



Hogback Mountain viewed from Butterfield Road, Marlboro, VT

Hogback Mountain Conservation Area

Marlboro, Vermont

Management Plan

February 12, 2025

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Hogback Mountain Conservation Area Management Plan

February 12, 2025

1. Introduction

Vision Statement: A healthy forever forest where people can play and wildlife can thrive.

Mission Statement: The Hogback Mountain Conservation Area was created in order to ensure that this forested mountain ridge remains forest and is never subdivided. The mission of the managers shall be to provide free public access for appropriate recreational uses while protecting ecologically sensitive areas and promoting the long term health and resilience of the forest.

This Management Plan is intended as a guide for the decision-makers of the Town of Marlboro as they oversee use of the town-owned Hogback Mountain Conservation Area, consisting of about 600 forested acres on the western boundary of the town, on both sides of Route 9. Management of the Conservation Area must be consistent with the conservation easement on the property, which defines multiple purposes for conserving the land. It is conceivable, even likely, that some proposed actions or activities in the Conservation Area will find one intended conservation purpose conflicting with another. For example, would a proposed recreation trail degrade a wildlife habitat? This Management Plan is intended to provide guidance for decision-makers for reconciling potentially conflicting purposes.

2. Background

2.1 Property Description and Landscape Context

The Conservation Area is bisected by Vermont Route 9, the major east-west travel corridor in Southern Vermont, which connects Brattleboro to the east with Bennington to the west. This route is designated the Molly Stark Scenic Byway. A significant stretch of the acreage along both sides of Route 9 is not part of the Conservation Area, but is owned by a variety of commercial establishments and private individuals.

The approximately 200 acres of the Conservation Area on the south side of Route 9 include the site of the former Hogback Ski Area, a beloved family-run ski area from the mid 1940's to the mid 1980's. Openings where the former ski runs existed provide spectacular views to the north, south and east. The southern portion of the Conservation Area is contiguous with Molly Stark State Park, where a 1.7-mile hiking loop from the park connects with trails in the Conservation Area. The southern portion also contains a significant wetland that drains into the Green River.

The approximately 400 acres on the north side of Route 9, leading to Hogback Mountain – at 2,410 feet the highest point in the Town of Marlboro – contain a variety of habitats, including mixed hardwood forest, lowland spruce-fir forest, and numerous small wetland features like seeps and vernal pools. The upper-elevation wetlands play an important role in both aquifer replenishment and wildlife sustenance.

The Conservation Area is significant as the headwaters for both the Deerfield and Green Rivers. As part of a mosaic of large, mostly wooded, contiguous pieces of relatively wild land in Southern Vermont, the Hogback Mountain Conservation Area is home to a variety of mammal species including black bear, moose, bobcat, otter and fisher that require sizeable blocks of interconnected land as travel corridors.

2.2 History of the Conservation Area

The Hogback Mountain Conservation Area was created in 2010 when the nonprofit Hogback Mountain Conservation Association (HMCA) donated 585.5 undeveloped, conserved acres of wetland and upland forest to the Town of Marlboro. HMCA had been founded in 2006 in response to commercial plans to develop a large parcel of undeveloped land on both sides of Route 9 at the western edge of the town, which included the former Hogback Ski Area.

In 2007, HMCA assembled a group of public-spirited “conservation buyers” who agreed to purchase the property and hold it for two years while HMCA, with the support of the Vermont Land Trust (VLT) worked to finance a conservation solution. In early 2008, a fundraising campaign was launched to raise \$1,737,000 to cover all costs associated with the purchase of the land, its conservation and stewardship through permanent conservation easements, and establishment of an endowment to cover future operating expenses. Monies were raised from numerous individual private donations; a contribution from the Town of Marlboro; numerous private foundation grants; a Vermont Housing and Conservation Board (VHCB) grant; and state and federal grants.

At the 2009 Town Meeting, the town voted to authorize the Select Board to accept title to the property. Later that year, having raised the necessary funds, HMCA purchased the land from the “conservation buyers” and prepared to transfer ownership to the town. A conservation easement was developed, with the town granting “development rights, perpetual conservation easement restrictions, and public access easement” to the Vermont Land Trust and the Vermont Housing and Conservation Board. (See Appendix A for the full text of the easement.) On March 13, 2010, the transfer of ownership from HMCA to the town was completed, officially creating the Hogback Mountain Conservation Area.

2.3 History of management planning

As the Conservation Area was being created, the Hogback Preservation Commission (HPC) was formed by the Select Board to set and revise policy for the management of the Conservation Area. The first Management Plan was created by the HPC in 2010, incorporating public input that had been generated by the HMCA during informational meetings about the planned Conservation Area. The plan has been modified and added to since then, most recently in 2014.

In 2018-2019, HMCA contracted biologist Charley Eiseman to do a detailed Biodiversity Inventory of the Conservation Area. The purpose of the inventory was to better inform management decisions for the land. For example, are there any rare, threatened or endangered species on the property? Are there any areas that deserve special protection? The HPC and HMCA intended to do a major update of the Management Plan in 2020, to incorporate findings from the Biodiversity Inventory as well to address

items that hadn't been covered in the original plan, to respond to new types of uses, etc. The update was put on hold as the country dealt with the COVID pandemic. Work on the update got underway in earnest in summer 2023, with a subcommittee of the HPC, the Hogback Management Plan Update Committee (HMPUC), drafting a revised plan.

HMPUC decided early on to do a major rewrite rather than merely tweaking a paragraph here and there. They met twice a month under Open Meeting protocols for about a year and a half, and frequently briefed both HPC and HMCA on the draft as it was developed. The public was informed approximately once a quarter via Front Porch Forum and the Marlboro Mixer (a town newsletter) that the project was underway, and invited to attend committee meetings or submit ideas via email. In fall 2024, when the draft was essentially complete, more substantial public input was desired. Two public information/input events were held: a walk in the woods with the committee on Oct 12 and an indoor evening meeting on Oct 23. These meetings were widely promoted, including to HMCA's approximately 500-person email list of Hogback fans from around the county, the state, and nationwide, and on Front Porch Forum to all the surrounding towns as well as to Marlboro. Public comments were also solicited at a booth at the 2024 Marlboro Town Fair. During this review period, HMPUC reached out to the Marlboro Historical Society and the Marlboro Conservation Commission to invite their review and comment. All comments have been tabulated in a spreadsheet that is included as Appendix E of this document.

HMPUC concluded their work in November, 2024, and forwarded the draft Plan to their parent committee, the HPC. The Vermont Land Trust and the Vermont Housing and Conservation Board, co-holders of the conservation easement, reviewed the document to ensure there were no conflicts with the legal requirements of the conservation easement. The HPC presented the draft Plan to the Select Board, who formally adopted it on behalf of the town.

3. Purposes of the Conservation Area

The purposes of the Conservation Area are spelled out in the conservation easement held jointly by the Vermont Land Trust (VLT) and the Vermont Housing and Conservation Board (VHCB). The details of the conservation easement were developed with significant input from the volunteer group that raised the funds to purchase the land as well as from the town, thus the "purposes" articulated in the conservation easement reflect goals and intents behind the creation of the Conservation Area.

The full text of the easement is included in this plan as Appendix A. Excerpted here, from Section I of the easement, are the purposes of the agreement:

As primary purposes:

- to conserve
 - forestry values
 - wildlife habitats
 - riparian buffers
 - aquatic habitats
 - wetlands
 - soil productivity
 - water quality, and
 - the ecological processes that sustain these natural resource values

- non-motorized, non-commercial recreational opportunities
- open space values, and
- scenic resources

As secondary purposes:

- to conserve
 - biological diversity
 - natural communities, and
 - native flora and fauna

4. Property Description

4.1 Land

Management of the land is described in Section 6 - Recreation Management, Section 7 - Trail Management, and Section 8 - Forestry Management.

4.1.1 Boundaries

The land that makes up the Conservation Area was put together by the previous owners over many years and is made up of over a half-dozen different parcels. Most of those parcels have never been professionally surveyed, so the exact acreage of the Conservation Area is not known. Based on deed language, the acreage is estimated to be about 585-600 acres.

In some areas, such as along the border with Molly Stark State Park, the boundary is well marked with regularly refreshed paint blazes on trees and rocks. Boundary marks for corners created by surveyors (such as iron pins or triple blazes on trees) have been found in the NW and NE corners of the property. Other surveyor's marks (blazed trees, drilled holes in rocks, paint marks on rocks) have been found in scattered locations. Some stretches of the boundary have few or no markings.

Known incursions:

1. North of Route 9, on the western boundary, a lightly traveled trail enters the Conservation Area from the west. This trail is not part of the Conservation Area trail system, and it does not connect to that trail system. It is believed that this trail predates the creation of the Conservation Area. It seems to be used only by the adjacent landowner, not the public, and is apparently only used by foot traffic. No attempt has been made to remove this trail or to stop the adjacent landowner from maintaining it, based on its light, non-motorized use and on the fact that it predates the Conservation Area.
2. North of Route 9, near the summit of Hogback Mountain, an ATV trail on the adjoining parcel crosses the boundary into Conservation Area land. This trail was created in the early 2020's and discovered soon after its creation. This is an area where boundary markings are few and far between, so it seemed reasonable to conclude that the intrusion was inadvertent, not intentional. However this incursion cannot be accepted, particularly since the trail is clearly used by motorized vehicles, which are not allowed in the Conservation Area. It also intrudes on a key natural feature (the summit) which is a major destination for hikers and other users. Signs marking the boundary were installed and the trail blocked with brush. Continued monitoring of this situation is necessary.

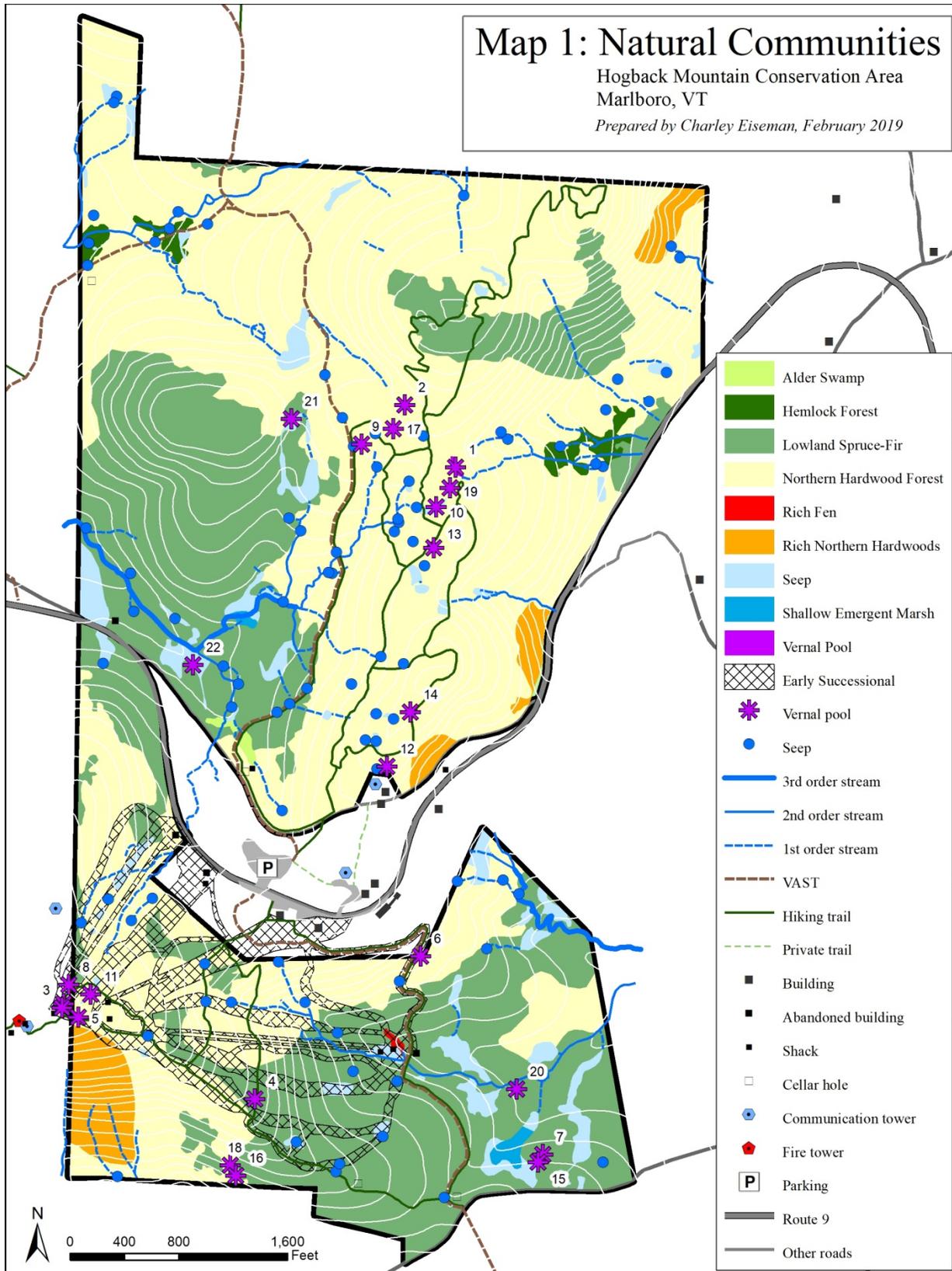
4.1.2 General Description

“Hogback” is an informal geologic term describing a short ridge of connected mountaintops, which nicely describes the land that makes up the Conservation Area. The land in the Conservation Area is generally mountainous terrain, with the hogback ridge running from the southwest to the northeast corners. It includes the headwaters of two major drainages: the Green River and the Deerfield River. The land is mostly forested, with some wetlands. There are substantial numbers of vernal pools and seeps, and there are some rocky ledges and outcrops.

4.1.3 Natural Communities and Wildlife

The Conservation Area includes examples of typical forest types for our region. It does not include any substantial examples of exceptional or rare natural communities. It supports many types of mammals, birds, reptiles, amphibians, and insects. No Rare, Threatened or Endangered Species, as defined by the State Rarity Ranks for Vermont Natural Communities, were found during the 2018-2019 Biodiversity Inventory, but one instance of a S1-rated (rare) plant (round-leaved orchid) has been identified on White’s Loop since that time. Some uncommon plant and insect species were found during the Biodiversity Inventory.

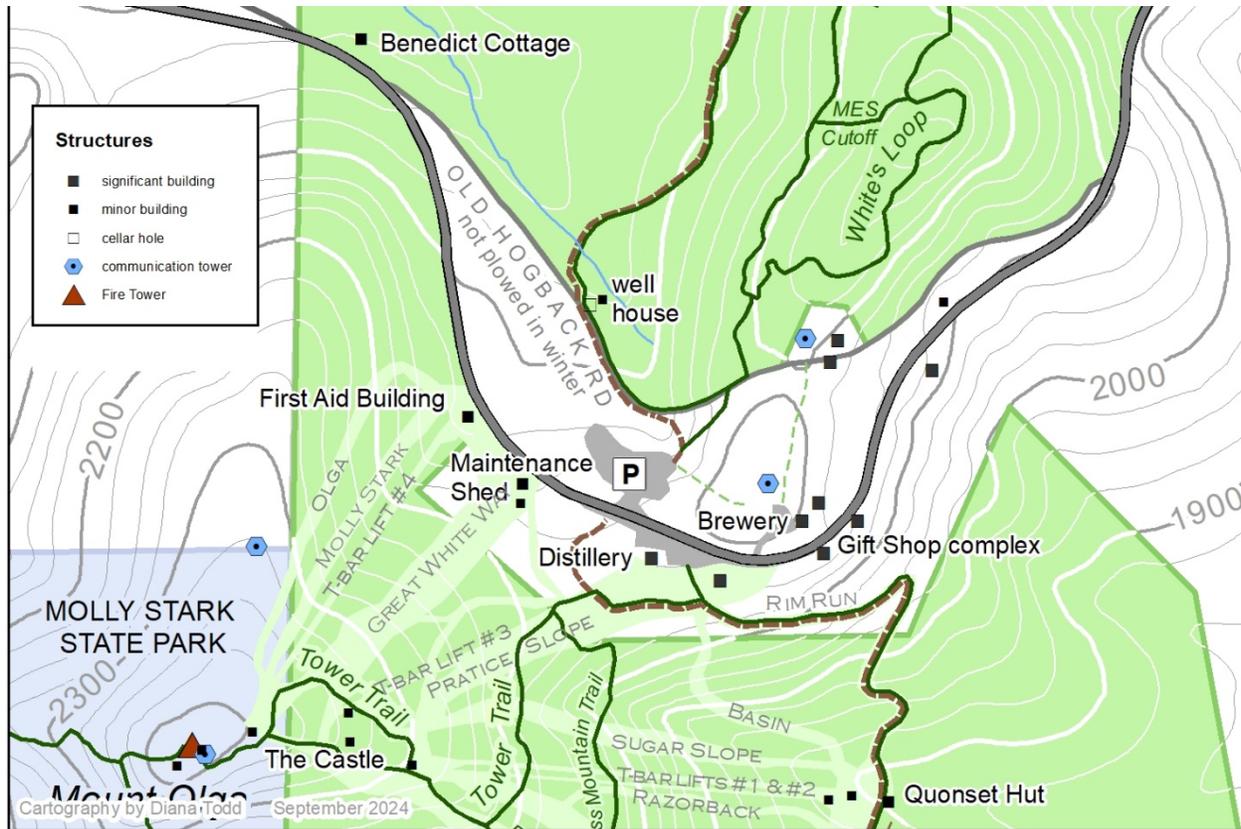
The Biodiversity Inventory gives a detailed tabulation of both plant and animal life found in the Conservation Area. The Natural Communities map, created as part of that study is included here. The complete Biodiversity Inventory can be downloaded from the town website (marlborovt.us, under the Documents tab).



Map 1 – Hogback Natural Communities, from 2018-2019 Biodiversity Inventory

4.2 Structures

This section describes the physical structures within the Conservation Area. Management of structures is discussed in Section 9, Cultural History Management



Map 2 – Significant structures in and around the Conservation Area

4.2.1 Buildings

4.2.1.1 Benedict Cottage

This small, one-story flat-roofed building with a walk-out basement is located on the north side of Route 9 just east of the town line. It was originally built as a vacation house. It has not been used in decades and is currently in poor condition. There is a small storage shed behind the house.

4.2.1.2 Major ski area buildings

None of these buildings has been used for anything other than shelter from the weather by hikers and others since the ski area went out of business in the mid-1980's.

1. **First Aid building** – This small one-story building with a walk-out basement garage is on the south side of Route 9, just inside the boundary between the commercial properties at the summit and Conservation Area lands, on the west side of the mountain pass. It is in extremely poor condition and unsafe to enter. It is insulated with vermiculite, a naturally occurring mineral related to mica. About 70-80% of vermiculite insulation products used in this country

between 1919-1990 came from a single mine in Montana that included a deposit of asbestos, which is a known carcinogen. (Citation: <https://www.buildingenergyvt.com/resources/vermiculite-what-you-need-to-know/>) The Vermont Department of Environmental Conservation Solid Waste Management Program has issued a “Policy on the Management of Asbestos-Containing Waste and Vermiculite Insulation in Vermont” dated February 2013. This policy states: “It is recommended that vermiculite Insulation be assumed to contain asbestos and a certified contractor perform any necessary removal of this material.” A 2018 inspection of this building by a licensed certified inspector and analysis of samples by a licensed laboratory found 3-5% Chrysotile asbestos in flooring and <1% tremolite vermiculite insulation.

