Shoreland Permit Application Instructions



For activities proposed under Vermont's Shoreland Protection Act Per Chapter 49A of Title 10, § 1441 *et seq*.

- HOW TO SAVE TIME. Please use these instructions to assist you in completing the shoreland permit application. <u>The Vermont Shoreland Protection Act – A Handbook for Shoreland Development</u>, available on the Shoreland Permitting <u>webpage</u>, can also assist you in completing your permit application. You can also reach out to the appropriate <u>Regional Lake and Shoreland contact</u> with questions about your project.
- HOW LONG DOES IT TAKE TO GET A PERMIT? Generally, it will take between 45 and 60 days for a final permit decision to be issued after the permit application is deemed administratively complete. This time includes the required 30-day public notice period of the draft decision. Additional time may be required during the busy season (approximately March through the end of October), due to project complexity, or public comment.
- HOW MUCH INFORMATION IS NEEDED? Most applications for small, non-commercial projects by shoreland property owners do not require engineering designs or preparation by professional consultants. However, professional assistance and/or assistance from the regional Shoreland permit analyst may be necessary in some cases. For an application to be administratively and technically complete, please fill out all sections of the application unless prompted to skip certain questions. Be sure to follow the instructions and guidance on the application and refer to this document for additional assistance.
- APPLICATION FORM. These instructions explain each line of the Shoreland Permit Application Form and the supporting documentation necessary to complete an application. These instructions are intended to assist applicants with filling out the forms correctly.

A. Parcel Information

- 1. Physical Address (E911 Address): This is the address of the project location. A post office box (P.O. box address) will not be accepted. If the parcel has not been assigned an E911 address, please enter the road name.
- 2. Town County: This is the municipality in which the project parcel is located. The village or other subcommunity shall not be listed here (e.g., Bomoseen is located in the municipality of Castleton). Please also list the county where the municipality is located.
 - Please note, the municipalities of Burlington, Colchester, Elmore, and Greensboro have been delegated authority for overseeing Shoreland Protection regulations. If the project is located within one of those municipalities, a Shoreland permit issued by the State is not required. Instead, the project will need to be reviewed and authorized through the local municipality.
- **3. Zip:** This is the zip code for the parcel.
- 4. SPAN: The SPAN is the "School Parcel Account Number." 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 consisting of eleven digits, for each parcel of property in the State of Vermont. 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. The SPAN number can also be located on the <u>Vermont Natural Resources Atlas</u>, additional guidance is available <u>here</u>.
- 5. Coordinates: These should be displayed in two decimal degree numbers. To find coordinates visit google.com/maps, and type in the address of the property of interest. *Right click* on where the project is located on the property. Coordinates in decimal degrees will be provided at the top of the list of options. Enter the coordinates provided or click on the coordinates at the top of the list to copy the numbers and

paste into the fillable pdf. The parcel coordinates can also be located on the <u>Vermont Natural Resources</u> <u>Atlas</u>, additional guidance is available <u>here</u>.



