



# Town of Thetford Vermont

3910 Vermont Route 113 • P.O. Box 126 • Thetford Center, VT 05075  
802-785-2922 • [thetfordvermont.us](http://thetfordvermont.us)

## Selectboard Regular Meeting \*Draft\* Agenda

### Thetford Town Offices

(w/Virtual Attendance Option)

Monday, June 20<sup>th</sup>, 2022 7:00 PM

To connect to Zoom via computer: <https://us02web.zoom.us/j/89080661986>

To connect via phone only: +1 (646) 558 8656 | Meeting ID: 890 8066 1986

7:00 PM – Call to Order

1. Agenda Review
2. Town Manager Report – Bryan Gazda
  1. Treasure Island Donation
  2. Route 132 Update
  3. Other
3. Public Comment
4. Presentation and discussion of Treasure Island Proposed Trails
5. Announcement of Street Naming Hearing
6. Discussion of Revised Draft Delinquent Tax Policy
7. Discussion of Revised Facilities Use Policy
8. Discussion of Community Visioning
9. Warrants and Minutes
10. Adjourn



# **The Vermont Shoreland Protection Act**

*A Handbook for Shoreland Development*

**Version 1.2, April 2015**

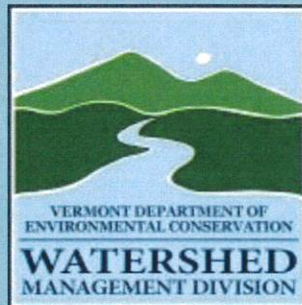
# Acknowledgements

Vermont's Shoreland Protection Act ([Vermont law, Chapter 49A of Title 10, §1441 et seq.](#)) was modeled, in part, after Maine's shoreland rules, and this publication follows Maine's lead in providing a homeowner's guide to understanding their state's shoreland regulations. Many of the graphics used in this handbook are from the Maine Department of Environmental Protection's publication, *Maine Shoreland Zoning – A Handbook For Shoreland Owners*.

Thanks also to those within Vermont who provided their time and energy through testimony, concern, and suggestions to help shape the Vermont Shoreland Protection Act.

The Agency appreciates the assistance during the development of this document provided by:

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Ginny Garrison, Federation of Vermont Lakes and Ponds  
Kim Greenwood, Vermont Natural Resource Council  
Sarah Hadd, Town of Colchester Planning and Zoning Office  
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Chip Paison, Lake Dunmore/Fern Lake Association  
Jackie Sprague, Federation of Vermont Lakes and Ponds



Vermont Agency of Natural Resources  
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<http://dec.vermont.gov/watershed/lakes-ponds>

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*Front cover photo - Boulder Beach State Park, Lake Groton*

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### The Purpose of this Handbook

This handbook informs shoreland property owners, municipal officials, landscapers, contractors and others about the Shoreland Protection Act, what activities are exempt, what activities require a permit and how to obtain a permit.

# Introduction

## Intent of the Shoreland Protection Act

The Vermont Legislature passed the Shoreland Protection Act, effective July 1, 2014, that regulates activities within 250 feet of the mean water level of lakes greater than 10 acres in size. The intent of the Shoreland Protection Act is to allow reasonable development along the shorelands of lakes and ponds while protecting aquatic habitat, water quality, and maintaining the natural stability of shorelines.



## Administration of the Act

The Vermont Agency of Natural Resources administers the Shoreland Protection Act through the Department of Environmental Conservation's Shoreland Permitting. Shoreland Permitting reviews applications for shoreland permits and ensures that new development or redevelopment within Protected Shoreland Areas is conducted according to the standards set forth in the Shoreland Protection Act.

### Shoreland Permitting Regional Contacts

County	Contact
Addison	<b>REGION 1</b> Laura Dlugolecki Laura.Dlugolecki@vermont.gov 802-490-6133
Bennington	
Rutland	
Windham	
Windsor	
Chittenden	<b>REGION 2</b> Laura Woods Laura.Woods@vermont.gov 802-490-6100
Franklin	
Grand Isle	
Caledonia	<b>REGION 3</b> Lindsay Miller Lindsay.Miller@vermont.gov 802-490-6200
Essex	
Lamoille	
Orange	
Orleans	
Washington	



# Part One

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## Using this Handbook

This handbook explains the Shoreland Protection Act to residential shoreland owners and others. Terms with specific meanings under the Shoreland Protection Act are highlighted in red and defined in an inset box the first time they are used in the handbook. A complete glossary of defined terms is found on page 13.

### ***What activities are covered by the Shoreland Protection Act?***

Creation of **cleared area** or **impervious surface** within 250 feet of the **mean water level** on lakes greater than 10 acres in size.

### ***What activities do not require a Shoreland permit?***

The following activities are **exempt** and do not require a permit.

- Maintaining existing (as of July 1, 2014) buildings, driveways, gardens, and lawns, without enlarging them;
- Reconstruction of existing impervious areas without increasing or changing the current footprint, such as rebuilding a house, deck or driveway in the exact same footprint;
- Changing one kind of impervious surface for another, such as building a house addition in an area previously occupied by a deck;
- Removal of 250 square feet of vegetation under three feet in height, at least 25 feet from the mean water level, is allowed as long as the Vegetation Protection Standards are met and the **duff layer** is not removed (see page 6);
- Tree removal and pruning in accordance with the Vegetation Protection Standards (see page 6);
- Removal of dead, diseased or dangerous trees, and invasive species, nuisance plants and noxious weeds;
- Creation of a path to access the lake no more than six feet wide (see page 6) ; and
- Replacement, maintenance, repair or installation of septic systems and potable water systems.

See page 19 for more Exemptions.

### ***What about land within 250 feet of the water, but across a road from the lake?***

Land located on the non-lake side of a municipal or state road, but within 250 feet of mean water level, does not have to conform to the Shoreland Protection Act. Land on the non-lake side of a private road, however, does have to comply with the Shoreland Protection Act.

### ***What about non-residential uses within the Shoreland?***

Some residential or non-residential land uses regulated pursuant to other state rules may not need a Shoreland permit. See page 19 for further detail.

**Cleared areas:** Areas where vegetative cover has been permanently removed or altered. Vegetative cover includes tree canopy, understory, groundcover and the duff layer.

**Impervious surface:** Those manmade surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

**Mean water level:** the mean water level of a lake as defined in the Rules for Determining Mean Water Level. Some lakes have a specific elevation that has been established through rule or a permit.

**Duff layer:** Leaf litter plus small fragments of plants and organic debris.



### ***What activities require approval from Shoreland Permitting?***

Certain projects can be approved through a simplified permitting process called **Registration**:

- Creation of up to 100 square feet of cleared area or impervious surface (such as a storage shed or gazebo) between 25 and 100 feet of mean water level; and
- Creation of up to 500 square feet of cleared area or impervious surface more than 100 feet from mean water level, provided the overall percent impervious cover of the parcel is 20% or less, the total cleared area is 40% or less and the slope is less than 20%.

Landowners proposing to carry out a project eligible for Registration should submit a Registration form to Shoreland Permitting. Shoreland Permitting has 15 days in which to review the application. If the landowner does not hear from Shoreland Permitting in 15 days, the landowner may proceed with the project. See page 17 for more detail on Registrations.

### ***What projects require a Shoreland Permit?***

Any new cleared areas or impervious surfaces that are not exempt or do not qualify under Registration require a permit.

*Redevelopment*: many shoreland projects requiring a permit will take place on an already cleared or developed parcel. Permit requirements will vary depending on the pre-existing conditions (i.e., those present as of July 1, 2014), the size of the parcel, and any site characteristics that affect where building can occur. Examples of these projects include but are not limited to:

- Expanding an existing building;
- Expanding a driveway or building a new garage;
- Building a new accessory building;
- Clearing more vegetation, expanding lawns or gardens into wooded areas; and
- Tearing down a building and replacing it on a different footprint.

*New development*: some shoreland projects will involve new cleared areas or impervious surfaces on an as yet undeveloped parcel. Such a parcel may be wooded, or already partially or totally cleared. Permit requirements will vary depending on the pre-existing conditions (i.e., those present as of July 1, 2014), the size of the parcel, and any site characteristics that affect where building can occur. New development will often include:

- Clearing of existing natural vegetation; and
- Creation of new impervious surfaces such as a house, accessory structure or driveway.

*New cleared area or impervious surface on a parcel that was created before July 1, 2014*: A principal purpose of the Shoreland Protection Act is to accommodate creation of cleared areas and impervious surfaces in a manner that allows for reasonable development. Some existing parcels may be too small to accommodate full compliance with the standards or include site limitations such as cliffs or wetlands; in these cases Shoreland Permitting will work with the landowner to determine how to meet the standards to the greatest extent possible.

*New development on a parcel created after July 1, 2014*: Parcels created after the effective date of the Act must meet the standards. Landowners are urged to ensure new subdivisions of land create parcels large enough to ensure the standards of the Act can be met.





# Part Two

## Vegetation Protection Standards

Areas of **vegetative cover** within the Protected Shoreland Area must be managed according to the Vegetation Protection Standards.

**Vegetative cover:** Mixed vegetation within the Protected Shoreland Area, consisting of trees, shrubs, groundcover and duff. Does not mean grass lawns, noxious weeds or nuisance plants.

**Exempt or allowed** activities within vegetated cover areas include:

- Tree thinning in accordance with the Vegetation Protection Standards (see below);
- Pruning of branches from the lower one-third of a tree's height;
- Removal of 250 square feet of vegetation under three feet in height, at least 25 feet from mean water level, as long as the duff layer is not removed;
- Removal of dead, diseased or dangerous trees;
- Removal of invasive species, nuisance plants and noxious weeds, such as purple loosestrife, buck-thorn or poison ivy;
- Creation of a path to access the lake no more than six feet wide; and
- Maintenance of garden or landscaped area, lawns, and beaches in existence as of July 1, 2014.

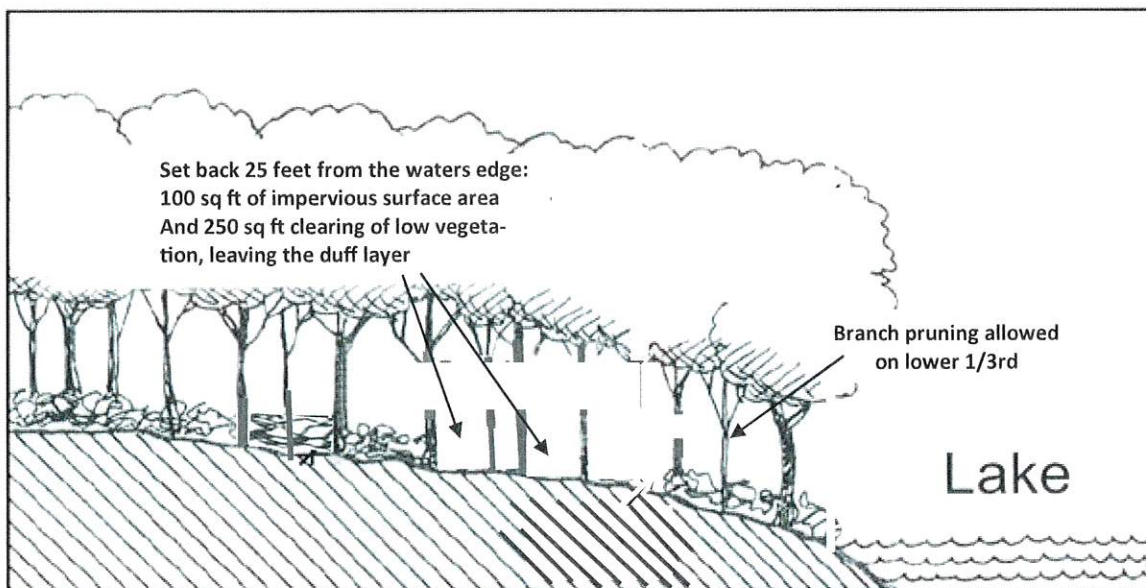
Vegetation clearing activities that can be **registered** include:

- Creation of 100 square feet of new cleared area between 25 and 100 feet of the mean water level.
- Creation of 500 square feet of new cleared area more than 100 feet from mean water level on a parcel, provided the overall percent impervious cover of the parcel is 20% or less and the total cleared area is 40% or less.

All other clearing requires a permit.

### Vegetation Protection Standards

Vegetative cover within 100 feet of the mean water level must be managed according to the Vegetation Protective Standards. An existing (as of July 1, 2014) developed or cleared parcel must maintain any areas of vegetative cover remaining on the parcel.



