



ORDINANCE

AMENDING THE LAND USE CODE TO AUTHORIZE ACCEPTANCE OF LAND OR INTERESTS IN LAND WHEN DEEMED APPROPRIATE BY THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT AS A CONDITION OF APPROVAL

CITY OF NASHUA

In the Year Two Thousand and Six

The City of Nashua ordains that Chapter 16 “Land Use Code”, Article IX “Administrative Agencies”, is hereby amended as follows:

1. Division 2 “Planning Board”, Section 16-926 “Duties”, adding the following subsection:

“(i) In cases in which the Board grants approval conditional upon the applicant dedicating land or easements in land and improvements thereon to the City for storm water drainage; widening of existing street right-of-way; public recreation; conservation; sanitary sewer; public vehicular and pedestrian access or other valid public purpose, the Board is authorized to accept and record on behalf of the City the appropriate deeds, plans, etc. without specific approval by the board of aldermen. Whenever such a dedication is contemplated, the Planning Director or his/her designee shall, on the basis of an appropriate investigation, report in writing as to the suitability of the land for the intended purpose, including, but not limited to, the presence of hazardous waste or other sources of undesirable obligations or liability risks.

This authority shall not extend to the formal acceptance of new public streets or extensions of public streets.”

2. Division 5 “Zoning Board of Adjustment”, Section 16-953 “Powers and Duties”, adding the following subsection:

“(e) In cases in which the Board grants approval conditional upon the applicant dedicating land or easements in land and improvements thereon to the City for storm water drainage; widening of existing street right-of-way; public recreation; conservation; sanitary sewer, public vehicular and pedestrian access or other valid public purpose, the Board is authorized to accept and record on behalf of the City the appropriate deeds, plans, etc. without

specific approval by the board of aldermen. Whenever such a dedication is contemplated, the Planning Director or his/her designee shall, on the basis of an appropriate investigation, report in writing as to the suitability of the land for the intended purpose, including, but not limited to, the presence of hazardous waste or other sources of undesirable obligations or liability risks.

This authority shall not extend to the formal acceptance of new public streets or extensions of public streets.”

LEGISLATIVE YEAR 2006

ORDINANCE: O-2006-57

PURPOSE: Amending the land use code to authorize acceptance of land or interests in land when deemed appropriate by the Planning Board or Zoning Board of Adjustment as a condition of approval

SPONSOR(S): Alderman-at-Large James R. Tollner
Alderman-at-Large Brian S. McCarthy
Alderman Michael J. Tabacsko

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: Fiscal impact cannot be determined at this time.

ANALYSIS

Often the planning board and zoning board of adjustment grant conditional approvals which require conveyance of easements or fee title in land to the City for street right-of-way; drainage; sewer; public access; conservation; etc. Currently the board of aldermen, as the municipal legislative body, is authorized to convey or accept interest in real estate. This entails approval of a resolution in order to implement a conditional approval, which can add considerable time and effort to the process.

This ordinance would delegate power to the planning board and zoning board of adjustment to accept easements or title to land when called for by conditional approval.

Approved as to form: Office of Corporation Counsel

By: _____

Date: