

Name of Property: Mosher Conservation Area

Background Data (excel file: mosher.xls) p.2

Land Description
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Abstract
MOU (Memo of Understanding) for AMC shelter
Copy of RGT Deed (in separate pdf file)
Copy of Kosloski Deed (in separate pdf file)
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Maps p.9

Boundary and photo reference (excel file: mosher)
Description of the Mosher Boundary Line Problems
Contour Map (MassGIS, lines ArcMap 10)
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Assessor's Map

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Baseline photo log (excel file: mosher)
Monitoring Map (there is no photo map)
Photographs of Boundary Lines

Reports

Monitoring Report:

Mosher Conservation Area				
land description				
location/street address	Rat Hollow road			
acreage	about 16			
structures	none			
physical description	upland forest, wet area near road, up hill almost to power line			
special habitat(s)				
special species(s)				
special views(s)				
special other				
notes	maps as accurate as possible with GPS, but show 18 acres enclosed i.e. slightly wrong Cowls and Smith boundaries well marked, easterly line follows ridge Assessor's map has incorrect eastern boundary (see "Directions fo Walking Boundaries")			

Mosher Conservation Area												
Land owners information												
date of deed/CR: 04707, 306, Sept 22,2004												
acquired by: gift (with verbal understanding that M-M Trail would go through land, see MOU with AMC)												
	last name	first name(s)	other names	street address	town	state	zip	phone	email	description of abutters land	Franklin County Registry of Deeds book/page	Assessor's map number
original grantor	Mosher	Harold E		Pratt Corner Road	Shutesbury	MA					04707, 306	8, 6
present owner	Rattlesnake Gutter Trust											
others inbetween												
abutters	The Cows Companies	(Shane Bajnoci)		134 Montague Road	Amherst	MA	01002	413-549-1403	forestry@cows.com	borders to west and north	1032, 390	8, 4-56
	Smith	Elen Doris	Nancy V.A. Smith	(Elen) 116 Morningside Dr	Oak Ridge	TN	37830		smithellen@comcast	borders to south and east	5314, 85	8, 7 and 8
				(Nancy) P.O. 683	Carbondale	CO	81623		nancyva@sopris.net			
	Kirley	Sandra	Peter G. Kosloski	100 Old Mountain Road	Leverett	MA	01054	413-548-9117		borders along east	2314, 146	8, 159
	Asby	Carol		93 Market Hill Road	Amherst	MA	01002			south of Rat Hollow Rd	1730, 324	8, 93

Mosher Conservation Area documentation location						
	book	page	date rec.			
Deed	4707	306	9/22/3004			
RGT owned						
electronic database (excel) and word files kept by Mary Alice Wilson, copies in Field and Archive notebooks						
	date of document	in archive notebook?	in field notebook?	in paper file ?	in safe deposit box?	notes
baseline data						
CR abstract						
RGT deed copies	9/22/2004	y	y			
61B	6/25/1990					
earlier: Coffin to Mosher	5/2/1963	y	y			
earlier: Burnham to Cerrato	11/10/1944	y	y			
Kosloski deed	12/24/1958	y	y			
earlier Gunn to Kosloski	5/17/1948	y	y			
MOU, AMC/RGT (unsigned copy)	in 2004	y	y			
maps						
border and photo reference (excel)		y	y			
orthophoto	2005	y	y			
topographic	2001	y	y			
contour		y	y			
survey WMECO PB 30, p.11	8/21/1968	y	y			
assessors		y	y			
Western Mass electric survey	PB 30 p11	y	y			
topo map	6/12/1905	y	y			lines OK, but show 18 acres
aerial photo (present)	2000	y	y			lines hand-drawn
aerial photo ("original")	1992	y	y			makes line look too close to power line
plot map						
additional plot maps?						
soils/habitat map						
species list(s)						
if baseline photos film						
photos						
negatives						
if baseline photos digital						
photos	10/22/2004	y	y			
electronic file						CD, J.Godsey, 9/16/04
authentication	no					
photo list/map with key						
assessors map	yes	y	y			map is incorrect. See "Directions for Walking Boundary"
baseline signatures (RGT, owner)						

