



Inland Wetland & Watercourses Commission Proposed Regulations

Town of Salisbury 05/12/2025

Hearing Structure

1. Introductory Remarks
2. Overview of Regulations
3. Commission Questions/Comments
4. Public Comments
5. Possible Close of Hearing
6. Possible Deliberation and Action

A Brief History of the Inland Wetlands & Watercourses Commission

- The Connecticut Inland Wetlands and Watercourses Act (IWWA) (1972)
- Town of Salisbury adopts an ordinance establishing the Conservation Commission (1972)
- Town of Salisbury adopts an ordinance establishing separate Conservation and Inland Wetlands Commissions (2020)

What is the Inland Wetland and Watercourses Commission (IWWC) and what does it do?

The Salisbury IWWC, is comprised of seven regular members and three alternates (two presently vacant) who are all Salisbury residents appointed by the Board of Selectmen. The members volunteer for their community and are responsible for implementing and enforcing the Connecticut IWWA through regulations adopted by the municipal inland wetlands agency.

Photo courtesy of John Harney, 2024



Legislative Finding - Sec. 22a-36.

It is...the purpose of sections 22a-36 to 22a-45, inclusive, to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by:

- minimizing their disturbance and pollution;
- maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority;
- preventing damage from erosion, turbidity or siltation;
- preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof;
- deterring and inhibiting the danger of flood and pollution;
- protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and
- protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

What are wetlands and watercourses?

Wetlands are defined by soil type

- Poorly drained, very poorly drained, alluvial and floodplain

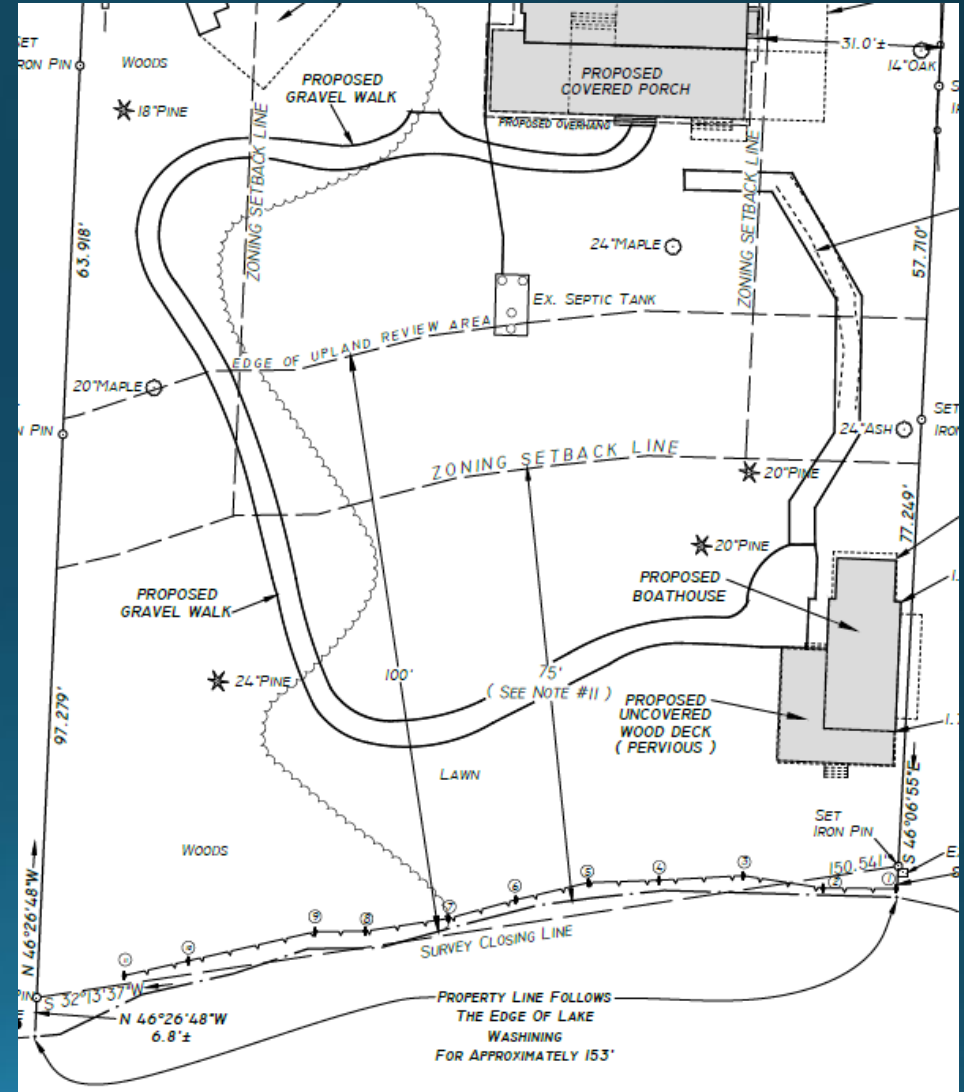
Watercourses are rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private

- Intermittent watercourses are delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:
 - (A) Evidence of scour or deposits of recent alluvium or detritus,
 - (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and
 - (C) the presence of hydrophytic vegetation.

