

Regular Meeting of the Hogback Management Plan Update Committee
7:30 p.m. Wednesday, Nov 8, 2023
Town Office, Marlboro, Vermont and via Zoom

<https://us02web.zoom.us/j/82119973527>

Meeting ID: 821 1997 3527

To join by phone: 1-646-558-8656
no password required

Minutes

The meeting was called to order at 7:32 pm.

Attendees:

- in person: Diana Todd
- via Zoom: committee members Mike Purcell and Amanda Whiting

1. Preliminaries

- a. choose a secretary to take minutes (Diana Todd)
- b. choose a Zoom host (Amanda Whiting)
- c. start Zoom recording

2. Approve minutes of previous meeting (Oct 11, 2023).

- a. Approved.

3. Note for the record that the Oct 25, 2023 meeting was not held.

4. Add any new topics that have come up or that people have thought of to the master list of issues to consider during the update.

- a. When thinking about hunting, should we try to define any safety zones? Should we identify areas with few trails (such as west of the VAST trail on the north side of the highway) as preferred areas for hunters? Are there any state regulations or guidance about safety zones around hiking trails?

5. Review use of Google Drive. Choose committee Vice-Chair to hold logins and passwords to Google Drive and any other online assets used by the committee.

- a. Due to Open Meeting protocols, we can only use Google Drive as a library or file cabinet to store documents. We can't do collaborative editing of documents. Therefore, committee members only have "Viewer" permissions for the HMPUC File Cabinet on Google Drive, not "editor" permissions.
- b. Only the HMPUC Google account owner has "Editor" permissions. By signing in to Google using the HMPUC login and password, you can access that Editor level and add documents to the file cabinet. Currently Diana (HMPUC Chair) is the only person who knows the login id and password.
- c. We need someone to hold a copy of that access info, in case Diana becomes incapacitated.
- d. Amanda Whiting agreed to serve as Vice Chair.
 - i. The primary duty of the Vice Chair is to hold a copy of key info like logins and passwords, and to understand how to access the accounts.
 - ii. Currently the only such accounts are the Google Drive HMPUC File Cabinet and an associated gmail account that is not being used. There may be more accounts with logins and passwords created when we start soliciting public input, or at other points in the project.

- iii. If Diana becomes incapacitated, the Vice Chair is not required to take over the role as Chair. But the Vice Chair will be asked to deal with the emergency, by either running an election to name a new Chair, or formally dissolving the HMPUC committee.

6. Review draft rewrites of selected assigned sections.

- a. Diana: Goals and Purpose, Legal constraints
 - i. Goals and Purpose – very minor editing.
 - ii. Legal constraints – good to go as is.
- b. Mike: Management Roles, Trails
 - i. Management Roles – agreed that this topic needs much more discussion.
 - 1. We need to better define the roles of the HPC and HMCA, with input from HMCA.
 - 2. What types of decisions need to be brought to the Selectboard and which can be decided by the HPC or HMCA?
 - 3. Are there any things that can be left entirely to the HMCA, without needing review by HPC? Examples included things like marking schemes for trails, or decisions about minor rerouting of trails around big blowdowns. Examples from other towns such as Barre were brought up, where the town conservation commission manages the property, but hands off all trail management and maintenance to an independent (non-profit) organization.
 - 4. We may need to revise the permit process for outside groups. It was originally intended to require review by HPC before going to the Selectboard, but it hasn't always been working that way. HMCA also wants to be more deeply involved in assessing permit applications.
 - 5. We may need to formalize the current existing policy that HMCA and the Museum can organize public education events without needing review by HPC.
 - 6. For items that normally don't get escalated to the Selectboard, if HPC and HMCA differ on an issue, the Selectboard could be asked to make the final decision.
 - ii. Trails – agreed this topic needs further development
 - 1. Currently, all trails are multi-use. Should that be a formal policy? If so, establish protocol for assessing proposals for single-use trails (bike trails, horseback riding trails, etc).
 - 2. Should the Plan address the off-trail use of the property? Many educational programs currently go off trail.
 - 3. Who should approve new trails? Is HMCA approval enough, or should HPC approval be needed? Consensus was that Selectboard approval would not be needed.
 - 4. Do we need a separate review process for trail proposals that come from outside groups, rather than from the HMCA Trail Committee?
 - 5. Formalize what trail-related things should be delegated to the HMCA, such as trail maintenance and signage.
- c. Eric: Parking, Access – agreed to remove duplicative text, and remove the paragraph about the 100-mile view, which doesn't fit well into this section.
- d. Amanda: Cultural Resources – not yet ready for review
- e. Pieter: Invasives

- i. Noted that this draft only covers invasive plants. We also need sections on invasive insects and other pests, and on diseases.
- ii. Agreed this was an excellent write up, but will explore ways to make it more succinct. Possibly move examples or descriptions of specific types of invasive plants to the appendix. Explore using bulleted lists to highlight key points.
- iii. Add reference to the Biodiversity Inventory, both as a snapshot in time of the invasive plant situation, and as a recommendation about the importance of dealing with invasives.
- f. others – there were no other sections ready for review.

