

Natural Shorelands Erosion Control Certification

Permitting and Regulations



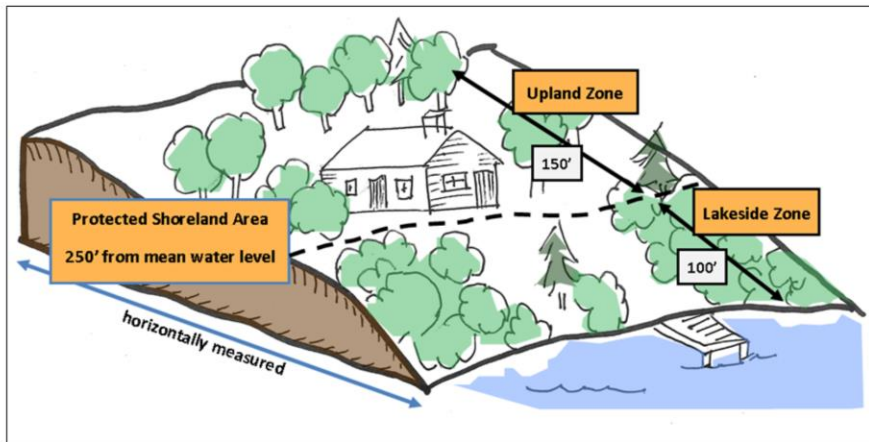
Presentation Outline

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)

www.dec.vermont.gov

Jurisdictional Area on Lakes Greater than 10 Acres



Jurisdictional triggers: **new cleared area** or **new impervious surface**

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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

Registrations/Permits

	Permit	Registration
Qualifications	Must meet Shoreland Protection Act Standards	Reg A: 100 ft ² , 25-100' from MWL Reg B: 500 ft ² , 100-250' from MWL, must meet SPA standards
Reviewtime	30 + days	15 days
Fee	\$125 + \$0.50/ft ²	\$100



The Vermont Shoreland Protection Act

A Handbook for Shoreland Development

Version 1.2, April 2015

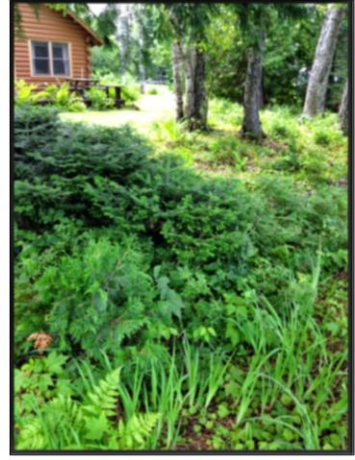
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Permit application review time may take up to 45 days depending on the complexity of the project.

Shoreland Standards: 20, 20, 40, 100 & VPS

Within the Protected Shoreland Area	Standard
Slope	< 20%
Impervious surface	≤ 20%
Cleared area	≤ 40%
New development setback	At least 100' from Mean Water Level
Vegetation	Vegetation Protection Standards

Exceed a 20, 20, 40 standard?
A **best management practice** (BMP) is required



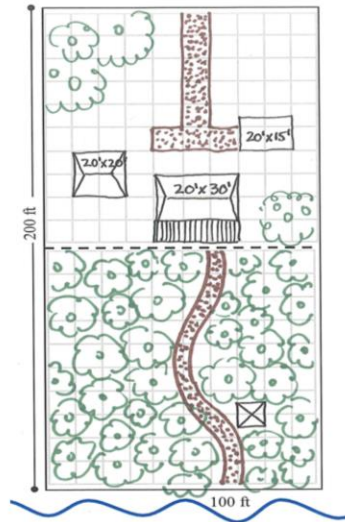
Waterbar • Infiltration trench • Vegetated swale • Pervious pavement • No mow zone • Planting vegetation

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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



