

Dorset Select Board Findings for the Owls Head Town Forest Public Trail

RECITALS

- A. On its own motion, the Select Board of the Town of Dorset has begun the process to layout a public trail pursuant to 19 VSA 301 (8)(B).
- B. The Select Board set July 1, 2017 at 1 PM for the date and time they would view the trail. The Town Manager was at the trailhead on July 1 at 1 PM and advised those members of the public that were present that one member of the Select Board would view the property at 1 PM and three members of the Select Board would view the property at 4 PM. The public was welcome to be present for either or both hikes. Megan Thörn and some companions hiked the trail at 1 PM and Henry Chandler, Liz Ruffa, Tom Smith, and the public hiked the trail at 4 PM.
- C. The Select Board convened the public hearing on July 5, 2017 at 7 PM at the Dorset Town Offices. Henry Chandler, Chair of the Select Board, explained the purpose of the meeting was to take testimony from interested persons regarding the Board's notice to layout a public trail and whether the public trail was in the public good, necessity and convenience of the inhabitants of the Town of Dorset. Mr. Chandler went on to explain the Board would also hear testimony should any interested person claim title to the property being crossed by the trail and seek compensation for the taking.
- D. Annexed to these findings is a list of the interested persons who were present at the public hearing on July 5, 2017. Based upon the testimony the Board took at that hearing they make the following findings:

FINDINGS

1. The Town of Dorset was given a parcel of land commonly referred to as Owls Head or Owls Head Forest in 1963. The grantor was the Dorset Science Club which had acquired title to the Owls Head parcel in the 1932.
2. As early as 1920 the Dorset Science Club led by Dr. George Holly Gilbert had blazed a trail to Owl's Head.
3. In 1928 the Dorset Science Club published a hiking trail guide including the hike to Owl's Head which is commonly referred to as the Dorset Trail.
4. In 1932 the Dorset Science Club, after fundraising, formally dedicated the Gilbert Look Out on the Owls Head parcel.
5. In 1963 the Dorset Science Club gifted Owls Head to the Town of Dorset and referred to it as the Dorset Memorial Forest.
6. In the 1970s the Owls Head Trail Hike was listed in the Green Mountain Club's Day Hikers Guide to Vermont.
7. In 2012 the Dorset Conservation Commission set out to conserve the Gettysburg Quarry parcel and access to the Owls Head Forest. In 2016 the Town of Dorset purchased the Gettysburg Quarry property, a parcel of approximately 255 acres. The purchase was made to

preserve the Gettysburg Quarry and the portions of the Dorset Trail which crossed the Gettysburg Quarry property making both the Gettysburg Quarry parcel and the Owls Head Forest parcel open and available for public recreation, hiking, camping, hunting, and forest management.

8. The Town of Dorset would not have acquired the Gettysburg Quarry parcel if the Dorset Trail did not traverse the Gettysburg Quarry parcel for access to the Owls Head Forest parcel. One of the considerations in preserving and conserving the Gettysburg Quarry parcel was to conserve the access to the Owls Head Forest and The Dorset Trail.

9. The acquisition of the Gettysburg Quarry was funded by grants from the Vermont Housing and Conservation Board, United States Forest Service and private contributions from citizens of the Town of Dorset.

10. There is an approximately 1200 foot section of the Dorset Trail which lies between the Gettysburg Quarry parcel and the Owls Head Forest Parcel and is not located on property owned by the Town of Dorset.

11. In 2014 William Burns posted notices against trespassing and blazed a line on and across the Dorset Trail.

12. The Burns posting came after the Town had stated its intent to acquire the Gettysburg Quarry property and disclosed its negotiations with the Vermont Conservation and Housing Board (VCHB). Any grant from VCHB required a conservation easement and would preclude the use of motorized wheeled vehicles on the Gettysburg Quarry property.

13. Gary Rapanotti, a surveyor hired by the Town of Dorset, surveyed the Gettysburg Quarry parcel as part of the Town's efforts to acquire the same. Mr. Rapanotti's survey work indicated that the notice against trespassing signs and blazed lines near the trail established by Burns in 2014 were an encroachment on the Gettysburg Quarry parcel and were not located on the property owned by Burns.