Mosher Conservation Area													
baseline/monitoring data													
date of deed/CR: 9/22/2004													
baseline or monitoring	date of data collection	owner of boundary invited by	owner present	present owner owned since	RGT participants (1)	RGT participants (2)	RGT participants (3)	RGT participants (4)	photos (#, film or digital?)	other documentation ?	date report filed RGT	date report sent to owner	notes
baseline/boundary	10/22/2004			this month	Mary Alice Wilson	Bill Wilson			digital	GPS	10/22/2004	to Board 10/25/04	
e. boundary walk	11/7/2004	MAW	yes, Pete Kosloski (neighbor shares boundary)		Mary Alice Wilson	Bill Wilson					11/16/2004		question about line
boundary walk	11/22/2004	no			Mary Alice Wilson	Bill Wilson					11/16/2004		line tentatively marked using Kosloski deed
e. boundary walk	4/9/2005	MAW	yes, PK		Mary Alice Wilson	Bill Wilson					4/27/2005		Kosloski/Mosher line (incorrect)
boundaries walk	4/13/2005	no			Mary Alice Wilson	Al Shane	Lee Thomas	Pat Fletcher for AMC			4/27/2005		all boundaries
e. boundary walk	4/17/2005	MAW	yes, PK		Mary Alice Wilson	Bill Wilson							Kosloski/Mosher line (correct, agreed to)
marked e. boundary	4/22/2005	no			Mary Alice Wilson	Bill Wilson			4, d	GPS	4/27/2005		painted yellow, temp flagging
monitoring	8/12/2007	-			Glen Ayers				?	map of route			
monitoring	6/14/2008	-			Glen Ayers				?	map, pictures of tree removal			
monitoring	10/6/2009	-			Glen Ayers				d		11/21/2009		
map corrections	5/9/2010				Mary Alice Wilson	Bill Wilson				GPS			minor changes in line with Smith - part of web mapping process
monitoring	10/29/2011				Glen Ayers				digital		11/2/2011		repaint borders, monurr

Abstract: Mosher Conservation Area

Deed: September 22, 2004, book: 01477, p. 306

There are no restrictions in the deed.

(There is a Memo of Understanding between the Berkshire Chapter of the Appalachian Mountain Club (AMC) and the Rattlesnake Gutter Trust outlining responsibilities of each organization associated with the M-M Trail and the shelter.)

Memorandum of Understanding (MOU)

between:

Berkshire Chapter, AMC
Gutter Trust
P.O. Box 9369
North Amherst, MA 01059
01054
Phone/Fax (413) 549-3621
(413) 548-9014
Email: <mailto:geolopes@crocker.com>
<mailto:glenayers@ecoisp.com>

and

Rattlesnake
PO Box 195
Leverett, MA
Phone/Fax
Email:

I. PURPOSE

The purpose of this MOU is to formalize an understanding between the Rattlesnake Gutter Trust (RGT) and the Trails Committee of the Berkshire Chapter, Appalachian Mountain Club (BCAMC) regarding a 16-acre parcel of land donated by Mr. Hal Mosher of Shutesbury, MA to the Rattlesnake Gutter Trust of Leverett, MA. This parcel of land abuts Rat Hollow Road in East Leverett in the vicinity of the intersection of Rat Hollow Road and Brushy Mountain Road. This MOU covers the location of the Metacomet-Monadnock Trail (M&M Trail) on said parcel and the location, construction, use, and maintenance of an Adirondack-style hiker's shelter or lean-to (Shelter), a 3-sided lean-to designed to accommodate no more than 6-8 overnight hikers, and associated activities. This MOU explicitly applies to only the "Mosher parcel" of RGT-owned land.

II. RESPONSIBILITIES

A. It shall be the responsibility of the RGT to:

1. Monitor the parcel, on at least an annual basis, to ensure that adverse environmental impacts from the M&M Trail and shelter are minimized.
2. Cooperate with BCAMC in reducing any impacts that may occur.
3. Schedule an annual joint site-visit with BCAMC to assess the parcel and review our respective responsibilities.
4. Establish any needed policies, rules, or regulations for the use of the site which may include a ban on wood-burning fires, limitations on noise, and protection of the environment.

B. It shall be the responsibility of the BCAMC to:

1. Construct and maintain the M&M Trail, the Shelter, and those things directly related to or required by these features, after first submitting plans to the RGT.

2. Consult with the RGT, and receive written approval, before any ground-breaking activities, cutting of trees or vegetation, relocation of any trail segments, marking of trails or boundaries, construction or renovation/improvements, or other Trail or Shelter associated activities that occur on the Mosher parcel.
3. Schedule an annual joint site-visit with RGT to assess the parcel and review our respective responsibilities.
4. Periodically monitor the site and maintain the site in a clean and safe condition.

III RESERVED RIGHTS

As the owner of the “Mosher Parcel”, the RGT reserves the right to have the Shelter and improvements removed if at any time, RGT in its sole discretion determines it to be a public nuisance or threatens resources, no longer serves the purpose as originally proposed, or for any other reason. This would only happen after consultation with BCAMC, but the RGT reserves the exclusive right to decide what will, and will not, occur on RGT-owned property. If requested by RGT, the removal of the Shelter and improvements shall be promptly done by BCAMC, and shall be at BCAMC's sole effort and expense.

IV INDEMNIFICATION AND RISK

The use of the Shelter and any improvements shall be at the user's sole risk and liability, and RGT assumes no risk or liability for such use. BCAMC shall indemnify and hold RGT free from all liability for such use.

By signing below, the parties agree to the responsibilities and rights as outlined above.

Christopher J. Ryan, Trails Committee, BCAMC
Trust

Rattlesnake Gutter

Mosher												
boundary and photo ref												
line starts at SE corner, then west along Rat Hollow Rd, north along Cows (at woods road), west along Cows (Cows blazes/paint old and difficult to see) then south along Kosloski (our yellow blazes), then west and south along Smith (white, recent paint)												
date	Latitude	Longitude	monuments	line marked by	angle (degrees) from previous point	length (feet) from previous point	other descriptors	confidence in boundary markings?	recommendations	habitat, vegetation, geology?	photo #	digital # (see photo log baseline)
5/9/2010	42.44995	-72.47889	opening in stone wall				se corner of Mosher property, corner with Smith. Smith lines marked by white blazes					
5/9/2010	42.45008	-72.48005	no pin, but corner of Rat Hollow and Cows woods road	Rat Hollow Rd	follows rd	248 ft	sw corner of Mosher property with Rat Hollow Rd and Cows to west	high			M1, M2 M3	
5/9/2010	42.45111	-72.47995	pile stones with red flag/paint	near edge of logging road, cows old, faint red blazes	follows road	248		high			no picture	
5/9/2010	42.45197	-72.48035	pile stones	cows line blazed old, faint, red, stone wall	follows logging road/stream	450+234+544=1228	stake just beyond culvert, 20-30 feet east of logging road	med. Might not be right pile, but line about right			M6	
5/9/2010	42.45303	-72.48014	stake/stone	end of following woods road old, faint red blazes, stone wall and virginia rail stones	follow rd		nw corner of Mosher property corner with Cows (north) and Kosloski (east)	high			M10	
5/9/2010	42.45366	-72.47521	stake/stone		276/96	1347	first small wetland, short stone wall with M-M trail gap. E end Virg rail gorgeous	high				
5/9/2010	42.45262	-72.47554	stake/stone	yellow blazes along Mosher/Kosloski line follows ridgeline	15/195	358		high (earlier confusion see Mosher boundary directions. doc)			M13, M14	
5/9/2010	42.45224	-72.47906	corner of stone wall, two nearby posts	Smith white blaze, bits of stone wall, not continuous	94/274	991	"inside corner" both Smith and Mosher lines turn corner here, east-west stone wall ends here	med, two nearby pins right this probably is too			M15	
5/9/2010	beginning				6/186	887	line seems to go straight, but might jog, well marked by Smith white dots	high				

Description of the Mosher Boundary Line Problems

(This is a second set of notes - there is a note at the end about the difference in the western boundary.) I believe this is the correct information (translation, other set was wrong, please recycle!)

RGT Board. Notes for walking the Mosher Conservation Area. These directions include both:

1. Directions for walking the Mosher boundaries
2. Directions for a hiking the M-M Trail across the Mosher Land

1. Boundary walk: This route takes you counterclockwise starting along the western Rat Hollow Road boundary. You can obviously go other ways. The attached map should be some help.

To get to Rat Hollow Road from the East:

From the parking area on Shutesbury Road below the power line:

Walk up the road under the power line. Between the 2nd and 3rd pole, there will be a "crosspath." Turn left. You will shortly join the M-M trail (white dots). Follow that trail (go straight ahead).

From the parking area near where the M-M Trail crosses the Shutesbury Road (trail is about 100 yards to the west of the parking area):

Follow the trail until you are quite near the power line. When the trail turns left, follow it.

Continue on the trail (Rat Hollow Road) somewhat downhill. When the M-M trail turns right, do not take it. Continue on Rat Hollow Road a short distance. You will see a white-blazed property line on your right. This is the line marking the David Smith and Mosher boundary. (Note the David Smith Conservation Restriction is a 2-acre area on Shutesbury Road. It is not this land.) Theoretically, there is a stake and stone at this corner. I have not found it.

The Mosher Conservation Area is now on your right. You will cross a very small wet area/stream. The second boundary, with Cowls, is faintly marked by red blazes, but is most easily found by a logging road just beyond the Mosher line. Again, there is supposed to be a stake and stone. I have not found it. To walk the Mosher/Cowls line you can either walk along the blazed trees or just walk along the logging road (which is much easier walking). The road (and the parallel boundary about 20-30 feet to the west) bends twice, following a contour of the land (Cowls land is higher).

The northwest corner of the Mosher property is just beyond a small stream (culvert on the Cowls road). There is a well-marked corner and a stone stake about 30 feet to the east (to the right) of the road. (If were on the road, you now will be leaving it.)

It is easy to follow the well-blazed line and then a lovely stone wall along the line up the hill. (There is also an obvious change of land use since the Cowls side has recently been logged.) The M-M Trail crosses the Mosher land at a opening in the stone wall. As you continue uphill, the stone wall eventually ends, but a line of standing stones (presumably the base for a fence, but perhaps just boundary line markers) continues along the line.

Just before the power line, you come to the eastern Cowls corner. The Cowls land turns north, the Mosher land turns south more or less following the ridge line. This line, with Peter Kosloski, is not blazed at present, but Bill and I walked it with Peter and again after I found the Kosloski deed and, if you head 15 degrees west of south (heading slightly to the left/east of the ridge line), you will meet the David Smith white-blazed property line (about 350 feet). There is a pile of stones at the boundary which presumably is the corner marker.

As you follow the David Smith line back to the west, you will find some short sections of stone wall along the boundary, but for the first part you will be going downhill through a laurel tangle. When you come to the second section stone wall running along the line you are almost at the "inside corner." At the end of that stone wall, the M-M trail crosses, and the David Smith/Mosher boundary turns south. Follow David Smith's well-marked (white-blazed) line back to Rat Hollow Road.

2. M-M Trail Hike through the Mosher Conservation Area

From the parking area on Shutesbury Road walk to the trailhead (about 100 yards west of the parking area) and then follow the M-M Trail (white dot trail) north. After a bit of uphill, it will turn left (you are now on Rat Hollow Road) and then right (M-M Trail enters David Smith property). note this is not our conservation restriction which is a 2-acre lot on Shutesbury Road).

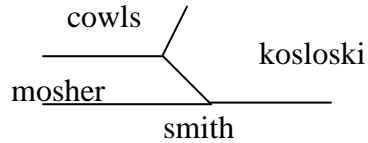
Continue on the M-M trail until you come the beginning of a stone wall and the clear change in direction of the white boundary markers which have been on your left and are now following the stone wall. You are now entering the Mosher Conservation Area.

About 350 feet later, you will leave the Mosher land as you cross a second stone wall at an old gate opening. If you look carefully there is a line of red blazes (Cowls boundary line) just beyond the stone wall.

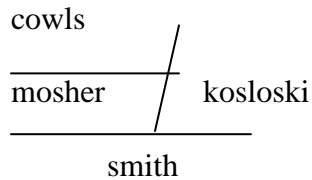
(Call if you have questions: 548-9078, mwilson@k12s.phast.umass.edu, November 7, 2004)

Notes about the two alternative western boundaries:

The assessor's maps shows a diagonal (which I will call the "nose") going northwest/southeast line from Cowls on the north to Smith on the south.