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

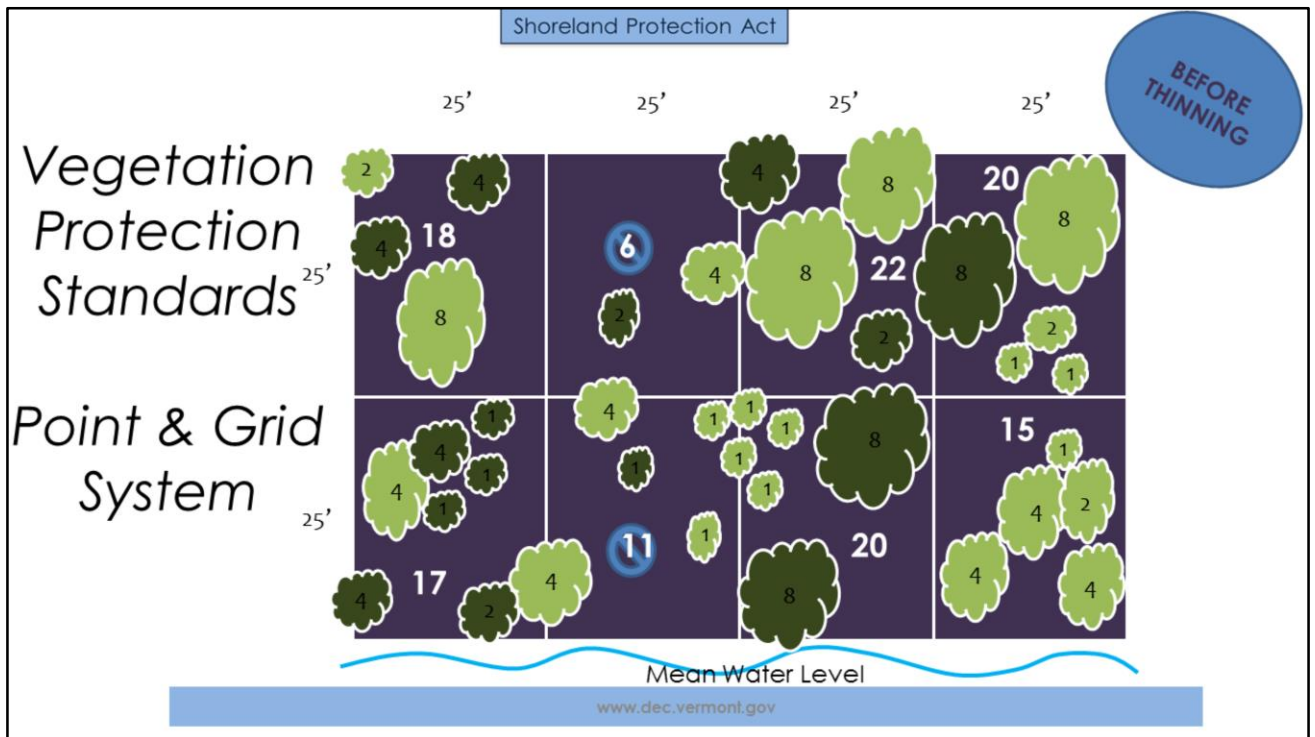
Vegetation Protection Standards

For each 25'x 25' plot:

