

Conservation Restriction Abstract: Gibavic Family Conservation Restriction

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

Landowner: Annette Gibavic, 6 Rattlesnake Gutter Road, Leverett, MA, 413-548-9082

Holder of CR: Rattlesnake Gutter Trust

Property location: Rattlesnake Gutter Road

Acreage: approximately 40 acres

Date CR Recorded: 7/10/07 **Registration Book and Page #:** 05352, page 8

I. Purposes

Open Space Preservation: connecting corridor of protected lands.

Scenic Protection: western entrance to Rattlesnake Gutter. The meadow and forested hillside visible from 3 roads.

Aquifer Protection: 10-acre meadow within aquifer protection zone, run-off storage area

Protection of Wildlife Habitat: both within the CR and the CR as the link to contiguous protected properties. CR has 2 vernal pools (being certified), seasonal streams and pond, rocky ledges.

Public Use: hiking and other passive recreation. trails and woods roads

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. residential or industrial development
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
7. disturbing stone walls, granite fence posts
8. subdivision of property
9. 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
5. 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
10. 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 mowing, forestry.

KNOW ALL MEN BY THESE PRESENTS that we, Harry S. Pousaz, unmarried, of Leverett, Franklin County, Massachusetts, formerly of South Norwalk, Fairfield County, Connecticut, and Esther J. McPherson, married, of said Leverett, formerly of Old Greenwich, Fairfield County, Connecticut,

do hereby

~~convey~~

~~convey~~ for consideration paid, grant to George J. Gibavic and Annette N. Gibavic, husband and wife, to hold jointly and to the survivor of them as tenants by the entirety,

of Worcester, Worcester County, Massachusetts,

with warranty covenants

the land in said Leverett, bounded and described as follows:

(Description and encumbrances, if any)

Beginning at a point on the northerly side of a town way known as Rattlesnake Gutter Road and at a point where a certain brook flows under said Rattlesnake Gutter Road; thence northerly along the center of said brook to a town way now known as the New Cave Hill Road; thence continuing in a general north to northeasterly direction along said new Cave Hill Road to land formerly of Charles W. Pratt, now of Ralph N. Marvel, said point being marked by an iron pin; thence easterly along lands formerly of said Charles W. Pratt and formerly of O. C. Marvel, now of Ralph N. Marvel, to a stone post on the westerly side of the old Cave Hill Road; thence in a general southerly direction along the old Cave Hill Road to its intersection with Rattlesnake Gutter Road; thence westerly along said Rattlesnake Gutter Road to the point of beginning.

The foregoing described tract includes all of the premises described as FIRST TRACT and a portion of the premises referred to as SECOND TRACT in a deed to Maurice M. Glazier and Pluma E. Glazier from Madeline J. Carlson dated January 12, 1945, and recorded in Franklin County Registry of Deeds, Book 869, Page 288. See also the FIRST TRACT described in a certain deed from John W. Pratt to Charles W. Pratt dated April 14, 1896, and recorded in said Registry, Book 444, Page 365, of which the foregoing is a portion.

There is appurtenant to the foregoing premises the right to a certain spring or well of water on land formerly of Albert Field, together with the right of drawing water therefrom and the right of laying and maintaining pipes to conduct water from said spring to the above granted premises.

There is excepted from the foregoing a small strip of land formerly used by one Albert Field as a garden plot enclosed by a stone wall and located on the north side of Rattlesnake Gutter Road east of the barnyard on the granted premises.

The foregoing premises are subject to the rights of Western Counties Electric Company as set forth in deed of Maurice M. Glazier to said Company dated October 19, 1931, and recorded in said Registry, Book 783, Page 86; also subject to the right of Maurice M. Glazier and Pluma E. Glazier to the use of the shed located to the east of the house on the granted premises for storing and washing sap buckets with right of ingress and egress to August 2, 1953.

