

§ 140-22.5. Northeastern Conservation Overlay District

A. Purpose.

The Northeastern Conservation Overlay (NCO) District is adopted in accordance with a comprehensive plan to protect the unusual concentration of natural resources in the northeastern part of the Town of New Paltz that are important to the human community and to local and regional ecosystems. Residents' quality of life will be enhanced by the wise management of these natural resources.

The objectives of the NCO District are to protect water resources, forests, soils, agriculture, scenic resources, biodiversity, and the multiple ecological services provided by intact natural habitats while providing for residential and commercial development in appropriate locations. In particular, the NCO District is characterized by broad tracts of intact forests that are susceptible to degradation by incremental development. The regulation of land uses and careful stewardship of natural resources in the NCO District will enable the Town to balance its responsibilities to promote the economic well-being of New Paltz's residents with protecting the integrity and value of intact natural areas. The conservation priorities established for the NCO District will help applicants design development projects in ways that minimize and mitigate potential impacts of projects on important sensitive areas.

B. Findings.

The Town Board finds as follows:

- (1) The Town of New Paltz contains a diversity of natural resources, including groundwater and surface water (aquifers, wetlands, streams, ponds), forests, meadows, important agricultural soils, plants, animals and their habitats, and scenic areas. Each of these resources is vulnerable to adverse impacts often associated with development and construction activities. Diversity enables ecosystems to withstand changes in the environment and to adapt to such changes. The NCO District enables the Town to make better planning decisions through a conservation design process, establishes consistent standards for development applications, fulfills regulatory obligations imposed by SEQR, and protects and maintains significant biological, water, and other natural resources as development and economic growth occur.
- (2) The lands within the NCO District include high-quality forests, small and large wetlands and streams, an unconsolidated water supply aquifer, and state-listed rare plants and animals and the habitats that support them. The area provides multiple ecological services such as water infiltration to the soils, groundwater recharge, flood attenuation, processing and transformation of water contaminants, carbon sequestration, and moderation of local air temperatures in addition to supporting significant biological diversity.
- (3) The NCO District protects biodiversity areas identified in the 2007 Northern Wallkill Biodiversity Plan by the Metropolitan Conservation Alliance, which was based on field studies of the unique habitats of New Paltz and Lloyd. The NCO District encompasses part of the Cameo Lake Biodiversity Area, the Northern and Central Swarte Kill

Biodiversity Areas, and the forests connecting those areas. The 2007 Plan identifies numerous development-sensitive species in these areas, including birds, mammals, reptiles and amphibians. The Plan notes that contiguous, undisturbed habitat is critical to maintaining these species and recommends specific land use planning priorities, which informed the requirements of the NCO District.

- (4) The NCO District has regional ecological significance. Much of the NCO District is within the Esopus/Lloyd Wetland and Ridges Significant Biodiversity Area designated by NYSDEC for its special importance for amphibians of conservation concern and for breeding waterfowl. Much of the area is also within the Shaupeneak matrix forest block, which spans nearly 26,000 acres.
- (5) The New Paltz Comprehensive Plan establishes a policy for protecting environmentally sensitive areas and natural resources in the Town, and the Open Space Plan recommends maintaining the richness of biodiversity that exists in New Paltz. Implementing these policies benefits human health and well-being by sustaining important natural resources and other aspects of the natural environment. The NCO District is designed as a tool to accomplish these goals in the northeastern part of town.
- (6) Land development may affect New Paltz's environment in many ways: degrading water quality; reducing water supply; increasing pollution, erosion, sedimentation, and other damage to streams and wetlands; disrupting drainage; and worsening flooding. Runoff from roads, driveways, and lawns carries fertilizers, pesticides, and other contaminants into streams and wetlands. Clearing of trees reduces the existing and potential carbon sequestration capabilities of forests and the many other ecological services trees provide, such as water management, moderation of air temperatures, and provision of wildlife habitats. Direct loss of wildlife habitats eliminates some species and affects the population size of others. Habitat fragmentation leads to isolation and reduced viability of small wildlife populations, reduced population dispersal, increased edge effects which in turn may lead to increased predation, brood parasitism, and reduced breeding success.
- (7) Healthy ecosystems comprise the landscapes valued by Town residents. Ecological imbalances resulting from improperly sited development and its adverse impacts can lead to degraded landscapes, reduced ecological services, and a proliferation of invasive or nuisance species.
- (8) Integration of conservation design and NCO-specific land use policies in the Planning Board's review and approval processes will help the Board protect water resources, maintain natural areas, support community values, and protect and enhance property values.
- (9) The conservation design process, detailed in § 140-22.6, is fosters a cooperative relationship between the Planning Board and project applicants, starting at the earliest stages of project planning. The process is intended to inform the configuration of development on a particular site and may serve to reduce the costs of mitigation and remediation, as well as reduce the consequences of harm to important natural

