



TOWN OF LEVERETT
Massachusetts 01054

LEVERETT HISTORICAL COMMISSION

12 January 2024

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Bethany Seeger

The Historical Commission respectfully asks that you consider this special article request on behalf of the historic investments made by the town with its Community Preservation Act funds.

Representatives from the Historical Commission look forward to a discussion regarding best practice for monitoring those investments, past and future. Copies of the proposal and all supporting materials are available in electronic format. If members would like a copy, please email <leveretthistoryinfo@gmail.com>.

Sincerely,

The Leverett Historical Commission

Department	FY 2024 Budget	FY 2025 Request
HISTORICAL COMMISSION	200	4,500

HISTORICAL COMMISSION BUDGET LINE REQUEST - FY 2025

Need: Enabling the Historical Commission to carry out its mandated responsibilities, including effective monitoring of town and CPA investments with preservation restrictions on Leverett's historic assets.

Rationale: Leverett's historic properties contribute value and uniqueness to our town. The work of historical preservation is key to our sense of community, continuity, and belonging; and contributes positively and in multifaceted ways to the cultural and fiscal health of Leverett. Historic preservation protects our collective investment in a special small town, increases Leverett's appeal to potential newcomers and creates a public legacy that includes resources, information and documentation for future residents. Without a budget to assess conditions of our historic properties, it is not feasible to support or implement plans for preservation.

The Historical Commission is tasked with an annual review of Leverett's historic properties that have one or more Historic Preservation Restrictions (HPRs). These restrictions are put in place as a condition of funding of preservation activities by the Leverett Community Preservation Commission (LCPC). For the LHC to perform this work consistently and effectively, help keep costs in check for the LCPC, troubleshoot problems before they become critical, and provide support to preservation partners, we offer the following summary of current practices and recommendations for the future.

How review happens today:

The review work, which checks whether the work and maintenance required by the Restriction has been carried out and reports on the condition of the property, has been accomplished annually by members of the LHC, non-professional volunteers. Each property is visited and examined in turn. The process results in a report that consists of notes and photographs. (See "Sparrow Sawmill" example attached).

- To guide their activities, LHC members use a form created by the LHC, which is based on categories for assessing the condition of historic properties generated by Historic New England <https://www.historicnewengland.org/preservation/for-professionals-students/property-care-white-papers/condition-assessments/>. (Historic New England is one of the leading authorities in the preservation of historic properties).

Why the current review process is inadequate:

Though this process provides the town with regular information on the condition of its historic properties, the members of the Leverett Historical Commission have concluded that it is less than sufficient:

- 1) It does not contain a mechanism for oversight and appropriate actions or remediations. That is, projects that have met with obstacles and insufficiencies, and in which

the town (through the CPC) has invested, creates waste and duplication of effort over time. Better planning and a more transparent process is needed.

2) It does not provide a basis for specific additional funding requests to the CPC or other funding sources. These most often require a professional review of the condition of the property **before** entertaining proposals. So, projects tend to be caught in a Catch-22 – with needs that are apparent, yet not professionally estimated or quantified in terms of cost.

3) The commission members do not have a professional capacity to assess structural conditions of historic assets. This may lead to arrears in maintenance, or the cropping up of unforeseen but serious conservation problems.

4) Most of the current HPRs were adapted from other communities and were not specific to issues regarding the property to which they are applied. There are legal enforcement measures written into most agreements but, since they are not specific they are not likely to be pursued by the town against the inheritors of the agreements. With no answerability, properties may go into decline.

5) With increasing age and the effects of climate change, among other factors, conditions have now reached a point in several instances where professional assessments are required to make it possible to proceed with the actual work of rehabilitation. Properties already in decline may become threatened in their entirety.

6) In the case of town-owned properties such as town hall, the Field Library or the old town garage, there is no HPR, since the Historical Commission, a town body cannot hold a restriction on itself.*

7) In the case of the Field Tavern, a privately owned property in Leverett Center, no process exists for the Historical Commission to lend its interest and support to a property of historical significance.

Addressing the need:

The Historical Commission recommends developing a rational and collaborative process for review of historic properties that increases the ability of the LHC to perform reviews and also installs oversight on properties that are not under preservation restrictions. This process has three components:

1. Develop a new category in the current review template/protocol that assesses whether professional review is necessary.
2. Set up a schedule for periodic professional review of properties.

3. Develop guidelines to assist applicants for historic preservation funding (most likely from the CPC). Responsibilities for ongoing maintenance and public benefit would be spelled out and a budget indicating revenue sufficient to support it would be required (attached a compliance document from the Boston CPC which could provide practice options). This would not solve issues with previously granted funds, but would make the process more efficient in the future.
4. Use this process to create a system for future public access (knowledge sharing - a better understanding of what was done and why it was done to share with those seeking to preserve Leverett's historic properties in the future).

