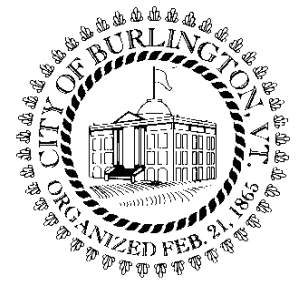


Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
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Theodore Miles, Code Compliance Officer
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: February 7, 2023
RE: ZP-22-625

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.

File: 22-625

Location: 72 Temple Street

Zone: RL **Ward:** 7N

Parking District: Neighborhood

Date application accepted: December 5, 2022

Applicant/ Owner: David Mullen / Habitat for Humanity

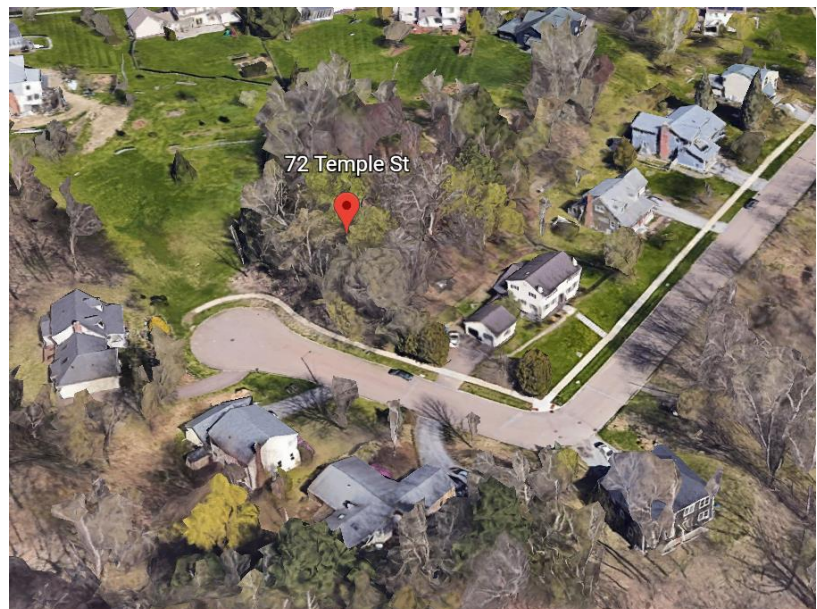
Request: Tree removal.

Background:

- **Zoning Permit 99-265;** lot line adjustment between this lot and 3 and 14 Rockland Streets. This vacant parcel increased in size to .68 acres as per the filed plat dated 8.3.1978 (slide #109.) November 1998.
- **Zoning Permit 85-318;** construct a contemporary single family, two level home with attached two car garage. Approved July 1985.

Overview:

Green Mountain Habitat for Humanity has purchased the 72 Temple Street property with the intention to build a duplex home on the vacant site. The site has some shallow ledge running in parts of it. To determine where exactly the ledge is and where the home should be sited, Habitat needs to dig some test holes. The site currently contains mostly trees of a diameter of 2" to 5" along with some poplars and pine trees of a larger size. There is a



significant amount of fallen trees and branches. In order to bring in equipment to dig the holes the applicant needs to cut some of the trees out of the way. Trees identified as a visual buffer between the existing homes and the future home site will be retained. The majority of the trees on the property by far will be untouched by us. The applicant is looking to remove approximately **15 trees of a diameter from 2” to 4”, 10 trees from 5” to 6 “, and 5 from 6” to 8”**.

Once the site information is gathered, the applicant will be able to design and orient the home, and at that time we will return for the other required permits.

Recommended motion: Certificate of Appropriateness Consent Approval, per 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 applicant has indicated that there are downed trees and branches that will be removed.

B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices;

The tree removal is intended for site reconnaissance to inform siting of a new duplex, not for the health of the remaining trees. 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.

Habitat intends to make an application for a new duplex residence on the parcel, once the site testing informs the best location for the building envelope. As there is ledge present, the applicant needs to accomplish this preliminary work on the heavily wooded lot to best create a plan for the new development. The zoning permit application, although anticipated, has not as yet been reviewed. **Affirmative finding** if DRB concurs that the work is essential to the application planning for new development.

(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;
The applicant intends to retain tree buffers between individual parcels. **Affirmative finding.**

B. Providing stabilization on slopes vulnerable to erosion;
The applicant narrative includes: *Because we are not removing any of the perimeter trees or any significant portion of the total trees on the property there would be no reason for additional erosion occurring on the site.* Staff has consulted with the Stormwater Engineer, who provided that they will conduct their review when the home construction permit is under review. **Affirmative finding.**

C. Located within a riparian or littoral buffer;
72 Temple Street is not within the Natural Resource Composite Overlay zone; nor in the Riparian Littoral Overlay. **Affirmative finding.**

D. Provide unique wildlife habitat;
The parcel does not fall within any of the Recreation, Conservation and Open Space Districts; or the Natural Resource Protection Overlay District. **Affirmative finding.**

E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program;
The application narrative defines poplar and pine trees; neither of which are considered rare. **Affirmative finding.**
or,

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

II. Conditions of Approval

1. The applicant shall submit a redevelopment plan as soon as reasonably possible after the tree removal.
2. Standard Permit Conditions 1-15.

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