

Proctor Beaver Pond Committee
Special Meeting
August 20, 2019

10:30 a.m.

Attending: Ray Beyette, Jim Moore, Greg Gallus, Tom Hogan, Judy Frazier, John Corliss, Stan Wilbur, Carol Grace, Joan Cudahy, Dona Blight and Laura Dlugolecki.

Ray Beyette opened the meeting at 10:30 a.m.

The agenda was accepted.

Laura Dlugolecki, ANR Regional Permit Analyst, was present to explain the shoreland protection rules, describe how the work the committee had done along Beaver Pond Road did not comply with the rule and to talk about how to handle future project at the Pond.

Laura Dlugolecki's, Beaver Pond Site Visit follow-up e-mail is attached to and made a part of these minutes.

The meeting was adjourned at 11:30 a.m.

Stan Wilbur

From: Dlugolecki, Laura <Laura.Dlugolecki@vermont.gov>
Sent: Tuesday, August 20, 2019 4:06 PM
To: Stan Wilbur
Cc: Ray Beyette; Bruce Baccei; thomasmhogan@myfairpoint.net; CAROL GRACE
Subject: Beaver Pond Site Visit

Hello All,

Thanks for meeting with me today to talk about the regulations regarding vegetation management in the Protected Shoreland Area.

I want to summarize what we talked about. Please feel free to share this email with others.

Under the Shoreland Protection Act, the creation of new cleared area and the creation of new impervious surface in the Protected Shoreland Area are jurisdictional activities. The Protected Shoreland Area extends from the shoreline back 250 feet. However, if a publicly-maintained road bisects the landscape, then only the land area on the lake-side of the road is jurisdictional to the Shoreland Protection Act. At Beaver Pond, the land between the road and the pond is subject to the Shoreland Protection Act regulations.

The initial vegetation removal that was completed was in violation of the Shoreland Protection Act standards. I appreciate you meeting with me so that we could talk more about the rules and so that moving forward the town can be in compliance with the Shoreland Protection Act.

Under the Shoreland Protection Act, vegetation is considered to be trees, shrubs, natural groundcovers, and the duff layer. Grass lawn, landscaped areas, and garden areas are not considered to be vegetation. Vegetation is protected to provide slope stability, erosion control, protect water quality, shade for fish and wildlife habitat, shade to slow the growth of aquatic nuisance species, and habitat and food sources for fish and wildlife.

If there are plans to expand the cleared area in the public recreation area (Town Access) you may apply for a Shoreland Permit to do so. Public Recreation areas are viewed differently than other parts of the lake, as we encourage concentrated access on a parcel, as opposed to access everywhere.

Along the other areas of the lake, areas that were maintained as cleared areas since before the Shoreland Protection Act was passed (July 2014) and have continued to be maintained as cleared areas, may be continued to be maintained. These are the existing grass lawn areas. Areas that are naturally vegetated are protected. The only vegetation management that may occur in these naturally vegetated areas are the following vegetation management exemptions, as identified in the Shoreland Protection Act:

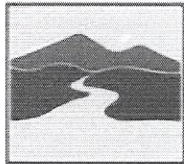
- 10 V.S.A. § 1446 (b)(8) Transportation infrastructure and private roads. The maintenance, emergency repair, repair, and replacement of:
(A) Transportation infrastructure by the Vermont Agency of Transportation or by a municipality.

This exemption gets to the road right-of-way question—the entire road right-of-way should not be cleared, rather the right-of-way can be maintained as part of routine road maintenance. This would include mowing or trimming branches that extend out over the road to allow for safe travel. This also allows clearing to access culverts or other road maintenance and repairs. It does not allow the clearing of the entire road right-of-way.

- The removal of dead, diseased, or unsafe trees is allowed.

- The removal of noxious and nuisance plant species designated by the Secretary of Natural Resources is allowed.
- 10 V.S.A. § 1447 Thinning of vegetation in accordance with the Vegetation Protection Standards (VPS) (the point and grid system)
Under the VPS, all vegetation that is 3 feet tall and lower must remain. Additionally, the bottom third of trees may be pruned.

Thank you,
Laura



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

Laura Dlugolecki, Regional Permit Analyst
Lake & Shoreland Permitting
1 National Life Drive, Main 2
Montpelier, VT 05620-3522
802-490-6133/ laura.dlugolecki@vermont.gov
<http://dec.vermont.gov/watershed>

From: Stan Wilbur <proctor_manager@comcast.net>
Sent: Tuesday, July 30, 2019 9:15 AM
To: Dlugolecki, Laura <Laura.Dlugolecki@vermont.gov>
Cc: Ray Beyette <evalach@comcast.net>; Bruce Baccei <bbaccei@myfairpoint.net>
Subject: RE: Beavr Pond NOVA

Laura

Confirmed with Ray and Bruce. We are a go.

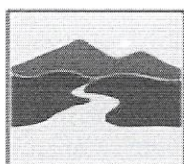
Stan

From: Dlugolecki, Laura <Laura.Dlugolecki@vermont.gov>
Sent: Tuesday, July 30, 2019 8:25 AM
To: Stan Wilbur <proctor_manager@comcast.net>
Subject: RE: Beavr Pond NOVA

Hi Stan,

Would 10:30 am work for you all?

Laura



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

Laura Dlugolecki, Regional Permit Analyst
Lake & Shoreland Permitting
1 National Life Drive, Main 2