

## History of the Premises

The earliest registered deed so far discovered indicates that the original farm, of which the Premises is a small portion, was given by Nathan Adams, one of the earliest settlers of the town of Leverett, to his son Erastus Adams as a life lease. The original extent the farm is difficult to establish, for the earliest deeds describe the boundaries only by reference to the owners of neighboring farms. It included a tract east and north of Shutesbury Rd. with its s-e corner at a point described as “where Hadley Mill river so-called intersects the road leading from the south part of Leverett to Shutesbury meeting house.” Much of that farm, including a wood lot in Shutesbury, remained in the Adams family possession until 1895. In that year, about 87 acres on both sides of the section of Shutesbury road between East Leverett and Leverett Center were sold by Charles E Adams, grandson of Erastus, and his wife to Albert Field. At a later date these 87 acres passed to the Glazier family, who eventually divided it into several parcels. The parcel of which 7 acres more or less is here being placed under conservation restriction was sold to Dorothy King Stirling in 1953. Fredric L Cheyette acquired it in 1984.

Until 1953 it was a working farm. Paul Kosloski, who grew up at 122 Shutesbury Rd. recalls playing baseball in a meadow bounded by Shutesbury Rd and Mountain brook, now entirely wooded. This would suggest that the woods now covering the land being placed under CR are about fifty years old. Some of the boundary trees in the south side of the property are perhaps 150 years old, more or less, for the rings on one of those trees, a mountain ash which died and was felled, counted back to before 1860. The farm consisted of apple orchard (of which several relic trees still stand) and pasture for cattle and sheep. A sloped drove-way bordering the land being placed under CR leads from near the barn that is indicated on the plan of the Dorothy King Stirling purchase down to the pasture turned woodland. Among the species of tree that originally grew on the property were red pine and chestnut, used in the construction of the eighteenth century portion of the house at 119 Shutesbury Rd.

Frederic L. Cheyette

## Description of the Property

The entire Cheyette property is approximately 9.3 acres. Of those, 2 acres will be excluded in the building envelope. This envelope, which includes the family home (originally the home for the Adams family farm dating from at least the early 1800s), has 308 feet of road frontage. The building envelope, therefore, does not require an access easement. (See map Cheyette Conservation Restriction Boundary Lines.)

The purposes of the Conservation Restriction are:

**Expansion of Protected land:** The Cheyette CR abuts a cluster of four town-owned conservation lands, adding 7 acres to the 104 acres already protected. See map Cheyette CR and Nearby Protected Areas.

**Scenic Protection:** The land slopes gradually to the west. The forest and the brook can be seen from the well-traveled Shutesbury Road on the east edge and from woods roads and trails. (See boundary monitoring photos.)

**Aquifer Protection:** The low-lying land provides overflow storage for Mountain Brook during spring and major storms.

**Protection of Wildlife Habitat:** The Cheyette CR includes higher land dominated by old field pine, lower-lying seasonal wet woodlands dominated by red maple and mixed hardwoods, and streamside trees and shrubs along Mountain Brook. It abuts protected areas that include one mile of Doolittle Brook and its wetlands, drier woodlands and vernal pools. Vegetation Report in Appendix, Baseline Monitoring Report. Wildlife surveys being conducted 2007-2008. Initial breeding bird survey included 3 species of thrush, 6 warbler species, ruffed grouse and pileated woodpecker.

**Public Use:** Access signs will be erected for hiking and other passive recreation on trails and woods roads.

**Furtherance of Government Policy:** The CR will help the Rattlesnake Gutter Trust meet all four goals of Leverett Conservation Commission: rural character preservation, natural resource protection, public education about open space, wider recreational use of natural resources.

The boundaries of the land are describe in the grantor's deed and plan and the deeds of the surrounding properties. Those descriptions (and the iron pins) will make it easy to monitor. All neighboring deeds are included in the Appendix, Baseline Monitoring Report. Also see map Cheyette Conservation Restriction Boundary Lines.

East line from Mountain Brook culvert (iron pin) along Shutesbury Road to edge of building envelope (dramatic change of slope) to Crafts/Snowdon line.

South line with Crafts/Snowdon (deed) along stone wall and barbed wire embedded in trees to corner with Gordon King Life Estate (iron pin).

West line with Gordon King Life Estate (deed) to iron pin.

