

**Regular Meeting of the Hogback Management Plan Update Committee**  
**7:30 p.m. Wednesday, Jan 10, 2024**  
**Town Office, Marlboro, Vermont and via Zoom**

**Minutes**

The meeting was called to order at 7:31 pm.

Attendees:

- in person: Diana Todd
- via Zoom: Amanda Whiting, Eric Slayton, Mike Purcell

Abbreviations used below:

FUA = Facility Use Agreement  
HMCA = Hogback Mountain Conservation Association  
HPC = Hogback Preservation Commission  
MP = Management Plan  
SB = Select Board  
SVNHM = Southern Vermont Natural History Museum

1. Preliminaries
  - a. choose a secretary to take minutes (Eric Slayton)
  - b. choose a Zoom host (Amanda Whiting)
  - c. start Zoom recording
2. Approve minutes of previous meeting (Dec 13, 2023).
  - a. Mike asked about the discussion of Trail Management. He was not at the Dec 13 meeting, but wondered if horseback riding had been discussed in detail. It had not been, so we agreed to discuss it at today's meeting. The minutes as written were approved.
  - b. Minutes for the Nov 29 meeting were also discussed.
    - i. Those minutes had already been approved and can't be changed, but it was noted for the record that in the last bullet item under section 4.c, Mike Purcell (in addition to Amanda and Eric) also thinks it is worth doing a Forest Inventory to collect more information.
3. 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. none
4. Review portions of first draft, as time permits:
  - a. Additional review of previously reviewed sections:
    - i. Trail Management
      - Discussion of whether horseback riding should be limited to specific named trails, due to both the difficulty of riding on narrow trails with low overhanging branches and the damage horse's hooves can do to trails. Examples of how other public lands deal with the question were provided. Decided to list horseback riding as a restricted use, not allowed on single-track trails.
  - b. Revised sections:
    - i. Management Structure
      - Question was raised over level of detail in section on HPC responsibilities. Should that be covered in the Rules of Procedure instead? Current Rules of

Procedure give general guidance similar to the draft MP but in less detail. Agreed that it was appropriate to provide this level of detail in the MP. It will be easier for readers to find the info in the MP rather than needing to go to Rules of Procedure in an Appendix. Noted that Rules of Procedure will need to be updated to reflect new MP. Changes to the Rules of Procedure are made by the HPC with final approval by the SB, so HMPUC will not be involved with that effort.

- No revisions needed to draft section on Management Structure.

c. New sections:

i. Special Use Permits

- Need to make clear that, except for things expressly forbidden in the conservation easement, exemptions could potentially be granted for activities/uses that are listed as prohibited or restricted. A Facility Use Agreement (FUA) application is the vehicle to use to ask for an exemption.
- Need to revise section on “No Permit is Required” to clarify that HMCA and SVNHM do need FUA’s for activities that involve expressly banned activities/uses, such as campfires, use of vehicles, drones, wildlife cameras, etc.

ii. Recreation Management

- Permitted Uses – delete horseback riding from permitted uses, move to Restricted Uses. Review town policy on dogs, compare to bullet about dog walking, modify as needed to match town policy.
- Restricted Uses – List horseback riding as not allowed on single-track trails.
- Prohibited Uses:

- Remove smoking. This item came from the permit page on the HMCA website; we believe the source was the town FUA form which is used for all town-owned facilities. We believe the smoking ban was intended for indoor facilities. There is no way to enforce such a ban on Hogback.

- Add drones.

- Add wildlife cameras.

- The proposed ban on e-bikes was discussed. The fact that they can make it possible for people with physical limitations to access the trails was noted. Comparisons to powered wheelchairs were noted. The difficulty in defining differences between e-bikes and electric-powered dirt bikes was noted. Decided to leave the proposed ban in place. Special events involving e-bike use can ask for an FUA.

- Under exceptions for motor vehicle use, add property maintenance vehicles.

- Hunting, trapping, fishing

- Reviewed how the conservation easement addresses hunting. It lists hunting (as well as trapping and fishing) as a permitted use, but allows the Town to limit hunting (and other uses) for reasons of public safety.

- Discussed ways to allow hunting without affecting the safety or enjoyment of non-hunting users of the trails. Examples of people known to have regularly hunted on Hogback were given. The sentence in the draft about hunters avoiding areas with dense hiking trails was deemed too ambiguous. Decided to list hunting as allowed in specific areas only, namely a) west of the VAST trail north of Route 9 and b) east of the VAST trail south of Route 9, and

XXX feet away from all trails. The XXX distance should be the safety zone distance specified in VT hunting regs.

- Add permanent blinds to the banned items. Research VT hunting regs. Is landowner permission required for use of all tree stands and blinds, permanent or temporary?

