

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, AUGUST 3, 2021
7:00 P.M.

1. Call to Order

The regular meeting of the Planning and Zoning Commission was called to order by Chairman Robert Adams at 7:04 P.M.

MEMBERS PRESENT: Robert Adams, Ronald Giroux, Randy Brown, Benjamin Hull, III, Jason Lebel, Timothy Minor, Kim Sperry, Cheryl Blanchard, Gary Ritacco (ALT)

MEMBERS ABSENT: Trevor Danburg

STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner - SCCOG, Lisbon Town Planner
Carl Brown, Town of Lisbon Zoning Enforcement Officer

Chairman Adams seated Gary Ritacco for Trevor Danburg

2. Electronic Option(s) for Commission Member Access to In-Person Meetings – Discussion and Possible Action Thereon –It was noted for the record that a memo outlining the Town Planner’s correspondence with Town Attorney, Michael Zizka was referenced by the planner. It was the opinion of Town Attorney that General Assembly Bill No. 1202 and recent legislation includes authorization for local planning and zoning commissions to hold in-person meetings and provide members of the commission, as distinguished from the general public, to participate by means of electronic equipment. It is the consensus of the Commission to allow members to join meetings via teleconferencing, until, when and if, future legislation should prohibit it.

Cheryl Blanchard entered at 7:06 via remote means.

3. Previous Minutes –Motion by K. Sperry second by G. Ritacco to accept the previous public hearing and regular meeting minutes with the following corrections to the regular minutes: agenda item 2 reads “...T. Minor to accept the previous minutes of June 2, 2021...” but should read “...T. Minor to accept the previous minutes of June 2, 2021”; and agenda item 5 reads “LOTICIP” but should read “LOCIP”.

VOTE: UNANIMOUS, MOTION CARRIED

4. Correspondence

- a. Referral, Town of Preston dated 7/29/2021 re: Amendment to the Preston Zoning Regulations adding Section 26 Temporary and Limited Moratorium on Cannabis Establishments. Motion by K. Sperry second by J. Lebel to send a letter of no-inter-municipal impact. VOTE: UNANIMOUS, MOTION CARRIED
- b. Copy, letter, from Heller, Heller & McCoy dated re: \$3000.00 fee in lieu of open space, Lot 15, 42 Barber Farm Road
- c. Memo, Request for Submissions, Lisbon Quarterly Newsletter

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- d. Budget Report -Budget Report – July 2020 – May 26, 2021 – LI#51730 Purchased Services - \$59,000.00 / LI#51750 Supplies & Expenses - \$3,800.00
- 5. Bills and action thereon
 - a. The Bulletin, \$172.87, inv#0028137, dated 7/12/2021 re: NoD (Spirit Halloween) – Motion by K. Sperry second by G. Ritacco to pay. VOTE: UNANIMOUS, MOTION CARRIED
 - b. CLA Engineers, \$337.50, Inv# 1, dated July 1, 2021 re: Burger King reviews. It was noted for the record by Mr. Murphy that this will be reimbursed by the applicant’s supplemental fee. Motion by G. Ritacco second by K. Sperry to pay. VOTE: UNANIMOUS, MOTION CARRIED
 - c. SECCoG, \$17,919.00, dated 7/6/2021, re: Fourth Quarter Planner’s Services – Motion by G. Ritacco second by K. Sperry to pay. VOTE: UNANIMOUS, MOTION CARRIED
- 6. Reports
 - a. ZEO – Carl Brown, Zoning Enforcement Officer, was present but had nothing new to report. Mr. Giroux noted that the car dealership on Route 12 run by Pete Odo is now open, noting that the business owner may need a reminder of the Town’s regulations and what he is able to do regarding signage and displays.
 - b. Regulations - NONE
 - 1. MS4 Storm Water Regulation/Ordinance Update – NONE
 - c. Zoning Map Subcommittee–NONE
 - 1. Update Regarding Route 12 Corridor Study and Zoning Amendments per POCD 2016– NONE
 - d. Town Planner Update Regarding Pending Projects/Issues of Interest
 - 1. LOCIP Grant – Mr. Murphy reported that the application regarding Route 12 sidewalks has been finalized and submitted to the SCCOG.
 - 2. Affordable Housing Plan Grant – Mr. Murphy reported that a grant will be available through the State. Plans must be completed next year. Mr. Hull questioned if grant money would be available to private home owners for development of Accessory Dwelling Units (ADU), to which the planner answered “no”.
- 7. Old Business
 - a. Regional Planning Commission – Mr. Giroux gave a brief report regarding the new expansive zoning enabling legislation, including discussion of ADUs being allowed by default but allowing towns to opt-out.
 - b. Application, Planning and Zoning Commission - Zoning Text Amendments - Revisions to section 2.16 (Storm-water Management Plans); 10.4.5 (Permit Standards); 10.16 Inclusive (Soil Erosion and Sediment Control Plans); and Section 19 (Definitions) – It is noted for the record that Michael J. Murphy, AICP, Lisbon Town Planner, clarified that the Town has been working on these amendments for well over a year; that information and reports regarding storm-water run-off and subsequent water pollution, as well

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as the current status of water quality in local water ways have been on the Town's website for numerous years already; and that these MS4 measures are mandated by the State as well as federally mandated and, should the Town fail to adopt these zoning and subdivision regulations, hefty monetary fines may be imposed on the Town. He also noted for the record that the materials relating to these amendments have been on the Town website for public review. Mr. Murphy also advised the commission of ethics concerns he is compelled to raise about ex parte social media communications by Commissioner Hull after close of the hearing that recently came to his attention. These include the lack of proper regulatory context surrounding question(s) posed to the public, and lack of clarity with respect to the planner's resource citations made during the hearing. The Commission leadership reiterated these concerns and the need for Commissioner Hull and all members to follow legal and ethical requirements to protect the Town, the public, and this Commission in its decisions. Motion by K. Sperry second by R. Giroux to approve the application of the Planning and Zoning Commission of the Town of Lisbon modifying and adopting the proposed zoning text amendments to sections 2.16, 10.4.5, 10.16 inclusive and 19 regarding erosion and sediment control plans, storm-water manage plans and low impact development, and associated definitions as follows:

1. Modify and adopt the first sentence in proposed section 10.16 to complete the sentence with:
"except that in the case of a single or two unit dwelling that is not part of a subdivision of land, such activity shall be exempt from this regulation."
2. Modify and adopt section 10.16.1 a.2 to complete the sentence with: "unless this requirement is modified by the commission."
3. Modify and adopt section 10.16.1.b 9 to replace the title "Figure 1-1, Priority Areas" map reference with "Town of Lisbon, Priority Areas, 6/28/2021".

FINDINGS

The proposed amendments, as modified and adopted, are found to be:

1. Consistent with the comprehensive plan of zoning for the Town;
2. Consistent with environmental policies in the 2016 Plan of Conservation and Development which recommend further regulatory tools to address non-point source pollution in town to protect the public health and general welfare
3. Intended to enforce and implement the regulatory portion of the Town's MS4 storm-water program and the requirements of the CT D.E.E.P General Permit for Storm-water

The effective date of the amendments shall be September 1, 2021.