North line along Gordon King Life Estate and Evans (deed) to Shutesbury Road (pin). Mid-line pin missing (flooded out?), but have distances and angles.

**Conservation Restriction Abstract:** Cheyette Conservation Restriction

*Note: This abstract is designed to help with monitoring, for more information see the Deed itself.*

**Landowner:** Frederic L. Cheyette, 119 Shutesbury Road, Leverett, MA, 01054,  
413-548-0023

**Holder of CR:** Rattlesnake Gutter Trust

**Property location:** west and north of home at 119 Shutesbury Road

**Acreage:** approximately 7 acres

**Date CR Recorded:**

**Registration Book and Page #:**

**I. Purposes**

Expansion of Protected Land: connecting to 4 town-owned properties

Scenic Protection: view of stream and woods from Shutesbury Road, woods roads, and trails

Aquifer Protection: flood storage area for Mountain Brook

Protection of Wildlife Habitat: both within the CR and the CR as adjacent to other protected properties.

Public Use: Access to trails and woods road will be indicated by signs.

Furtherance of Government Policy - goals of Leverett Conservation Commission: rural character, natural resource protection, public education about open space, wider recreational use of natural resources.

**II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES**

**A. Prohibited Acts and Uses**

1. temporary or permanent buildings, signs, facilities
2. mining, excavating, dredging
3. dumping, storing of rubbish
4. destroying trees, vegetation
5. activities detrimental to drainage, flood control, water quality
6. recreational vehicles (except forest/farming, police/fire, handicapped)
7. subdivision of property
8. any use inconsistent with protection for conservation

**B. Reserved Rights and Exceptions:**

1. Recreational Activities: non-motorized that do not degrade environment
2. Forestry: to preserve present conditions, if forestry, 132 Forest Cutting Plan
3. Non-native Flora: can be removed
4. Composting: of biodegradable materials from the premises if does not impact protection and doesnot impact scenic views
5. Wildlife Habitat Improvement: to enhance or restore
6. Archaeological Investigations: with appropriate approvals
7. Trails: marking, clearing maintenance of trails, woods roads
8. Signs: to protect conservation values, information
9. Wells: drilling or digging as needed for home at 119 Shutesbury (building envelope)
10. Stone walls: removal of some stones to repair other walls on premises
11. Permits: needed as appropriate

**C. Notice and Approval**

If needed, owner must notify Trust 60 days before approval needed. If no response in 60 days, deemed to be approved.

**Public Access included:** yes

If so, are there any limitations? Passive recreation only and in a manner that does not impair goals of CR. Signs to indicate appropriate use of trails. Can be closed temporarily for forestry operations.



1987 00001041  
Bk: 2059 Pg: 217 Doc: DEED  
Page 1 of 2 01/27/1987 12:00PM

119 Shutesbury Road, Leverett, MA

I, Frederic L. Cheyette  
of Leverett Franklin County, Massachusetts,  
in consideration of one dollar

grant to Frederic L. Cheyette and Susan R. Huston, husband and wife,  
as tenants by the entirety, both  
of 119 Shutesbury Road, Leverett,  
Massachusetts

with warranty covenants

the land in said Leverett, Franklin County, Massachusetts, with the  
buildings thereon, bounded and described as follows:

Beginning at an iron pipe set in the westerly line of the highway  
marking the southeasterly corner of the parcel described and the north-  
easterly corner of land now or formerly of Carl S. Roys, et ux; thence  
N. 84° 05' 00" W. along the Roys land marked by a fence, one thousand  
two hundred twenty-two and ninety-four hundredths (1,222.94) feet to  
an iron pipe; thence N. 9° 02' 10" E. across a brook, two hundred  
eighty-nine and ninety six hundredths (289.96) feet to an iron pipe;  
thence S. 78° 31' 31" E. four hundred twenty-seven and forty-two  
hundredths (427.42) feet to an iron pipe set in the northerly edge  
of the brook; thence N. 56° 05' 13" E. in a line alwst parallel with  
the brook; and along the southerly edge of a pool in the brook, four  
hundred seventy-six and forty-nine hundredths (476.49) feet to an  
iron pipe set in the southwesterly line of the highway marking the  
southeasterly corner of land now or formerly of Arthur M. Chaffee,  
et ux (this last mentioned course crosses the brook in two places  
near the pool); thence southeasterly and southerly along the highway  
seven hundred eighteen (718) feet to the place of beginning; containing  
9.34 acres; SUBJECT TO the right of Frank A. Glazier, et al to pass  
and repass over the land bounded and described as follows:

Beginning at the iron pipe marking the southeasterly corner of the  
land now or formerly owned by Arthur M. Chaffee, et ux; thence south-  
easterly along the highway twenty (20) feet to a point; thence S.  
56° 05' 13" W. two hundred (200) feet to a point; thence northwesterly  
in a line parallel with the highway twenty (20) feet to a point in  
the northerly line of the land hereinbefore described; thence N. 56°  
05' 13" E. two hundred (200) feet to the place of beginning of the  
described right of way; INCLUDING the right to one-half of the water  
of the artesian well that is on land now or formerly of Dorothy King  
Stirling across the highway from the house and the land herein con-  
veyed the right to convey same by means of one or more pipes, and  
the right to enter upon the land in and about the well and pipes for  
the purpose of making necessary repairs, replacements and/or improve-  
ments thereto; which rights shall be for the benefit of and run with  
the land herein conveyed.

Being Parcel No. 1 on a plan entitled, "Map Showing Property of  
Dorothy King Stirling, Leverett, Mass." dated March 25, 1953, by  
Russell Snow, Registered Land Surveyor, recorded with the Franklin  
County Registry of Deeds at Plan Book 14, Page 3.

Being the same premises conveyed to Frederic L. Cheyette by deed of  
Margaret R. Forbes dated June 8, 1984 and recorded with Franklin  
County Registry of Deeds, Book 1796, Page 45.

SEE M.L.C.

BOOK 2643  
PAGE 145

SEE M.L.C.

BOOK 2892  
PAGE 15

SEE M.L.C.

BOOK 3028  
PAGE 174

SEE M.L.C.

BOOK 3442  
PAGE 308

SEE

BOOK 3462  
PAGE 339

SEE M.L.C.