- Address hunting with dogs. Bird hunting, where dogs point and retrieve, should be allowed. Hunting with dogs that chase and/or attack prey (typically used for bear and coyote hunting) should not be allowed.

- Agreed that trapping should not be allowed anywhere.

- Discussed fishing. Are there any fishable streams on the property? There are no significant streams, but the one that drains to the west, north of Route 9 parallel to the Old Hogback Road might be fishable. Because the conservation easement specifically lists fishing as a permitted use, decided to leave in the points about fishing.

5. Develop plans for next several meetings.

a. Jan 24, 2024.

i. Forest Management discussion, including planning a field visit to Hogback to examine conditions.

ii. Informational review of Act 59, aka “30x30 and 50x50”, the statewide program to increase amount of conserved land in VT. Project begins by tabulating existing conserved lands such as Hogback.

iii. Review previously reviewed draft sections, and if time permits, begin review of newly drafted sections.

b. Feb 14, 2024.

i. Review previously reviewed sections and revised sections.

ii. Review newly drafted sections.

6. Adjourned at 8:58 pm.

Attachment – draft sections for review as noted above

## Management Structure

1. Select Board
  - a. The ultimate arbiter for all decisions is the Marlboro Select Board (SB).
2. Hogback Preservation Commission (HPC)
  - a. The HPC advises the Select Board on matters of policy regarding the Conservation Area.
  - b. HPC members are appointed by the Select Board. A majority must be Marlboro residents.
  - c. For a full description of the HPC, see the HPC “Rules of Procedure” appended to this document.
  - d. Items and issues that come before the HPC are evaluated and reviewed to determine if they adhere to the conservation easement and the Management Plan.
    - i. 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.
    - ii. Select Board review is required for:
      1. the annual proposed budget
        - a. Once the budget is approved, the SB does not need to authorize each expenditure as it arises.
      2. Facility Use Agreements – see Section XXX for more detail
      3. any topic the HPC feels is beyond normal operations
      4. any topic on which the HPC and the HMCA disagree
  - e. The HPC reviews contracts with the town that involve the Conservation Area and advises the Select Board. Ongoing, renewable contracts include:
    - i. Annual renewal of the trail use agreement with VAST’s local chapter, Deerfield Valley Stump Jumpers.
    - ii. Periodic lease renewal with National Grid, permitting vehicle access on the Tower Trail to service the communication tower on Mount Olga. (See section XX (trail maintenance) for more details.)
    - iii. Future contracts could potentially include forest management activities, control of invasive species, building preservation or demolition, and others.
    - iv. HPC should seek comment by HMCA on any significant changes to existing contracts and any new contracts.
  - f. 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 or renovation) are being considered. (See Section XX, Cultural History management, for more information about specific structures.)
  - g. The HPC is responsible for periodically updating the Management Plan. Input and comment should be solicited from HMCA, the town, and the general public.
  - h. 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 the website in good order.
3. Hogback Mountain Conservation Association (HMCA)
  - a. HMCA is a non-governmental private volunteer organization registered as a non-profit in the state of Vermont.
  - b. HMCA oversees the day to day management of the Conservation Area, including:

- i. organizing and promoting public events, both educational and recreational
    - ii. maintaining the trails, signs, trail markers, and the trail map
    - iii. operating the Conservation Area website: hogbackvt.org
  - c. HMCA advises the HPC on:
    - i. Facility Use Agreement applications (See section XXX for more detail)
    - ii. creation of new trails (See section XXX for more detail)
    - iii. proposed revisions to and updates of the Management Plan
    - iv. any topic requested by the HPC
  - d. HMCA funding – *to be completed*
    - i. *The HMCA manages an endowment fund that was created . . .*
    - ii. *memorandum of understanding*
    - iii. *what funds can and can't be used for*
- 4. The Marlboro Town Office
  - a. The Town Clerk's office fields inquiries from the public.
    - i. Most inquiries can be directed to the HMCA-maintained website, hogbackvt.org.
    - ii. 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 XXX for more detail.

## 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.

## Scheduling

HMCA maintains a calendar of events in the Conservation Area. 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 well in advance with the HMCA scheduler to ensure that there are no unworkable overlaps in time or space.

## 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 XXX.
2. An FUA is required for events with one or more of the following characteristics:

- a. not co-sponsored by HMCA or the Southern Vermont Natural History Museum that are anticipated to include more than 20 participants;
  - b. with activities not normally permitted in the Conservation Area (see Section XX Prohibited Uses);
  - c. where a participant fee is required;
  - d. where alcohol (or marijuana) is available;
  - e. with activities where participants spend a significant amount of time off-trail;
  - f. lasting >3-4 hours or repeated several days (in which litter and human waste are likely to be problems);
  - g. in which motorized vehicles are used, e.g., ATVs, snowmobiles, electric bikes, etc.
  - h. requiring installation of equipment or construction of any structures.
3. The above list is not meant to be definitive. Other types of events may be proposed and permitted.

