Shoreland Protection Individual Permit Application

Under Chapter 49A of Title 10, § 1441 et seq.



Submission of this application constitutes notice that the person in Section G. intends to create impervious surface and/or cleared area within the Protected Shoreland Area.	For Shoreland Permitting Use Only Application Number: Application Received:
For this application to be deemed administratively complete, all fields on this form must be answered and the required fee (Section K.) must be submitted. Refer to the <u>Application</u> <u>Instructions</u> for guidance in completing this application.	Approved Application (if applicable):
Administratively incomplete applications will be returned to the applicant. Technical review of the application will not occur until the application is deemed administratively complete.	
A. Parcel Information	
1. Physical Address (911 Address):	
2. Town ¹ - County:	3. Zip:
4. SPAN (###-###-#####):	The School Parcel Account Number can be obtained from your property tax bill or requested from your Town
5. Identify the coordinates (in decimal degrees/e.g., 44.2622532, Latitude: Longitude:	-72.5806714) for where the project is located.
6. Name of Lake/Pond:	
7. Was the parcel of land created before July 1, 2014?	Yes No
 8. Are there Class I or Class II wetlands within or adjacent to this parcel? Wetlands may be identified on the Wetland – VSWI layer on the <u>ANR Atlas</u> 	Yes No
9. Have any Agency of Natural Resources permits or approvals be describe and include an application or permit number when app <u>Wastewater permit</u> , <u>Stormwater ½ acre permit</u> , etc.):	
10. Is this project receiving funding through the <u>American Rescue</u>	Plan Act (ARPA)? Yes No
11a. Is this application for a Shoreland permit amendment? Yes ² No	11b. What is the Shoreland permit number being amended (leave blank if N/A)?

¹ The municipalities of Burlington, Colchester, Elmore, and Greensboro have been delegated authority for overseeing Shoreland Protection regulations. See the <u>Shoreland Permitting website</u> for more information.

² If "Yes," complete the application to the greatest extent possible. Specify what aspects of the original permit are to be amended (e.g., additional impervious surface or cleared area, alterations to best management practices, updated site plans, etc.).

Tips for completing questions A.12 through A.15:

- Shoreland Protection regulations break down the area within 250 feet of the mean water level³ (the shoreline) into three categories of surfaces:
 - o Impervious surface.
 - o Cleared area.
 - o Vegetative cover.

• Impervious surface:

- An impervious surface is an artificial surface from which precipitation runs off rather than infiltrates into the ground.
- An impervious surface is also a cleared area.
- An impervious surface footprint is measured by the overhead/site plan view as that represents the entire surface that generates stormwater runoff. For example, the impervious surface measurement for a home would include the roof overhang or any similarly cantilevered/suspended impervious surface.

• Cleared area:

- A cleared area is an area where existing vegetative cover, soil, tree canopy, or duff is permanently removed or altered (e.g., grass lawn, landscaped areas, gardens, beaches, all impervious surfaces).
- Areas that are not cleared area are vegetative cover (e.g., forested areas, trees).
- If a parcel has or will have a State permitted wastewater and/or potable water system, include the surface area for those systems as existing cleared area as well as the applicable isolation distances from trees and vegetative cover (e.g., 10-foot minimum setback between a leachfield from trees <u>Table 9-3</u>).

• Vegetative cover:

- Vegetative cover consists of a mix of trees, shrubs, groundcover, and duff (e.g., forested lands).
- The parcel square footage (A.12) minus the square footage of cleared area (A.14) is the area of vegetative cover (e.g., forested areas, trees) on the parcel.
- A standalone tree entirely within grass lawn (cleared area) is considered vegetative cover. In this scenario, the basal area of the tree is considered the surface area of vegetative cover. As such, a parcel that is primarily grass lawn with several trees *is not* 100% cleared area as the surface area of the tree needs to be subtracted from the cleared area total.
 - To determine the surface area of vegetative cover for a tree entirely within cleared area, use the table of values under the *Surface Area Measurement for a Standalone Tree in Grass Lawn* section within the <u>Standalone Tree in Grass Lawn Guidance</u> document.

