

# Vermont Shoreland & Lake Encroachment Permitting Municipal Day September 9, 2015



# Presentation Outline

## Part 1: Shoreland Jurisdictional Area & Permit Process

- Shoreland Protection Act Jurisdiction
- Exemptions
- Shoreland Permits/Registrations
- Guidance material and application forms
- Application and notification process

## Part 2: Shoreland Standards

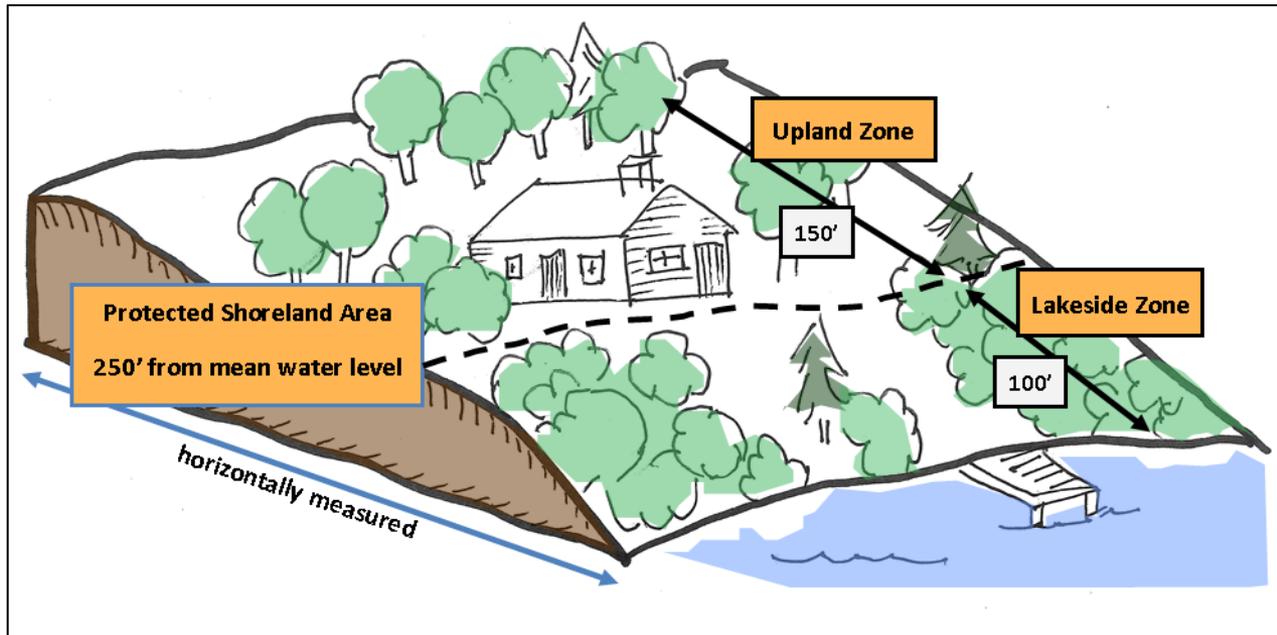
- Shoreland standards overview

## Part 3: Additional Permits & Municipal Permit Process

- Delegation
- Public Recreational Areas
- Lake encroachment jurisdiction and permitting

*Part 1*  
Jurisdictional  
Area & Permit  
Process

# Jurisdictional Area on Lakes Greater than 10 Acres



Jurisdictional triggers: **new cleared area** or **new impervious surface**

# Exemptions

- Repair and maintenance
- Reconstruction in existing footprint
- Removal of dead, diseased or unsafe trees
- Six foot path within Lakeside Zone
- Parcels intersected by a public highway  
(projects on the portion of the parcel on the side of the highway away from the mean water level)

# Exemptions – Other Permits or Rules

- Wastewater/potable water supply systems
- Permitted stormwater discharges and treatment facilities
- Designated downtowns, village centers, and urban and industrial redevelopment
- Act 250 and Section 248 (utility projects)
- Forestry in accordance with AMPs and an approved forest management plan
- Existing agriculture in accordance with AAPs

# Registrations/Permits

## Registrations

Lakeside Zone: Up to 100 square feet of cleared/impervious area  
– At least 25' from MWL

Upland Zone: Up to 500 square feet of cleared/impervious area\*

\*contingent on parcel's existing impervious and cleared area %.

