

TOWN OF POMFRET
Selectboard

Memorandum of Decision

Property Address: 19 Dinsmoor Road
Pomfret, Vermont

Parcel No.: 3918
Parcel Size: +/- 4.75 acres

Property Owner: Andrew A. and Kathy J. Mann
P.O. Box 20
South Pomfret, Vermont 05067

Applicant: Andrew A. and Kathy J. Mann
P.O. Box 20
South Pomfret, Vermont 05067

This Memorandum of Decision (this “Decision”) is issued by the Selectboard of the Town of Pomfret (the “Selectboard”), in connection with the Application for Town Highway Access Road Permit dated July 17, 2023, by Andrew A. and Kathy J. Mann (“Applicant”) and attached hereto as Exhibit A (the “Mann Application”).

The Mann Application seeks to modify Dinsmoor Road (a private driveway) where it intersects Bartlett Brook Road (Town Highway No. 39), as more particularly described in Section I.B below.

I. Dinsmoor Road and Proposed Modifications

A. Dinsmoor Road

Dinsmoor Road serves three residential parcels: (1) No. 3918 owned and occupied by Applicant, (2) No. 3918-A owned by the Hillary D. White Revocable Trust and occupied by Hillary D. White and Philip Dechert (the “White Parcel”), and (3) No. 3918-B owned by Alison Sander and occupied by a lessee (the “Sander Parcel”).

While the area proposed to be modified by the Mann Application is located on Applicant’s property, the White Parcel and the Sander Parcel benefit from an easement and right-of-way to traverse Applicant’s property at and adjacent to this location (the “Existing Easement”).

Bartlett Brook Road begins at Pomfret Road (Town Highway No. 1) and runs north to the joint intersection of Totman Hill Road (Town Highway No. 38) and Legal Trail No. 3. Totman Hill Road then proceeds southwest to Legal Trail No. 4. In Pomfret, the operation of motor vehicles on

Legal Trails requires a permit that may be issued only under limited circumstances.¹ As a result, nearly all traffic utilizing Dinsmoor Road approaches from and departs to the south, in the direction of Pomfret Road.

The existing traveled way of Dinsmoor Road intersects Bartlett Brook Road at a skew angle requiring most users to make sharp turns when approaching from and departing to the south. Dinsmoor Road is also moderately graded uphill from the town highway. As a result, the driveway can be challenging to navigate, particularly in winter conditions.

B. Proposed Driveway Modifications

The Mann Application proposes to address these challenges by excavating the embankment north of the existing traveled way of Dinsmoor Road to create a level graded, 20-foot wide by 16-foot deep area in which vehicles may enter onto and exit from Bartlett Brook Road. This would result in an approximately 90-degree intersection between Dinsmoor Road and Bartlett Brook Road, versus the skew angle that now exists.

By comparison, the White Application (as defined below) proposes to establish a shared access apron south of the existing traveled way of Dinsmoor Road with the similar goal of improving intersection navigability, albeit without reducing the uphill grade.

II. Procedural History

A. The White Application and White-Mann Litigation

This Decision is made concurrently with a decision on an Application for Town Highway Access Road Permit dated August 7, 2023, by Hillary D. White and Philip Dechert (the “White Application”). Like the Mann Application, the White Application also seeks to modify Dinsmoor Road where it intersects Bartlett Brook Road. Each application has been evaluated on its own merits, but with consideration given to whether one or the other better meets the applicable standards described in Section III below.

Both applicants also are engaged in an ongoing dispute concerning their respective rights in the Existing Easement. The particulars of this dispute are beyond the scope of this Decision, but are subject to pending litigation (the “White-Mann Litigation”) to which the Town of Pomfret has been made a party by Applicant.² The Town’s status as a party to the White-Mann Litigation, and the involuntary means by which it became a party, were not considered by the Selectboard when reaching this Decision.

¹ Town of Pomfret, Ordinance Pertaining to Travel on Trails, adopted August 4, 2004, *available at* https://pomfretvt.us/files/1014/0068/3275/trails_ordinance__policy.pdf.

² See Hillary White et al. v. Andrew Mann et al., No. 23-CV-03473 (Vt. Super. Ct.).

