

Management Plan for Five Tree Hill Country Park

Town of Williston, Vermont

Approved by the Williston Conservation Commission, April 15, 2020

Approved by the Williston Selectboard, (DATE)



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Introduction

Five Tree Hill Country Park is a 52-acre public park located just south of Sunset Hill Road in the rural southern-central portion of Williston. The property was conveyed to the Town of Williston from O'Brien Brothers Agency, Inc. on March 28, 1991, as a condition of approval for the South Sunset Hill Estates Subdivision (SUB 89-3).

Although it is landlocked, it can be accessed by foot via a trail paralleling the western boundary of the neighboring (Card, formerly McKay) property. The access is provided under agreement of a trail easement established in 1998 and recorded in Volume 112, pages 658-665 of the Williston Land Records. A five-car parking area is provided directly across from the trail access on Sunset Hill Road. Although relatively small in size, the predominately forested landscape provides excellent opportunities for residents to experience the woods and its wildlife just a short distance from downtown Williston. Two trails run through the wooded interior of the property, a primitive hiking trail and a snowmobile trail created and maintained by Vermont Association of Snow Travelers (VAST). The hiking trail reaches a grassy knoll aptly named "Five Tree Hill." This hilltop of 860 feet was once marked by five stately sugar maple trees and provides for some of the most beautiful views in Chittenden County. A look to the east affords a postcard image of the Green Mountains, and to the west, Lake Champlain and the Adirondacks are visible in full splendor. The summit area is very popular for picnicking and general relaxation. Maintenance of this viewshed is important to all those using it.

Purpose, Planning Process and Public Participation

Goal of the Management Plan

This plan is intended to be a guiding document for the management of the Park. The Park is managed with the joint goals of providing outdoor recreation for residents and protecting the natural features of the park. Although the property is not subject to a conservation easement that would normally require a Management Plan to be developed, nonetheless it is good practice and supported in the town's Comprehensive Plan (Objective 9.4.3).

Authority for Management

The Selectboard must approve the management plan before it can be implemented. Approval of large appropriations to make improvements on the property comes from the Selectboard. The Williston Conservation Commission is responsible for general management issues and maintenance of the park, with limited assistance from the Department of Public Works.

Process of Management Plan Development

The management plan was drafted by the Williston Planning and Zoning Department staff and Williston Conservation Commission (WCC). The following stakeholders were consulted and had input into the Plan:

- Williston Department of Public Works
- Williston Recreation Department and Recreation Committee
- Williston Selectboard

- Vermont Association of Snow Travelers (VAST)
- Chittenden County Forester (Department of Forest, Parks and Recreation)

In 1998, the Williston Conservation Commission contracted with a group of students in the UVM Field Naturalist Program, aka Five Tree Hill Consultants to draft a Management Plan for the Five Tree Hill Country Park. The WCC initiated the current Plan update in February 2020. On February 14, 2020 a first draft of the Plan was distributed to local and regional stakeholders (see list above) for comment. The draft Plan was posted on the Town website and public comment was solicited through social media platforms. Abutting landowners were notified of the Plan update and asked to provide comments. Comments were received from several abutting landowners. The Conservation Commission discussed the Draft Plan on February 19, March 4, March 18 and April 15, 2020. The Selectboard held a public hearing for additional public comment, and the Plan was adopted on (DATE).

Responsibilities

1. The Town of Williston, Vermont took fee title to the Country Park’s 52 acres on March 28, 1991.
2. The Williston Conservation Commission took the lead in drafting the management plan and will be primarily responsible for implementing the management of the property. (Contact Conservation Planner at the Planning Office: 878-6704)
3. The Williston Conservation Commission is responsible for maintenance of the property. Local police provide security patrols as needed. The Conservation Commission should be contacted to resolve any issues or to discuss current policy.

Importance of Country Parks to the Town of Williston

The 2016-2024 Williston Comprehensive Plan identifies a system of Country Parks (section 9-4) intended to conserve significant open space and recreational opportunities for the Town.¹

Country Parks are described in the Town Plan as follows:

Country parks provide public access to natural areas. They offer Williston residents opportunities for a hike in the woods, a quiet snowshoe walk, or a few minutes enjoying a scenic view. There are currently about 256 acres of designated country park land.

Objective 9.4 states:

The Town of Williston, under the Conservation Commission, will continue to maintain its existing country parks, as directed by management plans that establish appropriate levels

¹ Town of Williston, 2016. Town of Williston Comprehensive Plan 2016-2024. Available at <http://www.town.williston.vt.us>

of development. The Town will add country parks both by developing suitable properties it already owns and, if resources permit, acquisition.

Objective 9.4.3 relates specifically to Management Plans:

9.4.3 Prepare Management Plans for Country Parks. The Conservation Commission will continue to develop and update management plans for the country parks. The goal of these plans will be to strike a balance between recreational use and conservation values.

- Forests should be managed to promote healthy stands and wildlife habitat, including diverse vertical structure. Selective logging may be appropriate in some places. Mowing may be required where a country park includes an open scenic vista.
- Wherever possible, country parks should be linked into the Town's system of paths and trails (see Map 18). Trails should be sited, designed, and built to minimize erosion. Trail networks should also minimize conflict among users and with adjoining properties. Permitted activities – hiking, cross-country skiing, snowshoeing, horseback riding, mountain biking, snowmobiling – will vary with the terrain and surrounding land uses. Separate trails may be needed for different uses. Trails may be closed seasonally to prevent erosion, avoid flooding, or prevent user conflict with wildlife.
- Small gravel parking areas and informational kiosks may be provided at country park trailheads. At scenic overlooks, the installation of benches and picnic tables, and limited selective clearing may be acceptable. All facilities should be sited and designed to visually blend into the natural environment.

Land Use History

Prior to town acquisition, numerous landscape characteristics indicate that the property was formerly used as pasture for livestock. Stone walls and barbed wire fencing appear sporadically on the property. These walls and wire were erected to keep animals within boundaries. Two types of barbed wire, Schutt's Plate Arrow Point Variation (circa 1876) and Allis' Buckthorn (circa 1881) were also found embedded in trees and sometimes in conjunction with the stone walls, indicating that the land was pastured in the late 1800s. The stone walls lack small cobbles, another indication that the land was pastured, not cultivated. The shallow soils would not have been conducive to cultivation.

Vegetative indicators of former land use history are multi-stemmed pines, juniper and overtopped apples. Many areas of the Five Tree Hill parcel contain multi-stemmed pines. This phenomenon is due to the white pine weevil which lays its eggs in the terminal shoot of young white pines under 40 feet tall, growing in full sunlight. This provides evidence that these trees germinated in an open field. In addition, the occurrence of juniper on the top of the Five Tree Hill lookout is an indicator of a formerly overgrazed pasture. It will only grow on rocky, nutrient poor soil in open areas.²

² Wessels, 1997. *Reading the Forested Landscape: A Natural History of New England*. Countryman Press.

In the open field atop Five Tree Hill, there are a few apple trees, seemingly the remnants of a greater plantation. An excursion into the woods just south of the view shed reveals several overtopped apple trees in what appears to be an old orchard. In spots within the surrounding property (in the woods and in the fields) are other sporadic patches of apple trees.

The Walling Survey Map of Chittenden County from 1857 shows that George Patten owned the Five Tree Hill property.³ Patten operated a cider mill from 1836 to the late 1800's. These scattered apple plantings may be the remnants of a once vast apple orchard that belonged to the Patten family.

The Five Tree Hill parcel changed hands around the turn of the century (exact date unknown) when the Sutton's came into ownership. During this period of time the pastureland was likely abandoned and began to regrow into forest. The numerous old roads through the parcel indicate it was subsequently utilized as a wood lot.

In 1991 the town acquired the property. On August 22, 1989 the Williston Planning Commission approved a 12-lot subdivision (SUB 89-3) in which the Five Tree Hill parcel was designated as permanently protected open space. The property is identified as "Open Space – 50.92A" on a survey entitled "Plat of Land of O'Brien Bros. Agency Inc." dated March 12, 1987, last revised January 4, 1990, and recorded on Map Slide #264A of the Williston land records (Appendix A).

On March 28, 1991 O'Brien Brothers Agency, Inc. conveyed 51 acres to the Town of Williston. The Warranty Deed can be found in Volume 90, Pages 457-461 of the Williston land records (Appendix B).

In 1996 Jim and Elizabeth McKay provided a temporary trail easement from their property on Sunset Hill Road to the Five Tree Hill Country Park and allowed the Town to construct a small parking lot near the trailhead.

On June 29, 1998, the Town of Williston purchased the development rights from the McKays with a conservation easement on 114 acres of their property. This purchase enabled the above trail easement to become permanent.

General Description and Landscape Context

Williston spans the foothills of the Green Mountains to the Champlain valley. Over the past 50 years, the Williston population has more than quadrupled and has absorbed nearly one-fifth of Chittenden County's growth. Since the 1960s, the town landscape has changed from a patchwork of working farms to a suburban mosaic of residential, commercial, and industrial activity. While forest cover has increased on abandoned fields since the late 1800s, parking lots, homes, and commercial buildings have replaced Williston's fields and forests at a rapid pace in recent years. The 9,700 acres of active or potential Williston farmland in 1988 dropped by roughly 2,600 acres by 2006.

³ Rann, 1886. *The History of Chittenden County, Vermont*.

A 2005 build-out analysis showed the number of housing units in Williston could double, growing from around 3,200 to almost 7,000, and the amount of commercial and industrial space could expand by roughly 25%, resulting in another 1.8 million square feet of development. (This analysis has no time dimension, simply states what could happen). As of 2012, there were 3,360 (± 140) housing units in Williston.⁴ With the rapid recent change, Williston’s Comprehensive Plan is mindful to strive for balance. Williston’s Vision for the Future states: “Williston will strive to balance responsible, livable suburban growth with rural character and conservation. To do this, the town will ... (among others) use regulatory and non-regulatory tools, including funding for the acquisition of development rights or land, to protect water quality, wildlife habitat, scenic views, and other natural and cultural resources.”⁵

The Five Tree Hill parcel is shown and depicted on a plan entitled “Plat of Land of O’Brien Bros. Agency Inc.” prepared by Scott D. Taylor, dated October 1998, and recorded on Map Slide #264A of the Town of Williston Land Records (Appendix B: Property Boundary). The Country Park is bordered on the north and east by several residential parcels and on the south and west by undeveloped forested land, some of which is currently protected by the Vermont Land Trust.

The land is located south of I-89 in Williston Vermont. The Country Park itself is landlocked, but is accessed via a trail easement from a small parking area off Sunset Hill Rd. The trail through Five Tree Hill Country Park has existed since the development of the 1998 Management Plan (see Map F – Trails). The trails are used for multiple purposes, including walking, skiing, and

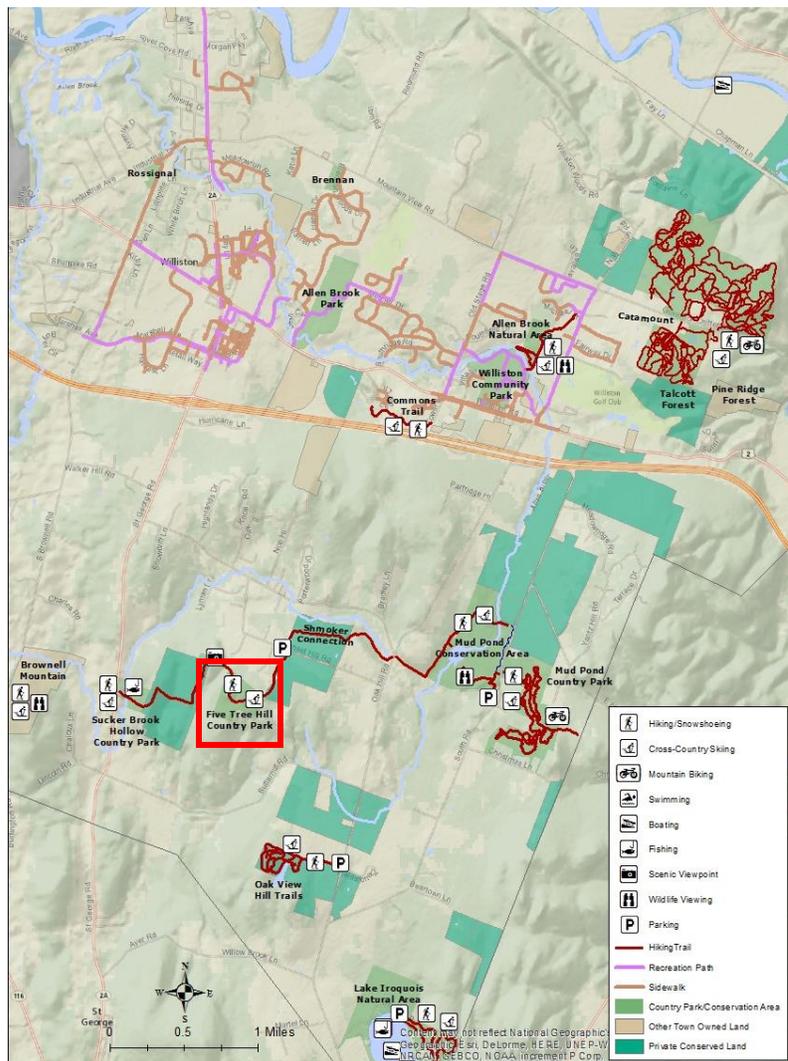


Figure 1: Five Tree Hill Country Park outlined in red.

