

**Shoreland Permit Application**for a Shoreland Protection Permit under  
Chapter 49A of Title 10, § 1441 *et seq.***For Shoreland Permitting Use Only**

Application Number: 2218-SP

VERMONT DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**WATERSHED  
MANAGEMENT DIVISION**

LAKES &amp; PONDS PROGRAM

**Public Notice:** At the same time this application is filed with Shoreland Permitting, a copy of this application must be provided to the municipal clerk for posting in the municipality in which the project is located.Submission of this application constitutes notice that the person in Section A intends to create impervious surface and/or cleared area within the Protected Shoreland Area, and certifies that the project will comply with Chapter 49A of Title 10, § 1441 *et seq.* All information required on this form must be provided, and the requisite fees (Section G) must be submitted made payable to the State of Vermont, to be deemed complete. Refer to *The Vermont Shoreland Protection Act - A Handbook for Shoreland Development* and related instructions for guidance in completing this application.**A. Parcel Information**

1. Landowner's Name: Town of Proctor

2a. Physical Address (911 Address): 55 Florence Road

2b. Town - County: Proctor - Rutland

2c. Zip: 05765

3. SPAN (The School Parcel Account Number is required for your application to be deemed complete. It can be obtained from your : 49815710886 property tax bill. If you cannot locate your property tax bill, please obtain this information from your Town Clerk)

4. Phone: 802-459-3333 ex 13

5. Email: proctor\_manager@comcast.net

6. Name of lake/pond: Beaver Pond - Proctor

7. Total shore frontage: 536.00 (feet)

8. Was the parcel of land created before July 1, 2014?  Yes  No9. Are there wetlands associated with this parcel?  Yes  NoContact the Wetlands Program: (802) 828-1535 or [watershedmanagement.vt.gov/wetlands.htm](http://watershedmanagement.vt.gov/wetlands.htm).10. Have you ever applied for a permit with the Department of Environmental Conservation associated with this parcel?  
 Yes  No11. What is the surface area of your parcel within the Protected Shoreland Area (PSA): 53,600 (square feet)  
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix C, Determining Lakeside Zone & PSA12. What is the surface area of existing impervious surface on your parcel within the PSA: 0 (square feet)  
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix F, Calculating Percent Impervious Surface13. What is the surface area of existing cleared area on your parcel within the PSA: 0 (square feet)  
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix E, Calculating Percent Clearing**B. Applicant Contact Information**

1. Name: Town of Proctor

2a. Mailing Address: 45 Main Street

2b. Municipality: Proctor

2c. State: VT

2d. Zip: 05765

3. Phone: 802-459-3333 ex 13

4. Email: proctor\_manager@comcast.net

**C. Application Preparer Information** (If the individual preparing the application is not the landowner.)

1. Name: Stanley Wilbur, Town Manager

2a. Mailing Address: 45 Main Street

2b. Municipality: Proctor

2c. State: VT

2d. Zip: 05765

3. Phone: 802-459-3333 ex 13

4. Email: proctor\_manager@comcast.net

**D. Project Description**

1. Describe the proposed project. For this application to be considered administratively complete you must attach site plans that denote existing and proposed cleared areas and impervious surface and their distances from mean water level, no fewer than three photos of the project area, and dimensions and associated surface areas of cleared areas and impervious surfaces.

The proposed project is the restoration of an existing public beach and swim area at the north end of Beaver Pond. The work will include the excavation of 12 in. of broken glass and rusted can contaminated bottom material and replace it with 6 in. of clean bank run sand in an area 100 feet along the shoreline and 50 feet into the pond. This will entail the removal of 185 to 200 cy of material and placement of 90 to 110 cy of fill material. Excavated material will be deposited behind a waste concrete block/hay bale barrier located 10 feet from the shoreline to dewater. The dewatered material will be raked to remove glass and cans, spread on site and covered with clean material. The fill material will come from the Town's owned sand pit located on Williams Street in Proctor. No temporary fill will be needed to access the work site. No trees greater than 3 inches DBH will be cut to complete the project. Areas disturbed by construction activities will be graded and seeded. Hay bales will be placed along the shoreline to control erosion and prevent sedimentation from reaching the pond. To expedite the work the water level will be lowered 2 +/- ft. by removing stop planks from the dam. There will be no new cleared areas or impervious surfaces resulting from this project.

2. For developed parcels, how far is the existing habitable structure from Mean Water Level \_\_\_\_\_ (feet), and How far will new cleared area or impervious surface be from MWL \_\_\_\_\_ (feet)?

**OR**

For undeveloped parcels, how far will new cleared area or impervious surface be from MWL \_\_\_\_\_ (feet)?  
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix A – Estimating Mean Water Level

3. Can all new cleared area or impervious surface be set back at least 100 feet from MWL?  Yes  No  
If no, explain why below (attach support information as needed):

There will be no new cleared area or impervious surface resulting from this project.

- 4a. What is the slope of the project site area: 11.00 %  
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix B, Determining Slope

- 4b. Is the slope of the project area less than 20%?  
 Yes  No If yes, skip 4c.

