



PO BOX 248
MADISON, NEW HAMPSHIRE 03849
Phone: 603-367-4332x302 Fax: 603-367-4547

MINUTES
March 2, 2023

MEMBER ROLL CALL:

Marcia McKenna, Chair – Present

Marc Ohlson – Present

Ralph Lutjen – Present

Noreen Downs (Alternate) - Excused

Robert Stone - Present

Ted Slader (Alternate) – Excused

Emily Bass – Present

Mike Mosher - Present

OTHERS PRESENT:

Kasia Scotsas - Madison TV and Katharine Young, Land Use Boards Administrator and Jennifer Pribble, Executive Director of Upper Saco Valley Land Trust

MEETING POSTED: This meeting was posted at Madison Town Hall Upper & Lower, Madison & Silver Lake Post Offices on February 22, 2023.

CALL TO ORDER: McKenna called the meeting to order at 4:00 pm.

ELEVATION OF ALTERNATES: There was no elevation of alternates.

APPROVAL OF DRAFT MINUTES:

Motion by Bass, seconded by Stone to approve the December 1, 2022 minutes as written. The motion passed **unanimously**.

Motion by Bass, seconded by Stone to approve the January 12, 2023 minutes as written. The motion passed **unanimously**.

McKenna asked the committee if there were any changes, corrections or deletions that need to be made to the February 2, 2023 draft minutes. McKenna stated she needed to go over these minutes with

Young for clarification purposes. McKenna tabled the approval of the February 2, 2023 minutes to the April 6, 2023 meeting.

PUBLIC COMMENT: There was no public comment.

OLD BUSINESS:

McNair Easement Amendment Update: McKenna stated she has talked with Corron and Corron is still working on obtaining email addresses from her siblings so the Conservation Commission can send them a copy of the easement. McKenna stated that Corron questioned why the committee needed to amend the easement and McKenna explained to Corron that the easement needs to be updated to bring it up to today's regulations with more effective language as to logging, etc. Ohlson asked about Fadden and Whitaker? McKenna stated they do not want to engage in the process and want the new owners to engage in the process. Ohlson stated they should just leave it alone for now until there are new owners. McKenna stated that the town accepted the easement and she feels it is the town's responsibility to strengthen the easement. Lutjen stated that the easement is a complex document and no one will sign it without legal review and this is an added expense. Ohlson questioned why McKenna feels it is the town's responsibility to strengthen the easement and he further asked if they are prepared to spend money as Lutjen stated? Again, McKenna stated she feels the easement should be brought up to today's standards to strengthen the easement and understands there will be an expense.

Chain of Ponds Update: Jennifer Pribble, Executive Director from Upper Saco Valley Land Trust stated that Sally Manikian would be the one sharing the appraisal with the landowner and what the next steps are. Pribble believes the appraisal came in last week but she is not sure if it is public knowledge yet.

Mosher asked if there was a figure of what the appraisal is? Pribble was unsure if the appraisal can be made public as this point. Mosher stated that since the commission funded money for the appraisal, they should be able to see it. Pribble stated she would follow up to see if the appraisal can be released to the Conservation Commission and will let McKenna know as soon as possible.

McKenna asked who ultimately owns the property as her understanding in her conversations with Sally Manikian, is the goal of the Conservation Fund is to have the town in which the property was held was being held by the town. McKenna was unsure if whether the Conservation Fund buys the property and the commission pays what they can. McKenna stated there is grant writing and fundraising and McKenna does not believe it is the commission's responsibility to raise the money. Pribble stated she would need to check on this and get back to McKenna due to Abby King's transition and Pribble just coming on board.

McKenna asked if the Conservation Fund would be the easement holder? Pribble stated she could not answer the question and would need to get back to McKenna. Pribble stated that if the land trust owns it and town has the easement or vice versa this is the best way to go and the easement holder should not be the same entity. McKenna stated she believes the Conservation Fund has no interest in owning these properties and only funding them with the intent of turning the properties over to the town or land trusts. Pribble stated the Conservation Fund is just the intermediary.

Mosher asked if the town would own the property? Pribble stated she needed to check on that and would get back to him during the meeting. Mosher stated his concern is if the town assists in purchase

of the property and is in conservation and then the town has no say as another entity is the majority owner, Mosher, as a taxpayer, does not want to go this avenue and would want the town to have sole control of the property and purchase it themselves and have the control.

Lutjen in order for the town to purchase the property, they would have to go before annual town meeting and this would be a sizeable impact on taxes.