Fee: \$100

Review time: 15 days

## Permits

Lakeside and Upland Zones:  
Project must meet Shoreland Protection Act Standards

Fee: \$125 plus \$0.50/ft<sup>2</sup>

Review time: 40 days

# Application & Application Tools

Version: July 2014

**Shoreland Project Registration**  
for a Shoreland Project Registration under  
Chapter 49A of Title 10, § 1446(a)

For Shoreland Permit Program Use Only

Application Number: \_\_\_\_\_



**VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**WATERSHED MANAGEMENT DIVISION**  
LAKES & PONDS PROGRAM

**Public Recording:** To prevent a potential title encumbrance, an approved copy of this registration form must be recorded in the land records of the municipality (or municipalities) in which the project is located. Be advised that registrations shall take effect 15 days after being accepted by the Shoreland Permit Program unless additional information is requested or the applicant is notified that an individual permit is required for the proposed project.

Submission of this application constitutes notice that the person in Section A intends to create impervious surface and/or cleared area within the Protected Shoreland Area, and certifies that the project will comply with Chapter 49A of Title 10, § 1446(a). All information requested on this registration form must be provided, and the requisite **\$100.00** registration fee must be submitted made payable to the State of Vermont, to be deemed complete. Refer to The Vermont Shoreland Protection Act - A Handbook for Shoreland Development and related instructions for guidance in completing this registration application.

**Limitation:** The registration process *cannot* be used to create more than a *maximum total per parcel* of:

- Category A: 100 square feet of impervious surface or cleared area within 100 feet of the mean water level; and
- Category B: 500 square feet of impervious surface or cleared area within the Protected Shoreland Area at least 100 feet away from mean water level.

**A. Parcel Information**

1. Landowner's Name: \_\_\_\_\_

2a. Physical Address (911 Address): \_\_\_\_\_

2b. City/Town: \_\_\_\_\_ 2c. Zip: \_\_\_\_\_ 3. SPAN\*: \_\_\_\_\_

4. Name of lake/pond: \_\_\_\_\_ 5. Total shore frontage: \_\_\_\_\_ (feet)

6. Are there wetlands associated with this parcel?  Yes  No  
Contact the Wetland Program at: (802) 828-1535 or [www.anr.state.vt.us/dec/waterq/wetlands.htm](http://www.anr.state.vt.us/dec/waterq/wetlands.htm).

7. Are there previously issued shoreland permits or registrations associated with this parcel?  Yes  No

**B. Registrant Contact Information** (Check box if address is the same as above in Section A: )

1. Name: \_\_\_\_\_

2a. Mailing Address: \_\_\_\_\_

2b. Municipality: \_\_\_\_\_ 2c. State: \_\_\_\_\_ 2d. Zip: \_\_\_\_\_

3. Phone: \_\_\_\_\_ 4. Email: \_\_\_\_\_

**C. Project Description**

1. Briefly describe the proposed project below:

[Note: Registrants are strongly encouraged to document through photographs, project plans, and writing relevant information that they provide in this registration. This information does not need to be provided with this application, but should be maintained by the registrant.]

[\*SPAN, The "School Parcel Account Number" is required for your application to be deemed complete. It can be obtained from your property tax bill. If you cannot locate your property tax bill, please obtain this information from your Town Clerk. SPAN is a unique identification number for each parcel of property in the State of Vermont consisting of eleven digits. The first three digits identify the town, the next three digits identify the school district, and the last five digits represent the unique parcel or property.

