

**Shoreland Permit Application**for a **Shoreland Protection Permit** under Chapter 49A of Title 10, § 1441 *et seq.*

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**WATERSHED MANAGEMENT DIVISION**

LAKES &amp; PONDS PROGRAM

**For Shoreland Permitting Use Only**

Application Number:

275

**Public Notice:** At the same time this application is filed with Shoreland Permitting, a copy of this application must be provided to the municipal clerk for posting in the municipality in which the project is located.Submission of this application constitutes notice that the person in Section A intends to create impervious surface and/or cleared area within the Protected Shoreland Area, and certifies that the project will comply with Chapter 49A of Title 10, § 1441 *et seq.* All information required on this form must be provided, and the requisite fees (Section G) must be submitted made payable to the State of Vermont, to be deemed complete. Refer to *The Vermont Shoreland Protection Act - A Handbook for Shoreland Development* and related instructions for guidance in completing this application.**A. Parcel Information**

1. Landowner's Name:

Robert + Johnstone

2a. Physical Address (911 Address):

59 Tranquility Trail

2b. Town - County:

Derby - Orleans

2c. Zip:

05855

3. SPAN (The School Parcel Account Number is required for your application to be deemed complete. It can be obtained from your property tax bill. If you cannot locate your property tax bill, please obtain this information from your Town Clerk):

17705611258

4. Phone:

304-276-5223

5. Email:

JohnstoneR@  
www.medicine.org

6. Name of lake/pond:

Memphremagog

7. Total shore frontage:

300 (feet)

8. Was the parcel of land created before July 1, 2014?  Yes  No9. Are there wetlands associated with this parcel?  Yes  NoContact the Wetlands Program: (802) 828-1535 or [watershedmanagement.vt.gov/wetlands.htm](http://watershedmanagement.vt.gov/wetlands.htm).

10. Have you ever applied for a permit with the Department of Environmental Conservation associated with this parcel?

 Yes No

11. What is the surface area of your parcel within the Protected Shoreland Area (PSA): 25,800 +/- (square feet)

See The Vermont Shoreland Protection Act - A Handbook for Shoreland Development, Appendix C, Determining Lakeside Zone &amp; PSA

12. What is the surface area of existing impervious surface on your parcel within the PSA: 0 (square feet)

See The Vermont Shoreland Protection Act - A Handbook for Shoreland Development, Appendix F, Calculating Percent Impervious Surface

13. What is the surface area of existing cleared area on your parcel within the PSA: 20,560 +/- (square feet)

See The Vermont Shoreland Protection Act - A Handbook for Shoreland Development, Appendix E, Calculating Percent Clearing

**B. Applicant Contact Information**

1. Name:

Robert Johnstone

2a. Mailing Address:

717 Hollybriar Lane

2b. Municipality:

Naples

2c. State:

FL

2d. Zip:

34108

3. Phone:

304-276-5223

4. Email:

JohnstoneR@www.medicine.org

**C. Application Preparer Information** (If the individual preparing the application is not the landowner.)

1. Name:

2a. Mailing Address:

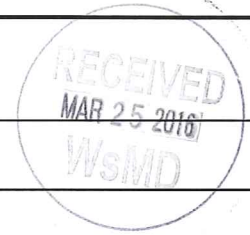
2b. Municipality:

2c. State:

2d. Zip:

3. Phone:

4. Email:



**D. Project Description**

1. Describe the proposed project. For this application to be considered administratively complete you must attach site plans that denote existing and proposed cleared areas and impervious surface and their distances from mean water level, no fewer than three photos of the project area, and dimensions and associated surface areas of cleared areas and impervious surfaces.

*Pavillion/gazebo on Lake Memphremagog for storage kayaks/canoe below decking, and covered deck to sit on while at lake. 18'x14' located as close to bike path (away from shore) as possible. Deck/floor about 3' above ground for kayak storage below. Roof and screening. No plumbing or electricity. Pavillion/gazebo would sit on existing grass (cleared) lot.*

2. For developed parcels, how far is the existing habitable structure from Mean Water Level \_\_\_\_\_ (feet), and How far will new cleared area or impervious surface be from MWL \_\_\_\_\_ (feet)?