- 4c. If no above (4b), describe the measures taken to ensure the slope is stable, resulting in minimal erosion and impacts to water quality (attach support information as needed):

- 5a. What is the surface area of new impervious surface associated with this project: 0.00 (square feet)  
See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix F Calculating Percent Impervious Surface

- 5b. What is the total resulting impervious surface after completion of the project and prior to implementation of best management practices: 0.00 (square feet)  
For D5b, add A12 to D5a

- 5c. Is the total in 5b. 20% or less of the parcel area within the PSA?  Yes If yes, skip 5d.  No  
If 5a is 0, check the n/a box, otherwise divide 5b by A11 and multiply by 100 for percentage. Total percentage = \_\_\_\_\_%  N/A

- 5d. If no above (5c), describe the best management practices used to manage, treat and control erosion from stormwater from the portion of impervious that exceeds 20% (attach support information as needed):

6a. What is the surface area of new cleared area associated with this project: 0.00 (square feet)

See The Vermont Shoreland Protection Act – A Handbook for Shoreland Development, Appendix E, Calculating Percent Clearing

6b. What is the total resulting cleared area after completion of the project and prior to implementation of best management practices: 0.00 (square feet)

For 6b, add A13 to D6a.

6c. Is the total in 6b. 40% or less of the parcel area within the PSA?  Yes If yes, skip 6d.  No  
If 6a is 0, check the n/a box, otherwise divide 6b by A11 and multiply by 100 for percentage. Total percentage = \_\_\_\_\_%  N/A

6d. If no above (6c), describe the best management practices used to provide erosion control, bank stability, and wildlife habitat functionally equivalent to clearing less than 40% (attach support information as needed).

### E. Landowner Certification

As APPLICANT, I hereby certify that the statements presented on this application are true and accurate and recognize that by signing this application, I agree to complete all aspects of the project as authorized. I understand that failure to comply with the foregoing may result in violation of the Shoreland Protection Act, 10 V.S.A. Chapter 49A, and the Vermont Agency of Natural Resources may bring an enforcement action for violations of the Act pursuant to 10 V.S.A. chapter 201.

Applicant/Landowner Signature: Bruce E Bacon Date: 9-12-11

### F. Application Preparer Certification (if applicable)

As APPLICATION PREPARER, I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Application Preparer Signature: Shirley Walker Date: 09/12/11

### G. Additional Required Documentation (Please check to ensure you have completed the following)

- All sections of the application are complete (or otherwise indicate "not applicable")
- Application includes site plans denoting existing and proposed cleared area and impervious surface and distances from mean water level
- Application description includes dimensions and surface areas of cleared areas and impervious surfaces
- Application includes photos of project area

### H. Permit Application Fees

Administrative Fee: \$125.00		\$ 125.00
Impervious Area Fee: \$0.50 per square foot	Enter new impervious area as entered in item (5a.) _____ x .5	\$
<b>Total:</b>		\$

**Print Form**

**Submit this form and application fee, payable to:**

State of Vermont  
Vermont Department of Environmental Conservation  
Watershed Management Division  
Shoreland Permitting  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522

Direct all correspondence or questions to Shoreland Permitting  
at: [ANR.WSMDShoreland@vermont.gov](mailto:ANR.WSMDShoreland@vermont.gov)

For additional information visit:  
[www.watershedmanagement.vt.gov](http://www.watershedmanagement.vt.gov)



**Shoreland Permit Application Addendum**  
for a Shoreland Protection Permit under  
Chapter 49A of Title 10, § 1443(g)  
**Public Recreation Areas**

This Public Recreation Areas Addendum is intended to accompany a completed *Shoreland Permit Application* in instances of proposed impervious surface and cleared area that serves the general public and promotes a public trust use and otherwise would not meet the Shoreland Protection Act standards.

Submission of this Public Recreation Areas Addendum constitutes notice that the person in Section A of the attached *Shoreland Permit Application* intends to create impervious surface and/or cleared area within the Protected Shoreland Area, and certifies that the project will comply with Chapter 49A of Title 10, § 1443(g). All information required on this form must be provided to be deemed complete.

**D. Project Description**

1. Describe the proposed project and how it provides access to the water for the general public and promotes public trust uses of the water. On separate pages attach site plans, photos, calculations of impervious surface and cleared area, and any other relevant supporting documents:

The proposed project is the restoration of an existing public beach and swim area at the north end of Beaver Pond. The work will include the excavation of broken glass and rusted can contaminated bottom material and placement of clean bank run sand in an area 100 feet along the shoreline and 50 feet into the pond. Excavated material will be deposited behind a waste concrete block/hay bale barrier located 10 feet from the shoreline to dewater. The area that will be disturbed by construction activities will be 150 feet along the shoreline and 80 feet from the shoreline (median water level) to the park access road. This will result in the removal of approximately 12,000 square feet of vegetation. Disturbed areas will be graded and seeded. There will be no new cleared areas or impervious surfaces resulting from this project.

2. Describe why the new impervious surface and/or cleared area within the Protected Shoreland Area are necessary to achieve the recreational purpose and function of the project:

There will be no new impervious surfaces created as part of this project. Clearing will be necessary to provide equipment access and work area and create the area needed to dewater the dredged material.

3. Describe the best management practices used to protect habitat and water quality of the lake while achieving the public recreational purpose. On separate pages attach site plans, photos, and any other relevant supporting documents:

Hay bales will be placed along the shoreline to control erosion and prevent sedimentation from reaching the pond.

**Submit this form as an addendum to a complete Shoreland Permit Application to:**

**Vermont Department of Environmental Conservation  
Watershed Management Division  
Shoreland Permitting  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522**

Direct all correspondence or questions to Shoreland Permitting at: [ANR.WSMDSshoreland@vermont.gov](mailto:ANR.WSMDSshoreland@vermont.gov)

For additional information visit: <http://dec.vermont.gov/watershed/lakes-pond>

**Town of Proctor  
Beaver Pond Park  
Shoreland Protection Permit Application**

**Attachments:**

**Beaver Pond Location Map**

**Historic Photo of Beaver Pond Park**

**Beaver Pond Park Dredging Plan**

**Beaver Pond Cross Section and Concrete Block Diagram**

**Hydrographic Survey**

**Photo # 1**

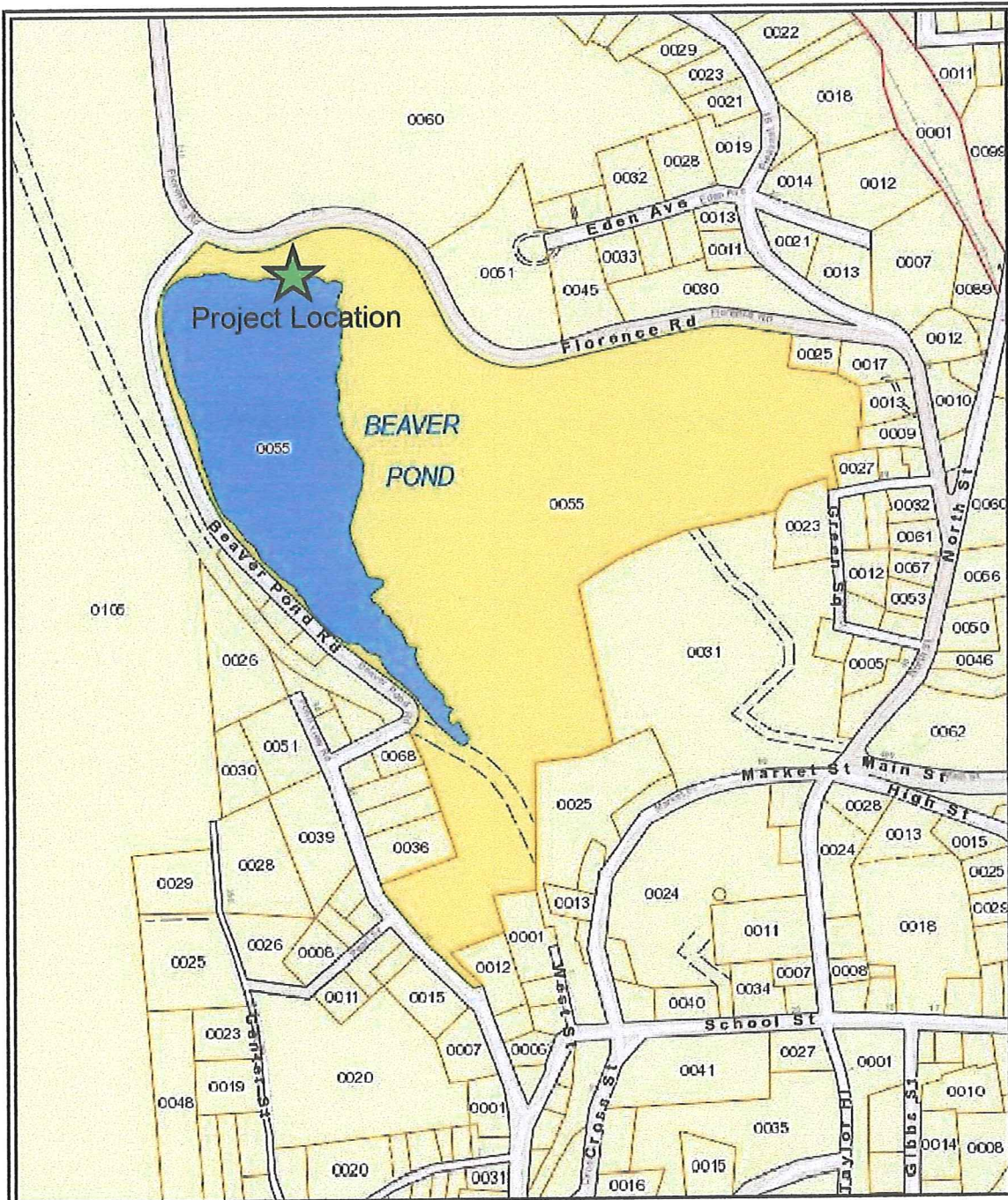
**Photo # 2**

**Photo # 3**

**Photo # 4**

**VT Wetlands Permit Letter**

**Omya Dredge Existing Beach and Place Sand in Beaver Pond - 2003 Permit**



Proctor, VT  