Hereby conveying the premises conveyed to us by deed of Maurice M. Glazier et ux, dated August 2, 1948, recorded in Franklin County Registry of Deeds, Book 914, Page 368.

SEE
BOOK 2136
PAGE 263

SEE
BOOK 2457
PAGE 135

SEE
BOOK 2600
PAGE 225

SEE
BOOK 2600
PAGE 227



I, George B. McPherson,
Esther J. McPherson,

husband of said grantor,
~~WIFE~~

release to said grantee all rights of tenancy by the curtesy and other interests therein.

Witness OUR hand^s and seal this sixteenth day of October 1952

Harry S. Pousaz
Esther J. McPherson
George B. McPherson

The Commonwealth of Massachusetts

Hampshire ss. October 17, 1952

Then personally appeared the above named Harry S. Pousaz and Esther J. McPherson

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

Ralph W. Trombly
Notary Public - Justices of the Peace
Ralph W. Trombly
My commission expires Oct 26 1957



Franklin, ss. Received for record October 20, 1952.

2457

135

THIS INSTRUMENT MUST BE DULY FILED FOR RECORD OR REGISTRATION

State Tax Form RL-1

LEVERETT

Name of City or Town

OFFICE OF THE BOARD OF ASSESSORS
RECREATIONAL LAND TAX LIEN

The Board of Assessors of the city/town of Leverett hereby state that it has accepted and approved the application of George and Annette Gibavio

owner or owners of the hereinafter described land for valuation, assessment and taxation of such land under the provisions of General Laws, Chapter 61B for the fiscal year ending June 30, 19. 91....

DESCRIPTION OF LAND

43.4 acres of land on Rattlesnake Gutter Road and Cave Hill Road in Leverett, being a portion of assessors' lot 3-52 and a portion of the property described in Book 980 Page 89 in the Franklin County Registry of Deeds.

Statement made this 25th day of June, 19 90

David C. Palmer
David C. Palmer

BOARD OF ASSESSORS

COMMONWEALTH OF MASSACHUSETTS

Franklin

ss. David C. Palmer

June 25, 19 90

Then personally appeared Leverett a member of the Board of Assessors of the city/town of Leverett and acknowledged the foregoing instrument to be the free act and deed of the Board of Assessors of Leverett

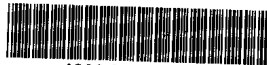
Before me, William J. Kelly Notary Public-Judger of the Peace

My commission expires July 5, 1996.

