



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

MINUTES
October 5, 2023

MEMBER ROLL CALL:

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

OTHERS PRESENT: Amanda Hayford - Madison TV, Katharine Young, Land Use Boards Administrator, Marcia, McKenna, Nancy Martin and Mike Veilleux

MEETING POSTED: This meeting was posted at Madison Town Hall Upper & Lower, Madison & Silver Lake Post Offices on September 28, 2023.

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

ELEVATION OF ALTERNATES: Lutjen asked for a motion to elevate Alternates.

Motion by Lutjen, seconded by Mauro to elevate Downs and Slader to voting members. The motion passed **unanimously**.

APPROVAL OF MINUTES: **Motion** by Lutjen, seconded by Mauro to approve the September 7, 2023 minutes as written. The motion passed **unanimously**.

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

Lutjen stated the Commission received a letter from Tim Nolin regarding the Mike Veilleux wanting to cut 22 trees (21 oak, 1 aspen) ranging in size from 6” to 14” in diameter. Lutjen read aloud from part of Nolin’s letter “From a forest management perspective, I see no reason not to allow the removal of

these dead/dying trees. The town should be compensated for the value and indemnified and held harmless from any results of the project.”

Lutjen addressed Mike Veilleux to speak. Veilleux stated they had past precedence on this in which the spongy caterpillar moths destroyed the trees. Veilleux stated in the past they have asked permission to remove the trees and clean up on their nickel and that the town was not interested in taking the wood. Veilleux stated he now is hearing something different and asked if this time is the town expecting him to take the trees down and the town will remove them? Veilleux stated if the town wants the wood, by all means it is on the Town’s property and the town can take the wood but before, the public works director said it would be difficult to get in and do a tree removal. Lutjen stated Nolin’s letter is not clear as to who is responsible for taking the trees down. Lutjen stated he believes from Nolin’s letter the intent would be for the town to be cutting as Nolin talks about the value of the wood in terms of the net result of 500 feet of Board Feet and 7.5 tons of pulp wood. Lutjen referred to Mauro and Mauro stated that from Nolin’s letter “the town should be compensated for the value of \$126.87” and without Nolin not present at the meeting, and not knowing what Nolin meant, Mauro believes the Veilleux’s would cut the trees and retain the use of the Board Feet and Veilleux would compensate the town \$126.87. Veilleux stated he was in agreement with this and he did not know the amount was \$126.87 and for safety purposes, he would be happy to do that work and asked if he would retain the wood? Mauro stated that is what the letter appears that Veilleux would retain the wood. Veilleux stated that Nolin has been out twice and marked the trees to be cut.

Motion by Bass, seconded by Slader to authorize Veilleux to remove the trees 21 oak and 1 aspen and at their expense, compensate the Town of Madison \$126.87.

Discussion: Mauro stated that he just realized this letter was addressed to the Select Board and the Conservation Commission but that the Select Board did not receive this letter from Nolin and the Select Board has not taken this up for consideration and he stated the Commission can vote but then it needs to go to the Select Board for consideration.

The motion passed **unanimously**.

Tim Nolin – Forest Land Improvement: Lutjen stated the Commission has received Nolin’s bill for the property monitoring for Barclay Lot, B&M Lots, Everett Parker Gage Lot, Cascades Lot, McNair Easement – Durgin Farm Lot, McNair Easement – Stacy Mt.-Bald Ledge Lot in the amount of \$1,200.00. Bass confirmed with Lutjen that the Commission Members who have already signed up would need to go into the property descriptions on line and fill the information in and Lutjen handed out to Bass and Downs the properties they signed up for. Lutjen further stated they have received from Nolin completed reports on Everett Parker Gage Lot, Cascades Lot, McNair Easement – Durgin Farm Lot, and McNair Easement – Stacy Mt. -Bald Ledge Lot. Lutjen asked for sign-ups for the following properties which are as follows:

Everett Parker Gage Lot – Lutjen
McNair Easement – Durgin Farm Lot – Mauro
McNair Easement – Stacy Mt.- Bald Ledge Lot – Ohlson

Previously signed up:
Barclay Lot – Downs

B&M Lots (Lyman, Nickerson & Currier) - Bass
Cascades Lot – Downs

Downs asked if Members can go the library and look at the Forest Management book? Lutjen stated yes as well as the Town Hall. Lutjen stated the purpose for this is to update properties for the Master Plan so there is an accurate indication of what they have. Bass asked for clarification of what is being asked of the Members and asked if they are going to the Town Hall and Lutjen stated yes to look at the property descriptions in the book and comparing it to Nolin's property monitoring reports he has provided

Lutjen asked for a motion to approve payment of the bill.

Motion by Lutjen, seconded by Bass to accept Tim Nolin's bill in the amount of \$1,200.00 for the property monitoring. The motion passed **unanimously**.

Chain of Ponds Update: Lutjen stated the Purchase and Sales Agreement for the Chain of Ponds has been executed. Young read aloud the email dated October 2, 2023 from Mike Morin, USVLT to the Commission Members. Young stated that Lutjen asked her to check with Morin on the anticipated cost of the easement to the MCC and how that figure was arrived at. Morin stated the Conservation Easement costs will be determined by an appraisal to be done in November of this year and at that time, the appraiser will determine how much the Conservation Easement will diminish the value of the property and the difference in the value before the easement and after the easement will determine the value of the Conservation Easement. Lutjen stated once this information is received, then the Commission will go to the Selectmen and then there will be a Public Hearing.

East Davis Pond Lot: Mauro stated they have requested a review by Cordell Johnston, Esquire, the town's attorney, about changing town property to conservation property and unfortunately, Attorney Johnston is extremely busy right now preparing for the upcoming trial of Tayzach Realty Trust v. Town of Madison. Mauro stated he did misspeak at the previous conservation meeting and the Select Board is waiting for Attorney Johnston's reply.

Property Review Commitments and Sign-up: Lutjen stated this was previously talked about under Tim Nolin.

Master Plan: Lutjen stated he has this in a Word document and will be working on this over the winter.

Digitalizing Property Town Reports: Lutjen stated the Commission will deal with the update of the properties and will get the properties current and in January, have someone digitalize them.

NEW BUSINESS

2024 Proposed Budget: Lutjen stated the only line item is the administration which is a little over half and he believes the budget should stay the same for 2024 as it was for 2023.

Ohlson asked why the Commission did not join the New Hampshire Association of Conservation Commission his year. Young stated she has not received anything yet. Lutjen stated the membership is \$300.00. Ohlson stated going forward, this can help with the Master Plan and also suggested maybe joining the North Country Council.

Downs stated there is no expense line item for digitizing the reports. Lutjen stated that would be under administration but that Downs comment was a good one.

Lutjen stated there are a couple of major items for the budget for the upcoming year which is legal expenses for the Chain of Ponds as well as digitizing property descriptions. Lutjen stated he is unsure as to how to arrive at a figure for the Chain of Ponds since the Commission has no paperwork. Bass stated as far as digitizing, the answer to whether property descriptions can be PDF or word, she stated sometimes documents can be scanned in as a Word document but it does not always work depending on the document and she stated that is what UPS told her. Lutjen stated they should put in a line item for digitizing the property record in the amount of \$500.00.

Motion by Downs, seconded by Lutjen to add \$500.00 to the 2024 budget for digitalizing properties. The motion passed **unanimously**.