7. Develop plans for next several meetings.

- a. Nov 29.
 - i. Note that due to thanksgiving, this meeting is being held on the fifth Wednesday of the month, not the fourth.
 - ii. Plan to devote the entire meeting to continued discussion of forest management, including
 - 1. develop a better understanding of what a forest inventory is
 - 2. try to define goals and priorities for forest management on Hogback (not specific projects, but overall aims)
 - iii. Let County Forester Sam Schneski know we will be discussing the topic at this meeting in case he would like to attend, but expect to rely primarily on Pieter to guide us through this discussion.
- b. Dec 13
 - i. Review draft Plan. Diana will start working on a draft of the Plan as a whole, incorporating already drafted sections, modifying them as needed for a uniform editorial approach, and will start drafting additional sections. Sections that need further debate/discussion/development will be left blank. Review whatever sections are drafted by the date of the meeting.

8. Adjourn – The meeting was adjourned at 8:34.

Section heading: Management roles and responsibilities

2023_10_18 – first draft by Mike Purcell

Administration - Management Structure

The ultimate arbiter for all decisions is the Marlboro Selectboard. The town created a buffer for all matters concerning the Hogback Conservation Area in the form of the Hogback Preservation Commission (HPC). This municipal organization is composed of an appointed board, with the majority of which are Marlboro residents. For all full description of the HPC organization, please see the commissions “Rules of Procedure” appended to this document. Items and issues that come before the HPC are evaluated and reviewed to determine if they adhere to the Land Trust Conservation Easement and the Management Plan. Approved items, and recommendations, will be presented in the form of a report to the Selectboard, and provided they comply, or can incorporate items or approaches that could assure compliance, the selectboard will vote to act upon it.

The Hogback Conservation Association (HMCA) is a private organization that oversees the day to day management of the conservation area. They are responsible for organizing events, maintenance of trails, buildings, etc... They operate the Hogback Conservation Area website and work to provide information about the conservation area and associated events, including research and recreation. A regular newsletter, they generate, provides much of the same information.

The Marlboro Town Clerk is available at the town offices and can provide applicants who are considering an event in the conservation area a form that must be reviewed by the HPC, before it can be forwarded to the selectboard.

Section heading: Goals/Purpose of Plan

2023_10_18 – first draft by Diana Todd

2023_11_08 – removed reference to public education

Purpose of the Management Plan

This Management Plan is intended as a guide for the decision-makers of the Town of Marlboro.

The Hogback Mountain Conservation Area was created in 2010 (see History, below) when the Town of Marlboro granted a conservation easement on about 600 acres on the western edge of the town to 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 as an appendix to this plan. Excerpted here, from Section I of the easement, are the purposes of the agreement:

As primary purpose:

- 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

It is conceivable, even likely, that some proposed actions or activities in the conservation area will find one stated 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 goals.

Section heading: History of Property and management planning process

2023_08_18 – first draft by Diana Todd

2023_08_23 – minor editorial changes

2023_10_18 – history corrected re: when/who developed/signed conservation easement, **new language in bold**

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.

~~Having raised the necessary funds, HMCA purchased the land from the “conservation buyers” and granted a conservation easement on the property to VLT and VHCB. At the 2009 Town Meeting, the Town voted to authorize the Selectboard to accept title to the property, and on March 13, 2010 the transfer of ownership was completed.~~

At the 2009 Town Meeting, the town voted to authorize the Selectboard 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 XXX 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.

History of management planning

As the Conservation Area was being created, the Hogback Preservation Commission (HPC) was formed by the Selectboard 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, 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, drafting a revised plan.

