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MINUTES
February 1, 2024

MEMBER ROLL CALL:

Ralph Lutjen, Chairman - Present
Josh Shackford, Vice Chair - Present
Michael Brooks - Present
Mike Mosher – Excused
Marc Ohlson – Present

Ted Slader (Alternate) – Present
Noreen Downs (Alternate) - Present
Mike Mauro – Selectmen’s Rep. - Present

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

MEETING POSTED: This meeting was posted at Madison Town Hall Upper & Lower, Madison & Silver Lake Post Offices on January 29, 2024.

CALL TO ORDER: Lutjen called the meeting to order at 4:30 pm.

ELEVATION OF ALTERNATES:

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

APPROVAL OF MINUTES: **Motion** by Brooks, seconded by Ohlson to approve the January 4, 2024 minutes as written. The motion passed **unanimously**.

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

Chain of Ponds Update – Mike Morin, USVLT: Mike Morin, USVLT stated he was looking for an update from the Conservation Commission regarding the public hearing and he asked if everyone had a chance to review the proposed template for the Conservation Easement. Morin also stated as far as funding, they are at a holding pattern right now and waiting to hear back about the Community Forest Program Grant. Morin further stated USVLT is continuing to work with Community Partners to draw attention to the project and he asked if everyone had a chance to see the video Joe Klementovich did of the Chain of Ponds for USVLT. Morin stated he is receiving good feedback from the community as people are learning about the project.

Matt Howe, Green Mountain Conservation Group: Matt Howe from GMCG handed out the survey and budget report to the members. Howe stated that the Blankensteins contacted GMCG in 2021 to offer 20 acres that they own on Davis Pond and that this transaction is still waiting to be completed. Howe stated there have been discussions with USVLT and their funders and they have come to the realization that with the Chain of Ponds project being completed as well and its

proximity to this project, that it makes sense to combine the two. Howe further stated that through a funder of USVT there is a commitment to convey \$25,000.00 through USVLT to GMCG for its work preserving this piece of land. Howe further stated that the \$33,808.00 project includes the costs as shown on the budget report and with the grant coming later in the year, plus the \$5,000.00 the Blankenstein's generously donated, in addition to donating the land, the Madison Conservation Commission had originally pledged \$7,000.00 towards the Blankenstein's contribution and now GMCG is only looking for \$3,808.00. Howe stated there is still an issue with the property as one of the previous property owners inadvertently placed their septic field years ago on the Blankenstein's property and most likely a Boundary Line Adjustment is needed to have clean title when it is conveyed to USVLT. Lutjen asked if the Blankenstein's property abuts the Chain of Ponds. Morin stated not directly, but close. McKenna stated that the Warrant Article for the East Davis Pond lot, she believes this is the connecting piece to the Blankenstein's piece to the Chain of Ponds.

Lutjen stated the Conservation Commission has an account called the Gift Account which currently has a balance of \$4,469.71. Lutjen further stated that the commission is fully committed now on the account that they would have used in 2022 for this pledge which is the Land Use Change Tax account but the funds in this account is going to the Chain of Ponds Easement, so the only money the commission has is currently \$4,469.71 in the Gift Account.

Motion by Lutjen, seconded by Downs to withdraw from the Conservation Commission's Gift Account \$3,808.00 to pay Green Mountain Conservation Commission for the pledge made in 2022.

Discussion: Mauro questioned how the Gift Account was set up. Lutjen stated it is through donations.

The motion was voted on and passed **unanimously**.

PUBLIC COMMENT: Slader brought up the animal program and asked the commission if they were interested in doing it again this year which would be the Sunday of Old Home Week. Lutjen stated that Ted Slader does a wonderful job pulling this together and he told Slader to go ahead and organize it. Slader stated he will gather the costs and bring those to the commission at the March 7, 2024 meeting.

Property Review Commitments and Sign-up: Pending Ohlson and Mauro's reports.

Master Plan: Lutjen stated that Downs had made some comments to Lutjen's drafts and he is in the process of updating the Master Plan. Lutjen stated he wants to see the Forest Management description from Tim Nolin added and he has asked Nolin to provide that information. Lutjen stated he did not agree with some of Downs comments. Brooks asked if the Forest Management language from Nolin is a basic description of his approach to management? Lutjen stated yes.

Lutjen referred the commission to Page 4 of the Master Plan, Chapter 8 and he thought there was too much information which is highlighted in yellow. Lutjen thought the improved language for the water testing on Page 5 that he added was sufficient, which is highlighted in red, as opposed to the significant language from Downs which was highlighted in green but now highlighted in yellow. Lutjen asked for any comments. There were none. Lutjen stated he will have an update for next month and he would like comments and opinions from the commission as to Downs position. Lutjen stated there are additional maps he would like to include regarding the Chain of Ponds and again, asked everyone to forward any comments in an appropriate timeframe so the commission can talk at the March meeting about it.