**OR**  
For undeveloped parcels, how far will new cleared area or impervious surface be from MWL <sup>60</sup>~~70+~~ (feet)?  
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix A – Estimating Mean Water Level

3. Can all new cleared area or impervious surface be set back at least 100 feet from MWL?  Yes  No  
If no, explain why below (attach support information as needed):

*Elevated bike path runs about <sup>92</sup>~~86~~' from HWL*

- 4a. What is the slope of the project site area: 0-1 %  
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix B, Determining Slope

- 4b. Is the slope of the project area less than 20%?  
 Yes  No If yes, skip 4c.

- 4c. If no above (4b), describe the measures taken to ensure the slope is stable, resulting in minimal erosion and impacts to water quality (attach support information as needed):

- 5a. What is the surface area of new impervious surface associated with this project: 252 (square feet)  
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix F Calculating Percent Impervious Surface

- 5b. What is the total resulting impervious surface after completion of the project and prior to implementation of best management practices: 252 (square feet)  
For D5b, add A12 to D5a

- 5c. Is the total in 5b. 20% or less of the parcel area within the PSA?  Yes If yes, skip 5d.  No  
If 5a is 0, check the n/a box, otherwise divide 5b by A11 and multiply by 100 for percentage. Total percentage = \_\_\_\_\_ %  N/A

- 5d. If no above (5c), describe the best management practices used to manage, treat and control erosion from stormwater from the portion of impervious that exceeds 20% (attach support information as needed):

updated via email on 3/26/16 - MM



6a. What is the surface area of new cleared area associated with this project: 0 (square feet)

See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix E, Calculating Percent Clearing

6b. What is the total resulting cleared area after completion of the project and prior to implementation of best management practices: 20,308 (square feet)

For 6b, add A13 to D6a.

6c. Is the total in 6b. 40% or less of the parcel area within the PSA?  Yes If yes, skip 6d.  No  
If 6a is 0, check the n/a box, otherwise divide 6b by A11 and multiply by 100 for percentage. Total percentage = 79 %  N/A

6d. If no above (6c), describe the best management practices used to provide erosion control, bank stability, and wildlife habitat functionally equivalent to clearing less than 40% (attach support information as needed).

*Lot is level - maintained grass yard for many (~30 years) years without apparent erosion. No new clearance is involved in this project.*

### E. Landowner Certification

As APPLICANT, I hereby certify that the statements presented on this application are true and accurate and recognize that by signing this application, I agree to complete all aspects of the project as authorized. I understand that failure to comply with the foregoing may result in violation of the Shoreland Protection Act, 10 V.S.A. Chapter 49A, and the Vermont Agency of Natural Resources may bring an enforcement action for violations of the Act pursuant to 10 V.S.A. chapter 201.

Applicant/Landowner Signature: Robert Johnstone Date: 3/22/2016

### F. Application Preparer Certification (if applicable)

As APPLICATION PREPARER, I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Application Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### G. Additional Required Documentation (Please check to ensure you have completed the following)

- All sections of the application are complete (or otherwise indicate "not applicable")
- Application includes site plans denoting existing and proposed cleared area and impervious surface and distances from mean water level *Additional information available from Charles Leavitt, contractor*
- Application description includes dimensions and surface areas of cleared areas and impervious surfaces
- Application includes photos of project area

### H. Permit Application Fees

Administrative Fee: \$125.00		\$ 125.00
Impervious Area Fee: \$0.50 per square foot	Enter new impervious area as entered in item (5a.) <u>252</u> x .5	\$ 126.00
<b>Total:</b>		\$ 251.00

