A Guide to Understanding Norwalk's Inland Wetlands & Watercourses Regulations

2008 revision

What are wetlands?

In Connecticut, inland wetlands are delineated by soil type. All soils in Connecticut have been named and classified based on physical properties of the soil, including texture, color, and structure.

The poorly drained, very poorly drained and alluvial soils types are classified as wetland soils. All three wetland soil types occur in Norwalk. The first two soil types occur with repeated saturation of the soil, generally by groundwater coming near the surface, or sometimes with rainwater pooling on the surface, for a significant portion of the period from late fall through early spring. Alluvial or floodplain soils are deposited by moving water. These wetland soils form during flooding events and are deposited on the nearly level areas adjacent to streams and rivers.

Because wetlands are delineated by soil type, please remember that they do not always look like the swamps and marshes that many people envision. Wetlands occur in woods, meadows and even *lawns and areas that appear dry in the summer*.

What are watercourses?

The state's definition of 'watercourse' is relatively inclusive. Watercourses include the obvious such as streams, brooks, ponds, and rivers. The term also includes bodies of water that are manmade as well as natural, and have flows that are intermittent (perhaps only flow in the spring) as well as persistent. For an intermittent waterway to be considered a regulated watercourse it must have a defined channel and must exhibit two of the following features: evidence of scour (erosion by water) or alluvium (deposition by water), the presence of water for a duration longer than a particular storm event, or the presence of hydrophytic vegetation (an assemblage of plants that thrive in wet conditions).

Why are they so important?

Fisheries and wildlife habitat are often the first thing that comes to mind. But those functions are just two of many. Wetlands act as essential buffers between terrestrial (land) and aquatic (in the water) environments. This buffering moderates the effects of flooding and drought, provides renovation of polluted stormwater, and lessens the occurance of streambank erosion and excessive sedimentation. The ability to improve water quality, especially in attenuating the effects of excess nutrients and sediment, is a vital function that protects water quality in *ALL* surface water bodies, including our rivers, harbors, beaches and Long Island Sound. Healthy and productive wetlands and watercourses are an essential component to maintaining and protecting Norwalk's high quality of life!

What are Regulated Activities?

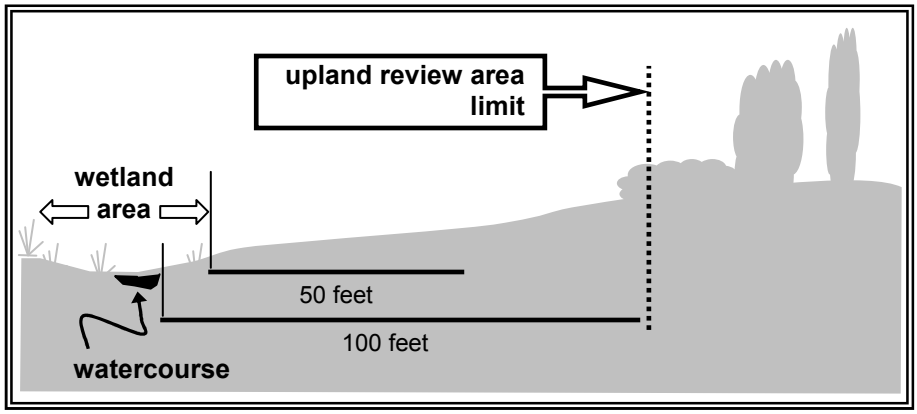
ANY activity that may have an impact on a wetland or watercourse is regulated (i.e. must go through permit review). There are some activities that are regulated (and require a Conservation permit) and some that are considered 'as-of-right' (and don't need a permit).

Examples of 'as-of-right' activities include passive recreation, such as walking, bird-watching, or fishing in a wetland or watercourse, light pruning of existing vegetation, planting of native plants in a wetland, and maintenance of certain uses that predate the Inland Wetland and Watercourses Regulations. Some activities, particularly landscaping, are sometimes 'as-of-right' activities, however if the scale of the particular landscaping activity is such that it may impact a wetland or watercourse, the activity is a regulated and first needs a Conservation permit.

Regulated activities include, but are by no means limited to, construction of any kind, grading, filling, excavation, removal of existing vegetation (not just trees, but shrubs, ground covers, saplings, etc.),

dumping (including yard waste), pond or stream maintenance, expansion of existing lawn area and septic system installation.

No activity is outright prohibited in or adjacent to a wetland or watercourse, however all regulated activities must first gain the approval of the Conservation Commission.



In addition to the regulation of activities *in* wetlands and watercourses, activities *adjacent* to wetlands are regulated too. The adjacent areas are called upland review areas and activities in these areas are also considered regulated activities and may require a permit. The upland review area extends fifty (50) feet from the boundary of any wetland and one hundred (100) feet from the top of the bank of any watercourse. In areas where a steep slope (>20%) begins within a 50-foot or 100-foot upland review area, the upland review area extends to the first substantial plateau or the top of the slope.

Generally, if activities occur beyond the upland review area, they do not require a Conservation permit. *However*, this is not a hard and fast rule – ANY activity that the Conservation Commission or its staff has reason to believe will impact a wetland or watercourse is a regulated activity and will need a Conservation permit!

Do I have wetlands, a watercourse, or an upland review area on my property?

Good question. Wetlands, watercourses and their corresponding upland review areas come in all shapes and sizes and they do not follow property lines. Because wetlands are defined by soil type, sometimes it is difficult to determine their presence at a glance.

Some properties, where there have previously been regulated activities, have detailed wetland information in the Conservation Office. If this information does not exist, on-site inspections of your property are available, at no charge, with the Senior Environmental Officer. During a site inspection, I look at vegetation, topography and other clues and let you know if you probably have wetlands, possibly have wetlands, or likely do not have wetlands. Depending on your proposed activity, you may need to hire a Certified Soil Scientist to determine exactly where the wetland soils begin and end on your property.

To avoid violations, come to the Conservation office prior to conducting any work on-site. Preferably, come in before you begin designing your project to find out if you need to consider impacts to a wetland or watercourse.

More information is available at the Conservation Office. Stop by with any questions!

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