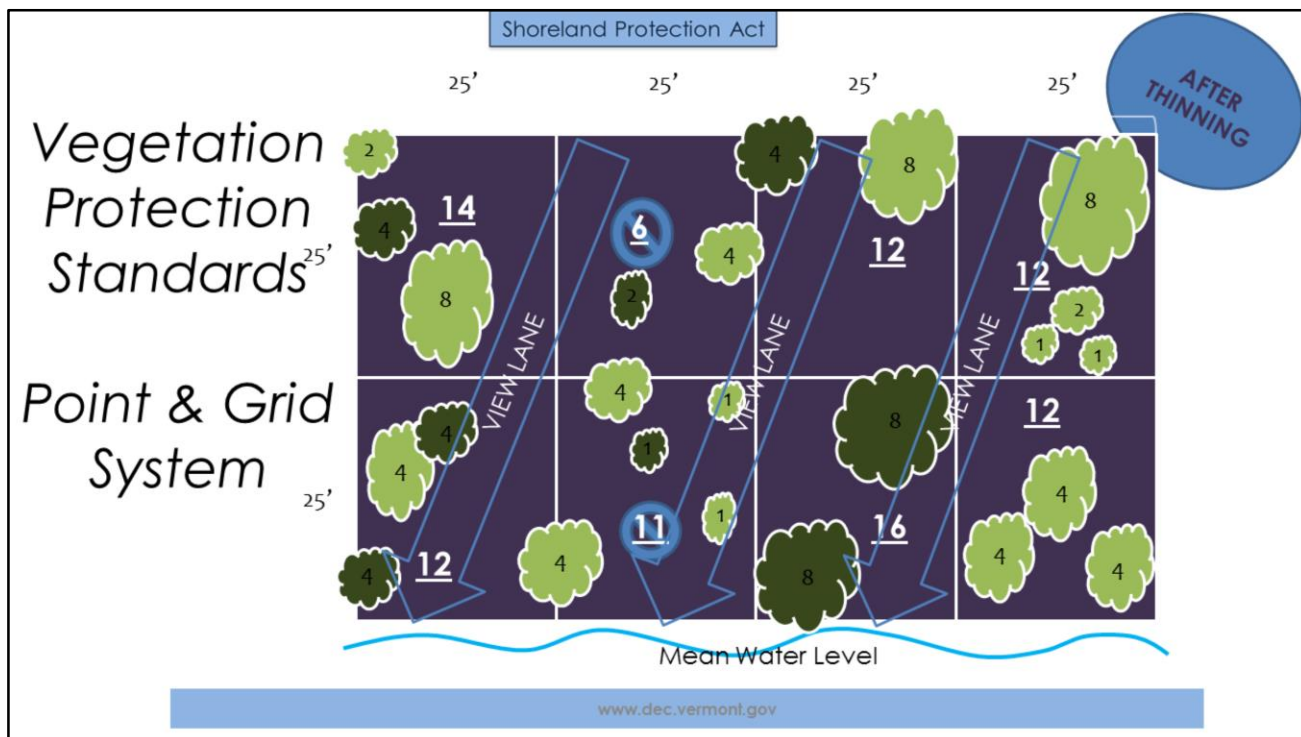
- A minimum of **12 points** worth of trees
- A minimum of **5 saplings** (< 2" DBH)
- The **duff/soil layer** and **vegetation < 3'** must remain