B. The Mann Application

Applicant submitted the Application on July 17, 2023, via hard copy to the Town Clerk, and via email to the Selectboard, Ms. Sander and counsel to Dr. White and Mr. Dechert. The Selectboard conducted a site visit on August 16, 2023.³ On September 10, 2023, Applicant submitted the revised site plan attached hereto as Exhibit B (the “Revised Site Plan”).⁴

A hearing on the Mann Application was held on September 12, 2023, during a special meeting of the Selectboard at which a hearing on the White Application also was held. The events of the Mann Application hearing are more particularly described in Section 5 of the related Selectboard meeting minutes.⁵

The Selectboard closed the Mann Application hearing on September 12, 2023, held non-public deliberative sessions on September 20, 2023 and October 4, 2023, and thereafter reached this Decision.

III. Applicable Standards

A. Pomfret Highway Ordinance

Section 5.3(k) of the Town of Pomfret Highway Ordinance (the “Highway Ordinance”)⁶ requires that the first 20 feet of a driveway entering upon a town highway meet the following standards, unless the same are waived or varied:

- Intersection angle of 90 degrees to the town highway.
- Minimum sight distance in both directions (the required distance being determined by reference to the posted speed limit of the intersecting town highway).
- Sixteen foot minimum width.
- Grading and slope such that water from the driveway does not enter the town highway (it being recommended that the driveway have a grade dropping six inches in ten feet before extending either up or down slope).
- Culverts to be installed if necessary to prevent deterioration of the town highway.

³ The August 16, 2023, site visit was the latest of several visits made by the Selectboard. An earlier site visit was made on November 4, 2022, to review prior driveway modifications proposed by Applicant and the White Parcel occupants that ultimately were not implemented. Selectboard members and the Road Foreman made additional visits at various times during the eighteen months prior to this Decision.

⁴ The Revised Site Plan (and the original plan attached to the Application) is an altered excerpt of the MacKenzie Engineering and Construction plans included with the White Application.

⁵ Town of Pomfret Selectboard, Special Meeting Minutes, September 12, 2023, *available* at https://pomfretvt.us/index.php/download_file/view/2256/265/.

⁶ Town of Pomfret, Highway Ordinance, adopted June 21, 2023, *available* at https://pomfretvt.us/files/4016/8740/6683/Pomfret_Highway_Ordinance_as_adopted_2023-06-21.pdf.

- Vegetation and trees to be removed if necessary to provide for visibility and safety.

B. State Law

Relevant state law at 19 V.S.A. 1111 requires, among other things, that a permit be obtained by anyone wishing to use any part of a highway right-of-way, including to develop, construct, regrade or resurface any driveway, entrance or approach. State law further empowers Vermont municipalities to protect and promote the safety of the traveling public, maintain reasonable levels of service on the existing highway system, and protect the public investment in the existing highway infrastructure.

C. Application of Applicable Standards

Based on the Mann Application, Revised Site Plan and testimony of witnesses, the Selectboard finds that the proposed modifications to Dinsmoor Road meet the applicable standards set forth in the Highway Ordinance. In particular, the proposed modifications would create a 90-degree intersection with Bartlett Brook Road and level grading over the first 20 feet of the driveway. The minimum sight distance and width standards are met as well. The culvert requirement is addressed in Section V below.

The result is a material improvement relative to the existing driveway, which has a moderate grade uphill from the town highway and requires most users to make sharp turns when entering onto and exiting from Dinsmoor Road.

The level grading will reduce runoff entering the town highway and the risk that vehicles will overrun the traveled way of Dinsmoor Road or Bartlett Brook Road, particularly in winter conditions. The 90-degree intersection will improve visual sightlines and reduce potential vehicular conflicts.

By meeting the applicable Highway Ordinance standards, the Selectboard also finds that the proposed modifications adequately protect the interests articulated in 19 V.S.A. 1111(b).

While the Mann Application does not include original engineering or site plans, following multiple site visits, the Selectboard concludes the proposed driveway modifications are feasible and likely to achieve the outcome described by Applicant.

All Town Highway Access Road Permits are subject to final approval once construction is complete. Should the proposed modifications prove infeasible or otherwise not be made as approved herein, final approval will be withheld until corrective action is taken.

IV. Decision

Based on the Mann Application, Revised Site Plan, testimony of witnesses, the findings and conclusions described above, and **subject to the conditions and limitations specified in Section V below**, a permit to construct a residential driveway as depicted in the Revised Site Plan is **approved**.

V. Conditions and Limitations

The decision described in Section IV above is subject to the following conditions and limitations, which shall be binding on Applicant, its successors and assigns:

- A. The proposed modifications to Dinsmoor Road shall be made as soon as practicable, at Applicant's cost, and Applicant shall use best efforts to complete all work in the highway right-of-way by November 30, 2023.