What is an Upland Review Area (URA)?

A URA is a mechanism of the IWWC; a defined area of land outside of but adjacent to inland wetlands and watercourses that may be necessary to provide protection from the adverse impacts of various land uses.

- designed to assist the IWWC to better protect the wetland or watercourse by ensuring that when regulated activities occur, Best Management Practices (BMPs) are implemented. These BMPs reduce potentially negative impacts on wetland resources resulting from silt, sediment, nutrients and other pollutants.
- A URA is **not a prohibitory setback or ecological buffer** nor is it an “unconstitutional” taking of land but rather an area where certain activities may be regulated because of the activities likely impact or effect on the nearby wetlands or watercourses.



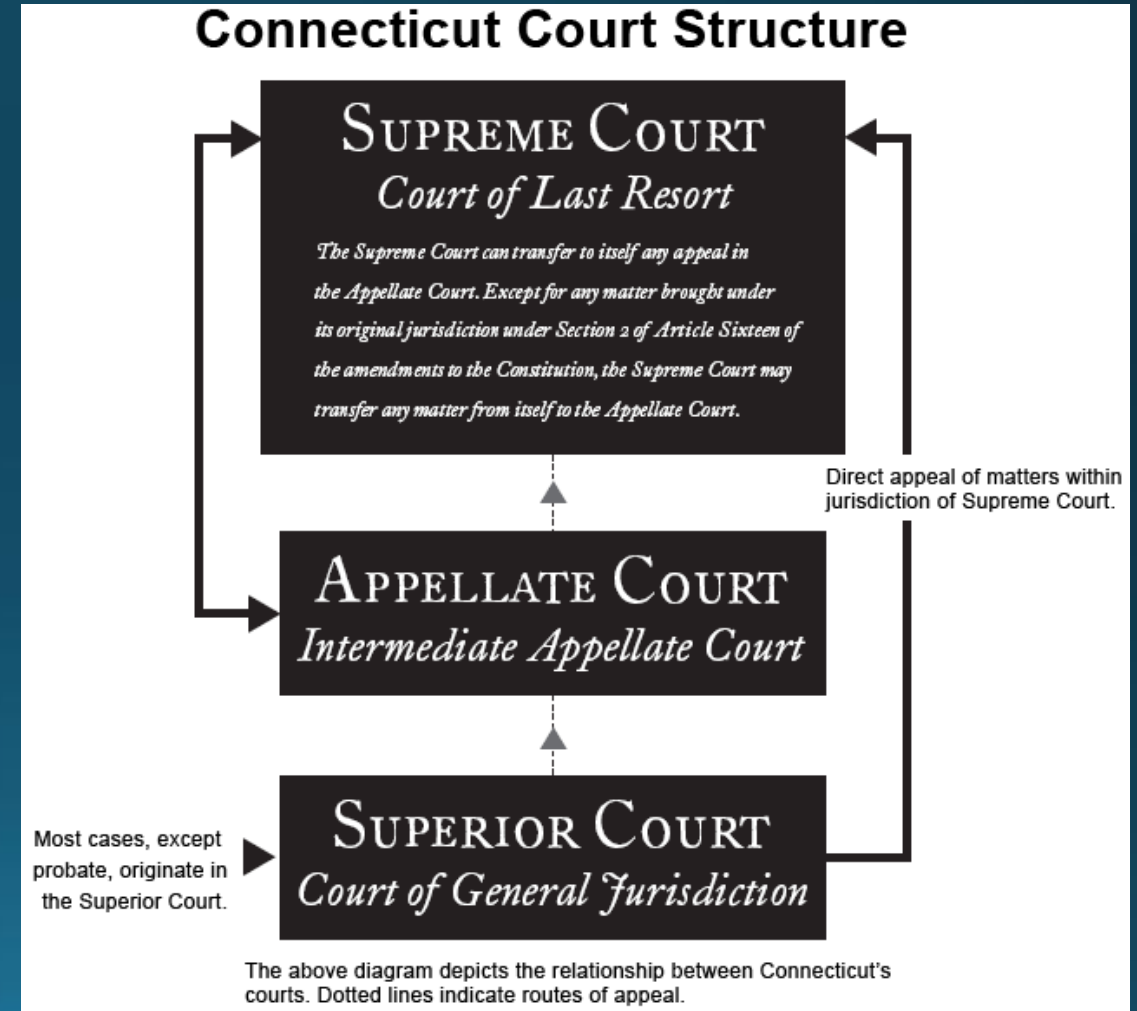
Why Change the regulations?

