

CERTIFICATE OF HIGHWAY MILEAGE FOR YEAR ENDING FEB. 10, 1990

Fill out the certificate, file a copy with the Town Clerk, and mail original to
Vt. Agency of Transportation, Planning Division before February 10, 1990 .

▶ IF NO CHANGES IN MILEAGE, OMIT PART I, CHECK BOX IN PART II, AND SIGN PART III. ◀

PART I

DISTRICT 2

We, the Selectmen/Trustees/Aldermen of Townshend, Windham County
on an oath state that the mileage of highways, according to Title 19, V. S. A. , Sec. * 305,
added 1985, is as follows:

	TOWN HIGHWAYS				STATE HIGHWAYS	TOTAL EXCLUDING CLASS 4
	CLASS 1	CLASS 2	CLASS 3	CLASS 4		
PREVIOUS MILEAGE AS SHOWN FEBRUARY 10, 1989	0.000	10.620	42.920	6.540	7.319	60.859
MILEAGE ADDED SINCE FEBRUARY 10, 1989 EXPLAIN UNDER (1) BELOW			1.880 0.570			2.450
SUB TOTAL						
MILEAGE SUBTRACTED SINCE FEBRUARY 10, 1989 EXPLAIN UNDER (2) AND (3)				0.570		
TOTAL HIGHWAY MILEAGE FEB. 10, 1990	0.000	10.620	45.370	5.970	7.319	63.309
SCENIC HIGHWAY MILEAGE (19 VSA 2502)						

DURING THE PAST YEAR THE FOLLOWING CHANGES HAVE OCCURRED.

(1) NEW HIGHWAYS: We hereby certify that the following new highways, as substantiated by the attached
Selectmen's Certificate of Completion * have been added.

add

T# 30	0.460	miles	GRAVE MT	T# 72	.98	miles	HAZEL Hill
T# 73	.21	miles	SHIRLEY	T# 73			circle
T# 74	.23	miles	CELIA	T# 74			circle

(2) DISCONTINUED: We hereby certify that the following highways have been discontinued according to statute
and are substantiated by the attached copy of the proceedings.

(3) RECLASSIFIED/REMEASURED: We hereby certify that the following highways have been reclassified/remeasured
and are substantiated by the attached copy of the proceedings.

del

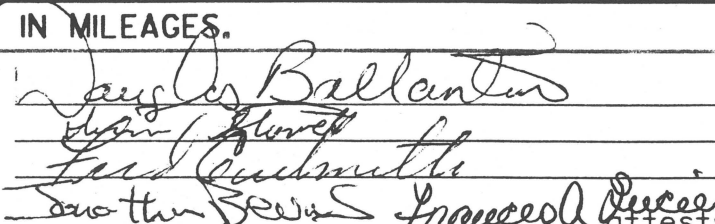
T# 30	1.03	miles	T-30	0.570		mi. Reclas	Cl.4 to Cl.3
T# 72	.98	miles	HAZEL Hill				
T# 73	.21	miles	SHIRLEY				circle
T# 74	.23	miles	CELIA				circle

(4) SCENIC HIGHWAYS: We hereby certify that the following highways have been designated or discontinued
as "Town Scenic Highways", and are substantiated by the attached copy of the proceedings.

PART II CHECK BOX IF NO CHANGES IN MILEAGES.

PART III

SELECTMEN/ALDERMEN/TRUSTEES
SIGNATURES



Town/City/Village/CLERK SIGNATURE: _____ attests
that this record of highway mileage was filed and recorded on Feb. 6, 1990.

Approved: Wang B. Willey 2/27/90
Representative, Agency of Transportation Date

Note: Applicable section of Vermont Statutes is printed on reverse side.

CERTIFICATE OF COMPLETION AND OPENING
OF A HIGHWAY FOR PUBLIC TRAVEL

1990

Frances A. Lucier, Town Clerk of the Town
of Townshend, Vermont.

Pursuant to Title 19, V.S.A., Section 15, as amended 1973, this is to certify that
the following described section of Class 3 Highway in the Town of
Townshend was COMPLETED AND OPEN FOR PUBLIC TRAVEL
on February 6, 1990.

DESCRIPTION OF RIGHT-OF-WAY: Beginning ----- Warranty Deed -----
Recorded September 18, 1989 at Book 54, Pages 66-70 in the
Townshend Land Records. TH 30, Crane Mt. 1.03 mi., TH 73, Shirley
Circle .21 mi., TH 74 Celia Circle .23 mi. & TH 72 Hazel Hill
.98 mi. Total mileage 2.45 mi.

and as shown on a ¹⁹⁸⁶ Highway Map of the Town of Townshend,
Rec'd Jan 3, 1990, and filed in Book Box #2 File 2 of the Records
of the Town of Townshend by the Town Clerk of
said Townshend incorporated herein by reference and attested to on
said map by said Town Clerk.

Dated at Townshend, County of Windham and State of
Vermont, this 6 day of February, A.D., 1990.

Ann Stowell
Luc Guilmette
Jonathan Bevers

BOARD
OF
SELECTMEN
ALDERMEN
TRUSTEES

and the MAYOR of the City of _____.

Townshend, VERMONT
February 6, 1990.

THE ABOVE IS A TRUE COPY OF THE DESCRIPTION OF CLASS 3 HIGHWAY COMPLETED AND OPENED
FOR PUBLIC TRAVEL, RECORDED IN BOOK 13 ON PAGE 23 OF THE Town RECORDS
OF THE Town OF Townshend ON THE 6th DAY OF February
1990, AT 9:00 O' CLOCK, A.M.

ATTEST: Frances A. Lucier
Town CLERK OF Townshend, VERMONT

WARRANTY DEED

1990

KNOW ALL PERSONS BY THESE PRESENTS

THAT IT, CERSOSIMO LUMBER COMPANY, INC., a Vermont corporation with a principal place of business at Brattleboro, in the County of Windham and State of Vermont, GRANTOR, in the consideration of ONE and MORE DOLLARS paid to its full satisfaction by TOWN OF TOWNSHEND of Townshend, in the County of Windham and State of Vermont, GRANTEE, by these presents do freely GIVE, GRANT, SELL, CONVEY and CONFIRM unto the said GRANTEE, TOWN OF TOWNSHEND, its heirs, successors and assigns forever, a certain piece of land in Townshend in the County of Windham and State of Vermont, described as follows, viz:

Being five (5) roads known as Crane Mountain Road, West Road, Shirley Circle, Hazel Hill Road, and Celia Circle and located in the Townshend Acres Development and more particularly described as follows:

CRANE MOUNTAIN ROAD: A certain parcel of land three (3) rods in width having a southerly terminus on the Taft Road, so-called, and a northerly terminus at the boundary line between land of Cersosimo Lumber Company, Inc. and land now or formerly of G. B. Holt and H. R. Holt, said road being located where presently constructed and having an overall length of 4650 feet.

Said Road also being referred to as Crane Hill Road on a Plan entitled "Townshend Acres, Townshend, Vermont" prepared by Stuart Dauchy, dated November 1, 1968.

WEST ROAD: A certain Parcel of land consisting of a 50 foot wide strip of land with a circular turn-around located on the southwesterly side of Crane Mountain Road, so-called, in the Town of Townshend, State of Vermont and being more particularly described as follows:

Beginning at a point in a stonewall on the southwesterly bound of said Crane Mountain Road and approximately 602 feet from a northeasterly corner of land, now of formerly, of G. B. and H. R. Holt as measured along the southwesterly bound of said Crane Mountain Road, said point marks the northeast corner of Lot 1 and the northwest corner of the Parcel herein conveyed;

Thence southeasterly following the southwesterly bound of said Crane Mountain Road fifty (50) feet to the easterly bound of the Parcel herein described;

Thence S 28° 24' W a distance of 521.4 feet to an iron pipe;

Thence S 27° 01' W a distance of 431.6 feet to an iron pipe;

Thence S 27° 17' W a distance of 416.9 feet to an iron pipe at a point of curvature, the previous 3 courses following the easterly bound of the roadway herein described;

Thence southerly, southwesterly, northerly and northeasterly, following the arc of a curve to the right, a distance of 261.1 feet to an iron pipe in a stonewall;

Thence N 27° 17' E following a stonewall a distance of 423.0 to an iron pipe;

Thence N 27° 01' E following said stonewall, a distance of 438.7 feet to an iron pipe at a corner of said stonewall;

Thence N 28° 24' E a distance of 523.8 feet to the point of beginning. All bearings being referenced to 1968 magnetic north.

HAZEL HILL ROAD: Being a road fifty (50.00) feet in width running northerly from Crane Mountain Road, also known as Crane Hill Road, the centerline of which is more particularly described as follows:

Beginning at the point of intersection of Hazel Hill Road with the northerly bound of Crane Mountain Road;

Thence N 20° 08' 58" E a distance of 110.99 feet;

Thence in a curve to the right having a radius of 904.63 feet a distance of 165.54 feet;

Thence in a curve to the left having a radius of 686.33 feet a distance of 164.55 feet;

Thence in a curve to the right having a radius of 835.58 feet a distance of 392.62 feet;

Thence N 43° 49' 08" E a distance of 106.03 feet;

Thence in a curve to the right having a radius of 425.66 feet a distance of 196.44 feet;

Thence N 70° 15' 38" E a distance of 88.04 feet;

