

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

Town of Marlboro Hogback Mtn. Conservation Restrictions
Page 6

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 Plans Act Cert. Rec'd.
Return No. 53/540
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 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 second Monday 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:

4. Size is expected to include more than 20 participants.
5. 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 e-bikes
 - i. unauthorized cutting or removal of wood, living or dead, of any size
 - j. foraging or removal of plants or plant material
6. A participant fee is required.
7. Alcohol will be available.
8. Participants will spend a significant amount of time off-trail.
9. Activities will last more than 3-4 hours or are repeated several days (in which litter and human waste are likely to be problems).
10. 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, will help you fill out the permit application, and will provide a note recommending that the permit be issued. If HMCA determines that your 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 going through the next steps, but HMCA will recommend against issuing the permit.
2. Submit the completed permit application to the Hogback Preservation Commission at the address provided by the HMCA. The HPC will review the application and provide a recommendation to the Select Board for approval. If the HPC determines your event is not suitable for Hogback (in spite of an HMCA recommendation, or in agreement with an HMCA finding of non-suitability), you may still request a permit but HPC will inform the Select Board

- that they do not support the application.
3. Submit the completed and reviewed permit application to the Select Board by emailing it to the Town Administrator at marlboroselectboard@gmail.com. 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. Following review of the Facility Use Agreement application by the Hogback Mountain Conservation Association (HMCA) and the Hogback Preservation Commission (HPC), the application should be submitted to the Town Select Board. Final approval or denial will be made by the Select Board within a month.

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;

**Although the use of firearms for lawful purposes (e.g., hunting) is permitted, the Town of Marlboro asks that you seek verbal permission to do so.*

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? _____

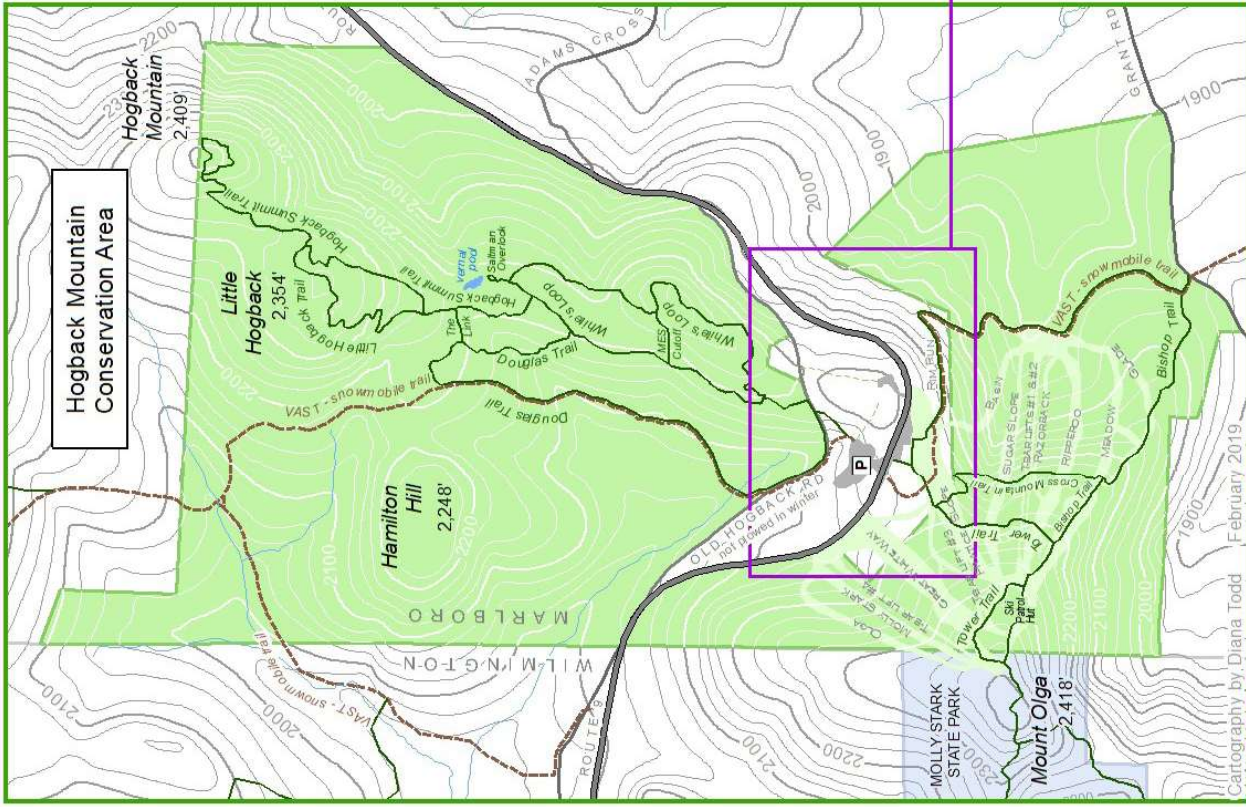
- 5) How many vehicles do you anticipate participants will be arriving in? _____

