

CONSERVATION AND HISTORIC PRESERVATION RESTRICTION  
to  
THE TRUSTEES OF RESERVATIONS  
and  
BOXBOROUGH HISTORICAL SOCIETY

STEELE FARM, BOXBOROUGH, MASSACHUSETTS

THE TOWN OF BOXBOROUGH, with an address of 29 Middle Road, Boxborough, MA 01719, being the sole owner of the granted premises and intending hereby to bind itself and its successors and assigns, who are collectively referred to herein as "Grantor", acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, hereby grants, with quitclaim covenants, to The Trustees of Reservations, a Massachusetts charitable corporation established under Chapter 352 of the Acts of 1891, and qualified to hold Conservation and Preservation Restrictions in accordance with Chapter 184 of the Massachusetts General Laws, and having an address at 572 Essex Street, Beverly, MA, 10915, its successors and permitted assigns, and the Boxborough Historical Society, Inc., qualified to hold Conservation and Preservation Restrictions in accordance with Chapter 184 of the Massachusetts General Laws, having an address at 29 Middle Road, Boxborough, MA, 01719, its successors and permitted assigns, (collectively the "Grantee"), in perpetuity and exclusively for conservation and historic preservation purposes, as a gift, the following described Conservation and Historic Preservation Restriction (hereinafter, the "Restriction") on a parcel of land described in the below-referenced deed as having 34 acres and 10 rods more or less, and shown on Town Assessor's map as having 36.19 acres, located at 484 Middle Road in the Town of Boxborough, Massachusetts, said parcel being described in Exhibit A, attached hereto, and shown in the sketch plan in Exhibit B, attached hereto ("Premises"), said exhibits A and B being incorporated into this Restriction by this reference. For Grantor's title to the Premises, see deed from James T. Van Buren, guardian of the estate of Myrtle J. Steele, to the Town of Boxborough, recorded on August 25, 1994 in the Middlesex South District Registry of Deeds, Book 24806, Page 143.

Purpose. This Conservation and Historic Preservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. Its purpose is to assure that the Premises will be retained in perpetuity predominantly in its natural, scenic, and open condition, and for agricultural, forestry, recreational and water supply uses, and for the preservation of its historic structures and landscape, and to prevent any use of the Premises that will materially impair or interfere with the conservation and historic values of the Premises.

The intent of this Restriction is to provide protections consistent with the goals of the residents of the Town of Boxborough when the property was acquired in 1994, and to maintain the lands and buildings in the appearance and style of an 18<sup>th</sup> and 19<sup>th</sup> century working farm characteristic of Boxborough's rural, agricultural heritage, and to promote ongoing public education, enjoyment and use.

The public benefits resulting from conservation and preservation of the Premises include, without limitation:

- (1) Protection of Scenic Resources. The Premises comprise part of a highly scenic landscape visible from Middle Road. Protection of the Premises will preserve the scenic character of Middle Road and scenic views of an open, historic agricultural landscape.
- (2) Historic Preservation. The Premises are included in the National Register of Historic Places as the Levi Wetherbee Farm, listed on December 12, 2006 (NRHP #06001128). The National Register of Historic Places Nomination Form is hereby attached hereto and incorporated into this Restriction as Exhibit D. Protecting the Premises will preserve a farmhouse, a barn and an icehouse and its associated rural, agricultural landscape dating to the mid-19<sup>th</sup> century.
- (3) Protection of Agriculture. Protection of the Premises will allow for continued productive agricultural activities and will conserve important soils classified by the United States Department of Agriculture's Natural Resource Conservation Service as Prime Agricultural Soils (Sudbury fine sandy loam).
- (4) Protection of Wildlife Habitats. Conservation of the Premises will protect habitat (including grasslands, meadows, woodlands and wetlands) used by a variety of wildlife, including nesting grassland birds. The protection of the Premises will enhance the ecological value and integrity of adjacent, similarly protected lands, including the Beaver Brook Meadow.
- (5) Protection of Recreational Resources. Preservation of the Premises will preserve the public's use and enjoyment of Steele Farm for passive recreation and compatible public events.
- (6) Aquifer Protection. The Premises is located near, or itself may become, a potential municipal drinking water well site. Protection of the Premises will contribute to the preservation of this public water supply.
- (7) Furtherance of Government Policy, Boxborough. Protection of the Premises is consistent with the Town of Boxborough's most recently completed Open Space and Recreation Plan (2002) and the Boxborough Master Plan (2002).
- (8) Furtherance of Government Policy, Massachusetts. Protection of the Premises is in furtherance of the policy of the Commonwealth of Massachusetts, Department of Conservation and Recreation, Heritage Landscape Inventory Program, which recommends the permanent protection of Steele Farm in the Boxborough Reconnaissance Report/Freedom's Way Landscape Inventory.

The terms of this Restriction are as follows:

**A. Prohibited Uses.** Except as provided in the reserved rights set forth in paragraph B below, the Grantor will neither perform nor allow others to perform the following acts and uses, which are expressly prohibited on, above and under the Premises:

- (1) Any alterations to or removal of existing buildings;
- (2) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (3) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit; alteration of the existing natural topography of the Premises; withdrawal of surface or ground water from the Premises.
- (4) Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (5) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (6) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, or archaeological conservation;
- (7) The use, temporary or permanent parking, or storage of motorcycles, motorized trail bikes, snowmobiles and all other motor vehicles, except as provided in paragraph B below, or as necessary for the police, firefighters or other governmental agents to carryout their lawful duties;
- (8) The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises;
- (9) Conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises; conveyance of a part or portion of the Premises, or division or subdivision of the Premises for conservation purposes, shall be permitted with the written consent of the Grantee; conveyance of the Premises in its entirety shall be permitted, provided that any such conveyance is subject to, and consistent with, the terms of this Restriction;
- (10) The use of the Premises for:
  - a. subsequent transferal of development rights to any property, whether or not adjacent to the Premises;
  - b. use in any calculations involving development of this or any other property, whether or not adjacent to the Premises, in any manner whatsoever.
- (11) Any other use of the Premises or activity thereon that is inconsistent with the purpose of this Restriction or that would materially impair significant

conservation interests unless necessary in an emergency for the protection of the conservation and historic interests that are the subject of this Restriction.

**B. Reserved Rights.** All acts and uses not prohibited in paragraph A are permissible, provided they do not materially impair the purposes of this Restriction. The following acts and uses, otherwise prohibited in Paragraph A, are permitted, but only if such uses and activities do not materially impair the purpose of this Restriction:

- (1) **Maintenance of Historic Structures.** With prior written approval of Grantee, alterations to the existing buildings' exteriors are allowed, providing that they are (a) clearly of minor nature and not affecting the characteristics which contribute to the architectural, archeological and historical integrity of the Premises, or (b) the Grantee determines that it will not impair such characteristics after reviewing plans and specifications submitted by the Grantor, or (c) required by casualty or other emergency promptly reported to the Grantee. Any activity shall be carried out in a manner consistent with the United States Secretary of the Interior's "Standards for Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (36 CFR 67 and 68)," an excerpt of which is attached hereto as Exhibit C, as these may be amended from time to time (hereinafter the "Secretary's Standards"). With prior written notice to Grantee, the maintenance, restoration or alteration of the existing buildings' interiors is permitted.

i. **The Barn** With the prior written approval of the Grantee, the barn may be extended beyond the limits of its original perimeter solely for the purposes of fully implementing uses consistent with the purposes of this Restriction. In no such case shall such extension diminish the architectural quality or style as originally designed and constructed nor the general profile or architectural features.

ii. **Minor Structures** The construction, maintenance, repair and replacement of (1) minor structures for use by the public for educational and passive recreational purposes, such as but not limited to interpretive signs, exhibits, shelters and benches, (2) ancillary decorative or landscape structures as may be desirable in support of the historic landscape restoration program or restoration of historic landscape elements, and (3) minor structures needed for compliance with the American with Disabilities Act (ADA) standards. All such structures shall be designed and located so as not to have deleterious impact on the historic and conservation values of the Premises.

Notwithstanding the foregoing provisions if, after an inspection, the Building Inspector finds that a building subject to this Restriction poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate repairs or demolition of the building or structure, then the Building Inspector may issue an emergency repair or demolition permit. The Building Inspector shall then prepare a report explaining

the condition of the building and the basis for his decision, which shall be forwarded to the Grantees before such repairs or demolition can take place.

- (2) **Recreational Activities.** Hiking, horseback riding, cross-country skiing, sledding, dog walking, jogging, bird and nature watching, camping, mountain biking, snowshoeing, amateur astronomy in both daylight and night-time hours, kite-flying, model aircraft flying, model rocketry, camping with permit and other outdoor recreational activities (including activities permitted pursuant to Paragraph B(1), above and activities described in the Management Plan referred to in Section A.11. of this Restriction) that do not materially alter the landscape or degrade environmental quality.
- (3) **Events.** The use of the Premises, including the existing buildings, for public or private events, including but not limited to official Town festivals (such as winter fest and employee/volunteer recognition functions), historic re-enactments, concerts, or private functions, such as weddings or reunions, and erection of temporary tents, provided that any event does not materially alter the landscape or degrade environmental quality.
- (4) **Trails.** The construction, maintenance and marking of trails for pedestrian use, mountain biking and horseback riding, including the construction, maintenance, repair and replacement of boardwalk trails or footbridges where such use is consistent with the purposes of the Restriction.
- (5) **Wood Roads.** The maintenance of presently existing wood roads, as identified in the baseline documentation report completed prior to the grant of this Restriction, located on the Premises substantially in their present condition, or as reasonably necessary for the uses permitted herein, and, with the prior written permission of Grantee, the construction of new wood roads for such purposes.
- (6) **Agriculture.** Agricultural, horticultural, and animal husbandry operations carried on in accordance with the then-current scientifically-based practices recommended by the U.S. Cooperative Extension Service, U.S. Natural Resources Conservation Service, or other government or private natural resource conservation and management agencies then active, and to the extent possible, with respect to, and in accordance with, the scenic, historic and ecological values of the property (including but not limited to the clearing and cultivation of fields, the mowing and grazing of meadows, the haying of the grasslands, the selective planting of trees, shrubs and flowers, including without limitation those for shade, ornament or fruit-bearing purposes, planting, cultivating and harvesting of Christmas trees, keeping of farm animals and bees, small-scale commercial activities in association with such operations, and community gardens).
- (7) **Field Expansion.** With prior written approval of Grantee, the expansion of existing fields for agricultural, animal husbandry, or horticultural use.