Thence in a curve to the right having a radius of 208.78 feet a distance of 191.37 feet;

Thence in a curve to the left having a radius of 2617.99 feet a distance of 204.30 feet;

Thence S 61° 41' 32" E a distance of 86.28 feet;

Thence in a curve to the right having a radius of 293.53 feet a distance of 277.34 feet;

Thence S 07° 33' 24" E a distance of 164.20 feet;

Thence in a curve to the left having a radius of 85.78 feet a distance of 117.42 feet;

Thence continuing in a curve to the left having a radius of 97.90 feet a distance of 119.30 feet;

Thence N 24° 11' 34" E a distance of 40.13 feet;

Thence in a curve to the left having a radius of 2177.94 feet a distance of 203.85 feet;

Thence in a curve to the right having a radius of 667.95 feet a distance of 200.54 feet;

Thence N 02° 17' 39" W a distance of 260.59 feet;

Thence in a curve to the left having a radius of 125.87 feet a distance of 134.90 feet;

Thence in a curve to the left having a radius of 216.72 feet a distance of 153.54 feet;

Thence S 75° 42' 35" W a distance of 47.18 feet;

Thence in a curve to the right having a radius of 162.34 feet a distance of 242.18 feet;

Thence N 18° 49' 01" W a distance of 29.00 feet;

Thence in a curve to the right having a radius of 90.56 feet a distance of 151.22 feet;

Thence N 76° 51' 23" E a distance of 30.04 feet;

Thence in a curve to the left having a radius of 429.66 feet a distance of 374.37 feet;

Thence N 26° 56' 01" E a distance of 204.49 feet;

Thence in a curve to the left having a radius of 883.98 feet a distance of 268.71 feet;

Thence N 09° 31' 01" E a distance of 46.44 feet;

Thence N 83° 27' 44" W a distance of 21.21 feet to a point at the center of a cul-de-sac having a radius of 75.00 feet, said cul-de-sac being a part of Hazel Hill Road.

SHIRLEY CIRCLE: Being a road fifty (50.00) feet in width running easterly from Hazel Hill Road to a cul-de-sac, the centerline of which is described as follows;

Beginning at a point in the centerline of Hazel Hill Road;

Thence running northeasterly in a curve to the right having a radius of 306.57 feet a distance of 161.50 feet;

Thence N 60° 49' 01" E a distance of 63.38 feet;

Thence in a curve to the left having a radius of 489.09 feet a distance of 291.09 feet;

Thence S 85° 04' 56" E a distance of 52.37 feet;

Thence in a curve to the right having a radius of 161.25 feet a distance of 244.83 feet;

Thence in a curve to the left having a radius of 1769.26 feet a distance of 305.32 feet;

Thence S 07° 58' 34" E a distance of 75.07 feet;

Thence turning and running N 82° 00' 37" E a distance of 11.59 feet to the center of a cul-de-sac having a radius of 75.00 feet, said cul-de-sac being part of Shirley Circle.

CELIA CIRCLE: Being a road fifty (50.00) feet in width running from the northeasterly side of Hazel Hill Road, the centerline of which is described as follows:

Beginning at a point in the centerline of Hazel Hill Road at the intersection with the centerline of Celia Circle;

Thence N 59° 46' 12" E a distance of 128.03 feet;

Thence in a curve to the left having a radius of 596.07 feet a distance of 248.35 feet;

Thence in a curve to the left having a radius of 1050.31 feet a distance of 253.50 feet;

Thence N 22° 04' 10" E a distance of 215.16 feet;

Thence in a curve to the right having a radius of 742.30 feet a distance of 321.19 feet;

Thence N 46° 51' 41" E a distance of 50.00 feet to a point at the center of a cul-de-sac having a radius of 75.00 feet, said cul-de-sac being a part of Celia Circle.

Excepting and reserving and conveyed subject to such power and telephone easements as exist of record or in fact.

Also conveying all culverts and other hardware as is presently included, as built.

The foregoing roadways are shown in part on plans entitled "Townshend Acres Development", dated December 30, 1971, prepared by Southern Vermont Engineering and recorded in the Townshend, Vermont Land Records, and as shown in part on a plan entitled "Townshend Acres, Townshend, Vermont" dated November 1, 1969, prepared by Stuart Dauchy and recorded in the Townshend Land Records.

To Have and to hold said granted premises, with all the privileges and appurtenances thereof, to the said GRANTEE, **TOWN OF TOWNSHEND** and its heirs, successors and assigns, to their own use and behoof forever; And IT the said GRANTOR, **CERSOSIMO LUMBER COMPANY, INC.** for its successors and assigns does

covenant with the said GRANTEE, TOWN OF TOWNSHEND and its heirs, successors and assigns, that until the ensealing of these presents it is the sole owner of the premises, and have good right and title to convey the same in manner aforesaid, that they are **Free from every encumbrance**; except as aforesaid. And it hereby engage to **Warrant and Defend** the same against all lawful claims whatever, except as aforesaid.