Allowable Practices According to the Vegetation Protection Standards



## Applying the Vegetation Protection Standards

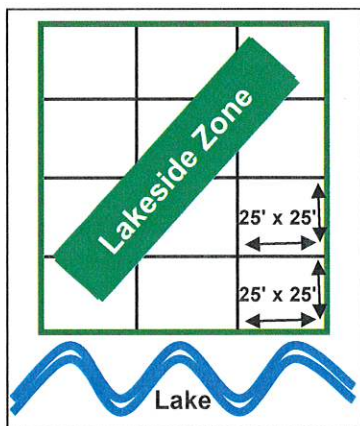
Prior to thinning, Vegetation Protection Standards are applied to a 25 foot by 25 foot section of the Lakeside Zone. Establish a 25 foot by 25 foot plot, starting at the water's edge from the corner of the property that is on your left as you face the lake. As other plots are measured, they will be adjoining but not overlapping one another.

Points are assigned to individual trees, based on the tree diameter at 4 ½ feet, referred to as diameter at breast height (DBH). Within the Lakeside Zone, a 25 foot by 25 foot plot must contain:

- A minimum number of 12 “points” worth of trees before additional tree thinning is allowable;
- At least five saplings (trees less than 2” DBH and greater than 3’ in height) before additional sapling thinning is allowable
- The duff and groundcover.

The point and grid system allows the landowner or Shoreland Permitting to determine at any point in time if and how much tree thinning can occur. For more details, see Appendix D.

### Step 1. Establish 25' x 25' Plots in the Lakeside Zone



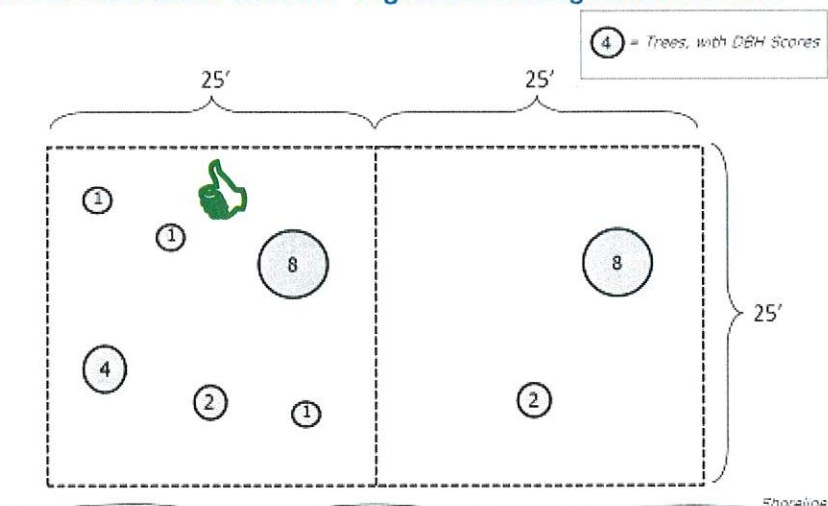
### Step 2. Measure the trees in the plot and figure the points each is worth based on the table below.

*e.g., 1 point for a DBH of 2 inches to less than 4 inches*

Diameter (DBH)	Points
2" - < 4"	1
4" - < 8"	2
8" - < 12"	4
≥ 12"	8

### Step 3. Make Tree Removal Choices in Accordance with the Vegetation Management Practices

This figure represents two adjacent 25 foot by 25 foot managed Lakeside Zone plots. Trees can be removed in plots with more than 12 points, down to no fewer than 12 points. In this illustration, the plot on the left meets the DBH Standard with more than 12 points; the plot on the right does not have enough points with only 10. The left plot could have 5 points worth of trees removed and still meet the standards. If a plot has 12 points or less, no trees can be removed until a sufficient number of points has been achieved through new tree growth.



17 points in 25' x 25' area:  
Meets vegetation management practices for DBH points

10 points in 25' x 25' area:  
Does Not Meet vegetation management practices for DBH points



# Part Three

## Standards for Shoreland Permits

The Shoreland Protection Act requires **registrations** or **permits** for the creation of cleared areas or impervious surfaces in the Protected Shoreland Area that do not meet the exemptions outlined on pages 4 and 19. In addition, the Act sets standards for impervious surfaces, cleared areas, and **slope**. This means:

- New impervious areas within 250 feet of mean water level must be constructed on slopes less than 20%, unless the applicant demonstrates the slope will remain stable, and erosion and impact to water quality will be minimal (see page 10 for more details);
- Total impervious surfaces must be less than 20% of the parcel area located within 250 feet of mean water level, unless **Best Management Practices** are used to infiltrate the additional runoff (see page 11 for more details); and
- Total cleared area must be less than 40% of the parcel area located within 250 feet of mean water level, unless best management practices are used that are functionally equivalent to a well vegetated area (see page 12 for more details).

**Slope:** The vertical rise divided by the horizontal run of a plane expressed as a percentage.

**Best management practices:** Approved activities, maintenance procedures, and other practices to prevent or reduce the effects of impervious surface or cleared area on water quality and natural resources.

Some existing small parcels or those with site limitations will require adjustments in the above standards. In these cases Shoreland Permitting will apply the standards to the greatest extent possible. Consider the following examples:

***I have a small parcel, it's all cleared, my camp is located 30 feet from mean water level, and I want to add an addition.***

- This landowner may be permitted to expand the house away from the lake and use Best Management Practices. BMPs may include runoff infiltration areas or establishment of shrubs and trees on lake edge.

***I have a parcel that is 200 feet deep, my house is 30 feet from mean water level and I have lawn around my house and down to the lake edge. I want to put an addition on my house.***

- This landowner may be permitted to expand the house away from the lake, and if the new building increases the impervious coverage above 20%, Best Management Practices will be necessary. A possible Best Management Practice is revegetation of a portion of the near shore and bank area.

***I bought an undeveloped parcel in 2002 where the only area with less than 20% slope is within 75 feet of mean water level. I want to build a camp.***

- This landowner may be permitted to build on slopes steeper than 20% if they demonstrate that it will remain stable and avoid erosion, or the landowner may be permitted to build on the shallower slope area if needed to avoid slope instability. Because of the small developable area and its proximity to the mean water level, Shoreland Permitting may require a combination of vegetative cover along the lake edge and use of Best Management Practices to infiltrate runoff or limiting overall clearing.

**Note:** Parcels created after July 1, 2014 are required to achieve the Shoreland Protection Standards to the full extent.



## The Protected Shoreland Area

The Shoreland Protection Act applies to the area within 250 feet, measured horizontally, of mean water level on lakes greater than 10 acres. This area is referred to as the Protected Shoreland Area. Understanding the standards and where they apply within the Protected Shoreland Area is easiest to describe, and therefore manage, by breaking the shoreland area into two zones: the Lakeside Zone and the Upland Zone.

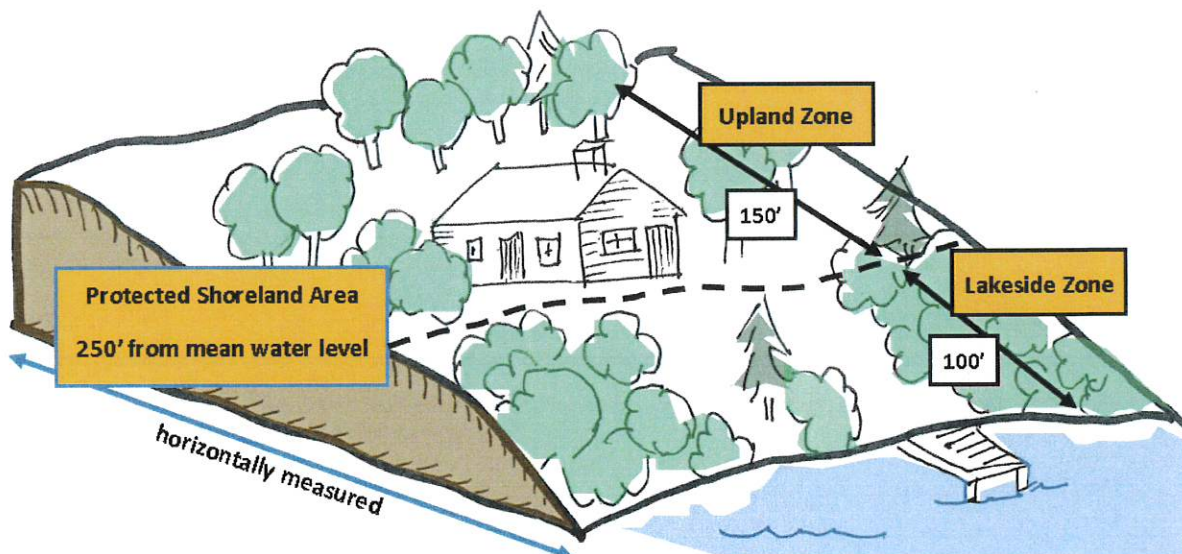
### The Lakeside Zone

The Lakeside Zone encompasses the first 100 feet back from mean water level. Activities in this area shall meet the Vegetative Protection Standards. Within the Lakeside Zone, the Shoreland Protection Act limits clearing and creation of impervious surfaces. Many shoreland parcels are already developed within the Lakeside Zone or may be too small for implementation of the full set of standards, particularly the Vegetation Protection Standards and the 100 foot setback of non-exempt impervious surface. The Shoreland Protection Act grants Shoreland Permitting flexibility to permit “non-conforming” parcels.

### The Upland Zone

The Upland Zone starts at the edge of the Lakeside Zone (100 feet from mean water level) and extends an additional 150 feet to the outer boundary of the Protected Shoreland Area. On existing lots of sufficient size and new lots created after July 1, 2014, most new development will take place in the Upland Zone. However, many parcels in existence as of July 1, 2014 may be significantly smaller than the full 250 foot depth of the Protected Shoreland Area.

### The Protected Shoreland Area Consists of the Lakeside and the Upland Zones





## The Twenty Percent Slope Standard

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*See Appendix B, “Determining Slope” for more information.*

The Shoreland Protection Act requires permits be issued for new clearing or construction only on slopes under 20 percent unless the applicant demonstrates the slope will remain stable, and erosion and impact to water quality will be minimal through the use of BMPs.

Since slope can vary greatly within a single property, the slope of interest in terms of preventing erosion and runoff to the lake is for the project site, for instance where the construction of buildings and driveways is proposed. Measure the slope along a 100 feet long axis, intersecting the project site, using the Worksheet “Determining Slope” found in Appendix B. For new development the slope of the proposed project site must be determined before any grading occurs and the land is in its natural condition.

When the shoreland area of the proposed building site has a slope greater than 20 percent, Shoreland Permitting will require the use of Best Management Practices. Selecting appropriate Best Management Practices for challenging sites may require help from a professional (such as an engineer, landscape architect, licensed designer, or other site specialist). It is the responsibility of the applicant to include in their permit application the Best Management Practices as part of their project plan.

### Slope Stabilization Best Management Practices

Slope plays an important role in selecting slope stabilizing practices, such as planting techniques and plant species. Below is a list of Slope Stabilization Best Management Practices which may be used when the land slopes greater than 20 percent.

- Waterbars
- Live staking or revegetating cleared areas
- Terracing
- Planting and maintaining vegetated areas
- Drainage ditches
- Establishing No-Mow zones (a means of converting from lawn to mixed species vegetation)
- Infiltration trenches



## The Twenty Percent Impervious Area Standard

See Appendix C, "Calculating Percent Impervious Surface Area" for more information.

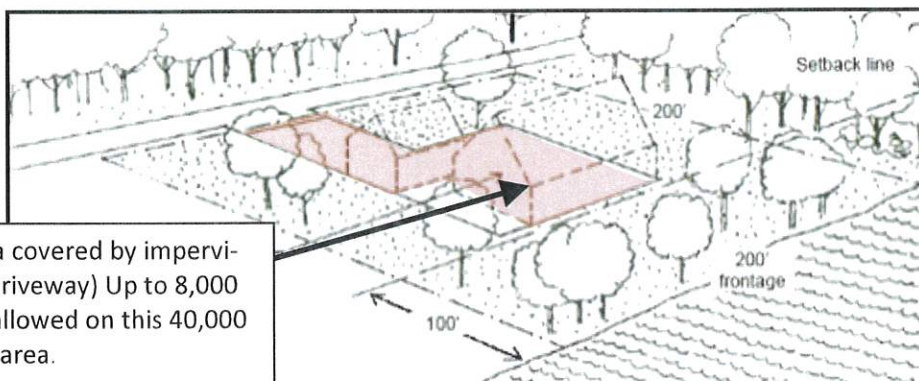
The Shoreland Protection Act requires a permit for new impervious surface area in the Protected Shoreland Area that is not exempt or eligible for Registration. Total impervious area, pre-existing plus new, must cover no more than 20 percent of the parcel area unless BMPs are used to mitigate the runoff from the additional impervious surfaces.

Impervious areas are those man-made surfaces from which precipitation runs off rather than infiltrates. When a public or private road crosses through Protected Shoreland Area, the Shoreland Protection Act dictates the area of the road will not be included the landowner's allowance of 20 percent impervious surface area.

