

TOWN OF WEATHERSFIELD, VERMONT

Report of the Selectors for the Town of Weathersfield, Vermont, on proceedings to lay out a Town highway in Weathersfield

On the fifth day of August, 2002, A.D., we, the undersigned Selectors of the Town of Weathersfield, Vermont, a municipal corporation in Windsor County, State of Vermont, prepared a notice, in writing, of the proposed laying out of a public Town highway in the Town of Weathersfield, in accordance with the provisions of Title 19, Chapter 7, Sub-chapter 2, of the Vermont Statutes Annotated.

The highway to be laid out is described as follows:

A certain piece of land known as Riley Drive, so-called, as the same is set forth and depicted on a certain Farnsworth survey plat entitled "Land Surveyed For Heritage Acres, Riley Drive, Weathersfield, Vermont," dated August, 1993 with the latest revision of June 17, 2002, Drawing No. 84-461-A, said survey to be recorded in the Town of Weathersfield, Vermont Land Records. The lands and premises conveyed herein are further described as follows:

Beginning at an iron pin on the southerly edge of the right of way of Riley Drive and the westerly boundary of the right of way of U.S. Route 5;

Thence North $31^{\circ} 46' 30''$ East, a distance of 50.35' along the westerly boundary of the right of way of U.S. Route 5 to a point on the northerly boundary of the right of way of Riley Drive;

Thence North $65^{\circ} 00'$ West, a distance of 711.2' along the northerly boundary of the right of way Riley Drive to a point of beginning of a curve to the left;

Thence along the curve 212.10' (length), with a radius of 150.00' to a point now on the westerly boundary of the right of way of Riley Drive;

Thence South $34^{\circ} 00'$ West, a distance of 159.9' along the westerly boundary of the right of way of Riley Drive to an iron pin set at the beginning of a cul-de-sac to the left;

Thence along the cul-de-sac 261.8' (length), with a radius of 50.00' to an iron pin set on the easterly boundary of the right of way of Riley Drive;

Thence North $34^{\circ} 00'$ East, a distance of 159.9' along the easterly boundary of the right of way of Riley Drive to a point of the beginning of a curve to the right;

Thence along the curve 141.4' (length), with a radius of 100.00' to a point now on the southerly boundary of the right of way of Riley Drive;

Thence South $65^{\circ} 00'$ East, a distance of 705.2' along the southerly boundary of the right of way of Riley Drive to the point of beginning.

In a public notice dated February 25th, 2002, posted at the Weathersfield Town Clerk's office and the U.S. Post Office in Ascutney, and published in the newspaper of record for the Town on March 28th, April 25th, and May 2nd, 2002, it stated that the Select Board would meet at 7:00 o'clock, P.M., on the sixth day of May, 2002, at the site of the proposed Town highway, to consider a petition by Steven R. Smith to lay out an existing private roadway, the so-called Riley Drive, as a Town highway.

A copy of this notice was mailed, by certified mail with return receipt requested, to the following abutting property owners on March 18th, 2002:

Laurier W. and Beth K. Bissonnette, Post Office Box 420, Ascutney, Vermont,
05030-0420
Charles P. and Ellyn C. Cole, Post Office Box 317, Ascutney, Vermont, 05030-0317
Joyce S. Conroy, Post Office Box 257, Ascutney, Vermont, 05030-0257
Ina N. Haas, Post Office Box 164, Ascutney, Vermont, 05030-0164
Jane Harrigan, Post Office Box 343, Ascutney, Vermont, 05030-0343
Paul G. and Sheila R. Jackson, Post Office Box 373, Ascutney, Vermont, 05030-0373
Michael B. Lane, Post Office Box 435, Ascutney, Vermont, 05030-0435
Donald R. McHugh and Flora-Ann Dango, Post Office Box 235, Ascutney, Vermont,
05030-0235
Robert F. Pierce, Post Office Box 703, Ascutney, Vermont, 05030-0703
Charles H. and Merlyn E. Riley, Post Office Box 391, Ascutney, Vermont, 05030-0191
John Paul and Kathy Lee Smith, Post Office Box 5, Ascutney, Vermont, 05030-0005
Steven R. and Wendy F. Smith, Post Office Box 381, Ascutney, Vermont, 05030-0381

they being the owners of the land abutting the said highway to be laid out. The notice was also recorded in the records of the Town of Weathersfield.