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Version 2.20.15

## The Vermont Shoreland Protection Act Project Worksheet

This worksheet assists in determining whether or not a registration or permit is required for a shoreland project. Guidance materials to answer the questions below are available on Shoreland Permitting's webpage: [http://www.anr.state.vt.us/dec/waterq/permits/htm/pm\\_shoreland.htm](http://www.anr.state.vt.us/dec/waterq/permits/htm/pm_shoreland.htm). Please contact Shoreland Permitting at [ANR.WSMDShoreland@state.vt.us](mailto:ANR.WSMDShoreland@state.vt.us) with any questions.

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**Yes, I have a project involving the creation of new cleared area or impervious surface on a shoreland property.**

1. Is your property on a lake greater than 10 acres in size ([list of lakes greater than 10 acres](#))?
  - If yes, PROCEED to question 2.
  - If no, STOP: You do not need a shoreland permit.
  
2. Is your project located within 250 feet of the lake's mean water level (MWL)?
  - If yes, PROCEED to question 3.
  - If no, STOP: You do not need a shoreland permit.
  
3. Are you conducting any of the following activities?
  - ❖ *Maintaining existing buildings, gardens, and lawns without enlarging them.*
  - ❖ *Creating a single six foot wide footpath to access the lake.*
  - ❖ *Reconstructing existing impervious areas without increasing or changing the current footprint, such as rebuilding a house, deck, or driveway in exactly the same location.*
  - ❖ *Removing 250 square feet of vegetation under three feet in height, 25 feet from the MWL, in accordance with the Vegetation Protection Standards.*
  - ❖ *Pruning and/or removing trees within 100 feet of the MWL in accordance with the Vegetation Protection Standards.*
  - ❖ *Installing or repairing a wastewater system or potable water supply.*

Note: A wastewater/water supply permit may be required from the [Drinking Water and Groundwater Protection Division](#). For licensed designers and installers, a factsheet on the Shoreland Permit Program is available here: <http://drinkingwater.vt.gov/ro/pdf/shorelandprotectionact.fs.2014.06.13.pdf>

  - If yes, STOP: You do not need a shoreland permit.
  - If no, PROCEED to question 4.
  
4. Is your property intersected by a **public** highway?
  - If yes, PROCEED to question 5.
  - If no, SKIP to question 6.
  
5. Is your project located on the non-lake side of a **public** highway?
  - If yes, STOP: you do not need a shoreland permit.
  - If no, PROCEED to question 6.
  
6. Is your property at least 100 feet in depth from MWL?
  - If yes, SKIP to question 8.

[watershedmanagement.vt.gov/permits/htm/pm\\_shoreland.htm](http://watershedmanagement.vt.gov/permits/htm/pm_shoreland.htm)

*Part 2*  
Shoreland  
Standards

# 20, 20, 40, 100 & VPS

- Project site must be located on an area with a **slope less than 20%**
- **No more than 20%** of the parcel within the PSA consists of **impervious surface**
- **No more than 40%** of the parcel within the PSA consists of **cleared area**
- **100'** new development **setback** from mean water level
- **Vegetation Protection Standards** apply to all vegetated areas

# 20, 20, 40, 100 & VPS



Project site must be located on an area with a **slope less than 20%**

# 20, **20**, 40, 100 & VPS



**No more than 20%** of the parcel within the Protected Shoreland Area shall consist of **impervious surface**

# 20, 20, **40**, 100 & VPS



**No more than 40%** of the parcel within the Protected Shoreland Area shall consist of **cleared area**

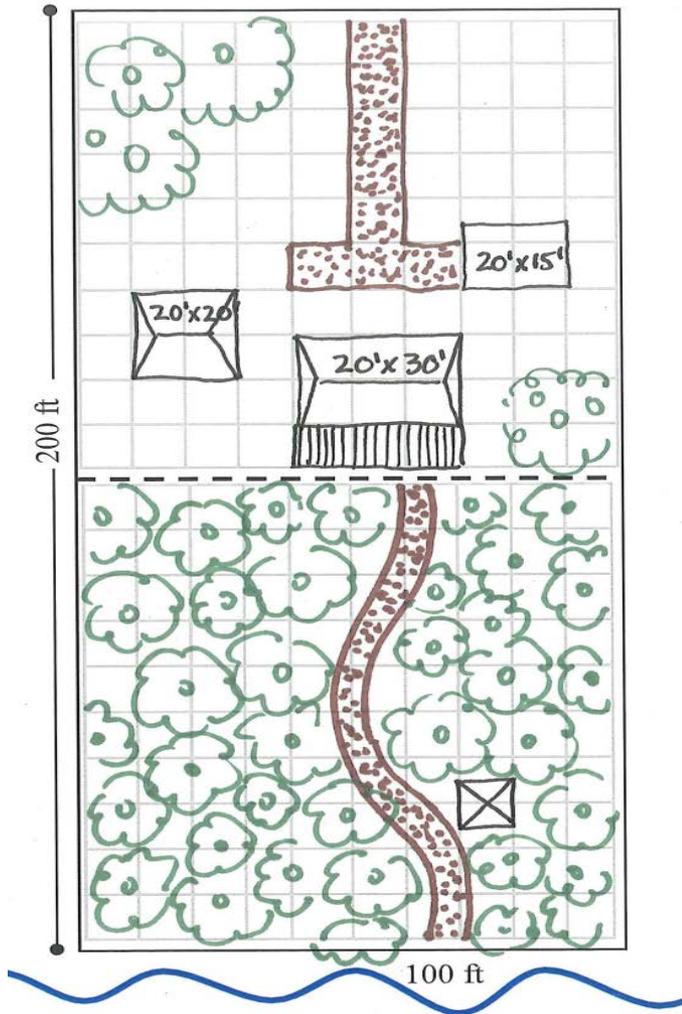
# *20, 20, 40, 100 & VPS* Best Management Practices

Exceed a 20, 20, 40 standard?  
A **best management practice**  
(BMP) is required.

- Waterbar
- Infiltration trench
- Vegetated swale
- Drywell
- No mow zone
- Planting vegetation



# 20, 20, 40, **100** & VPS Conforming Development



Required **100' setback** from mean water level for new development

# 20, 20, 40, **100** & VPS Nonconforming Development

For undeveloped existing (July 1, 2014) small parcels or parcels with existing (July 1, 2014) site limitations:

- **New cleared area and impervious surface** must be **as far from the water** as possible and **no closer than 25'** from **mean water level**
- 20, 20, 40 standards apply

Redevelopment within Lakeside Zone:

- **No expansion closer to the mean water level** allowed
- Expansions of a home may be on the **side farthest from the lake** or **to the side when impact is no greater.**
- May rebuild **within a footprint** that was in existence prior to July 1, 2014
- 20, 20, 40 apply



# 20, 20, 40, 100 & VPS

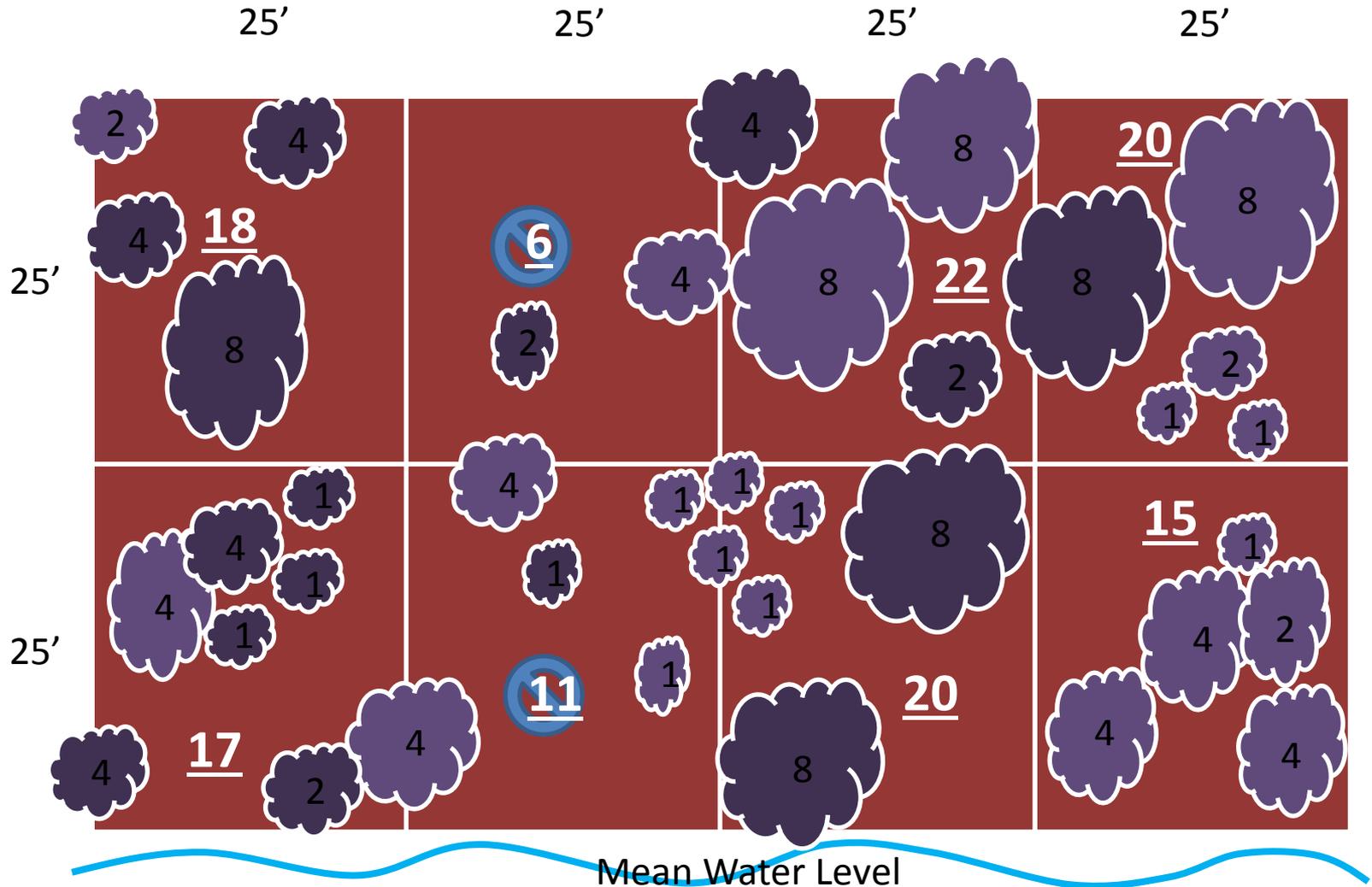
Under the Vegetation Protection Standards, the following must be present in each 25 foot x 25 foot plot:

- A minimum of **12 points** worth of trees
- A minimum of **5 saplings** (< 2" DBH)
- All **vegetation 3'** and below **must remain** (except for 250' allowance for recreational use)
- The **duff** and **soil layer** must **not be disturbed**

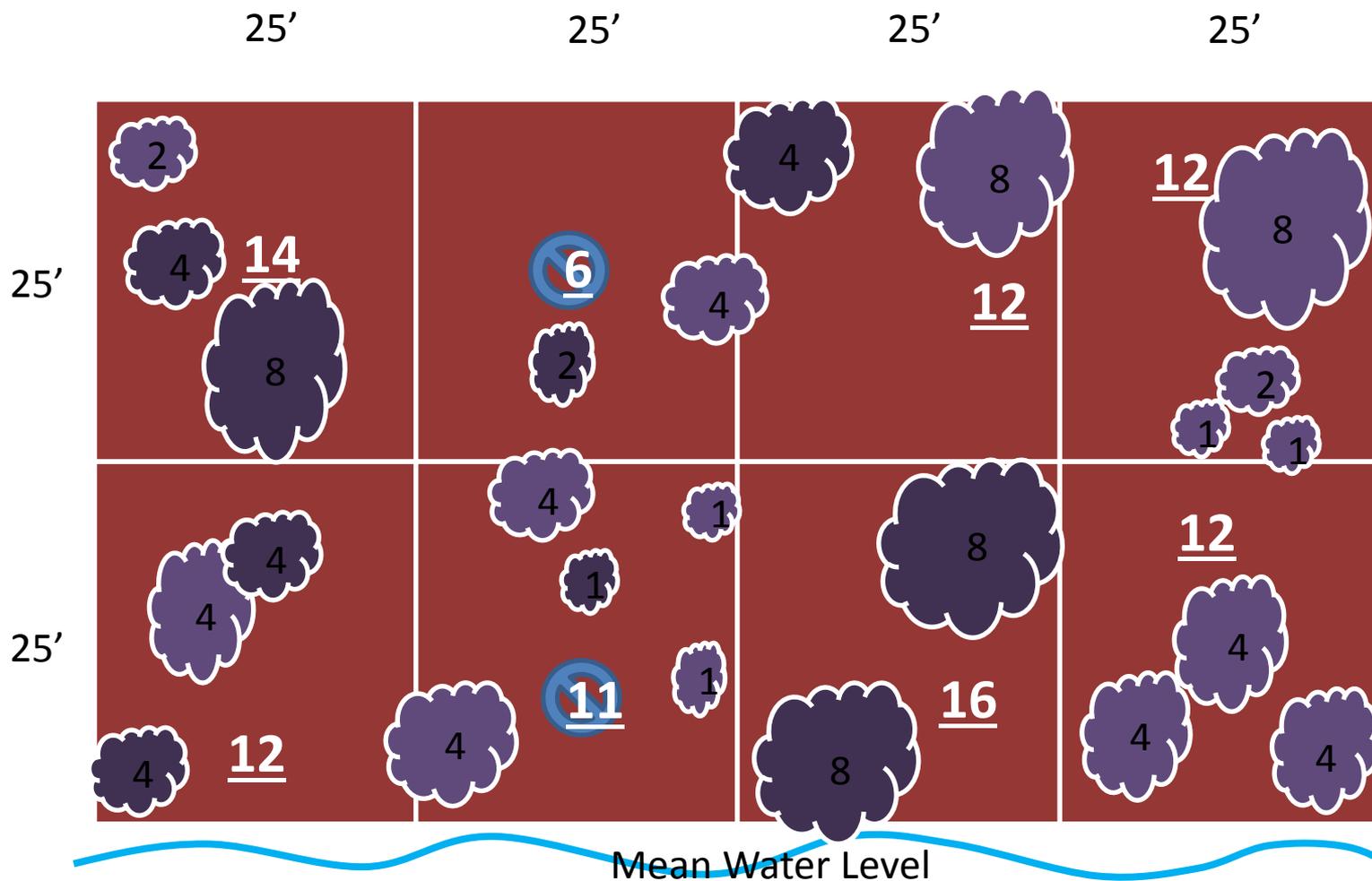
Tree Diameter (inches)	Points
< 2	0
2 > 4	1
4 > 8	2
8 > 12	4
≥ 12	8



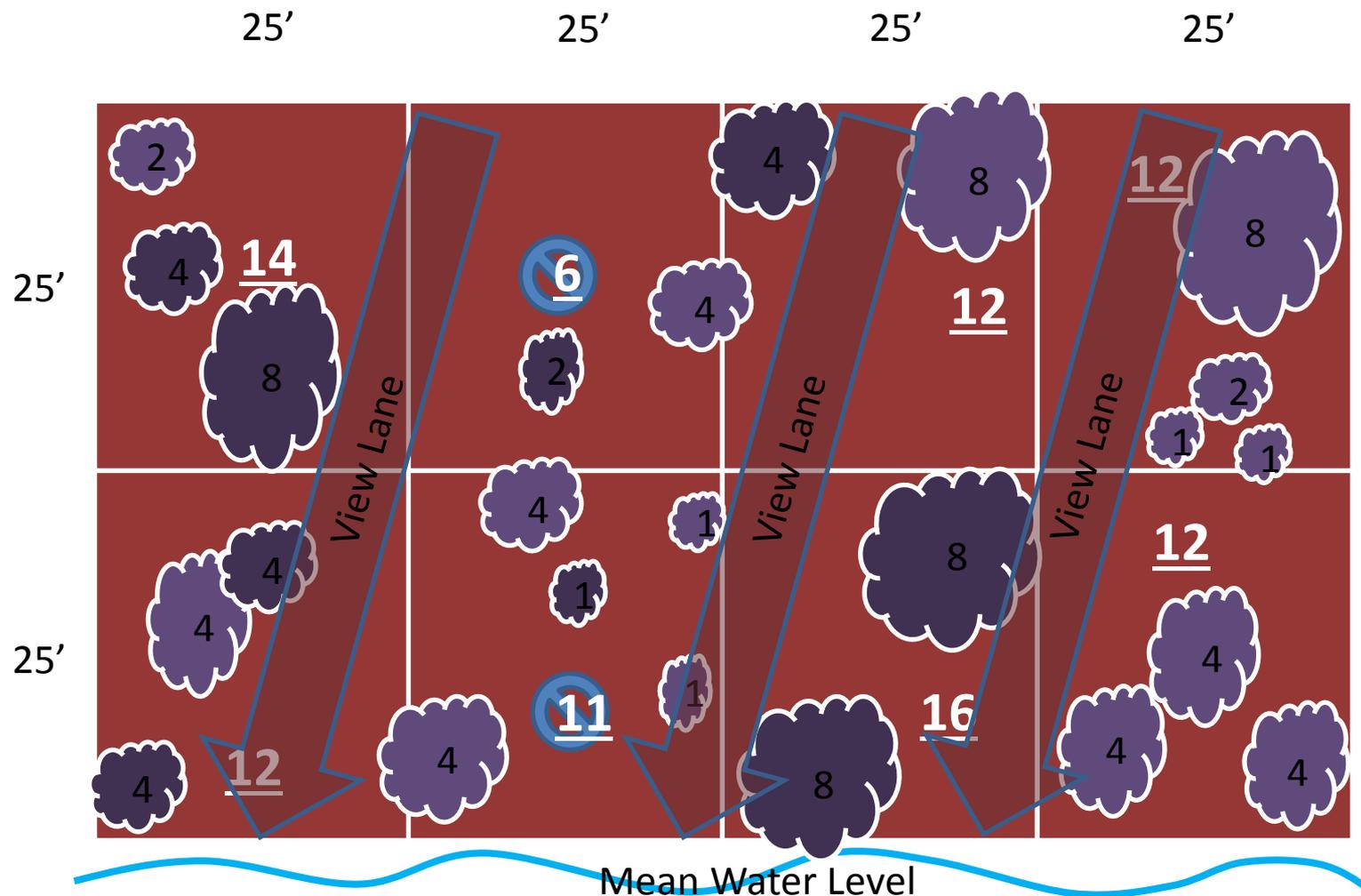
# 20, 20, 40, 100 & VPS Point & Grid System



# 20, 20, 40, 100 & VPS Point & Grid System



# 20, 20, 40, 100 & VPS Point & Grid System



*Part 3*  
Additional  
Permit &  
Municipal  
Permit Process

# Municipal Delegation

## Delegated Municipalities:

- Colchester
- Greensboro
- City of Burlington
- Pending: Elmore

Note: Shoreland Protection Act does not supersede existing municipal zoning. Municipal zoning may be more stringent than the Act and remains in effect for non-delegated municipalities.