2. **The Castle** – This one-room building just above the top of the first T-bar lift (the shorter of the two parallel lifts) was used as the on-mountain Ski Patrol station. It is currently used as a hikers/skiers temporary shelter. (Overnight stays are not allowed.) The original glass windows are all gone. Sheets of acrylic have been used in recent years in the windows, but they are frequently vandalized and broken. There is no door, intentionally. The building is intended to be left open for use as a respite from the weather.
3. **Quonset Hut** – At the lowest point in the former ski area along the former Rim Run ski trail which is now part of the VAST snowmobile trail, the Quonset Hut contains one large room that originally served as a warming lodge for skiers, as well as men’s and women’s bathrooms and a kitchen in a shed-style attached room. There is no longer any running water or electricity serving the building. The front of the building was badly damaged several decades ago under the windows, purportedly by a vehicle ramming the wall. Some of the toilets are still in place but are not functional. The main room is fairly clear of debris, although several dozen retractors from the T-bar lift system are stored there. The kitchen area has substantial debris littering the floor and shelves. The door is not locked, intentionally. Hikers, skiers and snowmobilers are able to enter the building to look around and get out of the weather.

4.2.1.3 Minor ski area buildings

There are numerous small structures still standing that related to the operation of the ski lifts.

4.2.1.4 Pump houses and springs

1. There is a small pump house building and a concrete well cap for drilled wells on Conservation Area land, on the north side of Old Hogback Rd just east of the intersection with the VAST trail.
2. These wells serve the commercial properties on Route 9.
3. The commercial properties hold a deeded right-of-way allowing them to freely use the well and well houses and to access them for servicing and repairs. See Marlboro Land Records, Book 51, p. 9-18.
4. There is a natural spring without any well house or covering on the south side of Route 9, near the former Great White Way ski slope. The owner of the commercial property that is now a distillery holds a deeded right-of-way to access and make use of the water from that spring to service the Maintenance Shed (so-called in the deed). See Marlboro Land Records, Book 53, p.

495-497 and Book 53, p. 506-508. The Maintenance Shed is not on the Conservation Area land. It is on the south side of Route 9, east of the former First Aid building.

4.2.1.5 Ski lifts and other ski-area-related items

1. Several of the lift towers for the T-bar lift that ran beside the Practice Slope have been removed, along with the cable, but the concrete foundation blocks remain. All the other lifts on the mountain that were in operation when the ski area closed are still intact, although the retractors and T-bars have been removed from the cables.
2. The Practice Slope T-bar lift included a bridge that carried skiers over a mini-gorge. The foundation and steel stringers are still in good shape, but the wooden planks are beginning to rot and some have fallen away. This bridge is not on any currently used recreation trail.
3. There are numerous leftover bits and pieces of ski-related equipment scattered throughout the former ski area, such as a large speaker and some rope-tow drums attached above head-height in the trees, a pile of Poma-lift pieces, even the carcass of an old car (maybe 1940's vintage).

4.2.1.6 Cellar holes, stone walls and other remnants of agricultural and forestry use

1. Bishop farm – south of Route 9
 - a. From 1779 until just before the Civil War, multiple generations of the Bishop family built a homestead and farm consisting of most of the current Conservation Area acreage south of Route 9. A cellar hole and a complex web of stone walls mark the primary location of the farm, fronting Grant Road just east of the access road used by VAST and hikers/skiers. A set of wooden stairs was installed in the late 2010's to allow visitors to descend into the cellar hole without scrambling down (and possibly dislodging) the old stone walls. There is a well for water in the cellar hole. The wooden stairs were built over this well as a way to prevent people from accidentally stumbling into the hole.
 - b. Another cellar hole exists about 800 feet uphill from the primary remains of the farm house, along the Bishop Trail. It is smaller than the Grant Road cellar hole, and in much less distinct condition. It is believed that this was the location of the first Bishop farmhouse, because it is just inside the boundary of the first 100-acre parcel bought by Sylvester Bishop in 1779.
2. Pease farm – north of Route 9
 - a. A cellar hole just north of Old Hogback Road east of the VAST trail and uphill from the modern pump house is believed to be the site of the former Pease farm. The history of this farm is not as well known as that of the Bishop farm. This site does not seem to have a dense network of stone walls and foundations similar to that at the Bishop site, although no systematic search has been made. The cellar hole is in a degraded condition, but is still clearly evident.
3. Barbed wire fences
 - a. Segments of barbed wire fencing have been found in the Conservation Area north of Route 9 but no comprehensive inventory exists.
 - b. Barbed wire has not been found within the area of the former ski area, even though at least part of that acreage had presumably been pasture land for the Bishop farm. It is

possible that all wire fencing was intentionally removed as a safety measure for the ski area.

4.3 Access

Because the land on both sides of Route 9 at the 100-mile view is owned by commercial establishments and not the Conservation Area, almost all access to the recreation trails crosses the private commercial property. Permanent deeded easements protect this access. Details of these easements can be found in the Marlboro Land Records, Book 51, pp- 9-18, Book 53, pp. 495-497, and Book 53, pp 506-508.

4.3.1 Trailheads

1. In the portion of the Conservation Area north of Route 9, there are two trailheads, both on the Old Hogback Road. The eastern trailhead provides access to the hiking trails. The western trailhead is a former logging road that is now part of the VAST trail. The land between Route 9 and the Old Hogback Road is owned by the commercial properties.
2. In the portion of the Conservation Area south of Route 9, there are two trailheads, one on the Route 9 side and one at Grant Road. At the 100-mile view along Route 9, visitors skirt the lawn and support buildings for the distillery to access the recreation trails. At the southern edge of the Conservation Area, a trailhead on Grant Road serves both the VAST and the hiking trails.

4.3.2 Parking

1. There are two permanent deeded easements in the commercial area next to Route 9 that allow visitors to the Conservation Area to park in the lots owned by the commercial establishments.
 - a. North of Route 9, in the “big parking lot,” parking for no fewer than ten vehicles is allowed.
 - b. South of Route 9 parking for no fewer than six vehicles is allowed.
2. The conservation easement allows the Town to construct, maintain, repair and replace a permeable surface parking area not to exceed one (1) acre at a location mutually agreed upon by the Town of Marlboro and VLT/VHCB. As of 2023 parking has not been a significant problem for visitors to the Conservation Area, thus the Town has not yet built the allowed parking area.

4.3.3 Access linking parking to trailheads

1. On the north side of Route 9, a permanent deeded easement allows a pedestrian path in a thirty-foot-wide strip leading from the northeast boundary of the “big parking lot” to Old Hogback Road (also known as Town Highway No. 3).
2. On the south side of Route 9, a permanent deeded easement allows pedestrian access across two strips of land, both 25 feet wide, one east of the distillery building (formerly known as the Alpenglo) and one west of the building, that then join each other as one access strip heading south toward the conservation land. A second easement continues this access strip across additional land owned by the distillery to the Conservation Area boundary.

5. Administration

5.1 Management Structure

5.1.1 Select Board

The ultimate arbiter for all decisions is the Marlboro Select Board (SB).

5.1.2 Hogback Preservation Commission (HPC)

1. The HPC advises the Select Board and makes recommendations on matters of policy regarding the Conservation Area.
2. HPC members are appointed by the Select Board. A majority must be Marlboro residents.
3. For a full description of the HPC, see the HPC “Rules of Procedure” appended to this document as Appendix B.
4. Items and issues that come before the HPC are evaluated and reviewed to determine if they adhere to the conservation easement requirements and the Management Plan and whether they constitute a risk or liability to the town.
 - a. For items that are within the normal scope of operations on the Conservation Area that are deemed to comply as specified above, the HPC can authorize the proposal or activity without additional review and approval by the Select Board.
 - b. Select Board review is required for:
 - i. the annual proposed budget
 1. Once the budget is approved, the SB does not need to authorize each expenditure as it arises.
 - ii. Facility Use Agreements – see Section 5.4 for more detail
 - iii. any topic the HPC feels is beyond normal operations
 - iv. any topic on which the HPC and the HMCA disagree
5. The HPC reviews contracts with the town that involve the Conservation Area and advises the Select Board. Ongoing, renewable contracts include:
 - a. Annual renewal of the trail use agreement with VAST’s local chapter, Deerfield Valley Stump Jumpers.
 - b. Periodic lease renewal with National Grid, permitting vehicle access on the Tower Trail to service the communication tower on Mount Olga. (See section 7.3.3 for more details.)
 - c. Future contracts could potentially include forest management activities, control of invasive species, building preservation or demolition, and others.
 - d. HPC should seek comment by HMCA on any significant changes to existing contracts and on any new contracts.
6. The HPC is responsible for maintaining the buildings and other structures in the Conservation Area. They should seek input from the HMCA when significant changes (such as demolition, renovation, or change in use) are being considered. (See Section 9, Cultural History management, for more information about specific structures.)
7. The HPC is responsible for periodically updating the Management Plan. Input and comment should be solicited from HMCA, the town, and the general public.
8. The HPC is responsible for submitting a short report for inclusion in the annual Town Report.

9. The HPC monitors the activities of the HMCA to ensure that their activities comply with the purposes of the conservation easement, and that they are maintaining the trails, signs, maps and website in good order.

5.1.3 Hogback Mountain Conservation Association (HMCA)

1. HMCA is an independent, all-volunteer 501(c)3 organization registered as a non-profit in the state of Vermont.
2. By adoption of this Management Plan, the Select Board and the HPC authorize HMCA to oversee the day to day management of the Conservation Area, including:
 - a. organizing and promoting public events, both educational and recreational
 - b. maintaining the trails, signs, trail markers, and trail map
 - c. operating the Conservation Area website: hogbackvt.org
3. Additionally, HMCA is asked to advise HPC on the following items, but their input is advisory and not to be considered binding on the HPC or the Select Board:
 - a. Facility Use Agreement applications (See section 5.4 for more detail)
 - b. creation of new trails (See section 7.3.1 for more detail)
 - c. proposed revisions to and updates of the Management Plan
 - d. any topic requested by the HPC

5.1.4 The Marlboro Town Clerk and Town Office

The Town Clerk's office and the Town Administrator field inquiries from the public.

1. Most inquiries can be directed to the HMCA-maintained website, hogbackvt.org.
2. Facility Use Agreements – Inquiries about use by large groups, researchers, commercial enterprises, and any other organization that may require a Facility Use Agreement should be directed to the HMCA. See Section 5.4 for more detail.
3. For guidance on inquiries related to hunting or trapping, see Section 6.2. In short, hunting is allowed, but hunters are encouraged to stay as far from recreation trails as possible. Trapping is not allowed.

5.2 Funding

- There currently is no regular line item in the town budget to cover the expenses of maintaining the Conservation Area. The Select Board has noted that anyone (the HPC, the HMCA, or even an individual or group of individuals) can use the normal process for adding an article to the annual Town Meeting and ask the voters to fund either a special project or a regular annual contribution to a Hogback maintenance fund.
- The National Grid power company has signed a multi-year agreement with the town that allows National Grid to drive motorized vehicles on the Tower Trail to access their communication tower on Mount Olga (inside Molly Stark State Park). The bulk of the funds generated through this agreement go into the town's general fund. About 7% of the funds (\$1,000 in 2023, which will increase by 4% each year) are set aside to pay for maintaining the Tower Trail in a state usable by National Grid's vehicles.
- HMCA has an endowment worth roughly \$100K in 2024 that is invested with the Vermont Community Foundation. HMCA intends to use income from this endowment to fund their

responsibilities at Hogback, such as paying for public programs and events, maintaining the recreation trails, signs and kiosks, and providing the website and other online presences.

- When HMCA first approached the town about donating the land to become a town-owned Conservation Area, HMCA indicated that they did not want the proposed Conservation Area to create a financial burden to the town. The general understanding, not formally documented, was that the income from the National Grid lease would compensate the town for the loss in property tax revenue, and that the HMCA endowment monies would generate enough income to cover programs, trails, online presence, etc. HMCA agreed to be responsible for drafting grant proposals if the need arose.
- Looking forward, it is clear that several expensive projects will be necessary over the coming decades, primarily in dealing with the remnant buildings and ski lift infrastructure as they age. The current plan is to deal with funding these on a case-by-case basis as they arise.
 - HPC and HMCA should work closely together to identify necessary work that is beyond the capacity of volunteers.
 - HMCA should take the lead in raising funds, through grant seeking, fundraising drives, and any other reasonable approach.
- This Management Plan does not endorse harvesting timber solely to generate income. However, active forest management projects to enhance the health of the forest, support wildlife, increase resiliency in the face of climate change and other purposes are encouraged. Some mature (merchantable) trees will be removed as part of most of these projects, meaning the forest management projects may be self-supporting. If any excess funds are generated from forest management activities, they should be set aside to pay for future needs at Hogback rather than added to the town's general fund.

5.3 Legal Constraints and Enforcement

5.3.1 Requirements of the conservation easement

1. Management of the Conservation Area must meet the legal constraints enumerated in the conservation easement. See Appendix A for the full text of the easement.
2. Restricted uses that are specified in the easement are discussed in this plan in various places, including recreational use, forest management, parking and access, and other sections as appropriate. Permitted uses are similarly addressed in this plan in various sections as appropriate.
3. VLT monitors compliance with the conservation easement on a yearly basis using satellite images and other sources of information. Approximately every three years they do a site visit to monitor compliance.

5.3.2 Federal, state and local legal constraints

1. All federal and state laws apply within the Conservation Area, including (but not limited to) state regulations on hunting, trapping, the use and carrying of firearms, and the use of off-road vehicles such as ATV's and snowmobiles.
 - a. Violations of federal or state laws should be referred to the Vermont State Police.
2. All town policies for use of town lands apply to the Conservation Area. These include, but are not limited to:
 - a. a ban on the use of metal detectors
 - b. a ban on serving alcoholic beverages unless approved as part of a Facility Use Agreement

- c. a requirement for large groups and certain others to apply for a Facility Use Agreement for certain gatherings or activities. (This is discussed in more detail in Section 5.4.)
- d. Violations of town policies should be referred to the Select Board.

5.3.3 Guidance in the Management Plan

Violations of the guidance laid out in this Management Plan should be assessed by the HPC and HMCA. If communication, education and other non-confrontational methods of resolving the problem are not effective, the HPC may ask the Select Board to take action.

5.3.4 Other legal restrictions and permissions

1. Several easements have been deeded to the town for paths to allow public access to the Conservation Area across the privately owned lands that abut Route 9. A modest amount of parking access on the adjacent private properties has also been legally deeded to the town via an easement. These are more fully discussed in the sections on Trails and on Access - Parking.
2. Several easements providing access to springs and wells by owners of the adjacent commercial properties exist. These are more fully described in the section on Property Description – Structures.
3. An easement exists allowing for the future construction of a secondary septic system to service the commercial properties, to be sited on not more than one-half acre and to be situated within 500 feet of the existing septic system south of Route 9.
4. An easement exists allowing the owner of the Conservation Area land to erect up to four picnic tables on land owned by Hogback Properties (or its successor), in a location to be approved by Hogback Properties. This right has not been used to date by the town as owner of the Conservation Area.
5. The language of these easements can be found in the Marlboro Land Records:
 - a. Book 51, page 9
 - b. Book 53, page 495
 - c. Book 53, page 506

5.4 Special Use Permits

The conservation easement states that the Town has the right to "issue temporary special use permits or licenses authorizing the commercial or non-commercial use of the Protected Property for

- recreational
- community entertainment
- educational
- agricultural
- forestry, or
- research purposes"

provided that the proposed use does not interfere with use of the Conservation Area by the general public and that the use is consistent with the purposes of the conservation easement.

Examples of permits that have been granted in the past include a wide variety of research projects, most of which involved temporary installation of equipment, and community celebration events, such as a VAST-trail celebration for snowmobile users. A regularly recurring event has been the annual MES (Marlboro Elementary School) Hogback Day, when the entire school body spends the day on the mountain taking part in educational, artistic, athletic, and just-plain-fun activities.

To date, there have been no requests to hold private parties (such as weddings or reunions) or athletic competitions on the mountain. Such events are not forbidden per se. Each case should be carefully considered to assess whether it can be held without impeding public use of and access to the conservation area, and whether it is consistent with the purposes of the conservation easement.

5.4.1 Scheduling

HMCA maintains a calendar of events in the Conservation Area. Information about all large group events, research projects, educational uses and other activities that involve groups or temporary/permanent equipment, whether a permit is required or not, must be shared with the HMCA scheduler to ensure that there are no unworkable overlaps in time or space.

5.4.2 Special Use Permit = Facility Use Agreement

1. The Town uses the term “Facility Use Agreement” (FUA) for permits to use town-owned land and facilities. In addition to the standard FUA application, a supplemental form specific to the Conservation Area must also be submitted. It is available at the Town Office and on the hogbackvt.org website. A copy is attached as Appendix C.
2. If an activity, event or project is expected to include one or more of the following conditions, an application for an FUA must be submitted well in advance. FUA’s are not automatically granted. Each application is considered on a case-by-case basis. For approval, an activity must be consistent with the purposes of the conservation easement, and any exemptions from prohibited uses that are requested must be carefully considered and all potentially negative impacts mitigated. The characteristics triggering the need for an FUA application include any one or more of the following:
 - a. size is expected to include more than 20 participants;
 - b. desired activities include things that are normally prohibited in the Conservation Area (see Section 6.1.3 Prohibited Uses);
 - c. a participant fee is required;
 - d. alcohol is available;
 - e. participants will spend a significant amount of time off-trail;
 - f. activities will last more than 3-4 hours or are repeated several days (in which litter and human waste are likely to be problems);
 - g. use of motorized vehicles is requested, e.g., ATVs, snowmobiles, etc.
 - h. installation of equipment or construction of a temporary structure(s) is requested.
3. Under the previous Management Plan, HMCA, the Southern Vermont Natural History Museum (now renamed the Vermont Museum of Natural History), and the Marlboro School were not required to apply for permits for their events or projects in the Conservation Area. As of the adoption of this Management Plan, any organization, group, or individual that wishes to use the Conservation Area in a way that that includes one of the “triggers” listed above must apply for a permit.

5.4.3 The Permitting Process

1. Contact the Hogback Mountain Conservation Association at hmca@hogbackvt.org with a description of your event. HMCA will work with you to develop plans for dealing with any unusual aspects of your event.
 - a. If the HMCA feels the activity can be conducted without negatively impacting the purposes of the Conservation Area, they will advise the requestor on how to fill out the form and describe the activity, and HMCA will forward the application to the HPC with a recommendation that the permit be granted.

- b. If HMCA determines that the event isn't consistent with the purposes of the conservation area, or that any negative impacts can't be adequately mitigated, you may still pursue a permit by asking the HMCA to forward the application to the HPC, but HMCA will also submit their recommendation that the permit not be granted.
 2. The HPC will review the application.
 - a. If HMCA recommended that the permit be granted and HPC agrees, HPC will forward the application, the HMCA recommendation and their own endorsement to the Select Board.
 - b. If HMCA recommended that the permit not be granted and HPC agrees, the applicant may request that the application be forwarded to the Select Board, but HPC will also submit HMCA's and their own recommendation against issuing the permit.
 - c. In the event that there is disagreement between the HMCA and HPC on whether the permit should be issued, an HPC Special Meeting will be called to further discuss the application. Both HMCA and the applicant will be invited to participate. As a result of the Special Meeting, if the applicant wishes to continue to pursue the permit process, the application, the HMCA recommendation and the results of any HPC vote taken at the meeting will be forwarded to the Select Board.
 3. After receipt of the permit application and recommendations, the Select Board has 30 days to decide.

6. Recreation Management

6.1 Uses

Free use by the public for non-motorized recreational activity is one of the primary purposes of the conservation easement. Use by groups, by researchers and educators, by commercial enterprises, and by others may require a permit. Additionally, any proposed use that is listed below as prohibited might be allowed under special circumstances but would need a permit. See Section 5.4 of this plan for more information on permits.

6.1.1 Permitted Uses

Non-motorized, non-commercial recreational use by the public is allowed, including, but not limited to, hiking, trail running, snowshoeing, cross-country and backcountry skiing, mountain biking, use of class 1 e-bikes, winter "fat" biking, horseback riding, and dog walking.

- Horseback riding – None of the trails are currently maintained for horseback riding, but riders may use existing trails subject to the restrictions below.
- Dog walking – All town policies regarding dogs apply, including (but not limited to) "No dog shall run at large," meaning dogs must be under the control of the owner at all times. Use of a leash is strongly encouraged. Dog waste must be picked up and removed from the Conservation Area. There are no trash cans provided for disposal of dog waste.
- Hunting is allowed with certain restrictions. See section 6.2 below for details.

6.1.2 Restricted Uses

- All types of biking and any other activities that are not pedestrian-based must stay on existing trails, with the additional restrictions specified below. (Examples of pedestrian-based activities are hiking, running, skiing, snowshoeing, etc.)
- Snowmobile use: Snowmobiles may use designated VAST trails only.

- Horseback riding is not allowed on single-track trails.

6.1.3 Prohibited Uses

- overnight camping
- fires of any kind, including smoking
- paint-ball or similar games
- target shooting, by firearm, bow and arrow, or other weapon
- use of metal detectors (this is a town-mandated ban at all town-owned properties)
- launching, landing, or operating unmanned aircraft (drones) from or on lands or waters of the conservation area, other than in emergency situations by first responders
- use of wildlife cameras or other unattended motion-activated cameras
- motorized vehicles – see more detail below
- unauthorized cutting or removal of wood, living or dead, of any size, be it branch, sapling or mature tree; note that cutting of wood may be authorized via:
 - the trail maintenance program administered by the HMCA,
 - the Forest Management plan (see Section 8)
 - the permit process (See Section 5.4)
 - any other normal process for planning and implementing programs and events
- foraging or removal of plants or plant material - however this should not be construed as a ban on enjoying small amounts of wild berries while on a walk, collecting a bright fall leaf or two as a souvenir, etc.

It might be possible to be granted an exemption from these prohibitions for special events. Applying for a Facility Use Agreement is the method to use for seeking an exemption. Note that all activities in the conservation area must be consistent with the purposes of the conservation easement regardless of how “special” they may be when measured by other criteria. See Section 5.4 on Special Use Permits.

Motorized vehicles are not allowed, including but not limited to:

- cars, trucks, and motorcycles
- ATV’s, UTV’s and other vehicles designed for off-road use
- dirt bikes (motorcycles designed for off-road use)
- class 2 and class 3 e-bikes

Exceptions: The following motorized vehicle use is allowed:

- emergency vehicles
- trail and building/structure maintenance vehicles
- trail grooming equipment (such as snow packing for VAST and fat bike trails)
- snowmobiles – on designated VAST trails only
- National Grid maintenance vehicles
 - as authorized under the lease signed with the town to allow access to the communication tower on Mount Olga
 - on the Tower Trail only
 - for more detail, see Section 7.3.3 (in Trail Maintenance)
- forestry vehicles, for approved forest management projects
- motorized wheelchairs or equivalent mobility assistance devices if same can be used safely

6.1.4 Uses not specifically addressed

If questions arise about uses not specified here, the HPC should make a judgement based on general principles laid out in the conservation easement.

6.2 Hunting, trapping, fishing

Hunting is allowed, with the following restrictions.

- All Vermont hunting and firearms regulations must be followed.
- No permanent tree stands or blinds may be erected.
- Hunting with dogs
 - Hunting with dogs that point and/or retrieve, such as bird hunting, is allowed.
 - Hunting with dogs that chase or pursue prey is not allowed.

Hunters are encouraged to limit their hunting activities to the portions of the Conservation Area without recreation trails, such as the areas west of the VAST trail north of Route 9 and east of the VAST trail south of Route 9.

Trapping is not allowed. Because no area of the conservation area is off-limits to the public, and because the vast majority of the public do not know what traps look like, how they operate, or where they might be located, the deployment of traps is deemed to be an unacceptable risk.

Fishing is allowed. Anglers must hold a valid Vermont fishing license and adhere to all Vermont fishing regulations.

6.3 Informing the Public

The HMCA is responsible for developing and maintaining the trail signage, informational kiosks; trail maps, and the web site.

- Informational kiosks at trailheads should include, at a minimum:
 - a trail map
 - a list of restricted and prohibited activities
 - a note to remove dog waste from trails
 - a “use at your own risk” notice
- Signs should be posted at all locations where a trail crosses the Conservation Area boundary, at a minimum notifying users that they are crossing into the Conservation Area.

7. Trail Management

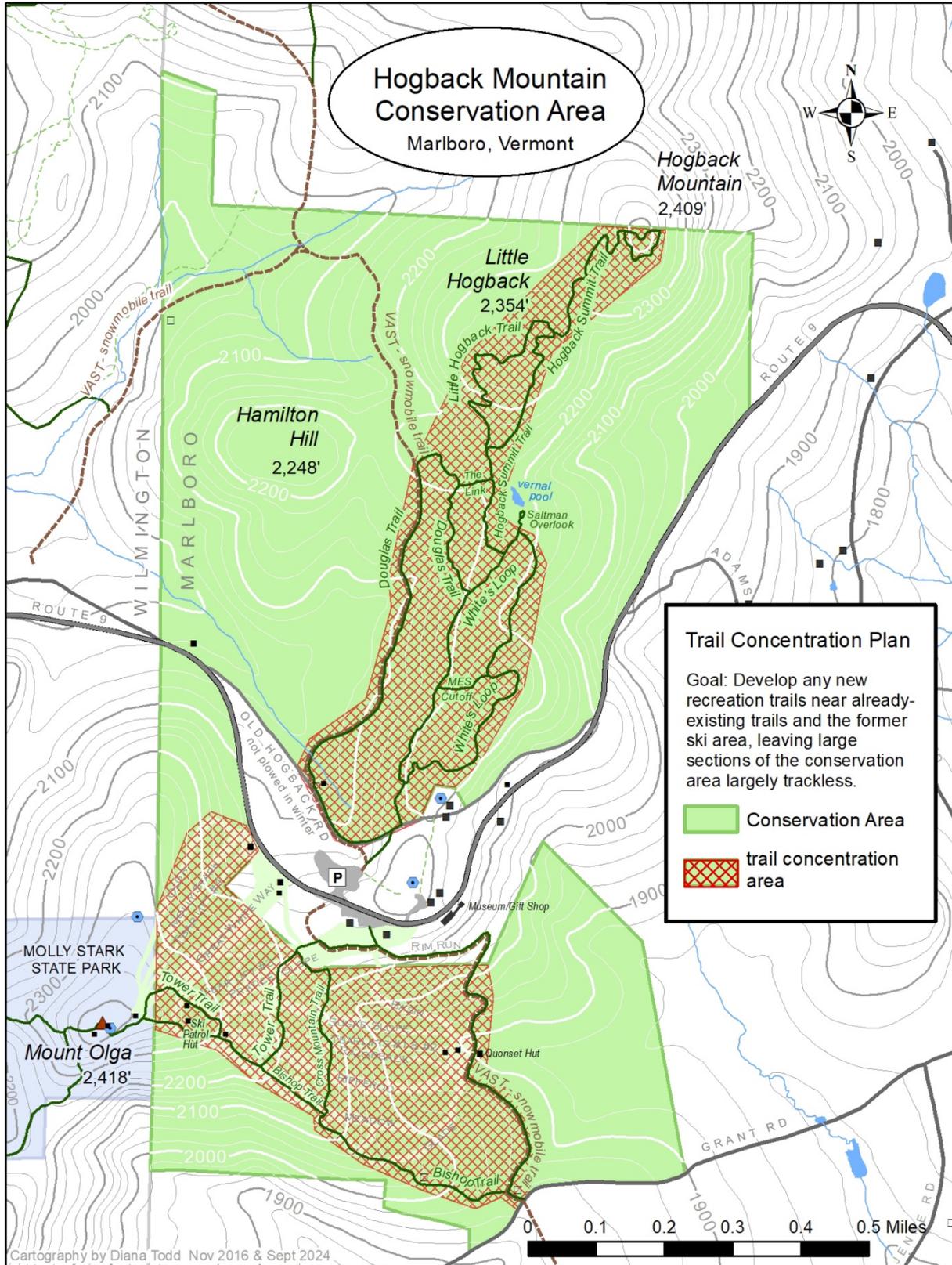
See Section 6 on Recreation Management for permitted, restricted, and prohibited uses.

7.1 General Description

North of Route 9, a set of nested-loop single track recreation trails runs along the high ground from Old Hogback Road to the summit of Hogback Mountain in the northeast corner of the Conservation Area. A former logging road on the western flank of the mountain runs north-south and is now used as a recreation trail, primarily by VAST.

On the south side of Route 9, a network of trails and skiable routes exists within the former ski area. The Tower Trail is a former access road that was used for ski area maintenance, and is the primary hiking trail used by visitors to the Conservation Area to access the fire tower at the summit of Mount Olga in Molly Stark State Park. The town leases access to this road/hiking trail to the National Grid power company so that they can access their communication tower on Mount Olga. (See more information about this lease in Section 7.3.3.)

Other areas of the Conservation Area do not have any recreation or other trails as of 2024.



Map 3 – Trail concentration plan

7.2 Trail philosophy

1. The concentration of trails in specific areas is desirable, providing a way to meet the potentially conflicting purposes of the conservation easement: providing options for non-motorized recreation in some areas, and supporting wildlife and natural communities in others. Trails should not be allowed to proliferate so that they are uniformly spread throughout the Conservation Area. Significant portions of the property should remain essentially trail-less. Note that concentrating recreational trails to limited areas does not mean that protection of vulnerable natural resources can be ignored in those areas. All trails should be designed and maintained for sustainability and protection of natural resources.
2. All trails in the Conservation Area are multi-use trails.
 - This does not mean that all trails are ideally suited for all uses. “Multi-use” in this context means that a trail that has been designed and maintained for a specific use (e.g. mountain biking or snowmobiling) may be used by other types of users as well.
 - See Section 6.1.2 for restrictions on which trails may be used by snowmobilers and horseback riders.
3. If a special interest group wishes to develop or designate a dedicated-use trail such as a hiking trail, bike trail or horseback-riding trail, which would ban use by other types of users, they may propose the trail to the HPC, explaining not only why limiting use by the general public is desirable, but also how they expect to enforce the limitation. HPC shall ask for analysis and input from the HMCA and the HMCA Trails Committee before making a decision.
4. VAST - The conservation easement does not allow the use of motor vehicles in the Conservation Area, with some exceptions. (See Sec 6.1.3 for details.) One such exception allows the Town to grant the Vermont Association of Snow Travelers (VAST) authorization to use a specific route through the Conservation Area as a snowmobile trail in the winter months. VAST normally posts their trails as being off limits to use by wheeled vehicles, including bikes. In the Conservation Area, the VAST policy in this regard is overridden. Even though VAST has been granted authorization to use a specific trail, all other authorized types of use (e.g. skiing, snowshoeing, hiking, and mountain biking) may also occur on that trail, year round.

7.3 Trail Maintenance

7.3.1 HMCA

The HMCA is responsible for maintaining the recreation trails and skiable routes.

1. Trails may be temporarily closed to some or all uses to protect natural resources or for safety concerns, for example due to mud or due to a hazardous tree that needs removal. Trails may not be closed to accommodate entertainment, community, or other events.
2. Minor rerouting of existing trails by the HMCA Trails Committee is allowed without needing specific approval by the HMCA Board or the HPC.
3. Skiable routes
 - a. Having a former ski area as part of the Conservation Area creates a great addition to recreational opportunities. The slopes of Mount Olga (aka Hogback Ski Area) were ideal for skiing when the ski area was in operation. Those slopes are still great for skiing today, by backcountry skiers who climb slopes or mountains under their own power without using a ski lift. Skiing down the mountain does not make use of “trails” in the

narrow sense of hiking trails. It also does not require the creation of perfectly cleared, wide open slopes like those at commercial ski areas. But for safety's sake, it is necessary to clear some of the young trees that have grown up on the abandoned ski slopes, and to clear things like face-slapping branches and blowdowns that could snare ski tips. These lightly opened areas can be considered skiable routes.

- b. All ski slopes, lift lines, access roads and other areas that had been cleared in the past as part of the former Hogback Ski Area may be maintained as skiable routes. This does not mean that users can choose on their own to open or maintain a skiable route. As noted in Section 6.1.3 of the Plan (Prohibited Uses), no unauthorized cutting of vegetation of any type or size is allowed in the conservation area.
4. No trail work of any kind may be done unless a member of the HMCA Trail Committee, the HMCA Board of Directors, or the Hogback Preservation Commission is part of the working group.

7.3.2 VAST

The local affiliate of VAST is responsible for maintaining the trail that has been authorized for use by VAST, including its bridges, culverts, and other water management structures. Plans for any maintenance work more extensive than yearly mowing and clearing of ditches should be shared with the HMCA and HPC prior to implementation. All trail maintenance and grooming should meet or exceed the guidance and standards set by VAST.

7.3.3 National Grid

The National Grid (a power company) leases a right of way on the Tower Trail from Route 9 to the town line just below the summit of Mt Olga to allow their service vehicles access to their communication tower in Molly Stark State Park. Prior to 2023, they were responsible for maintaining that trail in a condition adequate for use by their vehicles. In 2023, the terms of the lease were changed, with National Grid paying an additional yearly amount intended to cover maintenance of the route, which is now to be managed by the Town. HPC will oversee this maintenance effort.

7.4 Trail Development

1. New trails may be created if they are endorsed by the HMCA Trails Committee and the HMCA Board of Directors, and approved by the HPC.
2. Ideally, new trails will be located within the existing envelope of trails, i.e., the former ski area terrain south of Route 9 and along the higher ground to the summit of Hogback Mountain north of Route 9.
3. If forest management demonstration projects or other educational opportunities are developed in areas of the Conservation Area where the intent is to limit recreation, it may be desirable to create either temporary or permanent trails so that the public can observe and learn from the project. If so, these trails should be limited to pedestrian (or snowshoe) traffic only.
4. HMCA is encouraged to develop a fully accessible recreation trail to one or more of the scenic outlooks, and to obtain funding for the design, construction and maintenance of such a trail from grants or other outside funding sources.

8. Forest Management

8.1 Context

One of the four primary purposes of the conservation easement is:

- to conserve
 - forestry values
 - wildlife habitats
 - riparian buffers
 - aquatic habitats
 - wetlands
 - soil productivity
 - water quality, and
 - the ecological processes that sustain these natural resource values

The secondary purpose of the easement is:

- to conserve
 - biological diversity
 - natural communities, and
 - native flora and fauna

Good forest management is essential to meeting all of these purposes.

Most of the terms used in the above list of things to be conserved are familiar terms that are easily understood by those with an interest in the natural world. However, one term deserves further definition: forestry values. In 2023, Jennifer Garrett, the Project Director at VLT who oversees the Hogback conservation easement, provided the following description of how VLT and VHCB, holders of the easement, understand the term.

“Forestry” – Forestry is the science and practice of establishing, managing, using, and conserving forests, trees, and associated resources in a sustainable manner to meet desired goals, needs, and values of the landowners and our society

“Conservation Values” -- A property’s “conservation values” are its certain features and attributes that provide a public benefit, and therefore are goals for protection and preservation when conserving land. These conservation values are the basis for the “Purposes” of the conservation easement. They can include wildlife habitats, biodiversity, water quality, public recreation, archaeological resources, scenic views from public roads ... and forestry.

“Forestry Values” (as an easement conservation value) -- resources, practices, and benefits associated with forest conservation and stewardship. Forestry values include the sustainable production of syrup and wood products (renewable resources that benefit the local economy and that supply the state with its own food, firewood, building materials, etc.), but they also include other forest stewardship goals such as forest conservation, wildlife habitat enhancement and biodiversity conservation, and wildfire management. The easements require that all forest stewardship practices protect soil and water quality, which are critical for healthy forests and ecosystems, so these are included in forestry values. We ensure these forestry values are protected in conserved forests through the requirement of a management plan (a forest

management plan for harvests and commercial sugaring, and a general management plan for public access and other permitted activities).

The conservation easement, in section III.3, grants the Town the right to undertake maple sugaring activities and timber harvesting, but does not require that such activities occur.

8.2 Active versus Passive Forest Management

Letting the forest evolve without input from humans is passive forest management. Many people instinctively believe this is the best, most natural approach to conserving a forest and all the connected values as listed in the conservation easement purposes.

That ideal may be appropriate for forests that have never been impacted by humans, but those forests are exceedingly rare, and the forest on Hogback is certainly not one of them. Physical evidence such as stone walls and remains of barbed wire fences suggest that most, and maybe even all of the land in the Conservation Area was at one time cleared for pasture or other agricultural activity. When farming was abandoned on the site, the forests began to grow back. Stumps show that the new growth forest that returned has been heavily logged.

Passive forest management, i.e. doing nothing, means that the forest will evolve on the trajectory that was established by the last human intervention – the most recent logging operation. The stump evidence shows that the most recent harvests on Hogback were aggressive and extractive, and left the forest in a depleted, vulnerable state. Regeneration (growth of replacement trees) has not been strong. Diversity of species is limited.

Active forest management involves taking actions, including thinning, culling or removing trees in specific areas or of certain species or age classes, in an effort to achieve certain goals. In the case of the Hogback management plan, the goal will be to set the forest on a trajectory of greater diversity to give it more resilience in the face of the changing climate.

8.3 Forest Management Objectives

Passive forest management is not the best choice for forests in the Conservation Area at this time. Active forest management projects should be carefully planned and undertaken with the aim of not only protecting and conserving the values listed in the conservation easement purposes (wildlife habitats, riparian buffers, aquatic habitats, wetlands, soil productivity, water quality, ecological processes, biological diversity, natural communities, and native flora and fauna), but of enhancing and improving them.

Forest management projects will NOT include timber harvests instigated with a primary goal of generating income. Projects will be designed to improve forest regeneration, build resiliency in the face of climate change, increase biological diversity, create greater variety of wildlife habitats, and/or to meet other goals that will help the forest meet the purposes of the conservation easement. Many of these projects will include cutting marketable trees that will create ancillary income. This revenue will help offset the cost of the work but will not, as mentioned earlier, be a primary driver in deciding how to manage the forest. Other projects may not be self-supporting and will require funding. Any funds that are generated in excess of the cost of the project should be set aside by the Town to support the maintenance of the Conservation Area, rather than be added to the General Fund.

8.4 The 2013-2022 ESH Plan

The previous version of the Management Plan included a 10-year plan to refresh the naturally occurring Early Successional Habitat (ESH) that had grown up on the former ski slopes after the ski area went out of business in the mid-1980's. The young forest that had sprouted on the ski slopes was no longer young. A plan to cut five of the former ski slopes, one every two years, using volunteer labor, was adopted. By cutting the no-longer-youngish trees, a new crop of dense young growth would spring up, largely from stump sprouts, providing a valuable type of habitat that was in short supply in the county. A certain set of birds was expected to be attracted to the new growth. After cutting the first three slopes (Meadow 2013-2014, Great White Way 2015-2016, Practice Slope 2017-2018) a decision was made to not cut the final two slopes (Sugar Slope and Ripperoo). Those final two slopes were narrower than the others, and heavily covered with hay-scented fern with not much youngish woody growth. Any cutting in these narrow openings would likely merely generate more fern rather than the new woody growth that was desired.

The 2018 Biodiversity Inventory found that the three slopes that had been cut did not seem to be hosting more of the expected suite of birds than the surrounding terrain. It may be that the openings that were created were too small or too long and narrow to attract the birds that use ESH.

Even though the openings did not seem to have attracted the desired bird life, they did make it possible for a variety of sun-loving and forest-edge-loving plants to continue to thrive in the conservation area. Keeping significant areas open by cutting every 3-5 years would help maintain the wide diversity of plants currently found in the conservation area, as documented in the Biodiversity Inventory. If the ski slopes (the only significant openings currently in the conservation area) are allowed to completely reforest, a large suite of plants that are currently found in the conservation area will gradually die out.