### Examples of Impervious Surfaces:

- Paved and gravel driveways, parking areas
- Tennis courts
- Structures (house, shed, garage)
- Decks, patios, large retaining walls
- Other compacted, non-vegetated areas

**A Maximum of 20% Impervious Surface is Allowed in Protected Shoreland Area unless BMPs are used.**



The pink space shows the area covered by impervious surfaces (house, garage, driveway) Up to 8,000 sq ft of impervious surface is allowed on this 40,000 sq ft lot, as it is 20% of the lot area.

### Best Management Practices for Treating Impervious Surface Areas

Below is a list of Best Management Practices that can help to offset the impacts caused from impervious surface areas. These practices help slow, soak in and spread out runoff flowing off of impervious areas. It may be possible to use one or a combination of several of these techniques when applying for a project that will either exceed the 20 percent impervious surface area standard or is located on a parcel that already has more than 20 percent impervious surface area.

- Rain Gardens
- Vegetated Swales and/or Berms
- Waterbars
- Pervious Pavement
- Drip-line Trenches
- Infiltration Trenches
- Planting and maintaining vegetated areas
- Drainage Ditches
- No-Mow Zones



## The Forty Percent Cleared Area Standard

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*See Appendix D, “Calculating Percent Clearing” for more information.*

The Shoreland Protection Act requires a permit for new cleared area in the Protected Shoreland Area that is not exempt or eligible for Registration. Total cleared area, pre-existing plus new, must cover no more than 40 percent of the parcel area unless Best Management Practices are used to mitigate the loss of vegetated cover.

Clearing is defined as areas where the vegetative cover, soil, tree canopy, or duff layer is permanently removed or altered, except when managed according to the Vegetation Protection Standards. Certain maintenance activities such as roadside or utility cutting are exempt. See page 19 for a more detailed list of exempt activities.

### **Examples of Cleared Areas:**

- Grass Lawns
- Gardens
- Landscaped areas
- Some pathways
- Impervious surfaces (driveways and buildings)

### **Exemptions for Cleared Areas:**

- Tree cutting in accordance with the Vegetation Protection Standards
- Private or public road work
- Invasive species plant management work
- Utility line maintenance

Clearing for a six foot wide path to the lake may count towards the 40 percent clearing area standard. Clearing up to 250 square feet of vegetation under three feet tall, at least 25 feet from the Mean Water Level, does not count because the duff and tree canopy would remain.

### **Best Management Practices for Cleared Areas**

The options for replacing natural shoreland vegetation with Best Management Practices that offer equivalent benefits are limited because there are not comparable man-made techniques that offer aquatic and wildlife habitat and natural woodland functions equivalent to what nature provides. Revegetation, establishing plantings in other already cleared areas within the Protected Shoreland Area, is one preferred Best Management Practice. Shoreland Permitting gives preference to revegetation that is:

- Proximate to lake;
- contiguous with established vegetated areas, e.g., a neighboring protected Lakeside Zone; and
- contains a diverse composition of native plants.



## Terminology

**Best Management Practices:** Approved activities, maintenance procedures, and other practices to prevent or reduce the effects of impervious surface or cleared area on water quality and natural resources.

**Cleared Area:** An area where existing vegetative cover, soil, tree canopy, or duff has been permanently removed or altered.

**Duff or Duff Layer:** Leaf litter plus small fragments of plants and organic debris that provide a spongy substrate that absorbs the energy of falling water and allows runoff to infiltrate soil.

**Existing Development:** All disturbed areas, including cleared areas and impervious surfaces and permanent structures, such as structures, driveways, decks, patios; as well as landscaped features like lawns gardens, and pathways, and any graded, cleared or excavated areas necessary for construction or infrastructure, that were in existence prior to July 1, 2014.

**Expansion:** An increase or addition of impervious or cleared area.

**Footpath:** A footpath or passageway, six feet wide or less, that provides access to the lake and may include both pervious and impervious surfaces such as stairs, landings, or platforms.

**Footprint:** The total area that an impervious surface covers on a horizontal plane, including decks, driveways, patios, structures, overhangs, balconies, or cantilevered constructed spaces that expand beyond a structure's foundation.

**Impervious surface:** Manmade surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

**Lakeside Zone:** The portion of the Protected Shoreland Area surrounding the lake as measured horizontally 100 feet from the mean water level.

**Mean Water Level:** The mean water level of a lake as defined in the Rules for Determining Mean Water Level.

**Non-Conforming Parcel:** A parcel in existence as of July 1, 2014 on which it is impossible to locate cleared area or impervious surface at least 100 feet from the Mean Water Level.

**Parcel:** A portion of land or tract of land with defined boundaries created by dividing the land by sale, gift or lease, mortgage foreclosure, court-ordered partition or decree, or filing of a plat, plan, or deed in the records of the municipality where the act of division occurred.

**Stormwater Runoff:** precipitation or snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.

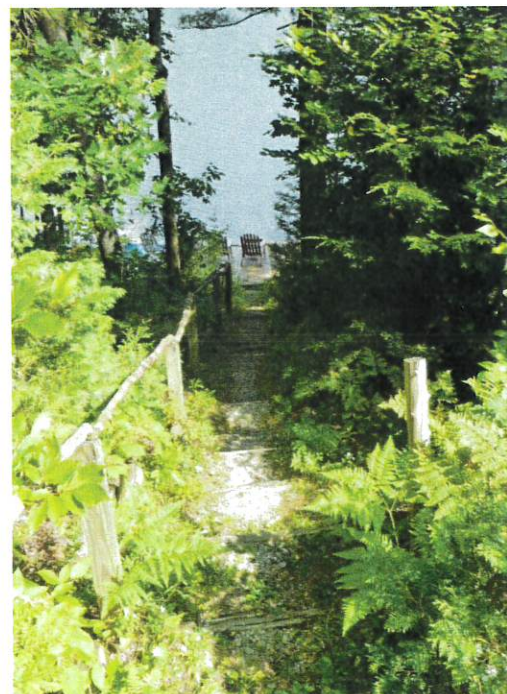
**Protected Shoreland Area:** All land located within 250 feet of the mean water level of a lake that is greater than 10 acres in size; comprised of the Lakeside Zone and the Upland Zone.

**Slope:** The vertical rise divided by the horizontal run of a plane expressed as a percentage.

**Upland Zone:** The portion of the Protected Shoreland Area as measured horizontally between 100 and 250 feet from the mean water level.

**Vegetative Cover:** Mixed vegetation within the Protected Shoreland Area, consisting of trees, shrubs, ground cover, and duff.

**Vegetation Protection Standards:** The criteria used to maintain healthy shoreland vegetation within the Lakeside Zone.





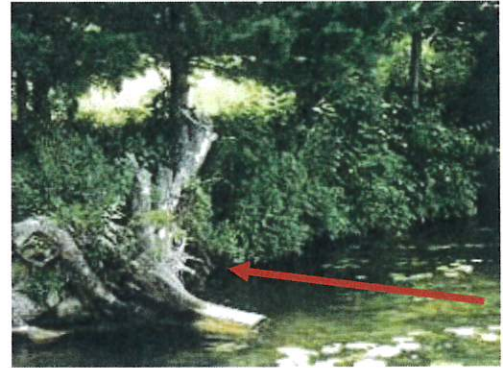


# Measurements Required By the Shoreland Protection Act

Understanding these measurements will help landowners follow the shoreland protection standards and complete the registration and permit application forms.

## Mean Water Level

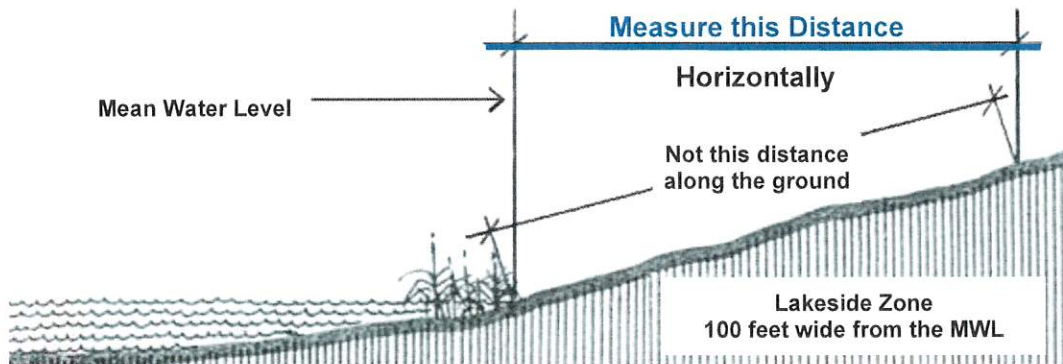
Some large lakes, like Lake Champlain and Lake Memphremagog, have established summer water level elevations that are considered the mean water level. Other lakes have summer water levels set through a dam permit or by records kept over many years by the Vermont Department of Environmental Conservation. However, on most lakes, mean water level must be estimated by making observations about the extent of the terrestrial plant growth along the shoreline during the summer season. Consult the worksheet, "Estimating Mean Water Level," for more details, Appendix A.



Mean Water Level

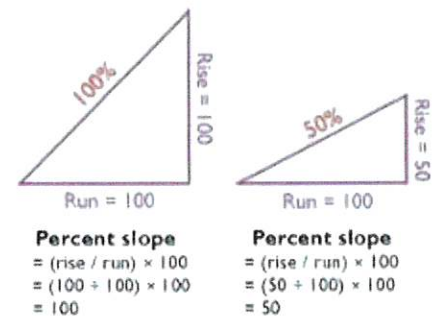
## Horizontal Measurement

The 100 foot width of the Lakeside Zone as well as the 250 foot width of the Protected Shoreland Area are measured horizontally from the mean water level, regardless of slope. Refer to the graphic below. The worksheet, "Determining Shoreland Area," provides a table that converts "sloped" distance along the ground to "horizontal" distance, Appendix B.



## Percent Slope Measurement

The slope of a land area, also called the grade, is expressed as the number of feet the land rises or falls over a given distance of the land. Stormwater runoff from steeper sites carries more velocity and potential for erosion than from flat areas. Therefore, slope is also an important factor in selecting erosion control practices like planting techniques and plant species for stabilizing steep banks. The worksheet, "Determining the Slope of Your Shoreland," explains methods for calculating the slope of a building site, Appendix C.



$$\text{Change in Elevation (rise)} \div \text{horizontal distance (run)} \times 100 = \% \text{ Slope}$$



## Percent Clearing

Percent clearing refers to all the spaces cleared within the Protected Shoreland Area. It includes footpaths, lawns, recreational areas, and impervious surfaces such as structures and driveways. To calculate the percent clearing of a parcel within the Protected Shoreland Area, add up the area of all these cleared spaces and divide it by the area of your lot within the Protected Shoreland Area and then multiply it by 100. Town or state roads crossing through your property do not have to be included as cleared areas in your calculations.

To best figure out the total percent clearing, use the "Calculating Percent Clearing Worksheet," Appendix E.



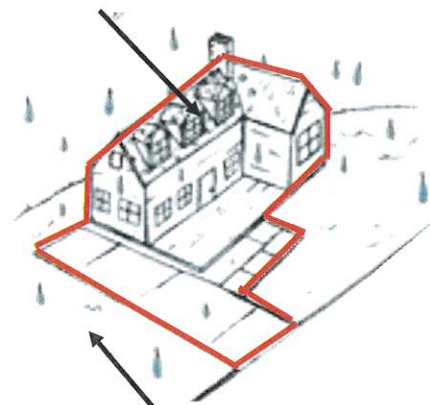
**This property has a high percent of cleared area.**

## Percent Impervious Surface

Impervious surfaces are manmade surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates. A higher volume of runoff results in higher flow velocity, increasing erosion and the amount of unfiltered stormwater entering and polluting the lake.

Calculating the percent impervious area on a parcel involves measuring the length and widths of various components, knowing the size of the parcel, and using some simple geometry equations. Town or state roads crossing through your property do not have to be included as impervious areas in your calculations. For more detail, use the "Calculating Percent Impervious Surface Worksheet," Appendix F.

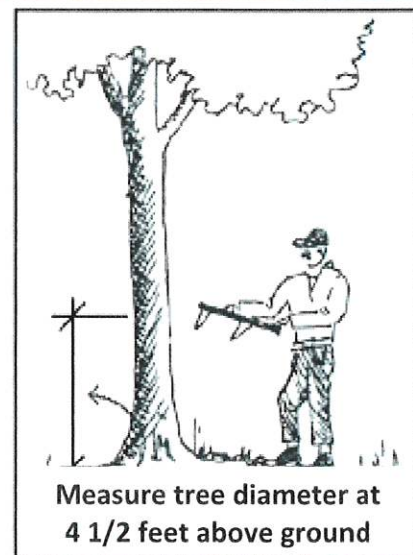
**Impervious surface areas**



**Pervious surface areas, lawns, woods etc.**

## Diameter at Breast Height (DBH)

DBH refers to the diameter of a tree measured 4½ feet above the ground. By measuring the circumference of the tree and using a simple geometric equation, the diameter is calculated. This measurement is used in the "point and grid" system to measure tree density in the Lakeside Zone. The Vegetation Protection Standards use this measurement to calculate the acceptable composition of vegetation needed to establish and maintain a healthy lakeshore.



