



ORDINANCE

ELIMINATING THE HOLDOVER LIMITATION ON TERMS OF LAND USE BOARD MEMBERS

CITY OF NASHUA

In the Year Two Thousand and Eleven

The City of Nashua ordains that Part II “General Legislation”, Chapter 190 “Land Use”, Part 7 “Administrative Agencies” of the Nashua Revised Ordinances, as amended, hereby be further amended as follows:

1. In Article XXXVI “Planning Board”, Section 190-238 “Vacancies”, delete the struck-through language as follows:

“§ 190-238. Vacancies.

...

~~B. No member or alternate may hold over more than 90 days after expiration of a term, and a vacancy shall result until the member or alternate is reconfirmed or a successor is confirmed. An alternate member shall vote until the vacancy is filled.”~~

2. In Article XXXIX “Zoning Board of Adjustment”, Section 190-255 “Zoning Board of Adjustment; membership”, delete the struck-through language as follows and reletter the remaining subsections:

“§ 190-255. Zoning Board of Adjustment; membership.

...

~~E. No member or alternate may hold over for more than 90 days after expiration of a term, and a vacancy shall result until the member or alternate is reconfirmed or a successor is confirmed. An alternate shall vote until the vacancy is filled.”~~

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall take effect upon its passage.

LEGISLATIVE YEAR 2011

ORDINANCE: O-11-49

PURPOSE: **Eliminating the holdover limitation on terms of land use board members**

SPONSOR(S): **Alderman-at-Large Ben Clemons**

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: None.

ANALYSIS

This legislation amends the ordinances regarding the holdover of members and alternates of the planning board and zoning board of adjustment after their term has expired. The existing ordinance limited holdover time after a term had expired to 90 days. However, state law now provides that local land use board members shall be entitled to remain in office until a successor has been appointed and qualified. RSA 673:5, III.

Planning and zoning ordinances and amendments require a public hearing and referral to the city planning board. RSA 675:2; NRO § 190-132. The public hearing is conducted by the aldermanic planning and economic development committee with notice published in a newspaper of general circulation and posted in two public places at least ten (10) days prior to the date of the hearing. RSA 675:7. That notice shall not include the day notice is posted or the day of the public hearing.

Approved as to form: **Office of Corporation Counsel**

By: *Drewley Clarke*

Date: *January 4, 2011*

ORDINANCE 0-11-49
Eliminating the holdover
limitation on terms of land use
board members

Endorsed by
Michael J. Taback CLEMONS
TABACSKO
COX

IN THE BOARD OF ALDERMEN

1ST READING JANUARY 11, 2011

Referred to:

PLANNING & ECONOMIC DEVELOPMENT COMMITTEE

NASHUA CITY PLANNING BOARD AND PUBLIC

**HEARING ON TUESDAY, FEBRUARY 1, 2011 @
7:00 PM IN ALDERMANIC CHAMBERS**

2nd Reading MARCH 8, 2011

3rd Reading _____

4th Reading _____

Other Action _____

Passed MARCH 8, 2011

Indefinitely Postponed _____

Defeated _____

Attest: Barbara Bergeron City Clerk
Simon Miller President

Approved 3-9-11 (Date)

Jonathan Hoza
Mayor's Signature

Vetoed: _____

Veto Sustained: _____

Veto Overridden: _____

Attest: _____ City Clerk

President