FORM 18 MODEL 6 WASHINGTON, D.C. BOSTON, MASS

L 6-28B THIS FORM APPROVED BY COMMISSIONER OF REVENUE

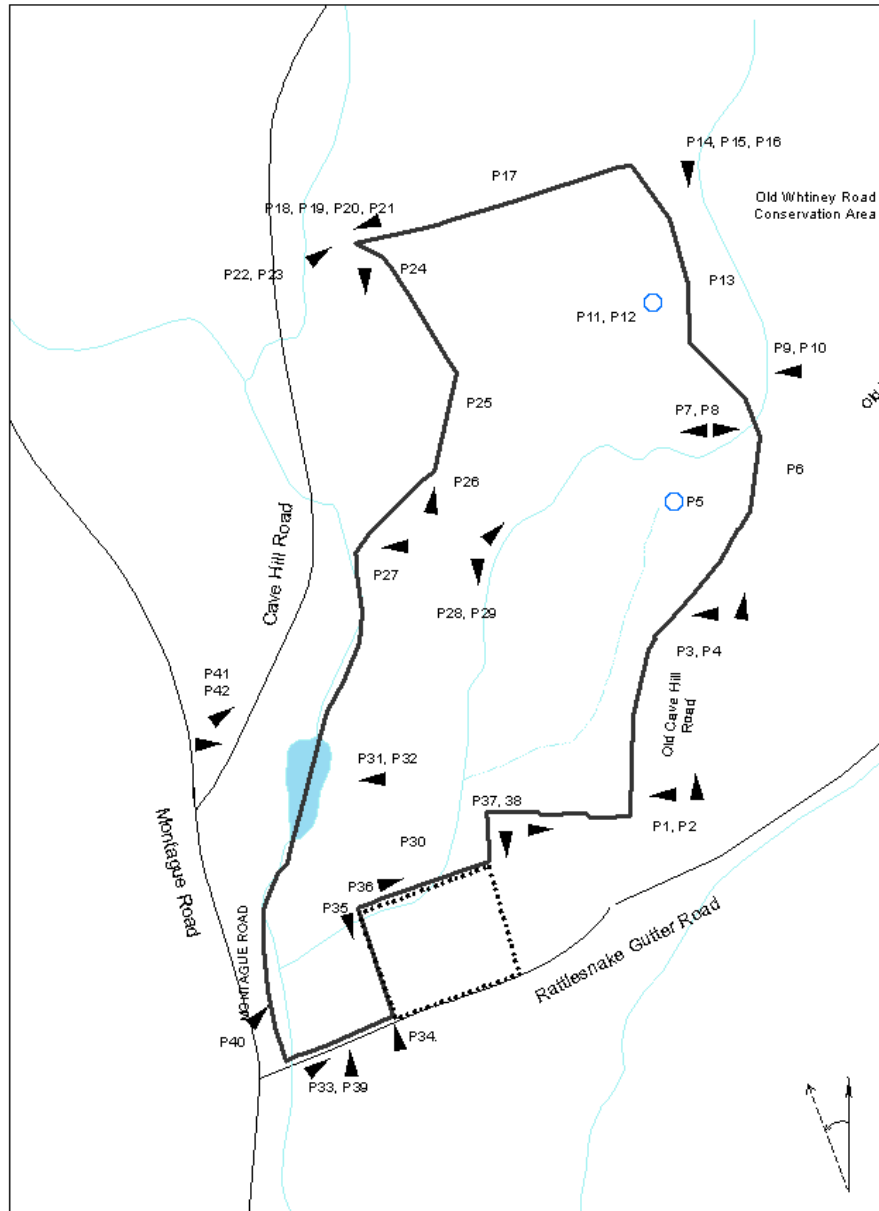
ATTEST: FRANKLIN COUNTY, MASS. Walter T. Kostanski, Jr., Register



1990 00007976

Bk: 2457 Pg: 135 Doc:LIEN
Page 1 of 1 07/20/1990 12:00PM

MASS. REG. 135



Location of Photographs
 Gibavic Family Conservation Restriction



Gibavic Family Conservation Restriction

Photo Log for Baseline Data (note: poor quality pictures removed so numbers will not be continuous and pictures taken on different dates)

