

**Department of Permitting & Inspections**

Zoning Division  
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**MEMORANDUM**

**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** August 23, 2022  
**RE:** ZP-22-436; 68 Sears Lane

=====  
**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: E-LM Ward: 5S

Owner/Applicant: Burlington Community Devl CO City Treasurer / Brendan Stringer

**Request:** Tree removal associated with the new stockpile area for the Champlain Parkway project.

**Applicable Regulations:**  
Article 5 (Citywide General Regulations)

**Background Information:**  
The applicant proposes to remove trees to accommodate a stockpile yard for the Champlain Parkway project. Approximately 270 trees exceeding 3” in caliper will be removed. The species include poplar, white birch, and pine. Grading will also occur to remove stumps and prep the site for stockpiling.

- Previous zoning actions for this property:
- 8/18/05, Approval to adjust the western lot line for the Southern Connector right-of-way
  - 9/13/21, Approval to install chain link fencing
  - 2/23/22, Approval of a stockpile area for construction materials associated with the Burlington HES 5000(18) roundabout project

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

**I. Findings**

**Article 5: Citywide General Regulations**  
*Sec. 5.5.3, Stormwater and Erosion Control*

The work will disturb more than 400 sf of ground area, which triggers the need for an Erosion Prevention and Sediment Control plan. This plan will need approval by the Stormwater Program Manager prior to work starting. **(Affirmative finding as conditioned)**

*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.**

Tree removal is needed for a new stockpile yard, specific to the Champlain Parkway project. The project will see the removal of approximately 270 trees that exceed 3” in caliper. However, the applicant notes that the vast majority of the trees are small and the number exceeding 6” and 10” caliper size is very small. Species include poplar, white birch, and pine. **(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. **Prior to the start of tree removal**, an Erosion Prevention and Sediment Control plan shall be submitted to, and approved by, the Stormwater Program Manager.
2. Standard permit conditions 1-15.