

Public Trust Filled Land Authorized Uses
on Burlington Waterfront

Background:

Filled lands that were previously waters of the state, are subject generally to the Public Trust Doctrine. Prior to Act 273 of 1990, the only allowable uses of public trust land were railroad, wharfing, and storage. Act 273 of 1990 was the first act to authorize the City of Burlington to use filled lands, north of the centerline of Main Street, primarily for parks and recreation purposes.

Act 273 of 1990 authorized the following uses for the lands north of the centerline of Main Street:

1. Use for Parks and Recreation Purposes. The term “park and recreation purposes” means “the cleanup of blight, creation of landscaping, provision of public access to the water, establishment of a bicycle path, open space, green space, outdoor recreation and necessary accessory parking. No dockage space, marina use, or any commercial uses may occur without additional authorization from the General Assembly.”

Act 53 of 1991 authorized the following uses for the lands north of the centerline of Main Street:

1. Government Facilities
2. Indoor and outdoor parks and recreational uses and facilities, including parks and open spaces, marinas open to the public on a nondiscriminatory basis. Water dependent uses, boating and related services.
3. Arts, educational, and cultural activities including theaters and museums;
4. Fresh water and environmental research activities
5. services related to above authorized uses including: (any below must be subordinate and customarily related to the above, i.e. accessory services)
 - a. Restaurants
 - b. Snack bars
 - c. Retail
 - d. Ancillary uses (i.e. parking)

Act 87 of 1996 extended application of the previous Acts Southward from the centerline of Main Street to the Centerline of Maple Street and authorized the following additional uses:

1. Facilities for transporting pedestrians and vehicles upon Lake Champlain (docks, wharfs, maintenance, administrative, gift shops, snack bars)
2. Marine related retail facilities
3. Restaurants

Act 22 of 1997 authorized the following additional uses for the filled lands located north of centerline of Maple Street to the centerline of Maine Street:

1. Inns with public spaces, including restaurant, restroom and retail use. Restrooms in the inns shall be available to the public.
2. Public Markets.