Lutjen asked Pribble for an outline of what the plan is going forward. Pribble stated now they received the appraisal, Sally Manikian is reviewing the appraisal with the land owner to see if they are interested in selling and negotiating at the appraised price and once they know what the land owner is willing to do, Sally Manikian will let Upper Saco Valley Land Trust know. Pribble stated the end goal is to have this property in conservation where there can be public access and it is protected permanently through ownership of the conservation easement.

Lutjen asked Pribble when they would be able to see the appraisal? Pribble stated she would email it to McKenna on Monday.

Mosher stated the commission has discussed their portion that has to go to town meeting for the town to vote and approve the Conservation Commission to spend any monies. McKenna stated the Capital Reserve Fund goes to town meeting but the Land Use Change Tax requires a public hearing but town meeting does not approve that money being spent but the Selectmen have to approve where the money is being spent and the commission would need a right of first refusal if the property is sold. Mosher asked what happens if the Selectmen or the funds don't get approved, are we dead in the water? Pribble stated they are not at that part of the discussion yet. McKenna stated the Select Board should do the will of the people and if the town wants to do this the Select Board would agree to it. Pribble will send more information on ownership, easement and appraisal to McKenna next week.

Part-time Administrator Position Update: McKenna stated she was not present at the meeting when Shackford presented to the commission that the Selectmen believed the commission should to go ahead and hire someone themselves. Lutjen stated they were informed there was a need for a part-time employee and Noreen wrote up the position description and circulated it and Selectmen approved it and there was one respondent looking for more than eight hours a month and that was the end of it. Lutjen stated if it is only eight hours then it really is not a job or decent amount of money and not meaningful. McKenna stated when Colleen was here, she worked for all three boards. Lutjen stated that was a real position and this part-time position is not and that is the issue. Bass asked what the other two boards are doing? McKenna stated there was a reorganization within the town office in where they hired Cyr and she took over Colleen's position. Ohlson stated that previously there were two people upstairs plus the land use person and then they were reduced to one person upstairs and then added Young' position as both Land Use Boards and upstairs person. Mosher stated that Cyr was doing and then got sick and Young filled that position. McKenna stated she could make a pitch at town meeting to see if anyone was interested in the part-time position.

McKenna stated she went to the meeting on February 14th wherein the Budget Committee and the Selectmen voted on the Warrant Articles and whether to support them or not and there was quite a lot of discussion as to why the commission's budget had gone up 87% and one of those pieces was adding back in the administrative assistant's position and also at that time, they adding in the \$1,200.00 for the property monitoring to be done by Nolin. McKenna further stated in previous meetings, the commission decided to take the \$1,200.00 out of the \$10,000.00 they were asking for to be available to

the commission and she can stand up and say take \$1,200.00 out of the budget, assuming they have access to the \$10,000.00 and if no access to the \$10,000.00, then need to open up the budget for reconsideration as they need to add something into the budget so they have operating capital. McKenna believes they will have access to the \$10,000.00. McKenna stated she explained to the Selectmen that by giving them access to the \$10,000.00 from the Forest Management Account that is not taxpayer driven money that is money from managing the forest and timber harvest. McKenna further stated that if this money is moved into the operating budget then that is taxpayer money that is going to fund it.

Lutjen stated he thought the Warrant Article covers them for the \$1,200.00 plus other matters and the \$10,000.00 does not mean we are going to spend it, it means it is available to the commission for activities of the commission which includes the appraisal. McKenna stated that money would come out of the Land Use Change Tax and that is what the commission voted on. Lutjen stated there may be activities with the Chain of Ponds that they would have to pay for legal fees or experts. McKenna stated in talking with the town attorney about the McNair Easement, the attorney stated his monthly retainer would not cover the work it would take to get the easement through. McKenna stated they usually spend \$5,000.00 a year but was asking for \$10,000.00 in case the easement went forward and they had to pay for legal fees.

McKenna stated they have the money to pay Young and she has been doing the job and she should get paid for it. Ohlson stated that the question would be to the Selectmen what Young's workload is. Young stated she believes she works about 50/50 between her position as Administrative Assistant and Land Use Boards Administrator.

Pribble had an update to some of the commission's previous questions. Pribble stated in the summary King had left for Pribble before her departure from Upper Saco Valley Land Trust, the structure that has been in play that King suggested, would be that Upper Saco Valley Land Trust ownership and the Town of Madison would hold and pay for some or all of the value of the conservation easement and the Upper Saco Valley Land Trust would be responsible for doing the grant funding raising through several state and federal agencies to raise funds for the project. Pribble further stated that the Town of Madison would be the easement holder and the Upper Saco Valley Land Trust would have to comply with the terms of the easement and the Town of Madison as the easement holder, hold Upper Saco Valley Land Trust responsible for managing the property in accordance with the conservation easement.

