

## SUBDIVISION OF LAND

### *169 Attachment 2*

#### **APPENDIX A**

##### **Design Guidelines for Conservation Subdivisions (As incorporated by reference in the Zoning Law and Subdivision Regulations of the Town of Marbletown)**

Introduction. Design guidelines serve to illustrate a community's design objectives by providing design solutions that are acceptable in the community, so that developers and consultants know early on what is expected of them. This reduces delays and confusion during the design phase of a project and helps developers to build projects that a community considers desirable. Guidelines are a way to encourage innovation and quality in architectural and landscape design, to help minimize land use conflicts and, from a review standpoint, to establish a clear and consistent method for the Planning Board to analyze new development proposals. The guidelines do not replace the Zoning Law or Subdivision Regulations but supplement them.

- A. Purposes. These guidelines set forth the principles of land development which will achieve the goals established in the Town's Comprehensive Plan, for use by the Planning Board, landowners and developers. The purposes are as follows:
- (1) To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, open fields, meadows, steep slopes, streams, floodplains, and wetlands.
  - (2) To minimize impacts on environmental resources (sensitive lands such as floodplain, and steep slopes) and minimize disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls); as well as to provide opportunities to enhance or restore existing resources that have been diminished or degraded through past land management practices.
  - (3) To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, site grading, and the amount of paving required for residential development.
  - (4) To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
  - (5) To promote the infiltration of stormwater on-site, thereby helping to recharge groundwater supplies.
  - (6) To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.

## MARBLETOWN CODE

- (7) To protect areas of the Town with productive agricultural soils for continued or future agricultural use.
  - (8) To provide for the conservation and maintenance of open land within the Town for active or passive recreational use.
  - (9) To conserve scenic views and elements of the Town's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.
- B. Rural Siting Principles. The following guidelines apply to the siting of residential subdivisions.
- (1) Retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)
  - (2) Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
  - (3) Avoid placing buildings in the middle of open fields. Place buildings either at the edge of fields or in the ecologically least significant parts of wooded areas where they will be less intrusive to views from adjacent roads, trails or high viewpoints. However, septic systems and leach fields should generally be located in open fields, when possible, where soil conditions are likely to be better.
  - (4) Use existing vegetation and topography to buffer and screen new buildings if possible, unless they are designed and located close to the road in the manner historically found in the Town. Site buildings in groups or tuck them behind treelines or knolls rather than spreading them out across the landscape in a sprawl pattern.
  - (5) Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Create curves in driveways, with due regard to safety issues, to increase the screening of buildings.
  - (6) Site buildings so that they do not protrude above ridgelines as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever creating vistas is intended, open up views by selective cutting such as removal of understory vegetation and pruning lower branches of large trees, rather than by clearing large areas or removing large trees.

## SUBDIVISION OF LAND

- (7) Minimize crossing of steep slopes with roads and driveways. When building on slopes, attempts should be made to take advantage of the topography by building multilevel structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.

- C. Design process for subdivisions. The following design process shall be utilized to determine the layout of proposed open space, house sites, streets and lot lines:

Step One – Delineation of Open Space. Open space lands shall be delineated on a site map and must include those lands with the highest resource significance such as floodplains, wetlands and slopes over 25%. Other resources such as agricultural fields, mature woodlands, open fields and meadows, wildlife habitats, groundwater recharge areas, vernal pools, stream corridors, historic sites, and important scenic vistas should also be included in the open space.

Step Two – Identifying Potential Houselot Areas. Potential house lot areas and house sites shall be identified using the proposed open space lands as a base map as well as other relevant data such as topography, soils and sensitive resources on adjacent lands.

Step Three – Alignment of Streets. After designating house sites, a street plan shall be designed to provide vehicular access to each house, bearing a logical relationship to topographic conditions. Impacts of the street plan on open space lands shall be minimized, particularly with respect to crossing fields, meadows or environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%.

Step Four – Drawing in the Lot Lines. Upon completion of the preceding three steps, lot lines shall be drawn as required to delineate the boundaries of individual residential lots.

- D. Planning and design standards.

- (1) General standards to minimize adverse impacts. All subdivisions and land developments shall avoid or minimize adverse impacts on the municipality's natural, cultural, and historic resources, as discussed below.
- (2) Groundwater resources. To ensure that the Town's limited groundwater resources are protected for purposes of providing potable water to its residents and businesses and to protect the base flow of the Town's surface waters, the proposed subdivision and development of any tract shall be designed to cause the least disturbance to natural infiltration and percolation of precipitation to the groundwater table through careful planning of vegetation and land disturbance activities and the placement of streets, buildings, and other impervious surfaces.
- (3) Stream valleys, swales, springs, and other lowland areas. The Town's open space research studies, on file in the Clerk's Office, describe and map stream valleys (which include stream channels and floodplains), swales, springs, and other lowland areas. These resources warrant protection because of flood hazards to

## MARBLETOWN CODE

human life and property, their groundwater recharge functions, their importance to water quality and the health of aquatic communities, and their plant and animal habitats. Additionally, many of the stream valleys and lowlands in the Town are its most productive agricultural lands. They are generally poorly suited for on-site subsurface sewage disposal systems.

