

WETLANDS DEMYSTIFIED
Regulated Activities
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In our first installment of Wetlands Demystified we discussed briefly how municipal inland wetlands and watercourses commissions came about and those regulated activities that fall within the commissions' jurisdiction. While we define in our regulations such activities as being within 150 feet of a wetland or watercourse, that distance may extend farther if circumstances warrant. Thus the dilemma, must one apply for a wetlands permit in all cases? In this issue of the Pomfret Times we will try and answer that question.

Most property owners know if there are wetlands or watercourses on their property. A marshy or swampy area is pretty obvious, but there are some areas where wetlands exist that are not so obvious. We have all encountered in Pomfret areas that seem to be very wet during certain times of the year. Are these areas considered wetlands? Maybe and maybe not. Connecticut law defines wetlands by soil type, and not on how dry or wet they appear to be. Wetland soils, as opposed to upland soils, are identified by soil scientists as poorly drained, very poorly drained, alluvial and floodplain. These soils may not appear to be very wet at all times of the year and certainly may be suitable for certain activities, but, nevertheless, areas containing these types of soils are defined as wetlands. There are other soils that are not defined as wetland soils since they are moderately well drained, but because of their high seasonal water table and erosion potential are of concern to the commission. These soils if present may require engineered septic systems (as determined by the health department), foundation drainage, and special attention to erosion and sedimentation measures.

Watercourses are more obvious than wetlands. The Connecticut Department of Environmental Protection and our regulations define a watercourse to be any body of water natural or artificial, vernal or intermittent, public or private that is contained within or flows through the Town of Pomfret. Vernal refers to temporary pools or shallow ponds that form in the spring and that are vital to certain obligate animals in their reproductive cycles. Intermittent watercourses are streams that usually flow after a rainstorm, have a defined bank, or vegetation associated with poorly drained soils.

Now that you know what wetlands and watercourses are, how do you judge if you should need a wetlands permit before you start your project? Where construction projects are large and complex, you will need to hire an engineering firm to make that determination and to represent you before the commission during the permitting process. If your project is more modest, you might hire a soil scientist to delineate the wetlands and watercourses on your property. If there are wetlands or watercourses found, that individual would then advise you on your next step. There are circumstances where a

wetlands permit is not required. However, keep in mind that if you begin your project and it is found that you do not have a wetlands permit where one is required you may be given a cease and desist order and held in violation for a wetlands or watercourse disturbance. You could be required to fix the damage at your expense. Rather than hire a professional initially for advice you do have an alternative.

The wetlands commission has an office in the Town hall. Our clerk, Betty Morin, has office hours Mondays 12:00 – 3:00pm, Wednesdays 3:00 – 6:00pm and Friday 10:00am – 1:00pm. and can be reached by telephone at 974-9135. Mrs. Morin can assist you in the wetlands permitting process, but she will need the location, map, block and lot information of the property concerned. You can obtain that information from the Town Assessor's office or from the web at www.visionappraisal.com. With this information Mrs. Morin can generate a wetlands and watercourses map from the geographic information system (GIS) that depicts the wetlands and watercourses and their buffer (setback) areas on your and adjacent properties. Keep in mind these maps are limited in their accuracy and should be considered as a planning tool only. If your project involves construction, you will likely need a zoning permit. Ryan Brais, wetlands enforcement officer (W.E.O), is the zoning enforcement officer (Z.E.O) as well. His office hours are Wednesday 4:00 – 6:00pm at the Town hall. Mrs. Morin can make an appointment for you. Mr. Brais will review your project and advise you on the need for a wetland's permit and on any zoning questions you may have. Should you need a wetland's permit our clerk can give you the application packet, answer any questions you may have on the process, fees, etc. Keep in mind some projects may not require a zoning permit but could require a wetlands permit or visa versa. It is always a good idea to discuss matters with W.E.O/Z.E.O informally before you begin any work.

Let us assume you need a wetlands permit for your project and you have completed the application as best as you can and paid the minimum fee for processing. Your application will be considered as a new application by the commission at its meeting on the first Wednesday of the month at 7:00pm at the Community School library unless otherwise announced after submission. When the commission receives the application, they cannot by state statute act upon it that evening but must wait fourteen days pending any petition from the public for a public hearing. The applicant is encouraged to attend the first meeting in order to answer questions concerning their project. If the commission determines that a jurisdictional ruling can be given the commission will refer the application to the W.E.O. Otherwise the commission may schedule a site walk or call for a public hearing if there is sufficient cause for the next regular scheduled meeting. In addition, the commission may desire to obtain expert testimony (at applicant's expense) such as from engineering and environmental authorities or site plan review by the Town Planner. Also, individual commission members may visit your site at their discretion in order to better understand the nature of your project and to assess the wetlands impact your project may indicate. As the complexity of the application process increases, the costs involved can increase substantially, but for most projects this is not the case. If one is simply building a home, adding a garage or putting in a swimming pool and there are

no wetlands impacts the cost usually does not exceed the minimum fee that for now is \$130.00 as set by Town Ordinance.

In the next issue of the Pomfret Times we will address those activities in or close to wetlands and watercourses that under state statute are considered a matter of right. Would you need a wetlands permit for those activities? We will also discuss buffers also known as setbacks. What are they and how do they apply to you the applicant and how important are they to the environment? We hope you will stay tuned and send us your questions, comments and concerns about wetlands issues.