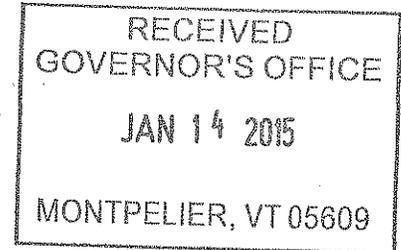


State of Vermont  
Department of Forests, Parks and Recreation  
One National Life Drive, Davis 2  
Montpelier, VT 05620-3801  
www.vtfpr.org

Agency of Natural Resources

[tdd] 800-253-0191



MEMORANDUM

**To:** Sarah London, General Counsel  
**From:** Kate Willard, FPR Lands Division *KW*  
**Date:** January 9, 2015  
**RE:** Governor's Approval for Accepting a Property Donation:  
43 +/- acres in the Town of Middlesex from Phelps Hoyt

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This acquisition comes as a donation from Phelps Hoyt. Included with the Governor's approval memo are maps of the property and surrounding area and minutes from the Town of Middlesex Selectboard meeting held on January 28, 2014 showing support for the acquisition.

If you have any questions regarding this acquisition, please contact me at 272-3365 or at [kate.willard@state.vt.us](mailto:kate.willard@state.vt.us), thank you.

## MEMORANDUM

**TO:** Peter Shumlin, Governor

**THROUGH:** Deborah L. Markowitz, Secretary, Agency of Natural Resources *DM*

**FROM:** Michael C. Snyder, Commissioner, Department of Forests, Parks & Recreation *MCS*

**DATE:** January 6, 2015

**SUBJECT:** Approval for Acquisition of the 43+/- acre Property, Middlesex

Your approval is requested pursuant to Title 10, Chapter 83, Section 2606(a), VSA, for the acceptance of the acquisition referenced above. This acquisition was reviewed and recommended for acquisition by the Agency of Natural Resources Land Acquisition Review Committee on 12/6/2013 and subsequently approved by the Secretary on 2/2/2014.

### Description

The Hoyt parcel is located adjacent to an outlier parcel of CC Putnam State Forest and in close proximity to the Middlesex Town Forest and Middlesex Notch Wildlife Management Area. It includes a number of natural resources including headwater streams, a large stand of bear scarred American Beech trees and a segment of a ridgeline that extends north to the main section of CC Putnam State Forest in the Worcester Range. Conservation of the Hoyt parcel will nearly complete a continuous area of publicly owned land from I89 to the Worcester Range summits.

### Ownership and Management

The property will be owned and managed by the State of Vermont, Department of Forests, Parks and Recreation as part of C.C. Putnam State Forest. Specific uses of the property will be determined through the ANR long range management planning process. In the interim, the property will be available to visitors for dispersed, pedestrian public access.

### Budget and Funding

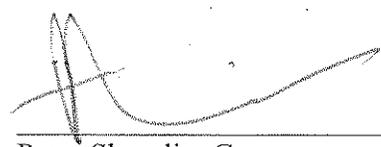
The property will come to the State of Vermont as a donation from Phelps Hoyt. Associated closing costs are expected to be approximately \$2,000 and will be paid with funds included in the Lands Administration Division's budget. A closing is planned for February, 2015.

APPROVAL FOR LAND ACQUISITION

We, the undersigned, hereby approve the acquisition by the State of Vermont, Agency of Natural Resources, Department of Forests, Parks and Recreation, of a 43+/- acre property, located in the Town of Middlesex, from Phelps Hoyt.

This approval is pursuant to Title 10, Chapter 83, ss 2606 (a) VSA for acceptance of the land acquisition referenced above.