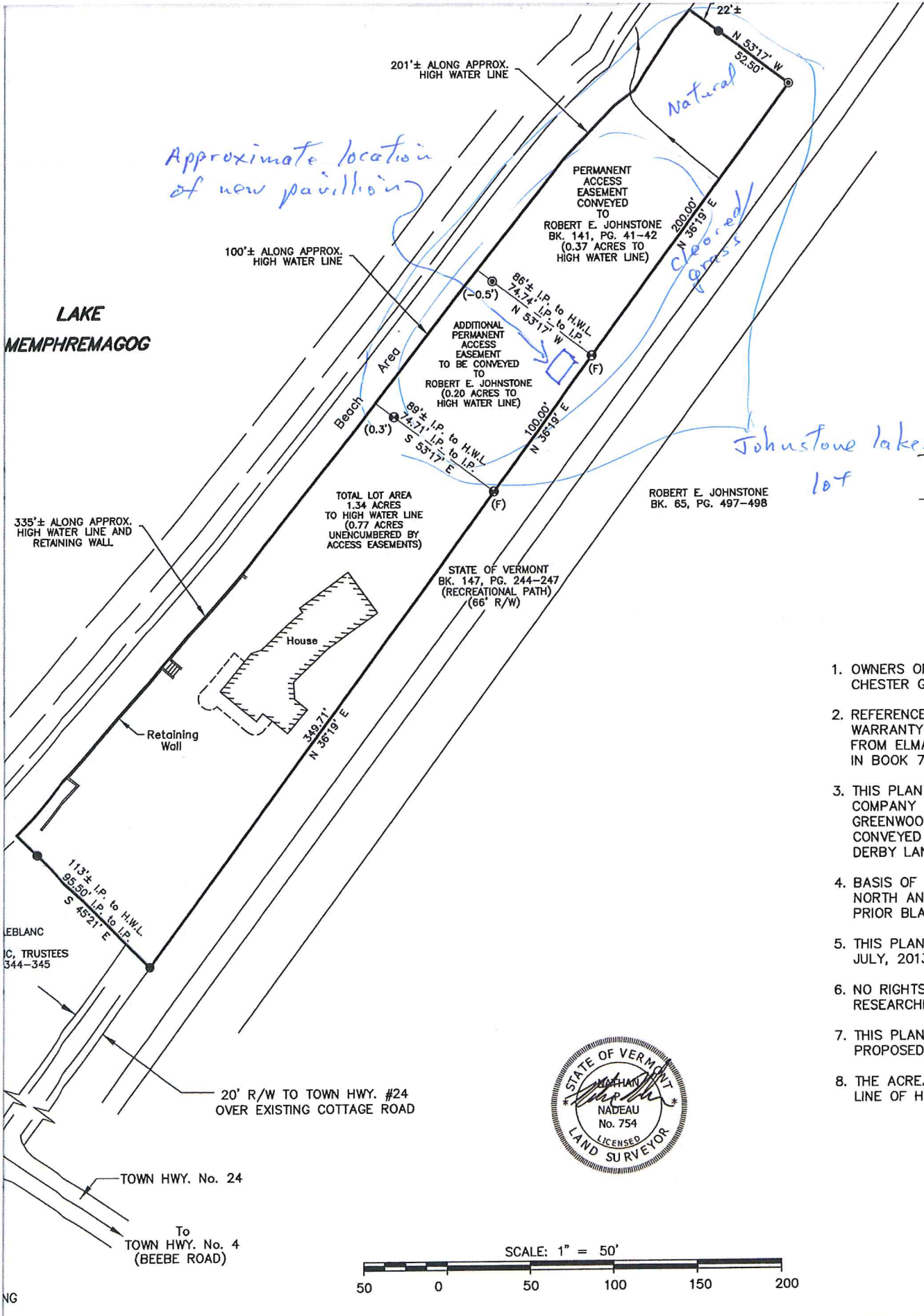
**Print Form**

**Submit this form and application fee, payable to:**

State of Vermont  
Vermont Department of Environmental Conservation  
Watershed Management Division  
Shoreland Permitting  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522