- (8) Forestry. In accordance with generally accepted forest management practices, (a) selective pruning and cutting to prevent, control or remove hazards, disease or insect damage, fire or to preserve the present condition of the Premises, including vistas wood roads and trails; (b) harvesting trees for use or sale on the Premises; and (c) following notice to Grantee, the cutting of trees for any purpose, including, without limitation, commercial timber production, in accordance with a forest stewardship plan, prepared by a professional forester, that is designed to protect the conservation and historic values of the Premises, including without limitation, scenic, historic and ecological values. Grantor agrees to provide a copy of the forest management plan to the Grantee. Where Grantor intends to implement a forest management plan, Grantor agrees to provide Grantee written notice and a cutting plan 30 days prior to any forestry activity.
- (9) Composting. The stockpiling, occasional burning, and composting of stumps, tree and brush limbs and similar biodegradable materials originating on the Premises in locations where the presence of such activities will not have a deleterious impact on the purposes (including scenic values) of this Restriction.
- (10) Wildlife Habitat Improvement. With prior written approval of Grantee, and in consultation with the Conservation Commission, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species.
- (11) Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (Massachusetts General Laws, Chapter 9, section 27C, 950 C.M.R. 70.00), or the appropriate successor official.
- (12) Signs. The erection, maintenance and replacement of signs with respect to hunting, trespass, rules for use of the property, trail access, identity and address of the property, the Grantee's interest in the property, and the protected conservation and historic values.
- (13) Access to Well Site on Adjacent Lands. The use of the Premises to gain access to adjacent, Town-owned lands (including without limitation the so-called "Picnic Trust" property), that may be the location of one or more future municipal drinking water wells, but only where there are no feasible alternative routes that would bypass the Premises. Temporary access to the Picnic Trust land include activities required for the exploration and testing drinking of water well sites and construction of one or more drilled or driven wells. Permanent access to a constructed municipal well or wells on the Picnic Trust site or other Town-owned land shall be permitted to maintain, repair or replace the well(s), and to construct, route and service underground utility lines needed to operate the well(s), including electric power and pipes to carry the water from the well(s), as long as

any access is carried out in a manner that preserves the existing conditions of the Premises to the greatest possible extent.

- (14) **Water Supply.** The site exploration and testing, design, installation, maintenance and replacement of a new public water supply well or wells and related water supply structures, including without limitation pumps, pump houses, water mains, water filtration system and any other building or structure used for public water supply purposes, and any access thereto and related parking facility on the Premises.
- (15) **Motorized Vehicles.** The use of motorized vehicles by the Grantor or its agents as necessary in exercising any of the reserved rights in this paragraph B, provided that such use shall be limited to roads to the extent possible and shall be conducted so as not to cause erosion or other adverse impacts on the conservation and historic values of the Premises. The use of mobility assistance devices by persons with disabilities, for access to and within the Premises, provided that such use and access do not create a hazard to the safety of either the user of such device or other persons on the Premises.
- (16) **Parking.** The construction, replacement, repair, maintenance, use and expansion to not more than three (3) additional parking spaces (600 square feet), and, with prior written approval of Grantee, further expansion of the existing designated parking area, now accommodating nine (9) parking spaces (1,800 square feet), shown in Exhibit E (“Steele Farm Existing & Potential Parking”), for permitted activities on the Premises.

The exercise of any right reserved by Grantor under this paragraph B shall be in compliance with all the Town of Boxborough bylaws and regulations, including then-current Zoning By-Law, Wetlands Bylaw, and all other land use and environmental regulations, the Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40) and all other applicable federal, state laws and regulations. The inclusion of any reserved right in this paragraph B requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position as to whether such permit should be issued.

**C. Notice and Approval.** Whenever notice to or approval by Grantee is required under the provisions of paragraphs A or B, Grantor shall notify Grantee in writing not less than sixty (60) days prior to the Grantor’s commencement of the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purposes of this Restriction.

1. Where Grantee’s approval is required under paragraph B(1) *Maintenance of Historic Structures*, the Boxborough Historical Society, Inc. (“BHS”), its successor or assign, shall, within thirty (30) days of receipt of Grantor’s request, notify The Trustees of Reservations (“TTOR”), its successor or assign, of BHS’s decision. Following receipt of BHS’s notice, but in no case later than sixty (60) days following TTOR’s receipt of Grantor’s written request, TTOR

shall either affirm or reverse the decision of BHS. TTOR's decision shall in all cases be final and controlling as to Grantee. In the event that no decision is received from BHS within said thirty (30) days, TTOR shall proceed to issue its decision within sixty (60) days of receipt of Grantor's written request. Failure of TTOR to act within said sixty (60) days shall be deemed to constitute approval of either BHS's decision, if one has been issued, or, in the absence of BHS's decision, of Grantor's request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time. Grantee's approval shall not be unreasonably withheld, but shall be granted only upon a showing that the proposed activity will not materially impair the purposes of this Restriction.

2. Where Grantee's approval is required under all other provisions of paragraphs A or B, TTOR shall grant or withhold its approval in writing within sixty (60) days of receipt of Grantor's written request therefor, provided that the Grantor's request complies in every respect with the requirements of this paragraph. TTOR's approval shall not be unreasonably withheld, but shall be granted only upon a showing that the proposed activity will not materially impair the purposes of this Restriction. Failure of TTOR to respond in writing within such 60 days to a request which complies with the requirements of this paragraph shall be deemed to constitute approval by TTOR of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time.

#### **D. Extinguishment.**

1. **Grantee's Receipt of Property Right.** The Grantor(s) and the Grantee agree that the donation of this Restriction gives rise for purposes of this paragraph to a real property right, immediately vested in the Grantee, with a fair market value that is equal at least to the proportionate value (seventy-five percent (75%)) that this Restriction, determined at the time of the gift and documented in the Baseline Documentation Report bears to the value of the unrestricted Premises at that time.

2. **Right of Grantee to Recover Proportional Value at Disposition.** If circumstances arise in the future that render the purpose of this Restriction impossible to accomplish, this Restriction can be terminated, released or extinguished, whether in whole or in part, only by proceedings consistent with MGL 184 Sections 31-33 or judicial proceedings in a court of competent jurisdiction. In case of any such extinguishment or other release of the Restriction, then Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with paragraph D.1, above, subject, however, to any applicable law that expressly provides for a different disposition of proceeds, after complying with the terms of any gift, grant or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

3. **Grantor/Grantee Cooperation Regarding Public Action.** Whenever all or any part of the Premises or any interest therein is taken by public authority other than the Town of Boxborough under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action.

4. Allocation of Expenses upon Disposition. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and the Grantee in shares proportional to their interests in the Premises, as described in paragraphs D.1 and D.2, above, after complying with the terms of any gift, grant or funding requirements. The Trustees of Reservations and the Boxborough Historical Society, Inc., as co-holders, shall share equally in any proceeds due to the Grantee under the provisions of section D of this Restriction.

5. Extinguishment by Eminent Domain by Town of Boxborough. Whenever the entirety or any provision of this Restriction is taken by eminent domain by the Town of Boxborough for a public purpose under G.L. c.79 or any special act, damages calculated in accordance with paragraph D.1, above shall be due to the Grantee, based upon an appraisal by an independent appraiser obtained by the Grantor and Grantee hereby waives any right to an award of additional damages.

6. Proceeds to be Held in Trust by Grantee. The Grantee shall hold all proceeds paid to the Grantee under section D of this Restriction in trust to be used to acquire real property or interests in real property, including without limitation restrictions, which real property shall be located within the Town of Boxborough, for conservation purposes and/or for historic preservation purposes, and, whether or not the Town of Boxborough holds the fee ownership interest in the Premises at the time the proceeds is paid to the Grantee, the Grantee shall consult with the Board of Selectmen (or the officer or board then acting as chief executive officer of said municipality) upon the site or sites chosen for such acquisition, and The Trustees of Reservations and the Boxborough Historical Society, Inc. shall consult with each other in the choice of such sites. If the fee ownership interest in any real property is acquired by the Grantee with said trust funds, the property shall be held in trust in perpetuity for such conservation and/or historic preservation purposes and if a restriction is acquired, it shall be a perpetual conservation restriction and/or historic preservation restriction pursuant to G.L. c.84, §§31-32. If any circumstance arises whereby a court of competent jurisdiction determines that this trust is no longer able to be accomplished by either Grantee, the remainder of the funds held by that Grantee shall be given to the Town of Boxborough to be held in trust for conservation and/or historic preservation purposes.

E. Access. The Restriction hereby conveyed does not grant to Grantee, to the public generally, or to any other person any right to enter upon the Premises except as follows:

1. Grantor hereby grants to the Grantee and its representatives the right to enter the Premises (a) at reasonable times and in a reasonable manner for the purpose of regular monitoring and inspecting the same to determine compliance herewith, including the right to access the Premises over roads and rights of way owned by the Grantor and any rights of way or other access ways now or hereafter available to Grantor for access to the Premises, and (b) after 30 days' prior written notice, to take any and all actions with respect to the Premises as may be necessary or appropriate, with or without order of court, to remedy, abate or otherwise enforce any violation hereof.

2. Grantor hereby grants to the public the right to enter upon the Premises for passive outdoor recreational uses of the Premises in a manner that is consistent with the Permitted Uses in Section B, above, and M.G.L. Chapter 40, Section 8c and M.G.L. Chapter 132A, Section 11 and Sections 2b and 2d, such as walking, jogging, cross-country skiing, sledding, fishing, birding, horseback riding, hiking, dog walking, picnicking, wildlife observation, camping with permit and other similar activities, subject to reasonable terms and conditions determined by the Grantor for such access.

F. Grantee's Right to Post Identifying Signage. The Grantee shall have the right to post signs, no more than one foot by one foot in size, on the boundaries of the Premises, identifying the interest of the Grantee in the Premises, and informing the public of the nature and public benefit of the conservation and preservation of the Premises.

G. Legal Remedies of Grantee. The rights hereby granted shall include the right to enforce this Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including without limitation relief, if feasible and subject to appropriation, requiring restoration of the Premises to their condition prior to such violation (it being agreed that Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to Grantee. Grantor covenants and agrees to reimburse Grantee for all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Restriction or in taking reasonable measures to remedy or abate any violation thereof, provided that a violation of this Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred, and provided further that such reimbursement obligation shall not be enforceable against the Town of Boxborough if at the time of violation said Town continues to be the holder of the fee ownership interest in the Premises. By its acceptance of this Restriction, Grantee does not undertake any liability or obligation relating to the condition of the Premises, including with respect to compliance with hazardous materials or other environmental laws and regulations. Any election by the Grantee as to the nature and timing of its actions pursuant to its right to enforce this Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

H. Acts Beyond Grantor's Control. Nothing contained in this Restriction shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including, but not limited to, fire, flood, storm and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. The parties to this Restriction agree that in the event of damage to the Premises from acts beyond the Grantor's control, if it is desirable that the Premises be restored, the parties will cooperate in attempting to restore the Premises if feasible.

I. Duration and Assignability. The burdens of this Restriction shall run with the Premises and shall be enforceable against Grantor in perpetuity. Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Restriction. The Grantor appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor agrees

itself to execute any such instruments upon request. The benefits of this Restriction shall be in gross and shall not be assignable by Grantee, except in the following instances from time to time: (i) as a condition of any assignment, Grantee requires that the purpose of this Restriction continue to be carried out; (ii) the assignee, at the time of assignment, qualifies under Section 32 of Chapter 184 of the Massachusetts General Laws, as an eligible donee to receive this Restriction directly; (iii) Grantee complies with the provisions required by Article 97 of the Amendments to the State Constitution, if applicable; and (iv) while the Town of Boxborough continues to be the holder of the fee ownership interest in the Premises, said Town, acting by and through its Board of Selectmen (or the officer or board then acting as chief executive officer of said municipality) approves the assignee in writing, which approval shall not unreasonably be denied. Grantor and Grantee intend that the restrictions arising hereunder shall take effect when all requisite signatures pursuant to Section 32 of Chapter 184 of the General Laws have been obtained and the document has been recorded in the Middlesex South District Registry of Deeds. This Restriction shall be recorded in a timely fashion.

**J. Subsequent Transfers.** Grantor agrees to incorporate by reference the terms of this Restriction in any deed or other legal instrument by which Grantor conveys any interest in all or a portion of the Premises, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the proposed transfer of any such interest at least twenty (20) days prior to the date of such transfer. Failure of Grantor to do so shall not impair the validity of this Restriction or limit its enforceability in any way

**K. Termination of Rights and Obligations.** Notwithstanding anything to the contrary contained herein, the rights and obligations under this Restriction of any party holding any interest in the Premises terminate upon transfer of that party's interest, except that liability for acts or omissions occurring prior to transfer, and liability for the transfer itself if the transfer is in violation of this Restriction, shall survive the transfer.

**L. Estoppel Certificates.** Upon request by Grantor, Grantee shall within forty-five (45) days execute and deliver to Grantor any document, including an estoppel certificate, that certifies the status of Grantor's compliance with any obligation of Grantor contained in this Restriction, or that otherwise evidences the status of this Restriction, as may reasonably be requested by Grantor.

**M. Amendment.** If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor, acting by and through its Board of Selectmen (or the officer or board then acting as chief executive officer of said municipality) if the Town of Boxborough is still the owner of the Premises, and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including sections 31-33 of Chapter 184 of the General Laws of Massachusetts; any amendment shall be consistent with the purposes of this Restriction, and shall not affect its perpetual duration. Any amendment shall occur only in exceptional circumstances. Any amendment shall be consistent with the purposes of this Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and the Massachusetts Historical Commission or as required by applicable statutes in effect at the time of the proposed

amendment and, if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution. Any such amendment shall be recorded in the Middlesex South District Registry of Deeds.

**N. Effective Date.** This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative Approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in the Middlesex South District Registry of Deeds.

**O. Recordation.** The Grantee shall record this instrument in timely fashion in the Middlesex South District Registry of Deeds.

**P. Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed to the party to be notified, at the address last known to the notifying party, or to such address as is reasonably ascertainable.

**Q. Miscellaneous**

(1) **Controlling Law.** The interpretation and performance of this Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

(2) **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Restriction shall be liberally construed in favor of the grant to effect the purpose of this Restriction and the policy and purpose of Mass. Gen. Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

(3) **Severability.** If any provision of this Restriction shall to any extent be held invalid, the remainder shall not be affected.

(4) **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Restriction, all of which are merged herein.

(5) **Joint Obligation.** The obligations imposed by this Restriction upon the parties that together comprise "Grantor" shall be joint and several.

(6) **Captions.** The captions in this instrument have been inserted solely for convenience of reference. They are not a part of this instrument and shall have no effect upon construction or interpretation.

(7) **Pre-existing rights of the Public.** Approval of this Restriction pursuant to M.G.L Chapter 184, Section 32 by any municipal officials, by the Secretary of Energy and Environmental Affairs, and by the Massachusetts Historical Commission is not to be construed

as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises. Any such pre-existing rights of the public, if any, are not affected by the granting of this Restriction.

(8) Counterparts. This Restriction may be executed in counterparts and shall constitute a single agreement whether or not all signatures appear on a single copy hereof.

(9) Baseline Documentation. In order to establish the present condition of the Premises and the conservation and historic values thereon which are protected by this Conservation Restriction, so as to enable the Grantee to monitor future uses of the Property and to assure compliance with the terms hereof, Grantor and Grantee have prepared an inventory of the relevant features and conditions of the Premises (the "Baseline Documentation Report"), and agree that the same is an accurate representation of the condition of the Premises as of the date of the execution of this Restriction. Verified originals of the Baseline Documentation Report will be deposited with the Grantor and in the permanent records of the Grantee.

(10) Subordination. Grantor represents, and Grantee relies on Grantor's representation, that the Premises are free from any lien, encumbrance, or other interest by any third party in the Premises.

(11) Management Plan. Grantor and Grantee recognize the importance of and need for a property management plan for the Premises. In order to achieve the purpose of this Restriction, the Grantor shall develop a written management plan, consistent with the Conservation Restriction, in consultation with the Grantee that is designed to balance the multiple permitted uses and protect the conservation and historic preservation values of the Premises. Such Management Plan may be amended from time to time by Grantor, in consultation with Grantee.

No documentary stamps are required, as this Restriction is a gift.

(remainder of page left intentionally blank)

We, the undersigned, being a majority of the Selectmen of the Town of Boxborough, Massachusetts, hereby certify that at a meeting duly held on \_\_\_\_\_, 20\_\_ the Selectmen voted to grant the foregoing Conservation and Historic Preservation Restriction to \_\_\_\_\_ and \_\_\_\_\_ pursuant to M.G.L. Chapter 184, Section 32.

Executed under seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Selectmen:

---

Leslie R. Fox, Chair

---

Francis J. Powers, Clerk

---

Vincent M. Amoroso

---

Robert T. Stemple

---

Raid M. Suleiman

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

On this \_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

---

Notary Public  
My commission expires:

## ACCEPTANCE OF GRANT

The above Conservation and Historic Restriction is accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

THE TRUSTEES OF RESERVATIONS

By \_\_\_\_\_  
Kathryn Abbott  
Acting President

## COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

On this \_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires:

## ACCEPTANCE OF GRANT

The above Conservation and Historic Preservation Restriction is accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.

BOXBOROUGH HISTORICAL SOCIETY, INC.

By Duncan Brown, President

## COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_\_.

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

---

Notary Public  
My commission expires:

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to The Trustees of Reservations has been approved in the public interest pursuant to M.G.L. Chapter 184, Section 32.

Date: \_\_\_\_\_, 20\_\_\_\_

---

Richard K. Sullivan, Jr., Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

---

Notary Public  
My commission expires:

APPROVAL BY MASSACHUSETTS HISTORICAL COMMISSION  
COMMONWEALTH OF MASSACHUSETTS

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission hereby certifies that foregoing preservation restriction agreement has been approved pursuant to Massachusetts General Law, chapter 184, section 32.

Date: \_\_\_\_\_

BRONA SIMON, Executive Director  
And Clerk

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me, the undersigned notary public, personally appeared Brona Simon, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

## Exhibit A

The Premises consist of a parcel of land located at 484 Middle Rd. in Boxborough, Massachusetts, lying on the South side of Middle Road, shown as 07-3-125-0.0 on a plan entitled Boxborough Assessor's Map, prepared by Boxborough Assessor, dated FY 03 and included as Exhibit B herein. The Premises are bounded and described as follows:

24806-143

JAMES T. VAN BUREN, GUARDIAN of MYRTLE J. STEELE

by power conferred by WORCESTER PROBATE COURT under license dated May 31, 1994, allowed August 15, 1994, Docket # 92P1645 - G1, and every other power,

for FOUR-HUNDRED TWENTY-FIVE THOUSAND Dollars  
paid, grant to THE INHABITANTS OF THE TOWN OF BOXBORO

A certain parcel of land near the center of said Boxborough with all the buildings thereon standing and bounded as follows: Beginning at the road that leads to Harvard and at a corner of a wall at land now or formerly of Silas W. Wetherbee, thence by said road North 55 degrees West seventeen (17) rods; thence North 73 degrees West sixteen (16) rods; thence South 8 degrees West ten (10) rods to land now or formerly of Samuel Wetherbee; thence South 40 degrees West twenty-four (24) rods by said Samuel Wetherbee land and land now or formerly of Jane Bigelow; thence South 28 degrees West thirty-two (32) rods; thence South 21 degrees West thirty-three (33) rods by said Bigelow land to land now or formerly of Walter Mead; thence by said Mead land South 75 degrees East six and three-fourths (6 3/4) rods to the corner of the wall; thence by said Mead land South 7 degrees West fifty-nine (59) rods; across the meadow to a corner of the wall; thence by said Mead land and land now or formerly of the heirs of Dea. Moses Whitcomb South 75 degrees East twenty-five (25) rods to a corner of the wall at the said Silas W. Wetherbee land; thence by said Wetherbee land North 15 degrees East seventy-three (73) rods; thence North 32 degrees East seventy-two and one half (72 1/2) rods to the point of beginning. Containing thirty-four (34) acres and ten (10) rods, be the same more or less.

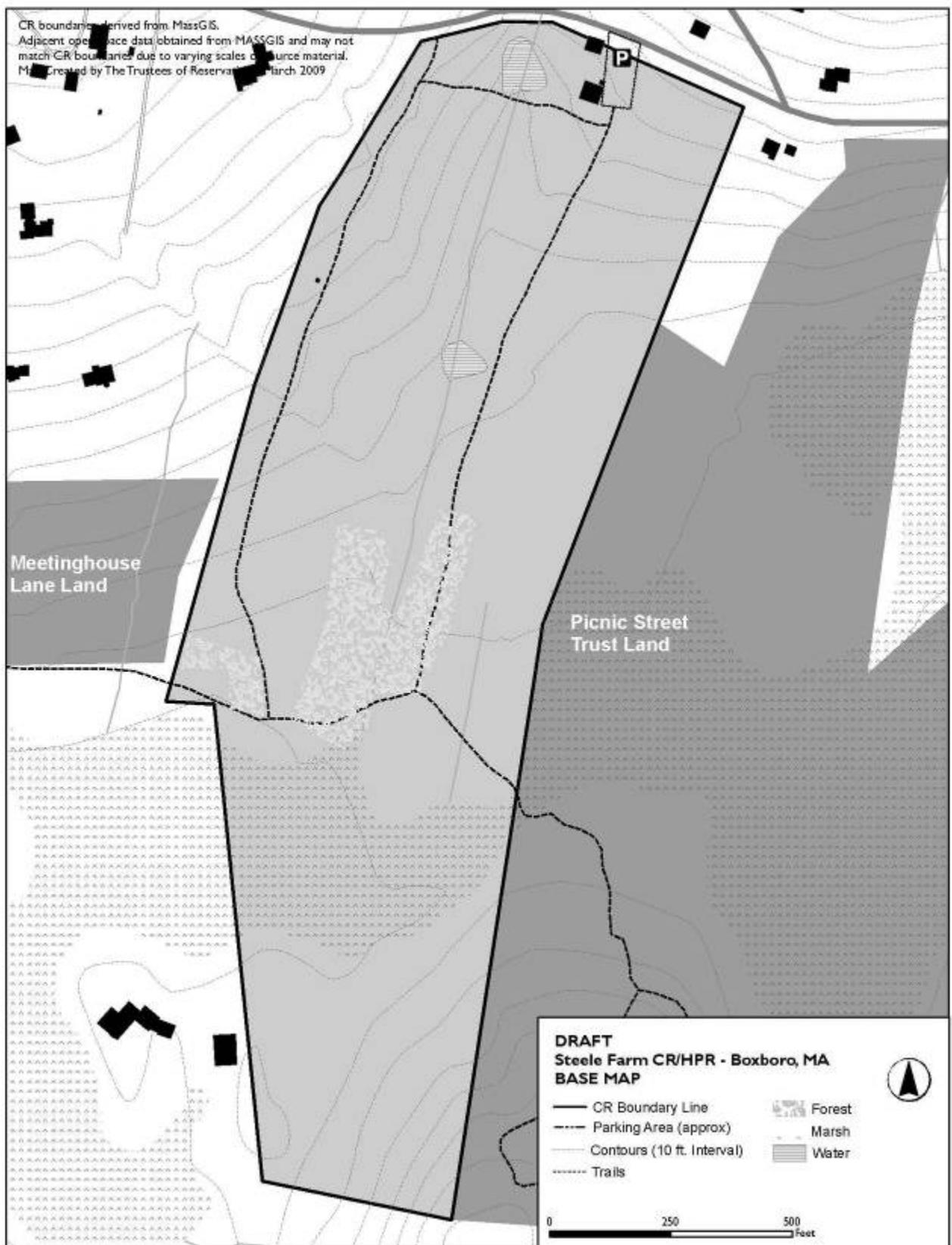
Being the same premises conveyed to the late Burpee F. Steele and the ward herein by deed dated March 4, 1954 recorded with Middlesex South District Registry of Deeds Book 8221, Page 549.

WITNESS my hand and seal this 15th day of August 1994

Joyce Kraskouskas  
Joyce Kraskouskas

J.T. Van Buren  
James T. Van Buren Guardian,  
Myrtle J. Steele

## Exhibit B – Sketch Plan of the Premises



## Exhibit C

### Standards for the Treatment of Historic Properties

#### PART 68—THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

**Authority:** The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*); sec. 2124 of the Tax Reform Act of 1976, 90 Stat. 1918; EO 11593, 3 CFR part 75 (1971); sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

**Source:** 60 FR 35843, July 12, 1995, unless otherwise noted.

##### § 68.1 Intent.

The intent of this part is to set forth standards for the treatment of historic properties containing standards for preservation, rehabilitation, restoration and reconstruction. These standards apply to all proposed grant-in-aid development projects assisted through the National Historic Preservation Fund. 36 CFR part 67 focuses on “certified historic structures” as defined by the IRS Code of 1986. Those regulations are used in the Preservation Tax Incentives Program. 36 CFR part 67 should continue to be used when property owners are seeking certification for Federal tax benefits.

##### § 68.2 Definitions.

The standards for the treatment of historic properties will be used by the National Park Service and State historic preservation officers and their staff members in planning, undertaking and supervising grant-assisted projects for preservation, rehabilitation, restoration and reconstruction. For the purposes of this part:

(a) *Preservation* means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

(b) *Rehabilitation* means the act or process of making possible an efficient compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values.

(c) *Restoration* means the act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(d) *Reconstruction* means the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

### § 68.3 Standards.

One set of standards—preservation, rehabilitation, restoration or reconstruction—will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available and interpretive goals, when applicable. The standards will be applied taking into consideration the economic and technical feasibility of each project.

(a) *Preservation.* (1) A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

(2) The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(b) *Rehabilitation.* (1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

(2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

- (4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
  - (5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
  - (6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
  - (7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
  - (8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
  - (9) New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
  - (10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (c) *Restoration.* (1) A property will be used as it was historically or be given a new use that interprets the property and its restoration period.
- (2) Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.
- (3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
- (4) Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.
- (5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
- (6) Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.
- (7) Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding

conjectural features, features from other properties, or by combining features that never existed together historically.

(8) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(9) Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(10) Designs that were never executed historically will not be constructed.

(d) *Reconstruction.* (1) Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture and such reconstruction is essential to the public understanding of the property.

(2) Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

(3) Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

(4) Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.

(5) A reconstruction will be clearly identified as a contemporary re-creation.

(6) Designs that were never executed historically will not be constructed.

## Exhibit D

Copy of The National Register of Historic Places Nomination Form (NRHP #06001128), which is a historic baseline.

NPS Form 10-900  
(Rev. 10-90)

OMB No. 1024-0018

### United States Department of the Interior National Park Service

### National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

#### 1. Name of Property

historic name Levi Wetherbee Farm

other names/site number Wetherbee-Cobleigh-Steele Farm

#### 2. Location

street & number 484 Middle Road N/A, not for publication

city or town Boxborough N/A vicinity

state Massachusetts code MA county Middlesex code 017 zip code 01719

#### 3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this nomination  
 request for determination of eligibility meets the documentation standards for registering properties in the National Register of  
Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property  
 meets  does not meet the National Register Criteria. I recommend that this property be considered significant  
 nationally  statewide  locally. (See continuation sheet for additional comments.)