The level of volunteer effort that was required to create the ESH openings on the ski slopes was prodigious and does not seem sustainable in the long term. The Forest Management Plan should consider whether to recommend periodic clearing of specified slopes using mechanical means, such as a brush-hog or forest mulcher. Creating appropriately sized ESH patches in other parts of the conservation area that are more suitable for attracting and supporting the bird species that depend on ESH should also be considered as a reasonable (but not required) part of the Forest Management Plan.

8.5 Recommended Forest Management Activities

- By January 1, 2026, complete a forest inventory.
- By July 1, 2026, with input from the County Forester and the Vermont Fish & Wildlife Department, create a 10-year or longer Forest Management Plan (FMP).
 - The plan will utilize the most current best practices for sustainable forestry, and include requirements to protect riparian buffers, aquatic habitats, wetlands, soil productivity, and water quality.
 - Existing state-wide goals and priorities, such as those presented in the Wildlife Action Plan, the list of Species of Greatest Conservation Need, the Wildlife Linkage Habitat Ratings and Wildlife Crossing Values should be reviewed as part of the planning process.
 - In developing the plan, the drafters should consider whether to include:
 - actions suitable for maintaining the diversity of plants currently found in open, semi-open and edge habitats in the former ski area.

- actions necessary to maintain scenic resources such as the 100-mile view from the state highway and views from the Tower Trail where it crosses the former ski slopes, as described in Sections 10.1 and 10.2.
- By December 31, 2026, after soliciting review and input from HMCA, VLT/VHCB and the town, adopt the FMP and begin implementation. HPC is responsible for managing the review and (if necessary) revision processes. The Select Board is responsible for making the final decision on whether to adopt the plan. If adopted, it will become an appendix to this Management Plan.
- The HPC will serve as the representative of the Town (the owner) during the implementation of the FMP, responsible for
 - reviewing the onsite markings of proposed management activities prior to putting the job out to bid
 - with input and advice from the County Forester, selecting a logger or other contractor to undertake the project
 - regular onsite review of the ongoing work
- Hold educational events that introduce the public to the forest management activities and their objectives.
- Manage invasive species as described below.

8.5.1 Invasive species

8.5.1.1 Plants

See the reports of the HMCA Invasives Committee, available by contacting HMCA at hmca@hogbackvt.org, for more educational material about why controlling invasive plants is important.

The overall goal for dealing with invasive plants in the Conservation Area is to eliminate them whenever possible and, where this is not possible, to control them so their negative effects on natural, recreational, educational, and economic resources are kept to an absolute minimum.

- At this time, ten invasive plants are found on, or in very close proximity to, the Conservation Area. For the most part, they occur in distinct, relatively isolated locations. This means it should be possible to control, and perhaps eradicate, most invasive plant species on the property.
- The goals for management of individual invasive plant populations should reflect the extent of the invasion, the complexity of management efforts required, and how the invasive plant species fits into the ecology of that specific location.
- The prioritization of management efforts should reflect the goal for the individual plant population, the plant species' rate of spread, the potential for successful control, and the long-term cost of management.
- An Integrated Pest Management (IPM) approach should be designed for each species population to ensure the most appropriate control method, or combination of methods, is utilized.
- Techniques that may be employed include:
 - manual (pulling, lopping, digging)
 - mechanical (cutting, mowing, grinding)
 - cultural (fire, mulching)
 - chemical, when applied by a person licensed in pesticide application by the state of Vermont.

- Individual species-specific management plans for currently identified noxious invasive plants have been developed by the HMCA Invasives Committee, which has responsibility for implementing the plans.

8.5.1.2 Diseases, Insects and Other Pests

Diseases, alien invasive insects and other unwanted pests can't be uprooted or cut down like invasive plants. Many known threats are encroaching upon Vermont's forests, including Emerald Ash Borer, Asian Long-Horned Beetle, Hemlock Woolly Adelgid, Beech Leaf Disease, and others. Some protections exist against some of these threats, but they are expensive and are normally used only on select specimen trees, such as those in city parks or on treasured dooryard trees.

Reasonable monitoring for the presence of diseases, invasive insects and other pests is recommended. If such problems are found or suspected, HPC should contact the County Forester for advice.

9. Cultural History Management

9.1 Indigenous Cultures

No artifacts from indigenous cultures have been found in the Conservation Area. If any such artifacts are found, they should be left in place, protected if necessary. Contact the office of the Vermont State Archaeologist for advice.

9.2 Agricultural History

See Section 4.2.1.6 for a description of the cellar holes and stone walls that have been found at the sites of the two known farms that, from the late 18th through the early 20th centuries, made up a significant part of what is now the Conservation Area. If additional sites are identified, their location should be recorded.

No excavation, digging, metal detecting, or other hunting for artifacts is allowed at the former house and farm sites.

Vegetation may be removed to make the remnants, such as stone walls and foundations, more visible. Care should be taken to not disturb the placement of the stones. Significant clearing, for example enough to open a break in the tree canopy, should not be undertaken without first researching current recommended best practices for protecting and maintaining these types of cultural artifacts.

Remnants of barbed wire found in or on trees should be left in place, marked with surveyors tape as a safety measure.

Any forest management activities should try, if at all possible, to not disturb any stone walls. If a gap must be opened in a stone wall, or if a wall is inadvertently damaged, the wall should be rebuilt at the end of the project as closely as possible to the previous condition.

9.3 Ski Area History

Although the ski area went out of business in the mid-1980's, much of the supporting infrastructure still remains on site, providing visitors with a chance to see what ski lifts from the 1940-1980 era were like.

The lift towers, particularly the summit towers with their bull wheels and counterweights, act as an open-air museum exhibit of the history of the ski industry. These remnants provide a hiking experience not found at other defunct ski areas that are now on public land where the lifts and other infrastructure have been removed. The material remains of the ski area should be left in place as long as they do not present a serious threat to the safety of visitors.

- The First Aid Building on Route 9 is in decrepit condition and should be demolished as soon as possible. Signs should be maintained warning of the unsafe condition and forbidding entry.
- The Quonset Hut (former snack bar and warming hut at the base of the ski area) is still stable and provides visitors with a glimpse of ski history. Although it is an excellent example of the adaptation of WWII technology (low-cost, rapid construction Quonset huts) in the infant ski area industry in the 1940's, it is not significant enough to be worth saving for historical purposes. As its condition gradually deteriorates, it will eventually reach a point where it should be demolished.
- The Castle (the ski patrol hut at the top of the double T-bar lift lines) is still stable and provides a useful site for hikers and skiers to find temporary shelter. Without significant ongoing maintenance, its condition will gradually deteriorate and eventually it will need to be demolished.
- The T-bar lift bridge, part of the former Practice Slope T-bar, is not on any existing recreation trail. The metal support structure seems to be sound, but the wooden decking is deteriorating. Signs should be maintained forbidding access and warning of danger. The Trail Committee should consider seeking funding to replace the decking so that a trail could enable visitors to see this unique bit of ski-area infrastructure.
- The metal lift towers all seem to be structurally sound and the cables are still intact. It does not seem to be worth the cost to try to preserve these indefinitely. Eventually, they will deteriorate, but not until long after the buildings. Deal with the buildings first.
- There are many small lift operator structures on the mountain. None of these pose any current significant hazard to the public.
- All potentially unsafe buildings and infrastructure should be visited annually to check for conditions that require urgent action. Examples might include trees fallen on the lift cables, or sections of buildings that are becoming unstable.

9.4 Benedict Cottage

This building has no known connection to a person of historical significance, no notable role in the economic history of the area, and no particular architectural significance, making it a very low priority for preservation as a cultural artifact. It is in poor condition, having had all the copper piping stolen, and other portions of the interior vandalized. The roof has leaked and been patched, but it is vulnerable to ongoing damage.

The conservation easement includes specific language relating to the Benedict Cottage, its utilities and its parking area, in section III.9. The building may be repaired, replaced, and even enlarged. It may be used for any of the purposes of the easement (but not for prohibited uses, such as a commercial enterprise or housing).

Given that the building has never been used by the Conservation Area, is not currently being used and no good use for it is foreseen in the immediate future, and that it is in poor condition and is attracting vandals and even campers, plans should be made to demolish this building as soon as possible. Note

that the conservation easement allows the Cottage to be rebuilt, so if it is demolished, that demolition does not extinguish the possibility of constructing a new structure on the same footprint at some time in the future.

10. Scenic Resources Management

Scenic resources include not only long-distance vistas but also smaller scale views that illustrate the character of a region or locale.

Maintaining long-distance vistas may require felling trees that grow into the view-space. Cutting a few carefully selected trees to open or maintain a view may be approved by the HPC after receiving input from the HMCA. However, any cutting that involves more than a handful of trees must be included as part of the Forest Management Plan as developed and approved in Section 8.

10.1 The 100-mile View

The mountain pass over Hogback has long been known for its “100-mile view.” It is the most dramatic outlook accessible from a paved public road in southern Vermont. The conservation easement’s goal of preserving scenic resources applies to this 100-mile view as visible from public land, i.e., from within the Conservation Area or from the state highway. The easement does not apply to preserving the scenic view from the adjacent commercial properties.

Note that nothing in the conservation easement or in any legally deeded right-of-way allows the town to demand that trees be removed from private land to protect the view from public lands. Similarly, the private land owners cannot demand removal of trees in the Conservation Area to protect the view from their holdings. However, both the town and the private owners are encouraged to work collaboratively to maintain this collective scenic resource.

Based on the long history of the 100-mile view (going back to the 1930’s establishment of a Tea House and later gift shop at the overlook), it seems likely that the view from both public and private lands will be able to be maintained by simply keeping the growth low on the privately-owned lands. If the view from the state highway becomes blocked by trees growing on Conservation Area land, such trees may only be removed as part of an approved Forest Management Plan for the Conservation Area.

If the view from the decks, walkways, windows or other areas of the privately owned land starts to become blocked by trees growing on Conservation Area land, the private landowners may ask the town to remove the trees. Such removal may be allowed, but only if that cutting does not significantly impact the goals and purposes of the conservation easement, and is included as part of the overall Forest Management Plan as proposed and approved (or amended) under Section 8 of this document. Such work is to be done by contractors hired and overseen by the town, not by the private landowners. If removing the too-tall trees at the request of the private landowners (i.e. trees that block the view from private lands but not from public land) results in a net expense rather than net income to the town, the town may require the owners of the affected private properties to pay for the project. Nevertheless, the town would still define the scope of the project and oversee its implementation.

10.2 The Tower Trail

The Tower Trail, a former ski-area maintenance road that is now the most heavily used hiking trail in the Conservation Area, crosses all the major ski slopes in the former ski area. At each spot where the trail intersects the former ski slopes, there once were expansive views of the quintessential Vermont landscape. As the ski slopes started reverting to forest land after the ski area closed, these views began to be obscured. From 2013-2018, the ESH Project (Early Successional Habitat Project) reopened some sections of the ski slopes as part of a wildlife habitat improvement effort, which had the additional benefit of re-opening some of the views. Efforts should be made to maintain the views, under projects defined in an approved Forest Management Plan.

10.3 North Side Trails

At several locations along the trails north of Route 9, there are tantalizing glimpses of both near and distant views, such as a view to the east of the Hamilton farm buildings and fields and a glimpse to the west of Mount Haystack. Most of these glimpses disappear in summer when the trees are fully leafed out. Where an appealing view or line of sight can be created by cutting only a small number of trees, it is acceptable to create the view, without the action needing to be part of Forest Management Plan. This work should not create significant openings in the forest. Approval by the HPC is required before starting any such project. HPC should solicit comment from the HMCA.

10.4 Forest Management Projects

The previous Management Plan called for minimizing the impact of any forest management activities on the aesthetic and scenic values of the Conservation Area through such practices as “utilizing treetops to the lowest possible diameter,” meaning selling not only the large trunk logs that are suitable for sawn timber, but all of the smaller logs (for example as firewood) and even the smaller branches and twigs as biomass fuel for boilers. The previous plan stated, “Logging debris (i.e. slash) from downed wood is one of the biggest detractors from the scenic beauty of a woodlot.” This approach prioritized scenic beauty over the health of the forest, regardless of where the cutting occurred.

Current forest management best practices for New England forests encourage leaving tops and substantial woody debris as beneficial for forest health. Tangles of treetops have been shown to reduce aggressive browsing of new growth by deer, improving regeneration. As the debris rots, it provides habitat for small mammals, amphibians, and insects, and contributes to soil formation.

In almost all instances, details of forest management projects in the Conservation Area should be planned to optimize forest health, not human aesthetic values. If a forest management project occurs within view of the Tower Trail (currently the most heavily used hiking trail), planners should consider whether to take aesthetic values into consideration, or whether an educational sign should explain why unsightly conditions are acceptable. In other areas of the Conservation Area, forest health should always take priority.

11. Education

Use of the Conservation Area as an outdoor education and research resource should be supported at all levels, from formal education and research (pre-K to post-doc) to citizen science projects and informational, educational programs for the public. Guidance on management issues that may arise can be found in the following sections of this Plan.

Information on Special Use Permits (aka Facility Use Agreements) is included in the Administration section of this Plan and provides guidance on a variety of issues that may arise relative to educational/research use. The permit process is intended to help plan for issues that arise for large groups or all-day use, such as need for bathrooms, dealing with trash, etc. Permits can grant permission for otherwise prohibited activities, such as use of drones or wildlife cameras, when being used for educational/research purposes. Installation of temporary equipment, collection of samples, and other research needs can be addressed through this process.

The role of the HMCA in providing programs for public education and enjoyment is described under Management Structure in the section on Administration. HMCA is also charged with tracking and coordinating use of the Conservation Area by groups and researchers to prevent overlaps in time and space.

The Forest Management Plan, to be completed by 2026, is expected to include forestry activities that can serve as demonstration projects. HMCA is encouraged to collaborate with the County Forester, the Windham County Conservation District, VLT and other pertinent groups that provide education to the public about the environment, forests, and wildlife to identify opportunities for bringing groups to the Conservation Area to learn about the forestry concepts that are being implemented.

The Biodiversity Inventory of 2018-2019 included suggestions for several scientific studies. This Plan does not foresee any mechanism whereby the town would be able to fund these studies, but Conservation Area managers should welcome self-funded researchers who are interested in tackling these projects.

List of Appendices

- Appendix A: Conservation Easement granted by the town of Marlboro to the Vermont Land Trust and Vermont Housing and Conservation Board
- Appendix B: Hogback Preservation Commission Rules of Procedure
- Appendix C: Hogback version of the Facility Use Agreement application
- Appendix D: (to be created in 2026, Forest Management Plan)
- Appendix E: Public comments received during 2024 update process

Appendix A - Conservation Easement granted by the town of Marlboro to the Vermont Land Trust and Vermont Housing and Conservation Board

(document starts on next page)

**Town Owned
GRANT OF DEVELOPMENT RIGHTS, CONSERVATION RESTRICTIONS,
and PUBLIC ACCESS EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS that the **TOWN OF MARLBORO**, a Vermont municipality located in Windham County, Vermont, on behalf of itself and its successors and assigns (hereinafter "Grantor"), pursuant to Title 10 V.S.A. Chapters 34 and 155 and in consideration of the payment of Ten Dollars and other valuable consideration paid to its full satisfaction, does freely give, grant, sell, convey and confirm unto the **VERMONT LAND TRUST, INC.**, a non-profit corporation organized under the laws of the State of Vermont, with its principal offices in Montpelier, Vermont, and the **VERMONT HOUSING AND CONSERVATION BOARD**, an independent board of the State of Vermont with its offices in Montpelier, Vermont, and their respective successors and assigns (hereinafter "Grantees") as tenants in common, forever, the development rights, perpetual conservation easement restrictions, and public access easement (all as more particularly set forth below) in a certain tract of land (hereinafter "Protected Property") situated in the Town of Marlboro, Windham County, State of Vermont, the Protected Property being more particularly described in Schedule A attached hereto and incorporated herein.

The development rights hereby conveyed to Grantees shall include all development rights except those specifically reserved by Grantor herein and those reasonably required to carry out the permitted uses of the Protected Property as herein described. The development rights, perpetual conservation easement restrictions, and public access easement hereby conveyed to Grantees consist of covenants on the part of Grantor to do or refrain from doing, severally and collectively, the various acts set forth below. It is hereby acknowledged that the development rights, perpetual conservation easement restrictions, and public access easement shall constitute a servitude upon and shall run with the land.

I. Purposes of this Grant and Management Plan.

A. Statement of Purposes.

Grantor and Grantees acknowledge that the purposes of this grant are as follows:

1. As primary purposes, to conserve forestry values, wildlife habitats, riparian buffers, aquatic habitats, wetlands, soil productivity, and water quality on the Protected Property, and the ecological processes that sustain these natural resource values as these values exist on the date of this instrument and as they may evolve in the future, non-motorized, non-commercial recreational opportunities, open space values, and scenic resources associated with the Protected Property for present and future generations.
2. As secondary purposes, to conserve biological diversity, natural communities, and native flora and fauna associated with the Protected Property for present and future generations.
3. These purposes will be advanced by conserving the Protected Property because it possesses the following attributes:
 - (a) is considered by town residents to be a defining cultural and historical landmark in Marlboro and the region;
 - (b) contains headwaters for two major watersheds in southeastern Vermont: Green River and Deerfield River;
 - (c) provides long-range 100-mile view, a rare and exceptional panoramic lookout in southern Vermont easily accessible to the public;
 - (d) contains habitat for a variety of wildlife including moose, bobcat, deer, black bear, fisher, and local and migratory bird species;
 - (e) provides for recreational, cultural and educational uses;
 - (f) 4,750 feet of frontage on State Highway Route 9, designated as the Molly Stark Scenic Byway and 3,800 feet of frontage on Town Highway #33, also known as Old Hogback Road;
 - (g) traversed by 1,600 feet of Beaver Brook;
 - (h) adjoins Molly Stark State Park; and
 - (i) is in the vicinity of other lands protected by Grantees.

Grantor and Grantees recognize the Purposes of this Grant and share the common goal of conserving these values of the Protected Property by the conveyance of conservation restrictions, and development rights, to prevent the use or development of the Protected Property for any purpose or in any manner which would conflict with the Purposes of this Grant. Grantees accept such conservation restrictions, development rights and public access easement in order to conserve these values for present and future generations. The purposes set forth above in this Section I are hereafter collectively referred to as the "Purposes of this Grant".

B. Management Plans.

Grantor will, from time-to-time develop comprehensive Management Plans, including updates, revisions and amendments, for the Protected Property (hereinafter "Management Plans"). The Management Plans shall:

1. Provide for the use and management of the Protected Property in a fashion which is consistent with and advances the Purposes of this Grant; and
2. At a minimum, the Management Plans shall identify actions necessary to accomplish the following and shall appropriately balance all the resource attributes of and human uses for the Protected Property:
 - a. identify and address the management needs of the public access and recreational uses that may need special or more intensive management focus;
 - b. provide for meaningful public access and recreational links to private and public lands;
 - c. details of sustainable forest management activities;
 - d. provide a plan for road, sign, trail and sanitary facility use that has minimal impact on water quality and plant, wildlife and aquatic habitat;
 - e. provide for the sustainable use of fish and wildlife resources;
 - f. provide for the identification and protection of natural communities, plant, wildlife and aquatic habitat and other ecologically sensitive or important areas.
3. Otherwise be consistent with this Grant.

Prior to the final adoption of each Management Plan, including updates, revisions and amendments, Grantor shall: (a) secure appropriate public input from the Town of Marlboro and from the general public, (b) develop the Management Plans in a timely and responsive manner, and (c) provide Grantees with a copy of each such Management Plan as well as a copy of each final adopted Management Plan.

