

COMMONWEALTH OF MASSACHUSETTS

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Case No. 38920.311.15

Roberts Plan No. 350-333-1961 Pl. Board # 210.

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NORFOLK, SS.

At a meeting of the County Commissioners for the County of Norfolk, held at Dedham, within and for said County, on the fourteenth day of March, 1961, by adjournment of their December meeting next preceding: a notice of said meeting having been posted as required by law:-

The petition of JOHN E. McCAFFREY and others of WEYMOUTH, in said County, represents as follows:

Commonwealth of Massachusetts

Norfolk, ss.

To the Honorable the County Commissioners of the County of Norfolk:

Respectfully represent your petitioners, inhabitants of the Town of WEYMOUTH in said County, that common convenience and necessity require that the way known as WINTER STREET, a public way in said town, be relocated between Main Street (Route #18) and Washington Street (Route #3) for the purpose of establishing the boundary lines of said way; making alterations in the course or width of said way; and making repairs on said way.

Wherefore your petitioners pray that said way may be re-located within the limits above specified.

Dated July 21, 1958

BOARD OF PUBLIC WORKS

John E. McCaffrey
George E. Lane
Robert G. Ahlstedt
Allan R. McKinnon
George F. Brady

BOARD OF SELECTMEN

Franklin Fryer, Chairman
Ralph J. Amabile, Jr., Clerk
Warren P. Burrell
James T. O'Sullivan

PLANNING BOARD

Walter B. Heffernan, Chairman
Frank G. Hale, Sec.

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid on the thirtieth day of June, 1959, by adjournment of their June meeting next preceding: and the twenty-eighth day of July, 1959 at three o'clock in the afternoon at the Court House in said Dedham were appointed by said Commissioners as the time and place for commencing and proceeding to view the premises; and they thereupon caused a copy of said petition, and of order of notice thereon, to be served upon the Clerk of the Town of WEYMOUTH, being the town within which such relocation of way was prayed for, fifteen days at least before the time appointed for said view; and also caused copies of an abstract of said petition and of said order of notice to be posted in two public places in said town: and to be published in the WEYMOUTH GAZETTE, a newspaper published in said County, said posting and

publication having been seven days at least before the time and place appointed for said view, that all persons and corporations interested for or against said petition, might then and there appear and be heard if they saw fit.

And on the said twenty-eighth day of July, 1959, the Commissioners, Russell T. Bates, Everett M. Bowker and Ainslie K. Payne (acting in place of Clayton W. Nash who was disqualified by reason of residence) met at the time and place specified in said order: when and there the petitioners appeared and the Town of WEYMOUTH was represented by its Selectmen; and the said Commissioners then viewed the route and premises, and heard all persons and corporations interested; and thereupon the said Commissioners did adjudge that common convenience and necessity require that said way be relocated as prayed for in said petition.

And thence the same was continued and adjourned from time to time to a meeting of said Commissioners held at Dedham aforesaid on the fifth day of July, 1960 by adjournment of their June meeting next preceding, a notice of said meeting having been posted as required by law: when and where upon the adjudication aforesaid, the Commissioners appointed the twenty-sixth day of July, 1960 and four o'clock in the afternoon at the Town Hall in Weymouth as the time and place when they would proceed to and take such action in relation to said adjudication as by law they might be authorized to do.

And having give notice of such adjudication and of the time and place appointed, and for the purpose aforesaid in

the same manner as the notice and publication were given and made before first proceeding to view, the said Commissioners met at the time and place appointed and then and there heard all persons and corporations interested, and said hearing was continued and adjourned from time to time to this meeting.

And now the said Commissioners, by courses and distances, metes and bounds, do relocate said WINTER STREET as prayed for in said petition.