**Measure tree diameter at 4 1/2 feet above ground**



# Part Four

## Permits and Application Process

### Overview

The Vermont Shoreland Protection Act is administered by Shoreland Permitting. Permits may be required for certain projects, while Registrations may be the only requirement for some other smaller types of projects. Below are some steps to take to begin the Shoreland permitting process.

1. Decide whether your proposed shoreland project is one of the **exempt** or allowed **activities**. See pages 4 and 19 for lists. If your project is exempt or allowed, you may proceed without a permit from Shoreland Permitting. (Note: it is possible your project may need other state or local permits.)
2. If your proposed project is not exempt or allowed, contact your regional Shoreland Permit Analyst directly (see page 3 for contact information). Your regional analyst may decide to schedule a site visit with you to gather additional information or discuss the options for completing the project under the Shoreland Protection Act standards.
3. If your proposal qualifies as a **Registration** project, fill out the Registration form found on the Shoreland Permitting website, or contact your regional analyst and ask for one to be mailed to you. Once the submitted form is deemed complete by Shoreland Permitting (i.e., all the required information is provided and the fee is paid) the Program has 15 days in which to review the application. If the landowner does not hear from the Program in 15 days, they may proceed with the project.
4. If your proposal needs a Shoreland **Permit**, complete the Permit Application Form found on the Shoreland Permitting website, or contact your regional analyst and ask for one to be mailed to you. If you haven't yet spoken with your regional analyst, it might be helpful to do so to ensure you understand what information needs to be supplied on the application form. Once the application is deemed complete by the Program (i.e., all the required information is provided and the fee is paid) it will be placed on a required 30 day public notice. Shoreland Permitting expects to issue permit decisions shortly after the public notice period is up, unless there are still outstanding permit issues to address.

Some of the things you will need to know to complete the Registration or Permit Application forms:

- Parcel size within 250 feet of mean water level
- Location of mean water level (Appendix A)
- Area on the parcel occupied by impervious surfaces (see Appendix F)
- SPAN number (an identification number for the parcel found on town tax maps)
- Distance from mean water level to all impervious surfaces, such as houses, accessory buildings, and driveways.
- Area of the parcel consisting of cleared area (see Appendix E)
- Slope of the parcel (see Appendix B)



## Registration Process

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The Shoreland Registration Form is available as a PDF and as a Word document from the Shoreland Permitting webpage:

<http://dec.vermont.gov/watershed/lakes-ponds/permit/shoreland>

- Contact - Contact Shoreland Permitting staff with any questions before you begin planning your project (see page 3 for contact information).
- Registration Form - Submit a complete Shoreland Registration Form to Shoreland Permitting. Once deemed “administratively complete,” ANR will post the Registration Form on their website for 15 days for informational purposes. Registration applications are not subject to the same public notice process as permit applications.
- Waiting Period - The registration applicant must wait 15 days after submitting their complete Registration Form before starting their proposed project, unless otherwise notified by Shoreland Permitting. During this period of time, Shoreland Permitting may request additional information or may notify an applicant that a Shoreland Permit is required for the project rather than a Registration. If an applicant is not notified by Shoreland Permitting, other than a confirmation that a Registration Form was received, after 15 days their project is automatically approved.
- Land Record Recording - The Permittee will record a copy of the Registration in the land records of the municipality in which the permitted project is located.
- Permit Expiration - Registrations are issued for an indefinite period of time provided the landowner complies with the requirements of the Registration and takes no additional action for which a permit is required.

## Registration Fee

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Description	Fee
Registration	\$100.00



## Permit Application Process

The Permit Application Form is available as a PDF and Word document from the Shoreland

Permitting webpage: <http://dec.vermont.gov/watershed/lakes-ponds/permit/shoreland>

- Contact - Contact Shoreland Permitting staff with any questions before you begin planning your project (see page 3 for contact information).
- Application - Submit a complete Shoreland Permit Application to Shoreland Permitting that includes all project details as specified in the Application Instructions.
- Public Notice - At the time an applicant submits a permit application to ANR, they shall also provide a copy of the application form to the municipal clerk of the municipality in which the impervious surface or cleared areas are proposed. The municipality may post the application in the town clerk's office.
- Application Confirmation - Upon receipt of an application, program staff will determine if it contains all the required information (deemed administratively complete). Shoreland Permitting will then post the application on their website for 30 days to provide the public and interested persons an opportunity for written comment, which will take place concurrently with Shoreland Permitting's permit application review. Program staff may also request additional technical information, or schedule a site visit with the applicant if necessary and discuss any needed changes in the project plan.
- Permit Decision and Notification - Upon close of the public notice period, Shoreland Permitting will notify the applicant of its decision to issue or deny a Shoreland Permit. Upon issuance of a decision, the applicant and interested persons will be notified of the decision, and be provided a copy of the decision or with information about where a copy of the decision can be obtained.
- Land Record Recording - The permittee will record a copy of the permit in the land records of the municipality in which the permitted project is located.
- Permit Expiration - Shoreland permits are issued for an indefinite period of time provided the permittee complies with the requirements of the permit and takes no additional action for which another permit is required.

## Permit Fees

Description	Fee
Permit	
<i>Administrative Fee</i>	\$125.00
<i>Proposed Impervious Area</i>	\$0.50 per square foot



## Exempt Non-Residential Activities

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On Vermont lakes, in addition to residential uses, shoreland development can consist of uses other than residential: urban or downtown areas; marinas; resorts; and state and local road systems. Other non-residential types of shoreland development include providing public access to the lake through State Parks, Fish and Wildlife Access Areas, or town beaches. Certain of these activities are specifically exempt under the Shoreland Protection Act because they are addressed through other permit programs or standards.

### Roads

Repair or maintenance of state, town, or private roads within the Protected Shoreland Area is exempt. Work on town roads must follow the [Vermont Agency of Transportation Town Road and Bridge Standards](#) ("Orange Book" Section 7.1) for controlling stormwater runoff and direct discharges to surface waters. Road re-pairs or improvements do not count toward a private landowner's maximum allowance for percent clearing or impervious surface area.

### Property Sub-division

The Shoreland Protection Act does not set minimum parcel sizes and this jurisdiction is often part of municipal zoning. In addition, requirements under the state Wastewater System and Potable Water Supply Rules, creation of new lots must be permitted to ensure each new lot can accommodate both wastewater disposal and a drinking water well. In order for shoreland development on parcels created after July 1, 2014 to be permitted under the Shoreland Protection Act, parcels must be large enough to meet the Shoreland Protection Act standards. It is very important that new shoreland parcels, intended for development, be created large enough so the landowner will be permitted to build and develop the parcel as they had planned. (See also [2007 Vermont Wastewater System and Potable Water Supply Rules](#).)

### Forestry Practices

Silvicultural activities within the Protected Shoreland Area must be in compliance with a Forest Management Plan approved by the Commissioner of the Vermont Department of Forests, Parks and Recreation and the [Acceptable Management Practices For Maintaining Water Quality On Logging Jobs In Vermont](#). For more information contact your [County Forester](#).

### Agricultural Practices

Agricultural practices in existence before July 1, 2014 within the Protected Shoreland Area, must comply with the [Accepted Agricultural Practices](#). Contact the [Vermont Agency of Agriculture, Food and Markets](#) for more information on acceptable farming practices near surface waters.

### Vermont Wastewater Rules

The Vermont Drinking Water and Groundwater Protection Division administers the 2007 Wastewater System and Potable Water Supply Rules. A permit is necessary for all new wastewater systems or replacement or modification of existing systems. The most common reason for modification or replacement is the failure of an existing system. Permit information specialists are located in District Offices, see page 22 for specific contact information.

Contact information: Permit Specialist, (800) 823-6500 or <http://dec.vermont.gov/water/ww-systems>



## Part Five

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### Resources and Contacts

#### Other Vermont State Permit Programs

Although the Shoreland Protection Act is intended to avoid duplicate state permits as much as possible, in some cases more than one state permit may be required for development in shorelands. Below is a listing of several other state permit programs that may overlap with Shoreland Permits. In addition to the program information listed below, contact the Permit Specialists in the Agency of Natural Resources District Offices (see Page 22) for assistance identifying other permits that may be needed for your project.

##### Lake Encroachment Permitting

The jurisdiction of Lake Encroachment Permitting starts at mean water level and extends lakeward. If you have a project that involves work beyond the mean water level, then you may need to obtain a permit from Lake Encroachment Permitting. Examples of jurisdictional projects include shoreline stabilization, retaining wall replacements, fill, dredging, construction or commercial docks. If you have a project that is located onshore as well as in the water, you may need both a Lake Encroachment and Shoreland permit. In this case, the permit administrators of these programs will be coordinating to avoid duplication and delays. Contact your regional Shoreland Permit Analyst for more information.

##### Aquatic Nuisance Control Permit Program

An aquatic nuisance control permit is required to control nuisance aquatic plants or animals in Vermont surface waters using physical, chemical, biological or mechanical means. Permits are administered by this program for pesticides; pond dyes used to control algae or aquatic plants; copper based algaecides; chemicals other than pesticides; bottom barriers; powered mechanical devices; structural controls; and biological controls. Hand pulling aquatic plants is permissible without a permit. Contact the Aquatic Nuisance Control Permit Program Coordinator for more information, (802) 490-6133.

##### Wetlands Program

Under the Vermont Wetlands Rules, wetlands are defined and managed according to functions and values and are grouped as Class I, II, or III wetlands. Class I wetlands have a required 100 foot buffer zone Class II have a 50 foot buffer zone. Allowed activities in a wetland buffer zone are limited and would require a permit from the Wetlands Program. There will be some lake shoreland areas that are also jurisdictional wetlands and a permit may be needed from both the Wetlands Program and Shoreland permitting. In this case, the permit administrators of these programs will be coordinating to avoid duplication and delays. Contact your District Wetland Ecologist for more information (<http://dec.vermont.gov/watershed/wetlands/contact>).

##### Stream Alteration Program

Under the Vermont Stream Alteration Rules, perennial streams are defined and managed to avoid flood and erosion hazards and prevent significant damage to fish life and wildlife and the rights of riparian owners. The Program provides technical assistance and regulates activities which involve: 1) the movement, fill, or excavation of 10 cubic yards or more of instream material within the top-of-bank to top-of-bank, cross-sectional limits of perennial streams; 2) activities to construct or maintain a berm in a flood hazard area or stream corridor; and 3) instream emergency protective measures. Contact the Stream Alteration Program for more information, (802) 490-6195.



## Role of Municipalities

A Shoreland Permit applicant will need to also obtain any applicable town permits, as both municipal zoning and the Shoreland Protection Act applies to parcels within the Protected Shoreland Area.

The municipality in which your project is located may have been delegated to administer its own functionally equivalent shoreland standards, in which case you will not need a state Shoreland Permit, just a municipal permit. For a listing of the towns delegated to implement the shoreland standards on the local level, check the Shoreland Permitting web site, or contact Shoreland Permitting or your municipal office.

Under the Shoreland Protection Act municipalities can apply for delegation to administer permit construction of impervious surfaces and cleared areas within their town. Shoreland Permitting will review delegation requests and enter into a delegation agreement with municipalities whose bylaws or ordinances are found to be “functionally equivalent” to the state standards. At any time municipalities can adopt or improve their shoreland zoning in order to be eligible for delegation. The model shoreland ordinance, [Model Lake Shoreland Protection District Bylaw](#), provided by the Vermont League of City and Towns, is considered functionally equivalent. Other ordinances may also be eligible for delegation. If a municipality applies to the state for delegation, then the municipality must also demonstrate that they have the capacity to administer their bylaws or ordinances in accordance with the agreed upon terms of the delegation agreement. Towns can contact Shoreland Permitting for more information (see page 3 for contact information).





