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**MINUTES**  
**VIRGINIA OUTDOORS FOUNDATION**  
**BOARD OF TRUSTEES MEETING**  
**October 21, 2009**  
**Claude Moore Education Complex**  
**Roanoke, VA**

**Trustees present:**

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Chair, Frank M. Hartz, presiding	Jeffrey K. Walker (arrived 10:50 am)
Mark Allen	Molly Joseph Ward (arrived 10:30 am)
Rupert Cutler	Harry Atherton
Suzanne M. Lacy	

**VOF staff attending:**

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G. Robert Lee, Executive Director	Anna Chisholm, Finance Manager
Leslie Grayson, Deputy Director, Easements	Jennifer Ducote, Finance Assistant
Martha Little, Deputy Director, Stewardship	Jason McGarvey, Outreach & Communications Manager
Tamara Vance, Deputy Director, Easements	Melissa Collier, Stewardship Manager
Sherry Buttrick, Easement Manager	Bruce Stewart, Staff Counsel, Easements
Bobbie Cabibbo, Executive Assistant	Estie Thomas, Easement Manager
Kristin Ford, Easement Specialist,	Laura Thurman, Easement Manager
Josh Gibson, Easement Specialist	Ruth Babylon, Easement Specialist
Sara Ensley, Human Resource Manager	

**Also in attendance were:**

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Nancy Ambler, Wood Thrush Land Conservation	Rex Linville, Piedmont Environmental Council
John Eustis, New River Land Trust (NRLT)	Sarah Richardson, Department of Conservation
Janet Scheid, Western VA Land Trust (WVLT)	
David Hurt, Conservation Partners	
Cornelia Christian, Conservation Partners	

Hank Hartz convened the meeting at 9:00 a.m.

**Public Comments**

David Hurt, Conservation Partners spoke.

**Welcome**

**Approval of the Order of Business**

The following items were additions or changes to the Order of Business:

- During PTF easements on Oct 22, 2009, the issue of utilities will be discussed.
- Chairman Hartz reserved the right to continue through to the October 22, 2009 Agenda items if time allowed.
- Addition of a *Resolution to Adhere to the Template Easement for Right of Inspection, Enforcement, Documentation, Duration and Notice.*

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### **Guest**

Mr. Gregg Lewis of Smith Lewis Architecture welcomed us and conducted a short presentation of the meeting space noting it is a LEED GOLD certified building and explaining the process to bring the meeting space to that end.

### **Minutes**

Laura Thurman asked that the amount approved for PTF be corrected for Ingleside Land, LLC. The correct amount approved is \$1,800 for legal costs.

Kristin Ford asked that the landowners Augustus Vogel and Francis Goddard be reflected in the attendance section.

Motion made to accept Minutes for PTF Committee, RD Committee and General Meeting with the above changes, motion seconded and passed unanimously.

### **Directors' Reports**

Bob Lee, Leslie Grayson and Martha Little reported.

### **Special Project Area**

Resolution presented (See Attachment A) to designate the Catawba Valley as a Special Project Area. Motion made to accept the resolution, motion seconded and passed unanimously.

Chairman Hartz suggested staff put the process to submit an area for Special Project status on the website for other land trusts.

### **Strategic Plan**

Bob Lee presented the Strategic Plan. Resolution deferred until all trustees are present later today.

### **Resolution to set Meeting Dates for Calendar Year 2010**

Resolution presented (see Attachment B) to set dates for next year. Chair suggested that not all dates be in Charlottesville. Motion made to accept resolution with the change "to be determined" for locations; motion seconded and passed unanimously.

### **Stewardship**

**Potomac Appalachian Transmission Highline** - Mr. Ronal L. Poff, Sr. Project Manager from American Electric Power (AEP) and Mr. Alan J. Fleissner, P.E. Sr. Consulting Engineer from Allegheny Energy presented information on the Potomac-Appalachian Transmission Highline. The transmission line will go from Welton Spring, West Virginia to Kemptown Maryland, and the preferred path goes through a VOF easement in Frederick County. This presentation was for information purposes only.

Hank Hartz called for Consent Agenda.

**PEC Deed of Assignment/Transfer** Seilheimer – Motion made to accept easement from PEC; motion seconded and passed unanimously.

**Consent Agenda**

1. **ALB-VOF-858** – Reynolds & Cowles – Albemarle – 400.83 acres

The original easement was recorded in 2000. The landowners (original donors) wish to add a 52-acre parcel. No additional rights to be added. The parcel contains a house and garage and a barn. The existing easement permits 3 main house and 3 secondary dwellings; none exist. The house on the 52 acres becomes one of the 3 permitted main houses. Amendment will simply add acreage and TM # 17-35K to the property description and list of parcels.

