



Department of Planning and Zoning

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www.burlingtonvt.gov/pz

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DEPARTMENT OF
PLANNING & ZONING

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 128 Lakeside Ave. Burlington UT
PROPERTY OWNER*: FORTIETH BURLINGTON LLC APPLICANT: FORTIETH BURLINGTON LLC
POSTAL ADDRESS: 67 Lewiston Rd POSTAL ADDRESS: 128 LAKESIDE AVE
CITY, ST, ZIP: Grosse Pointe Farms MI CITY, ST, ZIP: BURLINGTON UT 05401
DAY PHONE: 313-881-7433 DAY PHONE: 802-863-6903
EMAIL: EMAIL: cmyers@gilbanero.com
SIGNATURE: [Signature] SIGNATURE: [Signature]

Description of Proposed Project: Approximately 130' Fence 8' high on eastern parking side of property. Built custom by Gilbane.

Existing Use of Property: [] Single Family [] Multi Family: # ___ Units [] Other: Office Bld
Proposed Use of Property: [] Single Family [] Multi Family: # ___ Units [] Other: Office Bld

- Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes [] No []
Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes [] No []
For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes [] No []
Are you proposing any work within or above the public right of way? Yes [] No []

Estimated Construction Cost (value)*: \$ 2,500
(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

Office Use Only: Zone: ELM Eligible for Design Review? 4 Age of House 1894 Lot Size
Type: SN ___ AW ___ FC [x] BA ___ COA 1 ___ COA 2 ___ COA 3 ___ CU ___ MA ___ VR ___ HO ___ SP ___ DT ___ MP
Check No. Cash 37010 Amount Paid \$50. Zoning Permit # 17-1024fe
\$150 DRB Fee paid 6/20/17 April 2014

Oakledge Environmental Services, Inc.

P.O. Box 4065, Burlington, VT 05406 (802) 660-8312

**Wetland Report
For Screening Fence Installation
at
128 Lakeside Avenue
Burlington, Vermont**

This memorandum addresses regulatory compliance with local, state, and federal wetland regulations for the installation of a ±130-foot long fence (the Project) on the Gilbane Development Company property located at 128 Lakeside Avenue in Burlington, Vermont. The Project was reviewed to ensure compliance with the Zoning Regulations for the City of Burlington (local), the Vermont Wetland Rules (state), and Section 404 of the Clean Water Act (federal).

A wetland located on the adjacent DPW parcel at 645 Pine Street triggered the wetland review requirements outlined in the Zoning Regulations. This wetland is located entirely on the DPW parcel, as delineated by the City of Burlington for regulatory review of DPW activities. The northern tip of the proposed fence on the Gilbane property will be located approximately 100 feet from the wetland boundary, at its closest point.

Project Description

The ±130-foot long and eight-foot tall fence will provide visual screening along the eastern margin of the Gilbane property. The proposed fence will be installed atop a northerly-trending berm located at the eastern edge of an existing paved parking lot. The entire fence will be installed in a previously disturbed location that is maintained as a mowed lawn. The fence will screen Gilbane's view of the rear exterior wall (west side) of the DPW salt storage building, which is adjacent to the shared property boundary in this location. The fence replaces a dense, tall hedge of *Arborvitae* (*Thuja*), planted by Gilbane, which formerly provided visual screening prior to sudden mortality that occurred in 2015.

The fence will be constructed of wood, and will be attached to vertical wooden posts. The posts will be installed in holes excavated with a mechanical post hole digger, and the minor quantities of excavated material will be used to backfill the holes. Any exposed soils will be seeded with a conservation mix and mulched with straw.

Wetland Report for 128 Lakeside Avenue Fence Installation

Burlington Zoning Regulations

The Project was evaluated to ensure compliance with the District Specific Regulations for the Wetland Conservation Zone, which are outlined in Appendix A, Article 4, Section 4.5.4 (d) of the Official Zoning Regulations for the City of Burlington. These regulations specify a 100-foot buffer zone for wetlands in the City. As noted, the northern end of the fence is located approximately 100 feet from the wetland boundary on the DPW parcel, and, therefore, the Project could potentially result in a minor encroachment into the 100-foot wetland buffer zone. The fence installation, therefore, potentially constitutes a Conditional Use within the wetland buffer, which would require review and approval under the applicable regulations for the Wetland Conservation Zone.

Wetland functions and values were evaluated using the criteria outlined in the Burlington Zoning Regulations. The wetland contributes to the following wetland functions: water storage for floodwater and stormwater, surface water and groundwater protection, wildlife habitat and RT&E species habitat. The wetland also provides potential indirect economic benefits to the extent that it filters and/or removes pollutants from storm runoff prior to discharge to the Barge Canal wetland and Lake Champlain.

- The wetland is located in a topographical basin that provides storage for storm runoff. This basin includes large and small sub-basins, and the overall storage capacity appears to be controlled by an outlet structure located on the north side of the larger of the two sub-basins.
- Aerial imagery of the site indicates that some of the sediment load transported by stormwater settles in the sub-basins. The wetland is positioned between open water in the basin and potential surface water pollution sources that include parking lots, roads, and most likely direct stormwater discharge. Aerial imagery indicates that some quantity of sediments transported by stormwater settle in the sub-basins.
- The wetland provides potential habitat for a state-rare plant that was last documented from the Barge Canal in 1904.
- The wetland contributes to wildlife habitat due to its proximity to the Barge Canal wetland located a short distance to the north.
- The wetland provides an indirect economic benefit to the extent that it filters and removes potential pollutants from surface runoff prior to discharge to the Barge Canal and Lake Champlain

The following wetland functions and values are either absent or provided at a non-significant, *de minimus* level: fisheries habitat, exemplary natural community types, open space and aesthetics, education and recreation, and erosion control.

Wetland Report for 128 Lakeside Avenue Fence Installation

The Project avoids wetland impacts and is designed to avoid adverse impacts to wetland functions and values. As noted, the fence location is approximately 100 feet from the wetland at its closest point, and is characterized by a strip of maintained lawn along a berm between a paved parking lot and man-made ditch. The work will result in minimal soil disturbance (post hole excavation) and will be performed in accordance with any applicable municipal and state stormwater management regulations and requirements

Vermont Wetland Rules (State wetland regulations)

The State of Vermont protects significant wetlands under the Vermont Wetland Rules, and the Project is required to comply with these Rules. The Vermont Wetland Rules regulate activities that impact significant (Class I and Class II) wetlands, and associated buffer zones. The Wetland Program in the Vermont Agency of Natural Resources (ANR) previously determined that the wetland on the DPW parcel is a Class Two wetland, which has a designated 50-foot buffer zone. Tina Heath, District Wetland Ecologist for ANR, visited the wetland in 2016 and confirmed the Class Two wetland designation.

A Vermont Wetland Permit is required for certain projects that will impact either a Class Two wetland or the associated 50-foot buffer. The Project is located approximately 100 feet from the Class Two wetland boundary, and, therefore, is not regulated under the Vermont Wetland Rules, and does not require a Vermont Wetland Permit.

Federal Regulations

The U.S. Army Corps of Engineers regulates the placement of or fill material into the "waters of the United States", which includes wetlands, under Section 404 of the Clean Water Act. The Project is designed to avoid wetland impacts and will not trigger Army Corps jurisdiction.