

Shoreland Protection Bill (H.526) **VT Agency of Natural Resources (2/26/14)**

H.526 was originally drafted by the House Fish, Wildlife and Water Resources Committee and passed the House in March 2013. The Senate Natural Resources and Energy Committee revised the bill and it passed the Senate in February 2104. H.526 is currently back in the House Fish, Wildlife and Water Resources Committee for them to consider the changes made by the Senate. The two bodies will now choose a process to resolve the differences between the two versions. The Agency supports the bill as it provides greatly needed protection of lake water quality, aquatic and wildlife habitat, shoreline stability, flood resiliency, property values and the tax base, and support of the state's vital tourism economy. The bill explicitly states that the intent is to provide protective measures while allowing for the "reasonable" development of the shorelands.

Why is this needed? Lake residents/lake associations spend a lot of time taking care of the lake, including promoting good shoreland management.

Collectively across Vermont too many lakes are not protected from shoreland development styles that are known to harm lakes. The removal of trees and shrubs right down to the lake's edge increases polluted runoff, degrades aquatic habitat and destabilizes banks, resulting in damage to the health and values of our lakes.



Local involvement is an essential aspect of good lake management. Lake associations together with towns carry out important education and outreach, and projects such as milfoil control and spread prevention and shoreland and watershed management. However, across the state, there are still too many lakes left unprotected from poor shoreland development patterns. Even with state shoreland protection rules, local education and projects will still be as important as they are now.

The intent of a lake shoreland regulation is to:

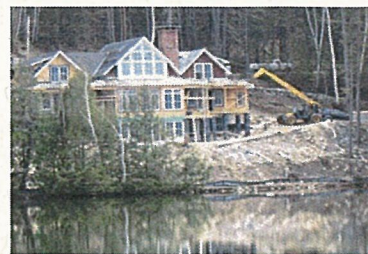
- *Protect water quality, aquatic and wildlife habitat, bank stability.*
- *Protect the uses and values of lakes such as recreation, angling, tourism and the property tax base.*
- *Avoid expensive lake restoration in the future.*
- *Respond responsibly to economic development along lakeshores*

Good shoreland management does not mean people can't live along the lake and enjoy it. The management guidelines in a shoreland protection regulatory program would allow "lake-friendly" new development and review redevelopment proposals to ensure lake protection is taken into account.



Some towns have setbacks and/or shoreland zoning, so more requirements aren't needed to protect the lake.

Unfortunately less than 20% of towns in Vermont have a shoreland ordinance that provides even minimal lake protection measures. (Note that a setback from the water's edge alone without natural vegetation protection is not effective lake protection.) The current lack of lake protection standards in municipal shoreland zoning in Vermont is leaving too many lakes unprotected. Both the House and Senate versions of the bill allow towns to continue to administer local shoreland protection by-laws that meet certain minimum standards.



This bill is flexible enough to meet a wide variety of shoreland conditions.

Vermont shorelands vary widely from lightly developed shores in rural areas to urban waterfronts. The Agency supports continuation of different use districts currently part of municipal zoning and in support of local planning objectives. The proposed new rules will allow for urban and village shoreland areas to continue as intensive use areas, as well as areas such as public beaches, marinas and access areas. The Agency intends to implement standards that reflect and respond to site-specific considerations, both natural and related to existing development. Municipal zoning ordinances may include provisions such as development density, lot sizes, setback for roads and property boundaries, commercial districts etc, which H.526 does not replace.

What activities would trigger the need for a permit?

Changes to land use within 250 feet from the mean water level of a lake and any new or redevelopment of a property would require a permit.

- *If the property is currently undeveloped, the natural vegetation in the Lakeside Zone would be managed in such a way so as to provide water quality and aquatic habitat protection, and bank stability.*
- *If a property is already developed, a redevelopment proposal would have to meet certain standards designed to not increase the impact on the lake.*
- *The rules could contain provisions for mitigation measures, for instance if a large addition is proposed, it could be allowed if mitigation measures such as runoff infiltration or increase of shoreline vegetation were incorporated.*



Why doesn't lawn count as a vegetated shoreline?

