



# United States Department of the Interior

NATIONAL PARK SERVICE  
DENVER SERVICE CENTER  
12795 W. Alameda Parkway  
P.O. Box 25287  
Denver, Colorado 80225-0287

IN REPLY REFER TO:  
DOI-NPS-2023-002607

June 16, 2023

Via Electronic Mail: [bill.weale@builderman.com](mailto:bill.weale@builderman.com)

William W Weale  
637 Lake Morey Road  
Fairlee, VT 05045

Dear William W Weale:

This letter is in response to your Freedom of Information Act (FOIA) request dated February 16, 2023, in which you requested:

*NPS/HCRS LWCF Acquisition grant Project #50-00320 AKA "Fairlee Acquisition"*

*June-September 1979*

*Any and all forms, maps, documents, etc. for this grant.*

Upon review, your request has been granted in full. Attached is 1 PDF consisting of 78 pages, which is being released to you in its entirety. The PDF is bookmarked so you will be easily able to navigate the records detailed below.

The program office provided this additional information regarding the 50-00320 Fairlee, VT Grant file:

Land and Water Conservation Fund grant files are organized into a "6 side folder", where generally related elements are grouped together, filed in chronological order. This means that the original application is split up. However, due to a previous effort to digitize files, the grant agreement, financial amendments (if any), and location and boundary maps, are in their own folder. The maps would have originally been stored in Flap 3; the grant agreement in flap 2.

Flap 1: Original application Standard Form SF-424 (Application for Federal Assistance) and attachments including budget forms and project narrative

Flap 2: Description and Notification Form, carbon of grant approval letter from HCRS, cover letter from State to HCRS for the boundary maps, DI-1350 civil rights compliance form

Flap 3: Maps (now in a loose file – maps have been photographed due to size) – two copies of the 540-acre parcel that was south of the Town Forest, one copy of map showing the 161.7 acre (total) parcels that were northeast of the Town Forest and the 53 acre parcel that was south, plus several location maps

Flap 4: Close-out approval letter to state, close-out memo to file, Uniform Act report form 8-180C (land appraisal and purchase cost information), final performance report, lease agreement for parking area associated with acquired land, project officer application review form, pre-award on-site inspection form, acquisition schedule

Flap 4a: Environmental Assessment

Flap 4b: Plan for Management of Recreation Activities in the HCRS project

Flap 5: Close-out request from state to HCRS, which conveyed the 8-180C form, lease agreement, and performance report (in flap 4); cover letter for original application submission; 1999 letter from Town to State regarding an encroachment issue and associated lawsuit info

Flap 6: Certification of funds and status of funds

We have conducted a foreseeable harm analysis under the FOIA Improvement Act of 2016 and, after consulting with a subject matter expert, 1) we do not reasonably foresee that disclosure of this information would harm an interest that the FOIA's exemptions were designed to protect and 2) disclosure would not be prohibited by law. Therefore, we are releasing this information in full. Please be aware that our decision to release this information does not mean that we have waived our ability to invoke applicable FOIA exemptions for similar or related information in the future.

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#). Therefore, there is no billable fee for the processing of this request.

Also, as part of the 2007 OPEN Government Act FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. See [5 U.S.C. 552\(c\)](#).

You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
Room 2510  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001

E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 301-837-1996  
Fax: 301-837-0348  
Toll-free: 1-877-684-6448

Additionally, because the National Park Service creates and maintains law enforcement records, we are required by the Department of Justice to provide the following information, even though it may or may not apply to your specific request. Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See [5 U.S.C. 552\(c\)](#). (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that we are required to give all our requesters and should not be taken as an indication that excluded records do, or do not, exist.



Please do not hesitate to contact me, as the person responsible for processing your request, with any further questions or concerns. I can be reached at [waso\\_foia\\_requests@nps.gov](mailto:waso_foia_requests@nps.gov). Additionally, the Department's FOIA Public Liaison can be reached by emailing [doifoiapublicliaison@sol.doi.gov](mailto:doifoiapublicliaison@sol.doi.gov).

Sincerely,

Sarah Gamble  
Records and Information Management Specialist  
Information Resources, National Park Service  
[waso\\_foia\\_requests@nps.gov](mailto:waso_foia_requests@nps.gov)  
(202) 230-2980

<b>FEDERAL ASSISTANCE</b>		2. APPLICANT'S APPLICATION	a. NUMBER	3. STATE APPLICATION IDENTIFIER	a. NUMBER VT 70001
1. TYPE OF ACTION <input type="checkbox"/> PREAPPLICATION <input checked="" type="checkbox"/> APPLICATION (Mark appropriate box) <input type="checkbox"/> NOTIFICATION OF INTENT (Opt) <input type="checkbox"/> REPORT OF FEDERAL ACTION		APPLI-CATION	b. DATE Year month day 19 79 7 20		b. DATE Year month day ASSIGNED 19 79 1 2
4. LEGAL APPLICANT/RECIPIENT		Leave Blank		5. FEDERAL EMPLOYER IDENTIFICATION NO.	
a. Applicant Name : Agency of Environmental Conservation b. Organization Unit : Dept. of Forests, Parks & Recreation c. Street/P.O. Box : 79 River Street d. City : Montpelier e. County : Washington f. State : Vermont g. ZIP Code: 05602 h. Contact Person (Name & telephone No.) : Craig Whipple HCRS Administrator 828-3375				6. PROGRAM (From Federal Catalog) a. NUMBER 15 • 400 b. TITLE	
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT Fairlee Acquisition The Town of Fairlee, Orange County, VT, will acquire three parcels, totaling 770+ acres in the western portion of the Town in the vicinity of the Fairlee Town Forest. Acquisition will be in fee simple and includes a partial donation.		8. TYPE OF APPLICANT/RECIPIENT A-State H-Community Action Agency B-Interstate I-Higher Educational Institution C-Substate District J-Indian Tribe D-County K-Other (Specify): E-City F-School District G-Special Purpose District Enter appropriate letter <input type="checkbox"/> A		9. TYPE OF ASSISTANCE A-Basic Grant D-Insurance B-Supplemental Grant E-Other C-Loan Enter appropriate letter(s) <input type="checkbox"/> A	
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.) Town of Fairlee, VT		11. ESTIMATED NUMBER OF PERSONS BENEFITING N/A		12. TYPE OF APPLICATION A-New C-Revision E-Augmentation B-Renewal D-Continuation Enter appropriate letter <input type="checkbox"/> A	
13. PROPOSED FUNDING		14. CONGRESSIONAL DISTRICTS OF:		15. TYPE OF CHANGE (For 12c or 12e) A-Increase Dollars F-Other (Specify): B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation Enter appropriate letter(s) <input type="checkbox"/>	
a. FEDERAL \$ 93,819 .00	b. APPLICANT .30	a. APPLICANT N/A	b. PROJECT Statewide		
c. STATE 62,120 .00	d. LOCAL .00	16. PROJECT START DATE Year month day 19 79 8 20	17. PROJECT DURATION 52 Months		
e. OTHER 31,700 .00	f. TOTAL \$ 187,639 .00	18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY ▶ Year month day 19 79 7 20		19. EXISTING FEDERAL IDENTIFICATION NUMBER	
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code) Heritage Conservation & Recreation Service, Phila., PA 19106				21. REMARKS ADDED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
22. THE APPLICANT CERTIFIES THAT ▶		a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.		b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached: (1) VT State Clearinghouse <input type="checkbox"/> <input type="checkbox"/> (2) Division of Historic Preservation <input type="checkbox"/> <input type="checkbox"/> (3) <input type="checkbox"/> <input type="checkbox"/>	
23. CERTIFYING REPRESENTATIVE		a. TYPED NAME AND TITLE Edward J. Koenemann Alternate State Liaison Officer	b. SIGNATURE 	c. DATE SIGNED Year month day 19 79 7 20	
24. AGENCY NAME DEPT. OF INTERIOR HERITAGE CONSERVATION & RECREATION SERVICE				25. APPLICATION RECEIVED 19 79 07 25	
26. ORGANIZATIONAL UNIT HERITAGE CONSERVATION & RECREATION SERVICE		27. ADMINISTRATIVE OFFICE NORTHEAST REGION		28. FEDERAL APPLICATION IDENTIFICATION	
29. ADDRESS PHILADELPHIA, PENNSYLVANIA 19106					
30. FEDERAL GRANT IDENTIFICATION 50-00320		31. ACTION TAKEN <input checked="" type="checkbox"/> a. AWARDED <input type="checkbox"/> b. REJECTED <input type="checkbox"/> c. RETURNED FOR AMENDMENT <input type="checkbox"/> d. DEFERRED <input type="checkbox"/> e. WITHDRAWN		32. FUNDING Year month day a. FEDERAL \$ 93,819 .00 b. APPLICANT .00 c. STATE 62,120 .00 d. LOCAL .00 e. OTHER 31,700 .00 f. TOTAL \$ 187,639 .00	
33. ACTION DATE ▶ 19 79 8 17		34. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number) Rick Alcorn (215) 587-2577		35. STARTING DATE 19 79 8 17 36. ENDING DATE 19 83 12 31	
38. FEDERAL AGENCY A-95 ACTION		a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.		b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.) SEE 35	

SECTION I—APPLICANT/RECIPIENT DATA

SECTION II—CERTIFICATION

SECTION III—FEDERAL AGENCY ACTION



PART II

PROJECT APPROVAL INFORMATION  
SECTION A

OMB Approval No. 80-R0184

Item 1.  
Does this assistance request require State, local, regional, or other priority rating? \_\_\_\_\_ Yes \_\_\_\_\_ No  
Name of Governing Body \_\_\_\_\_  
Priority Rating \_\_\_\_\_

Item 2.  
Does this assistance request require State, or local advisory, educational or health clearances? \_\_\_\_\_ Yes \_\_\_\_\_ No  
Name of Agency or Board \_\_\_\_\_  
(Attach Documentation)

Item 3.  
Does this assistance request require clearinghouse review in accordance with OMB Circular A-95? \_\_\_\_\_ X \_\_\_\_\_ Yes \_\_\_\_\_ No  
(Attach Comments) A-95 Information and Signoff on file.

Item 4.  
Does this assistance request require State, local, regional or other planning approval? \_\_\_\_\_ Yes \_\_\_\_\_ No  
Name of Approving Agency \_\_\_\_\_  
Date \_\_\_\_\_

Item 5.  
Is the proposed project covered by an approved comprehensive plan? \_\_\_\_\_ X \_\_\_\_\_ Yes \_\_\_\_\_ No  
Check one: State  VT SCORP  
Local   
Regional   
Location of plan \_\_\_\_\_

Item 6.  
Will the assistance requested serve a Federal installation? \_\_\_\_\_ Yes \_\_\_\_\_ No  
Name of Federal Installation \_\_\_\_\_  
Federal Population benefiting from Project \_\_\_\_\_

Item 7.  
Will the assistance requested be on Federal land or installation? \_\_\_\_\_ Yes \_\_\_\_\_ X \_\_\_\_\_ No  
Name of Federal Installation \_\_\_\_\_  
Location of Federal Land \_\_\_\_\_  
Percent of Project \_\_\_\_\_

Item 8.  
Will the assistance requested have an impact or effect on the environment? \_\_\_\_\_ X \_\_\_\_\_ Yes \_\_\_\_\_ No  
See instruction for additional information to be provided.  
Environmental Assessment Enclosed.

Item 9.  
Will the assistance requested cause the displacement of individuals families, businesses, or farms? \_\_\_\_\_ Yes \_\_\_\_\_ X \_\_\_\_\_ No  
Number of:  
Individuals \_\_\_\_\_  
Families \_\_\_\_\_  
Businesses \_\_\_\_\_  
Farms \_\_\_\_\_

Item 10.  
Is there other related Federal assistance on this project previous, pending, or anticipated? \_\_\_\_\_ Yes \_\_\_\_\_ X \_\_\_\_\_ No  
See instructions for additional information to be provided.

Item 11.  
Is the project in a designated flood hazard area? \_\_\_\_\_ Yes \_\_\_\_\_ X \_\_\_\_\_ No  
See Manual Parts 640.5 and 660.4.

## INSTRUCTION

## PART II - SECTION B

11. SITES AND IMPROVEMENTS: _____ Not required, <input checked="" type="checkbox"/> Attached as exhibits Applicant intends to acquire the site through: _____ Eminent domain, <input checked="" type="checkbox"/> Negotiated purchase, _____ Other means (specify)
12. TITLE OR OTHER INTEREST IN THE SITE IS OR WILL BE VESTED IN: <input checked="" type="checkbox"/> Applicant, _____ Agency or institution operating the facility, _____ Other (specify)
13. INDICATE WHETHER APPLICANT/OPERATOR HAS: <input checked="" type="checkbox"/> Fee simple title, _____ Leasehold interest, _____ Other (specify)
14. IF APPLICANT/OPERATOR HAS LEASEHOLD INTEREST, GIVE THE FOLLOWING INFORMATION: a. Length of lease or other estate interest _____, and number of years to run _____ b. Is lease renewable? _____ Yes _____ No c. Current appraised value of land \$ _____ d. Annual rental rate \$ _____
15. ATTACH AN OPINION FROM ACCEPTABLE TITLE COUNSEL DESCRIBING THE INTEREST APPLICANT/OPERATOR HAS IN THE SITE AND CERTIFYING THAT THE ESTATE OR INTEREST IS LEGAL AND VALID.
16. WHERE APPLICABLE, ATTACH SITE SURVEY, SOIL INVESTIGATION REPORTS AND COPIES OF LAND APPRAISALS.
17. WHERE APPLICABLE, ATTACH CERTIFICATION FROM ARCHITECT ON THE FEASIBILITY OF IMPROVING EXISTING SITE TOPOGRAPHY.
18. ATTACH PLOT PLAN.
19. CONSTRUCTION SCHEDULE ESTIMATES: _____ Not required, _____ Being prepared, _____ Attached as exhibits Percentage of completion of drawings and specifications at application date: Schematics _____ % Preliminary _____ % Final _____ %
20. TARGET DATES FOR: Bid Advertisement _____ Contract Award _____ Construction Completion _____ Occupancy _____
21. DESCRIPTION OF FACILITY: _____ Not required <input checked="" type="checkbox"/> Attached as exhibits Drawings - Attach any drawings which will assist in describing the project. Specifications - Attach copies of completed outline specifications. (If drawings and specifications have not been fully completed, please attach copies or working drawings that have been completed.)

NOTE: ITEMS ON THIS SHEET ARE SELF-EXPLANATORY; THEREFORE, NO INSTRUCTIONS ARE PROVIDED.



PART III – BUDGET INFORMATION – CONSTRUCTION

SECTION A – GENERAL

1. Federal Domestic Assistance Catalog No. . . . . 15,400

2. Functional or Other Breakout . . . . .

SECTION B – CALCULATION OF FEDERAL GRANT

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense 22.98% on 80%	\$	\$	\$ 29,138.64
2. Preliminary expense			
3. Land, structures, right-of-way			158,500.00
4. Architectural engineering basic fees			
5. Other architectural engineering fees			
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to individuals and businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			187,638.64
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			187,638.64
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			187,638.64
20. Federal Share requested of Line 19			93,819.32
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (Lines 20 & 21)			93,819.32
23. Grantee share Donation			31,700.00
24. Other shares State: 47,550.00 + 14,569.32			62,119.32
25. Total project (Lines 22, 23 & 24)	\$	\$	\$ 187,638.64



SECTION C - EXCLUSIONS		
Classification	Ineligible for Participation (1)	Excluded from Contingency Provision (2)
26.		
a.	\$	\$
b.		
c.		
d.		
e.		
f.		
g. Total	\$	\$

SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE		
27. Grantee Share		\$
a. Securities		
b. Mortgages		
c. Appropriations (By Applicant)		
d. Bonds		
e. Tax Levies		
f. Non Cash		
g. Other (Explain)      Donation		31,700.00
h. TOTAL -- Grantee share		31,700.00
28. Other Shares		
a. State      47,550.00 + 14,569.32		62,119.32
b. Other		
c. Total Other Shares		62,119.32
29. TOTAL		\$ 93,819.32

SECTION E - REMARKS

PART IV PROGRAM NARRATIVE (Attach - See Instructions)

## PART IV

### PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for supplemental assistance should be responsive to Item 5b only. Requests for continuation or refunding or other changes of an approved project should be responsive to Item 5c only.

#### 1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

#### 2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, include a description of who will occupy the facility and show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.

#### 3. APPROACH.

- a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements.
- b. Provide for each grant program monthly or quarterly quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, list the activities in chronological order to show the schedule of accomplishments and their target dates.
- c. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the

needs identified and discussed are being met and if the results and benefits identified in Item 2 are being achieved.

- d. List each organization, cooperator, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

#### 4. GEOGRAPHIC LOCATION.

Give a precise location of the project and area to be served by the proposed project. Maps or other graphic aids may be attached.

#### 5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

- a. Describe the relationship between this project and other work planned, anticipated, or underway under the Federal Assistance listed under Part II, Section A, Item 10.
- b. Explain the reason for all requests for supplemental assistance and justify the need for additional funding.
- c. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location, approach or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded or if individual budget items have changed more than the prescribed limits contained in Attachment K, Office of Management and Budget Circular No. A-102, explain and justify the change and its effect on the project.



## Town of Fairlee - Program Narrative

### 1. Objectives & Need For Assistance

The Town of Fairlee seeks to acquire unspoiled and undeveloped land in order to provide expanded outdoor recreational opportunities for present and future citizens of the town and for the general public. In addition, it seeks to present the encroachment of residential and seasonal home development upon areas of great natural and scenic beauty in the western *part* of the town.

Publicly owned land in the town is adequate for present levels of outdoor recreational use. However, with rapid population growth, increasing pressures for development, and the increased posting of private land against the public, it is clear that in the future, the availability to the public of undeveloped land will be significantly reduced, while demand for such land will have increased. It is therefore desirable and prudent that the public sector should move to protect undeveloped land in attractive locations in order to provide for the recreational needs of future citizens as well as expanding the opportunities of existing ones. This is the principal objective of the proposal to acquire 770 acres of land in 3 tracts on the north and south sides of the forest.

While recognizing the need for acquisition for conservation and recreation purposes (see Town of Fairlee Municipal Development Plan, Town of Fairlee Recreation Plan), it does not have sufficient funds to engage in such activities. For this reason it is applying for HCRS funds in order to meet these objectives.

### 2. Results or Benefits Expected

The Town of Fairlee proposes to purchase 770 acres of land in the vicinity of the Fairlee Town Forest. It is contemplated that trails for hiking, cross-county skiing, and snowmobiling will be cleared and marked. No other improvements are contemplated. Some cutting of wood by private individuals in order to circumvent loss of tax resources to the town is contemplated.

