



Historical Analysis of Two Town Forests in Essex, Vermont

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NR 206

December 14, 2017

Edited by Essex Town Planner Darren Schibler

January 9, 2017

Image: mountain bikers at Indian Brook Park (credit: Josh Ryan, Timber & Stone, LLC)

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Introduction

Essex, Vermont is home to three distinguished and important town forests: Indian Brook Town Conservation Area, Saxon Hill Forest, and the Mathieu Town Forest. They each have a rich history, have been the source of much controversy, and are still being utilized for recreation and forest management today. This review will focus on Saxon Hill Forest and Indian Brook Town Conservation Area.

Geologic History (source: Indian Brook Management Plan, p.7)

The Town of Essex, which is part of Chittenden County, is located on a section of the Hinesburg Thrust Fault. This is an inactive remnant of the collision of proto-North America with early African continental land mass approximately 250 million years ago. This sequence of collisions produced what is now the Green Mountains.

There is evidence of this geological history scattered throughout Essex's forests, particularly Indian Brook. For one, the ridges and cliffs have a rough north/south trend indicative of the tensions from the fault coming from the east and west. In addition, the rocks underlying the parks have origins in early coastal sediments from proto North America, as a result of the collision. These prehistoric planes of compression and the faults tend to control the hydrology of the land today.

The last glaciers began to recede from Vermont around 12,000 years ago, and for a time the entire valley between what is now Vermont and New York was flooded with seawater following this recession, a body of water called the Champlain Sea. As the glaciers retreated, they released all the sediments they had scoured off the surface of the region, depositing materials ranging from clay to fine sands and loam filled with rounded pebbles and cobbles. Where the glacial rivers met the Champlain Sea, river deltas created sand deposits hundreds of feet deep, all of which were left high and dry (including around Saxon Hill) as the land gradually rebounded from under the weight of the glaciers and the Champlain Sea drained to the current level of the freshwater Lake Champlain. Barren land eventually gave way to early successional ecosystems as vegetation began to recolonize, eventually developing into northern hardwood forests. The lifecycle of vegetation over glacier deposits matured into our soils today. Large boulders (glacial erratics) in Saxon Hill and Indian Brook are indicative of the glacial migration legacy of sediment and rock.

Human History

Essex is located in the historic territory of what is now the Mississquoi band of Sokoki, or Western Abenaki (Bent, 1963, p.7). A 2017 pre-development archaeological survey of Red Pine Circle (part of Saxon Hill) revealed evidence of Native American cultural material on Lot 7, 65 Red Pine Circle (Trieschmann, 2017). The same survey also revealed three early- to middle-19th-century cellar holes and two associated stone-lined wells in the southern portion of this lot. There is currently no archeological evidence of Abenaki settlement of Indian Brook Park, though

Native Americans did use the Indian Brook corridor extensively (Consulting Archaeology Program, 2003).

The town of Essex was officially incorporated June 7, 1763 (Bent, p. 1). Essex maintained a relatively small population that stabilized to around 2,000 people until the 1900s (Essex Town Plan, 2016, p. 25). Throughout the 19th century, the area consisted of open land and farmhouses, where a variety of farming and agricultural activities occurred (Bent, p. 25). The town's pre-settlement forests were almost entirely clear-cut to make room for pasture land for sheep. Following the mid-1800s, dairy farming prevailed as the predominant form of agriculture in the region, and milk was transported by rail to Boston. Areas found unsuitable for these agricultural practices were allowed to partially succeed back to forests at the turn of the 20th century ("History of Essex Junction"). Around this time, the population of the town started to increase, and on November 15, 1892, the Village of Essex Junction became a chartered village within the Town of Essex, and remains as such (Bent p. 50). By the early 20th century, the growth of both municipalities demanded an increased water supply, and this culminated in the "water famine" of 1923. This water famine was the main driver behind the establishment of the Saxon Hill and Indian Brook Reservoir forests as water conservation areas for the Village of Essex Junction (though both properties were located within the Town outside the Village).

By the early 1970s, the continued growth of the Village had outstripped the water supply capacity of both Indian Brook and Saxon Hill (Racht, 2003). To ensure continued water supply well into the future, in 1973 the Village connected to the new Champlain Water District (CWD), a regional public water utility, discontinuing use of the Indian Brook and Saxon Hill water systems (Indian Brook Management Plan, 2011).

