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MINUTES
April 6, 2023

MEMBER ROLL CALL:

Ralph Lutjen, Acting Chair	Ted Slader (Alternate) – Present
Marc Ohlson – Present	Emily Bass – Excused
Michael Brooks - Present	
Josh Shackford - Present	
Mike Mosher - Present	
Noreen Downs (Alternate) - Excused	

OTHERS PRESENT:

Kasia Scontsas - Madison TV, Katharine Young, Land Use Boards Administrator, Mike Mauro, Selectmen's Representative, Marcia McKenna, Michael and Donna Veilleux,

MEETING POSTED: This meeting was posted at Madison Town Hall Upper & Lower, Madison & Silver Lake Post Offices on March 30, 2023.

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

ELEVATION OF ALTERNATES: **Motion** by Lutjen, seconded by Shackford to elevate Ted Slader as a full member. The motion passed **unanimously**.

APPROVAL OF DRAFT MINUTES:

Motion by Lutjen, seconded by Shackford to approve the February 2, 2023 minutes as written. The motion passed **unanimously**.

Motion by Lutjen, seconded by Shackford to approve the March 2, 2023 minutes as written. The motion passed **unanimously**.

OLD BUSINESS:

Tim Nolin – Forest Budget Proposal:

Tim Nolin went over the Forest Budget Proposal as follows and stated this year, there is no boundary line maintenance as it is all done and painted red and in good shape. Nolin went over the proposed budget by each line item. Nolin stated that there was the addition of mowing for the Wold Lot and it was decided last fall to stop relying on volunteer labor and he included this in the budget. Nolin further stated that as to monitoring, this was at the discretion of the Conservation Commission to let Nolin know what the Commission wants done. Lutjen stated they would prepare a list at the May 4th meeting and get it to Nolin. Nolin stated there was no rush as this was done last summer and fall and he would not be doing it until the following fall.

Mosher asked Nolin if there were any properties that Nolin could suggest doing management cuts on? Nolin stated this is not part of the budget but if the Commission is ready to discuss it now, he is. Nolin brought up the two properties he wanted to talk about and with the commission's approval and after the snow goes, he would like to talk to the commission about doing something this summer at Blair's location and the B&M Lots, which are the lots south of the transfer station. Nolin stated the reasoning for doing these two lots is there is an incredible white pine seedling coming in September and right now there is a very high pine market and this is the best time to do management from a seed drop. Nolin also stated that it would be a good opportunity to take advantage of hardwood pulp. Nolin stated that Blair's location would be improvement thinning and hardwood.

Nolin also brought up the properties that have pitch pine which is the Goodwin-Burke and B&M Lots and that there is a southern pine beetle making a presence in NH as TNC found one of these insects in their trap. Nolin suggests following the same guidelines that TNC are following to mitigate any potential risks of the southern pine beetle coming into our forests here.

Nolin asked the commission if he has their permission to start investigating the possibility of doing a harvest this year on Blair's Location and the B&M Lots and Nolin will come back to the Commission with a proposal. Mosher and Lutjen stated they were in agreement.

Brooks asked Nolin what TNC's treatment plan would entail for the southern pine beetle? Nolin stated he does not believe insecticide would be sprayed on a landscape basis. Nolin believes TNC is going to try to make their forests unattractive and resilient to this insect. He further stated that since this is a southern insect, they do not know what effect winter will have on it. Nolin's suggestion is to follow TNC's lead as far as a treatment plan and Nolin is still learning everything from TNC.

Mosher stated he would be interested in walking Blair's Lot and B&M Lots with Nolin. Nolin asked Young to provide Mosher with his email.

Motion by Lutjen, seconded by Shackford to approve the 2023 Forest Budget Proposal in the amount of \$3,750.00. The motion passed **unanimously**.

Lutjen welcomed Brooks and Shackford to the Conservation Commission.

Lutjen stated the next Agenda item is Public Comment. Mosher stated they should do Election of Officers as people are waiting to speak at Public Comment. McKenna stated she was going to speak

about the Election of Officers in Public Comment. Lutjen stated they should deal with the officers since he brought it up and that this is out of cycle from the Agenda. He further stated that Selectmen have appointed both individuals as officers and he directed the meeting back to Public Comment.

PUBLIC COMMENT: McKenna asked since there is no determination as to the number of members allowed on the commission that being seven members plus the Selectmen's Rep., she did some research and she stated as follows:

2003-2009 except for 2004, there were seven members and one Selectmen's Representative.