In Witness Whereof, CERSOSIMO LUMBER COMPANY, INC. has caused its name and seal to be affixed this 28 day of June A.D. 1989.

In Presence of

Jeffrey M. Moore
Jack C. Day

CERSOSIMO LUMBER COMPANY, INC.

Anthony Cersosimo
ANTHONY CERSOSIMO, Treasurer and
duly authorized agent

State of Vermont,
Windham County

SS. At Brattleboro this 28 day of June, A.D. 1989

ANTHONY CERSOSIMO

personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be the free act and deed of Cersosimo Lumber Company, Inc. and him as its duly authorized agent.

Before me

Jeffrey M. Moore
Notary Public

Deed

WARRANTY

CERSOSIMO LUMBER COMPANY, INC.

TO

TOWN OF TOWNSHEND

Dated, June 28, 19 89

Townshend Town CLERK'S OFFICE

RECEIVED FOR RECORD

September 18, A.D., 19 89

AT 9 O'CLOCK 15 MINUTES P.M.

AND RECORDED IN Town of Townshend

BOOK 54 PAGE 66-70 OF LAND RECORDS

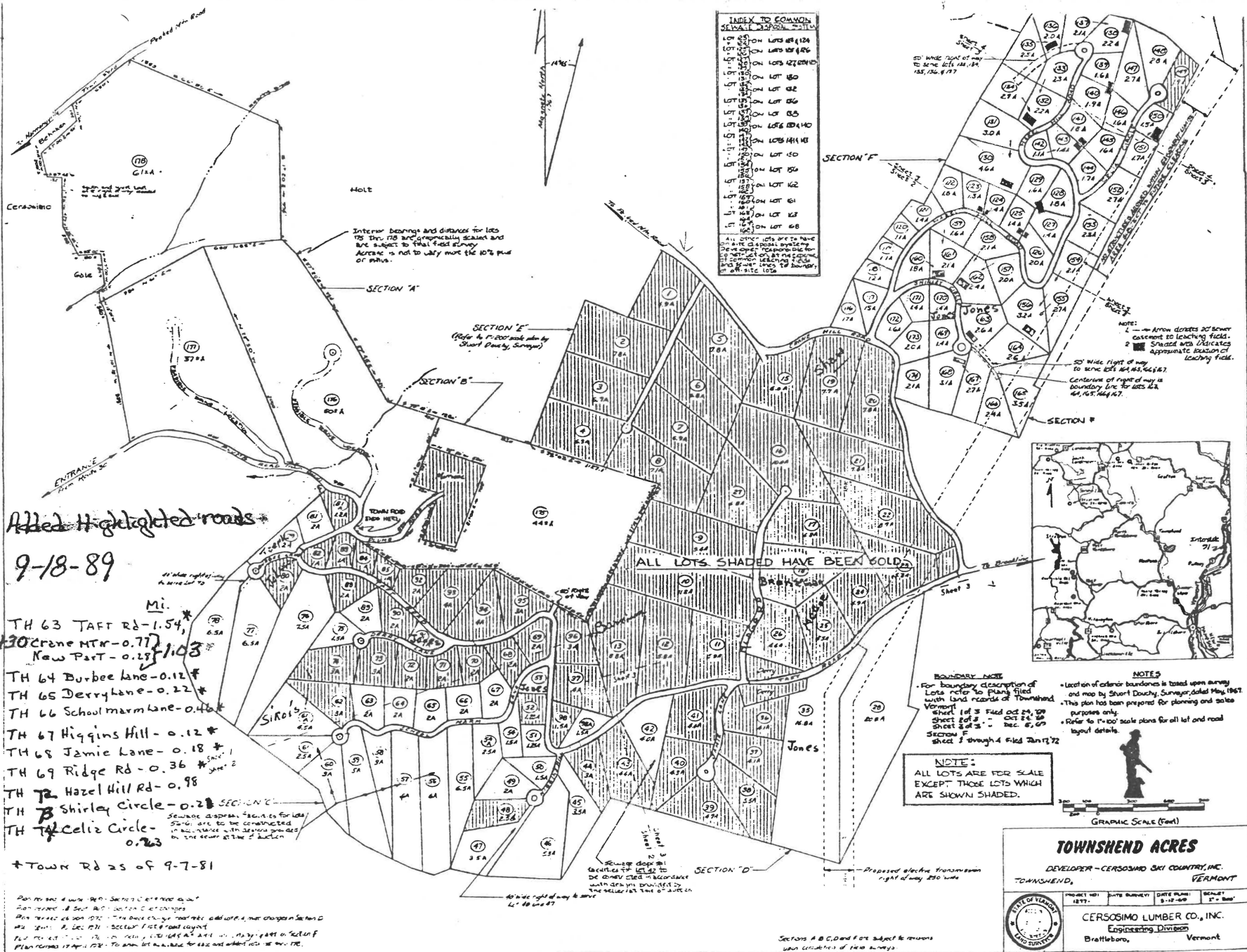
ATTEST *Frances A. Lucier*

TOWN CLERK

RECORDERS FEE \$

ACKNOWLEDGMENT
I, *Frances A. Lucier*
TOWN CLERK
do hereby certify that the foregoing
is a true and correct copy of the
original as the same appears in
my records.
September 28, 1989
T.A. [Signature]

1989 71



INDEX TO COMMON SEWAGE SYSTEM

LOT 101	LOT 102
LOT 103	LOT 104
LOT 105	LOT 106
LOT 107	LOT 108
LOT 109	LOT 110
LOT 111	LOT 112
LOT 113	LOT 114
LOT 115	LOT 116
LOT 117	LOT 118
LOT 119	LOT 120
LOT 121	LOT 122
LOT 123	LOT 124
LOT 125	LOT 126
LOT 127	LOT 128
LOT 129	LOT 130
LOT 131	LOT 132
LOT 133	LOT 134
LOT 135	LOT 136
LOT 137	LOT 138
LOT 139	LOT 140
LOT 141	LOT 142
LOT 143	LOT 144
LOT 145	LOT 146
LOT 147	LOT 148
LOT 149	LOT 150
LOT 151	LOT 152
LOT 153	LOT 154
LOT 155	LOT 156
LOT 157	LOT 158
LOT 159	LOT 160
LOT 161	LOT 162
LOT 163	LOT 164
LOT 165	LOT 166
LOT 167	LOT 168
LOT 169	LOT 170
LOT 171	LOT 172
