

Bill –

As we have previously discussed, pursuant to Chapter 104, Article IX of the Town Code and RSA 674:40-a, the Town's Board of Selectmen ("BOS") has the authority to accept dedicated streets without further vote of the Town Meeting as long as: 1) the dedicated street corresponds in its location and lines with a street shown on a subdivision plat or site plan approved by the Planning Board; 2) the BOS conducts a public hearing prior to taking action; 3) and, per the amendment to Article 20 at the 1994 Town Meeting, the road "meet[s] Planning Board requirements." If accepted by the BOS, the cul-de-sac in question will have the status of a public highway like the rest of Ledge Road and will be subject to the Town's duty of regular maintenance.

I understand from Tom Morgan that in order to facilitate the underlying 2-lot subdivision, "the Planning Board agreed to expand the part of the cul-de-sac for which the Town would assume responsibility." I understand further from Tom that the Planning Board's intentions were that if the road needs upgrading, the Planning Board's interest was in ensuring that the developers, not the Seabrook taxpayers, finance the improvement, and that said improvements, if any, would be recommended by Chris Raymond of TEC, the Town's Engineer. Finally, I understand from Tom that through the planning process DPW expressed no concerns with the department's ability to maintain the same, as I think it has been. This is important because if the BOS votes to accept the cul-de-sac, it will be a public highway and will be the Town's obligation to maintain.

So, the charge for the BOS at the hearing on Monday is really threefold:

- 1) Confirm that the cul-de-sac corresponds in its location and lines with the same shown on the subdivision plat approved by the Planning Board (attached);
- 2) Conduct a public hearing
- 3) Confirm that the cul-de-sac meets Planning Board requirements.

I understand that Chris Raymond of TEC, the Town Engineer, will be providing a recommendation as to whether any upgrades to the cul-de-sac are necessary before the Town accepts the same and will also be confirming that the cul-de-sac exists as depicted on the approved subdivision plat. If Chris's recommendation, after reviewing the results of the test borings that were obtained last week, are that no upgrades are necessary and that the existing cul-de-sac corresponds to the approved subdivision plat, that is reasonable evidence to satisfy criteria 1 and 3 above. If Chris determines that upgrades ARE necessary or that the cul-de-sac does not correspond in fact with the depiction on the approved subdivision plat, our recommendation would be to not conduct the public hearing on Monday and to coordinate said improvements and/or iron out the plan discrepancies with Attorney Prolman. It may be helpful for the BOS to discuss the fact, as I understand it, that the Town has already been maintaining the cul-de-sac.

Assuming that Chris Raymond does not recommend any upgrades and confirms the location of the cul-de-sac vis-à-vis the approved plan, and therefore recommends acceptance, and assuming further that DPW endorses the acceptance and acknowledges its obligation to maintain the cul-de-sac, a reasonable motion to accept would 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.

Please let me know if you have any questions and I'm standing by for Chris's response to the two above referenced issues he needs to weigh-in on.