



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

**MINUTES**  
**December 7, 2023**

**MEMBER ROLL CALL:**

Ralph Lutjen, Chairman, Present	Ted Slader (Alternate) – Excused
Josh Shackford, Excused	Noreen Downs (Alternate) - Excused
Michael Brooks, Present	Emily Bass - Excused
Mike Mauro, Selectmen’s Rep. – Present	
Mike Mosher - Present	
Marc Ohlson – Excused	

**OTHERS PRESENT:** Amanda Hayford - Madison TV, Katharine Young, Land Use Boards Administrator, Mike Morin, USVLT and Marcia McKenna

**MEETING POSTED:** This meeting was posted at Madison Town Hall Upper & Lower, Madison & Silver Lake Post Offices on November 29, 2023.

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

**ELEVATION OF ALTERNATES:** There were no alternates present to elevate

**PUBLIC COMMENT:** Lutjen stated there was no public comment and closed public comment.

**Tim Nolin – Forest Land Improvement:** Nolin was not present so nothing to report.

**Chain of Ponds Update – Mike Morin, USVLT:** Morin stated he had provided everyone with a summary of the project including the draft budget with best estimates for hard costs as well as the conservation value appraisal. Morin further stated this should help move the process forward towards the next phase which he thought, would be a special town meeting relating to the funding from the town. Mauro stated it is just a Public Hearing. Morin stated that in the Letter of Intent it stated USVLT was going to do the appraisal to show their asking of the town for the cost of the Conservation Easement and the conservation value came in at \$455,000.00 which is well below the \$200,000.00

USVLT is asking and he asked the Commission what the next steps are in the process. Lutjen stated the Commission's concern with the \$213,000.00 is effectively what is in the account which they can withdraw the money but anything else would require town meeting and given the issue with taxes, he does not think there is much receptivity to additional funding so he believes that the Commission's position is that they can only fund the \$213,000.00. Lutjen asked Morin for an indication from the purchasers that this is sufficient and Lutjen believes there is a verbal understanding from Morin and he would like it evidenced in some document evidencing that this is approved. Morin stated it is in the Letter of Intent about the \$200,000.00. Morin did not understand. Lutjen stated that he wants people to understand it so the Commission can act on it. Lutjen further stated it is in the Letter of Intent but wants to make sure it is agreed to by all parties. Morin stated he could draft up a Purchase and Sales Agreement if this would be helpful. Lutjen stated that just a letter of agreement that the Commission's funding is \$213,000.00 would work. Morin stated he could definitely do that. Lutjen stated that way, they will have a clear understanding and move forward. Lutjen stated the interesting thing with the \$455,000.00 is that it is a very significant portion of the value and more than half of the value goes away with the Conservation Easement. Lutjen stated he was amazed of the escalation from \$750,000.00 to \$1,260,000.00 and the major item is the survey being so high. Morin stated they are waiting on HEB for a formal proposal that will fully explain the rationale on their pricing and he is hoping the pricing will come down some because of volunteer work being done to locate monuments and established boundaries which will hopefully simplify their process in surveying that boundary. Lutjen asked what is long term stewardship endowment. Morin stated as an accredited land trust when USVLT acquires land, they put the funding in escrow or an interest-bearing account that will fund maintenance of the property in perpetuity and they are obligated to have funds in hand to cover costs managing the boundaries or any timber trespassing or anything that might arise of owning the land years from now. Morin further stated these monies help with the yearly work and anything that may require litigation.

Mauro stated the he understands the Conservation Easement is \$455,000.00 and the Town's contribution is \$213,000.00 which leaves \$242,000.00 unaccounted for and will the Conservation Commission only own half an easement . Morin stated no, this is considered a bargain sale and USVLT recognizes when the town does not have more to contribute and as discussed earlier on, in an effort to show value for the contribution for the town, USVLT is willing to sell a Conservation Easement and the appraisal was done to show the value of Conservation Easement and at a minimum of what the Conservation Commission will be contributing as a town and the remaining value is what USVLT is accepting that they are not receiving the full market value of the easement from the Conservation Commission.

Lutjen questioned what the easement entails and stated that the commission may have different opinions. He further stated that there are some items mentioned in the report that he is not sure if the Conservation Commission is in total agreement whether or not that should take place, for example, extraction of mining. Morin stated he believed the easement would extinguish this right. Lutjen stated the Conservation Commission would have an issue with respect to coming to an understanding on what is involved in the easement but most of what is contained in the easement is fine. Lutjen brought up agriculture and not sure if the Conservation Commission is okay with farming on this property. Morin stated that he should share the full easement template that USVLT worked off of with the commission. Moring explained how it works in that an easement gets drafted by an individual who actually holds the easement and then there are negotiations back and forth between the landowner. Lutjen stated it would be greatly appreciated to have the template. Morin stated the important part of the easement is to protect the land in perpetuity and not create allowances for uses that would be

detrimental to conservation value of the property and sometimes there is boiler plate language as to agriculture uses. Morin stated he would get the template to Young.

Lutjen stated as far as a public hearing, he does not believe it is the right time. Mauro stated it is too early. Lutjen stated that understanding the easement is a very significant step for the Conservation Commission, as well as the fundings and when the transaction is consummated. Lutjen went over the project overview funding and stated so far, USVLT has received \$510,000.00 from grant funders. Morin stated the hard number for closing is just over a million and the remainder is what they need to fundraise for but this will not hold up the closing if they do not have it in hand by November, 2024.