 1 Inch = 416 Feet  
 January 08, 2014



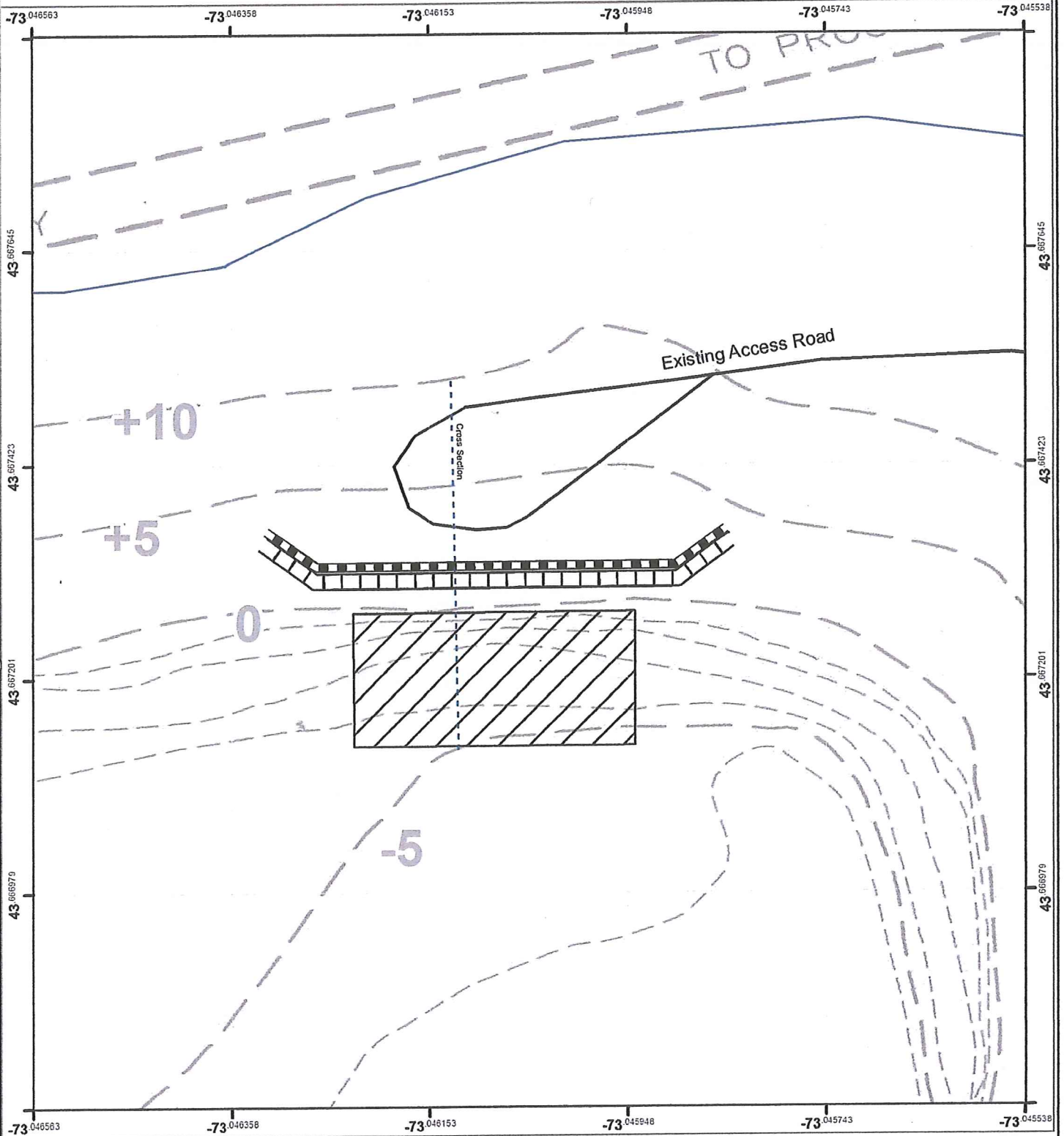
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

[www.cai-tech.com](http://www.cai-tech.com)





# Beaver Pond Park : Dredging Plan Town of Proctor



## Legend

- Beaver Pond Park Existing Access Road
- Dredging Area (50ft x 100ft)
- Five Foot Contour Interval
- One Foot Contour Interval
- Cross Section

## Retaining Wall

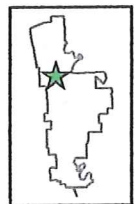
- Concrete Caste Blocks (2x2x6ft)
- Hay Bales (2x2x3ft)

For more detail: refer to the Cross Section Analysis and Concrete Block Diagram on separate page.

**Date: August 26, 2016**

Data is only as accurate as the original sources. This map is for planning purposes only. This map may contain errors and omissions. Contour data is derived from "Vermont Marble Company, Proctor, VT, Hydrographic Survey of Beaver Pond, May 1917".

