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January 15, 2014

Hon. Robert Hartwell
Chair, Senate Natural Resources and Energy Committee
Vermont State House
Montpelier VT 05633

Dear Senator Hartwell:

I am writing to comment on the most recent draft of H.526, which the Department of Environmental Conservation offered this week.

The definition of “parcel” is new. There is a definition of “parcel” in Title 32, at section 4152, relating to taxation.

“(a) When completed, the grand list of a town shall be in such form as the Director prescribes and shall contain such information as the Director prescribes, including:

- (1) In alphabetical order, the name of each real property owner and each owner of taxable personal property;
- (2) The last known mailing address of all such owners;
- (3) A brief description of each parcel of taxable real estate in the town.

“Parcel” means all contiguous land in the same ownership, together with all improvements thereon;” [emphasis added]

We believe that, from a lay person’s perspective, it helps to have a consistent definition for one word in the statutes.

In H.526 as it passed the House, consideration was given to municipal bylaws in place today. We urge you to amend section 1445 of the bill to reinstate section (a) of 1445 regarding municipalities with bylaws in place before January 1, 2015.

(a) Municipalities with existing shoreland bylaws or ordinances. The Secretary shall delegate to a municipality authority to permit the construction, creation, or expansion of impervious surface or cleared area under this chapter if the municipality adopted a bylaw or ordinance on or before January 1, 2015, that:

- (1) requires vegetative cover or other best management practices designed to prevent degradation of water quality in lakes; to minimize or mitigate impervious surface and cleared areas in protected shoreland areas adjacent to lakes; or to minimize or mitigate damage from floods and erosion;

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- (2) sets forth conditions on the construction and expansion of existing impervious surface or cleared area; and
- (3) provides for administration and enforcement of the bylaw or ordinance.

Then as in H.526 as passed, a section (b) would address delegation going forward.

We urge you to revise that proposed language to state, 1445 (b) “The secretary ~~shall~~ **may** delegate authority to permit the construction, creation, or expansion of impervious surface or cleared area under this chapter to a municipality that has adopted a shoreland bylaw or ordinance if :...”

Thank you for your attention to our concerns.

Sincerely,



Karen B. Horn
Director, Public Policy and Advocacy