resources. These consequences are part of the hidden costs of land development, which are often paid by Town residents and taxpayers long after project completion. It is ultimately more cost effective for the Town to protect significant natural resources rather than attempt to restore them once they have been damaged or lost. This proactive stance will guide development, not prohibit it, and can greatly influence decisions about how development occurs on a particular site.

C. Applicability.

- (1) Regulated parcels. All parcels of 6 acres or larger that lie within the NCO District are subject to the requirements of this section. Parcels under 6 acres are exempt.
- (2) Parcels partially in the NCO District. Where a parcel lies partially within the NCO District, the land within the NCO District boundary is subject to the overlay regulations. Development that is located entirely outside the NCO District is not subject to the overlay regulations.
- (3) Effect of overlay. The requirements of the NCO District apply in addition to all other requirements of the Town Code, including the Zoning and Subdivision laws. In the event of a conflict with any other section of law, the more restrictive requirement shall apply.
- (4) Exemptions. The following uses and activities shall be exempt from the requirements of the NCO:
 - (a) Land development activities for which a building permit has been issued on or before _____ [insert effective date of chapter].
 - (b) Agriculture conducted in a manner consistent with the New York State Department of Agriculture and Markets' *Sound Agricultural Practices Guidelines*, as amended from time to time by the New York State Advisory Council on Agriculture.
 - (c) Forestry conducted in a manner consistent with the *Timber Harvesting Guidelines*, as defined and amended from time to time by the New York State Department of Environmental Conservation.

D. Permitted uses.

- (1) Permitted uses are those allowed in the underlying Zoning districts, in accordance with the Zoning Law Schedule of Use Regulations at § 140-8(B).
- (2) One-family dwellings. In Zoning districts where a one-family dwelling (detached or semi-detached) is a use permitted by right, within the NCO construction of a one-family dwelling on a lot 6 acres or larger shall be subject to a modified site plan review. Modified site plan review shall follow the procedures for site plan review outlined in Zoning § 140-52, but shall be limited to defining the proposed development areas, which include placement of structures, driveways, and other above- and underground land-disturbing activities on the lot, as well as protected areas, using the conservation design process in § 140-22.6. Modified site plan review shall not include review of the interior or exterior design of structure(s).

E. NCO District Conservation Requirements.

- (1) **Conservation Design.** In order to protect identified natural resources in the NCO District, the conservation design process detailed in § 140-22.6 shall be used for the following project types, in conjunction with other applicable review processes.
 - (a) Subdivisions. All subdivisions of land involving 6 acres or more, that include land in the NCO, shall use conservation design. Subdivision plats shall show general locations and limits of disturbance for future structures, driveways, and other features.
 - (b) Site Plans. Uses within the NCO District that are subject to site plan review and approval pursuant to §§ 140-8 and 140-52 of the Zoning Law, and are on sites 6 acres or larger, shall use conservation design.
 - (c) One-family dwellings. New one-family dwellings within the NCO District, that are on sites 6 acres or larger, shall use conservation design in preparation of the modified site plan described in paragraph D(2) above.
- (2) **NCO District Resource Priorities.** Habitat studies have identified wetlands, streams, forests, and meadows as critical habitat for species in the NCO. Maintaining the integrity of these resources and avoiding habitat fragmentation are among the goals of the NCO District. These NCO District priority resources shall be integrated into the conservation design process as follows.
 - (a) In Step 1 of the conservation design process, the following NCO Resource Priorities shall be shown as secondary conservation areas (unless they are identified as primary conservation areas in Zoning § 140-22.6(E)(5)(a)) and shall be assigned high priority in selection of protected areas:
 - [1] Wetlands of all sizes, including vernal pools, and the following additional areas:
 - [a] A 100-foot upland buffer around wetlands.
 - [b] Where wetlands are less than 200 feet apart, include a connecting linkage at least 100 feet wide between the wetlands.
 - [c] Include a connecting linkage that is at least 100 feet wide between wetland areas and upland forests.
 - [2] Streams, including both perennial and intermittent streams. Include a 100-foot buffer along streams, or the variable-width riparian buffer zones mapped by the New York Natural Heritage Program, whichever is wider.
 - [3] Forests. Include all forest areas that are part of a forest that totals over 10 acres, including contiguous offsite areas.
 - [4] All on-site meadows that are 10 acres or more in size, including contiguous offsite areas.
 - [5] Active farmland and fallow farmland containing prime or statewide important farmland soils.