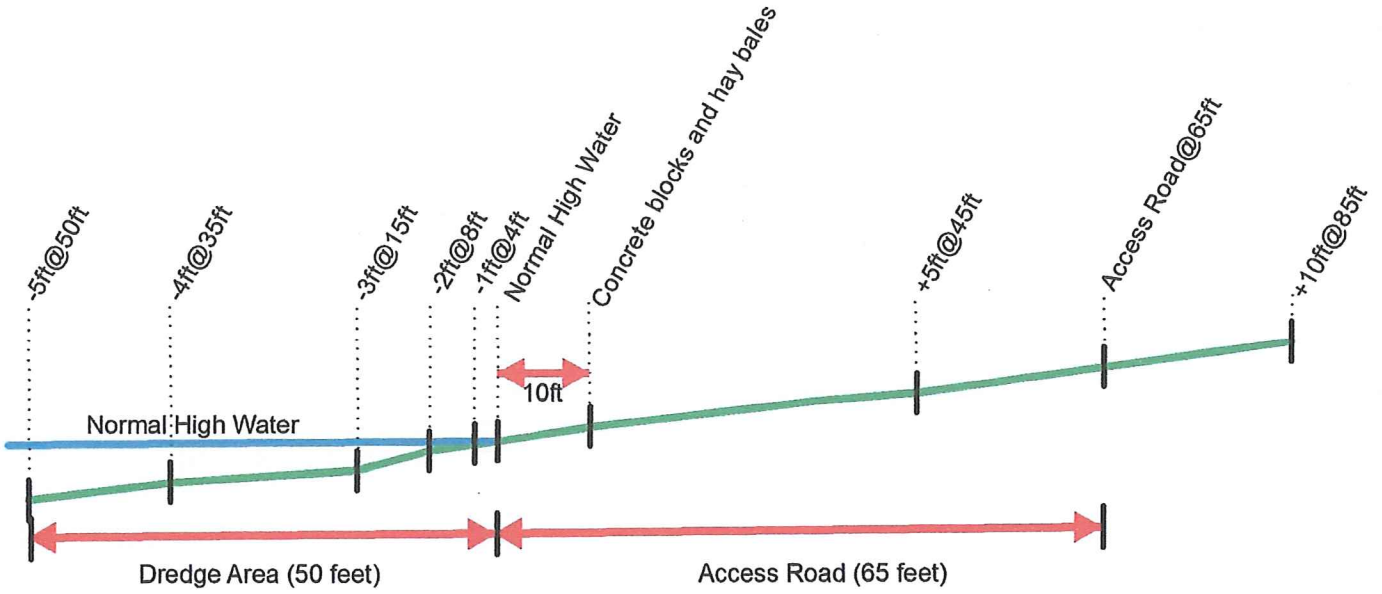
**1 inch = 50 feet**



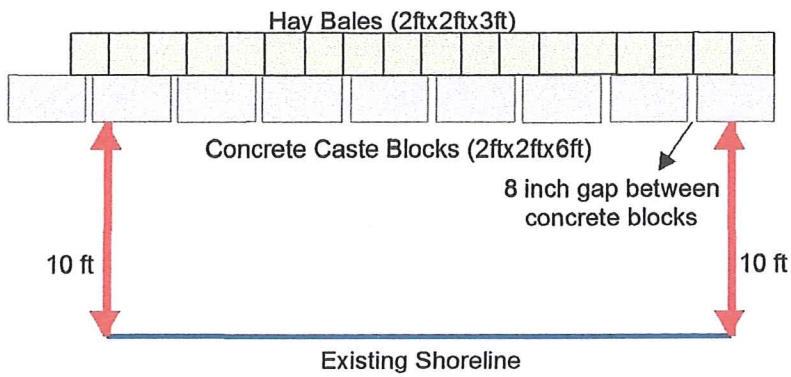
Location Map



Beaver Pond  
Proctor, VT  
Cross Section Analysis

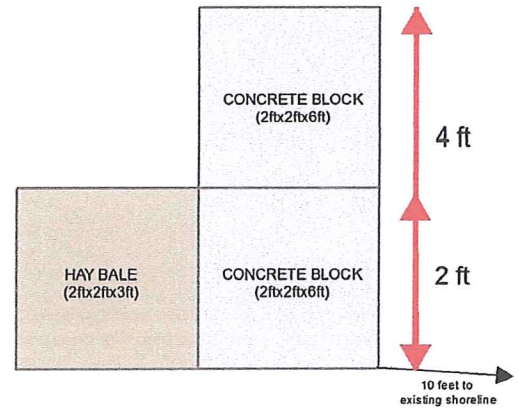


Beaver Pond  
Proctor, VT  
Concrete Block Diagram  
Over View



Drawing not to scale.