Major results are:

1. Present outdoor recreational opportunities for residents of the town and for the general public will be considerably expanded through this enlargement of the town forest.
2. The approaches to Bald Top Mountain and the watershed of Glen Falls Brook will be protected from developments which could detract from their aesthetic *appeal*.
3. Conservation through acquisition of undeveloped land in the watersheds of several brooks in the town will protect the water quality of these brooks.
4. The public will be insured of substantial outdoor recreation opportunities in the future, when such opportunities would otherwise be in short supply due to population growth and land development.
5. Selective cutting of wood from the tracts of land to be acquired will provide a cheap source of fuel for the town's residents,



allowing the town to cut down on its use of fuels originating outside the region and to substitute renewable for non-renewable sources of energy. In addition, the supervision of such cutting by a trained forester will improve the quality of presently existing woodland.

### 3. Approach

a. The land is to be acquired when funds become available.

b. Trails will be cut as required.

c. Several organizations have been and will be involved in the application. The Fairlee Planning Commission and Board of Selectmen have both reviewed the proposal at public meetings. The Two Rivers Regional Commission has aided in the preparation of the grant proposal. The town has cooperated with the Department of Historical Sites, the District Environmental Coordinator in establishing that the proposed project will have no negative impact on historical sites or the general environment. Division of Planning of the Agency of Environmental Conservation has been consulted at various stages of the development of the project proposal and will participate in the evaluation of the application, as will the Heritage Conservation and Recreation Service of the Department of the Interior.

Trail planning, clearing, and marking will be supervised by the town through its recreation committee. Much of the work will be done by private citizens' groups, and the local snow-mobile club.

### 4. Geographic Location

The land to be acquired lies in 3 tracts adjacent to the Fairlee Town Forest in the western part of the Town of Fairlee. A location map is provided elsewhere in this application.

The area to be served by the proposed project is primarily the Town of Fairlee. However, as access will not be limited to residents of the town, the area to be served cannot be clearly delineated.

U = new development  
 R = renovation development  
 C = combination  
 P = planning

**SPONSOR**  
 = local  
 = state  
 = county

**SPONSOR NAME**  
 Town of Fairlee

**ADDRESS:** \_\_\_\_\_

**SCOPE NARRATIVE:**

**FINANCIAL DATA ESTIMATES:**

TOTAL COST	FUND AMOUNT	SOURCE OF OTHER		
		STATE (11)	LOCAL (12)	FED (13)
		X	X	

**CLEARINGHOUSE DATA:**

NAME	RESP
1. STATE #	
2. LOCAL	
3.	

**CNTY CITY**  
 017 0211

**CENSUS TRACT**  
 .

**CONGRESS DISTRICT**  
 01

**ACREAGE ACQUIRED**  
 770.6

**DONATED ACRES**  
 154

**ACQUIS. ASSISTANCE**  
 93819.

**SPECIAL INDICES**

A = leased land—private	I = indian sponsored	S = school park
B = leased land—federal	L = less than fee acquisition	T = national trail
C = coastal project	M = mined land	U = utility—R-O-W
E = surplus property	P = natural heritage preservation	W = wetlands
F = flood plain	Q = railroad—R-O-W	X = project involved conversion
H = handicapped emphasis	R = national river	Z = contingency reserve

**FACILITY**

<b>A. 00. CAMPGROUNDS</b> 01. tent sites 02. trail or camper sites 03. group campground 04. day camp	<b>D. 00. GOLF COURSE</b> 01. regular 02. par 3 03. driving range	<b>H. 00. TRAILS</b> 01. hiking 02. horse 03. bicycle 04. motorized 05. nature 06. exercise	<b>P. 00. PASSIVE PARKS</b>
<b>B. 00. PICNIC AREAS</b> 01. family site 02. group shelter	<b>E. 00. SWIMMING FACILITIES</b> 01. pool 02. wading pool 03. spray pool 04. swimming beach 05. bathhouse	<b>J. 00. WINTER SPORTS FACILITIES</b> 01. ski lift 02. ski slope 03. ski jump 04. sled/toboggan run 05. skating rink 06. ski trails 07. snowmobile trails 08. warming huts	<b>Q. 00. SUPPORT FACILITY</b> 01. walkways 02. site improvement/landscaping 03. utilities 04. equipment 05. roads 06. parking 07. lighting 08. signs 09. comfort station 10. concession bldg. 11. maintenance bldg.
<b>C. 00. SPORTS &amp; PLAYFIELDS</b> 01. general purpose playfields 02. baseball/softball 03. football/soccer 04. tot lot 05. tennis courts 06. other courts 07. rifle/pistol range 08. trap/skeet field 09. archery range 10. rodeo area 11. track facility	<b>F. 00. BOATING FACILITIES</b> 01. launch ramp 02. berths 03. boat lift	<b>K. 00. SHELTERED POOL</b>	<b>R. 00. AMPHITHEATER/BAND SHELL</b>
	<b>G. 00. FISHING FACILITIES</b> 01. pier 02. stream improvement 03. fishing access	<b>L. 00. SHELTERED ICE RINK</b>	<b>S. 00. LAKE IMPOUNDMENTS</b>
		<b>M. 00. HUNTING</b>	<b>T. 00. VISITOR INFORMATION CENTER</b>
		<b>N. 00. NATURAL AREA</b>	<b>U. 00. INTERPRETIVE CENTER</b>
			<b>V. 00. OTHER</b>

AUG 28 1979

Mr. Brendan J. Whittaker  
Secretary  
Agency of Environmental Conservation  
State Office Building  
Montpelier, VT 05602

Dear Brendan:

I am pleased to inform you that we have approved the Fairlee Acquisition (Project #50-00320). We have reviewed the Lange Property appraisal which was involved in this acquisition and found it to be satisfactory.

If you have any questions, please feel free to call me.

Sincerely,

John C. Stokes  
Chief, Grants Division

ALCORN: fkd: 8/17/79

*JCS*  
*8/17/79*  
*Dayton*  
*8/17/79*



# State of Vermont

AGENCY OF ENVIRONMENTAL CONSERVATION

Montpelier, Vermont 05602

Department of Fish and Game  
Department of Forests, Parks, and Recreation  
Department of Water Resources  
Environmental Board  
Division of Environmental Engineering  
Division of Environmental Protection  
Natural Resources Conservation Council

DEPARTMENT OF FORESTS, PARKS AND RECREATION

August 13, 1979

MEMORANDUM

TO: Rick Alcorn, Heritage Conservation and Recreation Service  
FROM: Craig Whipple, HCRS Grants Administrator *CU*  
SUBJECT: HCRS Project #50-00320, Fairlee Acquisition - Lange Property

Enclosed is the boundary map as you requested for the above project.

CW:jcg

Enclosure



U.S. DEPARTMENT OF THE INTERIOR  
ASSURANCE OF COMPLIANCE  
(TITLE VI, CIVIL RIGHTS ACT OF 1964)

State of Vermont  
Agency of Environmental Conservation (hereinafter called "Applicant-Recipient")  
(Name of Applicant-Recipient)

HEREBY AGREES THAT IT will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Department of the Interior Regulation (43 CFR 17) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant-Recipient receives financial assistance from Heritage Cons. & Rec. Svc. and

Bureau or Office

Hereby Gives Assurance That It will immediately take any measures to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant-Recipient by Heritage Cons. & Rec. Svc., This assurance obligates the

Bureau or Office

Applicant-Recipient, or in the case of any transfer of such property, any transferee for the period during which the real property or structure is used for a purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance obligates the Applicant-Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Applicant-Recipient for the period during which the Federal financial assistance is extended to it by—  
Heritage Cons. & Rec. Svc.

Bureau or Office

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts or other Federal financial assistance extended after the date hereof to the Applicant-Recipient by the bureau or office, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Applicant-Recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall reserve the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant-Recipient, its successors, transferees, and assignees, and the person or persons whose signature appear below are authorized to sign this assurance on behalf of the Applicant-Recipient.

7/20/79  
DATED

Edward J. Koenemann  
APPLICANT-RECIPIENT

Edward J. Koenemann, State Liaison Officer

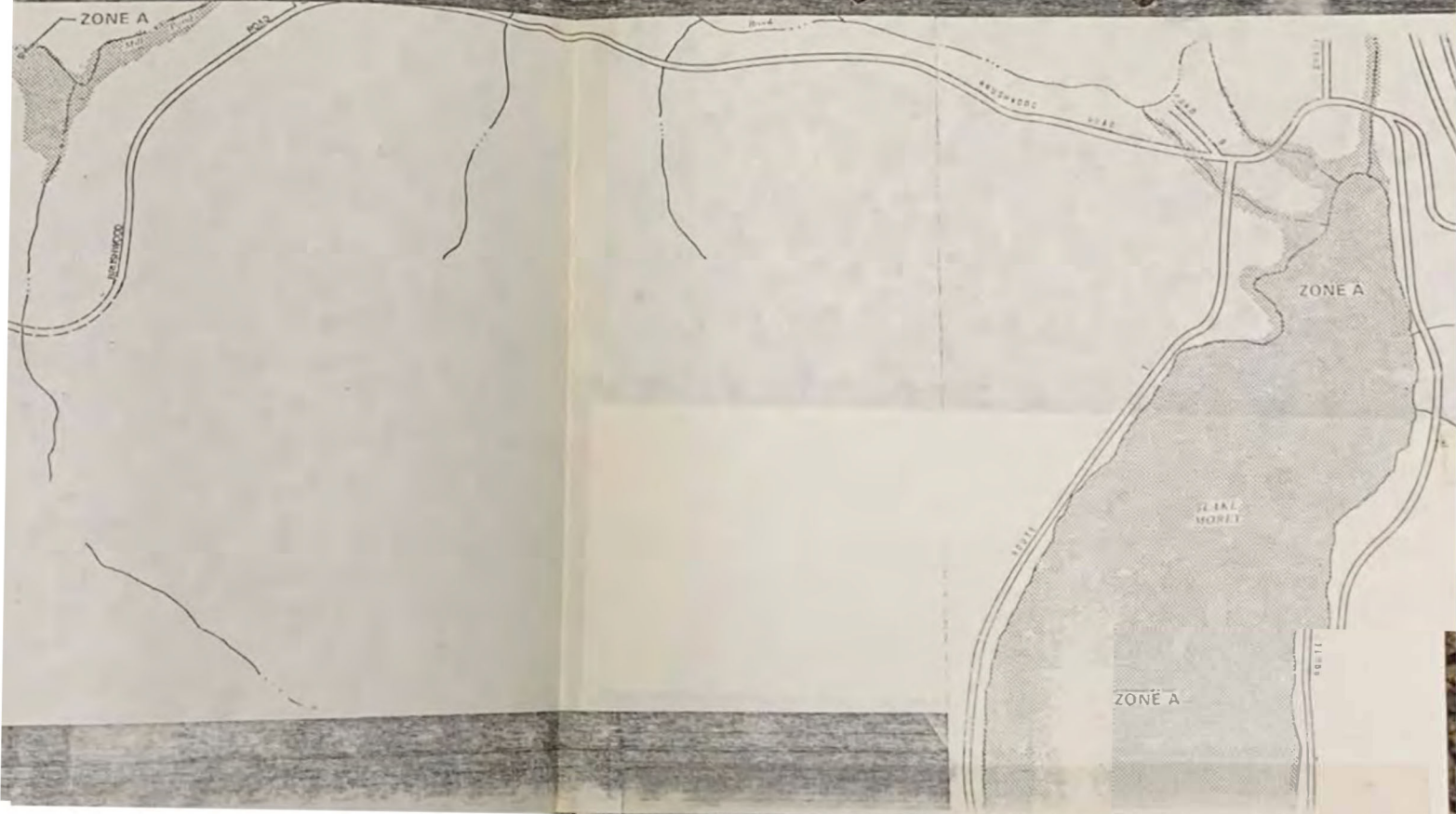
TOWN, CITY, SCHOOL, DISTRICT

By Theodore A. Tuffe  
(President, Chairman of Board or Comparable  
authorized Official)

Montpelier, Vermont 05602  
APPLICANT-RECIPIENT'S MAILING ADDRESS

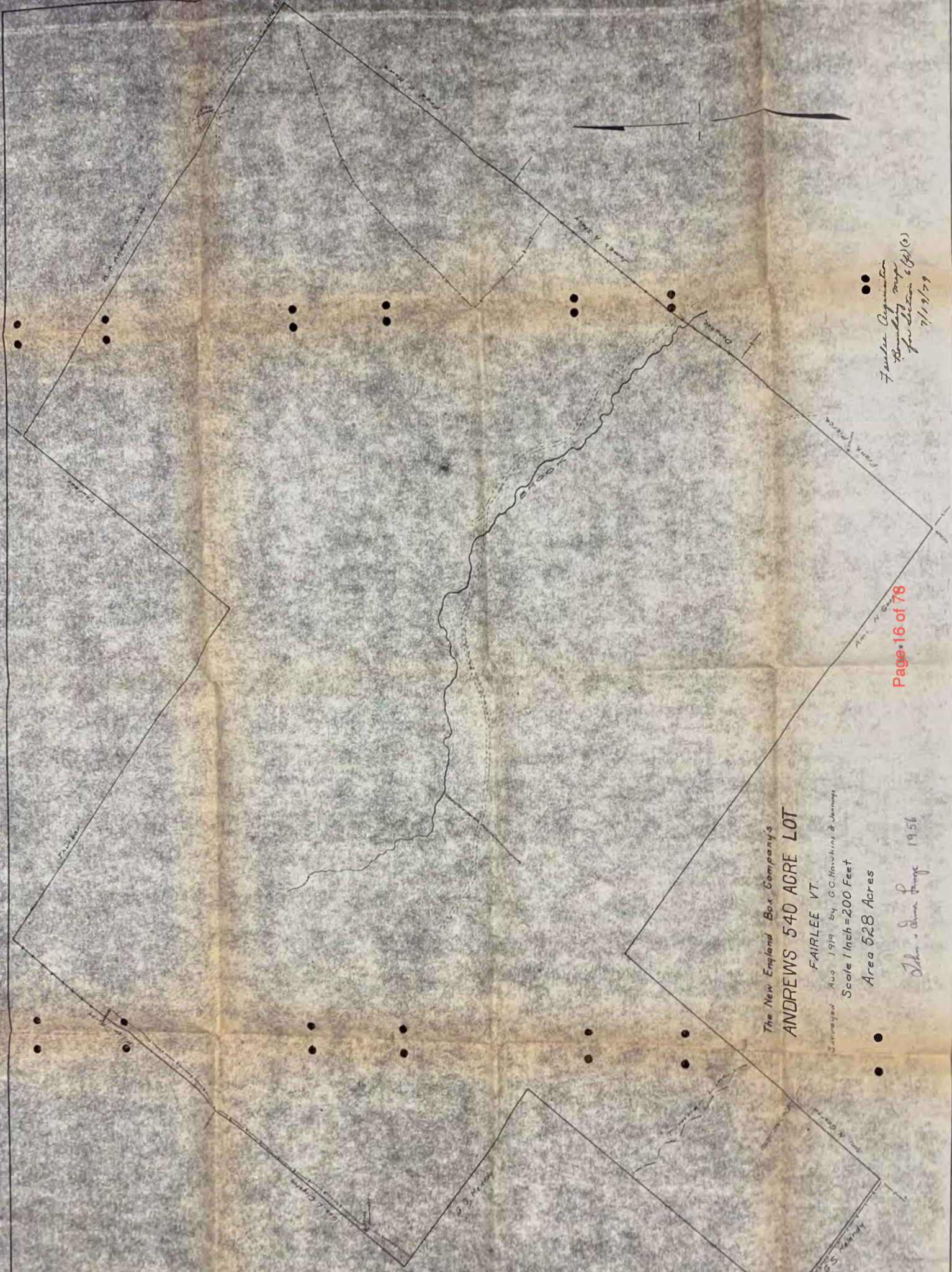












The New England Box Company's  
**ANDREWS 540 ACRE LOT**  
 FAIRLEE VT.  
 Surveyed Aug 1919 by G.C. Hawkins & Jennings  
 Scale 1 Inch = 200 Feet  
 Area 528 Acres

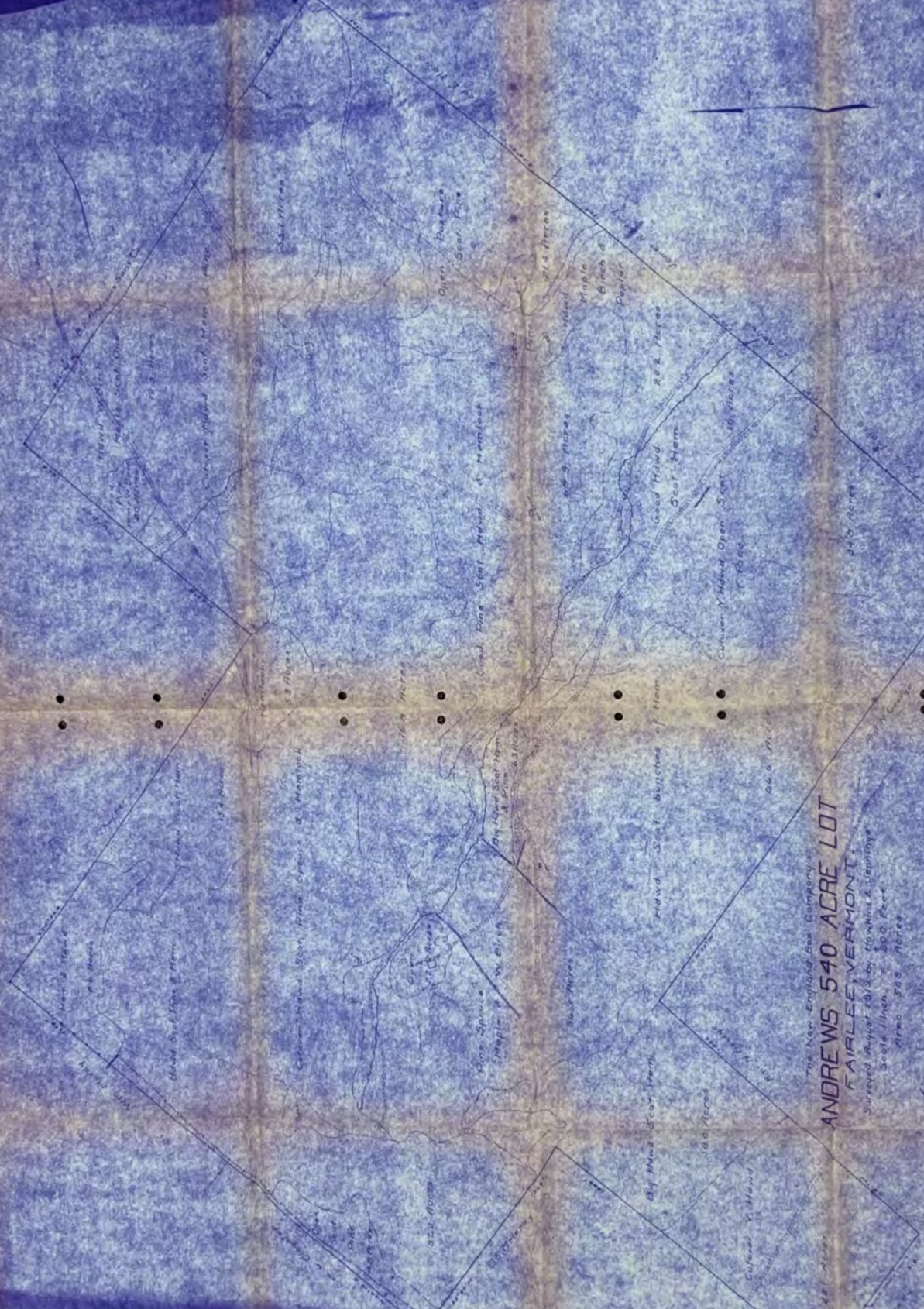
Fairlee Register  
 Boundary map  
 for section 6 (S)  
 7/19/79

Page 16 of 78

John A. Dunham  
 1956



30-10-1940



**ANDREWS 540 ACRE LOT  
FAIRLEE, VERMONT**

The New England Box Company's  
Surveyed August 1913 by Townshend & Veitching  
Scale 1 inch = 200 Feet  
Area 540 Acres

John W. Townshend 1913

Field Investigation  
for Section 11 (S)  
4/11/19





IN REPLY REFER TO:

# United States Department of the Interior

## HERITAGE CONSERVATION AND RECREATION SERVICE NORTHEAST REGION

600 Arch Street — Room 9310  
Philadelphia, Pennsylvania 19106

APR 16 1980

Re: Fairlee Acquisition  
#50-00320

Mr. Brendan J. Whittaker  
Secretary  
Agency of Environmental Conservation  
State Office Building  
Montpelier, Vermont 05602

Dear Brendan:

I am pleased to inform you that we have reviewed the final documents submitted for the completion of the above noted project and found them to be in order. Therefore, we consider the project to be satisfactorily completed.

