

## **ARTICLE XXII LANDSCAPING**

### **175-114. Purpose and Intent.**

The purpose of this Landscaping Article is to establish procedures and practices governing the protection, installation and long-term maintenance of trees, vegetation and other landscape elements. Except where otherwise specifically stated, this article applies only to subdivisions of land where a new street is involved.

### **175-115. Invasive Species.**

No person shall collect, transport, import, export, move, buy, sell, distribute, propagate or transplant any living and viable portion of any plant species, including all of their cultivars and varieties, included in Table 3800.1, New Hampshire prohibited invasive species list, as amended, or included in Env-Wq 1303.02 list of Prohibited Exotic Aquatic Weeds as published by the New Hampshire Division of Environmental Services. This restriction does not apply to the removal or eradication of any invasive species in accordance with best management practices. This provision applies to all property in Durham. [Reference: <https://www.agriculture.nh.gov/publications-forms/documents/prohibited-invasive-species.pdf>; <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/env-wq-1300.pdf> ]

### **175-116. Subdivision Areas.**

During the development and construction process, wooded natural and non-wooded natural areas will be manipulated to maintain a healthy vegetative cover to maintain the soil structure, minimize soil erosion and enhance the quality of the proposed community. In wooded natural areas, the healthy forest cover will be retained to reduce the amount of stormwater running across the ground surface.

#### **A. *Wooded natural areas.***

1. Plant community groupings or forest types will be identified, and the negative response to construction for plant groupings or forest types shall be identified based on forestry management principles.
2. Trees targeted for harvest/removal shall be clearly marked.
3. Trees to be protected during clearing operations and construction shall be clearly marked to caution operators.
4. Trees of special interest, historic trees or trees having unusual silvicultural characteristics shall be flagged and located on the landscaping plan. These existing trees shall be protected during construction as outlined in Section 175-117.
5. The landscape plan will include a reforestation plan to establish trees in appropriate places, not to attempt to design finished landscaping near home sites. The plan is intended to establish and enhance forest cover in certain areas and/or create screens and buffer strips in critical locations, i.e., sewer/water easements. Proposed screening and buffer strips will receive plantings of evergreens 3 to 4 feet in minimum height, planting on 10 x 10 foot centers (i.e., white pine, red pine or hemlock).

6. A site inspection by the Durham Tree Warden of trees marked for saving, cutting or clear-cutting is required prior to cutting of the lot.
- B. ***Non-wooded natural areas.*** For subdivisions in open fields and other non-wooded areas, the landscape plan will include a mix of tree species to be planted on thirty-foot centers to provide for a tree canopy. The trees will be planted within the town right-of-way or on the private property boundary line adjacent to the town right-of-way.
- C. ***Roadway slopes.*** In cases where the sloped areas extend more than 10 feet from the shoulder to the ditch line, the sloped areas must be landscaped and planted as determined by the Planning Board.

#### **175-117. Protection During Construction.**

- A. Fencing or other protective barrier shall be used around trees near construction sites.
- B. Changes in the normal drainage patterns shall be avoided, and appropriate protection shall be provided for trees if a grade change is necessary in the surrounding area.
- C. Pedestrian and other traffic patterns should be kept away from trees to avoid soil compaction.
- D. Practices for the proper protection of trees on construction sites shall be in accordance with the guidelines in the following references:
  1. Tree Protection Manual for Builders and Developers, 1979, Florida Department of Agriculture and Consumer Services, Tallahassee, Florida.
  2. Protecting Shade Trees During Home Construction, United States Department of Agriculture, Home and Garden Bulletin No. 104, 1977, United States Government Printing Office, Washington, D.C. 20402.
  3. Environmental Do's and Don'ts on Construction Sites, United States Department of Agriculture, Soil Conservation Service, Publication No. 1291, 1974.
- E. If the above guidelines are not followed and a tree is damaged or destroyed during construction, the developer shall be required to pay to the Town of Durham the assessed value of said tree, to a maximum of \$2,500 per tree, the cost to be determined by guidelines in a Guide to Professional Evaluation of Landscape Trees, Specimens and Evergreens, 1982, International Society of Arboriculture, Urbana, Illinois, or per an updated version.
- F. Protection of existing vegetation during construction shall include, wherever possible, open field or non-treed areas.

#### **175-118. Maintenance Requirements.**

The maintenance requirements as outlined below shall apply specifically to trees planted as part of subdivisions.

- A. All newly planted vegetative material shall be guaranteed to meet minimum American Standard for Nursery Stock standards at the time of planting and for 1 year thereafter.
- B. Any agreement for long-term maintenance of any landscaping project must be negotiated prior to approval of a subdivision request based on the following criteria:
  1. Vegetation replacement.
  2. Irrigation.
  3. Pruning, fertilizing and insect and disease protection.

4. Litter or debris cleanup.
  5. Drainage and tree protection if there is a grade change.
- C. A maintenance program shall be established. Pruning should be started early and kept up at regular intervals. Trees should be pruned and shaped to avoid splitting later in life. Broken tops and branches should be removed as soon as possible after injury. Broken, weak or diseased branches should be removed first, dead branches second and healthy branches last.
- D. Trees and shrubs should be protected against damage incurred with lawn mowers and garden equipment. Keeping grass away from tree trunks with the use of mulch is recommended.
- E. The use of road salt around the trees and shrubs should be avoided or minimized.
- F. Required landscaped areas shall be routinely maintained free of debris and litter and in good condition, with regular mowing of grass, so as to present a neat, healthy and orderly appearance. Maintenance shall include the replacement of all dead plant material within the guaranteed contract period. Practices for proper maintenance of landscape materials shall be done in accordance with the following standards:
1. A Pictorial Primer for Proper Pruning by Dr. Alex L. Shigo, Forest Notes, Number 148, Spring 1982, pages 18-21.
  2. Standards of Practice of National Arborist Association, Inc., which includes Pruning, Fertilizing, Cabling, Pesticide Application and Lighting System Installation, National Arborist Association, 3537 Stratford Road, Wantagh, New York 11793.
  3. The Planting and Care of Shade Trees, Extension Publication Number 10, Cooperative Extension Service, University of New Hampshire, Durham, New Hampshire 03824.