

**SEABROOK BEACH VILLAGE DISTRICT
MEETING MINUTES
March 10, 2014**

PRESENT Dick Maguire, Joe Giuffre, Ted Xavier
Don Hawkins, Steve Keaney, Mike Rurak

The meeting was called to order at 7:00 PM. Dick Maguire led the meeting in the Pledge of Allegiance and then introduced the SBVD commissioners and staff.

SECRETARY’S REPORT

Minutes of the February 10, 2014 meeting were distributed and reviewed.

Motion to accept Secretary’s Report: Joe Giuffre

Motion seconded: Ted Xavier

Motion passed by voice vote.

TREASURER’S REPORT

Mike Rurak reviewed the treasurer’s report for February 2014 including current period and YTD information.

| 2014 | February | YTD | Prior YTD |
|-----------------------|----------|----------|-----------|
| Total Income | \$ 2,720 | \$ 5,050 | \$ 21,710 |
| Total Expenses | 3,499 | 6,715 | 6,769 |
| Net Ordinary Income | (779) | (1,665) | 14,941 |
| Total Interest Income | 29 | 60 | 507 |
| Net Income | (750) | (1,605) | 15,448 |

Total cash in the District checking and savings accounts was \$254,969 at the end of February 2014.

- Mike reviewed the financial reports for February 2014. Current period revenue was \$2,720. Expenses were \$3,499 and interest income \$28 resulting in a net loss for the period of \$750.
- YTD February 2014 revenues were \$5,050 with expenses of \$6,715, interest income of \$60 resulting in a net loss of \$1,605.
- The commissioners were given the monthly disbursement approval form and bank statements for their review and approval.
- Dick Maguire told the audience the financial reports were available for review after the meeting.

Motion to accept Treasurer's Report:
Motion seconded:
Motion passed unanimously by voice vote

Joe Giuffre
Ted Xavier

BUILDING INSPECTOR'S REPORT

Steve Keaney reported:

- February is continuing what is normal building activity at the beach. There are not a lot of new projects being started at this time of year.
- Steve said he has been working on zoning changes that will be voted on at the annual meeting in late April.
- There is a ZBA meeting scheduled for March 19, 2014 to review a case on Ocean drive where the applicant is asking to build stairs in the setback.
- Steve questioned assessed values he has seen on some SBVD properties. He believes there have been some large swings in land and building values and told the property owners to be vigilant reviewing their tax bills. Many properties have tax bills that exceed \$20,000 which unfortunately is causing some owners to consider selling their homes. Steve said he has a listing of current tax and property values for all beach properties if anyone is interested in reviewing it.

Motion to accept Building Inspector's Report:
Motion seconded:
Motion passed unanimously by voice vote

Joe Giuffre
Ted Xavier

OLD BUSINESS –

- A. Issues associated with construction at 256 Ashland Street.** Ms. Markell was not in attendance so further discussion on the subject was tabled.
- B. Proposed changes to SBVD Zoning Ordinance following public meeting on February 24, 2014.** Dick Maguire announced there would be a public hearing on proposed zoning changes on March 24, 2014 at 7 PM. The proposed changes had to be posted by March 12, 2014.

Dick said there were seven proposed amendments to the Zoning Ordinance. He would read each and the commissioners would take questions.

STRUCTURE: Any construction, the use of which requires permanent or fixed location on or in the ground or attached to something having permanent location on or in the ground and any construction or reconstruction in the front, back, or side setbacks, including but not limited to landscaping, (all landscaping other than plants or greenery), hardscapes, driveways, walls, and fences, (all fences other than boundary fences having standard construction with six inch or less post and four and six feet code heights fencing material), excluding sheds built to existing code.

- Henry Therriault said the definition previously did not include the statement “in the ground”.
- Don Hawkins said the proposed definition would make every property at the beach non-conforming because every driveway was built in the front setback. Also a very high percentage of homes in the district had patios, retaining walls and stone boundary walls built in the setback. All these homes would become non-conforming and would have to go before the ZBA to make any changes to their properties.
- Ted Xavier proposed a revised definition of structure.

