

# DUBLIN VIEWSHED PLAN



**June 2005**



**SWRPC**

Southwest Region Planning Commission  
20 Central Square, 2<sup>nd</sup> Floor  
Keene, New Hampshire 03431  
[www.swrpc.org](http://www.swrpc.org)

**DUBLIN VIEWSHED COMMITTEE**

**2004 – 2005**

Scott Swanson, Chairperson  
Nancy Campbell  
Beanie Wenigmann  
Cecily Bastedo  
Eric Jadaszewski

# DUBLIN VIEWSHED PLAN

## TABLE OF CONTENTS

<b>Introduction . . . . .</b>	<b>1</b>
<b>Methodology . . . . .</b>	<b>2</b>
<b>Goals. . . . .</b>	<b>3</b>
<b>Recommendations . . . . .</b>	<b>4</b>
<b>Appendices . . . . .</b>	<b>6</b>

- **Viewshed Inventory**
- **Maps**
- **New Hampshire Office of Energy and Planning,  
*Preservation of Scenic Areas and Viewsheds*  
Technical Bulletin 10, Spring 1993.**
- **Dublin Draft Viewshed Overlay District Model Ordinance**
- **Viewshed Protection Overlay District Model Ordinances**

## **Introduction**

Dublin's scenic landscape is central to the town's identity. It touches the lives of everyone. Directly or indirectly, it provides recreation, a sense of place and communion with nature and our heritage. It is a foundation of our quality of life. The most recent Master Plan (1996) established the protection of the town's scenic vistas as an essential goal for preserving Dublin's rural character.

For many years, the residents of Dublin have expressed a continuing and growing concern for the town's scenic resources, culminating in this study and the actions that are anticipated to grow out of it. Through a community survey, the work of the citizen advisory committee and a public workshop, all citizens will have had an opportunity to contribute to the study's findings, which can be summarized as follows:

- Nearly every part of Dublin's landscape is considered scenic by someone;
- A majority of residents considers the views of Mount Monadnock, Dublin Lake and Beech Hill the most important views in the town;
- The scenic beauty of Dublin can be enjoyed all year around; and
- A wide variety of options for protecting scenic values are available.

This study describes priority viewsheds and provides guidance for a program by which town government, institutions, businesses, landowners and the public can ensure that the landscape we cherish will be sustained into the future.

## **Methodology**

1. A local Viewshed Committee was established to work with Planning Commission staff to identify high quality viewsheds and appropriate measures to protect them.
2. An Inventory of Viewsheds in Dublin was developed to prepare and administer a community survey of Town residents asking them to identify views they feel are important to the character of Dublin. The survey results were discussed by the Viewshed Committee.
3. Once the inventory was completed, Planning Commission staff conducted site visits of each identified viewshed. The site visit included using global positioning system (GPS) technology to obtain real-world coordinates of the identified viewsheds. These coordinates were then used to create a geographic information system (GIS) data layer for conducting spatial analyses and creating various mapping products for the project. Using ArcGIS 9.0 3D Analyst software, staff created a map of those areas of town that can be seen from each of the 18 vista points. The polygons created by the GIS software application are intended to indicate the probable extent of the proposed Viewshed Protection Overlay District.

Staff also documented viewsheds and gateway corridors with digital photos taken during winter and spring, and prepared a narrative of the viewsheds and gateway corridors based on direct field observations. This project included a total of 40 site visits during the winter and spring seasons.

4. A Public Workshop was conducted to: 1) allow residents to corroborate the viewshed inventory as displayed with GIS mapping, photos, and descriptive narratives; and 2) discuss the essential characteristics of the views (i.e., characteristics that would need to be protected to preserve the view).
5. The Viewshed Committee discussed the findings of the viewshed inventory, established goals regarding the protection of scenic views and made recommendations on how to implement the goals.

## Goals

Based on the findings of the viewshed inventory and deliberation among its members, the Viewshed Committee established goals that outline a general approach, establish a vision for the landscape as a whole and provide guidance for specific types of landscapes.

### General Goals:

1. Residents of Dublin support municipal government in its efforts to implement the recommendations of this Plan;
2. Municipal government makes a commitment to protecting scenic resources and the visual character of Dublin (particularly in high-priority, unique or threatened locations as identified in this Plan) and foster among residents a sense of stewardship for Dublin's landscape;
3. Landowners - private, institutional, and business – undertake independent action to support or amplify municipal measures for viewshed preservation;
4. Strive to preserve the continuity and essential character of the visual landscape;
5. Adopt and enforce policies and regulations to protect the natural visual character of the forested hills and open fields;
7. Protect the natural appearance of shorelines and surrounding slopes and provide more public access for boating, hiking, and viewing;
8. Identify and protect large areas of unfragmented forested areas for back-country recreation;
9. Further develop an interconnected network of trails;
10. Preserve or enhance the scenic quality of roads and highways in Dublin; and,
11. Protect and enhance the visual attractiveness of the gateways into Dublin on NH 101.

## Recommendations

The protection of scenic attributes can be considered an extension of the municipal power to promote the general health, prosperity and welfare of the community. According to NH RSA 674:16, “[m]unicipalities may validly exercise zoning power solely to advance aesthetic values, since the preservation or enhancement of the visual environment may promote the general welfare.”

Standards and reasonable restrictions on development within a designated view protection area can be carried out under NH RSA 674:16 through the adoption of zoning ordinances which regulate permitted uses, minimum lot sizes, building height, lot coverage, density, setbacks and open space. Under NH RSA 674:21, municipalities are authorized to adopt such innovative land use controls as overlay districts based on the mapping of viewsheds, open space subdivision development, performance standards, purchase of development rights, conservation easements and donations.

Following are twelve recommended actions to be undertaken by Dublin municipal government in order to fulfill the goals of this Viewshed Plan. The recommendations include indication of the municipal board or commission most likely to initiate and or carry out respective recommendations (responsible parties appear in parentheses).

1. Incorporate this Viewshed Plan into the Master Plan. The plan and map should be used by the Planning Board, Board of Selectmen, Conservation Commission and Public Works Department during project planning and/or review (Planning Board);
2. Adopt a “Viewshed Protection Overlay District” (VPOD) to protect forested hills, water bodies, special roads, exceptional natural and cultural features and open space, community gateways and/or landscape transitions, and any other areas deemed appropriate (Planning Board);
3. Develop and adopt an Open Space Plan as component of the Master Plan (Conservation Commission);
4. Establish lot coverage limitations for all districts (i.e. percentages for building foot prints and other impervious surfaces) (Planning Board);
5. Publicize the findings, goals and recommendations of the Viewshed Plan (Board of Selectmen);
6. Establish a Land Conservation Fund (Board of Selectmen, Conservation Commission);
7. Consider amending the subdivision and site plan ordinances as they relate to development in the Viewshed Protection Overlay District by including provisions such as (Planning Board):
  - a. Require applicants to indicate whether or not abutting properties are protected from development by easement or fee ownership;

- b. Burying existing and new utility cables and wires ; and,
  - c. Requiring helium balloons and flagging during site visits as visual aids in assessing scenic impact.
8. Further develop an interconnected network of trails, conservation areas, and easements to preserve and create contiguous natural areas (Conservation Commission);
9. Consider the following enforcement measures as they relate to development in the Viewshed Protection Overlay District (Board of Selectmen, Planning Board, Conservation Commission):
- a. Monitor and enforce conditions of easements held by the town;
  - b. Enforce Dublin's Excavation Ordinance;
  - c. Monitor and enforce the conditions of subdivision and site plan approval, require performance bonds, and levy fines and penalties for violations; and,
  - d. Encourage "Best Management Practices" and monitor state permit regulations for timber harvesting operations.
10. Clearly identify the status of municipal ownership of all Class VI roads and consider conversion of Class VI roads to public Class A trails, pursuant to RSA 231-A.1 and RSA 231.43, which will preserve public right-of-ways and disallow vehicular access (Board of Selectmen);
11. Consider maintaining dirt roads in unpaved condition and requiring new roads to be unpaved, as feasible to support the purposes of this Plan (Board of Selectmen);
12. Review and amend as necessary the Town's Master Plan and land-use regulations to ensure farm-friendly policies, laws, and standards (Board of Selectmen).

## **Appendices**

### **Viewshed Inventory:**

The viewshed inventory contains digital photos of viewsheds and gateway corridors taken from vista points during winter and spring and a narrative of the viewsheds and gateway corridors based on direct field observations.

### **Maps:**

The maps show the identified vista points and the probable extent of the Viewshed Protection Overlay District.

### **New Hampshire Office of Energy and Planning, *Preservation of Scenic Areas and Viewsheds*, Technical Bulletin 10, Spring 1993:**

The bulletin explains how municipalities can use innovative land-use regulations, such as overlay zoning districts, to protect the quality of scenic views.

### **Viewshed Protection Overlay District Ordinances:**

The ordinances are examples of other municipalities' protective measures for preserving their scenic view areas: City of Lebanon, Town of Lyme, Town of Newbury and Town of Stowe, Vermont.



VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
Gateway  NH Route 101, west gateway, looking west		
	Photo #1354	Photo #1408
1  NH Route 101, Howe Reservoir, looking north		
	Photo #1355	Photo #1409

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>1</p> <p>NH Route 101, Howe Reservoir, looking north</p>		
	Photo #1356	Photo #1410
<p>2</p> <p>NH Route 101, Howe Reservoir, looking south at Mt. Monadnock</p>		
	Photo #1357	Photo #1412

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>2</p> <p>NH Route 101, Howe Reservoir, looking south at Mt. Monadnock</p>		
	Photo #1358	Photo #1413
<p>3</p> <p>NH Route 101, Howe Reservoir, looking south at Mt. Monadnock</p>		
	Photo #1359	Photo #1415

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>4</p> <p>NH Route 101, Dublin Lake, looking south at Mt. Monadnock</p>	 <p>Photo #1372</p>	 <p>Photo #1420</p>
<p>4</p> <p>NH Route 101, Dublin Lake, looking south at Mt. Monadnock</p>	 <p>Photo #1373</p>	 <p>Photo #1421</p>

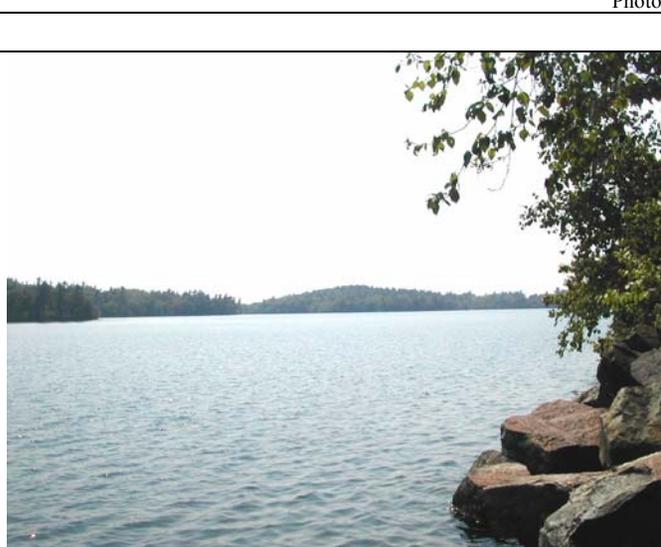
VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>4</p> <p>NH Route 101, Dublin Lake, looking south at Mt. Monadnock</p>	 <p>Photo #1374</p>	 <p>Photo #1422</p>
<p>4</p> <p>NH Route 101, Dublin Lake, looking south at Mt. Monadnock</p>	 <p>Photo #1375</p>	 <p>Photo #1423</p>

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>5</p> <p>NH Route 101, Dublin Lake, looking south at Mt. Monadnock</p>		
	Photo #1376	Photo #1424
<p>5</p> <p>NH Route 101, Dublin Lake, looking south at Mt. Monadnock</p>		
	Photo #1377	Photo #1425

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>5</p> <p>NH Route 101, Dublin Lake, looking south at Mt. Monadnock</p>	 <p>Photo #1378</p>	 <p>Photo #1426</p>
<p>5</p> <p>NH Route 101, Dublin Lake, looking south at Mt. Monadnock</p>	 <p>Photo #1379</p>	 <p>Photo #1427</p>

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>6</p> <p>NH Route 101, Dublin Lake, looking southwest at Mt. Monadnock</p>		
	Photo #1380	Photo #1428
<p>6</p> <p>NH Route 101, Dublin Lake, looking southwest at Mt. Monadnock</p>		
	Photo #1381	Photo #1429

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>6</p> <p>NH Route 101, Dublin Lake, looking southwest at Mt. Monadnock</p>		
	Photo #1382	Photo #1430
<p>7</p> <p>Lake Road, Dublin Lake, looking northeast at Lake</p>		
	Photo #1362	Photo #1431

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>7</p> <p>Lake Road, Dublin Lake, looking northeast at Lake</p>	 <p>A photograph showing a wide view of a blue lake under a clear sky. The shoreline is visible with some trees on the right side.</p>	 <p>A photograph showing the same lake in summer, with lush green trees on the right side and a slightly different lighting.</p>
	Photo #1363	Photo #1432
<p>8</p> <p>Old Marlborough Rd., looking southeast at Mt. Monadnock</p>	 <p>A photograph showing a mountain range in winter, with a road and trees in the foreground.</p>	 <p>A photograph showing the same mountain range in summer, with green trees in the foreground.</p>
	Photo #1361	Photo #1434

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>9</p> <p>Old Marlborough Rd., looking southeast at Mt. Monadnock</p>		
	Photo #1360	Photo #1433
<p>10</p> <p>New Harrisville Road, looking east</p>		
	Photo #1364	Photo #1460

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>11</p> <p>Monument Road, looking west at Beech Hill</p>		
	Photo #1383	Photo #1435
<p>11</p> <p>Monument Road, looking west at Beech Hill</p>		
	Photo #1384	Photo #1436

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>11</p>          <p>Monument Road, looking west at Beech Hill</p>		
	Photo #1385	Photo #1437
<p>12a</p>          <p>NH Route 101, Mud Pond, looking north at Pond</p>		
	Photo #13586	Photo #1440

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>12a</p>          <p>NH Route 101, Mud Pond, looking north at Pond</p>		
	Photo #13587	Photo #1441
<p>12b</p>          <p>NH Route 101, Mud Pond, looking south at Pond</p>		
	Photo #1388	Photo #1442

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>12b</p> <p>NH Route 101, Mud Pond, looking south at Pond</p>		
	Photo #1389	Photo #1443
<p>12b</p> <p>NH Route 101, Mud Pond, looking south at Pond</p>		
	Photo #1390	Photo #1444

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>12b</p>          <p>NH Route 101, Mud Pond, looking south at Pond</p>		
	Photo #1391	Photo #1445
<p>13</p>          <p>NH Route 137, Mud Pond, looking north at Pond</p>		
	Photo #1367	Photo #1448

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>13</p> <p>NH Route 137, Mud Pond, looking north at Pond</p>	 <p>A photograph showing a wide, shallow pond in winter. The water is calm and reflects the clear blue sky. The far bank is lined with trees, some of which are bare, suggesting a late autumn or winter setting. The foreground shows some dark, possibly submerged vegetation.</p>	 <p>A photograph showing the same pond in summer. The water is surrounded by lush green grass and reeds. The sky is bright and clear, and the far bank is covered in dense green trees.</p>
	Photo #1368	Photo #1449
<p>13</p> <p>NH Route 137, Mud Pond, looking north at Pond</p>	 <p>A photograph showing a different view of the pond in winter. The water is still, reflecting the sky. The trees on the far bank are silhouetted against the light sky.</p>	 <p>A photograph showing the pond in summer from a different angle. The foreground is dominated by tall green grasses and reeds. The pond is surrounded by a thick line of green trees.</p>
	Photo #1369	Photo #1450

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>14</p> <p>Dublin Christian Academy, looking west at Mt. Monadnock</p>	 <p>Photo #1392</p>	 <p>Photo #1451</p>
<p>14</p> <p>Dublin Christian Academy, looking west at Mt. Monadnock</p>	 <p>Photo #1393</p>	 <p>Photo #1453</p>

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>14</p>          <p>Dublin Christian Academy, looking west at Mt. Monadnock</p>	 <p>Photo #1394</p>	 <p>Photo #1454</p>
<p>15</p>          <p>Upper Jaffrey Road, looking west at Mt. Monadnock</p>	 <p>Photo #1395</p>	 <p>Photo #1455</p>

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>15</p> <p>Upper Jaffrey Road, looking west at Mt. Monadnock</p>		
	Photo #1396	Photo #1456
<p>16a</p> <p>End of Burpee Road, looking northeast to Pack Mountain</p>		
	Photo #1399	Photo #1457

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>16b</p> <p>End of Burpee Road, looking west</p>	 <p>Photo #1397</p>	 <p>Photo #1458</p>
<p>16b</p> <p>End of Burpee Road, looking west</p>	 <p>Photo #1398</p>	 <p>Photo #1459</p>

VIEWSHED INVENTORY

Vistapoint/ Location Description	Winter	Summer
<p>17</p> <p>NH Route 101 and East Harrisville Rd., looking southwest</p>		
	Photo #1405	Photo #1438
<p>18</p> <p>NH Route 101 and NH Route 137, looking southwest</p>		
	Photo #1404	Photo #1439





New Hampshire  
Office of Energy & Planning

# PRESERVATION OF SCENIC AREAS AND VIEWSHEDS

*Technical Bulletin 10*

*Spring 1993*

## Introduction

The natural landscape and visual quality of a community provide it with a sense of pride and individuality, setting it apart from other places. Special vistas, views and scenic areas contribute significantly to the quality of life, add to the value of property, and enhance the desirability and livability of a community. People respond positively to places that are visually appealing because an extremely high percent of human sensory experience is visual. When development occurs on or in the vicinity of a well recognized landmark or outstanding view it can have a dramatic affect upon whether people still consider that place special.

Driving is a leading form of passive outdoor recreation, therefore, special views and vistas from roadways add dramatically to the recreation experience of the driving public. For many individuals, the lake, river, hillside or mountaintop view, as observed from an automobile window may provide the most satisfying and best recreational experience they will have. A roadway turnoff which provides an opportunity to leave the automobile for a short period of relaxation, for a picnic, or short walk substantially increases that experience. For these reasons, it is important to identify and protect from development those vistas, views and scenic areas which are considered significant to the residents of a community.

In this context, protecting views may be considered an extension of the concept of promoting the general health and welfare of a community and region. This enables municipalities, under their police powers, to develop standards and to impose reasonable restrictions on development within a designated view protection area. Such restrictions can be

carried out through the adoption of zoning ordinances under RSA 674:16 which regulate building height, lot coverage, density, set backs and open space.

Municipalities are also authorized to adopt innovative land use controls under RSA 674:21 which may include but are not limited to: cluster development; performance standards; the purchase of development rights; and donations. Local officials are encouraged to use these innovative land use control techniques as a means of assisting in implementing the goals and objectives of their community, including the preservation of scenic resources and special views.

## A Process for Protecting and Saving Views

Residents of a community have thoughts and ideas about what makes their surroundings and community visually important and attractive. They generally enjoy views of open fields, farm settings, mountain vistas, water views and tree shaded streets, qualities that make people feel positive about their environment. The challenge is to preserve these visual attributes while working them into our future development. The following suggests a process for:

- § identifying scenic areas in a community
- § providing a clear statement in the master plan about goals for preservation of scenic values, and
- § incorporating specific policies into the zoning ordinance, subdivision regulations and site plan review regulations that will enhance the aesthetic qualities

that define the community and make it unique.

### **Visual Resource Committee**

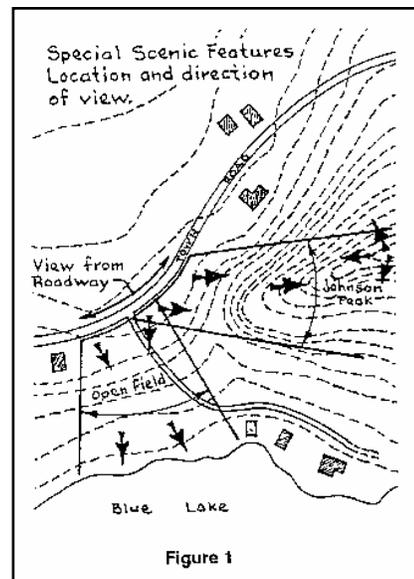
The planning board should enlist broad-based citizen participation to help in selecting and inventorying the community's visual resources. The Visual Resource Committee should have broad representation including the conservation commission, the business community and property owners to discuss and identify what is visually important to the townspeople and what contributes most to their town's identity.

The Committee may wish to poll or survey the community to assist in determining what sites are considered worthy of protection. Citizens should be asked to prioritize each visual resource they identify. This will help in identifying sites; establish a ranking or priority list; and will help to establish public support for the protection of views and visual resources as a legitimate community goal. The Community Cornerstone Project (See Technical Bulletin #8) offers a process to strengthen citizen participation and community involvement.

### **Visual Resource Inventory**

A visual survey which includes photo documentation and written description is an excellent method to identify views, vista's, open space, and related visual resources. The description should: explain why each site is unique; identify the distinguishing aesthetic characteristics that contribute to the visual quality or experience of the viewer; define the general size of the site, ownership, access and/or point from which the best view is available; and discuss appropriate land use considerations including potential threats. The survey results can then be keyed to a map (Figure 1) and incorporated into the municipality's master plan, along with stated goals and objectives relative to visual resources and aesthetic protection. This information will be the basis for developing the standards and regulations for protecting the identified views.

Once the initial survey is completed, and sites mapped, the Visual Resource Committee should analyze the results and develop a more detailed inventory, focusing on those special visual features which are ranked highest and for which it wishes to seek protection. The development of an evaluation form with a ranking or rating system will prove helpful in carrying out this task. In addition to the items previously mentioned, the form should include a detailed description of the views or special feature, its distinguishing attributes, and an evaluation of significance, visibility and importance in terms of the number of people who see it on a daily basis. A particular view may not be as scenic as some others, but because it is located on a heavily traveled road, its protection may be considered more crucial and receive a higher ranking.