If despite Applicant's best efforts all work in the highway right-of-way cannot be completed by November 30, 2023, Applicant shall by the same date remove (or cause to be removed) all objects, fill or obstructions in the highway right-of-way interfering with normal use of the existing traveled way of Dinsmoor Road or maintenance of the highway right-of-way.

- B. The first 20 feet of the driveway shall conform in all material respects to the materials included in the Mann Application, Revised Site Plan and testimony of witnesses, except as expressly modified herein. Any material change to the foregoing shall require further review and approval by the Selectboard under the regulations applicable at that time.

By way of example and not limitation, the inability to complete the excavation necessary to create a level graded, 20-foot by 16-foot area at the intersection of Dinsmoor Road and Bartlett Brook Road would constitute a material change subject to further review and approval by the Selectboard.


- C. The first 20 feet of the driveway shall conform to the standards set forth in Section 5.3(k) of the Highway Ordinance, except as expressly modified herein.
- D. The standards, restrictions and conditions set forth in the form of Application for Town Highway Right-of-Way Crossing Permit adopted July 6, 2022, and attached hereto as Exhibit C shall apply to all work performed in the highway right-of-way, including but not limited to rebuilding, repairing, restoring and making good all injuries or damage to any portion of the right-of-way caused by the permitted work.
- E. The proposed excavation shall be completed in accordance with applicable standards contained in Section 203 of the VTrans Standard Specifications for Construction, 2024 ed.⁷

⁷ State of Vermont, Agency of Transportation, Standard Specifications for Construction (2024 ed.), available at <https://vtrans.vermont.gov/highway/construct-material/construct-services/pre-contractspecifications/vermont/2024>.

- F. The existing culvert at the bottom of Dinsmoor Road and running parallel to Bartlett Brook Road shall be extended north as necessary to capture anticipated runoff from the modified driveway.
- G. The area south of Dinsmoor Road and within the highway right-of-way shall be restored to a permeable surface sufficient to absorb anticipated runoff from the modified driveway and kept open to allow for placement of snow removed from the driveway.
- H. Applicants shall grant to the record owners of the White Parcel and the Sander Parcel, and to their respective heirs and assigns (collectively, "Grantees"), an easement and right-of-way (the "New Easement") on terms no less favorable to Grantees as are granted in that certain Quit Claim Deed dated June 12, 1987, by and between Applicant, as grantor, and Hillary W. Dechert and Philip Dechert, Jr., as grantees, recorded June 12, 1987, in Book 36 Pages 137-139 of the Pomfret Land Records, and attached hereto as Exhibit D. The New Easement shall include all of the lands and premises within the red circles depicted on the Revised Site Plan (to the extent the same are not already included in the Existing Easement), shall not purport to extinguish any prior easements or rights-of-way of record, and shall be prepared at Applicant's sole cost and expense.
- I. Neither this Decision nor the permit approved herein shall be construed as a conveyance by the town of any interest in the town highway right-of-way, or a waiver or relinquishment of its authority therein and thereover, and the town shall continue to own, operate, control and maintain the town highway right-of-way consistent with its current practice and applicable federal, state and local laws, whether or not the same have been expressly referenced herein.
- J. This Decision applies only to the subject matter contained herein. The conformity of any other structures, uses, or activities with the Highway Ordinance or any other applicable federal, state and local laws was not considered and is not addressed in this Decision. Any prior decision of the Selectboard or other agent or tribunal of the town affecting the subject location shall continue in full force and effect, except as otherwise provided herein.

[Remainder of page intentionally blank. Signature page follows.]

This Decision approved at Pomfret, Vermont, this 13th day of October, 2023, and signed by the chair of the Pomfret Selectboard on its behalf pursuant to 24 V.S.A. 1141.



John Peters Jr., chair
Pomfret Selectboard

Selectboard members John Peters Jr., Benjamin Brickner, Steve Chamberlin, Meg Emmons and Emily Grube voted in the affirmative.

NOTICE: This Decision may be reviewed in the manner provided by law pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

EXHIBIT A

Mann Application

Attached.

