
Town of Seabrook

Memorandum

To: Board of Selectmen

From: Town Manager

Perkins Ave Relocation

February 28, 2020

I have attached Atty. Pasay's guidance on the Perkins Avenue relocation petition. This memo will attempt to boil that memo down for the Board. The key takeaways:

1. The petitioner is there to make the case for why the Board should accept this plan. The Petitioner should address the items contained in the Pasay memo, paragraph 2, "Public Hearing."
2. After hearing from the petitioner, the Board should ask for public participation.
3. The Board will be acting in a quasi-judicial manner, and at the conclusion of the hearing should judge:
 - a. Whether the public convenience and public necessity is or is not benefited by the requested relocation;
 - b. Whether additional financial burden to be imposed upon the Town's taxpayers for construction/maintenance of the relocated portion of Perkins Ave., if any, is or is not justified.
 - c. Whether the rights of owners, abutters, and interested parties are unjustifiably altered by the proposed relocation. Determination of damages to any abutting property, if the Board finds that such damages have occurred, will be the responsibility of the petitioner.

4. An agreement, vetted and approved by the Town Attorney, is attached. That agreement moves all costs associated with this petition, to the petitioner. These costs include legal, as well as indemnification against future legal action arising out of this petition.

5. If the Board desires to approve the petition, then the motion should be:

“I move to approve the petition of Arleigh Greene as there is occasion to relocate a portion of Perkins Ave. pursuant to RSA Chapter 231, as presented, and as depicted in the Lot Line Adjustment Plan recorded at the Rockingham County Registry of Deeds as Plan D-41826, conditioned on Waterstone’s continued financial and other obligations memorialized in its Agreement with the Town, and I move to direct the Town Manager to record a return, consisting of the Agreement, the recorded lot line adjustment plan, and the minutes from this meeting, with the Town Clerk, pursuant to RSA 231:16.”