Please note that actual expenditures are subject to verification at audit.

Sincerely yours,

Ellen Dayton  
Outdoor Recreation Planner

## memorandum

DATE: 4/10/80

REPLY TO  
ATTN OF: Project Officer - Rick Alcorn

SUBJECT: Project Completion - Fairlee Acquisition # 50-00320

TO: Files

I have reviewed the documentation submitted concerning completion of this project and found it to be in accord with the requirements of this Service. I recommend that a letter of settlement be sent to the State.

Rick Alcorn



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNIFORM REAL PROPERTY ACQUISITION POLICY—TITLE III

AGENCY: of Environmental Conservation

PROGRAM: LWCF

Project No: 50-00320

Billing No: 1 - Final

FEDERAL PROGRAM

FEDERALLY ASSISTED PROGRAM

PART I. LAND ACQUISITION (301)		
	NO. OF TRACTS	% OF TOTAL
1/ 1. ACQUIRED BY NEGOTIATION	1	3/ 100%
2/ 2. ACQUIRED BY CONDEMNATION		4/
3. TOTAL (SUM OF LINES 1&2)	1	100%

PART II. TRACTS FOR WHICH FINAL SETTLEMENTS WERE COMPLETED					TOTAL AMOUNT PAID FROM FEDERAL FUNDS	TOTAL AMOUNT CONTRIBUTED NON-FEDERAL FUNDS
	NUMBER OF TRACTS	APPRAISED VALUE	OPTION/ AWARD PAID	% OVER APPRAISAL		
NEGOTIATED:						
1. a. At Appraised Value	1	158,500				
2. b. Over Appraised Value				5/		
TOTAL (Sum of Lines 1&2)	1	158,500				
CONDEMNED:						
3. a. Awards at Appraised Value						
4. b. Award over Appraised Val.				5/		
TOTAL (Sum of Lines 3&4)						
TOTAL SETTLEMENTS (Sum of Lines 1 thru 4)	1	158,500			79,250	*79,250

\* Includes a Donation of \$31,700.00

PART III. INCIDENTAL EXPENSES (303 & 304)				
	NUMBER OF TRACTS	AMOUNT PAID	Fed. Funds	Non-Fed. Funds
1. RECORDING FEES, TRANSFER TAXES PENALTY COSTS & R.E. TAXES (303)	1	52.18		
2. LITIGATION EXPENSES (304)				
TOTAL (Sum of Lines 1&2)	1	52.18	--	52.18

NOTES:

- 1/ Negotiated tracts include all tracts acquired by any method other than condemnation for reason of price disagreement.
- 2/ Include only tracts condemned because of price disagreement.
- 3/ Divide tracts shown on Line 1 by tracts shown on Line 3.
- 4/ Divide tracts shown on Line 2 by tracts shown on Line 3.
- 5/ Divide difference between appraised value and option/award paid by the amount of appraised value.

PERFORMANCE REPORT

DATE March 25, 1980

PROJECT # AND NAME 50-00320, Fairlee Acquisition

BILLING # 1 - Final

- A. Comparison of actual accomplishments to the goals established for the period.

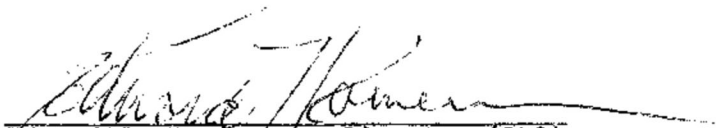
The acquisition was accomplished on March 17, 1980. Payment information and documentation for compliance with P.L. 91-646 are on file. The project closes out at estimated costs with a donation of \$31,700.00

- B. Reasons for slippage in those cases where established goals are not met.

N/A

- C. Other pertinent information including when appropriate, analysis, and explanation of cost overruns:

N/A

  
Edward J. Koenemann, Director (SLO)  
Division of Planning  
Agency of Environmental Conservation  
Montpelier, Vermont 05602

LEASE

THIS AGREEMENT executed in duplicate, made and concluded by and between Aloha Foundation, Inc., a corporation duly chartered, organized and existing under the laws of the State of Vermont with its principal place of business at Fairlee, in the County of Orange and State of Vermont, hereinafter called the LANDLORDS and the Town of Fairlee, in the County of Orange and State of Vermont, hereinafter called TENANTS,

WITNESSETH:

For and in consideration of the covenants and agreements hereinafter set forth to be kept and performed by the TENANTS, the LANDLORDS do hereby lease and let unto the TENANTS the following described property situated in Fairlee, in the County of Orange and State of Vermont:

Being a certain parking lot which is located on the southern side of Town Highway No. 8, commonly called Brushwood Road, which is described as starting at a 24 inch pine stump and iron pin which is located 285 feet more or less southwest of the abutment to the bridge that crosses "Big Brook," so-called; thence proceeding in a southerly direction a distance of 50 feet to an iron pin set in the ground; thence turning 90°, more or less, and proceeding in a northerly direction 50 feet to an iron pin set in the ground on the southerly side of Brushwood Road; thence turning and proceeding in an easterly direction along the southerly edge of Brushwood Road, a distance of 40 feet to the point of beginning.

TO HAVE AND TO HOLD the aforesaid premises unto the TENANTS for a period beginning November 1, and extending through April 30 of each year so long as the Heritage Conservation and



Recreation Service project is in existence.

This Lease is subject to the following terms and conditions:

(1) The LANDLORDS agree that there shall be no rent payable on the above described premises and the consideration for this Lease is One Dollar (\$1.00).

(2) The TENANTS agree to maintain these premises only as a parking lot to serve the Heritage Conservation and Recreation Service land in the western portion of the Town and in the vicinity of the Fairlee Town Forest, with parking to be permitted from one hour before sunrise until one hour after sunset.

(3) The TENANTS agree to place and maintain a sign on this property between the months of November and April each winter season which specifies that this is the parking lot to be used in conjunction with the Heritage Conservation and Recreation Service project and that parking on these premises for any other purpose is not permitted.

(4) The TENANTS shall be responsible for keeping all of the leased premises clean, neat and free from refuse and snow at all times.

(5) The TENANTS shall take all reasonable steps to assure that the consumption of alcoholic beverages shall not be permitted on the leased premises.

(6) In the event that the TENANTS obtain access to alternate winter parking, this Lease shall terminate.



(7) In the event that Town Highway No. 8 is upgraded to serve year-round vehicular traffic, this Lease shall be terminated.

(8) The LANDLORDS shall have no obligation to maintain the leased premises during the lease period and the TENANTS agree to indemnify and hold harmless the LANDLORDS for any and all damage, personal injury or other liability arising from the leased premises during the lease periods except any liability incurred by the LANDLORDS arising from their own intentional or negligent acts, or such acts of its employees or agents.

(9) If the TENANTS violate any of the terms or conditions of this Lease and does not remedy such violation within ten days from receiving written notice from the LANDLORDS, then the right of the TENANTS to use the premises shall be suspended and if the condition is not remedied within thirty days thereafter, the Lease shall, at the sole option of the LANDLORDS, be terminated.

Dated at Fairlee, Vermont in the County of Caledonia and State of Vermont this 17th day of March, 1980.

In Presence Of

ALOHA FOUNDATION, INC.

George L. Leach  
CORNELIUS

BY J. K. ...  
LANDLORDS

In Presence Of

TOWN OF FAIRLEE

*Russell Mallory Treasurer*

*Larry S. Martin*

*[Signature]*

*[Signature]*

*Ronald H. [Signature]*

BOARD OF SELECTMEN  
TENANTS

memorandum

DATE: 8/9/79

*Saylor*

REPLY TO ATTN OF: Project Officer - Rick Alcorn

SUBJECT: Findings and Recommendations - Fairlee Acquisition 50-00320

to: Files

Fund Amount: 93,819.32

Type of Project: Single Project with Complete Documentation

Project Checks

- OMB 80-RO184
- SF 424
- Agreements
- DNE
- Boundary Map
- Location Map
- A-95 (if adverse)
- DI 1350
- Parcel Maps
- Onsite Inspection
- Acquisition Schedule
- Development/Floor Plan

- Amount/Degree of Use
- Meets Basic Outdoor Needs
- woodland* Purpose: Re. "E.D.", "H.P."
- Originality of purpose/ Demonstration of new idea
- Accord w/SCORP
- Comp. w/Private
- Adequacy of 6(f) area

- Environmental Info
- Prime/Unique Farmland
- Floodplains/Wetlands
- Endangered Species
- Historic/Archeological
- Pollution
- Noise Avoidance
- Utility Lines
- Roads & Trails
- Architectural Landscaping
- Environmental Improvement Measures

X - Acceptable      N/A - Not Applicable      # - See Project Notes

P.L. 91-190 Compliance

Based on a review and consideration of the environmental factors addressed in the environmental assessment and related documentation submitted with this project, I have determined that the action proposed in this project will not have significant effects on the environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Therefore, an environmental impact statement is not required.

Project Notes:

*I recommend this project be approved conditional upon receipt of acquisition schedule which will be developed with State week of Aug 20*

*Rick Alcorn*



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



-AWARD ON-SITE INSPECTION REPOI

1. State Vermont Date of Inspection 12/20/ 78  
 Project # 50-00320 Project Title Fairlee Acquisition  
 Project Period DOA - 12/31/84 Type: X Acq.      Dev.      Combination

2. Inspector Jim Sairs Accompanied by Peg Watt  
 Title Landscape Architect Title Town Energy Coordinator  
 Agency of Environmental Conservation Agency Town of Fairlee

3. Prior Inspections: Date \_\_\_\_\_ Type \_\_\_\_\_ St., Reg \_\_\_\_\_  
 Date \_\_\_\_\_ Type \_\_\_\_\_ St., Reg \_\_\_\_\_

4. Findings:

	Yes	No
(a) Will the project result in the displacement of any persons, businesses, etc?	* _____	X _____
(b) Is the project located on or adjacent to an historic site?	* _____	X _____
(c) Is the project located adjacent to a National Wildlife Area, National Fish Hatchery, or areas under the small waterfowl production program?	* _____	X _____
(d) Will this project involve any dredging, filling, construction, etc. in navigable waters which will require the issuance or an Army Corps of Engineers and/or a U.S. Coast Guard permit?	* _____	X _____
(e) Are provisions to make the facilities accessible to the handicapped included in the project?	X _____	* _____

\*EXPLAIN BELOW

5. Narrative addressing? (a) Land Characteristics including adjacent land use, past and present uses of the site, access to the area; (b) Compatability of the site to the proposed use or development; (c) Man-made features which detract from the area; and (d) Reservation of rights, easements, rights-of-ways, use restrictions, etc. and their affect on the area.

The proposed acquisition consists of three individual parcels of land, that range in size between 53+ acres to 540+ acres. These parcels abut the existing town forest and are accessible either from the town forest or from an existing network of unmaintained farm roads. The land is steep and forested with stands of mixed hardwood and softwood. The range in elevation of these parcels is from about 800 feet to 1600 feet. The land in the past and present has been used for timber production, hunting, hiking, cross country skiing and snowmobiling. The lands surrounding these parcels are similar in nature and support about the same use except for some lower elevation parcels that have been developed with some scattered summer homes.

The site is compatible for the uses envisioned by the town.

There are no man made features that detract from the area.

6. Notes to future inspectors: (continued below)

7. Reviewed by: Signature [Signature] Signature [Signature]  
 Title State Liaison Officer Title Inspector, Jim Sairs

8. Photographs, with descriptive captions, are included.

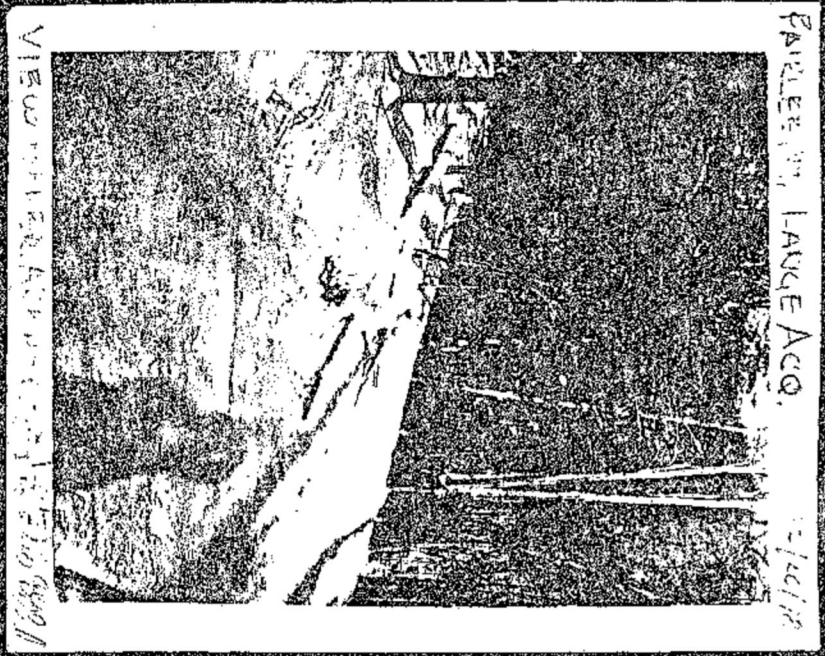
There are no known reservation or rights in the land by others.



FAIRLEE, LAURENCE 12/20/78



VIEW West - Logging Road N side 540 acre parcel



VIEW West - Logging Road N side 540 acre parcel

FAIRLEE, LAURENCE 12/20/78





Fairlee : *Environmental Assessment*

1. The project is being proposed by the Town of Fairlee. The proposal involves the acquisition of 770 acres of land in three tracts adjoining the Fairlee town forest. The project is designed to provide additional lands available to the public for passive recreational purposes - hiking, cross-country skiing, snowshoeing, hunting, snowmobiling, and possibly wood-cutting. The principal component of the proposal is the acquisition of the land. Plans for trail clearing and the use of the area for organized recreational activities (nature walks, Boy Scouts, etc.) and an energy conservation resource (selected wood-cutting for fuel), are still tentative. The project will serve the general public, and in particular the residents of the Town of Fairlee. The proposed acquisition will substantially enlarge the protected open space which is available for such uses in the town. In addition, as development pressures and population grow in the medium and longer term, while demand for such open space increases, the supply of private land which the public can use decreases, as does that of open land in general (public and private). More land is used for construction, and more land is posted. For this reason, in order that the public should continue to have the opportunity for passive outdoor recreation, it is desirable that the public sector should acquire open land for conservation purposes. As this endeavor is far less difficult when development pressures are still slight than when they are intense, public authorities should act now to protect the interests of future generations. Such action is in the interests not only of town residents, but of the public at large, who stand to benefit from the aesthetic appeal of large unspoiled tracts of open land.

The land to be acquired is located in the western and central part of the town. It consists of 3 tracts of land, one on the north side of the town forest, consisting of approximately 150 acres, and two on the south side, one of about 540 acres, and one of 70 acres. The land to be acquired is timberland. The terrain is rough with a relief of about 850 feet (900 feet to 1765, lowest to highest point). Slopes range between 8 and 50% in general, though there is some level land.

The site is served by 2 town roads on the north side, both of which run to within easy walking distance of the property. On the east 2 town roads reach into the property (one of which is passable up to the boundary of the property and then continues through the property and the town forest, as a trail to Bald Top). The site is also accessible by several hiking and snowmobile trails. Acquisition would take place as soon as funds became available (FY1979).

The town has no other recreation projects under consideration or construction at the moment. However, inasmuch as the town forest is a recreational resource for the whole community the proposed acquisition would add significantly to the recreation capacity of this facility. The proposal is consistent with both the Fairlee municipal development plan and the Fairlee recreation plan, both of which mention land acquisition in the Bald Top and Glenn Falls Brook areas a major goal. It is in conformance with the 1978 comprehensive



2

outdoor recreation plan for the state and is consistent with related recreational and land use plans for the area (regional plan, regional land use element).

2. Some of the land to be acquired was at one time used for agriculture. However, in recent memory, the land has been wooded. Though some logging has taken place historically, there has been little logging activity recently. There is presently some low-intensity recreational use (primarily hunting and snowmobiling). Surrounding land use is similar, given the relative inaccessibility of the area. Adjoining the properties under consideration is the Fairlee town forest, which is also used primarily for recreation. No wood-cutting has taken place in the forest recently. The area is zoned residential. There was some attempt to develop the properties under consideration in 1972-75, but these were not successful due to a shortage of capital on the part of the developer.

