VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
LAKES & PONDS PROGRAM

Individual Permit Application

For a **Lake Encroachment Permit** under

Chapter 11 of Title 29, § 401 *et seq.*

RECEIVED OCT 31 2016 WsMD

For Lake Encroachment Permitting Use Only
Application Number: 2232-LEP

Submission of this application constitutes notice that the person in Section B intends to encroach beyond the mean water level of a lake or pond, and certifies that the project will comply with Chapter 11 of Title 29, § 401 *et seq*. All information required on this form must be provided, and the requisite fees (Section I) must be submitted made payable to the State of Vermont, to be deemed complete.

A. Project Information

1. Physical Address (911 Address): 163 Lake Park Road	
2a. Town- County: Derby - Orleansa	2b. Zip: 05829
3. Span (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)	177-056-10202
4. Name of Lake/Pond: Memphremagog Lake - Newport	
5. Have you ever applied for a permit with the Department of Environmental Conservation associated with this parcel? ☑ Yes ☐ No	

B. Applicant (Landowner if applicable) Contact Information

1. Name: 163 Lake Park Road Realty Trust, Mary D. Branon, Trustee		
2a. Mailing Address: 5 John Swift Road		
2b. Town: Acton	2c. State: MA	2d. Zip: 01720
3. Phone: 978-263-3460	4. Email: mrdb@comcast.net	

C. Application Preparer Contact Information:

1. Name: Kenneth Kalinowski		
2a. Mailing Address: 1 White Tail Crossing		
2b. Town: Lunenburg	2c. State: MA	2d. Zip: 01462
3. Phone: 978-877-0084	4. Email: ken.kalinowski@comcast.net	

D. Abutting Land Owners

Using the abutter addendum available on .dec.vermont.gov., attach a list of land owners who abut the proposed project.

E. Project Description

1. Describe the proposed project including the description of the materials and mechanical equipment which may be used during construction and the anticipated work schedule. Identify whether or not the project includes placement or removal of fill and if so, specify the number of cubic yards of fill or dredged materials to be placed or removed beyond the shoreline at mean water level.

The project will include the placement of concrete retain blocks set on a bed of crushed stone and filter fabric. The blocks will be chained and backfilled with concrete to provide a permanent structure. The lakeside face of the blocks will be protected with large rip-rap to deflect ice and dissipate wave energy. The space between the existing trees and the blocks will be loamed and uniformly sloped, and planted with an assortment of plantings and grasses to stabilize the slope and provide habitat for numerous indigenous wildlife. A sedimentation curtain will be installed and maintained at the toe of slope of the rip-rap to protect the lake from any erosion that may occur until the slope is stabilized. The equipment expected to be employed includes a small to medium excavator, dump truck/trailer, small skid-steer tractor, and an assortment of power and hand tools. Due to timing constraints, it is expected that the work will take place in the spring of 2017. This will minimize the potential for erosion of unstabilized slopes and maximize the probability of survival of any plantings. It is expected that less than 50 cy of material will be placed beyond the shoreline at mean water level.

2. Describe the purpose of the proposed project:

The project is intended to repair significant shoreline erosion that threatens to destroy the mature trees on the applicants property. The proposed remediation will extend lakeward to the approximate drip line of the most lakeward tree and then tie back into a straight-line wall to replace the existing, but severely deteriorated wall. This project will protect the existing trees and stabilize the shoreline to ameliorate the ongoing and increasing erosion of the upland property into the lake.

3. Describe what less intrusive feasible alternatives have been considered:

Less intrusive options such as placement of large rocks and shoreline plantings had been considered, but these methods had apparently failed in previous attempts to stabilize the shore, primarily due to significant wave action. The primary cause of failure appeared to have been the undermining of the wall, which ultimately collapsed upon itself, thus exacerbating the erosion. The 'do nothing' option would not address the issue, and would ultimately lead to continued loss of property into the lake as well as continued undermining (and possible loss) of the large trees on the shoreline.

4. Describe the public benefits of the proposed project:

Lake Memphremagog supports many public recreational uses including swimming, boating, fishing, canoing and kayaking and others. It also provides significant habitat for a wide variety of aquatic life as well as birds and other animals. Stabilization of this shoreline does not encroach on any of the above activities and it will also preclude any further erosion of the upland shoreline into the lake, thus creating a stable, healthy and aesthetically pleasing environment that will protect the lake for the use of the public and enhance the natural habitats.