⁴ University of Vermont Center for Rural Studies. *Vermont Indicators Online*, accessed on 4/9/20 at <https://www.uvm.edu/crs/vermont-indicators-online>.

⁵ Town of Williston, 2016. Comprehensive Plan 2016-2024. Available at <http://www.town.williston.vt.us>

snowmobiling.

The trails are part of a larger trail system shown in the Williston Comprehensive Plan. In 2012-2013, the Sucker Brook Hollow trail was developed, providing access from Rt. 2A to the top of Five Tree Hill.⁶ The Schmoker Connection is a 1-mile west-east trail which connects the Five Tree Hill area to Mud Pond. Together with the Sucker Brook Hollow trail, this “cross-town” trail is part of the WCC’s vision of an interconnected Town-wide trail system.⁷ The WCC is actively pursuing trail easements to make this system a reality.

Natural History (this section has been reproduced from the 1998 Five Tree Hill Management Plan and edited for brevity.)⁸

Geomorphology

Five Tree Hill is characterized by a series of three prominent north-south trending ridges. Several smaller ridges are found in between the larger three, creating a minor stair-step pattern in some areas. These landforms are made of Cambrian-aged (500 million years old) metamorphic schist with uneven veins and lenses of quartz distributed throughout. The greenish hue of these outcroppings is characteristic of the chlorite mineral content within the rock. This pattern is typical of much of northern and central Vermont and is a small fraction of the much larger Underhill Formation. The larger ridges exhibit numerous east-facing vertical cliffs 10-50’ in height, which in some instances have accumulated talus colluvium at their bases.⁹

The sloping topography that ranges from 770-880 feet in elevation has likely saved this land from development by making it unappealing for development. It provides much of the character of the site, from the ridges and swales to the 860 foot rise that forms the Five Tree Hill lookout.

The surficial geology of the site (see Map C - Surficial Geology) is composed entirely of glacial till. During the last Ice Age (3 million years ago until approximately 10,000 years ago), glaciers advanced and retreated across Vermont. In their path they left a jumbled conglomeration of sand, clay, pebbles and rocks that comprise the till. Derived from schist, the glacial till is distributed throughout the property, and provides the parent material for soil development. On most of the ridgetops the till has eroded away leaving open patches of exposed bedrock.

Soils

The property is primarily composed of Lyman-Marlow Series soils¹⁰ (See Map D - Soil Types). These very rocky loams (approximately equal mixtures of sand, silt, clay and

⁶ Town of Williston, 2019. Sucker Brook Hollow Country Park Management Plan.

⁷ Town of Williston, 2016. Comprehensive Plan 2016-2024, [Map 17 – Existing Parkland and Primitive Trails](#).

⁸ Meisler et al., 1998. Five Tree Hill: A Management Plan. Rubenstein School of Natural Resources, University of Vermont.

⁹ Doll, C., 1970. Surficial Geology Map of Vermont. Vermont Geological Society, Montpelier, VT.

¹⁰ Soil Conservation Service, 1989. *Soil Survey of Chittenden County, VT*. United States Department of Agriculture, Washington, D.C.

larger rock fragments) are naturally low in fertility which, in combination with the steep slopes, have directed past land use away from cultivation.

Of particular importance to this site is the shallow depth to bedrock and relatively low capability of the soil to hold excess water. During rainy periods, these soils are quickly saturated and surface runoff is high on slopes. Erosion potential is greatly increased when vegetation is removed. Trails, in particular, have severe erosion potential because of their open and often disturbed state. This is especially true in areas where trails are located on slopes.

After spring rains and snowmelt many of the depressions, both on and off the trail, form standing bodies of water. In relatively flat depressions where the soils are deeper, such as along the VAST trail, the potential for trail damage in the form of rutting is high. The northwest-facing portion of the Five Tree Hill panhandle has similar soil but displays much steeper slopes (30-60%). This steepness increases surface runoff during rain but its dense vegetation cover minimizes erosion potential.

A very small finger of Cabot series soil covers the base of the panhandle. Here the depth to bedrock may double and water retention capability is quite high. This stony silt loam will remain wet throughout late spring. The flat nature of this area presents little potential for erosion but high risk of rutting along trails.

Hydrology

The ridged topography of the land has created ideal conditions for several ephemeral and at least two perennial streams that course through the swales between ridges. In areas where the space between ridges is sufficiently confined and flat, the shallow fragipan and bedrock have allowed water to accumulate in several woodland vernal pools. Persistent water in two of the swales has created swampy wetlands (see Map E - Hydrology).

The site is part of the vast Winooski River watershed. Five Tree Hill drains directly into Sucker Brook which connects to the northward flowing Muddy Brook and eventually reaches a confluence with the Winooski River approximately 4.3 air miles to the north.

Upland Natural Communities

The natural communities of Five Tree Hill were identified in 1998 using the classification system developed by The Nature Conservancy (TNC) in their manual *Natural Communities of Vermont Uplands and Wetlands*¹¹ Community types on Five Tree Hill do not fit neatly into the classification system because they are still in a stage of regeneration. However, differences are described in the text where they occur. The town should consider updating the natural community delineations in collaboration with the University of Vermont Rubenstein School of Environment and Natural Resources, using the most current edition of *Wetland, Woodland, Wildland: A Guide to the Natural Communities of Vermont* (Sorenson, Thompson and Zaino, 2019).

¹¹ Thompson, Elizabeth. 1996. *Natural Communities of Vermont, Uplands and Wetlands*. Nongame and Natural Heritage Program, Department of Fish and Wildlife, Vermont Agency of Natural Resources. Montpelier, VT.

Five Tree Hill is composed of four community types; white pine rich northern hardwood forest, dry oak-hickory-hop hornbeam woodland, mixed hardwood/softwood swamp and vernal pools (See Map G - Natural Communities).

White Pine Rich Northern Hardwood Forest

This community type is the most common on the Five Tree Hill property although small inclusions of other community types occur within it. It is recognized as having a significant component of white pine (*Pinus strobus*) mixed with other species. The most prominent of the hardwood cohorts include red maple (*Acer rubrum*), beech (*Fagus grandifolia*), white ash (*Fraxinus americana*), sugar maple (*Acer saccharum*), and red oak (*Quercus rubra*). Basswood (*Tilia americana*) and butternut (*Juglans cinerea*) are also found but are much less common.

Specific sites on the parcel tend to support different mixes of these species. Trembling aspen (*Populus tremuloides*), bigtooth aspen (*Populus grandidentata*), yellow birch (*Betula alleghaniensis*), sweet birch (*Betula lenta*) and paper birch (*Betula papyrifera*) dominate the white pine/mixed hardwoods matrix in the richer swales. Paper birch, in particular, tends to be found in small stands within these areas.

Hemlock also occurs in wet, cool microsites. Species such as the red-breasted nuthatch (*Sitta canadensis*), hermit thrush (*Catharus guttatus*) and solitary vireo (*Vireo solitarius*) commonly use these sites for nesting. On the Five Tree Hill property, stands of hemlock can be found around some of the vernal pools and in swales at the base of cliffs where the microclimate is cooler and there is deeper shade.

Ridge tops, though still dominated by white pine, red maple, and beech support more hop-hornbeam (*Ostrya virginiana*) and red oak, as well as occasional shagbark hickory (*Carya ovata*). This cover type is a remnant of the dry-oak-hickory-hop hornbeam woodland located on the southern extent of the property.

On some ridge tops dominated by white pine, grasses and moss compose the groundcover and the understory is minimal. In these areas, decomposing pine needles accumulate on the grass and shallow bedrock, acidifying the soil and supporting low growing blueberries (*Vaccinium sp.*)

Finally, there are two pure white pine/hemlock stands on the parcel: where the VAST and primitive trails intersect on the McKay property and where the VAST trail exits the woods at the base of the viewshed hill. In these areas there is relatively little understory, and various ferns dominate the herb layer.

Dry Oak-Hickory-Hop Hornbeam Woodland

This community type can be found on the shoulders and ridge tops at the southern edge of the property, with the most exemplary coverage on Gramma Ridge. It is distinct from other community types in that grasses dominate its groundcover and the understory is nearly nonexistent. It is open to the extent that it should more rightfully be classified as a glade. Noteworthy species are red oak (*Quercus rubra*), white oak (*Quercus alba*), shagbark hickory (*Carya ovata*), hop-hornbeam (*Ostrya virginiana*), the sedge (*Carex Pennsylvania*), and the uncommon slender wheatgrass (*Agropyron trachycaulum*). Natural fires may have played a role in the creation and preservation of this community.

Gramma Ridge

Located just to the south of Five Tree Hill and contiguous with it is Gramma Ridge; an area which was designated a natural heritage site by the Vermont Nongame and Natural Heritage Program in January of 1991. The area was given this title on account of its exemplary dry oak-hickory-hop-hornbeam woodland which is not rare, but is uncommon in the county. The woodland, which has a glade-like feeling, is located on the dry ridge tops and is particularly well developed on the south-sloping ridge ends. It is characterized by slightly stunted red oak (*Quercus rubra*), shagbark hickory (*Carya ovata*) and hop-hornbeam (*Ostrya virginiana*) with a lawn-like ground cover. The sedge *Carex pennsylvanica* is the dominant groundcover, but the site supports a diverse array of native grasses, the most notable of which is the uncommon slender wheatgrass (*Agropyron trachycaulum*). Ginseng (*Panax quinquefolius*) is also found on the site. Vermont ginseng is uncommon and is becoming more and more threatened as its medicinal popularity increases and the herb is overharvested.

Gramma ridge has an elevation ranging from 500-800 feet above sea level and contains a series of north-south running ridges with schist bedrock outcrops along their crests. Depending upon location, the following natural communities can be found on the site: dry oak-hickory-hop-hornbeam woodland, mesic oak-hickory northern hardwoods forest, hemlock forest, oak-pine- birch-poplar old field forest and red maple-hemlock swamp. The Natural Heritage Program has suggested that naturally occurring forest fires played a role in the maintenance of this community and that protection of this area should include a large buffer zone.

Wetland Natural Communities

Mixed Hardwood-Softwood Swamp

There are two bodies of standing water on the Five tree Hill property which fit this classification. These swamps appear to experience spring drainage in the form of ephemeral streams. They include species such as white pine (*Pinus strobus*), red maple (*Acer rubrum*), hemlock (*Tsuga canadensis*), winterberry (*Ilex verticillata*), sphagnum moss (*Sphagnum sp.*) cinnamon fern (*Osmunda cinnamomum*) and royal fern (*Osmunda regalis*). Some amphibians typically found in this community include the blue spotted salamander (*Ambystoma laterale*), four-toed salamander (*Hemidactylum scutatum*), northern spring peeper (*Hyla c. crucifer*), red spotted newt (*Notopthalmus v. viridescens*) and wood frog (*Rana sylvatica*).

Vernal Pools

There are at least four vernal pools on the Five Tree Hill property. Typically, these pools are active from snow melt until early summer. They often have little or no vascular vegetation, but are ringed by upland trees such as hemlock (*Tsuga canadensis*) or hardwoods. These small ephemeral bodies of water are commonly found in small, perched basins with little or no surface inflow or outflow. Therefore, they do not support fish and function as predator free breeding grounds for amphibians such as the wood frog (*Rana sylvatica*), spring peeper (*Hyla crucifer*), spotted salamander (*Ambystoma maculatum*), Jefferson's salamander (*A. Jeffersomanum*), and blue spotted salamander (*A. laterale*). Eastern ribbon snakes (*Thamnophis sauritus*) may also be found in this community.