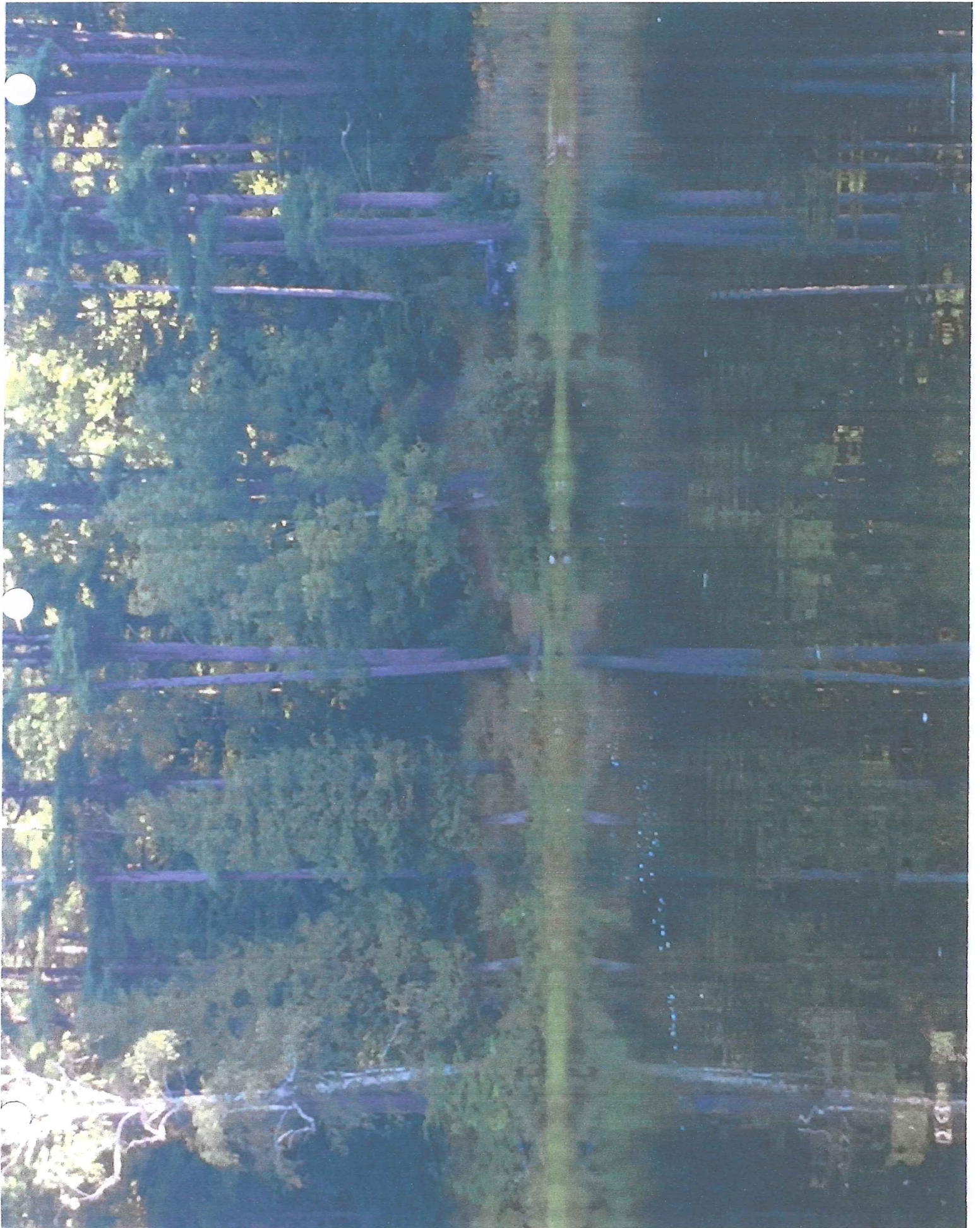
Beaver Pond  
Proctor, VT  
Concrete Block Diagram  
End View



Drawing not to scale.











## Stan Wilbur

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**From:** Courage, Zapata <Zapata.Courage@vermont.gov>  
**Sent:** Monday, August 15, 2016 5:05 PM  
**To:** Stan Wilbur  
**Cc:** 'Bill Champine'; Oberkirch, Rick  
**Subject:** Re: Beaver Pond Shoreland Permit Application

Hello folks,

As promised I brought up your proposed project and the wetlands in question to the staff meeting. After review of the photos, project site description, we have determined that the wetland area including the area within the water and along the shore is a Class III wetland.

The subject wetland is not mapped on the Vermont Significant Wetland Inventory maps. Although it does it meet the presumptions of size listed in Section 4.6 of the Vermont Wetland Rules, the Secretary has determined based on an evaluation the wetland that it does not provide function or value that is significant enough to merit protection under the Vermont Wetland Rules at this time.

### JURISDICTION:

The State currently does not regulate Class III wetlands and Class III wetlands do not have a buffer. This means that you can do what you might like to do in that area without a State wetland permit. However, because wetland character, size, and function can change over time, this determination and the delineation is only valid for five years. If impacts are proposed five years beyond the date of this letter, a permit may be required. I recommend that you have a Wetlands Program Ecologist re-evaluate the protection status of the wetland at such time, a service that we provide without cost.

Therefore, the proposed recreational space development project does not require a wetland permit, including the dredging of the swimming area (100 x 50 ft), the placement of sand and any storage of the dredged and use of the dredged materials. Please reference 2016-434, the project number in any future communications.

You do still need to get in touch with the Army Corps of Engineers (802-872-2893)

Thanks  
Zapata

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**From:** Stan Wilbur <proctor\_manager@comcast.net>  
**Sent:** Saturday, August 6, 2016 9:01:49 AM  
**To:** Courage, Zapata  
**Cc:** 'Bill Champine'; Oberkirch, Rick  
**Subject:** RE: Beaver Pond Shoreland Permit Application

Zapata

See you there.

STATE OF VERMONT  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
MANAGEMENT OF LAKES AND PONDS  
29 V.S.A. Chapter 11

RE OMYA  
PO Box 674  
Proctor, Vermont 05765

Application No. 2003-014

Project: Dredge Existing Beach and Place Sand in Beaver Pond, Proctor, Vermont

Project Identification Number: RU03-0190

**BACKGROUND**

On July 2, 2003, the Department of Environmental Conservation (Department) received an application from OMYA (applicant) under the provisions of 29 V.S.A. Chapter 11, "Management of Lakes and Ponds," for authorization to dredge an existing beach area and place sand within the public waters of Beaver Pond, Proctor, Vermont. The fee was received on July 7, 2003, and the application was determined to be complete for noticing. All nine acres of the pond are listed in the Department's Lake Assessment database as not fully supporting aesthetics, aquatic life, secondary contact, and swimming uses due to the dense growth of Eurasian watermilfoil (*Myriophyllum spicatum*) in the pond.

On July 16, 2003, state and local officials, abutting property owners, and others having an interest in this matter were notified of this application and given the opportunity to file written comments or request a public information meeting. The notice period ended on August 4, 2003. No request for a public information meeting was received.

