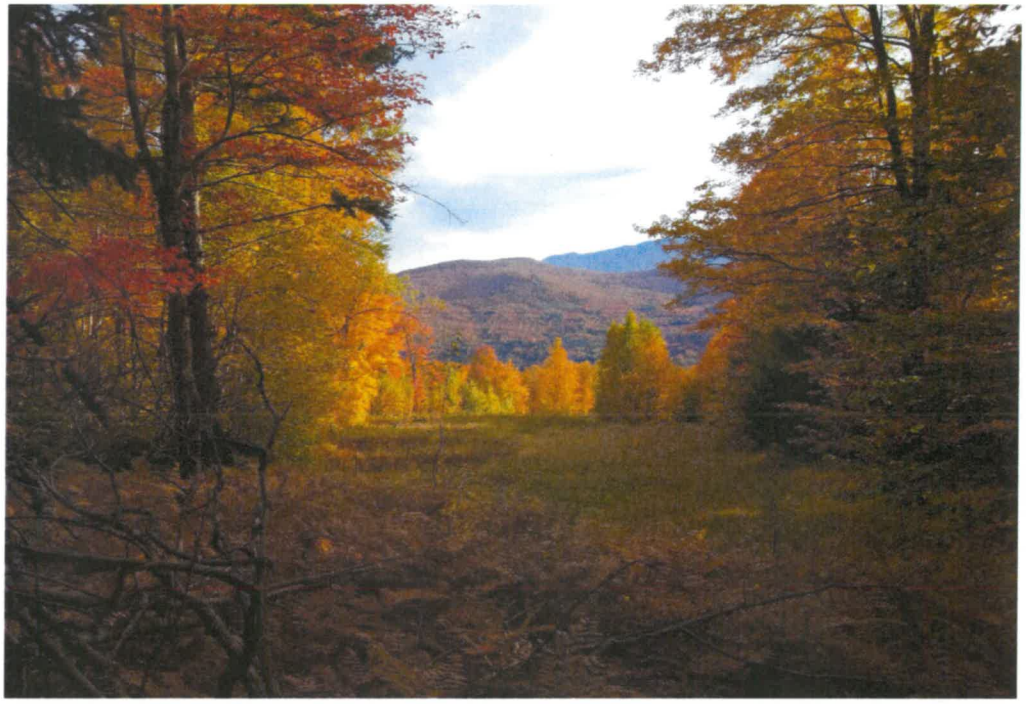
BASELINE DOCUMENTATION REPORT



ERMIONE (TOWN OF FAYSTON) PROPERTY

Fayston, Vermont

VLT Project No. 131703

Prepared by:
Vermont Land Trust
8 Bailey Ave
Montpelier, VT 05602
(802) 223-5234

Vermont Land Trust
Conserving Land for the Future of Vermont

Vermont Land Trust ■ Conservation Stewardship

The Conservation Stewardship Program is staffed by a vice president for stewardship, foresters, paralegals, coordinator, and regional stewardship managers.

The responsibilities of the Conservation Stewardship Program include maintaining land related records, tracking changes in land ownership, monitoring conserved properties at least annually, photo-documenting land uses periodically, answering landowner questions, interpreting or approving permitted activities, and correcting violations through voluntary compliance or, if necessary, legal proceedings. Stewardship Program staff also support landowners as stewards of their land by offering information and advice on sound and sustainable uses of conserved properties.

This Report Contains the Following Information:

- Introduction and description of the current uses of the property
- Summary of Grantor's and Grantee's rights
- References
- Signature pages
- Conserved property location map
- USGS topographic map
- Orthophoto map
- Conservation Easement map
- Photopoint map
- Photographic documentation

ERMIONE (TOWN OF FAYSTON) PROPERTY
Fayston, Vermont

Introduction

The purpose of this report is to describe the physical features and current land uses of the **Ermione (Town of Fayston) Property** on which the development rights, a perpetual conservation easement and restrictions, and a public access easement are being conveyed to the Vermont Land Trust, Inc. (VLT.). The Grant conveying these rights is to be recorded in the Fayston Land Records.

This report is based, in part, on documentation visits by Caitlin Cusack (Forester) for the Vermont Land Trust on October 2 and 10, 2019. Liza Walker, Corrie Miller and Lisa Koitzsch were also present during the October 2nd visit. Caitlin assembled the report and digital photographs; maps were prepared by Caitlin and VLT GIS staff.

Purposes of the Grant

The primary purposes of the conservation easement are to conserve productive forestland, wildlife habitats, biological diversity, natural communities, riparian buffers, wetlands, soil productivity, water quality and native flora and fauna and the ecological processes that sustain these natural resource values; to preserve non-motorized, non-commercial recreational opportunities; and to conserve open space values and scenic resources associated with the protected property.

The purposes of the Grant will be advanced by conserving the property because it possesses the following attributes:

a. includes 20.1 acres of forest available for long- term sustainable management for the production of forest products;

b. is located in Fayston and is considered by town residents to be an important property for maintaining the beauty, unique rural Vermont character and strong sense of place for community residents;

c. can be used for numerous recreational, cultural and educational purposes by the Town, its schools, and the community;

d. contains streams and watercourses in the Shepard Brook watershed that, with wooded buffers and natural flow, provide an array of ecological benefits including maintaining water quality and providing corridors for species movement;

e. is part of a large, unfragmented forest block that provides connectivity and other ecological functions on a statewide level; and

f. includes open and forested land providing scenic views of the Green Mountains and Northfield Mountain Range.

Description and Current Use of the Property

Property Description

The Town of Fayston is conserving **± 93.3 acres** of primarily open land located at the end of Boyce Road, referred to locally as "Boyce Hill," "Newis Field," and "Risley Pasture" and now as the recently acquired Boyce Hill Town Forest. The Newis family purchased the property in the 1970s, built the pond (photo 5), cleared most of the trees to reveal scenic views and to create a park-like feel, and installed a hard-packed road from the end of Boyce Road to the height of land (photos 6, 33, 38). The property offers dramatic views of the Shepard Brook Valley in Fayston as well as of the Northfield Range and Green Mountains in the distance. The property was permitted for an eight-lot subdivision when Ermione, LLC bought the land in 2011. For decades, these landowners welcomed the Fayston community to swim and snowshoe, hike, ski, and walk their dogs on the property. In 2019, Ermione LLC conveyed the property to the Town to protect the natural resources and public access in perpetuity.

The property was surveyed in 2001. Stone walls, barbed wire fence, iron pipes and survey pins mark the boundary (photos 1, 7, 8, 22, 23). Part of the southwestern boundary line was painted (photo 2) but the rest of the boundary has not been marked. The property is accessed from the end of Boyce Road where cars currently park on the grass. The town has plans to create a formal parking lot in the near future. A gate (photo 3) restricts vehicular access beyond the parking area. There are several neighborhood trails that adjacent landowners have used over the years to connect to the property (photos 12, 14, 19, 30, 34). An adjacent sugarmaker has tapped some of the maple trees in the northwestern corner (photos 19, 24, 25, 26, and 27).

Management Plans

The town is required to develop a comprehensive management plan including updates, revisions and amendments. The management plan will present a plan for the use and management of the property that is consistent with the easement's purposes, and will balance all the resource attributes and human use of the protected property. The landowner shall solicit public input from residents of Fayston and the general public. The management plan should be developed in a timely and responsive manner and VLT shall be provided a copy of each management plan and a copy of each final adopted management plan. Before any active timber harvesting, sugaring, or other forestry activities may take place, the landowner must submit a forest management plan (FMP) to VLT for review and approval. The forest management plan must be updated at least every ten years and any amended or updated plan must be submitted to VLT for approval before commencing any activities prescribed in the plan. Amendments are required for any proposed change in the treatments prescribed in the approved plan, but no amendment is needed for changes in timing of treatments unless the change is greater than five years. For more information on requirements for the management plans, refer to Section I. B & C of the easement.

Public Access

The main road from the end of Boyce Road provides easy access to the summit of land. The property will be available to the general public for all types of non-commercial, non-motorized, non-mechanized dispersed recreational and educational purposes (including bird-watching, boating, cross-country skiing, fishing, hiking, hunting, snowshoeing,

swimming, trapping, walking and wildlife observation) consistent with the easement's purposes. Any proposed new trails or other uses will be accounted for in the new comprehensive management plan for the property. The landowner may limit or restrict public access to the protected property to assure compliance with the easement, 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). For more information about public access, refer to Section IV of the easement.

Natural Resources

The Boyce Hill Town Forest rises steeply from 1,400 to 1,800 feet and faces mostly south and west. While most of the parcel has been cleared, trees have begun to grow on some of the steeper sections. The property sits within a state-significant block of Northern Hardwood Forest – one of the largest in the state. This hardwood forest surrounds and protects the higher elevation portions of the central Green Mountains near Camels Hump. This property is on the edge of this large unfragmented forest block. A perennial stream enters the property in the northwestern corner and meanders down the western side of the property. It flows into the roughly 1.25-acre man-made pond in its northwestern corner; there is one known outlet of the pond (photo 11).

The easement designates a Riparian Buffer Zone (RBZ) on all those areas lying within 50′ of any stream. For a detailed description of the restrictions of the zone, refer to Section III (11) of the conservation easement.

Inventory of Existing Structures

There are no structures located on the protected property. If the town would like to build sugaring buildings or other minor structures, such as picnic pavilions or kiosks, that is possible with the written approval of VLT. Details on allowed sugaring and minor structures can be found in Section III (4) and III (12) respectively.

Excluded Parcels

There are no excluded parcels.

Summary of Grantor's[1] Rights and Restrictions

Conservation rights and restrictions allow the protected property to be used for agricultural, forestry, education, non-commercial recreation, and open space purposes. For the specific restricted and permitted uses included in the easement, refer to the Grant of Development Rights, Conservation Restrictions, and Public Access Easement, (referred to as the easement throughout this document).

[1] The Grantor is the landowner, **Town of Fayston**, its successors and assigns.

Summary of Grantee's[2] Rights

The Grantee's primary intent is to conserve and protect productive agricultural and forestry uses, and secondarily to encourage sustainable management of soil resources. Other goals in conserving this property include promoting non-commercial recreational opportunities and activities and other natural resource and scenic values of the protected property for present and future generations. Aside from holding the development rights on the protected property, the Grantee has the right to periodically monitor the property and enforce the Conservation Restrictions.

This is a summary of the Grantor's and Grantee's legal rights. For a complete description of these rights, refer to the Grant of Development Rights, Conservation Restrictions, and Public Access Easement.

References

- Boyce Hill Town Forest Interim Management Plan, Town of Fayston, November 2019
- Ecological Assessment Record, Castegren Property, Allaire Diamond, Ecologist for VLT, April 8, 2019
- Grant of Development Rights, Conservation Restrictions, and Public Access Easement, Ermione (Town of Fayston) Property, 2019
- Survey and Subdivision of the Lands of Robert E. & John K. Newis, McCain Consulting, LLC, March 20, 2001

[2] The Grantee is the **Vermont Land Trust, Inc.**, its successors and assigns

I, **JARED CADWELL**, duly authorized agent of **TOWN OF FAYSTON**, have signed this Baseline Documentation Report with the understanding and agreement that this Report will be used for, but its use will not be limited to, monitoring the property depicted and described in this Report for compliance with the Grant of Development Rights, Conservation Restrictions, and Public Access Easement, signed by me. I have read this Report and understand it. I agree that this Report, including the maps and photographs, accurately describes and depicts the physical features, relevant site conditions, and current structures and land uses on my property conserved by the Grant. I affirm that there are no activities ongoing on my property that are inconsistent with the Grant.

Duly Authorized Agent of **TOWN OF FAYSTON**

12.10.19
Date

STATE OF VERMONT
Washington COUNTY, ss

At Fayston, this 10th day of December, 2019, **JARED CADWELL**, duly authorized agent of **TOWN OF FAYSTON**, personally appeared and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of **TOWN OF FAYSTON**.

Before me, _____
Print Name: Caitlin Belcher
Notary Public, State of Vermont
Commission No: 157.0005342
My Commission Expires: 01/31/2021

I, **CAITLIN CUSACK**, have signed and prepared this Baseline Documentation Report with the understanding and agreement that this Report will be used for, but its use will not be limited to, monitoring the property depicted and described in this Report for compliance with the Grant of Development Rights, Conservation Restrictions, and Public Access Easement, about to be executed. I affirm that I visited this property personally and that this Report including the maps and photographs accurately describes and depicts the physical features, relevant site conditions, and current structures and land uses on the property conserved by the Grant.

VERMONT LAND TRUST, INC.

By: Caitlin Cusack
CAITLIN CUSACK

M.F., Community Forestry
Yale School of Forestry & Environmental Studies
VLT training 2015
BDR preparation since 2015

12/5/19
Date

STATE OF VERMONT
CHITTENDEN COUNTY, ss

At Richmond, this 5th day of December, 2019, **CAITLIN CUSACK**, duly authorized agent of the **VERMONT LAND TRUST, INC.**, personally appeared and acknowledged this instrument, by sealed and subscribed, to be free act and deed and to be the free act and deed of the **VERMONT LAND TRUST, INC.**

Allen Karnatz
Commission
No. 157.0005248
Notary Public State of Vermont

Before me, A Karnatz
Print Name: Allen Karnatz
Notary Public, State of Vermont
Commission No:
My Commission Expires: 01/31/2021