*Brona Simon* November 3, 2006  
Signature of certifying official/Title: Brona Simon, Deputy SHPO, MHC Date

State or Federal agency and bureau

In my opinion, the property  meets  does not meet the National Register criteria. (See continuation sheet for additional comments.)

Signature of certifying official/Title Date

State or Federal agency and bureau

#### 4. National Park Service Certification

I hereby certify that this property is:

- entered in the National Register
  - See continuation sheet.
- determined eligible for the National Register
  - See continuation sheet.
- determined not eligible for the National Register
- removed from the National Register
- other (explain): \_\_\_\_\_

Signature of the Keeper

Date of Action

\_\_\_\_\_

Levi Wetherbee Farm  
Name of Property

Middlesex, MA  
County and State

**5. Classification**

Ownership of Property  
(Check as many boxes as apply)

private  
 public-local  
 public-State  
 public-Federal

Category of Property  
(Check only one box)

building(s)  
 district  
 site  
 structure  
 object

Number of Resources within Property  
(Do not include previously listed resources in the count.)

| Contributing | Non-contributing |            |
|--------------|------------------|------------|
| 3            | 0                | buildings  |
| 4            | 0                | sites      |
| 3            | 0                | structures |
| 2            | 0                | objects    |
| 12           | 0                | Total      |

Name of related multiple property listing  
(Enter "N/A" if property is not part of a multiple property listing.)

N/A

Number of contributing resources previously  
listed

In the National Register

0

**6. Function or Use**

Historic Functions

(Enter categories from instructions)

DOMESTIC: single dwelling

AGRICULTURE: agricultural fields

Current Functions

(Enter categories from instructions)

VACANT (house)

RECREATION

AGRICULTURE: agricultural field

**7. Description**

Architectural Classification

(Enter categories from instructions)

COLONIAL: Georgian

Materials

(Enter categories from instructions)

foundation STONE: fieldstone

walls WOOD: weatherboard

roof ASPHALT shingle

other

**Narrative Description**

(Describe the historic and current condition of the property on one or more continuation sheets.)

Levi Wetherbee Farm  
Name of Property

Middlesex, MA  
County and State

#### 8. Statement of Significance

**Applicable National Register Criteria**  
(Mark "X" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield, information important in prehistory or history.

**Criteria Considerations**  
(Mark "X" in all the boxes that apply.)

Property is:

- A owned by religious institution or used for religious purposes.
- B removed from its original location.
- C a birthplace or grave.
- D a cemetery.
- E a reconstructed building, object, or structure.
- F a commemorative property.
- G less than 50 years of age or achieved significance within the past 50 years.

#### Areas of Significance

(Enter categories from instructions)

- ARCHITECTURE
- COMMUNITY PLANNING AND DEVELOPMENT
- AGRICULTURE
- 
- 
- 
- 
- 

#### Period of Significance

mid-18<sup>th</sup> century to 1956

#### Significant Dates

1784

1941

#### Significant Person

(Complete if Criterion B is marked above)

N/A

#### Cultural Affiliation

N/A

#### Architect/Builder

house: unknown

barn: Thomas A. Steele

#### Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

#### 9. Major Bibliographical References

##### Bibliography

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

##### Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey
- # recorded by Historic American Engineering Record #

##### Primary location of additional data:

- State Historic Preservation Office
- Other State agency
- Federal agency
- Local government
- University
- Other

##### Name of repository:

Levi Wetherbee Farm \_\_\_\_\_ Middlesex, MA  
Name of Property \_\_\_\_\_ County and State \_\_\_\_\_

**10. Geographical Data**

Acreage of Property 36.19 acres

**UTM References**

(Place additional UTM references on a continuation sheet)

|       |             |               |       |             |               |
|-------|-------------|---------------|-------|-------------|---------------|
| 1. 19 | 2 9 2 4 4 0 | 4 7 0 7 1 6 0 | 3. 19 | 2 9 2 5 0 0 | 4 7 0 6 4 2 0 |
| Zone  | Easting     | Northing      | Zone  | Easting     | Northing      |
| 2. 19 | 2 9 2 6 8 0 | 4 7 0 7 1 2 0 | 4. 19 | 2 9 2 3 8 0 | 4 7 0 6 4 4 0 |
| Zone  | Easting     | Northing      | Zone  | Easting     | Northing      |
|       |             |               | 5. 19 | 2 9 2 3 0 0 | 4 7 0 6 6 4 0 |
|       |             |               | Zone  | Easting     | Northing      |

**Verbal Boundary Description**

(Describe the boundaries of the property on a continuation sheet.)

**Boundary Justification**

(Explain why the boundaries were selected on a continuation sheet.)

**11. Form Prepared By**

name/title Anne Forbes, consultant, with Betsy Friedberg, National Register Director, MHC  
organization Massachusetts Historical Commission date October, 2006  
street & number 220 Morrissey Blvd. telephone 617-727-8470  
city or town Boston state Massachusetts zip code 02125

**Additional Documentation**

Submit the following items with the completed form:

**Continuation Sheets**

**Maps**

A USGS map (7.5 or 15 minute series) indicating the property's location.  
A sketch map for historic districts and properties having large acreage or numerous resources.

**Photographs**

Representative black and white photographs of the property.

**Additional Items**

(Check with the SHPO or FPO for any additional items)

**Property Owner**

(Complete this item at the request of the SHPO or FPO.)

name Town of Boxborough  
street & number 29 Middle Road telephone 978-263-1116  
city or town Boxborough state MA zip code 01719

**Paperwork Reduction Act Statement:** This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

**Estimated Burden Statement:** Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, and the Office of Management and Budget, Paperwork Reductions Project (1024-0018), Washington, DC 20503.

United States Department of the Interior  
National Park Service

National Register of Historic Places  
Continuation Sheet

Levi Wetherbee Farm  
Boxborough (Middlesex), MA

Section number 7 Page 1

## 7. DESCRIPTION

### General site layout

The Levi Wetherbee (Wetherbee-Cobleigh-Steel) Farm (MHC Area A) is located in an area east and southeast of Boxborough's old town center composed of residential and agricultural properties dating from the late 18<sup>th</sup> through the 20<sup>th</sup> centuries. Development in the immediate vicinity of the farm consists of 19<sup>th</sup> and 20<sup>th</sup> century houses on large lots, with large stretches of woods and wetlands interspersed.

The nominated property (MHC Area A) comprises a single 36-acre parcel of land which gradually descends south from Middle Road through an evolved agricultural landscape (MHC #902) of hay meadows and the remains of a mid-20<sup>th</sup> century Christmas tree farm to a wooded wetland in the south portion. A narrow streambed with high banks courses south through the west part of the property from a small round farm pond just below the road (Map #5; Photo #1). Outflow of water from the pond is channeled through a corrugated metal culvert under a stone-reinforced causeway or "run" across the pond's south edge. (Map #10; Photo 1). The grassed surface of the run shows the ruts of generations of wheels of farm vehicles.

On higher ground along the west edge of the property, roughly paralleling the stream, is a heavily rutted cart path (Map #6; Photo 8). The path is intersected at two points by fieldstone walls that may once have formed part of an enclosure, although currently openings in the walls, once perhaps fitted with wooden gates, stand open.

Most of the east and west property boundaries of the farm are lined with fieldstone walls (Map #7). A line of deciduous trees follows the east boundary wall, and scattered bushes and trees, including a few old or wild apple trees, are present on the west part of the property in the area of the pond and cartpath. Clumps of balsam and other nursery evergreen trees remaining from a 20th-century tree farm occupy part of the center portion of the farm.

The Levi Wetherbee House stands close to the south edge of Middle Road. Just east of the house, a short asphalt drive, lined on the east with maple trees, leads to the early 1940s barn. A few feet north of the barn is the 9 1/2' x 11 1/4' rubble-based concrete slab remaining from the gable-roofed, clapboarded milkhouse of about 1950, which was torn down in the 1990s. A few 20<sup>th</sup>-century sheds were taken down after the town of Boxborough bought the farm in 1994, but a small icehouse of ca. 1904 relocated from another Boxborough farm in 1999, stands on a small knoll south of the barn. The remains of a stone structure, reported to have been a tunnel leading from the house cellar to the bank of the pond (also likely to have been used as a root cellar), are still in place underground just southwest of the house.

Prior to 1856, the line of Middle Road passed just south of the farmhouse, rather than north. Through World War II, apple orchards and meadows occupied most of the property on both sides of the stream, leaving only a small cleared area around the house and outbuildings at the north-northeast edge of the property.

(continued)

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

**Levi Wetherbee Farm  
Boxborough (Middlesex), MA**

**Section number 7 Page 2**

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**Levi Wetherbee House (Wetherbee Farmhouse), mid-18th C./enlarged ca. 1800-1815 (MHC:3;  
Map #1, Photos 1-5)**

The farmhouse in its present form is a 34 x 28-foot south-facing, side-gabled, 3 x 2-bay, 2½-story, center-chimney house. Due to the relocation of Middle Road, the building stands with its back to the street. Clad in wood clapboard, with an asphalt-shingle roof, it rests on a fieldstone foundation topped with split granite blocks. Its south facade is symmetrically arranged. The center entry has a mid 19th-century door with what were apparently six recessed panels trimmed with applied moldings. The top two panels have been replaced with a line of three glass lights. The door surround consists of a simple enframement of wide, unadorned boards. Similarly, the windows have flat-board surrounds flush with the siding. The east and west gable-end elevations, which appear to have formerly had a symmetrical two-bay arrangement of openings, aligned at first and second stories and a single 6/6 window in the gable peak, each have been slightly altered. The east wall has a wooden 20th-century, 6-light-over 2-panel door in the north portion, and the west gable end has two small mid 20th-century two-pane kitchen windows on the south part, rather than a single window. On the rear (north) wall, two 6/6's are aligned at each story, set somewhat off-center toward the east part of the wall.

