

#212

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners for the County of Norfolk, held at Dedham, within and for said County, on the twenty-fourth day of September, 1940:-

The petition of JOHN B. CATALDO and others, of FRANKLIN for the relocation of GROVE STREET, 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 FRANKLIN in said County, that common convenience and necessity require that the way known as GROVE STREET, a public way in said town, be relocated between West Central Street and Washinton Street, together with making connections with all intersecting ways for the purpose of establishing the boundary lines of said way, making alterations in the width or course of said way, and making repairs on said way, and for the convenience of travel from Unionville to Woonsocket and to the Mass. State Reservation.

Wherefore your petitioners pray that said way may be relocated within the limits above specified.

Dated January 16, 1940.

- |                       |                               |
|-----------------------|-------------------------------|
| John B. Cataldo       | 112 King Street               |
| Albert F. Granger     | 229 Chestnut St., Franklin    |
| Edward S. Cook        | 510 E. Central St., Franklin  |
| Chas. A. Woodward     | 1359 W. Central St., Franklin |
| Frank E. Osborne      | 1025 W. Central St., Franklin |
| Matthew J. VanLeeuwen | 363 W. Central St., Franklin  |
| Geo. F. Ribero        | 529 W. Central St., Franklin  |
| Charles I. Whitney    | 41 Union St., Franklin        |
| C. Arthur Tower       | Grove St., Franklin           |
| Joseph Pelletier      | Grove St., Franklin           |
| A. W. Cole            | Grove St., Franklin           |
| Gustav Anderson       | Grove St., Franklin           |
| Francis N. Landry     | Grove St., Franklin           |
| Arthur J. Newell      | Grove St., Franklin           |
| Arsene Rondeau        | Grove St., Franklin           |
| Thomas S. McDermott   | Main St., Franklin            |

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the twenty-third day of January, 1940, by adjournment of their December meeting next preceding: and the twenty-sixth day of March then next and two fifteen o'clock in the afternoon, at the Court House in said Dedham were appointed by

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the Commissioners as the time and place for commencing and proceed-  
 ing 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 Franklin 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  
 FRANKLIN SENTINEL, a newspaper published in said County, said  
 posting and publication having been seven days at least before  
 the time appointed for said view, that all persons and corpora-  
 tions interested for or against said petition, might then and  
 there appear and be heard if they saw fit.

And on the said twenty-sixth day of March, the Commis-  
 sioners, Frederick A. Leavitt, Edward W. Hunt, and Russell T. Bates  
 met at the time and place specified in said order, when and where  
 the petitioners appeared, and the town of Franklin was represented  
 by its Selectmen; and the said Commissioners then viewed the  
 route and premises, and heard all persons and corporations inter-  
 ested; and no party interested objected: 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 Franklin  
 on the fourteenth day of May, 1940 when and where the Commis-  
 sioners further heard the petitioners and owners of property to  
 be taken or affected by said proceedings and thence the same 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 GROVE STREET as prayed for in  
 said petition.

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

The westerly line begins at a stone bound on the northerly side of Washington Street as laid out by the Norfolk County Commissioners by Return dated June 23, 1925; thence by a curve northeasterly with a radius of 80.00 ft. a distance of 118.81 ft. to a stone bound; thence by a line tangent to said curve N-14-48-50-E a distance of 479.38 ft. to a stone bound; thence by a curve to the left with a radius of 800.00 ft. a distance of 285.69 ft. to a stone bound; thence N-5-38-50-W a distance of 660.65 ft. to a stone bound; thence by a curve to the left with a radius of 800.00 ft. a distance of 192.88 ft. to a stone bound; thence N-19-27-40-W a distance of 228.95 ft. to a stone bound; thence by a curve to the left with a radius of 1600.00 ft. a distance of 224.95 ft. to a stone bound; thence N-27-31-00-W a distance of 273.58 ft. to a stone bound; thence by a curve to the right with a radius of 650.00 ft. a distance of 266.02 ft. to a stone bound; thence N-4-04-05-W a distance of 306.88 ft. to a stone bound; thence N-85-55-55-E a distance of 25.00 ft. to a stone bound; thence easterly by a curve with a radius of 20.00 ft. a distance of 50.30 ft. to a stone bound; thence by a line tangent to said curve N-31-50-10-E a distance of 701.45 ft. to a stone bound; thence by a curve to the left with a radius of 32.38 ft. a distance of 81.09 ft. to a stone bound; thence N-21-39-10-W a distance of 25.00 ft. to a stone bound; thence northeasterly by a curve with a radius of 400.00 ft. a distance of 254.90 ft. to a stone bound; thence N-31-50-10-E a distance of 643.85 ft. to a stone bound; thence by a curve to the left with a radius of 1000.00 ft. a distance of 353.14 ft. to a stone bound; thence N-11-36-10-E a distance of 371.33 ft. to a stone bound; thence by a curve to the right with a radius of 1250.00 ft. a distance of 266.95 ft. to a stone bound; thence N-23-50-20-E a distance of 671.85 ft. to a stone bound; thence by a curve to the left with a radius of 800.00 ft. a distance of 423.11 ft. to a stone bound; thence N-6-27-50-W a distance of 415.92 ft. to a stone bound; thence by

