



ORDINANCE

AMENDING THE LAND USE CODE IN REGARD TO A SHORELAND EXEMPTION

CITY OF NASHUA

In the Year Two Thousand and Eleven

The City of Nashua ordains that Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article XI “Wetlands”, Section 190-111 “Generally”, of the Nashua Revised Ordinances, as amended, hereby be further amended by adding the new underlined language as follows:

...

“C. Shoreland Exemption. All areas granted a “Shoreland Exemption” pursuant to RSA 483-B:12 from the Comprehensive Shoreland Protection Act, RSA 483-B shall not be designated as a prime wetland pursuant to RSA 482-A:15 or Article XI, Wetlands. Any inconsistent provision of Prime Wetland Map as prepared by the Nashua Conservation Commission and adopted by resolution R-90-84 are hereby repealed. Proposed development in the exempt area requiring Planning Board approval shall be referred to the Nashua Conservation Commission for its review and comment prior to the planning board decision.”

All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective upon passage.

LEGISLATIVE YEAR 2011

ORDINANCE: O-11-53

PURPOSE: Amending the land use code in regard to a shoreland exemption

ENDORSERS: Alderman Diane Sheehan

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: No fiscal impact.

ANALYSIS

Development and redevelopment of urbanized properties within areas designated as prime wetlands by local legislation are subject to extensive state review and fees even when those wetlands were previously exempted from the state's "Comprehensive Shoreland Protection Act". The City of Nashua has previously requested and received an exemption from RSA 483-B. See R-09-174. This ordinance amends the section of the City of Nashua wetlands ordinance by adding a provision which exempts from that ordinance shoreland which has been exempted from compliance with the "Comprehensive Shoreland Protection Act". This amendment will insure that exempt property is subject to consistent state and local regulations. Projects with the exempt areas will be subject to Planning Board and Conservation Commission review and oversight.

State statute (RSA 675:2, II) and local ordinance (NRO §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 ten (10) days prior to the date of the hearing.

RSA 676:12 I and NRO 105-3 provide that building permits shall be withheld if application is made after first legal notice of a proposed zoning ordinance or building code amendment that would justify denial of the permit. The restriction lapses 120 days after the first legal notice.

Approved as to form:

Office of Corporation Counsel

By: 

Date: January 19, 2011

ORDINANCE 0-11-53

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regard to a shoreland exemption**

Endorsed by *Donna Sheehan* SHEEHAN

IN THE BOARD OF ALDERMEN

1ST READING JANUARY 25, 2011

Referred to:
**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE
NASHUA CITY PLANNING BOARD AND A PUBLIC
HEARING FOR TUESDAY, MARCH 1, 2011 AT
7:00 PM IN THE ALDERMANIC CHAMBERS
(IMMEDIATELY FOLLOWING COMMITTEE ON
INFRASTRUCTURE)**

2nd Reading MARCH 8, 2011

3rd Reading _____

4th Reading _____

Other Action _____

Passed MARCH 8, 2011

Indefinitely Postponed _____

Defeated _____

Attest: *Donna Sheehan* City Clerk

Bill McE... President

Approved 3-9-11 (Date)

Joseph P. ... Mayor's Signature

Vetoed: _____

Veto Sustained: _____

Veto Overridden: _____

Attest: _____ City Clerk

President