II. Restricted Uses of Protected Property.

1. The Protected Property shall be used for educational, forestry, non-motorized, non-commercial recreation, habitat conservation, natural area and open space purposes only, except as otherwise specifically permitted under this Grant. No residential, commercial, industrial or mining activities shall be permitted. No building or structures shall be constructed, created, erected or moved onto the Protected Property, including but not limited to, telecommunication towers, except as specifically permitted in both Section III below and the Management Plans.
2. No rights-of-way, easements of ingress or egress, driveways, roads, or utility lines or easements shall be constructed, developed or maintained into, on, over, under, or across the Protected Property without the prior written permission of Grantees, except as otherwise specifically permitted under this Grant. Grantees may grant such permission if they reasonably determine that any such improvement is consistent with the Purposes of this Grant.
3. There shall be no signs, billboards, or outdoor advertising of any kind erected or displayed on the Protected Property; provided, however, that Grantor may erect and maintain reasonable signs including but not limited to signs indicating the name of the Protected Property and its ownership by Grantor, boundary markers, directional signs, memorial plaques, informational and interpretive signs, and signs limiting access or use (subject to the limitations of Section IV, below). Grantees may erect and maintain signs designating the Protected Property as land under the protection of Grantees, with the prior written permission of Grantor.
4. The placement, collection or storage of trash, human waste, or any other unsightly, harmful or offensive material on the Protected Property shall not be permitted except at such locations, if any, and in such a manner as shall be approved in advance in writing by Grantees and shall be consistent with the Grant and the Management Plans. The temporary storage of trash generated on the Protected Property in receptacles for periodic off-site disposal, shall be permitted without such prior written approval.
5. There shall be no disturbance of the surface, including but not limited to filling, excavation, removal of topsoil, sand, gravel, rocks or minerals, or change of the topography of the land in any manner, except as may be reasonably necessary to carry out the uses permitted on the Protected Property under this Grant. In no case shall surface mining of subsurface oil, gas, or other

minerals be permitted.

6. Grantor shall not give, grant, sell, convey, subdivide, convey in separate parcels, transfer, mortgage, pledge, lease or otherwise encumber the Protected Property without the prior written approval of Grantees which approval may be granted, denied or conditioned in the Grantees' sole discretion.

7. There shall be no operation of motor vehicles on the Protected Property except for uses specifically reserved in Section III below, such as wildlife and forest management, trail grooming, maintenance, handicap access, and for safety or emergency purposes. Snowmobiling may be permitted at the discretion of Grantor.

8. There shall be no manipulation of natural watercourses, marshes, wetlands or other water bodies, nor shall there be activities conducted on the Protected Property which would be detrimental to water purity, or which could alter natural water level or flow, except as reasonably necessary to carry out the uses permitted on the Protected Property under this Grant.

9. No use shall be made of the Protected Property, and no activity thereon shall be permitted which, in the reasonable opinion of Grantees, is not or is not likely to be consistent with the Purposes of this Grant. Grantor and Grantees acknowledge that, in view of the perpetual nature of this Grant, they are unable to foresee all potential future land uses, future technologies, and future evolution of the land and other natural resources, and other future occurrences affecting the Purposes of this Grant. Grantees, therefore, in their sole discretion, may determine whether (a) proposed uses or proposed improvements not contemplated by or addressed in this Grant, or (b) alterations in existing uses or structures, are consistent with the Purposes of this Grant.

III. Permitted Uses of the Protected Property.

Notwithstanding the foregoing, Grantor shall have the right to make the following uses of the Protected Property:

1. The right to use the Protected Property for all types of non-motorized, non-commercial recreational purposes including, but not limited to, bird-watching, cross-country skiing, fishing, hiking, hunting, snowshoeing, swimming, trapping, walking and wildlife observation consistent with the Purposes of this Grant. Use of the Protected Property for snowmobiling, and for non-motorized, mechanized recreation such as mountain biking and by animals capable of transporting humans (including, but not limited to, horses) may be permitted in the discretion of Grantor if such uses are regulated in the Management Plans and are consistent with the Purposes of this Grant.

2. The right to use the Protected Property to conduct all activities allowed by the Management Plans, provided that such activities are reasonably necessary to carry out the Purposes of this Grant and are consistent with the Purposes of this Grant, and provided further that such activities are provided for in the Management Plans. Such activities may include, but shall not be limited to, the management of vegetation and wildlife, and the use and management of the Protected Property for non-motorized, non-commercial recreation. This Section III(2) shall not be construed to authorize the construction of new structures not otherwise specifically permitted by this Grant.

3. The right to conduct maple sugaring operations. Further, the right to harvest timber and other forest products, together with the right to construct and maintain roads necessary for such activities, installing all erosion control devices and employing all applicable recommended practices described in the publication "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont," a Vermont Department of Forests, Parks and Recreation publication dated August 15, 1987 (or such successor standard approved by Grantees) and in accordance with a forest management plan which has been developed in consultation with the Vermont Department of Forests, Parks and Recreation and the Vermont Department of Fish and Wildlife and which forest management plan shall be a component of the Management Plans (see Section I(B)).

4. The right to maintain, repair, improve and replace existing recreational trails, together with the right to clear, construct, repair, improve, maintain and replace new trails, provided that the location, use and construction of such new trails are consistent with the Purposes of this Grant, and are provided for in the Management Plans.

5. The right to conduct periodic, temporary community and public entertainment events on the Protected Property, including concerts, fairs and celebrations, together with the right

to erect tents and other temporary structures for such events.

6. The right to charge members of the public reasonable fees for admission to and use of the Protected Property, provided that such fees are collected only for community and public recreation, education or entertainment events on the Protected Property (including, but not limited to, children's activities, concerts, fairs and celebrations) or such fees are reasonably necessary to support Grantor's management of the Protected Property. The right to charge organizations reasonable fees for recreational use of a portion of the Protected Property provided that such use does not unreasonably interfere with the access of the general public to the Protected Property. Fees shall not be based on place of residency. All fees charged for admission to or use of the Protected Property shall be consistent with the Purposes of this Grant, especially that of public access, and shall be provided for in the Management Plans.

7. The right to issue temporary special use permits or licenses authorizing the commercial or non-commercial use of the Protected Property for recreational, community entertainment, educational, agricultural, forestry, or research purposes, provided that any such permit or license (i) does not unreasonably interfere with the access of the general public to the Protected Property, (ii) is for uses consistent with the Purposes of this Grant, and (iii) authorizes only uses of or actions on the Protected Property consistent of this Grant.

8. The right to construct, maintain, repair, replace and use permanent or temporary minor structures of a rustic design reasonably necessary to support the public outdoor non-commercial, non-motorized recreational and educational uses permitted by this Grant (including such structures and facilities as deer stands, gazebos, hunting blinds, lean-tos, Adirondack shelters, tent platforms, tree houses, children's play houses, privies, kiosks, outdoor fireplaces) on the Protected Property, provided that such structures shall not have any access roads or drives, utility services or facilities, waste disposal systems, or plumbing, and shall not be used for year-round, continuous residential occupancy or for any commercial activity of any nature. Grantor shall secure the written approval of Grantees prior to the construction of any such minor structures, which approval shall not be unreasonably withheld or conditioned, provided that the structure complies with the requirements of this Section III(8) and the number and location of such structures are consistent with the Purposes of this Grant and the Management Plans.

9. The right to maintain, repair, renovate, replace, enlarge, rebuild and occupy the existing "Benedict Cottage" and its associated utilities and improvements, which may be used in support of all uses permitted under and contemplated by this Grant and as provided in the Management Plans; also, the right to maintain, repair and use the existing access drive and parking area, all within the so-called "Benedict Cottage Complex." The Benedict Cottage Complex is an area consisting of one (1) acre, more or less, and is more particularly described in Schedule B attached hereto and incorporated herein, and is depicted on the Hogback Conservation Plan described in Schedule A attached hereto and incorporated herein. Said parking area shall be used only in connection with uses permitted under this Grant.

10. The right to construct, maintain, repair and replace a permeable surfaced parking area, said parking area not to exceed one (1) acre, at a location to be mutually agreed upon in writing by Grantor and Grantees. Said parking area shall be used only in connection with uses permitted under this Grant. Prior to the commencement of construction on such parking area, Grantor shall secure the prior written approval of Grantees, which approval shall not be unreasonably withheld or conditioned, provided the parking area is of a size, location and configuration which are consistent with the Purposes of this Grant, and this Section III(10).

IV. Public Access.

Grantor covenants and agrees that the Protected Property shall be available to the general public for all types of non-commercial, non-motorized dispersed recreational and educational purposes (including, but not limited to, bird-watching, cross-country skiing, fishing, hiking, hunting, snowshoeing, swimming, trapping, walking and wildlife observation) consistent with the Purposes of this Grant. Notwithstanding the foregoing, Grantor may limit or restrict public access to the Protected Property to assure compliance with the requirements of this Grant, to protect natural habitats, or to protect the public health or safety (including, but not limited to, the right to permit, regulate or prohibit fishing, hunting and trapping). If Grantees approve a conveyance of the Protected Property, then Grantees may also require that a separate Grant of Public Access Easement also be conveyed to Grantees in a form approved by Grantees.

V. Enforcement of the Restrictions.

Grantees shall make reasonable efforts from time to time to assure compliance by Grantor

with all of the covenants and restrictions herein. In connection with such efforts, Grantees may make periodic inspection of all or any portion of the Protected Property and for such inspection and enforcement purposes, Grantees shall have the right of reasonable access to the Protected Property. In the event that Grantees becomes aware of an event or circumstance of non-compliance with the terms and conditions herein set forth, Grantees shall give notice to Grantor of such event or circumstance of non-compliance by hand or by certified mail, return receipt requested, and demand corrective action by Grantor sufficient to abate such event or circumstance of non-compliance and restore the Protected Property to its previous condition. In the event there has been an event or circumstance of non-compliance which is corrected through negotiation and voluntary compliance but which has caused Grantees to incur extraordinary costs, including staff time, in investigating the non-compliance and securing its correction, Grantor shall at Grantees' request reimburse Grantees all such costs incurred in investigating the non-compliance and in securing its correction.

Failure by Grantor to cause discontinuance, abatement or such other corrective action as may be demanded by Grantees within a reasonable time after receipt of notice and reasonable opportunity to take corrective action shall entitle Grantees to bring an action in a court of competent jurisdiction to enforce this Grant and to recover any damages arising from such non-compliance. Such damages, when recovered, may be applied by Grantees to corrective action on the Protected Property, if necessary. If the court determines that Grantor has failed to comply with this Grant, Grantor shall reimburse Grantees for any reasonable costs of enforcement, including court costs and reasonable attorneys' fees, in addition to any other payments ordered by such court. In the event that Grantees initiates litigation and the court determines that Grantor has not failed to comply with this Grant and that Grantees have initiated litigation without reasonable cause or in bad faith, then Grantees shall reimburse Grantor for any reasonable costs of defending such action, including court costs and reasonable attorneys' fees. The parties to this Grant specifically acknowledge that events and circumstances of non-compliance constitute immediate and irreparable injury, loss and damage to the Protected Property and accordingly entitle Grantees to such equitable relief, including but not limited to injunctive relief and ex parte relief, as the Court deems just.

The remedies described herein are in addition to, and not in limitation of, any other remedies available to Grantees at law, in equity, or through administrative proceedings. No delay or omission by Grantees in the exercise of any right or remedy upon any breach of Grantor shall impair Grantees' rights or remedies or be construed as a waiver. Nothing in this enforcement section shall be construed as imposing a liability upon a prior owner of the Protected Property, when the event or circumstance of non-compliance occurred after said prior owner's ownership or control of the Protected Property has terminated.

VI. Miscellaneous Provisions.

1. Where Grantor is required, as a result of this Grant, to obtain the prior written approval of Grantees before commencing an activity or act, and where Grantees have designated in writing one of the other Grantees herein or another organization or entity which shall have the authority to grant such approval, the approval of said designee shall be deemed to be the approval of Grantees. Grantor shall reimburse Grantees or Grantees' designee for all extraordinary costs, including staff time, incurred in reviewing the proposed action requiring Grantees' approval; but not to include those costs which are expected and routine in scope. When Grantees have authorized a proposed action requiring approval under this Grant, Grantees shall, upon request, provide Grantor with a written certification in recordable form memorializing said approval.
2. While title is herein conveyed to Grantees as tenants in common, the rights and interests described in this Grant, including enforcement of the conservation easement and restrictions, may be exercised by Grantees collectively, or by any single Grantee individually, provided that court enforcement action by a single Grantee shall foreclose action on the same issue(s) by the other Grantees who shall be bound by the final determination.
3. It is hereby agreed that the construction of any buildings, structures or improvements, or any use of the land otherwise permitted under this Grant, shall be in accordance with all applicable ordinances, statutes and regulations of the Town of Marlboro and the State of Vermont.
4. Grantees shall transfer the development rights, public access easement, and conservation easement and restrictions conveyed by Grantor herein only to a State agency, municipality, or qualified organization, as defined in Chapter 34 or Chapter 155 Title 10 V.S.A., in accordance with the laws of the State of Vermont and the regulations established by the Internal Revenue Service governing such transfers.
5. In the event the development rights or conservation restrictions conveyed to

Grantees herein are extinguished by eminent domain or other legal proceedings, Grantees shall be entitled to any proceeds which pertain to the extinguishment of Grantees' rights and interests. Any proceeds from extinguishment shall be allocated between Grantor and Grantees using a ratio based upon the relative value of the development rights and conservation restrictions, and the value of the fee interest in the Protected Property, as determined by a qualified appraisal performed at the direction of either Grantor or Grantees at the time of extinguishment. Grantees shall use any such proceeds to preserve undeveloped and open space land in order to protect the aesthetic, cultural, educational, scientific, and natural resources of the state through non-regulatory means.

6. In any deed or lease conveying an interest in all or part of the Protected Property, Grantor shall make reference to the conservation easement, restrictions, and obligations described herein and shall indicate that this easement and restrictions are binding upon all successors in interest in the Protected Property in perpetuity. Grantor shall also notify Grantees of the name(s) and address(es) of Grantor's successor(s) in interest.

7. Grantees shall be entitled to rerecord this Grant, or to record a notice making reference to the existence of this Grant, in the Town of Marlboro Land Records as may be necessary to satisfy the requirements of the Record Marketable Title Act, 27 V.S.A., Chapter 5, Subchapter 7, including 27 V.S.A. §§603 and 605.

8. The term "Grantor" shall include the successors and assigns of the original Grantor, the Town of Marlboro. The term "Grantees" shall include the respective successors and assigns of the original Grantees, Vermont Land Trust, Inc. and Vermont Housing and Conservation Board.

9. Any signs erected on the Protected Property which mention funding sources shall include the Vermont Housing and Conservation Board and the Vermont Land Trust, Inc.

INVALIDATION of any provision hereof shall not affect any other provision of this Grant.

TO HAVE AND TO HOLD said granted development rights, conservation easement and restrictions, and public access easement, with all the privileges and appurtenances thereof, to the said Grantees, VERMONT HOUSING AND CONSERVATION BOARD, and VERMONT LAND TRUST, INC., their respective successors and assigns, to their own use and behoof forever, and the said Grantor, the TOWN OF MARLBORO, on behalf of itself and its successors and assigns, does covenant with the said Grantees, their successors and assigns, that until the ensembling of these presents, it is the sole owner of the premises and has good right and title to convey the same in the manner aforesaid, that the premises are free from every encumbrance, except those of record, not intending hereby to reinstate any interest or right terminated or superseded by this Grant, operation of law, abandonment of 27 V.S.A. Ch. 5, Subch. 7; and it hereby engages to warrant and defend the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, Gail MacArthur, duly authorized agent of the Town of Marlboro, has executed this Grant on this 31st day of March, 2010.

IN THE PRESENCE OF:

[Signature]
Witness to Town

GRANTOR
Town of Marlboro
By: [Signature]
Its Duly Authorized Agent

STATE OF VERMONT
COUNTY OF WINDHAM, SS.

At Marlboro, Vermont, on this 31st day of March, 2010, personally appeared GAIL MACARTHUR, duly authorized agent of the Town of Marlboro, and he/she acknowledged this instrument, by him/her sealed and subscribed, to be his/her free act and deed, and the free act and deed of the Town of Marlboro, before me.

[Signature]
Notary Public
My Commission Expires: 02/10/2011

Approved by the VERMONT HOUSING AND CONSERVATION BOARD:

Date 3/26/10

By: [Signature]
Its Duly Authorized Agent

**SCHEDULE A
PROTECTED PROPERTY**

Being all and the same lands and premises conveyed to Grantor by Warranty Deed of Long View Mountain Group, LLC, of near or even date and to be recorded herewith in the Marlboro Land Records.

Meaning and intending to include in this description of the Protected Property all of the land with the buildings and improvements thereon commonly known as Hogback Mountain and generally described as containing 591 acres, more or less, lying on both sides of Vermont Route 9 in the Town of Marlboro, Vermont.

NOTICE: Unless otherwise expressly indicated, the descriptions in this Schedule A and in any subsequent Schedules are not based on a survey or subdivision plat. The Grantor and Grantees have used their best efforts to depict the approximate boundaries of the Protected Property and any excluded parcels, complexes or special treatment areas on a plan entitled "Vermont Land Trust - Hogback Mountain, Town of Marlboro, Windham Co., VT, March 2010" signed by the Grantor and VLT (referred to throughout this Grant and its Schedules as "Hogback Conservation Plan"). The Hogback Conservation Plan is based upon Vermont Base Map digital orthophotos and other information available to VLT at the time of the Plan's preparation. Any metes and bounds descriptions included in the Schedules herein are approximate only. They are computer generated and are not the result of field measurements or extensive title research. The Hogback Conservation Plan and any metes and bounds descriptions herein are intended solely for the use of the Grantor and Grantees in establishing the approximate location of the areas described and for administering and interpreting the terms and conditions of this Grant. No monuments have been placed on the ground. The Hogback Conservation Plan is kept by VLT in its Stewardship Office. **The Hogback Conservation Plan is not a survey and must not be used as a survey or for any conveyance or subdivision of the land depicted thereon.**

Grantor and Grantees do not intend to imply any limitation on the area of land included in this description, should a survey determine that additional land is also encumbered by the Grant. If, in the future, the Grantor or Grantees shall prepare a survey of the Protected Property, of any portion thereof, or of any excluded lands, and that survey is accepted by the other party or confirmed by a court, the descriptions in the survey shall control.

Reference may be made to the above described deed and record, and to the deeds and records referred to therein, in further aid of this description.

**SCHEDULE B
BENEDICT COTTAGE COMPLEX**

The "Benedict Cottage Complex" referred to in Section III(9) of this Grant contains one (1) acre, more or less, located on the northerly side of Vermont Route 9, and is more particularly described as follows:

Beginning at the point where the Marlboro/Wilmington town line intersects the northerly edge of the Vermont Route 9 right of way (assumed 4 rods wide); thence proceeding Northerly a distance of 115 feet, more or less, along the Marlboro/Wilmington town line; thence turning and proceeding Southeasterly a distance of 440 feet, more or less, across the Protected Property along a line running parallel to and 110 feet northerly of the northerly edge of the Vermont Route 9 right of way; thence turning and proceeding Southwesterly a distance of 110 feet, more or less, across the Protected Property to a point on the northerly edge of the Vermont Route 9 right of way; thence turning and proceeding Northwesterly a distance of 355 feet, more or less, along the northerly edge of the Vermont Route 9 right of way to the point of beginning.

Vermont Property Transfer Tax
32 V.S.A. Chap. 231
-- ACKNOWLEDGMENT --
Return Rec'd--Tax Paid--Board of Health Cert. Rec'd--
Vt. Land Use & Development Permit Act Cert. Rec'd.
Return No. 531540
Signed [Signature] Clerk
Date March 31, 2010

**TOWN CLERK'S OFFICE
MARLBORO, VT**
RECEIVED & RECORDED
March 31, 2010 11:42 AM
BOOK 53 PAGE 533
ATTEST [Signature]
TOWN CLERK

Appendix B – Hogback Preservation Commission Rules of Procedure

Rules of Procedure Hogback Preservation Commission Town of Marlboro, Vermont

As revised and adopted Feb 4, 2025
(Section VI.2 amended Mar 17, 2025 to reflect new Regular Meeting day)

Section I. Authorization

The Hogback Preservation Commission shall be governed by all applicable state statutes, local law and these rules. Meetings will be conducted in accordance with Vermont Open Meeting Law: 1 VSA 310-314.