The objectives for undertaking comprehensive amendments to the regulations included to:

1. reflect a new Agency name,
2. align with legislative updates,
3. address concerns that the current upland review area does not adequately protect sensitive resources,
4. remedy inconsistent and unclear terms, and
5. to adopt a more user-friendly fee schedule.

Alignment With State Law

- Required versus elective revisions
 - DEEP Legislation and Regulation Advisories, Commission Name
 - Definitions, Fees, URA
- “Superior is Inferior”
 - Inland Wetland Agencies are not only bound by State Statute but also the decisions of both the Supreme and Appellate Courts.
 - In contrast, the decisions of the Superior Court (trial court) bind only the parties to the lawsuit.



Proposed Upland Review Area Definition

“Upland Review Area” is a defined area of land outside of but adjacent to inland wetlands and watercourses that may be necessary to provide protection from the adverse impacts of various land uses. The Commission or its agent has the authority to review, but not necessarily prohibit, activities in the upland review area.

"It is DEP's policy to encourage municipal wetland agencies to review proposed activities located in upland areas surrounding wetlands and watercourses wherever such activities are likely to impact or affect wetlands or watercourses. " (CT DEP, 1997)

Upland Review Areas are NOT: Setbacks or Buffers

SETBACKS – mechanisms of the Planning & Zoning Commission (PZC) that define distances from lot lines, easements, and/or wetlands and watercourses. As a general rule setbacks are prohibitions that can only be lessened or eliminated (i.e., relieved) by the Zoning Board of Appeals upon the demonstration of hardship, or by the PZC with a special permit.

BUFFERS - tools that can be used by both the PZC and the IWWC. The PZC might require buffers as part of a special permit process to screen a use on one property from adversely affecting an adjoining property or the public right-of-way. The IWWC might require an area of vegetation bordering a wetland, waterbody, or watercourse either naturally occurring or planted to prevent impacts to a resource resulting from a regulated activity.

Current Upland Review Area



The upland review area currently includes land within 75 feet of all wetlands and watercourses. This is extended to 150 feet for any active portion of a subsurface waste disposal system.

Photo courtesy of Miles Todaro, 2024

Models for Upland Review Area Regulations

"There are a number of ways that the boundaries of an upland review area may be defined in regulations. In selecting its approach, the wetland agency should consider the special nature of their town's wetland and watercourse resources, the purposes and intent of the Inland Wetlands and Watercourses Act, and how the regulations will be implemented." (CT DEP, 1997)

1. Set Distance Model - provides that certain activities if conducted within a specified distance measured from any wetland or watercourse are regulated activities.

Pros/Cons: the basic and easiest to understand and implement.

2. Resource Based Model - expands upon the set distance model by identifying specific wetland and watercourse resources of special concern and providing site specific review area widths for those resources.

Pros/Cons: This model should be used where the wetland agency believes additional protection though a wider review area is needed or to take existing land development or uses into account with a narrower review area. Easy to understand and implement.

3. Slope and Soil Model - factors in slope and soil characteristics determining the site-specific width or location of the upland review area.

Pros/Cons: technically complex and not easily implemented without trained staff.

Salisbury's Unique Resources

The Inland Wetland and Watercourses Commission of the Town of Salisbury finds that the Town's wetlands and watercourses are exceptional and valuable resources that require diligent stewardship for the general health and welfare of the community and as unique resources that benefit the citizens of the entire State.

The IWWC has elected a combined model establishing a set URA based on resource type. The set distance upland review areas are easy to understand and provide residents and commission members clear parameters for when an activity must be reviewed by the IWWC. While the resource-based approach takes into account the unique and important environmental and ecological resources in Salisbury in order to forever guarantee to the people of the state, the safety of such natural resources.

Photo courtesy of Tom Blagden, 2023



The IWWC Regulates Activities NOT Areas

"In implementing its upland review area regulations, the wetland agency must be cognizant that certain proposed activities, which are permitted uses as of right or as nonregulated uses under section 22a-40 of the General Statutes, are not regulated and do not require a permit from the wetlands agency under the Inland Wetlands and Watercourses Act" ([CT DEP, 1997](#))

If the IWWC finds that any other activity located outside an inland wetland or watercourse is having or is likely to have a detrimental impact on an inland wetland or watercourse, the Commission may determine that such activity is a regulated activity.

Notwithstanding any of the foregoing provisions, the term "regulated activity" shall not include any of the specified activities in Section 22a-40 of the Connecticut General Statutes (permitted uses As of Right - see section 4 of the regulations)

Next Steps

- Amend Internal Documents
 - Adopt revised fee schedule
 - Online application forms
 - Republish previously adopted map
- Provide Guidance
 - “Allowed” activities in the upland review area not requiring a permit
 - FAQ webpage
 - Establish parameters for upland review activities which may be eligible for agent approval, thereby reducing the need to refer all applications to the IWWC.
- Consider Future Regulation Amendments
 - Lake upland review areas
 - Revise wetlands map