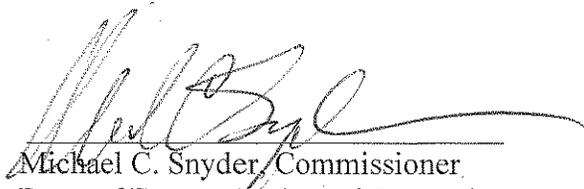
1/15/15  
Date

  
Peter Shumlin, Governor  
State of Vermont

\_\_\_\_\_  
Date

  
Deborah L. Markowitz, Secretary  
Agency of Natural Resources

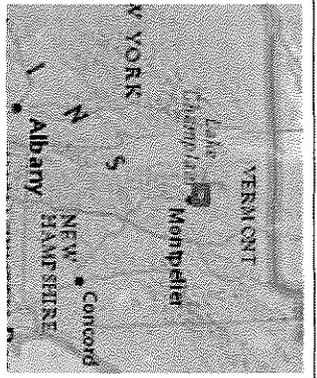
1-9-15  
Date

  
Michael C. Snyder, Commissioner  
Dept. of Forests, Parks and Recreation



3,765.0  
0 1,892.00 3,765.0 Meters  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Vermont Agency of Natural Resources  
1" = 6176 Ft. 1cm = 741 Meters  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



**LEGEND**

- Wildlife Management Areas
  - Fee ownership
  - Non-fee interest
- Riparian Lands
- Other Managed Lands
  - Fishing Access Areas
  - Green Mtn. Conservation Camps
  - Fish Culture Stations
  - FWD easement property
- Managed Lands
  - State Forest, Fee ownership
  - State Park, Fee ownership
  - Non-fee interest
- Conserved Lands
  - Housing and Conservation Board
  - Local Government
  - Private Organization
  - US Dept. of Defense
  - US Fish and Wildlife Service
  - US National Park Service
  - UVM and State Colleges
  - VT Dept. Buildings and General Services
  - VT Division for Historical Preservation
- Town Boundary

**NOTES**

Map created using ANR's Natural Resources Atlas

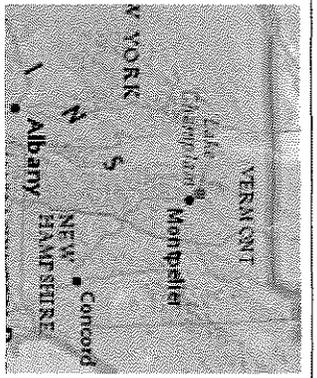


1: 18,527  
January 7, 2015



941.0  
0 470.00 941.0 Meters  
1" = 1544 Ft. 1cm = 185 Meters  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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**LEGEND**

- Wildlife Management Areas
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  - Non-fee interest
- Riparian Lands
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  - VT Division for Historical Preservation
- Town Boundary

**NOTES**

Map created using ANR's Natural Resources Atlas

Select Board Members

- Peter Hood, Chair
- Mary Just Skinner,  
Vice Chair
- Mary Alexander
- William Callnan
- Steve Martin

**MIDDLESEX SELECT BOARD**  
**Tuesday, January 28, 2014**  
**5:00 p.m.**  
**Middlesex Town Clerk's Office**  
**5 Church Street**  
**Middlesex, Vermont 05602**  
**(802) 223-5915**

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Present: Chair Peter Hood, Vice-Chair Mary Just Skinner, Mary Hood Alexander, Steven Martin, Fire Chief Doug Hanson, Fire Department Lt. Louis Ormiston, Conservation Committee member Dave Shepard, Bill Rossmassler, Chuck Davin and Select Board Assistant, Sarah Merriman.