The Department has reviewed the application, public comments, and other relevant documents and information, and has found that sufficient information exists with which to determine whether this project will be consistent with the public trust doctrine and whether the project will adversely affect the public good as provided in 29 V.S.A. Section 405(b). In reviewing the application for conformance with 29 V.S.A. Chapter 11 the Department has followed its Interim Procedures for the Issuance or Denial of Encroachment Permits dated October 6, 1989 with the exception of section 3 of the procedures, "Public Trust Determination." The Department has relied on guidance provided by case law to make a decision regarding the proposed project's consistency with the public trust doctrine.

**FINDINGS**

1. **Jurisdiction:** Beaver Pond, Proctor, Vermont, is a public water of the State of Vermont. The project encroaches beyond the shoreline as delineated by the mean water level of the pond. Therefore, the Department has jurisdiction under 29 V.S.A. Chapter 11.
2. **Project Description:** The proposed project is the restoration of an existing beach and swim area. The beach area is owned by the applicant but is open to the public free of charge. A silt screen curtain will be installed around the work area to contain turbidity. Approximately 6 inches of bottom material will be excavated, using heavy equipment, from an area 200 feet along the shoreline and extending 75 feet from shore into the pond. This will remove approximately 280 - 300 cubic yards of bottom material. Broken glass and debris, which has accumulated on the



pond bottom in the beach and swim area, will also be removed. Clean bank run sand will be placed in the excavated area, restoring the pre-existing elevation of the pond bottom. Clean sand will also be placed upland along the shoreline. The excavated material will be removed from the site and taken to an area to be screened. Suitable material will be reused for fill elsewhere. Unusable material will be disposed of properly.

3. **Project Purpose:** The purpose of the project is to restore an existing public beach and swim area. Broken glass, trash, and debris has accumulated on the pond bottom overtime. Aquatic vegetation has also spread into the area, lessening the swimming experience.
4. **Excessiveness for Stated Purpose:** The removal of bottom material and accumulated debris prior to placing clean sand in the excavated area is not excessive to restore the public beach and swim area.
5. **Less Intrusive Feasible Alternatives:** No less intrusive alternative has been identified to achieve the stated purpose. Public swimming opportunities in the local area are limited, the next closest being Lake Bomoseen and Lake Dunmore, more than 20 miles away.
6. **Measures to Reduce Impacts:** A silt screen curtain will be installed in the pond around the work area to contain turbidity. Only clean sand will be placed in the pond.
7. **Placement of Fill:** The project involves the placement of fill within the pond at an existing public beach and swim area. Fill will only be placed in the pond within the excavated area, up to the pre-existing pond bottom elevation. Only clean bank run sand will be used. The public benefit of restoring the existing beach and swim area overwhelmingly outweighs the adverse effect of the proposed fill.
8. **Effects on Water Quality:** A silt screen curtain will be installed around the work area prior to any excavation. Only clean sand, free from silt, clay and other organic material, will be placed in the pond to protect water quality. No long-term water quality problems should result from the project as proposed.
9. **Effects on Fish and Wildlife Habitat:** The project site is an existing public beach and swim area that has deteriorated over the years. Approximately 15,000 square feet (0.34 acres) of pond bottom will be excavated and replaced with sand. There will be no loss of open water. There was no information received from noticed parties to indicate that the project would have an adverse impact on fish and wildlife habitat. All nine acres of the pond are listed as not fully supporting aquatic life due to the dense growth of Eurasian watermilfoil (*Myriophyllum spicatum*). Based on the Department's site inspection, there should be no undue long-term adverse impact on fish and wildlife habitat.
10. **Effects on Aquatic and Shoreline Vegetation:** All nine acres of the pond are listed as not fully supporting aquatic life, including native aquatic vegetation, due to the dense growth of Eurasian watermilfoil (*Myriophyllum spicatum*) in the pond. Existing aquatic vegetation, consisting mainly of Eurasian watermilfoil, will be removed in the excavated area. Eurasian watermilfoil is not a desirable plant at a public swimming area. Shoreline vegetation in the project area consists mainly of grass and some large trees. No trees will be removed as part of the project. Some of the grass will be replaced by sand. The negative impact of the project on aquatic and shoreline vegetation will be limited to the public beach and swim area.