In order to fund the infrastructure to connect to CWD, the Village had taken on \$220,000 in bond debt, and a debt of \$110,000 for CWD water itself, with more costs forthcoming (Gregg, 1973). To help repay some of this debt, and because the Village could no longer justify the \$5,000 or more in property taxes on the lands, all 1,300 acres of both parcels were eventually sold to private landowners (see the section on each forest below for details).

Later, in 1986, the Town of Essex acquired the Indian Brook property as a recreation area. After a decades-long debate over rezoning and development around Saxon Hill, in 2017 the Town also acquired 250 acres of the original Saxon Hill forest, the rest of which is now zoned for industrial development. As of the time of this writing, the Town has yet to establish a management plan for Saxon Hill, but it will likely involve a mix of recreation and forestry uses.

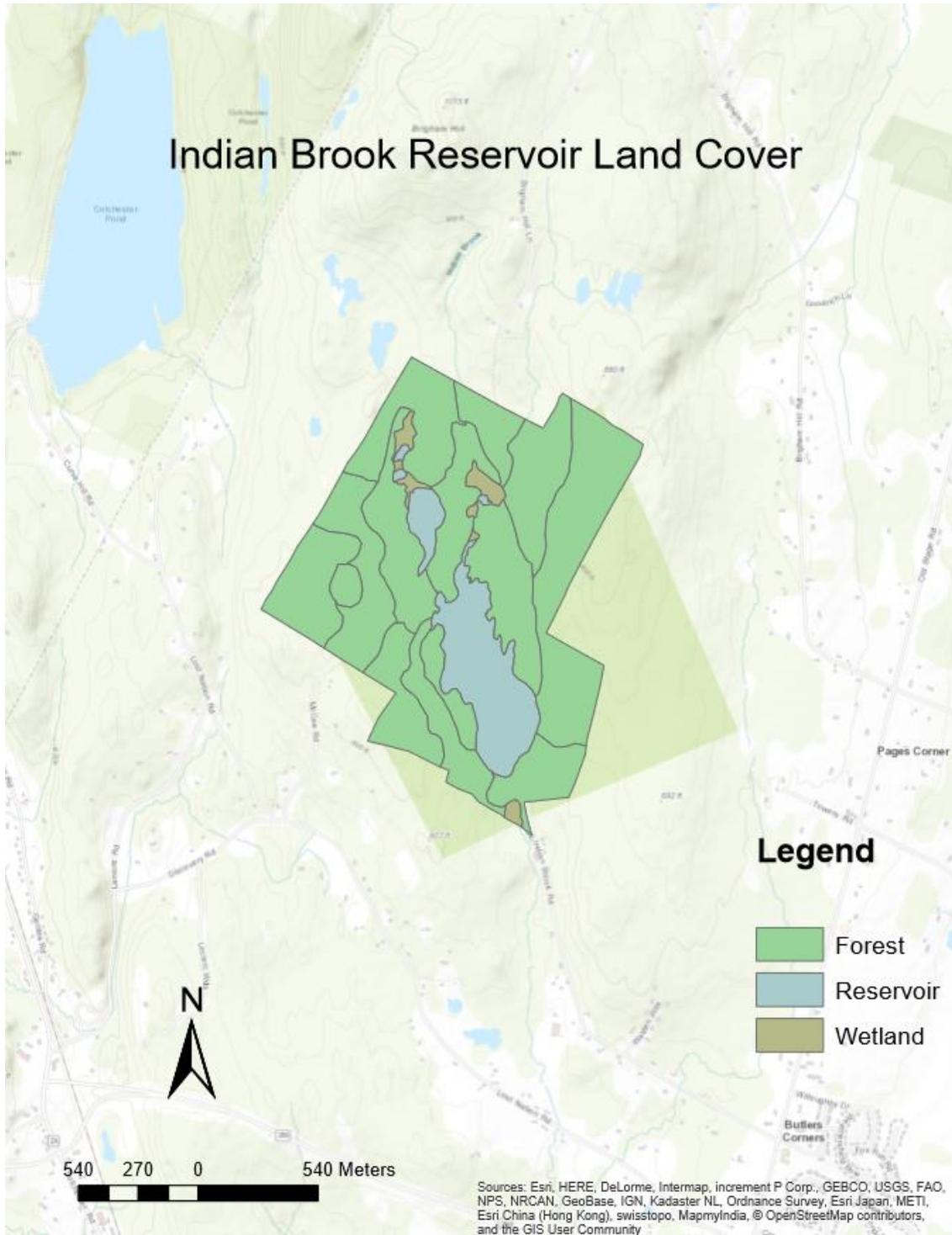


Figure 1. Indian Brook Reservoir Land Cover (image credit to Ethan Tapper, Chittenden County Forester).

Figure 2. Indian Brook Reservoir, 2017 orthophoto (VCGI)



Indian Brook

The Indian Brook Conservation Area is currently a 501-acre conservation area which houses the man-made Indian Brook Reservoir. Within this acreage, the reservoir occupies 58 acres, 16 acres are beaver ponds and wetlands, 424 acres are forested, and parking, picnic areas, and other open areas take up the remaining 3 acres (Figure 1). Among Indian Brook's many ecologically significant features are one of the most northerly distributed communities of chestnut oak trees in the state and a known blue heron rookery (Indian Brook Management Plan, p.10). However, the land occupied by Indian Brook Town Conservation Area has changed drastically over the last 70 years. Except where otherwise noted, the source for this information is "Appendix 1: Historical Overview" of the 2011 Indian Brook Management Plan.

Despite pine stands being in the vicinity of the current reservoir, aerial photographs from the 1940s reveal that half of the Indian Brook Reservoir parcel was still deforested at that time, with four apparent homesteads occupying the property. The 1940s, however, brought misfortune to the dairy industry, and a few of these dairy farms in the area began to go out of business. Seeing an opportunity to fill the growing demand for its municipal water supply, the Village of Essex Junction offered to purchase these properties with the intent of constructing a dam on Indian Brook. The Village purchased what is now the Indian Brook property on June 29, 1955 from the lands of the Fishmans, Murphys, Smiths, Farrands, and Dixons, who reserved right to log and pasture cattle on easterly side of Brigham Hill road (*Essex Town Land Records*, Vol. 56,

pp. 345-350). In addition, a Shelburne-based logging company known as Rice Realty retained the logging rights on the portion of the property west of the reservoir (Lavigne, 2017).

In 1957 the Village hired Knight Consulting Engineers, Inc. to build a dam and flood the valley, submerging one of the original homesteads (nobody lived there at the time). This impounded water formed a reservoir and became the main source of water for the village, and the land surrounding it was established as a water conservation area known as the Indian Brook Town Conservation Area.

By the 1960s, 95% of the property, not including the reservoir, had been covered by early-successional forest. The Department of Fish and Wildlife had also introduced a brook trout stocking program for the reservoir to attract more recreation seekers and increase revenue from fishing licenses (Lindsay & Malone, 1990).

In the early 1970s, the growth of the village was restricted by inadequate water supply, so in 1973 the village officially connected to the Champlain Water District and discontinued use of the reservoir. The taxes on the land, and the need to repay the new water infrastructure debt and future costs, led to a push to sell and/or rezone the land (Gregg, 1973).

In January of 1974, an appraisal of the Indian Brook Town Conservation Area by Frank Bredice was \$192,000. In June of 1974, the Town of Essex offered to assume the water debts of the Village and an additional \$125,000 (a total of \$349,999) in exchange for ownership of both the Saxon Hill Forest and Indian Brook Reservoir, but the Village Trustees rejected the offer, deeming it too low (*Minutes*, Village Trustees, 15 July 1974). Following the rejection of the Town's offer to purchase Indian Brook and Saxon Hill in June, voters in the Town approved two referenda at the September 10, 1974 primary election: the first, asking if the voters supported keeping Indian Brook and Saxon Hill in public ownership, passed 1,117 to 181; the other article, asking if the voters supported purchasing Indian Brook for \$349,999, passed 772 to 454 (*Essex Town Records*, vol. 8, pp. 64-65). However, at a special meeting on December 10, 1974, a proposal to merge the Town and Village into one community was defeated with 1,271 voting yes and 1,500 voting no (*Essex Town Records*, vol. 8 p. 77), and in the ensuing tension, negotiations over the transfer of the Village's forest lands never progressed.

Meanwhile, starting in September of 1974, the Village Trustees were in negotiations with the State to swap Indian Brook Reservoir with a tree farm nursery off West Street (*Minutes*, Village Trustees, 9 September, 1974). Despite gaining unanimous support (among 112 voters) for the sale at the Village's annual meeting on April 2, 1975 (*Essex Junction Village Records*, vol. 5, pp. 860-862), this was never finalized and the State eventually built several office buildings for the Agency of Natural Resources, and the Village established a community garden and dog park (all of which are still used today).

In 1976, the Winooski Valley Park District (WVPD) offered a lease agreement with the Village, which the Village Trustees rejected, citing a preference for a firm offer, and WVPD was unable to raise enough money from Essex residents for the purchase.

In the middle of negotiations, there was on and off logging west of the reservoir between 1976 and 1977 by Art and Richard Lavigne, of Colchester, executing the timber rights of Rice

Lumber Company. The focus of this harvest was the removal of mostly hemlock, pine, maple, and oak. Chittenden County forester Bill Hall marked timber to be cut by the Lavignes in this area. Pulpwood and hardwood from this sale was sold to International Paper in Ticonderoga, New York, while the softwood sawtimber was sold to Lamell Lumber in Essex, and hardwood sawlogs were sold to a Greenmont Lumber in Jericho/Underhill. This thinning removed most of the unhealthy pines, freeing at least two sides of the healthier trees' crowns. According to Richard Lavigne, Rice Lumber would have cleared a more significant portion of the forest surrounding the reservoir. However, Bill Hall, the Chittenden County forester at the time, dictated what could or could not be cut. Hall opposed any large-scale cuts in this area, and thus the Rice lumber tract avoided clearcutting (Lavigne, 2017). Lamell Lumber also disassembled the water treatment plant at the foot of the dam in 1977.

In August of 1977, after a public bidding process, the Trustees sold the Indian Brook property for \$167,000 to several private developers, including: the Rice Realty Corporation; Steven Phillips of S.G. Phillips Constructors, Inc.; John Osgood; and Jeffrey Davis. WVPD had submitted its own bid, but it was rejected because they had missed the deadline. Steven Phillips, who owned the reservoir and some of the surrounding land, planned to build housing in the area. He was met with resistance by Essex residents, who opposed development (Lindsay & Malone, 1990). WVPD, with the support of the Town Selectboard, started discussions with some of the new owners about leasing the land for public use.

In the summer of 1980, the U.S. Army Corps of Engineers studied the condition of the Indian Brook dam. They found that the dam was in no immediate danger, but provided some recommendations. They stated that any cause of leaks should be investigated and corrected within one year, and that the dam should receive regular maintenance. They noted that failure of the dam would endanger life and property downstream. Around the same time, a coalition of volunteer residents called the Friends of Indian Brook Reservoir (FIBR) did a survey of the site's users, who strongly favored using the area for recreation. In December of that year, WVPD applied for state and federal matching funds to purchase Indian Brook Reservoir. Funding was denied by the state because it would require all state money allocated for the fiscal year of 1982.

In 1981, the FIBR board agreed to support WVPD negotiations by raising funds for the cost of a new appraisal of the land, and petitioning for a local bond vote at the negotiated price, if necessary. FIBR volunteers cleaned up the Indian Brook Reservoir property and left four newly painted trash barrels in preparation for the appraisal. In the fall of 1982, negotiations opened between the town and Indian Brook's current landowners (see above), but were impeded by conflicts: the town negotiators wanted to know more about the dam's condition and cost of repairs before committing to a bond issue vote, while the owners refused to pay for a study. The negotiations eventually fizzled, and the FIBR stopped cleaning the property.

In September of 1985, the Essex Selectboard was once again approached by multiple stakeholders. The WVPD wanted to purchase Indian Brook Reservoir and lease it back to the Town. Don Hamlin, representing the owners, wanted to employ a combination of development and recreation for the area. The FIBR wanted to purchase the property as a recreation area for the

town, using a 20-year bond. The Selectboard directed the Town Manager to study all options and report back. There were a few concerns, including dam condition, liability, and other priorities for spending tax revenues. Local Boy Scouts cleaned the area in anticipation of a public tour.