There are no special topographic features on the land being considered, though the 70 acre tract runs right up to the base of Bald Top, which is the second highest point in the town, and enjoys unobstructed views of the Connecticut Valley and beyond to the mountains in New Hampshire.

The 1960 population of the town was 569, and that for 1970 was 604. The Two Rivers Regional Planning Commission estimates 1975 population to be 672. This constitutes an increase of 11.2% over the 1970-75 period, an annual growth rate of 2.2%. This is above the regional average of 1.9%. (Source: Two Rivers Regional Housing Element). The population profile of the town is similar to that of the region as a whole. Given the family high rate of population growth (due in large part to immigration), in order to maintain a given level of recreational services per capita, the town must add to its recreational facilities. The project under consideration is a relatively low-cost way to do so while being consistent with the general character of the town and region.

Prior to World War II, economic activity in Fairlee was predominantly agricultural. Since then, the focus has shifted from the primary to the secondary and tertiary sectors. The major employment centers for residents of the town are Bradford (manufacturing and services) and the Hanover - White River area (predominantly education and services, but with some manufacturing).

The town has a small commercial district in the Village. Tourism plays a significant, though seasonal role in the town's economy. There are a large number of seasonal residences, and some inns, hotels and summer camps on or near Lake Morey.

Income levels in the area are low relative to those in the state and nation as a whole, and there is a correspondingly greater need to rely on public sources of recreational opportunities. Median family income for the Two Rivers Region, of which Fairlee is a constituent part, was \$11,651 in 1976.



Economic growth in the area is expected to be slow. Agriculture will likely continue to decline in importance, while the manufacturing and service sectors will continue to predominate (Source: Two Rivers Regional Housing Element).

It is proposed to require 770 acres of land. A number of soil types are present in the area. They include colrains, bucklands, Tunbridge, and Woodstock soils, interspersed with bedrock outcroppings. (Soil interpretation sheets describing the soils present in the area are attached.)

Slopes are in general fairly severe. Soils vary from poorly to well-drained and permeability also varies. Moisture capacity is generally low with the exception of the backlands, colrains, and muck. While the development potential of the land is limited, the characteristics of the soils pose no serious impediment to the uses envisioned in the project proposal.

Surface geologic features present in the area are hills, bedrock outcroppings, and small valleys wooded by several water courses. The terrain is glacial in origin with post-glacial weathering and erosion. Subsurface bedrock is mainly schist and other metamorphic rock. There are no known mineral deposits of commercial value.

The annual precipitation in the Fairlee area is 42 <sup>inches</sup>. It ranges from a low of 2.78 inches in February to a high of 4.22 inches in July. The annual mean temperature is 44.5° F. and fluctuates from a low of 19.0° in January to a high of 68.7° in July. Monthly mean precipitation and temperature for the area are shown in the table below.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.
Precipitation	3.3	2.78	3.49	3.57	3.72	3.73	4.22	3.31
Temperature*	19.6	20.7	30.4	43.2	55.2	64.1	68.7	66.5
	Sept.	Oct.	Nov.	Dec.	Annual			
Precipitation	3.49	3.12	3.76	3.19	41.68			
Temperature*	58.7	48.0	36.3	23.1	44.5			

\*Degrees fahrenheit

Source: U.S. Dept. of Commerce, Weather Bureau

There are no significant bodies of standing water in the tracks to be acquired. Included in the property are parts of the watersheds of Big Brook, Mill Pond Brook, Blood Brook, and Glenn Falls Brook. Surface runoff is into these brooks, where it occurs. Some of the south-eastern portion of the land is drained by Pine brook which feeds the old town reservoir near the south-western corner of Lake Morey. The reservoir is at present unused, but there is some talk of using it as an emergency water supply.

The only area in the tracts to be acquired that is subject to flooding is the section of permanently wet soils between the sources of Glenn Falls and Mill Pond Brook. This section is designated Mu on the accompanying soils map. There are no known aquifers in the area. The area does not serve as a aquifer recharge area for town water supplies. Town water is taken from wells east north east of Lake Morey. This aquifer recharge area is related to the Connecticut River flow. The only water flowing from the area involved, which is currently being used by residents of the town is the Glenn Falls Brook. One house near its mouth uses this brook as an alternate water source.

The vegetation of the area is mixed forest. Various coniferous and deciduous species are present. The woodland is at varying stages of maturity from overgrown meadow to climax forest.

Fauna and food chains are those typical of Northern New England mixed forest. No rare or endangered species are present in the area under consideration. There are several deer yards on the land to be purchased and the area as a whole is a good one for deer hunting.

There are no important transportation routes in the area at present. Access to the properties to be acquired is via 2 small roads off Brushwood Rd., which lead to within easy walking distance of the site, via a town trail up the Glenn Falls Brook to Bald Top, or via a thrown up road extending into the southern parcel from Terry Rd. There is a right of way from this road which extends through most of the 540 acre southern tract. There are also some logging roads within the tracts. Access to the site is limited.

It is difficult to describe the probable future environment if the project is not initiated. The present landowner refuses to comment on the issue. However, it seems likely that the land will remain in timber. It should not be forgotten, though, that one attempt to develop the parcels for residential use has already been made. If the land remains wooded, it is probable that it will be logged. The intensity of such activity, and hence its environmental impact, is unclear.

### 3. Environmental Impact of the Proposed Action

The site does not involve a National Historic Register Site. No sites of state or local historical significance are involved. There are no known archeological sites on the land involved. Two sites of natural significance - Bald Top and Glenn Falls Brook - are involved. These sites of great natural beauty stand to be protected by the proposed acquisition.

Present land use is at present at a very low intensity, and almost exclusively recreational (snowmobiling and some hiking). If new trails were cut and marked, this activity would most likely increase. It is unlikely that such activity would affect the character of the site to any significant degree as it would be confined to the trails and their vicinity, and by its very nature does not have serious environmental impact. It is possible that some cutting of firewood will occur on the property. As this will be closely controlled if it does occur, it will not result in adverse impact and may actually



improve the quality of the forest, as well as providing a valuable energy resource for the community.

Socioeconomic impacts can be subdivided into positive and negative categories. The acquisition increases the amount of public land available for recreational use. To the extent that this results in an increase in or sustainment of the recreational activity of present and future generations, and assuming that such increase or sustainment is desirable, the project will have a positive social impact.

Present tax revenue on the land is about \$800/yr. The town will lose this amount of tax if it acquires the land. It has been proposed that to compensate for this loss the town should allow some logging on the land.

No persons will be displaced. There will be no alteration of settlement patterns. *Area residents* will be unaffected. No commercial enterprise will be directly affected. No solid wastes will be generated.

Given the lack of substantial change in the site, water resources are unlikely to be affected. There may be some additional runoff near trails due to compacting and destruction of vegetation. There may be some erosion associated with this run off and accompanying soil destabilization. As trails will occupy only a very small portion of the land to be acquired, this impact will not be important. In addition, the low intensity of trail use makes it unlikely that serious erosion will occur even in the vicinity of trails. The water table will be unaffected by the project. As the town's water supply is not dependent on any part of the land to be acquired, the project will not affect it. Even if the town did use the land or part of it for water supply the acquisition would be more to protect the supplies than to endanger them. Water quality of streams in the area will be unaffected. No human waste is likely to be generated.

Vegetation will be <sup>unaffected</sup> by the recreational pursuit ~~of the~~ except to a limited extent in the vicinity of trails. If logging or cutting of firewood occurs, vegetation may be affected over large areas. If this is managed correctly, however, this will result in improvement of the stands of timber and maximization of their biomass productivity.

There will be no serious effect on fauna. The area is already being used for recreational purposes. Any increase in such activity that may take place as a result of the acquisition is unlikely to be great enough to deleteriously affect wildlife population. The only direct impact is hunting. This is particularly true as the land is at present unposted.

No changes in transportation routes are contemplated, except for some trail-marking and clearing on the site. Increased congestion is improbable, as additional traffic will be minimal.

There will be no impact on energy consumption. However, if the controlled cutting of wood is permitted on the land to be acquired and in the town forest itself, the supply of cheap energy to residents of the town will be substantially increased.

Air quality will be unaffected.

There may be some increase in the ambient noise levels due to snowmobile traffic. This impact will be insignificant as there is no settlement in the area.

The management of the land will be handled by the Town of Fairlee. Management functions will be minimal and not a significant addition to those already associated with the town forest.

4. No mitigating measures are contemplated as no significant adverse impacts are envisaged.

5. No adverse impacts which cannot be avoided are anticipated.

6. Given the nature of the project (conservation of woodland through acquisition of private land), there could be no impacts of the proposal in the context of similar proposals. No similar projects are contemplated or in process at this time. There is no conflict between public and private conservation efforts, and thus the public sector is unlikely to be violating or adversely affecting private recreational interests with such a proposal. The project stands to benefit future generations as indicated in section one of this document.

It is difficult to determine how the immediate and long range impacts on the area with the project compare with the immediate and long-range impacts without the project. In the short run, it is likely that in either case the land will stay in timber and that the public will have access to it for recreational use. In the longer term, three possibilities are evident:

a. maintenance of status quo.

b. increased logging activity in order to realize some of the commercial potential of the land.

c. development for seasonal and/or permanent residences.

Either b or c is more *probable* than a, as it is unlikely that a rational landowner would continue to forego the commercial rewards of exploitation of the land while at the same time paying taxes on it. In the case of (b) the extent of impact depends on logging methods used. It is clear, however, that the environmental impact (aesthetic and physical - erosion, etc.) of uncontrolled private logging will be more negative than recreational use coupled with closely controlled cutting.

In the case of c, once again the extent of impact depends on the intensity of development, but c is likely to have a far greater impact on water resources and quality, transportation routes, energy consumption, vegetation and fauna, noise levels, solid wastes, etc., than the proposed project.

7. The only irrevocable commitment of resources will be the expenditure



of public monies in the acquisition of the property. The project restricts the range of possible uses of the land by preserving it for outdoor recreation. As the land is for the most part unsuited to other uses, except for logging, this restriction is unimportant. This is particularly true as wood is not a scarce resource in the region, and because public ownership does not necessarily interfere with rational wood-cutting practices on the land to be acquired.

There will be no extraction of nonrenewable resources and any removal of wood will be limited to a level which is sustainable. There will be no destruction of archeological, geological or historic features, no destruction of fragile habitat or endangered species habitat, no unalterable changes in land use, and no resources used in project development. The entire thrust of the project is to maintain and preserve existing conditions and uses rather than to irretrievably alter them.

8. Several alternatives to the proposed action are available. First, land could be acquired elsewhere for recreational purposes. Fairlee's first efforts in this regard involved the attempted purchase of the Bradford Town Forest in the northwest corner of Fairlee. However, this project was ruled out as it was ineligible for BOR funding. In addition, no other large parcels of land are available at the present time. The present proposal has the added advantage of involving land which is adjacent to the Fairlee Town Forest. As such, if acquired, the town will possess a single large consolidated parcel of protected land. Further, the land presently under consideration includes, or is in close proximity and hence protects, certain areas of particular natural beauty. This might or might not be the case with other parcels of land. Finally, choosing other land would mean foregoing the offer of the present landowner to donate the 20% required for local share.

Second, the town would rely on the goodwill of private landowners in the provision of access rights to the public and in the preservation of undeveloped land in its natural state. This has the advantage of being costless, and also avoids the loss of tax revenue. However, this alternative is less certain than public ownership, as such informal arrangements would not be binding on the owners. Further, if and when other uses became profitable to owners of the land, it would be unreasonable to expect them to forego such projects in the interest of environmental conservation or the good of those citizens benefiting from their largesse.

Third, the town may not act at all. In the short run, it will likely make little difference whether the town acquires this land or not. There is no shortage of accessible woodland which can be used for recreational purposes. In addition, the intensity of use of existing public forest land in the town is not excessive. However, in the medium and longer term, this situation is likely to change. More private land is being posted every year. When considered in conjunction with relatively rapid population growth, this indicates that greater demands will be placed on existing public land, and hence to an insufficiency of such land. Were no such land acquired, a situation of excessive use of existing public land could develop. With this in mind, it is prudent for the public sector to acquire undeveloped land.

9. The public has been involved in the decision making process through

open meetings of the Board of Selectmen and through an informational meeting on the proposal, which was held on August 21. In addition, various aspects of the project have been extensively covered in the local press (see attached documentation).

In developing the proposals, the Town has consulted the Two Rivers Regional Planning & Development Commission, the Division of Historical Sites of the Agency of Development & Community Affairs, the Agency of Environmental Conservation - Division of Planning and the Dept. of Forests Parks & Recreations, and the Heritage Conservation & Recreation Service of the Department of the Interior. At the local level, the town's Recreation Council, Planning Commission, Listers and Board of Selectmen have been involved.

No other agency has evaluated this potential environmental consequences of this project.

The applicant knows of no controversy involved or likely to manifest itself.



## SOIL SURVEY INTERPRETATIONS

### SOIL SERIES - BUCKLAND, VERY STONY

MAP SYMBOLS - *BUC*

#### DESCRIPTION OF THE SOIL

Soils in this series are well drained and moderately well drained, loamy, and very stony. Mapped areas have stones on the surface 5 to 30 feet apart. These soils occupy the glacial till covered uplands, whose topography is largely controlled by bedrock. Slope ranges from 0 to 50 percent. The soil typically has a very dark grayish brown loam or silt loam surface layer in cultivated areas. The subsoil and underlying material consist of olive brown and olive gray loam or silt loam sand formed in glacial till. The material to a depth ranging from 12 to 28 inches is compact and very firm in place. This material impedes the downward growth of roots and movement of water. Permeability is moderate above the compact layer and slow within this layer; available moisture capacity is high; and natural fertility is high. Depth to seasonal high water table is 1 to 2 feet and a saturated condition is common above the compact layer during wet seasons. Depth to bedrock is 5 to 10 feet or more.

#### INTERPRETATIONS AND LIMITATIONS FOR FARMING AND RELATED USES

SOIL SLOPE PHASE	CAPABILITY SUBCLASS	CULTIVATED CROPS	PASTURE AND HAY	ARTIFICIAL DRAINAGE	WATERWAYS	POND RESERVOIR AREAS	POND EMBANKMENTS
A, B, C	VI <sub>1</sub>	SEVERE	SEVERE	SEVERE	SEVERE	SLIGHT	MODERATE
D	VI <sub>2</sub>	SEVERE	SEVERE	SEVERE	SEVERE	SLIGHT	MODERATE
E	VI <sub>3</sub>	SEVERE	SEVERE	SEVERE	SEVERE	SLIGHT	MODERATE

**MAJOR FACTORS AFFECTING USE-** The basic limitation of this soil for most farming uses is severe because of the very stony condition and excess wetness. Close spacing of stones makes it difficult to use farm equipment and to provide artificial drainage to remove the excess water. The soil has only a slight basic limitation for reservoir areas because of the slow seepage rate. The soil material is very stony and, therefore, is a moderate limitation for pond embankments. The soil material also is difficult to compact when it is excessively wet.

#### SOIL LIMITATIONS FOR WILDLIFE

SOIL SLOPE PHASE	OPENLAND WILDLIFE	WOODLAND WILDLIFE	WETLAND WILDLIFE
A, B, C	SEVERE	MODERATE	SEVERE
D, E	SEVERE	MODERATE	SEVERE

**MAJOR FACTORS AFFECTING USE-** The use of this soil is severely limited for openland wildlife because of the very stony condition and excess wetness during the spring. Because it is moderately well drained it has a severe limitation for wetland wildlife. It has fair potential for woodland wildlife, but excess wetness and slopes in some areas are a limitation.

#### WOODLAND INTERPRETATIONS

SOIL SLOPE PHASE	SEEDLING MORTALITY	EROSION HAZARD	WINDTHROW HAZARD	PLANT COMPETITION		EQUIPMENT LIMITATION	ORDINATION SUBCLASS
				HARDWOODS	CONIFEROUS		
A, B, C	SLIGHT	SLIGHT	SLIGHT	SLIGHT	MODERATE	SLIGHT	3 <sub>o</sub>
D	SLIGHT	SLIGHT	SLIGHT	SLIGHT	MODERATE	MODERATE	3 <sub>r</sub>
E	SLIGHT	MODERATE	SLIGHT	SLIGHT	MODERATE	SEVERE	3 <sub>r</sub>

#### ESTIMATED PRODUCTIVITY RATING FOR SELECTED SPECIES

NORTHERN HARDWOODS	RED OAK	WHITE PINE	RED PINE	WHITE SPRUCE	RED SPRUCE	To Favor	To Plant
52-59 Site Index		70-80 Site Index		60-70* Site Index		W.S. B. Fir W. Pine S.H. Y.B. W.A.	W.P. W.S. R.S. N.S.





SOIL SURVEY INTERPRETATIONS

SOIL SERIES - COLRAIN VERY STONY

MAP SYMBOLS - CSD

DESCRIPTION OF THE SOIL

Soils of this series are well drained, loamy, and very stony. Mapped areas have stones on the surface 5 to 30 feet apart. These soils occupy glacial till covered uplands with slopes of 0 to 50 percent. These soils typically have fine sandy loam or sandy loam surface layers and subsoil that overlies a fine sandy loam or loamy fine sand at a depth of about 33 inches. Cobbles and stones are present throughout the profile. Permeability is moderately rapid; available moisture capacity is medium; and natural fertility is medium. Depth to water table and bedrock typically exceeds 5 feet.

INTERPRETATIONS AND LIMITATIONS FOR FARMING AND RELATED USES

SOIL SLOPE PHASE	CAPABILITY SUBCLASS	CULTIVATED CROPS	PASTURE AND HAY	ARTIFICIAL DRAINAGE	WATERWAYS	POND RESERVOIR AREAS	POND EMBANKMENTS
A, B	Vs, VIa	SEVERE	MODERATE	NOT NEEDED	SEVERE	MODERATE	MODERATE
C	VIa	SEVERE	MODERATE	NOT NEEDED	SEVERE	MODERATE	MODERATE
D	VIa	SEVERE	MODERATE	NOT NEEDED	SEVERE	MODERATE	MODERATE
E	VIIa	SEVERE	SEVERE	NOT NEEDED	SEVERE	SEVERE	MODERATE

MAJOR FACTORS AFFECTING USE- The very stony condition is a severe limitation on all slope phases for cultivated crops and waterways. In addition it is a moderate limitation for pasture and hay crops primarily because of the difficulty in harvesting the crop. Moderately rapid permeability may permit excessive seepage in pond reservoir areas. Since this soil is well drained artificial drainage is not needed.

