

## 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  
vacant, Associate Planner  
Joseph Cava, Permit Technician  
Ted Miles, Code Compliance Officer  
vacant, DPI Administrator



**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** January 3, 2023  
**RE:** ZP-22-608; 800 Pine Street

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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 Ward: 5S

Owner/Applicant: Burlington School District / James Sherrard

**Request:** After-the-fact tree cutting associated with ongoing maintenance of stormwater pond.

### **Applicable Regulations:**

Article 5 (Citywide General Regulations)

### **Background Information:**

The applicant is seeking approval after-the-fact for tree cutting associated with an emergency stormwater outfall replacement done in November 2022. A zoning permit is required because the pertinent tree maintenance plan has expired. A new tree maintenance plan is being sought under separate application.

The tree cutting occurred along the fence line north of the stormwater pond behind Champlain Elementary School. An aerial image depicting the area of tree cutting and a photo of the site after it was cleared have been provided. Other than mentioning that the tree cutting was associated with maintenance of the stormwater pond, there is no information in the application as to why the cutting was necessary and how many trees were cleared. Lacking such information, the application cannot be assessed per the applicable criteria in Sec. 5.5.4, *Tree Removal*.

**Recommendation:** Continue review until missing information is provided.

## **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;**  
Not applicable.

**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 application notes that the tree cutting was done in association with stormwater pond maintenance. No other detail has been provided as to why it was necessary and how it relates to maintenance of the nearby pond. **(No finding possible)**

**(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;**

**B. Providing stabilization on slopes vulnerable to erosion;**

**C. Located within a riparian or littoral buffer;**

**D. Provide unique wildlife habitat;**

**E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program; or,**

**F. A significant element or, or significantly enhances, an historic site.**

Lacking application details, the above criteria A – F cannot be assessed. **(No finding possible)**

**II. Conditions of Approval**

If application materials sufficient to demonstrate compliance with the criteria of Sec. 5.5.4 are provided prior to close of Board review, standard zoning permit conditions are recommended.

1. Standard permit conditions 1-15.