



**City of Nashua**  
**Conservation Commission**  
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**NASHUA CONSERVATION COMMISSION**

**October 25, 2022**

**A. Call to order**

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, October 25, 2022 at 7:00 PM, 229 Main Street, City Hall in Room 208.

**B. Roll call**

Members present: Sherry Dutzy, Chair  
Jed Crook, Clerk  
Megan Cook, Treasurer (arrived 7:06)  
Brandon Pierotti  
Maureen Bourque  
Carol Sarno  
Gloria McCarthy, Alt.  
Dick Widhu, Alt.

Also in Attendance: Matt Sullivan, Community Dev. Dir.  
Deb Chisholm, Sustainability Department  
Manager

**C. Approval of minutes**

September 13, 2022

**MOTION** by Commissioner McCarthy to approve the minutes, as written

**SECONDED** by Commissioner Crook

**MOTION CARRIED 7-0**

**D. Old Business**

None

**E. New Business**

- *City of Nashua (Owner) Gove Environmental Services (Applicant) requesting review of temporary and permanent impacts to*

***"Critical" wetlands associated with Roby Park, in order to establish an 18-hole disc golf course. Property is located at "L" Spit Brook Road. Sheet B, Lot 2189. R18 Zone. Ward 9.***

Chairman Dutzy said this case would be heard at a future date. She asked the Commission if they would like to be more proactive in providing guidance in terms of the information they are interested in having to assist them in their decision. She said this is an opportunity for the Commission to provide some guidance and a structure for future decision making on future projects like this. This is interplay between wetlands, passive recreation, active recreation, and public lands vs. private activities. It's not only about getting a disc golf course constructed, but the ongoing management and maintenance for the protection of the wetlands. What the Commission has had in the past is that they get an application for something that's pretty static, a shed in the wetland buffer, a onetime disturbance. In this case it's twofold; they have the changes to the landscape due to the construction, and the ongoing function that may disrupt the wetland. She wants to know if they should provide more guidance to the applicant on the issues that the Commission has and would like them to address upfront while they are in this phase.

Commissioner Sarno agreed. One thing she finds troubling is the number of times that the fairways cross the stream. It crosses nine times. They have the fairways and the bridges, and she thinks it would be a rare individual that would go out of their way to actually take the bridge. It's pretty dry this time of year, you can easily walk across it. Most of the time a golfer is probably going to do that to pursue their disc. She has an objection to any of the fairways that cross the stream.

Commissioner Sarno said this is not wetlands, but safety related. There are a number of fairways that also cross the established trail. It seems like a huge liability.

Chairman Dutzy said she wants to know who would be responsible for building and maintaining the course. She asked people to send their concerns, and the Commission would draft a letter to the applicant. Her goal is to try to meet in the middle. Is there a way that they can put in a disc golf course that would enhance the area, provide recreation, not diminish the wetlands, and maintain passive walking trails? There are a number of disc golf courses around the state, how are they

managed? What requirements did they have to protect their wetlands? Knowing that could help them make an informed decision.

Commissioner Sarno said one thing she would find very helpful is GPS files that show the wetland bounds and buffer, so that when they walk they can know roughly where they are relative to the bounds. It's flagged, but not always clear.

Commissioner Crook said he believes what is flagged currently isn't the wetlands.

Commissioner Sarno said the wetland scientist has some pink and black out there.

Commissioner Crook said they are very spread out, and don't seem to be clear.

Commissioner Sarno agreed.

Commissioner Crook said he assumed they were lot markers.

Commissioner Ssrno said the wetland scientist's report indicated that the wetland markers were pink and black. There are those flags, and then other kinds all around. It's hard to get an idea of what he considers a wetland. And since they removed so much vegetation, it would be hard for him to do his job. He's looking at soil, hydrology, and vegetation; a lot of that vegetation was just stripped away.

Commissioner Cook asked if they can do a site walk with the wetland scientist.

Commissioner Sarno said that probably will happen, but the Commission ought to be able to have this information ahead of time.

Chairman Dutzy said she doesn't think it would hurt to provide some guidance to the applicant about information they would like to know. She asked the Commissioners to email her with comments and questions, and they can compile it in a letter to give to Planning staff.

Mr. Sullivan said he can pass that along to the wetland scientist. He will work on getting GPS files. He asked them to draft the letter in bullet point format.

Chairman Dutzy said it would be so that the applicant knows what they are looking for. There has been a lot of public concern, it is a high priority. It's important for the Commission to make sure they do due diligence.

Commissioner Bourque said she agrees with the comments that have been made. In addition to the delineation of the wetlands and the buffer, it's very unclear where exactly the bridges would be. The biggest concern they are hearing is impacts to the buffer for disc retrieval. She would like to request that those bridge locations would be marked, so they can see the relationship of the delineation of the boundary to the bridge and how likely people are to just walk through the stream. She found it hard looking at the map, trying to figure out where exactly the crossings are. They would have a much better idea of the areas of impact if they are marked.