### **The Local Master Plan**

The purpose of a master plan is to guide community growth and development, and shall include, among other things, adequate provisions for traffic, the promotion of safety from fire and other damages, adequate provision for light and air and the promotion of good civic design (RSA 674:3). The content of the plan may vary from community to community, but generally will include analysis, recommendation and proposals for the

community's population, economy, housing, transportation, community facilities and land use (RSA 674:2-3). A general statement including Community Goals, Policies and Objectives which provide direction for implementation of the master plan must be developed and included in the plan.

A common goal of locally adopted master plans is to protect the municipality's scenic quality and rural character. However, most do not identify the special places that need protection and there are few if any recommendations for how this might be done. If a community wishes to protect its visual resources, it is extremely important to incorporate a statement in its master plan which expresses its goals and objectives for preservation of identified scenic values, natural beauty and aesthetic qualities.

In addition to establishing goals, policies and objectives for view preservation, the master plan should incorporate a separate section or chapter addressing aesthetic concerns and visual resources. This section should include an inventory and a description of the types of scenic areas considered worthy of protection. This information will help in developing criteria and regulations designed to protect the views and scenic areas that have been identified. This section of the master plan should also provide general design considerations recommended for use in these special scenic areas along with specific recommendations and guidelines to protect them.

Generally the landscape that provides pleasant scenery and visual quality is privately owned. Nevertheless, the public "uses" the landscape visually, and it may well be a key element of the community or regional economy. Therefore, protecting these recognized resources provides a significant and tangible benefit

## **Visual Resources Protection Techniques**

Communities may rely on a combination of regulatory techniques to protect open space, scenic vistas along roadways, and to assure proper use of its visual and natural resources. Among them are height, bulk, and use restrictions, lot coverage, sign control, and landscaping regulations. Like other land use controls, regulations to protect visual resources should be developed and implemented carefully and cautiously and with a clear public purpose.

A primary objective of such a regulation is to provide the ability to see something, such as a panorama of a lake or mountains, without interference. Such regulations should focus on the special or distinctive views as outlined and described in the master plan, those that characteristically contribute to the visual quality of the community and area and provide a sense of place and image.

Protection of views can be accomplished by adopting or amending present zoning and site plan review regulations. Where view protection has been stated as a public goal, it should be included in the zoning ordinance section which describes the purpose of the ordinance, and should spell out the procedures to accomplish the stated purpose and goals.

Regulations should not be so exacting that they prohibit any development from occurring on a property or deny other reasonable land uses. A taking would arise if an ordinance is developed and then applied in such a way that a property owner is prevented from making any reasonable economically viable use of his/her property and where the regulations are more restrictive than required to further the public purpose.

While a person's private property rights must be acknowledged, it should be recognized that no person has the privilege to use his land in

such a way to adversely affect or impact his neighbors or the general public.

Cluster development is an excellent design technique to protect special features, views and the visual quality of a site while respecting the owner's ability to use the land. Aesthetics based land use regulations might encourage cluster development to permit the concentration of buildings in specific areas on a site to preserve open space or perhaps a unique area. The ordinance can be designed essentially to maintain the allowable development density in the zoning district.

A planning board may encourage permanent maintenance of vistas and open space by allowing a density bonus either through a cluster provision or by permitting greater density on selected portions of the lot in exchange for protecting an identified view. It may also permit a reduction in side yard and set back requirements, when the reduction would result in maintaining or providing a better view from the roadway or adjoining property, without impairing the view from other nearby properties.

For example, setback requirements may preserve views along a Street or roadway; side yard requirements and minimum distance between buildings can be used to maintain a particular view. Height restrictions and sign placement regulations may prevent view obstruction as well. Regulations should allow some flexibility in siting of buildings and other structures in view protection areas.

## **Overlay Zoning District**

One approach to accomplish the above objectives is to establish an Overlay View Protection District (OVPD). Such a district can detail special restrictions and standards tailored to the specific areas identified for view protection. The overlay district would be superimposed upon existing zoning districts without changing the applicability of the underlying district regulations. The regulations

for an overlay district are described separately from those of the underlying zoning district, both in the text of the zoning ordinance and on a map where the boundaries of the overlay district are shown.

## **View Protection Standards**

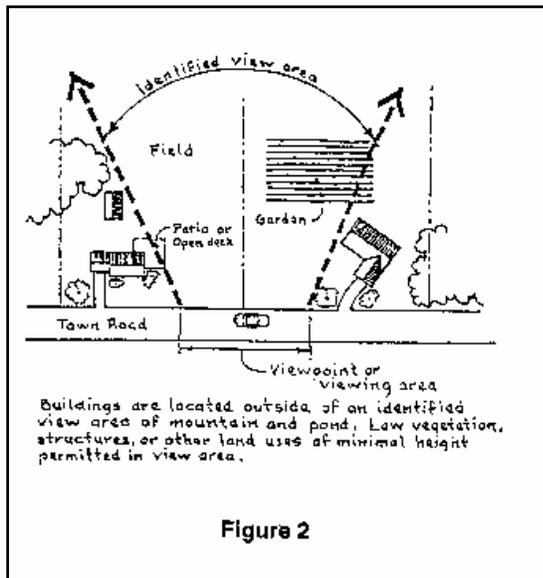
The standards which must be met to build or develop land within a OVPD should be designed to address the effects of permitted land uses on the view being protected. These standards would apply only within the view protection district and should regulate the following: size, bulk, location and height of a structure; setbacks; side yards; open space; and the location of fences and signs. Size and location of on-site landscaping should also be considered. While view protection standards may be more restrictive than those specified for the underlying district, they must provide flexibility of design and use in a particular project. Standards which are too specific will limit the freedom of architects and designers. Conversely, they should not be so overly general that planning board members vote their personal preference without regulatory guidance.

All development in the OVPD may be subject to review by the planning board and a special use permit issued by the planning board or other official as set forth in district regulations and in accordance with RSA 674:21, II. The planning board should determine if the proposed development structure(s)' location and height meets the objectives of the zoning ordinance.

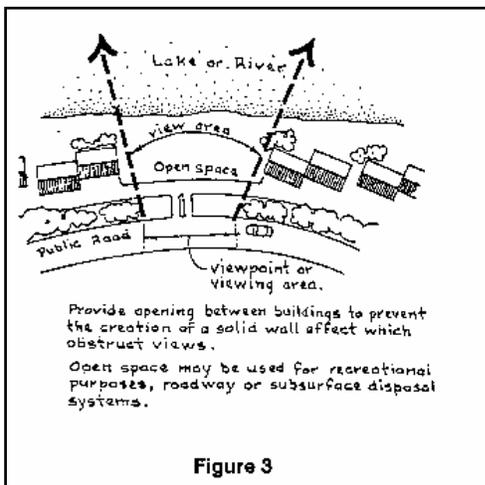
## **Siting of Buildings**

The preceding discussion suggests that the most direct way of achieving view protection objectives is through the control of building location, spacing (see Figure 2), bulk and height. When protecting eye level or ground level views such as a lake view, or on the downhill side from a viewpoint, such as an overlook, it is important to control building bulk and spacing, as well as the placement of

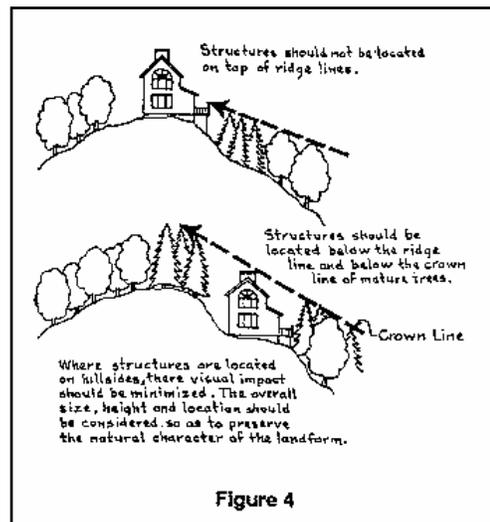
fences, shrubs, and trees. In this setting, even one story buildings erected within the view area or in a long solid mass can block a view.



In such settings, buildings should be placed in such a manner that they do not obstruct the view to be preserved. Buildings along a shoreline, placed so as to create a solid wall effect, not only obstruct views of the lake but also adversely affect the shoreline's visual quality from the lake. (See Figure 3). To assure that this will not happen, the planning board should require the designer, developer or builder to stake out the outline of all proposed buildings and landscaping for on-site inspection, so that the view blockage will be made clear before the plan is approved or a building permit issued.



Where construction is to be located on a hillside within a designated view area the visual impact should be minimized. The overall size, height, and location should be considered so that structures will not be placed on top of ridge lines but should be located below the ridge top and below the crown line of mature trees, (See Figure 4). All hillside grading should be kept to a minimum. Siting and location of roads, buildings and other structures should be designed to minimize grading and to retain existing landform and characteristics in a natural state. A building project should utilize the natural grade rather than graded building pads. Terrace or step-type building pads which substantially alter the natural contours should not be permitted.



### Maximum Building Height

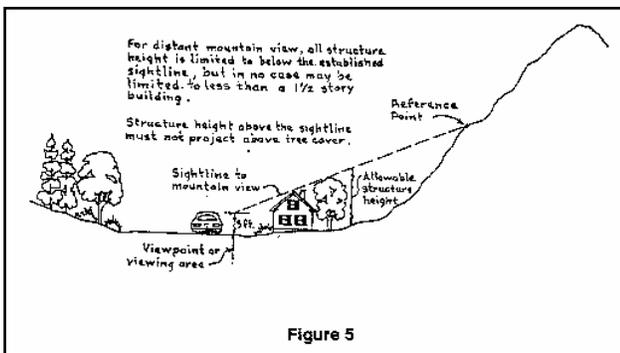
To protect the aesthetic quality of a hillside or the upper portion of a mountain within a designated view protection area from unsightly development which protrudes above the treetops, there is considerable advantage in placing a height limitation on structures.

Buildings might be limited to a height of no more than 30 feet (measured from the average ground elevation at the building walls) where they would obstruct views or project above the tree cover. Heights exceeding this limit might be permitted where it can be shown that such

construction will not interfere with the scenic attractiveness of the view to be protected.

While maximum building height might be restricted in absolute terms, buildings may be restricted to a height determined relative to the object or view to be protected. An example might be to protect the uphill view of a mountain top or mountain ridge from a given viewpoint or from a designated scenic section along a highway. This technique would involve establishing a sightline where the maximum height of any building constructed within the designated view area would not intrude above the sightline. In no case, should buildings be restricted to less than 1½ story in height.

The sightline is established from a viewpoint or highway right-of-way to a reference point or elevation on the view or hillside to be protected (See Figure 5). This approach may present some technical difficulties in its administration. The precise location of a sightline is open to dispute, particularly where the topographic slopes run in various directions.



### **Buffer or Screen Area**

Hillside building sites should retain sufficient tree cover to screen structures from view. Natural vegetation (trees and shrubs) or a landscaped buffer should be maintained or established on the downhill side of the mountain slope between the viewpoint area and the building. This screening is intended to block visual contact with the structure from a view area and to create a strong impression of uninterrupted green area.

## **Administration of View Protection Ordinance**

While a view protection ordinance may control the height and location of structures, the only way to assure that a view is properly protected is through good site planning and administrative review of each individual site to be developed. The planning board must work closely with applicants during the review and approval process, encouraging them to design their proposal in a manner which has minimum impact upon views identified in the master plan and zoning ordinance. Through a special permitting process for all structures located within an Overlay View Protection District, adequate attention can be given to the location and spacing of structures to assure that identified views will not be impaired.

The responsibility for developing an OVPD is in the hands of the planning board. Once enacted, the board will have appreciable control in its implementation through site plan review and the special permit approval process. However, the administration of the regulation and its standards is the responsibility of the building official, code enforcement officer or other individual or groups as may be designated by the town.

The OVPD and regulations will be most able to withstand legal challenge if tied to the community's master plan and the zoning ordinance map. Supporting documentation in the master plan to the greatest extent possible, with the development of land use standards that are reasonable and are not unnecessarily burdensome on a landowner is most essential. Generally, a standard is sufficiently defined if a reasonable person can understand what is requested by the standard, and a court can use the standard to evaluate whether a particular administrative decision is arbitrary or capricious, given the standard and the reason stated for the administrative decision.

## View Protection Through Other Techniques

Preservation and protection of scenic areas through regulatory techniques may be more realistic than outright purchase of land, which is rarely possible because of the lack of sufficient municipal funding. Never the less, acquisition of a land parcel to protect critical forest, open space, special views, aesthetic or natural resource lands may be the most positive method of view protection. Acquisition may be the only option available where regulations or other protection solutions are not fully supported by the community or when key properties become available.

In addition to municipal ownership, land to protect views and scenic areas may be acquired and/or held by another agency with conservation and protection interests. These include the Society for the Protection of New Hampshire Forests, the Audubon Society of New Hampshire or some other local or state land trusts.

## Land Gift

Receiving a gift of land to protect identified scenic areas is the simplest and least expensive acquisition. This provides the conservation or preservation minded landowner the assurance of the land's long-term protection without the responsibility of ownership. Such a gift also removes that portion of the property from the donor's tax liability, and at the same time may provide the donor some federal income tax benefit.

## Deed Restrictions/Conservation Easements

Generally these techniques are used to restrict future development or other activity on a specific property or identified portion of the property. The deed restrictions are recorded with the property deed in the town and county records. The owner may choose to do this voluntarily for personal reasons, or may do so

when offered compensation by the town or a nonprofit organization.

Conservation easements are appropriate in areas where the objectives are to ensure that development does not alter a particular view, especially when only a portion of the property is to be protected. The terms of the easement can prevent detrimental land use that would block the view while the land remains in private ownership and the landowner continues to enjoy the other rights and duties associated with the land, including the payment of property taxes which may be reduced.

It is important that a responsible party such as the local conservation commission or other local or state agency such as the Society for the Protection of New Hampshire Forests or the Audubon Society of New Hampshire be identified to monitor the land on which the conservation easement is held to ensure compliance with the terms of the easement and to enforce those terms.

Conservation easements may be negotiated and obtained during the development design review process, during review of a subdivision or cluster development for example. Conservation easements will cost less than outright acquisition; how much less will depend on what rights remain with the land. Conservation easements are authorized by RSA 477:45-48.

## Purchase of Development Rights

The purchase or donation of development rights through a scenic easement is another technique that may be used for preserving scenic areas and views. Here a landowner continues to own the property but gives up the right to develop. In such cases, the property owner agrees not to build structures within the viewshed easement area, and to limit use of the land to gardening, fields or other agricultural or similar natural uses, or to whatever use the agreement says in order to achieve the long term protection and goals of the community and land owner.

## Land Use Negotiation

When outright purchase of land or a conservation easement is not possible, or when the regulatory authority may be limited in its ability to protect or preserve a popular scenic area, the planning board may be able to negotiate with the landowner or developer, to encourage preservation of that portion of the land that will protect a particular view or natural resource.

Land use negotiation means that local officials and the developer take time to communicate, to understand each other's goals and needs, and to consider imaginative alternative development solutions which may be satisfactory to both parties. When the needs of both parties are recognized, such negotiations will establish a working relationship between public officials and the private developer strong enough to make the project better than even the local regulations may have required.

It is important to begin the negotiation process in the early stages of the development plan review, so the goals and objectives of the master plan and the needs of the developer can both be met.

## Selective Cutting

Municipalities should also consider a program of selective trimming and clearing roadside vegetation in order to maintain open views of scenic fields, hillsides, look-offs, and water frontage.

*This Technical Bulletin is intended as a general guide and introduction to the procedures for protecting those scenic resources that make our communities special and unique.*

# DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

## TOWN OF DUBLIN VIEWSHED OVERLAY DISTRICT

### 1. Purpose

The purpose of the Viewshed Overlay District (VOD) is to protect the scenic and ecological resources associated with lands characterized by high elevations, steep slopes and visual sensitivity in a manner that allows for carefully designed, low-impact development.

### 2. Authority and Effect on Existing Regulations

The VOD is adopted pursuant to RSA 674:16 and RSA 674:21. The adoption of the VOD shall not repeal or alter any existing ordinances, regulations or bylaws of the Town of Dublin. These regulations establish standards and procedures that are in addition to those contained in the Town of Dublin Zoning & Subdivision Regulations.

### 3. District Boundaries

The VOD shall apply to all lands identified as “visible view areas” in the Town of Dublin designated by the Viewshed Overlay District Map dated June 30, 2005.

### 4. General Submission Requirements and Procedures

No subdivision or site plan permit for any development within the VOD boundary shall be issued without the prior approval of the Planning Board, in accordance with the following procedures and standards.

- (1) Review Procedures: All land development in the VOD shall comply with a site development plan reviewed and approved by the Planning Board in accordance with the following procedures.
  - A. Preliminary Review: The applicant shall schedule a meeting with the Planning Board to review the Site Development Plan as set forth in Section 4 (2) A. Basic Submission Requirements. The Planning Board may authorize a committee which includes the Building Inspector and any member of the Planning Board and Board of Adjustment to conduct a preliminary review. The purpose of the preliminary review is to evaluate the conceptual development plans, including the location and general character of the site; to consider whether the proposed development should be classified as minor; and to provide the applicant with clear direction regarding the submission materials needed for review under these regulations. The committee or individual shall recommend to the full Planning Board whether the proposed development should be classified as minor.
  - B. Project Classification and Notification of Submission Requirements: The Planning Board shall determine whether the application is to be classified as “minor” or “significant”, in accordance with the standards included in Section

## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

4 (1), C, Project Classification Criteria, below. In the event the application is determined to be “significant”, the Planning Board shall notify the applicant of this determination in writing, and in so doing shall indicate what supplemental submission requirements shall be required for review by the Planning Board. Projects classified as “minor” may be issued a subdivision or site plan permit, providing the development is in compliance with all other applicable regulations.

- C. Project Classification Criteria: The Planning Board shall classify a development project as minor upon finding that the project meets the standards of Section 5 and that the following conditions are met:
1. The small scale and limited scope of the development project involves a minimal amount of construction, excavation and/or lot clearing and, poses minimal threat to aesthetic or environmental resources. Examples of projects that are small in scale or limited in scope may include outdoor decks and small accessory buildings and additions, and/or;
  2. The location and character of the development site is such that the proposed development can take place without adverse aesthetic or environmental impacts. Examples of such sites might include those characterized by gentle slopes, proximity to areas characterized by existing moderate to high development densities, or areas that are not visible from important vista points because of surrounding terrain, and/or;
  3. The proposed project involves the renovation or expansion of a building constructed prior to June 30, 2005, providing said renovation or expansion does not result in an increase in the total aggregate floor area of the building in excess of 125% of the total floor space in existence as of June 30, 2005, or:
  4. The proposed project is sited within a previously approved building zone as part of an approved subdivision. A building zone is an area that has been specified on the approved subdivision plans for the placement of a dwelling and lies well within the standard setback requirements.
  5. The proposed project is sited on a building lot subject to Planning Board subdivision approval, dated June 30, 2005 or later, which includes specific findings and conditions regarding compliance with the VOD development standards and guidelines, and the applicant has clearly demonstrated that the development project meets all of the relevant conditions and related standards.

## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

In classifying a project as minor, the Planning Board may place appropriate conditions on the scope, scale and general character of the development to ensure compliance with the development standards and guidelines set forth below.

Projects classified as significant shall be subject to further review by the Planning Board, in accordance with the process and standards set forth below. A project classified as minor may be issued a subdivision or site plan permit only for the development, landscaping, clearing and related site improvements set forth in the Site Development Plan submitted per the requirements of Section 4(2)A. Any deviation from the activities described in the Site Development Plan, including forest management shall require a new subdivision or site plan permit. Projects reclassified as significant shall be subject to further review by the Planning Board, in accordance with the process and standards set forth below.

- D. **Reconsideration of District Boundaries:** In the event an applicant questions the determination that a proposed development falls in the VOD, upon request and following notice and public hearing, the Planning Board shall determine whether or not such planned development is located within the VOD. The landowner requesting such determination shall have the burden of proof.
- E. **Review of Significant Projects:** Upon submittal of the development plan, the Planning Board shall schedule a public hearing in accordance with RSA 676:7. The Planning Board shall review the materials submitted, together with other relevant plans and resources, and may elect to visit the proposed development site. The Planning Board shall act to approve, approve with conditions or disapprove any such site development plan in accordance with RSA 676:4. Upon approval of the site development plan, the Planning Board may issue a subdivision or site plan permit pursuant to all applicable provisions of this ordinance.
- F. **Coordination with Subdivision Review:** In addition to the provisions of the Dublin Subdivision Regulations, all land to be subdivided within the VOD shall satisfy the following standards:
  - 1. **Density Analysis.** Prior to submitting an application for preliminary layout or final subdivision approval, the applicant shall complete a slope-density analysis to determine the allowable density for the subject parcel(s). Such analysis shall include a parcel map showing the average slope and an indication of the total area (in acres or square footage) of the parcel with an average slope steeper than 15%. Density will be calculated based on the minimum lot area for the underlying zoning district, with the minimum lot area for the portion of the parcel having an average slope of 15% being four times that of the

## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

underlying zoning district. For example, a 16 acre parcel in the Mountain District with 8 acres having an average slope of less than 15% and 8 acres in excess of 15% shall have a total allowable density of five (5) lots (i.e. 16 acres = (8 acres < 15%/2 acres = 4 lots) + (8 acres >15%/2 acres x 4 = 1 lot) = 5 units/lots). The applicant may submit an independent density/slope analysis prepared by a registered New Hampshire surveyor or a registered New Hampshire Engineer.

2. Coordination with Dublin Subdivision Regulations. In addition to the density standards set forth above, the Planning Board may grant subdivision approval with conditions related to lot clearing, landscaping, house siting, architectural design or other relevant issues necessary to ensure compliance with these regulations. In instances where conditional subdivision approval has been granted within the VOD, applications for review under these regulations may be classified as a minor application if the Planning Board or its designee determines that the applicant has complied with all of the conditions of subdivision approval and standards and guidelines of these regulations.

- (2) Submission Requirements: In accordance with the standards of the overlay district, any of the following plans and materials may be required. Upon determination by the Planning Board that a project is to be classified as significant, the applicant will receive a checklist of required documents, plans and information necessary for the Planning Board to conduct a complete and proper review of the application.

- A. Basic Requirements: The following information and materials are required for all applications for review under Section 4(1)A. Preliminary Review.

