

Former Lyon Property Management Plan

Town of Williston, Vermont

**Approved by the Williston Conservation Commission, 11/7/2018
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I. PURPOSE

A. Goal of the Management Plan

This plan is intended to guide the management of the former Lyon Property located in Williston, Vermont. The land is owned by the Town of Williston and is managed with the joint goals of providing for various municipal and recreational uses, maintaining the view from the I-89 corridor, and protecting wetlands.

1. Drafters of Management Plan

The Management Plan was drafted by the Williston Conservation Commission (WCC). Williston Public Works was consulted in the process. Public comment was taken on the document as part of the Selectboard approval process.

2. 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 Vermont Housing and Conservation Board (VHCB) as holder of the Conservation Easement will also be consulted regarding any changes to the property. The WCC is responsible for general management. Public Works is responsible for general maintenance in cooperation with the WCC.

B. Purposes of the Conservation Easement for the former Lyon Property (as stated in the Conservation Easement, Appendix A)

- 1) Consistent with the goals set forth in 10 V.S.A. 6301, the primary purpose of the VHCB grant is to conserve open space and historic integrity of the lands surrounding Williston Village.
- 2) As a secondary objective, to conserve the scenic and natural resources associated with the protected property, to improve the quality of life for Vermonters, and to maintain for the benefit of future generations the essential characteristics of the Vermont countryside.
- 3) These objectives will be advanced by conserving the protected property because it maintains the historic and scenic character of Williston Village, and will provide open space and recreational opportunities for current and future generations.¹

The Conservation Easement includes a right to develop up to 8-acres of the protected property, provided such development does not unreasonably interfere with the activities on the remaining acres. Once the development of the property is approved through the appropriate public process, VHCB will then release the conservation restrictions on those 8-acres.

¹ Vermont Housing and Conservation Board. 1995. Grant of Development Rights and Conservation Restrictions for the Former Lyon Property.

C. Responsibilities

- The Town of Williston Vermont took fee title to the property on October 17, 1994.
- The WCC took the lead in drafting the management plan and will be primarily responsible for implementing the management plan.
- Public Works is responsible for maintenance on the property in cooperation with the WCC. Local police provide security patrols as needed.
- VHCB, the easement holder, will monitor the property on a regular basis for adherence to allowed uses.

II. GENERAL DESCRIPTION OF PROPERTY

Originally 24.20 acres, today the property totals 24.67, which is the result of a boundary line adjustment that occurred in 1998 and multiple land swaps that occurred in 1999. The property is located south of U.S. Route 2 (a/k/a Williston Road). The original parcel is shown and depicted on a plan entitled “Subdivision of Land of H. Warren Lyon, Williston, Vermont,” prepared by DuBois & King, Inc., October 1989, and recorded in Map Book, 11, page 55, Map Slide #295B of the Town of Williston Land Records (see Appendix B: Property Boundaries).

The property has no frontage of its own but a 60-foot right-of-way exists for pedestrian and vehicle access along an adjacent parcel to the northeast. The land is generally flat but slopes downward from south to north. The predominant soil type is Cabot stony silt loam with some Peru silt loam in the northwest corner. Cabot soils tend to be poorly drained and naturally fertile. Class II wetlands were delineated on the property in August 2012 (see Appendix C: Wetland Delineation).

The property is the largest parcel in the village and is located directly behind the Town Hall complex. The village is a historic district listed in the National Register of Historic Places. The property is protected through a local historical preservation ordinance that includes design review criteria for all new development. The property is visible from Interstate-89 and is located in a designated primary foreground viewshed corridor.

Historically the property was used for agriculture but today there are 25 pole-mounted solar trackers. The trackers occupy roughly 8% (2-acres) of the property while the remainder of the property remains open. The property is typically mowed once per year.

III. HISTORICAL BACKGROUND

January 22, 1991: The Williston Planning Commission approved a two-lot subdivision (SUB 90-8) where Lot A included the subject parcel. The property is identified as Lot A on a survey recorded on Map Slide #295B if the Williston land records.

