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MINUTES
September 4, 2025

MEMBER ROLL CALL:

Ralph Lutjen, Chairman – Present
Mike Brooks, Vice Chair – Present
Mike Mosher – Present
Marc Ohlson – Present

Ted Slader (Alternate) – Excused
Marcia McKenna - Present
Josh Shackford - Present
Liza Rogerson (Alternate) – Present

OTHERS PRESENT: Kasia Scontsas - Madison TV and Katharine Young, Land Use Boards Administrator

MEETING POSTED: The meeting was posted in the Madison Town Hall Upper & Lower levels, Madison & Silver Lake Post Offices on August 28, 2025.

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

ELEVATION OF ALTERNATES: Chairman Lutjen made the following motion:

Motion by Lutjen, seconded by Shackford to elevate Rogers from Alternate status to full member status. The motion was voted on and passed **unanimously**.

APPROVAL OF MINUTES: Chairman Lutjen asked for any comments or issues with the minutes from the August 7, 2025 meeting and since there were none, he asked for a motion.

Motion by Mosher, seconded by Shackford to approve the August 7, 2025 minutes as written. The motion was voted on and passed **unanimously**.

PUBLIC COMMENT:

Donna Veilleux, 1227 Lead Mine Road – Veilleux stated it was her understanding that representatives of this board, one or more, had a meeting with the owner of the Lead Mine lot, namely, Sue Goodwin. She further explained there was a meeting of a potential acquisition of that lot and she asked if there is anything that could be shared? Chairman Lutjen stated that the commission is going to have a non-public meeting relating to that particular transaction and he is not at liberty to convey about what went on and that it is a topic for discussion. Veilleux asked if the commission is aware of the circumstances of that lot? Lutjen replied that he believed so.

Ohlson questioned Veilleux asking her if the Goodwin property abuts her lot? Veilleux stated yes, across the street and it is not a common lot line, not unless you count the Class V road.

OLD BUSINESS:

Tim Nolin – Forest Land Improvement: Nolin was not present at the meeting.

Chain of Ponds Update: Chairman Lutjen reported that Attorney Johnston, sent an email to Attorney Levin, Upper Saco Valley Land Trust’s attorney on August 18, 2025 submitting the commission’s most recent comments. Chairman Lutjen stated he thought they were close in negotiations but Upper Saco Valley Land Trust (USVLT) has not been in contact with us. He further explained that since it has been three weeks and since there were only a few items, Young, Land Use Boards Administrator, under Chairman Lutjen’s request, sent an email to Linda Comeau at USVLT inquiring what is going on. He further explained that we have no idea what the issue is and it is unknown at this point what the status is regarding the latest edits to the Conservation Easement.

Conservation Easement Deed Revisions: No further discussion was recorded for this agenda item.

Property Review Commitments: Chairman Lutjen stated that Nolin is doing logging work in the Goodwin Forest which will represent a report. He further explained that the commission did ask Nolin for an update of the property description which would go into the book that we need to digitize and he is hopeful that the digitizing can be done soon. He further explained that essentially, all the property descriptions have been updated to their current condition.

New Business: Chairman Lutjen stated there was no new business.

Selectman’s Report: N/A as there is no Selectman currently appointed for the meetings.

Planning Board Report:

- Chairman Ohlson explained that there were two meetings last night. The first one was the Master Plan Steering Committee who met at 5:30 pm, together with the Planning Board. He explained the committee is trying to keep within the budget of what they were given at town meeting and to stay within the scope of what the board wants. He further explained that North Country Council attended the Master Plan Steering Committee and after reviewing North Country Council’s prepared report, it may be a little more expensive. The report as it was presented to the committee is that they can pick and choose sections of the report for an ala carte price and they would need to seek Planning Board approval. Ohlson believes what the committee is going to try to do, is get what exists now digitalized and then update portions of the Master Plan by chapters. He further explained that it will all be digital.
- Ohlson explained that at the Planning Board meeting last night, they also had the Pomeroy property on the Agenda. The Pomeroy’s are seeking a Voluntary Merger of their lots and this property is at the end of Winter Road. He further explained that the Pomeroy’s condo minimized this property years ago and what he believes happened is, they had one lake front lot and ended up with three lake front lots or four which multiplies their land assessment and they wanted to combine the lots back together again with a Voluntary Merger. The Pomeroy’s, through their attorney at that time, submitted to the Planning Board, the Voluntary Merger which was around two years ago. He further stated that the Planning Board believed that you cannot put three houses on a single lot. He further explained that the Pomeroy’s sued the town and we went to the Land Use Boards Court and the court sent the Planning Board back to rewrite their decision. Then, the Pomeroy’s retained a new attorney, Christopher Meier who had arguments different than what the Planning Board had made their decision on. At that point, the

Planning Board ran this by their attorney and it was decided that if push comes to shove, the Planning Board would not win the battle so the Planning Board voted to merge the lots.