2. **CHC-VOF-932** – Nordt – Charles City County – 100.9 acres

The original easement was recorded in 1999 and allowed four parcels on 135.9 acres. The easement also allowed a primary dwelling (no size limit) and secondary per parcel. One parcel of 35 acres was surveyed off and sold in 2000, leaving three parcels. The landowner wishes to amend the easement to remove the remaining division rights, creating a no division easement; remove the right to the dwellings associated with said subdivisions; and update template language.

3. **SPT-VOF-1261 and SPT-VOF-1262** – Lamb – Spotsylvania – 301 acres and 50.19 acres

The original easements were recorded in 2002 and are contiguous. SPT-VOF-1261 (301-acre easement) is a co-hold with Virginia Board Historic Resources and contains the historic “St. Julien” residence and outbuildings. The landowner wishes to incorporate the 50.19-acre easement into the 301-acre easement, and remove the division right, making a 351.19-acre easement with no divisions allowed. The 50.19-acre easement currently allows for one primary and two secondary dwellings.

The landowner wishes to further restrict the 50.19-acre tract by prohibiting any dwellings, residential structures and farm structures. The forestry clause will be further restricted as well to only allow *de minimus* tree harvest.

*Amendment to SPT-VOF-1261 & SPT-VOF-1262. It was explained that the landowner might only be able to further restrict the 50.19-acre tract by prohibiting any dwellings, residential structures and farm structures. The owner is using historic tax credits on the historic house and may delay the addition of the 50.19 acres into the easement. Staff requested approval for either option.*

Motion made to approve Consent Agenda as amended for SPT-VOF-1261 & 1262; motion seconded and passed unanimously.

**Blacksburg**

**Allbeck - Pittsylvania - 406.15 acres** – Motion made to approve easement as presented; motion seconded and passed unanimously.

**Kegley Sr. – Pulaski – 641 acres** - Motion made to approve easement as presented; motion seconded and passed unanimously.

**Kegley Jr. – Pulaski – 407 acres** - Motion made to approve easement as presented; motion seconded and passed unanimously.

**Stanfield –Pittsylvania - 94.23 acres** - Amend easement to add to Section II.4. *Management of Forest* paragraph two the last sentence “in an area not exceeding 10 acres”. Motion made to approve easement as amended; motion seconded and passed unanimously.

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**Stanfield – Pittsylvania - 106.5 acres** - Amend easement to add to Section II.4. *Management of Forest* paragraph two the last sentence “in an area not exceeding 10 acres”. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Vaught Family Trust – Floyd - 118.2024 acres** - Motion made to approve easement as presented; motion seconded and passed unanimously.

**Kibler – Bedford - 21 +/- acres** - Motion made to approve easement as presented; motion seconded and passed unanimously.

### **Staunton Office Easements**

**Marsh -Augusta-283.77 acres** - Motion made to approve easement as presented; motion seconded and passed unanimously.

**McNeely – Roanoke – 89.00 acres** – Approve easement as presented contingent upon clear title. Motion made to approve easement with contingency of clear title; motion seconded and passed unanimously.

Motion made that if this land plus other three parcels are gifted in fee to VOF, the Board of Trustees will accept the property contingent upon: clear title, loan must be satisfied and a satisfactory Phase 1 Environmental Report; motion seconded and passed unanimously.

**Rogers – Highland - 155.95 acres** - Amend easement to revert to template in Section III.1. *Right of Inspection*. Motion made to approve easement as amended; motion seconded and passed unanimously.

### **Resolution to Require the Use of the Approved Template Easement for Right of Inspection, Enforcement Documentation and Duration and Notice**

Motion made to approve Resolution (see Attachment 3); motion seconded and passed unanimously.

### **Resolution to Adopt a Strategic Plan for Years 2010 through 2013 for the Board of Trustees of the Virginia Outdoors Foundation**

Motion made to adopt Strategic Plan; motion seconded and passed unanimously.

### **Staunton Office Easements (cont'd)**

**Tiverton Farm, LLC – Albemarle - 464.303 acres** - Amend easement to revert to template language in Section V.8. *Notice to Grantee and Grantor*. Motion made to approve easement as amended; motion seconded and passed unanimously.

