

**Land Use and Development Code Amendment: Invasive Terrestrial Plants**

**Town of Gorham  
Planning Board Meeting  
May 3, 2021**

**ITEM 3 - Land Use and Development Code – Public Hearing:** Proposed amendments regarding invasive terrestrial plants.

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**AMENDMENT TRACKING**

DESCRIPTION	COMMENTS	STATUS
<b>Town Council Meeting</b>	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	<b>February 2, 2021</b>
<b>Planning Board Meeting Discussion</b>	Referred to Board's Ordinance Committee for review and recommendations	<b>March 1, 2021</b>
<b>Ordinance Committee Workshop</b>	The Ordinance committee review the proposed language and forward the item to the PLBD's next available meeting for a Public Hearing. No changes are being proposed by the Ordinance Committee.	<b>March 22, 2021</b>
<b>Planning Board Meeting: Public Hearing</b>		<b>May 3, 2021</b>

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

**Memo completed by Thomas Poirier, Director of Community Development.**

## **Land Use and Development Code Amendment: Invasive Terrestrial Plants**

### **1. Overview**

As reminder the Town Council is looking to add provisions to restrict the use of Invasive Terrestrial Plants for sale, for use in plantings and buffering, and to require the removal of invasive species within any street right-of-way being considered for Town approval.

The last time this item was before the Planning Board it was on for a general discussion and the item as sent to the PLBD Ordinance Committee for review and recommendation. The PLBD Ordinance Committee has reviewed the item and is recommending no changes to the proposed language sent by the Town Council.

This is on for a Public Hearing so the Planning Board will need to open the item to hear any comments on the proposed rezoning.

### **Proposed Amendment:**

#### **Chapter 2: General Standards of Performance, Section 2-1 Environmental,**

##### **J. Invasive Terrestrial Plants**

- 1) No person shall import, export, buy, sell, or intentionally propagate for sale or distribution any living and viable portion of any plant species, which includes all of their cultivars, varieties and hybrids, listed under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273.
- 2) That the use of any of any invasive plant species, which includes all of their cultivars, varieties and hybrids identified under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273 shall be restricted from landscaping or buffering purposes for any property located within the Town.
- 3) That the transplanting of any invasive plant species, which includes all of their cultivars, varieties and hybrids identified under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273 within the Town or across Town boundaries is not permitted.
- 4) That the disposal any invasive plant species, which includes all of their cultivars, varieties and hybrids identified under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273 shall be such as to not promote the dispersal of the invasive species to other lots, properties, and areas within the Town or outside of Town boundaries.

#### **Chapter 2: General Standards of Performance, Section 2-5 Minimum Standards for the Design and Construction of Streets and Ways, E. Acceptance of Streets and Ways, 4. Streets Offered for Acceptance,**

## Land Use and Development Code Amendment: Invasive Terrestrial Plants

i) That the applicant must present to the following documentation: Proof of the verification by a qualified professional approved by the public works department and compensated by the applicant that the street rights-of- way and any other property proposed to be conveyed in any manner to theTown, upon visual inspection, has been free of invasive terrestrial plants as defined in Chapter 2, J. Invasive Terrestrial Plants of this Code for a period of two years prior to the application filing. In the event that invasive terrestrial plants are present, the applicant shall provide proof to the Public Works Director that there have been appropriate eradication methods applied for a minimum of two growing seasons in a manner acceptable to the Public Works Director.

### Chapter 4: Site Plan Review, Section 4-9 Approval Criteria and Standards

**P. Landscaping** - The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

- 1) The use of Invasive Terrestrial Plants is not allowed in any landscaping on the site per the standards and requirements identified under Chapter 2, Section 2-1, J. Invasive Terrestrial Plants.

**S. Buffering** - The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

- 1) The use of Invasive Terrestrial Plants is not allowed in any buffering on the site per the standards and requirements identified under Chapter 2, Section 2-1, J. Invasive Terrestrial Plants.

#### **PROPOSED MOTION:**

Move to recommend adoption of the proposed Zoning Change to Chapter 2, Section 2-1 Environmental, J. Invasive Terrestrial Plants and Chapter 4 Site Plan Approval Criteria to address the prohibition of using Invasive Terrestrial Plants in Landscaping/ Buffering standards to the Town Council (as amended by the Planning Board).

**PLANNING BOARD  
ORDINANCE REVIEW COMMITTEE  
MARCH 22, 2021  
7:00 p.m.**

#### **ZOOM ONLINE WORKSHOP**

**Committee Members Present**

**Staff Present**

## **Land Use and Development Code Amendment: Invasive Terrestrial Plants**

**VINCENT GRASSI, CHAIRMAN  
SUSAN DURST  
THOMAS HUGHES**

**THOMAS POIRIER, DIRECTOR OF  
COMMUNITY DEVELOPMENT  
BARBARA SKINNER, CLERK OF THE  
BOARD**

### **AGENDA**

Mr. Grassi opened the workshop at 7:00 p.m.

#### **ITEM 3 Proposed Amendments to the Land Use and Development Code regarding invasive terrestrial plants**

Mr. Poirier explained that Maine DEP identifies a large number of species of invasive terrestrial plants which the proposed amendment would prohibit being used in any buffering or landscaping on site. Mr. Poirier said the State could be brought in as necessary to help identify and enforce that requirement.

Mr. Poirier said that as part of the street acceptance process, an applicant must present documented proof by a qualified professional that no invasive species are proposed to be conveyed to the Town in street rights-of-way for street acceptance and/or any other property proposed to be conveyed to the Town. In reply to Mr. Grassi, Mr. Poirier said that a developer will be required to eradicate any invasive species in the right-of-way before a street is proposed for acceptance.

The committee agreed that listing the invasive species is not practical and instead a reference to the State's list is more appropriate.

The committee concurred that this proposed amendment can also be forwarded to the full Board for a public hearing.