Structure – Anything constructed, the use of which required the permanent location on the ground or attachment to something having a permanent location on or in the ground, including but not limited to: buildings, swimming pools, tennis courts, carports, but not including: sidewalks, driveways, boundary fences, landscaping, hardscapes and retaining walls and sheds built and installed in compliance with existing codes.

- Dick Maguire said he agreed that the original definition would make all driveways non-conforming.
- Doris Sweet said she thought that the driveway situation at the beach was out of control. No one is getting the required driveway permits from the town.
- Dick Maguire re-read Ted Xavier’s definition of a Structure.
- John Tanzer said he did not support either definition.
- Joe Giuffre said Ted Xavier’s definition would defeat what the ZBA was trying to do, which is to prohibit putting anything the setback except landscaping.
- Dick Maguire said he could not support the first proposed definition because it would make so many homes non-conforming. He could support the second definition.
- Henry Therriault said that 99% of the lots at the beach were non-conforming already because they were not 20,000 square feet. An audience member pointed out that any lot of record that existed when the original zoning was adopted is considered conforming.
- Joe Giuffre asked for the definition to be read again. He said that it would allow for a 6 foot wall to be built in the setback and that the fire department did not want any structure built in the setback.

Motion to accept the revised definition of structure: Dick Maguire

Motion seconded: Ted Xavier

Motion passed with a 2 to 1 vote.

In favor: Dick Maguire and Ted Xavier

Opposed: Joe Giuffre

- Doris Sweet asked if just two commissioners could take that action. Dick Maguire said the commissioners were voting on which definition to include in the warrant at the annual meeting. The voters would decide whether to accept the change or make revisions.

Dick Maguire read the rest of the proposed changes to the Zoning Ordinance. There were no questions or comments except on Amendment #6.

Amendment #2 as proposed by the District Commissioners: Section X - Definitions

To amend *Section X – Definitions* to include a definition of *Political Sign* to read as follows:

POLITICAL SIGN: A temporary sign that advertises or promotes a) the candidacy of any individual for elected local, county, state or federal office for which the residents of this district would be allowed to vote, or b) a position on a referendum question, warrant article, or any other matter submitted for a public vote at an election for which the residents of this district would be allowed to vote.

Amendment #3 as proposed by the District Commissioners: Section VII – General Provisions

To amend *Section VII, Paragraph F, Section 2, subsection f* of the Zoning Ordinance which regulates the placement of political signs in Zone 2, by replacing the current language of *Section VII, paragraph 2, subsection f* in its entirety with the following new language:

- f. Political signs are allowed in all zones subject to the following:
 - (a) For State primaries and elections for which the residents of this district would be allowed to vote:
 - (i) Placement and Removal shall conform with RSA 664:17.
 - (ii) The earliest date on which political advertising may be posted or displayed shall be the last Friday in July prior to a state primary.
 - (iii) All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary.
 - (b) For all other elections for which the residents of this district would be allowed to vote:
 - (i) Political signs shall not be erected sooner than 15 days prior to the election for which they pertain.
 - (ii) All signs shall be removed within 24 hours following the election.

Amendment #4 as proposed by the District Commissioners: Section VII –General Provisions

To amend *Section VII – General Provisions* by adding a new paragraph to read as follows:

I. EMERGENCY GENERATORS

(I) Permanent outdoor emergency energy generation systems installation for the exclusive use of a one-family residence located on the property. In view of the small acreage of

one-family residential properties in the Seabrook Beach Village District, the following conditions are imposed on the issuance of building permits for the permanent siting of outdoor emergency energy-generation systems. Such building permits shall not be required for portable emergency energy generators:

(1) Prior to considering approval of a proposed outdoor location for the emergency energy-generation system, the Building Inspector shall determine that the proposed system cannot reasonably be located within an existing fully enclosed building on the property;

(2) The emergency energy-generation system shall not be located in any required front yard setback, but can be constructed within ___ (___) feet of any rear lot line or, if unable to be constructed in the rear yard, within ___ (___) feet of any side lot line. Location in the rear of the residence located on the property shall be preferred so as to minimize visibility of the system from adjoining properties and the street. No emergency energy generating systems shall be placed within _____ (___) feet of any wood frame building or structure.

