

President's Annual Report

December 7, 2023

I hope everyone had a productive and healthy year. The Southwinds Association is on budget for 2023. The Open Space has been maintained with a number of problematic trees cut down by a work party and a professional tree company. The pond is looking good this year. We did two treatments for Lilly pads but did not have to have a treatment for milfoil. The Entry ways for both Southwinds and Birch Mill Trail look good but the signs themselves need to be refurbished.

You have probably noticed when driving up Southwinds Drive that a number of tree branches are hanging low over the road. I called the Tree Warden and on 11/08/2023 The town lifted(cut) the branches to a 14 foot clearance.

Our dam on the pond is a BB Class dam that has to be inspected every 7 years. Next year the dam must be inspected and it has been included in the budget.

The status of the 32 Birch Mill Trail lawsuit: The lawsuit filed by the Town of Essex, Inlands Wetlands Watercourses Commission (Robert Doane v Terry Lynn McDonald, et.al.) concluded May 4, 2023. The lawsuit was filed for failing to comply with the IWWC for allegedly dredging a portion of Birch Mill Pond and building structures (stone wall, stone walkway, and patios) in her back yard without a permit. Some of the structures extend into the wetlands and encroached upon open space owned by Southwinds Association Inc. The above was based upon a land survey conducted by Annino Survey, LLC (November 24, 2020) and assessments made by Robert Doane P.E., and the Enforcement Officer for the IWWC. Our past president, Fred L. DeCrescentis, testified at the four day trial. The outcome of the trial will not be known until early 2024. This time frame is based upon briefs to be filed by attorneys representing the Town of Essex and Terry Lynn McDonald, et. al. The Superior Court Judge has 120 days to make her final determination following receipt of the briefs filed. The Southwinds Association, Inc. Board will provide its homeowners with the outcome of the trial once it is known.

Thanks for your attendance at the meeting and if anyone has any problems or suggestions please advise.

Regards,

George Sexton

President of the Southwinds Association, Inc.