Presentation Outline

1. Shoreland Protection Act
2. Lake Encroachment Act
3. Partnership with Wetlands Program
4. OTHER permits exempt from Shoreland Protection Act
   - Wastewater and Onsite Water Supply
   - Stormwater
Part 1
Shoreland Protection Act (2014)
If you are creating NEW CLEARED AREA (removing natural vegetation) or NEW IMPERVIOUS SURFACE (house, garage, deck, porch, shed, driveway, parking area) you will likely need to apply for a Shoreland Protection Permit
Exemptions

- Repair, maintenance, and reconstruction within existing footprint
- Removal of dead, diseased or unsafe trees
- Parcels intersected by a public highway (projects on the non-lake side)
- A single 6’ wide footpath to access the lake
- Tree pruning and removal in accordance to Vegetation Protection Standards
- Forestry in accordance with an approved forest management plan
- Existing agriculture in accordance with RAPs
Permit application review time may take up to 45 days depending on the complexity of the project.

<table>
<thead>
<tr>
<th>Qualifications</th>
<th>Permit</th>
<th>Registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Must meet Shoreland Protection Act Standards</td>
<td><strong>Reg A</strong>: 100 ft², 25-100' from MWL</td>
<td><strong>Reg A</strong>: 100 ft², 25-100' from MWL</td>
</tr>
<tr>
<td>Review Time</td>
<td>30 + days</td>
<td>15 days</td>
</tr>
<tr>
<td>Fee</td>
<td>$125 + $0.50/ft²</td>
<td>$100</td>
</tr>
</tbody>
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The Vermont Shoreland Protection Act
A Handbook for Shoreland Development
Version 1.2, April 2015

www.dec.vermont.gov
Shoreland Standards: 20, 20, 40, 100 & VPS

<table>
<thead>
<tr>
<th>Within the Protected Shoreland Area</th>
<th>Standard</th>
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<tbody>
<tr>
<td>Slope</td>
<td>&lt; 20%</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>≤ 20%</td>
</tr>
<tr>
<td>Cleared area</td>
<td>≤ 40%</td>
</tr>
<tr>
<td>New development setback</td>
<td>At least 100' from Mean Water Level</td>
</tr>
<tr>
<td>Vegetation</td>
<td>Vegetation Protection Standards</td>
</tr>
</tbody>
</table>

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Many options exist if you exceed any of the slope, impervious surface, or cleared area standards – a permit analyst will help guide you in choosing the correct BMP
Conforming Development

Required **100' setback** from mean water level for new development

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Nonconforming Development

For undeveloped small parcels:

- New cleared area and impervious surface must be as far from the water as possible and **no closer than 25’** from mean water level
- 20, 20, 40 apply

For existing developed parcels:

- May rebuild within existing footprint
- Expansions must be on side farthest from the lake
- 20, 20, 40 apply

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Vegetation Protection Standards

For each 25' x 25' plot:

- A minimum of **12 points** worth of trees
- A minimum of **5 saplings** (< 2" DBH)
- The **duff/soil layer** and **vegetation < 3’** must remain

<table>
<thead>
<tr>
<th>Tree Diameter (Inches)</th>
<th>Points</th>
</tr>
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<tbody>
<tr>
<td>&lt; 2</td>
<td>0</td>
</tr>
<tr>
<td>2 – 4</td>
<td>1</td>
</tr>
<tr>
<td>4 – 8</td>
<td>2</td>
</tr>
<tr>
<td>8 – 12</td>
<td>4</td>
</tr>
<tr>
<td>12 +</td>
<td>8</td>
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</tbody>
</table>

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Before thinning – remember, need 12 “points” worth of trees in each 25x25’ plot. In this example, no vegetation can be removed in the plots with only 6 and 11 points worth of trees.
After thinning – trees removed to create view lanes. Again, each 25x25’ plot has at least 12 points worth of trees. The plots that didn’t have the minimum number were left untouched.
Great example of a natural shoreline on Lake Seymour! Note the different levels of vegetation – tall mature trees, saplings, small shrubs, moss/ferns, and a natural duff layer comprised of leaves/pine needles. The lower third of tall mature trees can be pruned to maintain a view out to the lake.
Part 2
Lake Encroachment Act (1968)
Lake Encroachment Permitting
29 V.S.A. Ch. 11 (1968)