(3) Preference shall be given to emergency energy-generation systems designed to minimize noise, including but not limited to those which include noise muffler systems;

(4) The emergency energy-generation system shall be adequately screened with evergreen vegetation or architectural device to minimize its visibility from adjoining properties and the street, and such vegetation shall be maintained throughout the life of the system. Such vegetation shall meet the minimum distancing requirements established by the manufacturer of the emergency energy-generating systems;

(5) The installer of the emergency energy-generation system shall obtain all required plumbing, electrical and Fire Department permits, if any.

Amendment #5 as proposed by the District Commissioners: Section IV – Area and Height Regulations

To amend *Section IV paragraph C* of the Zoning Ordinance– entitled SET BACK AND SIDELINE by deleting the current language of the sixth paragraph of said Section C (which currently reads ”Storage of boats, watercraft, unregistered and/or non inspected vehicles are not permitted within the front lot line setback or if a corner lot, front and side line set back adjacent to a roadway”) and replacing it with the following language:

Storage of and/or parking of boats, watercraft, unregistered and/or non-inspected vehicles, recreational vehicles, camper trailers are not permitted in the front lot line set back or if a corner lot, front and side line setback adjacent to a roadway.

Dick Maguire read the 6th proposed change to the Zoning Ordinance:

Amendment #6 as proposed by the District Commissioners: Section VI - Administration and Enforcement

To amend *Section VI subsection C* of the Zoning Ordinance— entitled Administrative Procedures Pertaining to Occupancy by adding a new paragraph (to be numbered paragraph 13) relating to Certificates of Rental Occupancy to read as follows:

13. Certificate of Rental Occupancy. No home, apartment, tenement, dwelling unit, hotel/motel unit, or other residential premises shall be let, rented, leased or otherwise occupied for residential purposes unless a Certificate of Rental Occupancy per this Section has been issued by the Building Department to the owner of record of that property.

Criteria

In considering and approving applications for Certificates of Rental Occupancy by the Building Department and the Fire Department, the primary concern of the SBVD is to preserve the public health, safety and welfare of the owner and occupants. To this end, the approval of any application shall include appropriate conditions and safeguards with regard to the following:

- Adequate construction to provide a safe structure and protection from the elements.
 - Adequate habitable living area to meet minimum Housing Standards.
 - Safe and adequate ingress and egress.
 - Proper installation and operation of the heating, plumbing, mechanical and electrical systems in accordance with the New Hampshire Energy Code and in accordance with the SBVD Building and Life Safety Codes.
- Henry Therriault said he did not support the generic listing of code requirements or life safety codes. He thought the ordinance should include a specific list of requirements that the building inspector would cover in his inspection. Henry also thought that year round rentals would have a different list than seasonal rentals. A specific list would help the owners understand the requirements and not put an excess burden on the inspector.
 - Joe Giuffre agreed that a specific list would let people know what will be required.
 - Ted Xavier asked Steve Keaney if he had a list. Steve said he could use the Hampton Beach check list and make any needed changes.
 - Don Hawkins said he thought the ordinance should specify the frequency of inspections (ie: every 5 years, every 10 years).

Amendment #7 as proposed by the District Commissioners: Section VII –General Provisions

To amend *Section VII – General Provisions* by adding a new paragraph relating to the regulation of tents, travel trailers, tent campers, motor homes, and pickup campers to read as follows:

CAMPING, RECREATIONAL

GENERAL REFERENCES

In accordance with RSA 147:1, the following public health regulation is adopted to protect the health and welfare of the citizens residing at Seabrook Beach Village District.

Purpose.

In accordance with law this public health regulation is enacted to prevent and remove nuisances to the public health and to provide for the public health and safety of the citizens of the Seabrook Beach Village District through the lawful regulation of recreational camping.

