

#579

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-third day of November, 1971, by adjournment of their September meeting next preceding: a notice of said meeting having been posted as required by law:

The petition of JAMES F. HENNESSEY and others of FOXBOROUGH 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 FOXBOROUGH in said County, that common convenience and necessity require that the way known as WEST STREET, a public way in said town, be relocated throughout its entire length for the purpose of establishing the boundary lines of said way, making alterations in the course of width of said way, and for reconstructing and/or repairing on said way.

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

Dated May 2, 1968

Town Planning Board

Thomas E. Murphy  
William H. Burt  
William M. Woodason

Board of Selectmen

James F. Hennessey  
Edward C. Fox  
N. Carl Annon

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the twenty-first day of April, 1970; a notice of said meeting having been posted as required by law; and the twelfth day of May, 1970 and two thirty o'clock in the afternoon at the Court House in 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 FOXBOROUGH being the town within which such relocation of way was prayed for, fifteen

See Plan No 980-1971 R & B Book 230

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 FOXBOROUGH REPORTER, 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 corporations interested for or against said petition, might then and there appear and be heard if they saw fit.

And on the said twelfth day of May, 1970, the Commissioners, James J. Collins, Thomas K. McManus, and George B. McDonald, met at the time and place specified in said Order, when and where the petitioners appeared and the Town of FOXBOROUGH was represented by its Selectmen; and the said Commissioners then viewed the route and premises, and heard all persons and corporations interested, and thence the second day of June, 1970 and 2:30 o'clock in the afternoon at the said Court House in said Dedham were appointed by said Commissioners as the time and place to further view the route and premises.

And thence the same was continued and adjourned to a meeting of the Commissioners held at Dedham on the ninth day of June, 1970, by adjournment of their April meeting next preceding, at which time 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 the Commissioners held at Dedham on the fourth day of May, 1971, by adjournment of their April meeting next preceding, a notice of said meeting having been posted as required by law: when and where upon the adjudication aforesaid, the said Commissioners appointed the twenty-fifth day of May, 1971 and two-thirty o'clock in the afternoon at said Court House in said Dedham 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 given 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 publication being in the Patriot Ledger, 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 WEST STREET as prayed for in said petition.

And the lines of said relocation of said WEST STREET are as follows:

The northeasterly line begins at a stone bound which is on the Town Line between Wrentham and Foxborough; thence southerly and southeasterly by a 1250.00 ft. radius curve 520.75 ft. to a stone bound; thence S-57-47-40-E, 400.00 ft. to a stone bound; thence continuing on the same course 400.00 ft. to a stone bound; thence continuing on the same course 482.21 ft. to a stone bound; thence to the right by a 4060.00 ft. radius curve 159.63 ft. to a stone bound; thence S-55-32-30-E, 312.80 ft. to a stone bound; thence to the left by a 400.00 ft. radius curve 265.97 ft. to a stone bound; thence to the right by a 1060.00 ft. radius curve 40.14 ft. to a stone bound; thence N-80-16-40-E, 85.68 ft. to a stone bound; thence N-83-24-35-E, 111.09 ft. to a stone bound; thence S-82-38-25-E, 135.82 ft. to a stone bound; thence S-10-45-00-W, 51.58 ft. to a stone bound; thence easterly and southeasterly by a 1060.00 ft. radius curve a distance of 105.35 ft. to a stone bound; thence to the left by a 30.00 ft. radius curve 45.05 ft. to a stone bound; thence to the right by a 130.00 ft. radius curve 76.82 ft. to a stone bound; thence S-30-27-48-E, 40.00 ft. to a stone bound; thence southwesterly and southerly by a 90.00 ft. radius curve 49.71 ft. to a stone bound; thence to the left by a

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30.00 ft. radius curve 47.60 ft. to a stone bound; thence to the right by a 1060.00 ft. radius curve 343.80 ft. to a stone bound; thence S-44-25-50-E, 500.00 ft. to a stone bound; thence continuing on the same course 330.88 ft. to a stone bound; thence to the left by a 40.00 ft. radius curve 62.83 ft. to a stone bound; thence N-45-34-10-E, 94.89 ft. to a stone bound; thence to the left by a 40.00 ft. radius curve 55.67 ft. to a stone bound; thence S-34-10-00-E, 120.15 ft. to a stone bound; thence northwesterly and southwesterly by a 30.00 ft. radius curve 52.50 ft. to a stone bound; thence S-45-34-10-W, 83.32 ft. to a stone bound; thence to the left by a 40.00 ft. radius curve 62.83 ft. to a stone bound; thence S-44-25-50-E, 196.33 ft. to a stone bound; thence to the left by a 1000.00 ft. radius curve 582.21 ft. to a stone bound; thence S-77-47-20-E, 314.00 ft. to a stone bound; thence to the right by a 1060.00 ft. radius curve 155.92 ft. to a stone bound; thence S-69-21-40-E, 299.25 ft. to a stone bound; thence to the left by a 69.67 ft. radius curve 111.20 ft. to a stone bound which is on the westerly line of South Street as laid out by the Norfolk County Commissioners by return dated December 26, 1928.