### **Charlottesville**

**Bance – Fluvanna - 310.464 acres** - Amend easement to remove from Section 2.i.a *Dwellings* “no willful demolition allowed except with VOF permission”; Motion made to approve easement as amended; motion seconded and passed unanimously.

**Brown – Albemarle - 43.5 acres** - Amend easement to: to allow willful demolition with our prior permission in Section II.2.i.a *Dwellings*; in Section II.3 vi. remove bed and breakfast zoning ordinance language; in Section II.2. g remove words “high speed internet access”; in Section II.3.viii remove words “high speed internet access”; fix numbering in farm building language in Section II.2.c to read (i, ii, iii);

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add stream bank mitigation language to Section II.2.5 *Riparian Buffer*. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Brown – Albemarle – 220 acres** – in Section II.3 vi. remove bed and breakfast zoning ordinance language; in Section II.2. g change to say 20’ above the tree line”; in Section II.3.viii remove words “high speed internet access”; fix numbering in farm building language in Section II.2.c to read (i, ii, iii); add stream bank mitigation language to Section II.2.5 *Riparian Buffer*. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Churchill Meadows, LLC Reconsideration – Stafford – 319 acres** – Amend easement to include County utility language in Section II.2.e. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Harris – Louisa - 173.9 acres** – Amend easement: to strengthen siting approval in Section II.2.3 *Farm Winery*; in Section II.2.c *Meeting House* change language to read “cemetery, and associated gravesites and gravestones are permitted, and remove “shall remain”. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Kluge, Trustee for Featheridge Trust – Albemarle - 205.5 acres** – Amend easement to change “anti demolition” language to apply to just the original portion of the structure. Motion made to approve easement as amended; motion seconded and passed unanimously.

Mayor of Roanoke, The Honorable David Bowers welcomed VOF Board of Trustees.

**Sanford – Albemarle - 126.06 acres** – Amend easement to: add language for private, non-commercial skeet shooting to Section 2.3; make setback for Barracks Road is 300’ in Section II.2.iii.; in Section II.2.i.a the house can be replaced but it cannot be visible from Barracks Road. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Airfield Partners LLC-Buckingham-515.85 acres** – Motion made to approve easement as presented; motion seconded and passed unanimously.

**Dixon – Buckingham - 507.6 acres** – Motion made to approve easement as presented with flexibility to leave out 96 acres if mineral rights issue cannot be resolved; motion seconded and passed unanimously.

**Island Ford Prop LLC, Bailey & Wallace – Amelia – 3,486.92 acres** - Amend easement to remove limitation on number of stream crossings in Section II.5.ii ; add language to allow road ROW for up to 50’ to Section II.2. Note that Summary Sheet reads that there is an option for “approval for larger size secondary dwellings”, which is incorrect, deed as presented is correct. Motion made to approve easement as amended; motion seconded and passed unanimously.

**McGuire – Campbell - 1,240.077 acres** - Motion made to approve easement as presented with flexibility to amend language if DCR/VLCF review is necessary; motion seconded and passed unanimously.

**Phinney & Dripps - Albemarle - 131.65 acres** – Motion made to approve easement as presented; motion seconded and passed unanimously.

**Viewmont Farm Land Trust - Albemarle - 875.19 acres** – Amend easement: by removing language from Section II.2.v that allows expansion of Route 20 ROW; by adding to Section II.2.1. a. 150 acre division minimum unless approved by VOF. For guidance - criteria for approval is consideration of

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preservation of view from Route 20. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Brockman Reconsideration – Amherst - 173.42 acres** – Motion made to approve easement as presented today with the change allowing existing fence around the pond; motion seconded and passed unanimously.

### **Warrenton Easements**

**Andrews – Fauquier – 597.38 acres** – Motion made to approve easement as presented; motion seconded and passed unanimously.

**Franley Farms, LLC – Shenandoah – 147.8617 acres** - Motion made to approve easement as presented; motion seconded and passed unanimously.

**Henry – Shenandoah – 65.05 acres** - Motion made to approve easement as presented; motion seconded and passed unanimously.

**Paige – Fauquier – 410.48 acres** - Motion made to approve easement as presented; motion seconded and passed unanimously.

**Parker – Loudoun – 129.18 acres** - Motion made to approve easement as presented; motion seconded and passed unanimously.

**Wooten-Ray Family, LP – Rappahannock – 128.3515 acres** - Motion made to approve easement as presented; motion seconded and passed unanimously.

