

MEMORANDUM

**TO:** Senator Peg Flory, Senate Institutions Committee Chair  
Representative Alice Emmons, House Corrections and Institutions Committee Chair

**THRU:** Deb Markowitz, ANR Secretary *DM*

**THRU:** Michael Snyder, FPR Commissioner *MS*

**FROM:** Mike Fraysier, ANR Lands Director *M.F.*

**DATE:** February 23, 2015

**SUBJ:** **Proposed Joint Resolution Pertaining to State Lands**

Accompanying this memorandum is a proposed Joint Resolution Pertaining to State Lands authorizing the Commissioner of Forests, Parks and Recreation to proceed with two land transactions as follows: (1) to convey limited rights-of-way to five property owners across the so-called "Swift Road" at Proctor Piper State Forest in Cavendish, and (2) to convey the 137 acre "Hospital Block" of Camel's Hump State Park in Duxbury and an adjacent 32.3 acre State-owned parcel known as the "Father Logue's Camp" property to the Town of Duxbury for use as a town forest, subject to a conservation easement to be conveyed to the Duxbury Land Trust. Maps of both proposals are attached.

(1) Five property owners currently own forest land in the Town of Cavendish that abut and collectively are nearly surrounded by Proctor Piper State Forest. Access to these parcels has been via the so-called "Swift Road" which runs from a Class III town highway (TH #38) across a short section of state forest land to private lands owned by others. The legal status of the Swift Road has long been in question (since the late 1960's). Although we have found documentation that a road was established by the Town in this area in 1830, it was subsequently discontinued in 1832 by the Town. It is not clear whether this road was the Swift Road. While the landowners have not clearly demonstrated that they have a legal right to use this road to access their property, the Department recognizes that the Swift Road provides the only practical way for these landowners to get to their property. To remedy this situation, the Department is proposing to convey limited, non-exclusive rights-of-way along the Swift Road to each of the landowners. Use of these rights-of-way would be restricted to the existing five lots as they currently exist and would be further limited to forestry uses and access to a maximum of one seasonal camp per lot. Maintenance of the Swift Rd. would become the responsibility of the private landowners. In addition to providing legal access to the landowners, this proposal would help to ensure that these parcels remain

forested and largely free of development and would clarify maintenance responsibilities associated with use of this road. In recognition of these public benefits, the Department believes these rights-of-way should be conveyed to the landowners at no cost.

(2) The second proposal would involve the conveyance of a 169.3 acres of state land in Duxbury to the Town of Duxbury for use as a town forest. This property is composed of two parcels: the 137 acre "Hospital Block" portion of Camel's Hump State Park currently under the management of the Department of Forests, Parks and Recreation (FPR) and the adjacent 32.3 acre "Father Logue's Camp" parcel currently under the control of the Department of Buildings and General Services (BGS). These parcels would be conveyed to the Town subject to a conservation easement to be conveyed to and held by the Duxbury Land Trust and would only be used for forestry, conservation and recreation purposes. The Town of Duxbury has expressed an interest in obtaining this property for these purposes and will be voting on this proposal at Town meeting Day. This transaction would be contingent on the Town voting to accept these parcels as a town forest and the transfer of the Father Logue's Camp property from BGS to FPR along with other conditions described within the proposed Joint Resolution.

At your convenience, we are prepared to discuss both of these proposals in detail with your respective committees. Thank you.

enc.

cc: Sue MacMartin, Legislative Council  
Penny Carpenter, Legislative Council  
Meghan Purvee  
Craig Whipple  
Kate Willard

**Proposed Joint Resolution for Year 2015 Legislative Session:**

Whereas 10 V.S.A. §2606(b) authorizes the Commissioner of Forests, Parks and Recreation to exchange or lease certain lands, with the approval of the General Assembly, and

Whereas the General Assembly considers the following actions to be in the best interest of the state, now therefore be it

Resolved by the Senate and House of Representatives:

Resolved: That the Commissioner of Forests, Parks and Recreation is authorized to