October 17, 1994: H. Warren Lyon conveyed 24.20-acres to the Town of Williston. The Warranty Deed can be found in Volume 102, Page 232 of the Williston land records.

March 13, 1995: A Grant of Development Rights and Conservation Restrictions was granted to the Vermont Housing and Conservation Board. The Easement can be found in Volume 102, Page 690 of the Williston land records.

- The Vermont Land Trust contributed \$25,000 to the project, but their interest was secured via a ‘right of reentry’, which can be found in section VI.2 of the VHCB’s conservation easement. VHCB cannot alter the easement, or sell any interest in the property. VHCB must monitor compliance and report to VLT, and require the town to comply with the town’s obligations under the easement. If VHCB fails, VLT can succeed to those rights of VHCB.
- At some point in the process provisions were added to the VHCB easement that severely restrict structures in order to protect the scenic character of the property. These scenic protection provisions were added to satisfy the conditions of the AOT grant, but they were never removed from the easement once the AOT funding fell through. The scenic restrictions pertain to land management and structures and are located in Sections II.1 and III.9 of the easement; considered together provisions essentially limit any structures on the property to benches and/or playground equipment.
- The easement allows for an 8-acre development zone, but the conservation restrictions currently apply to the entire parcel. The town must first delineate and survey the development zone, and have that area formally released from the conservation easement before development may occur. The use of the 8-acres was initially intended to support residential growth in the village; however natural constraints have made such a project impractical.
- The easement prohibits commercial and industrial uses, except for where reasonable commercial activities support a residential use.

April 7, 1998: The eastern property line was adjusted by 0.08 acres under permit BLA 98-5, which reduced the parcel size from 24.20 acres to 24.12 acres (see Appendix D: Kaynor/Carr Boundary Line Adjustment).

October 28, 1999: A land purchase/swap deal occurred between Mr. Edward Miles, the State of Vermont, and the Town of Williston for the purpose of accommodating the expansion of the northbound I-89 rest area. As recorded in Book 118, Pages 595 – 600, 2.35 acres of the former Lyon property were transferred to the State of Vermont and 2.90 acres of the Miles property were transferred to the former Lyon property (see Appendix E: AOT/Miles Land Swap Deeds & Map). Unfortunately, while the deed does reference the AOT ROW site plan, the site plan was not recorded with the deed; thus, there is no officially recorded plat of the property as it exists today after the land swaps, and the town’s parcel data appears to depict the property boundaries incorrectly. To avoid future conflicts, the town should consider having a formal survey conducted and a boundary plat recorded in the Williston land records.

September 25, 2007: A land swap occurred between the State of Vermont Armory and the Town of Williston for the purpose of accommodating parking needs for both the town and the state. As recorded in Proceedings Volume 13, Page 284-294, 0.47 acres of the former Lyon property were transferred to the state and 0.47 acres were transferred to the former Lyon property. The land swap is identified on a survey recorded on Map Slide #681B of the Williston land records (see Appendix F: State of Vermont Armory Land Swap Deeds & Map).

September 28, 2012: The Town entered into a Solar Energy Services Contract with Green Lantern Development, LLC and AllEarth Renewables, Inc. and installed 25 solar trackers (see Appendix G: Solar Energy Services Contract). The installation was considered as temporary by the VHC and therefore did not affect the right to develop 8-acres.

IV. CURRENT PHYSICAL IMPROVEMENTS TO PROPERTY

A. Access

On September 28, 2012 an access easement was granted to GLC Solar Gen II, LLC for the purpose of constructing and maintaining twenty-five ground mounted solar trackers. The access area itself has not been improved.

B. Renewable Energy

In 2012, the Town of Williston entered into a Solar Energy Services Agreement with Green Lantern Capital (GLC). This agreement set up an arrangement whereby GLC installed an approximately 150 kW All Sun Tracker array (25 ground-mounted Solar Trackers) on Town property and owned and operated that equipment in exchange for the town receiving a 5% discount on the net metering credits produced by the array. The production from the solar array is used to offset electricity bills for four town accounts and the town then pays GLC 95% of the value of those so-called “net metering credits”. The contract was for a 25-year term and was subject to mutually agreed renewals, and purchase options that give the Town the right to purchase the equipment at fair market value at the end of years 6, 10, 15 and 20.

