

# The Vermont Shoreland Protection Act

## Frequently Asked Questions

The Shoreland Protection Act (Chapter 49A of Title 10, §1441 *et seq.*), passed by the Vermont General Assembly in May of 2014, establishes new state regulations that guide shoreland development. The law is intended to protect water quality, preserve habitat and natural shoreline stability, and protect the economic and recreation benefits of lakes and their shorelines.

### Why is this needed?

The intent of the Vermont Shoreland Protection Act is to:

- Protect water quality, aquatic and wildlife habitat, and bank stability.
- Protect the uses and values of lakes such as recreation, angling, tourism, and the property tax base.
- Respond to development along lakeshores in a responsible manner.

Good shoreland management does not mean people can't live along the lakes and enjoy them. The management standards in the Shoreland Protection Act allow lake-friendly development and redevelopment proposals to ensure the lake is protected.

Local involvement is essential to good lake management. Lake associations, together with towns, carry out important education and outreach, undertake projects such as milfoil control and aquatic nuisance species spread prevention, and manage shoreland and watershed improvement projects. These efforts will continue to be vitally important, in conjunction with the Shoreland Protection Act, to protect Vermont's lakes.

### What activities trigger the need for a permit?

Clearing of vegetation and development within 250 feet from the mean water level (MWL) of a lake (also known as the Protected Shoreland Area), such as any new clearing, development or redevelopment of a property, may require a permit. The Act contains provisions for mitigation measures, and it allows development and redevelopment on small parcels that predate the Act and parcels that cannot meet the Act's 100 foot vegetated buffer requirements due to pre-existing site and development conditions.

### What activities trigger the need for registration?

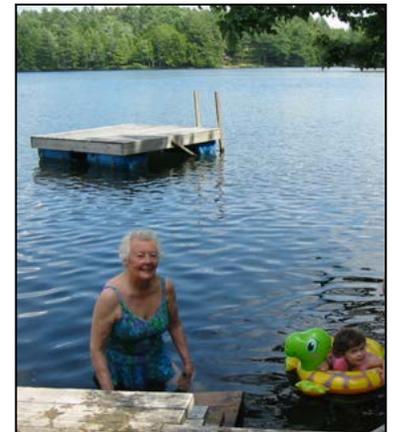
The following projects require registration (a notification to the Shoreland Permit Program of intent to undertake a project):

- Each parcel is allowed one cleared or impervious area of  $\leq 100 \text{ ft}^2$  located between 25 to 100 feet of MWL.
- Each parcel is allowed one new cleared or impervious area of  $\leq 500 \text{ ft}^2$  located at least 100 feet from the MWL.

### What activities do not require registration or a permit?

Activities which do not require registration or a permit (i.e., are exempt), include:

- Management of vegetative cover in compliance with the Vegetation Protection Standards.
- $\leq 250 \text{ ft}^2$  of cleared underbrush (vegetation  $\leq 3$  feet in height) from 25 to 100 feet of MWL for recreational purposes (e.g., picnic table, canoe storage, beach chairs, etc.). The clearing of underbrush does not include the duff layer, which must remain intact.
- Maintenance of existing landscaped areas (lawns, gardens, and beaches) and maintenance of buildings that does not change their footprint or location.
- Creation of one footpath or stairs, no greater than 6 feet in width, through the 100 foot wide vegetated area.
- Construction within existing impervious surface footprint.



**My parcel is only 100 feet deep, will I be able to rebuild or repair my camp if needed?**

Yes, rebuilding a structure on the same footprint and location is allowed. The Act requires that the building not be re-built closer to the lake than it was before.

**My parcel is only 100 feet deep, would the “buffer” cover the entire parcel?**

Existing small legal parcels (created prior to July 1, 2014) are “grandfathered” and the Act requires that the rules be met to the extent possible if development or re-development is proposed. In these instances the Shoreland Permit Program will look to protect natural vegetation on the parcel to the extent possible. Parcels created after July 1, 2014 will have to meet the 100 foot required vegetated area, and therefore development would have to take place behind the 100 foot wide strip of protected vegetation.



