

The Vermont Shoreland Protection Act

Transition Period

If either of the following transition period criteria are met, a shoreland registration or permit is not needed for a project that results in cleared area or the creation of impervious surface in the protected shoreland area (10 V.S.A. Chapter 49A, Section 9):

1. All necessary State, local, or federal permits for the project have been obtained prior to July 1, 2014 and the permit holder takes no subsequent act that would require a permit or registration under 10 V.S.A. Chapter 49A.
2. An administratively complete application for all applicable State, local, or federal permits for the project has been submitted on or before July 1, 2014, provided that the applicant does not subsequently file an application for a permit amendment that would require a permit under 10 V.S.A. Chapter 49A and substantial construction of the impervious surface or cleared area commences within two years of the date on which all applicable local, State, and federal permits become final.

In either case, unreasonable creation of cleared area or impervious surface unrelated to the completion of the project as described in either the obtained permit, or the submitted completed application, would not qualify for the transition period and would require either a shoreland permit or registration.

For example, on June 25th, 2014 a landowner submitted a building permit application (the only necessary permit in this instance), deemed administratively complete by the applicable municipal and/or state authority, for a project including the construction of an addition and deck to the back of their camp and a garden shed adjacent to their driveway. Because the landowner submitted an administratively complete application for all the necessary permits on or before July 1, 2014, the applicant does not need to apply for a shoreland registration or permit.

In order to remain in compliance with the transitional language, the landowner can **only** reasonably create cleared area and construct impervious surface related to the completion of the project (the addition, deck, and garden shed) as described in the building permit application. If the landowner had planned on creating cleared area, but had not specified the new cleared area in their permit application and it is not reasonable and related to the completion of the addition, deck, and garden shed, the proposed cleared area would require a shoreland permit or registration.

For projects that did not require a State, local, or federal permit before July 1st, 2014, the landowner must have commenced substantial construction on or before July 1st, 2014, including any necessary foundation construction, creation of cleared area, or grading. For the purposes of the Shoreland Protection Act, cleared area is defined as *area where existing vegetative cover, soil, tree canopy, or duff is permanently removed or altered*.