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9/28/22

via email by C. Dwyer

Town of Essex
Inland Wetlands and Watercourses Commission

Revised 3/9/2022

Application # 22-18 Date received by Office 9/28/22 Fee _____

Owner of Record Terry Lynn McDonald and Dustin L. Aliano

Home Address 32 Birch Mill Trail Essex, CT 06426 / 11921 Winterthur Lane, PH2, VA 20191

Mailing Address: P.O. Box 111, Old Saybrook, CT 06475

Phone: Home/Cell (860) 710 - 1645 Work: _____

Applicant's Name: Terry Lynn McDonald

Home Address 32 Birch Mill Trail Essex, CT 06426

Mailing Address: P.O. Box 111, Old Saybrook, CT 06475

Phone: Home/Cell (860) 710 - 1645 Work: _____

Applicant's interest in the land if the applicant is not the property owner NA

Location of Property by Street & Village Address: 32 Birch Mill Trail Essex, CT 06426
Map 90 Lot 001/39 Lot Size 2.87 acres District RU

Check applicable activities occurring in or within 100 feet of wetlands and/or watercourses:

Construction of a structure(s)	<u>X</u>	Discharge	_____
Other site development work	<u>X</u>	Pond creation/dredging	_____
Deposition or removal of material	_____	Tree removal	_____
Stream altering/channelization	_____	Dam maintenance	_____
Subdivision/Resubdivision	_____	Other	_____

Nature of Request: Explain in detail the extent of any activity checked above, the type of material, and the equipment to be used to complete project. (Use additional sheets if necessary.)

_____ Please see project description attached hereto as Appendix A. _____

Estimated length of time for project : Approximately six (6) to eight (8) months.

Note:

1) TO BE ACCEPTED BY THE LAND USE OFFICE, THIS APPLICATION MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS.

2) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.

3) I HERBY AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY THE LAND USE OFFICE AS DESCRIBED IN PART THREE OF THIS APPLICATION.

Explain what alternatives have been considered in connection with this application to avoid altering inland wetlands and/or watercourses?

The plan of removing the existing stone patio is an alternative to leaving it situated in its current condition, which is in close proximity to Birch Millpond. The existing stone patio which was constructed without permitting approval will be removed, erosion control measures will be installed in its place, and the new patio is proposed to be constructed farther back from the pond in the upland review area.

ACTIVITY LOCATION (Map with sufficient detail must be submitted as a part of the application)

Approximate number of acres of wetlands (or portion thereof) on the property: 0.186 acres

Approximate area of inland wetlands to be altered: 0.001

Approximate length of watercourse(s) on the property: 310.3 feet (Birchmill Pond is watercourse)

Approximate length of watercourse(s) to be altered: 0

Approximate number of acres of upland review area on the property: 0.8

Approximate area of upland review area to be altered: 0.114 acres

If known, are vernal pools or tidal wetlands located on the property? No

If yes, where and how many acres (or portion thereof) on the property? NA

Is property located within a Special Flood Hazard Area? Yes

If yes, where and how many acres (or portion thereof) on the property? _____

Plus or minus 0.8 acres. _____

Has the property been flagged by a licensed soil scientist Yes

If yes, by who, and when? Boundary checked and verified on December 4, 2020 by Rich Snarks

Will there be water discharge into wetlands? No

Discharge – Specify Type NA

Please complete the attached State Reporting Form

ADDITIONAL INFORMATION MAY BE REQUIRED DEPENDING UPON THE COMPLEXITY OF THE PROJECT.

State the names of all property owners adjacent to the subject property:

Name of Adjacent Property Owner	Street Address (include Mailing Address if Different)
Please see list of abutters attached hereto as Appendix B	

For large properties, please attach another sheet if necessary.

CERTIFICATION:

The applicant understands that this application is to be considered complete only when all information and documents required by the Commission have been submitted. The undersigned warrants the truth of all statements contained herein and in all supporting documents according to the best of his/her knowledge and belief. Permission is granted to the Town of Essex Inland Wetlands and Watercourses Commission and its agent(s) to walk the land, at reasonable times, and perform those tests necessary to properly review the application, both before and after a final decision has been issued.

Applicant's Signature *Terry McDonald* Date 9/28/2022

Terry McDonald, by her attorney Andrew Morin, Halloran Sage LLP

Owner's Signature *Terry McDonald* Date 9/28/2022

Terry McDonald, by her attorney Andrew Morin, Halloran Sage LLP

Commission Action	_____	_____	_____
	Approved	Denied	Date
Agent Action	_____	_____	_____
	Approved	Denied	Date



Statewide Inland Wetlands & Watercourses Activity Reporting Form

*Please complete this form in accordance with the instructions on pages 2 and 3 and mail to:
DEEP Land & Water Resources Division, Inland Wetlands Management Program, 79 Elm Street, 3rd Floor, Hartford, CT 06106
Incomplete or incomprehensible forms will be mailed back to the inland wetlands agency.*

PART I: Must Be Completed By The Inland Wetlands Agency

- DATE ACTION WAS TAKEN: year: _____ month: _____
- ACTION TAKEN (see instructions - one code only): _____
- WAS A PUBLIC HEARING HELD (check one)? yes no
- NAME OF AGENCY OFFICIAL VERIFYING AND COMPLETING THIS FORM:
(print name) _____ (signature) _____

PART II: To Be Completed By The Inland Wetlands Agency Or The Applicant

- TOWN IN WHICH THE ACTIVITY IS OCCURRING (print name): _____ Essex
does this project cross municipal boundaries (check one)? yes no
if yes, list the other town(s) in which the activity is occurring (print name(s)): _____
- LOCATION (see instructions for information): USGS quad name: _____ or number: 99
subregional drainage basin number: 4019
Terry McDonald
- NAME OF APPLICANT, VIOLATOR OR PETITIONER (print name): _____
- NAME & ADDRESS OF ACTIVITY / PROJECT SITE (print information): 32 Birch Mill Trail
briefly describe the action/project/activity (check and print information): temporary permanent description: _____
Remove an existing stone patio adjacent to Birch Millpond and relocate it farther back from the pond, install associated erosion and sediment controls
- ACTIVITY PURPOSE CODE (see instructions - one code only): A
- ACTIVITY TYPE CODE(S) (see instructions for codes): 12, _____, _____, _____
- WETLAND / WATERCOURSE AREA ALTERED (see instructions for explanation, must provide acres or linear feet):
wetlands: 0.001 acres open water body: 0 acres stream: 0 linear feet
- UPLAND AREA ALTERED (must provide acres): 0.114 acres
- AREA OF WETLANDS / WATERCOURSES RESTORED, ENHANCED OR CREATED (must provide acres): 0 acres

DATE RECEIVED:

PART III: To Be Completed By The DEEP

DATE RETURNED TO DEEP:

FORM COMPLETED: YES NO

FORM CORRECTED / COMPLETED: YES NO

APPENDIX A – Project Description

The applicant, Terry McDonald proposes conducting regulated activities at her property located at 32 Birch Mill Trail. The applicant's property abuts Birch Millpond and all activity will be conducted within the upland review area. More specifically, the applicant proposes removing an existing stone patio currently situated adjacent to the banks of Birch Millpond and relocating it further away from the pond. The stone walkway leading to such existing patio is planned to remain. The existing stone patio immediately adjacent to Birch Millpond and associated boulders will be removed by hand and or small rubber tracked machinery as necessary and relocated to the applicant's desired area. A silt fence will be constructed and maintained along the banks of Birch Millpond to prevent the movement of sediment from the project area into the pond. Native plantings consisting of Red Twig Dogwood, American Cranberry, and winterberry will also be planted adjacent to the banks of Birch Millpond and within the area of the proposed former stone patio. The applicant's plan for remediation is in accordance with Rich Snarks's recommendations as summarized in the document attached hereto as Exhibit A.

EXHIBIT A

Town Of Essex, Zoning Issue

On Wednesday, 9.14.22, I spoke with and met Rich Snarski at my property, 32 Birch Mill Trail, Essex. Rich Snarski was very happy about how everything has stabilized with no erosion. Rich and I discussed three types of plants to be planted in the subject area; he suggested that I print pictures of the three types of plants consistent with our conversation and the planting plan which I have. The plants that Rich and I discussed are as follows:

- CORNUS SERICEA 'BAILEYI'
- VIBURNUM OPULUS 'ROSEUM'
- ILEX VERTICILLATA

Rich Snarski said in terms of location of the plantings and quantity — he indicated facing the pond to left of the patio starting where a large tree is located to the other side where the Pepper-bush plants are located. I asked Rich about quantities of plants but he indicated we would discuss the details on Wednesday, September 21st meeting. Rich Snarski did suggest printing out photos of the selection of plants chosen for the meeting all of which would be a great emergency food source for the birds. He indicated all the plants would grow well along the edge of the pond. I told Rich Snarski, that I would check with Prides Corner, located in Lebanon on plant availability. I offered to pick up plants for the meeting on Wednesday, he said he wouldn't do that let's get this resolved — pictures would be more than fine as long as he's backing them up. See attached invoice regarding the quantities and the planting specimens. The referenced plants were discussed with Rich Snarski at the meeting on Wednesday September 14th, to include we discussed the Water Iris that were planted that he and I previously discussed in the spring of 2021.

After speaking with my Civil Engineer, Joe Wren, we're offering to make multiple plantings in the subject area along the buffer area along the pond. We are also willing to remove some boulders from in front of the lower patio which will enable more plants to grow along the edge of the pond. No changes are proposed to the lower portion of the patio closest to the pond which is dry laid, not mortared and is settled. I intend to engage landscape designer, Waterview Landscaping, to memorialize the final design and assist with the planting and material suggestions.

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SEP 16 2022

BY:

Sales Quote

Prides Corner Farms, Inc.
 122 Waterman Rd
 Lebanon, CT 06249
 (800) 437-5168

Quote SQ0012450
 September 14, 2022
 Page 1 of 1

Sold to Customer:

Shipping Address:

P.O. Number	Salesperson	Document Date	Requested Shipment Date	Shipment Method	Payment Terms
	1002-BT	09/14/22	09/14/22		Cash on delivery

Qty	No.	Item Barcode	Description	Size	Program	Unit Price	Elig. for Discount	Amount
12	1001936	724529267002	CORNUS SERICEA 'BAILEY'	#5				
11	1001144	724529208760	VIBURNUM OPULIS 'ROSEUM'	#3				
7	1005122	724529501670	ILEX VERTICILLATA	#2				

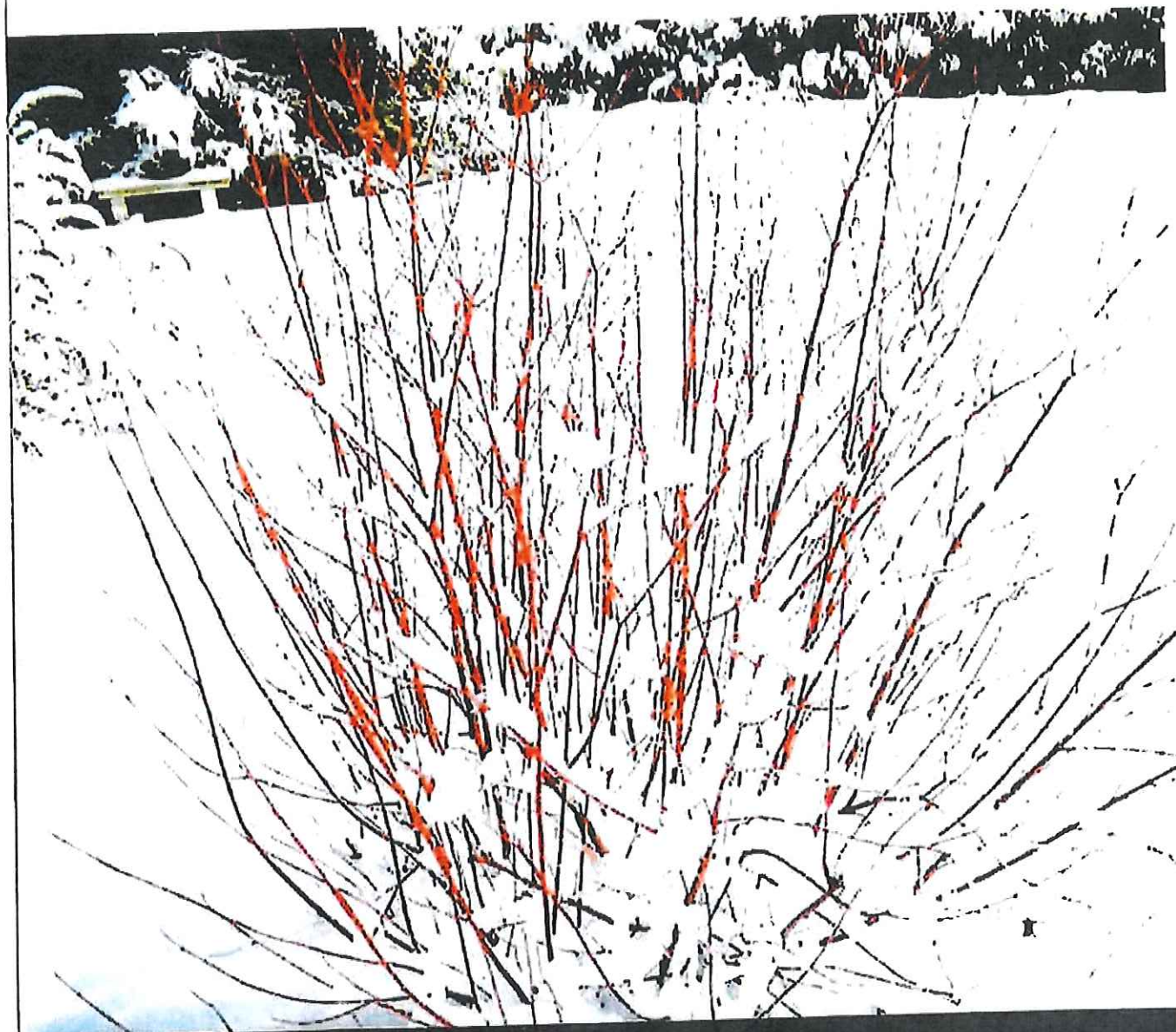
Possible discount of \$0.00 if invoice paid within terms.

