

## Appendix 4F

### Sample Environmental Protection Overlay District Regulations (Town of Mendon)

#### § 200-27. EPOD 4 Scenic Vista Protection Overlay District.

A. Purpose and intent. The purpose of the Scenic Vista Protection Overlay District is to protect and preserve those areas of the town that have been determined to possess unique visual qualities which are worthy of protecting from encroachment resulting from development. It is the intent of these EPOD 4 development permit procedures to regulate and/or control development in or adjacent to the scenic sites identified in the Town of Mendon Open Space, Parks and Recreation Master Plan and to require review and approval prior to project commencement.

B. Delineation of scenic vistas. The boundaries of the Scenic Vista Protection Overlay District shall be delineated on the Official Town of Mendon EPOD Maps. The boundaries shall also be based upon the NYSDEC Guidelines for Open Space Planning and shall include all the designated scenic vistas contained in the adopted Town of Mendon Open Space, Parks and Recreation Master Plan.

C. Regulated activities. No person shall conduct any of the following regulated activities within any Scenic Vista Protection Overlay District in the Town unless such person has first applied for and obtained an EPOD 4 permit pursuant to the requirements of this section:

(1) Construction of new buildings or structures or additions and modifications to existing buildings and structures in areas delineated as possessing scenic vistas and shown in the adopted Town of Mendon Open Space, Parks and Recreation Master Plan.

(2) Filling, cutting or excavating operations.

D. Development standards and permit conditions.

(1) In granting, denying or conditioning any application for an EPOD 4 development permit, the CCO or the Planning Board shall consider the effect the proposed regulated activity will have on maintaining the identified scenic vista that exists on the site, as viewed from along the adjacent public right-of-way.

(2) No permit to undertake a regulated activity within a Scenic Vista Protection Overlay District shall be issued unless the applicant can adequately demonstrate that:

(a) The proposed structure will not interfere with the scenic vista identified on the site as viewed from along the adjacent public right-of-way. This shall be demonstrated through the use of computer generated photos of the site, if required by the reviewing board.

(b) Any cutting of timber in these areas will not reduce the visual quality of the scenic vista.

(c) There is no reasonable alternative for the proposed regulated activity on that portion of the site not containing a scenic vista.

(3) Construction standards. Construction of sites within the Scenic Vista Protection Overlay District shall be permitted according to the following standards:

(a) Building design and site development that is found by the authorized Board to provide the minimum visual interference or blocking of the identified scenic vista from along the adjacent public right-of-way; and

(b) No accessory structures shall be located in any yard that interferes with the scenic vista as identified in the adopted Town of Mendon Open Space, Parks and Recreation Master Plan.

4) Prior to receiving any approval or imposing any conditions of approval, the applicant for an EPOD 4 development permit shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements of this section. In addition, the applicant shall satisfy any additional requirements which may be imposed by the CCO or board having jurisdiction.

#### **§ 200-28. EPOD 5 Historic Site Protection Overlay District.**

A. Purpose and intent. The purpose and intent of the Historic Site Protection Overlay District is to minimize the impacts of development activities on sites in the town which are listed on the federal and state registers of historic sites. The developmental impacts include architectural compatibility of the proposed structure with the adjacent historic sites and the desires of the town to retain, as much as possible, the natural character and historic setting of these areas.

B. Delineation of historic sites. The boundaries of the Historic Site Protection Overlay District shall be delineated on the Official Town of Mendon EPOD Maps and shall include all sites listed on the federal and state registers of historic sites; and those lands lying within 500 feet of the boundary of said historic sites; and in addition, those sites listed and shown on the Historic Sites Map, Figure 2-11, of the adopted Town of Mendon Comprehensive Plan - 2015; and those lands lying within 500 feet of the boundary of said historic structure.

C. Regulated activities. No person shall conduct any of the following regulated activities within any Historic Sites Protection Overlay District in the town unless such person has first applied for and obtained an EPOD 5 development permit pursuant to the requirements of this section:

(1) Construction of new buildings or structures or additions and modifications to existing buildings and structures.

2) Accessory structures such as swimming pools, tennis courts, satellite dishes, outdoor pavilions and other similar accessory facilities.

(3) Placement of signs.

(4) Clearing of or construction on any land area within the district, including construction or clearing activities related to providing equipment access on the site.

(5) Filling, cutting or excavating operations.

(6) Discharge of stormwater and/or construction and placement of stormwater runoff systems.

(7) Clear-cutting of trees and removal of vegetation or other ground cover.

(8) Personal wireless telecommunications towers.

D. Development standards and permit conditions.

(1) In granting, denying or conditioning any application for an EPOD 5 development permit, the CCO or the Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare. In addition, consideration shall also be given to the protection or enhancement of the designated historic landmarks.

(2) No permit to undertake a regulated activity within an Historic Sites Protection Overlay District shall be issued unless the applicant can adequately demonstrate that:

(a) The proposed activity will in no way adversely affect the physical integrity or historic character of an existing historic site; and

(b) There is no reasonable alternative for the proposed regulated activity on that site.

(3) Construction standards. Construction of sites within the Historic Site Protection Overlay District shall be permitted according to the following standards and those set forth by any state or federal historic agency having jurisdiction:

(a) Building design and site development that is found by the authorized board to complement the adjacent historic structure and site; and

(b) No accessory structures shall be located within the side yard adjacent to the historic structure site.

(4) Prior to receiving any approval or imposing any conditions of approval, the applicant for an EPOD 5 development permit shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements of this section. In addition, the applicant shall satisfy any additional requirements which may be imposed by the CCO or board having jurisdiction.

## **§ 200-30. EPOD 7 Woodlot Protection Overlay District.**

A. Purpose and intent. The purpose of the Woodlot Protection Overlay District regulations is to preserve, conserve and protect established wooded areas located within the town. It is the intent of these regulations to prevent the destruction of established wood lot areas by requiring review and permit approval prior to any tree harvesting or cutting for development purposes. Applicants for such activity must submit a plan prepared by a qualified consulting forester, arborist, horticulturalist or a qualified forester that includes the following information:

- (1) A survey of all trees to be removed on the site that are over six inches in diameter measured at breast height and identified by species, condition and worthiness for preservation.
- (2) A during- and post- harvesting or cutting for development purposes protection plan for trees to be saved or moved.
- (3) An integrated site plan which includes the wood lot area protection plan and any additional development on the site, including all new or expanded structures, utilities, access roads, grading or other activities, which may adversely affect the wood lot area.

B. The following specific practices shall be used to minimize soil erosion and sedimentation during wood lot area management activities:

- (1) All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
- (2) Erosion and siltation controls shall be consistent with the New York Guidelines for Urban Erosion and Sediment Control (most recent edition).
- (3) All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line.
- (4) All trees to be saved shall be pruned, watered and fertilized prior to, during and after construction.
- (5) Vehicles, materials and equipment storage shall not be allowed in areas fenced to protect trees.
- (6) Maintenance of landscape plantings, if required, shall be guaranteed for three years.
- (7) In planning development sites, applicants shall preserve as much mature vegetation as possible. Use of clustering of buildings to avoid mature wooded areas shall be encouraged wherever practical, as well as the planting of replacement vegetation to mitigate the unavoidable uses of woodlots.