And the lines of said relocation of said WINTER STREET are as follows:-

The northerly line of Winter Street begins at a stone bound on the easterly line of Main Street as laid out by the

Massachusetts Department of Public Works on October 29, 1903; thence southeasterly by a curve with a radius of 160.00 ft. a distance of 250.89 ft. to a stone bound; thence by a curve to the left with a radius of 400.00 ft. a distance of 119.15 ft. to a stone bound; thence N-71-47-50-E a distance of 348.40 ft. to a stone bound; thence by a curve to the left with a radius of 1000.00 ft. a distance of 220.40 ft. to a stone bound; thence N-59-10-10-E a distance of 319.14 ft. to a stone bound which is on the northerly line of Winter Street as laid out by the Town of Weymouth in 1883; thence N-71-18-20-E a distance of 583.15 ft. to a stone bound; thence S-45-31-20-E a distance of 57.09 ft. to a stone bound; thence southwesterly by a curve with a radius of 20.00 ft. a distance of 58.15 ft. to a stone bound; thence N-86-46-00-E a distance of 369.11 ft. to a stone bound; thence continuing on the same course a distance of 393.81 ft. to a stone bound; thence by a curve to the left with a radius of 200.00 ft. a distance of 226.98 ft. to a stone bound; thence N-21-44-26-E a distance of 56.10 ft. to a stone bound; thence by a curve to the left with a radius of 40.00 ft. a distance of 57.51 ft. to a stone bound which is on the westerly line of Washington Street as laid out by the Massachusetts Department of Public Works on November 14, 1916.

The southerly line of Winter Street begins at a stone bound on the easterly line of Main Street as laid out by the Massachusetts Department of Public Works on October 29, 1903; said bound being S-1-17-30-E a distance of 418.83 ft. from the first bound on the northerly line as above described; thence northeasterly by a curve with a radius of 200.00 ft. a distance of 302.23 ft. to a stone bound; thence by a curve to the left with a radius of 460.00 ft. a distance of 108.34 ft. to a stone bound; thence N-71-47-50-E a distance of 348.40 ft. to a stone bound; thence by a curve to the left with a radius of 1060.00 ft. a distance of 233.62 ft. to a stone bound; thence N-59-10-10-E a distance of 168.92 ft. to a stone bound; thence by a curve to the right with a radius of 1200.00 ft. a distance of 577.99 ft. to a stone bound; thence N-86-46-00-E a distance of 523.63 ft. to a stone bound; thence continuing on the same course a distance of 500.00 ft. to a stone bound; thence by a curve to the right with a radius of 50.00 ft. a distance of 92.40 ft. to a stone bound which is on the northwesterly line of Middle Street

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as laid out by the Town of Weymouth in April, 1929; thence by said northerly line of Middle Street by a curve with a radius of 1314.43 ft. a distance of 208.62 ft. to a stone bound; thence N-21-44-26-E a distance of 42.47 ft. to a stone bound; thence by a curve to the left with a radius of 70.00 ft. a distance of 101.52 ft. to a stone bound which is on the westerly line of Washington Street as laid out by the Massachusetts Department of Public Works on November 14, 1916; said bound being a distance of 33.34 ft. on a radius of 2611.59 ft. from the last bound on the northerly line as above described.

The southerly line heretofore described, in general is 60.00 feet southerly from and parallel to the northerly line.

And the said Commissioners do likewise hereby lay out as a separate way that portion of Winter Street between Station 17 + 80.00 and Washington Street as formerly located but not included in the above described relocation and the lines of said way so laid out are as follows:-

The northerly line begins at a stone bound on the northerly line of Winter Street as above described; thence N-73-20-30-E a distance of 506.36 ft. to a stone bound; thence N-69-41-40-E a distance of 359.94 ft. to a stone bound; thence by a curve to the right with a radius of 45.00 ft. a distance of 182.02 ft. to a stone bound.

The southerly line begins at a stone bound on the northerly line of Winter Street as above described; said bound being S-45-31-20-E a distance of 57.09 ft. from the first bound on the northerly line as above described; thence N-73-20-30-E a distance of 480.40 ft. to a stone bound; thence N-69-41-40-E a distance of 279.08 ft. to a stone bound; thence by a curve to the right with a radius of 60.00 ft. a distance of 54.20 ft. to a stone bound which is the last described bound on the northerly line.

The southerly line heretofore described, in general, is 50.00 feet southerly from and parallel to the northerly line.

And the said Commissioners do hereby take for the purposes of a highway all the fee and rights incident to a public highway in the lands included within the lines of location hereinbefore described, and the grade thereof is established all as shown upon a plan entitled "Plan and Profile showing the Relocation and Widening of a portion of Winter Street,

Weymouth, from Main Street to Washington Street as made by the Norfolk County Commissioners by Return dated March 14, 1961. Horizontal Scale: 1 inch = 40 feet; Vertical Scale: 1 inch = 8 feet. Wallace S. Carson, County Engineer." and signed by "Russell T. Bates, Chairman" which plan is filed herewith and made a part of this Return in accordance with the provisions of Chapter 79 of the General Laws and all acts and amendments thereof and in addition thereto.

And the said Commissioners do likewise further take all the easements in lands adjoining the location of said way as hereby established, consisting of the right to have the lands of said location protected by having the surface of the adjoining land slope from the lines of said location as indicated on said plan.

And permanent stone bounds will be erected at the termini and angles of said way relocated as aforesaid.

And it is determined by the Commissioners that all portions of the existing highway lying outside the lines herein established are hereby discontinued.

And it is determined by the Commissioners that the Inhabitants of the Town of WEYMOUTH, do within five years from the date of this Return and Order complete said way in a thorough and workmanlike manner and to the acceptance of the County Commissioners.

The travelled part of Winter Street shall be constructed not less than forty (40) feet in width; and the travelled part of the separate way shall be constructed not less than thirty (30) feet in width.

Suitable sidewalks, gutters, culverts, retaining walls, fences and railings shall be constructed, wherever, in the opinion of the County Commissioners, they are needed, provided, however, no trees more than one and one half inches in diameter one foot above the ground shall be removed in the course of work done under this paragraph until the County Commissioners have been given notice of the intention to remove such trees and their assent thereto in writing has been given to the Inhabitants of the Town of WEYMOUTH.

And it is determined by the Commissioners that all the expense of making the relocation of way prescribed in this Return and Order including the expense of constructing said way, and all land and other damages and expenses incident thereto, be paid by the Inhabitants of the Town of WEYMOUTH.

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And the Commissioners have heard the proprietors of lands and property, rights and interests, taken or affected by these proceedings, and have considered and estimated the damages sustained in the premises, having had regard to all the damages done to the parties respectively, whether by taking their property or injuring it in any manner, and having allowed by way of set off, the benefits, if any, to the property of said parties in the premises, and do estimate and determine the damages to be paid to said parties respectively, in the sums hereafter named; the same to be paid to said parties respectively by the Inhabitants of the Town of WEYMOUTH when the lands hereby taken and over which said way is hereby located have been entered upon and possession taken, for the purpose of constructing said way.

<u>Pcl. No.</u>	<u>Owner</u>	Approximate		<u>Award</u>
		<u>Sq.Ft. Taken</u>	<u>Tax Allowance</u>	
1.	Albert E. Spencer et ux	2600	7.71	300.00
	Slope easement			
2.	Marie I. Rice et al Mt: Weymouth Savings Bank.	2060	4.71	250.00
	Slope easement			
3.	Weymouth Light and Power Company	10360	25.66	500.00
	Slope easement			
3a.	Gordon A. Macomber et ux Mtg: The Quincy Cooperative Bank	Slope easement	-	1.00
3b.	Town of Weymouth	Slope easement	-	-
3c.	William A. Rockwood et ux Mt: South Shore Cooperative Bank	Slope easement	-	1.00
3d.	Edward T. Dwyer	Slope easement	-	1.00
3e.	Lester C. Hamilton et ux Mtg: The Provident Institu- tion for Savings in the Town of Boston	Slope easement	-	1.00
3f.	Alexander Traverso et ux Mtg: Union Savings Bank of Boston	Slope easement	-	1.00
3g.	Francis A. Day et ux Mtg: Jamaica Plain Coopera- tive Bank	Slope easement	-	1.00
3h.	John A. Nicholson et ux Mtg: Institution for Savings in Roxbury	Slope easement	-	1.00
<u>Pcl. No.</u>	<u>Owner</u>	Approximate		<u>Award</u>
		<u>Sq.Ft. Taken</u>	<u>Tax Allowance</u>	
3j.	John R. MacLeod et ux Mtg: The South Weymouth Cooperative Bank	Slope easement	-	1.00
3k.	Robert F. Morton et ux Mtg: Merchants Cooperative Bank	Slope easement	-	1.00
3l.	Anthony DeMarco Town of Weymouth, Tax Taking	Slope easement	-	1.00