TOWN OF POMFRET

APPLICATION FOR TOWN HIGHWAY ACCESS ROAD PERMIT
(Application fee of \$100 payable to Town of Pomfret)

Access Road Type (check one): Private Drive* Agricultural Forestry

Applicant Name: Andrew & Kathy Mann Phone: [REDACTED] Email: [REDACTED]

Applicant Mailing Address: PO Box 20 State: S.Pomfret Zip: 05067

(Complete only if Applicant is not the Landowner)

Landowner Name: _____ Phone: _____ Email: _____

Landowner Mailing Address: _____ State: _____ Zip: _____

The undersigned Applicant requests permission to develop, construct, or change the grade of the access road type indicated above.

Access Road Location: on the East side (cardinal direction) of Bartlett Brook Road (town highway name)
at approximately 5300' (feet) from the intersection of Pomfret Road (nearest town highway intersection).

Please provide a brief description of the work to be done: Widen existing drive on the north side in order to acquire a Driveway Access Permit conforming to existing specifications re width, 90 degree intersection, 1' slope away from town road for first 20' in order to improve driveway safety.

See attached sketch.

Width of driveway will be between 17' and 19'. Driveway will enter town road at 90 degrees and pitch away from town road 1' over the first 20' from the town road. See green rectangle on sketch.

The remainder of the existing driveway will be available for plowed snow and sand.

Site distances are at least 155' in both directions. Sand pile will be moved during construction.

Culvert at bottom of driveway will be extended as necessary.

(PROVIDE DETAILED SKETCH OF ACCESS LOCATION AND LAYOUT ABOVE)

The following conditions, standards and restrictions shall apply to the first 20 feet of a newly developed, constructed, or grade changed access road (measured from the edge of the traveled way) unless waived herein:

General Conditions

1. *Application Fee.* A \$100 non-refundable application fee shall be submitted before an application will be considered.
2. *Site Visit.* The Selectboard and Road Commissioner shall make a site visit prior to approving a permit.
3. *Final Site Inspection.* Upon completion of work, the Applicant or its agent shall notify the Town within ten days to arrange a final site inspection.
4. *Noncompliance.* Any work deemed not in compliance with the permit shall be corrected and reinspected for approval.
5. *Final Approval.* Work shall be approved by the Selectboard or its designee before any use of the access may be started.

* Each residence is limited to one driveway access.

Design Standards¹

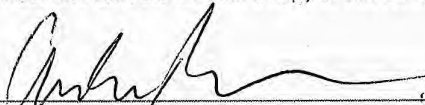
1. *Intersection Angle.* Access roads shall be constructed at a 90 degree angle to the town highway.
2. *Minimum Sight Distance.* Sight distances shall be at least as shown in the table below in both directions when viewed from a height of eye of 2.0 feet on the roadway to a height of eye of 3.5 feet on the drive at a point 15 feet back from edge of the traveled way (when entering upon paved portions of town highways) or 10 feet back from edge of the traveled way (when entering upon any other portion of a town highway). The "posted speed" shall be deemed to be 45 mph (when entering upon an unposted Class 2 highway) or 25 mph (when entering upon any other unposted highway).

Minimum Sight Distance

<i>Posted Speed (mph)</i>	<i>Minimum Sight Distance (feet)</i>
25	155
30	200
35	250
40	305
45	360

3. *Access Road Width.* Access roads shall be 16 feet wide and graded and sloped such that water from the access road does not enter the Town highway. It is recommended that the driveway or access road have a grade dropping six inches in 10 feet before extending either up or down slope.
4. *Culverts.* Culverts shall be installed if deemed necessary by the Selectboard or its designee and shall conform to standards described in Section 5.3(h) of the Pomfret Highway Ordinance.
5. *Vegetation.* Vegetation and trees shall be removed as necessary to provide for visibility and safety.

The undersigned Applicant agrees to adhere to the conditions, standards and restrictions forming a part of this permit, and understands that this permit, if issued, will be issued in accordance with 19 V.S.A. 1111 and the Pomfret Highway Ordinance and may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake development, construction, or changing the grade of the access road within one year of the date of approval. If Applicant is not the Landowner, Applicant has provided the Landowner with a copy of this completed Application and obtained the Landowner's signature below.


 Applicant Signature
 Andrew Mann
 Applicant Printed Name
 2023-07-17
 Date

(Complete only if Applicant is not the Landowner)

The undersigned Landowner acknowledges they have received a copy of this completed Application.

 Landowner Signature

 Landowner Printed Name

 Date

[Remainder of page intentionally blank. Application form continues on next page.]

