

## **Proposed Amendments – Invasive Species**

### Durham Site Plan Regulations

#### Article 5 – Landscaping and Screening Standards

*Recommended changes by the Conservation Commission – December 23, 2024*

*Proposed new language shown like this*

~~*Language proposed to be deleted shown like this*~~

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Section 5.2	General Objectives
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Appendix A	Recommended Landscaping Measures <i>[included at the end of this Article]</i>
Appendix B	Recommended Landscaping Species and Prohibited Invasive Species <del><i>[included as a separate document, at the end of these regulations]</i></del>

#### ...Section 5.3 General Requirements

- 5.3.1 Areas not occupied by buildings or other structures, parking, loading, access ways, landscaping materials, natural vegetation or other natural features shall be left in their natural vegetated state where desirable. Areas disturbed during construction that otherwise will not be occupied by one of the above structures or elements shall be replaced with a minimum of 6 inches of suitable topsoil and replanted as appropriate.
- 5.3.2 At a minimum, all yards, setbacks, and areas of open space as required by the Zoning Ordinance shall retain existing natural features or be landscaped as required herein.
- 5.3.3 Landscaped areas shall consist of ~~a~~ *some* combination of grass, flowers, vines, groundcovers, shrubs, and/or trees, as appropriate. All planting areas shall be landscaped with a combination of climate tolerant plant material and protective groundcover and bark mulch, as appropriate. No area shall be left to remain as bare soil.
- 5.3.4 Sites shall be designed to retain and enhance the existing natural features as reasonably determined by the Planning Board.
- 5.3.5 Existing invasive plant species on the subject property shall be removed and destroyed. The Planning Board may reduce or disregard this requirement, where appropriate, based upon the location and area of invasive species relative to the area to be

developed. ~~Applicants shall refer to the current Prohibited Invasive Plant Species List maintained by the NH Department of Agriculture.~~ See *Invasive Species, below.*

- 5.3.6 Existing topography shall be maintained unless otherwise approved by the Planning Board.
- 5.3.7 Plant material and landscape maintenance procedures shall incorporate water conservation techniques (i.e., xeriscaping)
- 5.3.8 All local and state requirements for yards and sight distance shall take precedence for selection and placement of landscaping features, as appropriate.
- 5.3.9 No plantings shall be placed where they may interfere with existing or proposed sewer, water, natural gas lines, or power/utility lines, or where they will inappropriately block signs or lighting.
- 5.3.10 The front yard landscaping area may contain any of the following:
- (a) Public utility easements and open surface drainage easements that do not occupy more than thirty (30) percent of the required landscaped area. Such areas shall be planted with perennials or groundcover in order to not interfere with utility connections;
  - (b) Transformers and underground utility connections, provided ~~that~~ they do not encroach more than five (5) feet into the required landscaped area. Such equipment shall be landscaped to soften the visual impact.
- 5.3.12 Applicants shall incorporate Low Impact Development (LID) design practices and technologies in all aspects of the site's landscaping, *as appropriate.*
- 5.3.13 Zoning Ordinance. Until such time that Article XXII – Landscaping, in the Durham Zoning Ordinance, is removed from the Zoning Ordinance, wherever any provision in these regulations is inconsistent with a provision in the Zoning Ordinance, the stricter provision shall apply.
- 5.3.14 The landscaping plan shall be developed by a landscape architect or other qualified professional, unless waived by the Planning Board.

## Section 5.4 Plant Selection

The following standards shall apply.

- 5.4.1 Trees shall be selected for growing habits that are appropriate for the location, and for the intended function (privacy buffer, shade, etc.). Consideration shall be given to rooting space, crown height and canopy spread at maturity in order not to interfere with structures, sidewalks, utility lines (above- and below-ground), signs, lights, and other elements.

- 5.4.2 When appropriate, soil tests shall be performed and serve as reference for plant species selection.
- 5.4.3 Deciduous trees, at the time of planting, shall be fully branched and have a minimum caliper of 2 inches. When trees ~~will be~~ *are* used for screening, buffering, or other purposes where a larger tree is desirable, the Planning Board may stipulate a larger caliper, such as 2-1/2 to 3-1/2 inches.
- 5.4.4 Evergreen trees, at the time of planting, shall be fully branched and have a minimum height of 5 feet. When trees ~~will be~~ *are* used for screening, buffering, or other purposes where a larger tree is desirable, the Planning Board may stipulate a taller tree, such as one 7 to 9 feet tall.
- 5.4.5 Shrubs, at the time of planting, shall be fully branched and have a minimum height of 2½ feet, except for shrubs intended to be shorter or those used for ground cover.
- 5.4.6 All proposed plantings shall be appropriate for the soils, drainage, hardiness zone, climate and other conditions of the site. Particular attention shall be paid to tolerance to potential road salt and other deicing treatments.
- 5.4.7 Plant materials shall be of specimen quality conforming to the most recent version of the American Standards for Nursery Stock (ANSI) and be pest free. Plant materials shall be guaranteed for at least two growing seasons or two years, whichever is greater. Plant materials that die or are in poor condition during the 2-year warranty period shall be replaced.
- 5.4.8 Unless otherwise approved, trees shall be selected from the approved list of tree species, included in Appendix B – Approved Tree Species.
- 5.4.9 ***Invasive Species. ~~Species on the current Prohibited or Restricted Invasive Plant Species Lists maintained by the NH Department of Agriculture shall not be planted.~~ Plant species, including both terrestrial and aquatic species, listed as Prohibited (P) and on the Watch List (W) on the New Hampshire Comprehensive Invasive Plant List maintained by the New Hampshire Department of Agriculture, Markets, and Food (as amended) shall not be planted. The list is shown here: <https://www.agriculture.nh.gov/publications-forms/documents/nh-invasive-plant-list.pdf>. A partial list showing the most common prohibited species (including P and W) is included in Appendix B.***
- 5.4.10 Species shall not be planted that are a known host for an insect or disease pest of concern for the region.