

Ashley Community Forest Management Agreement
Town of Sharon
Town of Strafford
Alliance for Vermont Communities
Vermont Land Trust

I. Background: The Alliance for Vermont Communities, a 501c3 non-profit incorporated under the laws of Vermont, proposes to donate to the Town of Sharon and to the Town of Strafford as tenants in common a 218+/- acre property (Sharon ID number R17958.S3, Strafford ID number 05.488) further described in the Strafford land records at Book 94, Pages 6-8. The property is most easily accessed via Nutting Road in Strafford. The donated property is proposed to be managed jointly by the two towns as the “Ashley Community Forest,” which is envisioned to be a community asset to provide a place for outdoor recreation, natural resource education, wildlife habitat conservation, historic preservation, sustainable timber harvest, scenic beauty, and as a new source of community pride and cooperation for the residents of Sharon and Strafford. The property will be permanently protected by a conservation easement held jointly by the Vermont Land Trust and the Vermont Housing and Conservation Board. This Management Agreement is designed to provide guidance to the parties regarding the terms of the donation and to create a functional management structure for the community forest including provisions to ensure long-term fiscal stability.

II. Conservation Context: The Alliance for Vermont Communities (AVC) purchased the property on June 6, 2018 from Rosamond Ashley through her niece and guardian, Holly Kicklighter. The property was purchased in recognition of its significant natural resource values and its strategic location near two other properties that have been conserved including the Manning Farm (conservation easement held by the Upper Valley Land Trust) on Robinson Road and the Robinson Farm (conservation easement pending by the Vermont Land Trust), which lies at the junction of Fay Brook Road, Nutting Road, Robinson Road and Brook Road. At the time of the acquisition by AVC, there was strong concern that the property may be vulnerable to development as part of a large scale proposal known as NewVistas. AVC desired to maintain the current land use for agriculture and forestry while also creating new opportunities for outdoor recreation and citizen participation in a community forest. Both Sharon and Strafford had gone on record as being opposed to the NewVistas development by votes at the 2017 Town Meetings.

Historically the property was settled as a farm with evidence of the historic homestead at the entrance to the land at the end of Nutting Road. This area includes a substantial cellar hole, barn foundation, stone walls, and dug well - all in very good condition. There are also remnant fields and a significant stand of black locust, both likely the result of the abandoned farmstead. There are also signs of past logging and recreational use including a significant loop trail built by a small bulldozer or excavator that provides dual access to the center of the property for logging and for recreation. Part of this trail is currently used as a snowmobile trail. The forest shows signs of past logging with a mix of northern hardwood (dominated by sugar maple, ash,

beech, and birch) species, mixed with some hemlock, red oak, white pine and hop-hornbeam. The soils and terrain make it a productive site with good potential for forest management and for new recreational trail development. The property contains a significant wetland near the end of Blake Hill Road. (add 5 acres of fields, brook on east side and west side {Fay Brook?}) Most of the property drains into Fay Brook, which is a significant tributary to the White River. Collectively these natural resources make the Ashley Community Forest a highly desirable site for a multiple use conservation management strategy that should provide numerous public benefits.

III. Establishment of the Community Forest: AVC proposes to donate the property to the Towns of Sharon and Stafford conditioned upon it becoming a municipally owned community forest that is managed for its conservation values and for the benefit of the citizens of Sharon and Stafford. The two towns would take ownership as “tenants in common” a real estate situation where two (or more) parties own a property jointly. This structure was chosen as it ensures that each town has ownership rights in the whole property and it properly recognizes that the Ashley Community Forest belongs to both towns in equal proportion governance wise not acreage, right?.

Both towns will be expected to initiate the Ashley Community Forest by vote at a Special Town Meeting tentatively set for late 2019 Discuss potential dates The warrant article shall include language adopting a management framework that encourages cooperative decision making with the other town and, as needed, consultation with the Vermont Land Trust and Vermont Housing and Conservation Board as co-holders of the conservation easement. VLT will be the stewardship manager.

The entire property will be subject to a conservation easement held by the Vermont Land Trust and the Vermont Housing and Conservation Board. The Conservation Easement will prevent subdivision, mining, residential or commercial development, and require that agriculture, forestry and recreation be practiced in accordance with a management plan to be approved by both towns and the easement holders.

