

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. A copy of [The Vermont Shoreland Protection Act – A Handbook for Shoreland Development](#), which is available on the Shoreland Permit Program 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 the Shoreland Permit Program.*
- ❖ **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 required after an application is submitted and before the application can be accepted as complete. The Shoreland Permit Program's technical review of the application will occur concurrently with the required 30 day (consecutive days) public notice period. It may take the Shoreland Permit Program longer to process an application as the workload increases during the summer. Planning ahead to have your application submitted and completed in the fall/winter/spring could shorten the decision time for your application.*
- ❖ **HOW MUCH INFORMATION IS NEEDED?** *The extent and detail of the information required as part of a permit application will depend upon the specific nature of the project being proposed (i.e., new cleared areas, new impervious areas). In general, applications for small, non-commercial projects of the type usually undertaken by shoreland property owners do not require engineering design or preparation by professional consultants. However, professional assistance and/or assistance from the Shoreland Permit Program may be necessary in some cases. Additional information may be requested by the Shoreland Permit Program after an initial review of the application.*

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.
- 3. 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.
- 4. Name of lake/pond:** Provide the common name of the lake/pond adjacent to the parcel.

5. 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.

6. 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.

7. 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: (802) 828-1535 or www.anr.state.vt.us/dec/waterq/wetlands.htm. 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.

8. Is there a lake encroachment permit associated with this project? The VT DEC Lake Encroachment Program (29 V.S.A. Chapter 11, enacted 1969) regulates encroachments beyond the mean water level of all lakes and ponds in Vermont that are public waters. Any aspect of your project that extends outward over the shoreline or intersects with the mean water level, either in the lake/pond or out above the lake/pond likely requires a lake encroachment permit, including, but not limited to shoreline stabilization projects, retaining walls, and wall replacements. Please contact the appropriate Lake Encroachment and Shoreland Permit Program Regional Permit Analyst with any questions: www.watershedmanagement.vt.gov/permits/htm/pm_shoreland-regionalcontacts.htm.

9. What is the surface area 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, that is, 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.

10. What is the surface area 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. See the Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix F, Calculating Percent Impervious Surface.

11. What is the surface area 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. See the Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix E, Calculating Percent Clearing.

B. Applicant Contact Information

Provide email and phone number contact information, and additional mailing address if different from the information provided in Section A.

C. Application Preparer Information

Provide additional information in this section if the individual preparing the application is not the landowner or the applicant. 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.

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 also include 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.
 - ❖ Required: A location map depicting the parcel location, with sufficient detail to direct the Shoreland Permit Program to the parcel where the project is proposed.

- ❖ Optional: Photos can be very helpful to provide information on existing and proposed conditions. The Shoreland Permit Program may request photos or may request a site visit if deemed necessary to complete application review.
- 2. **How far is existing cleared area or impervious surface from Mean Water Level (feet), and how far will new cleared area or impervious surface be from MWL (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?** See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix A – Estimating Mean Water Level.
If the parcel was created after July 1, 2014, cleared area or impervious surface subject to a permit **MUST** be set back at least 100 feet from mean water level to qualify for permit coverage, unless the cleared area or impervious surface proposed is for shoreland stabilization measures designed to repair or prevent erosion or flood risks.
If the parcel was created prior to July 1, 2014, and the new cleared area or impervious surface subject to a permit cannot be set back at least 100 feet from mean water level, the applicant must identify the basis for siting new cleared area or impervious surface within 100 feet of mean water level. Justification for siting new cleared area or impervious surface within 100 feet is limited to (1) parcel size; (2) the site characteristic or site limitations of the parcel, including presence of highway or rights of way and soil type; or (3) application of municipal setback requirement in a municipal bylaw adopted on or before July 1, 2014.
- 4a. **What is the slope of the project site area (%)**: 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%?** See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix B – Determining Slope.
- 4c. **If you answered no to 4b 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 sited on slopes of 20% or greater, the applicant must describe/identify the measures that will be taken as part of their project design to satisfy 3c. Page 10 of The Vermont Shoreland Protection Act – A Handbook for Shoreland Development discusses site design concepts and best management practices (BMPs) that can be applied as part of a project to satisfy 3c when slopes are 20% or greater. An applicant is not limited to the BMPs listed in the Handbook, and may propose additional measures if determined through technical review by the Shoreland Permit Program to satisfy 3c. The measures proposed to satisfy 3c shall also be included in the project description and depicted in supporting application materials such as plans/drawings.
- 5a. **What is the surface area of new impervious surface associated with this project (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 (square feet) and is that 20% or less of the parcel area within the PSA?** See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix F – Calculating Percent Impervious Surface.
- 5c. **If you answered no to 5b 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 in excess of 20%, the applicant must describe the measures that will be taken as part of their project design to satisfy 4c. Page 11 of The Vermont Shoreland Protection Act – A Handbook for Shoreland Development discusses site design concepts and best management practices (BMPs) that can be applied as part of a project to satisfy 4c when total impervious surfaces upon project completion will exceed 20% of the PSA. An applicant is not limited to the BMPs listed in the Handbook, and may propose additional measures if determined through technical review by the Shoreland Permit Program to satisfy 4c. The measures proposed to satisfy 4c shall also be included in the project description and depicted in supporting application materials such as plans/drawings.
- 6a. **What is the surface area of new cleared area associated with this project (square feet)**: See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix E – Calculating Percent Clearing. 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, skip Sections 6a, 6b, 6c; and proceed to Section E.
- 6b. **What is the total resulting cleared area after completion of the project (square feet) and is that 40% or**

less of the parcel area within the PSA? Note: Total cleared area includes areas that have been or will be cleared for the creation of impervious surface. See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix E – Calculating Percent Clearing.

6c. If you answered no to 6b 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 areas within the PSA in excess of 40%, the applicant must describe the measures that will be taken as part of their project design to satisfy 5c. Pages 12-13 of The Vermont Shoreland Protection Act – A Handbook for Shoreland Development discusses site design concepts and best management practices (BMPs) that can be applied as part of a project to satisfy 5c when total cleared areas upon project completion will exceed 40% of the PSA. An applicant is not limited to those BMPs listed in the Handbook, and may propose additional measures if determined through technical review by the Shoreland Permit Program to satisfy 5c. The measures proposed to satisfy 5c shall also be included in the project description and depicted in supporting application materials such as plans/drawings and project description.

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. 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.

H. Submitting Applications

IMPORTANT: At the same time an application is filed with the Shoreland Permit Program, the landowner/applicant must provide a copy of the application to the municipal clerk for posting in the municipality in which the project is located.

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 email or a CD.

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

For assistance, contact the Shoreland Permit Program:

ANR.WSMDShoreland@state.vt.us

www.watershedmanagement.vt.gov/permits/htm/pm_shoreland.htm