1. Site Development Plan: Two complete sets of site development plans, drawn in an appropriate scale on paper not smaller than 18" x 24". Such plans shall provide adequate information necessary to review the proposed project, including a general indication of the location and design of proposed development; an indication of the physical characteristics of the development site, including areas characterized by steep slopes, existing and proposed drainage patterns and forested and open areas; proposed landscaping, clearing and forest management; road access and driveway location, and any other information relevant to the proposed development and development site.

- B. Supplemental Requirements: Upon determination that the project is significant pursuant to Section 4(1)C, the Planning Board may require one or more of the following prior to the review under Section 4(1)E:

1. Grading Plan: Existing and proposed contours at a maximum of 5' intervals for the area surrounding the proposed development, such area

## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

to be of sufficient size to show the relationship of the development to the surrounding terrain.

2. **Lighting Plan:** Location, type and height of all exterior lighting (including security lighting) is to be shown on the site development plan. Lighting studies may be required and would include photometric analyses of exterior lighting as well as a review of any impacts interior lighting may have on nighttime visibility through windows, such as the visibility of light through building fenestration.
3. **Visibility Studies:** Viewshed analyses, line of site sections, site photography and other means to assess the visual impact of the proposed application. On site measures such as plywood and pole mock-ups, and survey tape layout of site elements may be also be required in the event the site is deemed to be sensitive by the Planning Board or its designee.
4. **Stormwater Management/Erosion Control Plan:** An adequate stormwater drainage and erosion control plan, prepared by a registered New Hampshire engineer, shall be requested when the average slope of the site is steep/severely steep or there are major headwater streams and/or major drainage areas and waterways located on the site.
5. **Architectural Plans and Renderings:** Building design drawings clearly depicting all proposed structures to scale and their location on the site in relation to the physical and natural features of the parcel, including the proposed grade of the building area and finished floor elevations. Drawings should clearly display building elevation and architectural design; building materials, exterior colors and window fenestration. All structures proposed, including outbuildings and garages are to be shown.
6. **Landscape Plan:** Existing vegetation and proposed landscaping and clearing plans showing proposed type, size and location of all vegetation to be preserved and/or installed, along with other landscaping elements such as gazebos, berms, fences, walls, etc. Special attention should be given to existing/proposed vegetation adjacent to buildings for visibility and screening purposes (within at least 30'). A species list of existing vegetation and a plan for the maintenance of the existing and proposed landscape should be included. Such a plan shall address specific measures to be taken to ensure the protection and survival, and if necessary, replacement of designated trees during and after the construction and/or installation of all site improvements.
7. **Access Plan:** A plan including existing roads, right-of-ways and trails; proposed roads, trails, walks, paths, parking areas, etc. Such a plan

## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

would include proposed paving materials, slopes of proposed access routes and erosion control measures. This plan might be combined with the Stormwater Management/ Erosion Control Plan and should include road profiles as well.

8. Slope Analysis: Prepared pursuant to Section 4(1)F. 1.
- C. Technical Assistance: The Planning Board may seek the assistance of technical experts, such as engineering or architectural professionals, to provide independent analysis related to specific applications. Such experts will be compensated in accordance with the Town of Dublin Planning and Zoning Fee Schedule.

### 5. Standards/Guidelines

- (1) General Requirements: To protect the unique visual and environmental character of those areas of Dublin within the VOD, especially those characterized by steep slopes, prominent knolls, ridgelines and significant focal points, all development shall be designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.
- (2) Designation and Location of Vista Points: For the purposes of the VOD, vista points are located on maintained (Class III or higher) public roads, state highways and municipal properties. In reviewing projects to determine compliance with these standards, and to identify appropriate mitigation to ensure that a project does not result in an undue adverse impact on scenic resources, the Planning Board shall consider the relative importance of the vista points from which the project is visible (affected vista points). Such consideration shall include the number of affected vista points; the volume of traffic using the affected roads or highways; the length of time that a project would be viewed by motorists traveling on the affected roads or highways; the project's distance from affected vista points; and, the visibility of the project from vista points typically used by pedestrians and/or serving as public observation points.
- (3) Standards and Guidelines: The following list of Standards, Guidelines and accompanying Illustrations are the basis for guiding development in a visually and environmentally sensible way within the overlay district without an undue adverse impact to scenic and environmental resources. "Adverse" indicates a negative impact on an identified resource. "Undue Adverse" indicates that the proposed development violates one or more of the Standards set forth in this ordinance and that the impacts cannot be mitigated.

Standards are statements that express the development and design intentions of this overlay district. All development within this district must comply with these standards. The Standards reflect the visual and environmental concerns of the community in terms of the Town's hillsides, ridgelines, open spaces and water bodies.

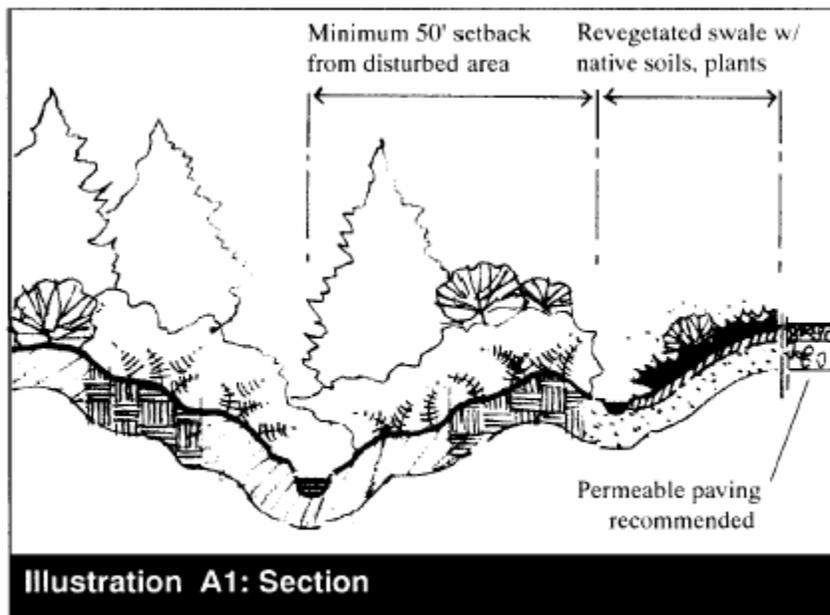
## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

Guidelines are instructive in nature. They suggest a variety of means by which the applicant might comply with the standards. The options for compliance are not limited to the guidelines listed, but the applicant can use the list to aid in the design process.

Illustrations graphically portray the prescriptions and concepts conveyed in both the Standards and Guidelines.

### A. Site Development and Environmental Protection

*Standard 1.* All development, including grading, clearing and construction of driveways, shall provide for the retention of native top soil, stabilization of steep hillsides, prevention of erosion, and consequent sedimentation of streams and watercourses. Peak stormwater discharge from the site after development shall not exceed pre-development levels for a two (2) year/twenty four (24) hour storm event and existing drainage patterns will not be altered in a manner to cause an adverse impact on neighboring properties, town highways or surface waters.

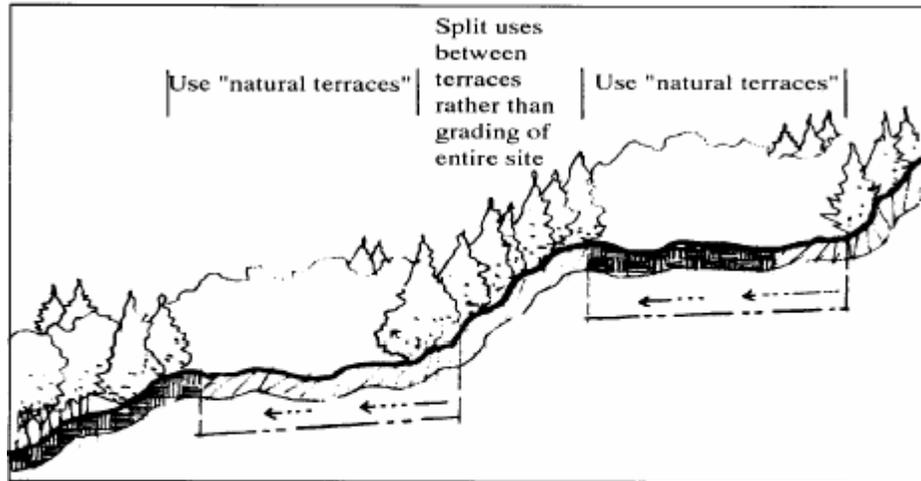


Use biodegradable erosion control blankets where more intensive stabilization is required

- Guideline 1.1. The Dublin Subdivision Drainage, Sedimentation and Erosion Control provisions for acceptable practices in site hydrology and soil conservation should be followed; where roads or driveways are proposed, culverts should be used at frequent intervals to avoid long, uninterrupted ditches and to disperse stormwater.

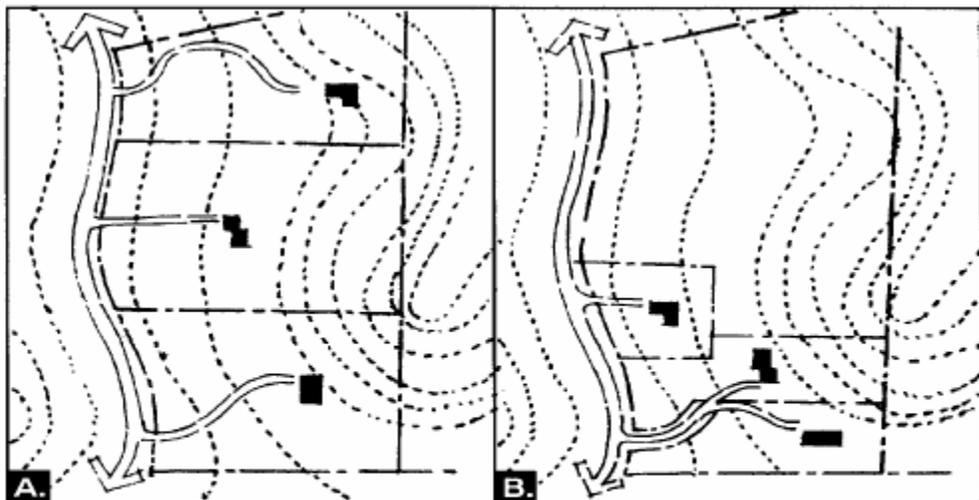
## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

- Guideline 1.2. On steep slopes, clearing should be avoided to prevent erosion resulting from stormwater runoff, and in areas where streams and intermittent watercourses are found, a buffer(s) area should be established to limit sedimentation or other adverse impacts on water quality.
- Guideline 1.3. The flattest portion of the site should be used for locating house sites, subsurface sewage disposal systems and parking areas. (See illustrations A1 & A2)



**Illustration A2: Section**

Maintain filter/buffer strip between terraces for runoff and visual screening. Terraced areas can be regraded w/ proper pitch and curtain/ interceptor drains as necessary

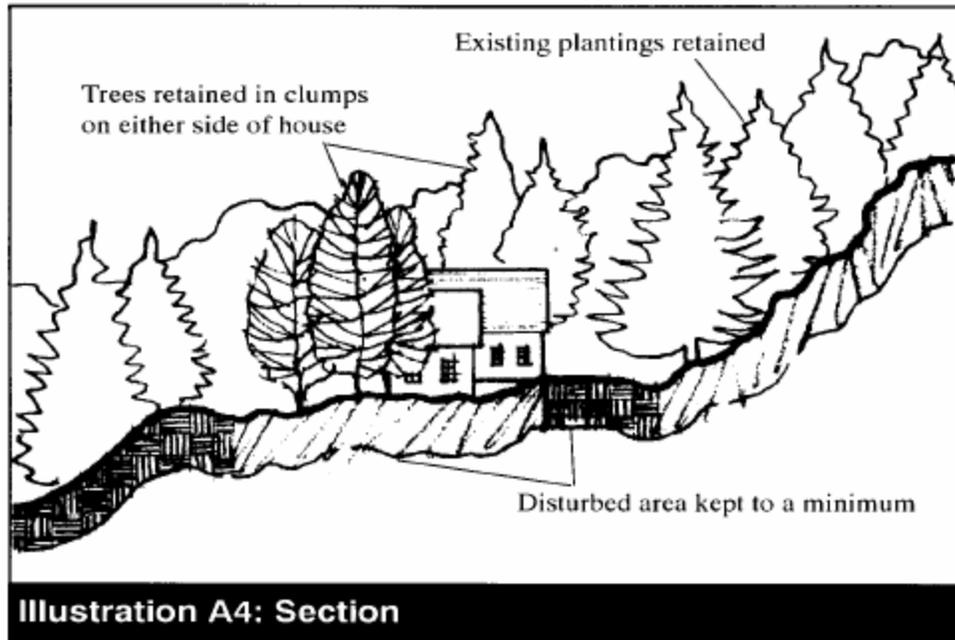


**Illustration A3: Plan**

Option B uses less road, provides for more open space, uses 33% less land than Option A. Option B concentrates the road cuts in one area and sites structures below the base of the ridge.

## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

- Guideline 1.4. Existing vegetative buffers should be employed as filter strips or employ vegetative stabilization methods where necessary.



**Illustration A4: Section**  
House is sited on natural terrace and stepped down with grade.  
Lawn area is reduced in size along with maintenance requirements.

- Guideline 1.5. Where appropriate, long driveways and large parking areas should be avoided. Lot coverage and building footprints should be minimized and development clustered, all to minimize site disturbance and preserve large areas of undisturbed space. (See illustration A3)

*Standard 2.* Subsequent to the application for a subdivision or site plan permit within the VOD, forest management and timber harvesting shall, at a minimum, adhere to the guidelines included in the publication Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, published by the New Hampshire Division of Forests and Lands.

- Guideline 2.1. Forest management should maintain the appearance of an unbroken forested canopy as viewed from off-site, should protect aesthetic resources and wildlife habitat, and provide for the sustainable, ongoing management of forest resources.

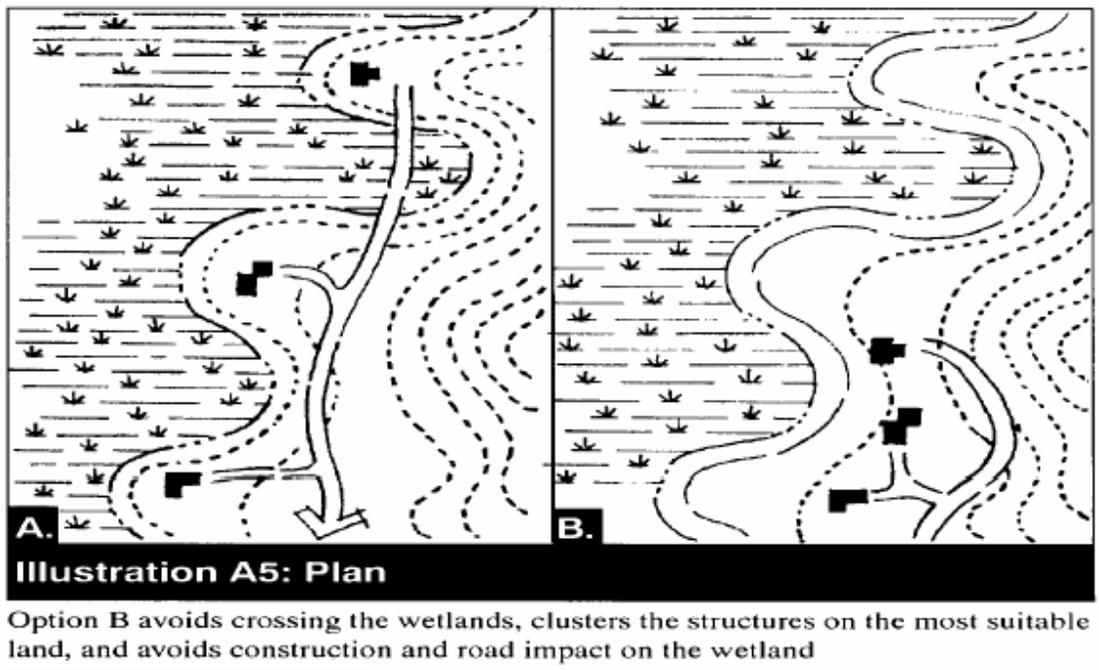
*Standard 3.* Forest management activities designed as pre-development site preparation, including road and driveway construction, clearing and/or grading for house-sites and septic systems or related work, shall be reviewed by the Planning Board under these regulations. Where a landowner fails to submit pre-development site preparation plans to the Planning Board for review,

## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

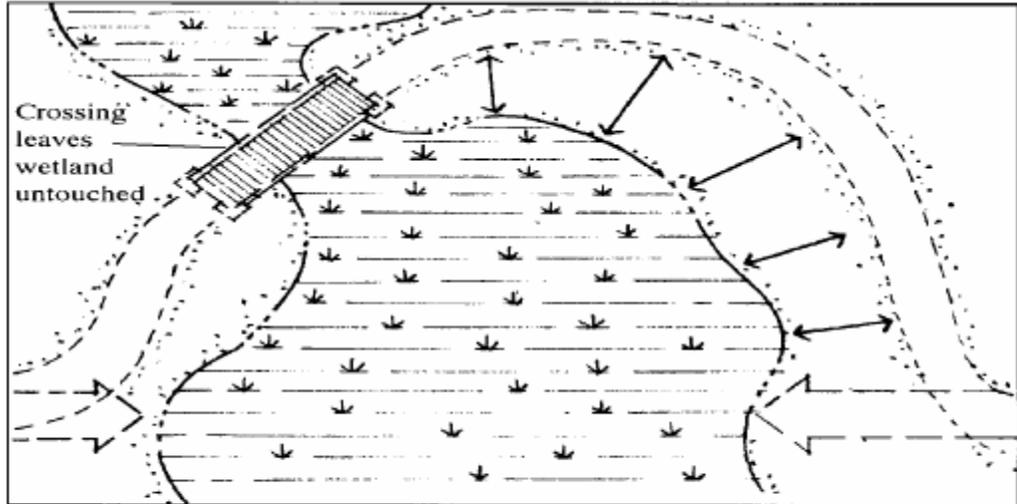
the Planning Board may limit development to the non-impacted portion of the property and/or require the site to be restored or revegetated prior to development.

- Guideline 3.1. Prior to implementing a forest management plan, the landowner should review the plan with the Planning Board to ensure that forest management activities and future development plans are consistent with the standards set forth in this ordinance.

*Standard 4.* Development shall not result in an undue adverse impact on fragile environments, including designated wetlands, wildlife habitats, streams, steep and extremely steep slopes and unique features. All efforts will be made to protect/preserve such areas and promote suitable buffers.

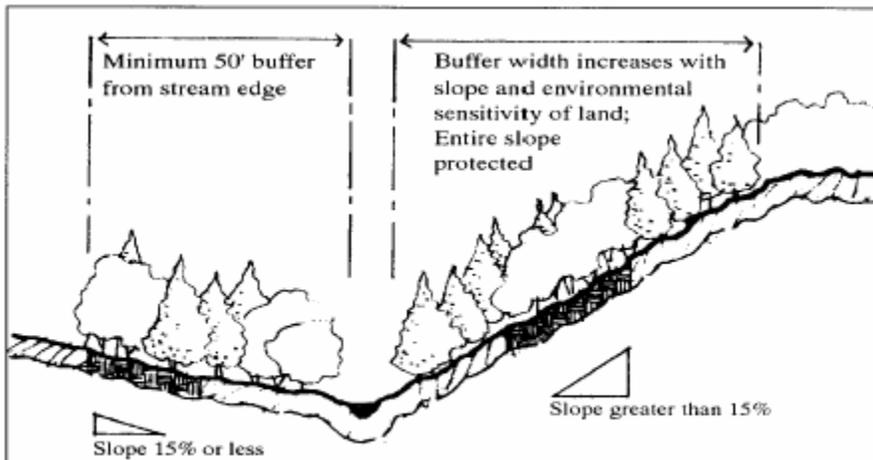


- Guideline 4.1. Development should be clustered away from all fragile environments.
- Guideline 4.2. If roads and bridges must be put in wetlands, they should intersect the wetland at the narrowest part. (See illustration A6)



**Illustration A6: Plan**

Road is re-routed to avoid fill/environmental impact to wetland. A proper setback is maintained between the road and the wetland and the road narrows for wetland crossing.



**Illustration A7: Section**

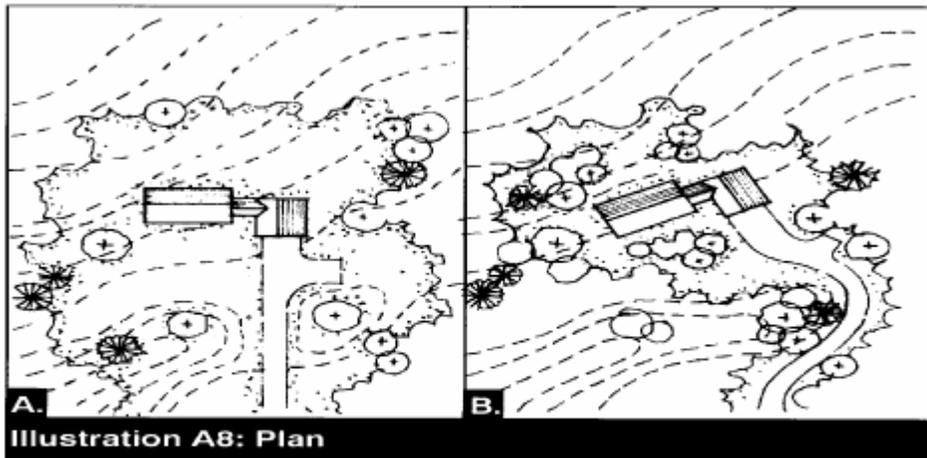
- Guideline 4.3. Existing vegetation should be preserved and, as much as possible, parcels should remain with their undisturbed portions connected to one another.
- Guideline 4.4. Buffer widths and setbacks from streams should be established, the width of which should increase with the steepness and length of slopes, and the width of the stream. A general rule is to keep a 50' setback from streams on lands with less than 15% slope, and on steeper slopes the buffer distance should be increased as the slope increases. (See illustration A7)

B. Landscape and Scenic Character

## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

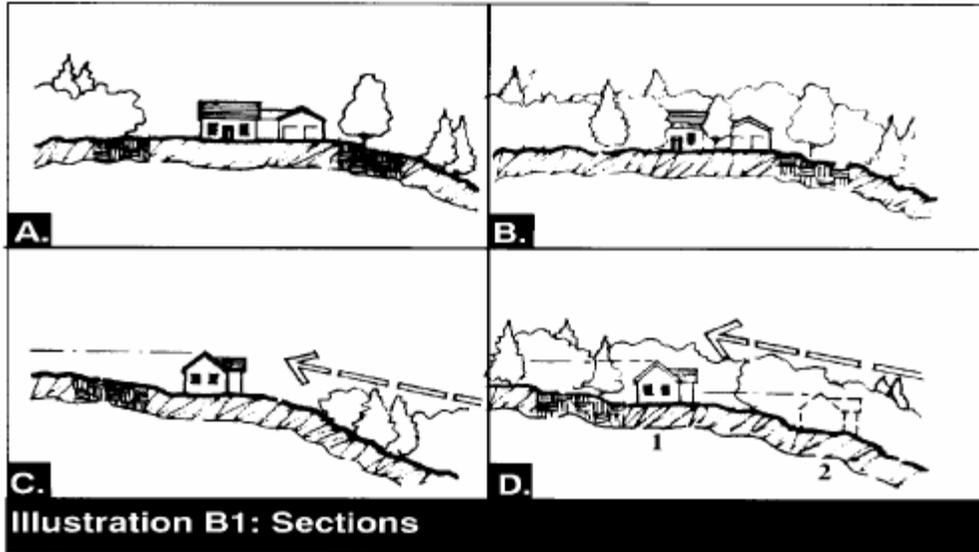
*Standard 5.* If the project is on a forested hillside, there will be no significant exposure of buildings, and all development shall be minimally visible and blend in with surroundings in winter months. The amount and location of clearing adjacent to structures shall be limited; additional tree planting may be required in instances where such planting is needed to visually interrupt the portion of structures visible from defined vista points.

