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RHONDA M. MARCHESI *v.* BOARD OF SELECTMEN OF THE TOWN OF LYME ET AL.
(SC 18890)

Norcott, Palmer, Zarella, Eveleigh, McDonald, Espinosa and Vertefeuille, Js.

Argued March 20—officially released August 6, 2013

Kenneth M. McKeever, with whom was *Brendan P. McKeever*, for the appellants (named defendant et al.).

Harry B. Heller, for the appellee (plaintiff).

Opinion

EVELEIGH, J. In this certified appeal, the defendants the Board of Selectmen of the Town of Lyme (board) and the town of Lyme (town),[1] appeal from the judgment of the Appellate Court affirming the judgment of the trial court, which rendered summary judgment in favor of the plaintiff, Rhonda M. Marchesi. *Marchesi* v. *Board of Selectmen*, 131 Conn. App. 24, 28 A.3d 994 (2011). On appeal to this court, the defendants claim that the Appellate Court improperly concluded that: (1) the trial court correctly determined that parties in an appeal taken pursuant to General Statutes § 13a-40[2] are entitled to a trial de novo in the Superior Court; and (2) General Statutes § 13a-39[3] authorizes the selectmen of a town to determine the width of the existing highway, but not its length.[4] Although we agree with the Appellate Court that the trial court properly concluded that parties appealing pursuant to § 13a-40 are entitled to a trial de novo, we disagree with the Appellate Court's conclusion that § 13a-39 authorizes the selectmen of a town to determine the width of the existing highway, but not its length. Accordingly, we reverse the judgment of the Appellate Court and remand the case to that court with direction to reverse the judgment of the trial court and remand the case to that court for further proceedings to determine the width and length of the existing highway.

The opinion of the Appellate Court sets forth the following relevant facts and procedural history. "Brockway Ferry Road[5] is a highway located near the shore of the Connecticut River in [the town]. The plaintiff owns real property, improved with a single family residence, on [the highway]. In 2006, several other proprietors of real property abutting [the highway] filed a petition, pursuant to . . . § 13a-39, requesting that the board define the boundaries of [the highway], particularly at its western end, in the area of the plaintiff's property. The board considered documentary and testimonial evidence and held hearings related to the petition. In October, 2006, the board published notice of its memorandum of decision in which it 'made a determination of the boundary and terminus of [the highway] at its western end as it runs along and into the Connecticut River.' Essentially, the board concluded that [the highway] extended through and across the plaintiff's property, past the then existing western terminus of the highway.

"Thereafter, the plaintiff brought an administrative appeal, pursuant to . . . § 13a-40, in the Superior Court. The plaintiff asserted that the board's decision introduced a public highway through and across her property, lessened the value of her property and negatively affected her use and enjoyment of her property. The plaintiff raised several claims related to the board's jurisdiction. Additionally, the plaintiff claimed that the

board had acted illegally, arbitrarily and in abuse of its discretion. The gist of the complaint was that, rather than defining the width of an existing public highway, the board extended the length of said highway at its western terminus.

"In June, 2007, the plaintiff moved for summary judgment. The defendants opposed the motion arguing, in part, that the plaintiff was not entitled to move for summary judgment in an administrative appeal. In its May 20, 2008 memorandum of decision, the court granted the plaintiff's motion for summary judgment. The court concluded that it was entitled to consider the appeal in a trial de novo and, therefore, that the motion for summary judgment procedurally was appropriate. Thereafter, the court concluded that the plaintiff was entitled to judgment, as a matter of law, because the board exceeded the scope of its statutory authority by determining the length of [the highway] rather than its width." Id., 26–28.