The previous Management Plan drafters noted the presence of mating wood frogs and numerous wood frog and salamander egg clusters even in the smallest of pools. Also found were spring peepers, red backed salamanders and the red-spotted newt (*Notophthalmus v. viridescens*). The pools on the Five Tree Hill property are located in swales between ridges, which collect water as a result of shallow bedrock and/or a relatively impermeable sub-surface soil layer called the fragipan.

Wildlife Habitat and Corridors

A 2005 report entitled *An Assessment of Wildlife Habitat in Williston, Vermont*¹² describes the Five Tree Hill property as being within Wildlife Unit 6, a mostly forested 947-acre block located between Sunset Hill Rd to the north and Butternut Rd to the south. The highest point in this area, Five Tree Hill, is a dry oak ridge with grassy openings. This area is good habitat for eastern cottontail rabbits, and abundant rabbit tracks were found here during winter surveys. The dry ledges likely provide habitat for snakes. The presence of important mast species such as hophornbeam, basswoods, bitternut hickories, shagbark hickories, serviceberries, and musclewoods was noted, as was the presence of various prey species (e.g., red squirrels, chipmunks, and mice). Deer tracks are common.

The mixed topography of ridges and ravines produces unique habitat for amphibians and reptiles. Several high-quality vernal pools were identified in Five Tree Hill Country Park during spring surveys, and the presence of multiple life stages (e.g., egg masses, tadpoles, adults) confirmed amphibian breeding. The fact that vernal pools were identified first in 1998 and confirmed in 2005 indicates their long-term importance to amphibian populations. The town should consider periodically updating this wildlife inventory in collaboration with the University of Vermont Rubenstein School of Environment and Natural Resources.

Current Uses and Physical Improvements

Recreational Trails

The VAST snowmobile trail, running roughly east-west through the property, has existed since the 1990's or earlier. The Town has an agreement with VAST governing the use of Town-owned lands including Five Tree Hill for snowmobiling. The local VAST chapter Williston Hill Hawks is responsible for maintenance of this trail.

The town maintains a primitive path from the access on Sunset Hill Rd to the overlook at the top of Five Tree Hill. Portions of the two trail systems overlap. The trails are popular among local runners, walkers, and snowshoers. When the previous Management Plan was drafted in 1998, mountain biking was a popular use of the trail system. However, due to ongoing user conflicts and trail damage mountain biking is no longer allowed.

Access

¹² Capen et al, 2005. *An Assessment of Wildlife Habitat in Williston, Vermont*. Spatial Analysis Laboratory, Rubenstein School of Environment and Natural Resources, University of Vermont, Burlington, VT.

Designated access is provided by a five-car gravel parking lot on Sunset Hill Road. A secondary access is located off Tree Hill Rd (private), which is used by neighborhood pedestrians and by the town/VAST for maintenance purposes. Parking along Tree Hill Rd is prohibited; posted signage directs people to the primary trailhead on Sunset Hill Rd.

The Sunset Hill Rd parking lot has existed since the mid-1990s. A dog waste dispenser was installed and a new trailhead kiosk was constructed in summer 2018, with the help of Winooski Valley Park District, the Williston Hill Hawks and volunteers.

The trailhead has a kiosk with a sign board, which contains a large trail map, information about Five Tree Hill history, trail etiquette and park regulations. A trail map box fastened to the kiosk contains printed map brochures. The brochures are regularly restocked by town staff and volunteers.

From the trailhead, the country park is accessed by foot via a trail paralleling the western boundary of the neighboring Card (formerly McKay) property. The access is provided under agreement of a trail easement established in 1998 and recorded in Volume 112, pages 658-665 of the Williston Land Records (Appendix C).

Site Monitoring and Education

The proximity of the Five Tree Hill Country Park to the several universities and colleges of Chittenden County makes it ideal for use as an environmental field study site. Inventory and monitoring projects provide real-world educational experiences for students while also providing important information for area management, at minimal cost.

As part of the original 1998 Plan, a natural resource inventory was conducted by students from the University of Vermont Field Naturalist Program. Five Tree Hill has also been used as a fieldtrip site for local school children and as a site for public walks and talks on local natural and cultural history topics. Educational uses have been encouraged during and since the creation of the Park and are a primary component of the vision for this and other town natural areas. The town should continue to partner with local schools and colleges to complete updated natural resources and wildlife inventories.

Management Objectives and Recommendations

Proposed Physical Improvements to Property

Trails

Hikers, cross-country skiers, and nature enthusiasts have for years enjoyed the Five Tree Hill trails in Williston. Since the previous Management Plan, two trail connections have been developed: one connecting Five Tree Hill to the Mud Pond Conservation Area, and the other connecting Five Tree Hill to the Sucker Brook Hollow Country Park. This largely achieves the town's vision of a "Cross-town trail," and allows pedestrian trail users to walk through the forest from South Road to St George Rd (Route 2A).

Given the small land area of Five Tree Hill, no new trails should be developed, as doing so could negatively impact both the natural resource value of the land and the user experience. The existing trails were established prior to today's trail building best

management practices. The trails also receive very heavy use by pedestrians and snowmobiles along the shared section of trail. As a result, many sections of the trails are badly eroded with lots of exposed roots and exposed bedrock, which deteriorates the user experience. The entire trail system should be assessed annually in the fall through a site walk to determine and prioritize maintenance needs, and a plan developed for the following summer to accomplish trail maintenance at high-priority locations. Proposed trail maintenance and improvement projects should involve trail building consultants when needed for more challenging situations.

Williston Cross-Town Trail

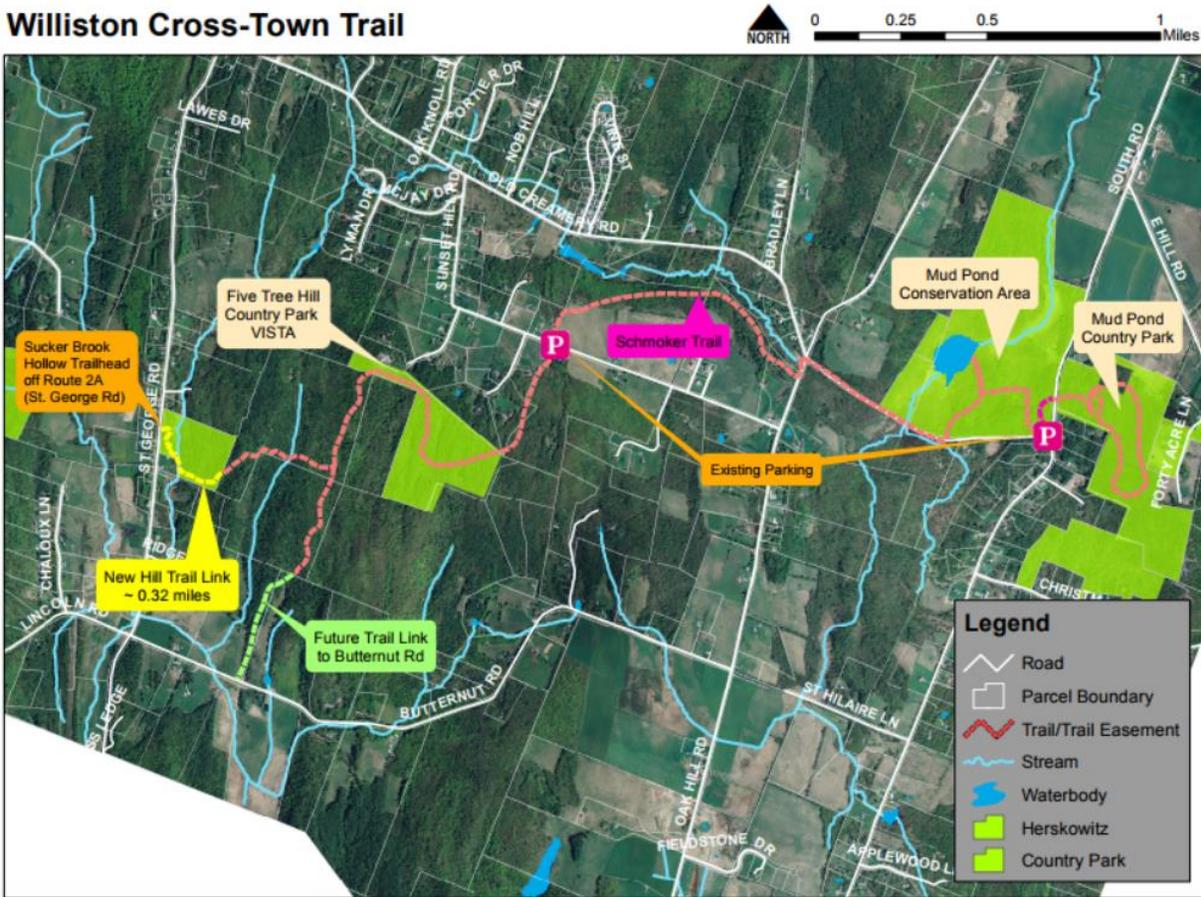


Figure 2: Williston "Cross-Town" Trail

For any trail reroutes within the park, all trails should be designed in a manner that minimizes potential environmental degradation and minimizes user conflicts. The Green Mountain Club's *Trail and Shelter Maintenance Manual* should be used as a guiding technical document in designing trails. For work being proposed in or near wetlands the DEC Wetlands Program should be contacted. Winooski Valley Park District has provided technical assistance on trail issues in the past and should continue to be used as a resource. Consultation with the County Forester should also be considered if there are concerns about the impact of the trail on forest health.

In addition to the technical assistance that will be needed, community involvement should be encouraged in improving and maintaining trails. The town has developed an Adopt-A-Trail program that engages volunteers in the regular monitoring of Five Tree Hill and other trails. Adopters conduct four site visits a year and submit a report form to town staff describing any trail maintenance work done by the adopter and reporting any issues needing attention. The town should continue to maintain and support this program in order to enhance and improve trail conditions while reducing the burden placed on town staff.

Trails need to be clearly marked with allowed uses. This should be accomplished through signage at trailheads and clear markers at VAST trail junctions. Signage should be kept to the minimum necessary to guide users on the trail



Figure 3: Construction of new bridge with volunteers.

Parking Lot

The current parking lot is an adequate size to serve the users of Five Tree Hill. The trailhead kiosk was replaced in 2018 with help from Winooski Valley Park District and volunteers. The current sign board has a printed paper poster underneath plexiglass. The town may want to consider upgrading the sign board to a more durable and aesthetically pleasing material. The parking area should be monitored regularly and litter removed as needed.

Temporary Structures

Free-standing structures in Five Tree Hill Country Park include the bench at the top of the overlook and several signposts along the trail. These structures should be monitored and maintained as needed.

Recommendations for Physical Improvements

- No new trails should be developed
- Assess trail condition annually and prioritize maintenance needs
- Continue to support the Adopt-A-Trail program and coordinate volunteer work days to accomplish trail and park improvement projects
- Design trail reroutes, as needed, using technical guidance manuals or trail building consultants
- Clearly mark trails for allowed uses
- Install additional wayfinding signage at key intersections
- Block off unofficial trails to discourage use
- Continue to monitor and maintain the trailhead
- Continue to monitor and maintain temporary structures such as benches and signposts

- Consider replacing the paper poster in the trailhead kiosk with a more durable and aesthetically pleasing material

General Management of the Parcel

Best Use of Land

Intensive uses with negative resource impacts are prohibited. The best use of the land is for passive recreation such as hiking, snowshoeing, cross-country skiing and wildlife viewing. Snowmobiling is allowed on the VAST trail only. Trails should be clearly marked with the allowed uses.

Vehicular Traffic

No motorized vehicles are allowed within Five Tree Hill Country Park except snowmobiles during the time of year specified in the VAST agreement and only within the designated snowmobile corridor as delineated on the attached map. All-Terrain Vehicles (ATVs) and/or motorized groomers may be used only for trail maintenance purposes with permission of the town.

Structures

No new physical improvements or structures are permitted except as outlined in this Management Plan.

Boundary Marking and Posting

The property boundary was last surveyed in 1990, and is marked by stone walls, barbed wire and blazed trees. The park boundary was last marked by town staff in summer 2016. The boundary should be re-blazed as needed.