- Guideline 5.1. Clearing and forest management should be restricted to protect the unbroken forested backdrop. Generally, forest management will be limited to practices which maintain a forested appearance adjacent to buildings. (See illustration A8)
- Guideline 5.2. Clearing of vegetation at the edge of the road should be minimal, clearing only as much as necessary to create a driveway entrance with adequate sight distance and proper drainage control. (See illustration B2)



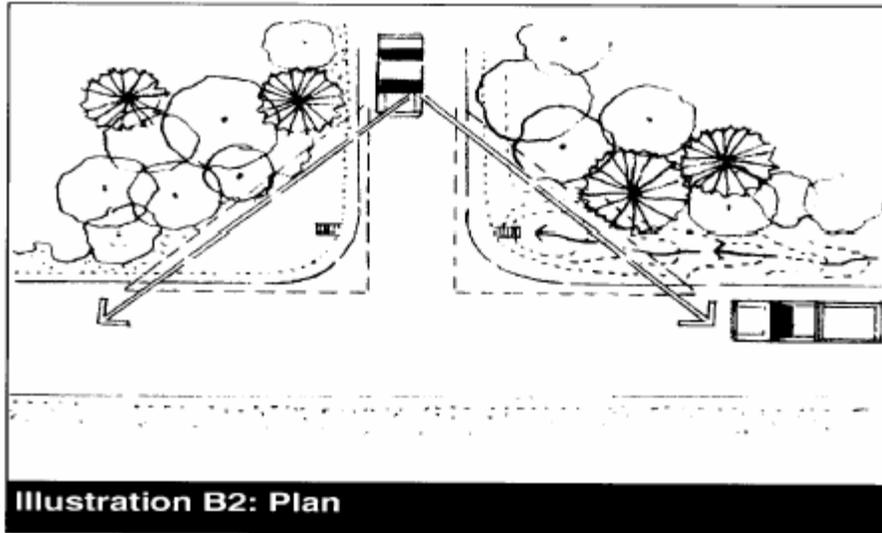
**Illustration A8: Plan**

In Option B trees are left in "islands" or extensions of the forest rather than as individual specimens. The driveway is routed to eliminate blasting and grading and to protect a section of woodland. The house is oriented with topography.



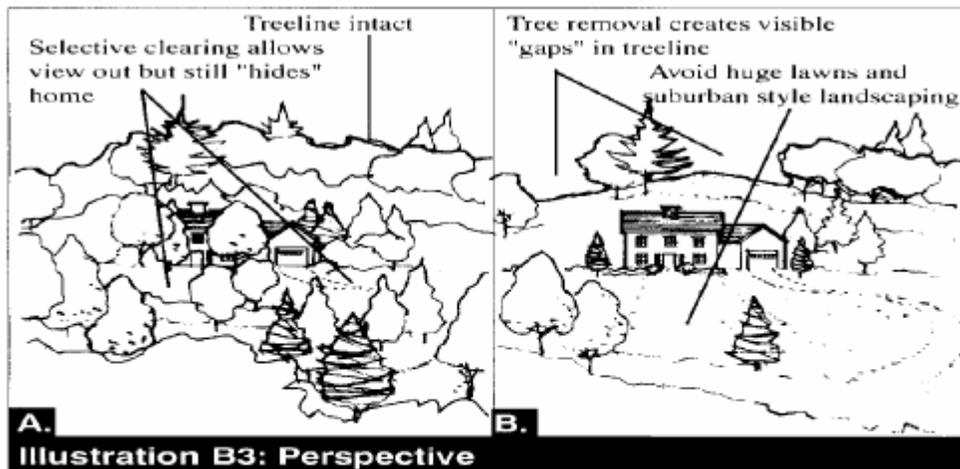
In (A) the clearing for the house creates an unnatural pattern on the ridgeline and the interrupted treeline draws attention to the development, creating a visual impact. Drawing (B) shows the same house with existing vegetation retained to maintain the integrity of treeline behind and in front of the structure. In (C) the roofline of the house is visible above the height of land and the clearing has removed most of the screening/buffering trees. Drawing (D) illustrates the same house (1) with vegetation saved to mitigate visual impact, if no other siting alternatives exist. The recommended solution would be siting the house (2) below the height of land, with the treeline intact.

- Guideline 5.3. Clearing for views should be limited, with narrow view openings between trees and beneath tree canopies being a desirable alternative to clearing large openings adjacent to building facades. View clearing should involve the selective cutting of small trees and the lower branches of large trees, rather than removing mature trees.



**Illustration B2: Plan**

It is important to maintain a cleared zone at driveway intersections with roads for safety (visibility) purposes. The clear zone also allows for snow storage and effective stormwater management measures such as small detention basins. Native groundcovers and low vegetation should be established in these areas



**Illustration B3: Perspective**

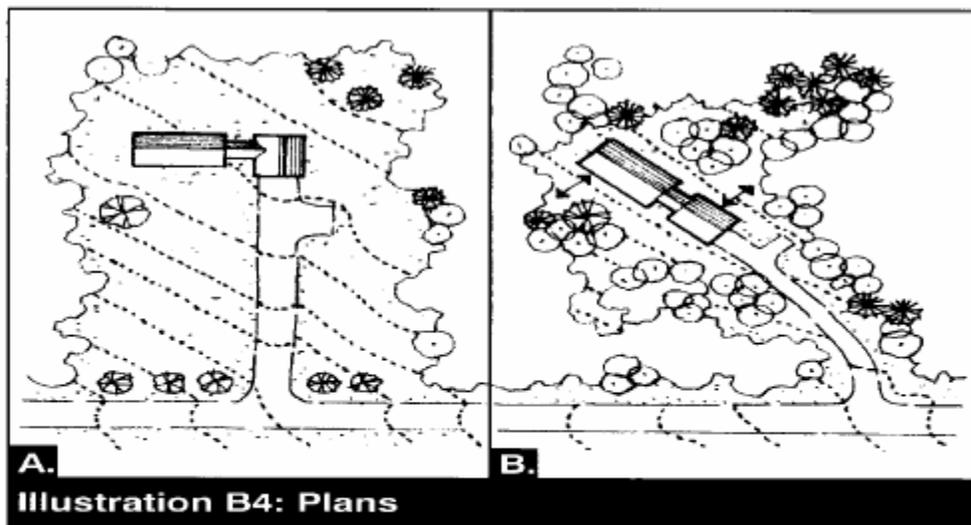
In Option A, the desired approach, existing vegetation is selectively removed and the hillside retains its natural, forested appearance. In Option B, extensive clearing, exposes the home as a visual focal point and undermines the integrity of the landscape pattern. A large lawn and suburban style landscape is not appropriate in this context.

- Guideline 5.4. On wooded sites, existing forest cover should be maintained adjacent to proposed building sites to interrupt the facade of buildings, provide a forested backdrop to buildings and reduce or eliminate the visual impact of new development from vista points. (See illustration B1)

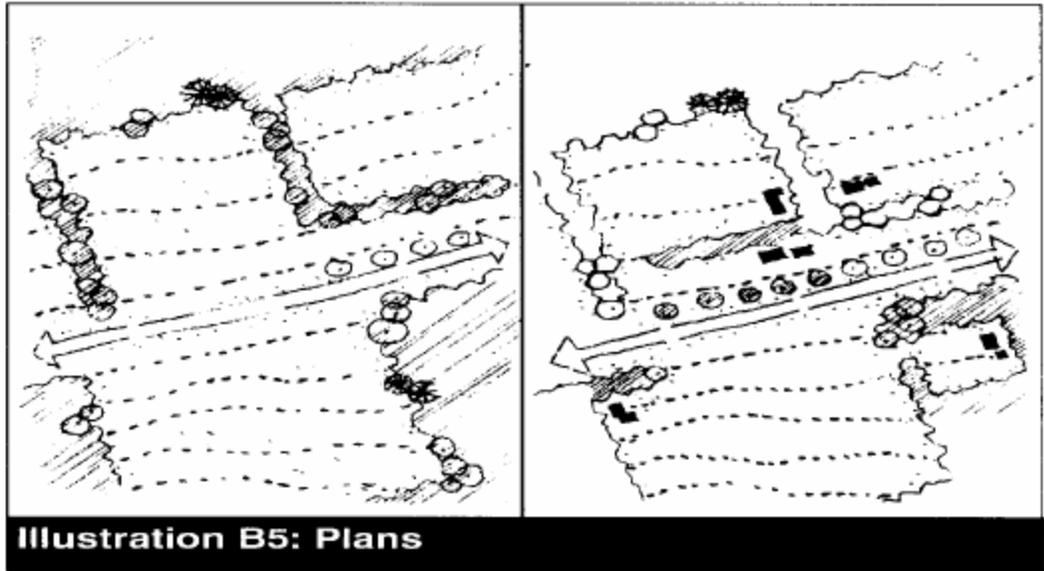
*Standard 6.* Development shall not detract from the sense of order or harmony of the landscape patterns formed by forests, agricultural fields and open meadows. (See illustrations B3-B6)

## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

- Guideline 6.1. On parcels characterized by meadows, additional landscaping and/or reforestation may be employed immediately adjacent to proposed structures to interrupt the facade of buildings, provide additional trees as backdrop to buildings and/or soften the visual impact of new development from vista points.
- Guideline 6.2. Trees should be preserved or planted close to structures to provide screening and better blend structures into the wooded perimeter surrounding meadows.
- Guideline 6.3. Buildings should be located outside of cleared meadows.
- Guideline 6.4. Cleared meadows, reminiscent of historic hillside pastures, may be created but buildings should not be located in them (i.e. clearings should not frame and thereby draw attention to houses located on hillsides and ridgelines).
- Guideline 6.5. Using stone walls and hedgerows as property lines is recommended and existing stone walls and hedgerows should be preserved wherever possible. Should additional landscaping be required, it should be consistent with existing patterns such as hedgerows



Drawing (A) is plan of a typical suburban style house lot with a large lawn, wide driveway and orientation to the road. An occasional mature tree has been saved in isolated locations. The preferred plan (B) sites the house and a narrow driveway/parking area in relation to the contours and maintains existing vegetation in their native groupings, with understory intact as well. A 30 foot clearing limit from the sides of structures may be imposed on visually sensitive sites.

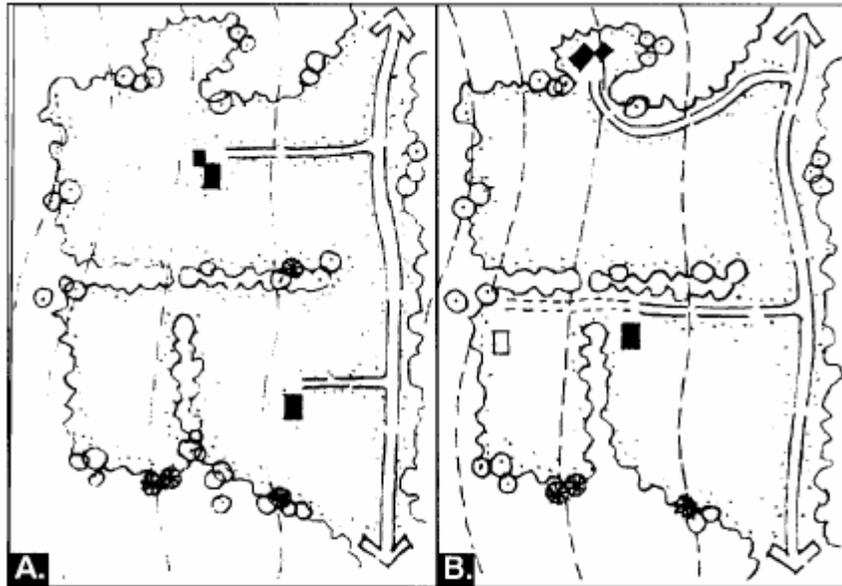


These plans illustrate how reinforcing or relating to the existing vegetative conditions create siting possibilities for houses and maintain the agricultural open space and character of an area. The extension of the treeline along the road and the hedgerow would create a potential site for a vernacular farmhouse and barn design.

- Guideline 6.6. For both wooded and meadow sites, landscaping proposed for the project should be of native or naturalized hardy species consistent with vegetation types and patterns appropriate to the site and environs. Invasive, non-native species should always be avoided.
- Guideline 6.7. Generally, the minimum caliper for trees is 2" and the minimum shrub size is one gallon.

*Standard 7.* During construction, trees identified on the landscaping plan are to be protected.

- Guideline 7.1. Tree protection measure taken during construction should include snow fencing 5' outside of drip line or, with approval, trunk protection and hay bale covering when construction work has to be within canopy.



**Illustration B6: Plan**

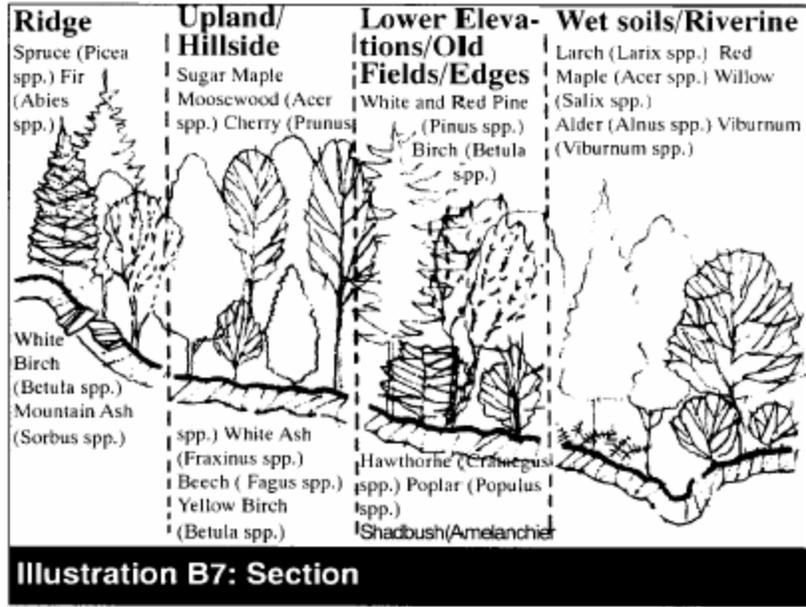
In Option B, attention is given to the existing landscape patterns. Houses and driveways are sited along or within the treeline or follow existing hedgerows. Open meadows are not disrupted and future development potential exists without disturbing the open meadows.

- Guideline 7.2. Trees should be saved undisturbed in groupings.
- Guideline 7.3. Native excavated soils should be stockpiled. Where feasible, transplant existing vegetation, trees, shrubs and ground covers elsewhere on site or near to its original location.

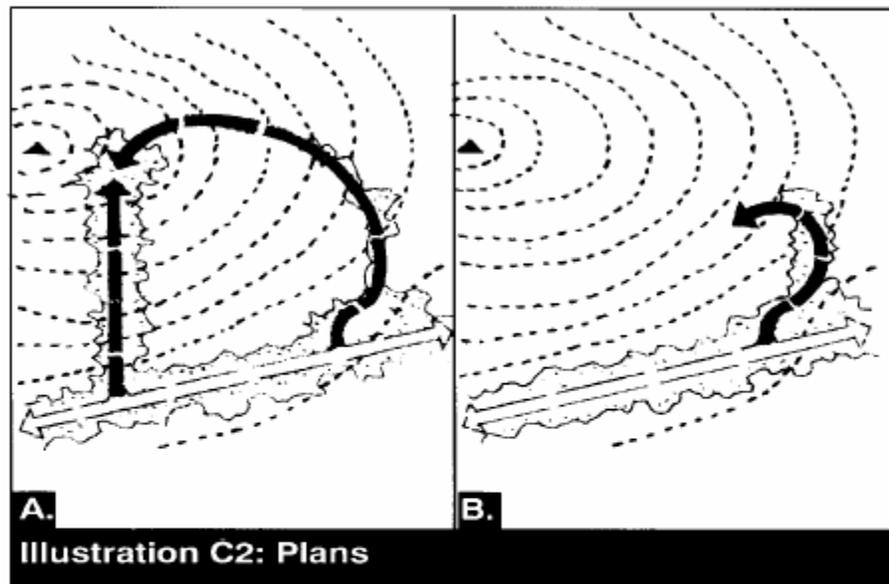
C. Road and Driveway Access

*Standard 8.* Driveway grades shall not exceed 10%. Where necessary, limited steeper grades are acceptable if they serve to better minimize overall erosion potential and environmental/aesthetic impacts, provided adequate access is ensured for fire and rescue vehicles.

- Guideline 8.1. Wherever feasible or appropriate, retain and reuse old farm roads, town roads and trails instead of constructing new roads or driveways to minimize clearing and disruption of the landscape and relate to traditional and historic land use patterns.
- Guideline 8.2. Applicant should try to minimize crossing of steep slopes with roads and driveways and should avoid roads “against” the contours; follow contours.



A site analysis will yield native vegetation patterns in any location. Typical species types and associations in relation to physiography are shown.



If a higher site must be developed, driveways providing access should follow old woods trails/farm roads where available, and in every case, "wrap around" contours or follow a more gradual route, as shown in Road Alignment B, rather than a straight cut as shown in Alignment A. The straight cut makes the whole length of the road visible and results in more cut and fill. Option B, in all cases, is the best approach and minimizes road construction cost and removal of vegetation.

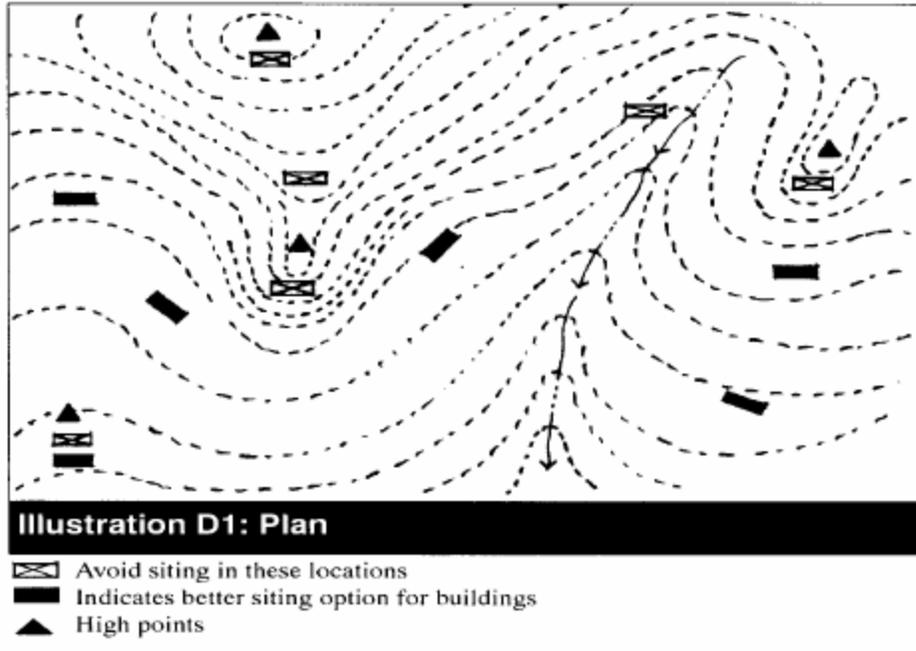
D. Building Design

*Standard 9.* Development will not result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the height of land or tree line if it is protected serving as the visual and physical backdrop to the structure as viewed from vista points. (See illustration D2)

- Guideline 9.1. Buildings and structures should not be sited on high points, outcroppings or prominent knolls within the project site. (See illustration D1)
- Guideline 9.2. When building on slopes, the preference is to set buildings into topography using partial earth sheltering. Try taking advantage of the topography by building multilevel structures with entrances on more than one level (i.e.: walk-out basements, garages under buildings).

*Standard 10.* The massing of a project (a single building or a group of buildings) shall be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape.