- 11. Effects on Navigation and Other Recreational and Public Uses, Including Fishing and Swimming:** All nine acres of the pond are listed as not fully supporting aesthetics, secondary contact, and swimming uses due to the dense growth of Eurasian watermilfoil (*Myriophyllum spicatum*) in the pond. The excavation and placement of sand will not affect navigation and boating and will have a minimal effect on fishing as the site is shallow and is intended to be a public swimming area. The excavation and the placement of sand in the public beach and swim area will significantly improve swimming and wading uses in this area. Overall, the project will have a positive impact on recreation by restoring a public beach and swim area. The nearest other public beaches are on Lake Bomoseen and Lake Dunmore, more than 20 miles away.
- 12. Consistency with the Natural Surroundings:** The project is located at an existing public beach and swim area. The portion of the project beyond the shoreline as delineated by the mean water level of the pond will be covered with water. No trees will be removed as a part of the project. Sand will be visible on shore under the trees. The project will not have a significant adverse impact on the natural surroundings.
- 13. Consistency with Municipal Shoreland Zoning Ordinances and Applicable State Plans:** No adverse comments were received during the investigation from local and state offices and the project is considered to be consistent with municipal shoreland zoning ordinances and applicable state plans.
- 14. Cumulative Impact:** The project involves excavation and placement of clean sand in the pond at an existing public beach and swim area. There are no similar projects on the pond. The cumulative impact of the proposed project will be limited to the impact of the project itself.
- 15. Public Good Analysis:** The project will restore a public beach and swim area. The project will have minimal long-term impact on water quality, fish and wildlife habitat, navigation, and fishing. Aquatic and shoreline vegetation and the natural surroundings will be altered to enhance the public's use of the swim area. The project will have a positive impact on swimming and wading. The nearest other public beaches are more than 20 miles away. The Department has determined that the proposed project will have an overall positive impact on the public good by improving swimming and wading opportunities.
- 16. Public Trust Analysis:** The beach area is owned and operated by the applicant and is open to the public free of charge. The excavation and placement of clean sand in the excavated area and upland along the shoreline will have minimal long-term impact on water quality, fish and wildlife habitat, navigation, and fishing. Aquatic and shoreline vegetation and the natural surroundings will be altered to enhance the public's use of the area for swimming. The restoration of the public beach and swim area will have a positive impact on swimming and will have minimal negative impact on other public trust uses such as navigation and fishing. The Department has determined that the public benefits provided by the project outweigh the negative impacts the project will have on the public trust resource and public trust uses.

## DECISION AND PERMIT

Based upon the foregoing Findings, it is the decision of the Department that the project described herein, as set forth in the above Findings and in the plans on file with the Department, complies with the criteria of 29 V.S.A. Section 405, and is consistent with the Public Trust Doctrine.

In accordance with 29 V.S.A. Sections 403 and 408, permission is hereby granted to the OMYA, hereinafter called "permittee," to carry out the project in accordance with the following conditions:

1. The project shall be carried out in strict accordance with the application received July 2, 2003; the above Findings; the conditions of this permit; and such minor modifications as may be approved in writing by the Department.
2. Equipment shall be cleaned of loose grease and oils prior to operating within the pond. Fuel and lubricants shall not be discharged into the water. Equipment shall work from shore to the extent feasible. Once work commences, it shall be accomplished as quickly as possible to avoid prolonged disturbance to the area.
3. The excavated material shall be transported from the site without causing a nuisance on public roads or property of others. The material shall be utilized or disposed of in compliance with all applicable regulations. Vegetation, especially Eurasian watermilfoil (*Myriophyllum spicatum*), shall be disposed of in a manner that prevents the spread of the plants.
4. Only clean sand, free from silt, loam, clay and other organic material shall be placed in the pond. Fill shall only be placed in the pond within the excavated area to restore the pre-existing bottom contours.
5. No trees shall be cut or removed as a part of this project. Any trees damaged during the project shall be replaced with similar ones and maintained in a viable condition or replaced again.
6. All debris and refuse shall be removed from the shorefront and disposed of properly.
7. The permittee shall allow the public to access the pond in this area for swimming and wading purposes free of charge.
8. The permittee shall complete the approved project by **November 1, 2006**, or this permit shall expire. An extension of time may be granted for cause. A request for an extension must be received by the Department prior to the above date in order to prevent the expiration of this permit. A request for extension may be considered a minor modification.
9. Except as noted in **Condition #8**, this permit shall expire 30 years from the date of this permit. Upon expiration of the permit, the Department will review the area and determine if any site restoration will be required. If a renewal is desired, an application shall be filed at least 90 days prior to the expiration date. A renewal decision will be based on the relevant statutory criteria and Department rules, procedures and policies prevailing at that time.
10. The Commissioner of the Department, or a duly authorized representative, may at any time enter the property and inspect the project, including the operation and maintenance thereof.

11. This permit and conditions are binding upon the permittee. It may not be transferred without the prior written approval of the Department.
12. This permit is issued subject to the terms herein and may be suspended or revoked at any time in accordance with the Interim Procedures for the Issuance or Denial of Encroachment Permits dated October 6, 1989 (excepting Section 3), or subsequent authority.
13. This permit does not convey any title or interest to the lands lying under public waters or waters affected, nor does it deprive the Department of the right to order the removal of the project and restoration of the area affected.
14. This permit does not grant any exclusive rights or privileges that would impair any rights possessed by other riparian or littoral owners of the State of Vermont. It does not grant any right, title or easement to or over any land not owned in fee by the applicants, nor does it authorize any damage to private property or invasion of private rights or the violation of federal, state or local laws or regulations.
15. This permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state and local laws, regulations and permits.
16. The Department, by issuance of this permit, accepts no legal responsibility for any damage direct or indirect of whatever nature and by whoever suffered arising out of the project described.
17. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
18. This action shall become effective in 10 days unless an appeal is filed with the Water Resources Board.
19. Any person aggrieved by this decision may file an appeal with the Vermont Water Resources Board, National Life Records Center Building, Drawer 20, Montpelier, Vermont 05620-3201 (telephone 802-828-3309), **within 10 days from the date of this decision**. The filing of such an appeal stays the effectiveness of this decision.

Dated at Waterbury, Vermont this  
\_\_\_\_\_ day of \_\_\_\_\_, 2003

Jeffrey Wennberg, Commissioner  
Department of Environmental Conservation

By \_\_\_\_\_  
Wallace McLean, Director  
Water Quality Division