

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

**Town of Gorham  
Planning Board Meeting  
March 1, 2021**

**ITEM 9 - Land Use and Development Code - Discussion:** 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>		<b>March 1, 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**

This is the first time the proposed zoning amendment item has been before the Planning Board for review. 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.

This item can either be forwarded to one of the Board's sub-committees for review and recommendation, forwarded to a full Planning Board workshop, or forwarded to the next Planning Board meeting for a public hearing.

### **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 MOTIONS:**

Move to send the item to the Board's Ordinance Committee or Comprehensive Plan Implementation Committee for review and recommendations.

*Or*

Move to send the item to a full Planning Board workshop for review.

*Or*

Move to send the item to a full Planning Board meeting for a public hearing.