Example: 44.26243, -72.58049

- 6. Name of Lake/Pond: Common name of the lake or pond adjacent to the parcel.
- 7. Was the parcel of land created before July 1, 2014? If you do not know when the parcel of land was created, you may need to contact your Town Clerk to obtain this information. A parcel is considered new or created when the parcel is subdivided or merged with another parcel. If a parcel is subdivided, the original parcel and all resulting parcels are considered to be new. Please note that nonconforming development standards are only available for a parcel of land that was created before July 1, 2014. Once a parcel is considered new/created, all development projects must be set back at least 100 feet from the mean water level of the lake or pond the project is adjacent to.
- 8. Are there Class I or Class II wetlands within or adjacent to this parcel? If you do not know, or suspect that you have wetlands on your parcel, you should contact the <u>VT DEC Wetlands Program</u>. The presence of wetlands on your parcel may have implications on the location or feasibility of your proposed project. A Shoreland Permit does not negate the need for other applicable local, state or federal permits, including a state Wetlands Permit or federal U.S. Army Corps of Engineers Permit. You can see if any mapped wetlands are located on or near your parcel on the <u>Vermont Natural Resources Atlas</u>, additional guidance is available <u>here</u>.
- **9.** Have any Agency of Natural Resources permits or approvals been issued or applied for at this parcel? If so, please describe and include an application or permit number when applicable (e.g., Wetlands permit, Act 250 permit, Wastewater permit, Stormwater ½ acre permit, etc.). If not, write "no" or leave blank.
 - Note: If there is an Act 250 permit associated with your parcel, please reach out to your Regional Lakes and Ponds permitting contact before continuing with the application.
- 10. American Rescue Plan (ARPA) Projects: Indicate whether the project is receiving funding through ARPA.
- **11.** Is this application for a Shoreland permit amendment? Select "Yes" if this permit application is to alter a previously authorized permit issued on the parcel. If "Yes," identify the Shoreland permit number being amended under Questions 11b. If "No," skip to Question 12.

- 12. What is the square footage of the parcel within 250 feet of the mean water level (the shoreline)? You must provide the total area of your parcel (in square feet) that is located within 250 feet of the mean water level, which is also referred to as the Protected Shoreland Area (PSA). See the <u>Vermont Shoreland</u> <u>Protection Act A Handbook for Shoreland Development, Appendix C, Determining Lakeside Zone and PSA.</u> You can view and measure the Protected Shoreland Area on the <u>Vermont Natural Resources Atlas</u>, additional guidance is available <u>here</u>. Please note that the Protected Shoreland Area shown on the Atlas is approximate and an accurate calculation may require additional measurement.
- **13. What is the square footage of all existing impervious surface within 250 feet of the shoreline (PSA)?** You must provide the total area of existing impervious surfaces (in square feet) located within the PSA. Impervious surfaces are defined as man-made, hard or compacted areas, from which precipitation runs off rather than infiltrates into the ground. Impervious surfaces include:
 - Any structure with a roof (house, shed, garage, gazebo)
 - Decks and patios
 - Paved and unpaved driveways, parking areas, private roads
 - Any other non-vegetated areas where the ground is compacted

Natural stone, rocky shores, or ledge are not considered impervious surface as those are not manmade.

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

*Fill out the chart in Question A.15.a. to itemize the square footage of each impervious surface located within the PSA and its distance from the shoreline. The total value calculated by adding the square footage of each individual impervious surface together will be the answer to Question A.13.

- **14. What is the square footage of all existing cleared area within 250 feet of the shoreline(PSA)?** You must provide the total area of existing cleared area (in square feet) that is located within the PSA. Cleared areas are all areas where trees or forested areas have been removed. Cleared areas include:
 - All existing impervious surfaces
 - Lawn
 - Mowed or landscaped areas
 - Any other areas area that are not maintained as natural vegetation (e.g., trees, forested lands).

See the <u>Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix E,</u> <u>Calculating Percent Clearing</u>.

*Fill out the chart in Question A.15.b. to itemize the square footage of each section of cleared area located within the PSA and its distance from the shoreline. The total value calculated by adding the square footage of all cleared areas together will be the answer to Question A.14.

15. Provide a list of all impervious surface and cleared area on the parcel located within 250 feet of the shoreline to explain how the values for A.13. and A.14. were determined. Submit additional documentation as needed.

For A.15.a., calculating total existing impervious surfaces, itemize each impervious surface type (home, garage, driveways, etc.). Please be sure to include all paved and unpaved driveways and parking areas as existing impervious surfaces. Private roads and rights-of-way that are on your parcel are included as existing impervious surface.

For A.15.b., calculating total existing cleared area, itemize each section of cleared area on the parcel (lawn, beach, gardens, total impervious surfaces identified above, etc.) As a note, individual trees in grass lawn are

viewed as vegetative cover surrounded by cleared area. Please calculate the square footage of the lawn area and subtract the square footage of the tree's trunk area at 4.5 feet off the ground. Additional guidance is available <u>here</u>.