The southwesterly line begins at a stone bound which is at the corner of the towns of Wrentham, Plainville and Foxborough, said bound being S-1-14-03-E, 105.51 ft. from the first bound on the northeasterly line as above described; thence southerly and southeasterly by a 1310.00 ft. radius curve 456.88 ft. to a stone bound; thence S-57-47-40-E, 400.00 ft. to a stone bound; thence continuing on the same course 400.00 ft. to a stone bound; thence continuing on the same course 482.21 ft. to a stone bound; thence to the right by a 4000.00 ft. radius curve 157.27 ft. to a stone bound; thence S-55-32-30-E, 324.98 ft. to a stone bound; thence to the right by a 40.00 ft. radius curve 87.03 ft. to a stone bound which is on the northerly line of Daniels Street as laid out by the Norfolk County Commissioners by return dated May 11, 1971; thence S-4-30-00-W, 66.41 ft. to a stone bound which is on the

southerly line of said 1971 County layout of Daniels Street; thence northeasterly and easterly by a 1000.00 ft. radius curve 644.26 ft. to a stone bound; thence continuing by the same curve 515.56 ft. to a stone bound; thence S-44-25-50-E, 500.00 ft. to a stone bound; thence continuing on the same course 657.21 ft. to a stone bound; thence to the left by a 1060.00 ft. radius curve 617.15 ft. to a stone bound; thence S-77-47-20-E, 47.27 ft. to a stone bound; thence to the right by a 35.00 ft. radius curve 69.64 ft. to a stone bound which is on the westerly side of Spruce Street; thence S-66-25-30-E, 51.24 ft. to a stone bound which is on the easterly side of Spruce Street; thence northeasterly and easterly by a 100.00 ft. radius curve 115.19 ft. to a stone bound; thence S-77-47-20-E, 93.16 ft. to a stone bound; thence to the right by a 1000.00 ft. radius curve 147.09 ft. to a stone bound; thence S-69-21-40-E, 308.37 ft. to a stone bound; thence to the right by a 107.28 ft. radius curve 146.48 ft. to a stone bound which is on the westerly line of South Street as laid out by the Norfolk County Commissioners by return dated December 26, 1928, said bound being S-9-02-30-W, 221.35 ft. from the last bound on the northeasterly line as above described.

The southwesterly line heretofore described, in general, is 60.00 ft. southwesterly from and parallel to the northeasterly 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 West Street, Foxborough from the Wrentham Town Line to South Street as made by the Norfolk County Commissioners by Return dated November 23, 1971. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet. Alvah L. Downs, County Engineer" and signed by "James J. Collins, Chairman" which plan is filed herewith and made a part of this Return in accordance with the

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provisions of Chapter 79 of the General Laws, and all acts and amendments thereof and in addition thereto.

And the said Commissioners do likewise take temporary 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. Said temporary easements to be in effect only until said way is constructed to the full width of the layout as above described and a certificate to that effect has been duly filed by the County Commissioners with their official records.

And permanent stone bounds will be erected at the termini and angles of said way relocated 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 FOXBOROUGH 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 said way shall be constructed not less than thirty-six (36) feet in width.

Suitable sidewalks, gutters, culverts, retaining walls, fences and railing 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 FOXBOROUGH.

And it is determined by the Commissioners that all the

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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 FOXBOROUGH.

And the Commissioners have heard the proprietors of lands and property, rights and interest, 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, in accordance with the requirements of General Laws, Chapter 79, possession becoming effective upon the recording of this Return and Order of Taking in the Norfolk Registry of Deeds.

<u>Pcl. No.</u>		<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1	Joseph J. Lorusso	12,600 S.F. Slope Easement	\$ .51	\$302.00
2	Douglas I. Daniels	970 S.F.	.06	24.00
3	Anthony R., Jr. and Barbara D. Torres	1,830 S.F.	.60	44.00
	Mtg: E. Marion Daniels			
4	Douglas I. Daniels	1,050 S.F.	.06	26.00
5	Jack W. and Evelyn M. Grigsby	2,170 S.F. Slope Easement	.71	52.00
	Mtg: E. Marion Daniels			
6	Robert L. and Patricia L. Olson	2,500 S.F. Slope Easement	1.11	300.00
	Mtg: Mansfield Co-operative Bank Foxborough Savings Bank			
7	Richard S. and D. Anne Walsh	2,770 S.F. Slope Easement	1.00	332.00
	Mtg: Mansfield Co-operative Bank			