¹ Any of the standards listed herein may be waived or varied upon the Applicant's request and following consideration by the Selectboard and Road Commissioner of public and private interests, topography, adequacy of highway design, ease of snow removal, drainage, and maintenance of safe conditions in all seasons for the traveling public.

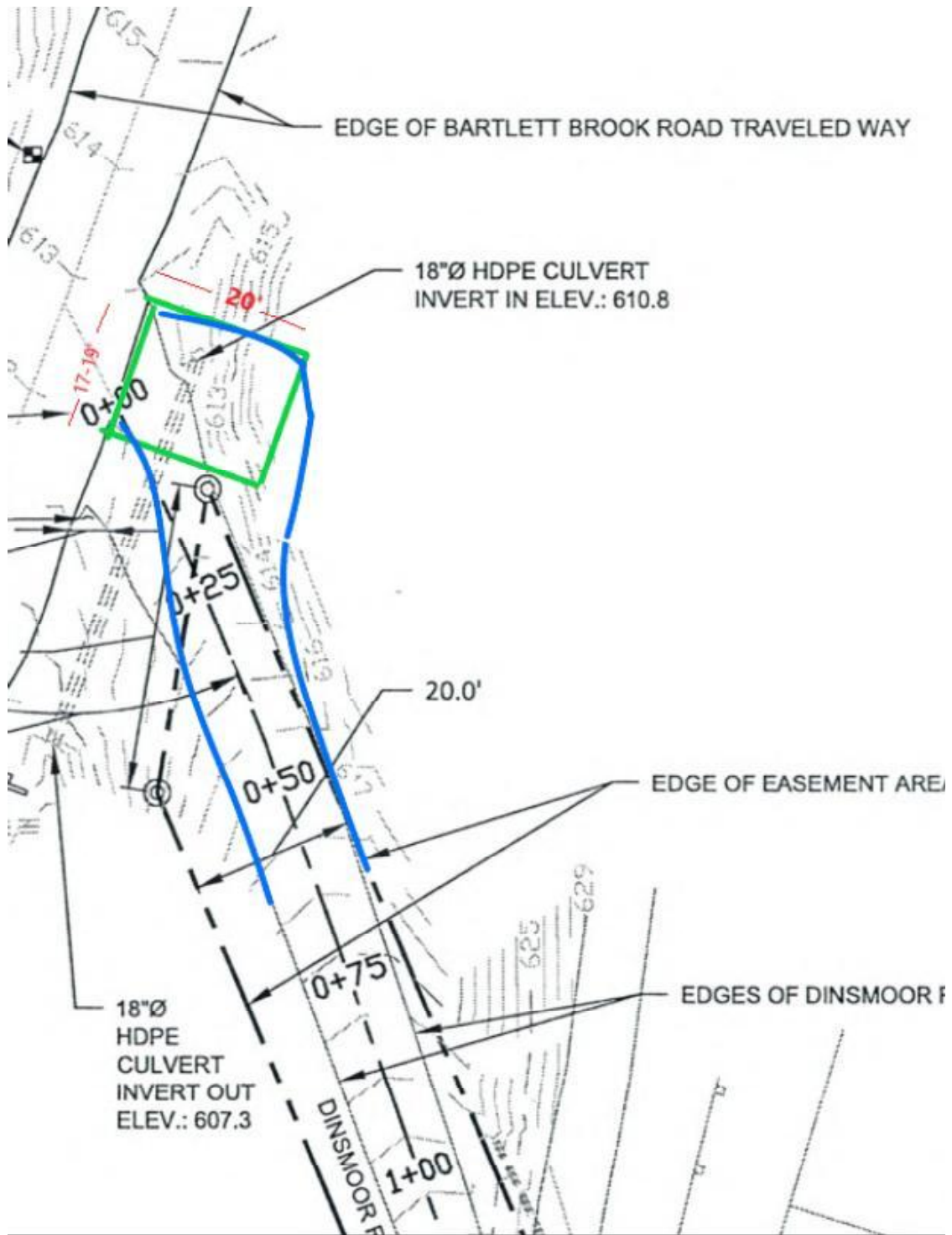


EXHIBIT B

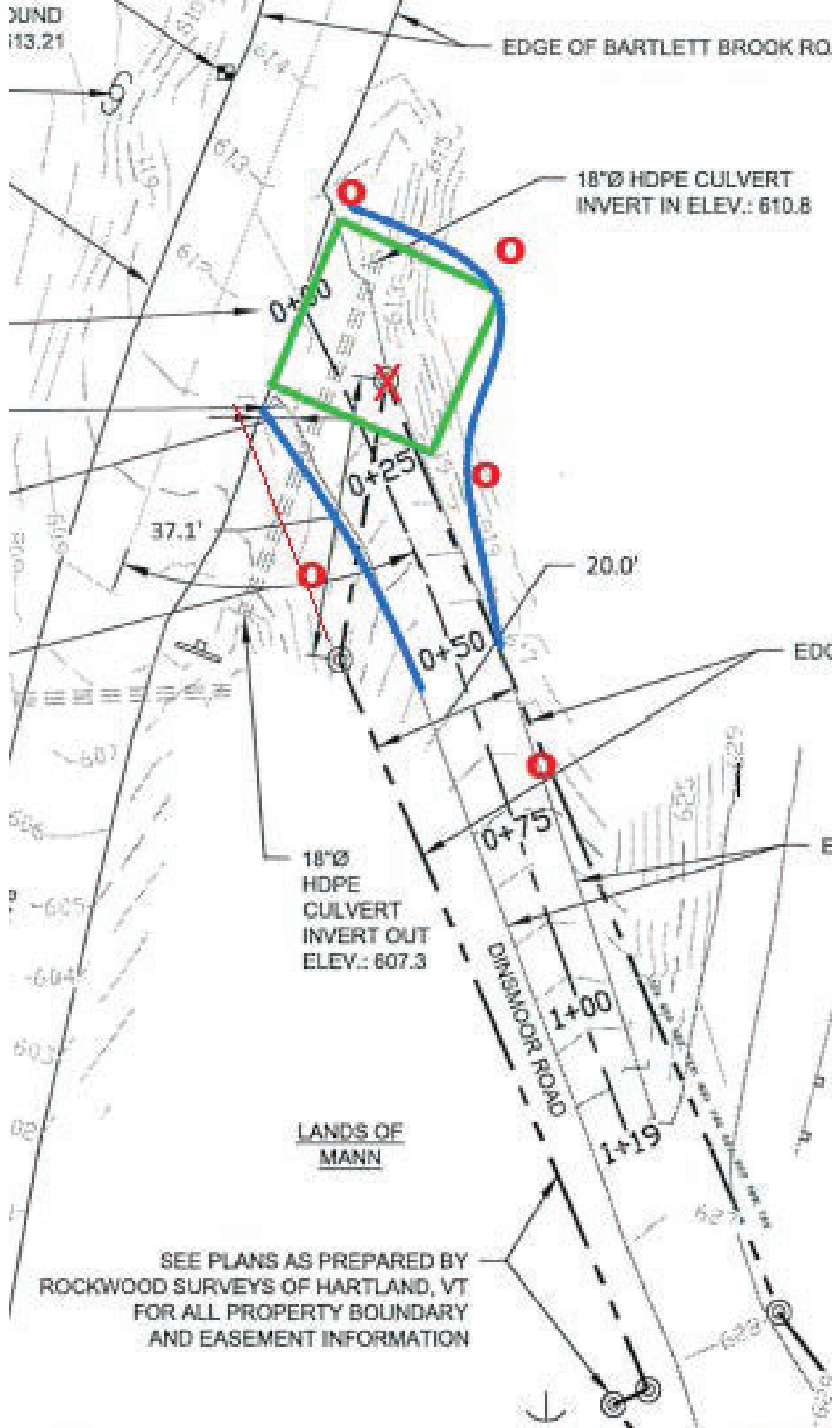
Revised Site Plan

Attached.

XUND
113.21

EDGE OF BARTLETT BROOK RD

18"Ø HDPE CULVERT
INVERT IN ELEV.: 610.8



LANDS OF
MANN

SEE PLANS AS PREPARED BY
ROCKWOOD SURVEYS OF HARTLAND, VT
FOR ALL PROPERTY BOUNDARY
AND EASEMENT INFORMATION

EXHIBIT C

Form of Application for Town
Highway Right-of-Way Crossing Permit

Attached.

TOWN OF POMFRET

APPLICATION FOR TOWN HIGHWAY RIGHT-OF-WAY CROSSING PERMIT

(Application fee of \$100 payable to Town of Pomfret)

Landowner Name: _____ Phone: _____ Email: _____

Street Address: _____ State: _____ Zip: _____

The undersigned requests permission to cross over / under (circle one) the right-of-way of _____ (road name)

at _____ (describe precise location)

for the purpose of _____ (describe specific purpose).