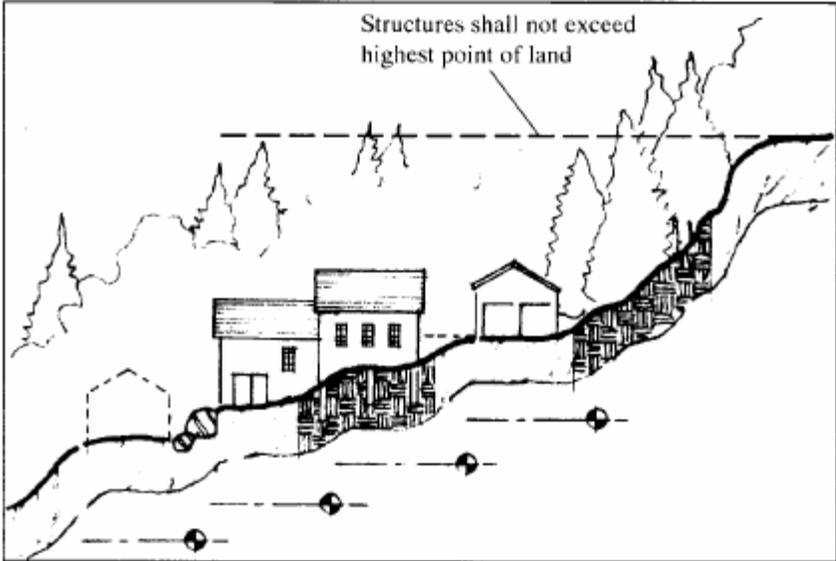
- Guideline 10.1. Building materials, exterior colors and fenestration that minimize year round visibility, reflectivity, and night-time light impacts should be selected. Oversized picture windows and large expanses of glass should be avoided or the visual impacts mitigated by dividers or other architectural design elements.
- Guideline 10.2. A variety of volumes, roof planes and wall planes should be incorporated within a building project.
- Guideline 10.3. The main roof line (ridges and eaves) of individual buildings should be broken and varied to reduce the buildings' visual scale.
- Guideline 10.4. The surface of vertical walls should be modulated to avoid a single monolithic shape and/or to reduce the visual scale of buildings.
- Guideline 10.5. Building design should reflect the natural patterns of the site and should be well integrated with site design and landscaping.



- Guideline 10.6. Building design should be well integrated into the surrounding neighborhood and be in keeping with the character of the area.

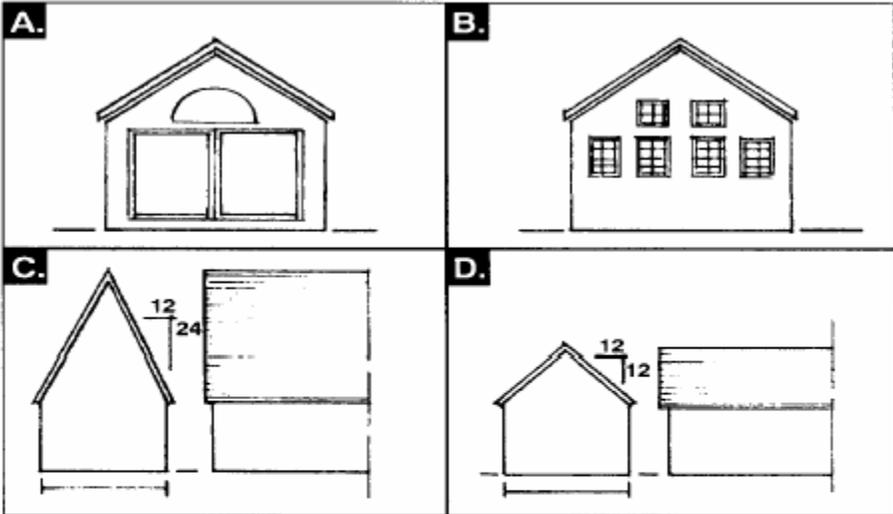
*Standard 11.* Offsite light impacts shall be minimized. Outdoor lighting shall comply with the standards contained in Section 4.4 of these bylaws.

- Guideline 11.1. The use of reflective surfaces and outdoor lighting fixtures higher than 15' should be minimized to limit the visibility of the development from off-site. Bollard, low post lighting and low level, indirect lighting are recommended; spot or flood lights should be avoided. (See illustration D4)
- Guideline 11.2. Creative lot layout may also serve to limit off-site glare, visibility and night sky pollution by laying out buildings and structures that shield light fixtures from viewing areas.



**Illustration D2: Section**

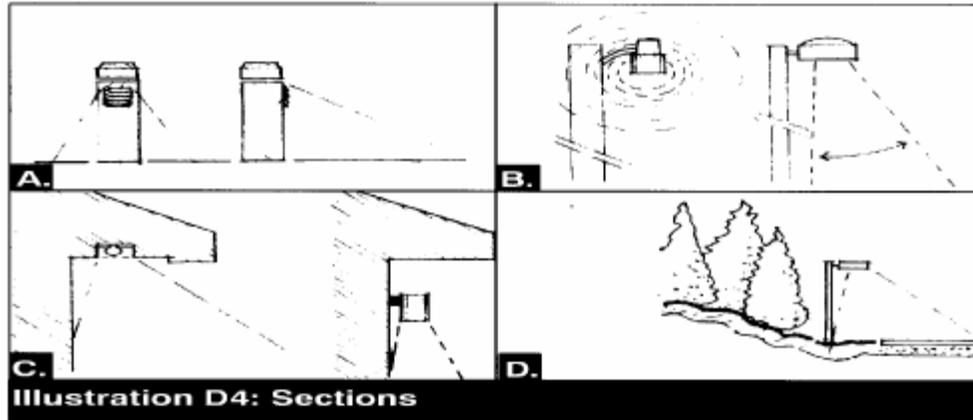
House is terraced down hillside and not sited on high points. This helps to reduce visual mass. It also takes advantage of the topography by having entrances at different levels. Existing bedrock is maintained as are tree groups.



**Illustration D3: Section**

Options A and B show two different window treatments. Option B helps to reduce glare and reduces the impact of interior lighting or reflection when viewed from the outside. Single pane windows and facades should be avoided. Options C and D show two different roofing types. The moderate pitch illustrated in Option D avoids the roof becoming another "wall" and decreases the massing of the building in general.

DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE



**Illustration D4: Sections**

Options A and C provide illustrations of low level and pedestrian lighting concepts that help reduce off-site lighting impacts. Option B illustrates a typical metal halide light fixture that would not be ideal and a fixture with a shield to focus the light. Option D illustrates placing light fixtures using topography, plant material and structures to minimize impact.

E. Development Density

*Standard 12.* The minimum area for all lots in existence prior to June 30, 2005 shall be as established for the underlying district. Minimum area for any lot created after June 30, 2005 shall be as established for the underlying district, excluding any portion of the lot with an average steepness (slope gradient) in excess of 15%, and shall have an area four times (4x) the minimum lot area identified in the underlying district for that portion of the parcel.

- Guideline 12.1. Where possible, development should take place on the portions of a lot where the slopes are less than 15%. No development should occur on land where the slope is greater than 20%.
- (4) Pre-Existing Lots: In the case of lots created prior to June 30, 2005, compliance with the standards of Section 5 shall be achieved to the extent that it is possible while still allowing for reasonable use of the pre-existing lot.
  - (5) Telecommunications facilities: Such facilities within the VOD are also subject to Article XXII Telecommunication Facilities of the Dublin Zoning Ordinance.
  - (6) Exemptions from these Regulations:
    - A. The Planning Board may waive the density standards set forth in Section 5 (3) Standard 12 thereby allowing a total density not to exceed the density established by the underlying district, in the event that the applicant can demonstrate that, through the (future) Open Space Residential Development Ordinance, the proposed development can be clustered on the portion(s) of the property laying outside of the VOD boundaries; and/or on the portion(s) of the property not characterized by steep slopes, other fragile environmental

## DRAFT VIEWSHED OVERLAY DISTRICT MODEL ORDINANCE

features or high visible locations in a manner that complies with all applicable standards of these regulations. In such a case, the portion of the property not used for the cluster development shall be maintained as open space consistent with the (future) Dublin Open Space Residential Development Ordinance.

**City of Lebanon  
ZONING ORDINANCE**

**SECTION 404 RIDGELINE CONSERVATION DISTRICT.**

**404.1 Purposes and Intent.**

The purposes of the Ridgeline Conservation District are to:

- A. Allow development that will not have an adverse visual and/or ecological impact on the natural resources of Lebanon, including plant and wildlife habitat, water quality, geological formations, and scenic values.**
  
- B. Situate development primarily below designated ridgelines so that no development shall break the skyline when viewed from Lebanon's public roadways and waters at any time of year. For the purposes of this Ordinance, "skyline" shall mean the line along which the earth and the sky appear to meet.**
  
- C. Keep and maintain the designated ridgelines in their natural condition to the maximum extent possible, in order to preserve biological, hydrological, geological, and scenic values.**

**404.2 Description of Ridgeline Conservation Districts.**

- A. The Ridgeline Conservation Districts shall consist of all land within five hundred (500) feet (horizontal distance) of designated ridgelines within the City of Lebanon, as shown on a map entitled "City of Lebanon Ridgeline Conservation District Overlay Map", on file in the Planning Office. For purposes of this Section, in the case of any discrepancy between the map and the topography, the ridgeline shall be considered to be the actual height of land along the crest of the ridge designated by the map.**
  
- B. Lands located within three hundred feet (300') of the centerline of any Class V or better public highway in the City of Lebanon are specifically exempt from all Ridgeline Conservation Districts and the provisions of this Section 404, regardless of the depictions on the Ridgeline Conservation District Overlay Map.**
  
- C. In a dispute about the boundary of the Ridgeline Conservation District, the City may retain a licensed land surveyor in the State of New Hampshire to map the boundary in question and require the applicant to pay the cost of the surveyor.**

### **404.3 Permitted Uses**

The following uses are permitted outside the perimeter of any existing or planned building site without approval of the Planning Board, provided that such activities follow the most current Best Management Practices per the appropriate State agency:

1. Routine forestry management, including low brush cutting.
2. Restoration of existing pastureland or meadows.
3. Logging operations.
4. Cutting of firewood.
5. Maintenance of existing recreational trails.

### **404.4 Ridgeline Conditional Use Permit Approval.**

Notwithstanding any other provisions in this Zoning Ordinance, and except as hereinafter provided, no land development requiring a building permit, and no alterations of terrain other than those incidental to forestry practiced in accord with New Hampshire Best Management Practices per the appropriate State agency, shall occur within the Ridgeline Conservation District unless a written conditional use permit is issued by the Planning Board, as authorized under RSA 674:21. Other required permits may be reviewed concurrently at the applicant's request.

### **404.5 Application Procedures.**

Applicants for a Ridgeline Conservation District conditional use permit shall comply with the submission requirement in the Planning Board's Site Plan Review Regulations to any and all extent applicable, and in addition shall submit the following:

1. Location of the proposed land development depicted on a copy of the City of Lebanon Ridgeline Conservation District Overlay Map to be provided with the application form.
2. An accurate representation or rendering of the proposed land development as viewed from public roadways and waters within the City of Lebanon depicting all buildings, alterations, additions, access roads, and other uses and structures. The drawings also shall show the proposed limits of clearing and other alterations to the existing natural setting.
3. Photographs of the proposed development site taken from public roadways and waters from which the building site will be visible.
4. Any other information that is relevant or necessary for the proper consideration of the application by the Planning Board.

#### **404.6 Criteria for Conditional Use Permit Approval.**

Before issuing a conditional use permit for land development in the Ridgeline Conservation District, the Planning Board shall find that the proposed development conforms substantially to the following criteria:

**A. General Standards:** The proposed development shall not have an undue adverse scenic and ecological impact on the natural resources of Lebanon, including plant and wildlife habitat, water quality, geological formations, and scenic values.

**B. Specific Standards:**

**1. Height Limitation.** Building or structure height shall not exceed thirty-five (35) feet.

**2. Location and Visual Impact.** Placement of buildings, alterations or additions thereto, and other structures shall not detract from the visual setting nor obstruct significant views from abutting and/or public property.

**3. Landscaping and Screening.** Removal of native vegetation shall be minimized. Unless a structure is located within a field or clearing existing prior to the effective date of this provision, there shall be preserved an unbroken backdrop of healthy trees and other native vegetation either behind or in front of the structure as viewed from abutting and/or public property, highways, or waters, so that no portion of the structure shall appear from such vantage points to stand directly against the skyline or horizon. In addition, all sides of the structure shall be partially screened by vegetation so that no uninterrupted facade of any structure is exposed to view from any such vantage point. Replacement of vegetation and landscaping shall be compatible with the vegetation of the surrounding area. Indigenous trees and shrubs shall be utilized to screen major buildings in open or prominent sites. Plantings for screening shall be effective upon installation and to maturity.

**4. Above-Ground Utilities.** Where economically feasible, utility lines shall be constructed and routed underground in open areas, or in areas where natural vegetation prevents screening or partial screening.

**5. Grading.** Alteration of natural topography shall be minimized, avoiding detrimental effects to scenic features by blending new contour lines with existing ones. Major alterations of natural topography shall be stabilized and screened.

**6. Glare.** Materials used for the exterior of any structures shall minimize glare, reflectivity, and other adverse visual impact on abutters and the general public. Particular attention may be given as to the number, position, and type of window/door glass, skylights, and so forth, in order to minimize glare and reflectivity.

**7. Lighting.** Lighting design shall minimize “skyglow,” defined as light escaping skyward rather than downward, thus obscuring views of the night sky. Lighting also shall not illuminate objects or areas in such a way as to cause an annoyance or safety hazard for abutters and the general public.

#### **404.7 Authority to Condition.**

The Planning Board shall have the full authority to impose conditions consistent with the purposes and intents of the Ridgeline Conservation District upon any conditional use permit granted for the development therein. Such conditions may include, but are not limited to, the following:

- A.** A requirement to plant and maintain all trees and other required landscaping in a healthy condition to screen the proposed development for the life of the structures.
  
- B.** A requirement to record in the Grafton County Land Records a Notice of Conditional Use Permit Approval and its conditions along with notice that such conditions run with the land and therefore are binding upon all future owners of the property.

**Town of Newbury  
ZONING ORDINANCE**

**ARTICLE XVIII (Skyline/Hillside Conservation Overlay District)**

**18.0 Purpose and Objectives:** The principal scenic qualities in Newbury, as viewed from public highways and waters, are the views of its lakes and hills. The ridges and hillsides of Newbury are some of Newbury's principal scenic resources and they contribute significantly to Newbury's rural character and, as such, preservation and conservation of Newbury's skylines and hillsides are essential. The people of the town have identified preservation of scenic values to be of primary importance.

The Primary objective of the Skyline/Hillside Conservation Overlay District is to protect the scenic and rural character of the town, and require that development be carried out so as to be visually unobtrusive and environmentally sound to the greatest extent possible, while permitting the landowner to exercise his property rights.

**18.1 Overlay District Regulations:** The special regulations of this overlay district are in addition to the regulations of either the Business or the Residential District.

**18.2 Skyline/Hillside Conservation Overlay District Boundary:** The boundaries of the district are defined as follows (Refer to the U.S.G.S. Topographical Maps):

18.2.1 Baker Hill from an elevation of 384 meters (1260 feet) to the summit,

18.2.2 Hill No. 513 from an elevation of 450 meters to the summit,

18.2.3 Sunset Hill and Bly Hill from an elevation of 450 meters to the summit,

18.2.4 Unnamed Hill northeast of the Old Province Road-Cheney Road intersection from an elevation of 372 meters (1220 feet) to the summit,

18.2.5 Area south of Bly Hill Road (Old Province Road) from an elevation of 390 meters to various summits,

- 18.2.6 Mt. Sunapee from an elevation of 450 meters to the summit, outside of the state park,
- 18.2.7 Hill No. 474 (Bear Hill) from an elevation of 420 meters to the summit,
- 18.2.8 Poor Farm Hill from an elevation of 305 meters (1000 feet) to the summit,
- 18.2.9 Bald Sunapee from an elevation of 510 meters to the summit,
- 18.2.10 Wright Hill from an elevation of 275 meters (900 feet) to the highest elevation within Newbury.

**18.3 General:** Clear-cutting of forested land in the district is prohibited, except as permitted in this article. Existing non-conforming clear-cut areas that are allowed to grow to the clear-cutting minimum shall not be clear cut again except as provided below. (See definition of "Clear-cutting")

**18.4 Forestry:** Clear-cutting as a forestry practice is permitted as follows:

- 18.4.1 Clearing patch cuts of up to five (5) acres in size in the undeveloped areas of this district for improving wildlife habitat is permitted provided they are stumped and planted to grass. Such patch cuts shall be part of a forest management plan and supervised by a licensed, professional forester. The forest management plan shall specify the logging techniques and erosion control measures to be used. The forest management plan must be approved by the Selectmen after review and comment by the Conservation Commission prior to the commencement of any clear-cutting.
- 18.4.2 To correct a serious disease, insect damage, or blowdown condition provided that the need for such action is certified by a licensed, professional forester and provided that it is carried out in accordance with a forest management plan and supervised by a licensed, professional forester. The forest management plan shall specify the logging techniques to be used, erosion control measures to be used, and shall include reforestation. The forest management plan must be approved by the Selectmen after review and comment by the Conservation Commission prior to the commencement of any clear-cutting.
- 18.4.3 Forestry management plans shall be in accordance with the then current scientifically-based practices recommended by the UNH Cooperative Extension Service, U.S. Natural Resources Conservation Service, or other government or private, non-profit natural resource conservation and management agencies then active.

18.4.4 Areas clear-cut under this section shall not be developed until they have been reforested to the clear-cutting minimum. (See definition of "Clear-cutting")

**18.5 Farming:** Clear-cutting for farming is permitted as follows:

18.5.1 Clearing farm land in the undeveloped areas of this district for agricultural operations is permitted provided they are stumped and adequate soil erosion controls put in place and soils improvements are made. Such farming clear cuts shall be part of an agricultural management plan and shall include practices and technologies recommended by UNH Cooperative Extension Service, U.S. Natural Resources Conservation Service, or other government or private, non-profit natural resource conservation and management agencies then active. The agricultural management plan must be approved by the Selectmen after review and comment by the Conservation Commission prior to the commencement of any clear-cutting.

18.5.2 One residence for the owners, occupants, or employees engaged in farming operations on the parcel of land and necessary farm out buildings may be constructed on the site, provided they meet all the requirements of this ordinance. Every effort shall be made to retain mature trees around the residence and out buildings and in the buffer areas between properties.

18.5.3 Areas clear-cut under this section shall not be subdivided or further developed until they have been reforested to the clear-cutting minimum. (See definition of "Clear-cutting")

**18.6 Building Site and Subdivision Development:** A plan detailing any proposed cutting shall be submitted with all subdivision applications, building permit applications, and site plan review applications. Clear-cutting for building envelopes, views, road, driveways, and utility easements is permitted as follows providing no structure shall intrude into the skyline and no tree cutting shall alter the skyline as seen from any public road or water body beyond those bordering the lot.

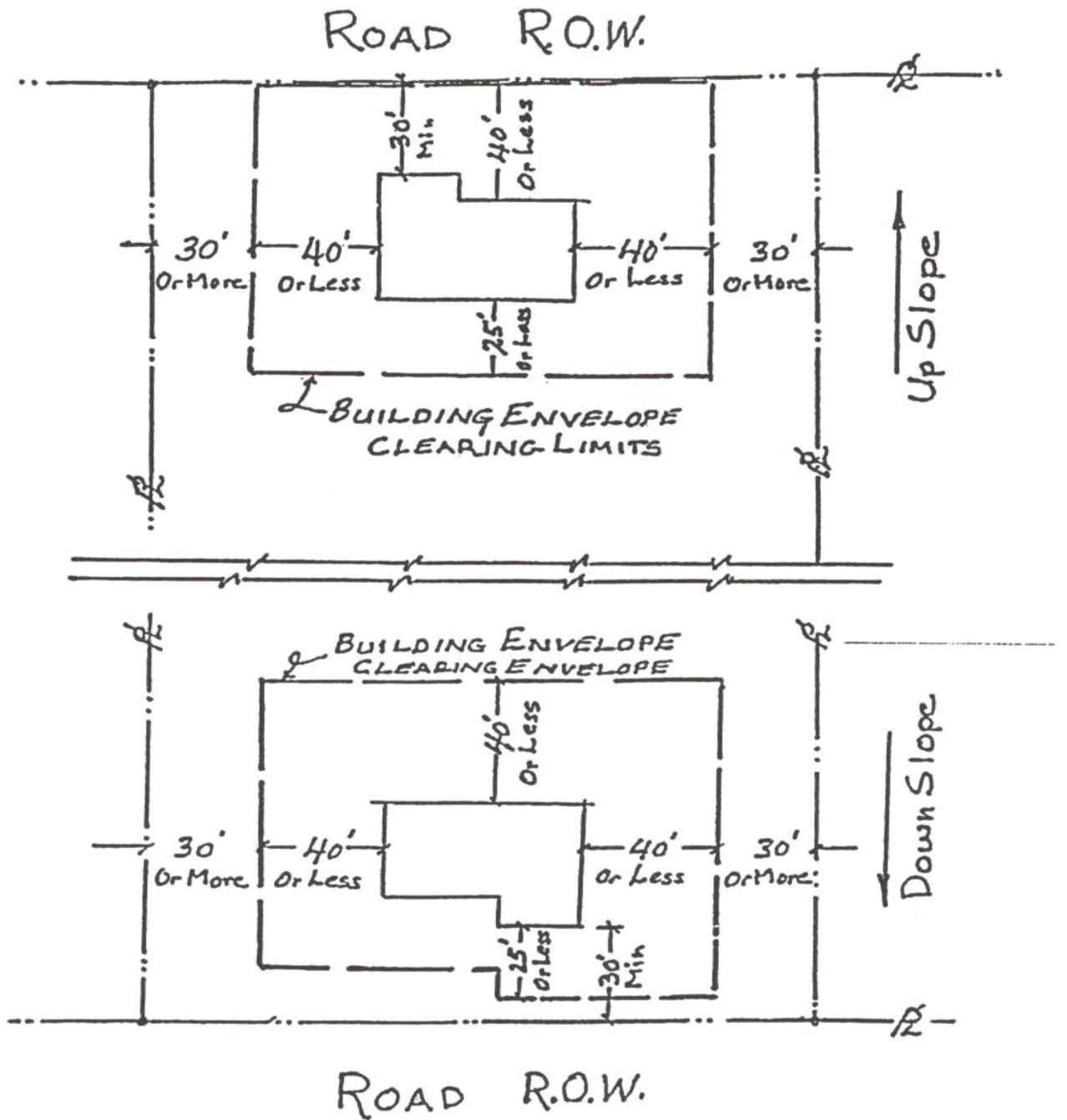
18.6.1 **Building Envelope:** The building envelope permitted in this district is a rectangle with an up-slope boundary forty (40) feet or less from the building, side boundaries forty (40) feet or less from each side of the building, and a down-slope boundary twenty-five (25) feet or less from the building. Accessory structures shall be built within the building envelope or in a clearing no greater than twenty (20) feet around the structure. (See Diagram 1)

- 18.6.2 Down slope buffer area: In order to develop a view, trees and natural shrubbery may be removed beyond the down-slope boundary of the building envelope by either alternative as follows:
- 18.6.2.1 Trees may be removed beyond the building envelope until the tops of the trees remaining are at or above the level of the downslope building envelope for a width of clear cutting not to exceed twenty-five (25) feet and extending outward therefrom at an angle of forty-five (45) degrees or less on both sides. The twenty-five foot opening may be at any point along the down-slope boundary. (See Diagram 2)
- 18.6.2.2 Smaller trees and fifty percent of the standing trees larger than six (6) inches in diameter measured four and one half (4 ½) feet above the ground may be removed beyond the down slope building envelope for the full width of the building plus twenty-five (25) feet on each side and down hill until the tops of the trees remaining are at or above the level of the first floor. (See Diagram 3)
- 18.6.3 Roadways and Utilities: In the development of roads and/or clearing of utility easements, removal of trees shall be only to the extent essential for construction. Such roads and easements shall follow natural contours to the maximum extent possible to reduce or minimize earth work and avoid wide clear areas.
- 18.6.4 Perimeter Buffer Area: In subdivisions and in the development of building lots, a minimum buffer area of thirty (30) feet wide between the building envelope and property lines shall remain undisturbed except for driveways and utility lines. The specific intent of this paragraph is that there shall be no continuous strip clearing along contiguous lots.
- 18.6.5 Trimming and Pruning: Trimming and pruning to enhance growth, provide clearances necessary for utility services, is permitted, as is the removal of dead, diseased, or unsafe trees.