**Call to Order**

1. Peter called the meeting to order at 5:03 p.m.

**Coordinating with Montpelier during Flood/Ice Jam Emergencies**

2. Doug said several residents on Three Mile Bridge Road complained after Montpelier officials broke up an ice jam on the Winooski River the night of January 18, 2014, and didn't alert the Middlesex Fire Department. By the time Montpelier broke up the ice jam, another had been created a little past the Dairy Crème. "We dodged a bullet," he said, but next time the Town might not be so lucky. He wanted to know if the Select Board would send a request to the Montpelier City Council asking the city to notify Middlesex whenever they were breaking up an ice jam.
3. Peter said that before the Select Board makes such a request, the Fire Departments needs to determine if it wants to take on the responsibility of alerting residents on Three Mile Bridge Road and other low-lying areas that a flood might be imminent. This isn't a duty the Fire Department can execute sporadically because people will come to rely on that kind of warning.
4. Lou, who lives on Three Mile Bridge Road, noted that his neighborhood has already assumed that responsibility by setting up a phone tree for such emergencies. Doug said he would just appreciate being notified by Montpelier regardless.
5. Mary Skinner suggested writing a letter to the Montpelier City Manager and copying the City Council. Peter said first he would try discussing this with Montpelier City Manager Bill Fraser.

**Donation of Phelps Hoyt Land to the Putnam State Forest**

6. Kate Willard of the State of Vermont Department of Forest, Parks and Recreation wrote the Board requesting that it approve the donation of 43 +/- acres owned by former Middlesex resident Phelps Hoyt to the Putnam State Forest. Bill Rossmassler, who had been involved in negotiating the potential property transfer, noted that Phelps had formerly offered to donate the land-locked parcel to the Town, but the Town decided that since the property did not abut the Town Forest, it would be better donated to the State. That said, it was customary before the Governor signed off on the donation to receive the local Select Board's approval first.

7. **MOTION: Mary Skinner moved and Mary Hood Alexander seconded a motion to approve the donation of 43 +/- acres owned by Phelps Hoyt to the Putnam State Forest. The motion passed.**
8. Bill also said that Ann Villeneuve had decided that she was not interested in establishing formal public access through her Notch Road property to the Town Forest. According to Bill, Ann was perfectly happy with people crossing her property to get to the Town Forest and saw no need to designate an official right of way. He said that the only time not having that kind of legal designation be an issue would be if the Town decided to log the Town Forest for timber management, in which case there were few routes for heavy equipment. The solution might be to coordinate forest management plans with Ann's forester.
9. The Board agreed that Bill should discuss coordinating land management plans with forester Rose Beatty and then update the Board in three months.

#### **Conservation Commission Update**

10. Dave Shepard said the Conservation Commission was proceeding with plans to put a conservation easement on what had been 191 and 195 Three Mile Bridge Road, a section of riverfront the Town purchased through a FEMA buyout the year before. Since a conservation easement required a public hearing, he wanted to know if the Board was willing to piggy back such a hearing with a Select Board meeting. The board agreed.

#### **Petitioned Article 20 re: Student Data**

11. Chuck Davin, who described himself as "just a dad," appeared before the Board to answer any questions it might have regarding a petition he had circulated among the five U32 towns, including Middlesex, asking that an advisory article be placed on their warnings for upcoming Town Meetings. The article included a resolution urging the Rumney and U32 school boards to store student data locally and to impose limitations on the release of such information. (See Article 20 attached.) Since it could be argued that the article did not necessarily fall under Town business, the Select Board had the legal authority under state statute to not place the article on the Town Warning, even if the accompanying petition had been signed by 5% of the registered voters.
12. Peter said he thought this was more of a school issue than a Town issue, so why hadn't Chuck dealt with the U32 School Board? Chuck said he initially approached the U32 school district - with scant success. The next step was to petition the article that, granted, could not force the U32 or Rumney school boards to act; it could only strongly suggest.
13. Peter questioned whether this would be like the school board telling the Town how to manage roads or town finances? And Mary Alexander noted there had not been a Town-oriented resolution on a school ballot. Chuck said part of the problem was that there was no town-wide school meeting.
14. However, Mary Skinner said that it had been the tradition of the Select Board not to interfere with properly petitioned articles, even if they concerned non-Town matters such as ending wars, single-payer health care or tar sands. If this is an issue the people in Town feel strongly about, then it should be on the Warning, she said.
15. Peter suggested that Chuck find a Middlesex resident who supported this petition to answer questions at Town Meeting.
16. **MOTION: Mary Skinner moved and Steve seconded a motion to include Article 20 on the 2014 Town Warning. The motion passed.**