SOIL LIMITATIONS FOR WILDLIFE

SOIL SLOPE PHASE	OPENLAND WILDLIFE	WOODLAND WILDLIFE	WETLAND WILDLIFE
A, B, C, D, E	SEVERE	SLIGHT	SEVERE

MAJOR FACTORS AFFECTING USE- The limitations for growing openland wildlife habitat elements is severe because of the very stony condition of the soil. This condition is only a slight limitation for woodland wildlife habitat. Since the soil is well drained it has a severe limitation for wetland wildlife habitat.

WOODLAND INTERPRETATIONS

SOIL SLOPE PHASE	SEEDLING MORTALITY	EROSION HAZARD	WINDTHROW HAZARD	PLANT COMPETITION		EQUIPMENT LIMITATION	ORDINATION SUBCLASS
				HARDWOODS	CONIFEROUS		
A, B, C	SLIGHT	SLIGHT	SLIGHT	SLIGHT	MODERATE	SLIGHT	3o
D	SLIGHT	SLIGHT	SLIGHT	SLIGHT	MODERATE	MODERATE	3r
E	SLIGHT	MODERATE	SLIGHT	SLIGHT	MODERATE	SEVERE	3r

ESTIMATED PRODUCTIVITY RATING FOR SELECTED SPECIES

NORTHERN HARDWOODS	RED OAK	WHITE PINE	RED PINE	WHITE SPRUCE	RED SPRUCE	To Favor	To Plant
59-66 Site Index		70-80 Site Index			40-50 Site Index	S.M. Y.B. W.A. W.S. B. Fir H.P.	W.P. R.P. N.S.  B.S.

SOIL SERIES - COLRAIN VERY STONY

SOIL LIMITATIONS FOR RECREATION

SOIL SLOPE PHASE	CAMP AREAS	PICNIC AREAS	ATHLETIC FIELDS AND PLAYGROUNDS	PATHS AND TRAILS	PARKING AREAS		
A	MODERATE	SLIGHT	MODERATE	MODERATE	MODERATE		
B	MODERATE	SLIGHT	MODERATE	MODERATE	MODERATE		
C	MODERATE	MODERATE	SEVERE	MODERATE	SEVERE		
D	SEVERE	SEVERE	SEVERE	MODERATE	SEVERE		
E	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE		

MAJOR FACTORS AFFECTING USE FOR RECREATION - The very stony condition hinders use for camp areas, athletic fields and playgrounds, and parking areas. The close spacing of stones makes construction and layout difficult. The degree of limitation increases as the slope gradient increases because of increased problems in construction, layout, and erosion hazard.

NOTE: For buildings, septic tank sewage systems, ponds, and access roads refer to other sections.

SOIL LIMITATIONS FOR COMMUNITY DEVELOPMENT

SOIL SLOPE PHASE	SEPTIC TANK SEWAGE DISPOSAL	SANITARY LAND FILL	STREETS AND ACCESS ROADS	BUILDINGS		EXCAVATIONS PIPELINES, ETC.	LAWNS, GOLF FAIRWAYS AND LANDSCAPING
				WITH BASEMENTS	WITHOUT BASEMENTS		
A	MODERATE	SEVERE	SLIGHT	MODERATE	MODERATE	MODERATE	MODERATE
B	MODERATE	SEVERE	SLIGHT	MODERATE	MODERATE	MODERATE	MODERATE
C	MODERATE	SEVERE	MODERATE	MODERATE	MODERATE	MODERATE	MODERATE
D, E	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE

MAJOR FACTORS AFFECTING USE FOR COMMUNITY DEVELOPMENT - The construction of buildings and sanitary land fill is difficult because of the close spacing of stones. The soil absorbs sewage effluent from septic tanks readily but the installation of septic tank disposal systems may be difficult because of the large number of stones. The steeper slope phases have a greater limitation because of the higher potential erosion hazard, and additional construction problems.

ESTIMATED PHYSICAL AND CHEMICAL PROPERTIES FOR ENGINEERING

SOIL HORIZON DEPTH	CLASSIFICATION			% OF MATERIAL PASSING SIEVE				PERMEABILITY	AVAIL. WATER CAP.	SOIL PH	SHRINK-SWELL POTENTIAL
	USDA TEXTURE	UNIFIED	AASHO	#4	#10	#40	#200				
Inches 0-6	Fine sandy loam, sandy loam	SM	A-2, A-4	85-100	75-95	60-85	30-45	in./hr. 2.0-6.0	in./in. .12-.16	5.1-7.3	Low
6-33	Fine sandy loam, sandy loam and gravelly analogues	SM	A-2, A-4	85-100	75-95	60-85	30-45	2.0-6.0	.10-.14	5.6-7.3	Low
33-40 plus	Fine sandy loam, sandy loam, loamy fine sand and gravelly analogues	SM	A-2, A-4	85-95	70-90	60-80	25-45	2.0-6.0	.08-.12	6.1-7.3	Low

June 1969

SUITABILITY OF SOIL AS A SOURCE OF

TOPSOIL - Poor - very stony  
 SAND - Not suitable - loamy, excess fines  
 GRAVEL - Not suitable - loamy, excess fines  
 ROADFILL - Good on A, B, C slopes; fair on D slope; and poor on E slope

DEFINITION OF RATING TERMS: The soil is evaluated to a depth of 5 feet or less. The three classes of soil limitations are: Slight - relatively free of limitations or limitations are easily overcome. Moderate - limitations need to be recognized, but can be overcome with good management and careful design. Severe - limitations are severe enough to make use questionable.



SOIL SERIES - MUCK AND/OR PEAT, DEEP

MAP SYMBOLS --

DESCRIPTION OF THE SOIL

Soils in this series are very poorly drained and consist of muck and peat. The muck and peat consists of the remains of reeds, sedges, and woody plants that grew in shallow ponds and marshes. Slopes are mainly level, but in places they are 3 to 5 percent. These soils occupy depressions and marshy areas. The soils typically consist of muck and/or peat to a depth of 4 feet or more. In places, mineral material is present at 3 to 4 feet. Permeability is moderate to moderately rapid; available moisture capacity is high; and fertility is low. The water table is at or near the surface unless the soils are artificially drained. Depth to bedrock typically exceeds 5 feet.

INTERPRETATIONS AND LIMITATIONS FOR FARMING AND RELATED USES

SOIL SLOPE PHASE	CAPABILITY SUBCLASS	CULTIVATED CROPS	PASTURE AND HAY	ARTIFICIAL DRAINAGE	WATERWAYS	POND RESERVOIR AREAS	POND EMBANKMENTS
A,B	VIIIw	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE

MAJOR FACTORS AFFECTING USE- The very poorly drained condition as a result of a high water table is a severe limitation for farming and related uses. The organic muck and peat has a poor capacity to support loads when wet. Drainage is difficult because the muck and peat settles unevenly upon drying. Wind erosion also is a potential problem when large areas are drained and farmed. The material is unstable in embankments and erodes readily.

SOIL LIMITATIONS FOR WILDLIFE

SOIL SLOPE PHASE	OPENLAND WILDLIFE	WOODLAND WILDLIFE	WETLAND WILDLIFE
A,B	SEVERE	SEVERE	SLIGHT

MAJOR FACTORS AFFECTING USE- Establishing and maintaining habitat for openland and wetland wildlife is difficult because of the high water table and low fertility. Trees blow down readily because of the high water table and anchorage of roots. The high water table is a favorable feature for wetland wildlife.

WOODLAND INTERPRETATIONS

SOIL SLOPE PHASE	SEEDLING MORTALITY	EROSION HAZARD	WINDTHROW HAZARD	PLANT COMPETITION		EQUIPMENT LIMITATION	ORDINATION SUBCLASS
				HARDWOODS	CONIFEROUS		

UNSUITED FOR COMMERCIAL FOREST PRODUCTION

ESTIMATED PRODUCTIVITY RATING FOR SELECTED SPECIES

NORTHERN HARDWOODS	RED OAK	WHITE PINE	RED PINE	WHITE SPRUCE	RED SPRUCE

**SOIL LIMITATIONS FOR RECREATION**

SOIL SLOPE PHASE	CAMP AREAS	PICNIC AREAS	ATHLETIC FIELDS AND PLAYGROUNDS	PATHS AND TRAILS	PARKING AREAS		
A,B	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE		

MAJOR FACTORS AFFECTING USE FOR RECREATION - The major limitation for all recreational items is the high water table. The muck and peat are unstable when wet and have a poor capacity to support foot and vehicular traffic. Structures placed in or on the organic material settle unevenly and are subject to damage.

NOTE: For buildings, septic tank sewage systems, ponds, and access roads refer to other sections.

**SOIL LIMITATIONS FOR COMMUNITY DEVELOPMENT**

SOIL SLOPE PHASE	SEPTIC TANK SEWAGE DISPOSAL	SANITARY LAND FILL	STREETS AND ACCESS ROADS	BUILDINGS		EXCAVATIONS PIPELINES, ETC.	LAWNS, GOLF FAIRWAYS AND LANDSCAPING
				WITH BASEMENTS	WITHOUT BASEMENTS		
A,B	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE

MAJOR FACTORS AFFECTING USE FOR COMMUNITY DEVELOPMENT - The high water table and poor capacity to support loads are the main limitations for residential and community development. Ground water seeps into basements, sanitary land fill trenches, and other excavations. Structures placed in or on these organic materials settle unevenly and are subject to damage. Septic tank filter fields are saturated during wet seasons and the soil has poor capacity to absorb effluent.

**ESTIMATED PHYSICAL AND CHEMICAL PROPERTIES FOR ENGINEERING**

SOIL HORIZON DEPTH	CLASSIFICATION			% OF MATERIAL PASSING SIEVE				PERMEABILITY	AVAIL. WATER CAP.	SOIL pH	SHRINK-SWELL POTENTIAL
	USDA TEXTURE	UNIFIED	AASHTO	#4	#10	#40	#200				
Inches								in./hr.	in./in.		
0 to 40 plus	Muck and/or peat	PT	-	-	-	-	-	Variable	More than .22	Variable	Low

June 1959

**SUITABILITY OF SOIL AS A SOURCE OF**

TOPSOIL - Poor, oxidizes readily, loose when dry  
 GRAVEL - Not suitable, no gravel, organic  
 SAND - Not suitable, mainly organic material  
 ROADFILL - Poor, high compressibility, poor capacity to support loads

DEFINITION OF RATING TERMS: The soil is evaluated to a depth of 5 feet or less. The three classes of soil limitations are: Slight - relatively free of limitations or limitations are easily overcome. Moderate - limitations need to be recognized, but can be overcome with good management and careful design. Severe - limitations are severe enough to make use questionable.



SOIL SURVEY MAP STATATIONS

SOIL SERIES - TUNBRIDGE STONY

MAP SYMBOLS -

DESCRIPTION OF THE SOIL

Soils of this series are well drained, loamy, stony, and moderately deep to bedrock. Mapped areas have stones on the surface 30-100 feet apart. These soils occupy glacial till covered uplands, whose topography is controlled by bedrock. Soil slope is 0 to more than 50 percent. This soil typically has fine sandy loam surface layers and subsoil that overlie bedrock at a depth ranging from 20 to 40 inches. The bedrock is mainly schist. Permeability is moderately rapid; available moisture capacity is moderately low; and natural fertility is medium. Depth to water table is typically more than 5 feet. The surface and subsoil layers are a light loam in places. Potential frost heave is moderate.

INTERPRETATIONS AND LIMITATIONS FOR FARMING AND RELATED USES

SOIL SLOPE PHASE	CAPABILITY SUBCLASS	CULTIVATED CROPS	PASTURE AND HAY	ARTIFICIAL DRAINAGE	WATERWAYS	POND RESERVOIR AREAS	POND EMBANKMENTS
A	I <sub>te</sub>	SLIGHT	SLIGHT	NOT NEEDED	MODERATE	MODERATE	SEVERE
B	II <sub>e</sub>	SLIGHT	SLIGHT	NOT NEEDED	MODERATE	MODERATE	SEVERE
C	III <sub>e</sub>	MODERATE	SLIGHT	NOT NEEDED	SEVERE	MODERATE	SEVERE
D	IV <sub>e</sub>	SEVERE	MODERATE	NOT NEEDED	SEVERE	MODERATE	SEVERE
E	VI <sub>e</sub>	SEVERE	SEVERE	NOT NEEDED	SEVERE	SEVERE	SEVERE

MAJOR FACTORS AFFECTING USE - This soil has little or no limitation for farming on A and B slope phases. Stones and rock outcrops are present but are not close enough together to be a moderate limitation. Since this soil is well drained artificial drainage is not needed. The limitation is moderate for reservoir areas because of the moderately rapid permeability and the possibility of excess seepage. The limitation is severe for pond embankments because of the moderate depth to bedrock. Bedrock may be exposed when waterways are constructed.

SOIL LIMITATIONS FOR WILDLIFE

SOIL SLOPE PHASE	OPENLAND WILDLIFE	WOODLAND WILDLIFE	WETLAND WILDLIFE
A, B, C	SLIGHT	MODERATE	SEVERE
D	MODERATE	MODERATE	SEVERE
E	SEVERE	MODERATE	SEVERE

MAJOR FACTORS AFFECTING USE - This soil has good potential for openland wildlife habitat but has a severe limitation for wetland wildlife habitat because the soil is well drained.

WOODLAND INTERPRETATIONS

SOIL SLOPE PHASE	SEEDLING MORTALITY	EROSION HAZARD	WINDTHROW HAZARD	PLANT COMPETITION		EQUIPMENT LIMITATION	ORDINATION SUBCLASS
				HARDWOODS	CONIFEROUS		
A, B, C	SLIGHT	SLIGHT	SLIGHT	SLIGHT	MODERATE	SLIGHT	3o
D	SLIGHT	SLIGHT	SLIGHT	SLIGHT	MODERATE	MODERATE	3r
E	SLIGHT	MODERATE	SLIGHT	SLIGHT	MODERATE	SEVERE	3r

ESTIMATED PRODUCTIVITY RATING FOR SELECTED SPECIES

NORTHERN HARDWOODS	RED OAK	WHITE PINE	RED PINE	WHITE SPRUCE	RED SPRUCE	To Favor	To Plant
59-66 Site index		70-80 Site index			50-60 Site index	S.M. Y.B. W.A. W.P. W.S. B. Fir	W.P. B. Fir Larch W.S.

## SOIL LIMITATIONS FOR RECREATION

SOIL SLOPE PHASE	CAMP AREAS	PICNIC AREAS	ATHLETIC FIELDS AND PLAYGROUNDS	PATHS AND TRAILS	PARKING AREAS		
A	SLIGHT	SLIGHT	SLIGHT	SLIGHT	SLIGHT		
B	SLIGHT	SLIGHT	MODERATE	SLIGHT	MODERATE		
C	MODERATE	MODERATE	SEVERE	SLIGHT	SEVERE		
D	SEVERE	SEVERE	SEVERE	MODERATE	SEVERE		
E	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE		

MAJOR FACTORS AFFECTING USE FOR RECREATION- The basic limitation for this soil for most recreational uses is slight or moderate on A and B slope phases. The well drained condition and good suitability for foot and vehicular traffic are attributes of this soil for recreation uses. The soil dries out quickly after rain and has only slight limitations for maintaining vegetation. As the slope gradient increases the problems of construction and layout also increase. The D and E slope phases dominantly have a severe limitation because of the problem in construction and potential erosion hazard.

NOTE: For buildings, septic tank sewage systems, ponds, and access roads refer to other sections.

## SOIL LIMITATIONS FOR COMMUNITY DEVELOPMENT

SOIL SLOPE PHASE	SEPTIC TANK SEWAGE DISPOSAL	SANITARY LAND FILL	STREETS AND ACCESS ROADS	BUILDINGS		EXCAVATIONS PIPELINES, ETC.	LAWNS, GOLF FAIRWAYS AND LANDSCAPING
				WITH BASEMENTS	WITHOUT BASEMENTS		
A, B, C	SEVERE	SEVERE	MODERATE	SEVERE	MODERATE	SEVERE	MODERATE
D, E	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE	SEVERE

MAJOR FACTORS AFFECTING USE FOR COMMUNITY DEVELOPMENT- This soil has a severe limitation for most community development items because of the moderate depth to bedrock. This moderate depth hinders the use for septic tank sewage disposal and sanitary land fill. Construction of basements also is a severe problem because the underlying bedrock must be removed. The same problem is experienced in making other excavations and making cuts for streets and access roads. Stones and a moderately low available moisture capacity are the main limitations for lawns and golf fairways.

## ESTIMATED PHYSICAL AND CHEMICAL PROPERTIES FOR ENGINEERING

SOIL HORIZON DEPTH	CLASSIFICATION			% OF MATERIAL PASSING SIEVE				PERMEABILITY	AVAIL. WATER CAP.	SOIL pH	SHRINK-SWELL POTENTIAL
	USDA TEXTURE	UNIFIED	AASHO	#4	#10	#40	#200				
inches 0-7	Fine sandy loam, light loam	SM, ML	A-2, A-4	85-95	80-90	60-80	25-45	2.0-6.0	.12-.16	5.1-7.3	Low
7-29	Fine sandy loam, gravelly fine sandy loam, light loam	SM, ML	A-2, A-4	80-95	75-85	55-75	30-45	2.0-6.0	.10-.14	5.1-7.3	Low
29-40 plus	Schist bedrock	-	-	-	-	-	-	-	-	-	-

June 1969

## SUITABILITY OF SOIL AS A SOURCE OF

TOPSOIL- Fair, stony and cobbly  
 SAND- Not suitable, loamy, excessive fines  
 GRAVEL- Not suitable, loamy, excessive fines  
 ROADFILL- Fair, moderately deep to bedrock

DEFINITION OF RATING TERMS: The soil is evaluated to a depth of 5 feet or less. The three classes of soil limitations are: Slight - relatively free of limitations or limitations are easily overcome. Moderate - limitations need to be recognized, but can be overcome with good management and careful design. Severe - limitations are severe enough to make use questionable.



## SOIL SURVEY INTERPRETATIONS

### SOIL SERIES - WOODSTOCK OR WOODSTOCK

#### ROCKY

MAP SYMBOLS -

DESCRIPTION OF THE SOIL

Soils in this series are somewhat excessively drained, loamy and shallow to bedrock. Bedrock outcrops are 100 to 300 feet or more apart. They occupy bedrock dominated uplands that are thinly covered with glacial till. Slope is dominantly 3 to more than 25 percent. This soil typically consists of fine sandy loam material that overlies bedrock at less than 20 inches. The bedrock is dominantly schist. Cobble and stones are common in the upper 20 inches. Permeability is moderately rapid; available moisture capacity is moderately low and natural fertility is medium. Depth to water table typically exceeds 5 feet.

