

**Notice of Regular Meeting of the Hogback Management Plan Update Committee  
7:30 p.m. Wednesday, July 24, 2024  
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

**Agenda**

1. Preliminaries
  - a. choose a secretary to take minutes
  - b. choose a Zoom host
  - c. start Zoom recording
2. Approve minutes of previous meeting (July 10, 2024).
3. HPC Commissioners and HMCA Directors have been invited to attend this meeting in order to preview a draft PowerPoint presentation about the Plan update that the committee is developing for a public outreach meeting being planned for September. Run through the presentation and solicit comments from HPC, HMCA and any others attending the meeting.
4. Review written/email feedback received from the Jennifer Garrett at VLT, the HMCA Board and individual HMCA Directors, HPC Commissioners and any others. (See attachment.)
5. Review which documents should be appendices to the Plan. (See attachment.)
6. Plan the next few meetings.
7. Adjourn

**1) email received by Diana Todd on July 17, 2024 from Jennifer Garret, VLT**

I just read through the Draft Management Plan. The Committee has done a great job of addressing so many fine details of this property and it is evident that a lot of thought and research has been done. It is a really well done draft!!!

To frame my feedback, I will recap the usual process I follow:

- VLT will do a formal review of the final draft after public input has been incorporated.
- VLT will give feedback to the Committee; if updates are warranted, they will be made.
- VLT will then share the final draft with VHCB and solicit its feedback; at this stage, VLT will be proposing approval (either outright or with conditions).
- If additional updates are warranted based on VHCB's feedback, those will be communicated with the Committee.
- When the plan is final, VLT will write an approval letter on behalf of VLT and VHCB.

As I mentioned in our meeting a year or so ago, I am willing to be consulted at any point along the way, as I am doing now. So I see this review as a feedback session, but not the formal review, since the public input has not yet been incorporated. I reserve the right to have additional comments on any aspect of the plan when I do my formal review. Sometimes insights arise after the content percolates a bit.

As I said the plan is very well done, very thorough, and in my opinion, it covers the topics required by the CE. Just as important, it is a useful document that will be effective in guiding the management of the property in a transparent way. I especially like how you explained and framed forestry goals. The following feedback comprises qualifications, explanations, and a few suggestions.

- Examples of Special Use Permits, studies, programs, etc, particularly those that are current, ongoing, or anticipated: Are there examples of these that are permitted on a regular basis, or that are going on now? For example, are there any annual events that take place on the property that successfully seek a permit annually? If so, it is helpful to know what types of events are regularly taking place on the property and under what conditions. If the events are rare/one-offs, I don't think we need to the details, but examples are always nice. Same goes with studies and educational programing.
- E-bikes: As you know, VLT encouraged the town to make its own decision about permitting class one (pedal assist only) e-bikes on the property. We appreciate and accept your policy as written and no changes are needed. I wanted to make sure it is clear that VLT finds it not inconsistent with the CE to permit pedal assist/class one e-bikes on the property, if the town wishes to. We recognize there are pros and cons with doing that. Policing which type of e-bike people are using may not be feasible.
- Benedict Cottage: What you have written is not incorrect. Rather than citing a conversation, it may be clearer to write that the conservation easement permits the Benedict Cottage to be maintained, repaired, renovated, enlarged, and rebuilt. This means that if it were to be removed, another structure may be built in its place.
- Trail closures: Instead of saying that trails may be temporarily closed for "any purpose," it may be better to state they may be temporarily closed to protect natural resources and safety (e.g., due to mud or hazardous tree removal). You can close trails for these purposes. Keep in mind that recreational access by the public may not be obstructed for certain uses such as entertainment/community events. This is fine detail. I know that you understand this difference and the terms of the CE. It may be helpful to be more specific on this case, however.

Attachments to HMPUC Agenda, July 24, 2024

Items 1-6 = Feedback from VLT, HMCA and HPC; Item 7 = list of current proposed appendices

- Trapping: This is a tricky one. According to the CE, it can be prohibited to protect public health and safety, and natural habitats. Strictly speaking, it can be hard to argue that prohibiting trapping will protect natural habitats and public health and safety if it is taking place in area away from trails and most public access. This clause has been the subject of a lot conversation and debate over the years. A few years ago, I realized I had been interpreting it and applying differently than VHCB does (and I probably communicated my initial interpretation to you, that it can be prohibited outright). Though the policy may be evolving, we've generally landed that it cannot be prohibited outright without a clear explanation of how it protects human safety/natural habitats (which can sometimes be hard to land on); but it can be restricted and managed. That said, if the community overwhelmingly does not want to permit this use, I think that is notable. For now, I suggest you keep the policy how the community wants it; if this means leaving it as prohibited, I suggest adding an explanation on how it protects human safety, if you have one; and/or, if you have it, provide data/info/feedback from the community that supports prohibition of this use. I also suggest commenting on how the town will handle a future request from community members should they request a change in policy. VLT, VHCB, and the Committee can then discuss it.
- General comment about future projects: The management plan is an opportunity for VLT/VHCB to approve any specific future plans the town currently has for the land and avoid the need to come back multiple times over the course of the plan's life to check in and seek approval or input. The trick is that often not enough details are known about a given project to allow for such specificity when the plan is written. That is OK. I just wanted to say if there are any specific plans in the works make sure to add those and provide as many details as possible (we're adding a gravel parking area for 10 cars in xxx location in 2026; we're planning to clear a view in this specific location within the next two years; we're planning to replace the Benedict Cottage with a rustic cabin in the same footprint to be used for environmental education events, etc.). If there are enough details provided about such projects, the town would not need to come back to consult us again.
- General comment about the vermiculite: I can give you the name of a company I used to remediate my attic and if you didn't know, there is a class action suit that could provide you a large reimbursement for the removal. I know the funds were getting used up when we took advantage a couple years ago, so I don't know if this is still an option. If you're interested, let me know.