Tree Diameter (inches)	Points
< 2	0
2 – 4	1
4 – 8	2
8 – 12	4
12 +	8





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



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



Shoreline Stabilization

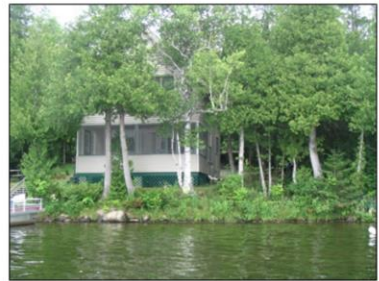
Structural

- Concrete



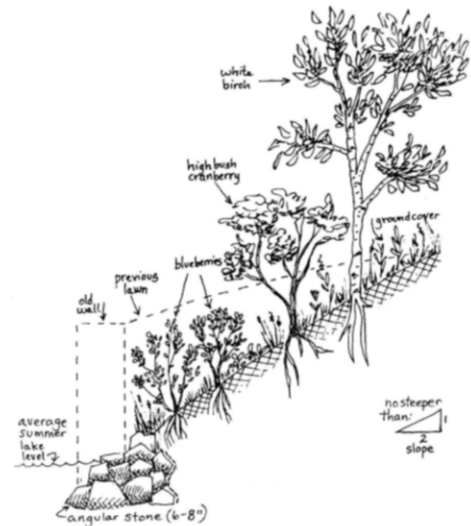
Non-structural

- Natural stone
- Rip-rap
- Live staking



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



Lake Encroachment & Shoreland Permitting

Regional Contact Information



County	Contact
Addison	REGION 1 Laura Dlugolecki Laura.Dlugolecki@vermont.gov 802-490-6133
Bennington	
Rutland	
Windham	
Windsor	
Chittenden	REGION 2 Michaela Stickney Michaela.Stickney@vermont.gov 802-490-6177
Franklin	
Grand Isle	
Caledonia	
Essex	REGION 3 Lindsay Miller Lindsay.Miller@vermont.gov 802-490-6200
Lamoille	
Orange	
Orleans	
Washington	

www.dec.vermont.gov

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

Vermont's Wetlands Provide



10 Functions and Values

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As wetlands are often found adjacent to lakes, the Lakes & Ponds Program works very closely with Wetlands Program.

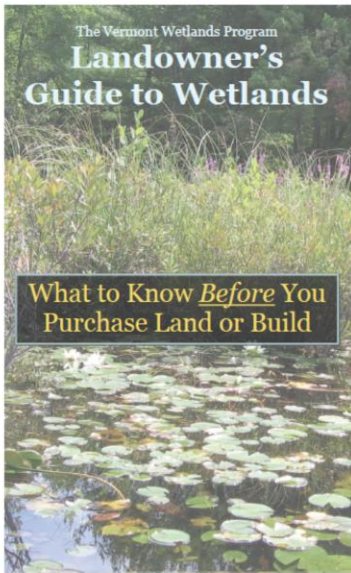
Jurisdictional Wetlands

- ☞ 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)



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

Am I in a wetland?

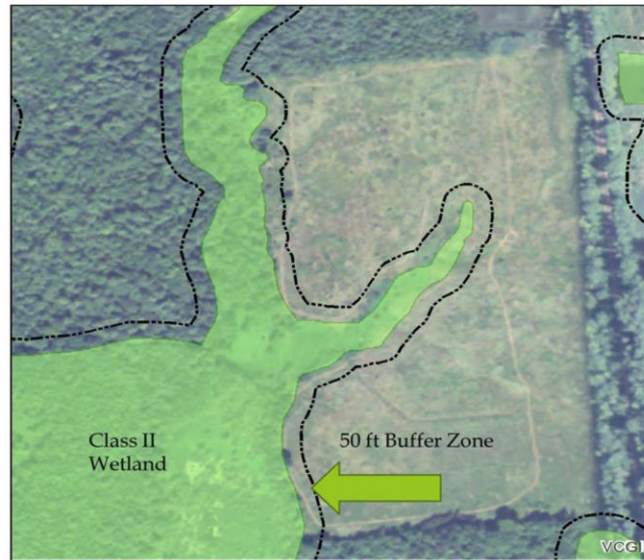


- Does the ground feel soggy/wet underfoot?
 - Are there places you wouldn't drive across for fear of sinking?
 - Do you hear frogs in the spring from that wet area?
- Do trees frequently tip over in the woods?
 - Do the trees still standing have shallow, spread out root systems?
- Dig a 20 inch deep hole in the soil – does water enter the hole after a few minutes?
 - Can you squeeze water out of the dug up soil?
- Does the vegetation in this area look different than the rest of the property?
 - Are cattails, sedges, or sphagnum moss present?
 - Are sensitive or cinnamon ferns present?

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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.