Thereafter, the defendants appealed from the judgment of the trial court to the Appellate Court. On appeal to the Appellate Court, the defendants claimed that the trial court "improperly (1) concluded that the parties were entitled to a trial de novo, [and] (2) concluded that the board had exceeded its authority by determining that a highway existed on the plaintiff's property . . . ."[6] Id., 26. The Appellate Court affirmed the judgment of the trial court, concluding that the trial court properly determined that the parties were entitled to a trial de novo pursuant to § 13a-40 and that the board had exceeded its authority under § 13a-39 because that statute only allows the selectmen of a town to settle the uncertain width of a highway. Id., 28, 30. Judge Lavine authored an opinion dissenting in part from the judgment of the Appellate Court in which he concluded that the trial court improperly determined that § 13a-39 authorized the board to determine only the width and not the length of the highway. Id., 35. This appeal followed.[7]

I

The defendants first claim that the Appellate Court improperly concluded that the trial court properly determined that the parties were entitled to a trial de novo pursuant to § 13a-40 and, therefore, properly considered the plaintiff's motion for summary judgment pursuant to Practice Book § 14-7 (d) (5). The defendants assert that, in an appeal pursuant to § 13a-40, the Superior Court should treat the action as an administrative appeal and apply a substantial evidence standard. In support of this claim, the defendants cite the procedures provided under the Uniform Administrative Procedure Act (UAPA), General Statutes § 4-183 et seq., and cases involving appeals from municipal planning and zoning commissions and state agencies. In response, the plaintiff claims that the statutory language

authorizing appeals from the decisions of municipal land use agencies and state agencies is distinguishable from § 13a-40 and that the language of that statute expressly authorizes the trial court to conduct a trial de novo. We agree with the plaintiff.

The plaintiff's claim raises a question of statutory interpretation. "[I]ssues of statutory construction raise questions of law, over which we exercise plenary review. . . . *Ugrin* v. *Cheshire*, 307 Conn. 364, 379, 54 A.3d 532 (2012). When construing a statute, [o]ur fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . . In other words, we seek to determine, in a reasoned manner, the meaning of the statutory language as applied to the facts of [the] case, including the question of whether the language actually does apply. . . . *Picco* v. *Voluntown*, 295 Conn. 141, 147, 989 A.2d 593 (2010). General Statutes § 1-2z[8] directs this court to first consider the text of the statute and its relationship to other statutes to determine its meaning. If, after such consideration, the meaning is plain and unambiguous and does not yield absurd or unworkable results, we shall not consider extratextual evidence of the meaning of the statute. General Statutes § 1-2z; see also *Saunders* v. *Firtel*, 293 Conn. 515, 525, 978 A.2d 487 (2009). Only if we determine that the statute is not plain and unambiguous or yields absurd or unworkable results may we consider extratextual evidence of its meaning such as the legislative history and circumstances surrounding its enactment . . . the legislative policy it was designed to implement . . . its relationship to existing legislation and common law principles governing the same general subject matter . . . . *Thomas* v. *Dept. of Developmental Services*, 297 Conn. 391, 399, 999 A.2d 682 (2010). The test to determine ambiguity is whether the statute, when read in context, is susceptible to more than one reasonable interpretation. . . . *Weems* v. *Citigroup, Inc.*, 289 Conn. 769, 779, 961 A.2d 349 (2008). We presume that the legislature did not intend to enact meaningless provisions. . . . [S]tatutes must be construed, if possible, such that no clause, sentence or word shall be superfluous, void or insignificant . . . . *Housatonic Railroad Co.* v. *Commissioner of Revenue Services*, 301 Conn. 268, 303, 21 A.3d 759 (2011)." (Footnote in original; internal quotation marks omitted.) *Tine* v. *Zoning Board of Appeals*, 308 Conn. 300, 305–306, 63 A.3d 910 (2013).

Furthermore, "[i]n the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly." General Statutes § 1-1 (a). "If a statute or regulation does not sufficiently define a term, it is appropriate to look to the common understanding of the term as expressed in a

dictionary." (Internal quotation marks omitted.) *Ugrin* v. *Cheshire*, supra, 307 Conn. 380.

We begin our analysis with the relevant statutory provision. Section 13a-40 provides: "Any person aggrieved by such decision may appeal to the superior court for the judicial district where such highway is situated within ten days after notice of such decision has been given, which appeal shall be in writing, containing a brief statement of the facts and reasons of appeal and a citation to such selectmen and all adjoining proprietors on such highway to appear before said court, and said court, or any judge thereof, may direct the time of appearance and the manner of service. Said court may review the doings of such selectmen, examine the questions in issue by itself or by a committee, confirm, change or set aside the doings of such selectmen, and make such orders in the premises, including orders as to costs, as it finds to be equitable. The clerk of said court shall cause a certified copy of the final decree of said court to be recorded in the records of the town in which such highway is located, and, if such decree changes the bounds defined and established by the decision of such selectmen, the bounds defined and established by such decree shall be the bounds of such highway."

The text of § 13a-40 is very broad. It allows the Superior Court to "review the doings of such selectmen, examine the questions in issue by itself or by a committee . . . ." General Statutes § 13a-40. It is important to note the legislature's use of the terms "doings" and "questions," rather than limiting the review to the "board's decision" or "the record." The use of these broad terms support the conclusion that the Superior Court has broad authority to examine the same issue that was before the selectmen in any manner it so chooses without giving any deference to the decision of the selectmen.

Section 13a-40 further provides that the Superior Court may "confirm, change or set aside the doings of such selectmen, and make such orders in the premises, including orders as to costs, as it finds to be equitable. . . ." In doing so, § 13a-40 further suggests that the Superior Court has complete authority to set aside the determinations made by the selectmen, without limitation.

Moreover, § 13a-40 also requires that the appeal contain "a citation to . . . all adjoining proprietors on such highway to appear before said court . . . ." This requirement demonstrates that adjoining property owners may present testimony and evidence at the trial court, even if they did not appear or present testimony before the selectmen.

Our conclusion is further supported by comparing § 13a-40 to other statutes governing appeals from deci-

sions of municipal and state agencies. For example, General Statutes § 8-8 (k), which governs appeals from municipal land use agencies, provides in relevant part: "The court shall review the proceedings of the board and shall allow any party to introduce evidence in addition to the contents of the record if (1) the record does not contain a complete transcript of the entire proceedings before the board, including all evidence presented to it . . . or (2) it appears to the court that additional testimony is necessary for the equitable disposition of the appeal. . . ." Likewise, General Statutes § 4-183 (i), which governs appeals from state agencies under the UAPA, provides in relevant part: "The appeal shall be conducted by the court without a jury and shall be confined to the record. . . ." Appeals taken pursuant to these statutes are based, with limited exceptions, upon the record developed before the municipal or administrative agency. Section 13a-40 does not contain such language. Moreover, § 13a-40 does not, like other statutes; see, e.g., General Statutes § 4-183 (j); mandate a particular standard of review. Certainly, if the legislature had intended the Superior Court to limit its examination of the board's decision, it would know how to insert language conveying that intent in the statute. Indeed, we note that our legislature did not amend § 13a-40 to provide a more deferential standard of review when it enacted the UAPA in 1971 and that it has not done so since. "[W]hen a statute, with reference to one subject contains a given provision, the omission of such provision from a similar statute concerning a related subject . . . is significant to show that a different intention existed. . . . That tenet of statutory construction is well grounded because [t]he General Assembly is always presumed to know all the existing statutes and the effect that its action or [nonaction] will have upon any one of them." (Internal quotation marks omitted.) *Saunders* v. *Firtel*, supra, 293 Conn. 527. As we have stated previously herein, "it is a well settled principle of statutory construction that the legislature knows how to convey its intent expressly; e.g., *Dept. of Public Safety* v. *Freedom of Information Commission*, 298 Conn. 703, 729, 6 A.3d 763 (2010); or to use broader or limiting terms when it chooses to do so. See, e.g., *Stitzer* v. *Rinaldi's Restaurant*, 211 Conn. 116, 119, 557 A.2d 1256 (1989)." *Scholastic Book Clubs, Inc.* v. *Commissioner of Revenue Services*, 304 Conn. 204, 219, 38 A.3d 1183, cert. denied, U.S. , 133 S. Ct. 425, 184 L. Ed. 2d 255 (2012). Therefore, the lack of limiting language in § 13a-40 also supports the conclusion that the Superior Court has the authority to conduct a trial de novo.

