



ORDINANCE

ESTABLISHING QUORUM FOR THE LAND USE BOARDS

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”, Division 2 “Planning Board” Sections 16-925, “Organization; meetings; rules,” and Division 5 “Zoning Board of Adjustment,” Section 16-952, “Meetings,” of the Nashua Revised Ordinances, as amended, be further amended by deleting the struck-through language and adding new underlined language as follows:

“16-925 Organization; meetings; rules

(a) The Planning Board shall elect a chairman from the appointed members and create and fill such other offices as it may deem necessary for its work. The term of the chairman shall be one (1) year, with eligibility for reelection.

(b) Pursuant to RSA 673:10 the board shall hold at least one (1) regular meeting each month, adopt rules for the transaction of business, keep a public record of its resolutions, transactions, findings and determinations, and forward a copy of the minutes of its meetings to the city clerk for distribution to each member of the Board of Aldermen.

(c) A quorum of the Planning Board consists of five (5) members, unless the membership, accounting for members and alternate members, falls below nine (9) members in which case a quorum consists of a majority of the membership remaining.

(d) A quorum shall be necessary to convene a meeting in order to transact any business. All decisions made by the Planning Board, whether negative or affirmative, shall require a majority of members present and voting. The Chairman shall designate an alternate to hear the case and to vote on the case in event of an absence or a vacancy or a disqualification of a member, except that an alternate aldermanic member can only serve in the absence of the aldermanic member.

(e)(e) The Planning Board shall, subject to and conditional on annual funding from the Board of Aldermen publish in a newspaper of general circulation the Planning Board's agenda for any public meeting or hearing held by the board less than five (5) days prior

to the meeting or hearing. ~~Non public sessions as governed by state law are exempted.~~
Lack of such publication shall not create a legal notice deficiency.

(f) All meetings shall be open to the public subject to RSA 91-A, the New Hampshire Right-to-Know law.”

“16-952 Meetings

(a) The Zoning Board of Adjustment shall elect a chairman from the appointed members and create and fill such other offices as it may deem necessary for its work. The term of the chairman shall be one (1) year, with eligibility for reelection.

(b) Meetings of the board shall be held ~~at least once a month~~ and at such other times as the board may determine under its rules, or upon call of the chairman.

(c) All meetings shall be open to the public subject to RSA 91-A, the New Hampshire Right-to-Know law.

(d) A quorum of the Zoning Board of Adjustment consists of three (3) members, unless the membership, accounting for members and alternate members, falls below five (5) members in which case a quorum consists of a majority of the membership remaining.

(e) A quorum shall be necessary to convene a meeting in order to transact any business.

(f) The Chairman shall designate an alternate to hear the case and to vote on the case in event of an absence or a vacancy or a disqualification of a member.

(g) Pursuant to RSA 674:33, III the concurring vote of three (3) members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

(h) The Zoning Board of Adjustment shall make no rule permitting the applicant to require more members than a quorum to make a decision on its application. The applicant may withdraw his application at any time and refile subject to a refiling fee set by the board under its rules.

(i) The board shall adopt its own rules of procedure after a public hearing duly advertised in a local news source, and shall keep a record of its proceedings, showing the vote of each member on each question or if absent or failing to vote, and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the board shall immediately be filed in the office of the Administrative Officer and become a public record. The board shall file with the city clerk for distribution as necessary a complete record of the minutes of their meetings and public hearings. Included in the minutes shall be the reasons for the granting or denying of a request for a variance or special exception, together with the vote of each member on each item on the agenda. The board shall also forward to the city clerk a copy of their agendas prior to their meetings.

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

This ordinance shall take effect upon its passage.