### The Permitting Process

1. Inquiries about permits should be forwarded to HMCA. HMCA will appoint a Director to work with the permit-requestor to work out solutions to potential problems like trash, parking, heavy use, human waste, etc.
2. If the HMCA Director feels the activity can be conducted without negatively impacting the purposes of the Conservation Area, they can advise the requestor on how to fill out the form and describe the activity, and forward the application to HPC members for information purposes, with a recommendation that the permit be granted.
  - a. If any HPC member feels the permit should not be granted, they may call for a Special Meeting to discuss the proposal.
  - b. If no HPC member calls for a Special Meeting, the HPC Chair will forward the application to the Select Board with a recommendation that the permit be granted.
3. If the HMCA Director feels the activity should not be permitted, the applicant should be told they may apply anyway by submitting the application to the HPC Chair.
  - a. The HMCA Director shall inform the HPC Chair about the potential application, and why they feel it should not be granted.
  - b. The HPC Chair may call a Special Meeting to discuss the application, or may share the application with the HPC for information purposes, along with the HMCA recommendation that the permit not be granted. Any HPC member may ask for a Special Meeting to discuss the issue.
  - c. If no Special Meeting is called, or if a Special Meeting is called and the HPC agrees that the permit should not be granted, the applicant will be told that they may apply anyway, by submitting the application directly to the Select Board (through the Town Administrator). The HPC shall inform the Select Board that both HMCA and HPC feel the permit should not be granted.
  - d. If a Special Meeting is held, and the HPC feels the permit should be granted, the application should be forwarded to the Select Board with both the HMCA recommendation against and the HPC recommendation for approval.

### No Permit is Required

Organizations that fully understand the goals and purposes of the Conservation Area and the reasons behind the prohibited uses do not need a permit.

1. HMCA events don't need an FUA.
  - a. Events co-hosted by HMCA where HMCA is not the lead organization don't need an FUA.
  - b. Marlboro School Hogback Day is considered a co-hosted event and doesn't need an FUA. If the school stops collaborating with HMCA and does the planning on their own, they would need to get an FUA.
2. Southern Vermont Natural History Museum (SVNHM) events don't need an FUA.
3. HPC, with input from HMCA, may decide to grant other organizations the right to host events without requiring an FUA, but those orgs must coordinate their scheduled events with HMCA.

## Recreation Management

### 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 restricted or prohibited as listed below would need a permit. See Section XX of this plan for more information on permits.

### 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, horseback riding, and dog walking.

- Horseback riding – None of the trails are currently maintained for horseback riding.
- Dog walking - Dogs must be under the control of the owner at all times. Use of a leash is strongly encouraged, and is required when approaching other trail users. 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. See section XX below for details.

### Restricted Uses

Snowmobile use: Snowmobiles may use designated VAST trails only.

### Prohibited Uses

- overnight camping
- fires of any kind
- smoking *(really? How could this possibly be enforced? This prohibition is listed on the HMCA website page about permits. Is this a town-wide thing? Needs more research.)*

- paint-ball or similar games
- target shooting, by firearm, bow and arrow, or other weapon
- use of metal detectors
- *I considered the question of drones and opted to not name them as prohibited in this draft. Needs discussion/concurrence with committee. DT*
- motorized vehicles – see more detail below

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)
- e-bikes (electronic bikes)
  - Some e-bikes only give the user an assist, while others can fully power the bike, even uphill. Electronic engines are beginning to be used in other off-road vehicles such as dirt bikes. Trying to draw a line between these many different types of vehicles would be hard to define and impossible to enforce. It is within the spirit and the letter of the conservation easement to prohibit e-bikes of all kinds.

Exceptions: The following motorized vehicle use is allowed:

- emergency vehicles
- trail maintenance or grooming equipment
- snowmobiles – on designated VAST trails only
- National Grid maintenance vehicles
  - 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 XXX (in Trail Maintenance)
- forestry vehicles, for approved forest management projects

### 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.

### Hunting, trapping, fishing

Hunting is allowed.

- All Vermont hunting and firearms regulations must be followed.
- No permanent tree stands may be erected.
- Hunters should not hunt in the areas with dense hiking trails.
- *Discussion needed about whether to tell hunters to ask for permission at the town office.*

Trapping is not allowed.

Fishing is allowed. Anglers must hold a valid Vermont fishing license.