- (4) Woodlands. Woodlands occur extensively throughout the Town, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes. Subdivisions shall be designed to preserve woodlands along roadways, property lines, and lines occurring within a site such as streams, swales, stone fences, and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation includes ground, shrub, understory, and canopy vegetation.
- (5) Upland rural-agricultural areas. These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses, and hedgerows, typically bordered by stream valleys and upland woodlands. These constitute the Town's historic working landscape, dotted with historic houses, barns, and other structures. They give the municipality much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. They sometimes provide habitat for wildlife, in conjunction with nearby woodlands and stream valleys. However, it is recognized that these areas also frequently offer the fewest constraints for development.
  - (a) Several elements of these working landscapes lend themselves to incorporation into the open space network. These include prime agricultural soils and natural features that visually punctuate the landscape, such as hedgerows, tree copses, stone walls, and visually prominent places such as knolls and hilltops.
  - (b) These areas can also accommodate development, with preferred locations being the nonprime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).
- (6) Steep slopes. Moderately sloping lands (15% to 25%) and steeply sloping lands (over 25%) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds, and public roads are detrimental to water quality and aquatic life and a potential hazard to public safety. Areas of steep slope shall be preserved as follows:
  - (a) Grading and earthmoving on slopes exceeding 15% shall be minimized.

## SUBDIVISION OF LAND

- (b) No site disturbance shall be allowed on slopes exceeding 25% over a one-hundred-foot horizontal distance, unless deemed unavoidable and no feasible alternative exists.
- (7) Significant natural areas and features. Natural areas containing rare, endangered or threatened plants and animals, as well as other features of natural significance, exist throughout the Town. Some of these have been carefully documented, whereas for others, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect such significant natural areas and features as identified on natural resource studies and inventories approved by the Town Board, and on file in Town Hall by incorporating them into protected open space and/or avoiding their disturbance.
- (8) Historic structures and sites. The Town's documents and inventories concerning historical resources in the Town extend through its colonial agricultural, residential and industrial development in the late 18th and 19th centuries. Many of the Town's historic structures and sites have been extensively researched and remain intact. Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource should include the conservation of the landscape immediately associated with and significant to the resource to preserve its historic context.
- (9) Historic rural road corridors and scenic viewsheds. The Town contains a number of historic rural roads in various locations as depicted on the Beers Atlas of Ulster County, 1875. Subdivision and land development should attempt to preserve the scenic visual corridors along such roads by incorporating them into protected open space areas or otherwise providing for building setbacks and architectural designs to minimize this intrusion.
- (10) Location of utility systems.
  - (a) Wells and sewage disposal systems should be located on those areas of the site best suited for such facilities.
  - (b) Since the most suitable conditions for wells and sewage disposal systems are generally not well distributed throughout a site, conservation design allows smaller lots to be concentrated where the best conditions exist.
  - (c) To facilitate the creation of smaller lots which can comply with Health Department standards for wells and sewage disposal systems, such facilities may be located within common protected open space lands. The systems may be owned and maintained by the forms of ownership identified in the Town Subdivision Regulations.
- (11) Protected open space standards. A major element of conservation subdivision design is to identify sensitive natural features of a site and to protect them and preserve their continuity both within the site and where they continue into adjacent lands. These lands shall be delineated on the subdivision maps and permanently

## MARBLETOWN CODE

preserved as “protected open space.” Protected open space shall be subject to the following standards:

- (a) Uses permitted on protected open space lands. The following uses are permitted in protected open space land areas:
  - [1] Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
  - [2] Agricultural and horticultural uses.
  - [3] Pastureland for horses used solely for recreational purposes including equestrian facilities.
  - [4] Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
  - [5] Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses, specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Planning Board.
  - [6] Active noncommercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required protected open space land or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 200 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than 10 parking spaces.
  - [7] Golf courses, which use best available management practices or are Audubon certified, may comprise up to half of the minimum required protected open space land, but shall not include driving ranges or miniature golf. Their parking areas and any associated structures shall not be included within the minimum protected open space requirement; their parking and accessways may be paved and lighted.
  - [8] Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the protected open space.
  - [9] Easements for drainage, access, sewer or water lines, or public purposes.

## SUBDIVISION OF LAND

- [10] Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse protected open space but shall not count toward the minimum required protected open space area.
  - [11] Single-family residences on large conservancy lots of at least 10 acres. Such lots may also have one accessory dwelling unit as defined in the Town Zoning Law.
- (b) Protected open space design standards.
- [1] Protected open space lands when required as part of a conservation subdivision, as defined herein, shall be laid out to ensure that an interconnected network of open space will be provided, to the greatest extent practicable, considering both lands within the proposed subdivision and lands adjacent to it.
  - [2] Protected open space land may be owned and maintained as set forth in § 169-50 of the Subdivision Regulations. These ownership options may be combined so that different parts of the protected open space land may be owned by different entities.
- (c) Other requirements.
- [1] No portion of any building lot may be used to meet the minimum required protected open space land, except within conservancy lots of at least 10 acres on approved conservation easements. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required protected open space area.
  - [2] Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes, shall be provided to protected open space lands in accordance with the following requirements:
    - [a] Each subdivision shall provide one or more centrally located access points with a minimum width of 35 feet to protected open space.
    - [b] Access to protected open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
    - [c] All protected open space lands that are not wooded or farmed shall be suitably landscaped with native plant species, or left in its natural state.