VOTE: B. HULL NO, MOTION CARRIED

TOWN OF LISBON
REGULATION AMENDMENT APPLICATION

CORRESPONDENCE WILL BE SENT TO APPLICANT OR DESIGNATED AGENT. ALSO SEE NOTES 1, 2 AND 3 BELOW:

> APPLICANT: <u>Planning & Zoning Commission</u>	TELEPHONE: <u>860-376-3400</u>
ADDRESS: <u>1 Newent Road, Lisbon, CT 06351</u>	EMAIL: <u>Lisbonct.com/P&Z Comm.</u>
> APPLICANT'S AGENT (IF ANY): <u>Michael J. Murphy, AICP</u>	TELEPHONE: <u>860-885-8697</u>
> ADDRESS: <u>N/A</u>	EMAIL: <u>mmurphy@sercog.org</u>
> OWNER / RUSTEE: <u>N/A</u>	TELEPHONE: <u>N/A</u>
ADDRESS: <u>N/A</u>	EMAIL: <u>N/A</u>
> ENGINEER/ SURVEYOR/ ARCHITECT: <u>N/A</u>	TELEPHONE: <u>N/A</u>
> ADDRESS: <u>N/A</u>	EMAIL: <u>N/A</u>

1. TO BE ACCEPTED BY THE PLANNING AND ZONING COMMISSION, THIS ENTIRE APPLICATION MUST BE COMPLETED, SIGNED BY THE PARTIES LISTED BELOW, AND SUBMITTED WITH THE REQUIRED FEE(S).

2. THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION, ITS STAFF, AND/OR ITS CONSULTANT(S) TO ENTER PROPERTY FOR THE PURPOSE OF INSPECTION IF PERTINENT TO THE APPLICATION.

3. I HEREBY, AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY TOWN STAFF UNDER THE LISBON LAND USE FEES ORDINANCE.

SIGNATURE OF APPLICANT/AGENT Michael J. Murphy PRINTED NAME OF APPLICANT/AGENT Michael J. Murphy
DATE: 4/26/2021

SIGNATURE/RECORD OWNER N/A PRINTED NAME/RECORD OWNER N/A

DATE: N/A

REGULATIONS PROPOSED FOR AMENDMENT:

ZONING X SUBDIVISION _____

PROPOSED AMENDMENT(S) (Section, title, and text-attach sheets as necessary):

Proposed zoning text amendments and revisions to section 2.16 (Storm-water Management Plans), section 10.4.5 (Permit Standards) section 10.16 inclusive, (Soil Erosion and Sediment Control Plans), and section 19 (DEFINITIONS) regarding requirements and metrics for soil erosion and sediment control plans, storm-water management plans, and low impact development

REASONS FOR EACH AMENDMENT REQUEST:

These text amendments are necessary to implement the requirements of the CT D.E.P. General Permit for Discharge of Stormwater from Municipal Separate Storm Sewer Systems, improve land use and development management in Lisbon, and implement the water resource protection and environmental regulation goals of the Lisbon 2016 Plan of Conservation & Development.

APPLICATION SUBMITTAL DATE: 4/28/2021 FEE(S) PAID: N/A

OFFICIAL DAY OF RECEIPT: 5/4/2021

P & Z COMMISSION ACTION: APPROVED W/ MODIFICATIONS DATE: 8/3/2021

CHAIR'S SIGNATURE: Robert Adams Effective Date: 9/1/2021

Adopted _____ Robert Adams, Chairman
Modified and Adopted _____ Denied _____

Proposed Zoning Regulation Text Amendments to Sections 2.16, 10.4.5 and 10.16
Inclusive, Regarding Soil Erosion and Sediment Control Plans, Storm-water
Management Plans and Low Impact Development

2.16 Storm-water Management Plans. A separate storm-water management plan shall be submitted pursuant to Sections 10.16.7 and 10.16.8 with any application or activity subject to Planning and Zoning Commission review that will result in the cumulative disturbance of one (1) acre (43,560 square feet) or more. This requirement shall be in addition to the required Soil and Erosion Control Plan (E & S Plan) and is in furtherance of the State DEEP requirement regarding the administration of the General Permit for the Discharge of Storm-water and Dewatering Wastewaters Associated with Construction Activities ("Construction General Permit") by municipal planning and zoning authorities.

10.4.5 Permit Standards The following are minimum standards to be applied to permits for excavation and filling of earth materials:

- f. Erosion and Sedimentation. Erosion by wind and water shall be controlled at all stages of operation throughout the disturbed area. Provision for proper drainage shall be planned for the duration of the operation to prevent erosion of slopes, stream scour, and sedimentation, both on and off site, at all times. Provisions of, and conditions associated with, section 10.16, inclusive shall be followed in accordance with the certified plan.

10.16 Soil Erosion and Sediment Control, Storm-water Management and Low Impact Development Requirements.

A soil erosion and sediment control plan (E & S Plan) shall be submitted with any application for development, or before any activity is undertaken on a lot or parcel, when the disturbed area of such development or activity is, or would be, cumulatively more than one half acre. The soil erosion and sediment control plan shall contain proper provisions to adequately control storm water runoff on the site based on the best available technology. The E&S Plan shall be developed using the principles, methods, and practices outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) (E&S Guidelines), as amended, including its Low Impact Development Appendix (2011). The E&S Plan must result in a development that minimizes erosion and sedimentation. Alternative methods and practices may be used with approval of the Commission, based on recommendations of planning staff or the Town's Engineer. Any such proposed alternative must be certified by the applicant's professional engineer.

Storm-water Management Plans, including measures for low impact development shall be submitted in accordance with the provisions of section 10.16.7 and 10.16.8 below. At a minimum, plans shall be developed using, and shall comply with, the design criteria and objectives identified in the 2004 Connecticut Storm-water Quality Manual, as amended, including its most recent Low Impact Development (LID) Appendix.

10.16.1 Soil Erosion and Sediment Control Plan (E & S Plan). Such plan shall include, at a minimum:

- a. A narrative description of the development, including a schedule for grading and construction activities for each phase which includes:
 - 1. Start and completion dates.
 - 2. Requirement for a pre-construction meeting with Town staff prior to any disturbance on the site.

