**MODEL RIDGELINE AND HILLSIDE PROTECTION DISTRICT BYLAW**

*Prepared by the Pioneer Valley Planning Commission*

**1.0 RIDGELINE AND HILLSIDE PROTECTION OVERLAY DISTRICT**

**1.1 Purpose**

The purpose of this bylaw is to promote the health, safety and general welfare of the Town of \_\_\_\_\_\_\_\_\_\_\_\_by:

1. Insuring that any development that takes place within the Ridgeline and Hillside Protection Overlay District preserves and protects critical natural resource areas, minimizes visual impact of man-made features and enhances the economic values of the properties located therein;

2. Minimizing the removal of native vegetation, especially large timber, and regulating the excavation and alteration of land in order to minimize any danger of erosion, flooding or pollution of the ground or surface water supply (public or private) within the district or any adjacent low lying areas;

3. Insuring that all proposed development activities do not reduce property values within the district or adjacent to by unnecessarily detracting from the visual setting or obstructing significant views; and

4. Protecting existing historical physical features and the preservation and development of linkages from one open space area to another.

**1.2 Scope of Authority**

The Ridgeline and Hillside Protection District is an overlay district and shall be superimposed on the other districts established by this Bylaw. All regulations of the (Town) Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Scenic District imposes additional regulations, such regulations shall prevail.

1. Designated Area: The Scenic Upland District Bylaw shall include all areas designated on the overlay map entitled Ridgeline and Hillside Protection District District, Town/City of \_\_\_\_\_\_\_\_\_\_, on file with the Town Clerk.

2. The Ridgeline and Hillside Protection District is intended to include those mountain or upland areas which have one or more of the following characteristics:

a. Steep slopes averaging 15% or greater for 200 feet.

b. Unique landforms, including bedrock outcrops, till-covered hills, geological rarities, cliffs, or other unusual topographic features.

c. Any land at an elevation of 600 or more feet above sea level.

**1.3 Definitions**

Clear Cutting: The cutting of all trees on a site.

Hillside: Land having an average grade of 15% or greater for 200 feet.

Ridgeline: The long, narrow crest or horizontal line of hills or mountains, usually at the highest elevation.

Selective Cutting: No more than 50% of the mature trees on a site cut under a selective cutting plan.

Significant Alteration: Any alteration which increases the assessed value by 15%, or which adds to the height of a structure, or which substantially alters the visual profile of the property or structures thereon

**1.4 Uses**

1. Permitted Uses

a. Agricultural production, including but not limited to the raising of crops, livestock, poultry, nurseries, orchards, and hay;

b. Recreational uses, provided there is minimal disruption of wildlife habitat;

c. Maintenance and repair usual and necessary for continuance of an existing use;

d. Conservation of water, plants, and wildlife, including the raising and management of wildlife;

e. Non-commercial cutting of trees for fuel (refer to the MA Forest Stewardship Program);

f. Uses permitted under M.G.L. Chapter 40a, Section 3 (agricultural, religious, or educational purposes; child care facilities; etc.); and

g. Selective timber cutting shall be permitted within the area of a designated building envelope wherein principal and accessory structures have been approved. Timber cutting for the purpose of clearing land for legitimate agricultural purposes shall be permitted subject to satisfactory evidence of such intended use. Selective commercial timber cutting may be permitted, in accordance with the Massachusetts Forest Cutting Practices Act, M.G.L. Chapter 132.

2. Prohibited Uses

a. All uses not permitted in Section 1.4.1 (Permitted Uses) or Section 1.4.3 (Uses Permitted with Ridgeline and Hillside District Review) shall be deemed prohibited.

b. Clear cutting of trees and vegetation shall be prohibited.

3. Uses Permitted with Ridgeline and Hillside District Review

The following uses shall be permitted, subject to Ridgeline and Hillside Protection District Review of project site plans prior to the issuance of a building permit or Special Permit or approval of a definitive plan under the [Town] Subdivision Regulations:

a. The construction of a new dwelling or principal structure;

b. Any construction or significant alteration of any dwelling or other structure, if any such action affects the exterior appearance. A significant alteration is defined as any alteration which increases the assessed value by 15%, or which adds to the height of a structure, or which substantially alters the visual profile of the property or structures thereon;

c. Any commercial or industrial use allowed by Special Permit in the underlying district;

d. Any subdivision which requires approval under the [Town] Subdivision Regulations;

e. The Board may waive any or all requirements of the Ridgeline and Hillside Protection District Review for dwelling additions, and or accessory buildings of 400 square feet or less.

4. Exempt Uses

a. Agricultural activities;

b. Work incidental to construction on the premises under a currently valid Building Permit;

c. Selective cutting of trees or vegetation for normal maintenance purposes on less than one half acre of land, provided that no additional cutting shall be done on the parcel, or on adjoining parcels in common ownership, for a period of two years, except for selective cutting specified in a Forest Cutting Plan approved in accordance with the Mass. Forest Cutting Practices Act (M.G.L. Chapter 132, sections 40-46);

d. Any addition, enlargement, extension, restoration of single family residences or construction of accessory buildings to any single family residences which have been actually and completely constructed prior to the adoption of this By-law.