**Will landowners have to change how they are managing the shore?**

Existing lawns, camps and other built features in the Protected Shoreland Area are “grandfathered” until the homeowner proposes a change in size and/or location. For instance, if an owner wanted to add an addition to a house already located within 100 feet of the MWL, the Act permits this activity as long as the expansion occurs on the side of the camp furthest from the lake, the area of impervious area does not exceed 20%, and the cleared area does not exceed 40%. If the proposal does exceed these limits, the landowner may consider best management practices to offset any impact of the new impervious or cleared area.



**Will I be able to install a new dock?**

Yes. The Act does not change the way docks are regulated under the Lake Encroachment Permit Program. Under that program, an individual landowner can install a dock less than 500 ft<sup>2</sup> in size, as long as it’s not made out of concrete, masonry, earth or rock fill, sheet piling, bulkheading, cribwork or similar construction. In addition, work lakeward of the MWL, including but not limited to shoreline stabilization projects or the addition of any fill, or alterations to the lake bottom, may still require a Lake Encroachment Permit from the Department of Environmental Conservation’s Lakes and Ponds Program.

**I have a lawn between my camp and the lake, will I have to stop mowing it and plant trees?**

No. Maintaining existing land uses, such as lawns, present as of July 1<sup>st</sup>, 2014, is allowed. If a redevelopment or expansion is proposed, mitigating measures such as runoff infiltration or replanting along some of the shore could be required as part of the design to add lake protection measures to the proposal.

**Do the Vegetation Protection Standards allow thinning and pruning of trees along the shoreline?**

The Vegetation Protection Standards allow some tree thinning and pruning to create views through the vegetation and for creation of a six foot wide path to the water’s edge. The Practices are based on maintaining a certain density of trees, including allowing young saplings to grow as “replacement” trees as the older ones die off over time. Landowners are allowed to clear up to 250 square



feet of vegetation less than 3 feet in height from 25 to 100 feet of MWL, while maintaining the duff layer. The purpose of the natural vegetation is to protect water quality, habitat, and recreational values. This can be accomplished and still allow homeowners to access, view, and use the lake.

**I have a garden along the shore, will I have to remove it?**

No. Maintaining existing land uses, such as gardens, present as of July 1<sup>st</sup>, 2014, does not require a permit.

**There is an unsafe tree on my shore, can I cut it down?**

Yes. The Vegetation Protection Standards allow the removal of unsafe trees.



**Why doesn't lawn count as a vegetated shoreline?**

Lawns allow runoff from driveways and other developed areas to reach the lake with little absorption or filtration. Lawns themselves add phosphorus to runoff, even if they are not fertilized. Grass provides poor shoreline stability and places with lawn adjacent to the lakeshore experience more shoreline erosion. Lastly, naturally wooded vegetation provides critical benefits to the shallow water and near-shore wildlife habitat.

**I was planning on retiring to my lakeside home/camp, will I still be able to do this?**

Yes. The Act does not address how a building is used within the Protected Shoreland Area, just its size and location. If you renovate or rebuild on the same footprint you may not need a Shoreland permit. You may, however, need other state permits, such as a Wastewater and Potable Water permit.

**I don't think I need a permit, but how can I learn about reducing my impact on the lake?**

The Lake Wise Program, offered through the Lakes and Ponds Program, provides trainings in lake friendly shoreland management to Lake Associations and shoreland property owners. Through Lake Wise, participants receive technical assistance for fixing erosion and runoff problems, which protect lake quality and wildlife habitat. Properties meeting all the Lake Wise characteristics are awarded a beautiful sign for their property. The Lake Wise Award certifies a property is well managed, using shoreland Best Management Practices, and is maintained to care for the lake. Lake Wise properties are exemplary lake-friendly shorelands.

Visit <http://dec.vermont.gov/watershed/lakes-ponds/lakeshores-lake-wise/what> for additional information.