2010 there were seven members and one Selectmen's Representative.

2012 there were six members and two vacancies, one being a full-time member.

McKenna asked that until the Selectmen felt they would have the determination by the next Selectmen's meeting, she is requesting the Commission to delay the appointment of officers until the determination of number of members is decided. She believes she would be the seventh member on the Commission if seven members are approved because she was the only other application as Robert Stone withdrew his application. Lutjen stated this would be a question to the Selectmen as to their interpretation of the seven and what it comprises of.

Mauro, Selectmen Board's Rep. asked if a Select Board member can be a Commission Member? Mauro further asked if a Selectmen's Rep. can be a Commission Member to make the seven slots? Lutjen stated he did not have a position on this but in the past, there have been seven members, not including the Selectmen's Rep. Lutjen asked that a request be made of the Selectmen as to a determination as to whether or not the seven includes the Selectmen or excludes it.

McKenna further stated that for several years Sue Stacey was a Selectmen's Rep. and that Brooks and Shackford could also be Selectmen's Reps. should the Selectmen not want to attend. McKenna stated she wanted confirmation that if a vacancy arises, she would be appointed to the Commission. Mauro stated for clarification that Brooks nor Shackford could sit in on a meeting as neither one of them are Selectmen. McKenna stated neither was Sue Stacy or Gloria Aspinall. Mauro stated he did not know how that happened in the past but it will not happen now.

McKenna asked again if a vacancy arises, will she be appointed? Mauro stated he did not know and that they first have to determine on what the numbers will be.

Mosher asked if we need a Chairman to run the meeting? Mauro stated the Commission does need to appoint officers. McKenna stated that Lutjen is the Co-Chair. Lutjen stated they could make that decision today if the Commission wanted as to who should be Chairman and he stated he is fine moving onto being just a regular member if the Commission so chooses. McKenna stated this why she is asking this be delayed for one more meeting. Slader asked if they needed a motion or just have Lutjen continue until they get the Selectmen's opinion and then they will have an election? McKenna stated the commission may want to make a motion to make it more legal.

Motion by Slader that Lutjen continue in the capacity as Vice Chair for chairing the meeting until further determination is made about the seventh member.

Discussion: There was no second to the motion on the floor. Ohlson asked if the motion was for Ralph to Co-Chair? McKenna asked Ohlson if they needed a motion? Mauro stated that McKenna Is

the one who asked for a motion. **There was no second to the motion which was not voted on and did not pass.**

Lutjen stated that at the next Commission meeting they will have an election.

Motion by Shackford that the Commission have an election of officers like they are supposed to do as to the Agenda.

Discussion: Brooks stated he was confused as to where they are on the Agenda as they keep jumping around. He further stated that under Public Comment, they should not be making any motions and take the Public Comment, move to the Agenda and when you get to the items on the Agenda, then make the necessary motions. **The motion was not voted on and did not pass.**

Lutjen asked for any further public comments. Bergeron stated he came to the Commission about a year ago and asked the Town of Madison if they were interested in protecting the Chain of Ponds property and the Commission told him they were. Bergeron then stated he initiated conversations with the owner, Chris Crowe and Bergeron thought the process was moving along but with the recent changes taking place with the Commission, are they still wanting to continue with the process? Bergeron stated he still has a good relationship with Crowe and is there anything Bergeron can assist with? Bergeron stated he was aware that Mauro stated at the Selectmen's meeting, he has a lot of questions and Bergeron offered to assist with any of those questions. Mauro stated the main question is since we do not know who is going to contribute and we do not know what their rules will be as each contributing agency has their own sets of rules on property they invest in and without knowing this, how do you purchase a property when you cannot tell the people what the use is going to be? Bergeron stated the USVLT is involved as well as the Conservation Fund. Bergeron recommended having a representative from these two groups come to a meeting here so they may be able to answer any questions. Mauro stated at the Selectmen's meeting, Fish and Game's name was also thrown in. McKenna explained that the Conservation Fund is a self-funded federal organization who are negotiating with Crowe to buy the land. The Commission puts no money in at that point. Then Conservation Fund and USVLT will start to work on a campaign of grant writing and funding to reimburse the Conservation Fund with the ultimate goal being, the town owns the property. McKenna believes there should be clarification on this and that there is nothing that can be determined now until the Conservation Fund buys the property. If this does not happen then nothing happens.

Mauro asked if the Conservation Fund ends up owning any properties? McKenna stated no.