Lutjen asked about the income section as shown on the Madison Chain of Ponds Conservation Project breakdown and that the LCHIP figure in the amount of \$250,000.00 has a check mark that it has been received. Morin stated that technically, it has not been received. Morin stated it has been granted and they do not have the money in hand but they have confirmed USVLT's award and this gets released as they approach closing and the same goes for the Anonymous grant maker. Lutjen asked if there are any other commitments from other grant makers. Morin stated not yet as the application process has not opened up for the USFS Community Forest Program and this application will be due in mid-January and the smaller grant makers will be later next year. Morin stated that USVLT is going to Concord on Monday next week to be part of the official LCHIP grant and there will be a press release with that event and a grant award. Morin stated USVLT is working to get a menu set up on their webpage so that when press releases start going out, people can be directed where to donate if they want. Morin further stated that within the year, USVLT is going to be sending out mailings for local events, private events etc., in the hopes to raise around \$100,000.00 at the community level to help fund the project.

**Property Review Commitments and Sign-up:** Lutjen stated he needs to reformat the property description on the Gage property. Lutjen did state he found one issue that Nolin reported in that the tax record does not match the acreage that is covered but Nolin suggests why bother because it is not taxed and does not make any sense. Lutjen further stated that there is no access to the property and that is not in the description.

**Master Plan:** Lutjen stated he is working on this and it is tabled to January, 2024.

**Digitalizing Property Town Reports:** Lutjen stated this will be addressed once all comments are received for the properties that Nolin has reviewed.

**NEW BUSINESS:** Young asked the Commission if the Commission wants the Selectmen to add the Articles on the Warrant.

**Warrant Articles for 2024 Town Meeting:** Lutjen read the two Warrant Articles aloud as follows:

1. **Article X.** To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000.00) for the purpose of forest maintenance, the entire amount to come from the previously established Forest Maintenance account, and no amount to be raised by taxation. Any amount not expended during the year will be returned to the Forest Maintenance Account.

2. **Article X. To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000.00) to be added to the previously established Capital Reserve Fund for land acquisition and conservation purposes.**

McKenna stated that the language for the \$5,000.00 Warrant Article should maybe be changed to “land acquisition or easement acquisition”. Mauro asked if prior to the Chain of Ponds, has the town ever purchased an easement. Lutjen stated that in the existing Master Plan, the Madison Conservation Commission can purchase easements.

**Motion** by Lutjen to include the language in the Warrant Article. This motion was not seconded, voted on or passed.

Brooks stated it is more than that because the funds have already been created and you would have to go back to town meeting and recharacterize the existing fund and would probably have to have two Warrant Articles, one to change the purpose and the second one to fund it with everything that is in the existing plus the \$5,000.00. Brooks further stated that to make a change like that, is going to require two Warrant Articles. Brooks stated he thought the words “conservation purposes” was very loose and suggested this get run by town counsel.

**Motion** by Lutjen, seconded by Mauro to have town counsel, Cordell Johnston, Esquire review the language for the \$5,000.00 Warrant Article. The motion passed **unanimously**.

Young stated she would get this to Attorney Johnston and report back to the Commission in January.

**Selectmen’s Report:** Mauro, Selectmen’s Rep., stated that the Board was presented with a very nice presentation and immediately thereafter, all three Selectboard members signed off on the Letter of Support for The Financial Strategy Feasibility Planning Process to FEMA/BRIC and then it is being circulated to the Madison Planning Board and Madison Conservation Commission.

McKenna asked Mauro if he remembered that he agreed to the Warrant Article for Davis Pond property. Mauro stated yes.

**Planning Board Report:** Nothing to report and Ohlson was not present.

**Motion** by Lutjen, seconded by Brooks to change the Madison Conservation Commission meeting time to 4:30 pm. The motion passed **unanimously**.

**Administrative Correspondence:** Young brought up the July, 2024 meeting falls on July 4<sup>th</sup> and that the Commission should pick another date for their meeting. The Commission decided to change the meeting dated of July 4, 2024 to July 11, 2024 at 4:30 pm at the lower level of the Madison Town Hall.

**APPROVAL OF MINUTES:** **Motion** by Lutgen, seconded by Brooks to approve the November 2, 2023 minutes as written. The motion passed **unanimously**.

**PUBLIC COMMENT:** McKenna brought up the Meena gas station and she is suggesting each Board have a member go to the January 3, 2024 meeting and that Madison never has anyone present at these meetings.

**Account Balances as of November 30, 2023**

Conservation Land Use Change Tax: **\$213,665.72 + \$1.76 Interest = \$213,667.48**

Forest Maintenance Account: **\$69,914.39 + .58 cents Interest = \$69,914.97**

Conservation Gift Account: **\$4,469.63 + .04 cents interest = \$4,469.67**

Capital Reserve Account: **Balance as of December 31, 2023 is \$59,691.53 + \$162.44 Interest = \$59,853.97.**

**ADJOURNMENT:**

**Motion** by Lutjen, seconded Mosher to adjourn the meeting. The meeting was adjourned with all in favor at 4:32 pm.

Submitted by:

Katharine Young  
Land Use Boards Administrator