Increased Budget Line:

To this end, the Leverett Historical Commission is requesting an increased budget line:

1. to pay for 1-3 professional conditions assessments/ year depending on the number of properties to be evaluated at a cost of \$1000 - 2,500/assessment; including cemeteries which do not have Historic Preservation Restrictions, but which the town has invested a significant sum from its CPA funds over the previous two decades.
2. To pay for legal notices for a Demolition Delay hearing, which can run a few hundred dollars, depending on which paper it is in. An average length notice ranges in price from \$40 for 5 column inches in the *Montague Reporter* to several hundred depending on notice length in the *Greenfield Recorder*. The Town of Leverett passed a Demolition Delay Bylaw and is obligated to carry out the legal process when and if the issue is presented. (We think this may become more of a pressing issue as development pressures build.)

Budget range suggested: \$4-5,000/year.

Background:

In part because of the largely ineffective process of review of historic preservation status in Leverett, two of our historic properties have undertaken their own professional reviews.

At present, two of the most iconic Leverett properties, the **Moore's Corner Schoolhouse** and the **North Leverett (Slarrow) Sawmill**, are engaged in fundraising and restoration projects through their 501c3's which include professional conditions assessments and systems analyses.

Another property in which the town invested CPA preservation funding, the **LCA/Beaman/Marvel Box Shop**, has revenue to support its ongoing maintenance plan, so is probably not in need of a professional conditions assessment currently. LCA's HPR w/ the town of Leverett has been superseded by an HPR with the MHC after receiving state preservation funds through both "Survey & Planning" and "Preservation Projects" funding streams though LHC still monitors its status annually.

Properties that will need professional reviews:

Town Hall and the Old Highway Garage, both town-owned properties do not currently have HPR's. While oversight of town hall maintenance is the purview of the Buildings Committee on an ongoing basis, the HC at present lends informal support and recommendations regarding this historic building*

Cemeteries that have been conserved through CPA funding do not have restrictions — they are overseen by the Leverett Cemetery Association. The Historical Commission would like to assist in monitoring of conditions, particularly in the cemeteries where significant funds have been expended and we know that conditions can change from year-to-year based on weather and other physical factors (tree limbs falling, fence posts rotting, fungal growth, acid rain on gravestones, etc.). To be able to have an expert conditions assessment every 5 years, which is what Historic New England protocols suggest, would mean that there are four cemeteries which received CPA funding over the past decade+ that are due for inspection: Chestnut Hill (Mt. Hope), Jackson Hill, North and Rattlesnake Gutter (Moore's Corner).

Dam at Leverett ("Ye Olde Fish") Pond is overseen by the Friends of Leverett Pond. The dam needs a review process, or a shared reporting on the review process if it is being done.

Sites monitored without HPRs, i.e. the Rattlesnake Gutter Tomb site and the Town Pound, maintained on a voluntary basis, are worthy of further consideration as elements of historic record.

This proposal for "Growing Preservation Partnerships" - presented to the CPC in October, but not received for collaborative action at this point, would include a small number of conditions assessments each year to keep up with aging and deterioration of historic fabric including stone artifacts in the landscape and in cemeteries, fencing, structures and other records of past culture and achievement. If we started out with two-three Conditions Assessments/year @\$1,500-\$2,000. ea, = \$3 - 4,500. (Estimates received from two building professionals - Amy Boyce and Eric Gradoia - range from \$1,000 -3,500.00 or c.\$85/hr. Appraisals of cemetery status are costed out, at present, at \$15 per stone. For North Cemetery, for example, the cost would be \$1,500 - 4,500 depending on the pace at which the assessment occurs (i.e., most urgent first, or the entire area).

The Historical Commission does not propose to supplant the responsibility for maintaining these various historic remains, many of which are privately owned, but only to take responsibility for our mandate "to protect and preserve" Leverett's historic assets, and to provide resources, advice, and support.

** Mass. Historical Commission (MHC) has suggested to the Historical Commissioners that the Selectboard could provide the Historical Commission with a Memo of Understanding (MOU) agreeing to maintain the investment through regular maintenance if it wanted to.*

(Comparables:

ConCom agent _ \$10,000/yr.

Planning Board - \$1,300/yr.

Town Bldg Maint - \$32, 867/yr.

FC Inspector Services: \$7,600/yr.

Tree Warden - \$23,563/yr.

Contingency funds - \$40,665/yr.

Landfill salaries - \$13,500/yr.)