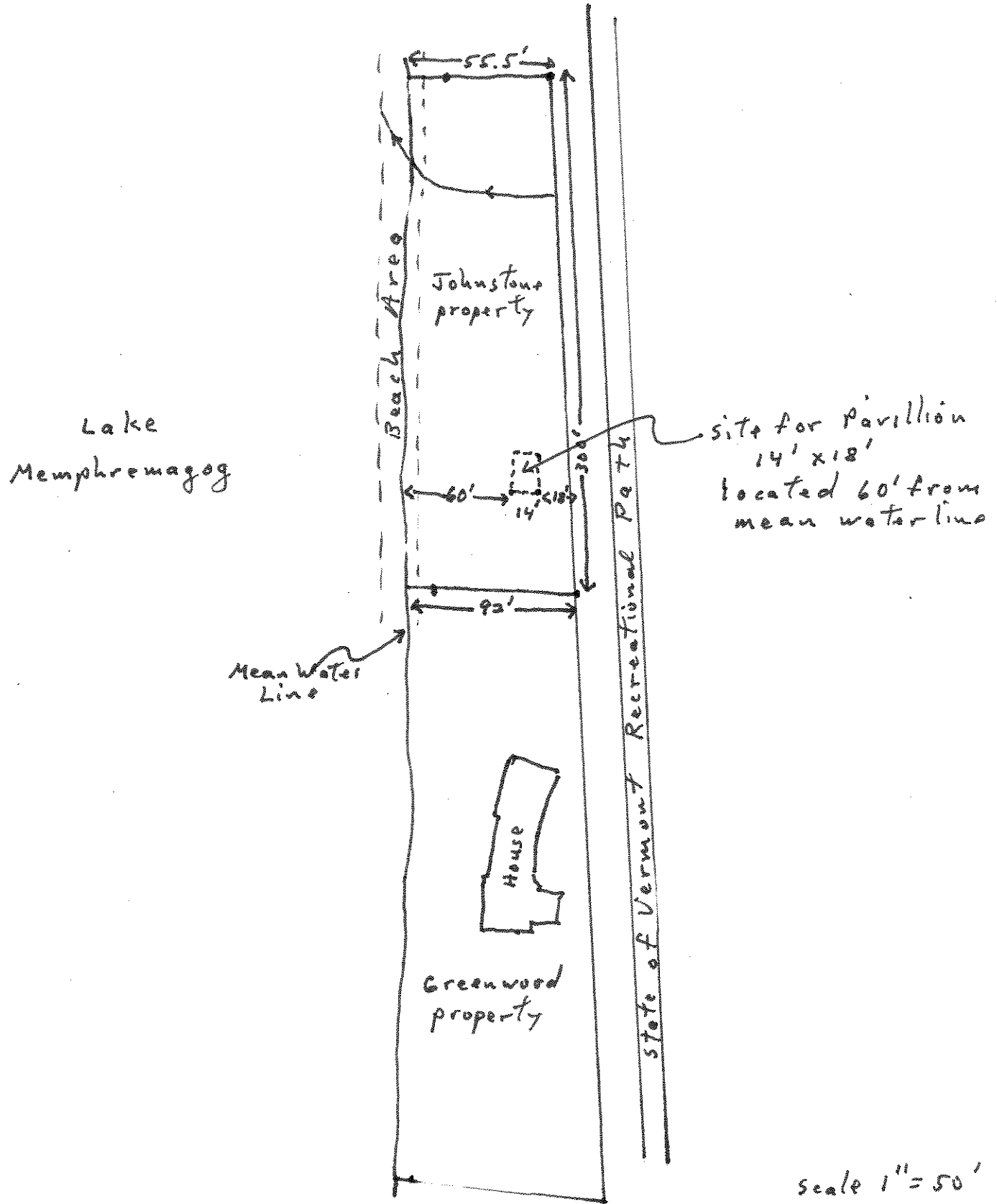
Direct all correspondence or questions to Shoreland Permitting  
at: [ANR.WSMDSshoreland@vermont.gov](mailto:ANR.WSMDSshoreland@vermont.gov)

For additional information visit:  
[www.watershedmanagement.vt.gov](http://www.watershedmanagement.vt.gov)



1. OWNERS OF CHESTER G
2. REFERENCE WARRANTY FROM ELM/ IN BOOK 7
3. THIS PLAN COMPANY GREENWOOD CONVEYED DERBY LAN
4. BASIS OF NORTH AN PRIOR BLA
5. THIS PLAN JULY, 201:
6. NO RIGHTS RESEARCHI
7. THIS PLAN PROPOSED
8. THE ACRE. LINE OF H