Hunting

White-tailed deer populations in Chittenden County and other portions of Vermont were noted in Vermont Fish and Wildlife's 2018 Antlerless Recommendation as being above the carrying capacity of their habitat, and local populations appear to be very high. Forest fragmentation, development, and decreasing winter severity all contribute to deer overabundance. Where deer are overabundant their browse often contributes to decreasing diversity in the composition of the forest, the increasing abundance of invasive exotic plant species and the inability to regenerate certain species of native trees and plants. The overabundance of deer is a serious concern for forest health and resilience, wildlife habitat, and water quality.

Because large predators like wolves have been extirpated in the northeast U.S., regulated hunting is the primary tool available to control deer populations and mitigate the impacts on forest ecosystems. An increase in "posted" lands and decreasing hunter numbers, particularly in Chittenden County, exacerbates the problem of deer overabundance.

Hunting, trapping and/or shooting is not allowed in the Country Park for safety reasons. Boundaries of the park are posted for "no hunting." Vermont posting law requires signs be of a specific dimension with specific wording, spaced no further than 400 feet apart, be placed at each corner of the property, and dated each year. In addition, posting notices must be annually recorded at the town clerk's office.

Given the harmful impacts of deer overabundance on forest health and the challenge of meeting statutory posting requirements, the town should periodically re-evaluate its “no hunting” policy for this and other conservation areas/country parks. Because town trails frequently use easements that pass over private land where the town has no control over hunting rights, public safety cannot be guaranteed; in fact, posting the town land may have the effect of giving people a false sense of security. One alternative to posting town lands is to provide information that those lands are not legally posted against hunting, so that trail users understand the risks and use appropriate caution during hunting season. **No changes are proposed at this time; any changes to the no hunting policy would need to be vetted in public hearings prior to their adoption.**

Harvest of Trees or Plants

Although the previous Five Tree Hill Management Plan did not address harvest of trees or plants (with the exception of maintaining the viewshed), the historic practice in Williston’s country parks and conservation areas has been to “prohibit cutting, removal, or harvesting of native plants and trees, except for minimal clearing necessary for the creation and maintenance of trails.” In recent years Chittenden County Forester Ethan Tapper has taken an active role in helping towns plan and implement active forest management on town owned land. Sound forest management practices can improve overall forest health and maintain beneficial wildlife habitat. Implementing active forest management treatments on public lands provides an excellent opportunity for public outreach and engagement by demonstrating forestry practices that private landowners can adopt. At the Hinesburg Town Forest, Tapper has led numerous educational outings through forest treatment areas, which hundreds of community members have attended.

There are no current plans for timber harvesting at Five Tree Hill; however, the WCC will continue to explore the feasibility of forest management activities. Any such activities shall take place in accordance with a forest management plan prepared by a certified forester or the Chittenden County Forester, and approved by the Williston Conservation Commission and the Selectboard. Any such forest management plan will consist of data, analysis and specific, actionable forest management activity recommendations and will be included as an addendum to this plan.

Invasive Species

Introduction of non-native invasive species should be avoided to a reasonable extent. The Conservation Commission should consider inventorying and documenting invasive species in the park. Where present, the population should be monitored by WCC staff. The Vermont Agency of Natural Resources should be contacted for technical guidance. If it is determined that further action is needed a plan should be developed to control the species in question. The WCC should also consider involving students or volunteer groups in the monitoring efforts, and in conducting a demonstration invasives control project.

Five Tree Hill Viewshed

The 180° view from the top of Five Tree Hill is one of the finest in Chittenden County. The Green Mountains rise steadily to the east while Lake Champlain and the Adirondacks lie to the west in the path of the setting sun. The open and grassy 860-foot knoll provides perfect grounds for early evening picnics, sunrises, sunsets and simple solitude.



Figure 4: Five Tree Hill Viewshed from the overlook.

The vegetation on the eastern slope is composed mainly of young trembling aspen (*Populus tremuloides*) and white pine (*Pinus strobus*) trees. A thick patch of blackberry bushes (*Rubus sp.*) is growing closer to the top of the viewshed hill. The summit area is grassy with the immediate western slope being composed of common juniper (*Juniperus communis*), white pine, eastern red cedar (*Juniperus virginiana*) and staghorn sumac (*Rhus typhina*).

Common juniper is a low-lying shrub that grows very well in the open and unshaded areas of the summit. On Five Tree Hill its low, spreading habit does not obscure the view and it serves to stabilize soils on the steep slopes. Being quite shade intolerant, this species will die over time as the increasing canopy of pine and cedar make light less available.

In order to maintain common juniper at the summit, periodic pruning of the white pine treetops and side branches is necessary. Red cedar requires less management because it is slower growing but will need some pruning through time. Staghorn sumac requires pruning every few years.

The vegetation of the eastern portion of the lookout is not presently threatening the viewshed. However, as the trembling aspen and white pine continue to grow, periodic pruning should be implemented here as well. The blackberry bushes are low growing and do not require management unless they spread onto the trail.

Recommendations for General Management

- The Country Park should be used primarily for multi-use, pedestrian recreation such as hiking, snowshoeing, cross-country skiing and wildlife viewing, with snowmobiling restricted to the VAST corridor.

- Walk the boundary annually, ideally in early fall, and update the “No Hunting” signs as needed to comply with Vermont posting law.
- Consider periodic evaluation of the no hunting policy to make sure it still makes sense.
- Explore the feasibility of forest management activities, and work with the County Forester to develop a forest management plan.
- Initiate a program to inventory and monitor invasive species, utilizing the assistance of Vermont Agency of Natural Resources and UVM students.
- Consider conducting a demonstration invasives control project with the help of volunteers.
- Periodically mow the portion of the pedestrian trail that passes through the meadow and the overlook area at the top of Five Tree Hill.
- Periodic pruning of the taller trees and shrubs is necessary to maintain the viewshed at the Five Tree Hill overlook.

Trail Management

Snowmobiles

The VAST snowmobile trail passes through the Five Tree Hill Country Park. This is a main north south trail for snowmobile riders in the State. It overlaps with portions of the pedestrian trail. Snowmobile access is granted through a yearly written agreement between VAST and the Town. Snowmobile trails should be inspected yearly by the WCC before the agreement for the next year is signed. If there are concerns, a site visit with VAST should be conducted to address concerns.

Mountain Biking

In order to ensure the safety of all user groups and protect the trails, mountain biking is prohibited throughout the Five Tree Hill Country Park and on all trail easements.

Horses

In order to ensure the safety of all user groups and protect the trails, horseback riding is prohibited throughout the Five Tree Hill Country Park and on all trail easements.

Trail Closures

Trails are dynamic and change with the seasons and weather conditions. While during most of the season, the mineral soils that make up a good, hardened trail are fairly stable, spring is the most sensitive time, making the trails vulnerable to erosion and long-term damage. While the Town has no official policy to close trails during the spring thaw (April 1 – June 1), signs should be posted at the trailhead discouraging trail usage if conditions warrant.

The town may at its discretion close trails to all or particular uses in cases of:

- Hazardous trail conditions due to flooding, downed trees, trail structure failures, or other;
- Degradation of natural resources due to trail abuse or muddy conditions;
- Location of a sensitive nest or den near the trail;
- Other situations of trail abuse that result in denigration of the resource.

Although the WCC will make reasonable attempts to allow a two-week notice period for trail closures, such notice may be waived under certain conditions. Trail closure notifications shall be placed at trailheads with the reason for the closure and a projected date the trail will be reopened if known. In the case of trail closures due to abuse, WCC and the representative of the user group determined to be causing the problem shall enter into negotiations to remedy the abuse before the trail is reopened to that use.

Wet Areas

Any low, wet, or poorly drained areas should be avoided for recreation if possible. When the trail must go through such an area, boardwalks should be used to protect the soil. Green Mountain Club guidelines should be consulted for siting trails in wet areas. For new trails constructed in or near wet areas, DEC Wetland Program should be notified.

Steep Slopes and Erosion

Trails should not be sited along steep slopes that could become erosion problems. Green Mountain Club guidelines should be consulted for siting trails in steep areas. If sections of trail are experiencing erosion problems, the trail should be rerouted if possible and the section of trail closed. The reason for the closure should be indicated with a temporary sign and the new trail clearly marked.

Recommendations for Trail Management

- Annually inspect the snowmobile trail prior to renewing access agreement with VAST to ensure that any issues are addressed.
- Discourage trail usage during the spring thaw by posting signage at the trailhead.
- Implement trail closures when necessary to ensure user safety or protect natural resources.
- Clearly communicate trail closures to the public and any user group representatives such as VAST; in cases of abuse closures, work with appropriate user group to remedy the problem.
- Avoid siting trails along steep slopes that could lead to erosion.
- Avoid siting trails through wet areas, or use boardwalks to protect the soil.
- Continue to support the Adopt-A-Trail program and coordinate volunteer work days to accomplish trail improvement projects

Natural Resources and Habitat Conservation

Natural Resource Inventory

A natural resource inventory of the property was conducted in 1998 by University of Vermont graduate students, which documented natural communities and species composition. This inventory should be updated using the current edition of *Wetland, Woodland, Wildland: A Guide to the Natural Communities of Vermont* (Sorenson, Thompson and Zaino, 2019).

Documentation of Wildlife

There is a logbook at the trailhead for trail visitors to record activities and/or observations. This could prove to yield useful information regarding wildlife sightings by the public. Another method of collecting observations would be through an iNaturalist site where people could map their observations with associated data. In summer 2017 the Williston Conservation Intern did develop such a site; however, it has not been widely utilized by the public. The WCC should consider ways to encourage the public to use the iNaturalist application, or to otherwise report wildlife sightings.

Management Plan Update

The management plan should be reviewed and updated every ten years. Review shall be undertaken by the WCC with consultation from the Public Works and Recreation departments. The WCC shall approve the plan and forward it to the Williston Selectboard for final approval. Public comment on the plan shall be taken as part of the Selectboard approval process, whenever the plan is updated. Notice should be given in the local newspaper and copies of the plan should be available at the town offices.

Conflict Resolution

Conflicts should be brought the attention of the WCC. The WCC will review the problem and work with the stakeholders to come to a solution. In some cases other town officials such as the Selectboard may be asked to mediate a situation if the WCC cannot come to an acceptable solution or if the WCC is a main stakeholder in the issue.

Action Schedule

Ongoing/Short Term (1-4 years)

- Assess trail condition annually and prioritize maintenance needs.
- Continue to support the Adopt-A-Trail program and coordinate volunteer work days to accomplish trail and park improvement projects.
- Clearly mark trails for allowed uses.
- Install additional wayfinding signage at key intersections.
- Block off unofficial trails to discourage use.
- Continue to monitor and maintain the trailhead.
- Consider replacing the paper poster in the trailhead kiosk with a more durable and aesthetically pleasing material.
- Continue to monitor and maintain temporary structures such as benches and signposts.
- Walk the boundary annually, ideally in early fall, and update the “No Hunting” signs as needed to comply with Vermont posting law.
- Periodically mow the portion of the pedestrian trail that passes through the meadow and the overlook area at the top of Five Tree Hill.
- Periodically prune the taller trees and shrubs as necessary to maintain the viewshed at the Five Tree Hill overlook.
- Annually inspect the snowmobile trail prior to renewing access agreement with VAST to ensure that any issues are addressed.
- Discourage trail usage during the spring thaw by posting signage at the trailhead.

- Implement trail closures when necessary to ensure user safety or protect natural resources.
- Clearly communicate trail closures to the public and any user group representatives such as VAST; in cases of abuse closures, work with appropriate user group to remedy the problem.
- Design trail reroutes, as needed, using technical guidance manuals or trail building consultants.
- Avoid siting trails along steep slopes that could lead to erosion.
- Avoid siting trails through wet areas, or use boardwalks to protect the soil.
- Update the natural community delineations and the wildlife inventory.
- Continue to pursue the acquisition of trail easements to enable completion of the cross-town trail.

Long Term (5-10 years)

- Initiate a program to inventory and monitor invasive species, utilizing the assistance of Vermont Agency of Natural Resources and UVM students.
- Consider conducting a demonstration invasives control project with the help of volunteers.
- Explore the feasibility of forest management activities, and work with the County Forester to develop a forest management plan.
- Periodically re-evaluate the no hunting policy to be sure it makes sense.

Adoption

This Management Plan becomes effective upon approval of the Selectboard.