Activities that occur beyond mean water level on all lakes that are public waters

- Docks
- Shoreline stabilization/walls
- Dredge/fill activities
- Boat ramp repair
- Utility infrastructure
- Marina infrastructure
- Boathouse repair
- Water intake lines

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Lake Encroachment: Permit Exemptions

Exempt activities include:
- Ordinary repair and maintenance to existing encroachments
- 2" diameter water intake pipe installation
- Duck blinds, floats, and buoys
- Wooden or metal private docks:
  - Not exceeding 500 square feet and 50 feet in length (or impedes navigation)
  - Not made of concrete, earth/rock fill, sheet piling, cribwork, or similar construction

Applications available on the website
- 30-day public notice period
- Review time: 60+ days

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Shoreline Stabilization

Structural
• Concrete

Non-structural
• Natural stone
• Rip-rap
• Live staking

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Benefits of non-structural shoreline stabilization

- Provides valuable fish and wildlife habitat
- Helps to absorb and diffuse wave energy
- Aesthetically pleasing
- Often less expensive
- Will require less maintenance over extended periods of time

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Please contact your regional permit analyst for projects BELOW mean water level (Lake Encroachment Permit) and ABOVE mean water level up to 250’ (Shoreland Permit).
Part 3
Partnership with Wetlands Program
As wetlands are often found adjacent to lakes, the Lakes & Ponds Program works very closely with Wetlands Program.
Jurisdictional Wetlands

- Any wetland on the VSWI map
- Any wetland connected or contiguous to one mapped on VSWI
- Any wetland that is the same type and size as those mapped on the VSWI (1/2 acre or larger)

- Wetlands over or under a half acre that are:
  - Adjacent to a stream, lake, pond, or river
  - Vernal pools
  - Unique systems like bogs or fens
  - Headwaters above 2,500 foot elevation
  - Adjacent to impaired waters

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This is a quick guide for landowners walking their property – this is by no means a complete list! Please consult Wetlands Program if you suspect there is a wetland present.
Class I wetlands have a 100-foot buffer zone, and Class II have a 50-foot buffer – do not work in the wetland OR buffer area without first obtaining a permit from the Wetlands Program.
The importance of consulting with a wetlands ecologist BEFORE working - this map shows project site 150+ feet away. After a site visit, the wetlands biologist determines that wetland zone has expanded but fortunately is still not too close to project site.
# Wetlands Program Contact Page

<table>
<thead>
<tr>
<th>County</th>
<th>Contact</th>
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<tbody>
<tr>
<td>Caledonia</td>
<td>Julie Follensbee 802-490-6175</td>
</tr>
<tr>
<td>Orange</td>
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<tr>
<td>Essex</td>
<td>Shannon Morrison 802-490-6178</td>
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<tr>
<td>Lamoille</td>
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<td>Orleans</td>
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<td>Washington</td>
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<tr>
<td>Grand Isle</td>
<td>Brock Freyer 802-490-6738</td>
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<tr>
<td>Franklin</td>
<td>Tina Heath 802-490-6202</td>
</tr>
<tr>
<td>Chittenden</td>
<td>Zapata Courage 802-490-6179</td>
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<td>Addison</td>
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<tr>
<td>Rutland</td>
<td></td>
</tr>
<tr>
<td>Bennington</td>
<td>Rebecca Chalmers 802-490-6192</td>
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<td>Windham</td>
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<td>Windsor</td>
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[www.dec.vermont.gov/watershed/wetlands](http://www.dec.vermont.gov/watershed/wetlands)
Part 4
OTHER permits exempt from Shoreland Act
Onsite Water Supply & Wastewater Permitting

1. For increases in design flows (bedrooms)
2. For conversions from seasonal to year-round use
3. For upgrades beyond minor repairs
4. For failed system replacements
5. For construction of new buildings or structures

The installation, maintenance, repair, or replacement of a wastewater system permitted by the state’s Wastewater Program does not require a Shoreland Permit.
Stormwater Permitting

For work creating earth disturbance ≥ 1 acre: a Stormwater Permit is needed, therefore the same work is exempt from also needing a Shoreland Permit.

The emerging Municipal Road General Permit (MRGP) is part of the Stormwater Program: call Jim Ryan, 802-490-6140

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