



ORDINANCE

AMENDING THE LAND USE CODE NOTICE PROVISIONS TABLE AND THE HISTORIC DISTRICT COMMISSION REVIEW PROCEDURE

CITY OF NASHUA

In the Year Two Thousand and Twenty-Three

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

1. In Part 2 “Zoning Districts and Supplemental Use Regulations”, Article IV “Overlay Districts”, Section 190-22 “Historic Districts”, subsection B (2) (b), delete the struck-through language as follows:

“§ 190-22. Historic Districts.

...

B. Procedure for Commission review.

...

(2) ...

(b) The Commission shall hold a public hearing on all applications. Notice to the applicant and the date and time of the public hearing shall be given to the applicant and every abutting property owner whose property adjoins or is directly across the street or stream from the land under consideration as determined from the records of the City Assessor. Such notice shall be given by certified mail not less than 14 days before the date of the public hearing. ~~A notice of the public hearing shall also be placed in a newspaper of general circulation in the area not less than five days before the date fixed for the hearing.~~ The abutter notification fee shall be any necessary postal fee plus \$3 per abutter. Any application shall require on-site notice in accordance with § 190-126 of this chapter, with the title of the action to read: “HISTORIC DISTRICT APPLICATION.””

2. In Part 3 “Procedures”, Article XIII “Application Review”, Section 190-126 “Notice Provisions”, Table 126-1 “Notice”, replace the existing table in its entirety with the following new table:

**Table 126-1
Notice**

(A) Action	(B) Publication	(C) Posting	(D) Mail	(E) Signage
Regulatory Amendments				
Official Map amendment (RSA 674:11)	10 days	10 days, at least 2 public places	N/A	N/A
Zoning Ordinance Amendments (RSA 675:7)	N/A	10 days, at least 2 public places	10 days	N/A
Rezoning (RSA 675:7)	10 days	10 days, at least 2 public places	10 days	5 days
Planning Board Applications				
Site plan	N/A	10 days, at least 2 public places	10 days	5 days
Subdivision plan	N/A	10 days, at least 2 public places	10 days	5 days
Conditional use permit	N/A	10 days, at least 2 public places	10 days	5 days
Plan revocation (RSA 676:4-a)	10 days	10 days, at least 2 public places	10 days	N/A
Communications towers, regional notification (RSA 12-K:7)	7-21 days	N/A	7-21 days	N/A
Developments of regional impact (RSA 36:57)	N/A	N/A	14 days	N/A
Design review (RSA 676:4.II(b))	N/A	10 days, at least 2 public places	10 days	5 days
Zoning Board Applications				
Special exception (RSA 676:7)	5 days	10 days, at least 2 public places	10 days	5 days

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Zoning variances or appeals (RSA 676:7)	5 days	10 days, at least 2 public places	10 days	5 days
Equitable waiver (RSA 674:33-a)	5 days	10 days, at least 2 public places	10 days	5 days
Appeals to the Zoning Board of Adjustment (RSA 674:13, 674:15, 675:7)	N/A	10 days, at least 2 public places	10 days	N/A
Historic District Commission Applications				
Historic District Commission	N/A	10 days, at least 2 public places	14 days	5 days

3. In Part 3 “Procedures”, Article XIII “Application Review”, Section 190-126 “Notice Provisions”, “Rules of Interpretation for Table 126-1”, delete the struck-through language and add the new underlined language as follows:

“Rules of Interpretation for Table 126-1:

...

Column (E): "Signage" is a sign erected by the applicant along each principal frontage of the lot, as determined by the Administrative Officer, providing notice of the impending action. Signage shall only be required for a rezoning if the proposed rezoning would affect 5 or fewer lots, or require posting along 4 or fewer frontages. Such sign shall be of a design, size and color approved by the Administrative Officer in order to maximize visibility of the sign and to call attention to its purpose. At a minimum, the sign shall include the title, a brief description of the requested action, the time, date, and place of public hearing or hearings on such actions, and instructions on contacting the Administrative Officer for further information on the action. Any sign required by this section shall be erected within 48 hours of the notification of the applicant of the requirement for posting, and at least ~~105~~ days prior to the hearing on such matter, and shall be kept in good repair (as determined by the Administrative Officer) by the applicant until the date and time of the last hearing notified by the sign. The lack of proper signage shall not be deemed to be insufficient notice of hearing unless there is a determination by the Administrative Officer that the applicant has not made a good faith effort to keep the required signs posted and in good repair.”

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

This legislation shall become effective immediately upon passage.

LEGISLATIVE YEAR 2023

ORDINANCE: O-23-059

PURPOSE: Amending the Land Use Code notice provisions table and the Historic District Commission review procedure

ENDORSER(S): Mayor Jim Donchess

COMMITTEE Planning and Economic Development Committee
ASSIGNMENT: Planning Board

FISCAL NOTE: None.

ANALYSIS

This legislation amends the City's Land Use Code by updating the notice provisions table and changing the Historic District Commission review procedure notice provision as shown. State statute (RSA 675:2) and NRO Section 190-132 require a public hearing and referral to the city planning board. 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 10 calendar days prior to the date of the hearing. The notice period does not include the day notice is posted or the day of the public hearing. (RSA 675:7, I) Under RSA 676:12 and NRO Section 105-3, no building permit may be issued after the legal notice has been posted if the proposed changes would, if adopted, justify refusal of the permit. This limitation applies for a period of 120 days.

Approved as to form: Office of Corporation Counsel

By: Donna Clarke

Date: 6 September 2023