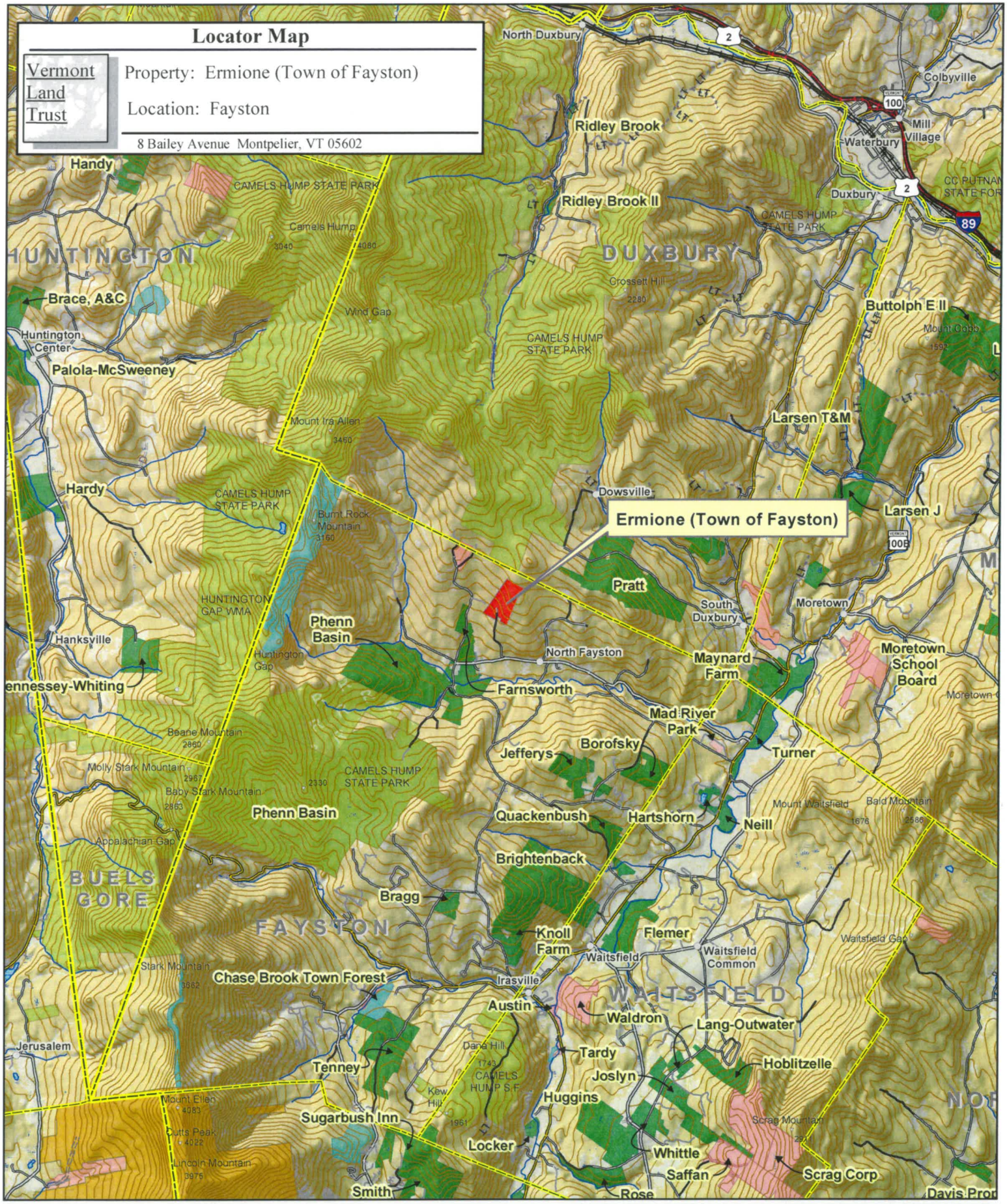
Locator Map

Vermont Land Trust

Property: Ermione (Town of Fayston)