The crossing will be approximately _____ (feet) from the intersection of _____ (nearest intersection).

(PROVIDE DETAILED SKETCH OF CROSSING LOCATION ABOVE)

The following standards, restrictions and conditions shall apply to all crossings of a town right-of-way unless waived in writing:

1. Applicant shall contact Dig Safe at 811 at least 48 hours before, but not more than 30 days before, starting excavation activities at any location.
2. All work in the right-of-way shall be performed during daylight hours and shall cease on weekends, holidays, during severe weather events, and between December 1 and April 15, maintenance and emergency repairs excepted.
3. Applicant shall be responsible for all damages to persons, public or private utilities and property resulting from any work done under this permit, even if the Applicant's contractor performs the work.
4. Applicant must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.
5. All excavation and backfilling shall be done under the supervision and to the specification of the town's designated agent.
6. Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night and must be MUTCD (Manual on Uniform Traffic Control Devices) compliant.
7. Applicant shall do no work nor place any structures or obstacles in the right-of-way, except as authorized by this permit.
8. Applicant shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the right-of-way caused by the permitted work, for a minimum of eighteen (18) months after final inspection by the Town.

Additional standards, restrictions or conditions:

The applicant agrees to adhere to the standards, restrictions and conditions forming a part of this permit.

Applicant Signature	Applicant Printed Name	Date
---------------------	------------------------	------

Application fee of \$100 received on _____, 20____ by _____.

This permit is issued in accordance with 19 V.S.A. 1111(c) and may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake construction of the right-of-way crossing within one year of the date of approval.

PERMIT APPROVED this _____ day of _____, 20____.

Road Commissioner	Selectboard Chair
-------------------	-------------------

FINAL INSPECTION. The work described in this permit has been constructed in accordance with the above standards, restrictions and conditions and is acceptable under State and local regulations.

Road Commissioner	Selectboard Chair	Date
-------------------	-------------------	------

EXHIBIT D

1987 Quit Claim Deed
(Pomfret Land Records Book 36 Pages 137-139)

Attached.

Know all Men by these Presents

That We, Andrew A. Mann and Kathy Jean Mann

of Pomfret in the County of Windsor
and State of Vermont Grantors, in the consideration of
One dollar and Other Good and Valuable Consideration Dollars
paid to our full satisfaction by
Philip Dechert, Jr. and Hillary W. Dechert

of Pomfret in the County of Windsor
and State of Vermont Grantee s, have REMISED, RELEASED,
AND FOREVER QUITCLAIMED unto the said
Philip Dechert, Jr. and Hillary W. Dechert, and their

all right and title which heirs or assigns,
we the said Andrew A. Mann and Kathy Jean Mann

easement and right-of-way or our heirs have in, and to a
certain ~~piece of land~~ in Pomfret in the
County of Windsor and State of Vermont, described as
follows, viz:

- Being an easement and right of way in common with grantors, their heirs and assigns, for ingress and egress to the land and premises of grantees, across land and premises conveyed to the grantors by the following deeds:
1. Warranty deed of Raymond L. Collamore and Alice G. Collamore dated November 26, 1984 and recorded in Book 34 at Page 281 of the Town of Pomfret Land Records, and
 2. Warranty deed of Kurt A. Vreeland and Patricia A. Vreeland dated November 12, 1984 and recorded in Book 34 at page 282 of the Town of Pomfret Land Records.

The location of this right of way is shown on a plan prepared by Bruno Associates, Inc. P.C. entitled "Proposed Right-of-way across lands of Andrew and Kathy Mann in Pomfret, Vermont" dated December 1986, scale 1" = 40', and is described thereon as follows:

Commencing at a 5/8" rebar set in the ground near the intersection of Town Highway #39 and an existing drive, and running S 22 degrees 10' E 132.4' to a rebar set in the ground; thence proceeding S 36 degrees 12' E 67.8' to a rebar set in the ground; thence turning an angle to the left and proceeding N 58 degrees 43' E 10.0' to a point; thence turning an angle to the right and proceeding S 28 degrees 37' E 246.4' to a 1/2" iron pipe; thence turning an angle to the right and proceeding N 86 degrees 27' W 41.3' to a point; thence turning an angle to the right and proceeding N 28 degrees 37' W 223.0' to a point; thence proceeding N 36 degrees 12' W 68.2' to a point; thence turning an angle to the right and proceeding N 67 degrees 50' E 5.0' to a point; thence turning an angle to the left and proceeding N 22 degrees 10' W 103.6' to a point; thence turning an angle to the right and proceeding N 10 degrees 27' E 37.1' to a 5/8" rebar, being the point and place of beginning.