3. Requirement for site inspections by Town Staff for the following: After installation/staking of clearing limit lines (clearing limit lines should be established prior to tree and vegetation cutting or disturbing of any soil); after installation of E&S controls (installation of E&S controls should occur prior to any disturbance of the soil on the Site). Tree and vegetation cutting may occur prior to installation of E&S controls if no soil is disturbed.
 4. Sequence of grading and construction activities including the sequence for initial tree and vegetation cutting, clearing, and grading of the site for access and for utility construction, and limitations on access of construction vehicles.
 5. Sequence for installation and/or application of soil erosion and sediment control measures.
 6. Sequence for final stabilization of the project site.
 7. Name and contact information of person responsible for implementation of the E&S Plan.
 8. The design criteria for proposed E & S control measures and storm water management facilities.
 9. The installation and/or application procedures for proposed E&S control measures and storm water management facilities.
 10. Methods by which the implementation of such plan will be verified to the Town. Such verification shall commence at the planning stage prior to commencement of any activity.
 11. The operation and maintenance program for proposed E&S control measures and storm water management facilities.
- b. The E&S Plan must be at a scale sufficient to identify existing and proposed site drainage patterns and conditions, but in no case shall it be more than forty feet to one inch (40 ft. = 1 inch). It shall include, but not be limited to, the following:
1. Location of the proposed development and adjacent properties.
 2. Existing and proposed topography, with contour intervals not to exceed two feet, unless an alternate is approved by the Town Planner to improve readability.
 3. Soil types, wetlands and watercourses, flood zones, floodways, exposed ledge and other natural and man-made features, including compacted areas.
 4. Existing and proposed drainage patterns on site, including identification of storm-water discharges from site and receiving water bodies or discharge areas, even if such water bodies or areas are offsite.
 5. Existing structures, utilities and roads, and proposed alterations including cleared, excavated, filled or graded areas, proposed structures, utilities, roads, driveways, parking areas, and storm-water facilities.
 6. Clearing limit lines shall also be clearly identified.
 7. Limits of proposed disturbance.
 8. Location and design details of all proposed soil erosion control measures and Storm-water management facilities, including construction details for Proposed E&S control measures and storm water management facilities.
 9. Location and design details for development or redevelopment affecting designated priority areas on the Town's *Figure 1-1, 'Priority Areas'* MS4 map, as amended, which shall require adherence to the Low Impact Development Appendix to the CT Guidelines for Soil Erosion & Sediment Control and the criteria in section 10.16.7 b below.
 10. Additional Requirements in the form of a more complex E&S Plan shall be required by the Commission for projects where proposed development will directly impact any of the following: soils having severe or very severe erosion hazard; slopes steeper than twenty-five (25) percent; a cumulative area of greater than five acres regardless of the land's attributes. This more

complex E & S Plan may include, but shall not be limited to, the requirement to phase the Plan and include limitations on the amount of soil exposed at any given time, and/or seasonal limitations for implementation of the plan, or addition of certification of the E&S Plan by a Certified Erosion Control Professional, as the case may be.

11. Any other information deemed necessary by the Commission or its agent.

10.16.2 Presentation of Plan.

The narrative may be included on the map if room allows it without affecting the readability of the map. Such narrative may be included on a development plan as required in Section 12 as long as the readability of the site plan is not affected.

10.16.3 Preparation of Plan.

The E & S Plan shall be prepared, signed and sealed by a Connecticut Registered Professional Engineer.

10.16.4 Certification of Soil and Erosion Control Plan (E & S Plan).

The Planning and Zoning Commission shall vote to certify, modify and certify, or deny that the soil erosion and sediment control plan complies with these Regulations. Any decision to deny certification should consider written recommendations from the planning staff and Town Engineer and any other relevant information. Certification will be included as part of the Commission's vote to approve a permit or activity with modifications or conditions. Site disturbance must not begin unless the E&S Plan is certified and those control measures that are scheduled for installation prior to site development are installed, functional, and have been inspected by Zoning Enforcement Officer or the commission's agent.

10.16.5 Compliance with Plan.

Inspections throughout the period of activity shall ensure compliance with the certified plan, that the control measures are adequately installed and maintained, and that such measures are effective. The Commission may require, as a condition of approval, that the applicant submit soil and erosion control reports verifying that control measures are functioning adequately. The Commission may establish a schedule for submission of such reports and shall reserve the right to require that a professional engineer prepare such reports.

10.16.6 Modification of Plan.

Such certified plan shall be implemented as approved. However, where field conditions warrant, modifications may be made upon prior approval of the Zoning Enforcement Officer after consultation with planning staff. The Zoning Enforcement Officer or other designated agent of the Commission shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate. The Commission or its Agent may require such modification be prepared by a Professional Engineer.

10.16.7 STORM-WATER MANAGEMENT PLAN AND LOW IMPACT DEVELOPMENT (LID) REQUIREMENTS

a. **APPLICABILITY**

In addition to the required erosion and sediment control plan, grading plan and other required plans and application submittals, a Storm-water Management Plan must be submitted with any application or activity subject to Planning and Zoning Commission review that will result in the cumulative disturbance of one (1) acre (43,560 square feet) or more. The purpose of the plan is to identify potential water quality and quantity impacts of the proposed development, and to propose selected source controls and treatment practices to mitigate against those impacts.

b. **SITE DESIGN CRITERIA AND TECHNIQUES**

The purpose of this section is to encourage development proposals to address drainage and storm-water issues related to new development and to incorporate Low Impact Development (LID) planning and design approaches in the Town of Lisbon. The following LID techniques shall be incorporated into the planning and design of development plans subject to these requirements to preserve predevelopment hydrologic conditions and minimize storm-water run-off as deemed necessary by the commission and its staff:

1. Avoid installation of roof drains that discharge to impervious surfaces.
2. Direct flows to vegetated areas.
3. Direct flows from paved areas to stabilized vegetated areas.
4. Break up flow directions from large paved surfaces to distribute storm-water.
5. Encourage sheet flow through vegetated areas.
6. Locate and retain impervious areas so that they drain to permeable areas.
7. Maximize overland sheet flow that avoids channelization and reduces storm-water velocities.
8. Lengthen flow paths and increase the number of flow paths.
9. Maximize use of properly designed open swale systems.
10. Increase or augment the amount of vegetation on the site.
11. Restrict ground disturbance to the smallest possible area.
12. Reduce pavement and impervious surface areas.
13. Avoid compaction or disturbance of highly permeable soils.
14. Maximize the retention of trees, native vegetation, understory plants, and native soils and preserve, protect, create and restore ecologically sensitive areas which may include, but are not limited to; riparian corridors, headwaters, floodplains and wetlands.
15. Reduce the use of turf and use more natural land and ground cover.
16. Maintain existing topography and drainage/watershed divides.
17. Locate structures and roadways on Type C soils where feasible.
18. Minimize the creation, extension, and widening of parking lots, roads, and associated development.

10.16.8 STORM-WATER MANAGEMENT PLAN

The Storm-water Management Plan must be prepared by a Professional Engineer, licensed by the State of Connecticut, and address and include the following:

a. Detailed Site and Activity Description

1. Existing natural features and proposed site improvements.
2. Site topography, pre- and post- development drainage patterns.
3. Existing and proposed storm-water discharges and known sources of on-site storm-water pollutants and sediment loading.

b. Water Quality Classification

Confirm State D.E.E.P. water quality classification of on-site and adjacent water bodies, which will receive project storm-water.

c. Pollutant Sources

Identification of potential pollutant sources including:

1. Description of all potential pollution sources such as erosive soils, steep

- slopes, vehicle fueling and maintenance, and materials storage.
2. Identification of the types of anticipated storm-water (i.e. from pervious, compacted and/or impervious areas).
3. Peak Flows: A summary of calculated pre- and post-development peak flows, per the requirements of the Town's civil engineer, unless otherwise specified in these Zoning Regulations.

d. Pollutant Controls

Description of controls and/or measures to reduce pollutants, including low impact development strategies to meet or exceed those LID and runoff reduction practices identified in the Connecticut Storm-water Quality Manual, as amended, including its Low Impact Development Appendix, such as:

1. Proposed storm-water system retrofits, including retrofit projects to modify an existing developed site for the primary purpose of disconnecting impervious areas. For redevelopment of sites that are currently developed with Directly Connected Impervious Area (DCIA) of forty percent (40%) or more, include proposed measures to retain on-site half the water quality volume for the site; for new development and redevelopment of sites with less than forty percent DCIA, include proposed measures to retain the water quality volume for the site. In cases where these above standards cannot be met, provide an alternate retention/treatment standard as outlined in the state's General Permit.
2. Methods to retain sediments on site.
3. Methods to control water flowing onto and from the construction site.
4. Method(s) to minimize disturbed areas.
5. Post-construction storm-water management measures that will be installed during the construction process to control pollutants in storm-water discharges after construction operations have been completed.
6. Provide source controls to prevent or minimize the use of, and potential introduction of, pollutants into storm-water run-off.

e. Other Information

Calculations, plans, data and other information intended to support the design and operation of structures and green infrastructure, and other proposed methods to reduce pollutants.

f. Maintenance and Inspection

Maintenance and inspection procedures including:

1. Inspection protocols and related requirements to assess adequacy of the installation, maintenance, operation, and repair of construction and post construction control measures.
2. Repair and maintenance documentation, including provisions to assure that all on-site facilities shall be properly maintained.
3. Identification of individual(s) responsible for management and oversight.
4. Confirmation from the applicant to provide and comply with a long term maintenance and schedule to ensure the performance and pollutant removal efficiency of privately-owned detention ponds, retention ponds and other storm-water basins that discharge to, or receive, discharge from the Town of Lisbon including short-term and long-term inspection and maintenance measures to be implemented by the private owner.
5. The provision of an annual inspection of all such structures/measures and a written report to confirm removal of accumulated pollutants (such as sediment, oils, leaves, litter, etc.) to restore full solids capture design capacity where found to be in excess of 50% design capacity.

g. **Environmental Workplace Housekeeping Procedures**
Procedures which, at a minimum, will address:

1. **Material handling and waste management.**
2. **Building material staging area operations.**
3. **Equipment and vehicle fueling and maintenance.**
4. **Spill prevention plan requirements.**
5. **Long term maintenance of storm-water facilities.**

h. In cases where the Commission determines that engineering, aesthetics, environmental protection and/or economic factors make combined retention or other drainage facilities more practical, the Commission may require contiguous project developers to construct joint facilities in the public interest, provided that a maintenance agreement is filed on the land records for each property involved. The Commission may require maintenance bonding or the creation of a maintenance fund for combined retention areas.

10.16.9 **Surety and Performance Bonding**

The estimated costs of measures required to control erosion and sedimentation, and/or implement the storm-water management plan and low impact development requirements of these regulations, as the case may be, shall be submitted in detailed form by the applicant. Such estimate shall include the cost of materials and labor, including the cost of ongoing maintenance during the activity and of inspection of such controls and improvements. The cost estimate is subject to review and approval by Town staff. The approved estimate shall be the basis for establishment of a performance bond as surety. Such surety instrument shall be at least partly or wholly in the form of cash, as determined by the Commission or its agent. Such surety shall be posed prior to any disturbance of the site.

LEGEND:

Bold Text = New

Standard Type = Existing

~~Strike Through~~ = Remove

REV: 4/26/2021

PROPOSED ZONING AMENDMENTS TO SECTION 19 DEFINITIONS TO
ACCOMPANY ADDITIONAL ZONING AMENDMENTS FOR SOIL EROSION AND
SEDIMENT CONTROL PLANS, STORM-WATER MANAGEMENT AND LOW IMPACT
DEVELOPMENT

Best Management Practices. Activities, prohibition of practices, general environmental good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm-water, receiving waters, or storm-water conveyance systems, including treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Bio-retention Area. A shallow landscaped depression designed to manage and treat storm water runoff through the use of a planted soil bed designed to remove pollutants through physical and biological processes.

Building Storm Drain. A building drain that conducts storm- water from any part of a building to a storm-water disposal location.

Development. ~~Any construction or site work, including grading, to improve real estate.~~ Any man-made change to improved or unimproved real estate including, but not limited to, the construction or placement of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply or distribution facilities.

DEEP. State of Connecticut Department of Energy and Environmental Protection.

Disturbed Area. ~~An area where the ground cover is destroyed or removed such that the bare soil is exposed.~~ An area of land subject to erosion due to the removal of vegetative cover or earthmoving activities, including filling.

Erosion. The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Filling/Extraction of Earth Products. The removal, extraction, excavation, fill or grading for any purpose of soil, sand, shell, gravel, ore, rock, clay or any similar material by whatever process.

Grading. Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Green Roof. A roof that is purposely designed and built to accommodate natural plantings as a means of treating storm-water, reducing storm-water runoff, reducing energy use, providing habitat and/or forage, and for other like purposes generally associated with more sustainable building practices.

Impervious Coverage. The percent of a lot covered by impervious surface/cover.

Impervious Surface/Cover. A hard material that prevents the percolation of water into the soil including building roofs, streets, parking lots, driveways, sidewalks, swimming pools, and other impenetrable surfaces.

Invasive Plants. A group of harmful non-native plants that, once introduced, can proliferate in the environment, crowding out or destroying indigenous plants. A complete list of such invasive plants can be found at the State of Connecticut DEEP and includes such plants as barberry, euonymus, bittersweet, and purple loosestrife.

Low Impact Development. A range of development practices and operational methods associated with site planning, design and development, all having the objective of reducing or mitigating environmental impacts, mimicking predevelopment hydrology and treating storm-water as close to its source as possible to preserve natural drainage systems. LID may include use of storm-water infiltration, clustering of buildings to reduce land clearing and grading, use of overland (sheet) flow and grass swales, use of permeable pavement or other pervious materials, shared or deferred parking, bio-retention facilities and other small-scale controls or similar techniques to detain and filter storm-water.

Municipal Separate Storm Sewer System or MS4 Map. Map depicting conveyances for storm-water (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) owned or operated by the Town of Lisbon or by any State of Connecticut or federal institution and discharging into surface waters of the state.

Permeable Paving. Materials that are alternatives to conventional bituminous paving or concrete surfaces that are designed to increase infiltration, reduce storm-water runoff and pollutant loads. These materials have variable porosity dependent on the product, its installation and the site conditions.

Sediment. Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site or origin by erosion.

Slope, Percent of. The ratio of vertical rise or fall to horizontal distance measured perpendicular to the contour lines at horizontal interval of typically 10 feet or greater.

Slope, Steep. Areas of topography greater than 25% slope as measured across the most extreme change in elevation portions of the ground surface in minimum horizontal intervals of typically forty (40) feet.

Soil. Any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan (E & S Plan). A designed program that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to a map and narrative.

Storm-water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Water Quality Volume. The volume of runoff generated by one inch of rainfall on a site as defined in the Connecticut Storm-water Quality Manual, as amended.

Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in floodplains or riverine areas.