## Vermont Agency of Natural Resources Contacts

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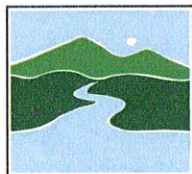
### Main Offices:

#### **Vermont Agency of Natural Resources**

Secretary's Office  
1 National Life Drive, Davis 2  
Montpelier, Vermont 05620-3901  
phone: (802) 828-1294

#### **Dept. of Environmental Conservation**

DEC Commissioner's Office  
1 National Life Drive, Main 2  
Montpelier, Vermont 05620-3520  
phone: (802) 828-1556



VERMONT DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

**WATERSHED  
MANAGEMENT DIVISION**

LAKES & PONDS PROGRAM

1 National Life Drive, Main 2,  
Montpelier, Vermont 05620-3520,  
phone: (802) 828-1535

### Regional Offices:

#### **Barre**

5 Perry Street  
Barre, VT 05641  
(802) 476-0190

#### **Essex**

111 West Street  
Essex Junction, VT 05452  
(802) 879-5656

#### **Rutland**

450 Asa Bloomer State Office Building  
88 Merchants Row  
Rutland, VT 05701  
(802) 786-5900

#### **Springfield**

100 Mineral Street  
Springfield, VT 05156  
(802) 885-8855

#### **St. Johnsbury**

1229 Portland Street — Suite 201  
St. Johnsbury, VT 05819  
(802) 751-0130

AGENCY OF NATURAL RESOURCES

# Department of Environmental Conservation

SEARCH

CONTACT

DISCLAIMER

## WETLAND IDENTIFICATION AND DELINEATION

The saturated or seasonally saturated conditions in wetlands create an environment that favors the growth of specifically adapted wetland plants (hydrophytic vegetation) and promotes the development of wetland soils (hydric soils). These three factors (hydrology, vegetation, and soils) are used in wetland identification and in the delineation of wetland boundaries. According to Section 3.2 of the [Vermont Wetland Rules \(/watershed/wetlands/jurisdictional/rules\)](/watershed/wetlands/jurisdictional/rules): "The boundary between a wetland and an upland shall be delineated by the methodology set forth in the 1987 edition of the [Corps of Engineers Wetlands Delineation Manual \(https://www.cpe.rutgers.edu/Wetlands/1987-Army-Corps-Wetlands-Delineation-Manual.pdf\)](https://www.cpe.rutgers.edu/Wetlands/1987-Army-Corps-Wetlands-Delineation-Manual.pdf). This methodology employs three parameters: vegetation, soils and hydrology. One function of the Vermont Wetlands Program is to field check delineations made by wetland consultants. The following links will provide more information about wetland delineation in Vermont.

### Three Parameters of Wetlands

#### Hydrology

MENU



[\(/watershed/wetlands/what/id/hydrology\)](#)

[Wetland hydrology \(/watershed/wetlands/what/id/hydrology\)](#) refers to the timing and extent of flooding or soil saturation and is considered to be the "driving force" in wetland formation. Rainfall, soil permeability, position in the landscape, surrounding land use, and type of vegetation all influence the hydrology of a wetland. Although hydrology is the most important of the three wetland parameters, it can sometimes be the most difficult factor to determine in the field because water levels in wetlands are often highly variable in the course of an average year.

## Hydrophytic Vegetation

MENU



[\(/watershed/wetlands/what/id/hydrophytes\)](#)

Wetland plants, or [hydrophytic "water loving" vegetation](#) ([\(/watershed/wetlands/what/id/hydrophytes\)](#)), are those plants which have adapted to growing in the low-oxygen (anaerobic) conditions associated with prolonged saturation or flooding. These plants have adapted to anaerobic soil conditions by evolving alternative methods of collecting oxygen such as the enlarged pores (lenticels) in the bark of speckled alder, the hollow stems of rush and grass species, and the air-filled cells (aerenchyma) in the roots of cattails.

## Hydric Soils



[\(/watershed/wetlands/what/id/hydric-soils\)](#)

MENU

[Wetland soil \(/watershed/wetlands/what/id/hydric-soils\)](/watershed/wetlands/what/id/hydric-soils) characteristics form when soil is continuously saturated for periods of one or two weeks or more during the growing season. The parent material influences how the soil retains water, and the hydric (wet) soil characteristics that form. The biology of the soil also influences hydric soil characteristics. Under saturated conditions, soil micro-organisms can rapidly use up the oxygen in the soil, which can change its color and appearance.

## Links of Interest

- [1987 Corps of Engineers Delineation Manual \(https://www.cpe.rutgers.edu/Wetlands/1987-Army-Corps-Wetlands-Delineation-Manual.pdf\)](https://www.cpe.rutgers.edu/Wetlands/1987-Army-Corps-Wetlands-Delineation-Manual.pdf). The "official" version of the federal manual used in delineations for the Army Corps of Engineers.
- [Regional Supplements to the 1987 Wetland Delineation Manual \(http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg\\_supp/\)](http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg_supp/). The Corps has developed supplemental regional criteria for the 1987 Wetland Delineation Manual. The development of Regional Supplements is part of a nationwide effort to address regional wetland characteristics and improve the accuracy and efficiency of wetland-delineation procedures. The [Northcentral and Northeast Region Supplement \(http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/reg\\_supp/NCNE\\_suppv2.pdf\)](http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/reg_supp/NCNE_suppv2.pdf) is applicable to Vermont.
- [Updated National Wetland Plant List \(NWPL\) \(http://wetland-plants.usace.army.mil/nwpl\\_static/index.html\)](http://wetland-plants.usace.army.mil/nwpl_static/index.html). The National Wetlands Plant List is now reviewed and updated on an annual basis. The most current NWPL should be used in any wetland delineations or determinations performed after July 17, 2013. The corresponding NWPL may be used in delineation/determination forms prior to that date, and should be referenced on any data forms used in the wetland delineation/determination if used.
- [Field Indicators of Hydric Soils in the United States \(https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs142p2\\_053171.pdf\)](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_053171.pdf) (PDF, 16.6 MB). A guide for identifying and delineating hydric soils, version 8.1, 2017. A subset of these soils are found in the regional supplement. To use indicators properly, a basic knowledge of soil/landscape relationships is necessary.
- [VT Wetland Consultant List \(/watershed/wetlands/what/id/wetland-consultant-list\)](/watershed/wetlands/what/id/wetland-consultant-list). A list of Wetland/Environmental Consultants that perform wetland delineations in Vermont. This list of consultants does not represent an endorsement of the firms by the Wetlands Section nor does it represent a complete list of available consultants.
- [ANR Natural Resource Atlas \(http://anrmaps.vermont.gov/websites/anra5/\)](http://anrmaps.vermont.gov/websites/anra5/). This web-based mapping tool is designed to help the public locate potential wetlands, based on Vermont Significant Wetlands Inventory (VSWI) data, and other features such as hydric soils and flood hazard zones.



WETLANDS HOME

MENU

**TAGS:**[wetlands \(/tags/wetlands\)](#)

**Agency of Natural Resources**  
**Department of Environmental**  
**Conservation**  
**Watershed Management Division**  
Davis Building - 3rd Floor  
One National Life Drive  
Montpelier, VT 05620-3522  
[802-828-1115](tel:802-828-1115)

- [Watershed Management Contact Information](#)
- [Search the Agency of Administration's Public Records Database](#)
- [Department of Environmental Conservation Records Liaisons](#)
- [Notice of Nondiscrimination](#)

## WSMD Quick Links

[Vermont Wetland Rule Amendments - 2017](#)  
[401 Certification](#)  
[Cyanobacteria in Vermont](#)  
[Dam Removal](#)  
[Educational Opportunities](#)  
[Employment Opportunities](#)  
[Flood Ready Vermont](#)  
[Lake Champlain Monitoring](#)  
[Owner's Guide to Wetlands](#)  
[Reported Sewer Overflows](#)  
[Tactical Basin Plans](#)  
[VT Water Quality Standards](#)  
[Water Quality Data](#)

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## Topics

[Air and Climate Topics](#)

[Land Topics](#)

[Waste Topics](#)

[Water Topics](#)

[Learn More, Do More](#)

## Key Contacts

[Emergency Numbers](#)

[Environmental Assistance](#)

[Community Assistance Specialists](#)

[Regional Offices](#)

[Staff Directory](#)

MENU

# TREASURE ISLAND PUBLIC BEACH & NATURE AREA

FOR DISCUSSION PURPOSES ONLY  
 TOWN OF THETFORD TREASURE ISLAND COMMITTEE  
 NOVEMBER 2021

## 2021 Visioning Plan

### 5 year

Get the property professionally surveyed.

Establish Trails with Upper Valley Trails Alliance - Reserve 2022 Upper Valley High School Trail Corp Dates

Botanical Inventory

Plant trees, natural screening and native species.

Improve existing playground area and add new play-structure in shade (wooden boat or structure with look out tower?)

ADA Accessible Restrooms & Bathhouse

Boat Rentals

### 10 year

Create post and beam picnic pavilions for event rentals. Re-purpose existing unused structures on property?

Renovate house to become a community space (museum, nature center, rec room, snack bar or event space?)

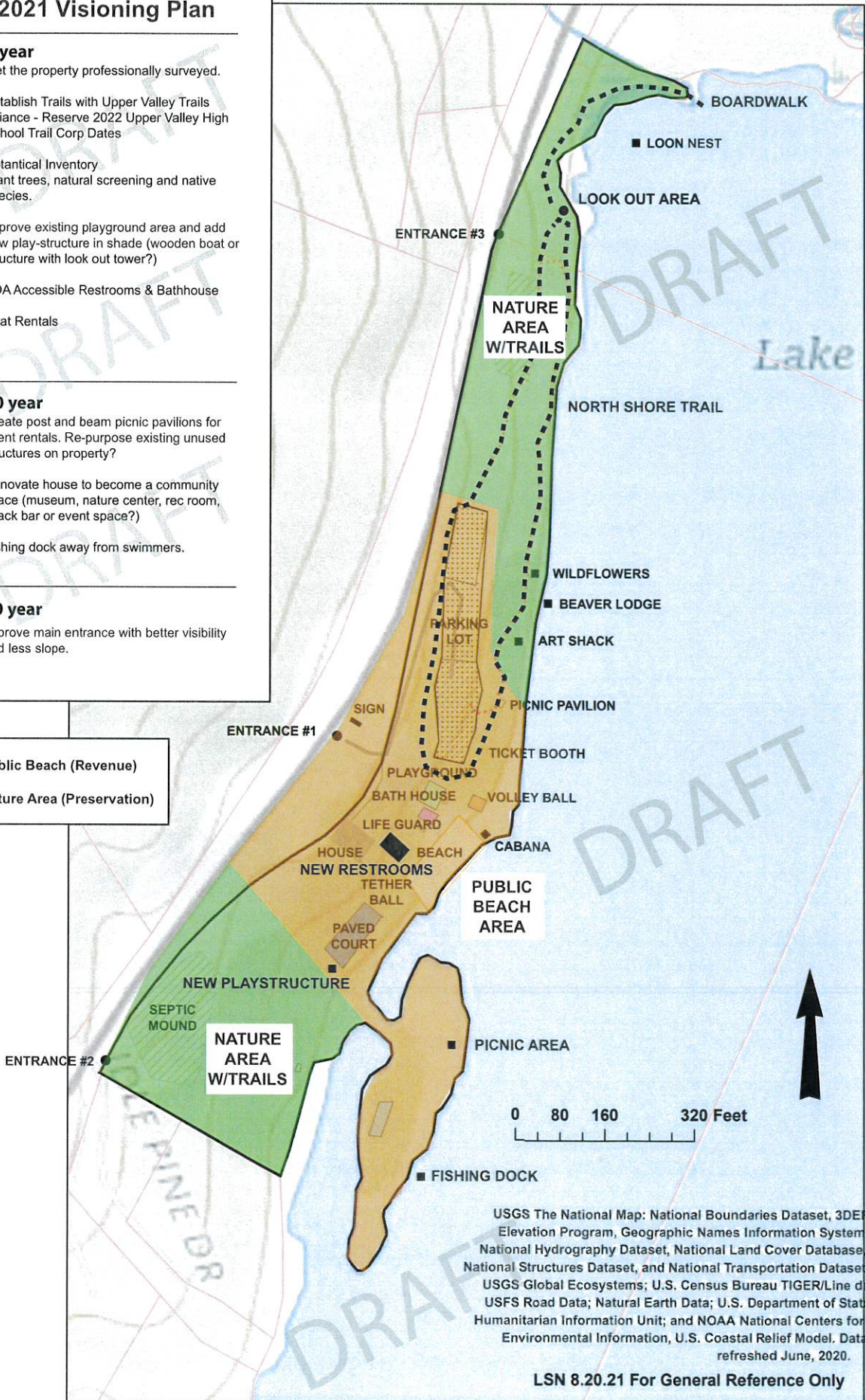
Fishing dock away from swimmers.

### 20 year

Improve main entrance with better visibility and less slope.

Public Beach (Revenue)

Nature Area (Preservation)



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed June, 2020.

LSN 8.20.21 For General Reference Only



# TREASURE ISLAND PUBLIC BEACH & NATURE AREA

FOR DISCUSSION PURPOSES ONLY  
 TOWN OF THETFORD TREASURE ISLAND COMMITTEE  
 DECEMBER 2021

## 2021 Visioning Plan

### 1-3 year

Get the property professionally surveyed.

