Grantee, their heirs, successors and assigns:

The following activities are prohibited, it being the intention of the Grantor and the Grantee to maintain the Parcel as open space for walking, viewing and recreational fishing.

- 1) the use of any wheeled vehicles except wheelchairs and baby carriages;
- 2) the use of any alcohol, firearms or watercraft of any kind including, without limitation, jet skis, sail boards, paddle boards or kayaks;
- 3) littering, sunbathing, picnicking or fires;
- 4) the use of any lawn chairs, beach chairs or umbrellas;

The Grantee agrees that it will post a sign on the Parcel referencing the restrictions 1 thru 4, inclusive as above set forth; the size and location of the sign to be at the discretion of the Grantee.

The Grantee agrees to install a sign on the Parcel specifically referencing the Restrictions as above set forth.

Signed this 10th day of Aug, 2019.

1100 HARBOR ROAD, LLC

Witnessed by:

John F. Fallon

by Brian McMahon
Brian McMahon, member,
duly authorized

Eileen F. Sliva
Eileen F. Sliva

STATE OF CONNECTICUT)
COUNTY OF FAIRFIELD) : ss. Fairfield

On this the 14th day of August, 2019, before me, the undersigned officer, personally appeared Brian McMahon, member, the signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed on behalf of 1100 Harbor Road LLC.

In witness whereof I have hereunto set my hand.

~~Notary Public~~ John F. Fallon
Commissioner of the Superior Court

SCHEDULE A

**Perimeter Description
Parcel To Be Deeded To
The Town Of Fairfield
Southport, Ct.**

All that certain piece or parcel of land located in the Town of Fairfield, County of Fairfield, and State of Connecticut shown as "Parcel To Be Deeded To The Town Of Fairfield" on a map entitled: "Data Accumulation Plan Depicting Parcel To Be Deeded To The Town OF Fairfield Prepared For

1100 Harbor Road, LLC, #1101 Harbor Road, Southport, Connecticut; Scale: 1" = 10' ;

Dated:

March 19, 2018 and revised thru 5-6-19" prepared by The Huntington Company, LLC, which property is more particularly bounded and described as follows:

Commencing at a point on the Southerly Street line of Harbor Road, said point being the Common corner of land now or formerly Town Of Fairfield and the "Water Lot" as depicted on

said map Thence S 35°12' 02" E a distance of 40.52' to the true point and place of beginning:

Thence S 35°12'02" E a distance of 67' more or less to Mean High Water (MHW); thence along

MHW (Elevation 3.2) a distance of 72' more or less; thence N 33°59'46" W a distance of 51' more

Or less; thence N 73°13' 15" E a distance of 36.07; thence N 69°32' 53" E a distance of 18.20' ;

to the point of beginning,

Containing in all 2,547 square feet, 0.06 acres more or less.

RECEIVED FOR RECORD
08/28/2019 09:56:34 AM
Elizabeth P. Browne, Fairfield Town Clerk





On February 15, 2023, AP's Patrick McNally completed the hazard assessment of the Lower Wharf. The objective of this assessment was to evaluate the current risk management and best practices efforts to offer reasonable suggestions for improving the overall safety of visitors to Lower Wharf.

This report is based upon the information supplied by customer (Town of Fairfield) personnel and/or on the conditions and practices observed at the time of the visit. The report may not list all unsafe conditions and practices; others may exist. The assessment activities or any recommendations in this report are designed to assist the customers named in the report in the management of their own safety activities and should not be construed as legal advice. The responsibility for making changes in the operations, procedures, or for implementing any recommendations is the customer's. All warranties are hereby disclaimed and no liabilities are assumed to any party for any damages that may arise from the use of or reliance upon information contained in this report.



Recommendation: A licensed electrician should inspect/repair/replace components. "Danger High Voltage" labels should be placed on panels.

Significant corrosion identified on electrical panel	
 <p>Erosion from recent storm has made access to beach area difficult</p>	<p>Recommendation: Repair erosion to make clear walking path. Add signage identifying uneven/slippery surfaces.</p>
 <p>No caution/warning signage at entrance</p>	<p>Add hazard warning signage at entrance per ANSI standard. Consider language stating:</p> <ul style="list-style-type: none"> "No Swimming" "Sudden Drop" "Uneven Surfaces" "No Unsupervised Children"



Damaged Concrete

Recommendation: Have structural engineer evaluate concrete to determine if repairs are necessary



Damaged Pier from recent storm

Recommendation: Have structural engineer evaluate extent of damage. Install temporary signage stating "Danger Pier Closed Due to Storm Damage"