

EMTI – Trail Obligations (by trail)

### **Ormsbee – Trail Easement – November 2015**

- Holder: East Montpelier Trails, Inc. (EMTI)
- Size: Trail shall not exceed **8 feet in the 25 foot corridor**
- Notice to owners: **two weeks notice** to owners by **certified mail** prior to **relocation** within the corridor, initial trail **installation**, and **major maintenance** activity

**Need to look at Conservation Easement for Ormsbee.**

### **Clark – Trail Easement – October 2013**

- Holders – VHCB and EMTI
- Size: Trail shall not exceed **8 eight feet in width within the twenty five 25 foot wide Corridor.**
- Holders have the right to construct, manage and repair a trail – including installing waterbars, steps, trail surface structures, bridges, and culverts as necessary to cross surface water
- Location: Trail may be relocated within the Corridor in holders' sole discretion after giving notice to owners.
- Notice: Prior to initial trail installation, trail relocation, and major maintenance activities holders shall give owners at least **two weeks' notice by certified mail** return receipt requested.
- Schedule B includes a description of trail corridors A, B, and C
- Schedule C includes a map of the three trail corridors – A, B, and C

Clark – Development Rights, Conservation Restriction – June 2006

- Grantees: VLT, VHCB and Vermont Agency of Agriculture
- Permitted uses of the property: right to clear, construct, and maintain trails for non-commercial walking, riding, skiing and other non-commercial, non-motorized recreational activities within and across the protected property.

### **Mallory – Easement February 2005**

- Right to clear, construct, and maintain trails for non-commercial walking, horseback riding, skiing, and other non-commercial, non-motorized recreational activities within and across the protected property all in a manner consistent with the purposes of this grant; non-commercial snowmobiling may be permitted at the discretion of the land owners.
- Within the Surface Water Buffer Zone (SWBZ), stream crossing for purposes of trails are permitted, but shall be avoided in those areas lying within 125 feet from each bank of the Bennett and Mallory Brooks, beginning where they enter the property at its northern boundaries, extending downstream to the confluence of Bennett and Mallory Brooks, and beyond that confluence for an additional distance or 2000 feet along Mallory Brook
- Stream crossings for trails and trail construction are exempt from the limitations in the SWBZ in the easement.

- The number and width of such crossings shall be kept to a minimum and crossings shall include the installation of all erosion control devices and employ all recommended practices described in the AMPs
- In the Fen Area, Red Spruce-Balsam Fir Hemlock swamp and Fen/cedar swamp area, all trails should be for educational and pedestrian purposes only and should be located to avoid alteration of surface and subsurface water flows into and out of these wetlands. Disturbance within these areas shall be kept to a minimum
- Protected property is available to the **general public** for all the of non-commercial, non-motorized **dispersed recreational and educational purposes**, (right to roam?) including bird watching, cross-country skiing, fishing, hiking, hunting, show shoeing, swimming, trapping, walking and wildlife conservation. Equestrian access is at the discretion of the owner.
- Owners may limit public access to protect public health or safety to assure compliance with the terms of the easement
- Grantees may designate **EMTI or town** or another designee as **managers** of the public access that shall enter a separate management agreement with the owner (PUMP).
- Grantees and owners shall work to resolve issues with respect to public recreational access. Issues not resolved shall be submitted to arbitration. Arbitrator selected by the parties or by the American Arbitration Association. Cost shared by the parties.
- **NOTE: we may want to look at the forestry plan re cutting trees in the trail easement area**

### **Mallory Brook – (from PUMP) October 2004**

- PUMP reviewed and approved without revisions at EMTI meeting in 2017 (**Which meeting?**)
- EMTI is designated recreation trail manager – VHCB and VLT (easement holders) delegate responsibility to EMTI to oversee and coordinate construction and management of public recreation trails
- Conservation easement provides **general pedestrian access** to the property with the exception of the 15-acre homestead complex, as well as public access to multi-use trails to be constructed and maintained by EMTI. Right to roam?
- Property is within a short walk of the **EM elementary school**, offering outstanding opportunities for environmental education
- Trail signs: EMTI is responsible for posting **trail signs**. A sign to commemorate the completion of the project acknowledging the partners will be erected and maintained on the site.
- Location: EMTI has designated rough locations of its proposed trail corridor
- EMTI will continue to consult **experienced trail designers** to ensure that the trail layout maximized ecological, aesthetic and educational goals
- EMTI will ensure that the trail is kept **usable and safe** by monitoring and maintaining signs, clearing brush, solving erosion problems
- **Notice/Review: Before** building or modifying additional trail segments or relocations, the trail **plan will be reviewed** again by VHCB (Mark) and VLT (Sumana)
- Consultation with landowner: **Trail layout will be designed in consultation with the landowner** to maximize mutual goals and minimize potential conflicts

- **Update PUMP:** Easement holders delegate to EMTI the responsibility to revise and update the PUMP with the cooperation of the Town and the landowner **every ten years**. EMTI may request that the parties (VHCB, VLT, Town, landowner, EMTI) agree to a modification of the PUMP.
- Parking – EMTI or landowner may with permission construct small (5-10 car) pull-off areas at Cherry Trill access or Johnson Road access as necessary.

