

## Department of Permitting & Inspections

Zoning Division  
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**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** June 15, 2021  
**RE:** ZP-21-415; 6 Alexis Drive

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: RL-W                      Ward: 4N

Owner/Applicant: Alan P. Tetreault Revocable Living Trust & David E. Cohen Revocable Living Trust / David Cohen

**Request:** Clearing of pines and hardwoods from the lot in anticipation of the construction of a new single family residence on site in Fall, 2021.

### **Applicable Regulations:**

Article 5 (Citywide General Regulations)

### **Background Information:**

The applicant is seeking approval to remove pines and hardwood trees in anticipation of construction of a new single family residence on the vacant lot. This project will result in 100% removal of trees from the lot. No other development is proposed at this time, and this application is reviewed under the Tree Removal standards of Article 5 of the Comprehensive Development Ordinance.

No previous zoning actions for this property:

**Recommendation:** Consent approval as per, and subject to, the following findings and conditions.

## **I. Findings**

### **Article 5: Citywide General Regulations**

#### **Sec. 5.5.4, Tree Removal**

##### **(a) Review criteria for zoning permit requests for tree removal**

##### **(1) Grounds for approval**

*Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:*

#### **A. Removal of dead, diseased, or infested trees;**

The city arborist visited the property and noted that if a few trees were to remain around the future home site, those trees would become more susceptible to winds and root damage, and ultimately become more of a hazard. The clearing plan submitted indicates that there are tall, top-heavy pines and a few weak hardwood trees that will be removed. Further conversation with the applicant confirms that the aim is to clear the entire lot, and import fill to raise the lot to a similar or equal elevation to that of the neighboring lot. Once complete, new hardwood trees and other species will be planted. **(Affirmative finding)**

**B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices;**  
**(Not applicable)**

**C. Removal of trees that are a danger to life or property; or,**  
As noted above, the city arborist feels that the trees on the property represent a hazard to the future home site. Clearly, any tall tree, healthy or not, can be a hazard to a home site given certain circumstances. However, (D) below allows for tree removal as part of an approved development plan. **(Affirmative finding)**

**D. As part of a development with an approved zoning permit.**  
Preliminary development plans have been provided to staff for initial review, but a formal zoning permit application has not yet been submitted. The applicant is requesting approval to remove the trees at this time to start development of the home site ahead of schedule. **(Affirmative finding)**

**(2) Grounds for denial**

*Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:*

**A. Providing a significant privacy or aesthetic buffer or barrier between properties;**  
**(Not applicable)**

**B. Providing stabilization on slopes vulnerable to erosion;**  
**(Not applicable)**

**C. Located within a riparian or littoral buffer;**  
**(Not applicable)**

**D. Provide unique wildlife habitat;**  
**(Not applicable)**

**E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program; or,**  
**(Not applicable)**

**F. A significant element or, or significantly enhances, an historic site.**  
**(Not applicable)**

## **II. Conditions of Approval**

1. Standard permit conditions 1-15.