

Vermont's Shoreland Zoning Law

1970 PASSED, 1975 PASSIVELY REPEALED A Little Bit of Legislative History

1970 Law Passed

The VT Legislature enacted the "Zoning of Shorelands" law that required municipalities to adopt bylaws to zone shorelands on April 9, 1970. *24 V.S.A. § 4410a (1970), No. 281 (Adj. Session), § 1.*

This law required municipalities to enact bylaws that accomplish shoreland protection objectives by June 1, 1972. If a municipality failed to adopt this bylaw or adopted a bylaw that fell below reasonable minimum standards, the Water Resources Board was given the authority to adopt a bylaw in its place. This law also required municipalities to administer the bylaw and granted the Water Resources Board the authority to administer and enforce bylaws not being administered by their municipalities. Moreover, the Water Resources Board could assess the expenses associated with these responsibilities against the municipality.

Law Amended in 1974

The "Zoning of Shorelands" law was amended March 11, 1974. *24 V.S.A. § 4410a (1975), No. 147 (Adj. Session), § 6.* These amendments changed the deadline for municipalities to adopt shoreland zoning bylaws from June 1, 1972 to June 1, 1976. The amendments also removed the Water Resources Board's authority to adopt and administer municipal shoreland zoning bylaws and added a provision requiring that prime consideration be given to the preservation of individual property rights.

Law Passively Repealed in 1975

The "Zoning of Shorelands" law was passively repealed by the enactment of the "Interim Bylaws" law on April 15, 1975, *24 V.S.A. § 4410 (1975), No. 50 (Adj. Session) § 1.*

Interim Bylaws Law Repealed 2003

The Interim Bylaws law was repealed in 2003, *No. 115 (Adj. Session) § 119*, and is now the "Regulatory Implementation of the Municipal Plan" law. *24 V.S.A. § 4410 (2003).*

State	Year Law Enacted
Wisconsin	1968
Minnesota	1969
Vermont	1970, Repealed 1975
Maine	1971
Rhode Island	1971
Connecticut	1972
Washington	1972
NY Adirondack Park	1973
Massachusetts	1983
New Hampshire	1991, Revised 2011
Quebec Province	2002

Years When Mandatory Shoreland Zoning Laws Were Passed

*Maine modeled their 1971
Mandatory Shoreland Zoning
Act after the law Vermont's
Legislature Passed in 1970*

Special thanks to Alex Gray and Paul Donovan for their assistance in uncovering the legislative history behind Vermont's shoreland zoning laws.

WHAT THE SCIENCE SAYS:

MAINE'S MANDATORY SHORELAND ZONING WORKS

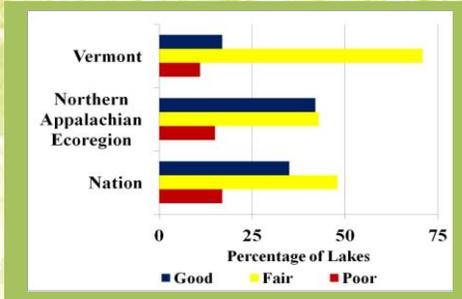


Figure 1. Lakeshore Disturbance

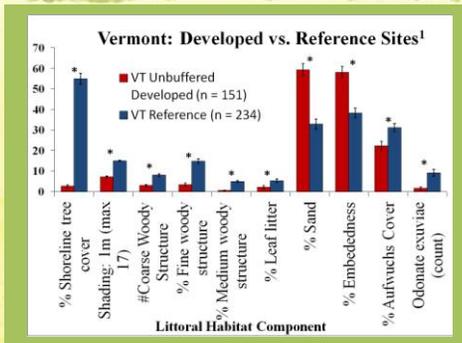


Figure 2. Significant Change to Aquatic Habitat and Biota Occurs off Developed Lakeshore Sites in Vermont

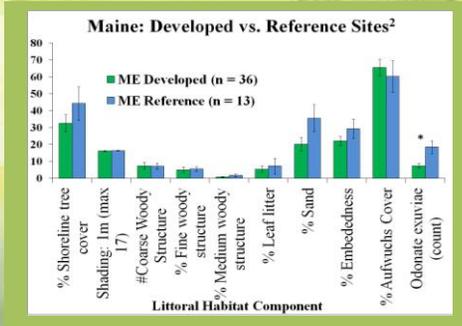


Figure 3. Minimal Change to Aquatic Habitat and Biota Occurs off Developed Lakeshore Sites in Maine

In 2007 & 2008 VTDEC conducted sampling for US EPA's first National Lakes Assessment. This study found that the most widespread stressor to Vermont's lakes was not phosphorus, acid rain, or aquatic invasive species, but lakeshore disturbance. In addition, Vermont's lakes are faring poorly compared to the northeast ecoregion and the nation, with 82% of shorelines in either fair or poor condition as measured by the extent of lakeshore disturbance, compared to 58% regionally and 65% nationally (Figure 1).

In comparison, by studying lakes in Maine in 2011, VTDEC and MEDEP determined that at the site level the kind of development allowed on Maine lakes was not degrading aquatic habitat and biota and would protect Vermont's waters consistent with the VWQS and Vermont's water quality policy (Figure 3).

The VTDEC is tasked with ensuring that Vermont's lakes are managed and protected in compliance with the Vermont Water Quality Standards (VWQS). However the most effective management tool, a shoreland standard is missing. Whereas in Maine, their Mandatory Shoreland Zoning Act standards make it possible to both develop a lakeshore and protect aquatic habitat and biota.

A separate study conducted by VTDEC from 2005 – 2008 found that unregulated lakeshore development is degrading aquatic habitat and biota in conflict with the Vermont Water Quality Standards (Merrell, Howe and Warren, 2009) (Figure 2).

www.anr.state.vt.us/dec/dec.htm



¹Comparison of means (\pm SE) for aquatic habitat and biological parameters in the nearshore littoral zone off unbuffered developed and reference lakeshore sites on 40 lakes in Vermont. *denotes statistical significance at $\alpha=0.05$. ²Comparison of means (\pm SE) for aquatic habitat and biological parameters in the nearshore littoral zone off developed sites (meeting ME state shoreland zoning law) and reference lakeshore sites on 5 lakes in Maine. *denotes significance at $\alpha=0.05$.