

APPENDIX G
ADDITIONAL LAND USE STANDARDS

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The general land use standards set forth in the sections below originally were intended as additional guidelines to supplement the zoning standards identified in Appendix F. However, the items listed in A and B below have, with appropriate revisions, been incorporated into Appendix F. The remaining standards set forth in the original Appendix G, with the exception of items listed in A and B, should be dealt with under a Harbor Management Plan (HMP).

- A. Piers, Docks, Wharfs, and other Structures, Such as Bulkheads, Lying in or Projecting into Water Bodies.
1. Facilities shall not interfere with navigation.
 2. The location of facilities shall not interfere with developed and natural beach areas.
 3. For permanent structures, the applicant shall demonstrate that the facility shall have no undue adverse effect on fish and wildlife habitats.
 4. The applicant shall demonstrate that the facility shall not unreasonably alter the natural flow or storage capacity of any water body.
 5. Where possible, materials placed in the water should be untreated. Treatment of construction materials with preservatives shall occur at least one hundred (100) feet from any water bodies. Treated materials shall be air dried at least fourteen (14) days before the materials are used.
 6. Structures shall be installed at least one (100) feet away from freshwater and tidal wetlands designated by the Department of Environmental Conservation.
 7. Structures shall extend no more than one hundred (100) feet perpendicular from the shoreline, in the Planned Waterfront District and Special Recreation District.
 8. Structures shall extend no more than 250 feet perpendicular from the shoreline in the Planned Waterfront District.
 9. Structures accessory to residential uses shall not exceed six (6) feet in width.
 10. In the Planned Waterfront District and Special Recreation District, no more than one dock shall be constructed per 100 feet of shore frontage.
- B. Structures Built On, Over, or Abutting a Pier, Wharf, Dock or Other Structure Extending Beyond the Mean High-Water Mark.

1. No new structure shall be built on, over or abutting a pier, dock, wharf or other structure extending beyond the mean high-water mark of a water body in the Planned Waterfront District. In the Planned Waterfront District, said structures may be built if they require direct access to the water as an operational necessity.
2. No existing structures shall be converted to residential dwelling units in any district.
3. No new structure, if permitted, shall obstruct the view to the water from a public facility.
4. Permitted structures shall not extend horizontally beyond the limits of the pier, dock, wharf, or other structure extending beyond the mean high water mark of a water body and shall not exceed twenty (20) feet in height.

C. Parking Areas.

1. Parking areas should be set back at least twenty (20) feet from the mean high water mark of a water body and at least twenty-five (25) feet from streams.
2. Parking areas should be adequately screened from adjacent uses with the use of vegetation, earth berms and topography.
3. Visual buffering should be used between the parking area and the river and between roads and parking areas. Low vegetated screens, earth berms or walls of natural materials shall be used to mitigate views of paved areas and vehicles.
4. Large open areas should be avoided by the incorporation of vegetated buffer strips or islands.

D. Roads.

The following standards should apply to the construction and maintenance of roads and/or driveways and drainage systems, culverts, and other related features:

1. New permanent roads and driveways should be set back at least one hundred (100) feet from the mean high-water mark of a water body unless no reasonable alternative exists as demonstrated by the applicant. If no reasonable alternative exists, the road or driveway shall be set back as far as possible, but no less than fifty (50) feet for slopes up to ten (10) percent. Where slopes exceed ten (10) percent, setback should be increased by twenty-five (25) feet for each ten (10) percent increase in slope. This provision shall not apply to water crossings nor to roads or driveways that provide access to permitted structures and facilities

which are located nearer to the shoreline because they require access to water as an operational necessity.

2. Roads should be designed to minimize the number of water crossings. Roads and driveways should be set back twenty-five (25) feet from streams.
3. Permitted roads in the shoreland area should be located, so as to reasonably minimize their visibility from a water body.
4. Road banks should be no steeper than a slope of two (2) horizontal to one (1) vertical, and should be graded and stabilized according to appropriate provisions for erosion and sedimentation control.
5. Road grades should be kept less than ten (10) percent except for short segments of less than two hundred (200) feet.
6. The width of roads and driveways should be limited to the width necessary to serve the intended use.
7. Roads should be crowned or graded to provide surface drainage.
8. In order to reduce runoff velocities, drainage ditches should be trapezoidal or parabolic in cross section rather than v-shaped.
9. In order to prevent road surface drainage from directly entering water bodies, roads and their associated drainage ditches should be designed, constructed, and maintained to empty into an unscarified buffer strip at least fifty (50) feet in width on slopes up to ten (10) percent between the outflow point of the ditch and the mean high-water mark of a water body, as defined. Where slopes exceed ten (10) percent, the buffer strip should be increased twenty-five (25) feet for each ten (10) percent increase in slope.
10. The Planning Board may approve roads with buffer strips less than prescribed above upon a showing by the applicant that an exception is necessary and that appropriate techniques will be used to reasonably avoid sedimentation of the water body. Such techniques may include, but not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to reasonably avoid sedimentation of the water body.
11. In order to reduce the force of runoff, ditch relief (cross drainage) culverts, drainage dips and water turnouts should be installed in a manner effective in directing drainage onto unscarified buffer strips of at least fifty (50) feet in width before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

- a. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
 - b. On roads having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.
 - c. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
12. Surface drainage patterns should be designed to provide positive flow to ditches, catch basins or other drainage structures.