All other information I can find suggests that this western line simple goes south continuing the Cowls line. I think the assessor's map is wrong for the following reasons:

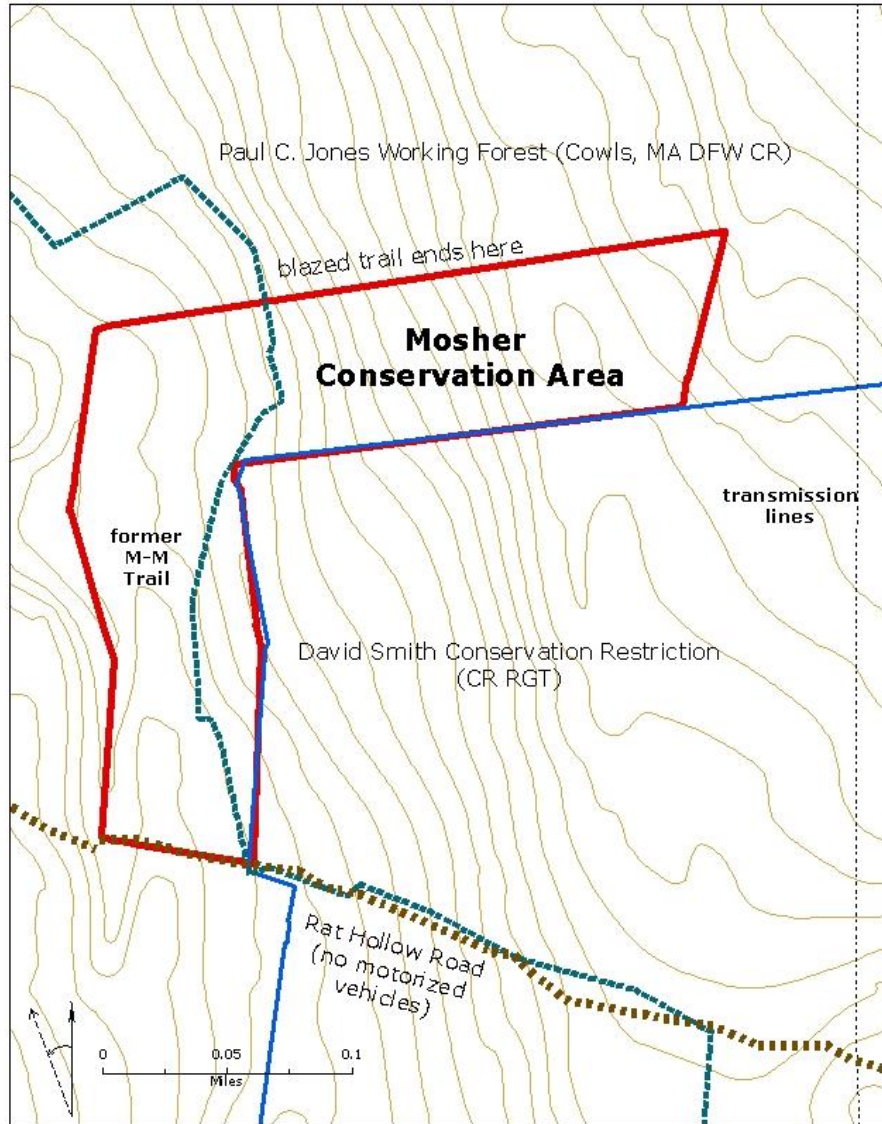


1. When you walk the land, all the other lines are either virtually compass lines (n/s, e/w) or they follow the contours of the land (western edge.) The east/west lines also follow stone walls. The eastern line "south line" follows an obvious ridge line; the diagonal heads off "crosslots" - making no topographic sense.
2. The Mosher deed uses the terms "northerly, southerly, easterly, westerly" and, in fact, the lines pretty much follow the compass points. If the diagonal was part of the deed, it probably would have said "northwesterly."
3. The Kosloski deed is more specific, "...thence south 15 degrees west..." (That accurately describes the Cowls/Kosloski line and, I think, the Kosloski/Mosher line.) In fact the deed has only one line for the Kosloski western edge, indicating again that the line does not change directions at the Cowls/Mosher corner.
4. The Western Massachusetts Electric survey for the power line shows Smith and Kosloski meeting along an east/west line. (If there was a little "nose" it would come between Smith and Kosloski on the power line.)
5. Both David Smith and Peter Kosloski believe that there is no "nose." David had his line with Pete marked in the middle of the power line with a painted stone. "Smith" on one side of the line and "K" on the other. When Bill and I walked the line November 7, 2004 with Pete, he thought that the line went south along the ridge line.