- 6) Briefly indicate the purpose of your Event: _____

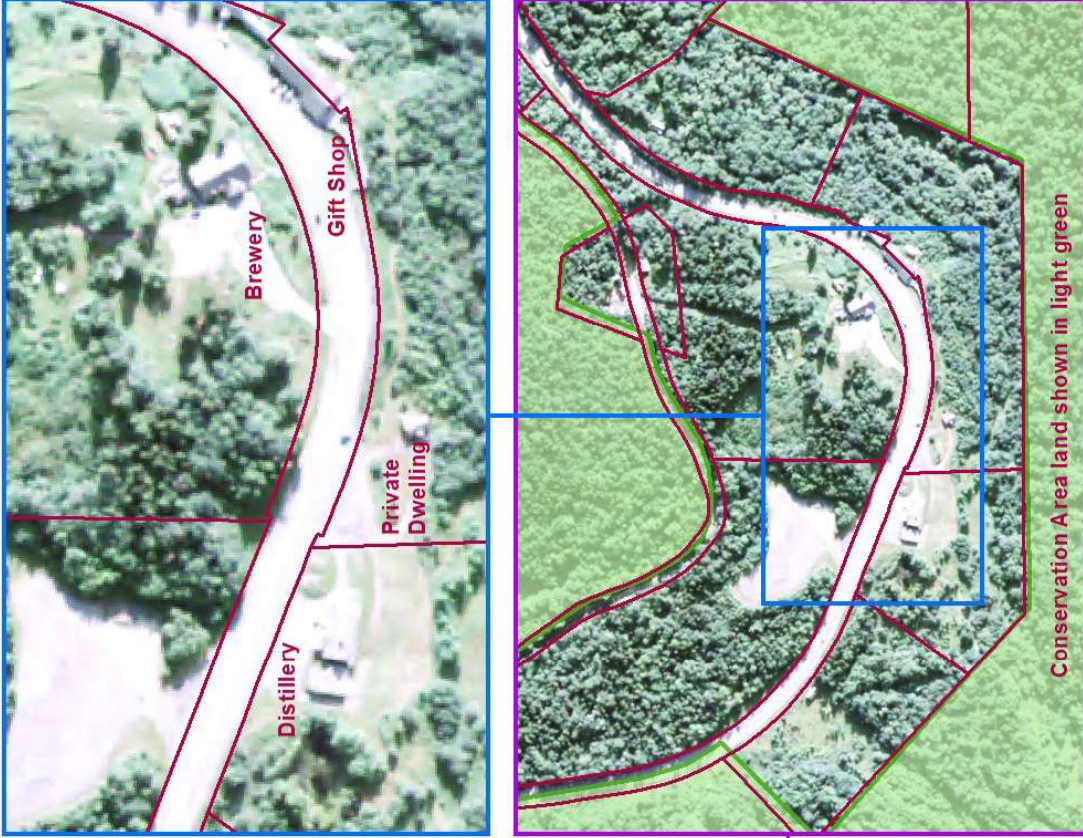
- 7) Briefly describe your Event's activities: _____

- 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 landings, 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 that 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 Management, 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.	7/24/2024 Nancy Anderson
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 alrarge quantities of invasive plants. Such removal should be managed by the Invasives Committee and would not be considered banned under the "no foraging" rubric.	10/22/2024 Lou Tognan
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.	10/22/2024 Nancy Anderson

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. HIMPUC 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

scenic resources management	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?	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.	Nancy Anderson	10/24/2024
signs	Draft says signs need to be posted where trails cross the boundary, alerting users to the change in ownership. Where do such crossings exist?	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.	Nancy Anderson	7/24/2024
ski lifts	Should the cables be de-tensioned or removed?	The cables appear to still be in good condition. We've added wording that they should be monitored.	Ian Schrauf	9/27/2024
smoking	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.	Left the proposed explicit ban on smoking in the draft Plan.	Allison Turner	11/13/2024

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

special use permits	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.	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.	Forrest Holzapfel	10/23/2024
special use permits	The Special Permit Use (Facilities Use Agreement) should be updated but continue to be managed under the primary authority of the HMCA.	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.	Jack Widness	10/24/2024

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	Rationale for prohibiting trapping added.	Jennifer Garrett,	7/17/2024

	presented.		VLT	
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?		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?		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. 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
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