### **Sparrow Trail Access Easement – June 1995**

- Holders – Vermont Land Trust, VHCB, VLT, Town of EM
- Right to construct and maintain a trail
- Uses: public pedestrian recreational use, horseback riding, bicycling and snowmobiling; no motorized except snowmobiling, no camping, no fires
- Must **notify** grantor of the entity or **organization that will be responsible for maintenance and management** of the trail and secure **prior written approval of grantor** concerning said organization.
- **Size: Improved portion** may not exceed the **one rod width (16.5 feet)** of the **easement area**
- Surface: Trail may not be graveled, paved or otherwise improved beyond its natural condition without **prior written consent** of Grantor
- Owner may not cut trees within the access easement
- Prompt written notice of violations by Grantee or Grantor – if not corrected, arbitration

### **Sparrow - Access Easement Liability agreement – June 1995**

- Owner, VHCB, VLT, **EMTI** and Town agree:
- Grantees have the right to construct, maintain a trail
- Owner, VHCB, VLT, **EMTI** and Town agree to use best efforts to **secure a designation as a component of the Vermont Trail System**
- Includes provisions addressing what happens if owner is not able to obtain liability insurance by virtue of public's use or the trail

### **Chapell – Grant of Access Easement – July 1994**

- Grantees: VLT, VHCB, Vermont Department of Agriculture
- Size – easement is **one rod in width (16.5 feet)**; improved portion shall not exceed **6 feet within the one rod easement area**
- Surface - natural
- Location: on a plan titled – “Vermont Land Trust – Chapell-Bair Property” or such other location as is **mutually approved in writing** by Grantors and Grantees
- **Location** may be altered by mutual consent of parties (VLT, VHCB, Dept of Ag)
- Permitted uses: non-motorized, public pedestrian recreational use;
- Additional uses with **prior consent of owners**: easement may be used for horseback riding, bicycling, snowmobiling and other non-pedestrian recreational activities (no camping, no fires)
- Grantees shall notify Grantor of the name of **the entity** that will be responsible for maintenance, management and **liability** for the easement area
- Grantees may limit public access and erect signs

- Grantees shall consult with Grantor from time to time and take reasonable steps to correct erosion problems
- Grantor shall not cut any timber or trees within the easement area, except grantor may remove dead, diseased or dying trees.
- Grantees may clear brush to maintain the trail and to maintain existing vistas from the trail and may remove dead, dying or diseased trees which pose a safety risk to trail users
- Grantees may clear vegetation to establish new scenic vistas along the trail with prior consent of the owner.
- Grantees shall consult with owners from time to time about the public use and access and shall take reasonable steps to correct any erosion problems caused by public use

### **Chapell/Bair Path Management Agreement July, 1994**

- Parties agree to have the **EMT Committee** to be the entity or organization responsible for **maintenance and management** of the trail
- **Liability protection** is accorded through Vermont's Landowner Liability law and is **not** the responsibility of the **EMT Committee**

### **Bair Grant of Access Easement - June 1994**

- SAME AS CHAPELL

### **Holden Grant of Development Rights and Conservation Restrictions - November 25, 1991**

- Grantee: Vermont Land Trust
- Uses: Grantee has the right to construct and maintain **trails** for walking, horseback riding, skiing, and other non-motorized recreational activities; snowmobiling may be permitted at the discretion of Grantor
- Size: Public access **two a two-rod footpath (33 feet)** – non-motorized, pedestrian
- Grantee shall notify the grantor of the **entity that will be responsible for the maintenance and management of the footpath**
- Location: Footpath located substantially as depicted on the **Holden Conservation Plan**

### **Cleaves – Grant of Development Rights and Conservation Restrictions - June 1991**

- Grantees: VLT, VHCB, Town, Vermont Department of Agriculture
- Grantor/owner has the right to construct and maintain **trails** for walking horseback riding, skiing, and other non-motorized recreational activities; snowmobiling may be permitted at the discretion of Grantor
- Size: Public access **two a two-rod footpath (33 feet)** – non-motorized, pedestrian
- Grantee shall notify the grantor of the **entity that will be responsible for the maintenance and management of the footpath**

- Footpath located substantially as depicted on the **Cleaves Farm Plan** or such other location mutually agreed upon by the parties
- Grantees may limit public access in the public interest
- Grantees shall consult with Grantor from time to time about use and maintenance and shall take reasonable steps to correct erosion problems