

**SBVD PLANNING BOARD
MEETING MINUTES
December 9, 2024**

PRESENT: Joel Spiller, Ed David, Bob Weisner, Joe Balsamo, John Giarrusso, Steve Keaney, Tom Morgan, Don Hawkins

ABSENT: Robert Gossett, 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 11/11/2024 were distributed and reviewed.
The minutes were approved by voice vote.

PUBLIC HEARING:

Joel Spiller opened the public hearing at 7:02 PM and read the first case.

- **SBVD PB Case #24.02** – Proposal by Robert A. O’Keefe and Lorraine P. O’Keefe Trustees of R&L Realty Trust to add a utility room/storage area and to relocate the drive thru sign area at 445 Rte.286, Seabrook NH, Tax Map 17, Lot 48-1

Joel asked Bob O’Keefe to explain his proposal and review the plans he provided for the PB. Bob said the original gas station and convenience store were built in 1995 and a portion of the store has been leased to Dunkin Donuts. DD was requiring all store owners to refresh their properties and to display their new logo on the building. DD had done interior work in the fall of 2024 under a building permit but now had to complete the outside work which required a Planning Board approval. Bob’s new plan for the store included a building addition for increased storage and refrigeration. DD would add a new awning over the existing pick-up window, relocate the menu board and add an overhead awning for cars stopping to place an order. He also plans to move all utilities underground.

Joel Spiller told O’Keefe that all coolers, sheds, dumpsters, and debris not shown on the Proposed Conditions Plan will have to be removed. Bob agreed. The conditions of approval will list items that will remain including one shed, one cooler and two dumpsters. All other debris and anything not related to the DD and Gas Station business must be removed.

Joel asked Tom Morgan to review the issues he identified in his letter (attached). Tom provided nine items in his letter, five of which required attention before final plans are signed by the chairman.

#3. The size of the addition needs to be shown on the revised plans.

#5. The revised plans must provide a signature box.

#6. The extra sheds, coolers, dumpsters and debris discussed in the previous paragraph must be removed.

#7. The applicant must provide a wetlands permit from the NH DES if required.

#9. Tom provided a picture showing flooding on the applicant's property and asked if he had plans to minimize the flooding. Bob said the water comes from a neighbor's property and there is nothing he can do other than wait for it to percolate into the ground.

Joel asked if any of the PB members had any questions or comments. They did not. Joel asked if any members of the public had any questions or comments. Mike LaFrance of 3 Sandpiper Lane said there was a serious rat problem around the dumpster located on the other side of the fence behind his house. He wanted the dumpster emptied every day to reduce the rat problem. He was also concerned about the noise at 5 AM from the DD truck idling before making deliveries and the lights being left on all night behind the adjacent building. Bob O'Keefe told him the dumpster and lights he was referring to belonged to the restaurant in the adjacent building. O'Keefe said he will talk to the DD driver and ask him to shut off his truck if he arrives early for deliveries.

Spiller asked Don Hawkins to read back the list of conditions he had recorded during the review. Hawkins said the approval will be subject to the following conditions precedent:

1. The final plans shall be updated to include case number 24.02
2. The applicant will provide SBVD with a check for \$286.00 for unpaid fees related to this case.
3. The final plans shall be updated to include a Signature Box.
4. The applicant shall provide the SBVD PB with a NH DES Permit for this project before construction begins.
5. The Final Plans shall show the location of one shed, one cooler and two dumpsters which will remain on the property. All other coolers, sheds, dumpsters and debris shall be removed from the property. The property shall not be used for storage of any items not related to the Dunkin Donuts or Gas Station businesses.
6. All outstanding bills must be paid to the Seabrook Beach Village District before Final Plans will be signed by the Chairman.
7. Final Plans must meet the approval of the SBVD Planner and the Building Inspector before being signed by the Chairman.

Spiller asked for a motion to approve SBVD Case 24.02.

Motion to approve Case 24.02 with the conditions as read:

Bob Weisner

Motion seconded by:

Joe Balsamo

Case 24.02 was approved by voice vote.

Joel Spiller continued the Public Hearing telling the audience the PB will now review Proposed Zoning Changes that were initially introduced at the November 11, 2024 PB meeting.

At the November 11, 2024 meeting the PB had a discussion on why the three zoning amendments were proposed. There was a long discussion on beach parking and the driveway permitting process that has inadvertently led to a proliferation of fifty-foot-wide driveways that limit on-street parking for residents using the beach. Changes to the current system may require a change to the Town's Driveway Application.