It wasn't until November of 1986 that the Selectboard made a decision, placing a bond referendum of \$750,000 on the ballot to purchase the land, repair the dam, and make recreational improvements. The bond easily passed with 3,899 in favor, and 1,468 against. The Nature Conservancy provided a donation of \$16,000, and the Town purchased the Indian Brook land on December 31st for \$435,000 from S.G. Phillips. Following the purchase, the land was rezoned for open recreation.

In 1987, the Department of Fish and Wildlife added rainbow and brown trout to their list of stocking species, and the Selectboard voted to ban hunting. Today, hunting is prohibited within 500 feet of the reservoir, but is allowed elsewhere in the park (§9.08.080(B) Town of Essex Municipal Code). In 1988, water was lowered in the reservoir to facilitate minor repairs on the dam. Parking lots and roads were also upgraded, a boat launch and picnic sites were established, the remains of the old water treatment plant were razed, and park signs and trail markers were added.

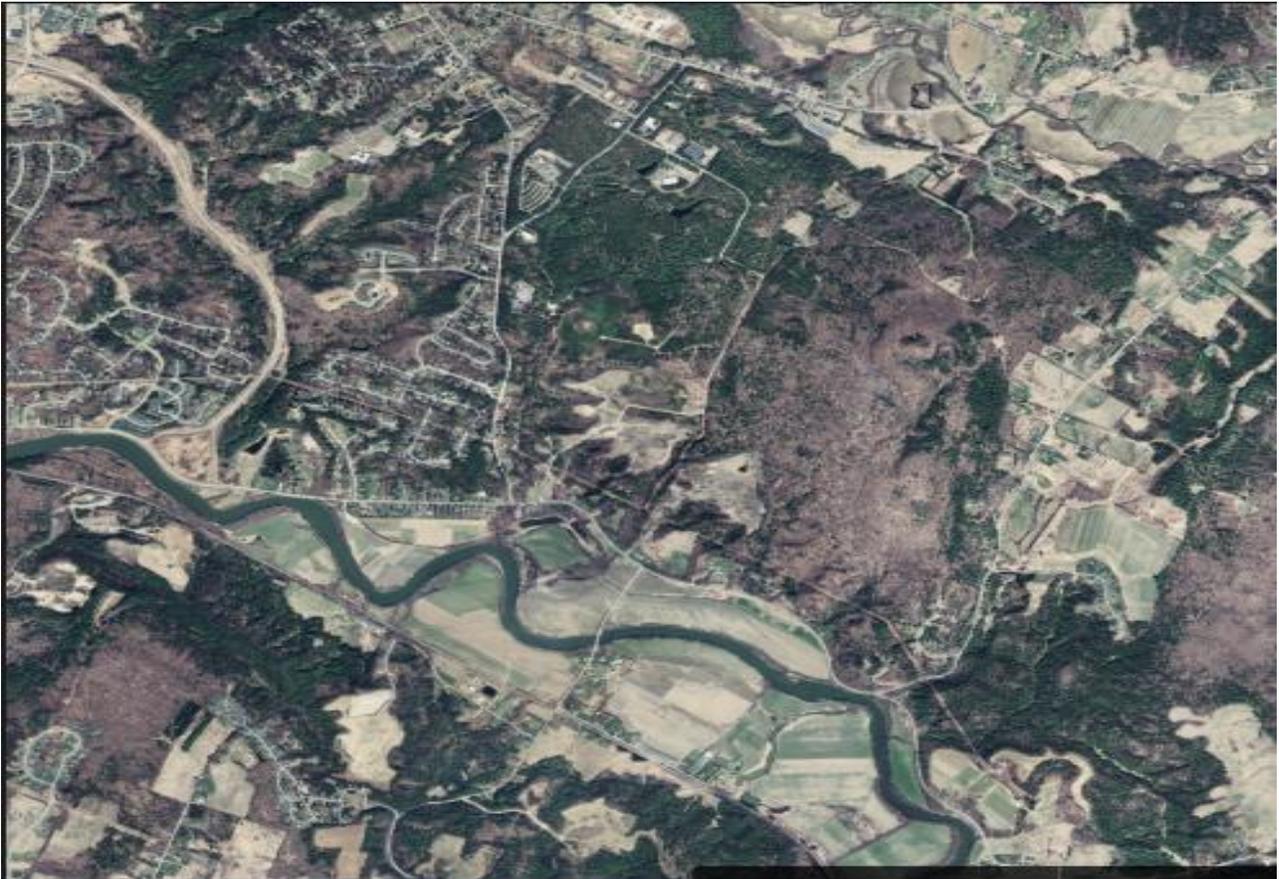
In 1990, an assessment by the Vermont Agency of Natural Resources found the trails at Indian Brook were "severely degraded" due to lack of erosion control and misuse by off-road vehicles (Vile, 1990). From 1991 to 1993, the Vermont Youth Conservation Corps reconstructed the circumnavigation trail, built new trails overlooking reservoir, and added improvements to existing trails to prevent erosion. During this time, the park was surveyed and clear boundaries were established. With the help of Essex Middle School students and local boy scouts, new signs were placed around the park.