Selectboard Chair

Date

References

Capen, D., Scharf, T., MacFaden, S., and Buford, E. 2005. An Assessment of Wildlife Habitat in Williston, Vermont. Rubenstein School of Natural Resources Spatial Analysis Laboratory, University of Vermont, Burlington, VT.

Doll, C. 1970. Centennial Geologic Map of Vermont. Vermont Geological Survey, Montpelier, VT.

Meisler, Julian, Armstrong, Kate, and Marcus, Julie. 1998. Five Tree Hill: A Management Plan. Rubenstein School of Natural Resources, University of Vermont, Burlington, VT.

Rann, 1886. History of Chittenden County, p. 715.

Soil Conservation Service. 1989. Soil Survey of Chittenden County, VT., U.S.D.A. Washington, D.C.

Thompson, Elizabeth. 1996. Natural Communities of Vermont, Uplands and Wetlands. Nongame and Natural Heritage Program, Department of Fish and Wildlife, Vermont Agency of Natural Resources. Waterbury, VT.

Town of Williston, 2016. Town of Williston Comprehensive Plan 2016-2024.
<http://www.town.williston.vt.us/>

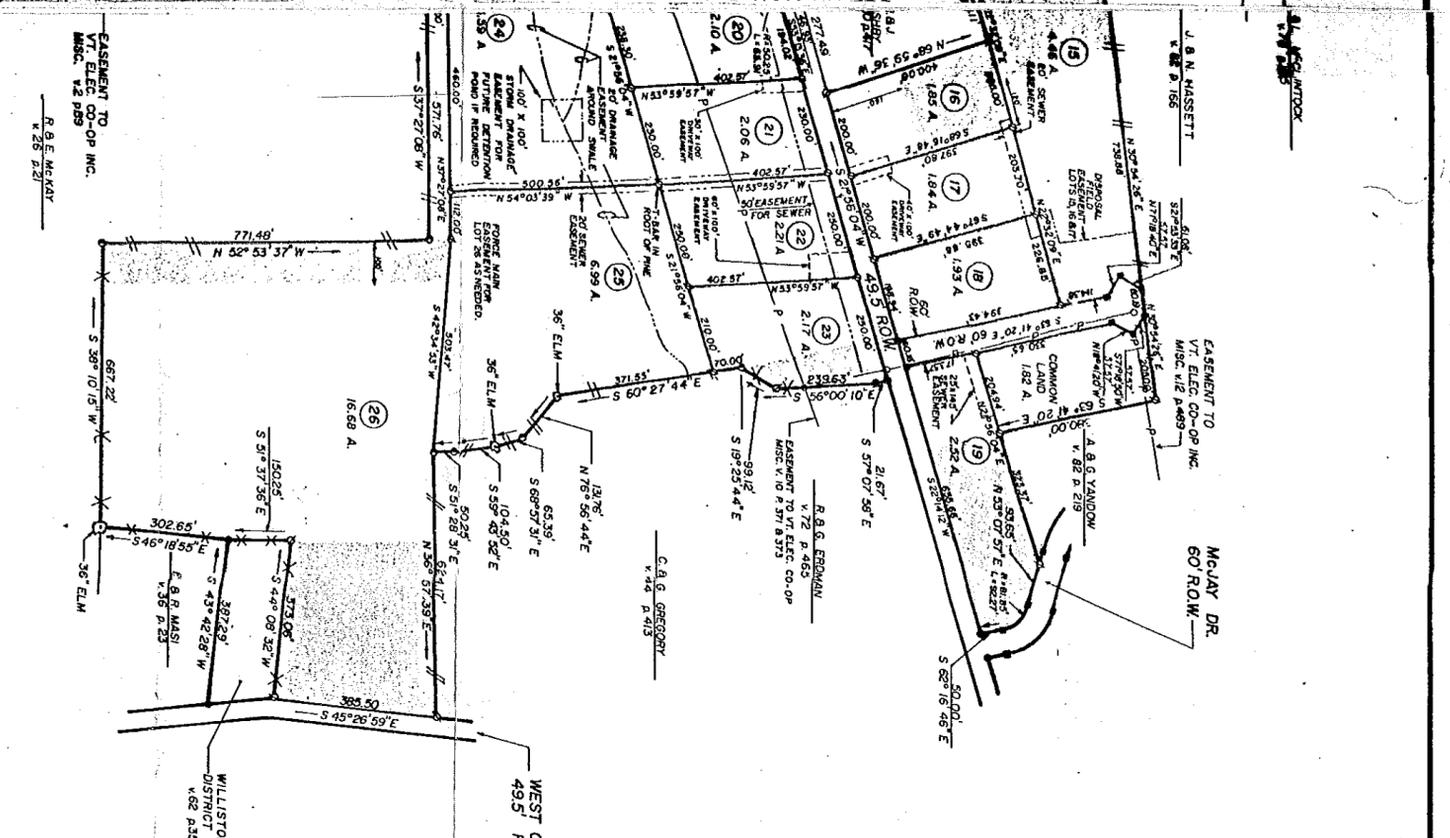
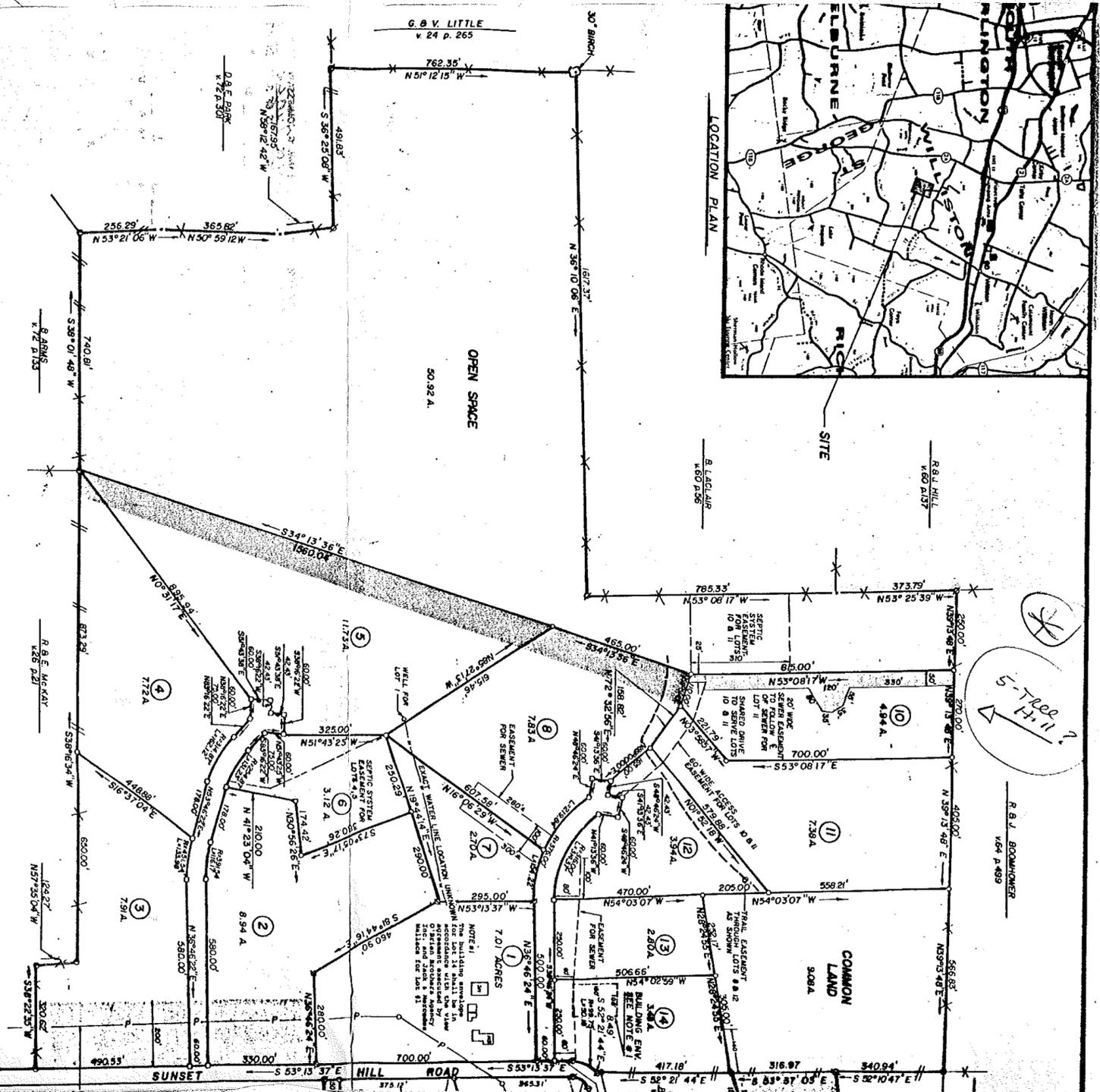
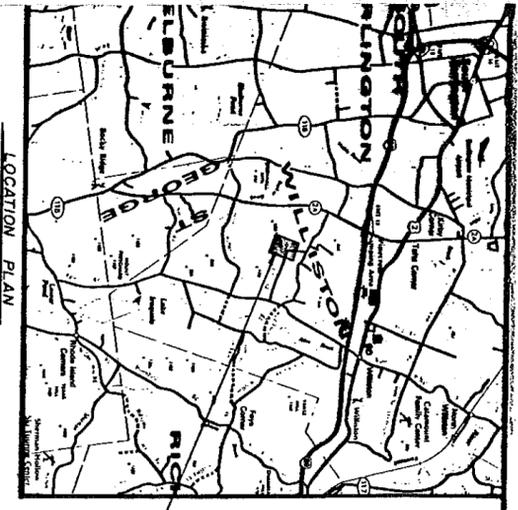
Town of Williston, 2019. Sucker Brook Hollow Country Park Management Plan.
https://www.town.williston.vt.us/index.asp?Type=B_BASIC&SEC={B641ADD2-B781-484C-8D1F-320550C9B5B7}&DE={4CB0EF65-A20D-460C-946F-876C29CDDC19}

University of Vermont Center for Rural Studies. Vermont Indicators Online, accessed at <https://www.uvm.edu/crs/vermont-indicators-online>.

Wessels, Tom. 1997. Reading the Forested Landscape: A Natural History of New England. The Countryman Press. Woodstock, VT.

Walling Survey Map of Chittenden County, 1857.

APPENDIX A: Property Survey Map



THIS PLAN IS BASED ON A TOTAL STATION CONTROL TRAVERSE. EVIDENCE FOUND IN THE FIELD AND INFORMATION ABSTRACTED FROM THE WILLISTON LAND RECORDS. BEARINGS ARE BASED ON MAGNETIC NORTH.

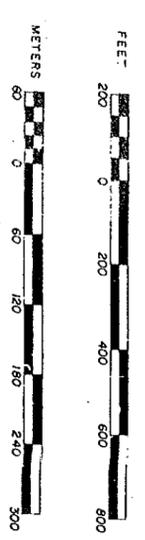
DEED AND MAP REFERENCES

- 1) R. SUTTON TO O'BRIEN BROS. AGENCY INC.
- 2) "PORTION OF HARRY SUTTON ROBERTS"
- 3) "PLAN OF DIVISION, EROMAN & GREGORY"
- 4) "DR. R. J. MCKAY JR."

K 80 P 73
NOT RECORDED
P 8 K 3 P 19
P 8 K 3 P 42



GRAPHIC SCALE



TO OBTAIN METERS MULTIPLY FEET TIMES 0.3048

REVISIONS: 4/1/87
ADD LOT 1

NOTE

- 1) THE SUBDIVISION OF LOTS 15 TO 26 IS PART OF A LARGER SUBDIVISION WHICH WILL BE REVIEWED IN A FUTURE PROPOSAL.
- 2) SHADING REPRESENTS NON-DILLIGIBLE AREAS, ABOVE AND BEYOND ZONING SETBACK REQUIREMENTS.

PHASE I
LOTS 15, 16, 17, 18, 22 & 23

PHASE II
LOTS 19, 20, 21, 24, 25 & 26

PHASE III
SOUTH SUNSET HILL ESTATES
LOTS 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34

APPROVED BY RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF WILLISTON, VT. ON THE 15th DAY OF MARCH 1990.

SIGNED THIS _____ DAY OF _____ 1990.

