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MINUTES
May 23, 2024

MEMBER ROLL CALL:

Marcia McKenna - Present	Ted Slader – Alternate, Present
Marc Ohlson – Present	Mike Brooks – Excused
Ralph Lutjen – Chair, Present	Mike Mosher - Present
Noreen Downs – Alternate, Present	Joy Gray – Selectman Rep., Present
Josh Shackford – Vice Chair, Excused	

OTHERS PRESENT:

Doug Burnel – USVLT, Kasia Scontsas - Madison TV, and resident Liza Rogerson

MEETING POSTED: May 13, 2024 at Madison Town Hall Upper & Lower, Madison & Silver Lake Post Offices

Mr. Lutjen called the meeting to order at 6:30pm.

ELEVATE ALTERNATES: Mr. Lutjen made a **Motion** to elevate alternate Noreen Downs and Ted Slader, seconded by Ms. McKenna. The motion was voted on and passed unanimously.

WORK SESSION

Mr. Lutjen opened the meeting by stating the objective – to have a conversation and make suggestions for revisions to the draft Chain of Ponds Conservation Easement (CE). A second draft of the CE was made available to the MCC by USVLT on April 18, 2024. Purpose, we want to talk about the permitted activities which is our primary reason for this evening’s meeting.

Mr. Burnell confirmed that the formal purchase of the property and closing date is Nov. 15, 2024. The land will be purchased from the current owner through the Conservation Fund. A second closing will occur when USVLT will take ownership; Madison will forward it’s agreed upon funds of \$213,000 from the Land Use Change Tax account; and the formally agreed upon Chain of Ponds Conservation Easement document will be signed. The date is yet to be determined, but most likely in 2025.

Mr. Burnell stated that land trust conservation easement manager Linda Comeau had spent up to 15 hours on revisions for this second draft of the CE to make it more readable and to remove some unnecessary language from the original template provided to the MCC. He also stated that the survey is being finalized, as it is needed for the November closing.

Ms. McKenna stated that Tim Nolan, of Forest Land Improvement, was invited to the work session.

The members present started in on the discussion of the CE, going page by page, and section by section. Here are some of the conversations and suggestions, along with some of Mr. Burnell's comments.

- Pg 3, 1.2 The MCC will be provided a copy of the baseline documentation and sign off that the MCC has read it. Mr. Burnell says it needs to be done before the closing.
- Pg 4, 2.1 Ms. Downs highlighted the property conservation priorities and that we need to keep the intent of the CE firmly in mind as we review the details.
- Pg 5, 3.1.A Ms. McKenna and Ms. Downs wanted to understand further the “Commercial” vs. “Non-Commercial”. Mr. Lutjen stated all of this would come out further in the discussion during discussion of activities.
- Pg 6, 3.1.B Mr. Lutjen stated the “De Minimis” impacts section would not be needed. Mr. Burnell will follow up, but did say they might need the 6th statement, if USVLT is asked to participate in timber stand improvement practices through NRCS cost sharing funds. The forest management plan will outline the things that need to be improved because of the heavy cutting that was done. Ms. McKenna asked about solar activity.
- Pg 7, top page – Mr. Lutjen asked to strike “pre-existing” in first paragraph.
- Pg 7, 3.3.A – Discussion on proceeds from timber sales resulted in Mr. Burnell offering that timber sales proceeds go to USVLT as property owner and timber tax would be paid to the town.
- Pg 11, 3.4.A – The group acknowledged that the CE owner should have consent or approve and consent to requests for structures. USVLT has sole liability for the property. Ms. McKenna stated that the property owner can cut for domestic use and firewood. Mr. Mosher asked, are we going to permit the building of a parking lot? Other trail heads have only one or two spots for parking. Mr. Mosher states from the police’s point of view, parking lots that are unseen and off road lead to criminal activity. Mr. Burnell agrees this should be thought about as there will be events on the property requiring parking, and parking has been occurring under the power line. If there is a large parking area, then there will be more foot traffic than Mr. Mosher feels the property can accommodate.
- Pg 12, 3.4.C – Mr. Lutjen questions “orchards”. Mr. Burnell states fruit tree planting would be an appropriate conservation activity to support and encourage wildlife.
- Pg 12, 3.5.A – Mr. Lutjen states subdivisions, leases and joint owners’ section would not be appropriate. Burnell affirms that USVLT will be landowner, preserving land for community benefits. After discussion, Mr. Lutjen recommends that all of 3.5.A should be removed in its entirety.
- Pg 13, 3.5.B - Structures. Mr. Lutjen asked that “except that the landowner reserves the following right set forth in this section 3.5.B” be removed. After discussion, there was general agreement that USVLT will look at this entire section to reconsider and streamline. USVLT will address specifics of what they want here in the next draft. Ms. McKenna asked How do we feel about solar, if we have an appropriate space and benefits could go to the town? Ralph - in terms of what we have here about structures, I don't think it's appropriate.
- Pg 13, 3.5.C – Soil Disturbances, etc. – Also included in USVLT overall review for consistency with 3.5.B discussion. Mr. Burnell states that USVLT expects to draft a Multi-use Management Plan. This will also be made available to the MCC.
- Pg 16, 3.7 Dumping, etc. Mr. Lutjen asked to have “except as may be permitted elsewhere in this Easement following receipt from the Landowner of a proposed plan for said disposal” be removed.