a curve to the right with a radius of 750.00 ft. a distance of 449.57 ft. to a stone bound; thence N-27-52-50-E a distance of 476.22 ft. to a stone bound; thence by a curve to the left with a radius of 500.00 ft. a distance of 192.71 ft. to a stone bound; thence N-5-47-50-E a distance of 159.70 ft. to a stone bound; thence by a curve to the left with a radius of 1000.00 ft. a distance of 542.85 ft. to a stone bound; thence N-25-18-20-W a distance of 558.17 ft. to a stone bound.

The easterly line begins at a stone bound on the northerly side of Washington Street, as laid out by the Norfolk County Commissioners by Return dated June 23, 1925, which point is S-80-05-50-E a distance of 210.77 ft. from the point of beginning of the westerly line as above described; thence northwesterly by a curve with a radius of 80.00 ft. a distance of 132.52 ft. to a stone bound; thence by a line tangent to said curve N-14-48-50-E a distance of 228.91 ft. to a stone bound; thence by a curve to the right with a radius of 200.00 ft. a distance of 85.52 ft. to a stone bound; thence N-39-18-50-E a distance of 84.94 ft. to a stone bound; thence by a curve to the left with a radius of 450.00 ft. a distance of 390.74 ft. to a stone bound; thence N-10-26-10-W a distance of 261.08 ft. to a stone bound; thence by a curve to the left with a radius of 300.00 ft. a distance of 152.95 ft. to a stone bound; thence by a curve to the right with a radius of 169.50 ft. a distance of 100.58 ft. to a stone bound; thence N-5-38-50-W a distance of 190.83 ft. to a stone bound; thence by a curve to the left with a radius of 850.00 ft. a distance of 204.93 ft. to a stone bound; thence N-19-27-40-W a distance of 228.95 ft. to a stone bound; thence by a curve to the left with a radius of 1650.00 ft. a distance of 231.98 ft. to a stone bound; thence N-27-31-00-W a distance of 273.58 ft. to a stone bound; thence by a curve to the right with a radius of 600.00 ft. a distance of 310.77 ft. to a stone bound; thence continuing on the same curve 310.77 ft. to a stone bound; thence N-31-50-10-E a dis-

tance of 595.20 ft. to a stone bound; thence continuing on the same course a distance of 916.00 ft. to a stone bound; thence by a curve to the left with a radius of 1050.00 ft. a distance of 370.80 ft. to a stone bound; thence N-11-36-10-E a distance of 371.33 ft. to a stone bound; thence by a curve to the right with a radius of 1200.00 ft. a distance of 256.27 ft. to a stone bound; thence N-23-50-20-E a distance of 671.85 ft. to a stone bound; thence by a curve to the left with a radius of 850.00 ft. a distance of 449.55 ft. to a stone bound; thence N-6-27-50-W a distance of 415.92 ft. to a stone bound; thence by a curve to the right with a radius of 700.00 ft. a distance of 419.60 ft. to a stone bound; thence N-27-52-50-E a distance of 476.22 ft. to a stone bound; thence by a curve to the left with a radius of 550.00 ft. a distance of 211.98 ft. to a stone bound; thence N-5-47-50-E a distance of 159.70 ft. to a stone bound; thence by a curve to the left with a radius of 1050.00 ft. a distance of 569.99 ft. to a stone bound; thence N-25-18-20-W a distance of 186.40 ft. to a stone bound; thence by a curve to the right with a radius of 250.00 ft. a distance of 313.43 ft. to a stone bound, which point is on the southeasterly side of Beaver Street; thence N-71-29-40-W a distance of 56.64 ft, which point is on the northwesterly side of Beaver Street; thence northwesterly by a curve with a radius of 100.00 ft. a distance of 188.79 ft. to a stone bound, which point is N-64-41-40-E a distance of 50.00 ft. from the last bound in the westerly line as above described.