Site Plan for Pavillion at Beach-Front lot of Robert Johnstone on Lake Memphremagog, Derby, Vermont



March 26, 2016



*Johnstone  
Lakeshore Property*

Google Maps Newport, VT 05855



Imagery ©2016 Google, Map data ©2016 Google 100 ft

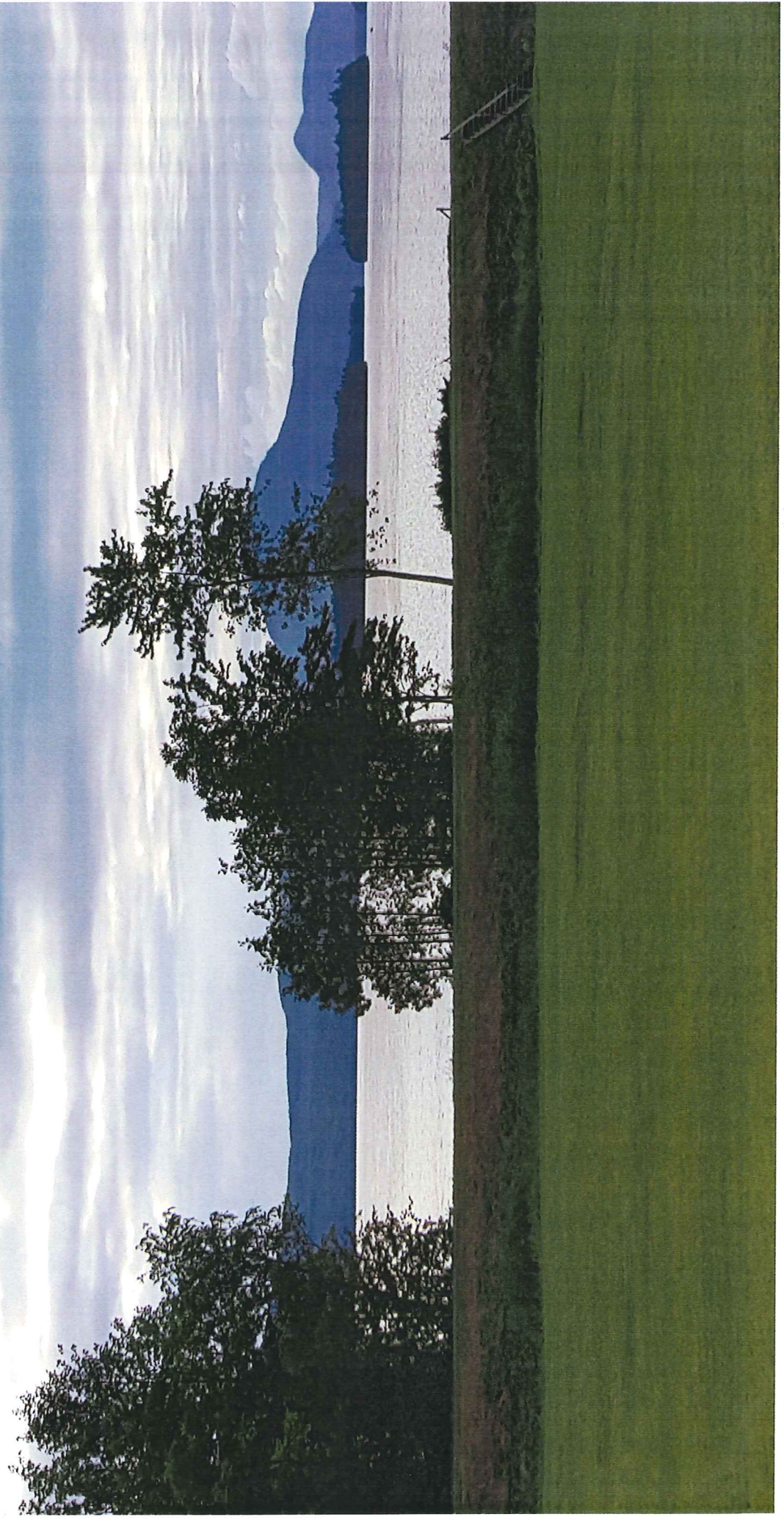


Sehustow lakeshore





Johnston lakeshore from  
other side of bike path





Seasonal docks on Jehnstone Lake shore property





VERMONT

Kirsten Sultan, P.E., District #7 Coordinator  
[phone] 802-751-0126  
[email] kirsten.sultan@state.vt.us