OTHER AVENUES OF RESEARCH: *(Current investigations by LHC underway)*

1. WHAT DO OTHER TOWNS SPEND ON THE HC? ARE THERE TOWNS WHICH DO THIS?
2. COULD THERE BE A SHARED PROFESSIONAL ASSESSMENT STRATEGY THROUGH FRCOG WITH OTHER FRANKLIN COUNTY TOWNS WHICH HAVE CPA? (MHC).
3. COULD THE TOWN INSTITUTE A FEE STRUCTURE FOR FUTURE RECIPIENTS OF CPA HISTORIC PRESERVATION FUNDING TO COVER THE 5-YEAR ASSESSMENTS FOR THE LIFE OF THE HPR?
4. DO ALL HPR'S NEED TO BE IN PERPETUITY?

HISTORICAL COMMISSION BUDGET LINE REQUEST

12 January 2024

Attachments -

1. Copy of MGL Part I Title VII Chapter 40 Section 8d (Historical Commission creation/definition of powers, etc..)
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section8D>
2. Copy of CPA mandate re HPRs from Community Preservation Coalition website
<<https://www.communitypreservation.org/print/144>>
3. Leverett CPC definition of Historic Preservation mandate
4. Copy of sample HPR (Slarrow Sawmill)
5. Copy of LHC current monitoring template (3 years of data for Slarrow Sawmill)
6. Copy of Boston Monitoring/Compliance form
7. List of suggestions from MHC (*this may not be necessary since I think we cited most of them in the outstanding questions at the end of the "rationale".*)

Part I

ADMINISTRATION OF THE GOVERNMENT

Title VII

CITIES, TOWNS AND DISTRICTS

Chapter 40

POWERS AND DUTIES OF CITIES AND TOWNS

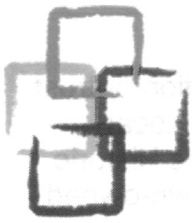
Section 8D

HISTORICAL COMMISSION; ESTABLISHMENT; POWERS AND DUTIES

Section 8D. A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits

necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. Alternate members may be appointed in like manner as provided for in this section not exceeding in number the principal members. In the case of the absence or inability to act on the part of a principal member, the place of the principal member shall be taken by an alternate member

designated by the chairman. When a commission is first established, the terms of the members and alternate members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members and alternate members will expire each year, and their successors shall be appointed for terms of three years each. Any member or alternate member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.



Community Preservation Coalition

Preserving our past. Building our future.

Published on *Community Preservation Coalition* (<https://www.communitypreservation.org>)

[Home](#) > Placing Preservation Restrictions on Historic Resources

Placing Preservation Restrictions on Historic Resources

This article sourced from the Cape Cod Commission Round Table Fact Sheet

A Preservation Restriction (PR) is a voluntary legal agreement that protects a significant historic, archaeological, or cultural resource. It provides assurance that an historic or culturally significant property's intrinsic values will be preserved through subsequent ownership by restricting the demolition or alteration of its significant historic features. A Preservation Restriction is filed at the Registry of Deeds and runs with the land. It usually focuses on exterior architectural features, but can also address significant interior spaces. Though a Preservation Restriction does not necessarily require public access, it may include provisions for annual open houses or similar public events if deemed appropriate.

The heart of a Preservation Restriction is in the Grantor's Covenants, where the owner of the property agrees to maintain the building exterior in good repair consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (further described below). The Grantor's Covenants spell out prohibited activities such as demolition of the building, and describe the review process required if any exterior alterations are considered on the property. Another important part of the Preservation Restriction is the Baseline Documentation which illustrates the property's historic significance and existing conditions through architectural drawings, photographs, historical records, and reports.

Are Preservation Restrictions required by CPA?

The Community Preservation Act specifically calls for perpetual Preservation Restrictions, established under Chapter 184 of Mass General Laws, whenever CPA funds are used to purchase a real property interest. Therefore, when purchasing or buying an interest in an historic property, a Preservation Restriction is required. The Act is not specific as to whether a Preservation Restriction is required when CPA money is expended on an historic preservation project. Many towns have chosen to require a Preservation Restriction when any amount of CPA funds are awarded for rehabilitation or restoration of an historic property. This protects the town's investment should the property change hands or become subject to additional development pressures. Cape Cod Commission staff recommend that a Preservation Restriction be required whenever CPA funds are used to rehabilitate or restore historic properties, regardless of the property ownership.

In some cases, other means of protecting the public interest can be considered. The city of Newton has signed a Memorandum of Understanding with the CPA committee requiring Newton Historical Commission review and approval of any changes proposed to a town property that has received CPA funding. Other communities are considering a threshold amount of CPA funding above which a Preservation Restriction would be required, while projects receiving less money would require a shorter term restriction.