LOT 173	LOT 174
LOT 175	LOT 176
LOT 177	LOT 178
LOT 179	LOT 180
LOT 181	LOT 182
LOT 183	LOT 184
LOT 185	LOT 186
LOT 187	LOT 188
LOT 189	LOT 190
LOT 191	LOT 192
LOT 193	LOT 194
LOT 195	LOT 196
LOT 197	LOT 198
LOT 199	LOT 200
LOT 201	LOT 202
LOT 203	LOT 204
LOT 205	LOT 206
LOT 207	LOT 208
LOT 209	LOT 210
LOT 211	LOT 212
LOT 213	LOT 214
LOT 215	LOT 216
LOT 217	LOT 218
LOT 219	LOT 220
LOT 221	LOT 222
LOT 223	LOT 224
LOT 225	LOT 226
LOT 227	LOT 228
LOT 229	LOT 230
LOT 231	LOT 232
LOT 233	LOT 234
LOT 235	LOT 236
LOT 237	LOT 238
LOT 239	LOT 240
LOT 241	LOT 242
LOT 243	LOT 244
LOT 245	LOT 246
LOT 247	LOT 248
LOT 249	LOT 250
LOT 251	LOT 252
LOT 253	LOT 254
LOT 255	LOT 256
LOT 257	LOT 258
LOT 259	LOT 260
LOT 261	LOT 262
LOT 263	LOT 264
LOT 265	LOT 266
LOT 267	LOT 268
LOT 269	LOT 270
LOT 271	LOT 272
LOT 273	LOT 274
LOT 275	LOT 276
LOT 277	LOT 278
LOT 279	LOT 280
LOT 281	LOT 282
LOT 283	LOT 284
LOT 285	LOT 286
LOT 287	LOT 288
LOT 289	LOT 290
LOT 291	LOT 292
LOT 293	LOT 294
LOT 295	LOT 296
LOT 297	LOT 298
LOT 299	LOT 300

All other lots are to have line and distance boundaries. The owner is responsible for the accuracy of the copy and shall bear the cost of any errors in the copy.

Added Highlighted roads
 9-18-89

- TH 63 Taff Rd - 1.54*
 - TH 30 Crane Mt - 0.77
 - New Part - 0.28
 - TH 64 Burbee Lane - 0.12*
 - TH 65 Derry Lane - 0.22*
 - TH 66 Schoolmarm Lane - 0.46*
 - TH 67 Higgins Hill - 0.12*
 - TH 68 Jamie Lane - 0.18*
 - TH 69 Ridge Rd - 0.36*
 - TH 70 Hazel Hill Rd - 0.98*
 - TH 71 Shirley Circle - 0.28
 - TH 72 Celis Circle - 0.23
- + Town Rd 25 of 9-7-81

Plan shows a 10' wide right of way for Town Rd 25 of 9-7-81. The plan shows a 10' wide right of way for Town Rd 25 of 9-7-81. The plan shows a 10' wide right of way for Town Rd 25 of 9-7-81.