In addition, the decisions of administrative bodies like municipal zoning boards or the Department of Energy and Environmental Protection are distinguishable from the decision at issue in the present case because such bodies have expertise in the particular

field in which they issue decisions. This expertise further explains the dichotomy between limited review of the decisions of such bodies under statutes like the UAPA and the less deferential review provided under § 13a-40.

It is also important to note that the procedure provided for in § 13a-39 lacks any requirements for the conduct of the hearing before the board. Indeed, in the present case, at the hearing before the board, the plaintiffs were not given the opportunity to cross-examine any witnesses. The lack of procedural safeguards in the proceeding before the board under § 13a-39 lends further support to our conclusion that the parties are entitled to a trial de novo in the Superior Court under § 13a-40.

Accordingly, we conclude that the Appellate Court properly affirmed the trial court's determination that § 13a-40 entitled the parties to a trial de novo and that, therefore, the trial court properly considered the plaintiff's motion for summary judgment pursuant to Practice Book § 14-7 (d) (5).

II

The defendants next claim that the Appellate Court improperly affirmed the judgment of the trial court granting summary judgment in favor of the plaintiff because it improperly concluded that, under § 13a-39, the board is limited to defining the width of a road, but not the length. In support of this claim, they urge us to adopt the position taken by Judge Lavine in his opinion dissenting in part from the judgment of the Appellate Court. *Marchesi* v. *Board of Selectmen*, supra, 131 Conn. App. 35. We agree with the defendants.

"As a preliminary matter, we set forth the applicable standard of review. Summary judgment shall be rendered forthwith if the pleadings, affidavits and other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. . . . The scope of our appellate review depends upon the proper characterization of the rulings made by the trial court. . . . When . . . the trial court draws conclusions of law, our review is plenary and we must decide whether its conclusions are legally and logically correct and find support in the facts that appear in the record." (Internal quotation marks omitted.) *Ugrin* v. *Cheshire*, supra, 307 Conn. 389. In the present case, the trial court based its decision to grant summary judgment in favor of the plaintiff on the ground that the board exceeded its authority by determining the length of the highway because § 13a-39 limits the board's authority to defining the highway's width. The issue of whether § 13a-39 limits the power of the board to determine the width, but not the length of the highway, is a question of statutory construction, over which we exercise plenary review.

See id.

We begin our analysis with the relevant statutory provision. Section 13a-39 provides in relevant part: "Whenever the boundaries of any highway have been lost or become uncertain, the selectmen of any town in which such highway is located, upon the written application of any of the proprietors of land adjoining such highway, may cause to be made a map of such highway, showing the fences and bounds as actually existing, and the bounds as claimed by adjoining proprietors, and shall also cause to be placed on such map such lines as in their judgment coincide with the lines of the highway as originally laid down. . . ."[9]

Section 13a-39 first explains that it is applicable "[w]henever the boundaries of any highway have been lost or become uncertain . . . ." Section 13a-39 does not, however, define the term "boundaries." We turn, therefore, to the dictionary definition to obtain its ordinary usage. See, e.g., *Ugrin* v. *Cheshire*, supra, 307 Conn. 380. The term "boundary" is defined with substantial similarity by a number of sources. Black's Law Dictionary (9th Ed. 2009) defines "boundary" as "[a] natural or artificial separation that delineates the confines of real property." Webster's Third New International Dictionary (2002) defines "boundary" as "something that indicates or fixes a limit or extent; something that marks a bound (as of a territory or playing field) . . . ." See also 11 C.J.S. 71, Boundaries § 1 (2008) ("A boundary is a separation marking the confines of two contiguous properties. A 'boundary' is a separation that marks the limits of property, and separates parcels of land. It is every separation, natural or artificial, which marks the confines or line of division of two contiguous properties. A land boundary has been defined as the limits of land holdings described by linear measurements of the borders, or by points of the compass, or by stationary markers." [Footnotes omitted.]). These definitions of "boundary" all indicate that it is any separation in the confines of real property. None of the definitions limits the use of the term "boundaries" to only confines defining the width of property. Therefore, the use of the term "boundaries" in § 13a-39 indicates that the legislature intended the statute to be applicable whenever *any* confine or line of division in two properties became lost or uncertain. It is also important to note that the statute does not contain either the term "width" or "length."