Mauro asked as an example, if the Conservation Fund buys the land and the funding was not able to be obtained to pay them back, then what happens? McKenna stated the Conservation Fund would end up owning the property and their goal is always to return the land to the town. McKenna stated that when USVLT came to talk to the commission at the March meeting, there was discussion that USVLT might be the owners of the property and the Town of Madison would have an easement which would be the money the Conservation Commission would contribute to buy the easement which would then give the town the control of the property and the town would oversee the USVLT. McKenna further stated that if Fish and Game contributed money, they would have regulations and uses that would need to be followed. McKenna further stated she does not believe the town has many use restrictions on their properties except some land owners that have donated property had restrictions.

Mike Veilleux of 1227 Lead Mine Road stated he believes that four people applied for two, maybe three positions on the Commission and one withdrew and based on McKenna's 22 years of experience, if a position is in fact available, the Selectmen should consider having McKenna on the Commission for her expertise and 22 years of involvement. Lutjen stated that was a good comment.

Bruce Borofsky of Village Road asked if there were monies set aside over the years to purchase the Chain of Ponds and is this the intent? Borofsky was asking for a history on the Chain of Ponds and that the town seems to have a lot of questions. Lutjen explained that this property was viewed over the years as a strategic asset to the water drainage and keeping Silver Lake as its high-quality level. Lutjen further stated that the Conservation Commission has funds to purchase property and in order to access this money, this would have to go through the voters. Lutjen stated the Commission has not made any determinations and they are only at the exploratory level. Borofsky asked if there are currently any restrictions on this property now? Bergeron stated to his knowledge there is no part of the property that is posted against any type of access except for some boulders at the railroad tracks.

Bob Grazer of 1462 Village Road asked if this property is of importance to the Ossipee aquifer? Lutjen stated yes, it has substantial value.

Lutjen asked if there was any other public comment? Lutjen stated there was discussion about the Selectmen's consideration about the seven members and what it constitutes and whether or not there is a potential vacancy. Mauro stated he would have an answer at the next meeting.

Lutjen closed the Public Comment.

Property Review Commitments and Sign-up:

Lutjen stated the Commission and Nolin covered the waterfront last year. Lutjen further stated that Nolin will have to determine what fits in the budget and timing and review the requirements based on the easements. There are several properties that do not have annual requirements.

McNair Easement Amendment Update:

Lutjen stated there has been no activity with the abutters. Lutjen recommends the letter that was previously sent to the siblings be modified to maybe one or two pages and attach to it, the NH regulations and its recommendations for conservation practices and make this very simple. Lutjen volunteered to draft it.

Shackford stated he has talked to Fadden and Fadden wants no part of the easement and that the new owners can deal with it. Shackford further stated he talked with other abutting land owners that are part of other parts of the McNair Easement and he asked them if they want the Commission to change it and are the abutters willing to do that. The abutters told him no and they thought it was good the way it was. Shackford stated the Commission can speak with the abutters if they want clarification.

Lutjen stated the Commission should hold off until there are new owners.

Chain of Ponds Update - Appraisal: Lutjen stated the appraisal came in at \$775,000.00 and this is part of the negotiation with the owner. Lutjen asked McKenna to speak on this. McKenna stated this is at a standstill until the Commission hears from the Conservation Fund if Crowe is going to accept the

offer or not because she believes they can only offer 10% above the appraisal price. McKenna also believes that Crowe is trying to get an appraisal on the four lots that are being held out to see what those appraisals will be so he is close to \$1,200,000.00 asking price. McKenna further stated that Crowe knew the limitations of Conversation Fund's ability based on the appraisal and Crowe signed a non-binding agreement to sell the property to the Conservation Fund.

Mauro asked Brooks if the property is on the tax roll and what happens if this becomes conservation property? Brooks stated all town properties are exempt. Brooks further stated there is no improvements so the entirety would be in current use and the tax value would be reduced but he would need to review this first and stated it is not taxed at its full value. McKenna stated she thought it was a low figure.

Mosher stated the appraisal is actually for \$750,000.00.

Lutjen brought up Bergeron's idea of having a meeting as at this point, they do not know if the offer has been accepted and no knowledge of any negotiation taking place at this point. Brooks suggested having a meeting with every party on the buyer's side, the Conservation Fund, USVLT and the Conservation Commission as to ownership, etc.