On June 15, 2018 the Selectboard authorized the Town Manager to execute an equipment purchase agreement with Green Lantern Development, LLC in the amount of \$345,691 for the 25 solar tracker array as approved by the voters of Williston on March 6, 2018. The purchase agreement took effect on September 28, 2018. The town has contracted with All Earth Renewables to maintain and operate the solar array. The Town will take on some additional operating costs for annual routine maintenance and inverter replacement in year 10, but the town will also receive operating savings from receiving 100% of the net-metering credits. The net operating savings will be approximately a 10% return of investment each year. The simple payback of purchasing this system from GLC will be approximately 10.5 years. The net value of this asset after 20 years is estimated to be \$353,862.

V. POTENTIAL PHYSICAL IMPROVEMENTS TO THE PROPERTY

VHCB will be notified early in the process when any changes are proposed to this property. This would include any of the allowed improvements listed below. Before improvements or changes for a particular use are commenced, alternate uses for the parcel that will be foreclosed by the proposed use should be evaluated and the appropriate local, state and federal approvals or permits must be obtained.

A. Access

Future access to the property is allowed for the uses identified in this Management plan.

B. Renewable Energy

Solar, wind, and other renewable energy generation technologies may be allowed for residential or municipal use. Renewable energy structures must not be placed in the wetlands or wetland buffers.

C. Stormwater Controls

For the purpose of improving the water quality of the Allen Brook, and as mandated by the MS4 Permit and identified in the Towns Flow Restoration Plan, stormwater management improvements will be considered on the property.

D. Urban Community Forestry

To support Williston's Community Forestry Plan, a tree nursery may be considered the property. A program may be developed to facilitate the planting and harvesting plants, which could be used to restore the banks of the Allen Brook and other waterways in Williston.

E. Trail

A primitive path corridor runs in an east/west direction across the property and may be developed as a public trail. The property should be publicized as town land once the trail link is developed because many residents do not realize there is public land in the Village. Design and planning should take into account the uses of the trail. Types of uses should be carefully considered and multiple use trails should only be allowed if they are determined to be appropriate. All trails should be laid out in a manner that minimizes potential environmental degradation on the site. In the case of multiple use trails they should be designed to minimize user conflicts. The Green Mountain Club's *Trail and Shelter Maintenance Manual* should be used as a guiding technical document in designing trails. A wetlands specialist should be consulted if there are concerns about the impact to the existing Class II wetlands. In addition to the technical assistance that will be needed, community involvement should be encouraged in developing the trail.

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

F. Trail Head and Parking Lot

A trailhead should be developed with appropriate signage. Parking should be shared with existing town parking lot.

G. Minor Incidental Structures

Picnic tables and benches and other temporary structures such as walkways, planters, fountains, and works of art are an allowed use on the property.

H. Signage

Signs indicating appropriate information about the property and its permitted uses are allowed under the Conservation Easement Section II, (3). If signs are erected, VHCB must be identified as a funder.

VI. GENERAL MANAGEMENT OF THE PARCEL

A. Best Use of Land

Intensive uses with negative resource impacts are prohibited. The best use of the land is for passive recreational use, renewable energy generation, stormwater management, and urban forestry as they are related to municipal and residential uses. Development should occur outside of the wetlands and wetland buffers.

B. Structures

No structures are permitted except as allowed in the Conservation Easement and this Management Plan.

C. Vehicular Traffic

No motorized vehicles are allowed on the property outside designated parking areas and access drives except as allowed in the Conservation Easement and for normal maintenance of the property. If vehicles are found to be entering the land in the future, gates should be erected.

