

REAL ESTATE

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THE REAL DEAL

Real Estate News You Can Use

BY EVI COGHLAN



Intro to Wetlands

Author's note: This column, which originally ran in January 2004, is just as timely today. If you own

property in Westport – and especially if you are buying or selling – this is information you need to know.

In recent months, a growing portion of my discussions with buyers and sellers has focused on issues related to wetlands. I guess that's not surprising, given that 40% of properties in Westport contain some percentage of them.

But what's struck me in these discussions is how little most people know about wetlands and the impact they can have, both in terms of property values and the limitations that wetlands may impose on how property can be utilized in the future.

With that in mind, here are some of the most important things that buyers and sellers should know about wetlands.

1. They are strictly regulated by both state and local bodies. Frequently, as is often the case in our home town, local codes may be more restrictive than those established by the state. In Westport, wetlands are regulated by the Conservation Commission which is located in Town Hall.

2. Regulations focus on what, if anything, may be done to the wetlands themselves (no, you can't fill them in); setbacks which must be observed when placing new structures, additions to existing structures, driveways, septic systems, pools, tennis courts and fencing on affected properties; and even the species of vegetation which may be planted in wetlands-designated soil. Failure to comply with wetlands regulations subjects a property owner to a stiff fine. And if you

think you can get away with ignoring the regulations, be forewarned that one of your neighbors may turn you in!

3. If you have wetlands on your property, you must ask permission before doing anything to them. This includes clearing dead trees, removing fallen leaves or attempting to "landscape" them in any way. In fact, owners of properties containing wetlands must request and receive Conservation Commission approval to do anything at all to their property – even if the planned activity is on the non-wetlands portion of their plot.

4. Wetlands regulations are not just about protecting wildlife habitats. Wetlands benefit the population at large by absorbing rainwater after heavy storms and releasing it during periods of drought...by purifying the drinking water supply and minimizing pollution...by preventing erosion...and by protecting the health, aesthetic value and the community's continued ability to enjoy Westport's wonderful beaches and waterways.

5. "Wetlands" need not actually be wet. They are identified by soil type as well as by the presence or absence of water. Some property owners are surprised to learn that their land consists of more wetlands than meets the eye. A soil scientist and/or surveyor can help you pinpoint your percentage of wetlands if you need to know exactly what you've got. If not, a quick visit to the Conservation office downtown can give you a general estimate.

6. Presence or absence of wetlands can be an important factor in establishing the value of real estate. Wetlands can enhance or diminish value – or have no effect at all – depending on what type you have, how much you have, and where the wetlands are located on your property. Buyers should keep wetlands regulations in mind when your intention is to renovate or expand an existing

dwelling on an affected property. And sellers should understand that, in some cases, wetlands may limit what potential buyers are able to do with your property – and therefore what they may be willing to pay for it.

Understanding the potential impact of wetlands on the purchase or sale price of your property is necessary if your goal is to be an educated consumer of real estate. Ask your real estate professional for counsel in this, as in all, areas.

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