

**SEABROOK BEACH VILLAGE DISTRICT
MEETING MINUTES
March 24, 2014**

PRESENT Dick Maguire, Joe Giuffre, Ted Xavier
Don Hawkins, Steve Keaney, Ted Morris
ABSANT 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.

Dick Maguire opened the public hearing at 7:05PM. He explained the purpose of the meeting is to hold a public hearing on proposed changes to the SBVD Zoning Ordinance.

Dick Maguire read the Public Hearing Notice:

PUBLIC HEARING NOTICE

Seabrook Beach Village District
District Commissioners
210 Ocean Boulevard
Seabrook Beach, New Hampshire 03874

This document comprises the posting and legal notice for Amendments to the Zoning Ordinance of the Seabrook Beach Village District proposed by the Seabrook Beach Village District Commissioners in accordance with RSA 675:3 and 675:7.

The Seabrook Beach Village District Commissioners will conduct a Public Hearing to receive public comment on the following proposed amendments to the Seabrook Beach Village District Zoning Ordinance on Monday March 24, 2014 beginning at 7:00 p.m. at the Warren West Memorial Building, 210 Ocean Boulevard, Seabrook Beach, New Hampshire.

The purpose of the proposed amendments is to update the Zoning Ordinance to reflect changes in the community and in land use regulations.

Amendment #1 as proposed by the District Commissioners: Section X - Definitions

To amend that certain paragraph of *Section X – Definitions* of the Zoning Ordinance which defines the term *Structure* by replacing the current definition of Structure in its entirety with the following new language:

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.

Comments:

- Joe Giuffre offered an amendment to the proposed definition of a Structure. The other commissioners said the definition of a Structure was decided at the March 10, 2014 meeting by a vote of the commissioners and that definition would be included on the warrant. Joe did not agree and said this Public Hearing was the same as a Deliberative Session and amendments could be offered by anyone to the proposed zoning changes. Joe asked the SBVD attorney Ted Morris if amendments could be made at this public hearing. The attorney told him no, that changes were not appropriate at this meeting. Don Hawkins said that the Deliberative Session was a part of being an SB2 form of government and that the SBVD had not adopted the SB2 format. SBVD still operated under the Town Meeting form of government and changes were done at the Annual Meeting. Ted Morris agreed with that position.
- Ruth McGrath asked if the amendment Joe Giuffre was proposing meant that the board wanted a say in how she could landscape her yard. Joe Giuffre said that the amendment was to try to control what was being done in the set-back. It would prevent you from building a 3 foot stone wall in the setback but not prevent you from adding plants in the setback.
- Doris Sweet asked if amendments would be allowed at the April 29th Annual Meeting. She was told that they would be.

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.

Comments:

- There were no comments or questions concerning amendment #2

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.

Comments:

- Don Walker asked who was responsible for enforcement. Dick Maguire said the Building Inspector was responsible.
- Ruth McGrath asked why signs could only go up 15 days before a local election. Ted Xavier explained that the ordinance followed the NH State statute.
- Tom Pike asked if this ordinance applied only to private property in SBVD. Dick Maguire said yes, that State property would follow State rules.

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 the setback for any rear lot line or, if unable to be constructed in the rear yard, within the setback for either 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 manufactures specifications 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.

Comments:

- Doris Sweet said she thought the word “installed” should be substituted for the word “installation” in the first line under Emergency Generators.
- Steve Keaney asked if the reference to one-family residence could be changed. Dick Maguire said that he thought that was a substantial change which would need to wait for the Annual Meeting to be amended.

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.

Comments:

- There were no comments or questions.

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 Certificate or Rental Occupancy checklist.

Comments:

- Henry Therriault said no one would vote for this amendment because there is no specific list of standards for the building inspector to enforce. There need to be a clear list of requirements so property owners know what needs to be done in order for them to rent their property.

- Tom Pike asked why this change is even needed. A certificate of occupancy is required for all properties at the beach. Why are we focusing on just rental properties? Steve Keaney explained he has received numerous complaints from renters concerning safety issues and that this is to provide a level of safety for renters. Tom Pike said that all owners should want to be up to code. This change should apply to all properties not just rentals.
- Vicky Sawyer said her real estate agent checks her property every year. She likes Henry Therriault's idea of providing a specific list of things that need to be done before a property can be rented.
- Don Walker wanted to know who would be doing the inspections and how it would be paid for. He did not want the cost to come back on the tax payers in the district. Dick Maguire said that would have to be addressed by the commissioners at a future date.

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.

Comments:

- Joe Giuffre asked if all the changes were now in effect. Dick Maguire said that they were effective after the public hearing is conducted. Joe asked if the person with the mobile home on Portsmouth Ave will be fined. Joe thought the change should be enforced immediately and asked to add the subject to the April 14, 2014 Commissioners Meeting agenda. Dick Maguire said he saw no harm in waiting until the Annual Meeting to enforce the amendment.

The meeting was adjourned.

Submitted by,

Don Hawkins