- Pg 16, 3.9.A Mr. Lutjen asked to have “or as provided elsewhere in this easement” be removed.
- Pg 16, 3.9.B Current Use Not Affected. What is meant? USVLT: Current Use status would be maintained; no taxes would be required from the non-profit. However, USVLT pays as though they were any other landowner. In short, written so as not to change current law.
- Pg 17, 3.9.D "may otherwise have certain rights". What does this mean? Does not really apply to this easement. Can strike this phrase.
- Pg 17 3.11.A-D Recreational uses.
 - Mr. Lutjen suggested that trapping could be set aside as a separate provision. Discussion on harm to domestic animals, beaver control, hunting bears, etc. Existing regulations and licensing govern permissions and restrictions. Further review required.
 - Horseback riding can be destructive on trails. Along with non-motorized bicycling, suggesting these two activities will only be permitted in restricted areas.
 - Snowmobiles – okay for use on designated trails but may need signage to keep snowmobiles off land.
- Pg 18, 3.11.E LCHIP Language – Mr. Burnell states this language is required in order for funding to be awarded to USVLT. LCHIP must approve the CE. LCHIP does not allow camping (issues are fires, trash, access to water, sanitation, etc.). This was discussed and “no camping” is suggested to be added to section 3.11.A as a non-permitted land use for consistency.
- Pg 18, 4.1 Ms. McKenna brings up consideration for the town to have right of first refusal if the property were to be sold. However, Ms. McKenna also states that according to the state’s attorney general, the land would need to go to another conservation organization that meets the criteria currently in place. In exchange for the \$213,000 funding, the town will be the holder of an agreed upon CE.
- Pg 19, 5.1 – There is no anticipation of leasing the property or having tenants.
- Pg 23, 8.8.B – Mr. Lutjen suggests removing “acting as the Landowner’s tenant”.
- General Question from Mr. Mosher to Mr. Burnell. How is USVLT anticipating protecting abutters from logging activity, people walking through private property, and general access from the north. Mr. Burnell states they are not doing anything now but intend to make the boundaries very clear. They have spoken with Davis Pond (Madison Shores) property owners, and they expect to draft an agreement. USVLT will probably use the north entrance only for servicing the property. There is another right of way past Madison Boulder to explore further.

The balance of the CE will be left for another time as much of it is boiler plate required legal language. Mr. Lutjen asked when the MCC might expect the next version of the CE. Mr. Burnell might be able to respond on or before the next MCC meeting, scheduled for June 6, 2024.

ADJOURNMENT: Mr. Lutjen adjourned the meeting with all in favor at 8:00pm.

Submitted by:

Noreen Downs (note: Town Administrative Assistant and Land Use Boards Administrator,
Kate Young, was not available for this date)