B. Project Description and Setback from the Shoreline

Describe the proposed project completely so reviewers will understand exactly what is intended. Your
project description must include square-foot measurements of all proposed new impervious surfaces
and/or proposed new cleared areas, including any cleared area necessary for the construction of
impervious surfaces and any additional cleared areas that are planned as part of the project.

An example project description may read like the following, which must be accompanied by a site plan (Section F.):

The project is to expand an existing house that is located 125 feet from the shoreline. The expansion will add 250 square feet of impervious surface to the side of the existing structure. The expansion will begin 125 feet from the shoreline. The project will require the removal of two trees located 150 feet from the shoreline, creating 4 square feet of new cleared area.

Setback from the Shoreline

Check the box next to the sentence that best describes your project. Projects may fall under more than one category. Answer selected questions B.2 through B.5, only if they are applicable to your project and you have checked the box indicating which questions you should answer. Skip the question(s) that are not relevant to your project.

For example, if your project is to construct a shed beginning 175 feet from the shoreline and to remove 2 trees located 10 feet from the shoreline, for a shoreline stabilization purposes, then you would need to answer questions 2 and 4; questions 3 and 5 may be skipped.

The shoreline, technically referred to as the mean water level, is defined as the average annual water level between June 1 and September 15. For most inland lakes, the mean water level can be delineated at the shoreline where water and land meet and terrestrial vegetation begins to grow. Mean water levels at several Vermont lakes are defined at set elevations, for example 95.5 feet for Lake Champlain or 682.0 feet for lake Memphremagog (National Geodetic Vertical Datum 1929). For more information and to see a list of all lakes with set mean water level elevations, see the <u>Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix A – Estimating Mean Water Level</u>.

Please reach out to the appropriate <u>Regional Lake and Shoreland contact</u> if you have questions about how to complete this section of the application.

- 2. For a project that will be entirely located 100 feet or further from the shoreline:
 - **a.** If the project creates new impervious surface beginning at least 100 feet from the shoreline and further, identify the distance here. This distance is measured horizontally across the landscape from the closest point of the proposed new impervious surface to the shoreline.
 - **b.** If the project creates new cleared area beginning at least 100 feet from the shoreline (mean water level) and further, identify the distance of the closest point of the proposed clearing here. This distance is measured horizontally across the landscape from the closest point of the proposed new cleared area to the shoreline.
- 3. For a nonconforming development* project (a project that occurs within 100 feet of the shoreline):
 - **a.** If the project creates new impervious surface beginning within 100 feet of the shoreline, identify the distance here. This distance is measured horizontally across the landscape from the closest point of the proposed new impervious surface to the shoreline.
 - **b.** If the project creates new cleared area beginning within 100 feet from the shoreline, identify the

distance of the closest point of the proposed clearing here. This distance is measured horizontally across the landscape from the closest point of the proposed new cleared area to the shoreline.

- **c.** If the project is for the expansion or redevelopment of a habitable structure currently located within 100 feet of the shoreline (e.g., expanding the footprint of the structure, building a new garage and driveway on the non-lake side the structure), identify how close to the shoreline that currently existing structure is. The closest point of a habitable structure to the shoreline includes the dripline of the structure and any attached decks and patios. The distance is measured horizontally across the landscape.
- **d.** *The standards for the nonconforming development setback are identified in the application.
- 4. Shoreland stabilization. Only fill out this section if you are proposing a shoreland stabilization project located within 100 feet of the shoreline that is designed to repair or prevent erosion or flood risks and would otherwise not be eligible for nonconforming development.
 - **a.** If the project creates new impervious surface beginning within 100 feet of the shoreline, identify the distance here. This distance is measured horizontally across the landscape from the closest point of the proposed new impervious surface to the shoreline.
 - **b.** If the project creates new cleared area beginning within 100 feet from the shoreline, identify the distance of the closest point of the proposed clearing here. This distance is measured horizontally across the landscape from the closest point of the proposed new cleared area to the shoreline.
 - c. Complete and include the <u>shoreland stabilization measures addendum</u> to this application.
- 5. Public recreation area. Only fill out this section if you are proposing a project located within 100 feet of the shoreline that requires new impervious surface or cleared area be adjacent to the shoreline to provide access to the water for the general public and promote the public trust uses of the water and would otherwise not be eligible for nonconforming development.
 - **a.** If the project creates new impervious surface beginning within 100 feet of the shoreline, identify the distance here. This distance is measured horizontally across the landscape from the closest point of the proposed new impervious surface to the shoreline.
 - **b.** If the project creates new cleared area beginning within 100 feet from the shoreline, identify the distance of the closest point of the proposed clearing here. This distance is measured horizontally across the landscape from the closest point of the proposed new cleared area to the shoreline.
 - c. Complete and include the <u>public recreation areas addendum</u> to this application.