Location: Fayston

8 Bailey Avenue Montpelier, VT 05602

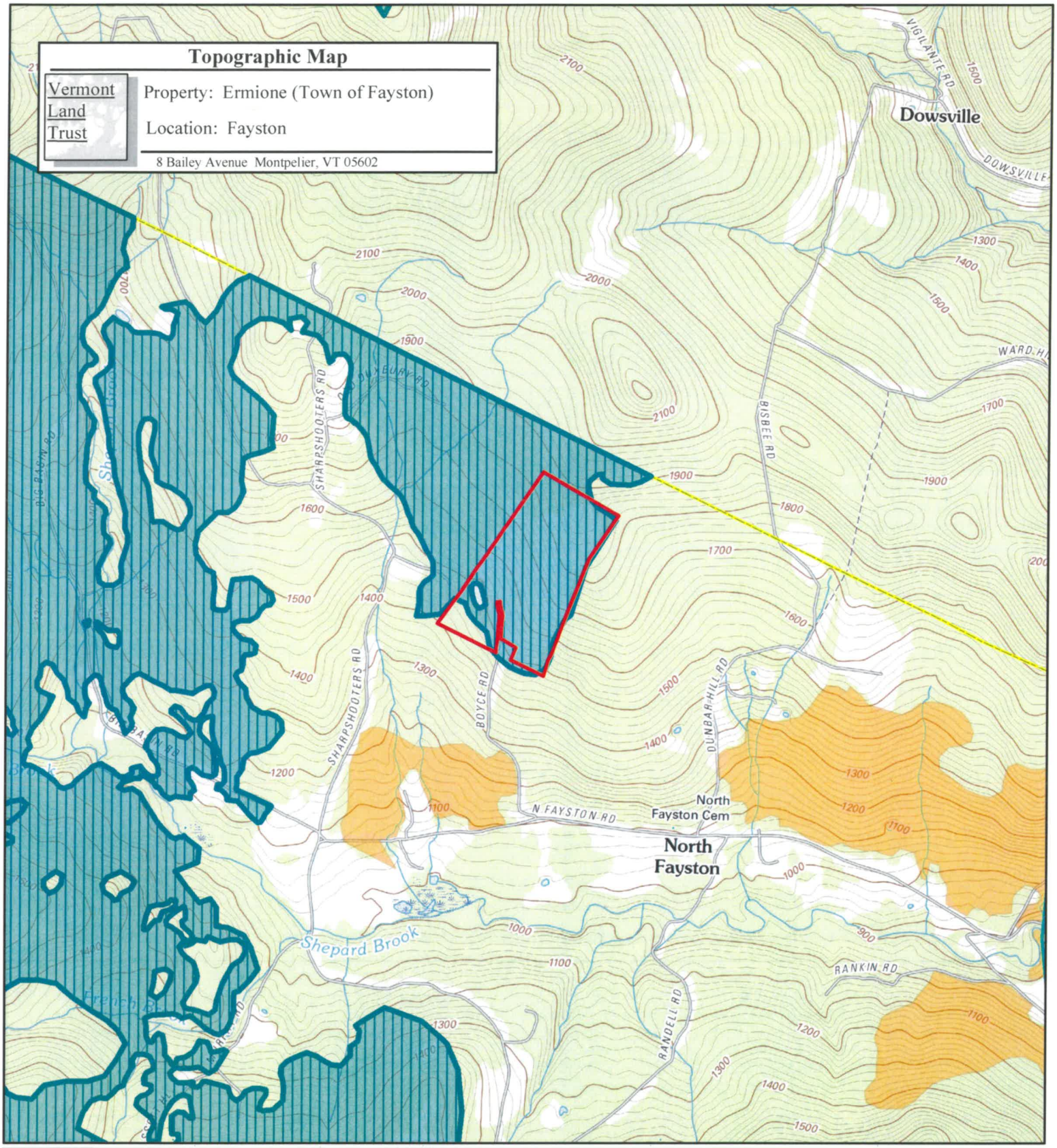


Property Address and Access Notes:

The parking area is located at the end of Boyce Rd in Fayston. Once you turn off of Rt 100 onto North Fayston Rd, Boyce Rd is 3.4 miles down on the right.

N

1:100,000



USGS 7.5 Minute Quadrangles:
Waterbury 2012

Scale: 1:24,000

Subject Property

Deer Wintering Areas[1]

Wetlands (VSWI)[2]

Nongame & Natural Heritage Element Occurence Type[3]

Animal

1. Vermont Agency of Natural Resources, 1997, revised 2008. Deer Wintering Areas in Vermont.
2. Vermont Agency of Natural Resources, 2011. Vermont Significant Wetlands Inventory.
3. Vermont Nongame and Natural Heritage Program, Vermont Department of Fish and Wildlife. 2018. The Biological and Conservation Data System, Rare Species and Significant Natural Community Digital Data Set. Waterbury, Vermont.

