

# RGT Stewardship Plan

Site: Laurel Hill Conservation Area

Plan for year: 2013

## 1. Description: size, location, access, brief description

The Laurel Hill Conversation Area consists of sixty-one acres of conservation land within the privately owned Laurel Hill housing community in North Leverett. The 61 acres in 8 lots (designated A – H on the maps) vary in size from slightly over 1 acre to 44 acres.

The Laurel Hill Conservation Area is different from other RGT properties. While we own (or as of November 2012 owned a 95% share of) the Common Lands, the management of those parcels are in the hands of the Laurel Hill Association.

There are a number of deeds that set the rules for this property:

Declaration of Covenants and Restrictions, Book 2542, page 85-102

Deed of Conservation Easement, Book 2542, page 103-123

First Amendment to Declaration of Covenants and Restrictions, Book 2542, page 124-125.

Second Amendment of Declaration of Covenants and Restrictions, Book 5863, page 180-186

There is also a summary of these documents (attached)

Even more complex than the deeds, are the many surveys that correct or amend previous surveys.

Use Plan Book 82, page 79 and subsequent re-surveys PB 116,p.70 – even those do not include later changes. Also see Laurel Hill Monitoring Map which is mostly accurate.

*or ..... same as last year*

## 2. Site Significance:

There are stone structures both on some of the 8 parcels of common land and on the private house lots that are may well be of Native American origin.[Eva, see also #6]

Although most of the 8 parcels of common land are quite small, one lot (G) is 44 acres and provides a wildlife corridor from North Leverett Road to near the top of the hill.

*or ..... same as last year*

## 3. Deed Restrictions/Responsibilities:

In 1991, Sidney Poritz, owner and developer of the Laurel Hill properties, worked with the Rattlesnake Gutter Trust to preserve the common land within the privately-owned Laurel Hill housing community. A unique arrangement was developed whereby conservation rights were donated to RGT as part of the purchase of housing lots to ensure protection of the conservation

values of the common land. The management of the common land is the responsibility of the Board of Directors of the Laurel Hill Association. RGT is responsible for monitoring the use of the land to ensure that conservation values are protected.

RGT (Grantee) Responsibilities: Book 2542, pp. 104-105

- (a) to preserve and protect the conservation values of the Property;
- (b) to enter upon the Property at reasonable times in order to monitor the Associations compliance [short version: not unreasonably interfering with owner's use and quiet enjoyment of the property]
- (c) to prevent any activity on or use of the Property inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by an inconsistent use, pursuant to paragraph 6. [paragraph 6 lengthy description of procedure for enforcement]
- (d) to encourage the use of the property by organizing group use of the property. Under Grantee's supervision the public will have access to the property for use and enjoyment. Grantee may authorize the Leverett Conservation Commission to provide such supervision; Grantee may designate such group guides as it may select, or his assigns and may not prevent or noticeably impede the use of the property as described in the Declaration of Covenants and Restrictions of Laurel Hill, Leverett.

Restrictions: Book 2542, page 107

Access. No right of access by the general public to any portion of the Property is conveyed by this Easement. The public access is controlled in Paragraph 2.d. [above as "d"]

Responsibilities of Association 2542, pp 97-98

1. Common land can be used for passive recreation [no motorized vehicles except emergency]
2. Tree cutting on common land with permission of Association [guidelines included; can't destroy trails.]
3. Grant easements for wells or septic systems when not possible on private land.
4. Can use up to two acres of common land for utility/recreational structures.

Working Relationship between RGT and Laurel Hill Association Book 2542, page 124-125.

Association and RGT can enter agreement of Conservancy Practices which will bind both properties (article X, section 2)

*or ..... same as last year*

**4. Site Restrictions/Limitations:**

The restrictions are

- a. legal: The management of the common land is the responsibility of the Board of Directors of the Laurel Hill Association. RGT is responsible ONLY for monitoring the use of the land to ensure that conservation values are protected.
  
- b. historic: stone structures which need some level of protection

*or ..... same as last year*

**5. Plant Communities, Wildlife Communities, Natural Features:**

The property in general is mixed forest – much of the common land is on a dry, south-facing hillside. Most of the common land is forested – forest age varies with the history of the plot, but probably none date back before the 1935 hurricane when Ethan Howard reports there was a major timber harvest. The original deeds mention the importance of protecting white birch and mountain laurel – two species that will naturally die out as the forest grows.

There are numerous stone outcroppings and some small streams. There is a pond on common land along Chestnut Hill Brook that is just at the property entrance. One common area (D) is kept open because it is the leach field for septic systems.

*or ..... same as last year*

**6. Historic Land Use and Cultural Resources:**

There are stone structures that are mentioned in the original deeds (incorrectly called dolmens) as one of the features to be protected. Most of these Native American ceremonial structures are clustered along the crest. Another group are closer to the western edge (and the stream). These structures have not been mapped and are both on the Common Lands and private property.

When Leverett was still part of Sunderland in the early 1700's, records indicate that the land now known as Laurel Hill was owned by Ezekial Wales. Ethan Howard, a life-long resident of North Leverett whose family owned portions of Laurel Hill in the past, relates that his grandfather as a young boy remembered the Wales family who lived on Laurel Hill. It seems that by 1850 Laurel Hill was cleared and farmed. Remains of the Wales cellar hole can be found on now adjoining land. Stone walls that in the past delineated four pastures reaching to the Montague town line on the north are partly on Laurel Hill land. Ethan Howard was involved in the last major timber harvest on the hill in 1935. The hill then returned to forest until the development in the 1990's.

*or ..... same as last year*

**7. Trails Present and Potential** (also complete/revise Trail Assessment on last pages):

There are a number of trails on the common land that appear to be used regularly and are maintained by the Laurel Hill Association. All are narrow footpaths. Since the trails are not open to the public, no Trail Assessment is needed.

*or ..... same as last year*

**8. Potential Threats:** (boundaries/access, unauthorized use, hydrology/wetlands, soil erosion/sedimentation, invasive species, sensitive resources)

While it is the Laurel Hill Association's responsibility to manage the land, it is RGT's responsibility to monitor use and check that conservation values are not being compromised. The most likely problems come not from the willful destruction of habitat, but from lack of information. New property owners and renters are of special concern. A new handout for all owners and renters (as long as it is explained and enforced) should be very helpful.

The nature of the common land – squeezed in among house lots, invites confusion about who can do what where. This makes the marking (and re-painting) of boundaries especially important.

As some old fields grow up to forest, there are lots of invasive species (buckthorn, rose, barberry, bittersweet). While they probably degrade the habitat for wildlife, it may be impossible to control.

*or ..... same as last year*

**9. Management Goals Last Year and Accomplishments: (2012)**

1. To walk as many boundaries as possible, searching for corner posts and document with gps and photographs all corners found.

Accomplishments: There are approximately 49 corners. As of November 2012, 33 corners were found and those boundary lines marked. 16 more corners need to be confirmed and their lines marked.

2. To create a new, more accurate monitoring map of the common lands

Accomplishments: done (Will be improved when additional corners are found.)

3. Given the complexity of the documents associated with the property, to create a summary document.

Accomplishments: done (attached)

4. Post on the Board section of the RGT website all the relevant documents (organizational deeds

plus summary, maps, photographs of boundary and Laurel Hill and neighboring deeds)

Accomplishments: done

5. To work with the Laurel Hill Association to discuss our shared responsibilities.

Accomplishments:

RGT Board kept informed, RGT's responsibilities clarified

The one joint project, a handout for owners/renters, was identified. It will not be completed until early in 2012.

A second project: to work out a system so that the Board of Dir. of the Laurel Hill Association will inform RGT about any permission for work being done on the Common Land will not be done until 2013.

**10. Comparison last year's budget (year 2012) with actual costs:**

**a. Estimated every-year costs:**

none – monitoring is very time-consuming, but is not an out-of-pocket expense.

**b. Estimated single-year costs:**

none

**c. Unanticipated costs:**

none

**11. Management Goals This Year: (2013)**

1. Continue to search for the remaining 16 corners (33 done) and then paint both corners and lines.

2. Continue annual monitoring of entire property.

3. Continue to work with the Association to

(a) publish a handout for owners and renters on the use of the Common Land and

(b) write an RGT-LHA "agreement of Conservancy Practices" (phrase from original agreements Book 2542, pages 124-125, article X, 2) which will include the procedure for informing RGT of any work being done on the Common Land.

(c) a way to inform Laurel Hill residents of the significance of the stone structures on both private property and the Common Land. (Mapping the structures would be part of this process.)

**12. Schedule of Planned Activities (including monitoring) to Meet Goals:**

Stake-finding has to be done when the leaves are off, ideally, on snowless winter days or in the spring. If more needs to be done, we have to through the fall.

Monitoring might be done as part of stake finding, or could be done in the fall.

Work with Laurel Hill Association:

Handout: draft will be given to the Association by the end of 2012. Estimate completion by the end of February.

The Agreement of Conservancy Practices will begin with the handout and will include planning for information on the stone structures. It will begin in the winter with the goal of getting an Agreement signed by summer.

<b>13. Budget: Description</b>	<b>Estimated cost</b>	<b>Estimated Total</b>
<b>a. Costs every year</b>		
none		
<b>b. Costs just this year</b>		
none (assume Association will print out handout)		
<b>(Total for this year)</b>	none	
<b><i>c. Anticipate additional costs next year</i></b>		<b><i>(do not add to total)</i></b>
none		

**Plan completed by:** Mary Barnett, Eva Gibavic, Mary Alice Wilson

Accepted by the RGT Board at their December 17, 2012 meeting.

*Special thanks to the East Quabbin Land Trust for their help with the design of this document.*

attachment: Laurel Hill Common Lands Summary of Documents

(not attached: Trails Assessment since all trails are private.)

## Laurel Hill Common Lands: Summary of Documents

[notes in square brackets are editorial, not in document themselves]

### Description:

The Laurel Hill Conservation Area consists of 61 acres of conservation land within the privately-owned Laurel Hill housing community in North Leverett. The 61 acres are in 8 lots (designated A – H) varying in size from slightly over 1 acre to 44 acres.

### Documents of Importance:

Declaration of Covenants and Restrictions, Book 2542, page 85-102

Establishes rules for community.

The use of common land is described on pp. 97-98.

Deed of Conservation Easement, Book 2542, page 103-123

Reads like CR with description of values, with developer being Grantor and RGT being Grantee, see pp. 103-105 rights and reserved rights. See page 107 for limitations on public access. Description of each of the Common Lands begins on page 112.

First Amendment to Declaration of Covenants and Restrictions, Book 2542, page 124-125.

Amendment states that Deed of Easement incorporates the relevant parts of Deeds and Covenants.

Also says Association and RGT can enter agreement of conservancy practices

Second Amendment of Declaration of Covenants and Restrictions, Book 5863, page 180-186

Transfers responsibilities of developer to Association and its Board of Directors.

There are many, many other deeds. Some scrivener's errors on property lines, many land deeds each with a second deed transferring the "5% undivided interest" in common land to RGT. There are also a number of changes in lines because of septic tank problems. At present, there is a partial list of these, should probably be a full list.



Sidney Poritz, Book 5629, page 21-22 transfers his 5% undivided interest as owner of lot 20. However the 5% undivided interest as owner of lot 15 to RGT appears to be excepted from the transfer. As far as we know RGT holds 95% interest in the common land. [see 5629, p. 21 if you want to indulge yourself by reading byzantine grammar.]

What is purpose of Conservation of the Land

Deed of Conservation Easement, Book 2542, pp. 103-104

1. Purposes. It is the purpose of this Easement to assure that the Property will be retained forever, predominantly in its natural, historic, agricultural, forested, and/or open space, condition and to present any use of the Property that will significantly impair or interfere with the conservation values of the Property. Grantor intends that this Easement will confine the use of the Property to such activities, including without limitation, those involving farming, timber production or recreation, as are consistent with the purpose of this Easement.

[The earlier “whereas” section, beginning on page 103, includes these descriptions]

...property possesses natural, open space, historical and/or recreation values (collectively “conservation values”)

...property contains stands of trees, open meadows, an historically interesting dolman [sic.], a stream, and wildlife habitats

... specific conservation values of the property are documented in an inventory of relevant features of the Property, dated June 20, 1971 on file in the office of the Grantee [goes on to list documents in a file that no one associated with RGT has ever seen]

...Grantors further intend, as owners of the property, to convey to Grantee [RGT] the right to preserve and protect the conservation values of the Property in perpetuity.

RGT responsibilities:

According to Deed of Easement, Book 2542, pp. 104-105

(a) to preserve and protect the conservation values of the Property;

(b) to enter upon the Property at reasonable times in order to monitor Grantor's [developer, now association] compliance with and otherwise enforce the terms of the Easement; provided Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property;

(c) to prevent any activity on or use of the Property inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by an inconsistent use, pursuant to paragraph 6. [paragraph 6 lengthy description of procedure for enforcement]

(d) to encourage the use of the property by organizing group use of the property. Under Grantee's supervision the public will have access to the property for use and enjoyment. Grantee may authorize the Leverett Conservation Commission to provide such supervision; Grantee may designate such group guides as it may select, or his assigns and may not prevent or noticeably impede the use of the property as described in the Declaration of Covenants and Restrictions of Laurel Hill, Leverett.

Note: in the same document, page 107:

7. Access. No right of access by the general public to any portion of the Property is conveyed by this Easement. The public access is controlled in Paragraph 2.d. [above]

What are the Association's responsibilities:

According to the Declaration of Covenants and Restrictions, Book 2542, pp 97-98

On the Common Lands

1. ...used by Association members for recreational purposes such as hiking, horseback riding, sleigh riding, etc. No off-the-road motorized transportation may be used except for emergency purposes.

2. ....for cordwood cutting [reference to Article VI, 20: Cord wood may be cut from the common areas only after permission of the Board of Directions, which shall utilize such requests to maintain the wood in a healthy, thinned state. Cutting for the creation of scenic vistas is permitted.] The Board of Directions will be particularly protective of white bird trees and mountain laurel. Cutting for the creation of scenic vistas is permitted with written permission of the Board of

Directors [note originally Developer, amendment changed to B of Dir], which permission will not be unreasonably withheld.

3, The common areas which are forested shall be maintained as such with the advice of a forester chosen by the Board of Directors. Such use will not be inconsistent with the maintenance of trails for horseback riding, hiking, cross country skiing, and the like. Agricultural uses not inconsistent with forestry will be encouraged, including pasturage for horses as described in Article VI, 18 [horses can be stabled on home lot of owner, or Lot 20, or a lot approved by B of Dir. more on pasturage, expenses of fences etc.]

4. These restrictions shall not prevent reasonable use of the land, especially uses which are totally or virtually invisible except during installation, such as wells or leach fields, which the B of Dir may grant easements for such installation and use. [more on leach fields and buried utility lines]

5. B of Dir can use up to 2 acres of common land for utility structures, recreational facilities. .

6. Lot F . . . (surrounded by road) can be used as town common. . . .[present residents have chosen not to do this]

7. and 8. [Are about private road and utilities near road – not relevant to common lands.]