C. Project Area Slope

1. Identify the slope of the project area: The slope of a land area, also called the grade, is expressed as the number of feet the land rises over a distance of the land. The slope of the project area is measured across a 100-foot distance centered on the proposed project area. The slope may be measured from the <u>Vermont Natural Resources Atlas</u>, or manually on the landscape. Additional guidance for using the Natural Resources Atlas is available <u>here</u>. Please note that the slope measurements shown on the Atlas are approximate and an accurate calculation may require additional measurement. See <u>the Vermont Shoreland Protection Act – A Handbook for Shoreland Development</u>, <u>Appendix B – Determining Slope</u> to determine how to measure the slope on the landscape.

If the answer to his question is less than 20%, proceed to Section D.

2. If the project area slope is 20% or greater, the applicant must identify the measure(s) that will be taken to ensure the project area will have a stable slope with minimal erosion and minimal negative impacts to water quality. Select the measure(s) that will be used to satisfy this standard and identify the applicable technical measurements asked for. These measures must be identified on the site plan (Section F.). You can

also reach out to the appropriate Regional Lake and Shoreland contact with questions about what might be appropriate for the project area to address slope stability.

D. New Impervious Surface

1. Identify the new impervious surface associated with this project in square feet, rounded to the nearest whole number. If your project does not create any new impervious surface, skip to Section E.

New impervious surface is calculated as any impervious surface created outside of the existing impervious surface footprint, regardless of any removal of impervious surface associated with the project. New impervious surface is **not** calculated as the net change to impervious on the parcel, rather it is the square footage of all new impervious surface created in areas that are not currently impervious surface. Do not subtract any proposed impervious surface removal from this number. Please see the example below.

Vermont Lake		Existing h be remov 2,500 squ	ouse to ed = are feet Proposed Imperviou =1,875 sq (New Hou	s Surface ft se)	In this e foot ho and a 2 propos recons the exis portion outside footprin impervi case th surface square	In this example a 2,500 square foot home is being removed and a 2,500 square foot is proposed to be reconstructed, partially within the existing footprint. The portion of the home proposed outside of the existing footprint is the NEW impervious surface. In this case the new impervious surface created is 1,875 square feet			

- 2. Fill out the chart provided by itemizing all new impervious surfaces proposed for the project. If your project expands the driveway and adds a garage, the impervious surface from each of those activities would be identified on separate lines, along with the closest distance to the shoreline of each component of the project. The total impervious surface created from the project should equal the number provided in question D.1.
- 3. Identify the total resulting impervious surface after completion of the project and prior to the implementation of best management practices in square feet. This should be the sum of the number that was entered at the bottom of the chart in Question D.2. plus the total existing impervious surface identified in Question A.13.
- 4. Identify the percentage of impervious surface on the parcel within 250 feet of the shoreline after completion of the project and prior to implementation of best management practices. This is the number identified in question D.3. divided by the square footage of the portion of the parcel located within the Protected Shoreland Area (this number was entered in Question A.12). Multiply the result by 100 to get the percentage of impervious surface on the parcel.