Except for the two modern windows on the west gable end, all the windows are double-hung 6-over-6 sash. Some sash is of the mid 19th-century type with narrow ogee muntins; others are later 6/6 replacements. The exterior trim includes a molded, boxed cornice with returns on the gable ends, and narrow cornerboards. Below the eaves on the north and south walls is a prominent bed molding above a narrow friezeboard adorned with a narrow architrave molding. A molding with a similar profile trims the lower edge of the crown along the eaves and at the gable ends of the roof.

The large brick center chimney rises through the roof ridge. Three small box ventilators on the south front roof slope are a minor alteration of the late 20th century.

**Interior, first story.** The house is arranged on a conventional two-room-deep, center-chimney plan, with a lobby entrance with three-run stair in front of the chimney, a room to either side at each story, and, across the back, a broad center room with specialized spaces partitioned at either end. An enclosed rear stairway at the northeast corner ascends to the main rear second-story room. Between the stairway and the rear wall of the first-story southeast room is a vestibule leading to the northeast side entry. A small room in the northwest corner of the first story, now a combination pantry and lavatory, probably began as a bedroom, as did the small room above it at the second story, which was converted to a bathroom in the 1920s or 1930s.

The house as taxed in 1798 was one story and had nine windows containing 73 square feet of glass—a description that suggests it may have been a three- or five-bay Cape-Cod house at that time. Features of the building frame provide evidence that the building was raised from one story shortly after 1800. One-story-high posts with flared ("gunstock") shoulders are detectable under later casings at both rear corners.

*(continued)*

United States Department of the Interior  
National Park Service

National Register of Historic Places  
Continuation Sheet

Levi Wetherbee Farm  
Boxborough (Middlesex), MA

Section number 7 Page 3

While the flare is not readily obvious in the front posts, they project deeply into the rooms, suggesting that a gunstock post may be hidden inside the straight vertical casing at each front corner. In addition, the front and rear first-story girts (formerly the plates) are planed and carved with a fine beveled chamfer with lamb's-tongue stop—a finish detail that is characteristic of First Period-style framing that had gone out of fashion well before 1750. Such decorative features raise the question of whether the first story of this house, which is referred to as late as 1784 as "Levi Wetherbee's new house," was actually standing in the second quarter of the 18<sup>th</sup> century, and if so, whether "new" may mean that it was moved to the farm from another location.

Contrary to the First Period character of the lower frame, most of the surviving first-story finish of the house is of a type consistent with the latter part of the 18<sup>th</sup>- and early part of the 19<sup>th</sup> centuries. With the exception of the front and rear girts, the posts, and girts, and the east-west summer beams in the front rooms are covered by casings—some beaded, some plain. The walls and the rest of the ceilings are plastered. The southwest room has been altered by its 20th-century conversion to a kitchen employing the reuse of some earlier material (such as the cabinet door made from the lower half of an 18<sup>th</sup>-century paneled door), and its east fireplace wall is covered with mid 20th-century imitation brick. In the southeast and north rooms, however, fireplaces remain relatively intact.

In the southeast parlor, the fireplace was blocked in for a stovepipe and the trim updated toward the middle of the 19<sup>th</sup> century. (Photo 10.) Its mantelpiece is a simple composition of very wide boards, including a broad frieze and a thick mantel shelf backed by a low board with a raised center section, which probably indicates a remodeling date between 1830 and 1860. A wide doorway with a pair of 3/3 paneled doors in the north wall of the parlor appears to be an alteration of the early 20th century.

The large fireplace in the rear original kitchen has angled sidewalls (Photo 11 and 12.) Its bake oven is located just west and outside of the main firebox. The mantel, which has a peaked board above a simple mantel shelf similar to that in the southeast parlor, probably represents another mid 19<sup>th</sup>-century renovation. The kitchen fireplace wall is finished with horizontal planed boards, which are also used in a pair of doors to a cabinet above the fireplace. Other walls of the rear section of the house—the east end wall, and portions of the rear wall inside a large L-shaped corner cupboard, are covered with horizontal paneling embellished with a very narrow bead. Vertical beaded board of the same type forms the east wall of the little northwest room, and also encloses the back stairway in the northeast corner.

Doors to the front lobby entrance from the rooms on either side are a 4-panel late 18<sup>th</sup>-century type, with the panel raised on one side and recessed on the other, and hung on H-and-L hinges. The closed-string, three-run stair has a typical Federal-period balustrade of square dowels placed on the diagonal, a heavy molded railing, and 3 1/2" square newel posts.

Second story. The character of much of the second story is more elaborate and formal than the first, and includes many elements of the fully developed Federal style—a decorative vocabulary consistent with the raising of the building to two stories in the early years of the 19<sup>th</sup> century. The ceilings at this story are fully plastered, with no summer beams visible in the rooms; the corner posts have beaded casings.

(continued)

United States Department of the Interior  
National Park Service

National Register of Historic Places  
Continuation Sheet

Levi Wetherbee Farm  
Boxborough (Middlesex), MA

Section number 7 Page 4

The finely executed woodwork in the two front upstairs rooms indicates the important status of the early 19<sup>th</sup>-century owners, and suggests the presence in the Boxborough area of a highly skilled carpenter and joiner. Here the doors are 6-panel, with the raised-panel side facing the rooms. They are hung on H-hinges, and have broad, molded casings. The woodwork in the southwest chamber includes a large ogee crown molding. The small fireplace in that room (closed over for a stovepipe) has a low Federal mantel with a line of diamond cut-outs adorning the frieze.

The southeast chamber is the most stylish room in the house, with an even larger and more elaborate cornice than that in the southwest chamber. (Photo 5.) The walls are ringed with a beaded-board dado trimmed with a molded baseboard at the bottom and a line of finely-carved vertical reeding under a molded chair rail at the top. The mantelpiece of the small brick fireplace is an outstanding example of Federal-style carving. The frieze is decorated with squares of alternating vertical and horizontal reeding, and above it is a line of vertical reeding under a simple mantel shelf. The molding of the fireplace surround matches that at the doorways.

The presence of such stylish Federal woodwork consistent with detailing seen in houses of ca. 1800-1815 in the Boxborough area raises the question of whether Levi and Dorothy Wetherbee's son-in-law, cabinetmaker Samuel Stevens, may have executed some of it after his marriage to their daughter Lucy in 1814. Future comparisons with woodwork in other buildings in the vicinity may help to determine who the carpenter may have been.

The south wall of the large rear second-story room has a tiny fireplace with a molded surround, and a door to a narrow closet beside it hung on H-and-L hinges. (Photo 13.)

Hardware throughout the building includes H- and H-and-L hinges, Suffolk latches, and 19<sup>th</sup>-century cast-iron latches and ceramic knobs. Iron cranes remain in the rear kitchen fireplace.

Attic and cellar structure. The attic and cellar reveal much about the post-and-beam, stud-framed building. The roof is a rafter-and-purlin type, with heavy hewn rafters, 6 x 6" in their upper sections, tenoned into a five-sided ridge purlin. Five sets of hewn purlins, continuous from one end of the roof to the other, are set into trusses on the outside of the rafters, and support vertically-oriented roof boards. From each tie-beam, a short brace rises at an angle to the rafter above it, where it is tenoned into the timber. The rear plate, except for a splice near the center, measures 9" x 9". There are indications that the area around the chimney was altered at an early date, and that the chimney, though still substantial in size, may have been reduced somewhat in circumference. A short purlin in front of the chimney has a rough, concave rear side, suggesting that the chimney once rested against it—raising the question of whether the front of the building may have been raised before the rear section.

A cellar with an unmortared fieldstone foundation exists under the entire building except for the center area from the fieldstone chimney base to the rear wall. One notable feature is the rectangular niche located in the east side of the chimney base. The niche measures about a foot high, and has a dressed-granite lintel and a large stone for a base.

(continued)

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

**Levi Wetherbee Farm  
Boxborough (Middlesex), MA**

**Section number 7 Page 5**

The east part of the cellar floor is paved with large flat stones. The first-floor joists in the front part of the house are primarily heavy sleepers running in an east-west direction, approximately 6 by 6 inches in dimension, placed about 28" on center. The under sides of the subfloor boards visible beneath the southwest room are planed. Beneath the rear room the joists run north to south, and the sub-flooring there is vertical-sawn.

In the 20<sup>th</sup> century, Steele family members literally left their mark on the cellar. In the cement of the concrete bulkhead, which projects south from the west part of the front foundation wall, Russell and Thomas Steele inscribed the following: "1946 RBS-TAS." Occasional repairs were made to the cellar framing, and on one replaced section of a girt, "1940-Russell" is burned into the wood.

**Steele Barn 1941 (MHC #4; Map #2, Photos 1, 3, 6.) Thomas A. Steele, builder.**

The 36' x 42' barn, originally built as an apple barn, stands with its main gable facing the short driveway which runs past the east end of the house from Middle Road. The building is of stud construction utilizing modern dimensioned lumber, and is sided with clapboard. The gabled roof is asphalt shingle; the foundation is largely concrete and fieldstone.