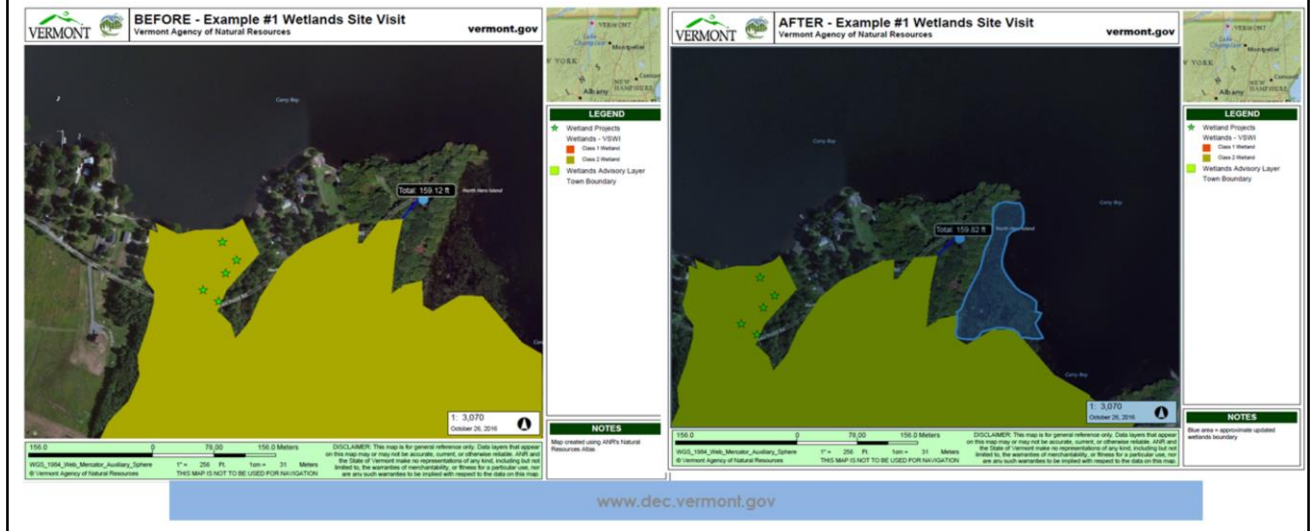
Jurisdictional Area



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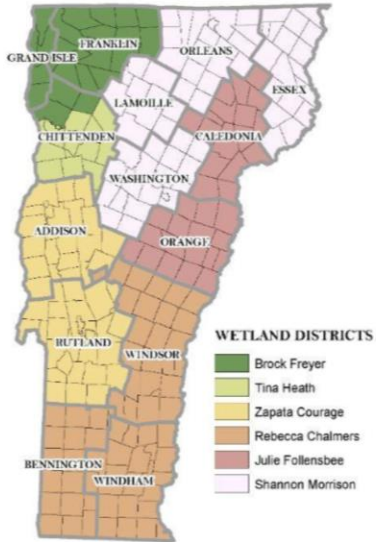
Class I wetlands have a 100-foot buffer zone, and Class II have a 50-foot buffer – do not work in the wetland OR buffer area without first obtaining a permit from the Wetlands Program.

The Wetlands and Lakes & Ponds Programs work together to identify areas where development is allowable or restricted



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



County	Contact
Caledonia	Julie Follensbee 802-490-6175
Orange	
Essex	Shannon Morrison 802-490-6178
Lamoille	
Orleans	
Washington	
Grand Isle	Brock Freyer 802-490-6758
Franklin	
Chittenden	Tina Heath 802-490-6202
Addison	Zapata Courage 802-490-6179
Rutland	
Bennington	Rebecca Chalmers 802-490-6192
Windham	
Windsor	

www.dec.vermont.gov/watershed/wetlands

www.dec.vermont.gov

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



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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



Stormwater District Contacts

Reviewer

Chris Gianfagna

Chris Tomberg

Tom Benoit

VACANT - Contact Kevin Burke

Winn Wilson

County	Contact
Caledonia	Tom Benoit 802-490-6164
Essex	
Franklin	
Grand Isle	
Orleans	
Chittenden	Currently vacant (contact Kevin Burke) 802-490-6168
Lamoille	
Washington	
Orange	Chip Gianfagna 802-490-6174
Windham	Chris Tomberg 802-490-6917
Windsor	
Addison	Winn Wilson 802-490-8019
Bennington	
Rutland	

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

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