BOOK 4176  
PAGE 213

218

Executed as a sealed instrument this 26th day of January 1987

Frederic L. Choyette  
Frederic L. Choyette

**Commonwealth of Massachusetts**

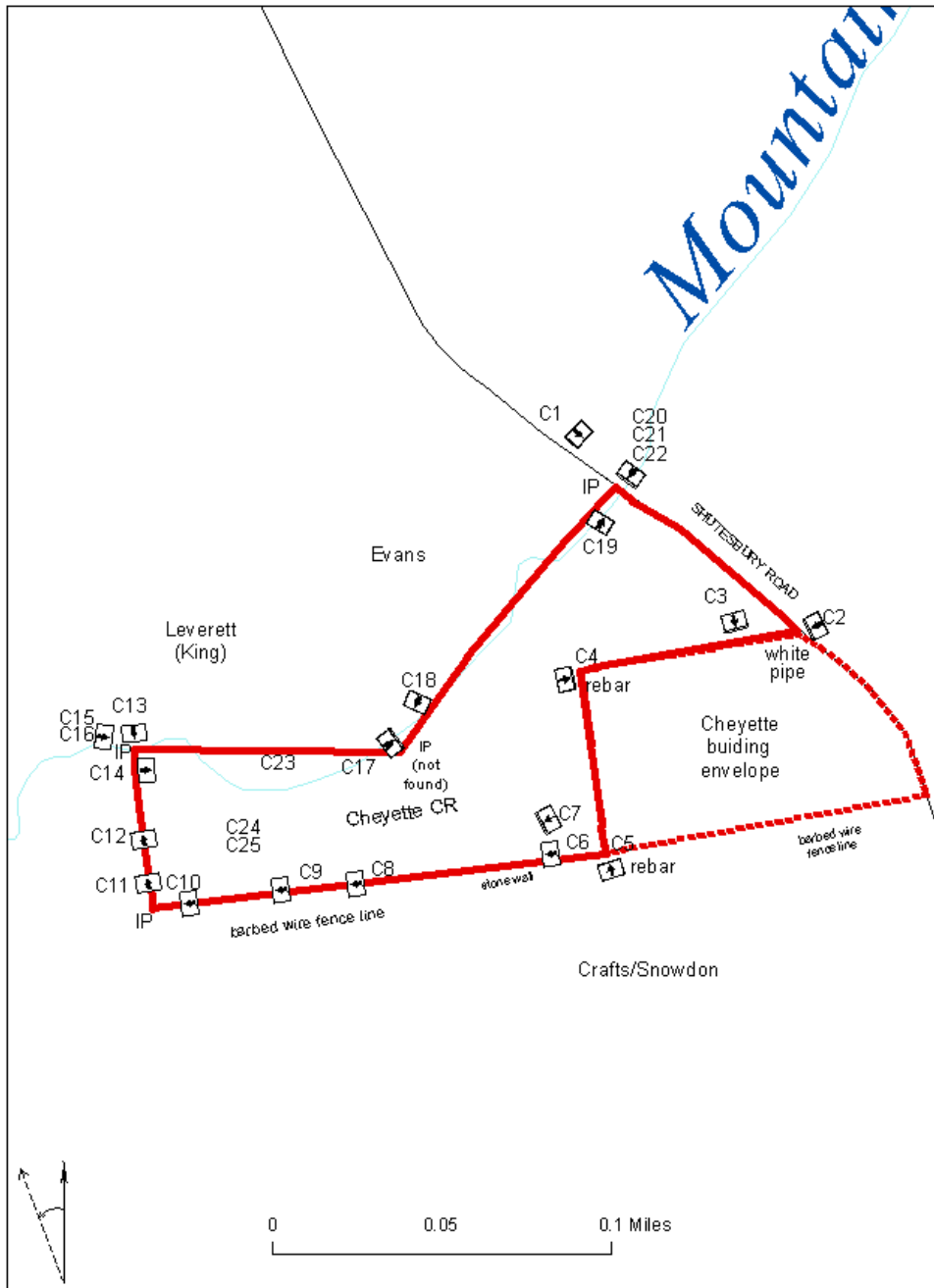
Franklin ss. January 26, 1987

Then personally appeared the above named Frederic L. Choyette

and acknowledged the foregoing instrument to be his free act and deed, before me,

Eugene E. Sokolowsky  
Eugene E. Sokolowsky  
My commission expires June 1, 1990

Franklin ss. Rec'd for record 1. Hr. 15 Min. P. M. January 27, 1987



**Cheyette Conservation Restriction Photo Log  
Updated September 14, 2010**

Cheyette Conservation Restriction Amendment in bold photo baseline: all photographs taken by Mary Alice Wilson									
latitude	longitude	word album #	date	jpeg #	location	azimuth in degrees (m)	notes for future monitors		
		C01	7/14/2007	003	from Shutesbury Road looking along CR edge				
42.44098	-72.48550	<b>C02</b> amend	<b>4/10/2008</b>	<b>021</b>	<b>NE corner of building envelope, looking west</b>	<b>276</b>	<b>metal stake behind stone wall</b>		
		C03amend	<b>4/10/2008</b>	<b>012</b>	<b>along east along b.env/CR line road (blue jacket)</b>	<b>96</b>	<b>metal stake</b>		
42.44482	-72.49660	<b>C04</b> amend	<b>4/10/2008</b>	<b>020</b>	<b>NW corner of building envelope</b>	<b>186</b>	<b>metal stake</b>		
42.44371	-72.48630	<b>C05</b> amend	<b>4/10/2008</b>	<b>019</b>	<b>looking south along b.env/CR line</b>	<b>96</b>	<b>metal stake to be placed</b>		
		<b>C06</b> amend	<b>4/10/2008</b>	<b>005</b>	<b>SW corner of b.env/CR looking east along line</b>	<b>276</b>			
		C07	1/28/2007	001	south line, stone wall				
		C08	1/28/2007	003	stone wall, from side				
		C09	1/29/2007	027	barbed wire in trees				
		C10	1/29/2007	011	south line, along stream				
42.44385	-72.48913	C11	1/29/2007	006	sw corner, stake by tree				
		C12	1/29/2007	007	west line, looking north	9			
		C13	1/29/2007	028	west line, looking north				
		C14	4/20/2007	002	"				
42.44540	-72.48925	C15	4/17/2007	004	xmas tree farm corner, iron post	189			
		C16	4/17/2007	005	"				
42.44441	-72.48763	C17	4/20/2007	004	looking at angled corner, looking downstream	282			
		C18	4/20/2007	016	at angled corner looking east, upstream				
		C19	1/29/2007	034	north line looking				
42.44559	-72.48629	C19	1/29/2007	034	at NE corner	236			
		C20	4/17/2007	003	"				
		C21	4/17/2007	002	"				
		C22	1/29/2007	031	looking at trees				
		C23	4/20/2007	019	wet area				
		C24	4/20/2007	020	pine regeneration				