Natural Resources Board (Act 250)  
District #7 Environmental Commission  
1229 Portland Street, Suite 201  
St. Johnsbury, VT 05819  
www.nrb.state.vt.us

ROBERT B. CHIMILESKI, PC.  
ATTORNEY AT LAW  
7 GREEN PLACE  
MIDDLEBURY VERMONT

Bob Kelly  
Zoning Derby  
766 2017

~~Don Hanner~~  
State vt  
Lakes + Ponds

Kristen Follow  
751-6126

st Joy  
act 250

25' High new for  
all sides

490-6200

Matchell



**EASEMENT DEED**

KNOW ALL PERSONS BY THESE PRESENTS, that we, CHESTER GREENWOOD, III and SHARRON GREENWOOD, wife and husband, of the Town of Derby in the County of Orleans and State of Vermont, Grantors, in the consideration of One Dollar and other good and valuable consideration, paid to our full satisfaction by ROBERT E. JOHNSTONE of Morgantown in the County of Berkeley Springs and State of West Virginia, Grantee, by these presents, do freely GIVE, GRANT, SELL, CONVEY, AND CONFIRM unto the said Grantee, ROBERT E. JOHNSTONE, and his heirs and assigns forever, a certain easement in the Town of Derby, in the County of Orleans and State of Vermont, described as follows, viz:

Being an exclusive and perpetual easement for the use and occupancy of a certain parcel of land which is more particularly described and set forth on a survey entitled "Plan of Land located in Derby, Vermont prepared for Chet & Sharron Greenwood" by Blais-Horizons Surveying and Engineering dated August 30, 2013, bearing map #13564, a mylar version of which is to be recorded in the Town of Derby Land Records and from which the following description has been composed:

Beginning at a #5 rebar set flush with the ground at a point where the boundary line between the within conveyed easement area and lands retained by the Grantors lying southerly thereof intersects the westerly boundary of the recreational path owned by the State of Vermont; thence running along the westerly boundary of said recreational path N 36° 19' E a distance of 100.00 feet to another #5 rebar set in the ground for a corner; thence turning and running N 53° 17' W a distance of 86 feet, more or less, through a #5 rebar set in the ground and to the mean high water line of Lake Memphremagog; thence turning and running in a general southerly direction along said mean high water line a distance of 100 feet, more or less, to an unmonumented point for a corner in the mean high water line and thence turning and running S 53° 17' E through a #5 rebar set in the ground and continuing a total distance of 89 feet, more or less, to the point and place of beginning.

Meaning and intending hereby to convey a portion of the same lands and premises conveyed to Chester Greenwood, III and Sharron Greenwood by Elma Miller Baldrick by Warranty Deed dated September 16, 1974 and recorded in Book 71 at Pages 39-40 of the Town of Derby Land Records.

The Grantee herein and his heirs and assigns shall enjoy an exclusive and permanent perpetual easement for the use and occupancy of the subject lands and premises and for access to the waters of Lake Memphremagog.

Reference is here made to the above deeds and their records, and to all prior deeds and the records thereof for a further and more complete description of the land and premises herein conveyed.


TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said ROBERT E. JOHNSTONE, and his heirs and assigns, to their own use and behoof forever; and we, the said CHESTER GREENWOOD, III and SHARRON GREENWOOD for ourselves and our heirs, executors and administrators, do covenant with the said ROBERT E. JOHNSTONE, his heirs and assigns, that until the ensembling of these presents we are the sole owners of the premises, and have good right and title to convey the same in manner aforesaid, that

500.00  
SUPERGRASS



they are **FREE FROM EVERY ENCUMBRANCE**; and we hereby engage to **WARRANT AND DEFEND** the same against all lawful claims whatever.

IN WITNESS WHEREOF, we hereunto set our hands and seals this 19<sup>th</sup> day of September A.D., 2014.

