

TOWN OF EAST MONTPELIER

DECISION & ORDER OF THE SELECTBOARD
FOR THE ACCEPTANCE OF A PUBLIC HIGHWAY
RICHARD CASAVANT "PINES" DEVELOPMENT ROAD

I. BACKGROUND:

On December 8, 1993, the East Montpelier Selectboard approved and signed a Preliminary Decision & Order for the Acceptance of the Richard Casavant "Pines" Development Road as a Public Highway. Said order was approved conditional to the developer completing a re-sloping and installation of guardrail at a culvert on the opening portion of the road. The Town agreed to provide winter maintenance for one season until this work could be completed during the 1994 construction season.

II. FINDINGS:

1. At 8:15 AM on November 10, 1993, the Selectboard of the Town of East Montpelier held a site inspection and at 7:15 PM on November 10, 1993, at the Municipal Building, the Selectboard held a public hearing for the purpose of taking testimony of interested persons and adjoining landowners as to whether the public good, necessity and convenience of the inhabitants of the Town of East Montpelier require the acceptance of the so-called Richard Casavant "Pines" development road as a Class 3 town highway.

During the site inspection, the road was driven and viewed. Present were Selectboard Chairman Weston Cate Jr., Administrative Assistant William Bryant, abutters Linda Blake & Carol Houle, and Cheryl Baker (resident of the development road). Selectboard members Allan Couch and Edith Miller had each made their own inspection of the road.

During the hearing, abutters Linda Blake & Carol Houle, development road residents Cheryl Baker and William & Vera Doe, Road Foreman Mike Garand, Town Clerk Sylvia Tosi, Administrative Assistant William Bryant, and the Selectboard were present.

Based upon the evidence and exhibits presented at the hearing, the Selectboard approved and signed a Preliminary Decision & Order for the Acceptance of a Public Highway on December 8, 1993.

2. There are approximately .4 miles of highway within the Casavant "Pines" development as depicted on a map on file in the East Montpelier Land Records, Plat File 3 Map 5, prepared by Wayne D. Lawrence P.E. and titled "Richard Casavant, Off Vermont Route No. 14, East Montpelier, Vermont." The road is located off the intersection of Town Highways #43 (Carleton Blvd.) and #7 (Paul's Square).

3. There are currently six residences constructed and occupied in said development.
4. The said development road has been constructed in accordance with the Town's policy for acceptance of development roads.
5. Acceptance and maintenance of said road will aid in the provision of fire protection and emergency services to residents of the road.
6. The developer, Richard Casavant, has completed the re-grading of slopes and installation of guardrail along the opening portion of the road as required for final acceptance under Finding #5 of the Preliminary Decision & Order of December 8, 1993.
7. The public good, necessity and convenience of the inhabitants of the Town of East Montpelier will benefit from the acceptance of said road as a public highway.
8. Based upon the evidence presented at the hearing, the Selectboard further finds that the persons owning or interested in the lands hereby taken are not entitled to any damages because the road is over an existing private highway. The benefit to the landowners of having the highway maintained balances any residual damages related to the laying out of the highway.

III. ORDER:

Based upon the preceding findings, the East Montpelier Selectboard hereby orders that the so-called Richard Casavant "Pines" development road be accepted and laid out as a Class 3 town highway as depicted on the survey map referred to above and described in a deed conveyed to the Town of East Montpelier and to be recorded with this Order.

Dated at East Montpelier this 18th day of January, 1995.

East Montpelier Selectboard:

Edith Miller
Edith Miller, Chairperson

Allan Couch
Allan Couch

Frank R. Pratt
Frank Pratt

EAST MONTPELIER TOWN CLERK'S OFFICE
 REGISTERED FOR RECORD

THIS 19th DAY OF January, A.D. 1995

AT 10 O'CLOCK 45 MINUTES A M AND

RECORDED IN LAND RECORDS BOOK 55 PAGE 72-73

ATTEST Andrew M. Jose TOWN CLERK

TOWN OF EAST MONTPELIER, VERMONT
CERTIFICATE OF COMPLETION AND OPENING
OF A HIGHWAY FOR PUBLIC TRAVEL

Pursuant to Title 19, V.S.A., Section 15, as amended in 1973, this is to certify that the following described section of Class 3 Highway in the Town of East Montpelier was COMPLETED AND OPEN FOR PUBLIC TRAVEL on January 18, 1995.

DESCRIPTION OF RIGHT-OF-WAY:

Being a right-of-way of 60 feet in width and approximately .4 mile in length, as described and conveyed by QUIT CLAIM DEED of Richard G. Casavant and Carole A. Casavant to the Town of East Montpelier, Vermont dated October 24, 1994 and about to be recorded in the East Montpelier Land Records; and as depicted on a survey map on file in the East Montpelier Land Records, Plat File 3 Map 5, prepared by Wayne D. Lawrence P.E. and titled "Richard Casavant, Off Vermont Route No. 14, East Montpelier, Vermont."

Both the Deed and Survey Map have been duly recorded by the Town Clerk of East Montpelier and are incorporated herein by reference and attested to on said deed and map by said Town Clerk.

