

**SBVD PLANNING BOARD
MEETING MINUTES
December 12, 2022**

PRESENT: Joel Spiller, Robert Gossett, Peter Dunn, John Giarrusso, Bill Howley, Joe Balsamo, Steve Keaney, Don Hawkins, Tom Morgan

ABSENT: Bob Weisner, Larry Deshler

MEETING OPENED:

The meeting was called to order at 7:00 PM. Joel Spiller led the meeting in the Pledge of Allegiance. Joel then requested a moment of silence in honor of Ted Xavier.

MEETING MINUTES:

The minutes from the 6/6/2022 meeting were distributed and reviewed. The minutes were approved by voice vote.

INTRODUCTION OF NEW PLANNING BOARD MEMBERS:

Joel Spiller introduced Peter Dunn (member) and Joe Balsamo (alternate) as new members of the SBVD PB.

ELECTION OF SBVD PB VICE CHAIRMAN:

Bob Gossett nominated as SBVD PB Vice-Chairman by: **John Giarrusso**
Nomination seconded by: **Bill Howley**
Bob Gossett elected Vice Chairman by voice vote.

PRESENTATION ON SEABROOK COASTAL RESILIENCY TEAM:

Madeleine DiIonno, Regional Planner, Rockingham Planning Commission and Jay Diener of the Seabrook Hamptons Estuary Alliance (SHEA) requested time on the agenda to discuss the following subjects:

- Discuss creation of a Seabrook Coastal Resiliency Team to develop and implement plans to advance the Town's priorities and projects related to climate and coastal resiliency.
- Review projects and accomplishments of the Seabrook Hamptons Estuary Alliance.

Ms. DiIonna explained she represented the RPC and is working on forming a Seabrook Coastal Resiliency Team to develop and implement plans to advance the Town's interest in projects that will address climate change and coastal resilience.

The team will be made up of an RPC team facilitator, Town of Seabrook department heads, Conservation Commission members, SBVD Commission members, Planning Board and ZBA members and other interested volunteers from the Town of Seabrook. Meetings will be held on a regular basis, probably monthly to start.

The types of projects that could be worked on include creating a Coastal Resiliency chapter for the Seabrook Master Plan, reviewing Site Plan and Sub-division regulations and building codes to ensure Coastal Resiliency is considered in the review process. Individual projects the team might work on include updating Seabrook's Beach Maintenance Plan to address removing sand from town beach paths and restoring or replacing the Trex pathways to protect the dunes and dune grass.

Funding will come primarily from grants awarded by the RPC and NH DES.

Jay Diener of the Seabrook Hamptons Estuary Alliance (SHEA) said Hampton has had a working group for 4-5 years. They have made 19 recommendations to the Town of Hampton and the Select Board that have addressed flooding, building codes and project funding. They have produced a Coastal Resiliency chapter for the Hampton master plan, reviewed the Hampton Site Plan regulations and identified funding for multiple Hampton projects. Diener said that the issues that Hampton faces are different than those in Seabrook but that the process of addressing them will be similar.

Ms. DiIonna ended giving her contact information and saying meetings would probably start in early 2023.

PUBLIC HEARING ON CHANGES TO THE SBVD ZONING ORDINANCE

Joel Spiller opened the public hearing at 7:30 PM. The first amendment to the zoning would: Allow certain Mechanical Equipment including but not limited to AC condensers, auxiliary generators and heat pumps to be installed in the side and back set-backs of houses built before 12/31/2022 if no other option is available. Hawkins referenced the proposed amendment attached to the agenda for tonight's meeting.

Steve Keaney explained that heat pumps, central AC units, generators and other mechanical equipment are becoming more prevalent and that older homes may not have been designed in a way that can accommodate this equipment without using the rear or side setbacks. Today's equipment is smaller and quieter and placing it in the side or rear setback is much less of a problem than it was ten or fifteen years ago. Placing this equipment in currently approved locations can be very expensive for the home owner if his utilities are located a long way from the new unit. This change would allow home owners to avoid going to the ZBA.

Joel Spiller asked if this change made it too easy to install equipment in the side setbacks. If there is no ZBA requirement for review are abutters left out of the process. If there is no ZBA process does the building inspector have final say on the placement of the units? Steve Keaney said he would approve the placement of the new equipment. He said there have been more than 30 generators installed at the beach without a single complaint. John Giarrusso said new technology has eliminated many problems from the past.

Motion to approve this amendment to SBVD Zoning Ordinance that would allow certain Mechanical Equipment including but not limited to AC condensers, auxiliary generators and heat pumps to be installed in the side and back set-backs of houses built before 12/31/2022 if no other option is available.

Motion made by:

John Giarrusso

Motion seconded by:

Robert Gossett

The motion passed by voice vote.

The second amendment to the SBVD Zoning Ordinance would: Prohibit the sale Vaping devices, E-cigarettes, E-liquids and other related items in the Seabrook Beach Village District. Joel Spiller referenced and read the amendment attached to this meeting's agenda and read the "findings of facts" from the US Food and Drug Administration that support this Amendment.

Joel pointed out that the Town of Seabrook PB approved a similar amendment to their zoning and the Board of Selectmen has publically supported the amendment. Seabrook has 22 or more vape shops in town and expansion has been made worse by restrictions placed on vape product sales by the State of Massachusetts.

Charlie Preston asked if this amendment will have an effect on currently existing stores that sell vape products. Tom Morgan said if it passes at SBVD Annual Meeting in April existing businesses selling vape products will be restricted from expanding in the future without going before the ZBA.

Mark Janos said he represented stores in Seabrook that sell beer, wine, tobacco and vape products and that most of them combine these products with other convenience store items. He said the store proposed by Mr. Preston will be a convenience store. His client has not yet applied for a permit.

There was a discussion on whether existing or new businesses should be allowed to sell vape products. Joel Spiller reminded the meeting that the purpose of the discussion was not to discuss any individual business but to decide if the SBVD wanted to allow continued expansion of vape stores and selling vape related products. Joel said he was completely in favor of letting the voters decide at the Annual Meeting.

Motion to approve this amendment to SBVD Zoning Ordinance that would prohibit the sale Vaping devices, E-cigarettes, E-liquids and other related items in the Seabrook Beach Village District.

Motion made by:
Motion seconded by:
Motion passed by voice vote.

John Giarrusso
Robert Gossett

OLD BUSINESS: None

NEW BUSINESS: None

OTHER: None

The meeting was adjourned at 8:20 PM.

Submitted by,

Don Hawkins

Next PB Meeting: The next meeting will be Monday February 6, 2023 at 7:00 PM. The meeting may be canceled if there are no cases to review or business requiring the PB's attention.