

INTERIM MANAGEMENT PLAN

Newbury Town Forest and Natural Area



Newbury, Vermont
November, 2017

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Executive Summary

At a special Town Meeting on September 26, 2017, Newbury voters voted to create a Newbury Town Forest, comprised of a tract on Tucker Mountain available for purchase at a reduced price by its current owners. The Option to Purchase Agreement (contract) with the seller and agreements with other funding sources (especially the Vermont Housing and Conservation Board) stipulate that an Interim Management Committee be established by the Selectboard to make recommendations on the management of the Town Forest and how best to address current needs.

The following report contains the recommendations of the Interim Committee on key issues that will need to be addressed by the Management Committee once it has been established. This report has been prepared as one requirement of the Option to Purchase agreement Item 8, letter i.

8. The following conditions shall apply to the closing contemplated by this Option:

- i) *Town of Newbury developing an interim management plan, that is consistent with the Grant, by December 1, 2017 that: (1) outlines Class IV road maintenance practices that will improve the public's (including the Owners and their families) pedestrian and three-season, four-wheeled drive vehicular accessibility on Tucker Mountain Road through the Property; (2) seriously explores providing for similar accessibility on the woods/meadow access road to the top of Tucker Mountain; and (3) provides for reasonable measures to maintain the views from the top of Tucker Mountain.*

With the submission of this report, the Interim Committee completes its assignment. However, we as individuals are prepared to work with the ongoing Management Committee which the Selectboard will appoint to help ensure the success of the undertaking.

Bob Beaulieu, Chair
Frank Tegethoff, Secretary
Courtney Blake
Mary Emerson
Tom Kidder
Joseph Parsons
Hope Saunders

Note: Much of the goal, history and property description that follows is quoted or paraphrased from the "Interim Management Plan for the Moseley Town Forest," "The Leach Forest Management Plan" prepared by Jeffrey Smith, "Part II: Rapid Ecological Assessment of the Woodchuck and Tucker Mountain Parcels" prepared by Anya Tyson and "The Leach Family Tucker Mountain History" by Tina Leach Clark.

Goal of the Management Plan

The Town of Newbury has prepared this Interim Management Plan for the Leach property, which is the subject of a Town purchase for a Town Forest. This plan is intended to inform the management of the property for an initial period following purchase, during which time a more complete and thorough plan can be developed and vetted. This plan is also intended to inform partner organizations, including the Vermont Land Trust and the Vermont Housing & Conservation Board, who will co-hold a conservation easement on the property. It will outline the Town's preliminary plans for the property and its intentions to address any anticipated management issues.

This preliminary management plan is also intended to provide guidance to contractors and volunteers (if any) who will conduct on-the-ground management activities within the Town Forest, in accordance with the restrictions in the conservation easement. The final conservation easement will be presented as Appendix 1 to this document at the time of closing. The first Full Management Plan will be adopted as soon as possible, but no later than December 30, 2018, replacing this interim document as an overall guide to use and management of the Town Forest. The Full Management Plan will be reviewed, and revised if appropriate, at regular intervals as directed in a final management plan.

Only the Newbury Selectboard ("the Town") may conduct or authorize management activities or other changes in the Town Forest. The Town will, when appropriate and/or required by the Conservation Easement and Management Plans, consult with the Vermont Land Trust and other Partners.

Financing Issues

Purchasing and assuming responsibility for a large tract of largely unoccupied land represents a concern to many Newbury voters, even among those enthusiastic about the undertaking. The efforts of many organizations and individuals have generated enough resources that the initial contribution of the town comes to only \$25,000. However voters are understandably concerned that what begins with a relatively modest outlay will increase in size over time and insinuate itself as a recurring element in the annual Town budget.

Sharing such budgetary concerns, the interim management committee unanimously proposes that road maintenance, the maintenance of views from the top of Tucker, the development of parking lots, any construction on the property, and any similar operations will be scheduled using funds from non-tax sources as they become available. Proposed maintenance and improvements will happen over time only as funds permit. Changes in land access and use can accordingly be expected to be gradual rather than sudden.

