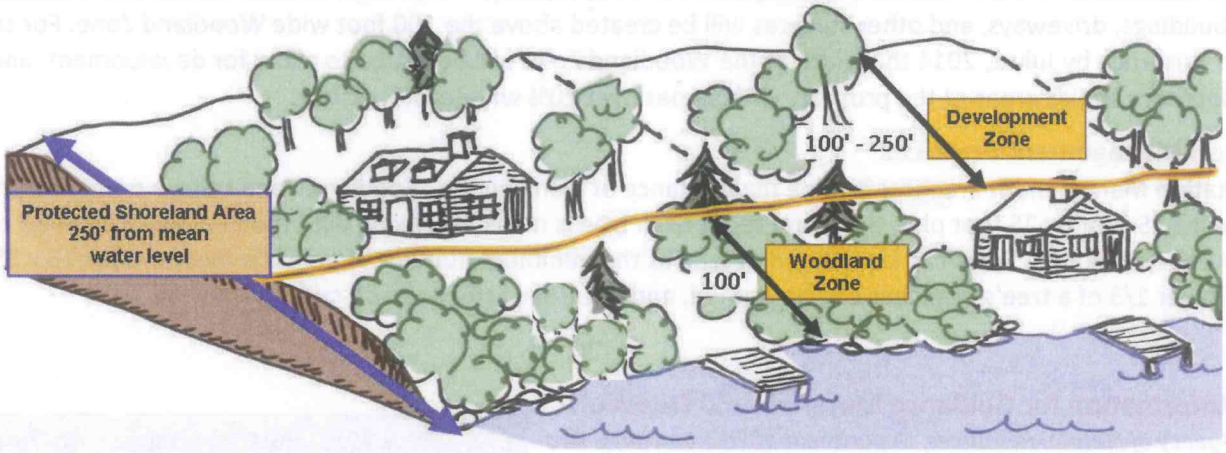
The Vermont Shoreland Protection Act

Intent

Effective July 1, 2014, the Vermont General Assembly has passed shoreland protection legislation that apply to activities within 250 feet of the mean water level of all lakes greater than 10 acres in size. The Shoreland Protection Act (Chapter 49A of Title 10 §1441 *et seq*) establishes a new state regulation for guiding shoreland development. The intent of the Act is to prevent degradation of water quality in lakes, preserve habitat and natural stability of shorelines, and maintain the economic benefits of lakes and their shorelands by defining standards for the creation of buildings, driveways, and cleared areas in shorelands. The Act seeks to balance good shoreland management and shoreland development.

The Shoreland Protection Act recognizes that many shoreland properties in Vermont are already developed or are small lots that cannot meet the new standards. Developed properties are "grandfathered" until the owner proposes redevelopment. In the case of small lots, staff of the Agency of Natural Resources will work with homeowners so that standards are met to the extent possible. The table below summarizes the standards in the Act.

What the Act Regulates	Why
Naturally vegetated areas within 100 feet of the mean water level must be maintained according to the Vegetation Protection Standards in the act.	• A wooded shoreland is essential for a healthy lake ecosystem. Most animal and plant life in a lake spend all or some of their life cycle in the shallow water, along a lake's shore. • A buffer of natural vegetation and duff absorbs and filters runoff from uphill land uses much more effectively than lawn. • Tree roots, trunks, and branches hold the bank together, protecting against erosion as well as shade the shallow waters.
The Act establishes a maximum of 20% impervious surface coverage unless best management practices are used to mitigate impact.	Hard surfaces (roofs, driveways, decks, etc.) result in increased runoff during rain storms. Increased runoff can result in erosion, and lessen absorption and filtration functions of the natural vegetation.
The Act establishes a maximum of 40% cleared area coverage unless best management practices are used to mitigate impact.	Clearing the shoreland of its natural vegetation increases stormwater runoff and reduces the lake's natural defense in protecting itself from pollution, eroding banks, and creating degraded habitat.
Building on slopes greater than 20% requires demonstrating the development will not compromise stability.	Steeper slopes are more prone to erosion and instability, and therefore a wider Woodland Zone, and/or other Best Management Practices may be required to help reduce these impacts.



