

STATE OF VERMONT

Water Resources Board

Regulation of the Use of
Public Water - Huff (Hough) Pond
Town of Sudbury, Vermont

10 V.S.A., §1424
Preliminary Findings
of Fact

Introduction

On March 9, 1983, a petition signed by ten freemen was filed with the Vermont Water Resources Board in accordance with the provisions of 10 V.S.A., §1424. The petition requested the Board to adopt rules prohibiting the use of all gasoline powered motors on Huff Pond (also known as Hough Pond) in the Town of Sudbury. On June 28, 1983, the Board appointed its Executive Officer, William Bartlett as a referee to conduct a public hearing regarding this petition on their behalf. A public hearing was held on July 21, 1983, at the Sudbury Town Clerk's Office, Sudbury, Vermont.

Preliminary Findings of Fact


1. Huff Pond is located in the Town of Sudbury and is generally described as 15 acres of open water with an equal area of adjacent marsh.
2. The Pond is shallow with a largely silt bottom.
3. The Pond's watershed is surrounded entirely by trees. A portion of the Pond's south shore is bordered by a narrow, gravel town highway.
4. Development adjacent to the Pond consists of three permanent residences on the south side and one partially completed residence.
5. The Sudbury Town Plan designates the minimum lot size for the lands adjacent to Huff Pond as being ten acres.
6. The Pond is used for recreational purposes, including; swimming, fishing and boating.
7. The Pond supports a self-sustaining warm water fishery, including; bass, pike, perch and bullheads. The Pond and adjacent marsh also provides habitat for geese, ducks, beaver, muskrat and other wildlife.
8. The adjacent town highway is sometimes used as an informal boat access.
9. The petition seeks to address problems associated with the periodic use of Huff Pond for high speed boating.

10. Because of the Pond's relatively small size, such boating tends to pre-empt other recreational uses, and creates extremely turbid conditions.
11. The petition seeks to categorically prohibit gasoline powered engines on the Pond for the following reasons; the noise associated with their use, gasoline motors generally have a longer drive shaft than do electric motors, and therefore tend to create more turbidity, and the potential risk of gasoline spills due to careless refueling.
12. The Pond's small size makes it unsuitable waterskiing and high speed boating.
13. Excessive turbidity could adversely effect the habitat value of the marsh adjacent to the pond.
14. The Agency of Environmental Conservation supported the petition but requested a limited exemption for boats operated by the State of Vermont in cases of law enforcement, emergencies or the performance of the official duties.

The above preliminary findings of fact are issued in accordance with 10 V.S.A., §905(a) by the referee appointed by the Vermont Water Resources Board. All parties in interest to this proceeding have the opportunity to file exceptions to these findings, to request additional findings or request a further hearing be held by the Water Resources Board. In order to be considered by the Board, any such exception or request must be received at this office on or before August 11, 1983. All correspondence regarding this matter should be addressed to the Vermont Water Resources, State Office Building, Montpelier, Vermont 05602 (telephone 828-2871).

Done this 25th day of July, 1983, at Montpelier, Vermont.

By authority of the Vermont
Water Resources Board



William A. Bartlett,
Hearing Referee

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