Establish Trails and lookout areas.  
 Upper Valley Trails Alliance / High School Trail Corp

Botanical Inventory  
 Plant trees, natural screening and native species.

General property clean up.

Improve existing playground area and add new play-structure in shade (wooden boat or structure with look out tower?)

ADA Accessible Restrooms & Bathhouse.

Boat Rentals.

### 4-6 year

Create post and beam picnic pavilions for event rentals. Re-purpose existing unused structures on property?

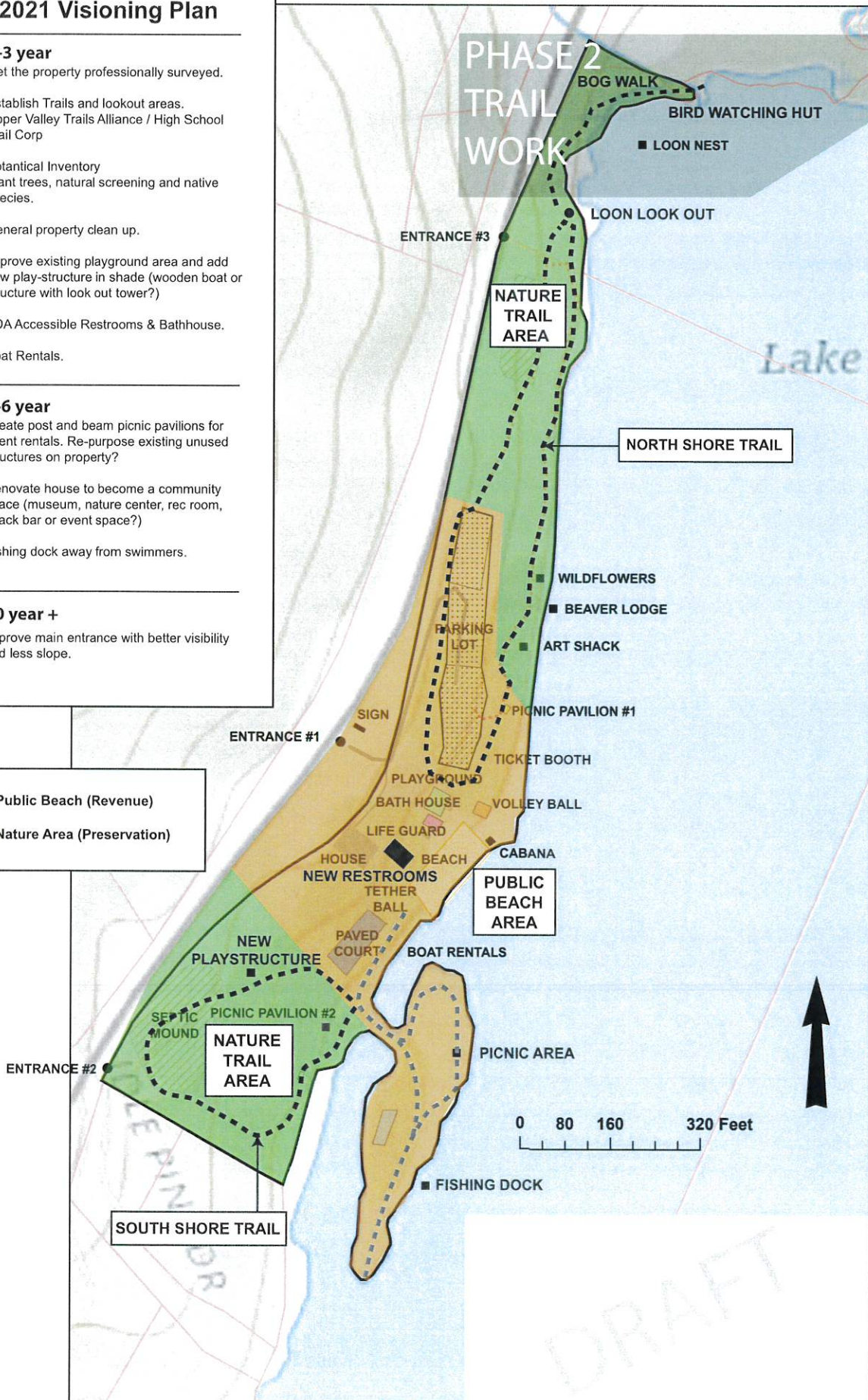
Renovate house to become a community space (museum, nature center, rec room, snack bar or event space?)

Fishing dock away from swimmers.

### 10 year +

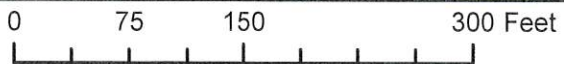
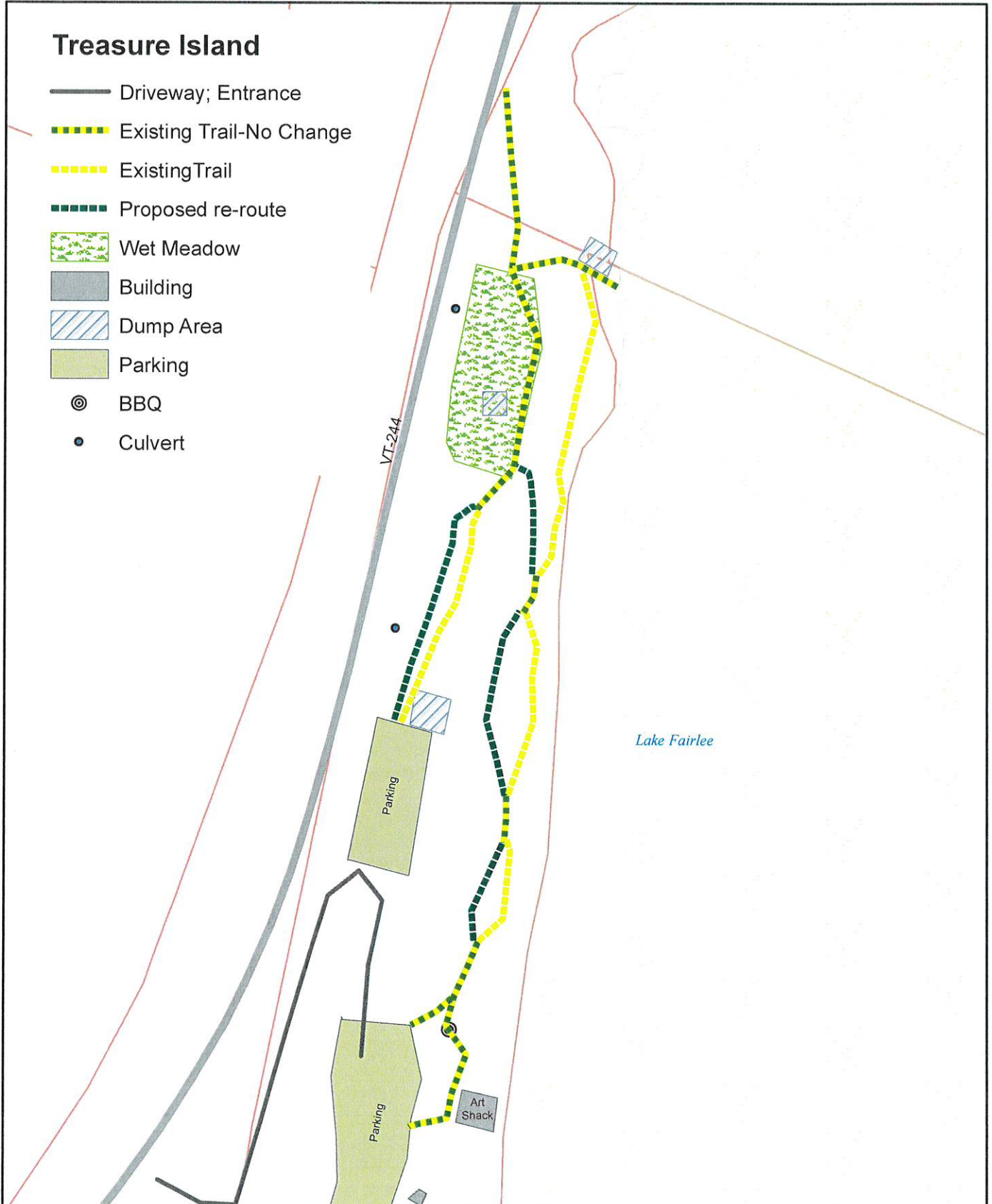
Improve main entrance with better visibility and less slope.

- Public Beach (Revenue)
- Nature Area (Preservation)



DRAFT

# Treasure Island Working Draft





**REQUEST FOR TRAIL OR OTHER ALTERATION ON THETFORD PROPERTY**

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Conservation Commission, Selectboard and Town Manager should use the questionnaire to assess any project that seeks to alter the use of a town-owned property, in whole or in part. An opinion from a qualified expert, such as a biologist, is recommended if significant natural or cultural resources are involved.

-----

**APPLICATION:**

Name		Organization	
Phone		Email	
Type of Proposed Use		Parcel	

Description of proposed project (be as specific as possible, attach sketches or other related material).

**USES:** Types of people served by this proposed use (e.g. walkers, bikers, etc)

How will this use co-exist with existing activities on the parcel?

Are there any anticipated conflicts with current activities? (if yes, please explain)

What are the anticipated parking requirements for the proposed use?

**CONSERVATION EASEMENTS:**

The Hughes Forest and Post Mills Nature Area are covered by Conservation Easements held by the Upper Valley Land Trust. Copies of the easements are available at Town Hall and <http://www.thetfordvermont.us/conscomm.htm>. In addition to the Selectboard, approval from UVLT is required for any proposed uses on these parcels.

How does the proposed use abide by the Conservation Easement?

Are there any potential sources of conflict between the proposed use and the Conservation Easement? **YES**    **NO**    **DON'T KNOW** (if yes, please explain)

**MANAGEMENT PLANS:**

Several of the Town Parcels have Management Plans. These are available at Town Hall and <http://www.thetfordvermont.us/conscomm.htm>.

How does the proposed use abide by the Management Plan?

Are there any potential sources of conflict between the proposed use and the Management Plan? (if yes, please explain, **use a separate sheet if necessary**)

Is the proposed use in a designated reserve area?

**IMPACT ON NATURAL AND CULTURAL RESOURCES:**

There are maps of natural communities, forest cover and land features for some properties. They are available at Town Hall and <http://www.thetfordvermont.us/conscomm.htm>. If maps are not available for the related parcel, please familiarize

**REQUEST FOR TRAIL OR OTHER ALTERATION ON THETFORD PROPERTY**

---

yourself with the parcel before answering these questions. It may be necessary to bring in a biologist / ecologist / historian or other expert for an educated perspective.

**Circle one answer.** If the answer to any of the questions below is YES, then please add an explanation.

Will the proposed use make alterations within 250ft of water features (including vernal pools, seeps, wetlands etc.)? **YES NO DON'T KNOW**

Will the proposed use make alterations within or near significant natural communities? **YES NO DON'T KNOW**

Will the proposed use increase soil erosion or compaction?

**YES NO DON'T KNOW**

Will the proposed use increase the spread of invasive species?

**YES NO DON'T KNOW**

Are there any other potential impacts on the natural resources of the parcel (eg. on views, wildlife corridors, habitat, etc)?

Are there any potential impacts on cultural or historical resources (for example: stone walls, cellar holes, wells, cemeteries, Native American cultural sites...)?

**YES NO DON'T KNOW**

REQUEST FOR TRAIL OR OTHER ALTERATION ON THETFORD PROPERTY

---

**MANAGEMENT AND MAINTENANCE:**

Please describe how the proposed use will be overseen and maintained including issues such as maintenance and upkeep, trash removal, monitoring and prevention of inappropriate activities (e.g. ATV use on a walking trail, dumping).

--

Who will be responsible for the above activities (please list persons/organization).

--

What are the anticipated costs for this proposed use?

Initial costs	
Annual maintenance	

Who will be responsible for these costs?

--

**OTHER:**

Please provide any additional information.

--

**Marion Betts**

---

**From:** Lilian Shen <lshen@thetfordvt.gov> on behalf of Lilian Shen  
**Sent:** Monday, June 13, 2022 2:01 PM  
**To:** Thetford Selectboard; Bryan Gazda; Marion Betts  
**Subject:** Buffer widths for wildlife.

INFORMATION ONLY

Buffer widths for wildlife.

The presence of an active beaver lodge demonstrates the existence of wildlife buffering capacity on a shoreline.

The Connecticut River Joint Commissions (now the Connecticut River Conservancy) gives the following examples for widths of wildlife buffer zones.