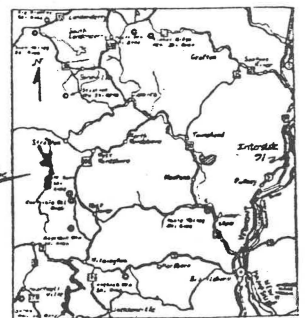
BOUNDARY NOTES
 For boundary classification of Lots refer to Plans filed with Land records of Townshend Vermont sheet 1 of 3 filed Oct 29, 1970 sheet 2 of 3 - Oct 24, 70 sheet 3 of 3 - Dec 6, 69 Section E sheet 3 through 4 filed Jan 17, 72

NOTE:
 ALL LOTS ARE FOR SALE EXCEPT THOSE LOTS WHICH ARE SHOWN SHADED.

TOWNSHEND ACRES
 DEVELOPER - CERSOSIMO SKI COUNTRY, INC.
 TOWNSHEND, VERMONT

PROJECT NO: 1877 DATE SURVEY: 9-12-69 SCALE: 1" = 40'

CERSOSIMO LUMBER CO., INC.
 Engineering Division
 Brattleboro, Vermont



Townsend

SUPREME COURT
FORM NO. 1

TO SUPREME COURT
FILED IN CLERK'S OFFICE

ENTRY ORDER

JUN 2 1981

SUPREME COURT DOCKET NO. .234-80.....

.....April.....TERM, 19 81.....

Anthony Cersosimo, Richard
Wescott, Stanley Bills,
and Donald E. Gould

v.

Town of Townshend.....

APPEALED FROM:

Windham Superior Court
.....

DOCKET NO.....S20-78Wm4.....

In the above entitled cause the Clerk will enter:

Affirmed.

Dissenting:

.....
.....
.....
.....
.....

FOR THE COURT:

Franklin S. Billings, Jr.
.....
Franklin S. Billings, Jr., Associate Justice

Albert W. Barney
.....
Albert W. Barney, Chief Justice

Robert W. Larrow
.....
Robert W. Larrow, Associate Justice

William C. Hill
.....
William C. Hill, Associate Justice

Rudolph J. Daley
.....
Rudolph J. Daley, Associate Justice (Ret.),
Specially Assigned

VT. SUPREME COURT
FILED IN CLERK'S OFFICE

Anthony Cersosimo, Richard Wescott,
Stanley Bills, and Donald E. Gould

Supreme Court

JUN 2 1981

v.

On Appeal from
Windham Superior Court

Town of Townshend

April Term, 1981

PRESENT: Barney, C.J., Larrow, Billings and Hill, JJ., and Daley, J. (Ret.),
Specially Assigned

BILLINGS, J. The plaintiffs-appellees petitioned the selectmen of the defendant-appellant Town of Townshend to lay out a public highway over certain private roads already constructed by the plaintiff Cersosimo in a real estate development known as Townshend Acres. The defendant town, acting through the selectmen, denied the petition. Pursuant to 19 V.S.A. § 461 et seq. the plaintiffs sought relief in the Windham Superior Court. The trial court appointed three commissioners, 19 V.S.A. § 462, to inquire into the convenience and necessity of the proposed highway. 19 V.S.A. § 464. After a hearing, the commissioners filed their report, 19 V.S.A. § 467, and by a two to one majority determined that the roads should be laid out as public highways. After a hearing, the superior court accepted the commissioners' report, 19 V.S.A. § 470, issued findings of fact and conclusions of law, and ordered the roads to be laid out and the defendant to accept and maintain them. The town appeals from this judgment.

Under Vermont law there are two methods of laying out public roads: statutory condemnation, and dedication and acceptance. Demers v. Montpelier, 120 Vt. 380, 141 A.2d 676 (1958); Springfield v. Newton, 115 Vt. 39, 50 A.2d 605 (1947). The defendant argues that the method of statutory condemnation is not a permissible method for creating a public way over an already existing private

road. The defendant contends that when a private road is already in existence the only method available is dedication and acceptance. This Court has never addressed this issue, although two cases have dealt with the statutory condemnation of roads that were laid out at least in part over existing private roads. Demers v. City of Montpelier, supra; Prince v. Town of Braintree, 64 Vt. 540, 26 A. 1095 (1892). There was no objection in either case to the method used, however, and the Court did not discuss whether or not the procedure used was proper.

