

### **3. Brief History and Description of the Donald H. Bates Sanctuary**

2013 Gift from William and Nancy Bates, 16-acre woodlot in East Leverett.

The 16-acre wooded property slopes toward the west. In the 1800's this land, like most of Leverett, was cleared and used for grazing. The forest that grew up after the fields were abandoned (probably by 1900) is predictably large pines with younger hemlock and hardwood. Since most of the later logging was done along the western edge of the property, many of the trees in the central and eastern sections date from the abandoning of the fields. It is intriguing to stand today, looking at the barbed wire so deeply embedded in the trees, and try to imagine the open fields and those young saplings being used as fence posts.

The eastern and central sections of the property have occasional springs and small streams draining into a laurel-covered wetland in the west. Slightly larger seasonal streams carry that water to Roaring Brook below. Historically, this brook provided the water power for most of the 17 mills in East Leverett village in the 1800's and early 1900's.

The southern boundary of the property borders Lancaster Pike (also call the Lancaster Cart-way and Old Lancaster Road). It was a 50-mile road built beginning in 1733 to connect Sunderland (and therefore the Connecticut River) with the eastern part of the state (Lancaster is on the Nashua River). Lancaster Pike is still a county road and serves as one pedestrian entrance to the property.

At the eastern edge of the property is the former M-M Trail. While the 3-state trail has been moved closer to Route 202 and renamed the New England Heritage Trail, this section of the white-dot trail provides access to the property from Shutesbury Road and the part of the trail bordering the property has been included in the Donald H. Bates Sanctuary Loop Trail. This entrance, which is through the town-owned Roaring Brook Conservation Area, will be opened as soon as the bog bridges have been repaired (probably spring 2014).

As the earlier Nearby Protected Areas map demonstrates, the property contributes to RGT's goal of helping protect contiguous habitats. It abuts the town-owned Roaring Brook Conservation Area. That land, in turn, is across Shutesbury Road from the David Smith Conservation Area (CR held by RGT), and then RGT's Mosher Conservation Area and finally, the large Paul C. Jones Working Forest (CR held by MA DFW).

# 4. Deed and Abstract: Williams and Nancy Bates to RGT

Bk: 06340 Pg: 17



Bk: 6340 Pg: 17 Franklin County  
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## QUITCLAIM DEED (Old January Hill Road, Leverett)

KNOW ALL BY THESE PRESENTS, that WILLIAM M. BATES and NANCY A. BATES, husband and wife, both of 11 Corwin Grove, Plymouth, Massachusetts 02360,

For consideration paid in the sum of ONE (1.00) DOLLAR

grant to the Rattlesnake Gutter Trust, being a trust dated January 14, 1988 and recorded in the Franklin County Registry of Deeds in Book 2191, Page 304 as amended by document dated June 6, 1989 and recorded in the Franklin County Registry of Deeds in Book 2339, Page 342 and having a mailing address of P.O. Box 195, Leverett, Massachusetts 01054, to be held and managed in a manner consistent with the purposes set forth in said Trust, being the conservation and preservation of open space in perpetuity

### with QUITCLAIM COVENANTS

the land in Leverett, Massachusetts, situated in the easterly part of said town, described as follows in deed from Harrison M. Glazier to Donald H. Bates, dated November 16, 1942, recorded in Franklin County Registry of Deeds Book 867, Page 28.

"Bounded northerly by land formerly of W. D. Cows and Joseph H. Howard, easterly by land formerly of William and Frank Haskins, southerly by the "Old January Hill Road", and westerly by land formerly of Caroline M. Field; containing sixteen (16) acres, more or less. Being the same land formerly of William B. Stetson and called the Austin Loomis lot of ten acres, and the Susan Nutting lot of six acres, formerly of James Stetson, lying easterly of the ten acres.

RESERVING, however, to Allen G. Clark and Clara Stetson Clark and their heirs and assigns about one square rod in the southwesterly part of said land on which the said Clarks built a well or reservoir to supply running water to the "Stetson Homestead" and more recently owned by Catherine Kimball, together with the right of way across said land to the pipe conveying water therefrom, and with the right to repair or relay the same at any and all necessary times, to the future owners forever.

Hills Rd., Leverett MA  
January  
Old  
Premises

Being the land described as the Third Tract in warranty deed of Charles H. Manson to Harrison M. Glazier, dated November 16<sup>th</sup>, 1926, recorded in Franklin County Registry of Deeds, Book 737, Page 201."