LEGEND:

Bold Text = New / Standard Type = Existing / ~~Strike Through~~ = Remove
REV: 4/26/2021

**TOWN OF LISBON
REGULATION AMENDMENT APPLICATION**

CORRESPONDENCE WILL BE SENT TO APPLICANT OR DESIGNATED AGENT. ALSO SEE NOTES 1, 2 AND 3 BELOW:

> APPLICANT: <u>Planning & Zoning Commission</u>	TELEPHONE: <u>860-376-3400</u>
ADDRESS: <u>1 Newent Road, Lisbon CT 06351</u>	EMAIL: <u>Lisbonct.com/P&Z Commission</u>
> APPLICANT'S AGENT (IF ANY): <u>Michael J. Murphy, AICP</u>	TELEPHONE: <u>860-885-8697</u>
> ADDRESS: <u>N/A</u>	EMAIL: <u>mmurphy@secrog.org</u>
> OWNER / RUSTEE: <u>N/A</u>	TELEPHONE: <u>N/A</u>
ADDRESS: <u>N/A</u>	EMAIL: <u>N/A</u>
> ENGINEER/ SURVEYOR/ ARCHITECT: <u>N/A</u>	TELEPHONE: <u>N/A</u>
> ADDRESS: <u>N/A</u>	EMAIL: <u>N/A</u>

1. TO BE ACCEPTED BY THE PLANNING AND ZONING COMMISSION, THIS ENTIRE APPLICATION MUST BE COMPLETED, SIGNED BY THE PARTIES LISTED BELOW, AND SUBMITTED WITH THE REQUIRED FEE(S).

2. THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION, ITS STAFF, AND/OR ITS CONSULTANT(S) TO ENTER PROPERTY FOR THE PURPOSE OF INSPECTION IF PERTINENT TO THE APPLICATION.

3. I HEREBY, AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY TOWN STAFF UNDER THE LISBON LAND USE FEES ORDINANCE.

SIGNATURE OF APPLICANT/AGENT Michael J. Murphy PRINTED NAME OF APPLICANT/AGENT Michael J. Murphy
DATE: 4/26/2021
SIGNATURE/RECORD OWNER N/A PRINTED NAME/RECORD OWNER N/A
DATE: N/A

REGULATIONS PROPOSED FOR AMENDMENT:

ZONING _____ SUBDIVISION X

PROPOSED AMENDMENT(S) (Section, title, and text-attach sheets as necessary):

Proposed subdivision amendments and revisions to section 5.5 inclusive, (Soil Erosion and Sediment Control Plan), and section 2 (DEFINITIONS) regarding requirements and metrics for soil erosion and sediment control plans, storm-water management plans and low impact development.

REASONS FOR EACH AMENDMENT REQUEST:

These amendments are necessary to implement the requirements of the CT D.E.E.P. General Permit for Discharge of Stormwater from Municipal Separate Storm Sewer Systems, improve land use and development management in Lisbon, and implement water resource protection and environmental regulation goals of Lisbon's 2016 Plan of Conservation & Development.

APPLICATION SUBMITTAL DATE: 4/28/2021 FEE(S) PAID: N/A

OFFICIAL DAY OF RECEIPT: 5/4/2021

P & Z COMMISSION ACTION: APPROVED W/ MODIFICATIONS DATE: 8/3/2021

CHAIR'S SIGNATURE: Robert Adams Effective Date: 9/1/2021

Adopted _____ Robert Adams, Chairman
Modified and Adopted _____ Denied _____

Proposed Subdivision Regulations Amendments to Section 5.5 Inclusive Regarding Soil Erosion and Sediment Control Plans, Storm-water Management Plans and Low Impact Development

5.5. Soil Erosion and Sediment Control Plan (E & S Plan), Storm-water Management Plan and Low Impact Development (LID) Requirements.

E & S Plan. The applicant will submit as part of the subdivision plan, a Soil Erosion and Sediment Control Plan that contains proper provisions when the disturbed area of such subdivision development or activity is, or would be, cumulatively more than one half acre (21,780 square feet). The soil erosion and sediment control plan shall contain proper provisions to adequately control storm water runoff on the site based on the best available technology. The E&S Plan should be developed using the principles, methods, and practices outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) (E&S Guidelines), as amended, including its Low Impact Development Appendix (2011). The E&S Plan must result in a development that minimizes erosion and sedimentation. Alternative methods and practices may be used with approval of the Commission, based on recommendations of planning staff or the Town's Engineer. Any such proposed alternative must be certified by the applicant's professional engineer.

Storm-water Management Plan. Storm-water Management Plans, including measures for low impact development shall be submitted in accordance with the provisions of section 5. below. At a minimum, plans shall be developed using, and shall comply with, the design criteria and objectives identified in the 2004 Connecticut Storm-water Quality Manual, as amended, including its most recent Low Impact Development (LID) Appendix.

5.5.1 The Soil Erosion and Sediment Control Plan (E & S Plan) shall include the following:

- a. A narrative describing:
 1. The development;
 2. The schedule for grading and construction activities including:
 - A. start and completion dates;
 - B. sequence of grading and construction activities;
 - C. sequence for installation and/or application of soil erosion and sediment control measures;
 - D. sequence for final stabilization of project site.
 - E. **limitations on access of construction vehicles.**
 3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 4. The construction details and the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 5. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
 6. Requirement for a pre-construction meeting with Town staff prior to any disturbance on the site.
 7. Requirement for site inspections by Town Staff for the following: After installation/staking of clearing limit lines (clearing limit lines should be established prior to tree and vegetation cutting or disturbing of any soil); after installation of E&S controls (installation of E&S controls should occur prior to any disturbance of the soil on the site). Tree and vegetation cutting may occur prior to installation of E&S controls if no soil is disturbed.

- b. A map meeting the scale requirements of Section 5.3, unless the commission's agent requires the E&S Plan to be at a more sufficient scale to identify existing and proposed site drainage patterns and conditions, and improve readability. It shall include:

1. The location of the proposed development and adjacent properties;
2. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
3. The existing structures on the project site, if any;
4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
6. The sequence for grading and construction activities;
7. The sequence for installation and/or application of soil erosion and sediment control measures;
8. The sequence for final stabilization of the development site;
9. The words "Certified by the Lisbon Planning and Zoning Commission" with designated space for the date and signature of the Chairman or Secretary of the Commission.
10. Location and design details for development or redevelopment within designated priority areas on the Town's MS4 map, which shall require adherence to the Low Impact Development Appendix to the CT Guidelines for Soil Erosion & Sediment Control and the criteria in section 5.5.3 b below.
11. Additional Requirements in the form of a more complex E&S Plan shall be required by the Commission for projects where proposed development will directly impact any of the following: soils having severe or very severe erosion hazard; slopes steeper than twenty-five (25) percent; a cumulative area of greater than five acres regardless of the land's attributes. This more complex E & S Plan may include, but shall not be limited to, the requirement to phase the Plan and include limitations on the amount of soil exposed at any given time, and/or seasonal limitations for implementation of the plan, or addition of certification of the E&S Plan by a Certified Erosion Control Professional, as the case may be.
12. Any other information deemed necessary by the Commission or its agent

- c. The narrative required in Section 5.5.1 (a) may be included on the map of Section 5.5.1 (b) if room allows it without affecting readability of the map. The items required to be mapped in Section 5.5.1 (b) may be depicted on the subdivision plan map required in Section 5.3 if the readability of the subdivision map is not affected.

5.5.2 The Planning and Zoning Commission shall vote to certify, modify and certify, or deny that the soil erosion and sediment control plan complies with these Regulations. Any decision to deny certification should consider written recommendations from the planning staff and Town Engineer and any other relevant information. Certification will be included as part of the Commission's vote to approve a subdivision plan or approve the plan with modifications. Site disturbance must not begin unless the E&S Plan is certified and those control measures that are scheduled for installation prior to site disturbance or development are installed, functional, and have been inspected by the commission's agent.

5.5.3 Storm-water Management Plan and Low Impact Development

a. **Applicability.** In addition to the required erosion and sediment control plan, grading plan and other required plans and application submittals, a Storm-water Management Plan must be submitted with any application or activity subject to Planning authority review that will result in the cumulative disturbance of one (1) acre (43,560 square feet) or more. The purpose of the plan is to identify potential water quality and quantity impacts of the proposed development and to propose selected source controls and treatment practices to mitigate against those impacts. These measures shall be in furtherance of the State DEEP requirement regarding the administration of the General Permit for the Discharge of Storm-water and Dewatering Wastewaters Associated with Construction Activities ("Construction General Permit") by municipal planning authorities.

b. **Site Design Criteria and Techniques.** The purpose of this section is to encourage development proposals to address drainage and storm-water issues related to new development and to incorporate Low Impact Development (LID) planning and design approaches in the Town of Lisbon. The following LID techniques shall be incorporated into the planning and design of development plans subject to these requirements to preserve pre-development hydrologic conditions and minimize storm-water run-off as deemed necessary by the commission and its staff:

1. Avoid installation of roof drains that discharge to impervious surfaces.
2. Direct flows to vegetated areas.
3. Direct flows from paved areas to stabilized vegetated areas.
4. Break up flow directions from large paved surfaces to distribute storm-water.
5. Encourage sheet flow through vegetated areas.
6. Locate and retain impervious areas so that they drain to permeable areas.
7. Maximize overland sheet flow that avoids channelization and reduces storm-water velocities.
8. Lengthen flow paths and increase the number of flow paths.
9. Maximize use of properly designed open swale systems.
10. Increase or augment the amount of vegetation on the site.
11. Minimize the total amount of disturbed area at the individual lot level, restricting ground disturbance to the smallest areas that will be used for structures, driveways and other infrastructure.
12. Reduce pavement and impervious surface areas.
13. Avoid compaction or disturbance of highly permeable soils.
14. Maximize the retention of trees, native vegetation, understory plants, and native soils
15. Reduce the use of turf and use more natural land and ground cover.
16. Maintain existing topography and drainage/watershed divides.
17. Locate structures, roadways on Type C soils where feasible.
18. Provide source controls to prevent or minimize the use of, and potential introduction of, pollutants into storm-water run-off

5.5.4 Storm-water Management Plan

A Storm-water Management Plan must be prepared by a Professional Engineer, licensed by the State of Connecticut, and address and include the following:

a. Detailed Site and Activity Description

1. Existing natural features and proposed subdivision and site improvements
2. Site topography, pre- and post- development drainage patterns
3. Existing and proposed storm-water discharges and known sources of on-site storm-water pollutants and sediment loading

b. Water Quality Classification

Confirm State D.E.E.P. water quality classification of on-site and adjacent water bodies, which will receive project storm-water.

c. Pollutant Sources

Identification of potential pollutant sources including:

1. Description of all potential pollution sources such as erosive soils, steep slopes, vehicle fueling and maintenance, and materials storage
2. Identification of the types of anticipated storm-water (i.e. from pervious, compacted and/or impervious areas)
3. Peak Flows: A summary of calculated pre- and post-development peak flows, per the requirements of the Town's civil engineer

d. Pollutant Controls

Description of controls and/or measures to reduce pollutants, including Low Impact Development strategies, such as:

1. Proposed storm-water system retrofits including retrofit projects to modify an existing developed site for the primary purpose of disconnecting impervious areas. For redevelopment of sites that are currently developed with Directly Connected Impervious Area (DCIA) of forty percent or more, include proposed measures to retain on-site half the water quality volume for the site; for new development and redevelopment of sites with less than forty percent DCIA, include proposed measures to retain the water quality volume for the site. In cases where these above standards cannot be met, provide an alternate retention/treatment standard as outlined in the state's General Permit.
2. Methods to retain sediments on site
3. Methods to control water flowing onto and from the construction site
4. Method(s) to minimize disturbed areas
5. Post-construction storm-water management measures that will be installed during the construction process to control pollutants in storm-water discharges after construction operations have been completed
6. Provide source controls to prevent or minimize the use of, and potential introduction of, pollutants into storm-water run-off

e. Other Information

Calculations, plans, data and other information intended to support the design and operation of structures and green infrastructure, and other proposed methods to reduce pollutants

f. Maintenance and Inspection

Maintenance and inspection procedures including:

1. Inspection protocols and related requirements
2. Repair and maintenance documentation, including provisions to assure that

all on-site facilities shall be properly maintained, ~~so that they do not become nuisances.~~

3. Identification of individual(s) responsible for management and oversight
4. Confirmation from the applicant to provide and comply with a long term maintenance plan and schedule to ensure the performance and pollutant removal efficiency of privately - owned detention ponds, retention ponds and other storm-water basins that discharge to, or receive, discharge from the Town of Lisbon including short-term and long- term inspection and maintenance measures to be implemented by the private owner, if applicable
5. The provision of an annual inspection of all such structures/measures and a written report to confirm removal of accumulated pollutants (such as sediment, oils, leaves, litter, etc.) to restore full solids capture design capacity where found to be in excess of 50% design capacity

g. Environmental Workplace Housekeeping Procedures
Procedures which, at a minimum, will address:

1. Material handling and waste management
2. Building material staging area operations
3. Equipment and vehicle fueling and maintenance
4. Spill prevention plan requirements
5. Long term maintenance of storm-water facilities

h. In cases where the Commission determines that engineering, aesthetics, environmental protection and/or economic factors make combined retention or other drainage facilities more practical, the Commission may require contiguous project developers to construct joint facilities in the public interest, provided that a maintenance agreement is filed on the land records for each property involved. The Commission may require maintenance bonding or the creation of a maintenance fund for combined retention areas.

5.5.45 The Commission or its designated agent shall periodically conduct inspections to verify compliance with the certified E & S Plan and Storm-water Management Plan to confirm that control measures, including LID measures are properly performed or installed and maintained, as the case may be. The Commission may require the applicant to submit progress reports which show that soil erosion and sediment control measures and storm-water facilities have been performed or installed according to the certified plan and are being correctly operated and maintained.

5.5.6 The estimated costs of measures required to control erosion and sedimentation, and/or implement the storm-water management plan and low impact development requirements of these regulations, as the case may be, shall be submitted in detailed form by the applicant. Such estimate shall include the cost of materials and labor, including the cost of ongoing maintenance during the activity and of inspection of such controls and improvements. The cost estimate is subject to review and approval by Town staff. The approved estimate shall be the basis for establishment of a performance bond or other surety, which surety shall be acceptable to the Commission in accordance with the provisions specified in Section 4.7 of these Regulations. Such surety instrument shall be at least partly or wholly in the form of cash, as determined by the Commission or its agent. Such surety shall be posted prior to any disturbance of the site.