Chairman Dutzy said that would be beneficial for the site walk.

Commissioner Sarno said it would be good to have the fairways flagged.

Chairman Dutzy their comments will provide a scope to the applicant of what the Commission is looking for so they can move this along to a decision hopefully next year.

Commissioner Widhu said he is mystified how the Division of Public Works did this. They should have known things about disturbing the wetlands. How could they not understand that they doing something that was against regulations?

Chairman Dutzy said their area of expertise is in infrastructure, like sewers, streets, and solid waste. In the Parks and Recreation area, their expertise is in opening land, park recreations. They may have gone into this with some naiveté, that's why they are at the place they are now. One of the things that she has learned as a state representative is how important public hearings are. She can't tell them how many bills she read that were no brainers, but when you open it up to a public hearing that's when you get all of the subject matter experts and realize the bill needs a lot of work. She thinks they can use this as an educational opportunity to the city of where they need to start. If people show up for public hearings it means they have something to

say and are concerned about it. Whether you agree with them or not, it's always valuable to listen.

Commissioner Widhu said the Parks and Recreation Dept. needs some education on environmental impacts.

Chairman Dutzy said that's why the Commission has an opportunity to be more proactive than they have ever been with any applicant, to say what information would be helpful. They want to be as collaborative as possible, recognizing the Commission's responsibility is protecting the wetlands. The Commission has a lot of knowledge in this room; it would be beneficial to provide guidance.

Commissioner Sarno said it seemed to her from watching the Board of Public Works (BPW) meeting where this was approved, they really were trying to rush this through. They didn't even take the opportunity to do a site walk, to see what the site actually looked like. In the presentation there was one slide that clearly showed there were wetlands on the property. She can't see how there is any excuse for them to not know that this would be an issue.

Commissioner Crook said when they first started this project he spoke to DPW, and Director Lisa Fauteax's response to him saying there was a wetland impact was that they weren't doing anything illegal, and in their mind the impact they were making was within their right to make without the Commission's input. There is a realm of naivete, and a realm of rushing through it. That came up at the meeting, where someone brought up at the BPW meeting that someone would see and complain.

Chairman Dutzy said it is a teaching moment.

Commissioner Widhu said he walked the site with the head of the Nashua Disc Golf Club and he was more than willing to hear feedback. There is a level of lack of knowledge to what should be done, but there was also a lack of collaboration and what role that played in pushing the project.

Chairman Dutzy said they can provide a model for what this type of collaboration should look like in the future. If they want to engage in that model they would be successful in the future. If they don't engage, the Commission has met their responsibilities in trying to have a transparent process.

Commissioner Bourque said when you look at the criteria that the Commission uses to make decisions on wetland impact, there are things in there about regular golf. No flyovers over a wetland is listed as a criteria in their book. When you look at Parks and Recreation, they talk about paintball and not defacing trees and stuff. She wonders if what needs to be looked at is the language and criteria that Recreation and Conservation has and how disc golf fits in. A disc is a projectile. In a golf course you can't go over a wetland, why would they allow a disc to go over a wetland? There's a discrepancy they might need to look into.

Chairman Dutzy said in golf courses, golf balls go over wetlands all the time.

Commissioner Bourque said they do, but usually when you're going to retrieve a ball you have a ball scooper. She has played disc golf before, and you literally have all four people out there looking for your disc. She thinks the impact might be different. There is something in the Commission guidelines and criteria, and they might need to look at what is on the books right now and what this means moving forward. This is a relatively newer sport. She listed where it is in the Conservation Commission criteria.

Mr. Sullivan said that is in the new member packet.

[Unknown] said she needs to understand what flyover wetland area means.

Chairman Dutzy said anytime when you are on the tee or fairway and going over a wetland, which could be water and marshy areas.

Commissioner Widhu said it's just that narrow stream, it might be different if it's a massive wetland and you're looking for a golf ball.

Chairman Dutzy thanked the Commissioners for their research. She will draft up a letter and send it to Mr. Sullivan.

**F. NCC Correspondence & Communications**

None

## **G. Commissioners Discussion**

### **1. Review of the Nashua Regional Planning Commission Natural Resource Inventory Base Maps**

Mr. Sullivan handed out three maps to the Commission. He said these are a sample for what the general format of the maps will be, and asked them to comment on the symbology and general formatting. He pulled up previous maps for comparison.

Discussion among the Commissioners ensued.

Mr. Sullivan said they should expect some deliverables from the NRPC in the coming months.

### **2. Update on SPNHF Disturbance**

Chairman Dutzy thanked Commissioner Sarno for her work with Mr. Lynch and the Society for Protection on NH Forests on wetland disturbances.

Commissioner Sarno asked if the agreement SPNHF came to on the gravel has been communicated to Mr. Lynch.