General:

- It is encouraged to use graph paper or a digital program to accurately depict (see Section F. Project Site Plan) and identify the three categories of surfaces. Otherwise, it may not be possible to technically review an application and the application will be returned to the applicant to be revised.
- Surface area measurements can be made using the <u>ANR Atlas</u>⁴ or programs like <u>Google Earth</u>.
- \circ $\;$ Round to the nearest whole number for all measurements provided.
- If a project is located on two or more parcels, one application per parcel is required. Each application is specific to the parcel the project is on.

⁴ ANR Atlas tutorial for Shoreland

³ Estimating Mean Water Level. The mean water level for Lake Champlain is 95.5 feet National Geodetic Vertical Datum 1929.

12. What is the square footage of the parcel within 250 feet	t of the shoreline?		Sq. ft.
13. What is the square footage of all existing impervious su	rface ⁵ within 250 feet of the sho	reline?	Sq. ft.
14. What is the square footage of all existing cleared area ⁶	within 250 feet of the shoreline?)	Sq. ft.
 15. Provide a list of <i>all</i> impervious surface and cleared area how the values for A.13. and A.14. were determined. Iden a. Existing impervious surface: 			
Impervious surface type (e.g., all structures, decks, patios, paved and unpaved driveways, private roads, parking areas, etc.)	Surface area (Sq. ft.)		st distance to the line (feet)
E.g., 14' x 22' one car garage	308	120	
Total (this value should be the same as A.13):			

 ⁵ Include any after-the-fact impervious surface as "new" impervious surface under Section D.
 ⁶ Include any after-the-fact cleared area as "new" cleared area under Section E.

b. Existing cleared area:		
Cleared area type (e.g., grass lawn, garden, wastewater system area, total impervious surface area)	Surface area (Sq. ft.) *	Closest distance to the shoreline (feet)
E.g., non-lake side grass lawn	2,000	150
Total impervious surface area (answer for A.13.)		N/A
Total (this value should be the same as A.14):		

B. Project Description and Setback from the Shoreline

1. <u>Describe the project.</u> Provide a description of the entirety of the proposed project(s) (e.g., expansion or creation of a habitable structure⁷, tear down/rebuild a structure, shoreland stabilization, etc.). Include any applicable description (e.g., dimensions, surface areas, distances to the shoreline) of new impervious surface and/or cleared area, including what is required for construction, construction access, or maintenance of new structures. A project description must be included here (a site plan alone is not sufficient).

Setback from the shoreline. The conforming permit standard is that all new impervious surface and new cleared area be setback 100 feet or further from the shoreline. However, other setbacks may apply depending on the project type, considerations of the parcel characteristics, or the existing development.

Check the box for each project type being applied for and complete the related questions below:

If the entirety of the project will be 100 feet or further from the shoreline, complete question B.2 below.

If the project (or portion of the project) is for **nonconforming development** (will not meet the 100-foot setback from the shoreline), **complete question B.3 below**.

If the project is for **shoreland stabilization**, will not meet the 100-foot setback from the shoreline, and would otherwise not be eligible for nonconforming development (see B.3 below), **complete question B.4 below**.

If the project is for a **public recreation area**, will not meet the 100-foot setback from the shoreline, and would otherwise not be eligible for nonconforming development (see B.3 below), **complete question B.5 below**.

2. For a project that will be located entirely 100 feet or further from the shoreline:

a. How far will new impervious surface be from the shoreline? ______ feet OR N/A

b. How far will new cleared area be from the shoreline? ______ feet OR N/A

⁷ "Habitable structure" means a permanent assembly of materials built for the support, shelter, or enclosure of persons, animals, goods, or property, including a dwelling, a commercial or industrial building, and driveways, decks, and patios attached or appurtenant to a dwelling or commercial or industrial building. "Habitable structure" shall not mean a motor home, as that term is defined under 32 V.S.A. § 8902, tents, lean-tos, or other temporary structures.