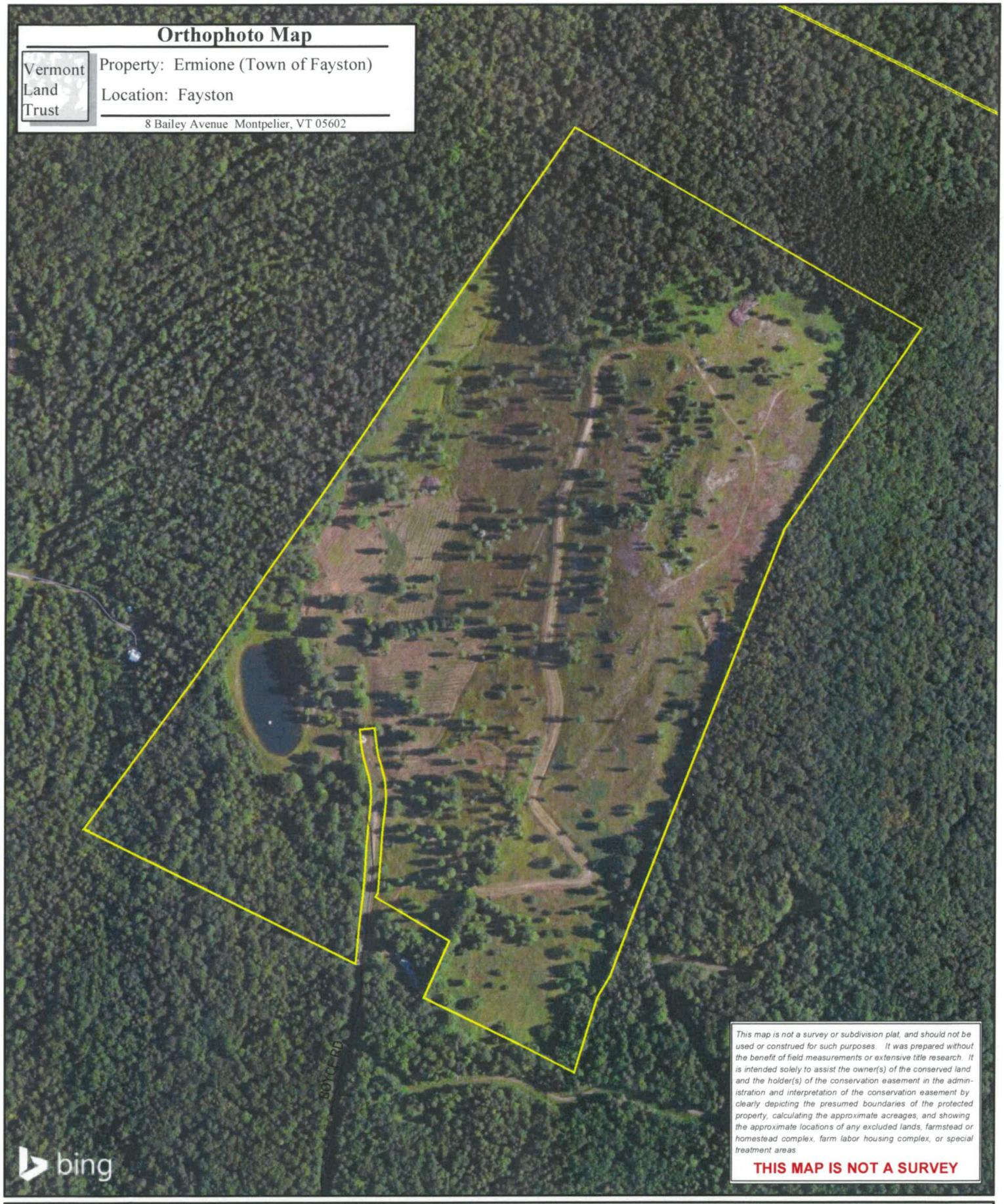
Orthophoto Map

Vermont Land Trust

Property: Ermione (Town of Fayston)

Location: Fayston

8 Bailey Avenue Montpelier, VT 05602



This map is not a survey or subdivision plat, and should not be used or construed for such purposes. It was prepared without the benefit of field measurements or extensive title research. It is intended solely to assist the owner(s) of the conserved land and the holder(s) of the conservation easement in the administration and interpretation of the conservation easement by clearly depicting the presumed boundaries of the protected property, calculating the approximate acreages, and showing the approximate locations of any excluded lands, farmstead or homestead complex, farm labor housing complex, or special treatment areas.