### **Tappahannock Easements**

**Black Marsh Farm, Inc. – Caroline – 267.572 acres** – Note: In easement as presented, there is a 25-acre parcel not included in the easement, this parcel has now been included in the easement and easement is not 287.572 acres. Amend easement to include setback from Route 17 to 500’ with an exception for the produce farm stand in Section II.2 *Buildings, Structures, Roads and Utilities*; add language in Section II.2 *Buildings, Structures, Roads and Utilities* that limits produce farm stand to 1000 sq. ft.; in Section II.2.e, revert to standard utility language; add language to allow irrigation in buffer in Section II.5; allow 2 parcels, 1 single family dwelling on each parcel with a 6500 sq. ft cap on each dwelling; Motion made to approve easement as amended; motion seconded and passed unanimously.

**Cloverfield Farms LLC – Essex – 464.19 acres** – Amend easement to increase buffer from a minimum of 50’ to a minimum of 35’ in Section II.5.i.d. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Collawn –Essex – 193.068 acres** – Motion made to approve easement as presented; motion seconded and passed unanimously.

**Hundley Farmer’s Hall –Essex – 123.5 acres** – Motion made to approve easement as presented; motion seconded and passed unanimously.

**Hundley – GreenField Farm – Essex – 247 acres** - Motion made to approve easement as presented with a note that Summary Sheet is incorrect, deed is correct in allowing two parcels, 3 dwellings with an aggregate of 11,000 sq. ft; motion seconded and passed unanimously.

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**Latane - Westmoreland – 93.32 acres** – Amend easement in to include new Exhibit A; motion seconded and passed unanimously.

**Miller – King William – 226.40 acres** – Motion made to approve easement as presented; motion seconded and passed unanimously.

**Moss Neck Manor Plantation Inc. – Caroline – 302 acres** – Amend easement as recommended by staff for 2 parcels with 1 dwelling on each parcel, not to exceed 6500 sq. ft. each, with no secondary dwelling. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Tune, William, Hogge, Latane Reconsideration – Westmoreland – 61.21 acres** - Motion made to approve easement as presented; motion seconded and passed unanimously. Note that Summary Sheet is incorrect when noting that agricultural building review of \$4,500 square ft. Deed is correct in that is 2,500 sq. ft.

**MINUTES**  
**VIRGINIA OUTDOORS FOUNDATION**  
**BOARD OF TRUSTEES MEETING**  
**October 22, 2009**  
**Mill Mountain Discovery Center**  
**Roanoke, VA**

**Trustees present:**

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Chair, Frank M. Hartz, presiding	Jeffrey K. Walker
Mark Allen	Molly Joseph Ward
Rupert Cutler	Harry Atherton
Suzanne M. Lacy	

**VOF staff attending:**

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G. Robert Lee, Executive Director	Laura Thurman, Easement Manager
Leslie Grayson, Deputy Director, Easements	Ruth Babylon, Easement Specialist
Martha Little, Deputy Director, Stewardship	Philip Reed, Easement Specialist
Tamara Vance, Deputy Director, Easements	Renee Russell, Development
Sherry Buttrick, Easement Manager	Andrea Reese, Stewardship Specialist
Bobbie Cabibbo, Executive Assistant	Amanda Scheps, Stewardship Specialist
Kristin Ford, Easement Specialist,	Josh Gibson, Easement Specialist
Josh Gibson, Easement Specialist	Melissa Collier, Stewardship Manager
A.C. Bullock, Easement Assistant	Andrew Fotinos, Stewardship Specialist
Jason McGarvey, Outreach & Communications Manager	Sara Ensley, Human Resource Manager
Melissa Collier, Stewardship Manager	
Bruce Stewart, Staff Counsel, Easements	
Estie Thomas, Easement Manager	

**Also in attendance were:**

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Nancy Ambler, Wood Thrush Land Conservation	Pete Glubiak, Attorney
Janet Scheid, Western VA Land Trust (WVLT)	Jeremy Stone, Department of Conservation & Recreation (DCR)
David Hurt, Conservation Partners	Sarah Richardson, DCR
Cornelia Christian, Conservation Partners	
Carl Percing, AEP	
Rusty Ford, Conservation Partners	

**Public Comment**

**Fees Presentation**

A discussion of potential fee options. A meeting of the Finance and Personnel committee will be scheduled to finalize the details.

**Adjusted Budget FY 2010**

Anna Chisholm presented the adjusted budget FY 2010 that incorporates the latest 5% reduction in state appropriations.