(Info will go here about public input, reconciliation, etc. **Include list of "stakeholders" who participated in the process.**)

Section heading: Invasive Species

2023_10_18 – first draft by Pieter Van Loon

Invasive Plants

As stated earlier in this plan, the goals and objectives of the HMC Area are to:

- protect the ecological processes that sustain the natural and scenic resources of the property,
- provide equitable and safe recreational and educational opportunities to the public, and
- maintain the productive forest resources on the property.

The simplest explanation of why we should manage invasive plants in the Conservation Area is that none of the above objectives will be attainable if invasive plants are allowed to proliferate and spread. In addition, Wild parsnip, Wild chervil, and Multiflora rose are all potentially hazardous to people recreating or participating in educational events on the property. If allowed to create dense stands, barberry and honeysuckle infestations will sustain greater small rodent populations, which has been shown to lead to higher tick populations and a greater prevalence of Lyme disease. Glossy buckthorn has completely taken over many forested portions of the towns of Westminster, Putney and Dummerston making it impossible to regenerate native tree species. In the simplest terms, on every acre of Conservation Area land that we allow to be dominated by invasive plants we will have lost the ability to achieve our goals and protect the health of this property that we all hold dear. Management of invasive plant species on the Hogback Conservation Area is not only consistent with the objectives and goals for the property, it is essential.

We define invasive plants as species that are not native to the ecosystems found on Hogback and whose introduction and presence causes damage to environmental, economic, or human health. The timely and thorough management of invasive plants early in an invasion will mitigate this damage and reduce environmental and management costs over the long term.

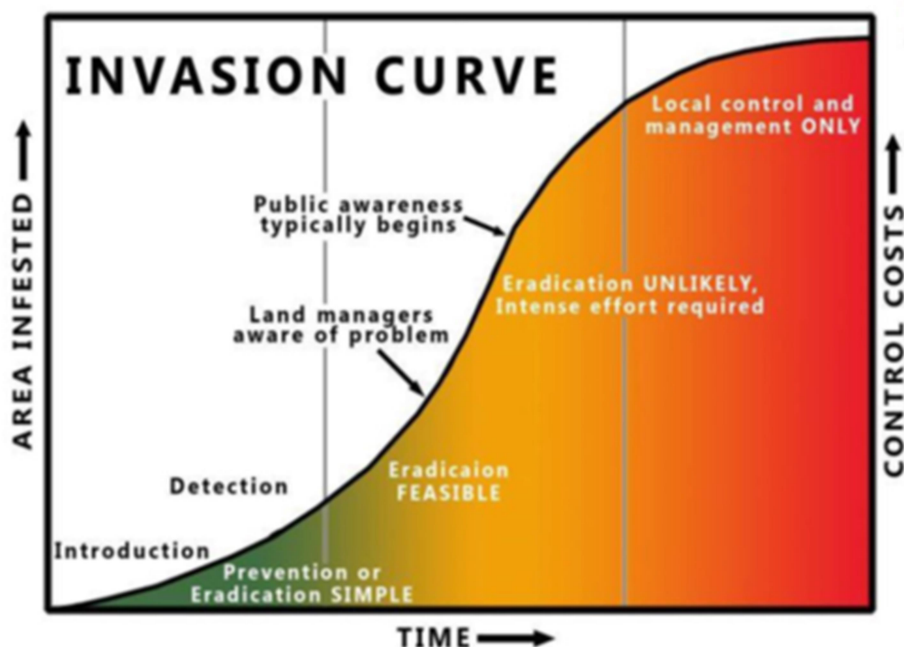


Figure 1: The costs and difficulty of management increase with the greater establishment of an invasive species.

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. In addition, 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 will be designed for each species population to ensure the most appropriate control method, or combination of methods, is utilized. Techniques to be employed include manual (pulling, lopping, digging), mechanical (cutting, mowing, grinding), cultural (fire, mulching) and chemical. Individual species-specific management plans for currently identified noxious invasives are included as appendices to this plan, see Appendix ____ (CREATE LINK). For each, management goals are identified using the following terms:

1. Prevent – Prevent the establishment of new invasive plant infestations through monitoring and prioritizing the removal of newly detected infestations.
2. Eradicate – The individual population is small and isolated enough that complete eradication of all plants and reproductive propagules is possible with little chance of re-establishment.
3. Eliminate/Reduce to Zero Density – The individual population is of high enough priority or small enough geographic size to allow it to be completely eliminated from an area, however, the population is widespread enough in the landscape that re-establishment is likely. The ultimate goal is to bring the population to a percent cover less than 5% and keep that population below that threshold.
4. Control Outliers – The infestation is so large that the priority is to eliminate small outlier populations distinct from the broader infestation. Once this has been achieved, the management goal may shift to Eliminate/Reduce to Zero Density (see above).
5. Control the Perimeter – The infestation is so large that, once outlier populations have been eliminated, the edges of the infestation should be controlled. Once this has been achieved, the management goal may shift to Control Outliers (see above).
6. Control Where Possible – The infestation is widespread and elimination is unlikely, thus control efforts should focus on areas that would offer the most benefit to other management concerns.

