

Appendix O      Draft Open Space Management Plan

**OPEN SPACE MANAGEMENT PLAN  
FOR SEVEN PEAKS AT MOUNTAIN ROAD**

A. *Title to Open Space.*

Title to parcels shown as “Open Space Areas” on the final plat for the Seven Peaks at Mountain Road residential subdivision, dated \_\_\_\_\_, shall be conveyed to Seven Peaks Homeowners’ Association, Inc., and a conservation easement over these parcels shall be conveyed to the North American Land Trust. The timing of the conveyance of the parcels to the Homeowners’ Association will be as set forth in the Homeowners’ Association Offering Plan and By-Laws accepted for filing by the NYS Attorney General’s Office and dated \_\_\_\_\_. A conservation easement over the Open Space Areas may be conveyed to the North American Land Trust at any time prior to or after the conveyance of the parcels to the Homeowners’ Association, but in no event later than eighteen (18) months after the filing of the approved subdivision plat in the Office of the Sullivan County Clerk.

B. *The Open Space.*

The land intended to serve as the Open Space is divided into the following areas:

- Open Space Area "1" consists of the Chestnut Oak Forest, including parcel no. \_\_\_\_ and portions of parcel nos. \_\_\_\_\_. [FURTHER DESCRIBE AREA AND FUNCTION];
  
- Open Space Area "2" consists of wetlands, upland and meadow areas, including parcel no. \_\_\_\_ and portions of parcel nos. \_\_\_\_\_. [FURTHER DESCRIBE AREA AND FUNCTION].

There are no physical improvements proposed upon the Open Space Areas other than the stormwater management controls, traffic control, pedestrian and use-awareness signage, trails and utilities, all as shown on the final and approved Seven Peaks at Mountain Road site plans, sheet nos. \_\_ through \_\_, dated \_\_\_\_\_.

C. *Management of the Open Space.*

1. General Management.

The Open Space will be maintained by the Homeowners’ Association in as close to existing conditions as is reasonably practical. For the purposes of implementing this plan, existing conditions are defined based upon site plan sheet no. \_\_\_\_, and the Natural Resource Inventory of the Open Space Areas dated \_\_\_\_\_. Wooded areas are those shown as wooded on the site plans. Wetland areas are those shown as wetlands on the site plans. All other Open Space is existing or proposed upland and meadow.

2. Management of Stormwater Controls within Open Space Areas.

The Homeowners' Association shall be responsible for maintaining the stormwater controls located in the Open Space Areas in good, clean, unobstructed and proper operating condition. The maintenance obligations shall include normal and routine surface maintenance, mowing of grass, and removal of debris, as well as any structural or vegetative maintenance which may be required for proper operation and performance of the stormwater controls as set forth under the Seven Peaks Stormwater Management Plan dated \_\_\_\_\_.

### 3. Management of Wooded Open Space Areas.

The Homeowners' Association shall supervise, manage, operate, examine, inspect, care for, remove litter and debris, and maintain the wooded Open Space Area. The Association shall leave all existing woodlands and trees in a natural state and may only remove or prune trees (but is not required to remove or prune trees), or engage in other forest management activities recommended by a NYS Department of Environmental Conservation approved forester and/or as set forth in an approved forest management plan, and as approved by the North American Land Trust. Permitted uses in the wooded areas shall include hiking, walking, horse-riding, nature study (including bird watching) and the study of other flora and fauna, picnicking and such other passive recreational uses as shall be approved by the Homeowners' Association and North American Land Trust.

### 4. Management of Proposed Trails.

Recreational trails shall be established within the Open Space Areas as shown on site plan sheet nos. \_\_\_\_\_. The Homeowners' Association shall supervise, manage, operate, examine, inspect, care for, remove litter and debris, and maintain the trails within the Open Space Areas. Use of the trails shall be limited to hiking, walking, horse-riding, nature study (including bird watching) and the study of other flora and fauna, picnicking and such other passive recreational uses as shall be approved by the Homeowners' Association and North American Land Trust.

### 5. Management of Wetlands, Uplands and Meadows.

Wetlands, uplands and meadow areas shall remain in a natural or turf condition following development. Existing tilled or otherwise disturbed or cultivated areas shall be re-seeded for conversion to meadow. Pasture grasses and/or wildflower seeds may be sown or other desired pasture plantings introduced. The Homeowners' Association shall maintain these areas following development, including a duty to supervise, manage, operate, examine, inspect, care for, remove litter and debris and, when required, to restore the wetland, upland and/or meadow area. Meadow areas shall be mowed at least twice each year, once on or before June 15 and once on or after August 15. Wetland areas shall not be mowed. Existing hedgerows may be preserved, and hedgerows of no less than 30 feet in width may be established where Open Space Areas are located adjacent to the side lot line of a new home lot. Volunteer trees of desirable native species and new hedgerows may be tagged so they may be avoided during mowing of meadow areas. Such trees and trees in newly established or existing hedgerows shall, however, not be sufficiently close to any other trees to form a continuous canopy at maturity.

### 6. Limiting the Risk of Forest Fire.

Nothing in this Plan shall be construed as limiting the rights of the Homeowners' Association and/or North American Land Trust from undertaking management activity with the Open Space Areas which is necessary to limit the risk of forest fire. Such activity may include, but not be limited to, selective tree cutting, pruning and removal, or other activity which is generally consistent with recognized forest management and wildfire risk management measures.

*D. Inspection of Open Space Areas.*

A qualified representative of the North American Land Trust and/or landscape architect, biologist or other qualified person employed by the Homeowners' Association shall inventory the Open Space Areas on a bi-monthly basis during construction of roadways, stormwater controls and initial clearing of home-sites, and thereafter once every three (3) years for purposes of determining whether the Open Space Areas are being properly managed in accordance with this Plan. The person who performs the inspection shall provide to the Homeowners' Association and North American Land Trust, a report with recommendations for management of the Open Space Areas in accordance with this Plan, if any, following each inventory visit.

*D. Enforcement of this Plan.*

The protections to Open Space Areas intended to be provided under this Plan shall be enforceable by the Homeowners' Association in accordance with the Associations' By-Laws, and by the North American Land Trust in accordance with the terms of their conservation easement over the Open Space Areas. At a minimum, the North American Land Trust shall be entitled to specific performance of this Plan, and the Homeowners' Association shall be accountable for the restoration of Open Space Areas if and in the event that any such areas are improperly managed.