

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone:(802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: May 18, 2021
RE: 21-0788CA; 85 Archibald Street

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: NMU Ward: 2C

Owner/Applicant: Archibald Street Housing / Champlain Housing Trust

Request: Removal and replacement of 8 trees

Applicable Regulations:

Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval to remove 8 trees that were installed as part of the original project constructed in 1994. All of the trees will be replaced with new trees in the same location. The trees to be removed are a variety of maple. The proposed trees are ginkos of 1" 1.5" caliper and ~ 7' tall at the time of planting. As no other development is proposed, this application is reviewed under the Tree Removal standards of Article 5 of the Comprehensive Development Ordinance.

Previous zoning actions for this property:

- 8/21/20, Approval to replace wooden railings and lattice with PVC.
- 10/25/13, Approval to replace wooden doorway trim with composite.
- 3/1/10, Approval to install walkway lighting.
- 11/25/02, Approval to construct a shed.
- 10/9/97, Approval to install a freestanding sign.
- 5/12/94, Approval to construct 20 units in 2 buildings.

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 application asserts that the existing trees are not healthy as a result of repeated limbing up over the years. Each one of the eight trees to be removed will be replaced with new trees. **(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,

(Not applicable)

D. As part of a development with an approved zoning permit.

The existing trees were planted as part of the original development and were included in the original landscaping plan approval. While no new development is included in this application, this proposal amounts to a modification to that originally approved landscaping plan. As noted above, the existing trees will be replaced with new trees in the same location and with similar growth potential. **(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. Any of the new trees to be planted shall be replaced if they become diseased, infested, or die.
2. Standard permit conditions 1-15.