If the resulting percentage is 20%, or less, skip question D.5., and proceed to Section E.

5. If the resulting percentage of impervious surface on the parcel within the PSA is greater than 20%, select and fill out the best management practices that will be used to manage, treat, and control erosion generated by stormwater runoff from the portion of the impervious surface that exceed 20%.

You can also reach out to the appropriate <u>Regional Lake and Shoreland contact</u> with questions about the appropriate best management practice to address impervious surface.

If a best management practice is required, you must identify where it will be installed (or where impervious surface will be removed), applicable dimensions, and distances from mean water level on the site plan.

If you propose to remove existing impervious surface as a best management practice, please note that compaction must be addressed to convert that area to cleared area or vegetative cover.

E. New Cleared Area

- 1. Identify the new cleared area associated with this project in square feet. If your project does not create any new cleared area, skip to Section F.
 - New cleared area is the removal of vegetative cover, including trees, shrubs, natural ground cover, and the duff layer.
 - If a project is to be completed entirely over lawn, bare soil, ledge, or a landscaped area, the project does not create new cleared area as the location is already cleared (e.g., the area is already devoid of trees or forested lands).
 - New cleared area is the total creation of cleared area, regardless of any replanting plans. It is **not** calculated as the net change to the cleared area on a parcel.
 - When unmaintained or forested areas (vegetative cover) are removed or disturbed, the new cleared area is calculated by the square footage of removal or disturbance. Please note that when constructing a new structure, a minimum buffer of 10 feet of cleared area should be used around that structure.
 - When individual trees surrounded by grass lawn are proposed to be removed, the new cleared area is calculated by measuring the square footage of the tree's trunk area at breast height. Additional guidance is available <u>here</u>.
 - The creation of new cleared area includes removal of vegetative cover for construction access (even if it will be replanted) and for the project site itself.
- **2.** Fill out the chart provided by itemizing all new cleared areas proposed for the project. Include the total square footage of cleared area and the closest distance to the shoreline. The total cleared area created from the project should equal the number provided in question E.1.
- **3.** Identify the **total** resulting cleared area after completion of the project and prior to the implementation of best management practices in square feet. This should be the sum of the number that was entered at the bottom of the chart in Question E.2. **plus** the total existing cleared area identified in Question A.14.
- 4. Identify the percentage of cleared on the parcel within 250 feet of the shoreline after completion of the project and prior to implementation of best management practices. This is the number identified in question E.3. divided by the square footage of the portion of the parcel located within the Protected Shoreland Area (this number was entered in Question A.12). Multiply the result by 100 to get the percentage of impervious surface on the parcel.

If the resulting percentage is 40%, or less, skip question E.5., and proceed to Section F.

5. If the **resulting percentage of cleared area on the parcel** is greater than 40%, it must be demonstrated (e.g., additional project description narrative, site plan explanation, etc.) that creating cleared area was avoided and minimized to the greatest extent possible and that the resulting cleared area is necessary to

achieve the purpose of the project.

For projects resulting in greater than 40% cleared area, revegetation (i.e., establishing vegetative cover) is required. This consists of converting a cleared area (e.g., grass lawn) within 250 feet of the shoreline to vegetative cover (e.g., trees, forested lands). A revegetation plan must address the bullet points outlined in Question E.5.

You can also reach out to the appropriate <u>Regional Lake and Shoreland contact</u> with questions about the appropriate revegetation plan to address the creation of new cleared area.

If revegetation is required, you must identify where it will be established, applicable surface area, and distances from the shoreline on the site plan.

F. Project Site Plan

A site plan is required for this application to be deemed administratively complete. Follow the instructions on the application to ensure that the required technical information is included in the site plan.

Here is an example project description and corresponding example site plan:

The project is to expand an existing house that is located 125 feet from the shoreline. The expansion will add 250 square feet of impervious surface to the side of the existing structure. The expansion will begin 125 feet from the shoreline. The project will require the removal of two trees located 150 feet from the shoreline, creating 4 square feet of new cleared area.



*Please note that this example site plan includes an overlay of existing and proposed conditions, distances to the shoreline of existing structures and all proposed cleared area and impervious surfaces. It is also acceptable to provide multiple site plans as a means to more clearly identify the existing conditions, proposed conditions, or a best management practice plan.

If a project includes shoreline stabilization (e.g. seawalls, rip rap, etc.) a profile view of the stabilization installation should be included in addition to a site plan in the overhead view.

G. Landowner/Applicant Information and Certification

Name: Name(s) of the landowner(s)/applicant(s)

Mailing Address: Mailing address of the primary applicant (this may be different than the parcel address identified in Question A.1.)

Phone Number: Phone number where application reviewer can contact the applicant.

Email Address: Email address where application reviewer can contact the applicant.

Have you completed the voluntary Natural Shoreland Erosion Control Certification Course? The Department offers a voluntary course for contractors and the public on best practices for working in the Shoreland Area. It is not required that people working in the Protected Shoreland Area take this course. This question is for tracking purposes. Select "yes," if the applicant has taken the course. Please include the date and location the course was completed.

Landowner/Applicant Certification All landowners, or their legal representative, must sign the Landowner Certification. If the applicant leases the land, and thus is not the landowner, the applicant must sign in addition to the landowner.

H. Application Preparer and/or Co-Applicant Information and Certification

If a contractor, consultant, relative, or other individual has prepared the application on behalf of the landowner/applicant, fill out the contact information in this Section.

If the application preparer also wishes to be a co-applicant/co-permittee, they must sign this section of the application. Do not sign this section if the application preparer does not wish to be a co-applicant/co-permittee.

If this section is signed, the co-applicant will be identified as a co-permittee on the permit. Co-permittee status is required for any individuals or entities other than the applicant that is creating new impervious surface or cleared area in the Protected Shoreland Area.

Addition or termination of co-permittee status can be done at any time using the <u>Notice of Co-Permittee Status</u> <u>Form</u>.

I. Adjoining Property Owner Notification

As of January 1, 2018, the State of Vermont requires that applicants applying for a Shoreland Protection Permit provide notice to adjoining landowners (<u>10 V.S.A. § 7701 et seq</u>)

As a part of submitting an administratively complete Shoreland Protection Individual Permit application, the applicant and/or their representative must provide notice to adjoining property owners at the same time the application is submitted. The applicant must certify on the application, by initialing in the box in Section I., that notifying adjoining property owners has been completed prior to application submittal.

Use of the <u>OFFICIAL NOTICE letter</u> is required to be sent by U.S. Mail to notify an adjoining property owner. Note: Permit application materials are not required to be sent with this notice.

Additional guidance on this can be found <u>here</u>.

J. Additional Required Documentation

All permit applications must be filled-out in their entirety to be accepted as administratively complete. At least three (3) color photographs of the project area must be included in the application. Additional photos or a site visit may be requested if deemed necessary to complete application review.

If the project is for shoreland stabilization, the shoreland stabilization addendum must be submitted.

If the project is for a public recreation area, the public recreation area addendum must be submitted.

K. Permit Application Fee

All Shoreland Permit Applications are subject to an Administrative Fee of \$125.00. Projects that involve <u>new</u> impervious surface area are subject to an additional fee of \$0.50 per square foot of new impervious surface.

Submitting an Application

All applications are processed by Watershed Management Division staff. Applications should be submitted electronically at the ANROnline website: https://anronline.vermont.gov/?formtag=WSMD_Intake . Fees may be paid online with a credit card. An application will not begin the review process until the appropriate application fee is received. Although not preferred, application materials may be mailed to the address below with the associated application fee to the address below with checks payable to the "Vermont Department of Environmental Conservation."

Vermont Department of Environmental Conservation Watershed Management Division Shoreland Permitting 1 National Life Drive, Davis 3 Montpelier, VT 05620-3522