IV. Community Forest Committee: The parties to this agreement agree that the management of the Community Forest shall be by a five member Ashley Community Forest Committee (ACFC). The members of the ACFC shall be appointed as follows:

- Two members appointed by the Sharon Board of Selectmen
- Two members appointed by the Strafford Board of Selectmen
- One member appointed by the Alliance for Vermont Communities for an initial 3 year term. After the initial three year term, this seat shall be filled by a member of the public who has specialized knowledge in forestry, outdoor recreation, natural resource management, cultural resource management, or other knowledge that will assist the ACFC in carrying out its duties. This member shall be confirmed by the ACFC by majority vote of the remaining members.

Once constituted, the ACFC shall elect one of its members to be chairperson, one of its members to be treasurer, and shall make arrangements for regular minutes to be kept of its meetings.

The ACFC shall meet at least quarterly and may meet more frequently as determined by the chairperson. A quorum of at least three members is required to have an official meeting.

Decisions will be made by majority vote with a simple majority required for passage of a motion or resolution.

The ACFC shall be considered a “public body” whose meetings are open to the public under the Vermont open meeting laws. Notice of the meetings must be given in advance, the public may attend meetings, and minutes will be kept and posted in accordance to the procedures established by the Town of Sharon, Town of Strafford and the Vermont Secretary of State. The ACFC may meet in non-public session when sensitive matters are being discussed as provided for in the Vermont open meetings laws.

V. Management Decision Making: The ACFC shall be responsible for the day-to-day and year-to-year management decisions for the community forest. This requires that the Sharon Selectboard and Strafford Selectboard delegate their management authority to the ACFC. The exception is the right to acquire or dispose of real estate interests, which is retained by the Strafford Selectboard and Sharon Selectboard. Hmm, I’m not sure what is meant regarding “acquire or dispose of real estate interests” Have we talked about this?

The Ashley Community Forest Committee shall be responsible for:

- Development of a management plan for the community forest with meaningful public input from the citizens of Sharon and Strafford. This management plan is required under the conservation easement and subject to easement holder approval. *What is the term of this plan? 10 years?*
- Development and maintenance of trails and recreation facilities including trail construction, trailhead parking, signs, and establishing maintenance agreements with third party recreation stewardship groups such as the local snowmobile club.
- Vegetation management activities including timber harvest, wildlife habitat improvements, field mowing, invasive species control, vista improvement, or efforts to protect rare threatened or endangered species.
- Historic preservation efforts including stabilizing historic cellar holes, stone walls, etc. or establishing agreements with third parties to conduct historical or archeological research.
- Outdoor education efforts designed to aid citizens, especially children, with understanding and appreciating the community forest. Special efforts should be made to engage The Sharon Elementary School, The Newton School, and The Sharon Academy.
- Expenditures to pay for contractors or materials related to the stewardship of the community forest.

Emergency decisions to respond to a fire, natural disaster, search and rescue, or where there is an immediate threat to life or personal property can be made outside of ACFC by the local Selectboard or emergency first responders.

Every effort will be made to manage the property spanning two towns cooperatively as an integrated unit. By working together, both communities will benefit. Some tangible examples of why a cooperative approach is preferred include:

- A unified trail system that accesses Sharon and Strafford properties to provide the best recreation experience.
- A unified approach to commercial forestry operations whereby logging infrastructure can be designed to follow the natural terrain and to have access to the best sites for log landings and equipment access, regardless of political boundaries.
- A unified approach to natural resource decisions to deal with invasive species, wildlife habitat, ecological features, and carbon sequestration based on the long-term health of the forest regardless of political boundaries.
- A collaborative approach to outdoor education so that students from Sharon and Strafford both learn about the Ashley Community Forest as an example of exemplary natural and cultural resource stewardship and small town cooperation.

VI. Funding of the Community Forest: The Ashley Community Forest is presumed to have both revenues and expenses in both the short term and the long term. Revenues are likely to come from periodic timber harvesting and possibly from fundraising efforts, fees from special events, agricultural or forestry leases (potentially for hay, pasture or maple sugaring) or sale of carbon credits or other ecosystem services. Expenses are likely to be for stewardship of the community forest including development and maintenance of access roads and trails; installation and maintenance of signs; mowing of fields; maintaining parking and access; conducting stewardship activities such as invasive species treatment or wildlife habitat improvement projects; pre-commercial forestry practices; and occasional special projects. Because timber harvest revenues are likely to flow only periodically, perhaps every 5-10 years, and because stewardship expenses will occur more frequently, there will be a need to have funding mechanisms that can be managed over long periods of time.