**18.7 Erosion Control:** Temporary and permanent erosion control plans shall be prepared and submitted in subdivision applications, building permit applications, and site plan review applications. The plans shall describe the nature and purpose of the land disturbance activity; the amount of grading or disturbance involved; a description of the soils, topography, vegetation, and drainage; and a plan of how to manage the stormwater runoff so as to minimize the environmental effects of erosion. The Planning Board in the case of subdivision and site plan review, and the Board of Selectmen in the case of building permits shall review and approve all plans before issuing an approval or permit for the proposed work. The erosion control plan and its execution shall be as set forth in and carried out as specified in the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire.

**18.8 Existing Lots of Record:** In the case of existing lots where the lot size, configuration, topography, drainage, or site characteristics prevent compliance with the provisions of this article, the owner may be granted a Special Exception to the building envelope and/or buffer areas provided they can clearly demonstrate there are no practical alternatives to the siting of the structures and site development to meet these provisions and the resulting relief most clearly satisfies these provisions and the intent of this article.

DIAGRAM 1: BUILDING ENVELOPE ( See Section 18.6.1)



**SECTION 16 RIDGELINE & HILLSIDE OVERLAY DISTRICT (Added 8/3/98)****16.1 Purpose**

The purpose of the Ridgelines/Hillsides Overlay District (RHOD) is to protect the scenic and ecological resources associated with lands characterized by high elevations, steep slopes and visual sensitivity in a manner that allows for carefully designed, low-impact development.

**16.2 Authority and Effect on Existing Regulations**

The RHOD is adopted pursuant to the Act [4405 & 4407]. The adoption of the RHOD shall not repeal or alter any existing ordinances, regulations or bylaws of the Town of Stowe. These regulations establish standards and procedures that are in addition to those contained in the Town of Stowe Zoning & Subdivision Regulations.

**16.3 District Boundaries**

The RHOD shall apply to all lands in the Town of Stowe designated by the “Ridgelines/Hillsides Overlay District” Map dated September 1997.

**16.4 General Submission Requirements and Procedures**

No zoning permit for any development within the RHOD boundary shall be issued without the prior approval of the DRB, in accordance with the following procedures and standards.

- (1) Review Procedures: All land development in the RHOD shall comply with a hillside development plan reviewed and approved by the DRB in accordance with the following procedures.
  - A. Preliminary Review: The applicant shall schedule a meeting with the DRB to review the Site Development Plan and set forth in Section 16.4 (2) A. Basic Submission Requirements. The DRB may authorize a committee which includes the Zoning Administrator, Planning Director or any member of the DRB to conduct a preliminary review. The purpose of the preliminary review is to evaluate the conceptual development plans, including the location and general character of the site; to consider whether the proposed development should be classified as minor; and to provide the applicant with clear direction regarding the submission materials needed for review under these regulations. The committee or individual shall recommend to the full DRB whether the proposed development should be classified as minor.
  - B. Project Classification and Notification of Submission Requirements: The DRB shall

determine whether the application is to be classified as “minor” or “significant”, in accordance with the standards included in Section 16.4 (1), C, Project Classification Criteria, below. In the event the application is determined to be “significant”, the DRB shall notify the applicant of this determination in writing, and in so doing shall indicate what supplemental submission requirements shall be required for review by the DRB. Projects classified as “minor” may be issued a zoning permit, providing the development is in compliance with all other applicable regulations.

- C. Project Classification Criteria: The DRB shall classify a development project as minor upon finding that the project meets the standards of Section 16.5 and that the following conditions are met:
1. The small scale and limited scope of the development project involves a minimal amount of construction, excavation and/or lot clearing and, poses minimal threat to aesthetic or environmental resources. Examples of projects that are small in scale or limited in scope may include outdoor decks and small accessory buildings and additions, and/or;
  2. The location and character of the development site is such that the proposed development can take place without adverse aesthetic or environmental impacts. Examples of such sites might include those characterized by gentle slopes, proximity to areas characterized by existing moderate to high development densities, or areas that are not visible from important vantage points because of surrounding terrain, and/or;
  3. The proposed project involves the renovation or expansion of a building constructed prior to August 3, 1998, providing said renovation or expansion does not result in an increase in the total aggregate floor area of the building in excess of 125% of the total floor space in existence as of August 3, 1998, or;
  4. The proposed project is sited within a previously approved building zone as part of an approved subdivision. A building zone is an area that has been specified on the approved subdivision plans for the placement of a dwelling and lies well within the standard setback requirements.
  5. The proposed project is sited on a building lot subject to DRB subdivision approval, dated August 3, 1998 or later, which includes specific findings and conditions regarding compliance with the RHOD development standards and guidelines, and the applicant has clearly demonstrated that the development project meets all of the relevant conditions and related standards.

In classifying a project as minor, the DRB may place appropriate conditions on the scope, scale and general character of the development to ensure compliance with the development standards and guidelines set forth below. Projects classified as significant shall be subject to further review by the DRB, in accordance with the process and standards set forth below.

A project classified as minor may be issued a zoning permit only for the development, landscaping, clearing and related site improvements set forth in the Site Development Plan submitted per the requirements of Section 16.4(2)A. Any deviation from the activities described in the Site Development Plan, including forest management shall require a new zoning permit. Projects reclassified as significant shall be subject to further review by the DRB, in accordance with the process and standards set forth below.

- D. **Reconsideration of District Boundaries:** In the event an applicant questions the determination that a proposed development falls in the RHOD, upon request and following notice and public hearing, the DRB shall determine whether or not such planned development is located within the RHOD. The landowner requesting such determination shall have the burden of proof.
- E. **Review of Significant Projects:** Upon submittal of the development plan, the DRB shall schedule a public hearing in accordance with 24 V.S.A. Chapter 117 [Section 4447]. The DRB shall review the materials submitted, together with other relevant plans and resources, and may elect to visit the proposed development site. The DRB shall act to approve, approve with conditions or disapprove any such site development plan within forty-five (45) days after the date of the final public hearing, and failure to so act within the forty-five (45) day period shall be deemed approval. Upon approval of the site development plan, the Zoning Administrator may issue a zoning permit pursuant to all applicable provisions of this ordinance.
- F. **Coordination with Subdivision Review:** In addition to the provisions of the Stowe Subdivision Regulations, all land to be subdivided within the RHOD shall satisfy the following standards:
  - 1. **Density Analysis.** Prior to submitting an application for preliminary layout or final subdivision approval, the applicant shall complete a slope-density analysis to determine the allowable density for the subject parcel(s). Such analysis shall include a parcel map showing the average slope and an indication of the total area (in acres or square footage) of the parcel with an average slope steeper than 20%. Density will be calculated based on the minimum lot area for the underlying zoning district, with the minimum lot area for the portion of the parcel having an average slope of 20% being four times that of the underlying zoning district. For example, a 100 acre parcel in the RR-5 district with 60 acres having an average slope of less than 20%

and 40 acres in excess of 20% shall have a total allowable density of fourteen (14) lots (i.e. 100 acres = (60 acres < 20%/5 acres = 12 lots) + (40 acres >20%/5 acres x 4 = 2 lots) = 14 units/lots). The applicant may submit an independent density/slope analysis prepared by a registered Vermont surveyor or a registered Vermont Engineer, or the applicant may request that such an analysis be prepared by the Stowe Planning Office using available data and GIS technology.

2. Coordination with Section 5.2 of the Stowe Subdivision Regulations. In addition to the density standards set forth above, the DRB may grant subdivision approval with conditions related to lot clearing, landscaping, house siting, architectural design or other relevant issues necessary to ensure compliance with these regulations. In instances where conditional subdivision approval has been granted within the RHOD, applications for review under these regulations may be classified as a minor application if the DRB or its designee determines that the applicant has complied with all of the conditions of subdivision approval and standards and guidelines of these regulations.

(2) Submission Requirements: In accordance with the standards of the overlay district, any of the following plans and materials may be required. Upon determination by the DRB that a project is to be classified as significant, the applicant will receive a checklist of required documents, plans and information necessary for the DRB to conduct a complete and proper review of the application.

- A. Basic Requirements: The following information and materials are required for all applications for review under Section 16.4(1)A. Preliminary Review.
  1. Site Development Plan: Two complete sets of site development plans, drawn in an appropriate scale on paper not smaller than 18" x 24". Such plans shall provide adequate information necessary to review the proposed project, including a general indication of the location and design of proposed development; an indication of the physical characteristics of the development site, including areas characterized by steep slopes, existing and proposed drainage patterns and forested and open areas; proposed landscaping, clearing and forest management; road access and driveway location, and any other information relevant to the proposed development and development site.
- B. Supplemental Requirements: Upon determination that the project is significant pursuant to Section 16.4(1)C, the DRB may require one or more of the following prior to the review under Section 16.4(1)E:

1. Grading Plan: Existing and proposed contours at a maximum of 5' intervals for the area surrounding the proposed development, such area to be of sufficient size to show the relationship of the development to the surrounding terrain.
2. Lighting Plan: Location, type and height of all exterior lighting (including security lighting) is to be shown on the site development plan. Lighting studies may be required and would include photometric analyses of exterior lighting as well as a review of any impacts interior lighting may have on nighttime visibility through windows, such as the visibility of light through building fenestration.
3. Visibility Studies: Viewshed analyses, line of site sections, site photography and other means to assess the visual impact of the proposed application. On site measures such as plywood and pole mock-ups, and survey tape layout of site elements may be also be required in the event the site is deemed to be sensitive by the DRB or its designee.
4. Stormwater Management/Erosion Control Plan: An adequate stormwater drainage and erosion control plan, prepared by a registered Vermont engineer, shall be requested when the average slope of the site is steep/severely steep or there are major headwater streams and/or major drainage areas and waterways located on the site.
5. Architectural Plans and Renderings: Building design drawings clearly depicting all proposed structures to scale and their location on the site in relation to the physical and natural features of the parcel, including the proposed grade of the building area and finished floor elevations. Drawings should clearly display building elevation and architectural design; building materials, exterior colors and window fenestration. All structures proposed, including outbuildings and garages are to be shown.
6. Landscape Plan: Existing vegetation and proposed landscaping and clearing plans showing proposed type, size and location of all vegetation to be

preserved and/or installed, along with other landscaping elements such as gazebos, berms, fences, walls, etc. Special attention should be given to existing/proposed vegetation adjacent to buildings for visibility and screening purposes (within at least 30'). A species list of existing vegetation and a plan for the maintenance of the existing and proposed landscape should be included. Such a plan shall address specific measures to be taken to ensure the protection and survival, and if necessary, replacement of designated trees during and after the construction and/or installation of all site improvements

7. Access Plan: A plan including existing roads, ROW's and trails; proposed roads, trails, walks, paths, parking areas, etc. Such a plan would include proposed paving materials, slopes of proposed access routes and erosion control measures. This plan might be combined with the Stormwater Management/Erosion Control Plan and should include road profiles as well.

8. Slope Analysis: Prepared pursuant to Section 16.4(1)F. 1.

C. Technical Assistance: The DRB may seek the assistance of technical experts, such as engineering or architectural professionals, to provide independent analysis related to specific applications. Such experts will be compensated in accordance with the Town of Stowe Planning and Zoning Fee Schedule.

#### 16.5 Standards/Guidelines

- (1) General Requirements: To protect the unique visual and environmental character of those areas of Stowe within the RHOD, especially those characterized by steep slopes, prominent knolls, ridgelines and significant focal points, all development shall be designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.
- (2) Designation of Vantage Points: For the purposes of the RHOD, vantage points shall be defined as maintained (class 3 or higher) public roads, state highways and municipal properties. In reviewing projects to determine compliance with these standards, and to identify appropriate mitigation to ensure that a project does not result in an undue adverse impact on scenic resources, the DRB shall consider the relative importance of the vantage points from which the project is visible (affected vantage points). Such consideration shall include the number of affected vantage points; the volume of traffic using the affected roads or highways; the length of time that a project would be viewed by motorists traveling on the affected roads or highways; the project's distance from affected

vantage points; and, the visibility of the project from vantage points typically used by pedestrians and/or serving as public observation points.

- (3) Standards and Guidelines: The following list of Standards, Guidelines and accompanying illustrations are the basis for guiding development in a visually and environmentally sensible way within the overlay district without an undue adverse impact to scenic and environmental resources. "Adverse" indicates a negative impact on an identified resource. "Undue Adverse" indicates that the proposed development violates one or more of the Standards set forth in this ordinance and that the impacts cannot be mitigated.

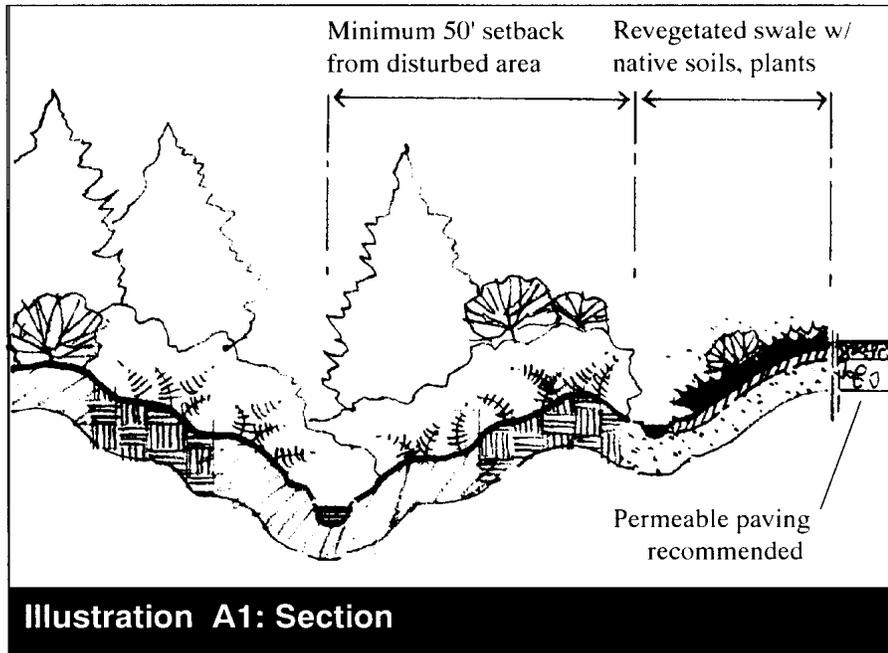
Standards are statements that express the development and design intentions of this overlay district. All development within this district must comply with these standards. The Standards reflect the visual and environmental concerns of the community in terms of the Town's hillsides and ridgelines.

Guidelines are instructive in nature. They suggest a variety of means by which the applicant might comply with the standards. The options for compliance are not limited to the guidelines listed, but the applicant can use the list to aid in the design process.

Illustrations graphically portray the prescriptions and concepts conveyed in both the Standards and Guidelines.

A. Site Development and Environmental Protection

Standard 1.1. All development, including grading, clearing and construction of driveways, shall provide for the retention of native top soil, stabilization of steep hillsides, prevention of erosion, and consequent sedimentation of streams and watercourses. Peak stormwater discharge from the site after development shall not exceed pre-development levels for a two (2) year/twenty four (24) hour storm event and existing drainage patterns will not be altered in a manner to cause an adverse impact on neighboring properties, town highways or surface waters.

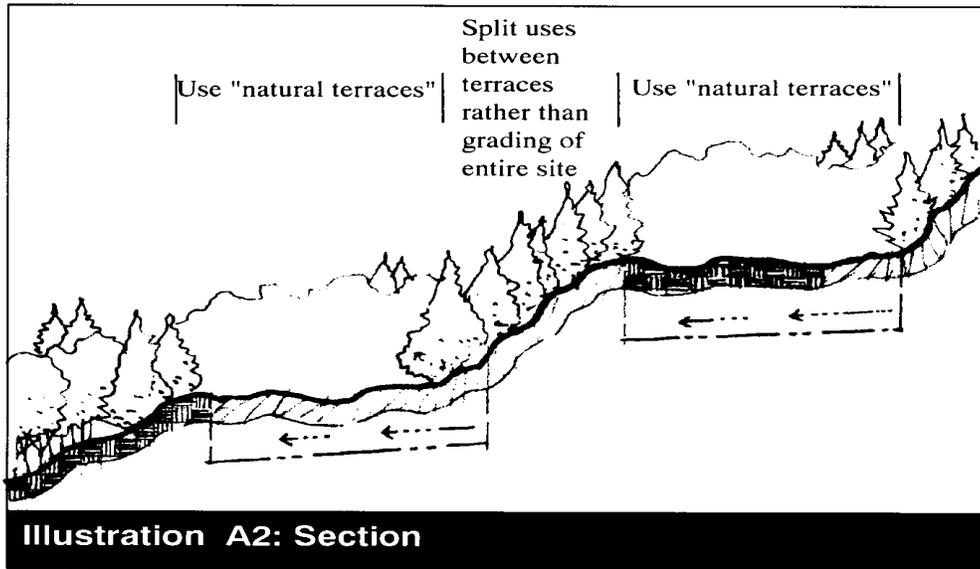


Use biodegradable erosion control blankets where more intensive stabilization is required

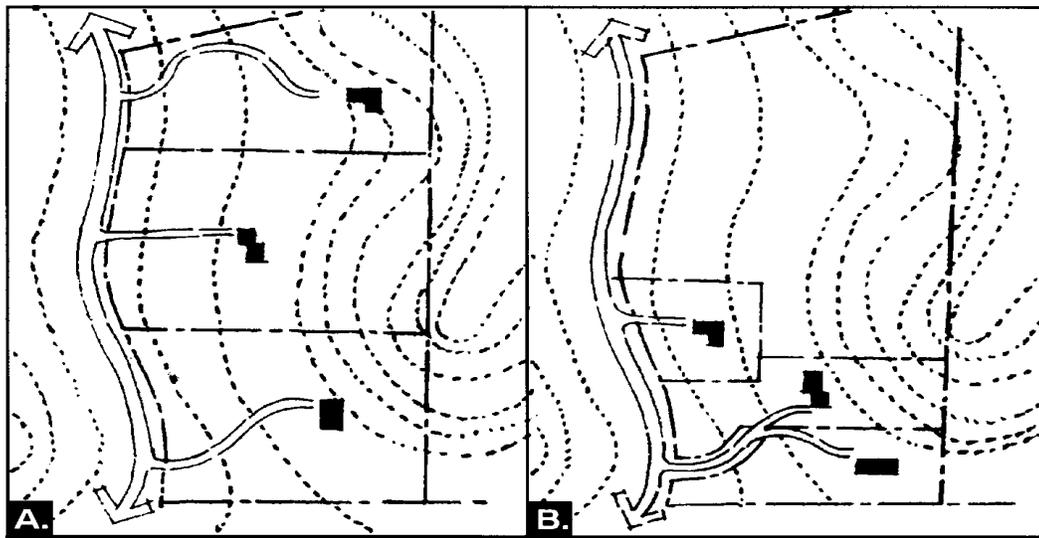
Guideline 1.1. The Vermont Erosion Control Manual for acceptable practices in site hydrology and soil conservation should be followed; where roads or driveways are proposed, culverts should be used at frequent intervals to avoid long, uninterrupted ditches and to disperse stormwater.

Guideline 1.2. On steep slopes, clearing should be avoided to prevent erosion resulting from stormwater runoff, and in areas where streams and intermittent watercourses are found, a buffer(s) area should be established to limit sedimentation or other adverse impacts on water quality.

