

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: November 17, 2015
RE: 16-0375CA; 311 & 329 North Avenue

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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: WRM Ward: 4N

Owner/Applicant: BC Community Housing, LLC / Eric Farrell

Request: Tree maintenance plan for 311 & 329 North Avenue

Applicable Regulations:

Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval of a Tree Maintenance Plan per Sec. 5.5.4, *Tree Removal*, of the Comprehensive Development Ordinance. This section allows property owners to address tree removal and maintenance on their property in 5-year increments without the need for separate zoning permits for each individual tree removal project.

The Development Review Board initially considered this request at their October 6, 2015 meeting. The Board deliberated on October 21, 2015 and, due to concerns about the possible extent of tree clearing, moved to reopen consideration of the proposed tree maintenance plan, subject to review and comment by the Conservation Board with a site visit to the property.

The site visit with members of the Conservation Board took place October 29, 2015. A revised tree maintenance plan was reviewed by the Conservation Board shortly thereafter on November 2, 2015. At that meeting, the Conservation Board voted unanimously to recommend approval of the tree maintenance plan and to commend the quality of the plan.

Previous zoning actions for this property are noted below.

- 9/1/15, Approval for addition of curb cut and drive to 351 North Ave
- 7/12/12, Approval to install wire fence
- 12/16/11, Approval to install 5 replacement windows
- 11/3/10, Approval to change use from institutional office & group home to college

Recommendation: Certificate of Appropriateness approval as per, and subject to, the following findings and conditions.

I. Findings

Sec. 5.5.4, Tree Removal:

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

See (b) below.

(b) Tree Maintenance Plans

1. A Tree Maintenance Plan prepared by a certified arborist shall be submitted as a Level I Certificate of Appropriateness... This plan shall include general and specific criteria for removing trees based on the criteria as per Sec. 5.5.4 (a).

The proposed Tree Maintenance Plan has been prepared by a team consisting of consulting foresters and a certified arborist as required. The plan focuses on the area of property that may ultimately be conveyed to the city as some sort of public land. Within this area, the plan delineates several distinct forest community types and notes specific management objectives for each. Several copses within “area 3” are to be removed, consistent with the surrounding open lawn. In the rest of the woodland communities, the revised tree maintenance plan emphasizes removal of invasive species and retention/promotion of native species. Revisions to the tree maintenance plan also include new emphasis on preserving dead and dying trees for wildlife and protection of native ground cover during maintenance activities. Limbing up trees has been deemphasized in the revised tree maintenance plan.

The proposed tree maintenance plan touches on each of the criteria of Sec. 5.5.4 (a) as required. Dangerous trees will be removed, particularly those close to paths. Thinning will be aimed at invasive growth in the understory – such as the abundant buckthorn. Revisions note that coarse and fine woody debris will be retained. Mast-producing species will also be retained. The westernmost portion of the property is affected by the Riparian & Littoral Conservation Zone running 250’ inland from the 100’ elevation along Lake Champlain. The proposed tree maintenance plan acknowledges this overlay zone, and proposed tree clearing will be within the permitted 25% limit articulated under Sec. 4.5.4 (c).

Staff from the Department of Parks & Recreation had commented on the original tree maintenance plan and expressed concerns relative to its potential impacts on the woodlands, particularly with the extent of clearing and pruning. Revisions to the tree maintenance plan address those concerns by deemphasizing limbing up of trees and emphasizing the retention of native understory and dead and dying trees for their value as wildlife habitat. **(Affirmative finding)**

2. The Tree Maintenance Plan if approved...

This Tree Maintenance Plan, when approved, will be valid for 5 years. **(Affirmative finding as conditioned)**

3. In order to continue tree removal...

For ongoing tree removal on the subject lands beyond the initial approval, the Tree Maintenance Plan must be updated or re-written and approved by the DRB at 5 year intervals. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. This tree maintenance plan, as revised October 8, 2015, is valid for a period of 5-years from the date of approval.