At 7:00 o'clock, P.M., on Monday, May 6th, 2002, the Select Board met at the intersection of U.S. Route 5 and the so-called Riley Drive for the purpose of examining the premises. The public hearing was recessed until 7:00 o'clock, P.M., at Martin Memorial Hall, in Ascutney, on May 13th, 2002, to hear the parties interested.

After the Select Board's examination of the premises, and discussing the same with those parties present, the following facts were determined:

1. The design and layout of the roadway was approved as part of Land Use Permit No. 2S0692, issued by the Vermont District II Environmental Commission on December 16th, 1986.
2. The lay-out for the roadway was approved by the Weathersfield Planning Commission as part of a sub-division of land on April 13th, 1987. The plat for this subdivision was recorded in the Weathersfield Town Land Records on October 13th, 1987.
3. There are twelve (12) residential lots in the subdivision, which are accessed by the existing private roadway.
4. On June 26th, 2001, the Town's Highway Committee, consisting of Selector David T. Fuller, Town Manager Laurence J. Melen, and Highway Superintendent Westley W. Hazeltine, conducted a site inspection of the proposed roadway. The recommendations were presented to the Select Board in a memorandum dated June 26th, 2001, which is made part of this record.
5. On February 11th, 2002, Steven R. Smith delivered to the Weathersfield Town Offices a written request that the Town lay out Riley Drive as a Town highway.
6. On March 17th, 2002, eleven (11) abutting property owners signed and delivered to the Weathersfield Town Offices a statement of support for the laying out of Riley Drive as a Town highway.
7. It is noted that Chairperson C. Peter Cole recused himself from participation as a Selector during these proceedings, as he was an abutting property owner to the proposed Town highway.

8. During the Select Board's inspection of the premises on May 6th, 2002, the Petitioner and seven (7) of the abutting property owners were present. The Minutes of the meeting are made part of this record.
9. During the Select Board's meeting on May 13th, 2002, the Petitioner and seven (7) of the abutting property owners were present. The Minutes of the meeting are made part of this record.
10. The Town's Highway Committee, consisting of Selector N. John Arrison, Town Manager Laurence J. Melen, and Highway Superintendent Westley W. Hazeltine met with the Petitioner in Martin Memorial Hall at 9:00 o'clock, A.M., on May 16th, 2002. The Committee's findings were presented to the Select Board in a memorandum dated May 20th, 2002, which is made part of this record.
11. The public hearing was subsequently recessed until June 3rd, 2002, and then until July 1st, 2002, as the Board had not received a final plat for the proposed highway layout conforming to the requirements of 19 V.S.A. 704.
12. On July 1st, 2002, the Select Board closed the public hearing on this petition to lay out a Town highway, having found that all necessary materials and evidence had been provided to the Board.

After considering the petition for the laying out of a Town highway, and after hearing the parties interested, we find that:

- A. The convenience of the inhabitants of the Town of Weathersfield requires that the so-called "Riley Drive" be laid out as a Town highway; and
- B. The public good of the inhabitants of the Town of Weathersfield requires that the so-called "Riley Drive" be laid out as a Town highway; and
- C. The necessity of the inhabitants of the Town of Weathersfield requires that the so-called "Riley Drive" be laid out as a Town highway.

Now, therefore, we order that the private roadway now known as Riley Drive be laid out as a Town highway, subject to the following conditions:

1. The Petitioner shall provide to the Town of Weathersfield, at no cost to the taxpayers of the Town, a survey of the roadway to be laid out. The survey shall comply in all items to the requirements of 19 V.S.A. 704. A copy of this survey shall be prepared on mylar, and shall be recorded in the Weathersfield Town Land Records, with the Petitioner paying all recording fees.
2. The Petitioner shall pay to the Town of Weathersfield the sum of Five Thousand Dollars (\$5,000.00), said monies to be used by the Town to pay for bituminous concrete paving of the roadway, and other materials and/or services to construct the roadway to acceptable standards.
3. Each of the twelve (12) property owners in the subdivision shall pay to the Town of Weathersfield the sum of Five Hundred and Sixty-seven Dollars (\$567.00), said monies to be used by the Town to pay for bituminous concrete paving of the roadway, and other materials and/or services to construct the roadway to acceptable standards.

Upon full compliance with the terms of Conditions 1 through 3, preceding, the Town of Weathersfield will accept the roadway as a Town highway, and maintain the roadway as such.

Dated at Town of Weathersfield, Windsor County, State of Vermont, this fifth days of August, 2002.

Henry C. Cobb, Vice-Chairperson

N. John Arrison, Board Clerk

Daniel E. Boyer, Selector

Peter J. Skalaban, Selector