BEING the same premises conveyed to the grantors herein by deed of William M. Bates dated September 23, 1987, and recorded in the Franklin County Registry of Deeds in Book 2157, Page 209.

SUBJECT TO the provisions of MGL Chapter 61B as evidenced by instrument recorded in Franklin County Registry of Deeds, Book 3612 Page 53.

ALSO SUBJECT TO AND TOGETHER WITH all easements and rights of way appurtenant to or affecting the premises.

WITNESS our hands and seals this 28<sup>th</sup> day of January, 2012. *3 pms*

William M Bates  
WILLIAM M. BATES

Nancy A. Bates  
NANCY A. BATES

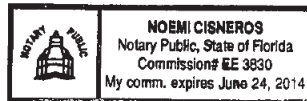
STATE OF FLORIDA

\_\_\_\_\_, ss.

On this 28<sup>th</sup> day of January, 2012, before me, the undersigned notary public, personally appeared **WILLIAM M. BATES** and **NANCY A. BATES**, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  personal knowledge of the undersigned,  oath or affirmation of a credible witness, to be the person whose name is signed on the preceding or attached document, and who swore, subscribed and affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief and that they signed the document voluntarily for its stated purpose.

Noemi Cisneros  
Notary Public

My Commission Expires:



ATTEST: FRANKLIN, Scott A. Cote Register

Abstract Deed from William and Nancy Bates to RGT

Property to “be held and managed in a manner consistent with the purposes set forth in said Trust, being the conservation and preservation of open space in perpetuity.

Well and pipe to “Stetson Homestead” (house is across Shutesbury Road. well/pipe no longer in use, but right carried forward). RGT replaced the well cover in 2013.

Subject to the provisions of Chapter 61B (recreation)

Note: the property name (Daniel H. Bates Sanctuary) is not in the deed. It was part of the original discussion and decided in early March:

“We have finally decided that we would like the property to be named the

Donald H. Bates Sanctuary.

This woodlot was his sanctuary - the place he loved to go. He had it logged once, and cut his own fire wood for many years. It will be a place for birds and animals to roam free forever, along with human visitors.

Bill & Nancy Bates”

Note on access:

The two pedestrian access routes are from January Road (Lancaster Pike) - with parking at the East Leverett Cemetery and from a pull-off on Shutesbury Road via the old M-M (white dot) trail. The bog bridges will be repaired spring 2014.

Access for work on the property is over the bridge linking Shutesbury Road properties #167 and #169. Park before the bridge and take the discontinued road past the Connelly home to the right. There is legal access on this road (see Baseline Appendix: Discontinued Roads)

MAW 12/3/2013

5. Relevant Deeds:

Bates, Chapter 61B

Bk: 03612 Pg: 53

3612

53

THIS INSTRUMENT MUST BE FILED FOR RECORD OR REGISTRATION

STATE TAX FORM CL-3  
(REV. 10/93)

THE COMMONWEALTH OF MASSACHUSETTS  
Leverett  
NAME OF CITY OR TOWN

OFFICE OF THE BOARD OF ASSESSORS

**CLASSIFIED FOREST - AGRICULTURAL OR HORTICULTURAL -  
RECREATIONAL LAND TAX LIEN**

The Board of Assessors of the city/town of Leverett hereby states it has accepted and approved the application of William M. Bates and Nancy A. Bates of: 37 Harris St., Amherst, MA 01002-1318

owner(s) of the real property described below, for the valuation, assessment and taxation of that property as classified forest  agricultural or horticultural  recreational  land under the provisions of General Laws Chapter 61  61A  61B . This classification is effective as of January 1, 2000 for the fiscal year beginning July 1, 2000

**DESCRIPTION OF PROPERTY**  
(The description must be sufficiently accurate to identify the property. In the case of registered land, the Certificate of Title Number and the Registry Volume and Page must be given.)  
Sixteen (16) acres of land off Old January Hills rd. being assessor's Map 2; Lot 64. Described in Franklin County Registry of Deeds Book 2157; Page 209.