E. Clearing of Vegetation for Development.

The following standards were also originally contained in Appendix G, and should be reviewed as part of a Harbor Management Plan before final standards for clearing of vegetation during development are established:

1. Clearing of trees and other vegetation may be allowed for those structures and uses permitted according to the Land Use Table contained herein. Soils depth, structure and composition will be established prior to any disturbance. Any soils lost due to improper or insufficient stabilization will be replaced as soon as feasible, but no later than 30 days after their loss, with topsoil or other soil of compatible composition to the original soil, as determined by a soils scientist or other expert approved by the Planning Board. Vegetation used for permanent stabilization will be native and suitable, unless otherwise recommended by a conservationist, natural botanist or competent plant specialist, and approved by the Planning Board. The clearing of any vegetation in any District within the Waterfront Coastal Area shall be limited to that which is necessary for uses expressly authorized in that district. No clearing shall occur within seventy-five (75) feet of the mean high-water mark in any waterfront except to remove safety hazards.
2. Within one hundred (100) feet, horizontal distance, of the mean high-water mark of water bodies, a buffer strip of vegetation shall be preserved. Soils depth, structure and composition will be established prior to any disturbance. The width of this buffer strip may be increased by the Planning Board in areas of steep slopes or poorly drained soils, in areas adjacent to lakes with a water quality problem, or in other environmentally sensitive areas. Clearing or planting of trees and other vegetation within the one hundred (100) foot buffer strip is limited to the following:

- a. No cleared openings shall be created, except to locate uses permitted within the buffer strip such as, but not limited to, water-dependent facilities, water crossings and public recreation areas.
 - b. Selective cutting of up to thirty (30) percent per ten (10) year period of the total number of trees four (4) inches or more (DBH) and shrubs four (4) feet high or taller on any site may be permitted provided spacing between trees shall not exceed ten (10) feet. However, in areas adjacent to DEC designated wetlands the allowable cuts shall be reduced to twenty (20) percent.
 - c. Pruning of live branches within seventy-five (75) feet of the mean high-water mark shall not exceed twelve inches in height above the ground level.
 - d. In order to protect water quality and wildlife habitat, existing shrubs under four (4) feet in height and ground cover shall not be removed, except as allowed under paragraph a.
 - e. Where the removal of storm-damaged, diseased, unsafe, or dead trees results in cleared openings created in excess of the limits defined herein, those openings shall be replanted with native trees at least three (3) feet in height unless existing new growth is present.
 - f. All cleared brush or slash shall be removed from the buffer strip.
 - g. New plantings shall be limited to species native to the area.
3. Outside the buffer strip, the following provisions shall apply:
- a. Cleared openings shall not exceed thirty (30) percent of the lot area or ten thousand (10,000) square feet, whichever is less. This shall include, but is not limited to, areas designated for principal and accessory structures, driveways, sewage disposal areas, and lawns.
 - b. Selective cutting of trees in non-cleared areas shall not exceed thirty (30) percent of their total number on any lot in a ten (10) year period.
 - c. Brush or slash shall not be piled higher than four (4) feet.
4. Cleared openings in existence on the effective date of this Ordinance may be maintained. Any soils lost due to improper or insufficient stabilization will be replaced as soon as feasible, but no later than 30 days after their loss, with topsoil or other soil of compatible composition to the original, as determined by a soils

scientist or other expert approved by the Planning Board. Where such openings exceed the limits defined above, they shall not be enlarged.

Summary for Clearing

	<u>Buffer Strip</u>	<u>Remaining Shoreline</u>
Shrubs & ground cover less than 4ft. tall	0% except to site permitted uses	No limit
Shrubs 4ft. or greater greater in height and trees 4 in. or more in diameter (DBH)	30%/10 years	40%/10 years
Storm-damaged, diseased, unsafe vegetation	No limit, but replacement required	No limit
Vegetation in Resource Protection District next to a great pond	0% except for safety hazards	0% except for permitted uses
Cleared openings	None except to site permitted uses	Up to 10,000 square feet or 30% of lot whichever is less
Slash	Not allowed	No piles higher than 4 feet

F. Erosion and Sedimentation Control.

Erosion and sedimentation in the Coastal Management Area should be controlled under a special set of standards established in a local law governing such concerns. A suggested model for an Erosion and Sediment Control Local Law is set forth in Appendix K of this document.

G. Soils.

All land uses should be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environment impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction.