Shoreland Permit Application

for a **Shoreland Protection Permit** under Chapter 49A of Title 10, § 1441 *et seq.*

For Shoreland Permitting Use Only
Application Number: 2128-SP

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

Public Notice: At the same time this application is filed with Shoreland Permitting, a copy of this application must be provided to the municipal clerk for posting in the municipality in which the project is located.

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, § 1441 *et seq.* All information required on this form must be provided, and the requisite fees (Section G) 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 application.

RECEIVED JUN 24 2016 WSMD

A. Parcel Information

1. Landowner's Name: Glenn Adams

2a. Physical Address (911 Address): 73 Blue Heron Lane

2b. Town - County: Concord, Essex | 2c. Zip: 05824

3. 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): 156-049-10017

4. Phone: 603-788-3693 | 5. Email: may5gba@gmail.com

6. Name of lake/pond: Miles Pond | 7. Total shore frontage: 58 (feet)

8. Was the parcel of land created before July 1, 2014? ☒ Yes ☐ No

9. Are there wetlands associated with this parcel? ☐ Yes ☒ No
Contact the Wetlands Program: (802) 828-1535 or watershedmanagement.vt.gov/wetlands.htm.

10. Have you ever applied for a permit with the Department of Environmental Conservation associated with this parcel? ☐ Yes ☒ No

11. What is the surface area of your parcel within the Protected Shoreland Area (PSA): 10,890 (square feet)
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix C, Determining Lakeside Zone & PSA

12. What is the surface area of existing impervious surface on your parcel within the PSA: ~~544~~ 1098 (square feet)
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix F, Calculating Percent Impervious Surface

13. What is the surface area of existing cleared area on your parcel within the PSA: 10,038 (square feet)
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix E, Calculating Percent Clearing

B. Applicant Contact Information

1. Name: Glenn Adams

2a. Mailing Address: 17 Pleasant St.

2b. Municipality: Lancaster | 2c. State: NH | 2d. Zip: 03584

3. Phone: 603-788-3693 | 4. Email: may5gba@gmail.com

C. Application Preparer Information (If the individual preparing the application is not the landowner.)

1. Name:

2a. Mailing Address:

2b. Municipality: | 2c. State: | 2d. Zip:

3. Phone: | 4. Email:

D. Project Description

1. Describe the proposed project. For this application to be considered administratively complete you must attach site plans that denote existing and proposed cleared areas and impervious surface and their distances from mean water level, no fewer than three photos of the project area, and dimensions and associated surface areas of cleared areas and impervious surfaces. Build Shop / quest house into hill. At grade a one story Shop along maintained Road, below this into hill a quest room. landscape retaining rock wall Rock Terracing new trees, shrubs and rain garden with. Trenching around new building, rain barrel gutters. See maps #1 & 2 for details

Photos # 1,2 & 3 included

2. For developed parcels, how far is the existing habitable structure from Mean Water Level 25 (feet), and how far will new cleared area or impervious surface be from MWL 135' (feet)?

OR

For undeveloped parcels, how far will new cleared area or impervious surface be from MWL _____ (feet)?

See the Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix A – Estimating Mean Water Level

3. Can all new cleared area or impervious surface be set back at least 100 feet from MWL? [X] Yes [ ] No

If no, explain why below (attach support information as needed):

4a. What is the slope of the project site area: 36 %

See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix B, Determining Slope

4b. Is the slope of the project area less than 20%?

[ ] Yes [X] No If yes, skip 4c.

4c. If no above (4b), describe the measures taken to ensure the slope is stable, resulting in minimal erosion and impacts to water quality (attach support information as needed): We planned to have Rock retainer wall built along drive way with other Rock walls built into hill and landscaped with Shrubs Trees, and Flowers, Rain Garden Rain Barrel, Gutters Trench with Stone & drainage pipes around the Shop. New vegetation to decrease erosion & run off.

See map #2 for details Photos #4, 5, & 6

5a. What is the surface area of new impervious surface associated with this project: 480 (Square Feet)

See the Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix F, Calculating Percent Impervious Surface.

5b. What is the total resulting impervious surface after completion of the project and prior to implementation of best management practices: 1578 (Square Feet)

1098 X 480 For D5b, add A12 to D5a

5c. Is the total in 5b. 20% or less of the parcel area within the PSA? [X] Yes (if yes, skip 5d.) [ ] No

If 5a is 0, check the n/a box, otherwise divide D5b by A11 and multiply by 100 for percentage. Total percentage = _____% [ ] N/A

5d. If no above (5c), describe the best management practices used to manage, treat, and control erosion from stormwater form the portion of impervious surface that exceeds 20% (attach support information as needed):

6a. What is the surface area of new cleared area associated with this project: 0 (square feet) See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix E, Calculating Percent Clearing	6b. What is the total resulting cleared area after completion of the project and prior to implementation of best management practices: 10,038 (square feet) For 6b, add A13 to D6a.

6c. Is the total in 6b. 40% or less of the parcel area within the PSA? ☐ Yes If yes, skip 6d. ☐ No ☒ N/A

If 6a is 0, check the n/a box, otherwise divide 6b by A11 and multiply by 100 for percentage. Total percentage = _____%

6d. If no above (6c), describe the best management practices used to provide erosion control, bank stability, and wildlife habitat functionally equivalent to clearing less than 40% (attach support information as needed).

E. Landowner Certification

As APPLICANT, I hereby certify that the statements presented on this application are true and accurate and recognize that by signing this application, I agree to complete all aspects of the project as authorized. I understand that failure to comply with the foregoing may result in violation of the Shoreland Protection Act, 10 V.S.A. Chapter 49A, and the Vermont Agency of Natural Resources may bring an enforcement action for violations of the Act pursuant to 10 V.S.A. chapter 201.

Applicant/Landowner Signature: _____ Date: 3/17/16

F. Application Preparer Certification (if applicable)

As APPLICATION PREPARER, I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Application Preparer Signature: _____ Date: _____

G. Additional Required Documentation (*Please check to ensure you have completed the following*)

- ☑ All sections of the application are complete (or otherwise indicate "not applicable")
- ☑ Application includes site plans denoting existing and proposed cleared area and impervious surface and distances from mean water level
- ☑ Application description includes dimensions and surface areas of cleared areas and impervious surfaces
- ☑ Application includes photos of project area

H. Permit Application Fees

Administrative Fee:$125.00		$ 125.00
Impervious Area Fee: $0.50 per square foot	Enter new impervious area as enterd in item (5a.) 480 x .5	$ 220.00
Total:		$ 345.00

Print Form

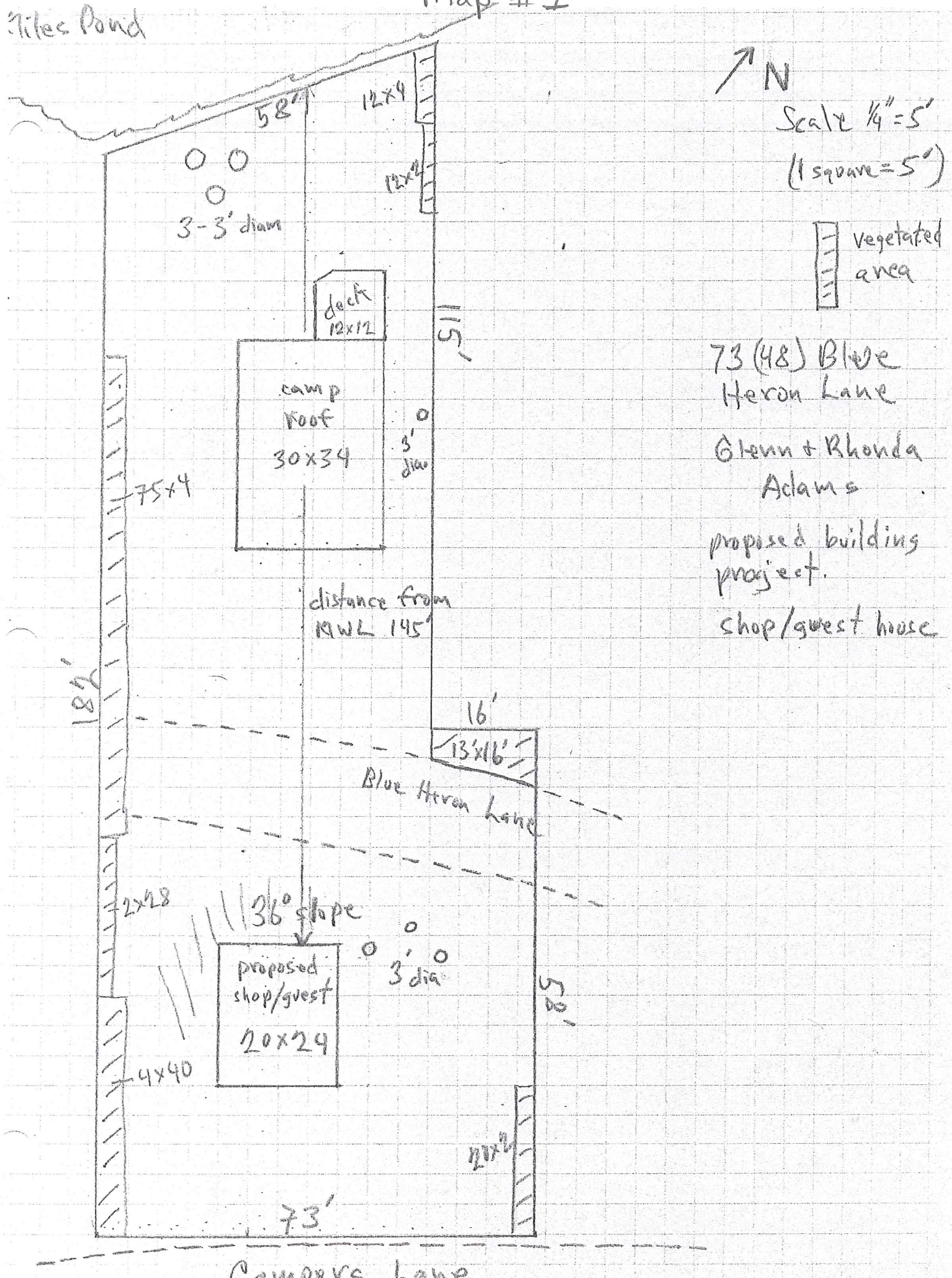
Submit this form and application fee, payable to:

State of Vermont
Vermont Department of Environmental Conservation
Watershed Management Division
Shoreland Permitting
1 National Life Drive, Main 2
Montpelier, VT 05620-3522

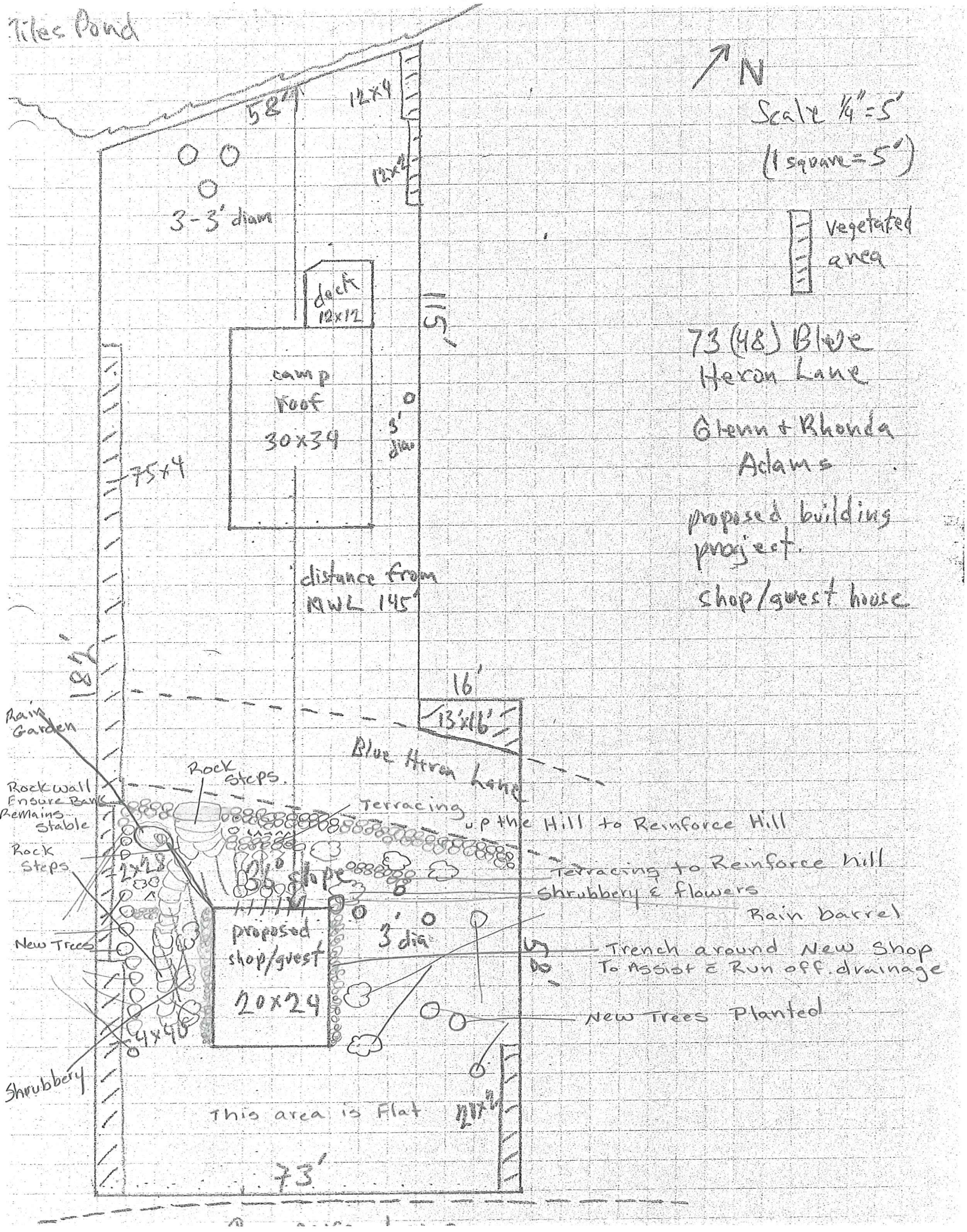
Direct all correspondence or questions to Shoreland Permitting at: ANR.WSMDShoreland@vermont.gov

For additional information visit: www.watershedmanagement.vt.gov

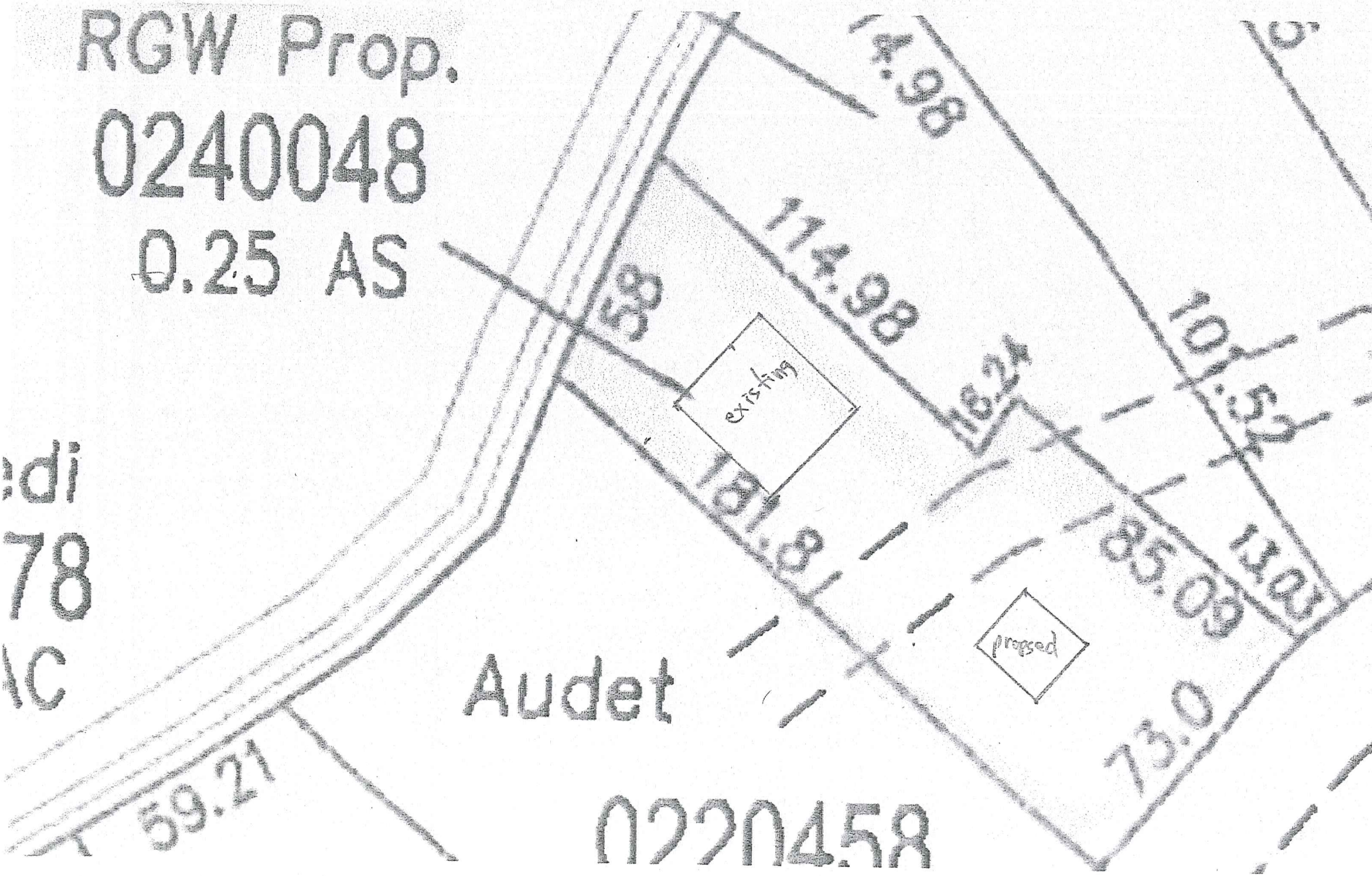
Map #1

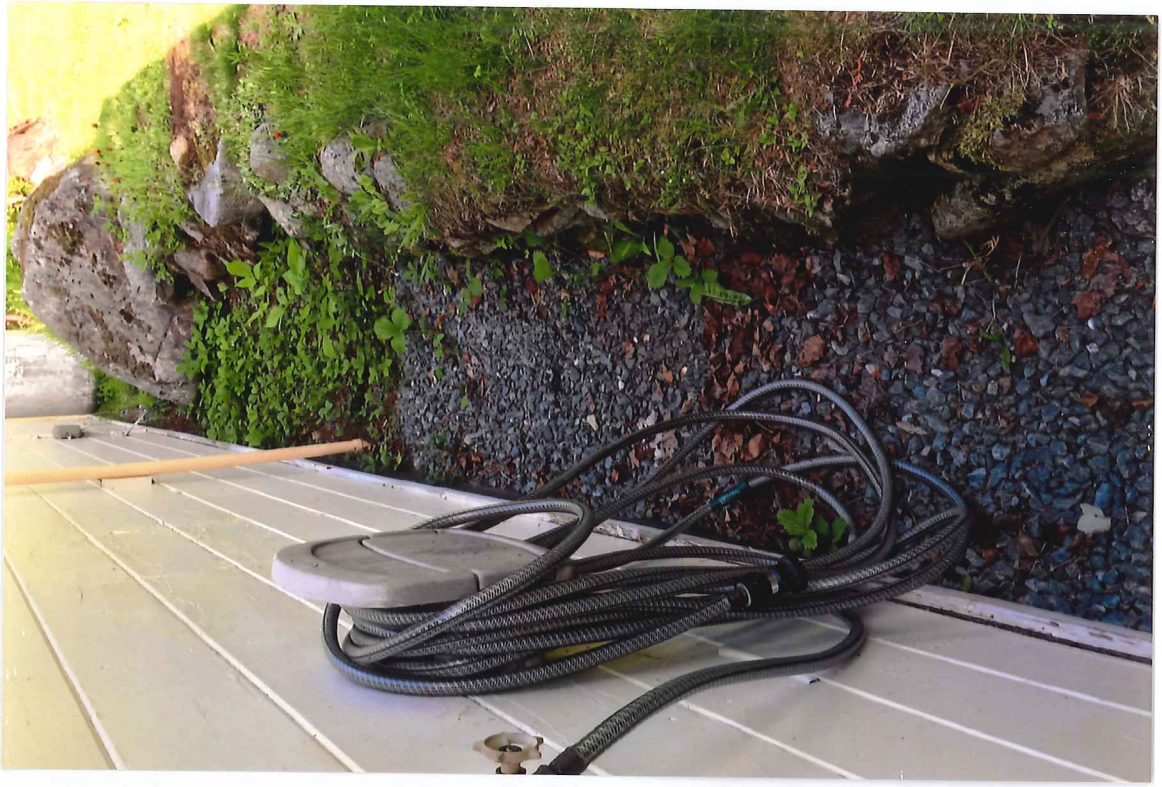

Miles Pond
58'
12x4
12x2
3-3' diam
deck
12x12
115'
camp
roof
30x34
3' dia
75x4
distance from
MWL 145'
48'
16'
13'x16'
Blue Heron Lane
2x28
36° slope
proposed
shop/guest
20x24
3' dia
58'
4x40
20x2
73'
Campers Lane
N
Scale 1/4" = 5'
(1 square = 5')
vegetated
area
73 (48) Blue
Heron Lane
Glenn + Rhonda
Adams
proposed building
project.
shop/guest house

MAP # 2



Tiles Pond
N
Scale 1/4" = 5'
(1 square = 5')
vegetated area
73 (48) Blue Heron Lane
Glenn + Rhonda Adams
proposed building project.
shop/guest house
58'
12x4
12x2
3-3' diam
deck 12x12
115'
camp roof 30x34
3' dia
75x4
distance from MWL 145'
18'
16'
13'x16'
Blue Heron Lane
Rain Garden
Rock steps.
Rockwall Ensure Bank Remains stable
Terracing up the Hill to Reinforce Hill
Rock Steps
2x28
36' slope
Terracing to Reinforce hill
Shrubbery & flowers
Rain barrel
New Trees
proposed shop/guest 20x24
3' dia
Trench around New Shop To Assist & Run off drainage
New Trees Planted
4x40
Shrubbery
This area is Flat
20x2
73'


RGW Prop.
0240048
0.25 AS
Audet
0220458
existing
proposed
114.98
181.8
18.24
101.52
85.09
73.0
59.21
58



TOWN OF CONCORD
PLANNING/ZONING BOARD

APPLICATION FOR VARIANCE FINDINGS AND DECISION

RE: Glenn Adams
17 Pleasant Street
Lancaster, NH 03584

Permit Application No. 016-004

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves review of a variance application submitted by Glenn Adams to build a non-conforming structure at 48 Blue Heron Lane in North Concord, VT.

A permit application was received by Alan Smith on March 17, 2016. A copy of this permit application is available at the Zoning Administrator's office in the Concord Municipal Building.

On March 31, 2016, notice of public hearing was published in The Caledonian-Record.

On March 31, 2016, notice of public hearing was posted at the following places:

- The Concord Municipal Building
- On a stake on the property, on Blue Heron Lane
- The Town Clerk's Office
- The Concord Post Office

The notice was also posted on The Concord web site at www.concordvt.us

On March 24, 2016 a copy of the notice of a public hearing was mailed to the applicant. On March 24, 2016, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to application.

- Michael Audet, P.O. Box 871, Bradford, VT 05033
- Larry Brown, P.O. Box 27, Granby, VT 05840
- Virginia Renfrew, 62 Clarendon Avenue, Montpelier, VT 05602

The application was considered by the Planning/Zoning board at a public hearing on April 14, 2016. Present at the hearing were the following members of the Zoning Board of Adjustment: Cynthia Stuart, Stuart Gray, Linda Hartwell & Judy Kurtz. Member James Gochie was absent.

The Zoning Board of Adjustment reviewed the application under the Town of Concord Zoning Bylaws, as amended March 1, 2012.

At the outset of the hearing, Chairperson Stuart read the warning and explained the process of the hearing. The Zoning Board of Adjustment also afforded an opportunity for persons wishing to achieve status as an interested person under 24 V.S.A. § 4465 (b) to demonstrate that the criteria set forth in that statute could be met. A record of the name and address of persons wishing status as an interested person and a record of their participation at the hearing is attached hereto.

Cynthia swore in Glenn Adams. Mr. Adams explained he would like to build a guest house/ shop on his property. There is not enough room on the lot to build the guest house and comply with setback requirements. Mr. Adams stated that the first floor will be the shop and the second floor would be the guest house and they do not intend to install plumbing. The proposed building would most likely use green block concrete forms for the foundation. Judy Kurtz asked about the large rock that was there. Mr. Adams said he wasn't sure if it was ledge or not but said the area around the building will be terraced with rock walls and gardens. Mr. Adams had yet to submit a shoreland permit to the State of Vermont, but thought that the state would not have additional requirements because they are not removing any existing trees, but they do intend to plant some. He said the placement should not affect any views of his current neighbors' camps.

Cynthia swore in Virginia Renfrew, owner of 38 Blue Heron Lane. She stated she was looking for more information. She explained the placement of her septic system in relation to the Adams property and their septic system. After asking her questions, she said she felt that she received the information she was looking for from Mr. Adams.

Cynthia swore in Marge Audet. She asked about the placement of the building and the distance from the property lines. She requested planting additional shrubs like the ones that are there now. Mr. Adams agreed to plant additional shrubs. She asked about renters. The Adams' said they are not going to rent their camp out in the future.

Cynthia swore in Michael Audet. Mr. Audet asked about the height of the building. Mr. Adams said the top of the roof will be 15' high in the back and 23 ½' in the front. He also said he was concerned with the water draining on his property. Mr. Adams said they were planning on building a retaining wall to help with drainage.

Cynthia asked Mr. Adams about his time frame Mr. Adams said they are looking to start building this summer and hope to have it completed by next year.

Cynthia swore in Rhonda Adams. Mrs. Adams said she wanted to add that the builder did not believe there was ledge where the large rock was.

The hearing was adjourned at 5:03 p.m. on April 14, 2016 and the board went into deliberative session at 5:04 pm. The Zoning Board of Adjustment reviewed the application under the Town of Concord Zoning Bylaw, as amended March 1, 2012.

A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto.

Enclosed are Exhibit A and Exhibit B, photographs of the existing camp and the lot as it is now.

FINDINGS

Based on the application, testimony, exhibits, and other evidence the Zoning Board of Adjustment makes the following findings:

1. The applicant seeks a variance to build a guest house/shop at the upper end of his property. The proposed building will be considered non-conforming, as it would not meet setback requirements. The property is on 48 Blue Heron Lane in the Town of North Concord tax map parcel i.d. no. 00164. The property is more fully described in a Warranty Deed from RGW Properties, LLC to Rhonda M. Adams and Glenn B. Adams dated May 1, 2014 and recorded in Book 83, page 166, of the Town of Concord Land Records.

2. The property is located in the Lake Shore District as described on the Town of Concord Zoning Map on record at the Town of Concord Municipal Office and section 205 of the Zoning Bylaws.

3. The following variance is sought by the applicant: to build a workshop on his property at 48 Blue Heron Lane The variance requested requires review under the following sections of the Zoning Bylaws:

Section 609.1 of the Town of Concord Zoning Bylaws states The Zoning Board of Adjustment shall hear and decide requests for variances in accordance with Section 4469(a) of the Act and appeal procedures under Section 608 of this bylaw. In granting a variance, the Zoning Board of Adjustment may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Zoning Board of Adjustment may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision:

4. The following unique physical circumstances or conditions peculiar to the subject property are found: the width of the lot is only 73 feet at its widest point. The owner is forced to build without being able to comply with setback requirements.

5. Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and authorization of a variance is necessary to enable the reasonable development of the property.

6. Unnecessary hardship has not been created by the applicant.

7. Blue Heron Lane is a dead-end road that ends at the Adams' camp and consists mostly of small, closely positioned camps. The variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare. The Zoning Administrator acknowledges that there are several other small lots on the road that are not in compliance with Zoning Bylaws.

8. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Bylaws.

DECISION AND CONDITIONS

Based upon these findings, and subject to the condition set forth below, the Concord Zoning Board of Adjustment approves the following variance.

Conditions:

Mr. Adams will apply and receive approval from the State of Vermont regarding the Shoreland Protection Act.

As described by Mr. Adams, the building will not be any higher than 16 feet in the back and 24 ½ feet in the front.

If the State permits it, Mr. Adams will build rock walls and a retaining wall to help with draining. He will also plant trees around the property for privacy.

Dated at Concord, Vermont, this 19th day of May, 2016

Cynthia Stuart, Chair

Stuart Gray

Linda Hartwell

Linda Hartwell

Judy Kurtz

Judy Kurtz

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings(s) before the Concord Zoning Board of Adjustment. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.