4.	Town of Weymouth	58200	-	-
	Slope easement			
4a.	Joseph C. Tocci et ux		-	1.00
	Slope easement			
4b.	Harold W. Dymont et ux		-	1.00
	Slope easement			
5.	Arthur G. Metcalf et ux	460	.95	15.00
	Mtg: South Shore Cooperative Bank.			
5a.	Pearl M. Keefe		-	1.00
	Mtg: Weymouth Savings Bank			
5b.	Owners Unknown		-	1.00
	Slope easement			
6.	Herbert K. Klasson and Bernard S. Ericson	16280	27.27	350.00
	Mtg: Wollaston Federal Savings and Loan Association			
7.	Herbert K. Klasson and Bernard S. Ericson	10150	13.65	500.00
	Mtg: Wollaston Federal Savings and Loan Association			
8.	Town of Weymouth	18700	19.53	-
	Slope easement			
8a.	Marie Rice		-	1.00
	Slope easement			
8b.	Albert G. Kalil et ux		-	1.00
	Mtg: The Boston Five Cents Savings Bank			
9.	David O. Hunter et ux	70	.14	1.00
	Mtg: South Shore Cooperative Bank			
10.	Carl C. Evenson et ux	11970	45.47	1800.00
11.	Town of Weymouth	2220	2.32	-
12.	Joseph Salvaggi, Trustee of the Salvaggi Trust	170	.33	10.00
12a.	Charles E. Newcomb		-	1.00
	Slope easement			
	Total			\$ 3743.00

And having heard the proprietors of lands and property, rights and interests, taken or affected by these proceedings, the Commissioners direct that all said proprietors shall have the right to take off their timber, wood and trees and to remove their buildings, structures, hedges, walls and fences from the lands so taken, at any time within two months from the date on which entry is made or possession taken for the purpose of constructing said way.

RUSSELL T. BATES

EVERETT M. BOWKER

AINSLIE K. PAYNE

COUNTY COMMISSIONERS

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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the fourteenth day of March, 1961 by adjournment of their December meeting next preceding, a notice of said meeting having been posted as required by law:

ORDERED, that the foregoing Return and Order be filed, accepted and recorded, and that an attested copy thereof be transmitted to the Clerk of the Town of WEYMOUTH within which the limits of said highway described therein lies, that the same may be recorded by said Clerk, within ten days, in the book of records kept in said town for that purpose.

RUSSELL T. BATES

EVERETT M. BOWKER

AINSLIE K. PAYNE

COUNTY COMMISSIONERS

A true copy,

ATTEST: *Peter C. Hutchinson* CLERK

Recorded Apr. 3, 1961 at 9h.A.M.

January 26, 1961

TO THE REGISTER OF DEEDS FOR THE COUNTY OF NORFOLK
~~TO THE ASSISTANT RECORDER FOR THE~~
~~NORFOLK COUNTY OF~~

The attachment of the real estate (in said county) of WILLIAM F. VARNEY d/b/a VARNEY CONSTRUCTION, INC.

Defendant, made on the tenth day of January, 1961

in an action commenced in the DISTRICT COURT OF SOUTHERN NORFOLK Court

by ART FLOOR COMPANY, INC. Plaintiff,

duly recorded in the said Registry of Deeds in Book 3871, Page 57
said Registry District of the County of Norfolk and noted as Corrected in the
Book Page, is hereby released and discharged.

Harvey M. Lyman
Attorney for the Plaintiff