Donna Veilleux asked what is the town's assessment? Bergeron stated that if the appraisal came back at \$750,000.00 and if the Conservation Fund can pay up to 10% more, that would bring it to \$825,000.00 and Bergeron's estimated with the four lots on Forest Pines Road would give Crowe \$240,000.00 which equals \$1,065,000.00 so \$135,000.00 short of the \$1,200,000.00 that Crowe is looking for so maybe that could come from the Town of Madison. Lutjen stated there are ten acres excluded from the purchase which comprised of the four lots. Shackford asked if the four lots are including in the \$1,200,000.00 Crowe is looking for? Bergeron stated that was his understanding. Brooks stated he is looking on the assessment records and there are three separate parcels, one which is 24 acres in the vicinity of Madison Shore Boulevard on the north end, 76.5 acres landlocked and no location and 163 acres landlocked so assuming the 24 acres is the northern end and the other two lots are down below and to determine value he will have to look at all three properties. Mosher stated the parcel value is approximately \$68,000.00.

Slader asked Bergeron who would take the lead getting a meeting started? Bergeron stated he could get UVSLT on board.

McKenna stated that years ago, Crowe was proposing developing a golf course and resort for this area and she stated a golf course on the main tributary of Silver Lake would have been devastating to the water quality. Bergeron stated some of the land is buildable and that Crowe purchased the northerly property for access and there are a few areas to build. He further stated that Crowe looked into the golf course about 20 years ago. Shackford asked if this was zoned residential? Bergeron stated it is residential but there may be something in the Madison Zoning that allowed this by way of Special Exception. Shackford and Ohlson stated they did not believe so. Ohlson stated the question to ask Crowe is the money number.

Bergeron will contact USVLT to see if someone can come to the Madison Conservation Commission meeting either May 4th or June 1st. Bergeron stated he would copy Young on his email.

Difference between Town Forest and Town Property: Lutjen stated they would need to make a research project out of this. McKenna had Young forward an article to all Commission Members “Seeing the Forest for the trees” and this talks about the difference between town forest and town properties and how they should be monitored and the restrictions and her hope was that the Commission would look at each property and make the determinations. Mosher suggested tabling this to the May 4th meeting so new members can review the article.

Old Home Week Program Animal Presentation: Slader stated the wildlife presentation is on the books for Sunday, August 6th at the Madison Elementary School and he is asking the Commission for \$435.00 for the junior zoo keeper to bring and present seven animals.

Motion by Shackford, seconded by Lutjen to authorize payment of \$435.00 for the junior zoo keeper to do the animal presentation on August 6, 2023 at the Madison Elementary School. The motion passed **unanimously**.

Slader stated he will make a phone call and get it in writing.

Brooks stated he is on the Old Home Week Committee and that the Conservation Commission hosts a hike during Old Home Week and wanted to know if this is happening and when and where. Ohlson stated he had no answer right now but he will plan a hike and get the information to Brooks before June 1st.

Donna Veilleux suggested Bald Ledge would be a great hike.

McKenna stated that Slader will need volunteers to help setting up and breaking down the animal presentation on August 6th.

Conservation Scholarship: Lutjen referred the Commission to an email and pamphlets included in their packets that Downs emailed to Young. Lutjen stated this a request for scholarships for children to attend summer camp offered by Tin Mountain, Bearcamp or Squam Lake. Lutjen stated the program is \$200.00 per week and he feels this would be limited to a Madison resident K-12 and he asked the Commission to consider a contribution of two scholarships for a total of \$400.00. Ohlson asked who would administer this? McKenna stated she believes you can donate money to whichever organization you want and they have a review process to give out the money and basically you are supporting a student.

Lutjen asked Young to contact Ned Beecher at the Tamworth Conservation Commission for more information.

SELECTMEN’S REPORT: Mike Mauro, Selectman Representative had nothing new to report today but he will at the May 4th meeting with the commission’s composition.

PLANNING BOARD REPORT: Ohlson stated they have a good board and believes they are going to revisit 1.3b and Short Term Rentals again this year.

ADMINISTRATIVE CORRESPONDENCE:

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

Account Updates: Lutjen went over the account updates from the February bank statement. Lutjen further stated that the town has received Payment #1 in the \$15,769.41, of which \$14,192.48 will go into the Forest Management Account and \$1,576.94 is paid for the Timber Tax and stated this is for the forest timber harvesting behind the town hall.

Appraisal Update: Discussed under Chain of Ponds Update.

ADJOURNMENT: MOTION: By Lutjen, seconded by Shackford to adjourn the meeting. The meeting was adjourned with all in favor at 5:20 pm.

Submitted by:

Katharine Young
Land Use Boards Administrator