The Interim Management Committee believes that within the foreseeable future the Town Forest can become self-financing. Among the sources of potential revenue that may be tapped are the following:

- Timber concessions from Tucker Mountain.
- Sale on the commercial market of other properties owned by the town.
- Grants from state and local, public and private sources.
- Private donations (e.g., from a Friends of the Newbury Town Forest group).
- Community fundraising campaigns.
- User fees.
- Income from an endowment fund may be established using donations and other income sources.

An income sharing formula should be developed by the town and the Management Committee to determine the distribution of proceeds from the sale of timber and any other income so that a substantial percentage will be available for the continued maintenance and development of the town forest.

Among relevant financial items to be identified is the amount of tax revenue from the property purchased by the town which would otherwise be contributed by the Leach family. In our view, the annual loss of an estimated \$3650 in foregone taxes will, over the long run, be more than offset by other resources generated by the anticipated stimulus to economic development in the area.

The town may wish to create a Town Forest Management Fund as a repository for funds acquired through grants, donations, a percentage of timber harvest, and other non-tax dollars for the improvement and maintenance of the property.

We believe that the Management Committee should, as a first order of business, explore any and all avenues of resources. No possible funding sources should be excluded.

History of the Property

In the early 1800's, as land along the Connecticut River was taken up by early settlers, settlement of Newbury moved from the valley to the hills. Tucker Mountain was settled and mostly cleared prior to 1808. The *History of Newbury* by Frederick Wells tells of some of the mountain's first residents:

James [Carter] [...] settled on the highest cultivated land in town, on the hill formerly called "Carter's mountain," but now sometimes called "Tucker's mountain," from John Tucker and John W. Tucker, his son, who afterward owned a part of the Carter farm. [Carter] was a man of affairs, often being selectman, lister, etc. He built about 1810, a two storey house, still standing on the mountain [in 1902]. He was known as "Mountain Carter," and was a man of great size, and his wife, who was his cousin, was also very large, both weighing, it is said 700 lbs.

-F. Wells, 1902

The two storey house was the saltbox house that stood high on the west side of the mountain along Tucker Mountain Road. It burned in 1990. The foundation remains along with a stone storage shed and a dilapidated woodshed.

The northwestern part of the Tucker Mountain parcel was likely used as a woodlot and sugarbush for generations, whereas the eastern half of this parcel (that is north of the road) seems to have experience more concentrated agricultural and residential use. Older residents of West Newbury still remember walking to the pastures on the east side of Tucker, now overgrown, to bring the cows down to their barn on Urquhart Road for milking every day. Sheep and cows grazed in fields on the top of Tucker. There are extensive lengths of stone walls on the property and evidence of old road corridors.

Today, most of the land has returned to forest and most areas have been logged, some several times.

Back in the 1930s and 1940s and continuing until today, the owners of the land at the top of Tucker Mountain, the Atwoods and Averys, and then the Leaches, allowed picnickers to drive to the top and enjoy the view. In the past the drill was always the same - open the entrance gate, drive through, then close the gate behind to keep the grazing sheep enclosed. In the early 1970's, Phil and Ginny Leach decided to purchase the land when a company was eyeing the property for real estate development. They continued the tradition of allowing citizens who appreciated Tucker Mountain to have access to the top to enjoy the beautiful views and hold family picnics. In 1970, Ted and Debby Leach bought land that included the Saltbox house built in 1810 by the Tuckers just west of the entrance to Tucker Mountain.

Over the years the top of Tucker Mountain has been the scene for many kinds of family and civic celebrations: engagements, weddings, receptions, reunions, innumerable picnics and ceremonial spreadings of ashes. It has an important place in the history of families in the area. The creation of a Newbury forest will continue this combination of public access to and enjoyment of the area.

Recent Developments

About 494 acres of the property within the town forest area is made up of lots purchased by Philip Leach over the years. Ted and Debby Leach, Philip's son and daughter-in-law, own the 142 acre parcel on the north side of Tucker Mountain Road that is also part of the land sale. The complete 636 acre property represented by these two parcels is located on Tucker Mountain Road, a class IV road in Newbury, Vermont.