Furthermore, the use of the term "lines" in § 13a-39 further indicates that the legislature intended to give the selectmen the authority to determine the highway in its entirety, not just its width. Section 13a-39 provides that the selectmen place on the map "such lines as in their judgment coincide with the lines of the highway as originally laid down." Section 13a-39 also requires that "[s]uch decision [of the selectmen] shall specifi-

cally define the line of such highway and the bounds thereof and shall be recorded in the records of the town in which such highway is located, and the lines and bounds so defined and established shall be the bounds of such highway unless changed by the Superior Court upon appeal from such decision of the selectmen." The legislature's use of the term "lines" in its requirements for the selectmen to draw a map of the highway indicate that it intended the selectmen to be able to completely define and depict the highway so as to draw it on a map, not just define the width. Indeed, by determining the width of the road up to the point that it terminates, or crosses into another town, the selectmen would determine the length of the road.

We next turn to other related statutory provisions. General Statutes § 13a-41 provides in relevant part: "Whenever a new highway has been laid out by authority of any town or city, such highway shall be marked or defined in the following manner: At the beginning and termination by stone, steel or iron bounds on each side, and a stone, steel or iron bound at each angle or deflection between the beginning and termination. . . ." A review of § 13a-41 demonstrates that it addresses the general subject matter of determining and marking bounds of highways, and that in doing so requires the markings of the beginning and termination of the highway and "on each side . . . ." Therefore, the language of § 13a-41 supports the interpretation that the legislature intended its use of the term "bounds" and "boundaries" in § 13a-39 to include the length, as well as the width of the highway.

Our analysis of § 13a-39 is also guided by previous interpretations of the statute by this court and the Appellate Court. First, in 1910, this court addressed the predecessor to § 13a-39, General Statutes (1902 Rev.) § 2083, in the case of *Appeal of St. John's Church*, 83 Conn. 101, 75 A. 88 (1910). In that case, proprietors of land adjoining the Strait's Turnpike applied to the selectmen of Watertown to reestablish certain boundary lines. Id., 102–103. In addressing whether, in that case, the selectmen undertook appropriate steps to determine the boundaries of the highway under the statute, this court repeatedly referred to both courses and distances. For instance, in describing the facts of the appeal, this court stated: "The 1796 layout was run by means of a compass, and was described by courses and distances having reference to certain monuments such as trees, stones, highway lines, etc. Prior to April, 1908, the actual boundaries had become lost or uncertain." Id., 103. This court further acknowledged as follows: "The line of the original 1796 survey was made on the east side of the highway. It is now impossible to locate that line by following the *courses and distances* given in the original report, because of the change in the magnetic north and the lack of original monuments referred to in the survey. The *width*, *general direction*,

and length of courses of the highway and ownership of adjoining property, as set forth in the survey of 1796, were the only portions of that survey which were or might be of assistance to the selectmen in attempting to relocate the lines of the highway, and these portions were insufficient data from which to accurately run the survey. They, therefore, in addition to the evidence taken under oath at the hearings, resorted to such other methods of investigation as occurred to them for the purpose of relocating said lines. They examined the premises involved, talked with old residents of the locality, and examined town and other records. They found that it was impossible to exercise their judgment as to what lines coincided with the original lines of the survey otherwise than by the use of all the information obtainable from the original survey, and from a consideration of the present and past conditions and use of the highway." (Emphasis added.) Id., 103–104.