3. For a **nonconforming development** project (a project that occurs within 100 feet of the shoreline):

- a. How far will new impervious surface be from the shoreline? ______ feet OR N/A
- **b.** How far will new cleared area be from the shoreline? ______ feet OR N/A
- **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), how far from the shoreline is that current structure? ______ feet OR N/A

Nonconforming development setback. A project is only eligible for approval under the nonconforming development setback standard if it is located on a parcel that was in existence on July 1, 2014. If eligible, the standards are:

- 1) If the project is for the expansion or redevelopment of a habitable structure:
 - a) The project must be on the non-lake side of the footprint of the habitable structure. **OR**
 - b) An expansion to the side of the footprint of the habitable structure may be possible if:
 - The expansion is no closer to the shoreline compared to the footprint of the habitable structure being expanded; and
 - The expansion will have an impact on water quality that is equivalent to or less than if it were an
 expansion of the structure located on the side farthest from the lake.⁸
- 2) If the project is not for the expansion or redevelopment of a habitable structure, a project may be eligible for nonconforming development if:
 - a) The size of the parcel prevents meeting the 100-foot setback.
 - b) The project will be set back as far from the shoreline as possible.
 - c) No part of the project will be within 25 feet of the shoreline.

4. Shoreland stabilization. The project is designed to repair or prevent erosion or flood risks and would otherwise not be eligible for nonconforming development.

- a. How far will new impervious surface be from the shoreline? ______ feet OR N/A
- **b.** How far will new cleared area be from the shoreline? ______ feet OR N/A
- **c.** Complete and include the <u>shoreland stabilization measures addendum</u> to this application.

5. Public recreation area. The project 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.

- a. How far will new impervious surface be from the shoreline? ______ feet OR N/A
- **b.** How far will new cleared area be from the shoreline? ______ feet OR N/A
- **c.** Complete and include the <u>public recreation areas addendum</u> to this application.

⁸ To demonstrate compliance with this standard, include additional information in the project description (B.1) and/or additional information to answers for questions C.2., D.5., or E.5. to identify how the impact on water quality will be equivalent to or less than if an expansion of the structure was located on the side farthest from the lake (e.g., use <u>best management practices</u>, avoid creating new cleared area).

C. Project Area Slope
1. Identify the slope of the project area ⁹ :%
• If the slope is less than 20%, skip question C.2. and proceed to Section D. New Impervious Surface.
2. If the project area slope is 20% or greater, select and fill out 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:
Infiltration trench filled with drainage stone.
Cumulative length: feet Minimum width: inches
Minimum depth: inches Closest distance to the shoreline: feet
Description of the proposed infiltration trench(es) and location(s) on the parcel:
Dry well(s) filled with drainage stone.
Minimum length: feet Minimum width: feet
Minimum depth: feet Closest distance to the shoreline: feet
Description of the proposed dry well(s) and location(s) on the parcel: <u>Water bars and open-top culverts.</u> Identify dimensions, design, and where on the parcel this will be located:
<u>Turn-outs and rock aprons.</u> Identify dimensions, design, and where on the parcel this will be located:
Revegetation. Converting a cleared area (e.g., grass lawn) to vegetative cover (e.g., trees, forested lands).
Cumulative surface area of revegetation: square feet Closest distance to the shoreline: feet
Description of the revegetation location(s) on the parcel and type(s) of revegetation (e.g., planting native trees and shrubs, establishing a no-mow zone):
Other. Identify other proposed measures:
For each measure selected above, identify the location on the parcel, applicable dimensions/surface areas, and distance to the shoreline on the site plan (Section F.).

⁹ <u>Determining the Slope of Your Shoreland</u>.

D. New Impervious Surface

1. Identify the **new impervious surface** associated with this project: ______square feet ^(round to the nearest whole number)

• If no new impervious surface is proposed, skip questions D.2. – D.5. and proceed to Section E. New Cleared Area.

New impervious surface is considered the expansion of an impervious surface footprint *beyond a current impervious surface footprint* (excluding exemptions). The amount of new impervious surface *is not* the net change of impervious <u>surface associated with the project</u>. Do not subtract any proposed impervious surface removal for this answer. This answer cannot be a negative number.