14. After acquiring the Gettysburg Quarry parcel the Town of Dorset retained Paul Greineder, a licensed Vermont surveyor. Mr. Greineder was charged with surveying and locating the boundary lines of the Dorset lands, the Gettysburg Quarry and the Owls Head Forest and their relationship to each other and their relationship to the Burns parcel so as to determine whether or not the Dorset Trail crossed the Burns property. Based upon extensive deed research and field research Mr. Greineder testified that the Dorset Trail did not cross the Burns property. Additionally Mr. Greineder confirmed that the blazed lines were an encroachment by Burns on the Owls Head parcel.

15. At the public hearing, the Board Chair requested that any owners holding interest in the lands where the public trail is to be laid out should come forward to solicit input or make a claim for compensation. No interested parties or general public provided claims for compensation or proof of record title to the lands where the public trail is to be laid out.

16. Notwithstanding that the Dorset Trail did not cross the Burns property the Town Manager and the Select Board determined it would be in the best interests of the Town to reroute the Dorset Trail for the 1200 feet that it does not cross the Dorset property to a location further from

the Burns property to make access and hiking to the Owls Head parcel safer. It was with this goal of making the trail safer and connecting two recreational parcels owned by the Town that the Board commenced this process of laying out the new trail pursuant to 19 VSA 301(8)(B).

17. The Owls Head Forest has been held by the Town since 1963. There was considerable testimony by many residents that they have frequently hiked the Dorset Trail to the Owls Head parcel and enjoy recreating on that trail and on the Owls Head parcel. The Select Board clearly finds that access to the Owls Head parcel is in the public good, necessity and benefit of the inhabitants of the Town of Dorset.

18. The Select Board finds that it is necessary to establish this trail to quiet issues with regard to access and to assure that the public has free and open access to the Town's lands commonly referred to as the Owls Head Town Forest.

19. The Town Manager and members of the Conservation Committee testified that Dorset has no other access other than the Dorset Trail to the Owls Head Forest or by the newly laid out trail to the Owls Head Forest.

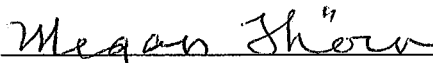
20. The new trail proposed by the town is far more convenient than the existing trail. It was testified that the new trail would afford better access should emergency personnel have to go to the Owls Head Forest to remove anyone who is injured in a medical emergency. It was also presented that it was easier to maintain and more ecologically appropriate to locate the trail where it is proposed as to where it currently exists. The new trail also affords the Town access for Forest Management of the Owls Head parcel. Owls Head Town Forest has a formal Community Forest Management Plan that calls out specific Forest Management activities to be done under the Forest Service Grant program.

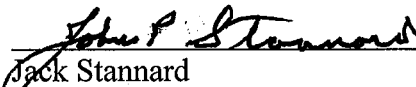
For the public good, necessity and benefit of the inhabitants of the Town of Dorset, the Dorset Select Board approve the establishment of a new public trail in order to continue public access to the Town owned Owls Head property.

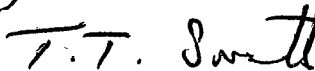
Done at Dorset, Vermont, this 2nd day of August, 2017.

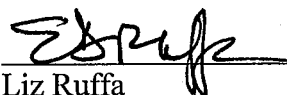
DORSET SELECT BOARD


Henry Chandler


Megan Thörn


Jack Stannard


Tom Smith


Liz Ruffa

Attachment: List of interested persons who attended July 5, 2017 public hearing

July 5, 2017 Interested Persons:

Arthur Gilbert Jr.
Kevin O'Toole
Michael White
Roger Leeds
Mary Rita Manley
Jim Russell
William Burns
Walt Gilbert
Paul Greineder
Luanne Hardy
Joe McVicker
Marilyn Hand
Roger Squire
Jack Gilbert
Malcolm Cooper
Ruth Stewart

Pam Gilbert
Chip Ams
Chip Watson
Carol Cooper
Katie Brooks
Mike Connors
Sigmund Wysolmerski, Esq.
Jon Mathewson
Ellen Leeds
Diana Green
J.D. Sullivan
Jim Hand
Lindy Bowden
Alan Calfee
Lee Romano
Ben Weiss

notes:

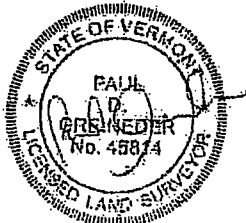
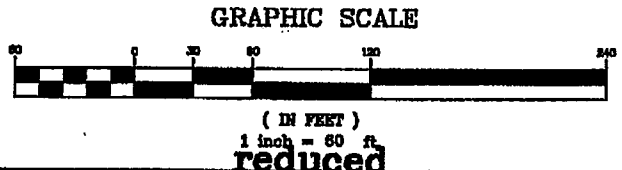
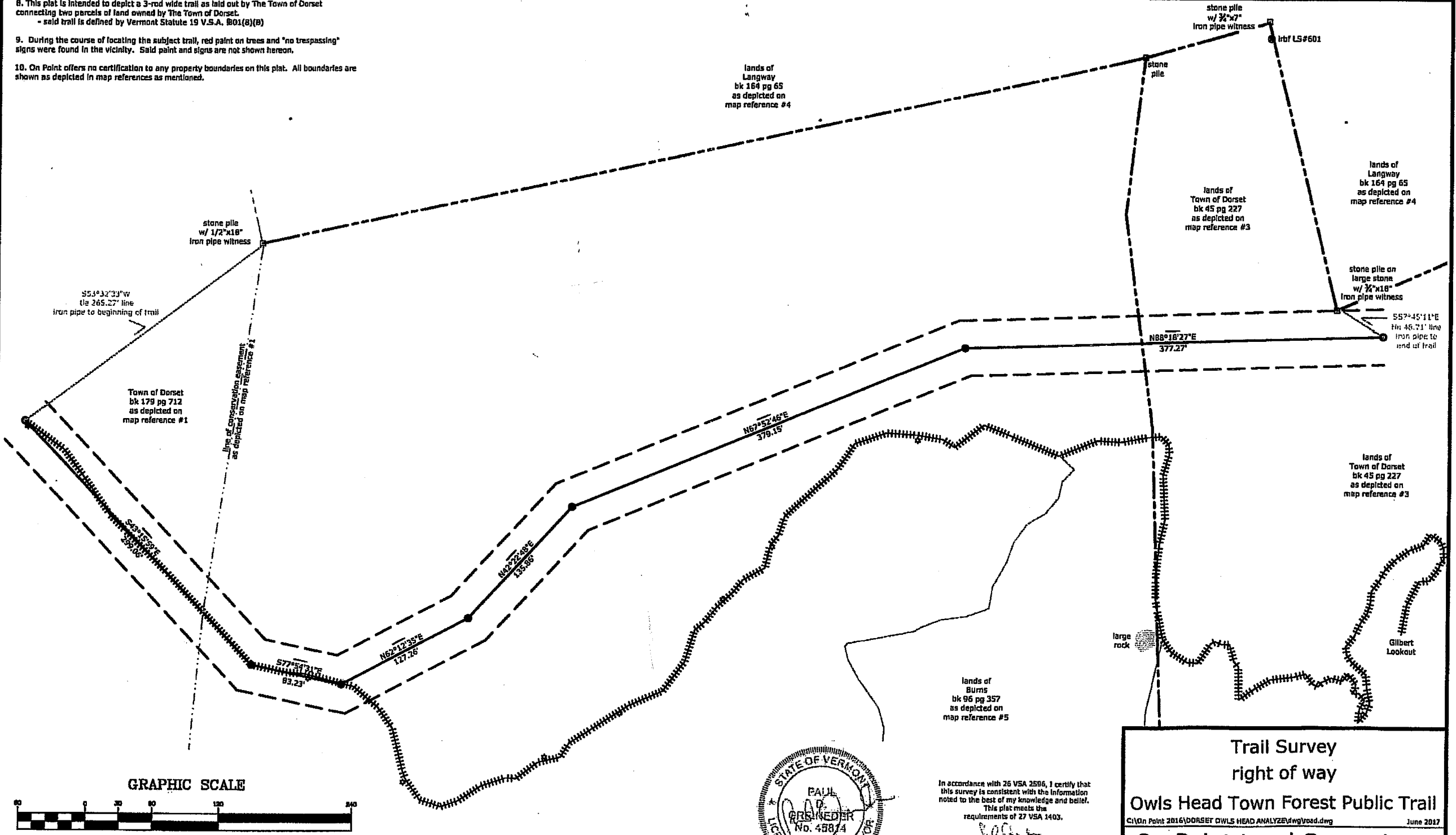
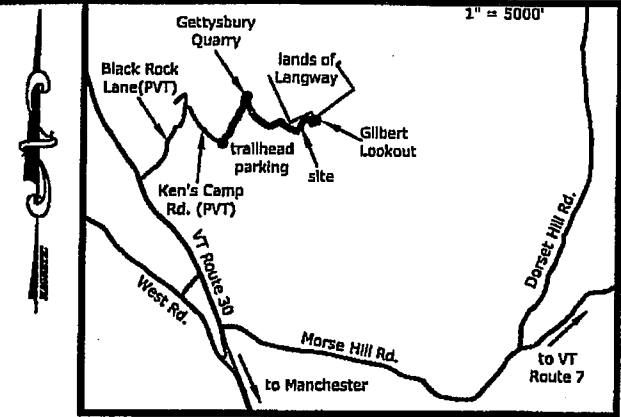
1. This plat is based on field evidence and a Leica Robotic total station field survey.
2. Bearings hereon reference approximate magnetic north as observed by On Point Survey in June 2016. Bearings referenced hereon are intended to depict the angular relationship between sides of the property.
3. Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject trail: property ownership, property lines, easements, zoning or other land use regulations, wetlands, flood plain limits, and any other facts that an accurate and current title search may disclose.
4. Declaration is made to original contract signer (The Town of Dorset) of the survey. It is not transferable to additional institutions or subsequent owners without consent by the original contract signer and On Point Surveying.
5. This plat is valid only if print has original seal and signature, in red ink, of the surveyor.
6. Subsurface and environmental conditions were not examined or considered as part of this plat.
7. This plat reflects conditions at the time of the survey.
8. This plat is intended to depict a 3-rod wide trail as laid out by The Town of Dorset connecting two parcels of land owned by The Town of Dorset.
- said trail is defined by Vermont Statute 19 V.S.A. §81(8)(9)
9. During the course of locating the subject trail, red paint on trees and "no trespassing" signs were found in the vicinity. Said paint and signs are not shown hereon.
10. On Point offers no certification to any property boundaries on this plat. All boundaries are shown as depicted in map references as mentioned.

