
Town of Seabrook

Memorandum

To: Chair Aboul Khan, Selectwoman Kyle, Selectwoman Brown

From: Town Manager

CC: Kelly O'Connor

Waterstone Petition

November 29, 2019

As you may recall this petition originally came to the Board several months ago from the Planning Board. At the Board's direction I have sent it for legal review, and have worked with Attorney Mary Ganz, representing the petitioner, to codify an agreement, as well as reaching agreement on the necessary procedural steps. Attorney Pasay has outlined those procedural steps.

1. Step 1, for today, is to agree to hear the petition. If the Board agrees to do that it does not bind the Town in any way. It would simply move the matter to a public hearing.
2. Before the public hearing there would be a compilation of abutters, which would include searching titles to ensure that the proper owner of record is notified.
3. At least thirty days before the public hearing all abutters would be notified.
4. **The Board would conduct a public hearing, at which all abutters would have an opportunity to give the Board input on the proposal. The Board**

would then make a decision on the proposal. “That determination will require the BOS to consider the public exigency and convenience and the rights of the affected landowners. The three general factors to be considered by the BOS are: 1) the public convenience and public necessity of the relocation; 2) the financial burden to be imposed upon the town’s taxpayers for the construction and maintenance of same; and 3) the rights of the owners, if any, whose land would have to be taken.”

5. All expenses associated with this process, including legal expenses for the Town Attorney, will be borne by the applicant.