As the foregoing demonstrates, this court recognized in *Appeal of St. John's Church* that, in determining the lines of a highway, it is necessary to know both the courses and distances. Black's Law Dictionary (5th Ed. 1979) defines "[c]ourse" as follows: "In surveying, the direction of a line with reference to a meridian." Black's Law Dictionary (5th Ed. 1979) defines "[d]istance" as follows: "A straight line along a horizontal plane from point to point and is measured from the nearest point of one place to the nearest point of another."

The Appellate Court has also addressed § 13a-39 prior to the present case. In *Hamann* v. *Newtown*, 14 Conn. App. 521, 524, 541 A.2d 899 (1988), the Appellate Court recognized as follows: "§ 13a-39 sets forth a procedure for defining the boundaries of a highway which have become lost or uncertain. *Appeal of St. John's Church*, [supra, 83 Conn. 106]. After hearing all parties interested, the town selectmen are required to reach a decision defining the lines and bounds of the highway. See *Hartford Trust Co.* v. *West Hartford*, 84 Conn. 646, 81 A. 244 (1911). A statutory proceeding for the survey and platting of an existing road does not operate to establish the road. Its purpose is merely to ascertain the courses and distances of one claimed already to be established. It estops the public from claiming that the road runs on a line different from that of the survey. 39 Am. Jur. 2d, Highways, Streets and Bridges § 55 [1968]. Recourse to § 13a-39 presupposes a prior determination that the road in question has been deemed a public highway. See id. The board is without authority under that section to determine the legal status of a road." (Footnote omitted; internal quotation marks omitted.) In doing so, the Appellate Court recognized that the purpose of a proceeding under § 13a-39 is to "ascertain the courses *and* distances" of a highway. (Emphasis added.) Id.

The Appellate Court in the present case relied on the

following language from *Hamann* v. *Newtown*, supra, 14 Conn. App. 524, for its conclusion that § 13a-39 allows the board to determine the width, but not the length of a highway: "The determination of the legal status of a road is distinct from a determination of the boundaries of a road. The purpose of § 13a-39 is to settle the uncertain width of a highway for the benefit of adjoining property owners. See *Appeal of St. John's Church*, supra, [83 Conn.] 105." Although the court in *Hamann* only referred to the power to determine the width of a highway, it is important to note that the only issue in *Hamann* was the width of a highway that ran through the plaintiffs' property. In *Hamann*, the plaintiffs did not challenge the length of the highway and, therefore, the court did not address the power of the selectmen to determine the length. Accordingly, we conclude that the Appellate Court's reliance on *Hamann* as determining that selectmen can determine the width, but not the length, of the highway is misplaced. Instead, we conclude that previous judicial interpretations of § 13a-39 support the conclusion that the legislature intended the board to determine the width and the length of the highway under § 13a-39. On the basis of the foregoing, we conclude that the board in the present case did not exceed the scope of its authority under § 13a-39.

In summary, we agree with the Appellate Court's well reasoned conclusion that that the trial court properly determined that the parties were entitled to de novo review under to § 13a-40 and that, therefore, the trial court properly considered the plaintiff's motion for summary judgment pursuant to Practice Book § 14-7 (d) (5). In light of our conclusion that the board did not exceed the scope of its authority under § 13a-39, however, we disagree with the Appellate Court's conclusion that the trial court properly granted the plaintiff's motion for summary judgment.

The judgment of the Appellate Court is reversed and the case is remanded to that court with direction to reverse the judgment of the trial court and to remand the case to that court with direction to deny the plaintiff's motion for summary judgment and for further proceedings in accordance with this opinion.

In this opinion the other justices concurred.

[1] We note that the plaintiff also named Lyme Land Conservation Trust, Inc., and several adjoining property owners as defendants in the present action. These adjoining property owners are: Russell K. Shaffer; Leslie V. Shaffer; Curtis D. Deane; Richard W. Sutton; William Sutton, Jr.; Kenneth C. Hall; Brigit Ann Brodkin; Michael David Speirs; William A. Lieber; Carolyn D. Lieber; Ambrose C. Clark; Amy Day Kahn; Jane Dunn Wamester; Robert H. Sutton; Eleanor B. Sutton; John David Sutton; John David Sutton, Sr.; John David Sutton, Jr.; James A. Behrendt; Elizabeth Putnam; John J. Gorman III; David J. Frankel; and Elizabeth C. Frankel. These additional defendants are not, however, parties to the present appeal. Consequently, for the sake of simplicity, we refer to the board and the town collectively as the defendants throughout this opinion.

[2] General Statutes § 13a-40 provides: "Any person aggrieved by such decision may appeal to the superior court for the judicial district where such

highway is situated within ten days after notice of such decision has been given, which appeal shall be in writing, containing a brief statement of the facts and reasons of appeal and a citation to such selectmen and all adjoining proprietors on such highway to appear before said court, and said court, or any judge thereof, may direct the time of appearance and the manner of service. Said court may review the doings of such selectmen, examine the questions in issue by itself or by a committee, confirm, change or set aside the doings of such selectmen, and make such orders in the premises, including orders as to costs, as it finds to be equitable. The clerk of said court shall cause a certified copy of the final decree of said court to be recorded in the records of the town in which such highway is located, and, if such decree changes the bounds defined and established by the decision of such selectmen, the bounds defined and established by such decree shall be the bounds of such highway."

[3] General Statutes § 13a-39 provides: "Whenever the boundaries of any highway have been lost or become uncertain, the selectmen of any town in which such highway is located, upon the written application of any of the proprietors of land adjoining such highway, may cause to be made a map of such highway, showing the fences and bounds as actually existing, and the bounds as claimed by adjoining proprietors, and shall also cause to be placed on such map such lines as in their judgment coincide with the lines of the highway as originally laid down. Such selectmen shall cause a notice to be printed for at least two days in a daily paper having a general circulation in the town in which such highway is located, and shall send a written or printed notice to each known adjoining proprietor on such highway, setting forth the name or location of the highway, a description of the portions to be reestablished, the place and time where such map may be seen, and the time, not less than two weeks from the date of the issue of such notice, when and place where all parties interested may be heard under oath in regard to such reestablishment. Such selectmen may adjourn such hearing from time to time and, upon reaching a decision, shall cause the same to be published as aforesaid and a notice of the same to be sent to all known adjoining proprietors. Such decision shall specifically define the line of such highway and the bounds thereof and shall be recorded in the records of the town in which such highway is located, and the lines and bounds so defined and established shall be the bounds of such highway unless changed by the Superior Court upon appeal from such decision of the selectmen."

[4] We granted the defendants' petition for certification to appeal limited to the following question: "Did the Appellate Court properly determine that the trial court correctly determined that the parties were entitled to a trial de novo in the Superior Court from an appeal taken from the [board] pursuant to . . . § 13a-40?" *Marchesi* v. *Board of Selectmen*, 303 Conn. 903, 904, 31 A.3d 1178 (2011). After oral argument in this court, we ordered that the certified question be amended to include the following issue: "Did the Appellate Court properly determine that . . . § 13a-39 authorizes the selectmen of a town to determine the width of the existing highway but not its length, and if not, must the summary judgment of the trial court be reversed for that reason?" We ordered the parties to file simultaneous briefs on the amended question.

[5] We note that, although Brockway Ferry Road is referred to by name in both the record and the parties' briefs, the opinion of this court refers to it simply as the highway.

[6] On appeal to the Appellate Court, the defendants also claimed that the trial court improperly "determined that there were no issues of material fact to preclude the granting of summary judgment and . . . made a finding of fact unsupported by the evidence." *Marchesi* v. *Board of Selectmen*, supra, 131 Conn. App. 26. Those claims are not, however, at issue in the present appeal.

[7] See footnote 4 of this opinion.

[8] General Statutes § 1-2z provides: "The meaning of a statute shall, in the first instance, be ascertained from the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered."

[9] Although it is questionable whether the legislature intended § 13a-39 to be used by adjoining property owners to determine their rights of ingress and egress over another's property, there is no limiting language in the statute. Accordingly, we conclude that this question is better saved for

the legislature.