

**From:** [Ted Koch](#)  
**To:** [Jennifer Lindo](#)  
**Cc:** [Gary Goeschel](#)  
**Subject:** Wetlands Regulations Change  
**Date:** Saturday, July 25, 2020 5:59:31 PM

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Dear Ms. Lindo,

Would you kindly add my comments below to the public record in advance of our next wetlands meeting? Thank you.

I have heard the public comment about the proposed increase of our upland review area from 100 feet to 500 feet. The public clearly supports some increase. Support for an increase specifically to 500 feet is less clear.

Some have asked what the scientific support is for an upland review area of 500 feet, as opposed to 200 feet or 1,000. This is a valid concern. I am not aware of much evidence, in our record as it presently stands, specifically supporting 500 feet as the appropriate measure. I am concerned that if our board were to approve a 500 foot upland review area on the record as it stands, we could be vulnerable to the charge that our decision is arbitrary and capricious. I am also concerned that we should notice the public, while public comment is still open, specifically of any intent we might have to increase the upland review area to a distance between 100 and 500 feet.

I have been reviewing the wetlands regulations of our sister towns. Lyme, for example, extends its 100 foot upland review area by different measures, depending upon different activities, and around certain named vulnerable wetlands and watercourses.

The time for public comment gladly remains open. I propose the following:

(1) The board should consider--and the public should know that we will consider--expanding our upland review area only in certain areas. The Pattagansett watershed comes to mind. It impacts our town aquifer and the Long Island Sound. I request that our town planner, Mr. Goeschel, or another appropriately designated person, present to the board a complete list of such particularly vulnerable wetlands and watercourses.

(2) The board should consider--and the public should know that we will consider--different upland review area measurements of less than 500 feet, both as a general proposition for the entire town, and/or as a specific

proposition for particularly vulnerable wetlands and watercourses. This way, we can balance our task to protect the wetlands and watercourses with our ability rigorously to enforce such regulations, and to understand where good environmental protection meets the law of diminishing returns.

W. Theodore Koch III