The PB also discussed the street flooding problem that is caused by a combination of basement pumping during storm events, excessive hardscape driveways covering the entire front setback and the town owned shoulder in front of many homes. The lack of an Open Space zoning requirement has led to many home owners covering their entire lot with hardscape leaving no area to absorb storm water runoff.

Spiller said the proposed zoning changes listed in the agenda include changes that were made at the 11/11/24 PB meeting. Spiller read each proposed change and then asked for comments from the PB members.

• **PROPOSED ZONING CHANGES TO SBVD ZONING ORDINANCE SECTION IV:**

Proposed zoning change for Basements:

Purpose: To minimize basement flooding by ground water and subsequent pumping of water onto town streets and neighboring properties.

~~All new construction or substantial improvement of residential structures shall have the lowest floor (including basement) elevated to or above the Base Flood Elevation and 18 inches above the Seasonal High-Water Level (established by test borings on the property). All measurements shall be included on the building plans.~~

Steve Keaney said the PB should strike “*or substantial improvement of residential structures*” because substantial improvements did not usually include the basement. He also recommended the PB strike “*or above the Base Flood Elevation and*” because base flood elevation does not always affect individual building lots. Seasonal high-water level is easier to measure and applies to every building lot.

The PB agreed to add “*and verified on the as-built plans*” to the last sentence of the second paragraph and to add a definition for “Seasonal High-Water Level” to the zoning amendment.

Seasonal High-Water Level is the highest level groundwater rises to during the wet season. It’s a zone of saturated soil that occurs when excess water from rain and melting snow pushes the water table up.

Proposed zoning change for Open Space:

Purpose: To reduce the impact of storm water runoff onto town streets and neighboring properties and to provide open space to recharge rainwater into the soil.

The minimum amount of open space on any residential or commercial lot shall be 25%.

Definition of Open Space: Land area not covered by pavement, buildings, or hardscape.

Spiller asked if there were any changes or comments on the Open Space amendment. All agreed no changes were needed.

Proposed zoning change for Hardscape

Purpose: To clarify the intent of the Town of Seabrook Driveway Regulations to allow one 20-foot-wide driveway per lot and to make it easier for residents to identify permitted parking places at the beach.

All new Hardscape structures shall require a building permit and must be shown on the building plan. No hardscape structure shall extend over the property line except one 20-foot-wide driveway properly approved by the Seabrook DPW.

Definition: Hardscape is any manmade structure within a landscaping design that is made of inanimate materials like brick, wood, pavers (including permeable pavers) or stone. Any solid structure in an outdoor area that is not plant life is considered hardscape. Some examples include driveways, patios, retaining walls, fountains, fire pits and walkways. Crushed or natural stone less than 3 inches in diameter will not be included as hardscape for the purpose of this definition.

Spiller asked if there were any comments on the Hardscape amendment. Steve Keaney said that he would have to develop a new Hardscape permit if the amendment passes at the Annual Meeting. The PB agreed to add “*and artificial turf*” to the last sentence of the definition.

Spiller asked Tom Morgan if the changes made at the public hearing would require a second public hearing. Tom answered that a second public hearing would not be

necessary if the PB decides the changes are not substantial and do not change the meaning or intent of the amendment.

Motion to declare the changes made to the proposed amendments are not substantial and do not change the meaning or intent of the amendment.

Motion made by: Joel Spiller

Motion seconded by: Ed David

The motion passed by voice vote.

Spiller asked if there were any other comments by the PB or the public. There were none.

Motion to approve the three zoning amendments as revised and forward them to the SBVD Commissioners and Clerk to be included in the 2025 SBVD Warrant.

Motion made by: Ed David

Motion seconded by: Robert Weisner

The motion passed by voice vote.

Spiller closed the Public Hearing at 7:50 PM

OLD BUSINESS:

- **Seabrook Master Plan Meeting on Rt.286 Flooding:** Tom Morgan said there was a master plan meeting to address Rt. 286 flooding scheduled for January 6, 2025 at the Seabrook Rec Center at 6:30 PM. He expects participation from the Rockingham Planning Commission, Seabrook and Salisbury planning boards and department heads, Seacoast Resiliency Team members and the NH DOT. He invited the SBVD Commissioners and PB members and interested members of the public.

NEW BUSINESS: None

OTHER: None

The meeting was adjourned at 8:10 PM.

Submitted by,
Don Hawkins

Next PB Meeting: The next meeting will be Monday January 13, 2025 at 7:00 PM. The meeting may be canceled if there are no cases to review or business requiring the PB's attention.