Section II. Purpose

The Hogback Preservation Commission is charged with the following tasks:

1. Advise the Marlboro Select Board on matters relating to the Conservation Area, including communications or actions as may be deemed necessary from time to time between the Town and other public agencies, Non-Governmental Organizations (NGOs), or private organizations;
2. Recommend Conservation Area policy to the Select Board that ensures compliance with the terms of the Grant of Development Rights, Conservation Restrictions, and Public Access Easement (i.e., the “Conservation Easement”);
3. Periodically update the Management Plan as deemed necessary;
4. Recommend to the Select Board enforcement action to be taken in response to a significant violation of Conservation Area regulations;
5. Oversee any timber harvest operations under the direct supervision of a professional forester;
6. Prepare an annual budget to be approved by the Select Board, and monitor all town Hogback-related revenues and expenditures.

Section III. Membership

1. The Hogback Preservation Commission shall have at least three and not more than seven members;
2. A majority of the members of the Commission shall be residents of the Town of Marlboro;

3. Members of the Commission shall be appointed and any vacancy filled by the Select Board of the Town of Marlboro;
4. The term of each member shall be three years;
5. Any member may be removed at any time by unanimous vote of the Select Board; and
6. Any appointment to fill a vacancy shall be for the unexpired term.

Section IV. Quorum

At any meeting of the Hogback Preservation Commission, a quorum shall consist of a majority of the voting members of the Commission. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date.

Section V. Voting

At all meetings of the Hogback Preservation Commission, each member attending shall be entitled to cast one vote. Voting may be by voice or by paper ballot. In the event that any member shall have a personal interest of any kind in a matter then before the Commission, s/he shall disclose her/his interest and may recuse her/himself from voting on the matter. The secretary pro tem shall so record in the minutes that no vote was cast by such member. The affirmative vote of at least a majority of the members, shall be necessary for the adoption of any resolution or other voting matter.

Section VI. Meetings

All meetings, with the exception of Executive Sessions and Deliberations, are open to the public.

1. Annual Meeting: The annual meeting of the Hogback Preservation Commission shall be the first regular meeting following Town Meeting of each year. Such meeting shall include the election of officers for the ensuing year and such other business as shall come before the Commission.
2. Regular Meetings: Regular bi-monthly meetings of the Commission shall be held at the Marlboro Town Office at 5 p.m. on the first Thursday of January, March, May, July, September, and November. A regular meeting may be cancelled or rescheduled by the Commission at least 24 hours in advance, or at a prior meeting.
3. Special Meetings: The Commission may hold special meetings as deemed necessary and appropriate. Special meetings shall be called by the Chair or Vice-Chair, and shall be held at a time and place designated by the officer calling the meeting. Written or electronic notice thereof shall be given to all members not less than twenty-four hours in advance. A public notice shall

be posted in or near the Town Clerk's office and in at least one other place in town at least twenty-four hours in advance.

4. Emergency Meetings: An emergency meeting may be held without public announcement, provided some public notice is given as soon as possible before any such meeting.

5. Executive Sessions: During a meeting of the Hogback Preservation Commission, a motion, which indicates the nature of the business to be addressed, can be made to move into "Executive Session." Upon majority vote, such sessions can be held which are closed to the public. Appropriate topics for Executive Session are listed in 1 V.S.A. 316. No binding action may be taken in Executive Session.

6. Meeting Procedure: At any regular meeting of the Hogback Preservation Commission, the following shall be the regular order of business:

- a. Call to Order
- b. Attendance
- c. Review of Agenda
- d. Approval of minutes of preceding meeting
- e. Officer and Committee Reports
- f. Old Business
- g. New Business
- h. Adjournment

Section VII. Officers and Subcommittees

Officers of the Hogback Preservation Commission shall consist of a Chair and Vice-Chair, elected by the Commission at the annual meeting for a term of one year. The position of Secretary shall be rotated each meeting, alphabetically on a pro tem basis, amongst the Commission members (excluding the Chair).

Duties of Officers

1. Chair

- a. Preside at all meetings of the Commission;
- b. Call special meetings in accordance with these Rules of Procedure;
- c. Ensure that all actions of the Commission are properly taken;
- d. Prepare the agenda for all meetings of the Commission;
- e. Inform the Commission of correspondence relating to the business of the Commission and attend to such correspondence;
- f. Represent the Commission at all official meetings requiring the attendance of member(s) of the Commission and, in his/her absence, designate an authorized representative;
- g. Act as custodian of Commission records;
- h. Review and distribute the Commission minutes; and
- i. Prepare an Annual Report of the Commission's activities.

2. Vice-Chair

During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

3. Secretary pro tem

Keep the minutes of the Commission meeting and submit the minutes to the Chair for the Chair's review and subsequent distribution.

Subcommittees

The Hogback Preservation Commission may form subcommittees to assist in its work. Subcommittees may have appointed chairs and should report to the full Commission on their work.

Section VIII. Amendments

These rules may be amended at any meeting of the Hogback Preservation Commission provided notice of the proposed amendment is given to each member in writing or electronically at least five days prior to the discussion and vote on the amendment; or, the proposed change will be presented as a formal motion which will then be tabled until the next regular meeting when it will be voted upon without change.

Section IX. Re-adoption of these Rules of Procedure

These Rules shall be re-adopted at the annual meeting.

Appendix C - Hogback version of the Facility Use Agreement application

(document starts on next page)

Hogback Mountain Conservation Area
Marlboro, Vermont

Do You Need a Permit?

If you would like to hold an activity, event or project at the Hogback Mountain Conservation Area and it is expected to include one or more of the following conditions, a permit will be required. Such permits, known as Facility Use Agreements (FUA), are issued by the town. An application for an FUA must be submitted well in advance. FUA's are not automatically granted. Each application is considered on a case-by-case basis. For approval, an activity must be consistent with the purposes of the conservation easement, and any exemptions from prohibited uses that are requested must be carefully considered and all potentially negative impacts mitigated. The characteristics triggering the need for an FUA application include **any one or more** of the following:

1. Size is expected to include more than 20 participants.
2. Desired activities include things that are normally prohibited in the Conservation Area, including:
 - a. overnight camping
 - b. fires of any kind
 - c. paint-ball or similar games
 - d. target shooting, by firearm, bow and arrow, or other weapon
 - e. use of metal detectors
 - f. use of drones
 - g. use of wildlife cameras or other unattended motion-activated cameras
 - h. use of motorized vehicles – including but not limited to:
 - i. cars, trucks, and motorcycles
 - ii. ATV's, UTV's, dirt bikes and other vehicles designed for off-road use
 - iii. class 2 and class 3 ebikes
 - i. unauthorized cutting or removal of wood, living or dead, of any size
 - j. foraging or removal of plants or plant material
3. A participant fee is required.
4. Alcohol will be available.
5. Participants will spend a significant amount of time off-trail.
6. Activities will last more than 3-4 hours or are repeated several days (in which litter and human waste are likely to be problems).
7. Installation of equipment or construction of a temporary structure(s) is requested.

The Permit Application Process:

1. Contact the Hogback Mountain Conservation Association at hmca@hogbackvt.org with a description of your event. HMCA will work with you to develop plans for dealing with any unusual aspects of your event.
 - a. If the HMCA feels the activity can be conducted without negatively impacting the purposes of the Conservation Area, they will advise the requestor on how to fill out the form and describe the activity, and HMCA will forward the application to the HPC with a recommendation that the permit be granted.
 - b. If HMCA determines that the event isn't consistent with the purposes of the conservation area, or that any negative impacts can't be adequately mitigated, you may still pursue a permit by asking the HMCA to forward the application to the HPC, but HMCA will also submit their recommendation that the permit not be granted.

2. The HPC will review the application.
 - a. If HMCA recommended that the permit be granted and HPC agrees, HPC will forward the application, the HMCA recommendation and their own endorsement to the Select Board.
 - b. If HMCA recommended that the permit not be granted and HPC agrees, the applicant may request that the application be forwarded to the Select Board, but HPC will also submit HMCA's and their own recommendation against issuing the permit.
 - c. In the event that there is disagreement between the HMCA and HPC on whether the permit should be issued, an HPC Special Meeting will be called to further discuss the application. Both HMCA and the applicant will be invited to participate. As a result of the Special Meeting, if the applicant wishes to continue to pursue the permit process, the application, the HMCA recommendation and the results of any HPC vote taken at the meeting will be forwarded to the Select Board.
3. After receipt of the permit application and recommendations, the Select Board has 30 days to decide.

TOWN of MARLBORO, VERMONT
~ FACILITY USE AGREEMENT: HOGBACK MOUNTAIN CONSERVATION AREA ~

Hogback Mountain Conservation Area is owned by the Town which is responsible for authorizing its use for the following designated purposes: recreational, community entertainment, educational, agricultural, forestry, or research activities. These designated activities cannot interfere with use by the general public. The Select Board is the body that authorizes Facility Use Agreements (permits) on behalf of the Town, but all applications for permits in the conservation area must first be reviewed by both the Hogback Mountain Conservation Association (HMCA) and the Hogback Preservation Commission (HPC). HMCA/HPC will forward applications to the Select Board after their review. After receipt, the Select Board will issue a decision within 30 days.

This Use Agreement is dated _____ by and between the Town of Marlboro (the Town), and _____ the user group and guests (the “Renter”). In consideration of the mutual covenants and conditions herein, the parties agree as follows:

1. FACILITY. Renter will use the Conservation Area for the following EVENT :

2. DATE and TERM. The date of the Event will be _____, from _____ (a.m./p.m.) until _____ (a.m./p.m.). If the Event includes multiple, contiguous or separate days, indicate all additional dates and times here:

3. OBLIGATIONS OF RENTER. The Renter must complete the accompanying Supplemental Facility Use Agreement Form with the Conservation Area map on one side and Conservation Area questions and use considerations included on the other. At the end of the rental term, Renter will return the Conservation Area Facility in a neat, orderly and clean condition with the removal of all trash and litter, including human waste. Renter will be responsible for, and liable to, the Town for all repairs to the Conservation Area Facility required as a result of damage caused by Renter and Renter’s guests.

4. OCCUPANCY. Occupancy is limited to 250 people.

5. SMOKING and FIRES. Smoking and fires are prohibited within the Conservation Area without special permission.

6. INSURANCE. Renter will procure and maintain at its sole cost and expense, comprehensive general liability insurance in which the Town of Marlboro is an additional insured with combined single limit coverage of \$1,000,000 per occurrence and \$1,000,000 in the aggregate. Renter will furnish the Town with a certificate of insurance prior to the Event. This requirement is limited to all non-town sponsored events.

7. ALCOHOL. If alcohol will be furnished, served or consumed at the Event, Renter agrees to the following additional terms:
 A. If Renter will furnish or serve alcohol at the Event renter must do so through a professionally licensed and insured caterer or third party. The contract with the caterer or other licensed third party will note that such party shall procure and maintain at its sole cost and

expense comprehensive general liability insurance with combined single limit coverage of \$1,000,000 per occurrence and \$1,000,000 in the aggregate, and liquor liability coverage insured with combined single limit coverage of \$1,000,000 per occurrence and \$1,000,000 in the aggregate. Town and Renter shall both be named as additional insureds. Renter will furnish the Town with a certificate of such insurance prior to the Event.

B. Host liquor liability coverage may be substituted when alcohol is consumed and not sold at the Facility with the prior written approval of the Town. The Town shall be named as an additional insured on the host liquor liability insurance.

C. Renter and/or Renter’s guests shall not provide alcohol to persons under the age of 21 or to persons who are already intoxicated or are apparently intoxicated. Renter and/or Renter’s guests shall require proof of age of all persons prior to serving them with alcohol.

D. Renter acknowledges that the Town does not condone the irresponsible use of alcoholic beverages. It shall be Renter’s sole responsibility to monitor the use of alcoholic beverages by Renter’s guests.

8. INDEMNIFICATION AND HOLD-HARMLESS. Renter agrees to indemnify and hold the Town, its officers, agents, and employees harmless from any loss or liability which may result from claims of injury to persons or property from any cause arising out of or during the use and occupancy of the Facility by Renter and Renter’s guests, agents, or employees.

9. ASSIGNMENT. This Use Agreement is not assignable to any other person or entity.

10. CANCELLATION. The town shall be notified of cancellation at the soonest possible date.

11. RIGHT OF ENTRY AND TERMINATION. The Town, its officers, agents, and employees shall have the right to enter the Facility at all times during the Event to confirm Renter’s conformance to this Agreement. If the Town determines, in its sole judgment, that Renter has breached a term of this Agreement, the Town shall have the right to immediately terminate this Rental Agreement prior to the expiration of its term and prior to the conclusion of the Event without any refund to Renter.

12. CONFORMANCE WITH THE LAW. Renter agrees that Renter will abide by and conduct its affairs in accordance with the Town of Marlboro Facility Use Policy and all laws, rules, regulations, and ordinances, including those relating to alcohol consumption and noise. Renter shall not engage in or allow any illegal activity to occur at the Facility.

The parties have executed this Agreement at Marlboro, Vermont this ____ day of _____, 20____

TOWN OF MARLBORO

RENTER

By _____
(duly authorized agent)

(name of applicant for Event)

Address: _____

Town _____ State _____ Zip _____

email _____

Organization contact info: _____

HMCA SUPPLEMENTAL FACILITY USE AGREEMENT FORM AND MAP

Your Event's name: _____

Your Event's date(s): _____

Your Name, phone number(s) and e-mail: _____

Hogback Mountain Conservation Area Events Requiring a Facility Use Agreement*:

- Events expected to include more than 20 participants;
- Events with activities not normally permitted in the Conservation Area, e.g., camping, fires, cutting vegetation
- Events where a participant fee is required;
- Events where alcohol is available;
- Events with activities where participants spend a significant amount of time off trail;
- Events lasting >3-4 hrs or repeated several days (in which litter and human waste are likely to be problems);
- Events for which use of motorized vehicles is requested, e.g., ATVs, UTVs snowmobiles, etc.
- Events requiring installation of equipment or construction of temporary structures;

Describe your Event by responding to all of the following questions:

1) Which of the above reasons for a Facility Use Agreement apply to your Event? List all that apply.

Indicate with a check mark the type(s) of designated, allowable purposes that characterize your Event.

Recreational Educational Community entertainment
 Forestry Agricultural Research

Note that activities must not interfere with the general public's use of the conservation area.

2) If you are applying for one or more groups or organizations, please name them:

3) In addition to your group(s) & its guests, will the public be invited to your Event? Yes / No

4) How many participants do you anticipate attending? _____

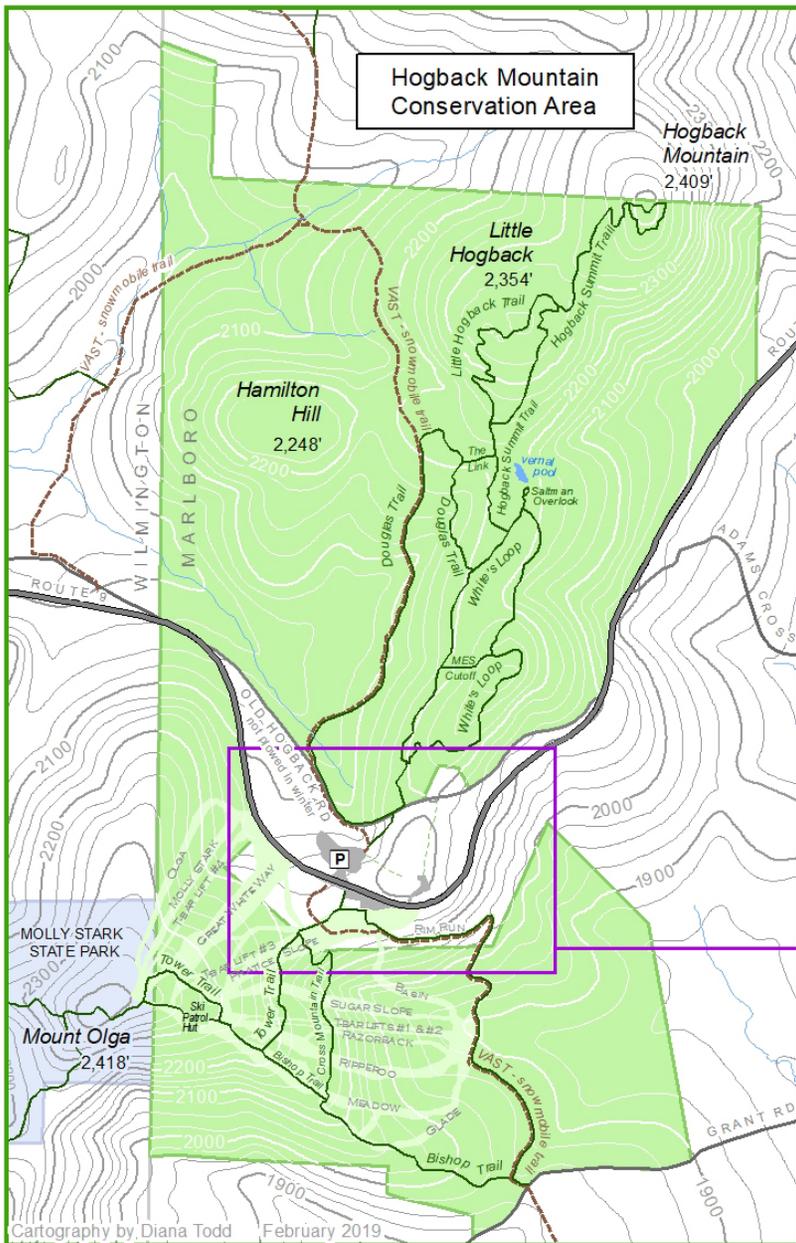
5) How many vehicles do you anticipate participants will be arriving in? _____

6) Briefly indicate the purpose of your Event: _____

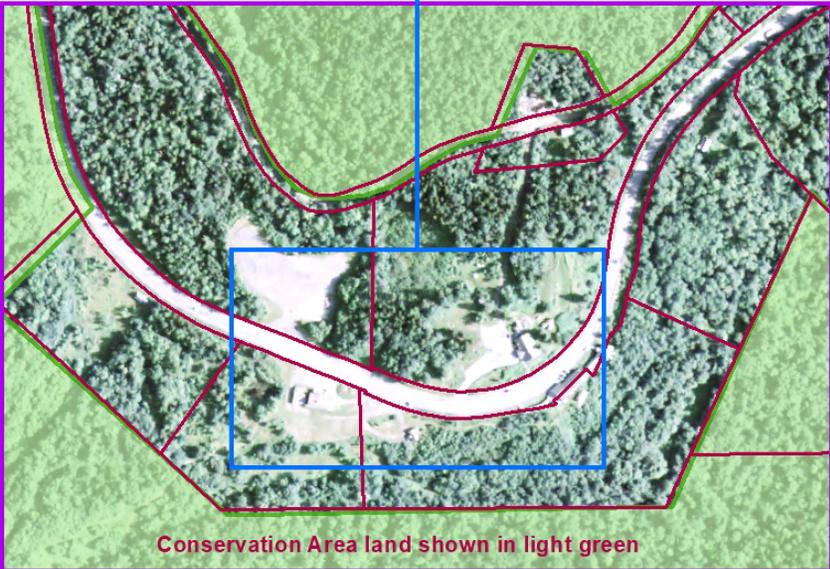
7) Briefly describe your Event's activities: _____

8) If your Event extends beyond 3-4 hours, describe your plan for managing litter, including human waste.

Using the maps on the other side of the page, please indicate where your Event's activities will occur.



