

Shoreland Permit Application Instructions



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

For activities proposed under Vermont's Shoreland Protection Act
Per Chapter 49A of Title 10, § 1441 *et seq.*

- ❖ **HOW TO SAVE TIME:** *Please use these instructions to assist you in completing the shoreland permit application. A few minutes now could save you time and frustration and will ensure that your application is complete when submitted. [The Vermont Shoreland Protection Act – A Handbook for Shoreland Development](#), available on the [Shoreland Permitting website](#), can assist you in completing your permit application. If you do not have access to the internet, you can request a paper copy by contacting Shoreland Permitting.*
- ❖ **HOW LONG DOES IT TAKE TO GET A PERMIT?** *Generally, it will take a minimum of 40 days for a permit decision to be issued after the permit application is accepted as complete. Additional information may be requested from the applicant to complete the technical review. Shoreland Permitting's technical review of the application will occur after an application is deemed administratively complete. After a permit application is deemed technically complete a draft permit will be posted for the required 30-day public notice period. It may take Shoreland Permitting longer to process an application as the workload increases during the summer months. Planning to have your application submitted and completed in the fall, winter, or spring could shorten the decision time for your application.*
- ❖ **HOW MUCH INFORMATION IS NEEDED?** *Most applications for small, non-commercial projects of the type usually undertaken by shoreland property owners do not require engineering designs or preparation by professional consultants. However, professional assistance and/or assistance from Shoreland Permitting may be necessary in some cases. Every application should include information about the parcel's existing impervious surface and cleared areas and any proposed cleared areas and/or impervious surfaces. The existing impervious areas and cleared areas should be displayed on a plan or a drawing that also shows the proposed project. The plan should clearly display the distances from mean water level of existing and proposed impervious surfaces and cleared areas.*

EACH APPLICATION MUST INCLUDE THE INFORMATION LISTED BELOW

- ❖ **APPLICATION FORM** *This section walks through each line of the Shoreland Permit Application Form and the supporting documentation that is necessary to complete an application.*

A. Parcel Information

- 1. Landowner's Name:** Landowner information must be provided. In addition, the landowner must sign the application in Section F. If the applicant leases the land on which the project is located, the landowner information must still be provided, and Section F must be signed by either the landowner or their legal representative.
- 2a. Physical Address (E911 Address):** This is the address of the project location and shall not be listed as a P.O. Box.
- 2b. City/Town:** This is the municipality in which the project parcel is located. The village or other sub-community shall not be listed here (e.g., Bomoseen is located in the municipality of Castleton).
- 2c. Zip:** This is the zip code for the parcel.
- 3a. SPAN:** The SPAN is the "School Parcel Account Number" and is required for your application to be 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. SPAN is a unique identification number consisting of eleven digits, for each parcel of property in the State of Vermont. The first three digits identify the town; the next three digits identify the school district; and the last five digits represent the unique parcel or property.

- 3b. Coordinates:** These should be displayed in two decimal degree numbers. To find coordinates visit google.com/maps, and type in the address of the property of interest. Right click on the property and select "What's Here?" Coordinates in decimal degrees will be provided.
- 4. Phone:** A phone number where the applicant can be reached.
- 5. Email:** Email address where the applicant can be reached.
- 6. Name of Lake/Pond:** Provide the common name of the lake/pond adjacent to the parcel.
- 7. Total shore frontage:** Provide the total length of shoreline frontage your parcel has on the identified lake/pond, as measured in feet. This does not need to be exact, but should be as accurate as possible based on a measurement or other parcel information retained by the landowner.
- 8. Was the parcel of land created before July 1, 2014?** If you do not know when the parcel of land was created, you may need to contact your Town Clerk to obtain this information. Do not leave this question blank.
- 9. Are there wetlands associated with this parcel?** If you do not know, or suspect that you do have wetlands on your parcel, you should contact the [VT DEC Wetlands Program](#). The presence of wetlands on your parcel may have implications on the location or feasibility of your proposed project. A Shoreland Permit does not negate the need for other applicable local, state or federal permits, including a state Wetlands Permit or federal U.S. Army Corps of Engineers Permit.
- 10. Have you ever applied for a permit with the Department of Environmental Conservation?** Select "yes" if you have applied for a Lake encroachment permit, a wastewater permit, a wetland permit or any other Vermont DEC permit. Please [contact](#) the appropriate Lake and Shoreland Permitting Regional Permit Analyst with any questions.

Enter the type of permit(s) associated with your parcel (Wetlands, Act 250, Wastewater, Stormwater)

- 11. What is the square footage of your parcel within the Protected Shoreland Area (PSA):** You must provide the total area of your parcel (in square feet) that is located within the PSA. The PSA is defined as the area on your parcel that is located within 250 feet of the shoreline (mean water level). See the [Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix C, Determining Lakeside Zone and PSA](#).
- 12. What is the square footage of existing impervious surface on your parcel within the PSA:** You must provide the total area of existing impervious surface (in square feet) that is located within the PSA (first 250 feet from mean water level). Impervious surfaces are defined as man-made, hard or compacted areas, that do not allow precipitation to infiltrate in to the ground, including:
- Any structure with a roof (house, shed, garage, gazebo)
 - Decks and patios
 - Paved and unpaved driveways and parking areas
 - Any other non-vegetated areas where the ground is compacted
- Natural stone, rocky shores or ledge would not be considered impervious surface.

See the [Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix F, Calculating Percent Impervious Surface](#).

- 13. What is the square footage of existing cleared area on your parcel within the PSA:** You must provide the total area of existing cleared area (in square feet) that is located within the PSA (first 250 feet from mean water level). Cleared areas include:
- All existing impervious surfaces
 - Lawn
 - Mowed or landscaped areas
 - Any other areas area that are not maintained as natural vegetation.

See the [Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix E, Calculating Percent Clearing](#).

B. Applicant Contact Information

Provide the applicant's contact information, including a permanent address, an email address and phone number.

Provide information about whether or not you have participated in the Voluntary Natural Shoreland Erosion Control Certification Course taught by the Vermont Department of Environmental Conservation.

C. Application Preparer Information

An application preparer is not required. If the individual preparing the application is not the landowner or the applicant, please provide information about the application preparer in this section. For example, if a contractor, consultant, relative, or other individual has prepared the application on behalf of the landowner/applicant, their information must be listed in Section C. The application preparer is required to sign the application under Section F.

Provide information about whether or not you have participated in the Voluntary Natural Shoreland Erosion Control Certification Course taught by the Vermont Department of Environmental Conservation.

D. Project Description

1. Describe the proposed project completely so reviewers will understand exactly what is intended. If there is not sufficient space on the application form, complete the description on an attached sheet. **Your project description shall include square-foot measurements of proposed impervious surfaces and/or proposed cleared areas, including those necessary for the construction of impervious surfaces and any additional cleared areas that are planned as part of the project.** The project description shall include as an attachment:

- ❖ Required: A site plan or drawing of the project from overhead or plan view, and if necessary to fully describe the project, a cross-section or profile/side view with measurements of proposed impervious surfaces and/or cleared areas. The plan should also display the dimensions of existing impervious surfaces and cleared areas and clearly identify the distances from mean water level of all existing and proposed impervious surfaces and cleared areas.
- ❖ Required: A location map depicting the parcel location, with sufficient detail to direct Shoreland Permitting to the parcel where the project is proposed.
- ❖ Required: At least 3 photos that show existing and proposed conditions. Shoreland Permitting may request additional photos or a site visit if deemed necessary to complete application review.

2. **For developed parcels, how far is the existing habitable structure from mean water level (MWL) and how far will new cleared area or impervious surface be from MWL? OR For undeveloped parcels, how far will new cleared area or impervious surface be from mean water level?** The mean water level is defined as the average annual water level between June 1 and September 15. For most inland lakes, the mean water level can be delineated at the shoreline where water and land interface and shoreland vegetation establishes. Mean water levels at several Vermont lakes are defined at set elevations, for example 95.5 feet for Lake Champlain or 682.0 feet for lake Memphremagog (National Geodetic Vertical Datum 1929). For more information and to see a list of all lakes with set mean water level elevations, see the [Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix A – Estimating Mean Water Level](#).

3a. What is the slope of the project site area (%)?: The slope of a land area, also called the grade, is expressed as the number of feet the land rises over a distance of the land. Measure the slope of the project area. The project area includes a 100-foot distance centered on the proposed project. See the [Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix B – Determining Slope](#).

3b. Is the slope of the project area less than 20%? Answer yes or no, based on your answer to 3a. Proposed projects located on sites with a slope of 20% or more will require specific actions to control erosion and to protect slope stability.

3c. If you answered no to 3b above, describe the measures taken to ensure the slope is stable, resulting in minimal erosion and impacts to water quality (attach support information as needed): For projects that are proposed on slopes of 20% or greater, Shoreland Permitting will require the use of Best Management Practices. Selecting appropriate Best Management Practices for challenging sites may require help from a professional (such as an engineer, landscape architect, licensed designer, or other site specialist). It is the responsibility of the applicant to include Best Management Practices as part of their project plan in their permit application. Some examples of best management practices to address a slope greater than 20% are:

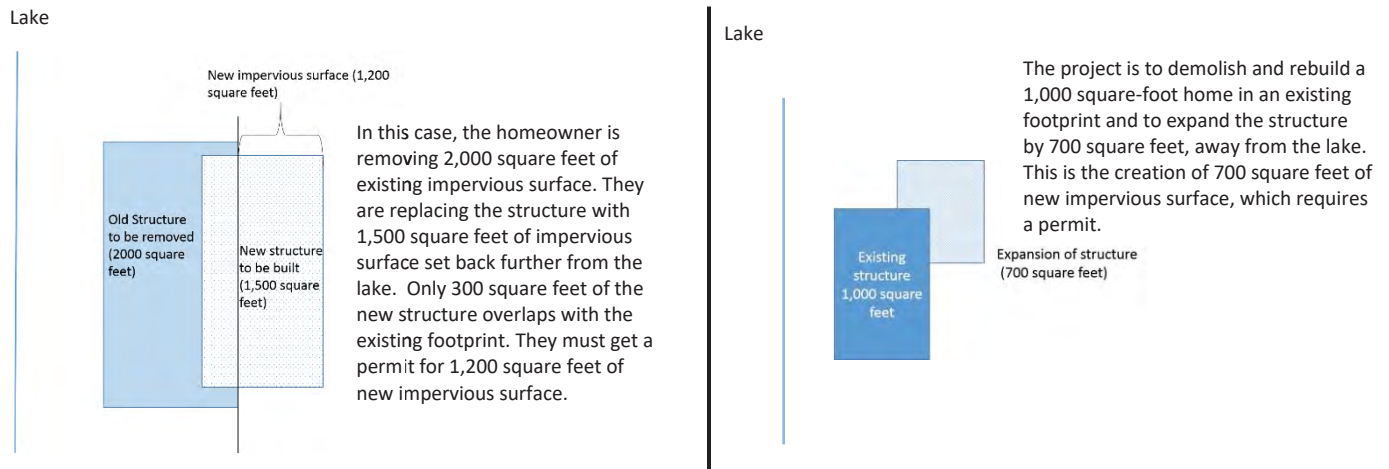
- Planting and maintaining vegetated areas
- Installation of Water bars
- Installation of dripline trenches around impervious surfaces
- Terracing

Best management practices are not limited to this list. Please include detailed plans (narrative and visual) to describe any proposed best management practices to address slope. See [page 10](#) of the Handbook for Shoreland Development.

4a. What is the surface area of new impervious surface associated with this project (square feet)?:

New impervious surface is the square footage of proposed impervious surface that is not constructed on an existing footprint. The Shoreland Protection Act does not track net impervious surface. Any proposed impervious surface that is to be constructed outside of an existing impervious surface footprint must be included in the new impervious surface calculations, even if existing impervious surface is being removed elsewhere on the parcel.

See examples of calculating new impervious surface below:



4b. What is the total resulting impervious surface after completion of the project and prior to implementation of best management practices (square feet)?

Add your answer from 4a (proposed new impervious surface) to your answer from Section A. Question 12 (Existing impervious surface within the PSA). This will give you the total resulting impervious surface after completion of the project.

4c. Is the total in 4b. 20% or less of the parcel area within the PSA?

Divide your answer from 4b. (total resulting impervious after completion of the proposed project) by your answer from Section A. Question 12. (Surface area of parcel within the PSA). Multiply this number by 100 to get a percent. If the number is 20 or less, check yes and skip question 4d. If the number is greater than 20, check no and move on to question 4d.

4d. If you answered no to 4c above, describe the best management practices (BMPs) used to manage, treat, and control erosion from stormwater from the portion of impervious surface that exceeds 20% (attach support information as needed):

For projects that result in total impervious surface within the PSA that exceeds 20%, Shoreland Permitting requires that BMPs are implemented. It is the responsibility of the applicant to include Best Management Practices as part of their project plan in their permit application. Some examples of best management practices to address impervious surface are:

- Removal of existing impervious surface (compaction must be addressed)
- Conversion of lawn or other impervious surface into a vegetated area
- Installation of dripline trenches around impervious surfaces
- Installation of a rain garden

An applicant is not limited to the BMPs listed here or on [page 11](#) of the Handbook, and may propose additional measures. Shoreland Permitting will review measures to determine if they are appropriate. Regional permitting staff can assist applicants with appropriate BMP sizing. Any proposed BMPs shall be included in the project description and depicted in supporting application materials such as plans and/or drawings.

5a. What is the surface area of new cleared area associated with this project (square feet): New cleared area is the square footage of vegetation removal or natural ground cover disturbance that is proposed in your project. If you propose to disturb natural ground cover (not lawn), shrubs, or trees to complete your project, you must identify the square footage of new cleared area you will create. If your project does not involve the creation of new cleared area, and only involves the creation of new impervious surface within an existing cleared area, enter a "0" in this section.

5b. What is the total resulting cleared area after completion of the project (square feet) and prior to the implementation of best management practices? Add your answer from 5a. (proposed cleared area) to your answer from Section A. Question 13 (existing cleared area).

5c. Is the total in 5b. 40% or less of the parcel area within the PSA?

If you answered "0" for question 5a. (proposed new cleared area) check the box that says "N/A" and skip question 5d. Otherwise, divide your answer from 5b (total resulting cleared area) by your answer from Section A. Question 11 (total parcel size). Multiply this number by 100 to get a percentage. Enter the percentage on the line and answer "yes" if the number is 40 or less, and answer "no" if the number is greater than 40. If you answered "yes," skip question 5d.

5d. If you answered no to 5b above, describe the best management practices (BMPs) used to provide erosion control, bank stability, and wildlife habitat functionally equivalent to clearing less than 40% of the parcel area within the PSA after completion of the project (attach support information as needed): For projects that result in total cleared area within the PSA that exceed 40%, Shoreland Permitting requires that BMPs are implemented. It is the responsibility of the applicant to include Best Management Practices as part of their project plan in their permit application. Examples of best management practices to address cleared areas are:

- Replacement plantings in the lakeside zone
- Establishment of no-mow zones
- Establishment of vegetated buffer at the shoreline.

An applicant is not limited to the BMPs listed here or on [page 12](#) of the Handbook, and may propose additional measures. Shoreland Permitting will review measures to determine if they are appropriate. Any proposed BMPs shall be included in the project description and depicted in supporting application materials such as plans and/or drawings.

E. Landowner Certification

The landowner, or legal representative, must sign the Landowner Certification. If the applicant leases the land, and thus is not the landowner, the applicant must sign in addition to the landowner.

F. Application Preparer Certification

If a contractor, consultant, relative, or other individual has prepared the application on behalf of the landowner/applicant, and their information has been provided in Section C, the application preparer is required to sign the application under Section F.

G. Abutter Notification

As of January 1, 2018, the State of Vermont requires that applicants applying for a Shoreland Protection Permit provide notice to adjoining landowners ([10 V.S.A. § 7701 et seq](#))

As a part of submitting an administratively complete Shoreland Protection Individual Permit application, the applicant and/or their representative must provide notice to adjoining property owners at the same time the application is submitted. The applicant must certify on the application that notifying adjoining property owners has been completed prior to application submittal.

Use of the OFFICIAL NOTICE [letter](#) is required to be sent by U.S. Mail to notify an adjoining property owner.

Note: Permit application materials are not required to be sent with this notice.

H. Additional Required Documentation

All permit applications must be filled-out in their entirety to be accepted as administratively complete. Each application must include site plans, a detailed description of the proposed project that includes dimensions and distances from mean water level and photographs of the parcel.

I. Permit Application Fees

All Shoreland Permit Applications are subject to an Administrative Fee of \$125.00. Projects that involve new impervious surface area are subject to an additional Impervious Area Fee of \$0.50 per square foot of new impervious surface. New cleared area associated with a project where impervious surface will not be sited is not subject to an additional fee. Municipalities are exempt from all shoreland permit application fees.

Submitting Applications

All applications are processed at the Watershed Management Division office in Montpelier. Please submit all application materials in hard copy with applicable application fee to the address below. Application materials may alternatively be submitted electronically as a PDF using either a USB flash drive or a CD. An application will not begin the review process until the appropriate application fee is received.

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

For assistance, contact Shoreland Permitting:

ANR.WSMDShoreland@vermont.gov

<http://dec.vermont.gov/watershed/lakes-ponds/permit/shoreland>