Also conveyed herein is an easement in common with Grantors, their heirs and assigns, for electric and telephone utility purposes, to be established and located identically to the utility easement being conveyed by instrument of these grantors dated December 12, 1986 to Central Vermont Public Service Corporation and New England Telephone and Telegraph Company.

continued...

Both grantors and grantees intend by delivery and acceptance of this deed to extinguish all other and prior easements and rights-of-way of record and in fact which may cross the grantors' land for the benefit of grantees' land, including, without limitation, those rights-of-way created by deeds of Ehrick J. Wood and Blanche R. Wood to William H. Maynes and Shannon H. Maynes dated July 8, 1966 and recorded in Book 29 at page 225 of the Town of Pomfret Land Records, and dated September 24, 1965 and recorded in Book 29 at page 110 of the Town of Pomfret Land Records.

The rights and interests conveyed herein are subject to rights of mortgages under now existing mortgages.

Grantees, their heirs and assigns, shall notify grantors in advance of any cutting of trees within the herein conveyed easement area, except in case of emergency.

Grantees, for themselves and their heirs and assigns, waive any claim for contribution in the event that grantors or their family members wish to connect to the utility lines established within this easement. Grantors reserve that right to connect to said utility lines for themselves and their family members, but not for other assigns.

Reference may be had to the above-mentioned deeds and plan and to all prior deeds in the Town of Pomfret Land Records for a more particular description of the rights herein conveyed.

Grantees, their heirs and assigns, are further conveyed a reasonable right if necessary, to repair and maintain their driveway, and for such specific purpose may exceed the bounds of the herein-conveyed easement only with Grantor's permission, such permission, not to be unreasonably withheld. It is specifically agreed and understood between the parties hereto, their heirs and assigns and successors, that such right shall be limited to the necessity of repair in the event of washout, substantial deterioration and the like, necessitating substantial repairs or reinstallation of the subject driveway. If this right is exercised, Grantees, their heirs and assigns shall repair at their expense any damage thereby caused to Grantor's premises, and shall restore Grantor's premises to as near its original condition as possible.

continued....

TO HAVE AND TO HOLD all right and title in and to said quit-claimed premises, with the appurtenances thereof, to the said Philip Dechert, Jr. and Hillary W. Dechert, and their

heirs and assigns forever.

AND FURTHERMORE we the said Andrew A. Mann and Kathy Jean Mann

do for ourselves and our heirs, executors and administrators, covenant with the said Philip Dechert, Jr. and Hillary W. Dechert, and their

heirs and assigns, that from and after the ensembling of these presents the said

Andrew A. Mann and Kathy Jean Mann

will have and claim no right, in, or to the said quit-claimed premises. except as set forth herein

IN WITNESS WHEREOF, we hereunto set our hand and seal this day of A.D. 19

In Presence of

Signatures of Andrew A. Mann, Muriel Norman (witness), Heidi S. Kenison (witness), Philip Dechert, Jr., Hillary W. Dechert by Philip Dechert Jr. her attorney in fact, and Norma Martin (witness).

STATE OF VERMONT, Windsor County ss. At 12th day of June A. D. 1987 this

Andrew A. Mann and Kathy Jean Mann

personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me Muriel Norman Notary Public (Title)

STATE OF VERMONT WINDSOR COUNTY, SS At Bridgewater this 10 day of June 1987 PHILIP DECHERT, JR. and HILLARY W. DECHERT personally appeared, and they acknowledged this instrument by them sealed and subscribed, to be their free act and deed. Before me Norma Martin Town Clerk Notary Public

Pomfret Town Clerk's Office: Received for record on June 12, A.D. 1987 at 12:40 P.M. A true copy. Attest: Hazel B. Harrington Town Clerk

Vermont Property Transfer Tax 32 V.S.A. Chap. 231 ACKNOWLEDGMENT Return Rec'd. Tax Paid. Board of Health Cert. Rec'd. Vt. Land Use & Development Plans Act Cert. Rec'd. Return No. 9782902 Signed Hazel Harrington, Clerk Date June 12, 1987