  
\_\_\_\_\_  
CHESTER GREENWOOD, III (L.S.)

  
\_\_\_\_\_  
SHARRON GREENWOOD (L.S.)

STATE OF VERMONT  
ORLEANS COUNTY, SS.

At Derby in said County and State, this 19<sup>th</sup> day of September, 2014, personally appeared **CHESTER GREENWOOD, III** and **SHARRON GREENWOOD** and they acknowledged this instrument by them sealed and subscribed to be their free act and deed.

Before me, Tara A. Santaw  
NOTARY PUBLIC

My Commission Expires: 2/10/15

Vermont Property Transfer Tax  
32 V.S.A. Chap. 231

**-ACKNOWLEDGEMENT-**

Return Rec'd - Tax Paid - Board of Health Cert. Rec'd.

Vt. Land Use & Development Plans Act Cert. Rec'd.

Return No. 2015-106

Signed Maura Storauck Clerk

Date SEPTEMBER 22, 2014

DERBY, VT TOV. CLERK'S OFFICE  
RECEIVED FOR RECORD

SEPTEMBER 22 A.D. 2014  
at 12 o'clock 25 minutes P M  
and recorded in Book 263 Page 197-199  
of LAND Records.  
Attest Maura Storauck  
ASSISTANT Town Clerk



Consent of Lien Holder

Mortgage Electronic Registrations Systems, Inc., as nominee for American Bank, its successors and assigns, is the current holder and owner of a certain Mortgage, dated August 17, 2011 made and subscribed by Chester Greenwood, aka Chester Greenwood III, and Sharron Greenwood, aka Sharron M Greenwood, and recorded in Book No. 247, Page 111 of the Town of Derby Land Records of Orleans County, Vermont. Lienholder hereby consents to the grant of the foregoing perpetual easement by Chester Greenwood III and Sharron Greenwood, husband and wife to Robert E Johnstone in that certain Easement Deed and joins in the execution hereof solely as Lien Holder and hereby does agree that in the event of the foreclosure of said mortgage, or other sale of said property described in said mortgage under judicial or non-judicial proceedings, the same shall be sold subject to said Easement. The current holder and owner of said Mortgage, its successors and assigns do not join in the warranties set forth in the foregoing grant and said warranties shall not be enforceable against Mortgage Electronic Registration Systems, Inc as nominee for American Bank and any successors or assigns taking title to the property subject to said easement after foreclosure or deed in lieu.

SIGNED AND EXECUTED this 10 day of September 2014.

Mortgage Electronic Registration Systems, Inc.  
as nominee for American Bank, its successors  
and assigns

By: Laura E. Valentine  
Laura E. Valentine, Vice President

CORPORATE ACKNOWLEDGMENT

STATE OF MARYLAND §  
§  
COUNTY OF FREDERICK §

BEFORE ME, Kasey M Moxley-Kline, on this day personally appeared Laura E. Valentine of Mortgage Electronic Registration Systems, Inc as nominee for American Bank, its successors and assigns known to me to be the person and Officer whose name is subscribed to the foregoing instrument and who acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, as the act and deed of the said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 10 day of September 2014.

Kasey M Moxley-Kline  
Kasey M Moxley-Kline  
Notary Public of Maryland  
Acting in the County of Frederick  
My Commission Expires: December 3, 2017

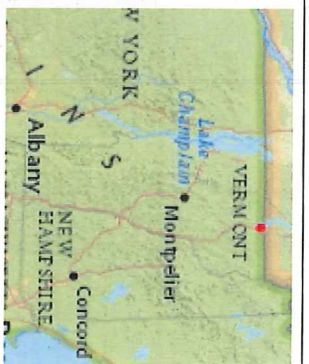




1: 2,771  
December 28, 2015

141.0 0 70.00 141.0 Meters  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Vermont Agency of Natural Resources  
1" = 231 Ft. 1cm = 28 Meters  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



- LEGEND**
-  Ad250 Permits \*\*INCOMPLETE
  -  Parcels (where available)
  -  Town Boundary

**NOTES**

Map created using ANR's Natural Resources Atlas