Veilleux asked what was the new argument that was presented? Ohlson stated it was regulatory material and whether our regulations are clear.

- Ohlson stated that Susan Vatnick who lives on East Madison Road came to the Planning Board about an issue with a right of way. Ohlson explained that she had an issue with the building of homes on a back lot, off of a private road, with a right of way. Ohlson explained that the Planning Board told her that her issue is not a Planning Board issue, but a right of way issue and she would need to seek an attorney for legal assistance.

Veilleux questioned do you have to have frontage on a Class V road or do you have to have access to that lot? Ohlson stated that the Planning Board's definition of a lot is two acres of useable land which would exclude wetlands and steep slopes and 200 feet on a Class V or better road. Veilleux questioned, just frontage or access? Ohlson stated if it was inaccessible and you could not get a driveway permit, then the Planning Board probably would not create that lot. Veilleux questioned, would it be accessible via the right of way? Ohlson stated that is different. Brooks stated that is the legal question between the individual parties. He further stated that when that was a Class VI right of way, they all enjoyed the public use of it but when that went away, after Mr. Bourne's lawsuit, it came down to what individual rights some people have and some people didn't.

Veilleux used an example, that if you had a ten-acre lot and that one ten-acre lot had a right of way and it also had frontage on a Class V road, if she chose, to subdivide that lot, where would the right of way be honored, not on the new lots obviously. Ohlson stated it really would not matter to the Planning Board as they only care if you have two acres of usable land and 200 feet on a Class V or better road. Veilleux stated it would only matter if the person did not have frontage on a Class V road. Ohlson stated the Planning Board would not do it and they do not subdivide on Class VI roads. Veilleux explained she understood this, but if a person had a right of way to their ten-acre lot, they can build on it. Ohlson agreed they can build on it but they cannot subdivide it. Veilleux questioned that if they chose to subdivide it, does the newly created lot have the honor of that right of way? Ohlson stated you could not subdivide it unless you had 200 feet on a Class V road. He further stated that you can share a driveway. Veilleux stated that it does have frontage on a Class V road. Ohlson asked if it has 400 feet? Veilleux stated yes. Veilleux stated that her question is, if she owns a ten-acre lot and she has a right of way to that ten-acre lot and I choose to subdivide it, I cannot give the new lot the right of way because it is not mine to give away and that someone gave me the right of way to use that? Ohlson stated that is a right of way issue and not a Planning Board issue. Veilleux asked who would answer that question? Shackford stated an attorney.

Chairman Lutjen stated that there was enough discussion on this topic and we need to move forward.

Chairman Lutjen went over the account balances as noted below:

Account Balances as of June 30, 2025

Conservation Land Use Change Tax: **\$225,787.07 + \$5.38 Interest = \$225,792.39**

Forest Maintenance Account: **\$61,937.58 + \$1.48 Interest = \$61,939.06**

Conservation Gift Account: **\$261.77 + \$.01 cents Interest = \$261.78**

Capital Reserve Account: **Balance as of July 1, 2025 was \$67,838.87**

Administrative Correspondence: Young had nothing to report.

Chairman Lutjen stated we now need to make a motion to go into non-public session and he read the following aloud:

Non-Public Session per RSA 91-A:311(d) Consideration of the acquisition , sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

Discussion: Veilleux asked for clarification and why does this discussion fall under the above-quoted RSA. Chairman Lutjen explained because it is a discussion of the acquisition of the property and it is very clear that is what it is about.

4:58 pm - Motion by Mosher, seconded by Brooks to enter **Non-Public Session per RSA 91-A:311(d)** Consideration of the acquisition , sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

The motion passed by roll call vote: Lutjen - aye; Shackford - aye; Brooks – aye; Ohlson - aye; Mosher – aye; Rogers – aye; McKenna – aye.

The public portion of the meeting was adjourned and the commission entered a non-public session to discuss the Goodwin matter.

Veilleux exited the building and the video recording was shut off.

5:20 pm Motion by Brooks, seconded by Mosher to adjourn the non-public session and reconvene the public session and to seal the minutes of the Non-Public Session under RSA 91-A:311(d). **The motion passed by roll call vote: Lutjen - aye; Shackford - aye; Brooks – aye; Ohlson - aye; Mosher – aye; Rogers – aye; McKenna – aye.**

Adjournment: Motion by Brooks, seconded by Mosher to adjourn. The motion was voted on and passed **unanimously** and the meeting adjourned at 5:20 pm.

Submitted by,

Katharine Young
Land Use Boards Administrator