LEGEND:

Bold Text = New / Standard Type = Existing / Strike-Through = Remove
REV: 4/26/2021

PROPOSED SUBDIVISION AMENDMENTS TO SECTION 2 DEFINITIONS TO
ACCOMPANY OTHER SUBDIVISION AMENDMENTS FOR EROSION AND SEDIMENT
CONTROL PLANS, STORM-WATER MANAGEMENT AND LOW IMPACT
DEVELOPMENT

Best Management Practices. Activities, prohibition of practices, general environmental good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm-water, receiving waters, or storm-water conveyance systems, including treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Bio-retention Area. A shallow landscaped depression designed to manage and treat storm water runoff through the use of a planted soil bed designed to remove pollutants through physical and biological processes.

DEEP. State of Connecticut Department of Energy and Environmental Protection

Development. ~~Any construction or site work, including grading, to improve real estate.~~ Any man-made change to improved or unimproved real estate including, but not limited to, the construction or placement of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply or distribution facilities.

Disturbed Area. ~~An area where the ground cover is destroyed or removed such that the bare soil is exposed.~~ An area of land subject to erosion due to the removal of vegetative cover or earthmoving activities, including filling.

Grading. Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Impervious Surface/Cover. A hard material that prevents the percolation of water into the soil including building roofs, streets, parking lots, driveways, sidewalks, swimming pools, and other impenetrable surfaces.

Low Impact Development. A range of development practices and operational methods associated with site planning, design and development, all having the objective of reducing or mitigating environmental impacts, mimicking predevelopment hydrology and treating storm-water as close to its source as possible to preserve natural drainage systems. LID may include use of storm-water infiltration, clustering of buildings to reduce land clearing and grading, use of overland (sheet) flow and grass swales, use of permeable pavement or other pervious materials, shared or deferred parking, bio-retention facilities and other small-scale controls or similar techniques to detain and filter storm-water.

Municipal Separate Storm Sewer System or MS4 Map. Map depicting conveyances for storm water (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) owned or operated by the Town of Lisbon or by any State of Connecticut or federal institution and discharging into surface waters of the state.

Permeable Paving. Materials that are alternatives to conventional bituminous paving or concrete surfaces that are designed to increase infiltration, reduce storm-water runoff and pollutant loads. These materials have variable porosity dependent on the product, its installation and the site conditions.

Redevelopment. To demolish existing buildings or to increase the overall floor area or impervious surface/ cover on a site; or any combination of these activities, irrespective of whether a change occurs in the land use of the site.

Slope, Percent of. The ratio of vertical rise or fall to horizontal distance measured perpendicular to the contour lines at horizontal intervals of typically 10 feet or greater.

Slope, Steep. Areas of topography greater than 25% slope as measured across the most extreme change in elevation portions of the ground surface in minimum horizontal intervals of typically forty (40) feet.

Soil. Any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan (E & S Plan). A designed program that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to a map and narrative.

Storm-water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Water Quality Volume. The volume of runoff generated by one inch of rainfall on a site as defined in the Connecticut Storm-water Quality Manual, as amended.

Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains or riverine areas

LEGEND:

Bold Text = New / **Standard Type** = Existing / ~~Strike Through~~ = Remove
REV: 4/26/2021

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, AUGUST 3, 2021
Page 4 (Old Business, cont)

- c. Application, Planning and Zoning Commission - Subdivision Text Amendments - Revisions to section 5.5 Inclusive (Soil Erosion and Sediment Control Plan); Section 2 (Definitions) – Mr. Murphy noted for the record that his concerns raised in the previous deliberation are applicable here as well. Motion by K. Sperry second by J. Lebel to approve the application of the Planning and Zoning Commission of the Town of Lisbon modifying and adopting the proposed subdivision text amendments to section sections 5.5 inclusive and 2 regarding erosion and sediment control plans, storm-water manage plans and low impact development, and associated definitions as follows:
1. Modify and adopt section 5.5 to revise sentence two (2) to read as follows: The Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control storm-water runoff on the site “and at the individual lot level” based on the best available technology.
 2. Modify and adopt section 5.5.1. a 6 to complete the sentence with: “unless this requirement is modified by the commission.”
 3. Modify and adopt section 5.5.1.b 10 to add map reference with “Town of Lisbon, Priority Areas, 6/28/2021”

FINDINGS

The proposed amendments, as modified and adopted, are found to be:

1. Consistent with environmental policies in the 2016 Plan of Conservation and Development which recommend further regulatory tools to address non-point source pollution in town to protect the public health and general welfare.
2. Consistent with state statutory requirements that proper provisions be made in subdivisions for water, sewerage, drainage, and erosion and sediment control.
3. Intended to enforce and implement the regulatory portion of the Town’s MS4 storm-water program and the requirements of the CT D.E.E.P General Permit for Storm-water.

The effective date of the amendments shall be September 1, 2021.

VOTE: B HULL NO, MOTION CARRIED

- d. Special Permit Applicant, Burger King Restaurant – New King, Inc., Applicant, 106-110 River Road – request for extension and reschedule public hearing – Mr. Murphy reported that the applicant had expressed the intent to withdraw the application in an e mail received a few minutes ago, although a formal letter had not been received as of yet. Motion by G. Ritacco second by R. Giroux to table.

VOTE: UNANIMOUS, MOTION CARRIED

8. New Business

- a. Receipt of New Applications
- i. Special Permit Application for Site Modifications under Section 2.8 – Ceccarelli Properties, LLC, 363 River Road - new application acceptance and schedule public hearing – it was noted for the record that

TOWN OF LISBON
ZONING PERMIT APPLICATION

PLEASE CHECK THE APPROPRIATE LINE(S) AND COMPLETE THE REQUIRED APPLICATION(S):

- ☐ SITE PLAN REVIEW OF PROPOSED DEVELOPMENT IN ACCORDANCE WITH SECTION 2.5 AND SECTION 12
- ☐ PLANNING AND ZONING COMMISSION ADMINISTRATIVE REVIEW OF CHANGES TO COMMERCIAL/INDUSTRIAL BUILDINGS AND PROPERTIES IN ACCORDANCE WITH SECTION 2.8 AND SECTION 10.13
- ☒ SITE PLAN REVIEW OF ASSOCIATED SIGNAGE IN ACCORDANCE WITH SECTION 15.8

PROJECT DESCRIPTION:

REPLACING AGED STORE FRONT AND PYLON SIGNS AS PART
OF MAINTENANCE. SUBSTANTIALLY REDUCING SIGNS' NOTED NEARLITY.
STORE FRONT APPEARANCE ENHANCEMENT.

