***SUMMARY DATE****: June 28,2021*

|  |
| --- |
| ***TOWN PLANNING STAFF SUMMARY SHEET*** *FROM: Michael J. Murphy, AICP, 860-885-8697/mmurphy@seccog.org* |
| **APPLICATION / PROJECT NAME**Proposed Subdivision Regulation Amendments to Section 5.5, Inclusive, and Section 2 |  | ***APPLICANT / PROPERTY OWNER***Planning and Zoning Commission |
| ***PUBLIC HEARING / DECISION TIMEFRAMES***N/A |  | ***PROPERTY ADDRESS / LOCATION INOFORMATION***Applies to Town of Lisbon Subdivision Applications |
| ***BRIEF SUMMARY OF REQUEST***These proposed subdivision regulation amendments are intended to enforce the regulatory part of the Town’s MS4 regulatory program by implementing proper development and storm-water management standards when subdivisions of land are proposed in town. These regulations are proposed for adoption after a public hearing and should be put in place as soon as possible for Lisbon to conform to its MS4 program schedule/deadlines. **These regulations are required to implement the requirements of the CT D.E.E.P General Permit.***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****WAIVER REQUESTS: N/A*** | Insert Location Map |
|  |  |  |  | *MAP SOURCE* |
| ***EXISTING ZONING****n/a* | ***EXISTING LAND USE****n/a* | ***SURROUNDING ZONING & LAND USE****North: n/a**South: n/a**East:n/a**West:n/a* | ***SITE IMPROVEMENTS****n/a.* | ***SIZE OF PROPERTY****n/a* |
|  |
|  | ***PLANNING STAFF ANALYSIS AND RECOMMENDATIONS*** |  |
| ***COMPATIBILITY / COMPLIANCE*** *with the POCD-2016 and other appropriate plans, policies or studies:*The 2016 Plan of Conservation and Development recommends strengthening the town’s environmental regulations and indicates that ***“The regulatory tool to address non-point pollution that Lisbon currently employs includes an E & S Control Plan…Further regulatory tools could include reducing impervious cover in road design standards and promoting use of infiltration systems instead of catch basins and piping for storm-water.”*** These regulation amendments will implement this policy recommendation and are consistent with the 2016 POCD. | ***PROJECT HISTORY AND BACKGROUND:***The current subdivision regulations are severely dated, apparently last updated for erosion, sediment control and storm-water, at least thirty (30) years ago. With the advent of the MS 4 program and federal and state legislation regarding clean water requirements, prudent regulatory housekeeping as well as mandatory requirements to update these regulations would dictate a need for action in this area. A new requirement for Storm-water Management Plans to be submitted with disturbed areas in excess of 1 acre is the most significant change. The intent of these regulations will be to modernize standards and establish physical and functional linkages across the community landscape in the Town to create connected green infrastructure systems and promote more low impact development (LID) practices.  |
| ***LAND USE/ DEVELOPMENT COMPATIBILITY*** *with APPLICABLE REGULATIONS AND/OR DESIGN STANDARDS:*This effort is part of an overall strategy for water quality protection that is required by the state and federal governments. It requires towns and cities to focus on **non-point source pollution discharges** from development and other sources in the community. Nonpoint source pollution can include: excess fertilizers, herbicides and insecticides from agricultural lands and residential developments; oil, grease and toxic chemicals from storm runoff; septic system pollution; and sediment from improperly managed construction sites, fill areas, and eroding slopes and embankments, for example. This request proposes regulations to address construction and post construction activities of a subdivision application nature to manage these potential discharges.By and large, the substantive changes relate to properties when cumulative disturbance of land exceeds one (1) acre, requiring submission of a *storm-water management plan (SMP)*. Staff will reiterate the concept of *cumulative disturbance* later in this report for the Practically speaking, this would mean managing the areas that would be needed for development as defined in the regulations for grading, filling, or paving of lots, roads, drainage structures and the like. However, staff and the commission have also taken the opportunity to modernize outdated sections of these regulations to strengthen the regulations as recommended in the 2016 POCD. For example, current practices like requirements for pre-construction meetings and periodic inspections have also been added as requirements.To further summarize, the proposed set of subdivision amendments to section 5.5, inclusive**,** and section 2 regarding associated definitions makes provisions for upgrades in standards for **1*)*** *Soil Erosion & Sediment Control Plans* *( E & S Plans)* ; **2)** *Storm-water Management Plans (SMP)* that are now required by the State when development of one (1) acre or more of disturbed area is proposed; **3)** extending bonding requirements to both E & S Plans and Storm-water Management Plans; and **4)** improving, clarifying, and in some cases expanding definitions relating to the standards. The structure and format of the existing regulations has been utilized to create a seamless updating of the Subdivision Regulations document.Other new, specific provisions of note include:1. The SMP requirement, which includes requirements to utilize low impact development (LID) techniques, will also kick in when subdivisions under one (1) acre of disturbance are proposed in *PRIORITY AREAS* (urban areas, high impervious coverage area, and areas draining to impacted water quality areas shown on the Town’s MS4 mapping). See section **5.5.1 b.10**. The map showing these areas will be displayed at the public hearing. It is based on the Town’s storm-water analysis mapping done by our Town Engineer (CLA Engineers) and will be able to be used by applicants and engineers to determine if this standard applies to them.
2. A provision for the Commission to require a more complex E & S Plan is proposed where more severe conditions exist as defined in section **5.5.1 b.11**.
3. Clear guidelines for design criteria to achieve low impact development goals and objectives in section **5.5.3 b.**
4. A *pollutant control* section in the SMP standards that calls for retrofitting larger impervious areas to retain defined water quality volume at certain rates as required by D.E.E.P. See section **5.5.4.d.1**.

The concept of ***cumulative disturbance*** is not always understood in the context of subdivision development requirements*.* It refers to defining the areas at the development review stage that are expected to be disturbed over the course of the project. These would include proposed house sites, yards and areas for accessory buildings, the full extent of road rights of way, utility areas, drainage structures and basins, any other proposed public improvements, and any area where *development* as defined in the regulations might result in *disturbed area* as defined in the regulations. This would also apply to phased subdivision developments and/or lots that may not be developed initially in a project. Finally, subdivision regulation amendments are required to be made to protect the public health and welfare and assure that proper provisions are made in subdivision developments for water, sewerage, drainage, and soil erosion and sediment control. The proposed amendments fall within the scope of these requirements in this planner’s opinion.*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****RECOMMENDED ACTIONS, INCLUDING ANY MODIFICATIONS, CONDITIONS, REASONS FOR APPROVAL OR DENIAL, ETC.:******Staff will make a presentation at the meeting and be prepared to recommend possible action, or to address any requests for additional information.*** |
|  |  |  |  |  |
| *ATTACHMENTS (CIRCLE):* | *SUBMITTED PLANS* | *APPLICATION FORM(S)* | *LEGAL NOTICE* | *LEGAL DESCRIPTION* |
|  | *PUBLIC COMMENT(S)* | *AGENCY COMMENTS* | *APPLICANT RESPONSE*  | *STUDY EXCERPTS* |
|  |  |  |  |  |
| ***OTHER*** *(DESCRIBE):*  |  |  |  |  |