2. Complete the following table to identify the new impervious surface. Identify the location(s), surface area(s), and closest distance(s) to the shoreline on the Project Site Plan (Section F.).

New impervious surface type (e.g., all structures, decks, patios, paved and unpaved driveways, parking areas, etc.)	Surface area (Sq. ft.)	Closest distance to the shoreline (feet)
E.g., new 22' x 22' two car garage	484	120
Total (this value should be the same as D.1.):		

3. Identify the **total resulting impervious surface**¹⁰ after completion of the project and prior to implementation of best management practices: ________ square feet

4. Identify the **percentage of impervious surface on the parcel**¹¹ within 250 feet of the shoreline after completion of the project and prior to implementation of best management practices: _______%

• If the result is 20% or less, skip question D.5. and proceed to Section E. New Cleared Area.

¹⁰ Existing impervious surface (question A.13) plus proposed new impervious surface (question D.1).

¹¹ Total resulting impervious surface (question D.3), divided by parcel area (question A.12), multiplied by 100.

manag	••••••	vill be used to mana	age, treat	ne parcel is greater than 209 , and control erosion genera			
	Infiltration trench fille	d with drainage sto	ne.				
	Cumulative length:	feet		Minimur	n width:	inches	
	Minimum depth:	inches		Closest distance to the sh	noreline:	feet	
	Description of the pro	posed infiltration tr	ench(es)	and location(s) on the parce	el:		
	Dry well(s) filled with	drainage stone.					
	Minimum length:	feet		Minimum width:	fe	eet	
	Minimum depth:	feet	Closest	distance to the shoreline: _	fe	eet	
	Description of the pro	posed dry well(s) ar	nd locatio	on(s) on the parcel:			
				ace area of impervious surfa d and the closest distance(s			_square feet
	Revegetation. Convert	ing a cleared area (e.g., gras	s lawn) to vegetative cover	(e.g., trees, fo	rested lands)	
	Cumulative surface ar	ea of revegetation:		square feet Closest d	listance to the	shoreline:	feet
	Description of the reve shrubs, establishing a	-	s) on the	parcel and type(s) of revege	tation (e.g., pl	anting native	trees and
	Water bars and open-	<u>top culverts.</u> Identif	fy dimens	ions, design, and where on	the parcel this	s will be locat	ed:
	Turn-outs and rock ap	<u>rons.</u> Identify dime	nsions, de	esign, and where on the par	cel this would	be located:	
	Rain garden(s). Minim	um depth:	feet	Total area of rain garder	n(s):	square feet	
	Closest distance to the	e shoreline:	feet	Description of rain garder	n fill and specie	es to be plant	ed:
	Other. Identify other p	proposed best mana	agement	practices:			
	ch best management p and distance from the			tify the location on the parc ection F.).	el, applicable	dimensions/s	urface

E. New Cleared Ar	rea
-------------------	-----

1. Identify the new cleared area associated with this project¹²: _________ square feet (round to the nearest whole number)

• If no new cleared area is proposed, skip questions E.2. – E.5. and proceed to Section F. Project Site Plan.

New cleared area is considered the expansion of a cleared area footprint *beyond a current cleared area footprint* (excluding exemptions). <u>The amount of new cleared area *is not* the net change of cleared area associated with the project</u>. Do not subtract any proposed revegetation for this answer. This answer cannot be a negative number.

2. Complete the following table to identify the new cleared area. Identify the location(s), surface area(s), and closest distance(s) to the shoreline on the Project Site Plan (Section F.).

Description of area to be cleared of vegetative cover (e.g., new or expanded building envelope, standalone tree in grass lawn removal, construction access, etc.)	Surface area (Sq. ft.)	Closest distance to the shoreline (feet)
E.g., expanded building envelope for single family home	2,000	150
Total (this value should be the same as E.1):		
3. Identify the total resulting cleared area ¹³ after completic	on of the project and prior to imp	plementation of best

management practices: ______ square feet

4. Identify the **percentage of cleared area on the parcel**¹⁴ within 250 feet of the shoreline after completion of the project and prior to implementation of best management practices: ______%

• If the result is 40% or less, skip question E.5. and proceed to Section F. Project Site Plan.