Downs stated that the sections she added is information that is meant to be educational for residents coming to town or reading the Master Plan about water quality and what is tested, about Cyanobacteria blooms and where residents can go to find out if their water bodies are being impacted, about salt responsibility to have residents aware of how to reduce the use of salt as it goes in the water and stays in the water. Downs also stated as far as the Wildlife Action Plan, it was to describe these maps as well as how the Conservation Commission can use the maps to involve residents as to high impact habitats. Downs further stated stream crossings will be an issue in the future as we are impacted by these big storm events and our culverts not being able to handle it. Downs further stated that she renumbered all the lands to correspond with the trail map that is published for the town as well as renumbered the properties to also coincide with the numbering in the Master Plan, which was a recommendation previously talked

about at a previous meeting. Downs further stated that for the McNair easements, she numbered them 7 A, B and C because there are different owners and different reasons for the parcels and where those parcels are on the easements and she did this to be clear that the lots contain an easement which is a portion of the acreage.

Shackford asked when the last update to the Master Plan was and is it supposed to be done every 10 years? Lutjen stated the last update was in 2010 and it should be updated every 10 years. Shackford asked Ohlson if the Planning Board regulates this and is there a standard way. Ohlson stated the Planning Board does what they want and it is the basis of our land use regulations. Lutjen stated in 2010 he did an update of some of the Master Plan as to conservation.

Ohlson stated there were a few minor spelling errors in the Hurricane Point property description. Downs stated as to the Lyman Lot, it is not two lots and is one 33-acre lot and there is no tax card for Lot 15 and this used to reference a piece which is now part of the East Davis Pond property, which is 12.1 acres that the town will hopefully agree to transfer this to the Conservation Commission.

Digitalizing Property Town Reports: Lutjen stated that when Bass was a member, she acquired quotes for cost on digitalizing the property town reports and he believed the best price she received was from UPS. Lutjen stated once the two remaining property adjustments are completed, the commission will modify them and next month will deal with the estimate process to digitize the town reports.

Conservation Easement Deed: Lutjen stated he reviewed the template prepared by Morin, USVLT. Downs stated she had put together some questions but did not make the Thursday deadline and asked if they could be addressed. Lutjen stated in reviewing the template, some of the references are difficult to follow as some of the sections do not exist in quite a bit of the template and it is very confusing. Lutjen referred to the mining section of the template and it states mining extraction is not allowed and then in the section below it states the remediation for the mining. Lutjen also stated there are technical issues as to what is applicable for conservation land versus what is in the template. Lutjen stated the productive use of the template is that it goes through a series of what is permissible under the easement and he believes this is the area they will focus on. Lutjen also stated the language in the template allows for commercial activities and rebuilding of certain structures and there are no structures on the property. Morin stated this is just a template and there are multiple provisions in the template that do not apply and what he tried to do was show what the appraiser had used for his appraisal for the conservation value. Morin stated it was never USVLT's intention to state in the template these are things they want. Brooks asked Morin if he could remove terms from the template that he knows that USVLT does not want considered. Morin stated absolutely and he will draft a refined Conservation Easement template with the reserved rights and restrictions for the next meeting. Downs stated she agrees with Brooks and she had some thoughts which might help lead the commission to where USVLT is. Downs stated at the last meeting, there was discussion about a separate work session and she is wondering if the Conservation Commission might consider hiring Tim Nolin as a consultant to assist the commission in understanding rights and restrictions and maybe two or three work sessions to cover the many use limitations. Downs believes the baseline documentation is going to be important to understand and see what is on the property and what it is about. Downs has some areas of questions and concerns which she asked Morin as follows:

1. Would the MCC want to hire Tim Nolan as a consultant to assist the MCC go through the rights and restrictions? The MCC could need two-three 1Y hour work sessions to cover the many Use Limitations portion due to the need for understanding the complexities and "what-ifs".
2. The baseline documentation might be needed for reference before MCC can completely understand all that the property has to offer.
3. Does USVLT have experience with other fee-owned lands where a municipality is the CE holder? This is a very large parcel of land. Have they encountered challenges we should be aware of?
4. I would need to have an idea of what USVLT is anticipating for any commercial and non-

- commercial agriculture uses. How distinguish "de minimis"? Very confusing.
5. A forest management plan would also need to be accepted by the easement holder. That is a whole separate document. And the MCC should be better educated about Forest Best Management Practices. There is no clear agreement on what is considered BMP of Forestry at this time.
 6. It would be good to know what USVLT considers low-impact recreation.
 7. The whole area about rent and leasing of any of the conservation area poses a whole other need to understand what USVLT might have in mind. Why would USVLT ever want to divide the parcels? We need examples of where this could come up.
 8. It would be good to know what USVLT anticipates in terms of structures? Paved roads? Fencing and housing animals? Solar array? There are none present now as far as we know.
 9. How will the town approach monitoring this large property area? Anticipated costs?