Who can hold a Preservation Restriction?

A Preservation Restriction may be held by any governmental body or charitable corporation or trust capable of acquiring interests in land and whose purposes include historic preservation. Local Historical Commissions are empowered to hold preservation restrictions under the state's Historic District Act (M.G.L. Chapter 40C), but they cannot hold a preservation restriction on a town-owned property. Non-Profit historical organizations such as town Historical Societies, the Trustees of Reservations, and Historic New England may also hold preservation restrictions.

Is there a model Preservation Restriction?

Cape Cod Commission staff suggests using the Preservation Restriction on the Nantucket Atheneum (or the Massachusetts Historical Commission long form template) as a working model, copying its general format and legal language, and making changes to tailor the restriction to the particular property in question. All CPA committees are urged to use the same Preservation Restriction as a model to maintain consistency among restrictions on the Cape, and to facilitate their monitoring and administration in the future. The **Nantucket Atheneum Preservation Restriction is available here**, and the Massachusetts Historical Commission's long form is available in its Guidebook on Preservation Restrictions, available by calling Michael Steinitz at 617-727-8470.

How should we draft a Preservation Restriction?

The owners of the subject property, the intended holders of the Preservation Restriction, and the town counsel should be involved in drafting a preservation restriction. Some towns have chosen to arrange an initial meeting between these parties to discuss the content of the restriction, then have asked the owners' attorneys to draft the preservation restriction, using the model cited above as a template. The Local Historical Commission or Historical Society are also often involved because of their access to historical information necessary to establish the Baseline Documentation required in a Preservation Restriction. Note that CPA committees can allocate CPA administrative funds or grant monies for drafting a Preservation Restriction.

The Massachusetts Historical Commission (MHC) must approve a Preservation Restriction for it to be consistent with M.G.L. Chapter 184. If the restriction will be held by a charitable corporation or trust, the town must also approve the Preservation Restriction. A draft Preservation Restriction should be submitted to Michael Steinitz at MHC to determine if it adequately protects the features that make the historic property significant. Once MHC approves the content of the Preservation Restriction, it can be signed/executed by the owners and the Selectmen or Town Council, then resubmitted to MHC for their signature. Finally the Preservation Restriction should be recorded at the Registry of Deeds.

How should we monitor a Preservation Restriction to ensure its effectiveness?

To protect both the property owner and the restriction-holder, it is important that there be a clear set of procedures and policies to guide the administration and monitoring of a Preservation Restriction. The key to avoiding problems and court costs is catching problems before changes are made to the property. To that end, the following steps are recommended:

Designate a Preservation Restriction administrator. The organization holding the restriction should designate an administrator (perhaps the Secretary or President of the organization, or an employee) who is the primary contact person if a property owner has questions about the restriction. Communication is essential if there is a transfer of ownership, so administrators may want to initiate contact with new property owners. Ideally, administrators should be knowledgeable about historic

architectural and building technology in order to insure that they can identify unapproved work or areas of concern for repair. Cape Cod Commission staff may also be contacted to assist with these issues.

Arrange annual on-site meetings. The administrator should be responsible for arranging annual on-site meetings with the property owner to assess the current condition of the property, to discuss the terms of the restriction, and to answer any questions the owner may have.

Maintain annual status reports on the property. The administrator should follow up annual on-site meetings with a written status report on the property, citing the owner's compliance with the restrictions and the general condition of the property.

Alert town departments and agencies. Work with town permitting departments and assessors to put a red flag on properties with a Preservation Restriction, and ask the town to notify the restriction holder (Local Historical Commission or other entity) any time a development permit is sought for one of these properties.

What are the Secretary's Standards for Rehabilitation of Historic Properties?

The Secretary's Standards for Rehabilitation are federal standards that define appropriate treatment of historic properties. The standards were developed by the Secretary of the Interior to guide work on properties listed on or eligible for listing on the National Register of Historic Places. The CPA requires rehabilitation work on historic properties to comply with the Secretary's Standards for Rehabilitation.

The primary goal of the Secretary's Standards for Rehabilitation is preservation of the historic materials and features that make a property significant. The 10 standards focus on things such as repair rather than replacement of historic features, and designing additions without removing significant historic features. To help people interpret the standards and to provide more detailed recommendations for treatment of specific building elements, the Secretary also publishes Guidelines for Rehabilitating Historic Buildings.

Visit our [technical assistance page](#) for more information on the Standards and Guidelines.