THIS MAP IS NOT A SURVEY

Protected Property

Scale:1:5,000

0 37.5 75 150 225 300 Meters

0 120 240 480 720 960 Feet

N

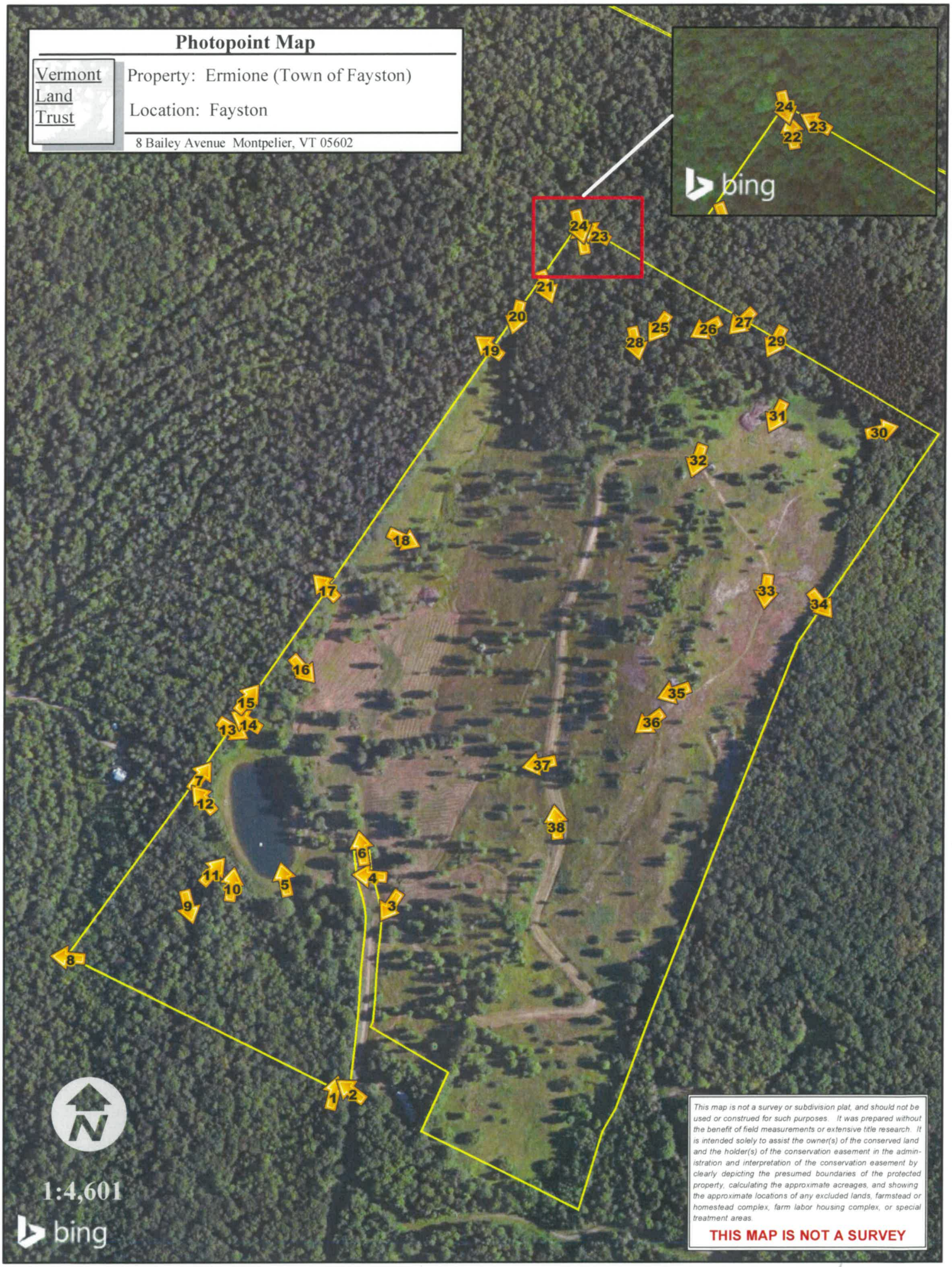
Photopoint Map

Vermont Land Trust

Property: Ermione (Town of Fayston)