In 1992, members of the Leach family donated a conservation easement to the Vermont Land Trust, retaining the right to build two houses on ten-acre lots within the 494 acres. The appraised value of the land in 2014 was placed at \$495,000. The fair market value of the 142-acre parcel was estimated at \$274,000. Recently the Leach family offered to sell the town the 494-acre property and to forego its right to build two houses, and Ted and Deborah Leach agreed to also sell their 142-acre piece.

In negotiations with the Vermont Land Trust, the family and Ted and Deborah Leach agreed to reduce their asking price for each parcel to about half of fair market value. Following the special town meeting vote on September 26, 2017 (135 yes, 83 opposed), the Town and Vermont Land Trust are approaching the final milestones in the Option Agreements (contracts) with the Leach Family and with Ted and Deborah Leach.

During the time that the land was owned by the Leaches, the family harvested timber following a management plan created by a certified forester and approved by the Vermont Land Trust and the

county forester. As required by the Vermont Land Trust, a similar plan would be developed by the Management Committee in consultation with the county forester governing timber harvesting and any other economic uses.

Following the creation of the town forest, members of the Leach family will continue to own land nearby. Similarly, there will continue to be several additional abutting parcels in other private hands. The mechanism established by the Management Plan will specify the terms of co-existence between public and private lands such as boundaries, public access, extended trail systems and posting. Under the terms being negotiated, the public would continue to be granted access to the top of Tucker Mountain and throughout the town forest property. The public, of course, would also have access to town roads in the area.

Property Description and Landscape Context

The land that will become part of the town forest is almost entirely forested, although the top of the mountain is open and grassy and is mowed every year or two to preserve the open view. The residents of Newbury are most familiar with the bald top of Tucker Mountain, and this gentle peak will surely remain the main attraction of the Town Forest.

The forest is mixed; the predominant tree species are white pine, hemlock, balsam fir red maple, yellow birch, white ash and red oak. Over the years, there have been several logging operations in different parts of the property. Old field areas in different stages of succession are also found. The property has numerous water features. The forest contains wetlands, streams, forest swamps, vernal pools (one considered "statewide significant"), and several beaver ponds. In between Woodchuck and Tucker mountains, there are two human-created ponds. The headwaters of Meadow Brook flow westward to fill these pools and escape through small culverts beneath earthen dams. Another intermittent brook surfaces briefly on the southern boundary of the property to join Meadow Brook further downstream. Meadow Brook eventually empties in the Waits River which flows into the Connecticut River. On the eastern side, a small stream begins at a small pool just east of the summit of Tucker, joins another small brook and passes through several beaver dams, flowing eastward to join Halls Brook, another tributary of the Connecticut.

The terrain on the Tucker Mountain Forest is quite variable. Elevations range from 1,100' to 1700' at the top of the mountain. To the east the land is gentle with some level to moderately sloping ground. The western part of the property is more rolling with some steep to very steep ground. Ledge outcrops and surface stones are common, especially near heights of land and convex slopes.

The property has logging roads that lead through a variety of forest types. There is significant opportunity for additional trail development for hiking, cross-country skiing, or other uses. Stone walls, a foundation, and nearby cellar holes provide historic and cultural educational opportunities.

The land is part of a forest block of over 5000 acres, including the top of Woodchuck Mountain extending north. There is adjacent conserved land further north and also further east, as well as protected parcels adjoining the eastern portions of the property, all extending important connecting wildlife habitat between the Connecticut River valley and more remote forest regions to the northwest.

Wildlife Habitat

The Tucker Mountain forests provides habitat for a wide range of wildlife. Bears find an abundance of oak, beech, and berries on the slopes of Tucker and the adjoining Woodchuck mountains, while white-tailed deer find shelter from snow under conifer stands on the property's lower slopes. Food sources for wildlife are plentiful. Healthy red oaks in addition to moderately healthy beech stands provide a hard mast food source for rodents, deer, turkey, skunks, and bear. Logging activity in the last five years has created ideal conditions for berries. There are also a few old apple trees on the property. Striped maple, hemlock, and seeps provide browse and vegetation for herbivores during leaner times of year. Signs of moose are common and the land provides habitat for bobcats, weasels, barred owls, and many other species.

