

State of Vermont

Water Resources Board

Petition Regarding the  
Shelburne Bay Mooring  
Management Zone  
Shelburne Bay  
Shelburne, Vermont

10 V.S.A. Section 1424

On April 5, 1983, the Water Resources Board (Board) under the authority of 10 V.S.A. §1424 adopted rules establishing a Mooring Management Zone within Shelburne Bay. Within the Mooring Management Zone the Board designated areas where the placement of boat moorings is either prohibited, unregulated or regulated by the Town of Sherburne (Town) under a delegation of the Board's authority as provided for in 10 V.S.A. §1424(f).

On July 24, 1985 a petition signed by ten freemen was filed with the Board under the provisions of 10 V.S.A. §1424 regarding that portion of the Shelburne Bay Management Zone within which the Town regulates the placement of boat moorings (regulated area). On September 10, 1985 the Board held a public hearing in response to this petition at the Shelburne Town Hall, Shelburne, Vermont.

FINDINGS

1. The petition seeks to have the Board adopt a rule requiring the Town to expand the number of boat moorings allowed in the regulated area and to expand the associated parking area on adjacent lands owned by the Town to the following capacities over a three year period:
  - (a) 1986 - 60 boat moorings, 90 parking spaces;
  - (b) 1987 - 120 boat moorings, 180 parking spaces;
  - (c) 1988 - 200 boat moorings, 300 parking spaces.
2. The regulated area lies generally westward of an imaginary line drawn between the easternmost extremity of the Allan Hill shoreline and the mouth of the LaPlatte River and is adjacent to a tract of land purchased by the Town in 1978 with funds from the Bureau of Outdoor Recreation.
3. The Town has regulated the placement of boat moorings in the regulated area since 1979 under authority granted in its municipal charter.
4. Prior to 1979 approximately 25 boats were moored in the regulated area.

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5. When the Town first began regulating boat moorings under its charter authority in 1979 it decided to limit the number of moorings to 25, the historical use of this area. Prior to the 1983 boating season the number of applications for boat moorings had never exceeded the Town's self-imposed limitation of 25 boat moorings.
6. The Town provides no services for boats moored in the regulated area other than trash collection.
7. Since 1983 the number of applications has exceeded the number of available mooring spaces. As a consequence, since 1983 the Town has issued mooring permits on a lottery system. The lottery is conducted in such a way that all applicants, whether or not they are residents of the Town of Shelburne, have an equal chance of receiving a permit in any given year.
8. In 1984 the Town decided to gradually expand the number of boat moorings allowed in the regulated area by four additional moorings per year up to a maximum of 40 moorings.
9. The Town has commissioned a study on the use of the land adjacent to the regulated area which it acquired with Bureau of Outdoor Recreation funds. One purpose of this study is to provide a basis for determining what impact the expansion of the number of moorings in the regulated area might have on the Town's land. This study is scheduled to be completed in the fall of 1985.
10. The Town assesses a fee for the placement of moorings within the regulated area sufficient to defray its administrative costs. In 1985 the annual mooring fee was \$140 which is substantially below the price usually paid for the placement of boat moorings in other portions of Shelburne Bay.

#### DECISION

1. Following the petitioner's opening comments at the public hearing on September 10, 1985, the Board on a motion by Davies, seconded by Countryman, voted unanimously to deny that portion of the petition pertaining to parking area capacity as being beyond the scope of the Water Resources Board's jurisdiction under the provisions of 10 V.S.A. §1424.
2. At the conclusion of testimony at the public hearing on September 10, 1985, the Board on a motion by Davies, seconded by Countryman, decided by majority vote (Rachlin, Davies, Countryman in favor, Scheele opposed) to adopt a motion denying the balance of the July 24, 1985, petition and commending the Town of Shelburne for regulating the

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placement of boat moorings within the regulated area of the Shelburne Bay Mooring Management Zone in a fair, equitable and sound manner which is fully consistent with all applicable rules of the Water Resources Board.

Done this 20th day of September, 1985, at Montpelier, Vermont.

For the Vermont Water  
Resources Board

  
Catharine B. Rachlin, Chairman