*Recommended Minimum Buffer Widths for Wildlife*

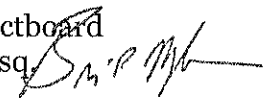
- Bobcat, red fox, fisher, otter, muskrat ———— 300 ft
- Amphibians and reptiles ————— 100 - 330 ft
- Belter kingfisher ————— 100-200 ft
- Brown thrasher (a VT Species of Greatest Conservation Need), hairy woodpecker, red-eyed vireo —— 130 ft
- Blue jay, black-capped chickadee, downy woodpecker —— 50 ft
- Cardinal ————— 40 ft

Li Shen



Edward G. Adrian (Of Counsel)  
Christian S. Chorba  
James F. Conway, III\*  
Steven R. Ducham  
Brian P. Monaghan  
Claudine C. Safar\*  
Kristen E. Shamis  
\*Also licensed in New Hampshire  
and Maine  
\*Also licensed in Massachusetts

# Memorandum

To: Town of Thetford Selectboard  
From: Brian P. Monaghan, Esq.   
Date: October 20, 2020  
Re: Treasure Island Restrictions

You asked that we research the following issues relative to Treasure Island:

- 1) Whether there are restrictions on the Treasure Island property and if so, whether the restrictions prevent the Town from leasing Treasure Island to a non-profit entity, selling the entire property, or selling the wetland portion of the property to an entity that would conserve the property; and
- 2) The details of any potential or current exemptions to municipal or education taxes on the Treasure Island property.

## Restrictions on Treasure Island Property

The Treasure Island property is protected by the U.S. Department of Interior National Park Service through the 1965 U.S. Land and Water Conservation Fund Act (“LWCFA”), and while there are many resulting restrictions on the property, our view is that the Town can lease the property to a non-profit willing to comply with these restrictions. The property must be owned by a municipality, however, so the property can only be sold to another municipality also willing to comply with the LWCFA restrictions. With approval, a conservation organization may hold an interest in the property, such as a conservation easement.

## Source and History of the Restrictions

The Treasure Island property is restricted under 36 C.F.R. § 59.3 and Section 6(f)(3) of the LWCFA, which is administered in Vermont through the Department of Forests, Parks and Recreation. The LWCFA was originally funded through the Land and Water Conservation Fund, but in August 2020 was permanently funded by the Great American Outdoors Act. LWCFA’s statement of purpose is to “assist in preserving, developing, and assuring to all citizens of the United States of present and future generations such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation.”

The restrictions stem from the Town's use of a federal Bureau of Outdoor Recreation grant for a portion of the Treasure Island purchase. A 1972 Thetford Town Report shows the Town purchased the property for a total of \$155,000 which was "financed 50% by Federal Funds, 35% by State Recreation Funds, leaving \$23,250.00 for the Towns to raise." At the time, the Towns of Fairlee and East Fairlee considered participating in the purchase, but apparently declined to join Thetford. The report goes on to state, "It was noted the area would be open to the public under the Federal Grant, but the Town can restrict the numbers in area, hours and schedule fees."

According to Jessica Savage, Vermont Recreation Program Manager, federal restrictions on such properties were not recorded in the land records at the time the Town purchased the property. This has created confusion, such as the Town experienced, as to whether there are use restrictions. Attached is a list of all LWCFA projects within Vermont. "Lake Fairlee Municipal Acquisition" and "Thetford Treasure Island Development" are both listed on page 23, with Town of Thetford as grant sponsor. The "Lake Fairlee Municipal Acquisition" grant was approved on August 25, 1972, just prior to the Town's purchase of the Treasure Island property on November 22, 1972. The "Thetford Treasure Island Development" grant was approved on May 23, 1985 and is likely tied to development on the property.

#### Restrictions

Section 6(f)(3) of the LWCFA states, "No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location." The attached Land and Water Conservation Fund State Assistance Program Manual, beginning at Page 111, details the requirements for maintaining LWCFA-assisted sites and facilities in public outdoor recreation use and for assuring that LWCFA-assisted areas remain accessible to the general public, including non-residents of assisted jurisdictions.

The following are the restrictions on operations and maintenance:

1. The property shall be maintained so as to appear attractive and inviting to the public.
2. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.
3. Properties shall be kept reasonably open, accessible, and safe for public use. Fire prevention, lifeguard, and similar activities shall be maintained for proper public safety.

4. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.
5. The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.
6. A posted LWCF acknowledgement sign shall remain displayed at the project site pursuant to Chapter 7.

The following are the restrictions on availability to the public:

1. Discrimination on the basis of race, color, national origin, religion, or sex. Under Title VI of the 1964 Civil Rights Act property acquired or developed with LWCF assistance shall be open to entry and use by all persons regardless of race, color, or national origin, who are otherwise eligible. Title 43, Part 17 (43 CFR 17), effectuates the provisions of Title VI. The prohibitions imposed by Title VI apply to park or recreation areas benefiting from federal assistance and to any other recreation areas administered by the state agency or local agency receiving the assistance. Discrimination is also prohibited on the basis of religion or sex.
2. Discrimination on the basis of residence. Section 6(f)(8) of the LWCF Act provides, with respect to property acquired and/or developed with LWCF assistance, discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent reasonable differences in admission and other fees may be maintained on the basis of residence. Fees charged to nonresidents cannot exceed twice the amount charged to residents. Where there is no charge for residents, but a fee is charged to nonresidents, nonresident fees cannot exceed fees charged for residents at comparable state or local public facilities. Reservation, membership or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents. These provisions apply only to the recreation areas described in the project agreement. Nonresident fishing and hunting license fees are excluded from these requirements.
3. Discrimination on the basis of disability. Section 504 of the Rehabilitation Act of 1973 requires no qualified person shall, on the basis of disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. The Americans with Disabilities Act of 1990 (P.L. 100-336) simply references and reinforces these requirements for federally-assisted programs.

4. Reasonable use limitations. Project sponsors may impose reasonable limits on the type and extent of use of areas and facilities acquired and/or developed with Fund assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the numbers of person using an area or facility or the type of users, such as "hunters only" or "hikers only." All limitations shall be in accord with the applicable grant agreement and amendments.

#### Leasing the Treasure Island Property

The LWCFA states the Town can provide for the operation of the Section 6(f)(3) area by leasing the area to a private organization or individual or by entering into a concession agreement with an operator to provide a public outdoor recreation opportunity at the site. Any lease must address the following:

1. To protect the public interest, the Town must have a clear ability to periodically review the performance of the lessee and terminate the lease if the terms and the provisions of the grant agreement, including standards of maintenance, public use, and accessibility, are not met.
2. The lease document should clearly indicate the area is to be operated by the lessee for public outdoor recreation purposes in compliance with provisions of the Land and Water Conservation Fund Act and implementing guidelines (36 C.F.R. 59). As such, the document should require the area be identified as publicly owned and operated as a public outdoor recreation facility in all signs, literature and advertising, and is operated by a lessee as identified in the public information to eliminate the perception the area is private.
3. The lease document should require all fees charged by the lessee to the public must be competitive with similar private facilities.
4. The lease document should make clear compliance with all Civil Rights and accessibility legislation (e.g., Title VI of Civil Rights Act, Section 504 of Rehabilitation Act, and Americans with Disabilities Act) is required, and compliance will be indicated by signs posted in visible public areas, statements in public information brochures, etc.

Ms. Savage also confirmed the Town can enter into a lease agreement, but she noted the lease agreement must be reviewed and approved by the Department of Forests, Parks and Recreation prior to the Town entering a lease.



### Subdividing or Selling the Parcel

Only municipal entities and the State of Vermont may own or hold a primary interest in LWCFA encumbered properties. Any fee simple transfer to another entity may result in a conversion of the property, which violates the LWCFA. Therefore, the Town cannot convey the property, or subdivide and convey a portion of the property, to any entity other than another municipality. A conservation organization, such as a land trust or the Vermont Housing & Conservation Board may be granted a conservation easement, but cannot hold a primary interest. Additionally, the Vermont Department of Forests, Parks and Recreation must first review and approve any such conveyance to ensure outdoor recreation is the primary purpose, and that the legal status of the Section 6(f)(3) property boundary is understood and maintained.

### Taxation of the Treasure Island Property

There are potential municipal and education tax exemptions that apply specifically to the Treasure Island property. The municipal tax exemption must be approved by vote of the Towns of Fairlee and West Fairlee, while the property is exempt from education tax by statute.

### Municipal Taxes

32 VSA § 3839 provides a potential municipal tax exemption for the Town of Hardwick's property owned on Caspian Lake in Greensboro, and the Town of Thetford's property at Treasure Island.

#### **32 V.S.A. § 3839. Municipally owned lakeshore property**

(a) Notwithstanding section 3659 of this title, a town may vote to exempt from its municipal taxes, in whole or in part, any parcel of land, but not buildings, that provides public access to public waters, as defined in 10 V.S.A. § 1422(6), and that is also:

- (1) owned by the Town of Hardwick, and located in Greensboro, Vermont;
- OR
- (2) owned by the Town of Thetford, and located in Fairlee and West Fairlee, Vermont.

(b) An exemption voted by a town under subsection (a) of this section shall be for up to ten years. Upon the expiration of the exemption, a town may vote additional periods of exemption not exceeding five years each.

It is our understanding the Towns of Fairlee and West Fairlee do not exempt Treasure Island from municipal taxes at this time.

### Education Tax

The education tax exemption stems from 32 V.S.A. § 5401(10)(K) and applies to the same properties as the municipal exemption above. 32 V.S.A. § 5402(a) provides that a “statewide education tax is imposed on all nonhomestead and homestead property.” 32 V.S.A. § 5401 defines “nonhomestead property” and includes a list of exceptions, including the Treasure Island property, thereby exempting it from education tax.

#### **32 V.S.A. § 5401(10)(K)**

Any parcel of land, but not buildings, that provides public access to public waters, as defined in 10 V.S.A. § 1422(6), and that is also:

- (i) owned by the Town of Hardwick, and located in Greensboro, Vermont;
- (ii) or owned by the Town of Thetford, and located in Fairlee and West Fairlee, Vermont.

As the education tax is a state tax, the exemption does not require approval by Fairlee and West Fairlee, and is reflected in the Treasure Island tax bills. Because the exemption applies only to the land, and not buildings, the Treasure Island buildings are taxed. If the Town leased the property to a non-profit entity, so long as Thetford owns the property and public access to public waters is provided, the education tax exemption should continue.

### History of Exemptions

We note the West Fairlee tax bill references 32 V.S.A. § 3802(18)(B). In 2014, the Legislature, through Act 174, repealed 32 V.S.A. § 3802(18)(B) and added both 32 V.S.A. § 3839 and 32 V.S.A. § 5401(10)(K). The summary of the relevant section of Act 174 states, “Secs. 56–57. Municipally owned lakeshore property. Alters related changes made in 2013. Allows a town, in two specific instances, to vote to exempt from its municipal taxes lakeshore property owned by a different town. Exempts, in two specific instances, municipally owned lakeshore property in a different town from statewide education property taxes.”

### Other Exemptions

We were also asked whether the property could be considered exempt from property tax under 32 V.S.A. § 3802(4), which provides a property tax exemption for “real and personal estate granted, sequestered, or used for public, pious, or charitable uses.” Although the property may meet the requirements of 32 V.S.A. § 3802(4), another statute, 32 V.S.A. § 3832, states that even if the § 3832 requirements are met, certain property, including that used primarily for recreational purposes, remains subject to property tax. Specifically, 32 V.S.A. § 3832(7) states the public, pious, or



charitable use exemption shall not be construed as exempting:

(7) Real and personal property of an organization when the property is used primarily for health or recreational purposes, unless the town or municipality in which the property is located so votes at any regular or special meeting duly warned therefor, and except for the following types of property;

(A) buildings and land owned and occupied by a health, recreation, and fitness organization which is:

(i) exempt from taxation under 26 U.S.C. § 501(c)(3);

(ii) used its income entirely for its exempt purpose; and

(iii) promotes exercise and healthy lifestyles for the community and serve citizens of all income levels;

(B) real and personal property operated as a skating rink, owned and operated on a nonprofit basis, but not necessarily by the same entity, and which, in the most recent calendar year, provided facilities to local public schools for a sport officially recognized by the Vermont Principals' Association.

As the use of Treasure Island is primarily recreational, 32 V.S.A. § 3802(4) won't apply unless the Towns of Fairlee and West Fairlee vote to exempt the property. This is the case whether or not the property is leased to a non-profit. While the Towns of West Fairlee and Fairlee could vote to exempt the property from municipal tax under 32 V.S.A. § 3832(7), a more appropriate exemption would come from a vote pursuant to 32 V.S.A. § 3839, which is more specific to the Treasure Island property.

**TOWN OF THETFORD, VERMONT  
POLICY OF THE COLLECTOR OF DELINQUENT TAXES**

The purpose of this policy is to establish clear guidelines so that all delinquent taxpayers will be treated fairly and will know what to expect.