(b) In Steps 2 and 3 of the conservation design process, the following guidelines shall be used to select the location of buildings, roads and driveways.

[1] To avoid habitat fragmentation, locate building sites near existing roads to minimize driveway lengths. Driveway length shall not exceed 200 feet unless the Planning Board determines that conservation priorities dictate construction on a part of the site that can only be reached by a longer driveway.

[2] Avoid placing roads or driveways across a stream unless no other feasible alternative exists.

[3] If forests must be split by a road or driveway, the route of the road or driveway shall be chosen to maintain forest contiguity to the maximum extent possible and avoid creating disconnected patches of forest.

(3) **Impact Reduction Measures.** In order to minimize impacts on the resources of the NCO District, the following Impact Reduction Measures shall be incorporated into the final design of all projects that are subject to NCO regulations.

(a) Minimize land disturbance. Limits of disturbance shall be designated on all site plans and subdivision plats. During construction, limits shall be marked in the field and enforced.

(b) Minimize tree removal. The Planning Board may require a survey of significant trees and may designate trees to be preserved. If trees must be removed, they may only be removed during the months of November through March to avoid disturbing roosting bats.

(c) Manage runoff during construction. All projects subject to review under the NCO District shall submit a Stormwater Pollution Prevention Plan. For projects that do not otherwise require a Stormwater Pollution Prevention Plan pursuant to state or local law, only the Erosion and Sediment Control portion is required.

(d) Minimize stormwater runoff. In designing long-term stormwater controls, impervious surfaces shall be minimized.

(e) Optimize stream passage. Stream crossings shall be avoided, but where there are new or existing stream crossings, they shall be designed to accommodate upstream and downstream movement of aquatic species and shall conform to NYS DEC Stream Crossing Best Management Practices.

(f) Minimize light pollution. Outdoor lighting fixtures shall be motion-activated or on timers, as appropriate, and designed to minimize impacts to wildlife including insects and shall adhere to the International Dark-Sky Association guidelines for Dark Sky Friendly Lighting fixtures.

F. **Review criteria.** Approval of projects in the NCO shall be subject to the following criteria, in addition to other applicable regulations.

(1) The conservation design process was used to maximize conservation of natural resources.

(2) The NCO Resource Priorities have been applied and the final design avoids or minimizes habitat fragmentation.

(3) The Impact Reduction Measures have been applied.

G. Waiver.

If an applicant requests a waiver of any of the submittals, procedures or criteria above, the burden shall be on the applicant to demonstrate that its proposed project layout is at least as protective of the environment, and particularly the valuable resources of the NCO District, as the NCO requirements above would produce. The Planning Board may only grant a waiver if it finds that the proposed design is at least as protective of the environment as strict compliance with the NCO would achieve, and that the public health, safety and welfare are protected. No waiver or modification may be deemed approved or granted by implication. All waivers and modifications must be expressly set forth in the minutes of the Planning Board. The Board may, in granting waivers or modifications to these review criteria, incorporate such reasonable conditions as will, in its judgment, substantially secure the objectives of the requirements so waived.

H. Definitions.

CONSERVATION DESIGN

A planning technique that identifies the natural and cultural features on a site and uses the locations of such features as the central organizing element driving the rest of the land use development process. The conservation design process is detailed in Zoning § 140-22.6.

FOREST

An ecosystem or assemblage of ecosystems dominated by trees and other woody vegetation.

FRAGMENTATION

Habitat fragmentation refers to the division or separation of large blocks of habitat (e.g., forest or wetland) into smaller pieces by development such as roads or buildings. The remaining patches of habitat may be too small to sustain species populations and the fragmentation may result in barriers to species movement.