**1.5 Ridgeline and Hillside Development Standards**

Buildings and landscaping are to be designed and located on the site to blend with the natural terrain and vegetation, and to preserve the scenic character of the site, conforming to the following standards:

1. Building Characteristics

a. Building height shall not exceed thirty-five (35) feet.

b. Exposed foundation walls shall not exceed two (2) feet above the proposed finished grade.

c. Building, alterations, additions, or structures should be placed downgrade of the ridgeline where possible.

d. Building materials shall blend with the natural landscape.

2. Landscaping

a. Removal of native vegetation, especially large timber, shall be minimized and the replacement of vegetation and landscaping shall be generally compatible with the vegetation of the designated area.

b. Trees may only be removed for location and construction of streets, driveways or structures. Selective clearing for views is permitted where the viewshed is obstructed by dense vegetation.

c. Retaining walls, of natural materials only, may be used to create usable yard space in the side and rear yard.

d. Landscaping and plantings shall be utilized to screen major buildings in open or prominent areas from significant views, both when installed and when mature.

3. Grading

Any grading or earth moving operation is to be planned and executed in such a manner that final contours appear to be consistent with the existing terrain, both on and adjacent to the site.

4. Prevention of Water Pollution and Flooding

a. Storage and/or transmission of petroleum or other refined petroleum products is prohibited except within buildings which will be heated or in quantities of 50 gallons or less. Petroleum products stored within a building shall be placed on a diked or impermeable surface to prevent spills or leaks from reaching groundwater.

b. All run-off from impervious surfaces shall be recharged on the site by being diverted to storm water infiltration basins covered with natural vegetation. Storm water infiltration basins must be designed to handle a 25-year storm. Dry wells shall be used only where other methods are infeasible, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

5. Prevention of Erosion and Sedimentation

a. No area or areas totaling two (2) acres or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled six (6) inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity or unless necessarily incidental to construction on the premises under a currently valid building permit or unless within streets which are either public or designated on an approved subdivision plan or unless a special permit is approved by the Zoning Board of Appeals on the condition that run-off will be controlled, erosion avoided and either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a temporary cover or winter rye or similar plant materials being provided for soil control, except in the case of agricultural activity where such temporary cover would be infeasible.

b. Sediment and erosion control measures shall be employed to minimize such impacts during and after construction, in accordance with guidelines established by the U.S. Natural Resources Conservation Service “Guidelines for Soil and Water Conversation in Urbanizing Areas of Massachusetts.”

6. Utilities

a. Utilities shall be constructed and routed underground except in those situations where natural features prevent the underground siting or where safety considerations necessitate above ground construction and routing. The Review Board may waive this requirement.

b. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting.

7. Site Planning

In the building of more than one structure, variable setbacks, multiple orientations, and other site planning techniques shall be incorporated in order to avoid the appearance of a solid line of development.

8. Accessory Structures

Construction of a tower, satellite dish, windmill, any type of antenna, or other installation shall not obstruct the view of a public way, or from a public way, or from an abutter’s dwelling.

**1.6. Ridgeline and Hillside Protection District Review Board**

The Ridgeline and Hillside Protection District Review Board shall be a sub-committee of the Planning Board, appointed by the Planning Board, and shall consist of no more than five (5) members. In the absence of such a board, the Planning Board shall administer this Bylaw.

**1.7 Procedures for Review**

1. Prior to undertaking any work in the Ridgeline and Hillside Protection District, including clearing and removal of vegetation, grading or construction, and prior to applying for a Building Permit, landowners must submit an application for Ridgeline and Hillside Protection Review to the Ridgeline and Hillside Protection Review Board. The Building Inspector shall not accept an application for a Building Permit without an attached Ridgeline and Hillside Protection Review application, which has been reviewed by the Ridgeline and Hillside Protection Review Board.

2. The Ridgeline and Hillside Protection District Review Board shall review the application and return its recommendations in writing to the Building Inspector within thirty-five (35) days of the receipt of the application. If the application for Ridgeline and Hillside District Protection Review is associated with an application for a variance, special permit, or subdivision review, the Ridgeline and Hillside Protection District Review Board shall immediately transmit their recommendations to the Planning Board or Zoning Board of Appeals as appropriate.

3. If the Ridgeline and Hillside Protection District Review Board does not submit its recommendations to the Building Inspector within thirty-five (35) days, such failure to act shall constitute approval of the application.

4. The Ridgeline and Hillside District Review Board’s action shall be advisory to the Planning Board and shall consist of either:

a. A determination that the proposed project will constitute a suitable development and is in compliance with the criteria set forth in the Bylaw;

b. Approval subject to conditions, modifications, and restrictions as the Ridgeline and Hillside Protection District Review Board may deem necessary.

5. The Building Inspector, Planning Board, and Zoning Board of Appeals shall, in making their permit granting decision, give due consideration to the Ridgeline and Hillside Protection District Review Board’s recommendations, and shall communicate all subsequent decisions to said Board.

**1.8 Ridgeline and Hillside District Review Applications**

To facilitate siting and design of building sensitively related to the natural setting, applications for the Ridgeline and Hillside Protection District Review of proposed development in the district must be accompanied by the following:

1. Plot Plan;

2. View Points - Photographs of the development site taken from points along the street, together with a map indicating the distance between these points and the site;

3. Placement, height and physical characteristics of all existing and proposed buildings and structures located on the development site.

**1.9 Conflict with Other Laws**

The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

**1.10 Severability**

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the town’s zoning bylaw.