- A. As soon as the warrant has been received, ~~if additional notices will be sent, insert the relevant period such as "and quarterly" or~~ and each month afterwards, the collector of delinquent taxes will send a notice to each delinquent taxpayer indicating the amount of taxes, penalty and interest owed.
- B. Only payment arrangements that will pay the bill in full ~~before the due date of next year's bill~~ within two (2) years of the payment agreement will be accepted.
- C. If the tax on personal property is not paid in full within ~~10~~ 60 days of the notice, the tax collector will seek the authorization of the selectboard to place a lien on the property.
- D. Mortgage holders and lien holders will be notified of the delinquent taxes when a lien is placed and 60 days ~~if additional notices will be sent, insert relevant language such as "30 days after the first notice has been sent to the taxpayer and again"~~ prior to tax sale.
- E. Partial payments will be applied proportionally between the principal amount of the tax, interest, and penalty fee.
- F. If the amount due is less than \$500 and no satisfactory payment arrangements have been made in one month, or if the prior payment agreement has not been met, the tax collector may file a complaint with small claims court.
- G. If the amount due is \$500 or more and no satisfactory payment arrangements have been made in one month, or if the prior agreement has not been met, the tax collector may begin the following actions to conduct a tax sale of the property or as much of the property as is necessary to pay the tax, plus costs and fees:
1. The collector will notify the taxpayer and all mortgage and lien holders of the tax sale decision, the date by which full payment must be received, and the costs to expect once the sale process begins.
  2. If the deadline date has passed and full payment has not been received, the collector will proceed with a tax sale according to the procedures specified in 32 V.S.A. § 5252.
  3. Costs of preparing and conducting the sale, including legal fees up to a maximum of 15% of the amount of the delinquent tax, will be charged to the delinquent taxpayer.
- H. Each taxpayer has a right to apply for abatement of property taxes based on any of the grounds listed in 24 V.S.A. § 1535. If you would like to schedule a meeting with the board of abatement, please contact the Thetford Town Clerk's Office.
- I. If no one purchases the property at tax sale, or if, in the judgment of the collector, proceeding with the tax sale is inadvisable, the collector shall collect the delinquent taxes using any or all of the methods permitted by law.
- J. If a property is being sold for taxes, the owner may request in writing, not less than 24 hours prior to the tax sale, that a portion of the property be sold. Such request must clearly identify the portion of the property to be sold and must be accompanied by a certification from the Vermont District

Commented [TM1]: Deleted quarterly

Commented [TM2]: Deleted VLCT's verbiage and extended time frame to 2 years of the payment agreement.

Commented [TC3]: 10 days is quick! We will be placing and releasing liens a lot. This should align with our penalty charges.

Commented [TM4]: Changed from 10 to 60 days

Commented [TC5]: Perhaps notify the mortgage/lien holder when a lien is placed?

Commented [TM6]: Added verbiage from Tracy and deleted VLCT recommendation.

Commented [TM7]: Added 60 days

Commented [TM8]: State statute is \$5K or less for small claims court action.

Commented [TM9]: Removed Clerk's Office phone number per Tracy

Commented [TM10]: Added telephone number



Environmental Commission and the town zoning administrative officer that the portion identified may be subdivided and meets minimum lot size requirements. In the event that the portion identified by the taxpayer cannot be sold for the tax and costs, then the entire property may be sold to pay such tax and costs.

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Collector of Delinquent Taxes

Town of Thetford, Vermont



# Town of Thetford Vermont

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802-785-2922 • thetfordvermont.us

## Selectboard Regular Meeting \*Draft\* Minutes

VIRTUAL ONLY

Monday, June 6<sup>th</sup>, 2022 7:00 PM

1  
2  
3  
4  
5 Selectboard members present: Sharon Harkay (chair), Li Shen (Vice Chair), Mary Bryant, David  
6 Goodrich, Steve Tofel  
7 Others present: Town Manager Bryan Gazda, Town Clerk/Treasurer Tracy Borst, Chief Michael  
8 Scruggs, Bryan Ruoff with Stantec, Selectboard Assistant Martie Betts  
9

10 Sharon Harkay called the meeting to order at 7:03 pm.  
11

### 1. Agenda Review

12  
13 Agenda item #6 will be moved to the June 20<sup>th</sup>.  
14

### 2. Town Manager Report – Bryan Gazda

#### 1. Treasure Island Update – discussed as the last item in TM report.

15  
16  
17 Bryan reported that 2 new buoys are in, and concrete anchor pads have been set for the dock.  
18 There are new ropes that the gate attendants and lifeguards can string up. The regular full time  
19 summer schedule will start this weekend.  
20 Li Shen expressed concerns about being informed late last week that trails are being built with  
21 the help of the Upper Valley Trail Alliance. This surprised Li because she didn't remember the  
22 Selectboard finalizing or agreeing to trails there, as it is a very ecologically important area. Li  
23 pointed out that the Conservation Commission came to the Selectboard to discuss their pollinator  
24 garden project and to seek approval.  
25 Sharon Harkay said the Treasure Island Exploratory Committee brought a report to the  
26 Selectboard and asked if they could present it during Town Meeting. This was denied by the  
27 Selectboard, and the project just moved forward. Bryan has been apprised of their plans.  
28 Bryan agreed that he was aware of what was taking place and because of timing, the project  
29 moved forward.  
30 Mary Bryant said she didn't see anything wrong with the project. If Li is concerned about the  
31 process, it should be an agenda item.  
32 Steve Tofel agree that he didn't see anything wrong and was not concerned about how we got  
33 here.  
34 David Goodrich said he is fine with it.  
35 David Roth, chair of the Treasure Island Exploratory Committee, gave a brief explanation of  
36 what has been done to get ready to open Treasure Island, and why they want to create more  
37 trails.  
38 Sharon Harkay said this topic would be on the agenda for June 20<sup>th</sup>. David Roth expressed  
39 concerns that it may be too late to cancel the Upper Valley Trails Alliance.

#### 2. Veteran's Park Flagpole Dedication – Logan Protzman Eagle Scout Project

40  
41 Bryan wanted to give recognition to Logan Protzman, who installed a telescoping flagpole at  
42 Memorial Park in Post Mills as an Eagle Scout project. There was a dedication on Memorial  
43 Day.  
44



# Town of Thetford Vermont

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1                   **3. Pedestrian – Bike Grant Update**

2 Bryan said he has received signs and the sharrow template. They are planning to have the work  
3 done by the end of the month.

4                   **4. Pay Equity Study Update**

5 Bryan said he was unable to have the job descriptions ready for an upcoming meeting but will go  
6 ahead with it anyway. This does not include an overhaul of the wage matrix.

7 Mary said a lot of thought went into adjusting the salaries to make things more equitable for  
8 town employees this year.

9                   **5. ARPA Funding Presentation**

10 Katie Buckley from the Vermont League of Cities and Towns (VLCT) will give a presentation to  
11 the Selectboard on June 27<sup>th</sup> at 7:00 PM. This is more of an outline of the ARPA program and  
12 not intended to get into the nuts and bolts of what we'll spend the money on. Bryan hopes to get  
13 a survey prepared for residents to submit their thoughts.

14                   **6. Other**

15 Bryan wanted to thank David Roth and all of the other individuals for financial support to get  
16 things done at Treasure Island.

17 Bryan also wanted to point out that today is D-Day, which was 78 years ago.

18

19                   **3. Public Comment**

20 No public comment.

21

22                   **4. Anticipated Appointment to the Planning Commission**

23 **Motion** by Sharon Harkay that we appoint Cynthia Shelton to the Thetford Planning  
24 Commission for a 3-year term, ending in 2025. **VOTE by roll call:** Steve Tofel – in favor, Li  
25 Shen – in favor, Mary Bryant – in favor, David Goodrich – in favor, Sharon Harkay – in favor.

26 **Motion passed.**

27

28                   **5. Consideration of Award for Latham Road with Bryan Ruoff of Stantec**

29 Bryan Ruoff shared his screen to review 3 bids that were received for the Latham Road project.  
30 At this time the recommendation is for the base bid to be awarded to the low bidder, Northwoods  
31 and to do the ad alt after the fact.

32 **Motion** by Sharon Harkay to approve the Northwoods bid for the Phase 2 portion of the Latham  
33 Road project for \$1,041,836.00, and to authorize the Town Manager to sign any necessary  
34 documents for the project. **VOTE by roll call:** Steve Tofel – in favor, Li Shen – in favor, Mary  
35 Bryant – in favor, David Goodrich – in favor, Sharon Harkay – in favor. **Motion passed.**

36

37 ~~**6. EEL Proposal for HVAC for the Original Section of Town Hall**~~

38

39                   **7. Acceptance of VTrans SY 22-23 Roads-in-Aid Grant Program**

40 **Motion** by Li Shen to authorize Bryan Gazda to submit the application for the VTrans SY 22 –  
41 23 Roads-in-Aid Grant and to sign the letter. **VOTE by roll call:** Steve Tofel – in favor, Li shen  
42 – in favor, Mary Bryant – in favor, David Goodrich – in favor, Sharon Harkay – in favor.

43 **Motion passed.**

44



# Town of Thetford Vermont

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## 8. Review and Discussion of Draft Facility Use Policy

Sharon said the last Facility Use Policy was adopted in 2009. Bryan said the draft is taken from the VLCT model policy for facility use. There is a question about maximum occupancy as we don't have anything on file for Town Hall. The policy for Treasure Island would depend on what people are going to do.

Sharon suggested going through the policy page-by-page and do a comparison with the current policy.

Tracy Borst mentioned a time when Town Hall was being rented and a police matter came up. Chief Michael Scruggs said they tend to process people in Bradford now. Tracy wondered about the process for renting town facilities, who will be letting people in, who is passing out the key, checking for cleaning, holding a deposit and then returning it.

There was discussion about paying for the use of the Thetford Center Green, alcohol use and requiring people to obtain insurance.

The Selectboard will send comments to Bryan who will continue to work on the policy.

## 9. Review and Discussion of Draft Delinquent Tax Policy

Bryan said that this was also a VLCT model policy. The current policy is from 1991.

There was discussion about the timeline in the VLCT model.

Steve Tofel said he wondered why the payment arrangements were for payment in full. That seems to take away discretion of tax collector and seems limiting to what we can consider.

Mary Bryant said it just seems incredibly harsh, especially the section that states the tax collector will notify the tax holder and sell their house and property.

Tracy said the sale was not immediate, that there is a redemption period. The last tax sales were in 2018. Some things did not sell. After the last delinquent tax collector left, Tracy has been collecting payments. There has been some success with state program. Tracy agreed that this policy does seem harsh in light of what's been done for the last few years. How do we plan to transition to this policy and who is going to take responsibility for it?

Sharon said as Town Manager, it is Bryans job to make sure this is done.

Bryan said the first step is to get the policy updated. At the end of the day, the money goes to the treasurer.

No action was taken.

## 10. Adoption of Green Procurement Policy

**Motion** by Mary Bryant to adopt the revised Green Procurement Policy. **VOTE by roll call:**

Mary Bryant – in favor, Li Shen – in favor, Steve Tofel – in favor, David Goodrich – in favor, Sharon Harkay – in favor. **Motion passed.**

## 11. Warrants and Minutes

#CT-2022.001	\$92.00
#CT-2022.002	\$26.50
#20.1	\$11,180.13
#21.1	\$118,867.00
#21.1A	\$20,071.27
#22.1	\$1,661.24



# Town of Thetford Vermont

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1	#23.1	\$825,940.26
2	#9.2	\$86,714.86
3	#10.2	\$9,287.70
4	#11.2	\$8,696.02
5	#17.3	\$1,850.00
6	#18.3	\$467,682.72
7	#19.3	\$778.77
8	#9.4	\$22,978.40
9	#10.4	\$21,834.00
10	#11.4	\$22,820.60

11

12 **Motion** by Sharon Harkay to accept the warrants as present. **VOTE by roll call:** Mary  
13 Bryant – in favor, Li Shen – in favor, Steve Tofel – in favor, David Goodrich – in favor,  
14 Sharon Harkay – in favor. **Motion passed.**

15

16 **Motion** by Sharon Harkay to accept the minutes of the May 16<sup>th</sup>, 2022, regular Selectboard  
17 meeting, as edited. **VOTE by roll call:** Mary Bryant – in favor, Li Shen – in favor, Steve  
18 Tofel – in favor, David Goodrich – in favor, Sharon Harkay – in favor. **Motion passed.**

19

## 20 **12. Adjourn**

21 **Motion** by Steve Tofel to adjourn the regular Selectboard meeting at 9:48 PM. **VOTE by**  
22 **roll call:** Mary Bryant – in favor, Li Shen – in favor, Steve Tofel – in favor, David Goodrich  
23 – in favor, Sharon Harkay – in favor. **Motion passed.**

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