To manage revenues and expenditures in line with the cooperative management structure, the parties to this agreement agree to establish the Ashley Community Forest Management Account (“Management Account”) at the Town of Strafford (or Sharon) with the Trustees of Public Funds acting as the fiduciary agency. By establishing the account as a trust account, separate from the other municipal funds, it will ensure that it cannot be diverted to another purpose and that it will be invested professionally with the hope that it will grow over time.

Management Account Revenues: The Management Account will be seeded with \$20,000 provided by the Alliance for Vermont Communities to assist the Ashley Community Forest with startup costs. Thereafter, any revenues generated from the

Ashley Community Forest through timber harvest or other means shall be deposited in the Management Account.

If there is a need for additional revenue to meet certain management obligations or to achieve certain goals for the community forest, then the Ashley Community Forest Committee may undertake private fundraising, pursue public grants using the management account as a source of match, or approach either Strafford or Sharon for a direct appropriation through the municipal budgeting process controlled by the Board of Selectmen and Town Meeting.

Management Account Expenditures: The Management Account will be used exclusively for activities that the ACFC decides provide a tangible benefit to the Ashley Community Forest. To qualify, the activity need not be located exclusively on the community forest lands - for example, improvements to an adjacent property that improve access or buffer the community forest might be eligible for funding, as would be the purchase of additional lands to expand the forest. Or a grant to support environmental education activities that occurs primarily in the local schools but have a curriculum element about the community forest may qualify. The Management Account may not be used for any other purpose other than the benefit of the Ashley Community Forest.

The Treasurer of the ACFC shall be responsible for all record keeping of revenues and expenditures and shall be responsible for coordinating with the Trustees of Public Funds. The treasurer will also provide regular reports to the full ACFC of the current fiscal status of the Management Account.

The treasurer and/or the Trustees of Public Funds shall also provide an annual report to the Sharon Board of Selectmen and Strafford Board of Selectmen of the balance sheet of the Management Account and any other notable details of the fiscal position of the community forest.

VII. Property Taxes: To minimize the carrying costs for the community forest, both towns agree to exempt the community forest property from municipal property taxes.

VIII. County Foresters: In Vermont, county foresters employed by the Department of Forest Parks and Recreation are available to assist towns with stewardship of municipally owned town forests. The parties to this agreement agree that they wish to have one single management plan and a unified management strategy despite the community forest falling into two counties. It shall be the responsibility of the ACFC to approach both the Windsor County Forester and the Orange County Forester to seek appropriate guidance and to encourage collaboration and/or designation of a lead county forester to assist both towns in the management of the community forest.

IX. Conservation Easement: The Ashley Community Forest will be permanently protected by a conservation easement to be donated by the Alliance for Vermont Communities to the Vermont Land Trust and the Vermont Housing and Conservation Board as co-holders. The donation of land to the Town of Sharon and Town of Strafford will be subject to this easement.

Prior to finalizing the conservation easement, the membership of the ACFC, the Strafford Selectboard and Sharon Selectboard will be responsible for reviewing the terms of the conservation easement and will be given ample opportunity to comment on any drafts prior to the documents being recorded.

Once the Ashley Community Forest is created and the Ashley Community Forest Committee is managing the property any conflicts between the Conservation Easement and the direction of the ACFC or Management Plan will be resolved in favor of the Conservation Easement as the controlling document.

X. Amendment of Agreement

This agreement may be amended with the written consent of all of the parties including the Sharon Selectboard, Strafford Selectboard, and the Alliance for Vermont Communities. In the event of any amendments, then the parties will also send notice to the Vermont Land Trust and the Vermont Housing and Conservation Board as co-holders of the Conservation Easement.

XI. Dissolution & Transfer:

If one town decided that the Ashley Community Forest is not serving the needs of the community or otherwise decided not to maintain its ownership of the property, then they may dissolve the Tenants in Common ownership provided that they donate their interest to the other town at no cost resulting in the remaining town owning 100% interest in the land.

If both towns were to decide that the Ashley Community Forest is no longer desirable as a conservation property and the other town did not want to acquire the remaining interest, then the restricted fee interest can be donated at no charge to the Vermont Land Trust, who may arrange for an alternate entity to own the restricted fee interest provided that they use any proceeds of this transfer in furtherance of its conservation mission.