The Eastern Brook Trout Joint Venture ranks the streams as having the highest possible scores for intact brook trout habitat. There is an active beaver community, providing outdoor education and wildlife viewing opportunities. Beaver are active, continuing to work upstream from their original dam. Vernal pools on the property offer amphibian breeding habitat.

Ecologically, the frequently mowed summit might appear barren and may represent a barrier to some forest species. However, grassland-obligates species could find suitable habitat here, and a breeding bird survey might confirm this.

Any human activity in the town forest should be managed with an eye to preserving and improving wildlife habitat and water quality.

Access and Parking.

The parcel is accessible via Class IV Tucker Mountain Road. One possibility is to create two parking areas: one on the west side of the mountain near the height of land of the Tucker Mountain Road, another on the east side of the mountain along the road. Landings originally created as part of the timber extraction activity may present already cleared spaces which could be developed as parking lots without further intrusions into the existing topography.

The town has proposed that road be closed from December 1 to the following June 1 each year. Cross country skiers, snow mobilers, and other users now take the liberty of parking on land held by a private landowner. Eventually, an appropriately sized, well-designed parking area should be established on town land just outside the closed road barrier on that east side and possibly at the western gate as well. This would allow access during road closure season and as otherwise needed with minimal disturbance to the roadbed by users.

Physical Improvements to the Property.

Current Improvements

- Signage requesting user cooperation in caring for the town forest
- Implementation of an erosion restoration project based on a potential grant
- Mobilization of volunteers for maintenance, trail planning, and/or erosion control as volunteer groups step forward.

Possible future physical improvements to the property include:

- Creation of 2 parking areas on the Class IV section of Tucker Mountain Road.
- Improvements to the Class IV Road by private contractors based on the availability of funding. Any town maintenance will be according to the Town of Newbury, Vermont Highway Ordinance, Article 6:

6.3 Class 4 Town Highways. Class 4 highways are seasonal highways, which may be graded once during the summer season. Replacement/maintenance of bridges/culverts to a minimum standard is on an "as needed" basis. No winter maintenance is performed unless ordered by the Selectboard for an emergency or unusual circumstance. Abutting landowners/residents may be allowed to perform improvements/maintenance upon presentation of a detailed proposal to, and acceptance by, the Selectboard.

- Establishment of a road from the Tucker Road height of land to the top of the mountain.
- Establishing trail and road signage.
- Maintenance of current trails and exploration of future trail development.
- Placement of outhouses at convenient locations.

Management of the Property.

The future Tucker Mountain parcel possesses a diversity of managed and natural communities and species and potential for recreational and educational activities. A summary of anticipated recreational and educational use of the property are presented in this Interim Management Plan, with the knowledge that citizen participation will involve people in management issues and help to develop a Full Management Plan after the purchase of the property.

Of Immediate Concern

There is serious erosion occurring on the meadows at the top of the mountain and it continues to grow worse as users create alternate routes to the original road. Soil is washing away to bedrock in some places and rainwater is carving deep ruts in the trails. Because the mountain top is one of the salient features of this property and because the problem is complex, the interim management committee believes a more considered solution should be formulated. Any prohibitions on users should be written into the final management plan rather being stipulated in the interim plan and thereby going through modifications as one plan transitions to the next. In the interim, the committee proposes

- Signage identifying the property as Newbury Town Forest and briefly outlining our goal of preserving the Tucker Mountain environment, seeking cooperation in preventing erosion and littering, directing users other than foot traffic to stay on established roads and trails.
- Take any other steps to educate users about responsible care for the ecology of Tucker Mountain, using news media and other publicity.
- Reach out to forest groups in nearby towns to learn about their experiences in dealing with erosion prevention.