The east wall of the foundation incorporates the upper portion of two small slate 18th-century **gravestones** (Map #11; Photos 14 and 15) reported to be from two Wetherbee family graves in the North Burying Ground. According to local residents, the two markers were among the stones displaced by the 1938 hurricane, and were brought onto the property by the Steeles. Both are small shouldered stones, about 9 inches wide. The northernmost is decorated with a schematic sunflower motif, set into a circle, in the tympanum and on each shoulder. The other stone, located south of the doorway, has an expertly carved cherub or angel's head flanked by wings. No inscriptions are visible on either stone.

The barn stands on part of the site and foundation of a slightly larger barn that burned down. The north side of that earlier barn was built into the hillside, and it had a cellar that was open to the south, where the present barn now has a full foundation wall. Some parts of the old fieldstone foundation- or barnyard walls extend south of the building, where they serve to fence in the manure area, which presently is paved with deteriorating concrete.

The fenestration of the barn includes five stanchion windows along the lower part of the south wall (two 6-pane windows and three with two panes divided horizontally), two more 6-pane windows on the north wall, and one 2/2 in the center of the west elevation. A 6/6 window occupies each gable peak. The main vehicle entry, centered in the east gable end, has a large two-part sliding, exterior-mounted door of tongue-and-groove vertical boards. A 3/3-sash window is located south of the doorway, and a fixed 6-pane window occupies the wall north of the door. Two walk-in doors are located at each end of the

*(continued)*

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

**Levi Wetherbee Farm  
Boxborough (Middlesex), MA**

**Section number 7 Page 6**

north elevation. The one at the west has 8 panes over panels; the door at the east, which formerly opened onto a short passage to the demolished milkhouse, is a batten door of tongue-and-groove vertical boards. Another narrow entry with a wooden door located just west of center in the south wall was used for manure disposal.

The first story of the barn interior is arranged in three equal aisles, with two sets of 8-inch-square wooden posts carrying heavy front-to-back beams on either side of the broad center aisle. Most of the space retains its deteriorating coat of paint or whitewash. The south aisle was used as the cow tie-up after Burpee F. Steele bought his brother's cows in about 1946. The manure gutter in the concrete floor there has recently been filled in with concrete, but the framework of the cow stanchions remains. The loft flooring on exposed joists forms a ceiling over all of the first floor space except the front portion of the center aisle. From there, the roof structure of two sets of 2 x 4" rafters, one above the other, is visible. The lower and upper rafters meet at a single purlin, where the joint is reinforced with a triangular-board brace at each set of rafters. A short collar tie spans each upper rafter pair just below the roof ridge. There is no ridge pole, but the metal ridge track for hoisting hay or apple boxes is still in place.

**Richardson Icehouse, ca. 1904 (MHC #5, Map #3, Photos 1 and 7.)**

In the late 1990s, volunteers from the Boxborough Historical Society dismantled a small ca. 1904 gable-roofed icehouse on the George Richardson Farm on Stow Road, and reassembled it on this property. It stands now in the position where a shed of about the same size stood in the 1940s and '50s. During the process of reconstruction, about two feet of the lower posts and walls had to be removed due to deterioration. The outer walls are clad in wood shingles, some of which still bear their red paint. After the building was moved the roofing was replaced with wood shingles; and the west side wall was rebuilt. Typical of an icehouse, the little building had inner walls of chestnut boards nailed to the inside of the studs. Those boards are presently stored in the barn, awaiting reinstallation. Also typical of a turn-of-the-century icehouse, the building has no windows, and there are three narrow, vertical-board doors, one above the other, in the center of the north gable-end wall. Projecting above them at the gable peak is a horizontal bracket attached to the ridge pole, where the hoist for the ice blocks was mounted. Despite being recently moved, the icehouse retains its integrity and contributes to the nomination as an example of a type of building that was once found on this property.

**Archaeological Description**

While no ancient Native American sites are currently located on the Levi Wetherbee Farm, sites may be present. Three sites are recorded in the general area (within one mile). Environmental characteristics of the property represent locational criteria (slope, soil drainage, proximity to wetlands) that are favorable for the presence of ancient sites. Well-drained, level to moderately sloping terraces, and other landforms are located throughout the farm in close proximity to streams, ponds, and swamplands. An unnamed stream with connected farm ponds drain southerly through the central portion of the property to wetlands.

(continued)

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

**Levi Wetherbee Farm  
Boxborough (Middlesex), MA**

**Section number 7 Page 7**

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in the southern part of the farm. The unnamed stream is a tributary of Beaver Brook and the Merrimack River. Given the information presented above, the size of the farm, and known Native settlement information for the Merrimack River drainage and the uplands of north central Massachusetts, a high potential exists for locating ancient Native American sites on the nominated property. Smaller campsites and special purpose type sites may characterize most potential sites in the area.

A high potential also exists for locating historic archaeological resources on the Levi Wetherbee Farm. Structural evidence and construction features may exist from building the Wetherbee House, its partial movement to the property in ca. 1750 and/or renovations made after the house was built. Structural evidence may also survive from at least two barns, a ca. 1950 milk house, a number of 18<sup>th</sup> through 20<sup>th</sup> century outbuildings, and a stone structure southwest of the house. The existing Steele Barn is located on the site of an earlier and larger barn. Portions of the earlier barn's foundation wall may exist in the area today. The east wall of the Steele Barn's foundation also incorporates two gravestones originally located on Wetherbee Family graves in the North Burial Ground. Most early outbuilding locations are unknown; however, a number of 20<sup>th</sup> century sheds were reportedly taken down when the Town of Boxborough purchased the farm in 1994. A concrete slab north of the Steele barn marks the site of a ca. 1950 milk house demolished in the 1990s. The stone structure southwest of the house reportedly marks the site of a tunnel that led from the house cellar to the bank above the pond. The structure may have been used as a root cellar. Occupational-related features (trash pits, privies, wells) may exist in the area surrounding the house, barns, and outbuildings.

(end)

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

**Levi Wetherbee Farm  
Boxborough (Middlesex), MA**

**Section number 8 Page 1**

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**8. SIGNIFICANCE**

The Levi Wetherbee Farm, which includes over 36 acres of a sweeping cultural/agricultural landscape and a farmstead with an enlarged 18th-century farmhouse and a pair of early 20th-century outbuildings, meets Criteria A and C of the National Register at the local level. The complex meets Criterion A for its role in over 200 years of the development of the rural landscape and the agricultural economy of Boxborough, and for its occupancy by members of longtime local families who shaped the town's development in every historical period. The property was farmed by two generations of Wetherbees from at least the late 18<sup>th</sup> through the mid-19<sup>th</sup> centuries, and subsequently by Wetherbee in-laws Phineas Houghton and Ephraim B. Cobleigh from 1856 to 1906. It evolved into one of the most productive farms in 20<sup>th</sup> century Boxborough under the Steele family, when it was the orchard and dairy farm of Burpee Clark Steele and his son, Burpee Franklin Steele.

The farm meets Criterion C for its well-preserved surviving architectural and agricultural resources from several historic periods. The 18th-century farmhouse, apparently enlarged at the turn of the 19<sup>th</sup> century, is an excellent example of a three-bay, center-chimney house raised from one to two stories. The building displays a continuum of intact interior finish ranging from chamfered beams at the first story to high-style Federal woodwork in the two front chambers. The extant barn is an instructive example of an early 1940s apple barn refitted for dairy farming, and the little Richardson Icehouse, though moved to the site, represents the survival of a rapidly vanishing local building type of the early 20th century. The farm landscape, with its small farm pond, fieldstone walls, causeway, cart path, fields of hay, remaining groves of cultivated Christmas trees and a few lingering apple trees, retains an abundance of evidence of having been in continuous agricultural use for over two centuries.

In spite of some alterations to the house, some changes over time in the type of agriculture pursued, and the loss of two older barns and the mid-20<sup>th</sup> century milkhouse, the farm retains integrity of setting, location, design, materials, workmanship, feeling, and association.

**Background and early history.**

According to deed and genealogical research by local historians, in the second half of the 18th century this property, lying just east of what was to become the town center of Boxborough, was part of the large holdings of Silas Wetherbee, a grandson of John Wetherbee, II of Stow, one of Boxborough's original settlers, who in the late 17th century had owned a major portion of the land that ultimately became the town of Boxborough. In 1773, Silas Wetherbee gave three acres on Hill Road opposite the head of Middle Road to be used as a meetinghouse and burial ground site for the new town that he and 17 other outlying farmers of Stow, Harvard, and Littleton hoped to establish. That year, having formed a new religious society, they acquired the old meetinghouse in Harvard, dismantled it, and began to reconstruct it overlooking the intersection of Hill and Middle Roads. In 1783, the District of Boxborough was officially established, with the meetinghouse at its approximate center.

A few farmhouses were standing near the meetinghouse in February of 1784, when Silas sold his son Levi Wetherbee (1748-1829) 60 acres of land, a house, half of a building referred to as the "old house," and half

(continued)

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

**Levi Wetherbee Farm  
Boxborough (Middlesex), MA**

**Section number 8 Page 2**

of a barn, all located down the hill to the east of the meetinghouse, on today's Middle Road. The bulk of the property conveyed was located a short distance east of the nominated farm. (The "old house," which stood on that east section, is a reference to what had been Levi's prior residence, a two-story dwelling with only two small windows. That part of the property was sold to another farmer in 1787.) The second house mentioned in the deed from Levi's father is understood to be to this farmhouse at 484 Middle Road. As recorded in the 1798 federal Direct Tax census, it was then only one story, but larger in footprint than the other house, with many more windows and a higher value. Town records of 1784 show that in the latter part of that year Middle Road was laid out leading west from a point near "Levi Wetherbee's old house," past his "new house," over a small brook, and from there to the common. By 1798 Levi Wetherbee had apparently acquired more land, as in that year he is listed as owning 55 acres on both sides of "the road leading east from the meetinghouse and common."