Feb. 2007

Source URL: <https://www.communitypreservation.org/historic-restrictions>

Leverett CPC

CPA Reference

**ACQUISITION, PRESERVATION, REHABILITATION AND RESTORATION OF
“HISTORIC RESOURCES”**

“Historic resources” are defined as: a building, structure, vessel or real property that is listed or eligible for listing on the state register of historic places or has been determined by the Historical Commission to be significant in the history, archeology, architecture or culture of Leverett. Community Preservation funds may be used for the preservation, restoration and rehabilitation of existing historic resources (including Town-owned historic resources), but not for routine maintenance. Investment in historic resources must be protected by a permanent historic preservation easement and provide public benefit.



2008 00005463

Bk: 5509 Pg: 64 Doc: REST FC
Page: 1 of 5 05/29/2008 10:51 AM**NORTH LEVERETT SAWMILL PRESERVATION RESTRICTION**

THIS PRESERVATION RESTRICTION AGREEMENT, made this 22nd day of May, 2008, by and between the **TAK TRUST, LANCE KIRLEY, TRUSTEE and FRANCINE KIRLEY** (collectively, hereinafter referred to as the "Grantor") and the **LEVERETT HISTORICAL COMMISSION** (hereinafter referred to the "Commission"). (See Chapter 184, sections 31 thru 33, of the Massachusetts General Laws as amended, and hereinafter referred to as the "Act")

WITNESSETH:

WHEREAS, the Grantor is owner in fee simple of certain real property, comprising 1/2 acre, more or less, known as the North Leverett Sawmill, (hereinafter the "Sawmill") located at 63 North Leverett Road, Leverett, Franklin County, Massachusetts as described in a deed dated September 29, 1997 from one William Pearson, recorded in the Franklin County Registry of Deeds, Greenfield, MA in Book 3267, Page 118. ✓

WHEREAS, the Sawmill is a unique and irreplaceable historic resource with the extant building dating from ca 1774 and 1871; it is the last of approximately 15 water powered mills still standing that once operated on the Sawmill River in Leverett.

WHEREAS, the Sawmill is representative of the technical experience of the owners of water powered mills on small streams which was an essential part of the state and national industrial "explosion" after the Civil War.

WHEREAS, the Sawmill was used to saw timbers for many decades up to and including World War II for ship keels, masts and ribs. It was the only sawmill that could hold logs approximately 40 feet long with very large diameters.

WHEREAS, the Sawmill is a picturesque vista widely appreciated and used by both professional and amateur photographers and artists in published and broadcast materials.

WHEREAS, the property's preservation values are documented in reports, drawings and photographs (hereinafter the "Baseline Documents") which the parties agree provide an accurate representation of the Sawmill prior to its collapse in 2003, and to which appearance the exterior will be restored. The Baseline Documents shall be used for purposes of reference and for assistance in review.

The Baseline Documents consist of the following:

- Property description and plot plan, and
- Photographs of the Mill both current and previous to the recent roof collapse.

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WHEREAS, the Grantor wishes to impose certain restrictions, obligations and duties on it as owner of the Sawmill and on the successors to its right, title and interest, with respect to maintenance, protection and preservation in order to protect the historical heritage and to serve the public interest consistent with the purpose of M.G.L., chapter 184, section 32.

WHEREAS, the Commission is a government body organized under the laws of the Commonwealth of Massachusetts and is authorized to accept these Preservation Restrictions under the Act.

NOW, THEREFORE, for good and valuable consideration in the amount of \$115,000.00 (one hundred and fifteen thousand dollars) paid, the Grantor conveys to the Commission the following Preservation Restrictions that shall apply to the Sawmill in perpetuity.

PURPOSE:

1. Purpose:

It is the Purpose of this Restriction to assure that the architectural, historic and cultural features of the Sawmill will be retained and maintained forever substantially in their historic condition for preservation purposes, and to prevent any exterior change or modification of the Sawmill that will significantly impair or interfere with the Sawmill's preservation values.

GRANTOR'S COVENANTS:

2. Maintenance of Sawmill:

Grantor agrees to assume the total cost of continued maintenance, repair and administration of the Sawmill, so that its historic character will be maintained and preserved in a manner satisfactory to the Commission according to the Secretary of the Interior's "Standards for the Treatment of Historic Properties," and as otherwise agreed to herein. The Grantor also agrees to maintain the land surrounding the Sawmill in its current configuration.

2.1 Prohibited Activities:

The following acts or uses are expressly forbidden on, over or under the Sawmill:

(a) the Sawmill shall not be demolished, removed or razed except as provided in paragraphs 6, 7 and 8 below,

(b) nothing shall be erected or allowed to grow on the property which would impair the visibility of the Sawmill from North Leverett Road or Cave Hill Road,

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(c) the dumping or any unsightly materials not associated with mill operations is prohibited, and

(d) no above ground utility transmission lines, except those necessary for the operation of the Sawmill, may be installed.

