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

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| ***TOWN PLANNING STAFF SUMMARY SHEET*** *FROM: Michael J. Murphy, AICP, 860-885-8697/mmurphy@seccog.org* | | | | |
| **APPLICATION / PROJECT NAME**  Proposed Zoning Regulation Amendments to Section 2.6, 10.4.5,10.16 inclusive, and Section 19 | |  | ***APPLICANT / PROPERTY OWNER***    Planning and Zoning Commission | |
| ***PUBLIC HEARING / DECISION TIMEFRAMES***  N/A | |  | ***PROPERTY ADDRESS / LOCATION INOFORMATION***  Applies to Town of Lisbon Zoning Applications before the PZC | |
| ***BRIEF SUMMARY OF REQUEST***  These proposed zoning 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 zoning applications 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* |
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|  | ***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 environmental policies in the 2016 POCD. | | ***PROJECT HISTORY AND BACKGROUND:***  The current zoning regulations are dated. 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 zoning nature to manage these potential discharges.  By and large, the storm-water management plan changes relate to properties when cumulative disturbance of land exceeds one (1) acre, requiring submission of a *storm-water management plan (SMP)* that complies with the latest guidelines and storm-water manuals. Staff will discuss the concept of *cumulative disturbance* later in this report. 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 the zoning regulations to strengthen the regulations as recommended in the 2016 POCD. For example, current practices like requirements for pre-construction meetings and periodic inspections, and a requirement to certify, modify and certify or deny these plan have also been added to modernize requirements.  To further summarize, the proposed set of zoning text amendments 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 performance 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. Other new, specific provisions of note include:   1. The SMP requirement, which includes requirements to utilize low impact development (LID) techniques, if adopted, would also kick in when projects 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 **10.16.1.b.9.** A 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 **10.16.1 b.10**. 3. Clear guidelines for design criteria to achieve low impact development goals and objectives in section **10.16.7 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 **10.16.8 d.1**.   The concept of ***cumulative disturbance*** is not always understood in the context of these zoning/site 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 locations for buildings and related facilities, including street improvements, accessory buildings and parking areas, utility areas, drainage structures and basins, green infrastructure, any other related private and/or 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 developments or development of perimeter/pad sites in larger developments that might not be developed initially.    Finally, any zone change or zoning text amendment is required to be made in accordance with a comprehensive plan (of zoning) and shall consider the Plan of Conservation and Development. Amendments shall also promote the public health and general welfare, and facilitate the provision for water, sewerage and other public improvements. The structure and format of the existing regulations has been followed to remain consistent with the comprehensive plan of zoning (the regulations themselves) and the amendments promote policies in the 2016 POCD, 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.*** | | | | |
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| *ATTACHMENTS (CIRCLE):* | *SUBMITTED PLANS* | *APPLICATION FORM(S)* | *LEGAL NOTICE* | *LEGAL DESCRIPTION* |
|  | *PUBLIC COMMENT(S)* | *AGENCY COMMENTS* | *APPLICANT RESPONSE* | *STUDY EXCERPTS* |
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| ***OTHER*** *(DESCRIBE):* |  |  |  |  |