MEADOW

An open field vegetated by grasses, herbs, and other non-woody plants.

§ 140-22.6. Conservation Design.

- A. **Applicability.** The conservation design process shall be applied when directed by other sections of the Zoning Law or Town Code, such as in a conservation overlay district. It may also be used to assist in project designs within environmentally sensitive locations as identified in ecological studies of the Town's natural resources, such as the Town of New Paltz Natural Resources Inventory.
- B. **Purposes.**
- (1) The purpose of conservation design is to promote the health and safety of the New Paltz community through the application of flexible land development techniques governing the arrangement and construction of residential and non-residential uses and structures, access, drainage, and underground improvements. Such flexibility is intended to allow the Planning Board to facilitate development that avoids adverse environmental effects on properties proposed for development and surrounding lands.
 - (2) The Town of New Paltz has determined that establishing a conservation design process for new development will be an important means of implementing the Town Comprehensive Plan, Open Space Plan and Community Preservation Plan policies for protecting open space, retaining rural character, preserving wildlife habitats, and maintaining environmental quality. Conservation design is a density neutral process that takes into account the natural features and ecology of a site proposed for development and maintains valuable environmental features and functions. Conservation design seeks to balance the impacts of development with conservation of the Town's most important natural resources. The process requires designing site development around existing forests, water resources, wildlife habitats, and other important environmental features. It provides an alternative to conventional development's rigid and sprawling pattern that occurs when buildings, parking lots, accessways and other features of development are laid out in a uniform manner over the landscape.
- C. **Findings.** The Town Board finds that integration of a conservation design process into the procedures for applications requiring subdivision and/or site plan approval, where appropriate, will provide the following benefits:
- (1) Conserving important open lands, including those areas containing sensitive natural features such as wildlife habitats, steep slopes, floodplains, stream corridors, wetlands, and other water resources by permanently setting them aside from development, thereby helping New Paltz implement the Town Comprehensive Plan's vision for environmentally sound planning;
 - (2) Providing multiple options for landowners to minimize impacts on environmental resources and natural or cultural features such as mature forests (over 50 years old), hedgerows and tree lines, significant wildlife habitats, historic buildings and sites, and fieldstone walls;

- (3) Providing greater economy, efficiency and convenience in the siting of new development and infrastructure, including the opportunity to reduce regrading of the land, road lengths, utility runs, and pavement;
- (4) Conserving a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Town's Comprehensive Plan, Open Space Plan, Community Preservation Plan and Natural Resources Inventory;
- (5) Creating neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, with a strong neighborhood identity;
- (6) Providing for a balanced range of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences, so that New Paltz's population diversity may be maintained;
- (7) Providing a reasonable setback for new development adjacent to lands in active farming, forestry, or other open space uses due to the potential incompatibility with such uses;
- (8) Promoting development in harmony with the goals and objectives of the Town's Comprehensive Plan and Open Space Plan;
- (9) Following existing patterns of forests and fields, and taking advantage of existing vegetation to conserve the landscapes of the Town while providing for privacy screening for landowners;
- (10) Providing a density neutral approach to new development along with conservation so that there is no overall loss of building potential under the Zoning Law; and
- (11) Streamlining the review and approval process for new development, planned in an environmentally sound manner.

D. Authorization.

(1) Cluster Subdivision.

(a) Conservation design for residential or non-residential cluster development is authorized under § 278 of New York State Town Law, this Zoning Law, and Chapter 121, the Town of New Paltz Subdivision of Land Law. Density is determined based upon the density requirements of Zoning Law § 140-11 and the procedures for determining the number of lots or dwelling units that could be accommodated on the land under a conventional subdivision approach found in § 121-25(D) of the Subdivision of Land Law.

(b) Conservation design is authorized and granted to the Planning Board to modify lot size, lot width, depth, yard, access and other density requirements of the Zoning Law, as further detailed in § 121-25(D) of the Subdivision of Land Law.

(2) Site Plan.

(a) Development that requires review and approval of a site plan in accordance with § 140-52 of the Zoning Law, is further authorized under § 274-a(2) of New York State

Town Law and this Zoning Law to permit the use of conservation design. Density is determined based upon the density requirements of §§ 140-11 and 140-52(D) of the Zoning Law.