I guess that is it for now. Thanks for sharing this with me,

Jennifer

**2) additional email received by Diana Todd on July 18, 2024 from Jennifer Garret, VLT**

I forgot to mention one big thing: Maps. I know you're a GIS person, so I figure this is already part of the plan. A basic property map showing the building locations is important; and if there are plans being proposed/regular events that take place, then it would be great to have maps to help illustrate those. If the Committee lacks resources for this (GIS software, etc.), I can provide some help.

**3) email received by Diana Todd on July 15, 2024, from Lou Tognan representing the HMCA Board**

The HMCA board met tonight and the Management Plan was discussed. First I would like to commend your team for putting together a wonderful plan.

The Board discussed page 15 of the plan". "Motorized vehicles are not allowed..."

It was observed that the section on e-bikes was too long and followed by a long (bullet) that explains why it was there (Unlike the above bullets that were not accompanied by such Sub bullets). We think the explanation should not be included.

We also think that the "Exceptions" section should be accompanied by a clear section that asks the public to write to the HMCA for any needs that relate to e-bikes as an exception specifically to allow assistive power to the wheels to allow such people to use the bike in the absence of assistance.

**4) email received by Diana Todd on July 15, 2024 from Laurel Copeland, HMCA President**

I would like to see the detail below e-bikes on page 15 reduced to remove the commentary and just say something along the lines of, "All e-bikes, whether fully powered or assistive, are prohibited." Then, below the exception "motorized wheelchair or equivalent...", add a comment to the effect of "If you are uncertain whether your device is permitted, please contact us at [hmca@hogbackvt.org](mailto:hmca@hogbackvt.org)."

**5) email received by Diana Todd on June 21, 2024 from Nancy Anderson, HMCA Treasurer**

(Items describing typos and other editorial corrections needed to improve clarity have been omitted here. Page numbers refer to the June 19 draft of the Plan.)

p.,12 special Use Permit FUA, 2.g. why do we mention motorized vehicles here if they are not allowed except as defined earlier for maintenance and emergencies? It would seem to imply that it MIGHT be approved. I am concerned that it implies too much flexibility, whereas the easement primary purposes is clear about non-motorized. I do understand about not wanting to micromanage in the Management Plan, but if we are attempting to allow for things we can't anticipate in the future, when and if circumstances warrant it, then an amendment could be considered, with review by VLT.

(The section referred to above is as follows:)

**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](http://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. having 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. having 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.

(continuation of comments from Nancy Anderson)

p.14 Prohibited Uses. The note saying special events might be allowed an exemption seems too loose to me; people's opinions about "special" can vary widely. Could the Mgt Plan refine this note somehow to tie it essential goals of the easement? An example of what I am thinking of is: a drone flight might be exempted to assist with assessment of the Conservation Area's forestry. On the other hand, I can't imagine any reason whatsoever to consider allowing paint ball no matter how special it might seem to some group. The conservation area can't be all things to all people.

(The section referred to above is as follows:)

### Prohibited Uses

- overnight camping
- fires of any kind
- paint-ball or similar games
- target shooting, by firearm, bow and arrow, or other weapon
- use of metal detectors
- use of drones
- 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 twig, sapling or mature tree

Note that it may 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. See Section XXX on Special Use Permits.

### 6) email received by HMPUC, HPC, and HMCA, on June 18, 2024 from Ed Metcalfe, HPC Commissioner

As I mentioned at a previous meeting, I have a real problem with the prohibition of E-bikes. It is easy to draw up a definition that differentiates between e-bikes and other either electronic or gas engine driven ATVs. I would be happy to do that. E-bikes are currently being used on the conservation land. I do not believe that any other types of ATVs are. It can be very difficult to tell apart conventional bikes and e-bikes. Also, e-bikes can easily be used in the same manner as a conventional unpowered bike without the use of the electronic feature. Virtually every e-bike that I have seen can be used to fully power AND in power assist mode. There should not be a differentiation mentioned. **E-bikes allow the elderly and handicapped to participate in a sport and recreation that they would be limited from doing if they can only use a conventional bike.**

### 7) List of documents currently proposed as Appendices in the draft Management Plan

1. the conservation easement
2. Biodiversity Inventory
3. HPC Rules of Procedure

Attachments to HMPUC Agenda, July 24, 2024

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4. application form for Facility Use Agreement for Hogback
5. HMCA Invasives Committee report
6. future appendix: Forest Management Plan (2026)