At least two other courts have addressed this issue. In In re Kress, 410 Pa. 565, 189 A.2d 848 (1963), the Pennsylvania Supreme Court concluded that statutory procedures analogous to those invoked here could not be used to force a town to accept an already existing private road. This decision was based in part on certain provisions of the Pennsylvania statutes suggesting that the procedures were available only when the petitioners requested the construction of a new road. Id. at 567, 198 A.2d at 849. There is nothing in the language of the Vermont statutes on condemnation, however, to indicate that the procedure may be used only when a new road is to be constructed. New Hampshire has a statutory scheme for the condemnation of highways similar to that of Vermont. New Hampshire Rev. Stat. ¶ 234:28 et seq. (1979). The New Hampshire Supreme Court has held that statutory condemnation is not limited to the creation of new roads, but may be used for converting existing private roads into public roads. Lock Development Corp. v. Town of Barnstead, 115 N.H. 642, 349 A.2d 598 (1975); Amoskeag Industries, Inc. v. City of Manchester, 93 N.H. 335, 41 A.2d 917 (1945).

The defendant suggests that if statutory condemnation is available in this situation any developer may force a town to accept the burden of maintaining

roads constructed by the developer on private lands. In view of the procedures that must be followed before a town can be forced to lay out a highway, this argument is without merit. At least five per cent of the freeholders in the town must petition the selectmen to lay out a highway. 19 V.S.A. § 341(a). The commissioners appointed after a petition to the superior court must make a finding of convenience and necessity, 19 V.S.A. § 464, and the superior court must concur in the commissioner's report. 19 V.S.A. § 470. We hold that statutory condemnation is an appropriate procedure for laying out a public highway over an existing private road.

The defendant also claims error in the trial court's finding that the public convenience and necessity dictate the taking over of the highway by the town. The defendant argues that the "necessity" required for laying out a public road is an absolute necessity, which can exist only if there is no existing access to the petitioner's property. Under 19 V.S.A. § 221(1), however, necessity is defined as "a reasonable need which considers the greatest public good and the least inconvenience and expense to the condemning party and to the property owner." It does not mean an imperative, indispensable or absolute necessity but only that the taking be reasonably necessary to the accomplishment of the end in view under the particular circumstances. State Transportation Board v. May, 137 Vt. 320, 403 A.2d 267 (1979); Latchis v. State Highway Board, 120 Vt. 120, 134 A.2d 191 (1957). This is a question of fact which is to be determined exclusively by the trial court. Pillsbury v. Town of Wheelock, 130 Vt. 242, 290 A.2d 42, (1972); Boles, et al. v. City of Montpelier, 93 Vt. 513, 108 A. 565, (1920). The trial court's findings are to be reversed only if it is shown that substantial injustice has been done. Boles v. City of Montpelier, supra; Prince v. Town of Braintree, supra. Absent an abuse of

