

**Shoreland Protection Individual Permit
Under 10 V.S.A. § 1441 et seq.**



Permittee Information	
Permittee(s): Jeremy and Lori Grenier Waterbody: Joes Pond Permit Number: 3146-SP	Parcel SPAN: 174-055-10026 Parcel Address: 20 Cove Road, Danville Coordinates: 44.416060, -72.221774
a. Specific Conditions	
<p>Based upon the findings contained in this permit, the Secretary has determined that the proposed project will comply with 10 V.S.A. § 1441 et seq. and is hereby approved under the following conditions.</p> <ol style="list-style-type: none"> 1. The project shall be completed in accordance with the Approved Application, the additional permit terms and conditions contained herein, and such amendments as may be approved by the Secretary. 2. All cleared area and impervious surface associated with this project shall not be expanded towards the mean water level. 3. All cleared area and impervious surface associated with this project shall be located on a site with a slope of less than 20%. 4. All impervious surfaces associated with this project shall not exceed 1,780 square feet. The permittee shall use best management practices in accordance with the plan proposed in the permit application. Best management practices shall consist of the permittee installing a crushed stone dripline trench, measuring 30 inches wide by 6 inches deep, along 94 linear feet of the new garage and breezeway link perimeter. A 4-foot wide vegetated swale, seeded with Vermont Conservation mix and set at a 5% grade, shall be installed to the east of the new garage. Best management practices shall be installed upon completion of the authorized project and be maintained to function as designed thereafter. The permittee shall amend this permit if best management practices fail or are inadequate at managing, treating, and controlling erosion due to stormwater runoff. No alteration to best management practices shall occur without additional authorization. 5. All cleared area associated with this project shall not exceed 3 square feet. The permittee shall use best management practices in accordance with the plan proposed in the permit application. Best management practices shall consist of the permittee establishing 360 square feet of vegetative cover located east of the new garage. Establishing vegetative cover shall consist of converting a cleared area footprint to one that shall consist of trees, shrubs, groundcover, and duff. Best management practices shall be established upon completion of the authorized project and demarcated as necessary to ensure compliance with this condition. No alteration to best management practices shall occur without additional authorization. Cleared areas are those areas not managed in accordance with the Vegetation Protection Standards in 10 V.S.A. § 1447. 	
b. Standard Conditions	
<ol style="list-style-type: none"> 1. <u>Co-permittee status.</u> Any individual or entity other than the permittee that is engaging in the permitted jurisdictional activity shall notify the Secretary to obtain co-permittee status prior to any such work. Notification of the addition or termination of co-permittee status shall occur using a form provided by the Secretary. A co-permittee shall be subject to all terms and conditions in this permit. 2. <u>Requirement to record in the land records.</u> The conditions of this permit shall run with the land and shall be binding upon and enforceable against the permittee and all assigns and successors in interest. The permittee shall record and index this permit in the associated municipal land records within 30 days of issuance of this permit and prior to the conveyance of any parcel subject to this permit. The permittee, or any other interested party, may request a copy of the approved application plans and support documents from Shoreland Permitting. 	

Shoreland Protection Individual Permit
Under 10 V.S.A. § 1441 et seq.



3. Erosion control and bank stability management. Best management practices shall be used to provide erosion control and bank stability of the project area during construction. Best management practices means approved activities, maintenance procedures, or other practices to prevent or reduce the effects from soil disturbance, construction access, or the creation of impervious surface or cleared area on water quality and natural resources.
4. Establishment of vegetative cover. Additional authorization shall be required to remove vegetative cover that establishes in any area previously considered to be cleared area, regardless whether such area is identified as cleared area in the Approved Application.
5. Demarcation of project areas. All authorized impervious surfaces and/or cleared areas shall be visibly demarcated prior to the commencement of the project.
6. Project modifications. Creation of additional nonexempt impervious surface or cleared area other than that contained in the Approved Application requires authorization from the Secretary. Project modifications shall be reviewed in accordance with 10 V.S.A. Chapter 170 and any rules adopted thereunder.
7. Compliance with other regulations. This permit does not relieve the permittee from obtaining all other approvals and permits prior to construction or the responsibility to comply with any other applicable federal, state, and local laws or regulations.
8. Transfer of parcel. Each purchaser of the parcel associated with this permit shall be provided a copy of this permit and related support materials prior to conveyance of any portion of the parcel to that purchaser.
9. Access to property. By acceptance of this permit, the permittee agrees to allow representatives of the state of Vermont access to the property covered by the permit, at reasonable times and upon presentation of credentials, for the purpose of ascertaining compliance with Vermont's statutes, regulations, and this permit.
10. Legal responsibilities for damages. The Secretary, by issuing this individual permit, accepts no legal responsibility for any damage direct or indirect of whatever nature and by whoever suffered arising out of the approved activity.
11. Rights and Privileges. This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
12. Duty to comply and enforcement. The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance shall constitute a violation of 10 V.S.A. Chapter 49A and may be cause for an enforcement action and revocation, modification, or suspension of the permit. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit.
13. Reopener. If, after granting this permit, the Secretary determines, at his or her discretion, that there is evidence indicating that an authorized activity does not comply with the requirements of 10 V.S.A. Chapter 49A, the Secretary may reopen and modify this permit to include different limitations and requirements. A reduction in the size of the parcel by dividing the land by sale, gift, lease, mortgage foreclosure, court-ordered partition or decree, or by filing of a plot, plan, or deed in the records of the municipality in which the act of division occurred, may require the reopener and modification of this permit to ensure compliance with the requirements of 10 V.S.A. Chapter 49A.
14. Municipal Delegation. If the Secretary delegates shoreland permitting authority to the municipality in which the permitted activity is located, this permit shall remain in effect and continue to be enforceable by the Secretary until such time that the municipality issues a new permit for the creation of cleared area or

