

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
DOCKET NO. 159-11-14 Vtec

IN RE: ELLERY AND JENNIFER PACKARD)
MERGER OF PINE RIDGE LOTS 8 AND 9)

AFFIDAVIT OF RICHARD W. BELL

I, Richard W. Bell, first being first duly sworn, state as follows:

1. I, Richard W. Bell, am a resident of the town of Hyde Park, Vermont. I am the principal and owner of Richard W. Bell Land Surveying, Inc., with office located at 297 South Main St., Barre, Vermont.
2. I am a Licensed Land Surveyor #638 in the State of Vermont. I have 42 years of surveying experience. My professional Resume is attached, including a listing of Experience Highlights, as **Exhibit 1** of this Affidavit and made a part hereof.
3. On 20 November 2014, I visited Lots 8 and 9 of the Pine Ridge subdivision in the town East Montpelier, at the request of Ellery Packard and Jennifer Packard, the owners of both lots. They asked me to determine the boundary line of Lots 8 and 9 relative to the location of the washout or gully along the boundary line, including whether the washout or gully along the boundary extends into property owned by the Town pursuant to its ownership of Pine Ridge Road.
4. I have reviewed the survey by Wayne D. Lawrence, PE and LS, entitled "Richard Casavant Off Vermont Route No. 14, East Montpelier, Vermont, Property Subdivision," dated 10 September 1991 and signed by Wayne D. Lawrence, which survey is recorded in the Land Records of the Town of East Montpelier at Hanger 40, Page 5, formerly designated Map Book 3, Pages 3-5. Relevant portions of the Wayne Lawrence survey are attached hereto as **Exhibit 2**, being two sheets, one of which shows the survey title box with the signature of Wayne D. Lawrence, including with his stamp as State of Vermont Registered Land Surveyor No. 160, and the other portion sheet of which includes the boundaries of Lots 8 and 9 and the adjoining Pine Ridge Road.
5. The Pine Ridge Road shown on the above referenced survey was conveyed by Richard G Casavant and Carole A. Casavant to the Town of East Montpelier, Vermont by Quit Claim deed dated 20 October 1994, recorded in Book 55, Pages 74-75, as per the attached **Exhibit 3**.

6. Lots 8 and 9 are bounded to the East by the banks of the Winooski River. Lot 9 includes the home of Ellery and Jennifer Packard, and is bounded on the west by the above referenced Town Road.

7. There is a washout or gully along the boundary between Lots 8 and 9 that includes a portion of the town road, as shown on **Exhibit 4A** attached hereto. I added to the above referenced survey of Wayne D. Lawrence to show the extent of the washout within the town road property. I then overlaid the data from Exhibit 4A onto a Google Earth Ortho Image (2012) of the same area, as shown on **Exhibit 4B** attached hereto. The washout or gully becomes progressively wider, deeper and steeper along both sides of the boundary between Lots 8 and 9, all the way to the westerly banks of the Winooski River.

8. The attached photo, labeled as **Exhibit 5A**, shows the beginning section of the washout. The attached photo, labeled as **Exhibit 5B**, is taken from the northeasterly corner of the maintained portion of Lot 9. Reference is made to the Affidavit of Stephen A. Reynes as the person who took these photos in November of 2014. Having been to the site, I state these images truly reflect the physical conditions shown therein along the boundary between Lots 8 and 9.

9. There are two surveyed courses which mark the boundary between Lots 8 and 9, namely North 57 degrees, 10' and 08" East a distance of 45.03 feet and South 76 degrees, 29' 22" East, a distance of 144.54 feet to the top of a steep bank, indicated by a dotted line on the survey and thence proceeding down to the westerly bank of the Winooski River. I would characterize all of the land along the 144.54 feet course between Lots 8 and 9 as a steep gully or ravine, which then opens to steeper terrain easterly of the top of bank line shown on the survey. Virtually all of the terrain along the boundary of Lots 8 and 9 is unstable.

10. In my opinion, the only reasonable and practical way to go from Lot 8 to Lot 9 or vice-versa is via the town road.

Dated at Barrre, Vermont this 17th day of December, 2014.