Lawns allow runoff from driveways and other developed lands to reach the lake with little infiltration or treatment. Lawns themselves also add phosphorus to runoff, even if they are not fertilized. In addition, grass provides poor shoreline stability and places with "lawn to lake" often experience shoreline erosion. Finally, lawns provide none of the critical benefits to the shallow water and wildlife habitat that trees along the shoreland do.



Wouldn't state resources be better spent educating landowners?

As valuable as educating and informing the public is, relying completely on voluntary actions to protect Vermont's lakes has been inadequate and would continue to be detrimental to the lakes. Both education and outreach and regulation are needed to truly protect Vermont lakes.

Vegetation management standards will allow thinning and pruning of trees in the near-shore area.

H.526 will adopt vegetation management standards that allow appropriate tree thinning and pruning so that views of the lake can be opened up through the vegetation. Paths to the water's edge, a small clearing on the shore, and construction of small accessory buildings will be allowed in the shoreland area.

Landowners will not have to change how they are managing the shore.

Existing camps, lawns etc in the shoreland area will be "grandfathered" until a change in size and/or location is proposed. For instance, if an owner wanted to add an addition to a camp so it could become a year-round home, the rules would allow a certain amount of expansion and may be able to offer "trade-offs" such as a larger expansion in exchange for adding runoff infiltration areas (e.g. rain gardens, and/or some planting or a no-mow area along the shore).



Frequently Asked Questions

I have a lawn between my camp and the lake, will I have to stop mowing it, or will I have to plant trees?

No. Existing land uses such as lawns present when the bill is passed by the legislature will be allowed to continue. If a redevelopment or expansion is proposed, mitigating measures such as runoff infiltration or replanting along some of the shore could be used as part of the design to add in some lake protection measures to the proposal.



My lot is only 100 feet deep, will I be able to rebuild or repair my camp if needed?

Yes, rebuilding a structure on the same footprint would be allowed. Generally a rule would require that the building not be built closer to the lake than it was before.

My lot is only 100 feet deep, the “buffer” would cover the entire lot.

Existing small lots would be “grandfathered” and the standards would likely require that the rules be met to the extent possible if development or re-development is proposed. So for instance, the camp may be located 50 feet back from the shoreline, instead of 100 feet, in the case of an existing small lot.

I have a garden along the shore, will I have to remove it?

No. Existing land uses such as gardens and other landscaping present when the bill is passed by the legislature will be allowed to continue.



There is an old/dying tree on my shore, can I cut it down?

Currently both versions of the Shoreland Bill allow the removal of dead or dying trees that pose a threat to safety or structures.

Is it true I won't be able to cut any trees in the Lakeside Zone?

No. the Senate version of H.526 includes vegetation management standards that allow thinning and pruning to open up views of the lake, allow paths, and a small clearing on the shore. The purpose of the natural vegetation is to protect water quality, habitat, and recreational values. However, this can be accomplished and still allow access to, views and use of the lake.

I was planning on retiring to my camp/lakeside home, will I still be able to do this?

Yes. The rules will not address how the building is used, just the size and location of it. If you renovate or rebuild on the same footprint you may not need a permit. If you want to expand it, you will likely be required to not “increase the degree of non-conformance,” that is, not build any closer to the lake. A series of mitigating measures will be allowed as part of the review of proposals for small lots or lots with site considerations.

Is it true we will not be able to install a new dock?

No, the bill does not change the way docks are currently regulated under the Shoreland Encroachment Program. Under that program, individual landowner can install a dock less than 500 square feet in size, as long as its not made out of concrete, masonry, earth or rock fill, sheet piling, bulkheading, cribwork or similar construction, and H.526 does not change that.