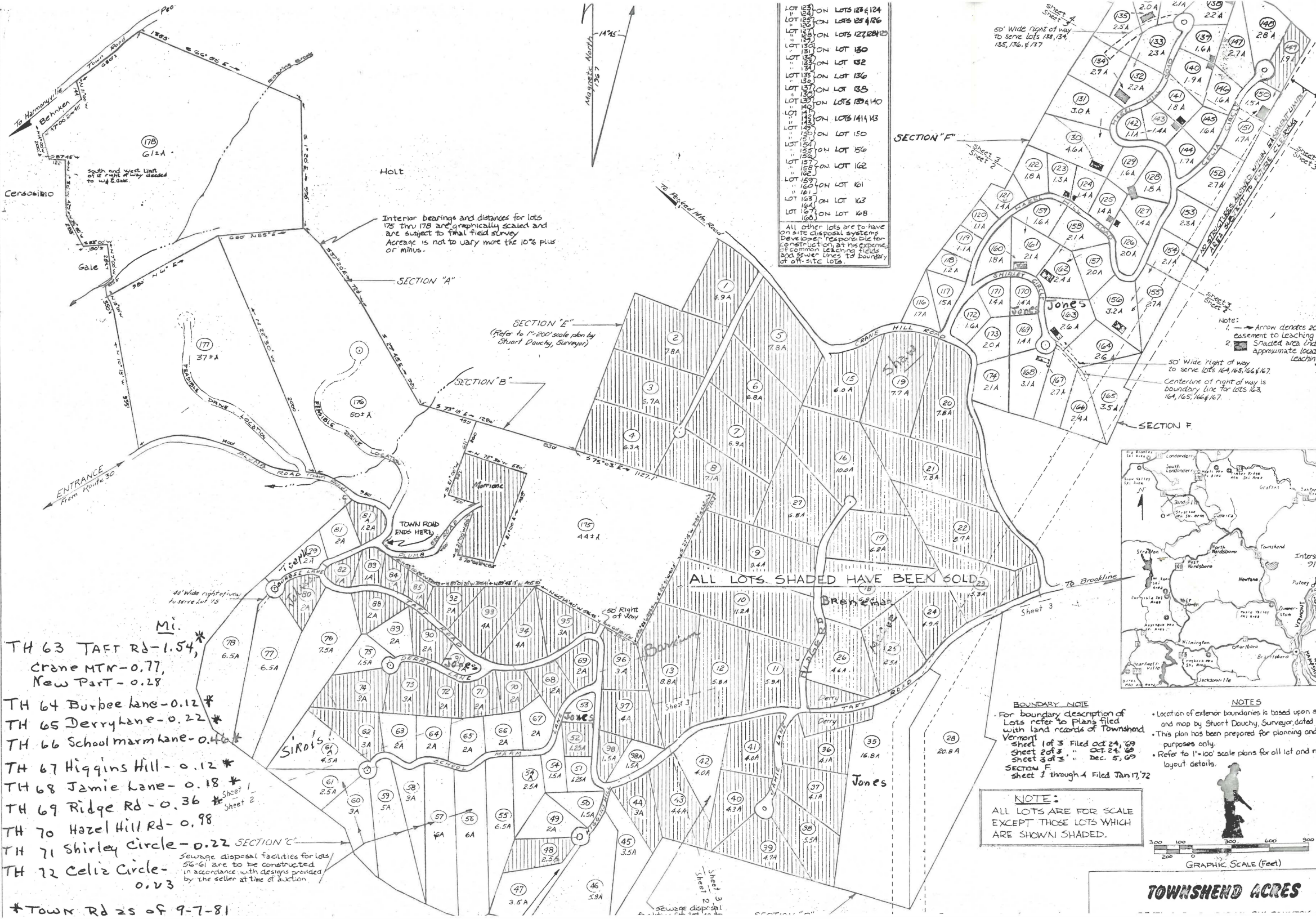
discretion the findings must stand. State v. Ahearn, 137 Vt. 253, 267, 403 A.2d 696, (1979). The evidence here disclosed that the roads would aid in fire protection, that the town tax revenues would increase without an undue burden in the cost of maintaining the highways, that they would connect two present dead-end town roads, so that traffic could flow east and west on one town road and that they would permit more efficient and economic maintenance, particularly during the winter plowing season. The findings of necessity and public convenience are amply supported by the evidence.

Affirmed.

FOR THE COURT:


Associate Justice

1981



LOT 124	ON LOTS 124 & 124
LOT 125	ON LOTS 125 & 126
LOT 126	ON LOTS 127 & 128
LOT 127	ON LOT 130
LOT 128	ON LOT 132
LOT 129	ON LOT 136
LOT 130	ON LOT 138
LOT 131	ON LOTS 139 & 140
LOT 132	ON LOTS 141 & 143
LOT 133	ON LOT 150
LOT 134	ON LOT 156
LOT 135	ON LOT 162
LOT 136	ON LOT 161
LOT 137	ON LOT 163
LOT 138	ON LOT 168

All other lots are to have on-site disposal systems. Developer responsible for reconstruction at his expense of common leaching fields and sewer lines to boundary of on-site lots.

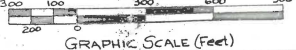
- Mi.
- TH 63 Taff Rd - 1.54*
 - Crane Mtn - 0.77,
 - New Part - 0.28
 - TH 64 Burbee Lane - 0.12*
 - TH 65 Derry Lane - 0.22*
 - TH 66 Schoolmarm Lane - 0.46*
 - TH 67 Higgins Hill - 0.12*
 - TH 68 Jamie Lane - 0.18*
 - TH 69 Ridge Rd - 0.36* ^{Sheet 1}
 - TH 70 Hazel Hill Rd - 0.98 ^{Sheet 2}
 - TH 71 Shirley Circle - 0.22 SECTION C
 - TH 72 Celiz Circle - 0.23
- *Town Rd 25 of 9-7-81

Sewage disposal facilities for lots 56-61 are to be constructed in accordance with designs provided by the seller at time of auction.

BOUNDARY NOTE
 For boundary description of Lots refer to Plans filed with land records of Townshend Vermont
 sheet 1 of 3 Filed Oct 24, 69
 sheet 2 of 3 " Oct 24, 69
 sheet 3 of 3 " Dec. 5, 69

NOTES
 • Location of exterior boundaries is based upon survey and map by Stuart Dauchy, Surveyor, dated M
 • This plan has been prepared for planning and purposes only.
 • Refer to 1"=100' scale plans for all lot and road layout details.

NOTE:
 ALL LOTS ARE FOR SCALE EXCEPT THOSE LOTS WHICH ARE SHOWN SHADED.



TOWNSHEND ACRES