Location: Fayston

8 Bailey Avenue Montpelier, VT 05602



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THIS MAP IS NOT A SURVEY

Photo	1	Subject:	Corner pin

Photo	2	Subject:	Boundary painted with yellow

Photo	3	Subject:	Parking area at end of Boyce Rd

Photo	4	Subject:	Gravel pile

Photo	5	Subject:	Man-made pond

Photo	6	Subject:	Road beyond the gate

Photo	7	Subject:	Stone wall along boundary

Photo	8	Subject:	Corner pin

Photo	9	Subject:	Mixedwood forest

Photo	10	Subject:	Interior stone wall

Photo	11	Subject:	Pond outlet

Photo	12	Subject:	Trail from neighboring property

Photo 13 **Subject:** Barbed wire along boundary

Photo 14 **Subject:** Trail from neighboring property

Photo 15 **Subject:** Survey pin along boundary

Photo 16 **Subject:** Opening into meadow

Photo 17 **Subject:** Stone wall along boundary

Photo 18 **Subject:** Riparian buffer zone

Photo	19	Subject:	Sugaring lines and trail on adjacent property

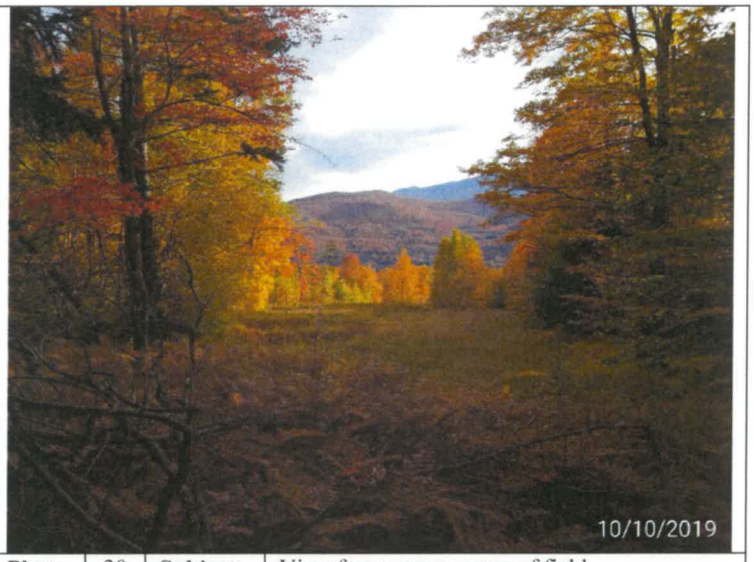

Photo	20	Subject:	View from upper corner of field

Photo	21	Subject:	Small wetland that feeds into perennial stream

Photo	22	Subject:	Corner iron rod(s)

Photo	23	Subject:	Barbed wire fence on boundary

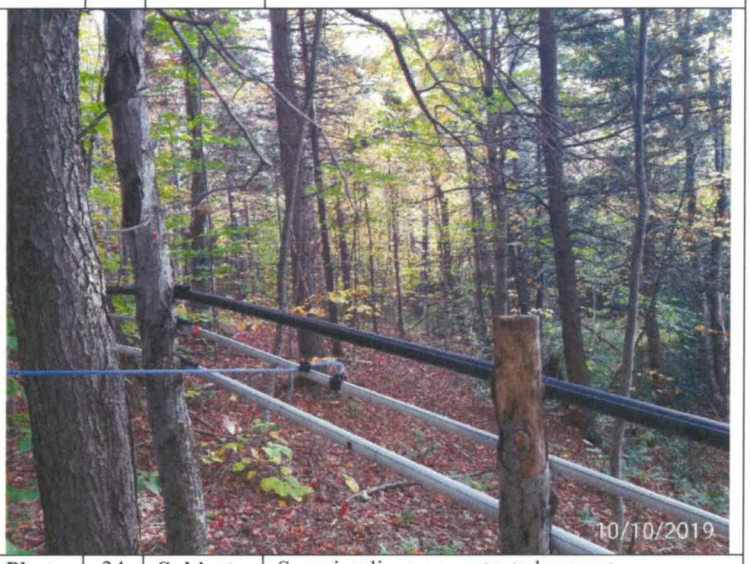

Photo	24	Subject:	Sugaring lines on protected property

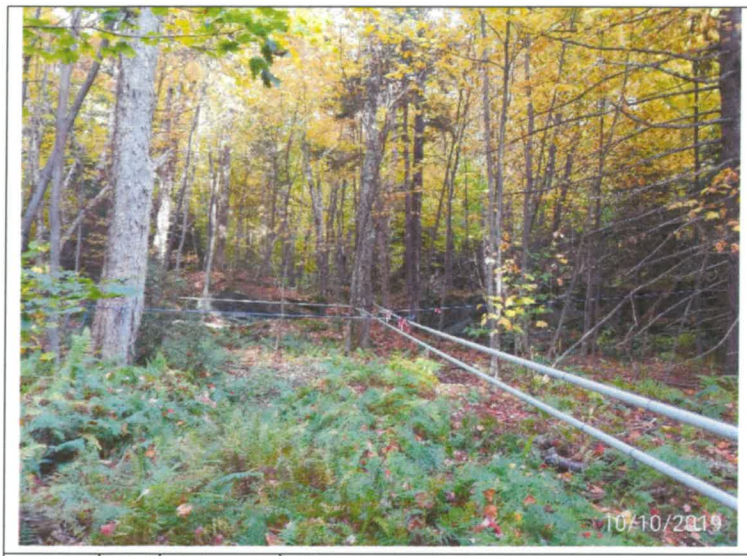

Photo 25 **Subject:** Sugaring lines on protected property

Photo 26 **Subject:** Sugaring lines on protected property

Photo 27 **Subject:** Sugaring lines on protected property

Photo 28 **Subject:** Hunting blind on protected property

Photo 29 **Subject:** View of field edge from boundary

Photo 30 **Subject:** Trail from neighboring property

Photo	31	Subject:	Summit with bare ground

Photo	32	Subject:	Summit meadow

Photo	33	Subject:	Road

Photo	34	Subject:	Trail on neighboring property

Photo	35	Subject:	Fire ring

Photo	36	Subject:	Magnificent view of rolling hills of Fayston

Photo	37	Subject:	Meadow reverting to forest

Photo	38	Subject:	Road