6. When I drew the boundaries in Maptech using the diagonal line, the Mosher lot measured slightly more than 20 acres. Using the southerly line, it measures about 18 acres, much closer to the "16 acres more or less" in the deed.

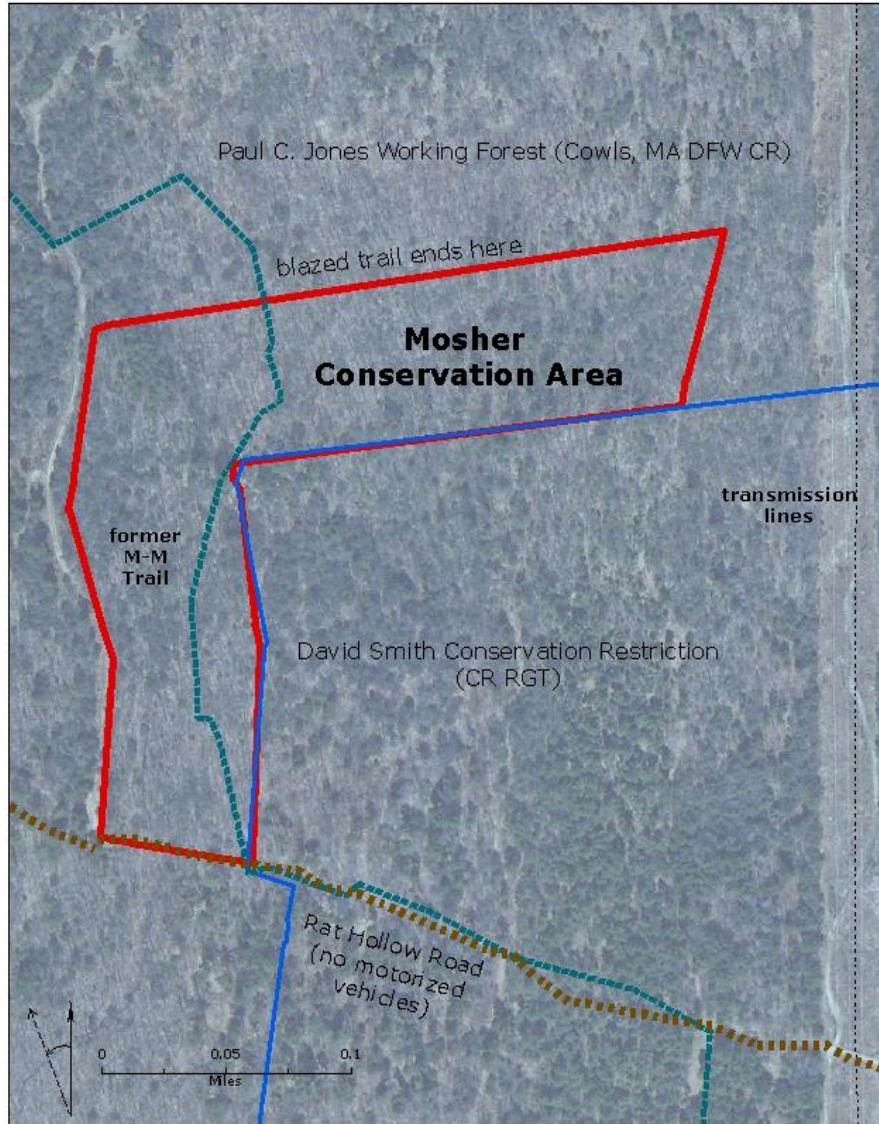
Note. I believe I know how the incorrect assessor's map happened. While searching for the Kosloski deed, I found the deed for the land that Pete Kosloski and his wife, Sandy Kirley own around their home on Old Mountain Road which was pieced together from at least 4 small lots. The northwest lot (which - with the others is east of the power line), has an northwest edge that exactly matches the angle of the assessor's Kosloski/Mosher line. Since that piece of land on a surveyed map associated with their home deeds says "Kosloski" (it also says 2 acres)- I think it was just mis-identified as the edge of the 20 acre piece that is on the other side of the power line next to the Mosher land. Someone else may want to explore this further.

Mosher Conservation Area



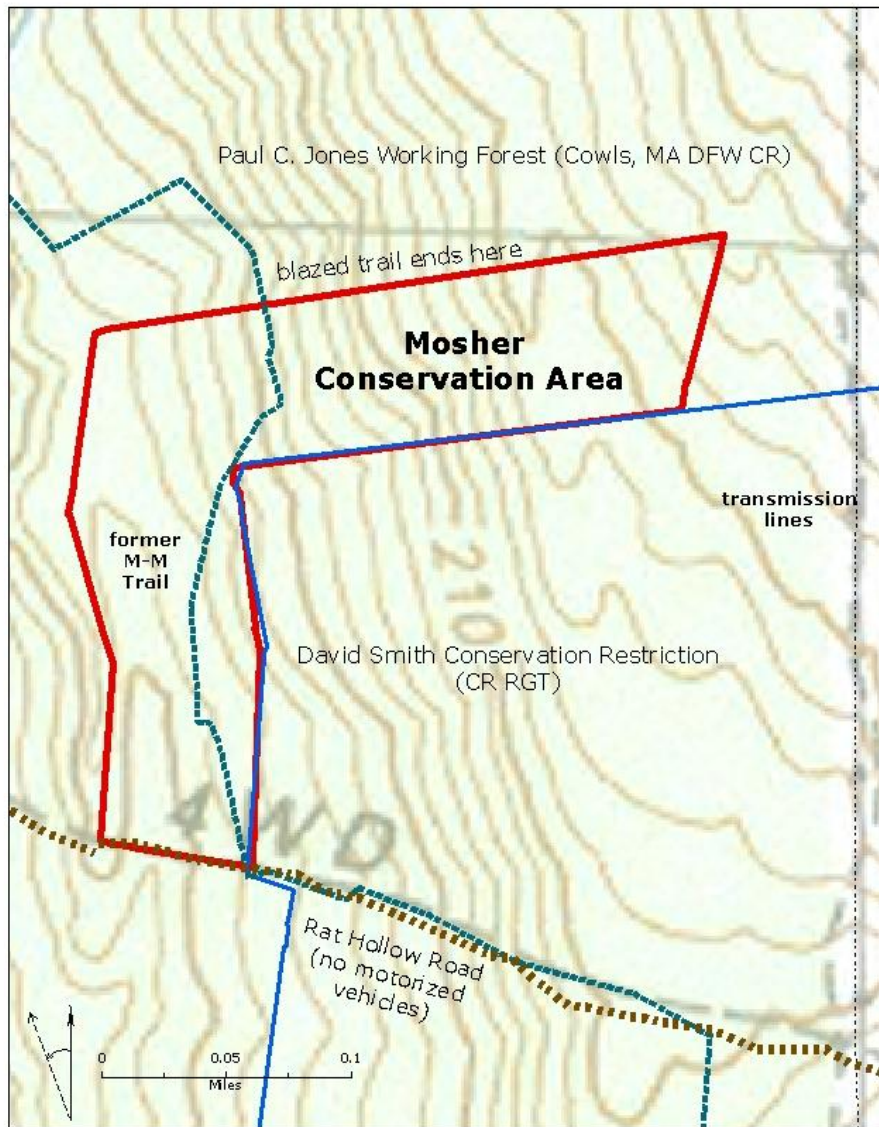
Mosher Conservation Area (owned by the Rattlesnake Gutter Trust)

Mosher Conservation Area



Mosher Conservation Area (owned by the Rattlesnake Gutter Trust)

Mosher Conservation Area



Mosher Conservation Area (owned by the Rattlesnake Gutter Trust)

Western mass electric survey (get from archive notebook)