map reference:

1. plat titled: "Compilation Plan, Conservation Easement Being Conveyed By Dworkin Shalom Partners LLC To The Vermont Housing and Conservation Board, Vermont Land Trust", prepared by Gary A. Rapanotti LS#531 on May 12, 2016.
2. plat titled: "portion of existing trail to Gilbert Lookout", prepared by On Point Land Surveying LS#45814 in November 2016.
3. plat titled: "Plan of Owls Head Farm, Owned by J.F. & S.W. Potts", prepared by E.F. Hayes on Oct 2, 1913.
4. plat titled: "Map of Owls Head Farm, Owned by Bertha E. Dillon", prepared by Young & Hemenway Engineers in May 1953.
5. sketch titled: "Wood Lot, Property of James Burns", prepared by unknown, supplied by William Burns.

Legend

- irbf
- beginning/end point
- angle point
- ⊠ stone pile
- ⊛ round metal disk on tree
- ||||| Gilbert Lookout trail
- other trail
- edge of 3-rod right of way
- - - - - alleged boundary line
- · - · - · edge of conservation easement



In accordance with 26 VSA 2596, I certify that this survey is consistent with the information noted to the best of my knowledge and belief. This plat meets the requirements of 27 VSA 1403.
 Paul Greiner LS#45814

**Trail Survey
right of way**

Owls Head Town Forest Public Trail

On Point Land Surveying

3155 Rte 30/po box 322 Dorset, Vermont 802.231.2556

C:\On Point\2016\DORSET OWLS HEAD ANALYZE\dwg\vsd.dwg June 2017