- (b) The Planning Board is empowered to review the maximum density permitted under § 140-11 of the Zoning Law and shall consider a reduction in density for projects that substantially impact steep slopes of 25 percent or greater, floodplains, wetlands, other waterbodies, and prime farmland soils. When the area of these environmental components exceeds the number of open space acres that are required to be set aside under the Minimum Required Open Space acres found in § 140-11 of the Zoning Law, the acreage that exceeds the open space requirement is to be deducted from the total project area, and the density is to be based on the net area.

E. **Conservation Design Process.**

- (1) Once the maximum permissible density of development has been established on a parcel subject to a subdivision or site plan application to the Planning Board, the next step is to create a conservation design layout. Dimensional requirements are flexible provided the overall project's development density is sited on those portions of the parcel most suitable for development while protecting significant contiguous open space identified in the five-step process described below.

In the conservation design process, the layout of development shall be based upon identifying primary and secondary conservation areas within a parcel(s), which includes those elements most highly valued by the community. Illustrations of the five-step conservation design process are provided herein to assist applicants and landowners.

The process begins with a Sketch Plan submission to the Planning Board.

- (2) **Sketch Plan.** The applicant shall submit a sketch plan as a diagrammatic basis for informal discussions with the Planning Board regarding the design of a conservation development. Sketch plans shall be prepared and submitted in accordance with the following:
 - (a) Sketch plans for proposed subdivision applications shall be prepared in accordance with the Subdivision of Land Law § 121-13. For site plan applications, sketch plans shall be prepared in an equivalent fashion to that described in the Subdivision of Land Law § 121-13.
 - (b) All sketch plans shall include a preliminary version of Step 1 of the five-step design process (see paragraph (E)(5)(a) below), which shows conservation areas in a conceptual format.
 - (c) If further information is required for the Planning Board to reach a consensus on a proposed sketch plan, the Planning Board may require additional submission of some or all of the information listed in subsection (E)(4) below.
- (3) **Subdivision and Site Plan Documents.** Following sketch plan review, the applicant shall produce an Existing Resources and Site Analysis Plan and shall design the proposed project using the five-step design process below. All applications for subdivision or site

plan review shall include and Existing Resources and Site Analysis Plan and documentation of the five-step design process, in addition to the standard application materials.

- (4) **Existing Resources and Site Analysis Plan.** For all conservation designs, an Existing Resources and Site Analysis Plan shall be prepared by the applicant to provide the Planning Board with a comprehensive analysis of existing conditions, both on the proposed development site and within 1000 feet of the site. The Existing Resources and Site Analysis Plan becomes the basis for the five-step design process. Where applicable, environmental conditions may be described on the basis of existing published data available from governmental agencies and from aerial photographs including the Town of New Paltz Interactive Natural Resources Inventory. The Planning Board, with its consultants, shall review the Existing Resources and Site Analysis Plan to assess its accuracy and thoroughness.

Unless otherwise specified by the Planning Board, such plans shall be prepared at the scale of 1"=200' or which would fit best on a single standard size sheet not exceeding 36" by 42". The following information shall be included in this Plan:

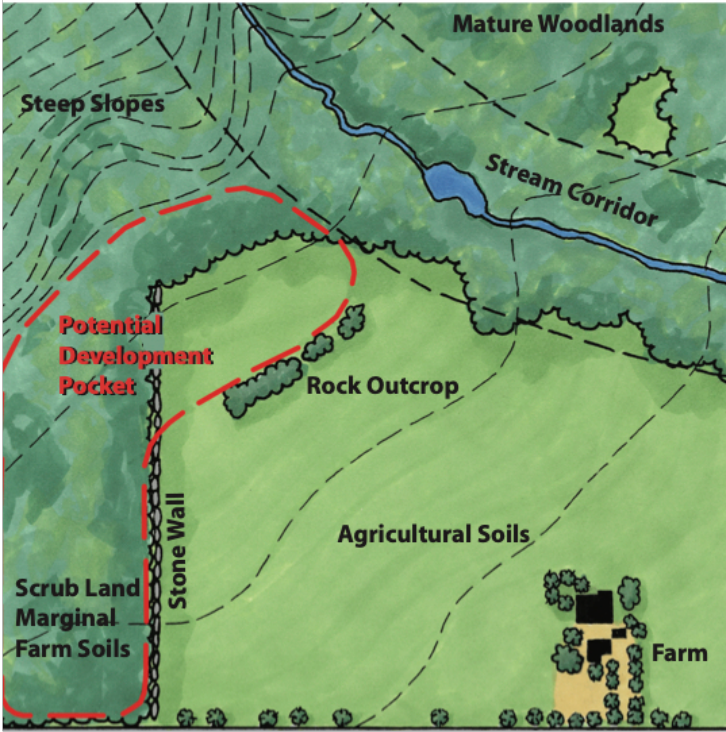
- (a) Topography, the contour lines of which should be at two foot intervals, determined by photogrammetry (although 10 foot intervals are permissible beyond the parcel boundaries, interpolated from published USGS maps). The determination of appropriate contour intervals shall be made by the Planning Board, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official USGS benchmarks.
- (b) The location and delineation of ponds, streams, and natural drainage swales as well as the 100 year floodplains and wetlands, as defined by the Town of New Paltz, State of New York, Federal Emergency Management Agency, and the US Army Corps of Engineers. The Town's wetland inspector may be consulted.
- (c) Vegetative cover conditions on the property according to general cover type including cultivated land, grassland, former agricultural field, hedgerow, forest and wetland; isolated trees with a caliper in excess of twelve (12) inches or trees of significance by virtue of its species; stands of unusual trees; and the actual canopy line of existing trees and forests. Vegetative types shall be described by plant community, relative age, condition, and value for biodiversity.
- (d) Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the Ulster County Soil Survey or the online NRCS Web Soil Survey, and accompanying data published for each soil relating to its suitability for construction, for sanitary sewage disposal systems, and for its agricultural importance.

- (e) Ridge lines (top edge of a mountain or hill) and watershed boundaries shall be identified if applicable.
 - (f) If appropriate to the site, a viewshed analysis showing the location and extent of views into the property from parks and preserves, public forest areas, and designated scenic roads.
 - (g) Geologic formations on the proposed development parcel including rock outcrops.
 - (h) The location and dimensions of all existing streets, roads, buildings, utilities and other constructed features.
 - (i) Locations of all archaeologically or historically significant sites or structures on the parcel and on any abutting parcel whether identified in the Town of New Paltz Comprehensive Plan, Community Preservation Plan, or listed on the National Register of Historic Places.
 - (j) Locations of existing public use trails (pedestrian, equestrian, bicycle, etc.) or that have been proposed for public use by the Town of New Paltz, Ulster County, the State of New York, Hudson River Valley Greenway, or other entity.
 - (k) Boundaries of all easements and other encumbrances of property which are or have been filed with the Ulster County Clerk's Office.
- (5) **Five-Step Design Process for Conservation Developments.** All preliminary plans shall include documentation of the five-step design process in determining the layout of proposed open space lands, building sites, access, parking and other impervious surfaces, and lot lines, as described below:
- (a) **Step 1: Delineation of Conservation Areas.** Conservation areas shall be derived from the Existing Resources and Site Analysis Plan as a base map. If the Town's Comprehensive Plan, Open Space Plan, Community Preservation Plan, or Natural Resources Inventory includes the site where the proposed project would be located, they shall be included in the conservation areas.
- Primary Conservation Areas** are lands considered inherently unbuildable because they are too wet, flood-prone, or steep to be used safely for building purposes. Primary conservation areas shall be delineated to include the following features:
- FEMA flood hazard zones;
 - State classified streams and Natural Heritage Program riparian buffers;
 - Freshwater wetlands and their buffers regulated by local, state, or federal regulations; and
 - Steep slope areas equal to or greater than 25 percent.
- Secondary Conservation Areas** are generally considered unconstrained lands that possess elements of the site with conservation values because of their environmental sensitivity, historic, recreational, or scenic significance, the loss of

which would be inconsistent with established Town policies for their preservation. These areas shall be delineated to include the following features:

- NYSDEC-identified Hudson Valley Significant Biodiversity Areas, Northern Wallkill Priority Biodiversity Areas, New York Natural Heritage Program-identified Significant Natural Communities and Important Areas for Rare Animals;
- Other natural areas identified by Ulster County, the New York Natural Heritage Program, NYSDEC, The Nature Conservancy and Town Environmental Conservation Board, including but not limited to matrix forest and linkage zones, grasslands, meadows, shrublands, or agricultural fields greater than 25 acres (including contiguous offsite areas), forests greater than 100 acres (including contiguous offsite areas), and lands identified with above average climate resilience values;
- Audubon Important Bird Areas;
- Protected and/or public lands with recreation access including the Empire State Trail, Wallkill Valley Rail Trail, and River to Ridge Trail;
- Steep slope areas equal to or greater than 15 percent but less than 25 percent; and
- Other features as identified in Step 1.