D. Upkeep, Damage, and Illegal Uses on the Property

Public Works in coordination with the WCC will provide any needed maintenance. A yearly site walk should be completed by town staff to monitor the property and identify any desired projects to be undertaken. The Williston Police can also be contacted if serious or recurrent problems occur.

E. Boundary Marking and Posting

This boundary is currently difficult to locate and needs to be permanently blazed at the time a property survey is done. Once marked, the boundaries should be walked once a year. The parcel is not currently posted against hunting but is located within the Restricted Firearms Discharge Area.

F. Hunting

The property is located in the Restricted Firearms Discharge Area (RFDA). The Town of Williston Firearm Discharge Ordinance prohibits the discharge of a rifle, pistol, revolver, or single projectile from a shotgun or muzzle loader within the RFDA. Any non-firearm (such as bow and arrow) and any firearm projecting or throwing more than one projectile in a single discharge is allowed in the RFDA. The town has the option to post the land to prevent hunting, trapping and fishing that are otherwise allowed under the ordinance.

G. Mowing

Mowing is required once per year around the solar panels. Other mowing to maintain the property's open condition as specified under the Conservation Easement shall be conducted at least every three years. Mowing shall occur after October 1 to protect bird nesting habitat and to provide forage for pollinators and other insects. Mowing should be timed to reduce soil disturbance. Mowing practices are discussed in greater detail under Section VIII. Natural Resources.

H. Harvest of Trees or Plants

Silvicultural practices are allowed following the approval of the WCC. If any silvicultural activities are to occur on the land a forest management plan must be prepared by the County Forester or a certified forester. Other cutting, removal, or harvesting of native plants is prohibited unless specified in this Management Plan or Conservation Easement.

VII. TRAIL MANAGEMENT

A. Passive Recreation

Hiking, snowshoeing, cross-country skiing, and wildlife viewing are appropriate uses for the trail on this parcel. Horseback riding, mountain biking, and snowmobiling are more intensive uses and are prohibited unless approved by the WCC.

B. 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 or other appropriate structures should be used to protect the soil. Green Mountain Club guidelines should be consulted for siting trails in wet areas.

C. Trail Closures

The town may at its discretion close trails to all or particular uses due to trail conditions. These conditions could include wet trails, the location of a sensitive nest or den near the trail or other changes in trail conditions that are not the result of human use on the trail. No notice period will be required for these types of trail condition closures. Trail closure notifications shall be placed at trailheads with the reason for the closure and a projected date the trail will be reopen if known. Trails may also be closed if their use is abused or dangerous conditions result from use. In these cases negotiations to remedy the abuse shall occur with the WCC before the trail is reopened to that use. A two week notice will be given for abuse closures. However if a natural resource is determined to be in imminent danger because of the abuse the two week notice may be waived. If an organized group of the type of users causing the problem is known to exist, it will be contacted during the two week period to begin negotiations.

VIII. NATURAL RESOURCES

A. Wetlands

A wetland delineation from August 2012 (see Appendix C: Wetlands Delineation) indicates that a significant portion of the property is considered Class II wetlands. Vermont

Wetland Rules ordinarily prohibit mowing; however, land in agricultural uses before the Wetland Rules were established is considered exempt, even in areas of mapped wetland, as long as the land is continuously used for agriculture and the activity does not change to some other use.² Thus, the maintenance of an annual mowing schedule on the property consistent with the restrictions under the Conservation Easement to “maintain the property in an open condition or in active agricultural use by mowing, brush-hogging or cutting larger scrub vegetation” is allowed under State law. If mowing were to cease for five or more years, the town would lose the right to mow in the future.

It may be desirable for enhancement of the wetland functions to limit mowing to once every 2-3 years on all or a portion of the property. However, doing so may conflict with goals to manage invasive species (see below).

