

## City of Nashua Legislation Details for O-03-152

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**Bill Number:** O-03-152

**1st Reading:** 3/11/2003

**Bill Name:** DESIGNATING THE NORTHWEST SANCTUARY AS CONSERVATION LAND AND PROVIDING FOR STEWARDSHIP OF CONSERVATION LANDS BY THE CONSERVATION COMMISSION

**Bill Status:** Approved

**Approval Date:** 4/22/2003

**Voting:** Not a Roll Call Vote on this Legislation

**Bill Sponsor:** [Brian S. McCarthy](#)

**Co-Sponsors:** [Deane, David](#) - Alderman At - Large  
[McAfee, Kevin](#) - Alderman Ward 1  
[Nickerson, Timothy](#) - Alderman Ward 2  
[Liamos, Stephen](#) - Alderman Ward 8  
[Britton, Frederick](#) - Alderman At - Large  
[Plamondon, Marc](#) - Alderman Ward 4  
[Gage, Kevin](#) - Alderman Ward 3  
[Rootovich, David](#) - Alderman At - Large  
[Cardin, Lori](#) - Alderman Ward 7  
[Johnson, Paula](#) - Alderman At - Large

**Bill Text:** **DESIGNATING THE NORTHWEST SANCTUARY AS CONSERVATION LAND AND PROVIDING FOR STEWARDSHIP OF CONSERVATION LANDS BY THE CONSERVATION COMMISSION**

In the Year Two Thousand and Three The City of Nashua ordains that Chapter 15, entitled "Parks, Recreation, and Sports", Article III thereof, entitled "Conservation Commission", Section 15-33 entitled "Prohibited acts on conservation land", of the Nashua Revised Ordinances, as amended, be and hereby is further amended as follows: 1. Repeal current Section 15-33 in its entirety. 2. Renumber current Section 15-34 as Section 15-33. 3. Create Division I, entitled "Conservation commission", comprising Sections 15-31, 15-32 and 15-33. 4. Add a new Division II, entitled "Conservation Lands", as follows: Sec. 15-37. Purpose. "It is the purpose and intent of this division to provide for the implementation of the following goals and objectives adopted in the Nashua Master Plan 2000: 1. Protect the ecosystems, wildlife habitat, and wetlands of Nashua from degradation, and link these areas, whenever possible, by wildlife corridors. This can be done through regulation or acquisition. 2. Preserve views along scenic roadways and into identified scenic areas. 3. Strive to preserve the remaining active agriculture and forest lands in the City. 4. Provide more areas for passive recreation and enjoyment of the outdoors. 5. Preservation areas to provide relief from the build environment. As the City nears build-out, conservation land will help retain Nashua's scenic character that was so evident twenty years ago, but is now becoming more and more scarce. ORDINANCE O-03-152 6. Preserve the quality and quantity of the City's drinking water supply. Sec. 15-38. Conservation lands. The following

lands are hereby designated conservation lands of the City of Nashua: 1. The Northwest Sanctuary Any appropriate mappings or descriptions of such lands are incorporated by reference. Additional conservation areas shall be designated by amendment to this section. Section 15-39. Authority of the conservation commission to create stewardship plans for conservation lands. The Nashua Conservation Commission shall have the authority to adopt stewardship plans for conservation lands of the City of Nashua, in a manner consistent with the provisions, purpose, and intent of this division. Such Stewardship plans may: (1) Fix Times. Fix the times when the conservation lands shall be open to public use, whenever such restrictions are necessary to protect the public or the lands. (2) Restrict Use. Restrict the use of open space lands, or parts thereof, for any use which may be determined by the Conservation Commission to be detrimental to forest or conservation land management. (3) Layout of Uses. Layout proper open space land uses in accordance with the open space plan and other management studies dealing with these designated conservation lands. (4) Permit. The Conservation Commission shall establish through stewardship plans guidelines for any necessary permits for uses allowed by this division. Permits shall be issued through the Community Development Division. Any permit issued shall be followed with strict accordance with the written terms and conditions thereon. Any violation of any law or ordinance, rule or regulation shall constitute grounds for revocation of the permit. In the case of revocation, monies paid shall be forfeited and the violator shall be liable for all damages including prosecution under the applicable legal jurisdiction. Sec. 15-40. Establishment of stewardship plans. The Conservation Commission shall, within six (6) months of the adoption of this ordinance, adopt a base stewardship plan for the care of conservation lands consistent with the provisions and the purpose and intent of this section of the ordinance. This plan shall include written findings relating the allowed and prohibited uses and other regulations to the protection of the resources. ORDINANCE O-03-152 Upon designation of an area as a conservation area, the base stewardship plan shall become effective with regard to the new conservation area. The conservation commission may adopt specific stewardship plans for specific conservation land areas, consistent with the provisions, purpose, and intent of this section. Sec. 15-41. Prohibited acts on conservation land. It shall be unlawful for any person in any conservation land to: (1) Solicit money, subscription, alms, or contributions for any purpose. (2) Advertise in any manner whatsoever for any reason whatsoever. (3) Exhibit, sell, offer, or solicit for sale, hire, lease, or rent any object, service, goods, or merchandise without a special permit under such terms as the commission may allow. (4) Hold, conduct or address any public assemblage, meeting or gathering or take part in any public debate or discussion without first having obtained a written permit from the commission. (5) Give any entertainment or exhibition except under the direction, or by permission, of the commission. (6) Remain, stay or loiter on conservation land between 10:00 p.m. and 6:00 a.m., except under the direction, or by permission, of the commission. (7) Throw, leave or discard any trash, rubbish or garbage. (8) Use, consume, carry or bring any alcoholic beverage. (9) Make or kindle an open fire except with written permission from the commission. (10) Deface, destroy or remove any sign, bench, fence, or other structure, or any living plant material existing on conservation open space lands except for forest management practices specifically authorized by the commission. (11) Remove or have in his possession any animal's nest or remove the young or eggs of an animal or injure, kill, disturb or destroy any animal except during a hunting or trapping season and while legally hunting or trapping in a manner allowed and prescribed by the commission. (12) Deposit, drop or leave any debris, refuse or other litter of any kind except in such receptacles as may be provided for this purpose. (13) Ride a horse on, or bring into or possess a

horse on any conservation land that is posted prohibiting such use.

ORDINANCE O-03-152 (14) Operate or bring onto any conservation, except in areas designated by the commission, any motorized vehicle including but not limited to automobile, truck, motorized trail bike, snowmobile, or other off-highway recreational vehicle, with the exception that any "electric personal assistive mobility device" or "EPAMD" as defined in RSA 269:1 shall be exempt from this prohibition when operated on a paved pedestrian walkway in accordance with applicable law. Vehicles authorized by the city shall be exempt from this provision. (15) Remain upon any conservation open space lands for the purpose of overnight camping. All ordinances or parts of ordinances inconsistent herewith are hereby repealed. This ordinance shall take effect upon its passage.

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