Mr. Sullivan said no, Mr. Lynch is not aware that the matter has been resolved. He will contact him. He thanked Commissioner Sarno for her efforts.

### **3. Joyce Park Stewardship Plan**

Chairman Dutzy asked if the Commission could get an update by the next meeting.

### **4. Hudson Forest Management Plan**

Commissioner Sarno said the scope of work is on the Google drive, which lists all of the Conservation properties and their priorities for forest management. This has been sent to Eric and they are waiting for a response.

### **5. McCarthy Middle School**

Mr. Sullivan said he has a call with Ald. Dowd tomorrow.

## **6. Buckmeadow Boulder Bandit**

Mr. Sullivan said the rocks intended for ATV blocking were believed to be an illegal dumping activity and were taken by Public Works. The rocks were dumped and promptly taken the next day, several times. They are at the landfill, and waiting for pickup and delivery.

## **7. Invasive Species Management**

Chairman Dutzy said invasive plant management guru Doug Cygan will be retiring soon, and apparently that was not his job. Legislation passed last year to actually have a position for that job. There is a grant through Integrated Vegetation Management to allow the purchase of herbicide for invasive vegetation. This doesn't cover the labor. If they ever need to hire someone for treatment within a wetland, they might want to break down the labor and the treatment and see if they can apply for the grant.

Commissioners Sarno, Bourque, and Cook provided an update on Japanese Knotweed removal within Buckmeadow. Last month she asked for \$150 for tarps to smother the knotweed, and was woefully unprepared for how much they cost nowadays. It cost \$350.

**MOTION** by Chairman Dutzy to amend the original \$150.00 allocation for tarps, not to exceed \$350.00

**SECONDED** by Commissioner Widhu

**MOTION CARRIED 7-0**

Commissioner Sarno said they are planning a return visit on Thursday to cover one remaining area. There are patches outside of the target area, so they discussed having a service come out in the spring to apply herbicide to the outliers. It is impossible to cover everything without losing all of the vegetation.

Discussion regarding phragmites removal ensued. Chairman Dutzy recommended that they reach out to Swamp Inc.

Ms. Chisholm said they are going to remove some Japanese Knotweed for the city around the Riverwalk. She plans to



contact them in January for invasive management, plus follow-up in the fall.

Commissioner Cook said she would love to tell the story of invasive management the Commission is doing right now. If there are good photos, she would love to share it on the Facebook page. Would it make sense to put an invasive species management section on the website?

Chairman Dutzy said the website needs somebody to take over. Events, educational opportunities, stewardship plans, something about the trails at Lovewell and Terrell. It takes time to organize and post.

Commissioner Cook asked if the person who created the website is still available for questions. She would be interested in finding out more.

Chairman Dutzy said yes. That's what he does for his work. But they can't expect him to do it for free, they have to hire him.

Brief discussion of the website ensued.

## **8. Vernal Pool Buffer**

Chairman Dutzy asked Mr. Sullivan to discuss with Ald. Dowd a possible amendment to the vernal pool ordinance to increase the buffer.

## **9. Culvert Removal, Replacement, and Restoration Grants**

Chairman Dutzy said if applicants come forward where they want a larger culvert; there are grants they can check into so that cost is not prohibitive. They are seeing a lot of grants through Land Management and Natural Resources.

## **10. New Hampshire Association of Conservation Commissions**

Chairman Dutzy reminded the Commission that sign-ups for the annual meeting are still open for the November 3<sup>rd</sup>.

## **11. Invasive Species Lecture**

Commissioner Sarno said Jeremy Fontaine is providing a lecture on invasive species, and there will be an outside component.

She asked to borrow garden tools for the students.

## **12. Bowers Pond Dam**

Ms. Chisholm said some repair work is being done on the dam. Her understanding is that the work on the Nashua side is very minor, with most on the Merrimack side. They have done work for the city before, and there have never been issues.

Mr. Sullivan said they generally do not require a Conservation application for these types of infrastructure repairs within the water course. They have always suggested a presentation.

Discussion of whether an application would be required ensued. The Commission agreed to read the full report first.

## **13. 2023 Deadline and Meeting Dates**

Ms. Chisholm asked the Commission to review the 2023 schedule.

## **14. November Meeting Reschedule**

Chairman Dutzy suggested moving the next meeting to November 15<sup>th</sup>.

## **H. Subcommittee Reports**

- **Easement Monitoring:** Commissioner Crook said they will be looking for easement markers again for the conservation monitored lands.
- **Digital Marketing:** Commissioner Cook suggested renaming the subcommittee to Public Engagement.

## **I. Adjournment**

**MOTION** to adjourn by Commissioner Cook at 8:35 PM

**SECONDED** by Commissioner Bourque

**MOTION CARRIED 7-0**

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Prepared by: Kate Poirier