New Development is located 100 feet from the water's edge in the Development Zone. In the Woodland Zone, a path and minimal clearing is allowed, as well as tree thinning in accordance with the Vegetation Management Practices.

Existing Development can be expanded using Best Management Practices. Best Management Practices, such as revegetating stretches of the Woodland Zone or infiltrating runoff, are techniques that help prevent or reduce degrading effects of increased impervious surface or cleared areas.

For a project occurring in the Protected Shoreland Area, with some exemptions, the Shoreland Protection Act requires all shoreland owners to either register or apply for a permit. Generally explained below are what activities will be exempt, can be registered, or will need a permit. Full information is available from the Shoreland Permit Program.

Permit Exemptions (*These projects do not need to be registered or permitted through the Shoreland Permit Program.*)

- Maintenance of existing buildings, gardens, and lawns, without enlarging them.
- Creation of a six foot wide footpath to access the lake through the Woodland Zone.
- Re-construction of existing impervious areas without increasing or changing the current footprint, such as rebuilding a house, deck or driveway in the exact same spot.
- Removal of 250 sq feet of vegetation under three feet in height, 25 feet from the mean water level, is allowed as long as the Vegetation Management Practices are met and the duff layer is not removed.
- Tree removal and pruning within 100 feet of the mean water level using to the Vegetation Management Practices.

Registrations (*Projects that require the landowner to submit a registration form.*) The limits described below are the total allowed for the lifetime of the property, regardless of ownership.

- Creation of less than or equal to 100 sq feet impervious surface, such as a gazebo or shed, located 25 feet back from mean water level.
- Less than or equal to 500 sq feet of new clearing or impervious surface at least 100 feet from the mean water level.

Permits (*Projects that require a landowner to fill out a permit application and obtain a permit before proceeding.*)

Re-development of existing developed shorelands

If a property does not already meet the new standards, re-development proposals will be reviewed to ensure:

- Any existing wooded areas within 100 feet of mean water level are maintained under the Vegetation Management Practices;
- New buildings, decks, or driveways are not closer to the mean water level than currently located;
- Total coverage of all buildings, decks, and/or driveways (impervious surface area) does not exceed 20% of property area or Best Management Practices (BMPs) are used to offset the effects of the new surfaces;
- Any proposed new clearing does not exceed 40% of the property area or BMPs are used to offset the impact of the new cleared areas;
- Development takes place on slopes of less than 20% unless it is demonstrated BMPs maintain slope stability and prevent erosion; and
- Standards are scaled down to fit a small lot that was already in existence as of July 1, 2014.

Development of undeveloped shorelands

Undeveloped properties, both existing small lots and lots that can meet all the standards, will be reviewed to ensure:

- The 100 foot wide Woodland Zone is maintained using the Vegetation Management Practices. For existing small lots, the width will be scaled to allow development on the property;
- New buildings, driveways, and other surfaces will be created above the 100 foot wide Woodland Zone. For small lots in existence by July 1, 2014 the width of the Woodland Zone will be scaled to allow for development; and
- Development avoids areas of the property with slopes over 20% whenever possible.

Vegetation Management Practices

The Vegetation Management Practices outline maintenance of plants in the Woodland Zone using a point and grid system. For each 25 foot by 25 foot plot, the diameter of each tree is measured along with the number of saplings to calculate the number of points. Trees can be thinned as long as the minimum number of points is met for each 25 x 25 foot plot. The lower 1/3 of a tree's branches can be pruned, and hazardous trees can be cut.

Contact Information for Guidance Materials and Questions

Vermont Agency of Natural Resources, Department of Environmental Conservation, Watershed Management Div., Lakes and Ponds Shoreland Permit Program, 1 National Life Dr., Main 2, Montpelier, VT 05620
Web Page: www.watershedmanagement.vt.gov/lakes.htm
Email: ANR.WSMDShoreland@state.vt.us
Phone: 802-490-6196

Guidance Materials Available - *now or soon*

- Frequently Asked Questions
- The Guide to the Vermont Shoreland Protection Act
  A Handbook for Shoreland Development
- List of Vermont Lakes Greater Than 10 Acres
- Permit Application Instructions and Worksheets