
Town of Seabrook

Memorandum

To: Board of Selectmen

From: Town Manager

CJ Bus Subdivision Plan

February 3, 2020

I have attached a big stack of documents to back up the request before you for the Board to accept the proposed right of way. In order to cut through that clutter I have prepared this memo. We have consulted with:

1. Atty. Justin Pasay
2. John Starkey
3. TEC Engineering
4. Tom Morgan

I have asked Attorney Pasay to outline the legal issues facing the Board. (Memo is attached) Attorney Pasay has recommended that test borings be done to ensure that the road in question will not require extraordinary maintenance in the future, and meets town standards today. Those test borings are complete, and have been reviewed, on behalf of the Town, by TEC and Mr. Starkey. (See attached TEC report and recommendations) Atty. Pasay has laid out what he considers to be the necessary prerequisites for approval. They are:

1. Confirm that the cul-de-sac corresponds in its locations and lines with the same shown on the subdivision plat approved by the Planning Board. (attached)

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2. Conduct a Public Hearing

 3. Confirm that the cul-de-sac meets Planning Board requirements.

Mr. Raymond, via his memo, has confirmed that the cul-de-sac corresponds in its location and lines with the same shown on the subdivision plat approved by the Planning Board. Mr. Raymond of TEC has also stated that no upgrades to the cul-de-sac are necessary (based on the test boring report) and Mr. Starkey concurs with that judgment.

In his legal memo Atty. Pasay writes that if Mr. Raymond confirms location and lines and states that no road upgrades are necessary then items 1 and 3 would be satisfied. With today's public hearing the Board would have satisfied all three of the legal requirements listed by Atty. Pasay.

If the Board chooses to accept the right of way the motion should be:

I make a motion to accept the proposed right of way dedication depicted on the Subdivision Plan for Amber Seabrook Associates LLC, Tax Map 5, Lot 14-5, 13 Batchelder Road, Seabrook, NH, prepared by Joseph M. Wichert, which was approved by the Town's Planning Board at its December 3, 2019 public hearing, said right of way being 9,949 square feet more or less, pursuant to the authority granted to the Board of Selectmen by Chapter 104, Article IX of the Town Code and RSA 674:40-a.