Guideline 1.3. The flattest portion of the site should be used for locating house sites, subsurface sewage disposal systems and parking areas. (See illust. A1 & A2)

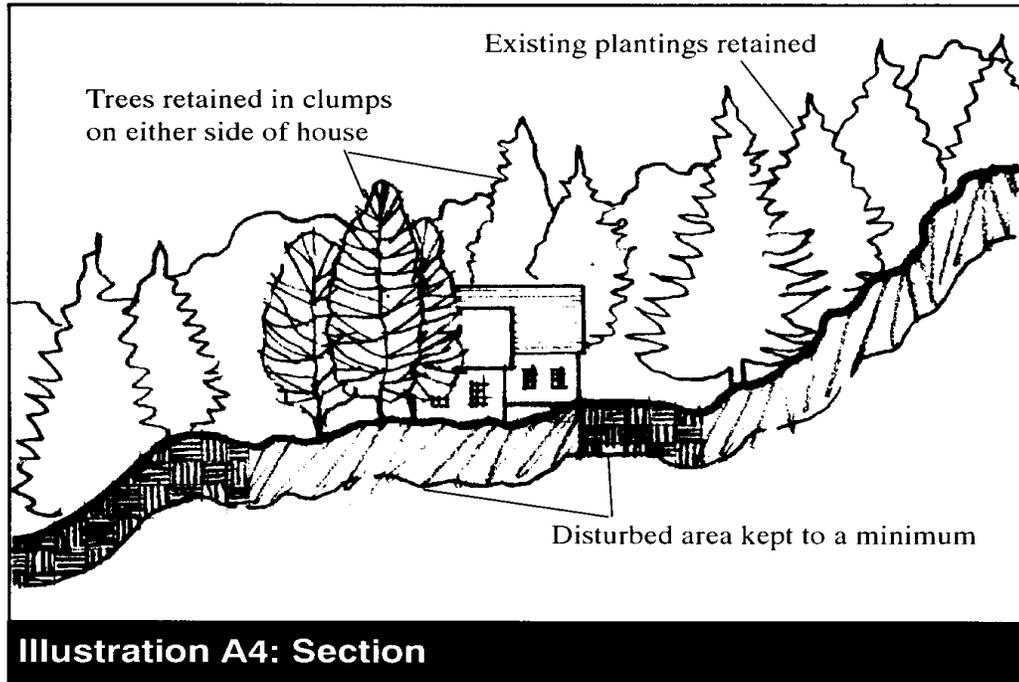


**Illustration A2: Section**  
Maintain filter/buffer strip between terraces for runoff and visual screening. Terraced areas can be regraded w/ proper pitch and curtain/ interceptor drains as necessary



**Illustration A3: Plan**  
Option B uses less road, provides for more open space, uses 33% less land than Option A. Option B concentrates the road cuts in one area and sites structures below the base of the ridge.

Guideline 1.4. Existing vegetative buffers should be employed as filter strips or employ vegetative stabilization methods where necessary.



House is sited on natural terrace and stepped down with grade.  
Lawn area is reduced in size along with maintenance requirements.

Guideline 1.5. Where appropriate, long driveways and large parking areas should be avoided. Lot coverage and building footprints should be minimized and development clustered, all to minimize site disturbance and preserve large areas of undisturbed space. (See illust. A3)

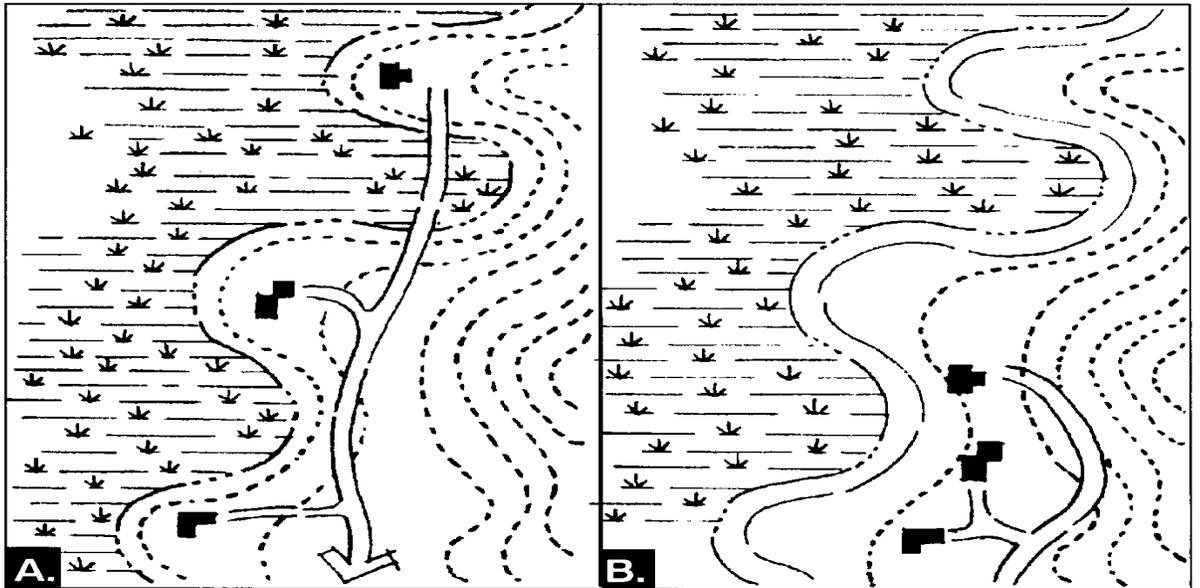
Standard 2. Subsequent to the application for a zoning permit within the RHOD, forest management and timber harvesting shall, at a minimum, adhere to the guidelines included in the publication *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*, published by the Vermont Department of Forests, Parks & Recreation in 1987.

Guideline 2.1. Forest management should maintain the appearance of an unbroken forested canopy as viewed from off-site, should protect aesthetic resources and wildlife habitat, and provide for the sustainable, ongoing management of forest resources.

Standard 3. Forest management activities designed as pre-development site preparation, including road and driveway construction, clearing and/or grading for house-sites and septic systems or related work, shall be reviewed by the DRB under these regulations. Where a landowner fails to submit pre-development site preparation plans to the DRB for review, the DRB may limit development to the non-impacted portion of the property and/or require the site to be restored or revegetated prior to development.

Guideline 3.1. Prior to implementing a forest management plan, the landowner should review the plan with Town Planning and Zoning staff to ensure that forest management activities and future development plans are consistent with the standards set forth in this ordinance.

Standard 4. Development shall not result in an undue adverse impact on fragile environments, including designated wetlands, wildlife habitats, streams, steep and extremely steep slopes and unique features. All efforts will be made to protect/preserve such areas and promote suitable buffers.

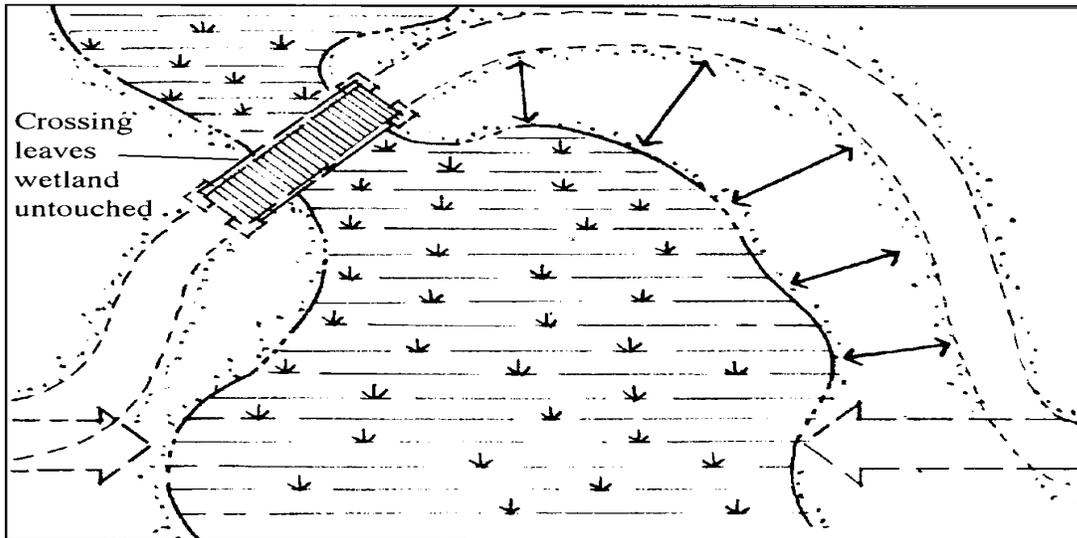


**Illustration A5: Plan**

Option B avoids crossing the wetlands, clusters the structures on the most suitable land, and avoids construction and road impact on the wetland

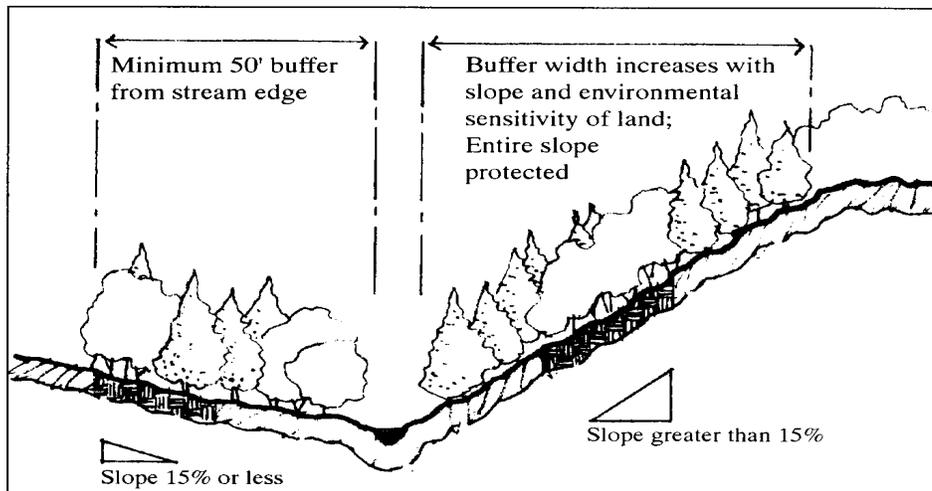
Guideline 4.1. Development should be clustered away from all fragile environments.

Guideline 4.2. If roads and bridges must be put in wetlands, they should intersect the wetland at the narrowest part. (See illust. A6)



**Illustration A6: Plan**

Road is re-routed to avoid fill/environmental impact to wetland. A proper setback is maintained between the road and the wetland and the road narrows for wetland crossing.



**Illustration A7: Section**

Guideline 4.3. Existing vegetation should be preserved and, as much as possible, parcels should remain with their undisturbed portions connected to one another.

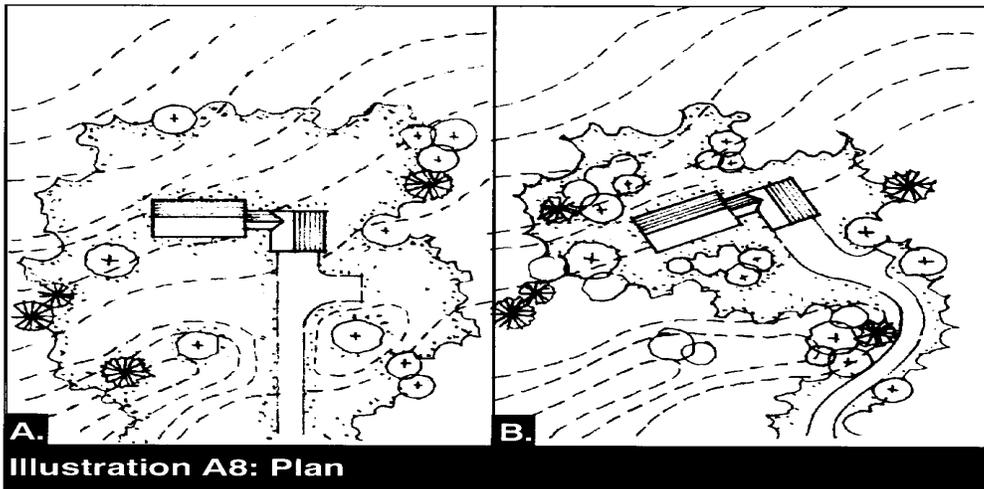
Guideline 4.4. Buffer widths and setbacks from streams should be established, the width of which should increase with the steepness and length of slopes, and the width of the stream. A general rule is to keep a 50' setback from streams on lands with less than 15% slope, and on steeper slopes the buffer distance should be increased as the slope increases. (See illust. A7)

## B. Landscape and Scenic Character

Standard 5. If the project is on a forested hillside, there will be no significant exposure of buildings, and all development shall be minimally visible and blend in with surroundings in winter months. The amount and location of clearing adjacent to structures shall be limited; additional tree planting may be required in instances where such planting is needed to visually interrupt the portion of structures visible from defined vantage points.

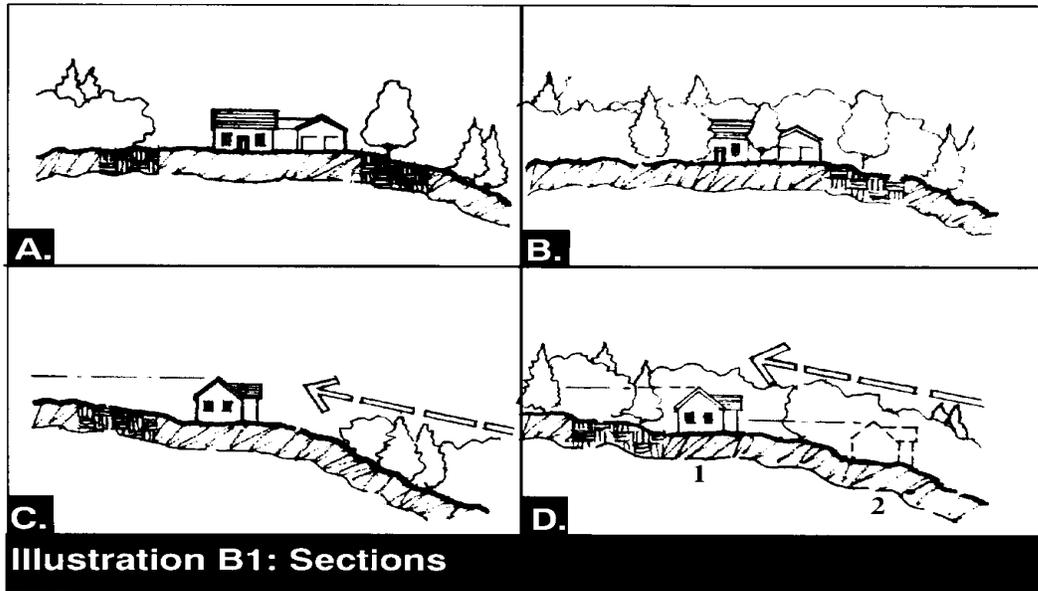
Guideline 5.1. Clearing and forest management should be restricted to protect the unbroken forested backdrop. Generally, forest management will be limited to practices which maintain a forested appearance adjacent to buildings. (See illust. A8)

Guideline 5.2. Clearing of vegetation at the edge of the road should be minimal, clearing only as much as necessary to create a driveway entrance with adequate sight distance and proper drainage control. (See illust. B2)



**Illustration A8: Plan**

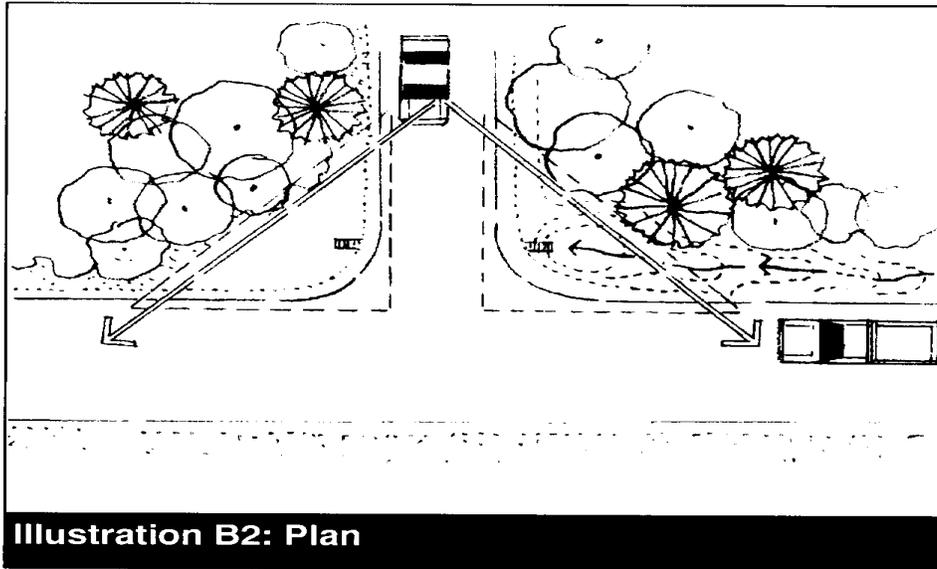
In Option B trees are left in "islands" or extensions of the forest rather than as individual specimens. The driveway is routed to eliminate blasting and grading and to protect a section of woodland. The house is oriented with topography.



**Illustration B1: Sections**

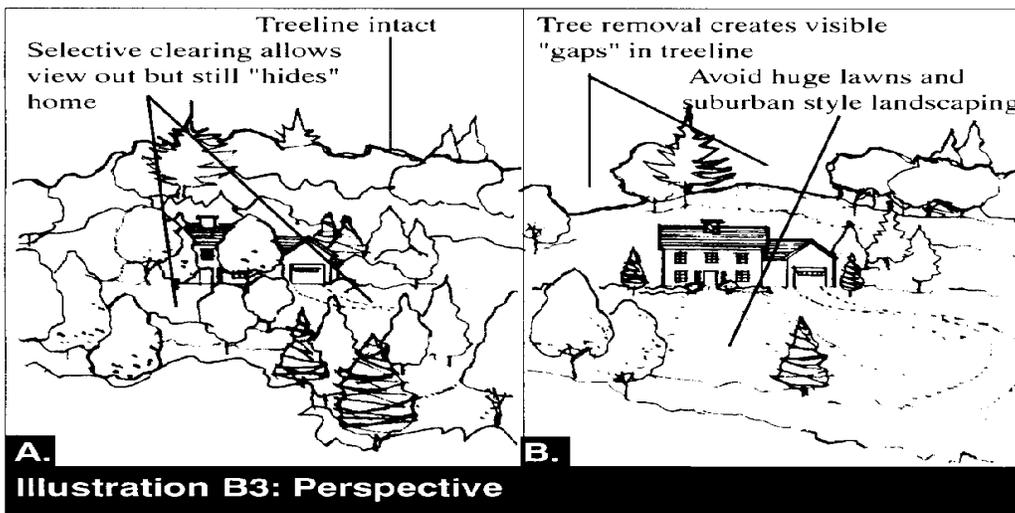
In (A) the clearing for the house creates an unnatural pattern on the ridgeline and the interrupted treeline draws attention to the development, creating a visual impact. Drawing (B) shows the same house with existing vegetation retained to maintain the integrity of treeline behind and in front of the structure. In (C) the roofline of the house is visible above the height of land and the clearing has removed most of the screening/buffering trees. Drawing (D) illustrates the same house (1) with vegetation saved to mitigate visual impact, if no other siting alternatives exist. The recommended solution would be siting the house (2) below the height of land, with the treeline intact.

Guideline 5.3. Clearing for views should be limited, with narrow view openings between trees and beneath tree canopies being a desirable alternative to clearing large openings adjacent to building facades. View clearing should involve the selective cutting of small trees and the lower branches of large trees, rather than removing mature trees.



**Illustration B2: Plan**

It is important to maintain a cleared zone at driveway intersections with roads for safety (visibility) purposes. The clear zone also allows for snow storage and effective stormwater management measures such as small detention basins. Native groundcovers and low vegetation should be established in these areas



**Illustration B3: Perspective**

In Option A, the desired approach, existing vegetation is selectively removed and the hillside retains its natural, forested appearance. In Option B, extensive clearing, exposes the home as a visual focal point and undermines the integrity of the landscape pattern. A large lawn and suburban style landscape is not appropriate in this context.

Guideline 5.4. On wooded sites, existing forest cover should be maintained adjacent to proposed building sites to interrupt the facade of buildings, provide a forested backdrop to buildings and reduce or eliminate the visual impact of new development from vantage points. (See illust. B1)

Standard 6. Development shall not detract from the sense of order or harmony of the landscape patterns formed by forests, agricultural fields and open meadows. (See illust. B3-B6)

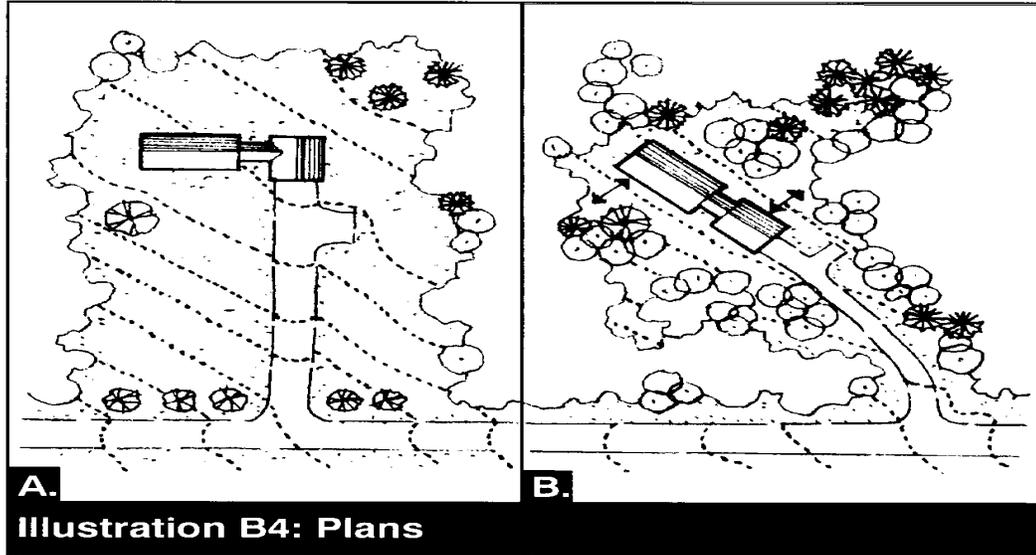
Guideline 6.1. On parcels characterized by meadows, additional landscaping and/or reforestation may be employed immediately adjacent to proposed structures to interrupt the facade of buildings, provide additional trees as backdrop to buildings and/or soften the visual impact of new development from vantage points.

Guideline 6.2. Trees should be preserved or planted close to structures to provide screening and better blend structures into the wooded perimeter surrounding meadows.

Guideline 6.3. Buildings should be located outside of cleared meadows.