BY _____ CHAIRPERSON

3-15-90 [Signature]
Bill [Signature]
John [Signature]

LEGEND

- IRON PIPE FOUND
- IRON PIPE SET
- REBAR FOUND
- TRELLISE & STONEWALL
- BARBED WIRE FENCE
- CONCRETE MONUMENT SET
- POWER POLE
- IRON PIPE TO BE SET
- POINT ON FENCE
- CONCRETE MONUMENT TO BE

TOTAL AREA: 194.71 ACRES

O'BRIEN BROS. AGENCY INC.

TRUDELL CONSULTING ENGINEERS, INC.

DATE: 3/12/87
SCALE: 1"=200'
PROJECT: 87001

APPENDIX B: Property Warranty Deed

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That O'BRIEN BROTHERS AGENCY INC., a Vermont corporation with a principal place of business at 1855 Williston Road, South Burlington, County of Chittenden and State of Vermont, Grantor, in consideration of Ten and More Dollars, paid to its full satisfaction by **THE TOWN OF WILLISTON**, a Vermont municipal corporation in the County of Chittenden and State of Vermont, Grantee, by these presents, does freely **GIVE, GRANT, SELL, CONVEY and CONFIRM** unto the said Grantee, **THE TOWN OF WILLISTON**, and its successors and assigns forever, a certain piece of land together with the benefit of specific easements and rights-of-way, all located in the Town of Williston, in the County of Chittenden and State of Vermont, (hereinafter collectively the "Property") described as follows, viz:

Being a parcel of land, with any improvements thereon, said property containing 50.92 acres of open land, including that portion known as Five Tree Hill, and being more particularly described as follows: beginning at a rebar marking the southwesterly corner of property presently of McKay (Vol. 26, P. 21) and the northwesterly corner of property presently of Arms (Vol. 72, P. 133), said rebar being S38°16'34"W 1843.91 feet from the southerly sideline of the Sunset Hill Road right-of-way; thence S38°01'48"W 740.81 feet to a rebar; thence N53°21'06"W 256.29 feet to a point; thence N50°59'12"W 365.82 feet to a point; thence N58°12'42"W 167.95 feet to an iron pipe; thence S36°25'08"W 491.83 feet to an iron pipe; thence N51°12'15"W 762.35 feet to a 30-inch birch tree; thence N36°10'06"E 1617.37 feet to an iron pipe; thence N53°08'17"W 785.33 feet to a point; thence N53°25'39"W 373.79 feet to an iron pipe; thence N39°13'48"E 250.00 feet to an iron pipe; thence S53°08'17"E 815.00 feet to an iron pipe; thence S34°13'36"E consecutively 465.00 feet to an iron pipe and 1560.04 feet to the rebar marking the point or place of beginning. Said property is depicted as "Open Space - 50.92A" on a survey entitled "Plat of Land of O'Brien Bros. Agency Inc." dated March 12, 1987, last revised January 4, 1990, and recorded April 4, 1990, in Map Volume 10 at Page 45 of the Williston Town Land Records.

The above-described land is conveyed with the benefit of, subject to the enumerated limitations, the following:

(1) A right-of-way for pedestrian access to the above-described land over the 60-foot private roadway leading southerly from Sunset Hill Road and adjacent to Lots 14, 13 and 12 as shown on said aforementioned survey, and a right-of-way over the 60-foot wide driveway access easement for Lots 10 and 11 as shown on said survey and an extension thereof to the northerly sideline of the above-described land. Said right-of-way shall only be for pedestrian purposes for the benefit of the Town and its residents, except for limited vehicular access by or under the direction of the Town to enable the Town to maintain and manage the land as open space for public recreation and for other municipal purposes; specifically intending to prohibit vehicular use of said right-of-way by the general public for access or parking purposes. Said restrictions and limitations on the use of the right-of-way shall be deemed as a covenant running with the land for the benefit of each and every one of the lots of Sunset Hill Estates as depicted on said aforementioned survey.

(2) A conservation easement on land comprising Lot 10 and located adjacent to and northerly of a portion of the southerly boundary line of Lot 10, the area of the conservation easement being the shaded area of Lot 10 as depicted on said aforementioned survey. The land the subject of the conservation easement shall remain open with no above-ground improvements constructed thereon, except for a driveway to provide access to and within Lot 10 and except for improvements made in connection with access to the above-described land. The lands included within the conservation easement shall not be open to or used by the Town or the general public. Grantor agrees that it shall not cut down the large maple trees in the vicinity of the southerly boundary of Lot 10 unless they become diseased, die, or become a safety hazard, and then only after first obtaining the approval of the County Forester.

(3) An easement for a wintertime, non-motorized, skiing and sledding runout from the hill at the top of Five Tree Hill over a small portion of the southwesterly corner of Lot 8 in the immediate vicinity of the pond as depicted on said aforementioned survey.

(4) a right-of-way over an existing snowmobile trail as it proceeds from the above-described land in a northerly and northwesterly direction through Lots 8, 12, and the Common Land lot, the right-of-way, lots, and Common Land being more particularly depicted on said aforementioned survey; said right-of-way to be used in connection with the trail network located on the above-described land as part of the VAST Trail Network.

The above described Property is conveyed subject to the following obligations and responsibilities which the Grantee assumes and will adhere to as evidenced by the

recording of this warranty deed, which obligations and responsibilities shall run with the Property and be for the benefit of the balance of the lands of Sunset Hill Estates, a planned residential development: (1) Grantee shall and will indemnify and save Grantor, its successors and assigns, harmless from and against any and all liability, claims, demands, damages, expenses, fees, fines, penalties, suits, proceedings, actions, and causes of action of every kind and nature suffered or incurred as a result of Grantee's ownership, use, or occupancy of the Property, or due to the carelessness, negligence, or improper conduct of Grantee, its agents, servants, employees, visitors, guests, or the general public; provided, however, that it is understood and agreed that the obligations of Grantee hereunder shall not extend to the negligence or willful misconduct of Grantor or its agents or representatives; (2) Grantee shall at its expense maintain a policy or policies of general liability insurance indemnifying Grantor and its successors and assigns against all claims and demands for personal injuries to or death of any person, and damages to or destruction or loss of property which may occur or may be claimed to have occurred on the Property or in the vicinity of the same. Said policy shall be in such amounts and for such coverage as a prudent municipality would be expected to carry, but in any event in an amount not less than \$1,000,000 for injury to or death of any one person, \$3,000,000 for injury or death of more than one person in any single event, and not less than \$100,000 for damage to or destruction for loss of property. Grantee shall deliver to Grantor a certificate of such insurance coverage upon demand by Grantor; (3) Grantee shall adopt such rules and regulations, provide such security services, and take all necessary precautions to prevent any interference with, damage to, destruction of, use of, enjoyment of, or trespass upon any adjoining property of Grantor, its successors or assigns, including particularly, but not by way of limitation, the removal of any and all litter or debris which accumulates on the Property or adjoining lands of Grantor due to Grantee's or the general public's ownership, use and occupancy of its Property; (4) Grantee represents and agrees that it has had the opportunity to inspect the Property as to its condition, Grantee accepts such Property in its "as is, where is" condition; and (5) Grantee shall not assign its rights, duties, or obligations to any other person or entity without the prior written consent of Grantor, which consent shall not be unreasonably withheld.

In addition, the above-described Property is conveyed subject to the following: (1) the reservation of an easement for the subsurface disposal of sewage effluent in mound or other systems approved by the State of Vermont and located on the Property in the areas depicted on said aforementioned survey, said easement to be for the benefit of the lands comprising Lots 10 and 11, together with the reservation of all rights necessary to install, construct and thereafter maintain and replace said sewage disposal improvements and the pipelines leading from the disposal areas to said lots; Grantor to return the Property to its former condition as soon as reasonable in light of weather conditions; (2) any rights of the public or others in an existing snowmobile and trail network located on the above-described Property; (3) the terms and conditions of Land Use Permit 4CO765 and all amendments thereto; (4) the right of Grantor to use the land the subject to the easements and rights-of-way delineated in paragraphs 2, 3, and 4

hereinabove, as long as the use does not unreasonably interfere with the uses for which the easements and rights-of-way are conveyed; and (5) taxes assessed on the grand list of Williston, not yet due and payable which the Grantee herein assumes and agrees to pay as part of the consideration of this deed; and (6) the provisions of municipal ordinances, public laws, and special acts.

Being a portion of the property conveyed to O'Brien Bros. Agency Inc. by Warranty Deed of Roderick S. Sutton dated December 31, 1986 and recorded in Volume 80 at Pages 73-79 of the Williston Town Land Records.

Reference is hereby made to the above-mentioned instruments, the records thereof and the references therein contained in further aid of this description.

TO HAVE AND TO HOLD the said granted Property, with all the privileges and appurtenances thereto, to the said Grantee, **THE TOWN OF WILLISTON**, and its successors and assigns, to its own use and behoof forever; and the said Grantor, **O'BRIEN BROTHERS AGENCY INC.**, for itself and its successors, executors and administrators, does covenant with the said Grantee, **THE TOWN OF WILLISTON**, and its successors and assigns, that until the ensealing of these presents, the Grantor is the sole owner of the Property, and has good right and title to convey the same in the manner aforesaid, that the said Property are **FREE FROM EVERY ENCUMBRANCE**, except as aforementioned; and does hereby engage to **WARRANT AND DEFEND** the same against all lawful claims whatever, except as aforementioned.

IN WITNESS WHEREOF, O'BRIEN BROTHERS AGENCY INC., by its duly authorized agent has caused these presents to be executed as of this 14th day of March, 1991.

In Presence Of:

O'BRIEN BROTHERS AGENCY INC.

Paul K. Wright
Witness

By: Leo O'Brien Jr
Its Duly Authorized Agent

Christopher O'Lea
Witness

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington, in said County, this 14th day of March, 1991, personally appeared Leo O'Brien, Jr., Duly Authorized Agent of O'BRIEN BROTHERS AGENCY, INC., and he acknowledged the within instrument, by him signed, to be his free act and deed and the free act and deed of O'BRIEN BROTHERS AGENCY, INC.

Before me, [Signature]
Notary Public
My Commission Expires 2/10/95

[obrienwd.v02]

ACCEPTED BY THE WILLISTON SELECTBOARD ON MARCH 28, 1991

Bert Moffatt Town Manager
March 29 1991 BERT MOFFATT

E. Kathleen Smardon Witness

Duly Authorized Representative for the Town of Williston.

Kathryn K. Boyden Witness

SWORN TO BEFORE ME AND IN MY
PRESENCE THIS 29 DAY OF MARCH 1991
Kathryn K. Boyden
NOTARY PUBLIC
MY COMMISSION EXPIRES 2/10/95

IN WITNESS WHEREOF, O'BRIEN BROTHERS AGENCY INC., by its duly authorized agent has caused these presents to be executed as of this 14th day of March, 1991.

In Presence Of:

O'BRIEN BROTHERS AGENCY INC.

Paul K. Wright
Witness

By: Leo O'Brien Jr
Its Duly Authorized Agent

Christopher O'Lea
Witness

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington, in said County, this 14th day of March, 1991, personally appeared Leo O'Brien, Jr., Duly Authorized Agent of O'BRIEN BROTHERS AGENCY, INC., and he acknowledged the within instrument, by him signed, to be his free act and deed and the free act and deed of O'BRIEN BROTHERS AGENCY, INC.

Before me, [Signature]
Notary Public
My Commission Expires 2/10/95

[obrienwd.v02]

ACCEPTED BY THE WILLISTON SELECTBOARD ON MARCH 28, 1991

Bert Moffatt Town Manager
March 29 1991 BERT MOFFATT

E. Kathy Smardon Witness

Duly Authorized Representative for the Town of Williston.