In 2000, a management plan was put in place to maintain outdoor recreation and protect natural resources, provide wildlife habitat, and protect cultural and historic resources. This management plan was last updated in 2011.

In 2002, there was additional logging around the reservoir in Thunder Bay, using horse logger Dave Fuller of Bolton. The goal of this thinning was to promote long term health of overstory white pine and hemlock and to release understory hemlock for future overstory (Thorsen, 2002 and Berry, 2002). Vermont State Foresters Jim Tessmann and Chuck Vile laid out and marked trees to be cut (Vile, 2018).

Today Indian Brook Reservoir is still owned by the Town of Essex. It provides residents with clean air, scenic views, and a plethora of recreational activities as well as abundant wildlife habitat. As of the time of this writing, Chittenden County Forester Ethan Tapper has presented the Selectboard with the property's first forest management plan since it came back into public ownership, with the goal of improving the forest's health while maintaining the area's aesthetic and recreational values. Despite its tumultuous past, Indian Brook Reservoir continues to be a major cultural resource to the residents of Essex.

Figure 3. Saxon Hill Forest, 2017 orthophoto (VCGI)



Saxon Hill

Since its establishment in the early 20th century, the Saxon Hill Forest has decreased in size by 88%. Originally around 800 acres, most of the area is now zoned as a semi-industrial district and predominantly owned by private landowners. However, the Essex-Westford School District owns 90 acres that contain 5.7 miles of hiking and mountain biking trails, and the Town of Essex recently acquired 245 acres that will likely be used for recreation and/or a town forest. Saxon Hill is currently composed of three primary forest types; 1) red scotch pine plantation, 2) natural white pine forest, and 3) dominantly red oak forest, with red maple, hemlock, ash, beech, and aspen as associate species.

The town recognized the need for this forest as early as 1905, when 2 preliminary acres were obtained before a large acquisition of 550 acres in 1915 (GWC Turner, 1954). In 1924, a 125-acre plot and a 30-acre plot were purchased, followed by a 15-acre plot in 1928, a 5-acre plot in 1929, and a 33-acre plot in 1933. Between 1933 and 1954, an additional 48 acres were purchased. This area contributed to the original 806 acres of conserved land owned by the town.

Between 1924 and 1944, the area was planted with 574,600 trees, a combination of scotch pine, red pine, white pine, and white cedar trees (Batchelder, 1998).

In 1951, the Village of Essex Junction and the Winooski Soil Conservation District (now the Winooski Natural Resources Conservation District) entered into a joint conservation agreement. Their goal was to organize and plan specific uses for the different parts of the Essex town forest system. The Winooski Conservation Plan dictated that some of the town forest lands should be used for grazing, including part of Saxon Hill, but most should be managed for timber. Their management plan for the 800-acre Saxon Hill Forest included fire prevention, silvicultural objectives to guide tree harvesting, and a plan for a plantation using over 3,000 red pine seedlings (*Essex Junction Water Department Conservation Plan*, 1951).

In 1959, harvest for softwood timber began, and intermittent logging operations followed. 500 white pine and 500 Norway spruce seedlings from the Vermont State Tree Nursery in Essex Junction were planted in the spring of 1963 and cross country ski trails were established in 1967 (Cooperator's Woodland Record, 1946-1973).