#### INTERPRETATIONS AND LIMITATIONS FOR FARMING AND RELATED USES

SOIL SLOPE PHASE	CAPABILITY SUBCLASS	CULTIVATED CROPS	PASTURE AND HAY	ARTIFICIAL DRAINAGE	WATERWAYS	POND RESERVOIR AREAS	POND EMBANKMENTS
A	IIIc	MODERATE	MODERATE	NOT NEEDED	SLIGHT	SEVERE	SEVERE
B	IIIe	MODERATE	MODERATE	NOT NEEDED	MODERATE	SEVERE	SEVERE
C	IVa	SEVERE	MODERATE	NOT NEEDED	SEVERE	SEVERE	SEVERE
D	VIe	SEVERE	SEVERE	NOT NEEDED	SEVERE	SEVERE	SEVERE
E	VIIe	SEVERE	SEVERE	NOT NEEDED	SEVERE	SEVERE	SEVERE

**MAJOR FACTORS AFFECTING USE-** The shallow depth to bedrock and rocky condition are limitations for use of this soil for farming and related uses. Since the soil is somewhat excessively drained, artificial drainage ordinarily is not needed. The bedrock outcrops in the rocky phase causes difficulty in the use of farm equipment and in the construction of waterways and other conservation practices. Because of the shallow depth only moderately low amounts of soil moisture are available for plants.

#### SOIL LIMITATIONS FOR WILDLIFE

SOIL SLOPE PHASE	OPENLAND WILDLIFE	WOODLAND WILDLIFE	WETLAND WILDLIFE
A, B, C, D	SEVERE	SEVERE	SEVERE
E			

**MAJOR FACTORS AFFECTING USE-** Limitation for all types of wildlife is severe because of the shallow depth of the soil. Establishment of openland wildlife habitat elements is difficult. Since the soil is somewhat excessively drained wetland wildlife habitat is difficult to establish and maintain.

#### WOODLAND INTERPRETATIONS

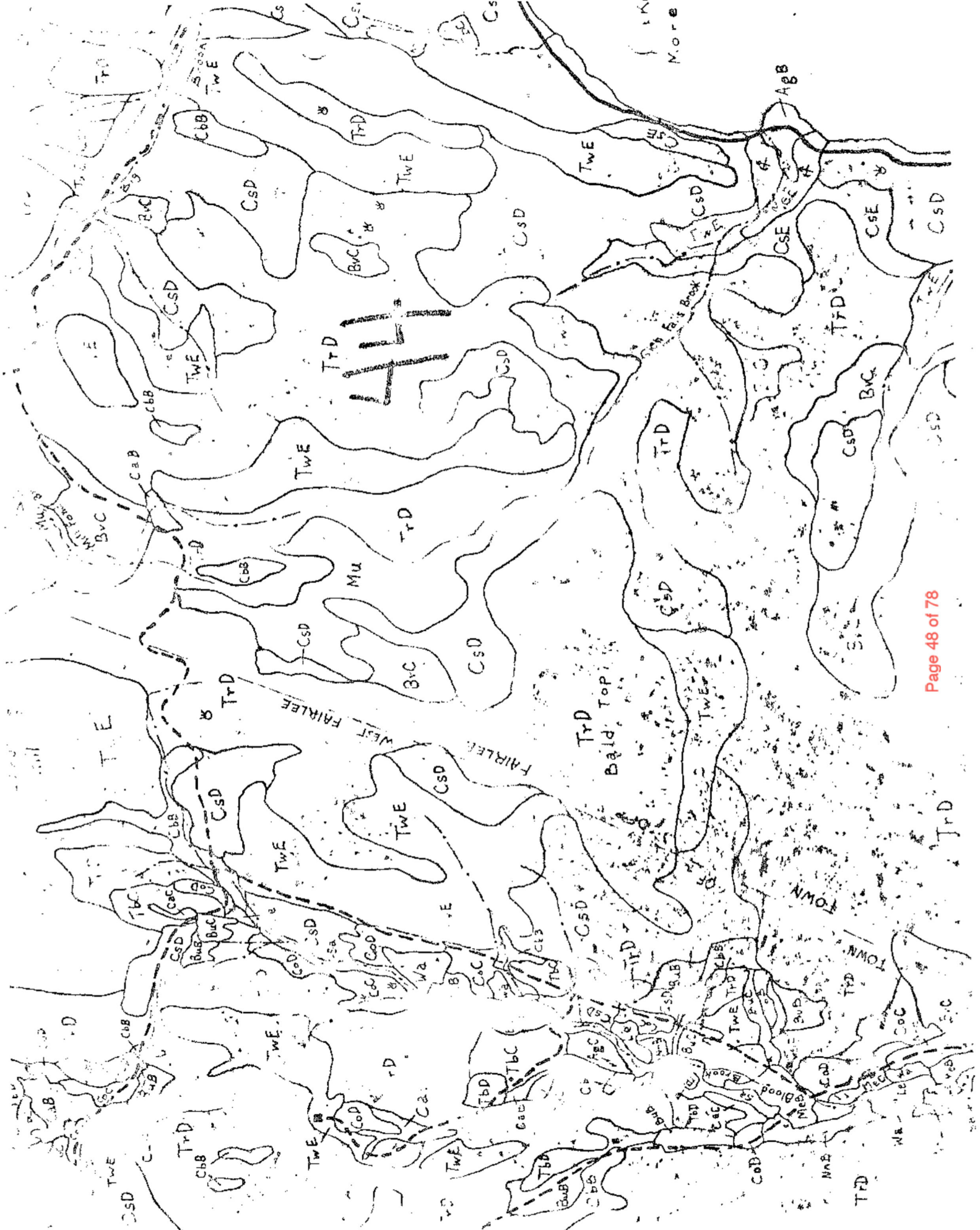
SOIL SLOPE PHASE	SEEDLING MORTALITY	EROSION HAZARD	WINDTHROW HAZARD	PLANT COMPETITION		EQUIPMENT LIMITATION	ORDINATION SUBCLASS
				HARDWOODS	CONIFEROUS		
A, B, C	SEVERE	SLIGHT	MODERATE	SLIGHT	SLIGHT	SLIGHT	4d
D	SEVERE	SLIGHT	MODERATE	SLIGHT	SLIGHT	MODERATE	4d
E	SEVERE	MODERATE	MODERATE	SLIGHT	SLIGHT	SEVERE	4d

#### ESTIMATED PRODUCTIVITY RATING FOR SELECTED SPECIES

NORTHERN HARDWOODS	RED OAK	WHITE PINE	RED PINE	WHITE SPRUCE	RED SPRUCE	To Favor	To Plant
59-66 Site Index		60-70 Site Index		50-60 Site Index	40-50* Site Index	S.M. Y.B. W.S. R.S. W.P. B.F.	W.P. W.S.













# PLAN FOR MANAGEMENT OF RECREATIONAL ACTIVITIES IN THE HCRS PROJECT

## A. Introduction

The goal of the following plan is to expand and enhance four (4) types of recreational activities on HCRS land, Namely; hunting, hiking, snowmobiling and ski touring.

These nature-oriented recreational activities are already taking place to a certain extent in the project site, and are most appropriate for the rural quality and scenic beauty of the area. Furthermore, the new project will help to meet the increasing open- space needs of Fairlee and environs.

## B. Outline for Management Plan

1. Trails
2. Access Routes
3. Parking Facilities
4. Forest Management
5. Signs
6. Finances
7. Administration
8. Comments

## C. Policy and Implementation

1. Trails

The 770 acres of the HCRS grant are divided into three parcels which almost enclose the old Town Forest of 700 acres to form a continuous tract for trails. There is an

exception of 150 acres in a central rectangle belonging to Calvin Ackerman but he is agreeable to having trails run through his property.

The land in HCRS grant already has approximately 6 miles of trails ( old logging roads ) which are indicated on the accompanying map.

New trails will be developed primarily in connection with logging operations which will be under the supervision of a forester and consistent with our efforts to upgrade the forest ( see below ). We will plan logging operations, wherever possible, so that new trails will connect with old ones and form loop trips of different lengths. Trails will also connect with those in the Town Forest, with access routes and with other trails in the vicinity, such as those of the Hulbert Outdoor Center at the northern end of Lake Morey. It will also be possible to connect with other trails and unplowed roads of neighboring towns, as snowmobilers are already doing. A total of about 20 miles of maintained trails in the HCRS land proper will probably be adequate for optional use at the present time.

All trails will be maintained for safety and convenience and to prevent soil erosion. Most of these trails are rather precipitous for skiers, but the forest areas are closely connected by unplowed roads with two golf courses, one at each end of Lake Morey, where flat terrain and small hills are excellent for beginners.



## 2. Access Routes

Numerous access routes of one kind or another are available on three sides of the combined 1500 acres of the recreation area. These can be activated as the need advises but for the present we feel that three will be sufficient.

a. The first and central one taken off from the Baldtop Road which winds from the Rutledge Inn up to the corner where parcel 1 meets the Town Forest. At this point a logging trail branches off to the left into parcel 1 and another logging trail leads thru Town Forest to Baldtop and parcel 2.

b. An access route to the north enters the central area of parcel 3 by way of a 50 foot ROW from Brushwood Road.

c. A third access route to the south runs from Town Road # 14 by way of an unplowed road to the south-eastern area of parcel 1 ( past the Verne Batchelder property.)

These access routes are not plowed in winter, but will be marked and also indicated on a map. They are known at this time to snowmobilers and a few skiers and hikers.

## 3. Parking

Parking space for 1-3 cars will be provided ( after consultation and approval of Selectmen and Road Commissioners ) at a widened area on the nearest maintained town road to the 3 access routes. These will be (a) on the plowed section of Baldtop Road, (b) at the foot of Brushwood Road near the Hulbert Outdoor Center and (c) on town road # 14.

There are at present three large parking lots in the vicinity of the recreation forest where we can obtain extra parking for special events and for the future, should the demand increase sufficiently. However, we believe that we should expand parking facilities cautiously since limitation of parking is one good method of controlling excessive use.

The large parking areas include (a) the Fishing Access parking lot on Lake Morey near where Glens Falls Brook enters the Lake, (b) The Hulbert Outdoor Center to the North, and (c) the Fairlee Town Beach at the southern end of Lake Morey.

#### 4. Signs

Appropriate signs will mark the three access areas and important trails within the recreation property.

#### 5. Forest Management

The HCRS land will be under the supervision of the County Forrester \*, Russell Barrett, as the Town Forest has been for the past year or more. Mr. Barrett with several assistants spent considerable time cruising the Town forest in order to prepare a detailed long-term plan to upgrade the forest and promote steady yield of timber. The plan divides the 700 acres into 15 sections (see map.) according to type of soil and tree growth. It adds recommendations for each

\* He represents the State at the present time.



section as to need for thinning or girdling, watershed protection, improvement of deer parks and browse, the presence of fuelwood and sawtimber, etc. We start selective cutting of fuelwood this spring and have a contract with a logger who does not use large machinery. Inspection will be done after each cutting before the logger moves onto another marked section.

A similar type of analysis and careful planning will be done for the HCRS property with the purpose of enhancing and expanding the aforementioned recreational activities. In addition, before any cutting, we will also consult with the Vermont Fish and Game Department for their advice on protecting and improving wild life habitats.

Finally, it should be noted that our Fairlee snowmobile club has always taken great care to route their trails around deer yards.

#### 6. Finances

Any funds accruing from logging or other operations will be expended on:

- a. expanding, upgrading and maintaining trails and access routes.
- b. blazing and painting boundaries.
- c. establishing and maintaining signs.
- d. hiring necessary professional and other assistance.
- e. printing a brochure with map, describing recreational facilities in Fairlee.
- f. eventually, for improving and expanding other recreational activities in Fairlee.

Accumulation of funds will be managed under the supervision of the Board of Trustees. (see below.)

7. Administration

Within the next year the interim Kee Committee will hand over management of the HCRS project to a permanent Board of Trustees of at least 5 members serving for a term of 5 years and elected by the town. They will be responsible for planning and managing all activities pertaining to the HCRS program. This included monitoring use of the facility, establishing controls to prevent abuse and overuse, considering all suggestions and complaints, developing long-range plans to meet increasing and / or changing needs, obtaining professional services as required, coordination of recreational activities with those of other agencies and towns, cooperation with Town Recreational Council and the Town Planning Commission, and managing all financial matters with legal advice as required. All activities and decisions shall be in accord with the Statutes of the State of Vermont and the Vermont State Comprehensive Outdoor Recreation Plan.

8. Comments

Present plans are tentative, subject to study and change. At present no picnic grounds, shelters, toilets, entrance fees, etc., are contemplated.



FOREST MANAGEMENT ON FAIRLEE HCRS PROJECT

Forest land on the proposed HCRS project will be managed under a multiple use management plan developed by the Orange County Forester.

The plan will incorporate sound forestry practices with the primary purpose of enhancing the four types of recreation activities planned for the land, namely:

Hunting, Hiking, Snowmobiling, and Ski Touring

1. Hunting

The primary species hunted in Vermont are white tailed deer, snowshoe hare and ruffed grouse. All three species need a diversification of habitat. Timber cutting on the HCRS project will maintain, and where necessary, create this diversification of habitat. Before cutting, the forester will consult with the Vermont Fish and Game Department.

2. Hiking, Snowmobiling, and Ski Touring

As mentioned earlier in the plan, new trails will be created in connection with logging operations. Through proper planning, a continuous network of roads and trails will accommodate all levels of hikers, snowmobilers, and skiers. The forester will consult with the Vermont Dept. of Forest, Parks, & Recreation for assistance in laying out these trails and roads.



# State of Vermont

## AGENCY OF ENVIRONMENTAL CONSERVATION

Montpelier, Vermont 05602

Department of Fish and Game  
Department of Forests, Parks, and Recreation  
Department of Water Resources  
Environmental Board  
Division of Environmental Engineering  
Division of Environmental Protection  
Natural Resources Conservation Council

## DEPARTMENT OF FORESTS, PARKS AND RECREATION

March 27, 1980

Rick Alcorn  
Heritage Conservation and Recreation Service  
Northeast Regional Office  
Federal Office Building, Room 9310  
600 Arch Street  
Philadelphia, Pennsylvania 19106

Re: HCRS Project #50-00320  
Fairlee Acquisition

Dear Rick:

We are now ready to finalize on this project for total acquisition costs of \$158,500.00.

The 6(f) Boundary Map was submitted with the project and the only change is a leased parcel from Aloha Foundation, Inc., which will provide reasonable access to the area in the wintertime. A copy of the lease is enclosed, along with 8-180C Form and Performance Report.

In our file are copies of all deeds, title opinion, and cancelled checks certifying payment, plus the proper letters between the Town of Fairlee and the landowner verifying the donation in accord with P.L. 91-646. The Town of Fairlee has reimbursed the landowner for pro rata share of real property taxes but does not want to charge this amount to #50-00320 for reimbursement.

This project will be billed on our next Letter of Credit. Please send your usual Letter of Settlement.

Sincerely,

Shirley Aldrich  
HCRS Grants Administrative Assistant

SA:jcg

Enclosures





State of Vermont

AGENCY OF ENVIRONMENTAL CONSERVATION

Montpelier, Vermont 05602

Department of Fish and Game
Department of Forests, Parks, and Recreation
Department of Water Resources
Environmental Board
Division of Environmental Engineering
Division of Environmental Protection
Natural Resources Conservation Council

DEPARTMENT OF FORESTS, PARKS AND RECREATION

July 20, 1979

Rick Alcorn
Heritage Conservation and Recreation Service
Northeast Regional Office
Federal Office Building, Room 9310
600 Arch Street
Philadelphia, Pennsylvania 19106

Re: Fairlee Acquisition Proposal

Dear Rick:

Enclosed is an acquisition proposal for the Town of Fairlee. As there is a partial donation involved, two copies of the appraisal are enclosed and the State Review Appraiser's review sheet. No adverse comments were received from the A-95 review.

Because this is mainly forest land and because the Town has considered harvesting timber from the property, we required the community to furnish a timber management plan, and a copy is included in the documentation, titled "Plan for Management of Recreational Activities in the HCRS Project."

Included for documentation with this proposal are:

- Project Agreement (3)
SF 424 (1)
Description and Notification Form (1)
RO 184 and Narrative (1)
Environmental Assessment (1)
Management Plan (1)
Pre-award Inspection Report (1)
Copies of Appraisal (2)
Appraisal Review Sheet (1)
Flood Hazard Area Statement (1)
Access Map (1)
Assurance of Compliance (1)
Location Map - 2 (1)
Site Plan (1)
Boundary Maps - 2 (1)

If you have any questions or need more information, let us know as quickly as possible.

Sincerely,

Shirley Aldrich (handwritten signature)

Shirley Aldrich
HCRS Grants Administrative Assistant

SA:jcg

# TOWN OF FAIRLEE

PO BOX 7  
FAIRLEE VT 05045  
802-333-9653

June 9, 1999

Laurie Adams  
Vermont Dept. of Forests, Parks & Recreation  
103 South Main Street, Building 10 South  
Waterbury, VT 05671-0604

JUN 10 10 13 AM '99  
F.P. & R

Re: Project ID#: 500320XXX

Dear Ms. Adams:

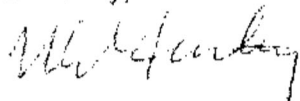
We spoke on May 24 about my letter to you dated April 8, in which we requested assistance in transferring a portion of land transferred from the State to the Town under the above project number to an encroaching abutter. At that time, you indicated that you would be speaking to your supervisor on the appropriate steps to be taken.

Enclosed for your information is a revised pre-trial order on the matter of Fairlee v. McCarty (the encroaching abutter). The discovery deadline is now 10/1/99 with the trial scheduled to begin after 11/1/99.

We would very much like to receive your response to my letter of 4/8/99 by July 15th so that we know how to proceed with the underlying lawsuit. The proposed transfer of property to Mr. McCarty of approximately 20 ft x 50 ft would resolve the issue.

If you should need any additional information in order to make the determination, please let me know at your very first convenience. I can be reached at 1-802-333-9653.