Kathryn Borja Witness

SWORN TO BEFORE ME AND IN MY PRESENCE THIS 29 DAY OF MARCH 1991
Matthew K. Borja
NOTARY PUBLIC
MY COMMISSION EXPIRES 2/10/95

Witnessed at _____ Office
at April 1 A.D. 1991
at 4 O'clock 45 minutes A M
and recorded in Book 90 Pages 457-461
Attest: Arlee H. Degroot Town Clerk

Vermont Property Transfer Tax 32 V.S.A. Chap. 231
- ACKNOWLEDGMENT -
Return Rec'd.-Tax Paid-Board of Health Cert. Rec'd.-
Vt. Land Use & Development Plans Act. Cert. Rec'd.
Return No. 91-207
Signed Arlee H. Degroot, Clerk
Date April 1, 1991

APPENDIX C: McKay Trail Easement

GRANT OF TRAIL EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS that the MCKAY FAMILY LIMITED PARTNERSHIP, a limited partnership organized under the laws of the State of Vermont with offices in Williston, Chittenden County, Vermont, on behalf of itself and its successors and assigns (hereinafter "Grantor"), in consideration of the payment of Ten Dollars and other valuable consideration paid to its full satisfaction, does freely give, grant, sell, convey and confirm unto the TOWN OF WILLISTON, a municipal corporation organized under the laws of the State of Vermont with its Town Offices in Williston, Vermont, and its successors and assigns (hereinafter "Grantee") forever, a perpetual and assignable easement for a right-of-way (all as more particularly set forth below) on, over and across a certain tract of land situated in the Town of Williston, Vermont, said easement lying within an "Easement Area" which is a portion of the land depicted on a map entitled "Survey Plat of Dr. R.J. McKay, Jr.", prepared by Newtown Surveyors, Inc., dated January 15, 1976, recorded in the Williston Land Records at Map book 5, Page 52 (Slide 123A&B), said property having been conveyed to Grantor by Warranty Deed of Robert J. McKay, Jr. and Elizabeth F. McKay, dated December 23, 1992, and recorded in Book 96 at Page 276-277 in said Land Records (hereinafter the "Protected Property"). The Protected Property is described in Schedule A attached hereto and incorporated herein and is depicted on a plan entitled "Vermont Land Trust - McKay Family Property, Williston, VT" (hereinafter "McKay Conservation Plan"), a copy of which is attached hereto and incorporated herein on Schedule B. The easements hereby conveyed consist of the following:

- a. An easement measuring twenty (20) feet in width passing on, over and across the Protected Property in two sections (the "Easement Area"), within which the improved footpath shall not exceed six (6) feet in width (the "Trail"). The first section of the Easement Area begins at a point on the northerly sideline of Sunset Hill Road which point is 3,580 feet, more or less, westerly of the intersection of Sunset Hill Road (Town Highway #21) and Oak Hill Road (Town Highway #1) and runs northerly from the parking area to a point on the westerly boundary of that portion of the Protected Property located northerly of Sunset Hill Road, then turns and runs through a line of trees in an easterly direction to the easterly sideline of the portion of the Protected Property located northerly of Sunset Hill Road and then exits the Protected Property in the direction of Mud Pond. The second section begins at a point on the southerly sideline of Sunset Hill Road which point is 3,580 feet, more or less, westerly of the intersection of Sunset Hill Road and Oak Hill Road and runs southwesterly in a curving path along the westerly boundary of that portion of the Protected Property to a point at the most southwesterly corner of the Protected Property and then exits the Protected Property in the direction of Five Tree Hill. The Easement Area is generally depicted on the McKay Conservation Plan.
- b. An easement for the purpose of constructing, maintaining, repairing and replacing a gravel-topped parking area on the Protected Property with a parking capacity of no greater than twelve (12) passenger automobiles. The parking area shall be located at the point of beginning of the first section of the Easement Area as hereinabove described and generally in the area as depicted on the McKay Conservation Plan.
- c. An easement for the purpose of constructing, repairing, maintaining and replacing a dry hydrant in the pond located adjacent to the trail together with the right to access the hydrant by all reasonable means and the right to use water from the pond for fire suppression purposes. Grantee shall have a temporary easement in the area surrounding the dry hydrant for construction purposes and further shall have the right to remove silt and other material from around the area of the dry hydrant as conditions warrant from time to time.
- d. An easement for the purpose of erecting, maintaining and replacing signs around the pond (adjacent to the trail) indicating that use of the pond by the public is prohibited and that trespassing will be subject to prosecution.
- e. An easement for the purpose of erecting, maintaining and replacing such other signs in the Easement Area as are necessary and appropriate to implement the rights and obligations herein.

The right-of-way easement and restrictions hereby conveyed to the Grantee consists of covenants on the part of the Grantor to do or refrain from doing, severally and collectively, the various acts set forth below. It is hereby acknowledged that these covenants shall constitute a servitude upon the land and run with the land. Grantee accepts such covenants in order to provide public access to non-commercial recreational opportunities and activities in the Town of Williston for present and future generations.

I. Permitted Uses by Grantee.

The rights and interests hereby conveyed to the Grantee are as follows:

McKay Family Trail Easement
Page 2

1. Effective on the date of this Grant and prior to exercising its right to construct, manage and maintain a trail pursuant to Section 1(2), Grantee shall have the right to permit access within the Easement Area for public, pedestrian non-commercial recreational use including without limitation walking, skiing and snowshoeing. Horseback riding, bicycling, and snowmobiling may be permitted at the discretion of Grantor. Motorized recreational use, exclusive of snowmobiles, shall not be permitted; provided, however, that motorized use shall be permitted in connection with Grantee's construction, maintenance, repair and replacement of the Easement Area. The Easement Area shall not be used for camping, no fires shall be permitted, and Grantee shall erect no structures within the Easement Area.

2. Grantee shall have the right, at Grantee's expense, to construct, manage, use and maintain the Trail within the Easement Area. The Winooski Valley Park District or a similar entity selected by Grantee shall be responsible for construction, maintenance and management of the trail within the Easement Area. The Trail shall not exceed six (6) feet in width within the twenty (20) foot wide Easement Area. The surface of the Trail shall be maintained in a natural condition. The Trail shall not be graveled, paved or otherwise improved beyond its natural condition without the prior written consent of Grantor; except that Grantee may employ fill material where required to traverse wet areas within the Easement Area.

3. The precise location of the Easement Area shall be fixed on the ground by mutual consent of the parties, and marked by blazing or signs maintained within the Easement Area. The location of the Trail may be altered from time to time by mutual consent of the parties. The location of the Trail shall be determined by Grantor and Grantee by taking into consideration the following goals:

- a. Grantor's use and quiet enjoyment of the Protected Property for scenic, agricultural, forestry and conservation purposes; and
- b. Grantee's objective of creating a public recreational trail which provides meaningful public recreational access through the Easement Area to Five Tree Hill, which can be established without undue expense, and which connects to trail segments on lands adjoining the Protected Property.

The centerline of the Trail as fixed by Grantor and Grantee and as marked or blazed on the ground shall constitute the centerline of the Easement Area.

4. Once the Trail has been located on the ground by the parties, marked or blazed, and constructed, Grantee shall not cut or remove any additional vegetation, except that Grantee may clear brush as required to maintain the Trail and may remove dead, dying or diseased vegetation which poses a safety risk to the Trail users; and further except that Grantee may cut or remove additional vegetation with the prior written consent of the Grantor. Grantee shall not employ herbicides, pesticides, growth inhibitors or other toxic substances within the Easement Area without the prior written consent of the Grantor.

5. Grantee shall have the right to restrict or limit public use of and access to the Easement Area in the public interest.

6. Grantee shall have the right to construct and maintain a gravel-topped parking area on the Protected Property with a parking capacity no greater than twelve (12) passenger automobiles, provided, however, that prior to commencing construction, Grantee shall receive the prior written approval of Grantor and of the Vermont Land Trust, Inc., which approval shall not be unreasonably withheld or conditioned provided that the parking area is not paved and is located at the point of beginning of the first section of the Easement Area as described above and is constructed in a manner consistent with the scenic values of the Protected Property as those values are described in a certain Grant of Development Rights and Conservation Restrictions granted to Vermont Land Trust, Inc., dated of even date and recorded herewith (the "Grant").

II. Restrictions on Use by Grantor.

The restrictions hereby imposed upon the Easement Area, and the acts which Grantor shall do or refrain from doing, are as follows:

1. Grantor shall use the Easement Area exclusively for agricultural, non-commercial recreational and open space purposes. No residential, commercial, industrial, or mining activities shall be permitted, and no building or structure shall be constructed, created, erected or moved into the Easement Area without the prior written consent of Grantee and the Vermont Land Trust, Inc. No building or structure shall be constructed, created, erected or moved into the Easement Area located northerly of Sunset Hill Road.

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2. Grantor shall not cut any timber or trees within the Easement Area, excepting Grantor may remove dead, diseased or dying trees; and further excepting that Grantor may cut or remove additional vegetation with the prior written consent of the Grantee.

3. There shall be no disturbance of the surface of the land, including but not limited to filling, excavation, removal of topsoil, sand, gravel, rocks or minerals, or change of the topography of the Easement Area in any manner. In no case shall surface mining of subsurface oil, gas, or other minerals be permitted.

4. No use shall be made of the Easement Area, and no activity thereon shall be permitted which, in the reasonable opinion of the Grantee, is or may possess the potential to become inconsistent with the intent of this Grant, such intent being to provide public access to non-commercial recreational activities and opportunities.

III. Consultation.

Grantee shall consult with Grantor from time to time about the public use and access and shall take reasonable steps to correct any erosion problems caused by public use and to minimize any adverse impact on Grantor's use and enjoyment of the Protected Property.

IV. Compliance with Easement Terms and Binding Arbitration.

Grantor and Grantee shall take reasonable steps to periodically inspect the Easement Area to assure compliance with the terms, conditions and limitations of this easement. In the event either party identifies a material violation of this easement, the party shall provide prompt written notice of the violation, including a request for specific corrective action. Reasonable steps shall be taken to investigate and correct the violation within two weeks of receipt of notice. In the event public use of the Easement Area materially interferes with Grantor's quiet enjoyment of the Protected Property, the excluded 10.8 acre parcel, the Homestead Area, and/or the released parcel as those terms are defined in the Grant on a frequent, ongoing basis, and measures taken by Grantee do not in Grantor's opinion sufficiently abate the interference, Grantor may close the Easement Area to public access for a period not to exceed two weeks to enable Grantee to take corrective action.

In the event Grantor and Grantee are unable to agree on the trail's location pursuant to Section I(3), above, said matter shall be submitted for binding arbitration. Further, any violation not corrected through the foregoing voluntary mechanisms shall be submitted to binding arbitration. The arbitrator's authority shall include the right to determine whether a violation of the easement by either Grantor or Grantee has occurred or continues to occur, and what corrective action is appropriate. Further, the arbitrator's authority shall include the right to determine whether public use of the Easement Area materially interferes with Grantor's quiet enjoyment of the Protected Property, the excluded 10.8 acre parcel, the Homestead Area, and/or the released parcel as those terms are defined in the Grant on a frequent basis, whether Grantee's corrective action is sufficient, and what additional corrective action should be implemented to achieve the objectives of permitting reasonable public recreational access without materially interfering with Grantor's quiet enjoyment of the Protected Property, the excluded 10.8 acre parcel, the Homestead Area, and/or the released parcel as those terms are defined in the Grant. The excluded 10.8 acre parcel and the Homestead Area are depicted on the McKay Conservation Plan.

The arbitrator shall be selected by the parties or by the American Arbitration Association if the parties cannot agree on an arbitrator. The costs of arbitration shall be shared equally by the parties, unless otherwise determined by the arbitrator due to one party being unreasonable or otherwise dilatory. The decision of the arbitrator shall be binding on the parties. The parties shall select an arbitrator within two weeks of the submission of an issue to arbitration, and every reasonable effort shall be made to complete arbitration of any dispute within thirty (30) days of the selection of an arbitrator.

Notwithstanding the foregoing, Grantor and Grantee reserve the right to bring an action in a court of competent jurisdiction to (1) secure a temporary restraining order or preliminary injunction to maintain the status quo pending the arbitration of a dispute; (2) enforce a directive issued by an arbitrator to maintain the status quo pending disposition of the arbitration proceeding; or (3) enforce a final order issued by the arbitrator. The prevailing party shall be reimbursed the reasonable costs of enforcement, including staff time, court costs and reasonable attorneys' fees, in addition to any other payments ordered by such Court. The remedies described herein are in addition to, and not in limitation of, any other remedies available to Grantor or Grantee at law, in equity, or through administrative proceedings.