¹² Include the cleared area needed for construction access and maintenance of a proposed structure. At a minimum, there should be a 10-foot buffer between a new structure and vegetative cover to allow for adequate access and maintenance.

¹³ Existing cleared area (question A.14) plus proposed new cleared area (question E.1).

¹⁴ Total resulting cleared area (question E.3), divided by parcel area (question A.12), multiplied by 100.

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, <u>revegetation</u> (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). It must be demonstrated that the revegetation area provides erosion control, bank stability, and wildlife habitat that is functionally equivalent compared to what is removed. To achieve this:

- The revegetation area must be equal to or greater in surface area than the proposed new cleared area.¹⁵
- The revegetation area should be as close or closer to the shoreline compared to what is removed.
- The revegetation area should be an expansion of existing areas of vegetative cover when possible.
- A revegetation area must be located at least 10 feet away from any structure.
- When planting trees, shrubs, or groundcover, species must be native to Vermont.¹⁶
- The revegetation area should be delineated (e.g., row of stones, fencing, flagging).
- Once established, the revegetation area is to be vegetative cover (e.g., a forested area, trees) and may not be mowed or managed as a landscaped area (i.e., managed in accordance with the Vegetation Protection Standards¹⁷).

Complete the following:

Cumulative surface area of revegetation: _______ square feet Closest distance to the shoreline: _______ feet

Description of the revegetation location(s) on the parcel and type(s) of revegetation (e.g., planting native trees and shrubs, establishing a no-mow zone):

For each revegetation area, identify the location on the parcel, surface area, and distance from the shoreline on the site plan (Section F.).

F. Project Site Plan

 A site plan is required for this application to be deemed administratively complete. An application without a site plan will be returned to the applicant.

2. For technical review of the application, at a minimum, an overhead site plan view of the parcel must include:

- **a.** Identification of where the lake/pond is located.
- **b.** Identification of existing impervious surface, existing cleared area, and existing vegetative cover.
- c. Identification of proposed new impervious surface, new cleared area, and distance(s) to the shoreline.
- **d.** If it was required to answer questions C.2, D.5, or E.5, identify where on the parcel the measure(s) would be located, applicable dimensions/surface areas, and the closest distance to the shoreline for each measure.
- e. If the project includes shoreland stabilization, include a profile view of the stabilization project.

¹⁵ <u>Standalone Tree in Grass Lawn Guidance</u>

¹⁶ <u>Restore Natural Plant Communities</u>

¹⁷ Vegetation Protection Standards Guidance

G. Landowner/Applicant Information and Certification All landowners must sign the application. Submit ac		nal pages if necessary.		
Name:				
Mailing Address:		City/Town:	State	Zip
Phone Number:	Ema	ail Address:		
Have you completed the voluntary <u>Natural Shoreland Erosion Control Certification</u> course? Yes No				
If yes, please include the location and year you attended the course. Year and location: A <u>list of certified contractors</u> is available online.				
Landowner/Applicant Certification: As LANDOWNER/APPLICANT, I hereby certify that the and recognize that by signing this application, I agree that failure to comply with the foregoing may result in 49A, and the Vermont Agency of Natural Resources m pursuant to 10 V.S.A. chapter 201.	to co n viol	omplete all aspects of the project a ation of the Shoreland Protection ring an enforcement action for viol	s authorized. I Act, 10 V.S.A. (lations of the <i>I</i>	understand Chapter
Landowner/Applicant Signature		Date:		
H. Application Preparer and/or Co-Applicant Information	ation	and Certification (check this box i	f the same as	Section G.)
Name:		ı — — — — — — — — — — — — — — — — — — —		T
Mailing Address:		City/Town:	State	Zip
Phone Number:	Ema	ail Address:		
Have you completed the voluntary Natural Shoreland	l Eros	ion Control Certification course?	Yes	No
If yes, please include the location and year you attended the course. Year and location: A <u>list of certified contractors</u> is available online.				
Co-Applicant Certification: Any individual or entity <i>other than the permittee</i> (the individual or entity identified under Section G.) that is creating the permitted new impervious surface or new cleared area must obtain co-permittee status. A co-permittee shall be subject to all terms and conditions in the permit.				
subject to all terms and conditions in the permit. To obtain co-applicant/co-permittee status, sign below. By signing, the CO-APPLICANT hereby certifies 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.				
If the application preparer does not wish to be a co-a	appli	cant/co-permittee, skip this signat	ture section.	

