



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

To: Simsbury Conservation Commission/Inland Wetlands and Watercourses Agency

From: Brittany MacGilpin, Assistant Town Planner

Date: November 21, 2023

RE: Update on Invasive Plant Species Research

Summary of Request

During the September 5, 2023 Conservation Commission/IWWA regular meeting, commissioners discussed the ongoing issue of invasive plant species overgrowth in Town and possible policy strategies the Town can enact to mitigate their nuisance. Invasive plant species are non-native plants that become disruptive to the regional landscape and negatively impacts the environment around them.

It was requested that staff begin researching what other local jurisdictions may be doing in this regard. Results show that a number of towns in Connecticut include regulatory language, typically contained in the town's Zoning Ordinance, that restricts the use of invasive plant species and/or requires the eradication of existing invasive plants on a property.

Policies for the Town of Simsbury

The Town of Simsbury includes language on invasive species management in two of its regulating documents. The first is in the Planned Area of Development (PAD) section of the Town's Zoning Ordinance. A PAD is an overlay zone that permits development for tracts of land within an eligible zone. There is a list of criteria for what should be included in the application, including the following: "where appropriate, [the application] integrates and preserves existing mature vegetation and a variety of plant species in the Master Development Plan and avoids the use of invasive species."

Language for managing non-native plants is also included in the "Inland Wetland and Watercourses Regulations, Town of Simsbury (IWWR)." Section 7, Application Requirements, requests that an application include language to manage and mitigate impacts to the wetlands, including to "maintain or enhance existing environmental quality, such as managing non-native invasive plants." Non-native invasive plants are defined in the regulation as those plants that "meet the criteria for a non-native invasive species or a potentially invasive species as determined by the CT Invasive Plants Working Group."

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8:30 - 7:00 Monday
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8:30 - 1:00 Friday

Local Policy Initiatives

The Town of Avon, CT has language restricting invasive plant species use in their Zoning Ordinance. Avon's Housing Opportunity Zone (HOZ) lists specific landscape requirements for proposed developments within that zone. Specifically, Section IX, H.7(c), states, "the introduction of invasive plant species is prohibited and eradication of existing invasive species may be a required element of the landscaping plan."

The Zoning Ordinance for the City of Hartford, CT includes a section titled, "Sitework & Landscape," which provides landscape standards for public ways, development on private lots for parking lots, loading zones and landscape buffers. Section 6.2.3 E (2) explains that planting materials for in these instances "shall not be an invasive or a potentially invasive species as identified by the Connecticut Invasive Plan Working Group, the Connecticut Invasive Plants Council, as authorized in CT State Statute 22a-381b, or the State of CT DEEP."

The Town of Greenwich, CT has specific landscape standards in Division 17 of their Zoning Ordinance that are required for a number of proposed project types town wide in order to "reduce invasive species and enhance visibility of local flora and fauna." As per the requirements in the Division, a Landscape Plan must be submitted for the following proposed uses:

- Business uses in business zones,
- Multi-family uses in any zone,
- Mixed use residential in business zones,
- Parking for more than ten (10) cars,
- Any use requiring a special permit or special exception
- Non-residential uses in residential zones and
- Residential property permitted for full demolition and re-build.

The landscape plans are submitted as part of a Site Plan or Special Exception Application and is reviewed by staff and approved by the Commission charged with reviewing these applications, which is typically a Zoning or Planning Commission.

The Zoning Ordinance in the Town of Farmington, CT has invasive plant species regulations for its Farmington River Protection Overlay District. This overlay district restricts the use of "non-native and potentially invasive vascular plants." Furthermore, it requires an invasive species removal plan (completed by a Landscape Architect) as part of the application submission process for development within this district.

The Town of Canton, CT has an Albany Turnpike Lawton Road Gateway District. One of the requirements stated in the Proposed Landscaping section within the district states, "no plant material listed in "Non-native and Potentially Invasive Vascular Plants in Connecticut, Center for Conservation and Biodiversity, University of Connecticut, Storrs, by L.J. Mehrhoff, K.J. Metzler & E.E. Corrigan, 2001," as it may be revised or updated, shall be installed within the ATG-2 District."

The Town of Bloomfield, CT has a section in their Zoning Ordinance dedicated to Landscaping town wide. This section discusses landscape requirements for any development in the Town which requires Site Plan or Special Permit approval, parking areas and buffer requirements. One of the provisions of landscape plans is the use of native species. It goes on to say that "the use of any plant designated by the CT DEEP as an invasive species is prohibited."

The Town of Branford, CT includes language in the Town's Inland Wetlands and Watercourses Regulations. In Section 7 of the Application Requirements, it states an application must include information detailing the protection efforts of wetland and watercourses and, where possible, enhancement of these areas. The following language is included:

Providing vegetated areas adjacent to the wetlands and watercourses which areas are designed to protect resources after development, by filtering pollutants in runoff, protecting water quality and temperature, providing wildlife habitat, screening structures and enhancing aesthetics, and providing access for recreation. Plantings will include only Connecticut native vegetation within wetlands, watercourses, storm water quality structures, and protective vegetated areas. No plants listed as invasive or potentially invasive by the State of Connecticut and the Connecticut Invasive Plant Council may be planted on any site.

Policies were also found in towns outside of the State of CT. The Town of Sturbridge, MA discussed the removal of invasive species through the Town's Wetlands Regulations. The "Forestry" section provides performance standards for Forest Cutting Plans that are submitted to the Town. A specific standard states "if invasive plants are found during the logging operation, the logger may be required to take corrective action to control or eradicate the invasive plants."

The Town of Sturbridge also has a Village Gateway District and requirements aimed to guide development and land use within this District is provided including a landscaping standard within the section, which states that "plant material shall be noninvasive as delineated on the MassDOT Invasive Plant List." Furthermore, within the Village Gateway District, if a plant is on the State's Invasive Species List, it must be removed.

Discussion

After reviewing examples from other towns, there are opportunities to strengthen language in the Town of Simsbury's regulating documents in order to more closely address invasive plant species growth. The following ideas are for discussion purposes. Other ideas or modifications can also be considered.

Zoning Regulations. The Town does not have a comprehensive landscaping regulation. A possible change to the Town Zoning Regulations could include a text amendment for the addition of a landscaping standards section. A landscaping plan is typically expected as a part of any site plan or subdivision plan and also, the Zoning Ordinance requires a landscape plan for development within the PAD zone and in the Hartford -Simsbury Form-Based Code (AKA the North and South Hartford sites). A new landscape section could outline specific landscaping standards, such as restricted use/eradication of invasive plants, for additional types of land use applications and require a landscape plan be submitted with these applications, similar to what the Town of Greenwich and Bloomfield is doing per the previous section.

In addition, the Zoning Commission could refer site plans to the Conservation Commission as an information item where suggestions would be made and reported back to the Zoning Commission that is reviewing the application.

A text amendment to the Zoning Ordinance is required to incorporate these changes.

Wetlands Regulations. Section 7 of the Simsbury Inland Wetland and Watercourses Regulations (IWWR) explains what is to be included in a wetland's application going before the Inland Wetlands and Watercourses Agency. The approach to invasive species could be expanded beyond general mitigation, to include requirements for landscaping plans with native species and the removal of invasive plants where appropriate and reasonable.

Any changes to the IWWR requires a public hearing with noticing requirements as well as notification of the changes to the Commissioner of Environmental Protection at least 35-days prior to a scheduled public hearing.