**Shoreland Protection Individual Permit
Under 10 V.S.A. § 1441 et seq.**



impervious surface for the same parcel. If the permittee has yet to commence construction of the project authorized by this permit, then, pursuant to 3. V.S.A. § 814, the permittee may request that the Secretary revoke the permit, and if it the Secretary revokes the permit, the permittee may proceed with his or her project under the requirements of the delegated municipality's bylaw/ordinance and any other applicable federal, state, and local laws and regulations.

- 15. Appeals.** Pursuant to 10 V.S.A. Chapter 220 and the Vermont Rules for Environmental Court Proceedings, any appeal of this decision must be filed with the clerk of the Environmental Division of the Superior Court within 30 days of the date of the decision. An aggrieved person shall not appeal this permit unless the person submitted to the Secretary a written comment during the applicable public comment period or an oral comment at the public meeting conducted by the Secretary. Absent a determination of the Environmental judge to the contrary, an aggrieved person may only appeal issues related to the person's comments to the Secretary as prescribed by 10 V.S.A. § 8504(d)(2). The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Division; and must be signed by the appellant or the appellant's attorney. The appeal must give the address or location and description of the property, project, or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings available at www.vermontjudiciary.org. The address for the Environmental Division is: 32 Cherry Street; 2nd Floor, Suite 303; Burlington, VT 05401 Telephone #: 802-951-1740.

c. Findings

- 1.** The Secretary received an application from Jeremy and Lori Grenier for a Shoreland Permit under 10 V.S.A. § 1445, Nonconforming Parcels on July 6, 2020. Upon receipt of the application, the Secretary proceeded in accordance with the permit process as identified under 10 V.S.A. Chapter 170 and it was reviewed in accordance with the Department of Environmental Conservation's Permit Application Review Guidance, adopted March 14, 2019.
- 2.** Within the protected shoreland area, and as described in Permit Application #3146-SP, the project creates 1,780 square feet of new impervious surface and 3 square feet of new cleared area beginning 85 feet from mean water level. A garage and breezeway link will be constructed on the non-lake side of an existing house, which begins 55 feet from mean water level. In accordance with 10 V.S.A. § 1441, a permit is required for the creation of cleared area or impervious surface.
- 3.** The subject parcel has a surface area of 18,231 square feet, 3,240 square feet of existing impervious surface, and 11,891 square feet of existing cleared area located within the protected shoreland area.
- 4.** 10 V.S.A. § 1445(b)(2): The expansion of the habitable structure within 100 feet of the mean water level will be on the side of the structure farthest from the lake.
- 5.** V.S.A. § 1445(b)(3)(A): The project area is located on a slope of 8%, a less than 20% slope.
- 6.** 10 V.S.A. § 1445(b)(4)(B): The project and existing impervious surface consists of no more than 5,020 square feet, 27.5% of the parcel within the protected shoreland area, resulting in more than 20%. The permittee has demonstrated that best management practices will be used by installing a crushed stone dripline trench, measuring 30 inches wide by 6 inches deep, along 94 linear feet of the new garage and breezeway link perimeter. A 4-foot wide vegetated swale, seeded with Vermont Conservation mix and set at a 5% grade, will be installed to the east of the new garage.

**Shoreland Protection Individual Permit
Under 10 V.S.A. § 1441 *et seq.***



7. 10 V.S.A. § 1445(b)(5)(B): The project and existing cleared area consists of no more than 11,894 square feet, 65.2% of the parcel within the protected shoreland area, resulting in more than 40%. The permittee has demonstrated that best management practices will be used by establishing 360 square feet of vegetative cover consisting of a no mow zone located to the east of the new garage as indicated on the site plan. Total resulting cleared area after completion of the project and implementation of best management practices will be 11,534 square feet, 63.3% of the parcel within the protected shoreland area.

d. Authorization

By delegation from the Secretary, the Vermont Department of Environmental Conservation has made a determination that the project above qualifies for individual shoreland permit coverage if conducted in accordance with the Shoreland Protection Act, 10 V.S.A. § 1441 *et seq.*, and is subject to the conditions herein specified.

This permit shall be effective on the date of signing.

Peter Walke, Commissioner
Department of Environmental Conservation

By: _____
Misha Cetner, Environmental Analyst
Lakes and Ponds Management and Protection Program
Watershed Management Division