Morin stated once they start to whittle down the template, that the concerning aspects, he believes, will be removed. Morin further stated he appreciated the feedback and will refine the easement template. Brooks asked if it was possible to have the refined template by February 22, 2024 so Young can get it out to the members for review before the March 6th public hearing? Morin stated yes, he could do that. Morin stated that pursuant to the Selectmen, the Conservation Commission will hold a public hearing.

Ohlson asked if the goals on the property are active and passive forest management. Morin stated the goal initially is to let the land heal as it has been cut very hard but that it does need to be determined at some level what the forest management will look like and to talk with a forester to come up with a Forest Management Plan. Morin further stated USVLT is intending to have 200' buffers around the wetlands and there will be no commercial activity or harvesting but within the areas outside of that, there is the potential for some long-term forest management to occur. Ohlson asked Morin about motorized vehicles? Morin stated that USVLT has been discussing this and generally, they do not allow motorized vehicles on their land but they have not had a property that has had historic use of motorized vehicles. Morin stated that USVLT is still discussing this as they know there is community use on the forest road that bisects the property and Morin feels there needs to be more discussion. Morin did state that USVLT is buying land with historic use and they want to be cognizant of the fact they are buying land that has seen historic use in a way they have not seen in other places and that USVLT has not come up with a firm stance on this issue yet. Lutjen asked about snowmobiles. Doug Burnell stated those have been acceptable on the corridor near the railroad tracks. Morin stated the impact is not there with snowmobiles as it is with ATVs.

Annual Report: Lutjen asked if there were any comments. Downs suggested to revise the sixth paragraph, third sentence to now read "The new version will reflect the history made over the fourteen-year time period and **update goals and objectives for the future.** Downs stated she feels the Master Plan is about the future and this language should be in there as it is what the town is moving towards. Downs also added a change to the eighth paragraph, first sentence to now read "The MCC requested that the Board of Selectmen to approve the designation of Town owned property Map 116, lot #23 **is a 12-1-acre property to** be designated conservation land." Young stated she would make the changes for Lutjen as he sent the document in Word to her.

Motion by Shackford, seconded by Mauro to make the necessary changes as noted above to the Madison Conservation Commission's Annual Report 2023. The motion passed **unanimously.**

NEW BUSINESS:

Public Hearing: Lutjen asked what are the statutory notice provision for a Public Hearing. Young responded there has to be 10 clear calendar days before the Public Hearing. Lutjen felt the commission should have the Public Hearing before town meeting. Brooks stated the commission should have the Public Hearing at the

Madison Conservation Commission's March 7, 2024 meeting at 4:30 pm at the lower level, Meeting Room of the Madison Town Hall. Lutjen asked the commission what they should present for this Public Hearing. Downs stated a map. Ohlson stated the easement language would need to be done. Brooks stated they need to have the Public Hearing and then discussion amongst the members and this is where they formalize the commission's position on doing this or not. Brooks stated he does not feel the easement needs to be finalized for the Public Hearing but the commission needs to understand the core or the project and if they are in favor of it or not. Downs stated that the Funding the Conservation of Chain of Ponds Conservation Easement document that Lutjen prepared would be great to have for the Public Hearing. Morin stated he could bring a map on a foam board. Downs suggested uploading the Funding document on the Conservation's website page. Young will post the Funding document on the website as well as the notification of the Public Hearing.

McKenna stated that when the when the MCC's Annual Report is put into the town report, that the letter from Green Mountain Conservation Group thanking us for our contribution should be attached as it contains information about the water testing. Young stated she would make sure this is done.

Selectmen's Report: Mauro stated the Warrant Article is set for the East Davis Pond property and Downs asked about the \$5,000.00 being added to the Capital Reserve. Young interjected and asked to address the commission. Young stated that at the January meeting, McKenna and Downs cornered Young on the \$5,000.00 issue and this got a little heated and Downs told Young that the commission did not get the \$5,000.00 last year and this was untrue as it is in the 2022 Annual Report and the commission did get their money last year. Young stated she did not appreciate the way she was treated. Downs apologized and stated what she thought she was referring to in this discussion was the wording for the Warrant Article that may be changing. Young stated that was already discussed during the January meeting and the language was not changing. Downs asked if there is a Warrant Article for this year to ask for the \$5,000.00. Young stated yes, as well as the \$10,000.00.

Planning Board Report: Ohlson stated the Planning Board meets on February 7, 2024.

Administrative Correspondence: Young provided the commission with a legislative update.

Account Balances as of January 31, 2024

Conservation Land Use Change Tax: $\$213,671.05 + \$775.00 + \$1.82 \text{ Interest} = \$214,447.87$

Forest Maintenance Account: $\$69,915.56 + .60 \text{ cents Interest} = \$69,916.16$

Conservation Gift Account: $\$4,469.71 + .04 \text{ cents interest} = \$4,469.75$

Capital Reserve Account: **Balance as of February 1, 2024 is \$60,174.37**

ADJOURNMENT:

Motion by Lutjen, seconded by Shackford to adjourn the meeting. The motion passed **unanimously** and the meeting adjourned at 5:35 pm.

Submitted by:

Katharine Young
Land Use Boards Administrator