

Town of

P.O. Drawer 519

Zoning Department

William Mulholland,
Zoning Official



East Lyme

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July 13, 2020

Gary Upton, Chairman
East Lyme Inland Wetlands Agency
Town of East Lyme
PO Box 519
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RE: Wetland Referral – Town of East Lyme Wetlands Agency, Applicant; Wetlands Agency text amendment to amend Section 2.1 of the East Lyme Inland Wetlands Regulations to change the Definition of a “Regulated Activity” by enlarging the distance of the boundary for a regulated activity from 100’ from an inland wetlands and/or watercourse to 500’

Dear Chairman Upton,

I am writing in response to your June 8, 2020 referral to the Zoning Commission regarding the above referenced text amendment.

As you are aware there is no statutory requirement for your Agency to refer this proposal to our Commission. However, we appreciate the opportunity to review and comment on your initiative.

Due to the current pandemic and the closure of the Town Hall to the public, the Zoning Commission has not been conducting meetings either live or via Zoom. This condition has required that we send out your referral package to our members electronically. As a result, we offer the following view for inclusion in the public hearing record.

A careful review of the referral and the information contained within did not provide enough documentation to properly evaluate the proposal. While the proposed language is clear, there was no substantial evidence in the referral to determine your intention or to support the proposed change.

As you are aware, as a Municipal Commission we have a responsibility to ensure when we work in our legislative capacity we do so in the greater public interest. As a Land Use Commission, Zoning often has to evaluate text changes to ensure they do not have any adverse impacts both in the short term and the long term.

The lack of supporting documentation in the referral raises the question of why the change is necessary. It is our understanding that many years ago your Agency increased the subject boundary from 50' to 100'. The present proposal of 500' seems excessive.

While not an Inland Wetlands Agency, we understand that the Connecticut Department of Energy and Environmental Protection recommends a boundary of one hundred feet. Given this position any increase beyond this dimension should have appropriate justification.

I note here that regulating development is the purview of Land Use Commissions, such as Planning and Zoning. Both the Plan of Development and the Comprehensive Plan perform those functions and have been in place for many years and are updated frequently.

As a result of our review it is our recommendation that you table or withdraw this initiative and re-evaluate it both for purpose and effect. We all support responsible environmental regulations however in this endeavor the lack of supporting evidence does not allow us to support this change.

In addition, we are also uncomfortable with conducting a public hearing via Zoom for such a far-reaching proposal. An initiative of this magnitude should be vetted at a time when the public can attend an in-person hearing. This would ensure a thorough evaluation by all.

In conclusion I again want to thank you for the opportunity to comment on this proposal. Our commission can appreciate the difficult task before you.

Should you have any questions please feel free to contact me.

Sincerely,



Matthew Walker, Chairman
East Lyme Zoning Commission