Cheyette Conservation Restriction: Boundary Pictures (updated 9/14/2010 after placing of new Building Envelope stakes)

C1#, view of CR from road.  
Property and CR goes from culvert (bicycle)  
to just beyond yellow road signs (where  
CR ends and building envelope begins.  
7 14 07 003



C2, April 10, 2008  
Looking west 276 degrees  
along building envelope (to south/left)  
and CR (to north/right) line from  
Shutesbury Road.

42.44495, -72.4855



C3, April 10, 2008  
Looking south from the building envelope/  
CR line (Shutesbury Road to the left).



C4, September 14, 2010  
New rebar marking NW corner of building  
envelope (inside corner of CR).

42.44473, -72.48666



C5, September 14, 2010  
New rebar at SW corner of building  
envelope (along property line with  
Crafts/Snowden) looking north along  
line dividing CR (to left/west) and  
building envelope (to right/east)

42.44404, -72.48651



C6, January 28, 2007  
Stone wall marking section  
of south line (with Crafts/Snowdon).  
Looking west (276 deg).  
1/28/07 001



C7, January 28, 2007  
Second view of stone wall, taken  
from Cheyette CR, looking  
southwest  
1 29 07 003



C8, January 29, 2007  
South line is marked by barbed wire  
well-embedded into the trees.  
1 29 07 027



C9, January 29, 2007  
South line (line of barbed wire fence)  
somewhat follows stream.  
(Opening for Christmas tree farm on  
town-owned Conservation Land visible  
at a distance.)  
1 29 07 011



C10, January 28, 2007  
Corner of Cheyette, Crafts, and Leverett (King)  
land. King Christmas tree farm just beyond tree.  
Stake embedded in tree root.  
42.44385, -72 48913  
1 28 07 006



C11, January 28, 2007  
Looking north along west line to next corner  
with the Christmas tree farm. (9 deg)  
1 29 07 007



C12, January 29, 2007  
Looking north along west line (9 deg)  
1 29 07 028



C13. April 20, 2007  
Looking south (189 degrees) along west  
line from northwest corner.  
Iron pipe in front of gray backpack  
4 20 07 002



C14. September 14, 2010  
Standing in Mountain Brook (dry) looking  
north. Picture taken from W line very near  
NW corner. Very dry summer - stream has  
been dry since early August.



C15, April 17, 2007  
Looking east, owner (Frederick Cheyette)  
standing at the northwest corner post  
(Covered walking bridge part of  
King Christmas Tree Farm)  
Cheyette CR behind Mr. Cheyette.  
4 17 07 004



C16, April 17, 2007  
Northwest corner post (white tape)  
4 17 07 005

42.44453, -72.48926



C17, April 20, 2007  
Angled corner on north line  
(iron pipe not found, tree marked  
with tape) Yellow jacket next to tree.  
Looking downstream along Mountain Brook  
from north side of the stream  
4 17 07 004

42.44450, -72.48771



C18, April 20, 2007  
View from the same angled corner  
on north line, view upstream from  
the south side of Mountain Brook.  
(Dirt road into Christmas Tree Farm  
on north side of stream)  
4 17 07 016



C19, January 29, 2007  
Looking northeast along Mountain Brook  
to Shutesbury Road.  
NE corner of property just north of  
culvert.  
1 29 07 034



C20, April 17, 2007  
Same stream looking southwest  
Owner (Frederick Cheyette) is standing  
at the northeast corner pipe by  
Shutesbury Road.  
4 17 07 003



C21, April 17, 2007  
Northeast corner (bent pipe)  
4 17 07 002

42.44555, -72.48656

(Property line follows Shutesbury Road  
back to the southeast corner.)



C22. September 14, 2010

Standing on bridge at NE corner  
looking west along Mountain  
Brook (dry since early August)



#### VEGETATION PICTURES

C23, January 29, 2007

Looking up at mixed pine/hardwood  
(primarily red maple) near north line  
1 29 07 031



C24, April 20, 2007

One of the many wet areas interlacing  
the property.  
4 20 07 019





C25, April 20, 2007  
Pine regeneration on higher land  
4 20 07 020