Richard W. Bell

STATE OF VERMONT
COUNTY OF WASHINGTON, SS

SUBSCRIBED and sworn to before me this 17th day of December, 2014.

William Crowther

Notary Public

My Commission Expires:

February 10, 2015

Dated at Wessford Vermont, this 17th day of December, 2014.



**RICHARD W. BELL
LAND SURVEYING, INC.**

297 SOUTH MAIN ST.
BARRE, VERMONT 05641

EMAIL RBELLS@CHARTERINTERNET.COM
802-479-9262 C 802-793-5037

Richard W. Bell, L.S.

Education and Experience

1970-1972 Vermont Technical College – Survey and Civil Engineering Program

1970-1972 VTRANS Route Survey Department (Summers) Instrument Operator

1972-1976 Hamilton Engineering, Nashua, NH – Survey Technician

1976-1979 U.S. Army Corps of Engineers – Chief Construction Surveyor

1979-1984 Durgin Associates, Portsmouth, NH – Survey Party Chief/ Septic Designer

1984-1985 Vermont Survey and Engineering, Montpelier, VT – Survey Party Chief

1985-1987 Bechtel, Inc. – Project Surveyor for Sheldon Springs Hydro Project

1987-2005 Dubois and King, Inc., Randolph, VT – Chief of Survey

2005-2007 Dufresne Associates, Barre, VT – Chief of Survey

2008- Present Richard W. Bell Land Surveying, Inc.- President

Professional Affiliations

- Vermont Society of Land Surveyors
- National Society of Professional Surveyors

Qualifications

Licensed Land Surveyor in the State of Vermont with experience in topographic surveys, Boundary surveys, construction layout, Land Title Surveys, Right-of-way title searches, Subdivisions, and boundary disputes. Completed topographic studies on highways, dams and dam break studies, bridges, bicycle paths, sidewalks and buildings. Proficient in the use of Autocadd, Softdesk, and Carlson software, with some training in the use of Microstation. 42 years of surveying experience with highlights as follows:

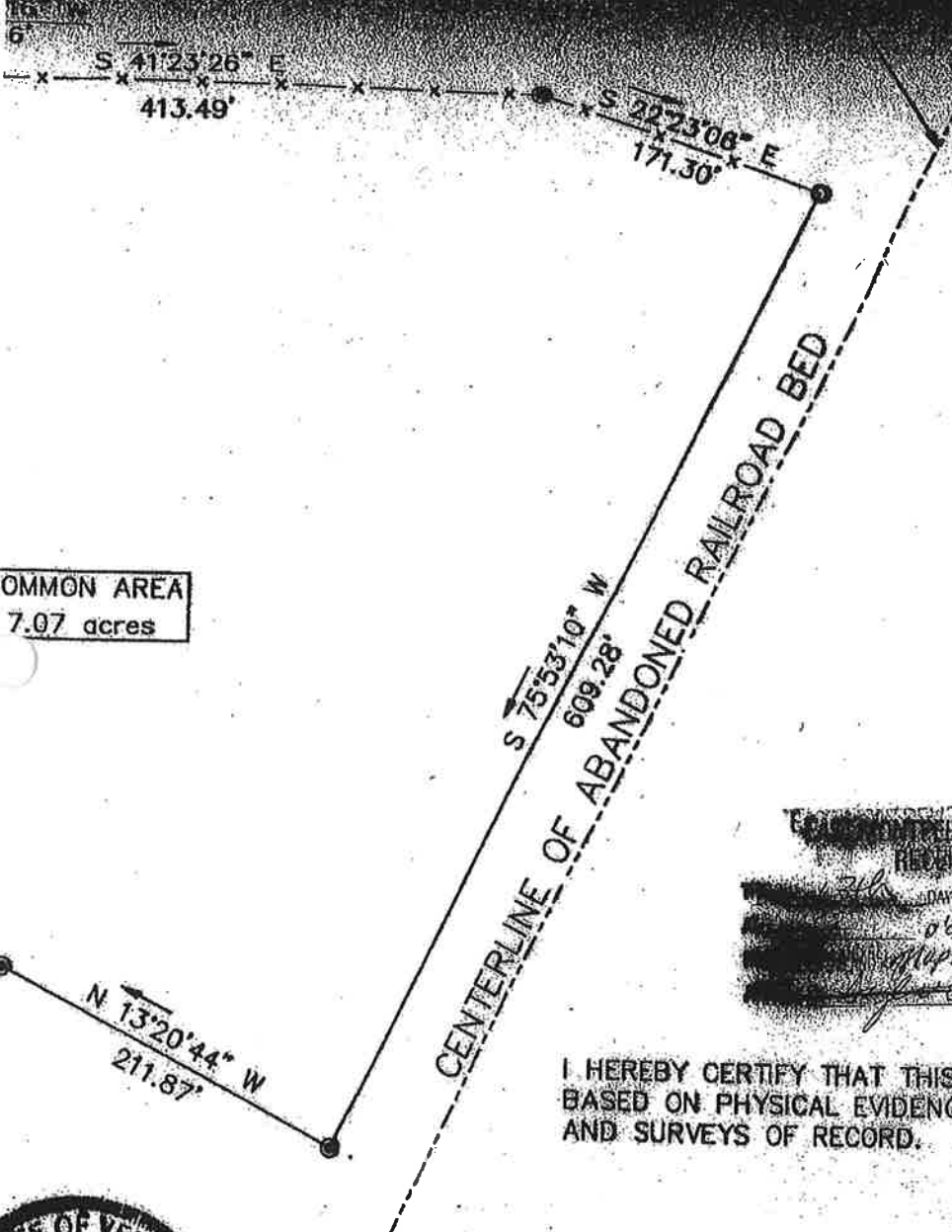


Experience Highlights

- Complete Topographic Survey, Essex Center, Vermont – complete topographic Survey of Route 15 and several side streets from Richard Street to Saxon Hill Road for Vermont Gas.
- Berlin-Montpelier Bike Path – 4.3 mile Right-of-way and topographic survey of Montpelier-Berlin Rail Trail. Existing railroad bed to be used for bike path. A portion of this project involved an area where 2 railroads and 2 roadways come together.
- Indefinite Quantity Construction Survey – Project Manager for services under three-year term contract to provide construction survey services to the Agency of Transportation. Services include coordination of 2, 3, or 4-man survey crews to work with the Agency's resident engineer for each project assigned. Responsibilities include preliminary survey, benchlines, cross sections, and as-builts.
- Construction and control of a timber trestle bridge spanning the Anicosta River in Washington, DC for access to the National Childrens Island.
- Topographic survey of Woodstock Road for the creation and replacement of new sidewalks, including research of existing right-of-way.
- Land Title survey of the Vermont College Campus when purchased by Union Institute. This involved research and survey of plus or minus 40 parcels of land in Montpelier.
- The boundary and easement survey of several 6 mile portions of The Appalachian Trail protective corridor. These surveys were for the U.S. Department of the Interior and included a complete boundary survey of every parcel the trail passed through. Acquisition by fee or easement applied to each parcel.
- Complete boundary and topographic survey of the U.S. Border Station in Highgate Springs, Vermont for the rehab and redesign of the new border station.
- Layout and control of the Sheldon Springs hydroelectric station for Bechtel Corp. This project included an 85' cut in ledge to the bottom of the turbine building.
- Boundary survey of 400 acre resort of Wentworth By The Sea in Newcastle, New Hampshire for the subdivision of the existing golf course.
- ALTA/ACSM Land Title Survey of 5 existing nursing homes in various locations in Vermont.
- Topographic Survey of the Federal Air Traffic Control Center in Nashua, N.H., including all underground utilities at a highly controlled site.

