

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON SENIOR CENTER
TUESDAY, JULY 6, 2021
6:30 P.M.

The Planning and Zoning Commission held the following Public Hearings in the Lisbon Senior Center, 11 Newent Road, Lisbon, Connecticut beginning at 6:30 PM on Tuesday, July 6, 2021:

6:30 - Application by Town of Lisbon Planning and Zoning Commission, 1 Newent Road, Lisbon, CT to amend the zoning regulations of the Town of Lisbon to incorporate proposed zoning text amendments and revisions to Section 2.16; Section 10.4.5; Section 10.16 inclusive; and Section 19 regarding requirements and metrics for soil erosion and sediment control plans, storm-water management plans, low-impact development, and associated definitions, respectively.

6:45 - Application by Town of Lisbon Planning and Zoning Commission, 1 Newent Road, Lisbon, CT to amend the subdivision regulations of the Town of Lisbon to incorporate proposed subdivision text amendments and revisions to Section 5.5 inclusive and Section 2 regarding requirements and metrics for soil erosion and sediment control plans, storm-water management plans, low impact development, and associated definitions, respectively.

MEMBERS PRESENT: Robert Adams, Ron Giroux, Randy Brown, Trevor Danburg, Ben Hull, III, Jason Lebel, Timothy Minor, Kim Sperry

MEMBERS ABSENT: Cheryl Blanchard, Gary Ritacco (Alt)

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

Chairman Adams read the legal notice into the record.

The following Public Hearing was called to order by Chairman Robert Adams at 6:31 PM:

Application by Town of Lisbon Planning and Zoning Commission, 1 Newent Road, Lisbon, CT to amend the zoning regulations of the Town of Lisbon to incorporate proposed zoning text amendments and revisions to Section 2.16; Section 10.4.5; Section 10.16 inclusive; and Section 19 regarding requirements and metrics for soil erosion and sediment control plans, storm-water management plans, low-impact development, and associated definitions, respectively.

Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner reviewed a summary of the requested E & S control or disturbance component of the regulations, called for by the Federal government and the Connecticut Department of Energy and Environmental Protection as part of the General Permit for Storm-water. Mr. Murphy noted that the Town has been working on MS4 Storm-water requirements since 2007, and information about it has been on the Town website since then. He stated that although these regulations need to be adopted as soon as possible, he would recommend that there be no motion to adopt or act on these regulations today, but to close the public hearing unless more information is necessary.

Mr. Murphy stated that there are five six components to the General Permit required by the State – Public Outreach; Public Participation; Illicit Discharge Prevention; Run-off Control; Post-Construction

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Run-off Control; and Pollution Prevention.

Mr. Murphy entered into the record an excerpt from the Town's Storm-water Management Plan, as revised in May of 2019. This documented the impaired condition of the Quinebaug River, Versailles Pond, Little River and Aspinook Pond in certain areas and for certain uses. He also noted that one intent of the plan is to keep the percentage of impervious surfaces of any qualified watersheds to under 12% of impervious area.

Mr. Murphy then entered into the record a map created by the Town Engineer, pointing out problematic /impaired water-ways and PRIORITY AREAS. He noted that nitrogen and phosphorus are key construction pollutants. The proposal is to improve the Town's current regulations and to comply with Federal and State mandates. Failure to adopt these measures will subject the Town to monetary fines. The regulations are intended to stop developmental run-off and discharges. He noted that in the proposed regulations document, the Regular (not bold) type is standard existing language, while Bold is newly recommended language. The proposed regulation changes have been posted on the Town website. He noted that the E&S Control Plan and the Storm-water Management Plan begins with disturbances of about ½ acre and one acre, respectively, although in some areas the storm-water management plan requirements would be required with disturbances of less than an acre. Mr. Murphy recommends extending performance bonding, with the potential for additional expenses. Mr. Murphy noted that there are exemptions to these requirements, relative to existing lots outside of a Subdivision plan. He indicated that the subdivision issue will be further discussed in the next hearing.

Mr. Murphy reminded the Commission that they are required to follow State law. The Town's Plan of Conservation and Development must also be considered, as it suggests tightening environmental regulations.