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.

Section heading: Legal Constraints

2023_10_18 – first draft by Diana Todd

Legal Constraints

Requirements of the conservation easement

Management of the conservation area must meet the legal constraints enumerated in the conservation easement held by Vermont Land Trust and Vermont Housing and Conservation Board. See Appendix XXX for the full text of the easement. 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.

Federal, state and local legal constraints

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.

All town policies for use of town lands apply to the conservation area. These include, but are not limited to:

- a ban on the use of metal detectors
- a ban on consumption or serving of alcoholic beverages unless approved as part of a Facility Use Agreement
- 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 this plan in Section XXX.)

Other legal restrictions and permissions

Several rights-of-way have been deeded to the town to provide for 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. These are more fully discussed in the sections on Trails and on Parking.

Section heading: Parking

2023_10_18 - first draft by Eric Slayton

Parking

There are two permanent deeded parking easements that directly impact the Conservation Area: an area of land owned by Hogback Properties LLC bordering the northern side of Vermont Route 9 (the “Parking Area North Side”), and an area of land owned by Hogback Properties LLC bordering the southern side of Vermont Route 9 (the “Parking Area South Side”). The Conservation Area is guaranteed the right to use these parking areas. Parking for no fewer than ten vehicles shall be maintained north of Vermont Route 9, and parking for no fewer than six vehicles shall be maintained south of Route 9. There are two permanent deeded pedestrian path easement areas that will provide direct access to the Conservation Area from Vermont Route 9 and the abovementioned parking areas: (1) a thirty-foot-wide strip of land extending from the northeast boundary of the Parking Area North Side to Town Highway No. 33 (also known as Old Route 9 or Old Hogback Road); and (2) two twenty-five-foot-wide strips of land, one east of the Alpenglo Building and extending from the Parking Area South Side to the Conservation Area boundary, and one west of the Alpenglo Building and extending from Vermont Route 9 to the Conservation Area boundary.

In addition to the abovementioned two permanent deeded parking easements, the Town of Marlboro shall have the right to construct, maintain, repair and replace a permeable surfaced parking area not to exceed one (1) acre at a location mutually agreed upon in writing by the Town of Marlboro and VLT/VHCB. This parking area shall be used only in connection with the uses permitted in the Grant of Development Rights, Conservation Restrictions and Public Access Easement.

The “100-mile view”—a rare and exceptional panoramic lookout in southern Vermont easily accessible to the public from Vermont Route 9—overlooks the south side of the Conservation Area. The protection of this view from any visual obstruction from development is one of the primary purposes of the establishment of the Conservation Area.

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 111 {10}.

Section heading: Property description and landscape context

2023_08_18 – first draft by Diana Todd

2023_08_23 - changes made at HMPUC meeting shown in ~~strikeout~~ and **bold**.

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.

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 south and east. The southern acreage is contiguous with Molly Stark State Park, where a 1.7-mile hiking loop from the park connects with 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. ~~particularly critical with regard to breeding bird habitat.~~

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, and fisher that require sizeable blocks of interconnected land as travel corridors.

Section heading: Trails

2023_10_18 – first draft by Mike Purcell

Trails

Trails in the conservation area consist of single track hiking & mountain biking trails on the north side of Route 9 (and Old Route 9) and the ski area trails on the south side. Included in the ski area side are a couple hiking trails that connect the Grant Road frontage up to Route 9 and the summit where hikers can leave the CA to connect to the summit of Molly Stark State Park. The majority of folks park at Route 9 and make the climb up the Tower Trail (work road) to the Fire Tower on Molly Stark S.P., enjoying very scenic views along the way.

The HMCA has a Trail Committee that addresses trail maintenance and construction. New trails must be reviewed, and approved, before they can be constructed, improved, and included on any maps of the CA. Ski trail maintenance, in the form of tree cutting and clearing is managed by the HMCA, including an annual Black Friday trail clearing day after Thanksgiving. Under no circumstances shall unauthorized work be carried out in the conservation area.