

**SBVD PLANNING BOARD
MEETING MINUTES
November 13, 2023**

PRESENT: Joel Spiller, Robert Gossett, Bob Weisner, Bill Howley, Joe Balsamo, Steve Keaney, Don Hawkins

ABSENT: John Giarrusso, Tom Morgan, Larry Deshler, Peter Dunn

MEETING OPENED:

The meeting was called to order at 7:00 PM. Joel Spiller led the meeting in the Pledge of Allegiance.

MEETING MINUTES:

The minutes from the 6/12/2023 meeting were distributed and reviewed.
The minutes were approved by voice vote.

PUBLIC HEARING:

To consider a proposal to change the Seabrook Beach Village District Zoning to prohibit the sale of Cannabis, Cannabis Accessories and Cannabis Products in the Seabrook Beach Village District.

- **Update on NH Cannabis activity:** Joel Spiller reviewed the current status of legislation going through the NH legislature. Earlier in the year the NH House approved a bill to allow the recreational use of Cannabis in NH. The NH Senate did not approve the bill. The Governor also expressed dissatisfaction with the bill the House passed. The two houses did agree to set up a new committee to recommend legislation that would bridge the gap between the two houses and the Governor's office. The committee's report is due in December 2023.
The SBVD PB discussed the pros and cons of moving forward with a zoning change to prohibit the sale of cannabis before the NH legislature passes a bill. The PB acknowledged the possibility of having to re-write the zoning in the future if the SBVD Zoning violates the Legislature's version of a bill. The PB decided to accept the risk and move forward with the zoning change.
- **Finding of Facts:** Joel Spiller reviewed the "Findings of Facts" document (attached) that will be used to justify the zoning change. There were no proposed changes to the document.
- **Definitions:** Spiller reviewed the definitions For Cannabis, Cannabis Accessories and Cannabis Products that will be included in the definition section of the zoning. The definitions came from the recent legislation that did not pass the Legislature. The board discussed what to do if the new legislation has different definitions. The board agreed that if the definitions differ the SBVD zoning should adopt the Cannabis definitions in

the new legislation by reference. That will happen at the 2025 SBVD Annual if necessary.

- **Proposed Zoning changes and Draft Warrant Article for 2024 Annual Meeting:** Spiller reviewed the proposed warrant article to change zoning at the 2024 SBVD Annual Meeting. Joel noted that other than the three definitions discussed earlier only one line will be added to Section III: B. Item 2 of the zoning. Section III: B lists the allowed uses in Zone 2. Item 2 list retail businesses as an acceptable use in Zone 2 but then adds a list of excluded businesses that are not allowed in Zone 2

This zoning amendment would add the following to the list of excluded businesses in Item 2:

(m) Sale of Cannabis, Cannabis Accessories and Cannabis Products.

Spiller asked if anyone in the audience had any comments or questions concerning the proposed zoning change. There were none.

Spiller closed the public hearing at 7:38 PM

Spiller asked the PB members if they had any other questions or comments. There were none.

Motion to accept the zoning amendment as presented and to send it to the SBVD clerk to be included on the SBVD 2024 Warrant for a vote at the Annual Meeting.

Motion made by:

Joel Spiller

Motion seconded by:

Robert Gossett

The motion passed by voice vote.

OLD BUSINESS:

- **Update on O’Keefe / Dunkin building expansion** – There has been no activity on the proposed expansion.
- **Update from Bill Howley on Seabrook Coastal Resiliency Team** – The Team is pursuing a NH DES planning grant to evaluate the conditions of the beach walkways and explore options for improving accessibility while maintaining the integrity of ecological systems. The grant application was submitted in June but the committee has not heard back from the DES. Bill said the committee will meet again in January.
- **Update on RTW Smoothie Bar:** Hawkins said the smoothie bar opening had been delayed until the end of October. The owners will be making a decision on how long they will stay open.
- **Seabrook Master Plan Update:** Don Hawkins said Tom Morgan has begun work on the Seabrook Master Plan and is currently working on a questionnaire to gather feedback from Seabrook Residents on how they would like to see the Town develop in the future. The questionnaire will be available on line and in printed form for those who don’t use computers.

NEW BUSINESS: None

OTHER: None

The meeting was adjourned at 7:50 PM.

Submitted by,
Don Hawkins

Next PB Meeting: The next meeting will be Monday December 11, 2023 at 7:00 PM. The meeting may be canceled if there are no cases to review or business requiring the PB's attention.

Findings of Fact

The US Food & Drug Administration has repeatedly warned of the negative health impacts of Cannabis products, citing that these products are considered an entry level drug, and can lead to further higher-level drug use. See <https://www.fda.gov/tobacco-products/public-health-education/think-e-cigs-cantharm-teens-health>.

The Seabrook Beach Village District Planning Board is concerned about some of the health related impacts that the use of Cannabis has on the community's teenagers. The problem is exacerbated by the recent proliferation of cannabis retail operations in Massachusetts, where cannabis products have been legalized by the state.

The science that documents these impacts on public health is well established. The American Journal of Preventative Medicine has made much of this research available online: <https://www.sciencedirect.com/journal/american-journal-of-preventivemedicine/vol/56/issue/2/suppl/S1>

Accordingly, the Seabrook Beach Village District Planning Board finds that the future establishment of retail cannabis establishments in Seabrook Beach when legalization does occur, would likely exacerbate the harm to the community's young people. For that reason, we believe that future expansion of this industry in Seabrook Beach should be curtailed.

The Seabrook Beach Village District Planning Board proposes to amend the zoning ordinance so as to prohibit future new retail Cannabis establishments in Seabrook Beach, when legalization does occur by the State of New Hampshire.

DRAFT Cannabis Warrant Article for 2024 SBVD Annual Meeting

ARTICLE__: Are you in favor of amending the existing Seabrook Beach Village District Zoning Ordinance as proposed by the SBVD Planning Board to prohibit the sale of Cannabis, Cannabis Accessories and Cannabis Products in the SBVD by amending:

Zoning Section III: B. Item 2: (Use Regulations in Zone 2 - Retail businesses)
and
Zoning Section X: Definitions:

Item 2 allows Retail businesses in Zone 2 with a list of exceptions. It reads:

2. Retail businesses, excepting and excluding the following:
 - (a) Junkyards, dumps and storage of abandoned automobiles.
 - (b) Travel trailer parks and/or mobile home parks.
 - (c) Commercial recreational and/or amusement facilities.
 - (d) Commercial parking lots and similar facilities.
 - (e) Motels or hotels
 - (f) Planned unit development.
 - (g) Sale(s) of Class B special fireworks and/or Class C common fireworks, whether such fireworks are intended for retail or wholesale distribution. This subsection (g) shall be interpreted in accordance with the definition(s) of N.H. RSA 160-A:1, or any successor statute.
 - (h) Sexually oriented commercial enterprises.
 - (j) Pawn Shop.
 - (k) Body piercing/Branding or Tattoo Parlor.
 - (l) Sale of Vaping Devices, E-cigarettes, E-liquids and other related items.

This amendment would add the following to the list of excluded businesses in Item 2.

(m) Sale of Cannabis, Cannabis Accessories and Cannabis Products

This amendment would also add the following definitions to Section X.

"Cannabis" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including cannabis concentrate. "Cannabis" shall not include hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

"Cannabis accessories" or "cannabis paraphernalia" means any equipment, products, or materials of any kind that are intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.

"Cannabis products" means any product that contains cannabis, including cannabis extracts, concentrated cannabis products, and products that contain cannabis and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. This term shall not include cannabis in its plant or flower form.