B. Invasive Species

In 2018, a US Partners for Fish and Wildlife intern conducted an assessment of invasives on the property and developed a management plan. The assessment focused on the open meadow and noted the presence of 5 species of invasive plants including wild/poison parsnip, spotted knapweed, common buckthorn, multiflora rose, and shrub honeysuckle (see Map F – Invasive Plants). Recommended management strategies are based on a prioritization of actions that yield the highest ecological benefit for the lowest cost/effort. Generally, the most effective way to manage an invasive species is when it is first introduced because it is easiest and most cost effective to eradicate (Early Detection/Rapid Response) before the population exponentially grows to the point where it can only be contained by an aggressive and costly management program over the long term. The highest priority species identified under this prioritization is multiflora rose, followed by honeysuckle, then common buckthorn. The least priority species are wild parsnip and spotted knapweed, because these species are so well-established that their eradication would be very costly and take many years to accomplish.³

Even if eradication of these well-established invasives appears futile, there may nonetheless be some value in implementing one or more management strategies over separate portions of the property for research purposes. For example, the westernmost upland area containing the majority of the solar array also is heavily infested with poison parsnip and spotted knapweed. Intensive mowing could be implemented in this area for control of these species (see Map G - Management Areas).

The invasives management plan, included as Appendix H, lists a number of resources that can be used in implementing future management actions. The WCC should solicit guidance from this plan, the Vermont Invasives Coordinator, Chittenden County Forester, and independent contractors to further develop appropriate management strategies.

Beyond actual containment of invasives, the central location and accessibility of the Lyon Property offers an opportunity to educate the public about invasives. The WCC should

² Vermont Farming Activities in Wetlands and Buffers. Vermont Wetlands Program. Available at http://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/wl_WetlandAgCard.pdf

³ Maegan Aldous, USFS Partners for Fish and Wildlife. 2018. Invasives Plant Management Plan for 79 Penny Lane (Lyon Property), Town of Williston.

develop interpretive signage in conjunction with development of trails on the property, with pictures and information about the invasives present. The WCC should also consider implementing a demonstration removal project with volunteers and/or in conjunction with local schools.

C. Wildlife

In 2018, Vermont Audubon staff conducted a habitat assessment and developed bird-friendly management recommendations for the Lyon Property. The assessment, included as Appendix I, was done under Audubon Vermont's Champlain Valley Bird Initiative, which works with landowners to promote effective avian habitat management in the Champlain Valley. The recommendations are based on habitat requirements of priority bird species that have been identified by Vermont State Wildlife Action Plan (VSWAP) and the North American Bird Conservation Initiative (NABCI), and are the focus of regional conservation efforts.⁴ Although focused on birds, the report's management recommendations will benefit numerous non-avian species as well. The recommendations, some of which have been modified slightly, are summarized as follows:

1. Open Field Management Guidelines (Management Area A – Map G)
 - Delay mowing until after October 1 to provide food resources for birds and pollinators.
 - Install nest boxes for Eastern Bluebirds and American Kestrels.
2. Management Guidelines around Solar Arrays (Management Area B – Map G)
 - To control the invasive species (poison parsnip and spotted knapweed), mow early before plants produce seed (early July) for 2-4 consecutive years
 - Plant native perennial plants and shrubs in and around the solar array to attract and support pollinators. Work with Vermont Audubon to pursue potential funding.
3. Guidelines for Wet Meadow (Management Area C – Map G)
 - Continue to limit mowing unless managing for invasive species.
 - When mowing, cut around thickets of small saplings and native shrubs.
 - Manually remove invasives at least annually, shrubs after they reach a height of 10 feet and saplings 2-3 inches in diameter.
4. Guidelines for Pond (Management Area D – Map G)
 - If possible, control invasive buckthorn and honeysuckle.
 - Promote native species along the edge of the pond.
 - Erect and maintain a waterfowl nest box in the wetland to support wood ducks.
5. Guidelines for Forest (Management Area E – Map G)
 - Retain approximately 4 snags per acre to support cavity nesting birds.
 - Maintain a “soft edge” or uncut buffer of shrubby vegetation between the forest and field to support species of birds that nest and feed in shrubs.
 - If possible, control invasive species such as buckthorn and honeysuckle in the interior and along the forest edge.

⁴ Margaret Fowle, Audubon Vermont. 2018. Former Lyon Property Bird Habitat Management Recommendations.

D. General Recommendations

- Consider not mowing the portion of the meadow west of the solar arrays, only after successful control of poison parsnip and spotted knapweed, to allow restoration of wetland function and succession to shrub habitat.
- If a portion of the meadow is restored to wetland shrub habitat, continue to monitor and control invasives via EDRR (early detection/rapid response)
- Utilize all available funding and professional resources in implementing invasive management practices.
- Implement a demonstration invasives removal project that actively engages and informs the public.
- Consider the development of an interpretive trail as a means of education and outreach about invasives.
- Periodically conduct site walks during nesting season to monitor for grassland birds.

IX. MANAGEMENT PLAN UPDATE

The management plan should be reviewed and updated every ten years, with opportunity for public participation in the update process. Review shall be undertaken by the WCC with consultation from the Public Works. The WCC in cooperation with Public Works 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. Notice should be given in the local newspaper and copies of the plan should be available at the town offices. VHCB shall review the plan during the public comment period.

X. 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. In the event stakeholders are unable to agree on whether proposed activities are appropriate, the matter shall be submitted for binding arbitration as described in the Conservation Easement, Section III, (11).

XI. PROPOSED ACTION SCHEDULE

The following schedule is only a plan and may change due to changing circumstances.

Year 1

- Seek guidance on implementing invasives management from Vermont Department of Forests, Parks and Recreation.
- Seek assistance from Vermont Audubon in identifying funding sources for habitat enhancement projects.
- In spring, monitor to determine the presence of grassland bird species.
- Begin intensive mowing in Management Area B (around solar array) to control for poison parsnip and spotted knapweed, only if no grassland birds are present in this area.
- Scope out a potential trailhead location, and begin designing content for the kiosk.

Year 2

- Scope out and design a simple loop trail on the property, with future interpretive trail in mind.
- Design and implement a demonstration invasives removal project on a portion of the property, or over the entire property but focused on a single species. Utilize Vermont Master Naturalist Program participants to implement this project with assistance from state agencies.
- Design and develop an interpretive trail or interpretive materials to provide information about invasives. Utilize Vermont Master Naturalist Program participants to implement this project with assistance from state agencies.
- Continue intensive mowing to control for poison parsnip and spotted knapweed.

Year 3

- Scope out and design a trail connection to the Whitney Hill Homestead property.
- Design and construct a trailhead at the back of the town parking lot.
- Continue intensive mowing in Management Area B to control for poison parsnip and spotted knapweed.
- Organize a volunteer work day to control invasives, utilizing assistance from state agencies.
- If funding is available, hire a contractor to conduct a property survey and mark the boundaries.

Year 4

- If previous scoping determines it is feasible, construct a trail connection to Whitney Hill Homestead.
- Continue intensive mowing in Management Area B to control for poison parsnip and spotted knapweed.
- Organize a volunteer work day to control invasives, utilizing assistance from state agencies.
- Investigate the feasibility of planting pollinator trees and shrubs in and around the solar array.

Year 5

- Conduct a repeat inventory of invasives to assess if control efforts are working.
- Monitor for grassland birds in the spring.
- If efforts to control poison parsnip and spotted knapweed have been determined effective, cease intensive mowing practices and resume annual mowing after October 1. Allow for a buffer along the southern and western edges of the meadow for shrubs to grow in.
- Organize a volunteer work day to control invasives, utilizing assistance from state agencies.
- If determined feasible, seek out funding assistance to plant pollinator trees and shrubs around solar array.
- Maintain trails and trailhead as needed.

Year 6

- If determined feasible and funding is obtained, plant pollinator trees and shrubs around solar array utilizing volunteers.
- Monitor for grassland birds in the spring.
- Organize a volunteer work day to control invasives, utilizing assistance from state agencies.
- Continue to maintain the shrub habitat around the field edges and around the solar array.
- Continue annual mowing after October 1.
- Maintain trails and trailhead as needed.

Year 7

- Monitor for grassland birds in the spring.