Due to its continued rapid growth from the 1970s onward, the Village decided to abandon its municipal water supply systems in favor of connecting to the Champlain Water District (CWD). To recoup the financial burden of connecting to CWD and paying taxes on the land, the Trustees explored options for reusing or selling Saxon Hill. One proposal put forth in 1972 was to develop a winter sports recreational area, which would include a bobsled run, toboggan hill, and several ski tows and trails (Mayo et al., 1972).

In the summer of 1974, residents of Essex Junction voted their desire to retain ownership of the lands (Hall, 1977 and *Essex Town Records*, vol. 8 pp. 64-65). Anticipating the potential for Saxon Hill to see increased development if the Village sold it to private developers, the Town of Essex passed zoning amendments creating a new "Resource Preservation District – Industrial" district that followed the boundaries of the Village land. Potential developers advocated for zoning a large portion of the land as industrial, while the Town wanted to retain a certain portion as open space. In the end, they agreed that 60% of the land would be retained for recreation and conservation use industrial development would be allowed on 25%, and the remaining 15% would be held in reserve for conservation/recreation unless the Planning Commission decided to allow industrial development there (which it did in 2001, making a total of 40% of the land zoned industrial).

Forestdale Heights, Inc., officially acquired the former Saxon Hill Reservoir area from the Village of Essex Junction on August 15th of 1978 (*Essex Land Records*, vol. 141 pp. 68-71). At this time, Forestdale deeded 90 acres to the Essex Junction School District, currently the Essex Westford School District, for recreation, conservation, and educational purposes, leaving 650 acres for Forestdale (vol. 41 pp. 72-74). Forestdale Heights continued to acquire small parcels of surrounding land, including 13.03 acres of land from the Whitcombs in 1984 (*Essex Land Records*, vol. 172 pp. 390-392), and 8.93 acres of land from the Dodds in 1985 (*Essex Land Records*, vol. 187 pp. 95-96).

In 1986, Forestdale began a six-month thinning project to improve species composition, growth rates, and stand quality, while also providing Forestdale Heights with a mix of hardwood, softwood, logs, and pulp (Batchelder, 1986).

In 1991, Forestdale Heights proposed a 10-year sand extraction operation within Saxon Hill, which was approved by the town's Planning Commission (Scagliotti, 1991) with conditions that the extraction would be phased in ten "cells," and that each cell would be reclaimed and replanted after extraction was complete. However, the Chittenden County Forester Bill Hall wrote a testimony criticizing Forestdale Heights over extension of their land use permit (Batchelder, 1998). The Essex Selectboard appealed the decision on the grounds that the Planning Commission did not have the authority to approve such a permit under the Zoning Regulations, but the court decided in favor of the Planning Commission and its decision to grant Forestdale's permit (Chittenden Superior Court, 1992).

In 1996, shelterwood cutting began to promote young pine growth, and intermittent thinning occurred until 2011.

In 2011, Forestdale Heights submitted an application to extract sand on 54.3 acres outside of the original sand extraction area, which would have shifted the delineation of the 60%/40% conservation/ industrial areas in the RPD-I. The Planning Commission denied the application on the grounds that it did not meet the intent of the RPD-I district in maintaining "broad belts of trees and contiguous blocks of forest," and Forestdale appealed the decision to environmental court (Planning Commission minutes, Feb. 10, 2011). Before the case was heard, Forestdale sold all of its Saxon Hill land to Al Senecal of Allen Brook Development, including the proposed sand extraction area. Allen Brook and the Town reached an agreement in 2015, whereby Allen Brook would extract sand on 27.5 acres, while 250 acres would be given to the Town for conservation and recreation purposes (Dover, 2015), settling the exact boundaries of the conservation and industrial development areas.

Currently, what was the original Saxon Hill Town Forest is broken up into three areas. The first is the 90 acres that were deeded to Essex Junction School District, now Essex Westford School District, for recreation, conservation, and educational purposes in 1978, represented in blue on the Saxon Hill map (Figure 4). Since 2004, the school district has leased this land to the Town of Essex for public recreation, including hiking and mountain biking (*Essex Land Records* vol. 627, p. 403). On September 29, 2017, the town re-acquired 250 acres of the historic Saxon Hill forest from Allen Brook Development, to be used for conservation, forest management, and recreational purposes shown in Figure 4 as the cross-hatched section. This leaves 410 acres that are privately-owned and developed or developable, shown in orange in Figure 4. As of the time of this writing, the town intends to develop a management plan for the 250 acres, with the goal of providing public recreation in an area where economic growth can continue without unduly impacting the community and ecological value of the Saxon Hill Forest.