Chairman Adams asked for Commission questions. Mr. Brown asked if this is tied to a State permit, to which Mr. Murphy replied that the State requires the Town to adopt these regulations. He then clarified to say that the developer gets local approval, then they get a State permit. Mr. Brown suggested that hydro seeding should be addressed in these proposed regulations. Mr. Murphy suggested that hydro seeding will be addressed during the plan process. Mr. Brown questioned if these measures will be required with every site, whether or not the parcel touches water? Mr. Murphy stated that the closer to water ways the development is, the more inspection during the development.

Mr. Lebel had a question regarding the coordination required when having four different site plans to one basin. Mr. Murphy noted that the regulations allow flexibility if multiple parcels are proposed, and that these maintenance agreements will go with the individual property.

Mr. Hull asked if these regulations will affect the private property owner, to which Mr. Murphy answered that this application is for Zoning text amendments. These regulations generally affect projects requiring zoning permits, because that is what comes before this Commission. If it is an existing lot of record and minor permitted activity is requested, it goes before the Zoning Enforcement Officer / Building Official,

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but they are exempt from the E & S Control Plan requirement unless they constitute another land use regulated by the commission under the zoning regulations such as an excavation or filling operation.

Chairman Adams asked for Public comment, to which there was none.

This Public Hearing was closed at 7:13 PM.

The Following Public Hearing was called to order by Chairman Robert Adams at 6:14 PM:

Application by Town of Lisbon Planning and Zoning Commission, 1 Newent Road, Lisbon, CT to amend the subdivision regulations of the Town of Lisbon to incorporate proposed subdivision text amendments and revisions to Section 5.5 inclusive and Section 2 regarding requirements and metrics for soil erosion and sediment control plans, storm-water management plans, low impact development, and associated definitions, respectively.

Mr. Murphy noted that the Town's Subdivision Regulations are considerably more dated than the current Zoning Regulations in this area. He stated that for those wishing to split their properties into two building lots, the Town allows for a "free split" if the land has never been divided since the advent of the regulations. The proposed changes to the Subdivision Regulations will likely affect the property owner should they decide to create an additional split beyond the first division. Mr. Murphy referenced his Staff report, which is a part of the record and in the application file. He also entered into the record an excerpt from the Town's Storm-water Management Plan. He noted that the issue is water quality, and the benefit of the new regulations will allow for bonding for Storm-water management costs as well. He referred to the same plan prepared by the Town Engineer, as referenced in the first hearing.

Mr. Murphy stated that the low impact development items (criteria) outlined in the proposed Subdivision Regulation changes are very close to the same eighteen items proposed under the Zoning Regulation changes.

Mr. Hull asked if the developer is responsible for the additional cost incurred by these regulation requirements. The answer by Mr. Murphy was that the E&S Control Plan is built into the Subdivision Plan and that the developer will naturally absorb the cost. Even a one-lot subdivision would naturally be required to present basic E&S plan if disturbance was anticipated to be ½ acre. Mr. Hull then questioned what constitutes a "disturbance" to a property – cutting down trees? Mr. Murphy reviewed the proposed definitions for development and disturbed area and reiterated that these requirements do not normally affect the existing homeowner who wants to cut down a tree. Mr. Hull then asked, who incurs the additional cost in order to be in compliance? Mr. Giroux responded that the developer incurs the additional cost, however, the additional cost will naturally be absorbed in the cost of the individual lots. The E & S Control Plan requirement is already in place, but these measures will make it more aggressive.

Chairman Adams asked for Public comment.

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Susan Hull of 234 Ross Hill Road asked if an engineered septic system would constitute "disturbed area"? Mr. Murphy replied yes; however, an existing lot that is not part of an approved subdivision is not affected by these regulations.

Jim Violet of 10A Ross Hill Road asked if an area of about two and a half acres would be affected. Mr. Murphy stated that if a property owner was disturbing a large area, then an E&S plan would likely be needed under the (zoning) regulations. Mr. Giroux noted that in an instance like that, under current regulation requirements, a homeowner is required to present a plan to Town agencies, and Mr. Murphy noted that if the disturbance is near wetlands, the Wetlands Commission would require more measures of the property owner. He stated that it is all about the impact to the soils, adjacent properties and the wetland areas.

Chairman Adams asked for further comments from the Public and questions from the Commission members, to which there was none.

This Public Hearing was closed at 7:42 PM.



Elaine Joseph, Clerk

Approved _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 7/12/2021 AT 9:10am
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Laurie Tirocchi