PROJECT NAME: BETTER VAL-U SIGNS REPLACEMENT ACREAGE: 200.9 ZONING DISTRICT: BV-2
LOT IN SQUARE FEET: 8,751,204 TOTAL FLOOR AREA IN SQUARE FEET: 26,305

PARCEL IDENTIFICATION INFORMATION

STREET ADDRESS OF PROPERTY IF AVAILABLE: 99 RIVER ROAD, LISBON, CT

MAP / BLOCK / LOT: 15/031/000

VOLUME / PAGE: 715/9

CORRESPONDENCE WILL BE SENT TO APPLICANT OR DESIGNATED AGENT. ALSO SEE NOTES 1, 2 AND 3 BELOW:

- > APPLICANT: STAN LOVE FOR BETTER VAL-U SUPERMARKETS, INC.
TELEPHONE: 203-525-7645 EMAIL: SLOVE@EDZUTOS.COM
- > APPLICANT'S AGENT (IF ANY): _____
TELEPHONE: _____ EMAIL: _____
- > OWNER / TRUSTEE: LISBON RIVER RD, LLC
TELEPHONE: 201-303-5292 EMAIL: PMSTEIN3030@GMAIL.COM
- > ENGINEER / SURVEYOR / ARCHITECT: _____
TELEPHONE: _____ EMAIL: _____

1. TO BE ACCEPTED BY THE PLANNING AND ZONING COMMISSION, THIS ENTIRE APPLICATION MUST BE COMPLETED, SIGNED BY THE PARTIES LISTED BELOW, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS AND ORDINANCES.

2. THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION, ITS STAFF, OR ITS CONSULTANT TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.

3. I HEREBY, AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY TOWN STAFF UNDER THE LAND USE FEES ORDINANCE.

SIGNATURE OF APPLICANT/AGENT: Stan Love PRINTED NAME OF APPLICANT/AGENT: STAN LOVE
DATE: 07/13/2021

SIGNATURE/RECORD OWNER: Peter Stein PRINTED NAME/RECORD OWNER: PETER STEIN
DATE: 7/16/2021

PAROVER, LISBON RIVER RD LLC

APPLICATION SUBMITTAL DATE: 7/21/2021 FEE(S) PAID: \$720.30

OFFICIAL DAY OF RECEIPT: 8/3/2021

*P & Z COMMISSION ACTION: APPROVED W MODIFICATIONS DATE: 8/3/2021

CHAIR'S SIGNATURE: Robert Adams Robert Adams, Chairman

UPON APPROVAL OF THIS APPLICATION BY THE PZC, AND COMPLIANCE WITH ANY DIRECTIVES, MODIFICATIONS AND/OR CONDITIONS REQUIRED, THE ZONING ENFORCEMENT OFFICER MAY ISSUE THE ZONING PERMIT.

Zoning Enforcement Officer DATE: _____

(* Any modifications, directives or conditions attached to PZC action, or any reasons for denial, shall be reflected in the record and attached)

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, AUGUST 3, 2021
Page 5 (New Business, cont)

Attorney William McCoy of Heller, Heller & McCoy, 736 Norwich-New London Turnpike, Uncasville, CT 06382, was present to represent the applicant, who is applying for a special permit to allow modifications at a non-conforming use of land and building. Mr. Cecarelli, was also present. Attorney McCoy noted that they had received comments submitted by Mr. Murphy the day before, and that they are working to address the issues. It was also noted that the storage of landscaping equipment was removed from this application. Motion by R. Giroux second by K. Sperry to accept the application and schedule a public hearing for Tuesday, September 7, 2021 at 6:30 PM. VOTE: UNANIMOUS, MOTION CARRIED

ii. Zoning Permit Application for Proposed Signage and Façade Upgrades– Better Val-U Supermarkets, Inc., Applicant, 99 River Road - It is noted for the record that Stan Love, applicant, and Attorney Michael Driscoll of Brown Jacobsen, 22 Courthouse Square, Norwich, CT 06360 were present. Aluminum (roof treatment) samples were submitted for the record. The planner reviewed his staff report, noting that the Lisbon Package Store sign exceeds the approved size from 2015 and should be reduced as noted. Motion by R. Giroux second by K. Sperry to approve the zoning application of Stan Love for Better Val-U Supermarkets for wall and pylon signage replacements and exterior roof modifications and building color scheme at 99 River Road, Lisbon with the following modifications:

1. The new Lisbon Package Store wall sign shall be redesigned to measure no wider than 3.33' high and 15' wide for a total square footage not to exceed the currently approved 49.95 square feet, which redesign shall be reviewed and approved by commission staff before the permit is issued
2. The replacement Pylon signage shall exclude any additional pricing or traffic signage as shown on the plans provided. VOTE: UNANIMOUS, MOTION CARRIED

iii. Request for Renewal of Special Permit granted 9/3/2019 per Regulation 10.4 for Earth Products Removal - K&H Properties, LLC, Applicant, 397 North Burnham Highway – Herb Holden of K & H Properties, LLC, was present. The planner clarified that this request is for a two (2) year renewal of the permit. Motion by R. Giroux second by K. Sperry to approve the renewal of Special Permit granted 9/3/2019 per Regulation 10.4 for Earth Products Removal. VOTE: UNANIMOUS, MOTION CARRIED

b. Referrals - NONE

9. Any other business which may properly come before the commission - NONE

10. Public Comment – NONE

11. Adjournment - Motion made by R. Giroux second by T. Minor to adjourn at 8:40 P.M.

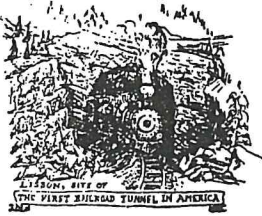
VOTE: UNANIMOUS MOTION CARRIED



Elaine Joseph, Clerk

Approved: _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 8/09/2021 AT 9:45am
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Marjorie Wakely, Asst



PLANNING & ZONING COMMISSION
TOWN OF LISBON
1 Newent Road
Lisbon, Connecticut 06351

NOTICE OF DECISION
Town of Lisbon
Planning and Zoning Commission

At the regular meeting of the Town of Lisbon Planning and Zoning Commission held on Tuesday, August 3, 2021, the following actions were taken:

1. Zoning Text Amendments - Revisions to section 2.16 (Storm-water Management Plans); 10.4.5 (Permit Standards); 10.16 Inclusive (Soil Erosion and Sediment Control Plans); and Section 19 (Definitions)
MODIFIED AND ADOPTED, EFFECTIVE DATE: SEPTEMBER 1, 2021
2. Subdivision Text Amendments - Revisions to section 5.5 Inclusive (Soil Erosion and Sediment Control Plan); Section 2 (Definitions) MODIFIED AND ADOPTED, EFFECTIVE DATE: SEPTEMBER 1, 2021
3. Zoning Permit Application for Signage and Façade Upgrades – Better Val-U Supermarkets, Inc., Applicant, 99 River Road APPROVED WITH MODIFICATIONS
4. Request for Special Permit Renewal (2 Years) - K&H Properties, LLC, Applicant, 397 North Burnham Highway APPROVED

Dated at Lisbon, Connecticut this 10th day of August 2021.

Robert D. Adams, Chairman
Lisbon Planning and Zoning Commission

RECEIVED FOR RECORD AT LISBON

CT ON 08/09/2021 AT 9:45am

ATTEST. LAURIE TIROCCHI, TOWN CLERK

Maryanne Wakely, Asst