

UPW 88-02



STATE OF VERMONT  
WATER RESOURCES BOARD  
MONTPELIER, VERMONT 05602  
(802) 828-2871

RULES REGULATING THE USE OF  
MILL POND  
TOWN OF WINDSOR

RULE 1: The operation of vessels and vehicles powered by an internal combustion motor except snowmobiles on a designated trail is prohibited.

RULE 2: Vessels or vehicles operated by agencies of the State of Vermont shall comply with Rules 1 at all times, except in cases where law enforcement, emergencies or performance of official duties requires otherwise.

Adopted February 16, 1989 by  
the Vermont Water Resources Board

Effective: March 9, 1989

STATE OF VERMONT  
WATER RESOURCES BOARD

In re: Petition of the Town  
of Windsor to regulate the of  
use of the public waters of  
Mill Pond (Kennedy's Pond) Town  
of Windsor, Vermont

Preliminary Findings of  
Fact

INTRODUCTION

On July 6, 1988, a petition signed by the Windsor Board of Selectmen and Old Mill Pond, Inc. was filed with the Vermont Water Resources Board under the provisions of 10 V.S.A. § 1424. The petition requested the Board to adopt rules "prohibiting the use of motorized boats and vehicles on Mill Pond."

In response to that petition the Water Resources Board appointed William A. Bartlett, its Executive Officer, as a hearing referee for purposes of conducting a public hearing regarding this petition on its behalf. A public hearing was held on August 24, 1988 at the Windsor Municipal Building, Windsor, Vermont.

To date, the following documents have been entered into the Board's record of this proceeding:

1. A petition dated June 21, 1988 signed by the Town of Windsor Board of Selectmen and Joseph G. DeFloria, Jr. on behalf of Old Mill Pond, Inc. with attached documentation as required by the Water Resources Board's Rules of Procedure.
2. A memorandum from Virginia Garrison on behalf of the Department of Environmental Conservation dated August 22, 1988.

On the basis of the documents identified above and the testimony presented at the August 24, 1988 hearing, the referee makes the following preliminary findings of fact.

PRELIMINARY FINDINGS OF FACT

1. Mill Pond, also known as Kennedy's Pond, is located in the Town of Windsor and has a surface area of approximately 70 acres. A limited portion of the shoreline is owned by the Town of Windsor which has developed it to serve as a municipal beach and boat access area. The remainder of the shoreline is owned by Old Mill Pond, Inc. which plans to construct 121 condominium units on its property under the terms of Land Use Permit 2S0753 issued on June 21, 1988.
2. Mill Pond is currently used for fishing, nonmotorized recreational boating, and swimming. In the winter the Pond is used by snowmobilers to connect with established snowmobile trails. Motorized boating is not an existing use.

3. The Town of Windsor has adopted an ordinance prohibiting the use of the municipal access area by motorized boats. Boats could obtain access to Mill Pond via Mill Brook.
4. At the August 24, 1988 hearing, the petitioners indicated that their petition was intended to insure that use of motorized vessels did not become established on Mill Pond, but had not considered the fact that the wording of their petition would prohibit the use of electric motors. Accordingly, the petitioners indicated that they would clarify their position on this point in their response to the hearing referee's preliminary findings of fact.
5. At the August 24, 1988 hearing, the petitioners indicated that their petition was not intended to prohibit the use of Mill Pond by snowmobiles on a trail designated by the local snowmobile club, but rather to prohibit the indiscriminate use of snowmobiles on Mill Pond as well as the use of all other types of motorized vehicles.
6. The Agency of Natural Resources has requested that the Board modify the rules requested by the petition by adding a provision exempting vessels operated by agencies of the State of Vermont in cases where law enforcement, emergencies or the performance of official duties require activities otherwise prohibited by the requested rules. The petitioners expressed their support of the Agency's request.

OPPORTUNITY FOR FURTHER COMMENT

The above preliminary findings of fact are issued in accordance with 10 V.S.A. § 905(1)(C) by the referee appointed by the Vermont Water Resources Board. Anyone with an interest in this matter, whether or not they attended the hearing on August 24, 1988, has the opportunity to file comments regarding these findings, to request additional findings, or request that a further hearing be held by the Vermont Water Resources Board. In order to be considered by the Board such comments or requests must be received at the Board's office by September 12, 1988. All correspondence or any questions regarding this matter should be addressed to the Vermont Water Resources Board, State Office Building, Montpelier, Vermont 05602 (telephone 828-2871).

Done this 25th day of August, 1988 at Montpelier, Vermont.

For the Water Resources Board



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William A. Bartlett  
Executive Officer



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WATER RESOURCES BOARD  
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NOTICE OF PUBLIC HEARING

On July 6, 1988, a petition from the Town of Windsor Board of Selectmen was filed with the Vermont Water Resources Board requesting the adoption of rules prohibiting the use of motorized boats and vehicles on Mill Pond, Windsor, Vermont. This petition was filed under the provisions of 10 V.S.A. § 1424.

On August 24, 1988, beginning at 7:00 p.m. a hearing referee appointed by the Water Resources Board will conduct a public hearing at the Windsor Municipal Building, Selectmen's Room, 147 Main Street, Windsor, Vermont. The purpose of this hearing is to receive public comment prior to the Water Resources Board deciding how it should response to this petition. This hearing is being held under the authority of 10 V.S.A. § 1424.

Any questions or written comments regarding this matter should be directed to the Vermont Water Resources Board, State Office Building, Montpelier, Vermont 05602.

By authority of the  
Water Resources Board

  
William A. Bartlett  
Executive Officer

July 25, 1988