F. Encroachment Effects (describe how the proposed project will affect the following)

1. What measures are proposed to minimize the project's effects on water quality (e.g., use of a turbidity curtain)?

The major emphasis of the project is to address the ongoing and increasing erosion of the upland into the lake, so the project in and of itself is a significant measure to minimize effects on the water quality in this area. A turbidity curtain/siltation fence will be installed along the toe of the bank stabilization to ensure there are no siltation problems during the project.

2. How will the project minimize effects to fish and wildlife habitat (e.g., project is not to commence until after fish spawning July 1 of any calendar year)?

This project is a restoration project to enhance the shoreline vegetation. This enhanced vegetation will provide additional food and habitat for existing wildlife populations. This project is anticipated to be undertaken in the spring of 2017 to minimize any exposed unstabilized surfaces and to maxmize the potential viability of the plantings which create a significant amount of the proposed wildlife habitat. Due to the location and extents of the project, there are no significant negative impacts anticipated to any fish or fish habitat.

3. Does the project propose removal of aquatic or shoreline vegetation? If so, what measures are proposed to reduce the effects of vegetation removal?

No existing aquatic or shoreline vegetation is proposed to be removed by this project. To the contrary, additional shoreline vegetation is proposed to enhance the area.

4. Describe the surrounding shoreline. Is the project consistent with these surroundings? What measures are proposed to ensure the project is in-keeping with the surroundings?

The project is consistent with the surroundings. Any proposed plantings will be indigenous to the area, chosen from the listings contained in the Shoreline Stabilization Handbook, and sourced locally.

5. Will the project affect navigation, recreation, and other public uses? If so, how will these effects be minimized?

N/A

G. Applicant 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 Chapter 11 of Title 29, § 401 *et seq.*, 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 if applicable) Signature: Mary H Brann Date: October 25, 2016

I. Applicant 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: October 25, 2016

J. 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 with aerial and cross section views;
- ☑ Application description includes dimensions and surface areas of cleared areas and impervious surfaces; and
- ☑ Application includes photos of project area.

K. Permit Application Fees		
Select the most applicable permit description and requisite fee. If the proposed project involves more than one of the project types, multiple fees may apply. For example, a project involving structural erosion control and marina improvement will require both fees (2) and (3).		
1. Non-structural erosion control project (e.g., rip rap):		
Non-structural erosion control project: $155.00		
Total:		
2. Structural erosion control project (e.g., vertical wall replacement)		
Structural erosion control project: $250.00		$ 250.00
Total:		$ 250.00
3. Other Projects (e.g., marina improvements):		
Other Project: $300.00		
Project Cost Fee: 0.01 times project cost	Total Project Cost: _____ x 0.01	
Total:		$ 250.00

Submit this form and application fee, payable to:
State of Vermont
Vermont Department of Environmental Conservation
Watershed Management Division
1 National Life Dr, Main 2
Montpelier, VT 05620-3522

Direct all correspondence or questions to Lake Encroachment Permitting at:
ANR.WSMDShoreland@vermont.gov.

For additional information visit: http://dec.vermont.gov/watershed/lakes-ponds.

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
LAKES & PONDS PROGRAM

Lake Encroachment Application Addendum

For a Lake Encroachment Permit

Chapter 11 of Title 29, § 401 *et seq.*

This Abutting Land Owner Addendum is intended to accompany a completed *Lake Encroachment Permit Application* in instances of a proposed lake encroachment abutting land owners other than the applicant.

I. Abutting Land Owner Information
1. Name: Bruce & Karen Lippens
Address: 181 Lake Park Road, Derby VT
2. Name: Delfavero Properties, LLC
Address: 125 Lake Park Road, Derby VT
3. Name:
Address:
4. Name:
Address:
5. Name:
Address:
6. Name:
Address:
7. Name:
Address:
8. Name:
Address:
9. Name:
Address:
10. Name:
Address:

Submit this form as an addendum to a complete Lake Encroachment Application to:

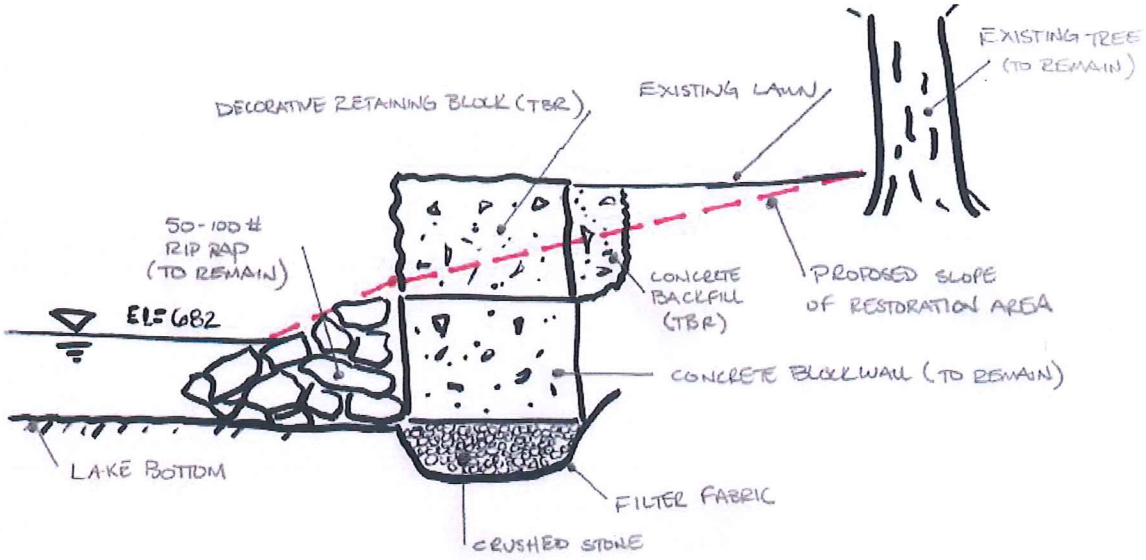
State of Vermont
Vermont Department of Environmental Conservation
Watershed Management Division
Lake Encroachment Permitting 1
National Life Drive, Main 2
Montpelier, VT 05620-3522

Direct all correspondence or questions to Lake Encroachment Permitting at:
ANR.WSMDShoreland@vermont.gov

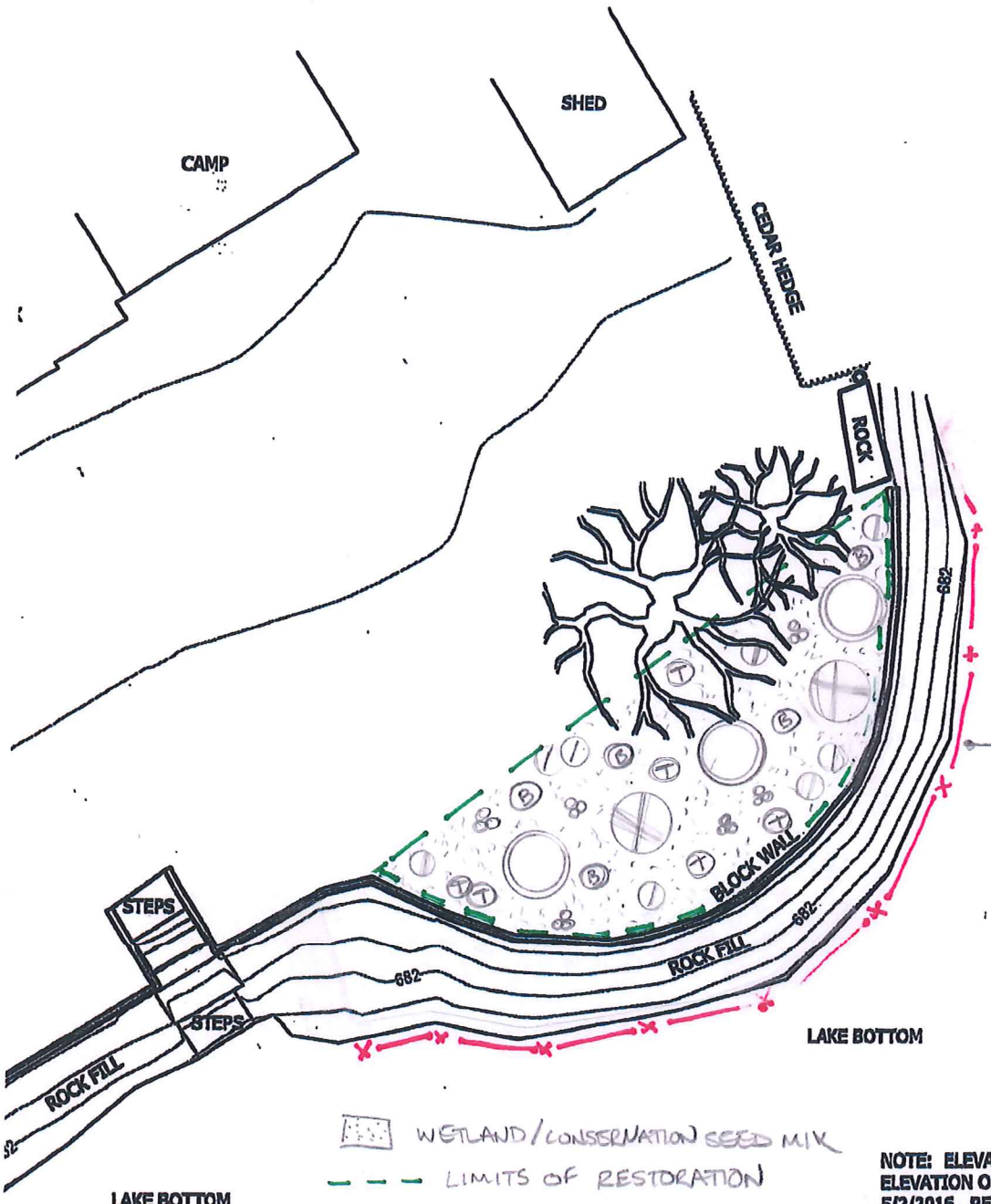
For additional information visit: http://dec.vermont.gov/watershed

CONSTRUCTION NOTES:

1. Sedimentation curtain to be installed prior to construction and maintained until restoration area is stabilized.
2. All restored areas with shrubs, trees, perennials to have a min of 18" topsoil. Areas with grasses, ferns, or loam and seed to have a min of 6" topsoil.
3. Two inches (2") of topsoil/grass to be removed in the restoration area prior to planting and top dressing. Area to be loosened prior to planting.
4. Disturbed restoration area to be seeded with a mixture of New England Wetland and Conservation seed mix.
5. Wall renovations, plantings and restoration to be performed in spring of 2017 to decrease chances of erosion over the winter and to increase probability of survival of plantings.
6. Unless otherwise specified, restoration to be performed in accordance with "The Shoreline Stabilization Handbook" and "Bank Stabilization BMPs" , or as approved by VTANR.
7. Once the re-vegetation has been completed, the area is to be managed according to the Vegetation Protection Standards as defined under the Shoreland Protection Act.



SECTION A-A
(TYP.)



WETLAND/CONSERVATION SEED MIX

LIMITS OF RESTORATION

PROPOSED PLANTINGS

HIGH BUSH CRANBERRY

CHRISTMAS FERN

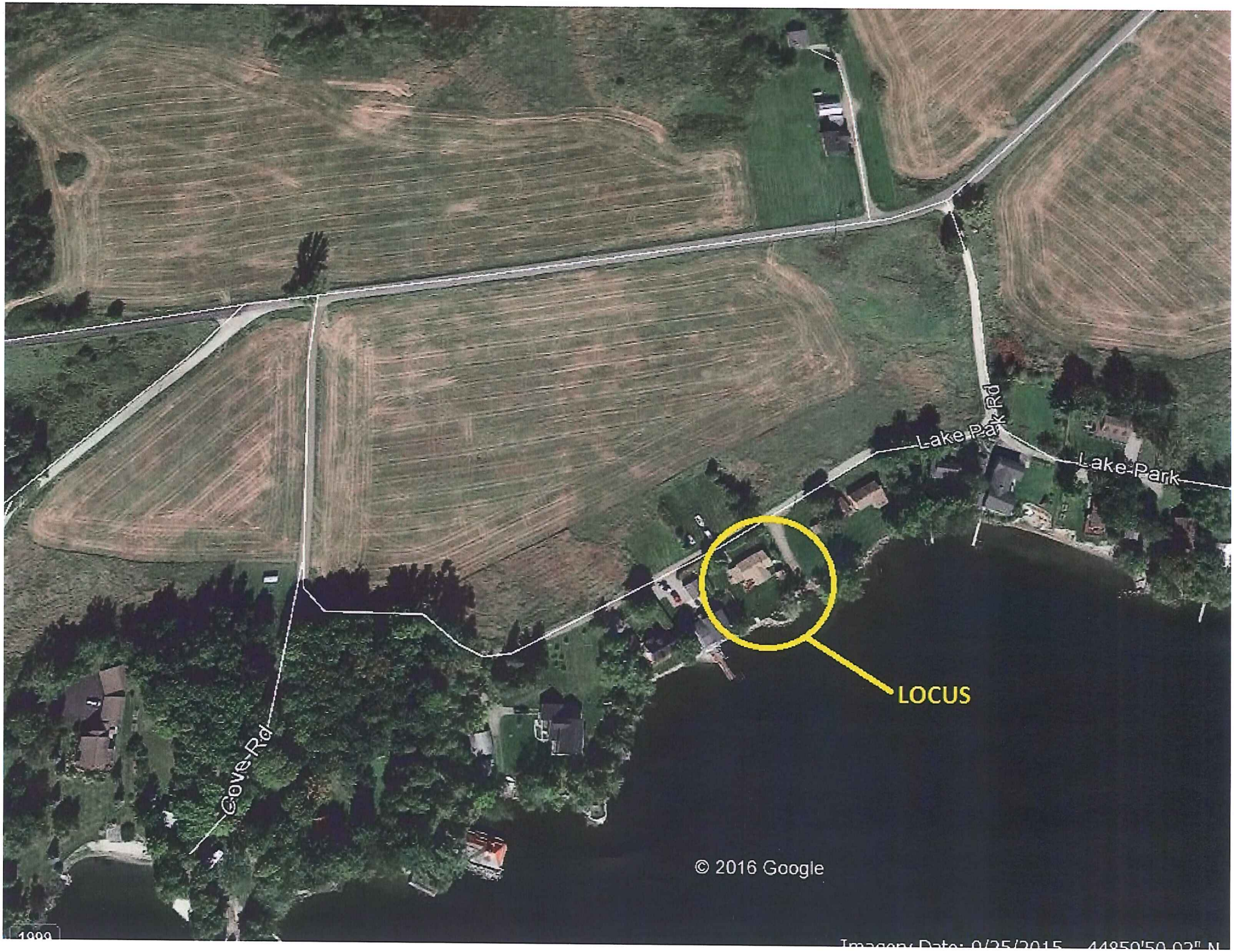
BUTTONBUSH

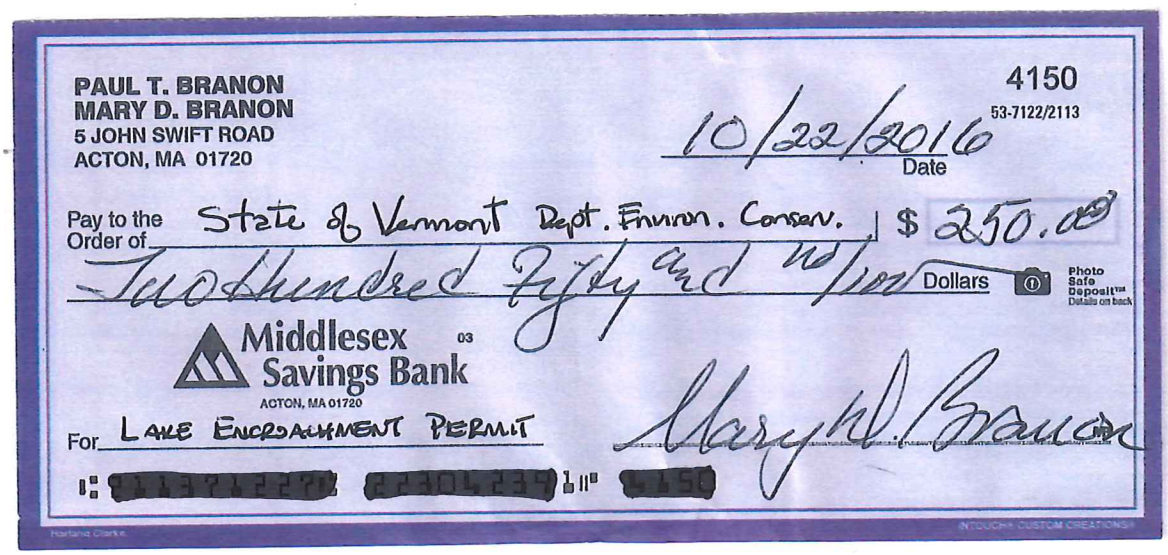
NANNYBERRY

TURTLEHEAD

BLUE VERAIN

NOTE: ELEVATIONS BASED ON LAKE ELEVATION OF 682.27' NGVD29 ON 5/2/2016. REFERENCE ELEVATION BASED ON LAKE GAGE AT NEWPORT, VERMONT.


Lake Park Rd
Lake Park
Cove Rd
LOCUS
© 2016 Google
1999
Imagery Date: 9/25/2015 44°50'50.02" N



PAUL T. BRANON
MARY D. BRANON
5 JOHN SWIFT ROAD
ACTON, MA 01720

4150
53-7122/2113

10/22/2016
Date

Pay to the Order of State of Vermont Dept. Environ. Conserv. $ 250.00

Two Hundred Fifty and 00/100 Dollars

Photo Safe Deposit™ Details on back

Middlesex 03
Savings Bank
ACTON, MA 01720

For Lake Encroachment Permit

Mary D. Branon

[redacted] 4150

Harland Clarke

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