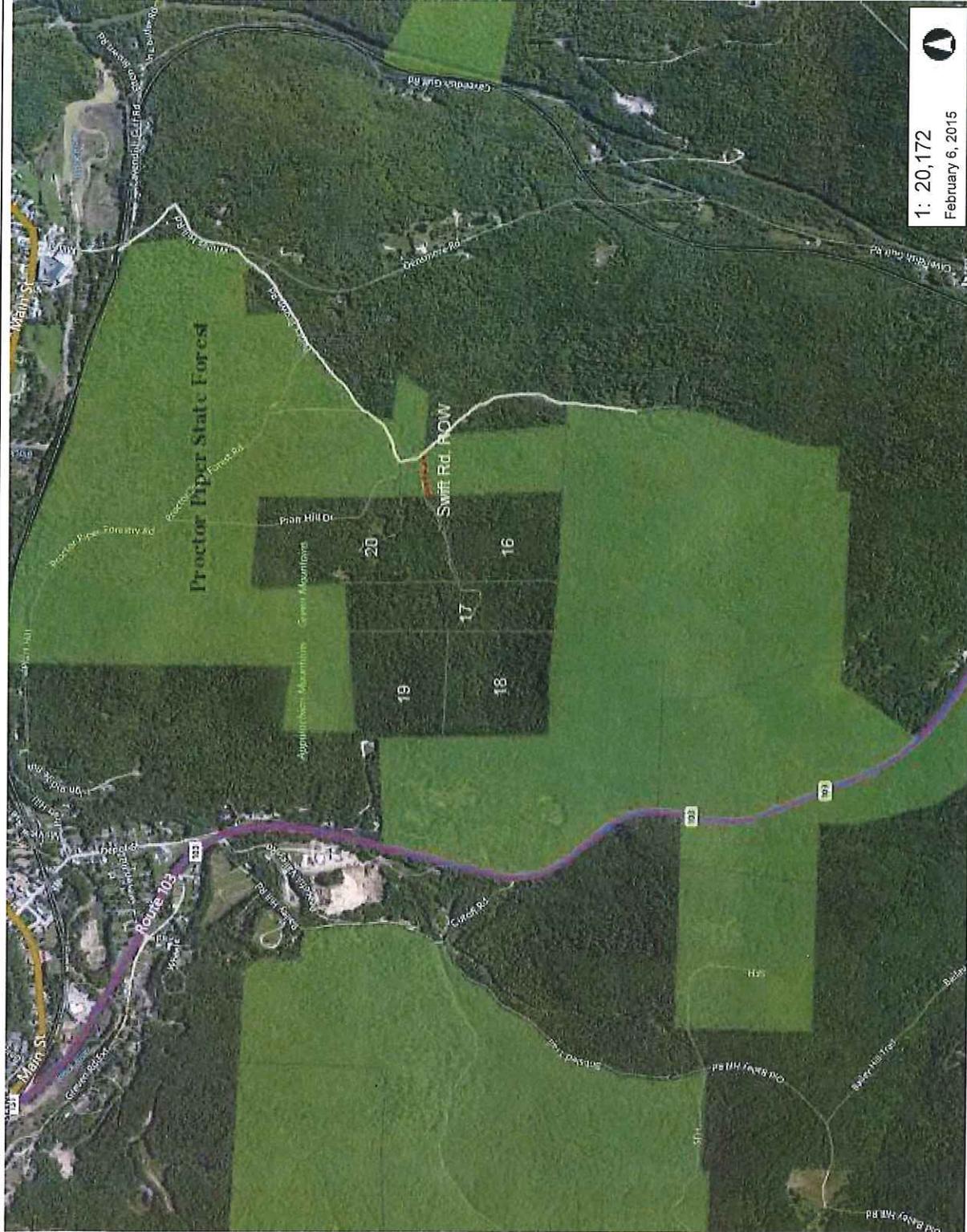
- (1) Convey a limited right-of-way in common along a road known locally as the "Swift Road" at Proctor Piper State Forest in Cavendish to the owners of Lots 16, 17, 18, 19, and 20. These rights-of-ways shall be non-exclusive in nature and shall be limited to forestry and recreational access to the existing lots only, including the right to access no more than one seasonal recreational camp on each of the existing five lots, and do not include the right to install utilities of any kind within the right-of-way. The cost of maintaining, repairing and reconstructing the access road and any associated structures within the right-of-way shall be the sole responsibility of the owners of parcels 16, 17, 18, 19, and 20. In consideration of the public benefits associated with this action, these rights-of-way would be conveyed to the landowners at no cost. The conveyance of these rights-of-way shall be conditioned on the owner Lot 20 first conveying rights-of-way to the owners of lots 16, 17, 18, and 19 allowing permanent vehicular access across Lot 20.
- (2) Convey a 137 acre portion of Camel's Hump State Park and an adjacent 32.3 acre state-owned parcel known as the "Father Logue's Camp" property in the Town of Duxbury to the Town of Duxbury for use as a municipal forest. The parcels to be conveyed shall be used by the Town of Duxbury for forestry, conservation, and recreation purposes only. To insure these purposes are upheld, the Department shall convey a conservation easement encumbering these parcels to the Duxbury Land Trust. In consideration of the public benefits associated with these transactions, these parcels shall be transferred to the Town at no cost. These transactions are conditioned on (1) the approval of the Town of Duxbury Selectboard to accept these lands as a municipal forest, (2) approval by the Duxbury Land Trust to accept and steward a conservation easement on these lands, (3) the transfer of the Father Logue's Camp Parcel from the Department of Buildings and General Services to the Department of Forests, Parks and Recreation, and (4) the Town of Duxbury shall be responsible for any and all associated costs (legal, survey, permitting, etc.) that may be necessary to complete these transactions.



# Cavendish Proposal

Vermont Agency of Natural Resources

vermont.gov



## LEGEND

- Managed Lands**
- State Forest, Fee ownership
  - State Park, Fee ownership
  - Non-fee interest
- Town Boundary**

1: 20,172  
February 6, 2015

1,025.0 512.00 1,025.0 Meters

0 1681 Ft. 1cm = 202 Meters

1" = 1681 Ft. 1cm = 202 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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## NOTES

Map created using ANR's Natural Resources Atlas



# Duxbury Proposal

Vermont Agency of Natural Resources

vermont.gov



## LEGEND

- Managed Lands**
- State Forest, Fee ownership
  - State Park, Fee ownership
  - Non-fee interest
- Town Boundary**

1: 40,345  
February 6, 2015

## NOTES

Map created using ANR's Natural Resources Atlas

2,050.0 0 1,025.00 2,050.0 Meters

1" = 3382 Ft. 1cm = 403 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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