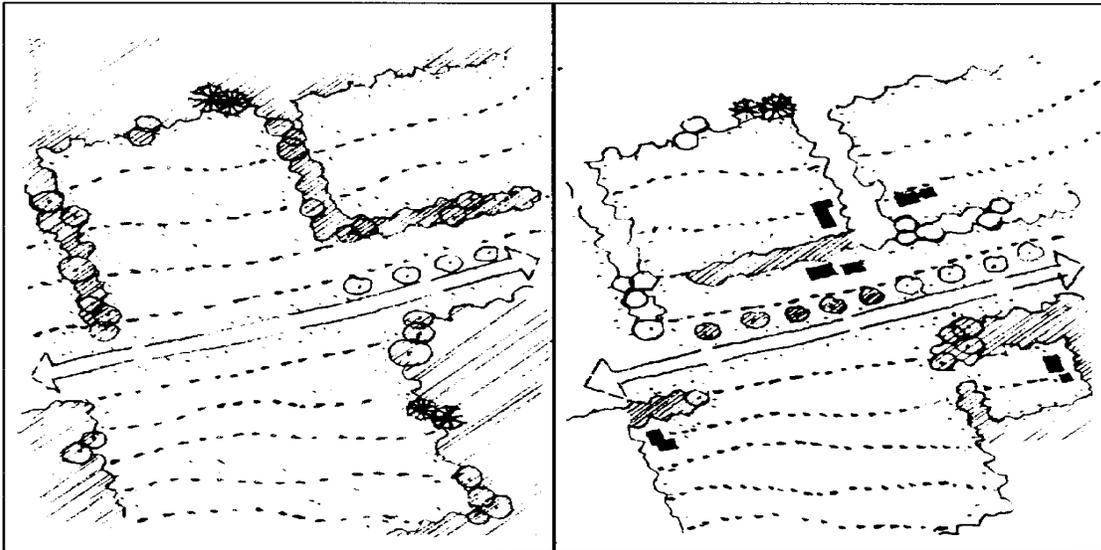
Guideline 6.4. Cleared meadows, reminiscent of historic hillside pastures, may be created but buildings should not be located in them (i.e. clearings should not frame and thereby draw attention to houses located on hillsides and ridgelines).

Guideline 6.5. Using stone walls and hedgerows as property lines is recommended and existing stone walls and hedgerows should be preserved wherever possible. Should additional landscaping be required, it should be consistent with existing patterns such as hedgerows



**Illustration B4: Plans**

Drawing (A) is plan of a typical suburban style house lot with a large lawn, wide driveway and orientation to the road. An occasional mature tree has been saved in isolated locations. The preferred plan (B) sites the house and a narrow driveway/parking area in relation to the contours and maintains existing vegetation in their native groupings, with understory intact as well. A 30 foot clearing limit from the sides of structures may be imposed on visually sensitive sites.



**Illustration B5: Plans**

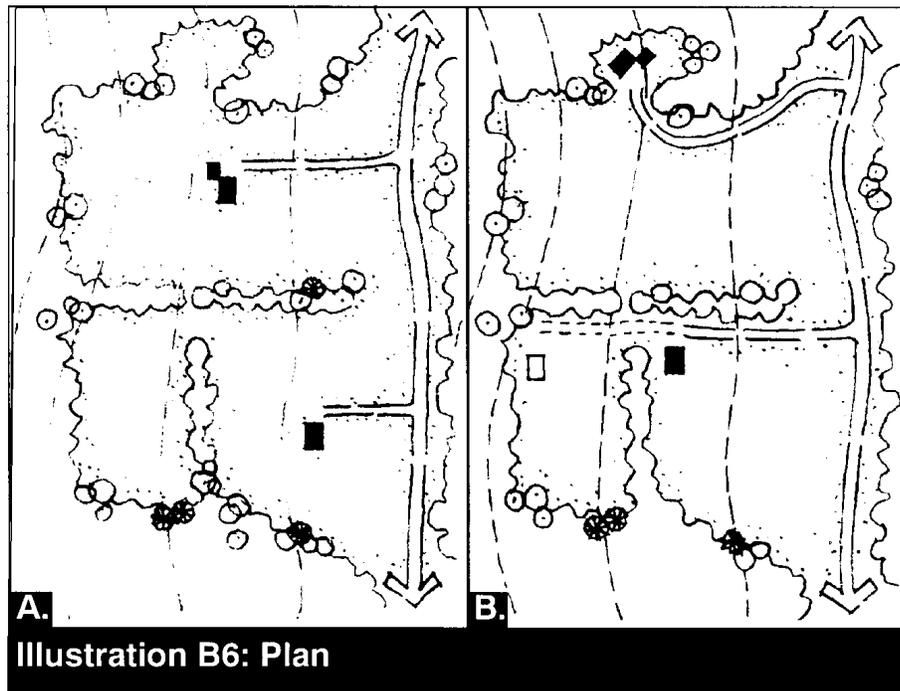
These plans illustrate how reinforcing or relating to the existing vegetative conditions create siting possibilities for houses and maintain the agricultural open space and character of an area. The extension of the treeline along the road and the hedgerow would create a potential site for a vernacular farmhouse and barn design.

Guideline 6.6. For both wooded and meadow sites, landscaping proposed for the project should be of native or naturalized hardy species consistent with vegetation types and patterns appropriate to the site and environs. Invasive, non-native species should always be avoided.

Guideline 6.7. Generally, the minimum caliper for trees is 2" and the minimum shrub size is 1 gallon.

Standard 7. During construction, trees identified on the landscaping plan are to be protected.

Guideline 7.1. Tree protection measure taken during construction should include snow fencing 5' outside of drip line or, with approval, trunk protection and hay bale covering when construction work has to be within canopy.



In Option B, attention is given to the existing landscape patterns. Houses and driveways are sited along or within the treeline or follow existing hedgerows. Open meadows are not disrupted and future development potential exists without disturbing the open meadows.

Guideline 7.2. Trees should be saved undisturbed in groupings.

Guideline 7.3. Native excavated soils should be stockpiled. Where feasible, transplant existing vegetation, trees, shrubs and ground covers elsewhere on site or near to its original location.

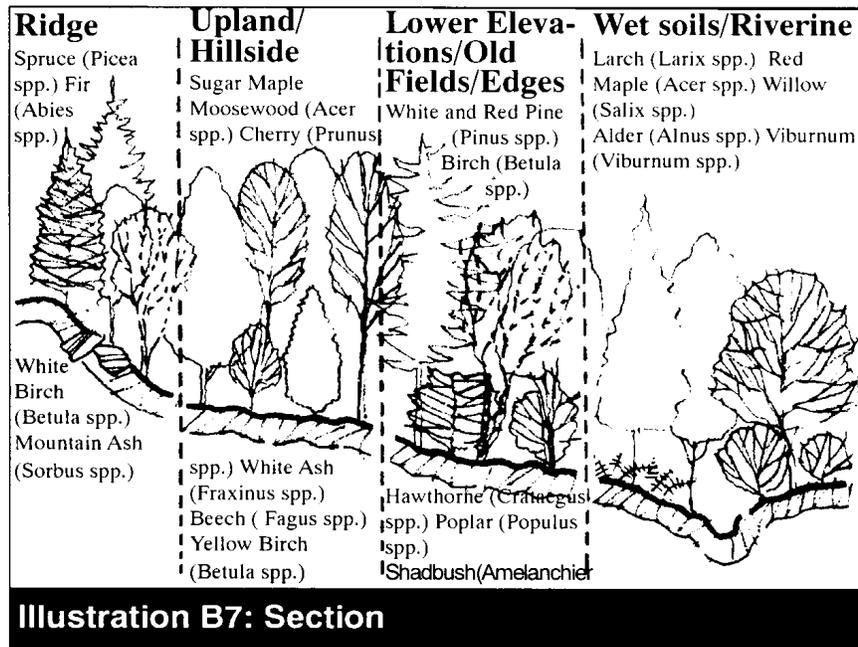
C. Road and Driveway Access

Standard 8. Driveway grades shall not exceed 15% and shall have an average grade that does not exceed 12%. Where necessary, limited steeper grades are acceptable if they serve to better minimize overall erosion potential and environmental/aesthetic impacts, provided adequate access is ensured

for fire and rescue vehicles.

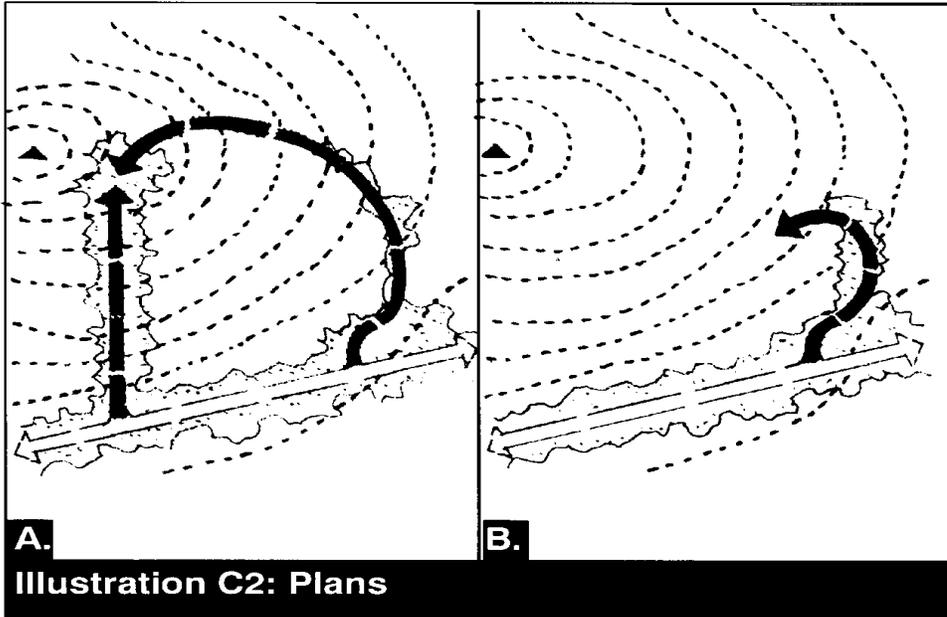
Guideline 8.1 Wherever feasible or appropriate, retain and reuse old farm roads, town roads and trails instead of constructing new roads or driveways to minimize clearing and disruption of the landscape and relate to traditional and historic land use patterns.

Guideline 8.2. Applicant should try to minimize crossing of steep slopes with roads and driveways and should avoid roads “against” the contours; follow contours.



**Illustration B7: Section**

A site analysis will yield native vegetation patterns in any location. Typical species types and associations in relation to physiography are shown.



If a higher site must be developed, driveways providing access should follow old woods trails/farm roads where available, and in every case, "wrap around" contours or follow a more gradual route, as shown in Road Alignment B, rather than a straight cut as shown in Alignment A. The straight cut makes the whole length of the road visible and results in more cut and fill. Option B, in all cases, is the best approach and minimizes road construction cost and removal of vegetation.

#### D. Building Design

Standard 9. Development will not result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the height of land or tree line if it is protected serving as the visual and physical backdrop to the structure as viewed from vantage points. (See illust. D2)

Guideline 9.1. Buildings and structures should not be sited on high points, outcroppings or prominent knolls within the project site. (See illust. D1)

Guideline 9.2. When building on slopes, the preference is to set buildings into topography using partial earth sheltering. Try taking advantage of the topography by building multi-level structures with entrances on more than one level (i.e.: walk-out basements, garages under buildings).

Standard 10. The massing of a project (a single building or a group of buildings) shall be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape.

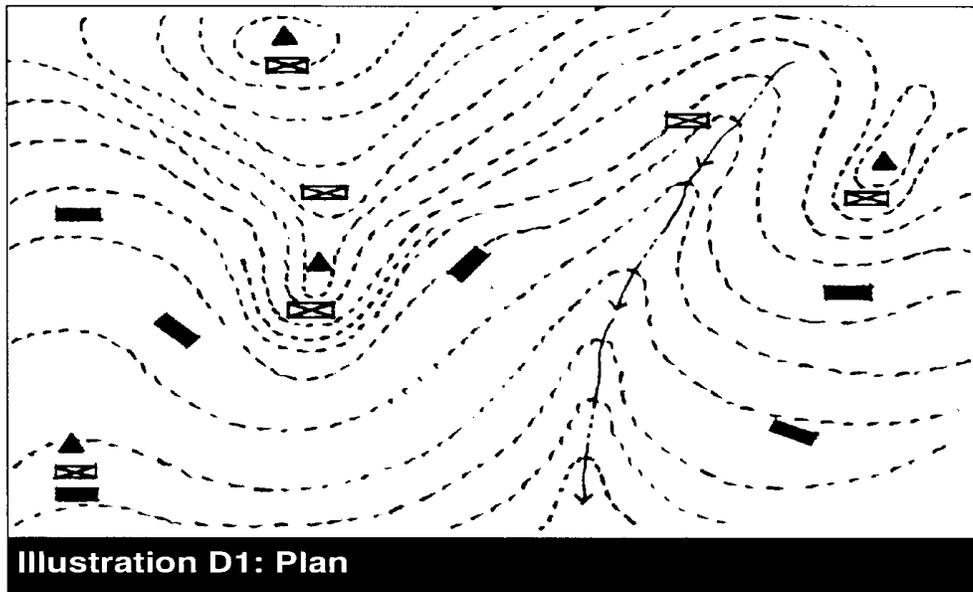
Guideline 10.1. Building materials, exterior colors and fenestration that minimize year round visibility, reflectivity, and night-time light impacts should be selected. Oversized picture windows and large expanses of glass should be avoided or the visual impacts mitigated by dividers or other architectural design elements.

Guideline 10.2. A variety of volumes, roof planes and wall planes should be incorporated within a building project.

Guideline 10.3. The main roof line (ridges and eaves) of individual buildings should be broken and varied to reduce the buildings' visual scale.

Guideline 10.4. The surface of vertical walls should be modulated to avoid a single monolithic shape and/or to reduce the visual scale of buildings.

Guideline 10.5. Building design should reflect the natural patterns of the site and should be well integrated with site design and landscaping.



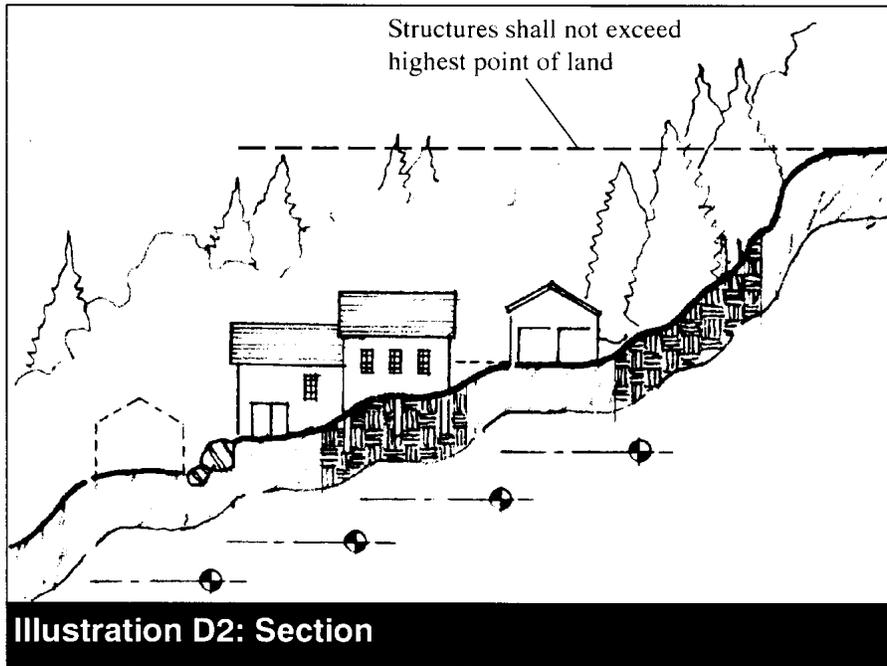
-  Avoid siting in these locations
-  Indicates better siting option for buildings
-  High points

Guideline 10.6. Building design should be well integrated into the surrounding neighborhood and be in keeping with the character of the area.

Standard 11. Offsite light impacts shall be minimized. Outdoor lighting shall comply with the standards contained in Section 4.4 of these bylaws.

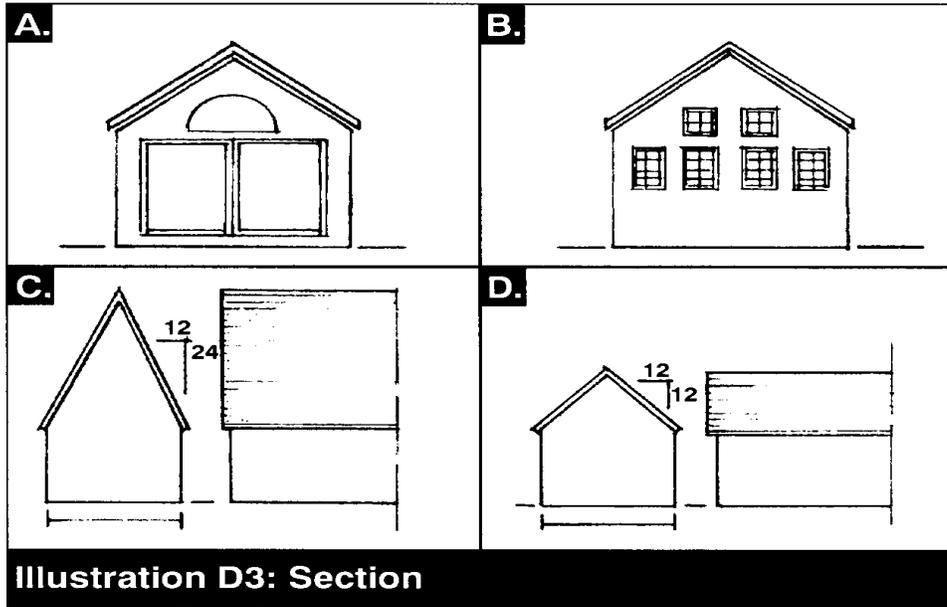
Guideline 11.1. The use of reflective surfaces and outdoor lighting fixtures higher than 15' should be minimized to limit the visibility of the development from off-site. Bollard, low post lighting and low level, indirect lighting are recommended; spot or flood lights should be avoided. (See illust. D4)

Guideline 11.2. Creative lot layout may also serve to limit off-site glare, visibility and night sky pollution by laying out buildings and structures that shield light fixtures from viewing areas.

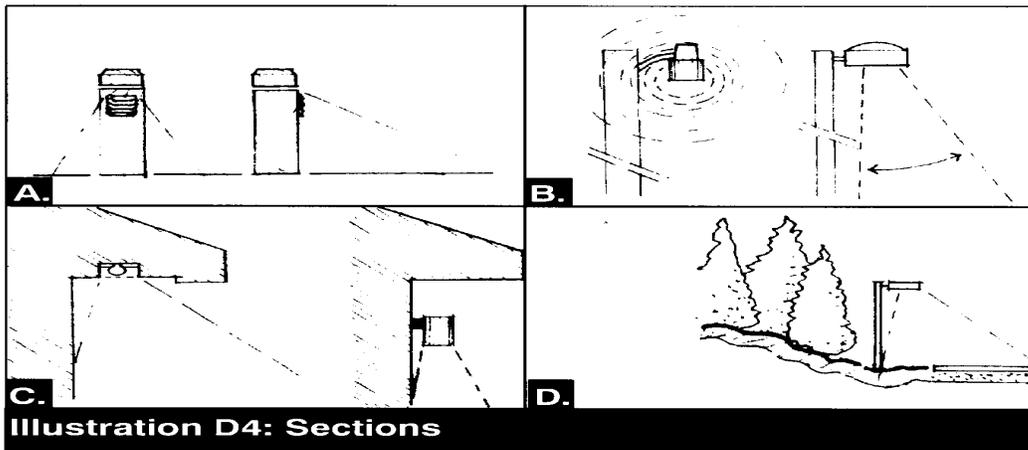


**Illustration D2: Section**

House is terraced down hillside and not sited on high points. This helps to reduce visual mass. It also takes advantage of the topography by having entrances at different levels. Existing bedrock is maintained as are tree groups.



**Illustration D3: Section**  
 Options A and B show two different window treatments. Option B helps to reduce glare and reduces the impact of interior lighting or reflection when viewed from the outside. Single pane windows and facades should be avoided. Options C and D show two different roofing types. The moderate pitch illustrated in Option D avoids the roof becoming another "wall" and decreases the massing of the building in general.



**Illustration D4: Sections**  
 Options A and C provide illustrations of low level and pedestrian lighting concepts that help reduce off-site lighting impacts. Option B illustrates a typical metal hallway light fixture that would not be ideal and a fixture with a shield to focus the light. Option D illustrates placing light fixtures using topography, plant material and structures to minimize impact.

E. Development Density

Standard 12. The minimum area for all lots in existence prior to August 3, 1998 shall be as established for the underlying district. Minimum area for any lot created after August 3, 1998 shall be as established for the underlying district, excluding any portion of the lot with an average steepness (slope gradient) in excess of 20%, and shall have an area four times (4x) the minimum lot area identified in the underlying district for that portion of the parcel. .

Guideline 12.1. Where possible, development should take place on the portions of a lot where the slopes are less than 15%. No development should occur on land where the slope is greater than 20%.

(4) Pre-Existing Lots

In the case of lots created prior to August 3, 1998, compliance with the standards of Section 16.5 shall be achieved to the extent that it is possible while still allowing for reasonable use of the pre-existing lot.

(5) Exemptions from these Regulations

- A. The DRB may waive the density standards set forth in Section 16.5 (3) Standard 12 thereby allowing a total density not to exceed the density established by the underlying district, in the event that the applicant can demonstrate that, through Section 17. Planned Residential Development, the proposed development can be clustered on the portion(s) of the property laying outside of the RHOD boundaries; and/or on the portion(s) of the property not characterized by steep slopes, other fragile environmental features or high visible locations in a manner that complies with all applicable standards of these regulations. In such a case, the portion of the property not used for the cluster development shall be maintained as open space consistent with Section 17.5 of these regulations and Section 5.3 of the Stowe Subdivision Regulations.
  - B. Notwithstanding Section 16.4(1)F.1. and Section 16.5(3) Standard 12 of these regulations regarding density and minimum lot area, lands designated as Ski-PUD pursuant to Section 18.4 of these regulations shall have a development density calculated in accordance with Section 18.4(1)(D), regardless of slope gradient.
  - C. Ski-lifts, ski-lift towers and trail improvements related to the operation of an alpine ski area shall be exempt from review under Section 16. RHOD.
  - D. Telecommunications facilities located within the 28.4 acre “Co-Location Area” on the summit of Mount Mansfield are exempt from review under Section 16.5 Standard
9. Such facilities must comply with all other applicable standards of the Stowe Zoning Regulations.