- Topographic Survey of runways at Westover Air Force Base, Westover, MA.
- Numerous existing condition bridge and highway surveys for redesign and new design throughout the state of Vermont. Many of these projects included Right-of-way determination and research.
- Complete cross section survey of I-89 from St Albans, VT to Swanton, VT. Topographic survey of 12 mile stretch of highway including all utilities.
- Topographic survey of Lake Mansfield Dam in Stowe, VT for the design and repair of dam.
- Complete Topographic and Right-of-way Survey of Randolph Avenue, Randolph, VT for the redesign of roadway and sidewalks.
- Complete Topographic and Right-of-way Survey of Pleasant Street and High Street, Randolph, VT for the redesign of roadway and sidewalks.
- Complete Topographic and Right-of-way Survey on Washington Street, Henry Law Avenue and Glenwood Avenue, in the Town of Dover, NH for the redesign of roadway and sidewalks.
- Boundary survey of Gifford Hospital, Randolph, VT. Several parcels to be added to main parcel of hospital for parking and expansion.
- Topographic and Right-of-way survey of Barre Town Bike Path from Websterville Road to Graniteville for the design of new bike path.
- Complete topographic and right-of-way survey for sidewalk redesign along Websterville Road, Barre, VT.
- Boundary and right-of-way survey of several parcels belonging to Canadian National Railroad, including Randolph, Bethel, Northfield, and St. Albans. These parcels were excess land outside the railroad right-of-way.
- Topographic survey of an existing swamp for the Army Corps of Engineers, in Portsmouth, Rhode Island. This was an unusual survey in that the swamp was completely filled with fragmities that had grown to 20' in height. The area was to be drained and turned back into a pond that existed prior to it being filled in during the 1940's.
- Boundary survey of the Hampton Beach Casino, Hampton, N.H. this survey was unique in that all the land is leased land and the property entails one whole city block.
- ALTA/ACSM Land Title Survey of the Pheonix Paper Mill in East Ryegate, Vt. With special attention to utilities and access roads into the plant. Plant is located on the border between Vermont and New Hampshire.

- Complete boundary and topographic survey for a parking garage in Rutland, Vermont. This survey was in the downtown area and required the survey of plus or minus 20 parcels of land. Also provided construction layout of facility.
- Complete right-of-way and topographic survey of the River Street Bridge over the Ottaquechee River, Rutland, Vermont. This survey included river cross sections in accordance with VTRANS specifications.
- Highway and Route Control survey of U.S. Route 2 from Plainfield to Danville, Vermont, for the relocation and construction of Route 2 sometime in the future.
- Horizontal and Vertical photo control survey for the redesign and construction of the bridge, spanning the Connecticut River between Brattleboro, VT and Hinsdale, NH.
- Complete right-of-way and topographic survey of the intersection of South Main Street and Fairground Road in Brattleboro, Vt. This survey included utilities and pavement markings.
- Tax mapping of the town of Lyndonville, VT. This project consisted of the research and plotting of every parcel in the Town. Months of research of land records and plans as well as information collected from land owners.



COMMON AREA
7.07 acres

EXHIBIT
tabular
Ex. 2

EAST MONTPELIER TOWN CLERK
RECEIVED FOR RECORD
24th DAY OF Sept 1991
10 o'clock
Superior 3
Joseph J. [Signature]

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
BASED ON PHYSICAL EVIDENCE, DEEDS OF RECORD,
AND SURVEYS OF RECORD.

Wayne D. Lawrence
30 SEPTEMBER 1991



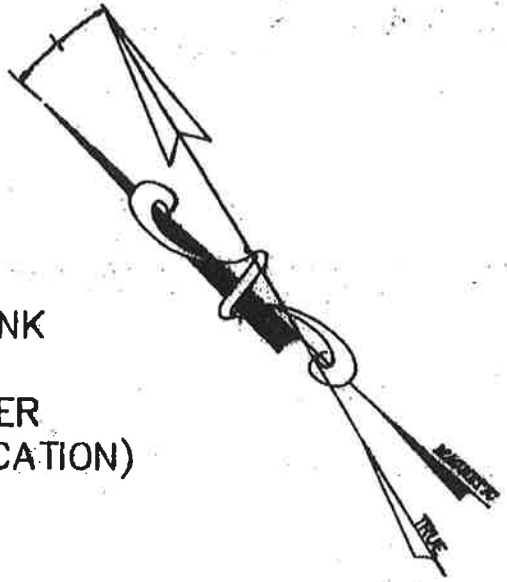
PROJECT NO. 88139		SHEET 1 OF 1		FILED IN 2-7D	
RICHARD CASAVANT OFF VERMONT ROUTE NO. 14 EAST MONTPELIER, VERMONT			WAYNE D. LAWRENCE, P.E. BARRE, VERMONT		
PROPERTY SUBDIVISION			DESIGN: WDL	SCALE: 1" = 100'	APPROVED: WDL
			DRAWN: TCD	SURVEY: PSW, GCL	DATE: 9/20/91

TOWN OF
'ELIER.