Co-Applicant Signature____

For the application to be administratively				
For the application to be administratively complete , the applicant must use this letter template (<u>link</u>) to notify all applicable adjoining property owners of this application by U.S. mail at the time the application is submitted. Applicable adjoining property owners are considered all terrestrial boundaries of the shoreland property. ¹⁸				
Initial to the left to certify that all applicable adjoining property owners have been notified. The application will be returned as administratively incomplete if this is not initialed.				
J. Additional Required Documentation (Please check to ensure you have completed the following)				
Application includes a minimum of three color photos of the project area.				
Shoreland stabilization measures ad	dendum and/or public recreation areas addendum in	ncluded if applicable.		
Co-applicant status identified if appl	cable. ¹⁹			
K. Permit Application Fees (Administrative	Processing + Application Review Fee)			
Administrative Processing Fee: \$125.00		\$125.00		
Application Review Fee: \$0.50 per square ft. 0.5 x (from Question D.1) = + of new impervious surface 0.5 x (from Question D.1) = +				
Total Fee Due =				
Submit your application and fee payment v				
Scroll to the bottom of the landing page, clic option for the Lakes & Ponds Program.	a our secure online intake portal (<u>link</u>). « "begin form entry" in blue, and then proceed with	the "permit application"		
Scroll to the bottom of the landing page, clic option for the Lakes & Ponds Program.	a our secure online intake portal (link). « "begin form entry" in blue, and then proceed with ount before you begin your submission. If you ever r	the "permit application"		

I. Adjoining Property Owner Notification

¹⁸ Adjoining Property Owner Notification Guidance

¹⁹ Failure for an entity other than the permittee to obtain co-permittee status is a permit violation. Addition or termination of co-permittee status can be done at any time using the <u>Notice of Co-Permittee Status Form</u>.



Department of Environmental Conservation Watershed Management Division 1 National Life Drive, Davis 3 Montpelier, Vermont 05620-3522 https://dec.vermont.gov/watershed Agency of Natural Resources

[phone] 802-828-1115

SUBMIT AND PAY ONLINE TO SPEED UP YOUR APPLICATION PROCESSING!

You can submit your application and pay fees online. To start, visit: https://anronline.vermont.gov/?formtag=WSMD_Intake

- 1. Scroll to the bottom of the page and click the Begin Form Entry button.
- 2. Log in to an account, sign up for an account, or continue as a guest user.
- 3. Fill out each field in the General Information Section.
 - Type the name of the contact person, phone, and email address.
 - Select the Watershed Management Division Program. *The program name is written at the top the application.*
 - Select 'Permit Application' as the submission type.
 - Click the
- Attach Forms/Supporting Materials button at the bottom of the page.
- 4. Click "Choose File" and select your application, plans, maps, or compliance notifications.
 - Click the **NEXT SECTION** Fee Payment button at the bottom of the page.
- 5. Type the application fee amount.
 - Click the **NEXT SECTION** button at the bottom of the page.
- 6. Review your data.
 - Click the **NEXT SECTION** Certify & Submit button at the bottom of the page.
 - Click the
- Submit Form button at the bottom of the page.
- 7. Sign in or continue as a guest to pay the application fee.
 - Click the **Pay Online** button.
- 8. Enter your credit/debit card or eCheck information.
 - Click the Pay button at the bottom of the page. *Note: You must provide your*
 - email address in the billing information section if you want a receipt emailed.
 - Your submission will now show the fee has been paid. You may print a confirmation/receipt from here if needed.