Indicate (by sketching or shading) where your event will take place. NOTE: most of the land adjacent to Route 9 is NOT part of the Conservation Area. If you wish to use any of those areas, you will need to ask permission from the land owner. The Town Clerk can give you the appropriate contact information. Also note that the fire tower on Mount Olga is in Molly Stark State Park, not the Conservation Area.



Appendix D – Forest Management Plan

(to be developed in 2026)

Appendix E - Public comments received during 2024 update process

(document begins on next page)

Comments received during 2024 Management Plan update – from HMCA, HPC, VLT, and the public

main topic	comment/question	resolution	who	when received
administration	The description of the HMCA’s authority and responsibilities should be clearly specified. What is missing is a statement about what provides the HMCA the authority to oversee the day-to-day management responsibilities for the conservation area.	The Management Plan itself is the document that grants HMCA the authority to manage day-to-day activities as specified. There is no separate SB-issued authorizing document. This follows the pattern set by the original Management Plan. Language has been added to section 5.1.3 under Administration to make this clear.	Jack Widness	10/24/2024
administration	Does HMCA have other expressly stated authorities derived from the Town Select Board, e.g., the authority and responsibility for helping make decisions about who can use the property and for what purposes?	No, HMCA does not have the authority to make decisions about who can use the property and for what purposes. The protocol in the draft Plan for evaluating applications for special use permits was intended to clarify that HMCA can make recommendations, but they are not binding. HPC can override HMCA recommendations, as can the Select Board. If this is not clear, we may need to revise the document.	Jack Widness	10/24/2024
BC skiing	Does the decision to not repeat the 10-year ESH plan on the former ski slopes mean that skiing opportunities will be affected?	Although repeating the previous 10-year ESH plan for clearing ski slopes by volunteers is not being recommended, a recommendation is included that the Forest Management Plan include projects to keep some of the slopes open by mechanical means to support plant and wildlife diversity. For those ski slopes not kept open as part of the FMP, continued light vegetation management sufficient to allow skiing is being recommended.	Ed Metcalfe	7/24/2024
BC skiing	Will cutting of small saplings be allowed? It's not mentioned.	Language added to show that saplings and small trees may be cut.	Ed Metcalfe	7/24/2024

BC skiing	Who will do the work to keep the slopes skiable?	Language has been added to show work must be done under supervision of HMCA Trails Committee.	Ed Metcalfe	7/24/2024
BC skiing	Regarding allowing the former ski area terrain to be maintained for backcountry skiing, who will be responsible for maintaining those trails or openings? Would it be a ski club?	The HMCA Trail Committee has been maintaining the slopes that had previously been approved for BC skiing and we anticipate that they would also maintain any additional ones that are opened. We don't anticipate working with any outside ski club, but if such a club proposes a collaboration, the HMCA and HPC would evaluate the proposal and make a decision. The recommendation in the draft plan to allow all parts of the former ski area to be maintained for possible BC skiing does NOT allow people to come in and start cutting trees and branches on their own. The "no unauthorized cutting" rule applies	Jack Widness	10/23/2024
bikes	The existing Plan names specific trails where mountain bikes may travel. Has that limitation been lifted?	Yes, the limitation has been lifted. The restriction in the existing Plan was never posted on any of the trailhead kiosks, so users never knew about the restriction and bike riders have been essentially free to use any trail. No known conflicts have occurred between hikers and bike riders. The removal of the limitation reflects the actual use during the last 14 years.	Nancy Anderson	7/24/2024
bikes	Experiences in other towns (more urban/suburban locations) have shown that when a trail system is "discovered" by a bike club, the trails are overrun with bikes, who seem to intentionally ride in an aggressive manner that causes ruts, erosion, and worsening mud holes. Hikers have been frightened by bikes approaching them rapidly from behind. Designating some trails as off-limits to bikes would allow walkers who are seeking a quiet interaction with the forest to be confident that they would not be disturbed by bike riders.	The local mountain bike clubs have known about the Hogback trails for the last 14 years. We have not had any complaints about negative interactions between bikers and hikers. We have not seen any damage to trails caused by bikes. We feel that encounters between persons or groups who are using the trails in different manners is not an experience that needs to be prevented.	Nancy Tognan, Cherrie Corey, Nancy Anderson	10/12/2024

bikes	If other bike trails want to link with Hogback trails, would the VAST trail be suitable for bikes?	Because the VAST trail is designed for winter use, it doesn't provide an ideal surface for bikes in non-winter seasons. If some group wanted to have Hogback trails become part of a larger network of trails, they should propose the idea for review by HMCA and HPC, using the trail management protocol specified in the draft Plan.	Nancy Anderson	10/23/2024
bikes	Both bikes and e-bikes (if allowed) should be limited to specific trails, so that people who want to enjoy a quiet, peaceful walk in the woods can choose a trail where they know they will not be disturbed by bikes.	HMPUC does not agree that separating different types of users is in the best interests of the conservation area. We hope that all users will acknowledge and accept that different people have different ways of enjoying the forest, and for those types of use that are permitted by the conservation easement, all users are welcome. However, we've added language to make clear that hiking-only is a dedicated single-purpose-use that could be proposed by a group or individual to the HPC for a specific trail. HPC should consider any such proposal within the context of the ethos of the Management Plan - that all allowable uses should be allowed on as many trails as possible.	Nancy Anderson	10/23/2024
buildings	For the buildings that need to be demolished, could the fire department just do a controlled burn?	No, because hazardous materials have been identified in the buildings.		10/23/2024
buildings	The status of the Benedict Cottage with respect to asbestos and other items that would make it more difficult or expensive to remove should be included. This information was included for the First Aid Station along Route 9. (Although a less pressing need, the same information should be included for the Quonset Hut and The Castle.) If no hazardous waste issues are found, presumably it's removal would be less expensive than the first aid station, and therefore perhaps the first HMC Area building to be demolished.	Does this information already exist as a formal report? If not, I don't think we should delay forward progress on the Management Plan in order to have such a study done.	Jack Widness	10/24/2024

cultural history management	The Agricultural History Section 9,2 (p.25) says vegetation may be removed to make the remnants, such as stone walls and foundations, more visible. I talked with Jennifer Garrett /VLT about this re the Bishop Farm site, and she seemed to indicate that small growth and some close saplings could be cleared. I'd like to see more specifics about treatment near foundations. Would it be reasonable to specify that trees could be cleared up to a certain distance from the foundations?	Does it help or hinder old stone structures to clear a significant space around them? A quick google search brought up the Stone Wall Initiative at the U of Conn, which said that stone walls in woodlands are generally stable, but ones that are cleared (such as along roads or driveways) can become overgrown by heavy overgrowth that obscures them and helps break them down. We don't want the plan to micro-manage things. Language has been added to say more research is needed if someone wants to do extensive clearing.	Nancy Anderson	10/24/2024
dogs	What are the requirements regarding dogs? They are the most likely to be harmed by traps (set by trappers).	The draft Plan states that the town-wide dog policy applies on Hogback, which is that dogs must be under the control of the owner. They do not have to be leashed if they are "under control." So, yes, dogs could be wandering off leash in the conservation area and be inadvertently lured by a trap.		10/23/2024
drones	Why are drones being banned? Note that they are not banned on the privately-owned adjacent commercial property.		Ed Metcalfe	7/24/2024
drones	Drones are now often used by emergency services, especially in cases of trying to find a missing person. Would the drone ban apply to that?	The Plan should make clear that the drone ban similarly doesn't apply in emergency situations.	Allison Turner	10/23/2024
drones	Have there been any problems with drones or wildlife cameras in the last 14 years on Hogback?	Drones, none known.		10/23/2024
drones	Drones cannot be banned only the FAA has the authority to control airspace.	HMPUC researched this and yes, only FAA can control airspace. Both the National Park system and the Vermont State Parks attempt to limit drone use in the parks by banning launching, landing, or operating drones from within park boundaries. The Plan was modified to change the outright ban in the draft to a limitation modeled on the National Park Service drone language.	Ed Metcalfe	2/4/2024 at HPC meeting

e-bikes	E-bikes of all kinds should be allowed. Worries about the e-bike permission being applicable to electronic dirt bikes or ATV's can be easily overcome with proper wording. E-bikes allow the elderly and handicapped to participate in recreation.	Changed draft to allow class 1 e-bikes	Ed Metcalfe	6/18/2024
e-bikes	The section on e-bikes is too long and gives too much explanation/justification.	Changed draft to allow class 1 e-bikes	Lou Tognan on behalf of HMCA	7/15/2024
e-bikes	Add note to section on Exceptions (to restricted uses) encouraging people to contact HMCA to request permission to use e-bikes.	Changed draft to allow class 1 e-bikes	Lou Tognan on behalf of HMCA	7/15/2024
e-bikes	Wanted to be sure town knows that VLT thinks use of class one e-bikes is acceptable despite "no motorized vehicles" mandate.	Changed draft to allow class 1 e-bikes	Jennifer Garrett, VLT	7/17/2024
e-bikes	E-bikes should be allowed. (See similar comment from the same person dated 6/18/24.) In addition to previous comments, noted that e-bikes do not cause degradation of trails.	Changed draft to allow class 1 e-bikes	Ed Metcalfe	7/24/2024
e-bikes	Why limit e-bikes, especially those that are only an assist, not self-propelled? Restrict it to just the type that offers an assist so that more people can access the trails.	Changed draft to allow class 1 e-bikes	W.R. Glover	9/14/2024
e-bikes	By not allowing e-bikes, you are limiting the opportunities for people with less strength or stamina, or who have other physical limitations, from enjoying the trails at Hogback. E-bikes make multi-generational bike tours possible. The electric assist given by e-bikes would not be used to generate speed on Hogback trails; they are too narrow and winding for that. Instead, the assist would be to get up hills. E-bike tire types and widths are no different from regular mountain bikes, so they would cause no more erosion than mountain bikes, which are already allowed.	Changed draft to allow class 1 e-bikes	Roger Wilson, Pieter Van Loon, plus others	10/12/2024

e-bikes	I find the arbitrary inclusion of text about bikes to be argumentative and unusual. I think the entire matter should be excluded. I think instead that an automatic exception should be made and clearly contained it the NEW Planning commission report to the Select Board (for approval) that E-Bikes be allowed as long as they are CLASS 1 (No throttle and Pedal assisted only and are limited to 20 MPH). I have an e-bike that fits and I wouldn't dream of bring it to Hogback (too dangerous) but I think they should be allowed as the current plan ALLOWS for Mountain Bikes. No distinction should be allowed.	Changed draft to allow class 1 e-bikes	Lou Tognan	10/22/2024
e-bikes	I am in favor of banning e-bikes generally, with the understanding that people that need assistance may apply for a waiver. If the general consensus favors allowing them, then I would want them restricted to certain trails, so that hikers could choose to avoid them by using other trails.	Changed draft to allow class 1 e-bikes	Nancy Anderson	10/22/2024
e-bikes	From a trail builder who has created trails in Dover and elsewhere around the state – Class 1 e-bikes are the most commonly used, and using that kind of e-bike where mountain bikes are allowed seems appropriate. As for using bikes on the VAST trail, e-bikes would be able to handle the often soft, grassy surface of the VAST trail, but regular mountain bikes would not handle that type of surface well.	Changed draft to allow class 1 e-bikes	Brooke Scatchard	10/23/2024
e-bikes	Several people supported allowing e-bikes. They make it possible for people with limited mobility to enjoy the trails, and to keep up with stronger bikers on regular bikes. The difference in e-bike classes was briefly mentioned. VLT's support of allowing Class 1 e-bikes (those that must be pedaled, with the "e" function just adding an assist, compared to other types which do not need to be pedaled, but where speed is controlled with a hand-operated throttle) was mentioned.	Changed draft to allow class 1 e-bikes	multiple people	10/23/2024

editorial	proposed changes to Mission Statement presenting it as the mission of the HMCA (Association) rather than the mission of the town-owned conservation area	Changes not adopted. The Management Plan is about the conservation AREA, not the conservation ASSOCIATION.	Laurel Copeland	5/1/2024
editorial	replace "should" with "shall" in the Mission Statement	Recommendation adopted.	Nancy Anderson	6/21/2024
editorial	concerns about references to various rights of way (pump house, spring, pedestrian access, etc). Are they accurate?	The early drafts of the revised Plan simply incorporated info on rights-of-way from the existing Management Plan. Based on this comment, DT researched the deed trail for the property, trying to identify all legal rights-of-way. A full listing of those found were incorporated into subsequent drafts of the Plan.	Nancy Anderson	6/21/2024
editorial	Add examples of special use permits that have been granted in the past, and list any that are repeating events that have already been approved.	Examples added.	Jennifer Garrett, VLT	7/17/2024
editorial	In discussing Benedict Cottage, rather than referring to a conversation, refer to the language of the easement itself.	Suggested change made.	Jennifer Garrett, VLT	7/17/2024
editorial	The Plan provides an opportunity to present plans and ideas for future projects. If plans are contained in the Plan, further additional review may not be needed by VLT when the time comes to start the project.	No changes - we're not aware of any significant plans for future projects. (Other than Forest Mangement, but that planning will take place in 2025 or 2026, we don't have details available now.)	Jennifer Garrett, VLT	7/17/2024
editorial	Add some maps. Building locations would be useful. Locations of regularly recurring events would be useful.	Maps added.	Jennifer Garrett, VLT	7/18/2024
editorial	Re 4.2.1.3 minor buildings, I'd like to see "shacks" changed to "structures"	Suggested changes made.	Marcia Hamilton	10/23/2024
editorial	Throughout the document "selectboard," "Select Board" and other variations are used. Both are used around the state but this document could pick one and go with it.	Suggested changes made.	Marcia Hamilton	10/23/2024

ESH project	Disputes the finding of the Biodiversity Inventory that the multi-year ESH project that reopened several ski slopes had no positive effect in attracting more bird life. His personal experience was that he saw much more bird and animal life in those areas after the clearing.		Ed Metcalfe	7/24/2024
ESH project	The draft plan says the former project to periodically clear the five major former ski slopes in order to generate new growth will not be repeated because the Biodiversity Inventory did not find that the cleared areas attracted any more of the target bird species than were found in un-cleared areas. (Additional comment – One person’s experience on the mountain directly conflicts with that finding – they saw the birdlife increasing immediately after the clearing projects, and decreasing since the clearing efforts have stopped.) Plant variety should be considered as well, not just birds. If the slopes are not periodically cleared, the slopes will mature into typical forest and a huge number of plant species that are currently present on the mountain will disappear. Maintaining openings by periodic clearing, such as mowing one of the three major slopes every five years with a brush hog, is crucial to maintaining the conditions needed for plants that need open areas or forest-edge conditions.	Language added - keeping some slopes open will help maintain existing plant diversity. Use mechanical means, not volunteer labor. Make it part of the Forest Management Plan.	Allison Turner	10/23/2024
ESH project	Enthusiastic support from multiple people for the suggestion to keep some of the former ski slopes clear via periodic mowing, cutting, or forest mulching to prevent loss of this type of habitat and the plant, insect, and animal life it supports.	Retained proposed recommendation that a plan for keeping some of the slopes open be included in the Forest Management Plan		11/13/2024
foraging	Language about foraging is too liberal, might lead to over-harvesting. Would prefer to see foraging banned.	Agree that use of the term "foraging" implies collection of large quantities. Moved "foraging" from permitted to prohibited uses, with a note that eating a handful of berries or collecting a souvenir leaf is not banned.	Nancy Anderson	7/24/2024

foraging	I see no restriction should be allowed for "Foraging" as long as the person or persons do not forage a lot of material. A mushroom or plant or two should be permitted. I come from NYC and the Parks Department does not allow foraging. There IS a problem with Mustard Greens, too many to pull up. They are wonderful in salads when young and the population would love them. BUT the Parks Department enforces a strict "non foraging policy" so NONE can be taken and eaten. I abhor such policies. Eating Invasives when safe, should be allowed	Based on comments by others, decided the term "foraging" implied collecting large quantities, which is not desirable, and therefore changed it from a permitted to a prohibited use. The complicated interface between foraging and invasive plants is a level of micro-managing that we are not attempting to cover in the Management Plan. The HMCA Invasives Committee would certainly endorse removal of large quantities of invasive plants. Such removal should be managed by the Invasives Committee and would not be considered banned under the "no foraging" rubric.	Lou Tognan	10/22/2024
foraging	I believe that foraging should be restricted to educational and research events, preferring that the bounty in the conservation area be left for the birds and animals. And in the case of mushrooms, which I know regrow if harvested carefully, there is still the matter that foraging reduces the number of spores spread. I imagine it's a matter of how we perceive human behavior, but I believe that if we make a clear statement that foraging is allowed, there is no control whatsoever in this growing interest in society. If we restrict foraging, I understand that there will be occasional foraging anyway since we don't police or levy fines in the conservation area. But the impact would be lessened to some degree.	Agree that use of the term "foraging" implies collection of large quantities. Moved "foraging" from permitted to prohibited uses, with a note that eating a handful of berries or collecting a souvenir leaf is not banned.	Nancy Anderson	10/22/2024
forestry	Can we make low-quality trees that are to be culled available for firewood? Perhaps follow a model used out west where the forester marks trees that may be cut and residents can fell them and take away the firewood.	When the Forest Management Plan is developed, the issue of what to do with low-quality trees will be addressed, including options such as selling the logs to firewood processors to help offset the cost of the project or the possibility of creating a firewood "pantry" that can be accessed by low-income residents. The idea of letting residents fell the trees themselves is very unlikely to be included because the town would not be able to control the safety aspects of the work.	Dan MacArthur	9/14/2024

forestry	We should use the term "forest stewardship" rather than "forest management" to avoid connotations of timber harvesting.	We are drafting a "Management Plan," and all the other sections of this document use the term "Management." Examples: Recreation Management, Trail Management, Cultural History Management, Scenic Resources Management. Therefore, in this document, we will use the term Forest Management.	Cherrie Corey	10/12/2024
forestry	Any forestry actions must avoid the newly discovered S1 rare round-leaved orchid on the west branch of Whites Loop. Avoidance shouldn't be just a few feet, but a very wide berth. This plant does not grow in colonies, but is normally found in scattered locations. This plant wasn't found by the biologist who did the Biodiversity Inventory, therefore the area should be carefully combed to find other instances of this plant.	All forestry projects will take care to avoid any known instances of rare species.	Cherrie Corey	10/12/2024
forestry	Even if the plan is well intentioned, if it is poorly implemented, it might cause more harm than good.	The intent is that any forestry project undertaken on Hogback will serve as a demonstration project for public education, therefore implementation will be very carefully monitored. County Forester Sam Schneski will help draft the Forest Management Plan and will help oversee its implementation, but he can only do that if the project is designed with a public education component.	Cherrie Corey, plus others.	10/12/2024
forestry	Strong support for the idea of taking action to try to improve the resiliency of the Hogback forest in the face of impending climate change. This large forest is a public resource that can be used for educating the public about good forestry practices. The commenter frequently deals with people who are alarmed by any forestry project involving cutting trees. We could use projects on Hogback to educate people about the differences between purely extractive timber harvesting and carefully planned and implemented efforts that aim to improve forest health and resiliency.	Hogback forestry projects will be planned with significant input from and oversight by County Forester Sam Schneski, as part of his job. But he can't be involved unless the project has a strong public education or demonstration component. So, yes, the proposed refinement to the Management Plan intends to have an educational component for all forestry actions.	Forrest Holzapfel	10/23/2024