With delegation questions, contact:

Kevin Burke(DEC)

802.490.6165

[Kevin.Burke@Vermont.gov](mailto:Kevin.Burke@Vermont.gov)

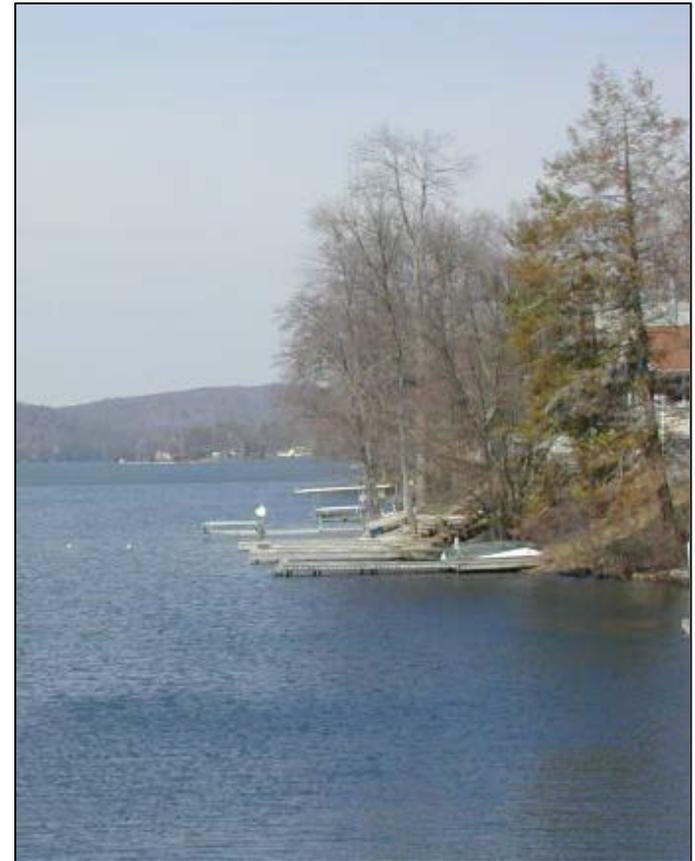


- PUBLIC RECREATIONAL AREAS

# Lake Encroachment Jurisdiction and Permitting 29 V.S.A. Ch. 11 (1968)

Activities that occur beyond mean water level on **all lakes that are public waters**, including lake and ponds < 10 acres

- Docks (Lake Champlain, the CT River and their tributaries, up to first barrier to navigation)
- Shoreline stabilization including seawalls and other stone stabilization measures that involve work at the water edge and beyond mean water level
- Dredge/Fill activity
- Utility infrastructure
- Marina infrastructure, including docks
- *Private non-commercial docks not involving concrete, sheet piling or fill may be exempt, limited in length and square footage, and cannot unreasonably impede navigation.*
- *Buoys that do not unreasonably impede navigation – exempt.*



# Lake Encroachment & Shoreland Permitting Regional Contact Information



County	Contact
Addison	<b>Region 1</b> Misha Cetner misha.cetner@vermont.gov 802-490-6199
Bennington	
Rutland	
Windham	
Windsor	
Chittenden	<b>Region 2</b> Kevin Burke kevin.burke@vermont.gov 802-490-6165
Franklin	
Grand Isle	
Lamoille	
Washington	<b>Region 3</b> Dan Homeier dan.homeier@vermont.gov 802-490-6200
Caledonia	
Essex	
Orange	
Orleans	

Lakes and Ponds Program website:  
[www.watershedmanagement.vt.gov/lakes.htm](http://www.watershedmanagement.vt.gov/lakes.htm)