This statement made on the 20th day of March, 2000 constitutes a lien upon the property as provided in General Laws Chapter 61 §2  61A §9  61B §6

David C. Palmer  
BOARD OF ASSESSORS

THE COMMONWEALTH OF MASSACHUSETTS  
Franklin ss. March 20, 2000  
Then personally appeared the above named David Palmer Board of Assessors for the city/town of Leverett and acknowledged the foregoing instrument to be their free act and deed, before me.  
Ann S. Stedford  
NOTARY PUBLIC/JUDGE OF THE PEACE  
My commission expires 2/25, 2005

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

FORM 800 FEB. 1999 A-16 BOSTON, MA  
ATTEST: FRANKLIN COUNTY, MASS. H. Peter Wood, Register

2000 APR -4 AM 12:50

# 1906 Deed giving well/pipeline rights

Other deed not included: William and Nancy Bates, book 290, page 525 (1987); Daniel H. Bates, book 867, page 28 (1942); Manson, book 737, page 201 (1926). This 1906 deed included to clarify the origin of the well/pipe rights.

290

525

## Know all men by these presents

That *Mr. Allen S. Clark and Clara Stearns Clark formerly of Levereet, now of Fitchert in the County of Hampshire, State of Massachusetts.*

IN CONSIDERATION OF *One dollar and other valuable considerations* paid by *Julian Hoeller* of said Levereet, County of Franklin, State of Massachusetts,

the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell and convey unto the said *Julian Hoeller* a certain tract of land, in the westerly part of said Levereet, bounded north by land formerly of *William B. Stearns* now of *W. D. Cawls & Joseph W. Keowood*, East by land formerly of said *W. B. Stearns*, now of *William & Frank Keokins*, South by the old *Gambury Hill* road as called and meet on land of *Caroline M. Field*, formerly of *Alden C. Field*, containing sixteen acres more or less, and being the same land formerly of *W. B. Stearns*, called the *Austin Leonic* lot of 10 acres, and the *Ransom Nutting* lot of 6 acres, formerly of *James Stearns*. *By* east of the 10 acres, *Our title is partly by inheritance of Clara S. Clark as one of the heirs at law of W. B. Stearns, and by deed of Geo. S. Clark Guardian of Sophronia S. Stearns as to one half of the 10 acre lot, the other half of both tracts conveyed to us jointly by deed of Frederick S. Adams and Summitt Stearns Adams dated Apr. 6, 1904. The 6 acres having been the joint property of F. S. Adams and Allen S. Clark, and the 10 acres, owned by Clara Stearns Clark, and Summitt S. Adams see Franklin Registry June 30, 1898, Book 458, page 418. We reserve about one rod square in the South westerly part of said tract on which we built a well or reservoir to supply running water to the Stearns Homestead now owned by Katherine Kimball, and the right of way across said land for the pipe conveying water therefrom, with the right to repair or relay the same at any and all necessary times, to the future owners forever.*

516p  
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TO HAVE AND TO HOLD the granted premises, with all the privileges and appurtenances thereto belonging, to the said *Julian Hoeller*

and *his* heirs and assigns, to their own use and behoof forever.

And *we* hereby, for ourselves and our heirs, executors and administrators, covenant with the grantee and *his* heirs and assigns that *we are* lawfully seized in fee simple of the granted premises, that they are free from all incumbrances, *excepting the reservations herein contained as to the reservoir and the pipe leading therefrom.*

that *we* have good right to sell and convey the same as aforesaid; and that *we* will and our heirs, executors and administrators shall WARRANT AND DEFEND the same to the grantee and *his* heirs and assigns forever against the lawful claims and demands of all persons.

And for the consideration aforesaid *I, Clara S. Clark wife of Allen S. Clark*

~~do~~ hereby release unto the ~~said~~ grantee and *his* heirs and assigns, all right of or to both **DOWER AND HOMESTEAD** in the granted premises, *and all other rights and interests therein*

IN WITNESS WHEREOF *we* the said *Allen S. Clark and Clara S. Clark as joint owners of each separate parts, and as husband and wife as aforesaid*

this *first* day of *June* hereunto set our hands and seals, in the year *one thousand nine hundred and five.*

Signed, and sealed and delivered in presence of

*Archer P. Newcomb*

*Clara S. Clark* seal.  
seal.

COMMONWEALTH OF MASSACHUSETTS, *Hampshire* FRANKLIN, SS.  
Singular June 1, 1905. Then personally appeared the above-named *Clara S. & Allen S. Clark*  
and acknowledged the foregoing instrument to be their free act and deed.  
Before me—*Archer P. Newcomb, Notary Public*  
*Notarially seal.* *Justice of the Peace*

FRANKLIN, SS.  
Received *May 14 1906.*  
Recorded and compared.

Attest:  
*John D. Bourke* Registrar.