18°30' +/- W

LOT NO. 8
53 acres

WESTERLY BANK
OF THE
WINOOSKI RIVER
(APPROXIMATE LOCATION)



N 40°57'52" W
128.44'

S 76°29'22" E
144.54'

R = 60.00'
L = 117.11'
N 57°10'08" E
45.03'

S 57°10'08" W
74.88'

LOT NO. 9
1.98 acres

S 69°42'12" W
94'±

N 40°29'26" E
62'±

R = 302.47'
L = 99.11'
S 39°45'18" E
264.47'

LOT NO. 10
1.01 acres

LOT NO. 11
1.45 acres

R = 242.47'
L = 54.15'
N 26°23'18" E
203.28'

S 69°42'11" W
254.41'

N 56°01'53" E
345.46'

S 26°23'18" E
148.10'

LOT NO. 3
acres

N 76°37'04" W
188.90'

S 05°51'16" W
48.46'

S 41°23'26" E
413.49'

R = 193.58'
L = 81.00'

R = 193.58'
L = 160.51'

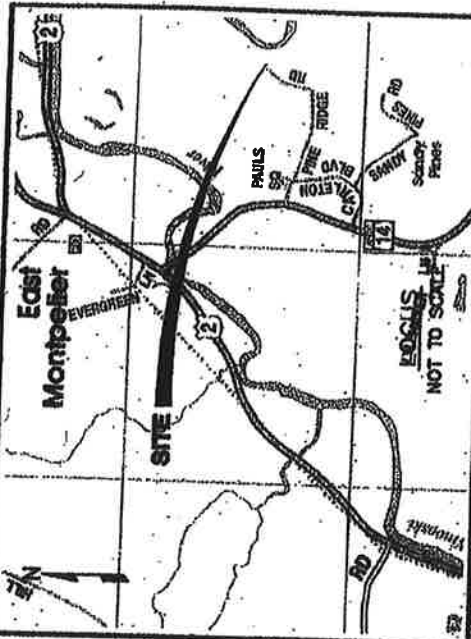
N 86°47'47" E
88.71'

R = 20.00'
L = 17.91'

R = 60.00'
L = 140.55'

*6 miles
west*

LAND
OF
COTE



CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL BOUNDARIES DETERMINED AS NOTED HEREON AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PERFORMED WITH ELECTRONIC TOTAL STATION SURVEY EQUIPMENT, WITH A POSITIONAL TOLERANCE CONFIDENCE LEVEL ABOVE 99% I FURTHER CERTIFY THAT THIS PLAN MEETS ALL THE REQUIREMENTS OF TITLE 27 V.S.A. SECTION 1403.

DATED _____ RICHARD W. BELL L.S. #638 VT.

© COPYRIGHT 2014

PROJ. #14787

DATE: NOV. 1987

SCALE: 1"=50'