GRANTOR'S RIGHTS:

3.1 Conditional Rights Requiring Approval of Commission:

Without the prior express written approval of the Commission, Grantor shall not make any exterior alterations that are inconsistent with the purpose of this Restriction.

3.2 Grantor's Rights not Requiring Approval by Commission:

Subject to the provisions of paragraphs 2.1, 2.2, and 3.1, the following rights, uses and activities of or by Grantor on, over, or under the Property are permitted by this Restriction and by Commission without further approval by Commission:

(a) the right to engage in all those acts connected with the design, architectural, milling and/or construction business of the Grantor that are not inconsistent with the purpose of this restriction, and

(b) the right to maintain and repair the Sawmill according to the Secretary's Standard, pursuant to the provisions in paragraph 2.1 herein..

4. Standards for Review:

In exercising its authority to inspect the Sawmill; to review any construction, alteration, repair or maintenance, or to review casualty damage, Grantee shall apply the Secretary's Standards.

5. Public access:

Grantor shall make the Sawmill accessible to the public and to educational, professional or historical organizations with frequencies mutually agreed upon by Grantor and Commission.

CASUALTY DAMAGES OR DESTRUCTION - INSURANCE:

6. Casualty Damage or Destruction:

In the event that the Sawmill shall be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement or other casualty, Grantor shall notify the Commission in writing within fourteen (14) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Sawmill and to protect public safety, shall be undertaken by Grantor without the Commission's prior written approval of the work..

Within thirty (30) days of the date of damage or destruction, Grantor, at its own expense, shall submit to the Commission a written report that shall include the following:

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- (a) an assessment of the nature and extent of the damage,
- (b) a determination of the feasibility of the restoration of the Sawmill, and
- (c) a report of such restoration/reconstruction work necessary to return the Sawmill to the condition existing prior to partial collapse in 2003 (See Baseline Documents).

7. Review After Casualty Damage or Destruction:

If, after reviewing the report provided in paragraph 6, Grantor and the Commission agree that the purpose of this Restriction will be served by such restoration/reconstruction, then Grantor and the Commission shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Sawmill in accordance with the plans and specifications consented to by the parties.

If, after reviewing the report and assessing the availability of insurance proceeds, Grantor and Commission agree that restoration/reconstruction of the Sawmill is impractical or impossible, or agree that the purpose of the Restriction would not be served by such restoration/reconstruction, then Grantor may, with the prior written consent of the Commission, alter, demolish, remove or raze the Sawmill. Grantor and the Commission may agree to extinguish this Restriction in accordance with the laws of the Commonwealth of Massachusetts and as otherwise agreed to herein. (See paragraph 8)

8. Insurance:

Grantor shall keep the Sawmill insured by an insurance company rated "A1" or better by Best's rating service for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death and property damage.

It is further agreed between the parties that if the Sawmill were to be irreparably destroyed, and that the parties mutually agree that a restoration/reconstruction effort would be impractical or impossible, then the Grantor will repay the Commission, or the Town of Leverett as the law may provide, that amount paid the Grantor for this Preservation Restriction and, in return, the Commission shall extinguish this Preservation Restriction with a document, satisfactory to the Grantor, to be recorded in the Franklin County Registry of Deeds. (This sentence is also a corollary to, and interpreted with, paragraphs 6 and 7 above.)

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IN WITNESS WHEREOF, we set our hands and seals as signifying our full understanding and agreement with the terms and conditions set forth above:

On this 22 day of May, 2008,

Francine Kirley
Francine Kirley

Lance Kirley
Lance Kirley

Mary E Douglas
Betsy Douglas
Betsy Douglas, Chair, Leverett Historical Commission,

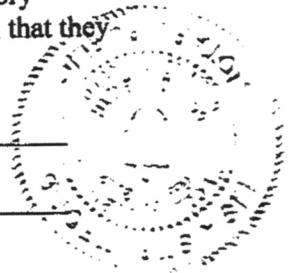
MARY E. DOUGLAS
BETSY DOUGLAS
print name

COMMONWEALTH OF MASSACHUSETTS

Franklin, ss.

On this 22 day of May, 2008, then personally appeared before me the above named persons, Francine Kirley, Lance Kirley, and (see below); they acknowledged to me their signatures above, having executed the above document voluntarily and for its stated purpose; and they did prove to me through satisfactory evidence of their identity, being personal knowledge, that they are the persons who did sign this document:

Jim Stratford
Notary Public
My Commission expires 2/16/12



Bernstable ss.

On this 19 day of May, 2008, then personally appeared before me the above named person, Betsy Douglas; she acknowledged to me her signature above, having executed the above document voluntarily and for its stated purpose; and she did prove to me through satisfactory evidence of her identity, being MA Lic, that she is the person who did sign this document.

Ann Morton
Notary Public
My Commission expires _____

ANN MORTON, Notary Public
My Commission Expires April 24, 2009

ATTEST: FRANKLIN COUNTY, MASS. Joseph A. Gochinski Register

Historic Site Assessment*(Leverett Historical Commission)**Based on the overall condition of the structure, with particular attention to preservation measures funded through CPA.*

KEY: Needs Significant Repair NSR
 Maintenance Required MR
 Structurally Sound SS

Possible Actions - *Investigation*
Planning
Project Implementation

SITE NAME: Slarrow Sawmill**LOCATION:** 63 North Leverett Road, Leverett MA 01054**DESCRIPTION:**

WHEREAS, the Grantor is owner in fee simple of certain real property, comprising 1/2 acre, more or less, known as the North Leverett Sawmill, (hereinafter the "Sawmill") located at 63 North Leverett Road, Leverett, Franklin County, Massachusetts as described in a deed dated September 29, 1997 from one William Pearson, recorded in the Franklin County Registry of Deeds, Greenfield, MA in Book 3267, Page 118.

WHEREAS, the Sawmill is a unique and irreplaceable historic resource with the extant building dating from ca 1774 and 1871; it is the last of approximately 15 water powered mills still standing that once operated on the Sawmill River in Leverett.

HPR: Franklin County Registry of Deeds Book, 3267, P. 118**INSPECTION DATE:** 11 JULY 2022

Assessment performed by: *Leverett Historical Commission members: Sara Robinson, Eva Gibavic, Ann Tweedy, Susan Mareneck, Susan Lynton, Carole DeSanti*

14 AUGUST 2023 : Sara Robinson, Ann Tweedy, Eva Gibavic, Susan Lynton, Susan Mareneck

1. Foundation SS

Notes: (2021 -Has been repaired in NE footing within the past 12 mos.)

2022 – Clearing invasive brush has allowed needed repairs to be visible. Some improvements have been made on upper and lower floors.

2023 - Foundation of sawmill building is sound. Two separate eras are visible - west end later addition has cut stone vs. earlier section field stone.

Actions Needed: NA

2. Structural Integrity SS

Notes: (2021 - Good. Repair of roof and supporting frame in 2006 is in good condition.)

2022 – A few supports have been added, but frame is basically structurally sound.

2023 - Rehabilitation from 2007 is intact and structurally sound. FONLS is trying to date the building from "dendro-dating".

Actions Needed: NA

3. **Exterior Cladding** SS

Notes: (2021: The south side could use some attention to small openings between siding boards. Nothing that is structurally threatening.

2022 – The openings for timber on the north side have been filled with removeable temporary wood panels due to insurance requirements for a “secure” interior. The Friends of the North Leverett Sawmill’s goal is to raise enough funding to install glass panels to simulate the original working space while preserving interior equipment and structure.

Actions Needed: NA. (2021 - Siding inspection and patching would keep weather out.)

4. **Roof** SS

Notes: (2021: Corrugated metal roof replaced in 2006. Rafters, plates replaced at that time. Damaged flooring also repaired. All seem to be holding up despite the exposure to the weather on the north side.)

2022 – Roof is in good condition. There is a tree leaning over the roof on the west end, that might be a danger in a storm.

2023 - Tree still there; does FONLS need Con Com permission to cut?

Actions Needed: Investigate tree removal.

5. **Doors/Windows** MR

Notes: (2021: Glass missing from several windows on the east and south sides.)

2022 – Remains the same.

2023- Glass. Replaced in most panes.

Actions Needed: (2021: Replacement glass. Possible mending of sash.)

2022 – Remains the same.

2023 - Most panes replaced on lower level.

Flooding during extreme rain in July 2023 washed through downstairs. Silt remaining.

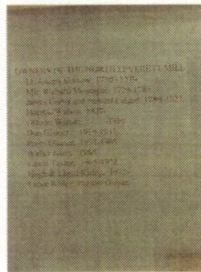
General Comments:

(2021: Downstairs rooms are intact, though unused. They have been kept locked to prevent graffiti which appeared in 2018. Most of the downstairs, both newer construction (1980’s) and original stonework are in good condition.

The historic machinery still intact in this building, despite the inoperable turbine is quite impressive, given the exposure over the years since the last operation of the saw in the 1980’s.

Truly an iconic treasure, “the 250 year old North Leverett Sawmill, known as the Joseph Slarrow and Associates Sawmill...is an important historic and scenic heritage landscape in Leverett. The privately-owned mill has had 11 owners since the mid-1700’s including Major Richard Montague and the Watson and Glazier families...” (*Massachusetts Heritage Landscape Inventory Program, Leverett Reconnaissance Report, June 2009*))

2022 – The town looks forward to stewardship of this local landmark by the newly formed non-profit, Friends of the North Leverett Sawmill (FONLS). A proposed “Heritage Site & Nature Trail” between the sawmill and the historic Graves’ Ironworks, would bring the history of Leverett’s industrious 18th and 19th century families and their ingenuity adapting the hilly landscape to profitable industrial uses into common knowledge and create an engaging historical/recreational space for community use along the Sawmill River.



2023 - Flood, July 21/23 inundated lower level. Investigating whether it had to do with Lake Wyola water levels altered without proper warning due to culvert repair on Locke Hill Road.



**CITY OF BOSTON CPA GRANT COMPLIANCE MONITORING FORM****Section 1. Historic Preservation General Project Information**

Project name:

Project category:

Contract ID:

Funding Year:

Date of Compliance Visit:

Contact for Compliance Visit: Fr.

Email:

Phone:

Summary of CPA funded scope of work:

Internal Checklist:

- ☐ Historic Preservation monitoring notes and maintenance photos have been uploaded to the Compliance folder in CPA Google Drive.
- ☐ Closeout paperwork and final budget with detailed scope of work completed was reviewed before compliance site visit.

Section 2. Public Benefit/Maintenance Measurements

How many public benefit activities have been held at this site annually?

Is the site free and open to the public at least once a month?

How is your organization promoting public benefit activities on the project site?

If maintenance issues have occurred what has been the process to course correct? Have these issues been documented?

Who specifically is assisting with the maintenance of the project site? Is the current maintenance plan sustainable long term?

How are you covering the maintenance cost annually?

Do you have a new project contact? If so, please provide the new information.

Section 3. Additional Grant Compliance Notes

General Notes:

Site Progress:

Maintenance Condition:

Warning Letter Needed:

Section 4. Annual Site Visit Photos (add links)

Section 5. Follow Up Site Visit needed for Low Scoring Compliance

Date of initial compliance visit:

Areas of concern:

Date of follow up site visit:

CITY OF BOSTON CPA GRANT COMPLIANCE MONITORING FORM

Compliance Checklist Questions	Needs Improvement				Meets CPA Compliance		N/A
	0	1	2	3	4	5	
1.) Site adheres to CPA maintenance standards and cleanliness upon site visit.							
2.) During compliance visit signage is still visibly mounted.							
3.) Has the project site been adhering to the proposed maintenance plan?							
4.) If maintenance concerns have occurred, photo documentation has been collected.							
5.) There are no safety concerns for the public accessing the site. (i.e clear walkways)							
6.) Signage clearly states park hours as dusk to dawn. (OS/R only)							

HISTORICAL COMMISSION BUDGET LINE REQUEST

List of suggestions from MHC. (Jennifer Doherty/ Michael Steinitz, 1/4/24)

- Under MGL, yes, communities can establish an affordable housing trust, and fund that with CPA funds. However, there is no corresponding MGL for a town-operated "preservation trust" to do preservation work and that could receive CPA funds.
- There are, though, several "preservation trust" groups throughout the state. These are just regular, private non-profits with the name "preservation trust" - Nantucket Preservation Trust, Dartmouth Heritage Preservation Trust, Newburyport Preservation Trust. As noted above, they are not established under any special MGL, like affordable housing trusts, they are just a regular private non-profit similar to any other private non-profit specialty organization.
- Community members could establish a private, non-profit "Leverett Preservation Trust," and if certified as a charitable organization, it could hold Preservation Restrictions; some of those mentioned above do. But again, this would be a separate, private organization, not a Town organization in any way, not administered or controlled by the Town or the LHC.
- Michael has had some cases recently of PR holders requiring an annual fee from the property owner as well as a sort of "application fee" any time they need something reviewed by the PR holder, to help cover the cost of monitoring and bring in experts as needed. This is a recent development, though, so he is not sure how successful it has been.
- The CPC or LHC, if it is having difficulty monitoring PRs with the experience on the commission(s), could ask the Town for funding to hire a part-time or consultant staff member to review projects. But I know that is a big ask in a small town! You might reach out to FRCOG, to see if they could provide any assistance. There's also a sizeable group of CPA communities around you, it might be worth looking into some kind of shared services agreement for a PR monitor.

Let me know if there's anything else I can help with!

Jenn

Jennifer B. Doherty

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