V. Right of Entry

If Grantee ceases to exist, or if Grantee terminates its management of or public access to the Trail, then the Vermont Land Trust, Inc., a Vermont non-profit corporation with principal offices located in Montpelier, Vermont may, in its sole discretion, acquire the rights and obligations of Grantee under this instrument. The rights, obligations and interests held by Grantee shall shift to and vest in the Vermont Land Trust, Inc., or its successors or assigns, upon the recording in the Town of Williston Land Records a notice ("Notice") which has been mailed to Grantee and its successors, if any, by certified mail, together with copies of the signed return receipts. Grantee shall have a period of sixty (60) days from the date of receipt of said Notice either to appoint a qualified organization as a successor or resume management of and public access to the Trail. If either of these events does not occur within said sixty (60) day period, the Notice shall be recorded in the Town of Williston Land Records and thereupon Grantee's rights, obligations and interests under this Trail Easement shall shift to and be immediately vested in the Vermont Land Trust, Inc. If the Vermont Land Trust, Inc. is no longer in existence at the time the rights, obligations and interests under this Trail Easement would otherwise vest in it, or if the Vermont Land Trust, Inc. should refuse such rights, obligations and interests or otherwise fail to mail the Notice, fail to record the Notice or if some other legal failure occurs to bar vesting of the rights, obligations and interests under this Trail Easement in the Vermont Land Trust, Inc., then the rights, obligations and interests under this Trail Easement shall vest in such qualified organization as a court of competent jurisdiction shall direct pursuant to the applicable law of the State of Vermont.

VI. Indemnification.

By its recording of this Easement Deed, Grantee agrees for itself and its successors and assigns that it will fully reimburse Grantor for any costs and expenses (including reasonable attorney's fees and costs) which Grantor may incur in regard to the defense of any claims for the payment of any damages, judgments or decrees relating to any injury or damage resulting from the public use of the Easement Area, the parking area, and the pond adjacent to the Easement Area, except to the extent that damages or injury claimed is attributable to negligent acts or omissions or willful misconduct of the Grantor, its agents, invitees, heirs and assigns. Notwithstanding anything in the foregoing to the contrary, under no circumstances shall the indemnification provisions herein apply to the Vermont Land Trust, Inc., or its successors in interest.

VII. Miscellaneous Provisions.

1. The Grantee shall transfer the right-of-way easement and restrictions conveyed by Grantor herein only to a State agency, municipality, or qualified organization, as defined in Title 10 V.S.A. Section 6301a, in accordance with the laws of the State of Vermont and the regulations established by the Internal Revenue Service governing such transfers.
2. In the event the right-of-way easement and restrictions conveyed to the Grantee herein are extinguished by eminent domain or other legal proceedings, Grantee shall be entitled to any proceeds which pertain to the extinguishment of Grantee's rights and interests.
3. In any deed conveying an interest in all or part of the Easement Area, Grantor shall make reference to the right-of-way easement and restrictions described herein and shall indicate that said easement and restrictions are binding upon all successors in interest in the Protected Property in perpetuity. Grantor shall also notify the Grantee of the name(s) and address(es) of Grantor's successor(s) in interest.
4. The term "Grantor" shall include the successors and assigns of the original Grantor, McKay Family Limited Partnership. The term "Grantee" shall include the successors and assigns of the original Grantee, Town of Williston.
5. The execution and recording of this Grant of Trail Easement hereby terminates the Agreement of Temporary Easement dated June 27, 1997 and recorded in Book TP 10, Page 80.

INVALIDATION of any provision hereof shall not affect any other provision of this Grant.

TO HAVE AND TO HOLD said granted right-of-way and restrictions, with all the privileges and appurtenances thereof, to the said Grantee, TOWN OF WILLISTON, its successors and assigns, to its own use and behoof forever, and the said Grantor, MCKAY FAMILY LIMITED PARTNERSHIP for itself, and its successors and assigns, does covenant with the said Grantee, its successors and assigns, that until the ensealing of these presents, it is the sole owner of the premises, and has good right and title to convey the same in the manner aforesaid, that the premises are free from every

encumbrance, except those identified in Schedule C attached hereto and incorporated herein, and it hereby engages to warrant and defend the same against all lawful claims whatever.

IN WITNESS WHEREOF, it sets its hand and seal this 29th day of June, 1998.

Signed, sealed and delivered
In The Presence Of:

GRANTOR
McKay Family Limited Partnership

Michael J. Harris
Witness to RJM, Jr and EFM

By: Robert J. McKay, Jr.
Robert J. McKay, Jr., General Partner

Frank Hawley
Witness to RJM, Jr and EFM

By: Elizabeth F. McKay
Elizabeth F. McKay, General Partner

STATE OF VERMONT
CHITTENDEN COUNTY, ss.

At Williston, this 29th day of June, 1998, Robert J. McKay, Jr. and Elizabeth F. McKay as the sole General Partners of McKay Family Limited Partnership, personally appeared and acknowledged this instrument, by them sealed and subscribed, to be their free act and the duly authorized deed of McKay Family Limited Partnership, before me.

Paul Rathy Beach
NOTARY PUBLIC
My commission expires:

ACKNOWLEDGMENT OF ARBITRATION

We understand that Section IV of this instrument contains an agreement to arbitrate. After signing this document we understand that we will not be able to bring a lawsuit concerning any dispute that may arise which is covered by the arbitration agreement set forth in Section IV, unless it involves a question of constitutional or civil rights. Instead, we agree to submit any such dispute to an impartial arbitrator. The provisions of Title 12, Chapter 192 V.S.A. "Arbitration Act", as may be amended, shall be applicable to any arbitration proceedings. We understand that the arbitration provisions of this instrument are limited exclusively to matters set forth in Section IV.

TOWN OF WILLISTON

MCKAY FAMILY LIMITED PARTNERSHIP

BY: Richard M. Harris
Its Duly Authorized Agent

By: Robert J. McKay, Jr.
Robert J. McKay, Jr., General Partner

By: Elizabeth F. McKay
Elizabeth F. McKay, General Partner

ACKNOWLEDGEMENT

Return Received (including Certificates
and, If Required, Act 250 Disclosure
Statement) and Tax Paid. 99-5

Signed Colae H. Degree Clerk

Date July 2, 1998

Williston, VT Town Clerk's Office
Received for Record
July 2 AD 19 98
at 10 O'clock 20 minutes A M
and recorded in Book 112 Page 658-665
Attest Colae H. Degree Town Clerk

SCHEDULE A
PROTECTED PROPERTY

Being a portion of the same lands and premises conveyed to Grantor by warranty deed of Robert J. McKay, Jr. and Elizabeth F. McKay, dated December 23, 1992, and recorded in Book 96, Pages 276-277 of the Williston Land Records, and being more particularly described as lying on both sides of Town Highway #21 (also known as Sunset Hill Road) in the Town of Williston. Said parcel is further depicted on a plan entitled "Survey Plat for Dr. R.J. McKay, Jr." dated January 15, 1976 by Newtown Surveyors, Inc. recorded in Map volume 5 at Page 52 (Slide 123A&B) in the Town of Williston Land Records.

Excepted and excluded from this description of the Protected Property are the following parcels of land:

1. The two (2) acre, more or less, parcel including house on the southerly side of Sunset Hill Road, being the Homestead Area depicted on the McKay Conservation Plan, being further described as:

Beginning at a point on the southerly side of Sunset Hill Road (TH #21) 700 feet, more or less, westerly of the easterly boundary of the Protected Property; thence proceeding South 35° West 250 feet, more or less, across the Protected Property to a point; thence turning and proceeding North 55° West 350 feet, more or less, across the Protected Property to a point; thence turning and proceeding North 35° East 250 feet, more or less, across the Protected Property to a point; thence turning and proceeding Southeasterly 350 feet, more or less along the southerly sideline of Sunset Hill Road to the point of beginning.

2. The 10.8 acre, more or less, parcel with no buildings on the northerly side of Sunset Hill Road being further described as:

Beginning at a point where a stone wall on the westerly boundary of this excluded parcel intersects the northerly side of Sunset Hill Road; thence proceeding North 36° 25'58" East 600.3 feet along the surveyed westerly boundary of the excluded parcel; thence turning and proceeding South 54° 10'54" East 783.49 feet along the surveyed northerly boundary of the excluded parcel; thence turning and proceeding Southwesterly 600 feet, more or less, along the boundary of the Protected Property to the northerly sideline of Sunset Hill Road; thence turning and proceeding Northwesterly 783 feet, more or less, along the northerly sideline of Sunset Hill Road to the point of beginning.

SCHEDULE C
ENCUMBRANCES ON TITLE

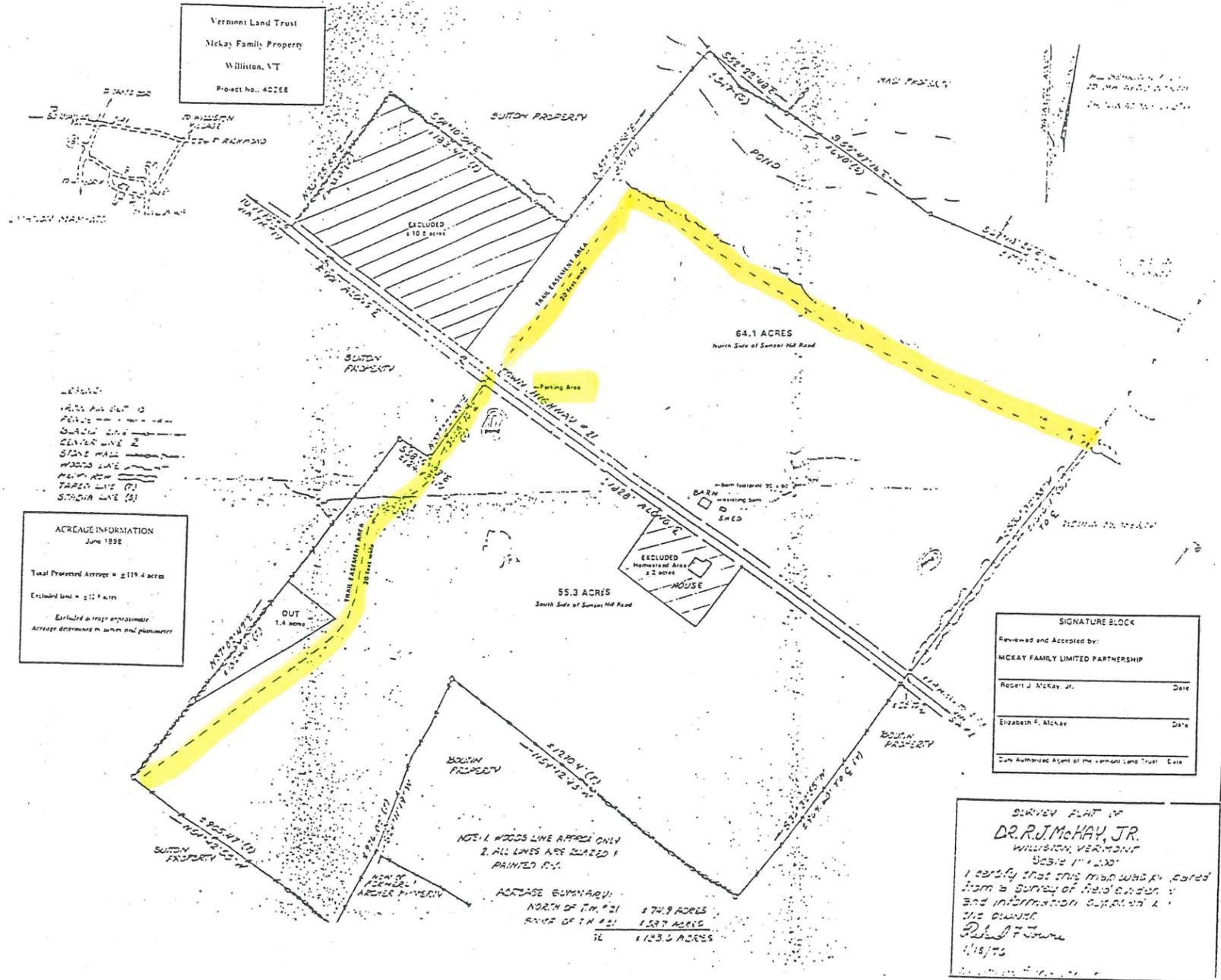
The following easements and use restrictions of record in the Town of Williston Land Records may be located on and across or otherwise encumber the Protected Property:

1. Grant of Development Rights and Conservation Restrictions granted to Vermont Land Trust, Inc., dated of even date and recorded herewith.
2. Spring rights and an access easement as set forth in a Warranty Deed from Katherine T. Larrow dated September 10, 1955 and recorded in Book 26, Page 21.
3. Tax Stabilization Agreement with the Town of Williston dated April 12, 1993 and recorded in Book TP 9, Page 238.
4. Utility Line easement dated April 29, 1970 and recorded in Miscellaneous Book 4, Page 241.

END OF
DOCUMENT

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SCHEDULE C
MCKAY CONSERVATION PLAN



END OF DOCUMENT