Location restricted.

No person or persons, or other entity, shall, having custody or control of any tent, travel trailer, tent camper, motor home or pickup camper, locate, establish, maintain or operate the same as living quarters for children or adults for recreational, educational or vacation purposes in any location within the Seabrook Beach Village District other than at an established recreational camping park duly established in accordance with the laws and administrative regulations of the State of New Hampshire and the Seabrook Beach Village District.

Exemptions.

The following activities are not regulated under this chapter:

- A. The single overnight camping or tenting of children and adults on the property upon which the residence of one of the children and adults camping or tenting is located;
- B. The overnight camping or tenting of organized scouting groups or other recognized organizations on the property upon which the residence of one of the children and adults who is a member of the organization is located;
- C. The connection of water or electricity to a travel trailer, tent camper, motor home or pickup camper for the purpose of cleaning, charging battery systems or repairs;
- D. The temporary use of a tent, travel trailer, tent camper, motor home or pickup camper as temporary housing when a primary residence is destroyed or uninhabitable due

to fire, disaster, or other health and safety issues, provided that the Health Officer has issued a permit for such temporary emergency residence; and

E. Such other uses as may be exempted by the Health Officer upon proper application.

Violations and penalties.

Any person violating this health regulation shall be guilty of a violation and shall be subject to a fine of not less than \$100 nor more than \$250 for each such violation. Each day that such violation continues beyond the first day of violation shall be a separate violation subject to the fine contained herein. All penalties shall inure to the general fund of the Seabrook Beach Village District.

Severability.

If any section or part of a section or paragraph of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or parts of a section or paragraph of this regulation, so long as the purposes of this regulation can still be achieved in the absence of the invalidated provision.

When effective; repealer.

This regulation shall become effective upon the approval of the Seabrook Beach Village Commissioners, when filed with the Seabrook Village District Clerk and posted in two public places in the Seabrook Beach Village District. This regulation supersedes and repeals all public health regulations previously adopted in Seabrook Beach Village District regarding recreational camping.

- Don Hawkins said he thought that the ordinance should include a section for building plan requirements.
- An audience member asked how violations are addressed. Dick Maguire said the building inspector is in charge of enforcement. If a land owner disagrees with the decision of the building inspector he can ask for a hearing with the Commissioners. If still not satisfied he can ask for a ruling from the ZBA. His final course of action is to refer it to the NH courts.
- Dick Maguire said he thought some amendments would be offered at the annual meeting to the proposed zoning changes.

C. Question of adopting parking requirements for commercial businesses in the SBVD. Dick Maguire said that there have been some issues concerning commercial parking in the district. The Town of Seabrook requires 1 parking space for every three seats in a restaurant and 1 additional space for each employee. That would mean Castaways restaurant, which has 285 seats would need 95 spaces plus one for each employee. That is not attainable. Dick said he did not think it is possible to develop new parking requirements for this annual meeting. Ted Xavier said it was too late for additional changes. Theresa Kyle

asked why it was too late. Dick Maguire said any proposed change would have to be noticed by March 12, 2014 for a public hearing on March 24, 2014. That timing is unrealistic. Dick thought one space for every three seats is not realistic and it would take some time to develop an alternative.

NEW BUSINESS - None

OTHER BUSINESS -

- Ted Xavier said the Parking Study Committee would be meeting on March 14, 2014 at 9AM in the Town Hall.
- Pat Vivencio said there has been a lot of glass on the beach lately. She thought the harbor dredging last year or passing ships dumping might be the cause. Dick Maguire said he would pass that on to the Seabrook DPW.
- John Tanzer thanked the board for their commitment and hard work.
- Dick Maguire reminded everyone that March 11, 2014 is Election Day and that everyone should get out and vote. He also asked everyone to vote **NO** on the fireworks citizen petition.
- Joe Giuffre asked if Castaways had submitted a new application to the Planning Board. Don Hawkins said no but he expected it shortly.

The meeting was adjourned.

Submitted by,

Don Hawkins