Saxon Hill Town Forest: Past and Present

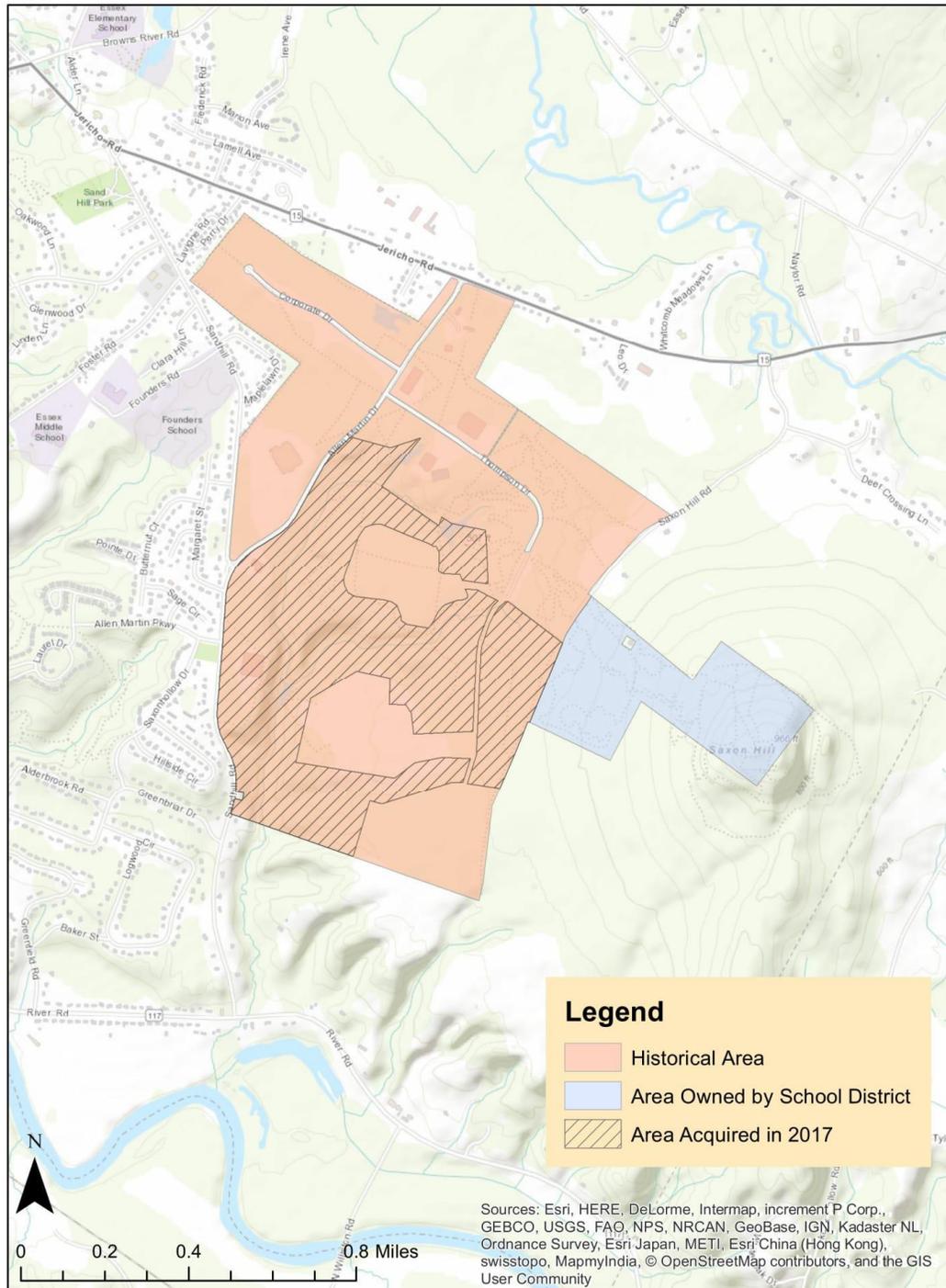


Figure 4. Historical and current areas of Saxon Hill forest (credit to Chittenden County Forester Ethan Tapper).

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