DATED at East Montpelier, County of Washington, State of Vermont, this 8th day of February, 1995.

BY: EAST MONTPELIER SELECTBOARD

Edith Miller
Edith Miller, Chairperson

Allan Couch
Allan Couch

Frank Pratt
Frank Pratt

East Montpelier, Vermont

February 9, 1995.

THE ABOVE IS A TRUE COPY OF THE DESCRIPTION OF CLASS 3 HIGHWAY COMPLETED AND OPENED FOR PUBLIC TRAVEL, RECORDED IN BOOK 55 ON PAGE 109 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER ON THE 9th DAY OF February, 1995, AT 10:00 O'CLOCK, A.M.

ATTEST: Agnes M. Josi
TOWN CLERK, EAST MONTPELIER, VERMONT

Town of East Montpelier, Vermont

P.O. Box 157
East Montpelier, VT
05651-0157

Town Clerk's Office
Phone 802-223-3313

December 9, 1993

Richard Casavant
Box 236
East Montpelier VT 05651

Dear Dick:

I am writing concerning the acceptance of the Pines development road. Enclosed is a copy of the Selectboard's "Preliminary Decision & Order" for acceptance.

The Board has called the decision & order "preliminary" due to the need for completion of the re-sloping in the spring. The deed for the road should not be conveyed to the Town until all work is complete. The Town has agreed to plow the occupied portions of the road this winter in anticipation of final acceptance.

The road department has installed the stop sign as agreed. The value you should remit to the Town for this is \$40.00 for the sign and \$17.50 for the post. Installation required Road Department time of one hour each for a road worker to bring down the bucket loader to install the sign post and one hour for the foreman to determine the location of the sign and assist in installation. The charge for labor is \$30.00. Total cost is \$87.50, which should be payable to the Town of East Montpelier.

At the hearing, residents noted that your Act 250 permit requires speed limit signs be posted. This should also be taken care of before final acceptance by the Town.

We hope you have a good winter. Let me know if any questions.

Sincerely,

Bill Bryant

William Bryant
Administrative Assistant

cc Fred Cleveland, Esq.

rec'd \$87.50 2/7/94



TOWN OF EAST MONTPELIER

PRELIMINARY DECISION & ORDER OF THE SELECTBOARD
FOR THE ACCEPTANCE OF A PUBLIC HIGHWAY
RICHARD CASAVANT "PINES" DEVELOPMENT ROAD

At 8:15 AM on November 10, 1993, the Selectboard of the Town of East Montpelier held a site inspection and at 7:15 PM on November 10, 1993, at the Municipal Building, the Selectboard held a public hearing for the purpose of taking testimony of interested persons and adjoining landowners as to whether the public good, necessity and convenience of the inhabitants of the Town of East Montpelier require the acceptance of the so-called Richard Casavant "Pines" development road as a Class 3 town highway.

During the site inspection, the road was driven and viewed. Present were Selectboard Chairman Weston Cate Jr., Administrative Assistant William Bryant, abutters Linda Blake & Carol Houle, and Cheryl Baker (resident of the development road). Selectboard members Allan Couch and Edith Miller had each made their own inspection of the road.

During the hearing, abutters Linda Blake & Carol Houle, development road residents Cheryl Baker and William & Vera Doe, Road Foreman Mike Garand, Town Clerk Sylvia Tosi, Administrative Assistant William Bryant, and the Selectboard were present.

Based on the evidence and exhibits presented at the hearing, the Selectboard makes the following findings:

1. There are approximately .4 miles of highway within the Casavant "Pines" development as depicted on a map on file in the East Montpelier Land Records, Plat File 3 Map 5. The road is located off the intersection of Town Highways #43 (Carleton Blvd.) and #7 (Paul's Square).
2. There are currently three residences constructed and occupied in said development.
3. The said development road has been constructed in accordance with the Town's policy for acceptance of development roads.
4. Acceptance and maintenance of said road will aid in the provision of fire protection and emergency services to residents of the road.
5. The developer, Richard Casavant, has agreed to re-grade the slopes along the opening portion of the road to negate the need for guardrails, and acceptance of the road will be conditional to the completion of this work in the spring of 1994. The Town of East Montpelier will plow the road during the 1993/94 winter, in anticipation of final acceptance.

6. The public good, necessity and convenience of the inhabitants of the Town of East Montpelier will benefit from the acceptance of said road as a public highway.

Based upon the preceding findings, the East Montpelier Selectboard hereby orders that the so-called Richard Casavant "Pines" development road be conditionally accepted per item #5 above, and laid out as a Class 3 town highway as depicted on the survey map referred to above and described in a deed to be conveyed to the Town of East Montpelier.

Based upon the evidence presented at the hearing, the Selectboard further finds that the persons owning or interested in the lands hereby taken are not entitled to any damages because the road is over an existing private highway. The benefit to the landowners of having the highway maintained balances any residual damages related to the laying out of the highway.

Dated at East Montpelier this 8th day of December, 1993.

East Montpelier Selectboard:

Allen D. Egan
Arthur A. Miller
Walter A. Cate Jr.