

FITTS, OLSON & GIDDINGS, P.L.C.
ATTORNEYS AT LAW
16 HIGH STREET
BRATTLEBORO, VERMONT 05301-3001
(802) 254-2345
(802) 254-6061 FAX



JEAN BREWSTER GIDDINGS*

LORIE A. CARTWRIGHT
LAURIE A. ROWELL
DAVID M. SCHULTZ**

*ALSO ADMITTED IN NEW HAMPSHIRE
** ALSO ADMITTED IN WASHINGTON

OSMER C. FITTS
1905-1985
PAUL N. OLSON
1915-2003

JANICE M. MOMANEY
LEGAL ASSISTANT

January 18, 2013

Pete LaFlamme
Vermont Department of Environmental Conservation
Watershed Management Division
1 National Life Drive, Main 2
Montpelier, VT 05620

Re: Petition for Kenny Pond

Dear Mr. LaFlamme,

My clients have taken my advise on urging from Attorney Hasen earlier on this case and had a survey of Kenny Pong a/k/a/ Grout Pond performed. A copy is attached. Based on the survey the pond is 18.8 acres.

I am advised that Kenny Pond and the smaller pond on the other side of the road are connected by a culvert. However, even if the smaller pond is included, the total acreage of the ponds combined is under 20. Therefore Kenny Pond should not be on the public land record.

I have not yet received an answer on the road research. Do the road rights still need to be determined since I assume that information was of concern if the only grounds for keeping the pond off the list of public waters was its status as a man-made pond? I will await your response to contact an Abstractor for review of the town records.

Sincerely yours,

FITTS, OLSON & GIDDINGS, P.L.C.


Jean Brewster Giddings

JBG/mrf
cc
Gerald Leape
Beckley Gaudette