Future activities anticipated and allowed on the property include:

- Educational outings by school, adult and youth groups, user groups such as ATV clubs offering safety training, mountain bike groups using the trails for training, scout troops, 4H, etc.
- Use by the general public for activities such as hiking, running, horseback riding, snowshoeing and X-C skiing, snowmobiling (on snowmobile trails), ATV use (restricted to designated roads and trails and in respect to the Town of Newbury ATV Ordinance, Article 6.7.5) and hunting.
- Strongly encourage ATV Users join the Vermont ATV Sportsman's Association (VASA). Consult with VASA regarding trail management and possibly designating ATV trails on Tucker as VASA trails in order to encourage responsible use. (The town may wish to consider modifying the ATV ordinance and the class IV road ordinance to allow ATV use on that section of Tucker Mountain Road that crosses through the property, which is not classified as part of the purchase.)
- Consult with Vermont Association of Snow Travelers (VAST) regarding snowmobile trails on Tucker Mountain.
- Assure that all are aware of their responsibility to preserve the ecology of the town forest and uphold the spirit of the conservation easement.
- Erect appropriate signage. i.e. Parking, Property Usage guidelines, 'Carry in – Carry – Out' (to prevent littering).
- Continue brush hogging the top of the mountain and clearing trees to maintain scenic views.
- Maintain pre-existing trails.
- Woodland management as dictated in the forest plan.
- Conducting various inventories.
- Birding and wildlife observation.
- Adult education in Forestry and Upland Water Quality Improvement.
- Form an advisory committee consisting of local trail users such as hikers, skiers, ATV riders, mountain bikers, snow mobile riders, drivers and the Management Committee to determine ways to respect the land with the goal of preventing erosion, vandalism and littering and ways of supporting vegetation, wildlife, and water quality.
- Explore the creation of a road to the top of the mountain using income, gifts and grants for financing.
- Logging of timber, using 'best practices' and including in the contract language the preservation of the class IV Tucker Mountain Road.

Protection Policies

- The Newbury Selectboard may close or restrict access to Newbury Town Forest on Tucker Mountain at any time for any reason.

- All waste shall be packed out by any users.
- Any user group whose activities cause degradation to the trails or the natural ecology of the Town Forest can be prohibited by the town in order to preserve wildlife, vegetation and water quality.
- As mentioned above, steps need to be taken to prevent erosion on the top of Tucker Mountain. Signage is a good first step. Prohibiting full size motor vehicles, ATV's, horses, mountain bikes, and/or snow machines is more in the purview of an established management committee rather than the interim committee. Additionally, more elaborate signage or any blockades such as gates, boulders, or trenches will require funding. The town will be constructing gates on Tucker Mountain Road and these may help control traffic on the top. It will be interesting to observe and learn their effectiveness as a gating off the top is one possibility if we decide to enforce access limitations
- Camp fires and/or camping will be addressed in the final management plan.

Forest Management

There is currently a Forest Management Plan completed for the larger portion of the property. Timber inventories have been prepared for both portions of the property (Attached, Appendix 2 and 3.) The plan and inventories were prepared for the Leach family by Jeffrey Smith, Thetford Center Vermont, of Butternut Forestry. As forester for the Leaches, Jeffrey is prepared to make available all reports and data once the land is transferred should we choose not to continue with his services. The County Forester, David Paganelli, can provide assistance to Towns in the management of their forests in Orange County. The Interim Management Committee will consult with David Paganelli during the first year of ownership on any plans for future forest management and stewardship.

Partners and Contact Information

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Signed:

By: Town of Newbury Selectboard:

Alma Roystan, Chair: Alma Roystan

Brian Emerson: Brian Emerson

Stephen C. Cole: Stephen Cole

Date: November 29, 2017

Witness to Municipal Signatures: Peggy Hewes

Appendices and References:

Appendix 1: Grant of Development Rights, Conservation Restrictions, and Public Access Easement

Appendix 2: Timber Inventory, Leach Family Property

Appendix 3: Timber Inventory, T. and D. Property

Appendix 4: Letter from Orange County Forester

Appendix 5: Property Maps

Appendix 6: Ecological assessments/reports

Appendix 7: Additional related notes and emails