Selectmen's Report: Mauro stated a plan needs to be put in place for the testing of the town well which is located behind the library which has tested positive PFAS and they believe it is from the use of a fire-retardant foam that does not exist any longer but who knows how long it has been in there and that it showed up two years ago and this year, when the well was tested it showed at a lower level but it is still there. The Select Board did sign on with an engineering firm that will come and do the first two initial steps and the fee is about \$2,800.00 and ultimately it will be quite a cost. Mauro further stated there are some funds available through the State of New Hampshire eventually and more than likely there will be a lawsuit and settlement with the company that manufactured the foam originally but that is going to take a long time. Mauro said the drilling is the bulk of the expense and the site focus and analysis will be put off until the spring/early summer. Mauro stated this is something the town has to do and if the town votes not to do it, then the state will do it for the town at a higher cost.

Mauro brought up the storm damage and that Brooks is sending documents to the Feds and that the second storm has been approved but the first storm in May, they are still waiting on FEMA to declare a disaster. Mauro stated Colby Hill Road has been repaired and that the town had to go to DRA as we are overspent on the budget by \$441,000.00 and just waiting on the state's reply.

Downs asked Mauro about the Davis Pond Lot and what is the process if Cordell Johnston, Esquire agrees it is okay changing town property to conversation property? Mauro stated they are waiting to hear from Cordell Johnston, Esquire as to whether it is just a Select Board issue, a hearing or town meeting.

Planning Board Report: Ohlson stated the Planning Board met last night with their new attorney. The Planning Board was presented with three Voluntary Mergers which the Planning Board granted two and denied one.

Administrative Correspondence: Lutjen stated the Commission received a thank you letter from Green Mountain Conservation Group for the payment of the 2023 Water Quality Programming which was paid on September 18, 2023 in the amount of \$1,650.00. McKenna stated this letter should go in the town report.

Young stated Brooks talked with someone at DES about Bass's concerns with the rocks being removed at Loon Island and that Brooks was told by Tyler Davidson, Compliance Officer at DES that the removal of rocks is not authorized without a permit.

Young stated she received a phone call from Janet Cox at the Madison Elementary School and she is looking for someone from the Conservation Commission to come to the school to talk to students about the conservation hiking trails in Madison. Bass volunteered to do this and post pamphlets of hiking trails on the school bulletin board at the school on October 10, 2023.

Young stated that she is aware that there has been some question about whether she has been providing the Select Board with the MCC minutes. Young stated for the record she has been doing this since the August 3, 2023 meeting when the motion was made by Lutjen and seconded by Slader and passed unanimously that Young provide the minutes to the Select Board. Young further stated she has a record of it if there is any question.

Bass stated that Hurricane Point's issues with the tree removal has been removed by the DPW and the sign had been removed also.

Lutjen went over the accounts noted below:

Account Balances as of September 29, 2023

Conservation Land Use Change Tax: **\$213,663.91 + \$1.81 Interest = \$213,665.72**

Forest Maintenance Account: **\$71,113.21 + .60 interest = \$71,113.81**

Conservation Gift Account: **\$4,469.56 + .04 cents interest = \$4,469.60**

Capital Reserve Account: **As of 9/26/2023 \$59,534.57**

Motion by Ohlson, seconded by Downs for the Commission to pay up to \$300.00 for annual dues to New Hampshire Association of Conservation Commissions. The motion passed **unanimously**. Ohlson stated he would send the link to Young.

Nancy Martin, a Madison resident, explained to the Commission that she wanted to know how to donate land to the Conservation Commission. Lutjen stated she would need to provide the Commission with an adequate description of the property, (the deed) and the conditions if the person is donating the property outright and then the Commission will review it and express thanks. Martin stated it was her father's land and he has since passed away and there are 22 acres on East Madison Road. Lutjen stated she would get a statement of fair value for tax purposes. Martin stated the property has been appraised. The Commission Members thanked her for considering the Commission.

Bass stated the Cascades Lot is overgrown with brush at the beginning of the trail and needs to be cleaned up. Young was asked to email the DPW about cleaning up the brush.

ADJOURNMENT:

Motion by Lutjen, seconded Bass to adjourn the meeting. The meeting was adjourned with all in favor at 4:50 pm.

Submitted by:

Katharine Young
Land Use Boards Administrator