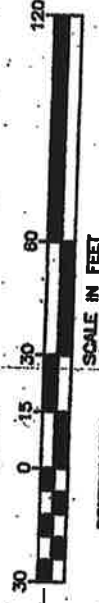
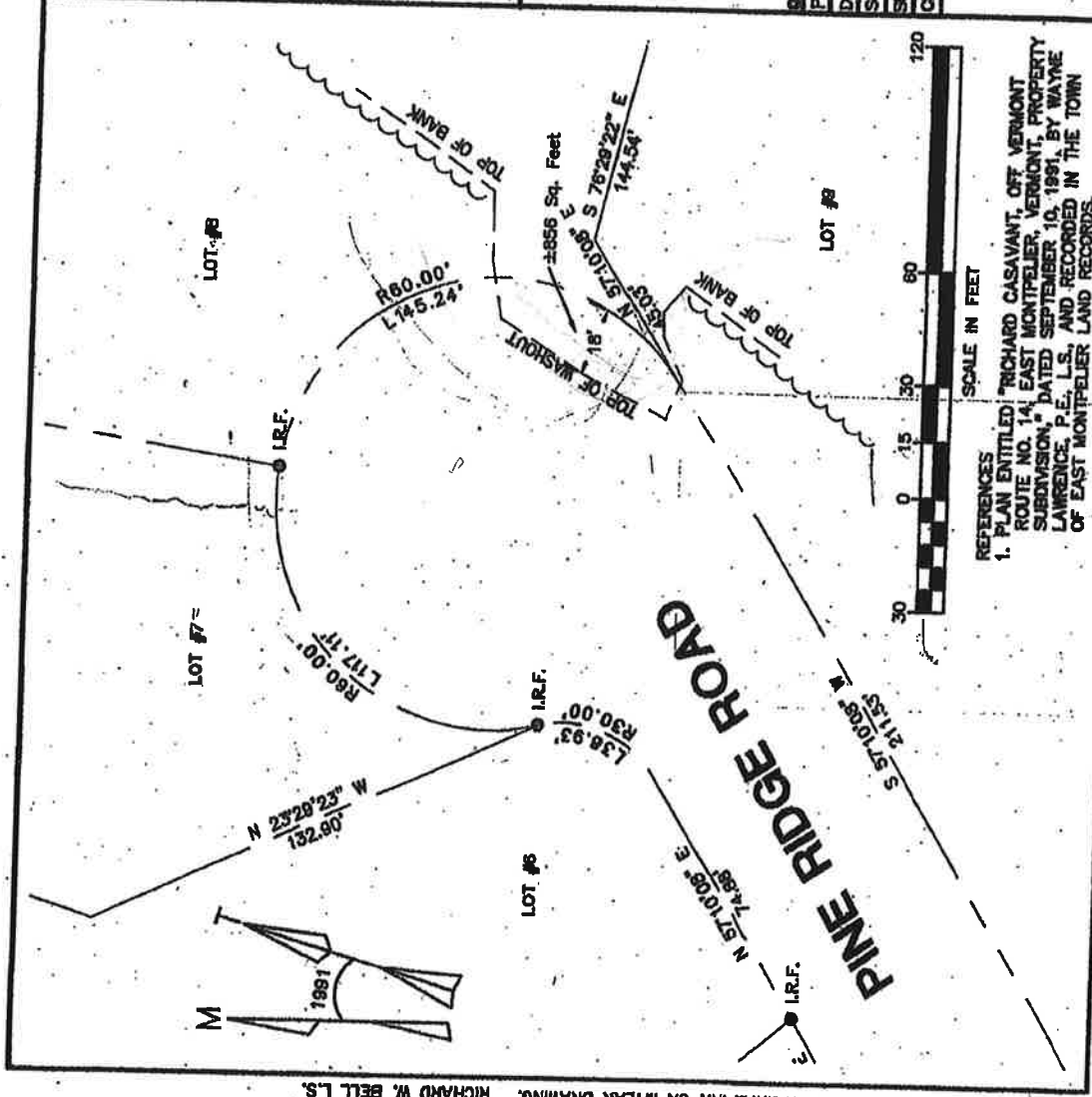
SURVEYED BY: RWB/TWW

CHECKED BY: RIB

SHEET 1 OF 1 DWG. # S-787

RICHARD W. BELL
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RWB@RIBSURVEY.COM - LANDSURVEYOR.COM



REFERENCES

1. PLAN ENTITLED "RICHARD CASAVANT, OFF VERMONT ROUTE NO. 14, EAST MONTPELIER, VERMONT, PROPERTY SUBDIVISION," DATED SEPTEMBER 10, 1991, BY WAYNE LAWRENCE, P.E., L.S., AND RECORDED IN THE TOWN OF EAST MONTPELIER LAND RECORDS.

I CERTIFY THAT THIS PLAN IS AN ORIGINAL INK ON MYLAR DRAWING. RICHARD W. BELL L.S.

