



## Ecomaps, LLC

42 Bar Gate Trail  
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November 3, 2022

**Attn:** Essex Inland Wetlands and Watercourses Commission  
via Ms. Carey Duques, Land Use Official  
[cduques@essexct.gov](mailto:cduques@essexct.gov)

**CC:** Sylvia Rutkowska, Attorney for IWWC  
Fred Szufnarowski, Chairman IWWC

**RE: Updated Third-Party Review of IWWC Application #22-18, 32 Birch Mill Trail**

Mr. Szufnarowski and members of the Essex IWWC,

As requested by the Inland Wetlands and Watercourses Commission (IWWC) and by Ms. Duques, Land Use Official, I have reviewed the updated documents provided for the above-referenced property (herein the Property) that have been provided to the Town after the IWWC public hearing that took place on October 11, 2022. Documents reviewed as part of this evaluation include the following:

- Letter provided to the IWWC from Robert C. Russo of CLA Engineers dated November 1, 2022
- Assorted pictures (parts 1 through 4) provided by the applicant's attorney Andrew Morin.
- Amended project description
- Site plan dated September 27, 2022, revised 10/6/2022
- Site plan dated September 27, 2022, revised 11/1/2022

Based upon my review of the above-referenced documents, the following comments apply:

### **1.0 Letter provided by Robert Russo dated November 1, 2022**

The letter provided by Mr. Russo is in general agreement with the findings stated in my third-party review document dated October 7, 2022, particularly on the fact that the dredged material should not be placed back into the Pond and the area should be left to restore naturally and without further intervention. Where our opinions differ slightly however is that Mr. Russo's memo states:

*"CLA believes that the proposed work, including removal of the patio, installation of a new patio approximately 15 feet from the wetland edge, installation of shrubs along the wetland edge, and seeding the former lower patio area with a wildflower mix, will not result in adverse wetland impacts. As no direct wetland impacts are proposed, no habitat will be altered or lost."*



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It is my opinion however that since the lower patio and associated hardscape features were never permitted by the IWWC thus resulting in impacts, i.e. the increase in impervious surface and loss of vegetated habitat which were never mitigated, there remains a loss and/or alteration of habitat within the Upland Review Area (URA). Although relocating the lower patio further from the wetlands will be less impactful to wetland resources than the current location, it still represents a loss of vegetated buffer habitat and an increase in impervious surface immediately upgradient of the Pond. Based on calculations derived from a georeferenced version of the applicant's Site Plan (revision date 10/6/2022) and as shown in Attachment A: Hardscape Features, the patio to be removed is approximately 371 square feet whereas the new patio to be installed is approximately 445 square feet, which represents a net increase of 75 square feet of impervious surface and associated habitat loss above what is already present. This does not include the other hardscape features proposed to remain.

Although the installation of native plantings is beneficial, they are being planted in an area already vegetated and would, as Mr. Russo states "effectively jump start[ing] the return to a more natural condition" and, in my opinion, do not negate the impacts caused by the increase in impervious surface from the installed hardscape features.

It is however important that the IWWC consider the function of scale. The activities to-date do not qualify as having had a Significant Impact or Major Effect, as defined in Section 2.2 of the IWWC Regulations, on the overall Birch Mill Pond ecosystem. However, as described in Section 1.1. of the *Third-Party Review of IWWC Application #22-18, 32 Birch Mill Trail* dated October 7, 2022 and as presented at the October 11, 2022 IWWC public hearing, the installation of hardscape features negatively impacts wetland resources at a smaller scale.

### **2.0 Review of the revised site plan dated September 27, 2022, revised 10/6/2022**

Overall, the changes made to the site plan from the original submission that accompanied the IWWC Application are nominal and the recommendations stated in my October 7 third party review document still apply.

### **3.0 Review of the revised site plan dated September 27, 2022, revised 11/1/2022**

The only notable changes in this version of the site plan apply to the portion of the work to be conducted on the South Winds Association property and, except for the plantings, are generally consistent with activities previously proposed. The comments in Section 2.0 above apply to this version of the site plan as well.

### **4.0 Site photographs provided by Attorney Andrew Morin**

The photographs provided by Attorney Morin are at a scale and clarity that makes it challenging to grasp their intended context. The information conveyed in the photographs does not change the comments or recommendations provided in the third-party review document provided to the IWWC on October 7.

### **5.0 Amended Project Description**

The amended project description provides some supplementary information on the means and methods as well as the dredging that took place, however the information presented does not change the comments and recommendations provided in the third-party review document provided to the IWWC on October 7.



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If you have any questions or concerns, please don't hesitate to contact me by email at [michelle@ecomapsllc.com](mailto:michelle@ecomapsllc.com) or by phone at 248-885-5477.

Regards,

*Michelle Ford*

Michelle Ford, PWS, CWB®, CESSWI  
Registered Professional Soil Scientist  
EcoMaps, LLC.

*Attachments:*

Attachment A: Hardscape Features



Feature	Feature Size (sf)	Total Hardscaped Area (sf)
Walkway	416.1	1,594.1
Upper Patio	628.8	
Lower Retaining Wall	103.9	
Proposed, Relocated Patio	445.2	
<i>Patio to be removed</i>	370.9	--






## Attachment A




### Hardscape Features

32 Birch Mill Trail  
Essex, CT

#### Legend

##### Hardscape Feature

-  Lower Retaining Wall
-  Patio to be removed
-  Proposed Patio
-  Upper Patio
-  Walkway

-  Upland Review Area (Est.)
-  Wetland Boundary (Est.)
-  Parcel Boundary (Est.)

##### Map Description:

The location and extent of features illustrated are approximate. This map is intended for illustrative purposes only and contains no authoritative data.



1 inch = 25 feet

Source:  
CT DEEP  
UConn CLEAR  
Site Plan for 32 Birch Mill Trail prepared by Indigo Designs, LLC  
dated 9/27/22, revised 10/6/2022