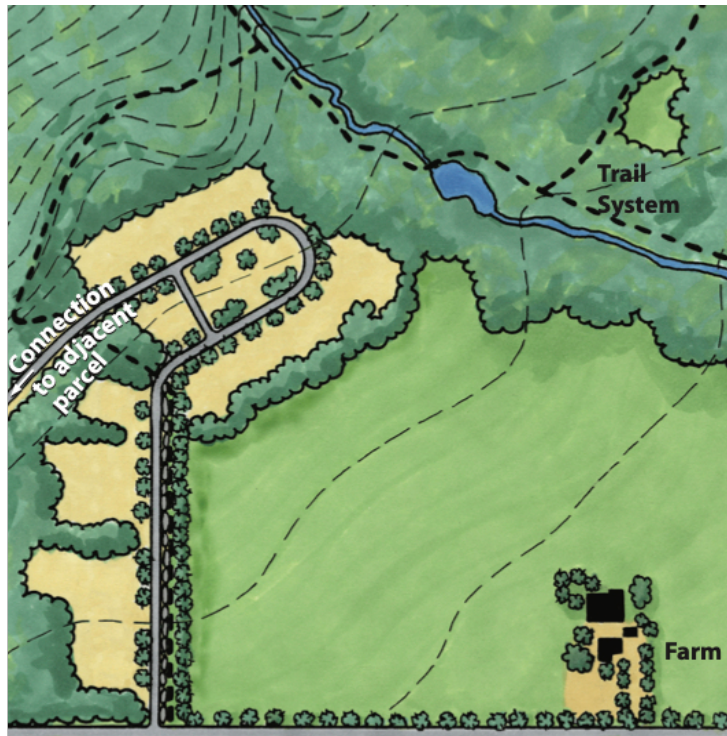
Prioritization. The applicant, in consultation with the Planning Board and Environmental Conservation Board and after a site inspection has been conducted, shall prioritize the above primary and secondary conservation areas on the parcel in terms of their highest to least suitability for inclusion in the proposed protected area, to create a prioritized list of resources to be conserved. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's development objectives, protected areas shall be delineated in a manner clearly indicating their boundaries as well as identification of the types of resources included within them as shown on the illustration for Step 1. In any specific situation, certain environmental features may take precedence over other features and accorded a relatively greater importance due to their significance.



Step 1

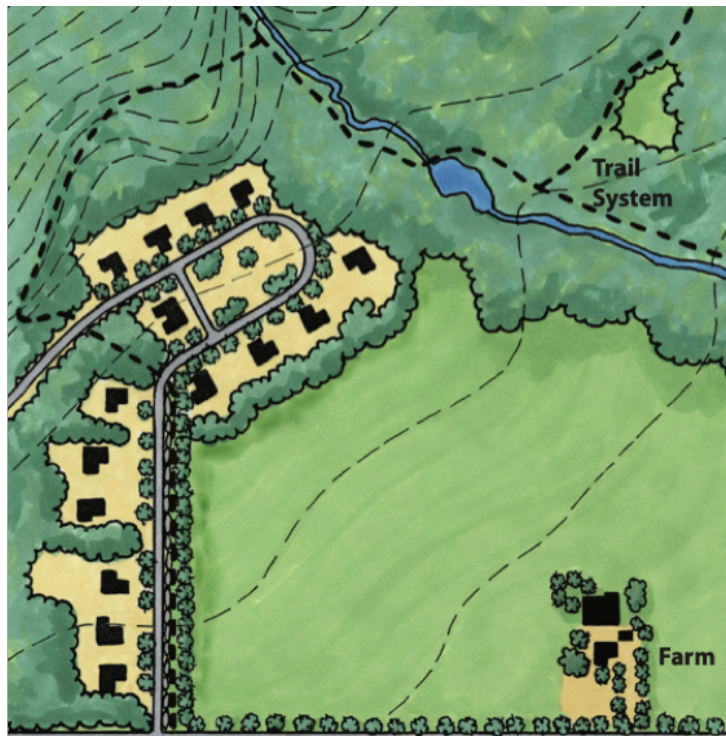
- (b) **Step 2: Location of Buildings.** Once Primary and Secondary Conservation Areas have been delineated, the remaining lands are identified as Potential Development Areas. These are the areas which appear to be the least important to conserve when viewing the site as a whole, within its neighborhood context, and its relationship to resources existing on neighboring parcels.