The easterly line heretofore described, in general, is 50.00 ft. easterly from and parallel to the westerly line and is shown on a plan entitled "Plan and Profile showing the Relocation and Widening of Grove St., Franklin between Washington St. and Beaver St. as made by the Norfolk County Commissioners by Return dated Sept. 24, 1940. Horizontal Scale 1 inch = 40 feet. Vertical Scale 1 inch = 8 feet. Wallace S. Carson, County Engineer."

and marked "Frederick A. Leavitt, Chairman" which plan is filed herewith and made a part of this Return.

And the said Commissioners do hereby take for the purposes of a highway all the easements and rights incident to a public highway in the lands included within the lines of relocation hereinbefore described and as shown on the plan hereinbefore referred to and made a part hereof in accordance with Chapter 79 of the General Laws and all acts and amendments thereof and in addition thereto.

And any easements over the right of way of the N. Y. N. H. & H. R. R., Midland Division, have been taken with the permission of said railroad by letter dated September 27, 1940 signed by A. S. Tuttle, District Engineer.

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 the way relocated as aforesaid.

And it is determined by the Commissioners that the Inhabitants of the Town of Franklin do within two 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 said way shall be constructed not less than twenty-four (24) 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 Franklin.

And it is determined by the Commissioners that all portions of the existing highway lying outside the lines herein established are hereby discontinued except that section lying between stations 27+0 and 38+50, but such discontinuance shall not take effect until a sufficient travelled way adjacent thereto within the new location has been completed and opened for use by the public.

And it is determined by the Commissioners that all the expenses of making the relocation of way as prescribed in this return and order including the expenses of constructing said way, and all land and other damages and expenses incident thereto, be paid by the Inhabitants of the town of Franklin.

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 Franklin 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 the said way.

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Award</u>
1.	Lawrence Hanson et ux	80	\$ 1.00
2.	Andrew J. Wittrup	1,400)	
3.	" " "	88,500)	200.00
4.	" " "	14,850)	
5.	N. Y. N. H. & H. R. R.	3,500	No award
6.	Arsine Rondeau et ux	3,300	1.00
7.	Arthur J. Newell	43,500	400.00
8.	Commonwealth of Massachusetts	7,500	1.00
9.	Francis N. Landry	14,600)	1.00
10.	" " "	6,400)	
11.	Franklin Fox Farm, Inc.	9,200	10.00
12.	Joseph Pelletier et ux	15,600	10.00
13.	Commonwealth of Massachusetts	8,700	1.00
14.	Lucy E. Tower et al	3,400)	10.00
15.	" " " " "	8,600)	
16.	Commonwealth of Massachusetts	9,000	1.00
17.	Edward S. Cook	3,200	1.00
18.	Town of Franklin	13,400	1.00
19.	Lucy E. Tower et al	3,300)	10.00
20.	" " " " "	16,400)	
21.	Joseph Pelletier et ux	30	1.00
22.	Arthur W. Cole	400	1.00
23.	Walter G. and Ethel T. Anderson-	1,300	5.00
24.	Harman Elliott	4,500)	1.00
25.	" "	11,500)	
26.	Arsine Rondeau et ux	15,700	1.00
27.	Andrew J. Wittrup	3,600	1.00
28.	Arsine Rondeau et ux	2,250	1.00
29.	Marietta H. Robinson et al	400	1.00
30.	Aldea Sullivan et al	1,900	1.00
31.	Patrick R. Phelan	2,300)	1.00
32.	Patrick R. Phelan	3,500)	
33.	John H. Williams et ux	4,100	5.00
		TOTAL	\$ 667.00

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 the work ordered by this return is begun.

FREDERICK A. LEAVITT

EDWARD W. HUNT

RUSSELL T. BATES

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday the twenty-fourth day of September, 1940:

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 Franklin within the limits of which 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.

FREDERICK A. LEAVITT

EDWARD W. HUNT

RUSSELL T. BATES

COUNTY COMMISSIONERS

A true copy,

ATTEST: *R. B. Worthington* CLERK

Rec'd & entered for record Oct. 23, 1940 at 10h.07m.A.M.