**Preservation Trust Fund (PTF)**

**Burch – Reconsideration – Middlesex – 366 acres** – As approved in September 2009, this project will be done as one project and not in stages as presented. There will be 614 vs 366 acres. Motion made to allocate an additional \$3,500 in order to pay for the attorney and accountant and note that easement approval stands as presented in September 2009; motion seconded and passed unanimously.

**Herwald Reconsideration – Bath/Highland – 257.22 acres** – Motion made to approve easement as presented with 2-acre vs 1-acre BLA right, motion seconded and passed unanimously. No additional PTF requested or allocated.

**Wilkins - Frederick – 106.9 acres** – Motion made to approve easement as presented and allocate \$3,000 of PTF; motion seconded and passed unanimously.

**D. Owens - Grayson – 103+/- acres** – Amend easement to: change reference in Section II.2.g in parentheses from “county 911 system” to public safety and add that commercial use is prohibited and add review and approval language. Motion made to approve easement as amended and with an allocation of \$6,500 of PTF; motion seconded and passed unanimously.

**L.C. Owens – Smyth – 159 +/- acres** – Carl Percing, AEP, was invited to discuss any AEP issues on this easement. Amend easement to add language to allow for a parallel & adjacent transmission line NTE 200’ in width with review and approval for VOF to Section II.2.e. Motion made to approve easement as amended and an allocation of \$5,000 of PTF; motion seconded and passed unanimously.

**P. Waddle - Smyth – 181.09 acres** - Motion made to approve easement as presented and to allocate \$6,500 in PTF; motion seconded and passed unanimously.

**S. Waddle – Smyth – 595 +/- acres** – Motion made to approve easement as presented and to allocate \$6,500 in PTF; motion seconded and passed unanimously.

**Dunkley Jr. –Wythe – 216.15 acres** – Amend easement to include a 20’ no plow buffer along Cripple Creek to Section II while removing “no removal of trees. . .” from said standard buffer language. Motion made to approve easement as amended and to allocate \$5,500 in PTF; motion seconded and passed unanimously.

**Harris – Appomattox – 109.28 acres** - Motion made to approve easement as presented and to allocate \$6,000 in PTF; motion seconded and passed unanimously.

**Brock “Ellerslie” – Surry – 254.46 acres** - Motion made to approve easement as presented and to allocate \$6,500 in PTF; motion seconded and passed unanimously.

**Pond – Surry – 566 acres** - Amend easement: to ensure access ROW to adjacent parcels is only 30’ in Section II.2d; to revert to template language in Section II.4 *Management of Forest*. Motion made to approve easement as amended and allocate \$6, 500 in PTF; motion seconded and passed unanimously.

**Frye** - Amend easement as presented in September 2009 to add language to allow for a parallel & adjacent transmission line NTE 200’ in width with review and approval for VOF to Section II.2.e.

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## **RICHMOND**

**Dotson – Charles City County – 184.4 acres** – Amend easement to require a pre-harvest plan prior to commercial timbering. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Island Ford – Pembleton – Amelia – 597.74 acres** – Amend easement to add language to allow road ROW for up to 50' to Section II.2. Note that Summary Sheet reads that there is an option for “approval for larger size secondary dwellings”, which is incorrect, deed as presented is correct.. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Isle of Wight County – Isle of Wight – 37.4 acres** - Amend easement to add the word “no” to Section II.5 i.a before the words “substantial structures constructed”. Motion made to approve easement as amended and contingent upon receipt of accurate property description; motion seconded and passed unanimously.

**Scott Timberlands – Amelia – 806.85 acres** – Amend easement to add language to allow mowing in the buffer around the existing “fort” in Section II.5. Motion made to approve easement as amended; motion seconded and passed unanimously.

**Slate Farm – Greensville – 378.84 acres** - Amend easement by adding language to allow up to 50” road ROW along SC 730. Motion made to approve easement as amended; motion seconded and passed unanimously.

### **Abingdon Office Easements**

**Boyce Inc. – Patrick – 2,507 +/- acres** – Amend easement to require a pre-harvest plan. Motion made to approve easement with stipulation that VA Department of Forestry or VOF approve a Forest Stewardship Plan and with the above noted amendment; motion seconded and passed unanimously.

### **Tappahannock Office Easements (cont'd)**

**Van Horne & Savanyu – King William – 174.027 acres** – Motion made to approve easement as presented; motion seconded and passed unanimously.

**Woodland Investment Properties LLC – King William – 514 acres** - Motion made to approve easement as presented allowing for the addition of language if needed for the DCR/VLCF review; motion seconded and passed unanimously.

Meeting adjourned upon arrival of Governor Kaine at 1:45 pm.