Pcl. No.		Approximate Area Taken	Tax Allowance	Award
8	David H. and Irene T. Payne Mtg: The Provident Institution for Savings in the Town of Boston	2,600 S.F. Slope Easement	1.05	312.00
9	Paul, Jr. and Ruth A. Cherecwich Mtg: South Shore National Bank	2,000 S.F. Slope Easement	.81	240.00
10	David B. Lynch Mtg: The Norwood Co-operative Bank	100 S.F. Slope Easement	-	None
11	David B. Lynch Mtg: The Norwood Co-operative Bank	30 S.F. Slope Easement	-	None
12	Douglas I. Daniels	160 S.F. Slope Easement	-	None
13	Douglas I. Daniels	45,300 S.F. Slope Easement	3.54	3,088.00
14	Arthur M., Jr. and Frances M. Budlong Mtg: Mansfield Co-operative Bank	1,450 S.F. Slope Easement	.52	34.00
15	William H. and Norma A. Acker Mtg: Walpole Co-operative Bank	5,930 S.F. Slope Easement	2.18	142.00
16	Albert J. and Margaret Harrison Mtg: Mansfield Co-operative Bank	4,360 S.F. Slope Easement	1.57	105.00
17	E. Marion Daniels and Evelyn M. Grigsby	18,660 S.F. Slope Easement	.40	448.00
18	Leslie L. White	7,500 S.F. Slope Easement	1.49	180.00
18A	Leslie L. White	1,900 S.F. Slope Easement	.38	46.00
19	Wyatt B. and Elizabeth L. Harper	17,000 S.F. Slope Easement	.84	408.00
19A	Now or formerly E. Herbert Swanson	4,430 S.F. Slope Easement	.31	106.00
19B	Wyatt B. and Elizabeth L. Harper	9,740 S.F. Slope Easement	.48	234.00

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<u>Pcl. No.</u>		<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
20	Now or formerly E. Herbert Swanson	12,100 S.F. Slope Easement	.86	290.00
21	Chester E. and Ella A. Svenson Mtg: Foxborough Savings Bank	1,240 S.F. Slope Easement	.26	149.00
22	Chester E., Jr. and Margaret E. Svenson Mtg: Foxborough Savings Bank	2,480 S.F. Slope Easement	1.12	298.00
23	Wyatt H. and Elizabeth L. Harper	10,050 S.F. Slope Easement	.86	242.00
24	Clement A., Jr. and Carolyn A. Pierce Mtg: Mansfield Co-operative Bank	1,830 S.F. Slope Easement	1.16	439.00
25	Town of Foxborough	1,100 S.F. Slope Easement	-	None
26	Charles R. and Irene T. Brown Mtg: Foxboro Federal Savings and Loan Association	940 S.F. Slope Easement	.60	115.00
27	Charles R. and Irene T. Brown Mtg: Foxboro Federal Savings and Loan Association	1,040 S.F. Slope Easement	.40	125.00
28	Raymond E. Janson Mtg: Mansfield Co-operative Bank	360 S.F. Slope Easement	.13	43.00
29	Daniel J. and Rose M. Clasby Mtg: Mansfield Co-operative Bank	340 S.F. Slope Easement	.22	41.00
30	Louise M. and Phyllis E. Richardson Mtg: Mansfield Co-operative Bank	830 S.F. Slope Easement	.42	100.00
31	Richard A. and Carol L. Schulz Mtg: Mansfield Co-operative Bank	150 S.F.	.08	18.00
32	Oren M. and Nancy R. Wolfe Mtg: Foxborough Savings Bank	4,060 S.F. Slope Easement	1.15	974.00

<u>Pol. No.</u>		<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
33	John B. and Anne B. Schuls	1,280 S.F. Slope Easement	.08	31.00
34	John J. and Joan Andrews Mtg: Union Savings Bank of Boston The Foxboro National Bank	3,440 S.F. Slope Easement	1.10	413.00
35	Norman F. and Jeannette L. Daniels Mtg: Manufacturers National Bank of Bristol County United States of America	31,400 S.F. Slope Easement	1.30	6,968.00
36	Peter J. S. and Frances E. Groce Mtg: Foxborough Savings Bank	250 S.F. Slope Easement	-	None
36A	Peter J. S. and Frances E. Groce Mtg: Foxborough Savings Bank	7,800 S.F. Slope Easement	1.82	187.00
37	Peter J. S. and Frances E. Groce Mtg: Foxborough Savings Bank	3,650 S.F. Slope Easement	.85	438.00
38	Maurice A. and Bernice L. Contee Mtg: Foxborough Savings Bank	2,870 S.F. Slope Easement	1.21	344.00
39	Peter J. S. and Frances E. Groce Mtg: Foxborough Savings Bank	4,700 S.F. Slope Easement	1.10	113.00
40	Joseph J. Lorusso	8,350 S.F.	.92	200.00
41	Douglas I. Daniels	600 S.F. Slope Easement	.10	14.00
42	Douglas I. Daniels	10,600 S.F. Slope Easement	1.10	254.00
43	Joseph J. Lorusso Mtg: New England Merchants National Bank	300 S.F. Slope Easement	.28	7.00
<b>Total</b>			<b>334.74</b>	<b>\$18,226.00</b>

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 six months from the date of possession.

JAMES J. COLLINS

THOMAS K. McMANUS

GEORGE B. McDONALD

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the twenty-third day of November, 1971, by adjournment of their September 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 FOXBOROUGH 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.

JAMES J. COLLINS

THOMAS K. McMANUS

GEORGE B. McDONALD

COUNTY COMMISSIONERS

A true copy. Attest: *C. A. Hanson* Deputy Clerk

Recorded Dec. 14, 1971 at 9h. 57m. A. M.