NEW BUSINESS:

Updating town reports: McKenna stated she and Shackford had a discussion about the town reports and McKenna currently has the reports from David Riss from 2005 which are also on file upstairs and at the library. Shackford told McKenna the abutters are not correct and need to be updated. McKenna suggested that some of the commission members get together before the monthly meeting between 3:00-4:00 pm and start looking at them.

Difference between Town Forest and Town Property: McKenna referred to the article "Seeing the Forest Through Trees" which Young emailed previously to the commission members. McKenna stated there are different requirements for management and monitoring based on whether a property is a town forest or not and she further stated that from the article, in order for a town forest to be a town forest, it needs to be voted on at town meeting and she does not believe these properties have ever been voted on. McKenna stated they should try to figure out the status of the properties. McKenna referred the

commission to the map she had which shows Davis Pond, Blackenstein property, Nickerson Lot, Currier Lot and Lyman Lot. McKenna was contacted by Green Mountain to see if the conservation owned a 12 acre piece, being Tax Map 116, Lot 23. After a discussion with Shackford, McKenna found out that the town owns it by tax taking and McKenna wants to pursue this piece as she does not understand why the conservation was not contacted. McKenna stated the commission should look at town properties to see if any of them may abut existing pieces of conservation land.

McKenna asked who would be willing to participate in this project.

Lutjen stated that someone would need to update the maps without a lot of effort. McKenna stated she would like the reports digitalized on the Website and keep them updated as to maps, deeds etc. McKenna stated there are 18 files. Young suggested they can be scanned and saved to the Website.

Lutjen agreed to meet with McKenna about the reports and suggested the upgrading of the maps and would need help from Young.

McKenna stated she talked with the Municipal Association to see how to get a property from a town property to a conservation property and there is an RSA 80:80IV. There would have to be a Warrant Article and presented to the town but it is too late this year. McKenna wants to research to see if there are other properties.

McKenna further stated that after the Chain of Ponds, there are no more larger pieces they can acquire and the smaller landlocked pieces that abut town property may be a way to use some of the Land Use Change Tax money to expand their holdings.

Marc Ohlson – mowing of the “Wold Field”: Ohlson stated he did mow the field the year before last. McKenna asked Ohlson if he was interested in mowing it again this year. Ohlson stated he could do it and McKenna stated it could be done in the fall.

Old Home Week Program: McKenna stated Slader booked the program for Old Home Week for next year.

Young added the Property Review Commitments and Sign-up back on the Agenda per McKenna’s request.

McKenna stated once they get the reports updated, they will look into possibly digitalizing them.

McKenna brought up Sununu’s bill about not having certifications and licensing for foresters and wetlands. Ohlson stated you need a level of responsibility for wetlands people and a wetland scientist should be licensed to sign subdivision plans.

SELECTMEN’S REPORT: Selectman Representative was not present.

PLANNING BOARD REPORT: Ohlson stated there is a preliminary lot line and 2 lot subdivision coming before the Planning Board. Ohlson also stated that he signed up for a one-year term on the ballot for the Planning Board and Paul Marks is signed up for a three-year term.

ADMINISTRATIVE CORRESPONDENCE:

Budget Drawdown: Nothing to report as this time as there has been no activity.

Account Updates: McKenna was provided with January Statements and recited the balances to the commission. McKenna asked the commission to think about how much money will go to the Chain of Ponds.

Upper Saco Valley Land Trust Statement for \$2,000.00 Re: Appraisal services of J. Chet Rogers, MAI:

Motion by Bass, seconded by Ohlson to pay \$2,000.00 for the appraisal services to the Upper Saco Valley Land Trust to be paid out of the Land Use Change Tax account. The motion passed **5-1**. Mosher was opposed as he does not see paying for property we do not know if the conservation commission will ever own.

Town Meeting: McKenna anticipates questions about the budget and dissolving one fund and the \$5,000.00. McKenna stated some members of the Budget Committee felt that conservation land should always be gifted to the conservation fund and the commission should never have to buy it.

ADJOURNMENT: MOTION: By McKenna, seconded by Bass to adjourn the meeting. The meeting was adjourned with all in favor at 5:21pm

Submitted by:

Katharine Young
Land Use Boards Administrator