Sincerely,



Martha Marteney  
Administrative Assistant  
to the Selectmen

Post-it* Fax Note	7671	Date	6/10/99	# of pages	13
To	Jack Howard	From	Martha Marteney		
Co./Dept.		Co			
Phone #		Phone #	802.241.3090		
Fax #	215.597.5747	Fax #			

cc: Andrea Galitano, Otterman & Allen

99LEMC05.WPS



ORANGE SUPERIOR COURT

Plaintiff Town of Fairlee v. Defendant Kenn McCarty

Plaintiff's Attorney Andrea L. Gallitano Defendant's Attorney Paul Gillics

Docket # 77-6-98 Qecv

Jury Trial \_\_\_\_\_ Bench Trial X

PRE-TRIAL ORDER

1) All discovery complete by 10/01/99

2) All motions filed by 10/01/99

3) Settlement conference 10/01/99

4) Ready for trial 11/01/99

5) Number of days needed for trial One

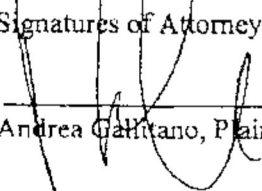
6) Short Notice Scheduling? No

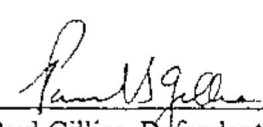
Lead Time needed for Trial: Two Weeks

7) Can this be a back-up case No

8) Mediation complete by 10/01/99

Signatures of Attorneys:

  
Andrea Gallitano, Plaintiff's Attorney

  
Paul Gillics, Defendant's Attorney

SCHEDULE APPROVED and ORDER ENTERED THIS 26<sup>th</sup> day  
of May, 1999.

  
Orange Superior Court Judge

sally/litigate/form/pretrial

**FILED**

MAY 27 1999

ORANGE SUPERIOR COURT

LAW OFFICES  
OF  
OTTERMAN &  
ALLEN, P.C.

TOWN OF FAIRLEE  
PO BOX 7  
FAIRLEE VT 05045  
802-333-9653

April 8, 1999

Laurie Adams  
Vermont Dept. of Forests, Parks & Recreation  
103 South Main Street, Building 10 South  
Waterbury, VT 05671-0604

Re: Project ID#: 500320XXX *KWCF*

Dear Ms. Adams:

As discussed during our telephone conversation yesterday, the Town of Fairlee is involved in a legal proceeding, which involves land transferred to the Town under the above-referenced project number. The land in question was conveyed to the Town by Quit Claim Deed, which contains the following language:

"It is understood and agreed that the above described parcel shall be used for municipal recreational purposes only and when no longer used as such, said parcel will revert back to the State of Vermont."

*- Figure*

For your reference, I am enclosing the following documents:

1. VT Agency of Transportation Quit Claim Deed
2. Original Complaint (Town of Fairlee v. Kern McCarty)
3. Answer to Complaint
4. Current Pre-Trial Order dated January 4, 1999
5. Tax Map showing Mr. McCarty's property as No. 14
6. Survey of Mr. McCarty's property dated 1/27/97 by Roger W. Thrall

The Fairlee Board of Selectmen would like to know if it would be at all possible to transfer as very small a portion of the land conveyed with the above-referenced stipulation to Mr. McCarty in order to resolve the encroachment matter. You indicated that such transfers are procedurally possible and that you would need to review the enclosed maps and current status details on the legal proceeding.

*(don't version)*



Laurie Adams  
April 8, 1999  
Page 2

If you should need any additional information in order to make the determination, please let me know at your very first convenience.

Sincerely,

Martha Marteney  
Administrative Assistant  
to the Selectmen

cc: Andrea Gallitano, Otterman & Allen

99LEMC03.WPS

COPY

STATE OF VERMONT  
ORANGE COUNTY SS

SUPERIOR COURT  
DOCKET NO.

TOWN OF FAIRLEE )  
 )  
 v. )  
 )  
 KERN AND AMY MCCARTY )

COMPLAINT

NOW COMES the plaintiff, Town of Fairlee, by and through counsel, Otterman and Allen, P.C., and brings the following Complaint against the defendants, Kern and Amy McCarty:

1. The Town of Fairlee is a Vermont Municipal Corporation duly chartered by act of the Vermont Legislature.

2. The defendants are residents of Fairlee, located in the County of Orange and State of Vermont.

3. The Town owns all right, title and interest in a parcel of real property located on West Shore Drive, in the Town of Fairlee. (hereafter "the parcel")

4. Said parcel was transferred by the Vermont State Agency of Transportation to the Town of Fairlee by deed dated November 14, 1984. Said deed is recorded at Book 37, Pages 1-5 of the Town of Fairlee Land Records.

5. On information and belief, the defendant, Kern McCarty owns an adjacent lot of real property located northerly to the above described parcel of the Town. On information and belief Amy McCarty has an interest in the lot as a result of her marriage to Kern McCarty.

6. The common boundary separating the parcel of the Town from the defendants' lot is described in a survey prepared by Roger W. Thrall dated January 27, 1997. A reduced copy of the survey is attached to this Complaint.

7. The defendants are encroaching upon the above described lands and premises of the Town of Fairlee and in derogation of the Town's right, title and interest.



8. The defendants refuse to cease encroaching upon the lands and premises of the Town of Fairlee.

9. An actual, immediate and justiciable controversy exists between the two parties regarding the encroachment and a declaratory judgment by this Court will affect the rights and interests of the parties.

10. The defendants have no right to encroach upon the lands and premises of the Town of Fairlee. The Town of Fairlee will suffer irrevocable harm if the defendants are not enjoined from encroaching upon the Town's lands and premises.

WHEREFORE, the Town of Fairlee prays as follows:

1. That the Court enter Judgment in favor of the Town of Fairlee and against the defendants and declare and adjudicate that the Town of Fairlee owns all right, title, and interests in the above described lands and premises.

2. That the Court enjoin the defendants from encroaching upon the above described lands and premises of the Town of Fairlee.

3. That the Court award the Town of Fairlee costs, and such other and further relief as the Court deems just and proper.

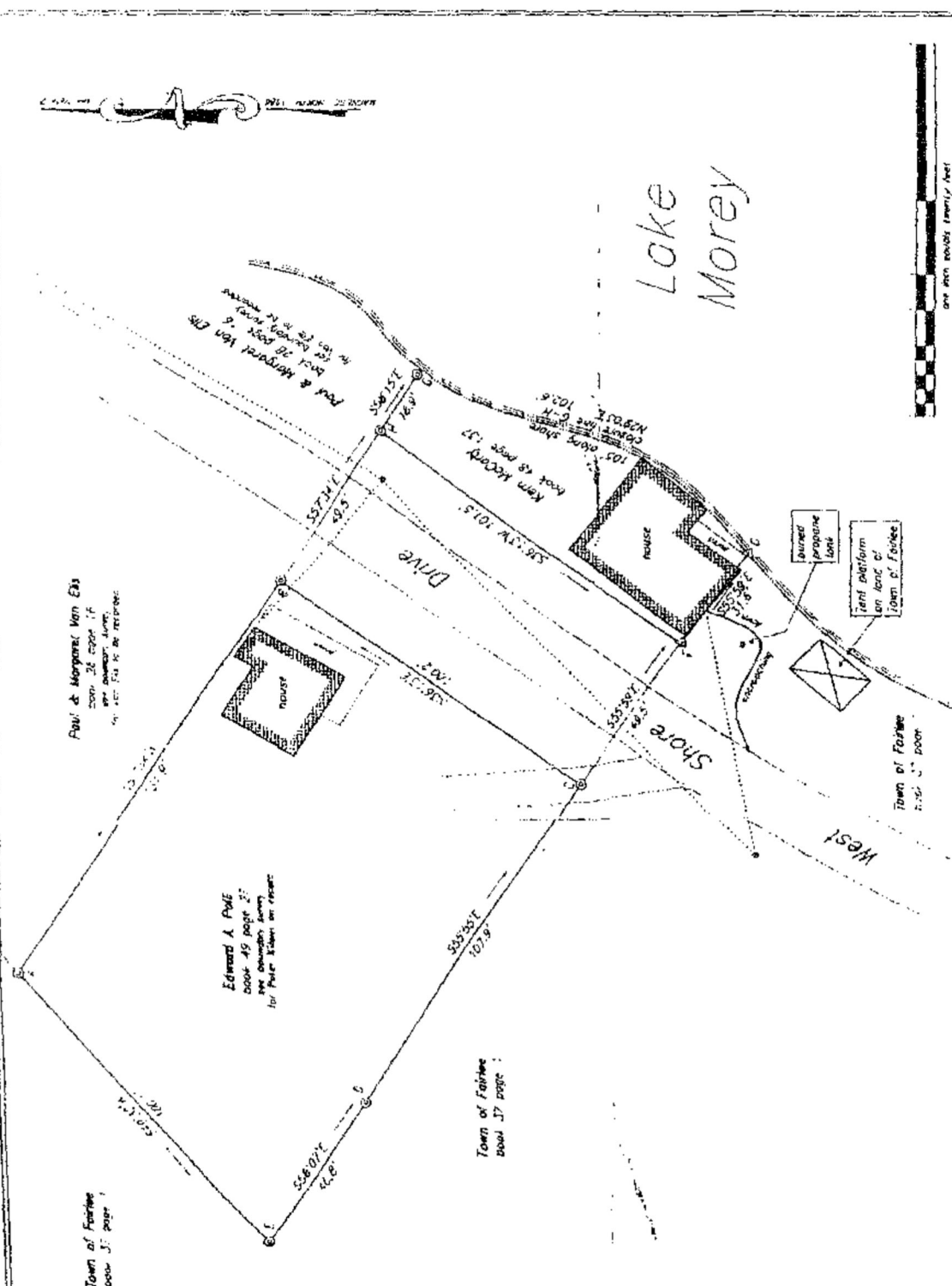
Dated at Barre in the County of Washington and State of Vermont this of June 2, 1998

TOWN OF FAIRLEE

By:

Andrea L. Gallitano  
Member of the Firm of  
Otterman and Allen, P.C.  
PO Box 473  
Barre, VT 05641-0473  
Its Attorneys

loma/litigate/fairlee/mccarty/complaint



Town of Fairlee  
book 37 page 1

Paul & Margaret Van Els  
book 26 page 16

Edward A. Poiré  
book 49 page 27

Ken Keenan  
book 48 page 13

Town of Fairlee  
book 37 page 1

Town of Fairlee  
book 37 page 1

**SURVEY PLAT**

Client: **TOWN OF FAIRLEE**

Location: **TOWN OF FAIRLEE/McCARTY BOUNDARY**  
**WEST SHORE DRIVE**  
**FAIRLEE, ORANGE COUNTY, VT**  
Source of the Record of:  
Book 37 Page 1

**LANDMARK SURVEYS P.C.**  
East Thetford, Vermont 05043

**CERTIFICATION**

I hereby certify that the Town of Fairlee and the State of Vermont are duly constituted and that the records of the records are correct and true.

**SEAL**

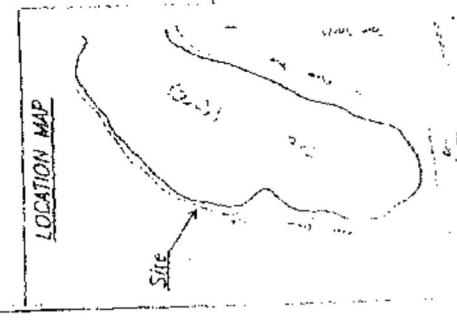
Page 65 of 78

**NOTES**

1. Measurements performed with electronic theodolite and EDM.
2. Bearings have been related to as true north.
3. The main line 2-3 contains 100' segments.
4. For the line 3-4, all measurements have been made using the McCarty/Town of Fairlee boundary.

**LEGEND**

- 1. steel rod set
- 2. steel rod found
- 3. iron pipe found
- 4. uncommunicated point
- 5. utility pole
- 6. utility line





COPY

STATE OF VERMONT  
ORANGE COUNTY, SS.

Town of Fairlee,	)	
	)	
Plaintiff	)	
	)	Orange Superior Court
v.	)	Docket No. _____
	)	
Kern and Amy McCarty	)	

NOTICE OF APPEARANCE

Paul Gillies of Tarrant, Marks & Gillies of Montpelier, Vermont, hereby enters his appearance in the above-captioned matter on behalf of Kern McCarty and requests that copies of all documents be sent to him at P.O. Box 1440, Montpelier, Vermont, 05601.

ANSWER

NOW COMES defendant Kern McCarty, by and through his attorney Paul Gillies of Tarrant, Marks & Gillies, to respond to the complaint in this above-captioned matter:

1. Admitted.
2. Admitted.
3. Admitted, without consenting to the boundaries of said property.
4. Admitted.
5. Admitted as to the first sentence. Denied as to the second.
6. Unknown, therefore denied.
7. Denied.
8. Denied that there is encroachment.
9. Admitted.

TARRANT, MARKS  
& GILLIES  
44 EAST STATE STREET  
PO BOX 1440  
MONTPELIER, VERMONT  
05601-1440

COPY

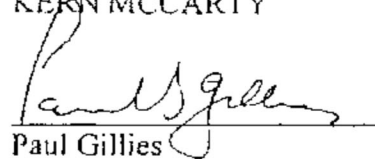
10. Denied.

AFFIRMATIVE DEFENSES: Estoppel, laches, statute of frauds, statute of limitations, and waiver.

Dated this 2<sup>nd</sup> day of July, 1998, at Montpelier, Vermont.

KERN MCCARTY

By:



Paul Gillies  
Tarrant, Marks & Gillies  
P. O. Box 1440  
Montpelier, Vermont 05601  
(802) 223-1112

cc: Andrea Gallitano





ORANGE SUPERIOR COURT

Plaintiff Town of Fairlee v. Defendant Kern McCarty

Plaintiff's Attorney Andrea L. Gallitano Defendant's Attorney Paul Gillies

Docket # 77-6-98 Oecy

Jury Trial \_\_\_\_\_ Bench Trial X

PRE-TRIAL ORDER

1) All discovery complete by 07/01/99

2) All motions filed by 07/01/99

3) Settlement conference 07/01/99

4) Ready for trial 08/01/99

**FILED**

5) Number of days needed for trial One

JAN 7 1999

6) Short Notice Scheduling? No

ORANGE SUPERIOR COURT

Lead Time needed for Trial: Two Weeks

7) Can this be a back-up case No

8) Mediation complete by 07/01/99

Signatures of Attorneys

Andrea Gallitano, Plaintiff's Attorney

Paul Gillies, Defendant's Attorney

SCHEDULE APPROVED and ORDER ENTERED THIS 7<sup>th</sup> day

of Jan 7, 1998.

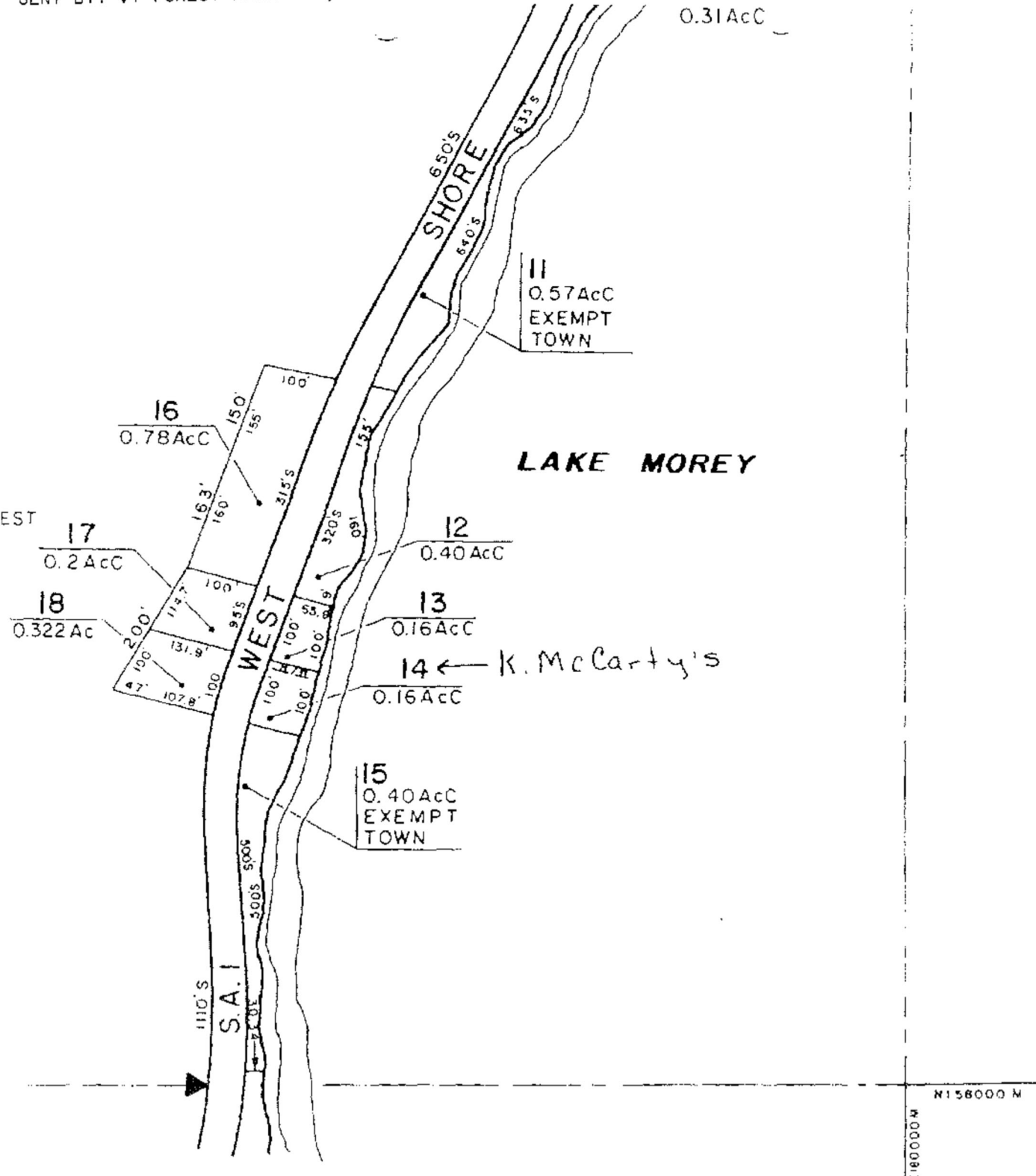
Orange Superior Court Judge

sally/litigate/form/pretrial

JAN 1999  
Received  
Otterman &  
Allen



0.31AcC



TOWN OF

RILEE

VERMONT

MAP INDEX

5	23	6
	22 24	
8	9	

LOCAL MAP

21

STATE MAP

17815

UNITED STATES DEPARTMENT OF THE INTERIOR  
Heritage Conservation and Recreation Service  
Land and Water Conservation Fund Project Agreement

State Vermont	Project Number 50-00320
Project Title Fairlee Acquisition	
Project Period Date of Approval - December 31, 1983	Project Stage Covered by this Agreement

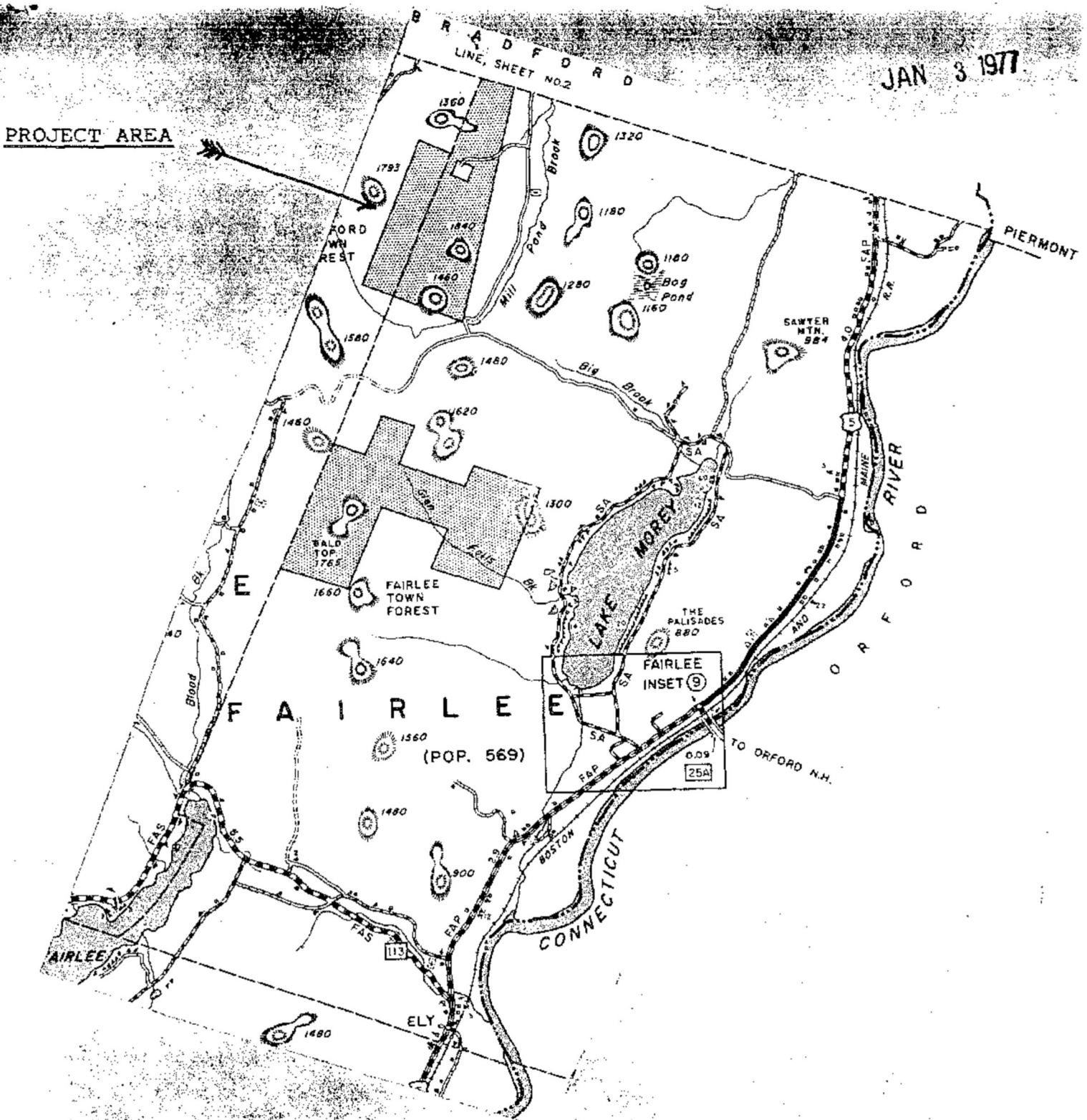
## Project Scope (Description of Project)

The Town of Fairlee, Orange County, Vermont, will acquire three parcels, totaling 770+ acres, in the western portion of the Town in the vicinity of the Fairlee Town Forest.

Acquisition will be in fee simple and will include a partial donation.

Project Cost		The following are hereby incorporated into this agreement:
Total Cost	\$ 187,638.64	1. General Provisions (HCRS Manual)
Fund Support not to exceed 50% Fund Amount	\$ 93,819.32	2. Project Application and Attachments.
Cost of this Stage	\$ 187,638.64	3. _____
Assistance this Stage	\$ 93,819.32	4. _____





GENERAL LOCATION MAP  
 FAIRLEE BOR PROJECT  
 FAIRLEE, VERMONT  
 December, 1976

Vermont Land & Water Conservation Fund  
 Vt Dept. Forests, Parks & Recreation  
 Bldg. 10 So., 103 So. Main St.  
 Waterbury, VT 05671-604  
 Project # 320





BOR 8-103  
Revised 10/70

LAND AND WATER CONSERVATION FUND

CERTIFICATION OF FUNDS AVAILABLE

STATE Vermont COUNTY \_\_\_\_\_

PROJECT NUMBER 50-00320  Planning \_\_\_\_\_

TOTAL COST 187,638.64  Acquisition \_\_\_\_\_

AMOUNT REQUESTED 93,819.32  Development \_\_\_\_\_

FUNDS AVAILABLE  FUNDS NOT AVAILABLE

FISCAL YEAR FUNDS TO BE OBLIGATED 79 AMOUNT \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CALLED IN BY:  
REGION

WASO  Name Ed Cobles  
8-24-79

JBL 8/24/79  
Signature Date

INT: 3379-78

UNITED STATES DEPARTMENT OF THE INTERIOR  
Heritage Conservation and Recreation Service  
Land and Water Conservation Fund Project Agreement

State Vermont	Project Number <u>50-00320</u>
Project Title Fairlee Acquisition	
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Cost of this Stage           \$ <u>187,638.64</u>	3. _____
Assistance this Stage       \$ <u>93,819.32</u>	4. _____

HCRS 8-92

POSTED  
 Date 8-28-79  
 Page 75 of 78 *AB*



50-00320

The United States of America, represented by the Director, Heritage Conservation and Recreation Service, United States Department of the Interior, and the State named above (hereinafter referred to as the State), mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), the provisions and conditions of the Heritage Conservation and Recreation Service Manual (Grants-in-Aid Series), and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances attached hereto or retained by the State and hereby made a part hereof.

The United States hereby promises, in consideration of the promises made by the State herein, to obligate to the State the amount of money referred to above, and to tender to the State that portion of the obligation which is required to pay the United States' share of the costs of the above project stage, based upon the above percentage of assistance. The State hereby promises, in consideration of the promises made by the United States herein, to execute the project described above in accordance with the terms of this agreement.

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

THE UNITED STATES OF AMERICA  
By Ellen Dayton  
OUTDOOR RECREATION PLANNER  
(Signature)

Heritage Conservation and  
Recreation Service  
United States Department  
of the Interior

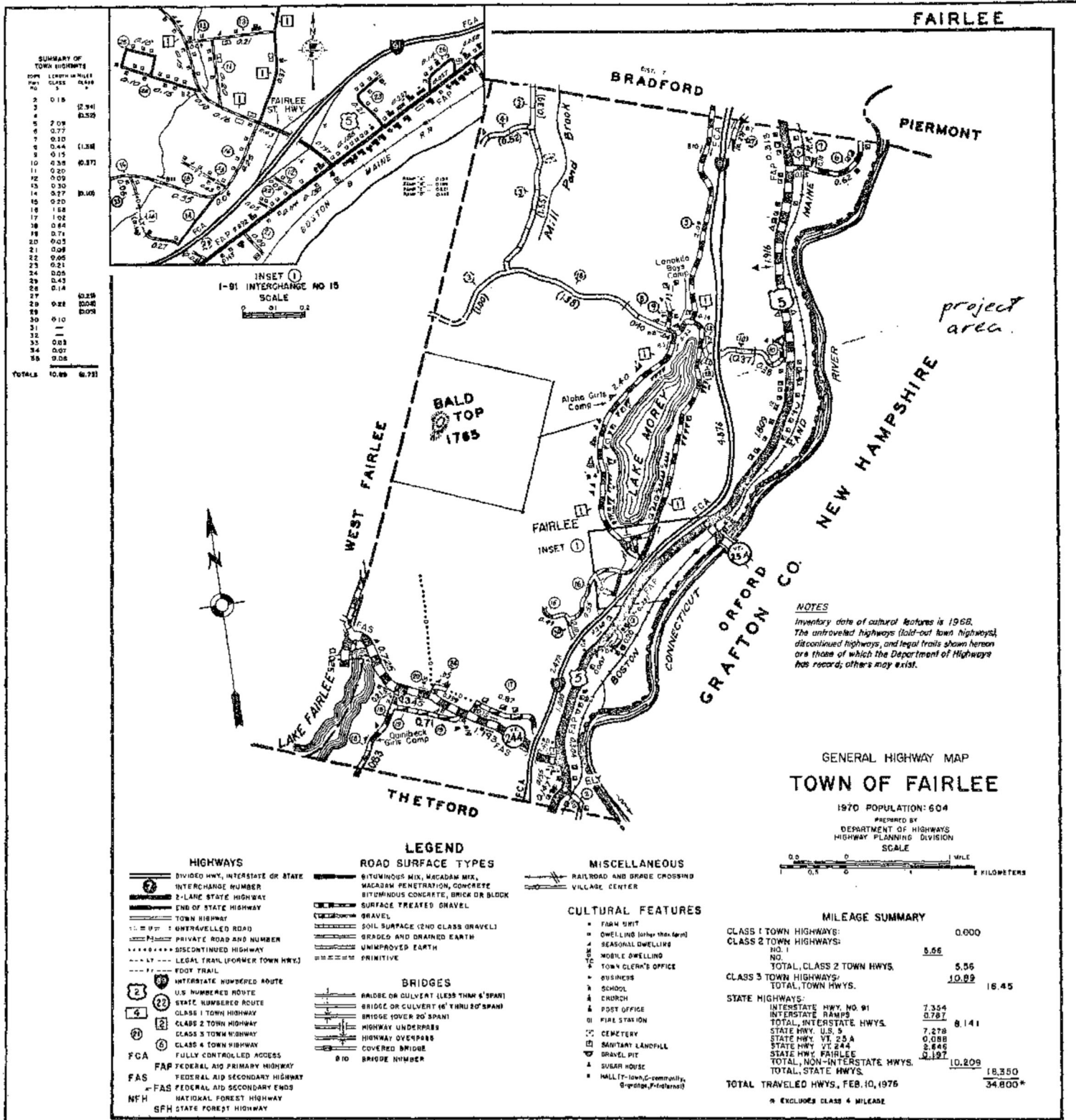
Date August 17, 1979

STATE  
Vermont  
By [Signature]  
(Signature)

Edward J. Koepfmann  
(Name)  
Alternate State Liaison Officer  
(Title)

7/20/79

INT 4770 13  
FEB 1980



**SUMMARY OF TOWN HIGHWAYS**

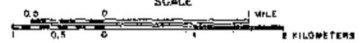
HWY CLASS	LENGTH IN MILES	AREA
1	0.18	0.341
2	0.77	0.529
3	0.10	
4	0.44	1.138
5	0.15	
6	0.38	0.371
7	0.20	
8	0.09	
9	0.30	
10	0.27	0.105
11	0.20	
12	0.09	
13	0.30	
14	0.27	0.105
15	0.20	
16	1.68	
17	1.02	
18	0.84	
19	0.71	
20	0.05	
21	0.08	
22	0.06	
23	0.21	
24	0.05	
25	0.14	
26	0.14	
27	0.28	0.238
28	0.22	0.048
29	0.10	0.008
30	0.10	
31	—	
32	—	
33	0.03	
34	0.07	
35	0.08	
TOTALS	10.89	6.731

INSET 1  
I-91 INTERCHANGE NO 15  
SCALE  
0 0.1 0.2

**NOTES**  
Inventory date of cultural features is 1968.  
The untraveled highways (half-out town highways), discontinued highways, and legal trails shown hereon are those of which the Department of Highways has record; others may exist.

**GENERAL HIGHWAY MAP  
TOWN OF FAIRLEE**

1970 POPULATION: 604  
PREPARED BY  
DEPARTMENT OF HIGHWAYS  
HIGHWAY PLANNING DIVISION  
SCALE



**LEGEND**

**HIGHWAYS**

- Divided hwy, interstate or state
- Interchange number
- 2-lane state highway
- End of state highway
- Town highway
- Untraveled road
- Private road and number
- Discontinued highway
- Legal trail (former town hwy)
- Foot trail
- Interstate numbered route
- U.S. numbered route
- State numbered route
- Class 1 town highway
- Class 2 town highway
- Class 3 town highway
- Class 4 town highway
- FCA Fully controlled access
- FAP Federal aid primary highway
- FAS Federal aid secondary highway
- NFH National forest highway
- SFH State forest highway

**ROAD SURFACE TYPES**

- Bituminous mix, macadam mix, macadam penetration, concrete
- Bituminous concrete, brick or block
- Surface treated gravel
- Gravel
- Soil surface (2nd class gravel)
- Graded and drained earth
- Unimproved earth
- Primitive

**BRIDGES**

- Bridge or culvert (less than 4' span)
- Bridge or culvert (6' thru 20' span)
- Bridge (over 20' span)
- Highway underpass
- Highway overpass
- Covered bridge
- Bridge number

**MISCELLANEOUS**

- Railroad and grade crossing
- Village center

**CULTURAL FEATURES**

- Farm unit
- Dwelling (other than farm)
- Seasonal dwelling
- Mobile dwelling
- Town clerk's office
- Business
- School
- Church
- Post office
- Fire station
- Cemetery
- Sanitary landfill
- Gravel pit
- Swear house
- Hall (T-town, community, or grade, P-federalist)

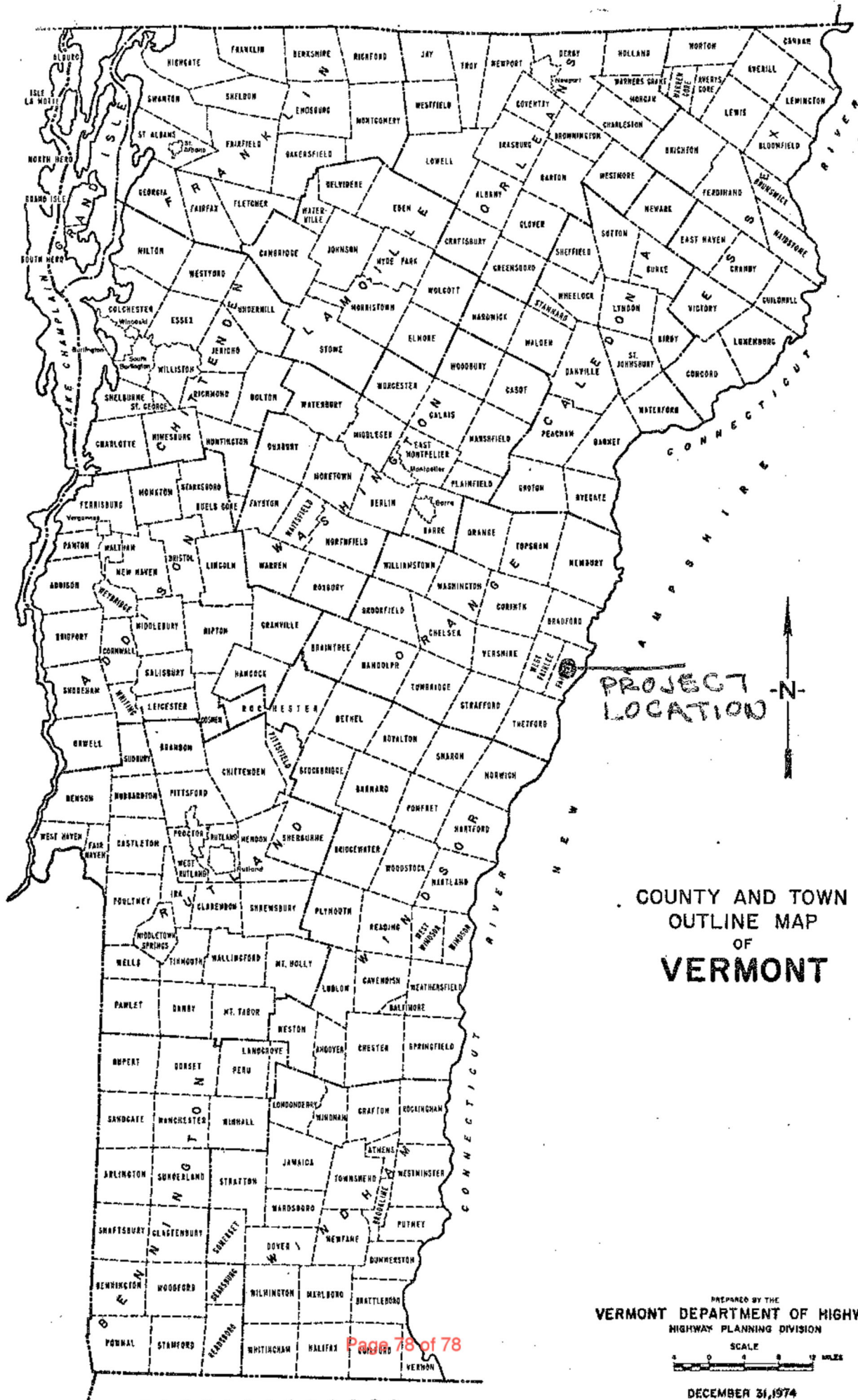
**MILEAGE SUMMARY**

CLASS 1 TOWN HIGHWAYS:	0.000
CLASS 2 TOWN HIGHWAYS:	5.66
NO. 1	
TOTAL, CLASS 2 TOWN HWYS.	5.66
CLASS 3 TOWN HIGHWAYS:	10.89
TOTAL, TOWN HWYS.	16.45
STATE HIGHWAYS:	
INTERSTATE HWY. NO 91	7.354
INTERSTATE RAMPS	0.787
TOTAL, INTERSTATE HWYS.	8.141
STATE HWY. U.S. 5	7.278
STATE HWY. VT. 25 A	0.088
STATE HWY. VT. 244	8.846
STATE HWY. FAIRLEE	0.197
TOTAL, NON-INTERSTATE HWYS.	10.209
TOTAL, STATE HWYS.	18.350
TOTAL TRAVELED HWYS., FEB. 10, 1976	34.800*

\* EXCLUDES CLASS 4 MILEAGE



NEW YORK



PROJECT LOCATION

### COUNTY AND TOWN OUTLINE MAP OF VERMONT

PREPARED BY THE VERMONT DEPARTMENT OF HIGHWAYS HIGHWAY PLANNING DIVISION

SCALE 0 1 2 3 4 5 6 7 8 9 10 MILES

DECEMBER 31, 1974