Potential Development Areas shall be tentatively located by subtracting out the proposed conservation areas, as well as identifying other relevant data on the Existing Resources and Site Analysis Plan, such as topography and soils. Building sites should be located no closer than 100 feet to Primary Conservation Areas. Secondary Conservation Areas should generally be avoided, taking into consideration the priorities identified in Step 1, the potential negative impacts of development on such areas, as well as the potential positive benefits of such locations to protect the visual settings for occupied structures or achieve other conservation goals.



Step 2

(c) **Step 3: Alignment of Streets/Accessways and Trails.** Upon designating the development areas, a road/accessway and trail plan shall be designed to provide vehicular access to each building and pedestrian access to the open space (if appropriate), complying with the standards identified herein and bearing a logical relationship to topographic conditions. Impacts of the road/accessway plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive features, such as wetlands and forests, and traversing slopes exceeding 15 percent. Except in cases involving proposed private roads or shared driveways, existing and future road and trail connections are encouraged to eliminate the number of new cul-de-sacs to be maintained by the Town, to facilitate access to and from buildings in different parts of the tract and adjoining parcels and, if possible, to assist in the creation of a non-motorized trails system in the Town. Cul-de-sacs may be appropriate when they support greater open space conservation or provide extensive pedestrian linkages.



Step 3

- (d) **Step 4: Drawing In the Lot Lines or Limits of Development.** Upon completion of the preceding three steps, lot lines are drawn for proposed subdivisions, as required, or to delineate the limits of development on a site plan.



Step 4

- (e) **Step 5: Designating Protected Areas.** The following three principles shall govern the selection of permanent protected areas:

- [1] Protected areas shall include the most sensitive resources on the property.
- [2] Fragmentation of conservation areas shall be minimized so that these resource areas are not divided into numerous small parcels or divided by buildings, yards, driveways and other site development elements. Protected areas should be configured as broadly as possible; narrow strips of protected land should be avoided unless necessary to connect other significant conservation lands or when they are designed to protect linear resources such as stream corridors or recreational trails.
- [3] When applicable, protected areas shall be designed as part of a larger continuous and integrated open space system as identified in the Town Comprehensive Plan, Open Space Plan, or Community Preservation Plan.

(6) Regulation of Protected Areas.

- (a) Within protected areas, the Planning Board shall restrict or prohibit the following activities, as applicable:
 - [1] Construction of structures, roads, bridges, and drainage facilities;
 - [2] Clear-cutting of trees or removal of vegetation or other ground cover;
 - [3] Placement of septic or other sewage disposal systems;
 - [4] The use of motorized vehicles, including but not limited to all-terrain vehicles, motor boats, and other recreational vehicles;
 - [5] Storage or application of pesticides or fertilizers with the exception of commercial farm operations; and/or
 - [6] Any other activity the Planning Board deems necessary to protect water, soils, habitats, and the natural functions of the conservation area.
- (b) The protected area and its restrictions shall be clearly shown on the subdivision plat or site plan, and permanent markers such as stone cairns shall be placed on the land to demarcate the area.
- (c) Enforceability of protected area.
 - [1] For subdivisions, the protected area shall be encumbered by a conservation easement, or alternative protection acceptable to the Town, in accordance with the provisions of the Subdivision of Land Law § 121-25(F).
 - [2] For site plans, the restrictions on the conservation area shall be enforceable by the town through zoning enforcement provisions. In the case of a protected area over 10 acres, the Planning Board may require recording of a conservation easement equivalent to that described in the Subdivision of Land Law § 121-25(F).