latitude	longitude	photo #	photo date	digital #	azimuth (m)	notes
42.47937	-72.49482	P1	10/21/2006	001		west along line with Eva Beth Gibavic, corner Gibavic CR and Old Cave Hill Road
42.47937	-72.49482	P2	10/21/2006	002		north along Old Cave Hill Road, corner where stone wall ends
42.48098	-72.49438	P3	10/21/2006	003	6°	west on woods road toward 1st (so) vernal pool
42.48098	-72.49438	P4	10/21/2006	004	6°	north with woods road on left
42.48170	-72.49432	P4	10/21/2006	005	33°	1st (south) vernal pool, wetland species including white ash stone wall lining Gibavic
42.48209	-72.49345	P6	10/21/2006	006	344°	CR at Old Cave Hill/Old Whitney Road junction
42.48244	-72.49348	P7	11/19/2006	007		Stream crossing on to land, under road and stone wall
42.48244	-72.49348	P8	11/19/2006	010		Looking downhill with stream to the right and vernal pool visible on the left
42.48298	-72.49430	P9	10/21/2006	009	336°	woods road to second vernal pool, Gibavic CR on left, Whitney Road CA on right
42.48298	-72.49430	P10	8/31/2006	001		electric cart at road to 2 vp (Annette and Eva Gibavic, Matt Kely, Brooke Thomas)
42.48290	-72.49525	P11	10/21/2006	012	22°	2nd (north) vernal pool, including black gum and other wetland species trying unsuccessfully to get GPS reading
42.48290	-72.49525	P12	8/31/2006	002	22°	in 2nd vernal pool
42.48342	-72.49419	P13	8/31/2006	003		cliff along Old Cave Hill Rod, was this "the cave"?
42.48442	-72.49471	P14	10/21/2006	013		stone post marking NW corner
42.48442	-72.49471	P15	10/21/2006	014		stone post marking NW corner
42.48442	-72.49471	P16	10/21/2006	015	174°	view south along road between Gibavic CR and Whitney Road Conservation Area
42.48403	-72.49608	P17	10/21/2006	017		stake along north line
42.48379	-72.49725	P18	10/25/2006	025		drill hole, on cliff, along line
42.48379	-72.49725	P19	10/25/2006	026		drill hole (pencil pointing to it)
42.48379	-72.49725	P20	10/21/2006	018	260°	from cliff along line, view across to (l to r) Joshua Hill and Mt. Toby
42.48379	-72.49725	P21	11/19/2006	003	260°	same view as 018, but without leaves
42.48375	-72.49774	P22	12/3/2006	008		nw corner, drill hole painted with orange
42.48375	-72.49774	P23	12/3/2006	010	125°	family dog standing on drill hole, looking back up line
42.48360	-72.49732	P24	12/18/2006	001	200°	pin at jog in boundary line, below and to south of cliff with view (P18-P21)
42.48267	-72.49677	P25	10/25/2006	028		stake marking corner, angle changes slightly
42.48206	-72.49681	P26	12/3/2006	011	25°	flagged corner changes from southerly to westerly and down into meadow
42.48137	-72.49767	P27	12/3/2006	003		nw corner with D/N Gibavic and Doolittle Brook, foot bridge (flag to be set)
42.48140	-72.49632	P28	11/19/2006	021		looking east at stream coming down to the meadow
42.48140	-72.49632	P29	11/19/2006	022		from same location, looking downstream as streams heads toward meadow
42.47927	-72.49657	P30	11/19/2006	013		steam in the meadow (looking upstream/east)
42.47968	-72.49771	P31	8/31/2006	005		button bush and cardinal flower along edge of meadow pond
42.47968	-72.49771	P32	8/31/2006	006		looking across pond to town CA
42.47787	-72.49709	P33	12/15/2006	009	84°	looking east along Rattlesnake Gutter Road, meadow on the left
42.47787	-72.49690	P34	6/2/2007	001	0°	looking north along line into meadow. CR on left, building envelope on right.
42.47815	-72.49699	P35	6/2/2007	002	180°	looking south back to Rattlesnake Gutter Road. CR on right, building envelope on left
42.47862	-72.49606	P36	5/2/2007	004	90	looking east along back of building envelope (on right, CR on left). Line ends at stone wall/maple tree
42.47941	-72.49613	P37	12/15/2006	002	193°	looking south along same stone wall from the corner of EB Gibavic property
42.47941	-72.49613	P38	12/15/2006	001	95°	looking east from the same corner, along stone wall line to Old Cave Hill Road corner
42.47766	-72.49784	P39	10/25/2006	031		Looking north at the meadow from Rattlesnake Gutter Road
42.47768	-72.49850	P40	11/19/2006	025	45°	View of Meadow from Montague Rd. looking across Doolittle Br CA, near RG Rd. corner
42.48008	-72.49870	P41	11/19/2006	025		Looking east at the meadow from Cave Hill Road. Doolittle Brook pond visible. Doolittle Brook Conservation Area (town-owned) in the foreground.
42.48008	-72.49870	P42	11/19/2006	026		Looking northeast from Cave Hill Road across the Doolittle Brook Conservation Area (town-owned)