Total USD

Red Twig Dogwood Shrub

Cornus sericea

★★★★★ 179 reviews



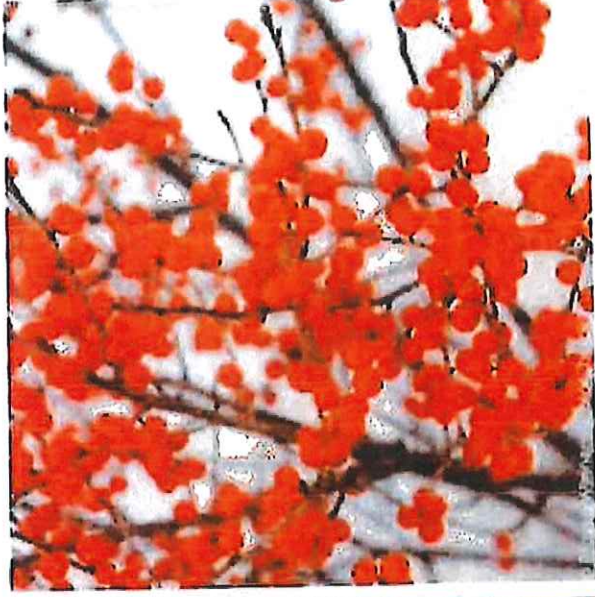
Red Twig Dogwoods bright red branches bring unique color to the winter landscape.

American Cranberry Bush/Shrub Fruit Seeds, 25+ Seeds Per Pack (from
Sla's Garden Seeds), Non GMO & Heirloom Seeds 70-85%
Germination in Good Conditions, Scientific Name: *Viburnum*
lobum



Winterberry

Plant



Ilex verticillata, the winterberry, is a species of holly native to eastern North America in the United States and southeast Canada, from Newfoundland west to Ontario and Minnesota, and south to Alabama. [Wikipedia](#)

APPENDIX B – List of Abutters

ID	Site Address	Owner Name	Co-Owner Name	Owner Address	Owner City	Owner State
81-003-26	35 BIRCH MILL TR	SWEET DAVID T III & CASSANDRA S		35 BIRCH MILL TR	ESSEX	CT
80-001-25	27 BIRCH MILL TR	LEGER MARY C		27 BIRCH MILL TR	ESSEX	CT
90-001-38	34 BIRCH MILL TR	BROCHU ADRIENNE Y & BANCROFT STEVEN E TR		34 BIRCH MILL TR	ESSEX	CT
90-001-40	28 BIRCH MILL TR	PORCARO LYNDA S	AKA PORCARO LYNDA STACEY	28 BIRCH MILL TR	ESSEX	CT
90-001-A	BIRCH MILL TR	SOUTHWINDS ASSOCIATION INC	C/O PEG FARLEY	P.O. BOX 213	ESSEX	CT