forestry	Will the Forest Management Plan (FMP) be covering the entire conservation area? Given the Trail Concentration Plan (p.18), what will happen to the temporary trails necessitated by management projects? Will it be possible to restore them to natural habitat?	The entire conservation area will be studied as the Forest Management Plan is being drafted, but management activities will not be proposed for all 600 acres. Access routes that will be needed for various projects are not intended to become permanent trails. Walking trails (single-track) might be maintained in order to allow groups to visit certain sites over the years as part of the educational component of the action. We expect the FMP to provide guidance on these issues.	Nancy Anderson	10/24/2024
forestry	Can we schedule walks during the FMP process to view completed projects similar to what is recommended for the Conservation Area?	Good idea, but we don't need to specify this in the Plan.	Nancy Anderson	10/24/2024
funding	Once a year, hold a fundraiser for skiers and snowboarders where they can get rides to the summit via snowmobile or snow groomer instead of climbing up under their own power. Have hamburgers and hot dogs.	This is too fine a level of detail about fundraising to include in the Plan. That said, I don't think such a fundraising activity would be appropriate, because it calls for the extensive use of snowmobiles off the VAST trail.	Evan Wyse	9/14/2024
funding	Action must be taken to raise the money to take down the hazardous buildings. The Town Clerk, Town Administrator, chair of the HPC and others have been trying to find funding without success. The First Aid building is not eligible for "brown field" remediation funds. The HMCA President helped the town apply for a trails-related grant to tear down the First Aid building, but the project was not funded. Someone needs to put an article requesting funding up for a vote at Town Meeting. Pressures on tax payers are so high lately that it's not clear if such a proposal would pass. But the buildings just continue to deteriorate with every passing year, and the cost of the project goes up every year.		Forrest Holzapfel	10/23/2024

funding	What about the use fee that is paid annually by the power company for the right to drive their maintenance vehicles up to the communication tower? Can that money be used?	Most of that money goes into the general fund as a modest replacement for the property taxes that used to be paid to the town when the land was privately owned. A small portion is set aside to maintain the trail in a condition suitable for the power company trucks (that is a requirement of the lease agreement). Therefore that money is not available for use in demolishing the deteriorated buildings.		10/23/2024
horseback riding	What is meant by single-track trails? Which trails are those?	The term is generally well understood in the trail-building community to mean narrower trails with only a single tread, compared to jeep trails or logging roads that ordinarily have two parallel tracks and are wide enough for two or more people to walk abreast. We've decided to not try to define the term in the Plan, nor to specifically list trails by name.	Nancy Anderson	7/24/2024
horsebackriding	Need more clarity on horseback riding. It's allowed, but trails aren't maintained for riding?	Language modified to make intent clear - we do not maintain trails suitable for horseback riding, but if a user wants to ride anyway, they may do so, but not on single-track trails.	Laurel Copeland	5/1/2024
hunting	Does the plan say anything about not allowing hunting near the trails?	No. Trying to distinguish between areas where hunting is and isn't allowed triggers a lot of complicated posting requirements. People have been hunting on Hogback throughout the 14 years of its existence, and we haven't had any problems. If a hunter specifically asks about hunting, they should be encouraged to stay well away from the recreation trails.		10/23/2024

hunting	Why not have a policy of "Hunting by permission"? That way the town could collect the names and contact info for people hunting on the property. We could track whether they are using tree stands, etc.	State law has detailed "posting" requirements when this level of hunting access is specified by a landowner. HMPUC believes the level of effort needed to create and maintain formal posting is not doable on a volunteer basis, and not warranted based on the 14 years of experience with hunting on the property to date. No conflicts with hunters have come up in the 14 years since the conservation area was created.		10/23/2024
maps	I suggest including a map of existing vernal pools in the draft, perhaps as an appendix? I recognize that the draft is not meant to get into fine details. But I'd like to see that info readily available so that people will know to avoid those areas. They aren't that recognizable when they have dried up, and we apparently aren't going to be recommending that people stay on the trails.	Added Natural Communities map from Biodiversity Inventory, which includes vernal pools and other features. Included in Section 4.1.2, which covers description of the natural communities on the property.	Nancy Anderson	10/24/2024
marijuana and/or alcohol	Does the language in the section on special use permits (indicating that serving alcohol or marijuana on the property triggers the need to ask for a permit) mean that people can't sue them for personal enjoyment?	The intent is to cover such use at formal group events. Serving alcohol at such events is regulated by the town through the Facility Use Agreement process, which requires that alcohol served at events on town-owned property be served only by professionally licensed and insured caterers or third parties. This applies to events at Hogback. Since the town application does not yet make any mention of serving marijuana (edibles or smoke-ables), we've decided to not tackle that new legal front on our own, but to instead remain silent on the issue.	Ed Metcalfe	7/24/2024
motorized vehicles	Motorized wheelchairs are allowed as an exception to the "no motorized vehicles" rule. Add a comment "If you are uncertain whether your device is permitted, please contact hmca@hogbackvt.org."	Suggestion not adopted. We don't anticipate a rigorous level of enforcement that would need this fine-toothed level of approval.	Laurel Copeland	7/15/2024

motorized vehicles	Should state park vehicles be added to the list of exceptions to the "no motorized vehicles" rule?	No. They certainly should be allowed to use the Tower Trail to access the summit if the need arises, but they should notify the town of their need and get permission rather than have free access whenever they want.	Nancy Anderson	7/24/2024
off-trail use	Why is the plan silent on off-trail use? Would prefer that the Plan ban off-trail use over concern that human scent lingers and deters use by wildlife.	In parks where hikers and other users are required to stay on the trails, overuse is a big concern particularly in fragile environments like alpine regions. Hogback trails are lightly used and the trails do not pass through any fragile environments. Many educational programs take users off trail (for tracking, or for finding and identifying plants, etc). The existing plan does not mention off-trail use. We decided not to mention it either. We do not want welcome kiosks to say "Bushwhacking is OK" but we don't think it is a problem if people choose to wander at will in the forest. (Should we have a section of the Plan that discusses things that aren't discussed? I.e. off-trail and nighttime use.)	Nancy Anderson	7/24/2024
off-trail use	Does designating recreation priority areas encompassing the existing trails mean that people are not allowed to wander off-trail in the other areas?	No. The Plan does not require users to stay on the trails.	Lindy Corman	10/23/2024
off-trail use	Will allowing off-trail use cause more people to go bushwhacking, creating disturbance to wildlife?	No change to the existing status is being proposed, therefore we do not anticipate any change in impact on wildlife.	Nancy Anderson	10/23/2024
parking	Objected to large fleet of utility trucks in the big parking lot; saw what she believed to be human feces in the parking lot	Responded to her email that this is not part of the conservation area.	Lorri Hall	11/3/2024

process	Who will vote on this draft? When? Is the SB voting on it? When? Do they have final say? When will VLT and VHCB review it? Do they have voting rights on approving it?	HMPUC, the group that has created the draft Plan, is a subcommittee of the HPC. When HMPUC has finished refining the draft based on public comments, they will turn it over to HPC. HPC can make further refinements if they see fit. They will then ask VLT/VHCB to review it. If they determine that any of the guidance is in contradiction to the conservation easement, they can ask for revisions. Once that step is complete, the Plan will be forwarded to the SB for final approval. They can make additional changes if they see fit.	Lou Tognan	10/23/2024
process	Does the SB review and approval need to go through the state-mandated 30-day public hearing and approval process?	We've asked the Vermont League of Cities and Towns about public comment on the draft Plan, and they advised us that such a review is not covered by the review requirements for state-mandated town documents like Zoning Requirements and the Town Plan.	Nick Morgan	10/23/2024
process	What is the time frame for completing this project?	HMPUC has been working on this for a year-and-a-half, and we hope to have our work done soon, but we'll take as long as is needed to consider the comments we've received. We meet twice a month, next meeting on Nov. 6, and if anyone has additional comments, please submit them before then. We can't predict how long the HPC and VLT/VHCB reviews will take.		10/23/2024
recreation and wildlife priority regions	What are the boundaries of the recreation/wildlife zones? The concept of zones doesn't come across strongly in the Plan. Add a map.	We considered and rejected the idea of rigidly drawn zones. The intent is to have fuzzy edged regions. Language was modified to try to more clearly convey the idea of concentrating recreation within the regions where trails already exist. A map was added. Language was added to clarify that even in regions of recreation priority, care must be taken to protect vulnerable natural resources.	Nancy Anderson	7/24/2024

scenic resources management	The plan should have language allowing the view from the commercial properties to be maintained. Is there a right-of-way deeded easement granted that allows keeping the view open?	DT researched the deed record and could not find any right-of-way or other easement granting the right to keep the view open. DT contacted Jennifer Garrett and was told that the conservation easement protects the view from public property, i.e. within the conservation area itself and from Route 9, but does not protect the view from adjacent private properties. However, Garrett noted that the 100-mile view is an important feature of the conservation area, and if the town feels it is reasonable to keep open the view from the commercial properties, VLT would likely not object to removing some trees if such removal were part of an approved Forest Management Plan. Language was added to the draft Plan to clarify under what conditions trees could be cut to maintain the view from private properties.	Ed Metcalfe	7/24/2024
scenic resources management	Since several views still exist from the Tower Trail, would it make sense for the FMP to delineate a specific distance downslope from the Tower Trail that can be cleared to maintain those views? And specify types of trees worth saving within each area? If this is considered too much detail for the FMP, it would still be helpful for future trail workers to have this info.	The draft Plan states that efforts should be made to maintain the views from the Tower Trail where it intersects the former major ski slopes. Specifying allowed distances for clearing is not appropriate, since the needed distance will vary based on the incline of the slope in question and the heights of the various species that are now growing or may someday grow on those slopes. Specifying specific species to protect is not deemed necessary at this point, because the intent of any brush cutting or other clearing has changed from the wildlife-attraction goal of the ESH project to instead focus on view protection.	Nancy Anderson	10/24/2024
scenic resources management	There are some nice rock outcroppings on the north side. Can the FMP recommend keeping the perimeters clear of growth, for a better view?	Is this level of detail needed?	Nancy Anderson	10/24/2024

<p>scenic resources management</p>	<p>10.1 pages 26/27 The 100-mile View. The wording of this section confuses me. It first states that the view can be maintained by keeping growth low on privately-owned lands. (-is this a suggestion that "we" do this with permission from the private owners?or ask them to do it?) Then it says if views from commercial establishments become blocked by too-tall trees on Conservation Area land, cutting can be allowed if approved. (-cutting by whom? and it should be done, to maintain the scenic view, right? but if in the CA, "we" should be responsible, right?) Then it says if removing the too-tall trees results in net expenses to the town, the town may require owners of the affected private properties to pay for the project. (If the draft is still talking about trees inside the CA, how could the town require owners to pay for it? Or are we talking about trees inside private lands? In that case, wouldn't the town get permission from the private owner, and seek an agreement ahead of time on who bears any net expenses?</p>	<p>This section has been expanded to try to better convey the intent - that neither the town nor the private land owners can demand that the other cut trees to maintain the view, and under what conditions the town may allow trees to be cut on Conservation Area land to maintain the 100-mile view.</p>	<p>Nancy Anderson</p>	<p>10/24/2024</p>
<p>signs</p>	<p>Draft says signs need to be posted where trails cross the boundary, alerting users to the change in ownership. Where do such crossings exist?</p>	<p>On the north side, on the VAST trail and its side extension. On the south side, where the trail enters the state park. No change made to the draft plan. Trail managers should know the system well enough to identify these.</p>	<p>Nancy Anderson</p>	<p>7/24/2024</p>
<p>ski lifts</p>	<p>Should the cables be de-tensioned or removed?</p>	<p>The cables appear to still be in good condition. We've added wording that they should be monitored.</p>	<p>Ian Schrauf</p>	<p>9/27/2024</p>
<p>smoking</p>	<p>Commenting from her experience as a volunteer firefighter: Although the "no smoking" rule will be next to impossible to enforce, it's good to include it in the list of prohibited activities anyway as an educational notice, and an encouragement for people to use care in the forest.</p>	<p>Left the proposed explicit ban on smoking in the draft Plan.</p>	<p>Allison Turner</p>	<p>11/13/2024</p>

smoking	I feel that smoking should be listed as prohibited with no exceptions allowed through an FUA. That would extend to cigarettes and marijuana, which require a flame to ignite and can still be burning when disposed of. Following from this, I feel that the word marijuana should not be included in the Special Use Permit section 5.4.2.d. because it implies that a permit could potentially be granted for marijuana. Fires of any kind are prohibited in the recreation section, but I don't feel that people would instinctively surmise that this covers smoking cigarettes or marijuana.	added "including smoking" to the ban on fires of any kind		
special use permits	concern that the wording of situations that trigger the need to apply for a special use permit implies that use of motorized vehicles will be automatically granted upon request	Language was added to this section making clear that permits are not automatically granted. Exceptions from prohibited uses are only granted if the proposed activity is consistent with the purposes of the easement and potentially negative impacts are mitigated.	Nancy Anderson	6/21/2024
special use permits	concern that the paragraph in the section on prohibited uses that says exemptions may be granted for "special events" might be too liberally interpreted.	Added language that "special" events must be consistent with the purposes of the conservation easement in order to be granted an exemption from prohibited uses.	Nancy Anderson	6/21/2024
special use permits	Concern that the draft implies that restricted activities will be readily allowed as long as they support activities consistent with the purposes of the easement. Wants to have restrictions seen as relatively rigid, not as something easily waived.	In Section "6.1 Uses" changed the word "may" to "might" to try to better convey that not every request for an exemption will be allowed. The sentence in question: "Any proposed use that is listed below as prohibited might be allowed under special circumstances but would need a permit." Also, in Sect "6.1.3, Prohibited Uses" the word "may" is changed to "might." The sentence: "It might be possible to be granted an exemption from these prohibitions for special events."	Nancy Anderson	7/24/2024

<p>special use permits</p>	<p>Allowing certain groups, even the HMCA, to skip the permit process is unwise. Requirements should be applied uniformly to all users. Discussion: HMCA at one point was having multiple events each month, and would like to get back to that level of activity. How would the SB feel about needing to review permit applications for that many events? If the application is straightforward and has the endorsement of both HMCA and HPC, it shouldn't take more than a minute to approve. For some HMCA events, the number of participants is limited to a size below the trigger that requires a permit, so for those events, no permit would be needed. But when permits are needed, speed is of the essence in the review procedure. The decision must be made within 30 days, and the review procedure in the draft Plan calls for first HMCA review, then HPC review. How could that get done in 30 days? Response: The language of the 30-day requirement (which applies to permits for all town facilities and is not a Hogback-specific requirement) says that the 30 days starts when the application is submitted. Submission doesn't occur until after the HMCA and HPC reviews.</p>	<p>We concur that allowing some "special" groups to forego the permit process is not the best approach. We also recognize that requiring HMCA and the Museum to apply for permits for all their events will add an administrative burden that hadn't previously existed. However, the burden would not be as onerous as it seems at first glance. The permit process already required HMCA and the Museum to apply for permits if the event or project were to include an otherwise prohibited activity. Also, we need to remember that events and projects per se do not require permits - only those that include one or more of the triggering characteristics. We propose changing the group-size trigger from 20 to 30. Most HMCA and Museum events do not exceed that group size.</p>	<p>Forrest Holzapfel</p>	<p>10/23/2024</p>
<p>special use permits</p>	<p>The Special Permit Use (Facilities Use Agreement) should be updated but continue to be managed under the primary authority of the HMCA.</p>	<p>HMPUC does not agree that HMCA has ever been the primary authority for authorizing special use permits. The new section on special use permits in the draft Plan is an attempt to clear up any such confusion. The SB is the ultimate decision-making body and has appointed the HPC to advise them. HPC has authorized HMCA to manage trails, maps, HMCA-led programs (but not the programs hosted by other groups), and the website. The draft Plan attempts to make clear that HPC should seek input and advice from HMCA on a number of issues beyond their assigned responsibilities. But that advice is not binding on the HPC. If this is not clear in the draft, revision may be necessary.</p>	<p>Jack Widness</p>	<p>10/24/2024</p>

special use permits	HMCA should not have to apply for permits for public programs and activities that they host. Reasons include: 1) its history as the original donating nonprofit entity for this property; 2) its recognition by the Marlboro Select Board, the Marlboro community, and general public as the entity knowing and caring the most about the HMCA area; and 3) to do either otherwise would be hugely time-consuming of volunteer and paid Town staff time. It would likely be a deterrent to enlisting the necessary volunteer help needed to make the HMC Area the success it has become.	We feel that the arguments in favor of applying the rules equally to all groups outweighs the arguments presented here for exempting HMCA from the need for permits.	Jack Widness	10/24/2024
special use permits	Agreed that all groups, including HMCA and the Museum, should be subject to the same rules for requiring permits.	Removed the existing exemption that allowed HMCA and the Museum to forego getting permits.	Nancy Anderson	11/12/2024
special use permits	Objected to the need for HMCA to apply for permits. Felt 14 years of responsible use should show that permits need not be required. Worried that the administrative burden would mean fewer people would be willing to volunteer.	Did not find the argument strong enough to overcome concerns about treating all groups equally.	Jack Widness	11/13/2024
special use permits	Objected to the need for HMCA to apply for permits.	Did not find the argument strong enough to overcome concerns about treating all groups equally.	Lou Tognan	11/13/2024
special use permits	Concerned that the proposed increase in "triggering" size from 20 to 30 people would open the door too wide and invite easy access/abuse by irresponsible groups. Preferred that the trigger stay at expected participation by "more than 20 people"	Changed the group size that needs a permit back to 20 (as in previous Management Plan) from the proposed increase to 30.	Pieter Van Loon	11/13/2024
state park	(duplicate of comment under "motorized vehicles" category) Should state park vehicles be added to the list of exceptions to the "no motorized vehicles" rule?	No. They certainly should be allowed to use the Tower Trail to access the summit if the need arises, but they should notify the town of their need and get permission rather than have free access whenever they want.	Nancy Anderson	7/24/2024

trails	The (July) draft says trails may be closed for "any purpose." That is not consistent with the conservation easement, because trails may not be closed to the public in order to allow a private event to take place. Trails can be closed for safety reasons and to protect natural resources.	Suggested change made.	Jennifer Garrett, VLT	7/17/2024
trapping	Trapping is a permitted use. If the town wishes to prohibit trapping, the rationale behind the decision must be presented.	Rationale for prohibiting trapping added.	Jennifer Garrett, VLT	7/17/2024
trapping	Is trapping allowed?	Trapping is a permitted use according to the conservation easement. The town can choose to ban it, but not without a good reason. We've decided that trapping should not be allowed because people are not required to stay on the trails, and the vast majority of recreational users have no idea what a trap looks like, how they operate, or where they are likely to be deployed. The risk of an unfortunate incident seems too high to allow trapping. State law requires that trappers ask for and receive the land-owner's permission before setting out traps. If trappers ask for permission, they should be told No.		10/23/2024
wildlife cameras	Why are wildlife cameras being banned? Hunters use them to locate good spots for hunting.		Ed Metcalfe	7/24/2024
wildlife cameras	What about using a wildlife camera for checking out areas off trail for hunting?	Hunting is allowed. The conservation easement specifically mentions it as an allowed use. State law also gets involved here, via rules about posting land, etc. But putting up cameras is not automatically allowed. If a hunter wants to use a camera, they should ask for permission to do so.	Ed Metcalfe	10/23/2024

wildlife cameras	(this is a duplicate of the comment that covered both drones and wildlife cameras) Have there been any problems with drones or wildlife cameras in the last 14 years on Hogback?	As for wildlife cameras, the concern is the change in the technology that now allows many cameras to hook up to the internet and transmit live images to the camera owner who could be sitting at home watching on a computer screen. The potential for people being observed while out on a walk in the woods without knowing about it is unsettling.		10/23/2024
wildlife cameras	Wildlife cameras shouldn't be banned. People have a right to take photographs. Hunters use them to plan their hunting season.	Having your picture snapped unawares by an unattended game camera is not the same thing as being photographed by someone you can see holding a camera. Hunting is allowed in the conservation area, yes, but game cameras are not a necessity for hunting. Many people have spoken up about wanting game cameras banned, but even though Ed has raised this issue multiple times in front of different groups, no one else has spoken up in favor of allowing game cameras. No change was made. The game camera ban was left in the final draft.	Ed Metcalfe	2/4/2025 at HPC meeting