Along with his father, Levi Wetherbee was one of the founders of Boxborough, having been one of the subscribers in the purchase of the former Harvard meetinghouse. He and his wife Dorothy (Taylor) had five children. Two died young, and two later resided on the farm as adults. One of the latter was their youngest son, John Wetherbee. The other was their daughter, Lucy (b. 1791), who married cabinetmaker Samuel Stevens in 1814. They subsequently moved to Marlborough, and then lived in Bolton for several years. After her husband died in about 1825, Lucy and her young son, Levi Wetherbee Stevens (b. 1815), moved back to the farm to live with her parents, where they remained until Levi Stevens' marriage in 1841.

Levi Wetherbee owned the farm until his death in 1829, whereupon it came into the possession of his son, John Wetherbee (1800-1858). Also known as John Wetherbee II, he married Mrs. Susannah (Hayward) Fairbanks in 1838. The Wetherbee farmhouse must have been somewhat crowded for the next several years, when the household included at least six people, and in some years more. Susannah Wetherbee brought with her two sons from her two former marriages, and Lucy and Levi Stevens were still living there as well. Three more daughters were born to John and Susannah between 1843 and 1850.

John Wetherbee was the Second Lieutenant of the Boxborough Light Infantry Company at the time of its founding around 1838-1840. Levi Stevens was also a member of the company. In 1850, John Wetherbee's farm was valued at \$5,000. Like most Boxborough farmers of the time, he was still engaged in general farming, raising some livestock and a variety of grains, though he produced 300 pounds of cheese in that year—an indication that he also had developed a specialty in dairying. He is not listed as having any orchards at that time.

A few years later, John Wetherbee gave up farming. He sold the farm, and in 1855 moved with his family to West Acton. In 1856, after a period of several months when the property was owned by a neighbor, Benjamin W. Priest, the Wetherbee farm, apparently reduced by about 20 acres, was acquired by farmer Phineas Houghton (1815-1886), who owned it for the next six years. His first wife, Sally (Taylor), had died in 1851, and by the time he bought the farm, he was remarried to Mary A. Wetherbee, daughter of neighboring farmer and Wetherbee relation Andrew Wetherbee. In 1860 the Houghtons, like John and Susannah Wetherbee before them, were engaged in a form of mixed agriculture. While the overall value of the farm had declined to \$3,000, Mr. Houghton had developed something of a specialty in livestock, gaining the second-highest butchering income in town from the animals he slaughtered.

(continued)

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

**Levi Wetherbee Farm  
Boxborough (Middlesex), MA**

**Section number 8 Page 3**

In 1862-63, the farm was owned briefly by another Wetherbee relative, Daniel Wetherbee. In 1863 it was acquired by another man who married into the Wetherbee family, Ephraim Brown Cobleigh (1833-1906). Descended from a longtime local farming family, he lost his mother when he was twelve, and by the age of 17 had left Boxborough to find work. After a brief employment at a shoe factory in Bolton, he traveled through the southern states for several months. In 1852 he enlisted in the U.S. Army, and spent five adventurous years in the cavalry with Co. B., 2nd Regiment Artillery. During his time in the cavalry he took part in the so-called "Navajo War" in New Mexico, went on scouting expeditions with Kit Carson and "Mexican Jack," and barely escaped from captivity at an Indian camp. In 1855 he was a member of a party of soldiers who surveyed the route of the Southern Pacific Railroad.

Ephraim Cobleigh returned to Boxborough in 1857, and by 1860 he had taken up shoe manufacturing on a small scale. In 1861 he married eighteen-year-old Rosella Wetherbee, daughter of Capt. Andrew Wetherbee (Levi Wetherbee's grand-nephew, and Daniel Wetherbee's brother). Rosella died in childbirth in 1864, shortly after they bought the farm. Ephraim later married Salinda Holden of Shirley—apparently the young domestic servant listed as part of the Cobleigh household on the census of 1865.

Ephraim Cobleigh served the town in a variety of positions in the latter part of the 19th century. He was Town Clerk for over a dozen years, and Selectman for at least fifteen years. He was also one of the last proprietors of the "Bigelow Store," the large general store on Hill Road at the town common. Like most of his neighbors, however, he was primarily a farmer during the prosperous local agricultural economy that developed through the latter part of the 19<sup>th</sup> century, a period when Boxborough's agricultural production was at its height. Mr. Cobleigh was one of Boxborough's most progressive farmers and the principal founder of one of its two important agricultural organizations, the Boxborough Farmer's Club. The club was organized here in the farmhouse on March 2, 1874, with Mr. Cobleigh as the first President, a position that he held for the next ten years. He also served as the club's Treasurer for at least two years. (Other officers included his first father-in-law and two of his brothers.)

Under Ephraim Cobleigh's ownership, the old farm typified the specialization and increased productivity taking place in many Massachusetts agricultural towns after the Civil War. Although by the time he bought the farm in 1863 it had been reduced to 36 acres and was not among the largest in Boxborough, it soon became one of the most profitable, as its owner took advantage of improvements in agricultural technology and of the broadening markets of the post-Civil War period. By 1870, like many Boxborough farmers, Mr. Cobleigh was still growing a variety of grains, producing butter, and had a substantial orchard, but he had also expanded into market gardening, for which his profit was the highest in town in that year. By 1880, while he still engaged in market gardening and like his neighbors was selling milk from his cows to the Boston market, he had greatly expanded his fruit production as well. He had orchards of both apples and pears; in fact, of the five Boxborough farmers who had pear orchards, at 300 trees, his was by far the largest. Raising grapes had become a popular specialty in Boxborough by that time, as well, and in 1879, of the fifteen farmers who had vineyards, he had the second highest production—3,000 pounds.

Ephraim Cobleigh died in 1906, and for the next two years the farmhouse was apparently unoccupied except for a flock of chickens roosting in the second-story rooms. In 1908, the property was sold out of the family when it was purchased by Burpee Clark Steele, who owned it for the next seventeen years. "B. C." Steele had immigrated from Nova Scotia to Boxborough in 1886. He quickly became widely known for his

(continued)

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

**Levi Wetherbee Farm  
Boxborough (Middlesex), MA**

**Section number 8 Page 4**

extensive apple orchards at a time when Boxborough, like several of the surrounding towns, was reaching the height of its reputation as an apple-growing community. At their peak, his orchards are said to have extended east as far as Liberty Square Road in the east part of town. A promoter as well as a grower, Mr. Steele used one of the first motorized trucks in town to transport apples to Boston, where he marketed them himself. A newspaper article about the opening of the new municipal market in Boston's South End highlighted B. C. Steele and his "big motor truck" delivering the market's first load of apples, from which Boston Mayor James Michael Curley and City Councilman John J. Attridge bought a box each.

B. C. Steele was one of the first school-bus drivers in Boxborough (some say he was the first), beginning with a horse-drawn "barge" and progressing to a motorized bus. He is also credited with rigging up the first road plow, and was a Boxborough highway surveyor for many years. An accomplished lawyer, during World War I Mr. Steele served with a group of local men as part of the American Forestry Expeditionary Forces in Scotland and France—a civilian force that went to northern Scotland in 1917 to cut timber for the British government. One of B. C.'s sons, Clifton Steele, also saw action during the war, and narrowly survived the sinking of his troop ship *Tuscaroa*.

Over the years, as the Steele children grew up, the entire family was involved in farming, both in their parents' orchards and for some of them, on their own farms nearby. B. C. Steele's first wife, Martha Jane (Walker), and two of their ten children died of typhoid fever when the farm's well was contaminated in 1911. An infant daughter died a year later. In 1913, Mr. Steele married Florence Dodge, who survived him after his death in 1929.

In 1925, however, B. C. Steele conveyed the farm to his son, Burpee Franklin ("B. F.") Steele, who had taken over its management in 1923. B. F. Steele had married Myrtle Monsen of Concord a year earlier, and they continued to operate an extensive apple-growing business on the old farm. They had weathered most of the Great Depression when disaster struck the farm in September 1938, when the Great Hurricane destroyed the main barn where both the town school buses and the year's main apple crop were stored. In 1941 the Steeles replaced the damaged barn with the present one a short distance to the north, on the site of another barn which had burned down several years earlier. The new building was constructed by Burpee Franklin's brother Thomas A. Steele, one of the most prolific mid-20<sup>th</sup> century builders in the Boxborough area.

To pick apples during the years of the Second World War, like other farmers in the area, the Steeles employed German prisoners who were housed at nearby Fort Devens. After the war, however, it became increasingly difficult to find employees to work the orchards, and the Steeles branched out into dairy farming. Another brother, Wilbur (Bill), in spite of having been disabled in a serious sawmill accident, had kept cows on a neighboring farm. In about 1946, after Bill's growing paralysis from rheumatoid arthritis prevented him from caring for his animals, Burpee F. Steele bought the cows and housed them on the ground floor of his new barn. In about 1950, their brother Tom constructed the small gable-roofed, clapboard milkhouse, of which the stone and concrete base remains just off the northeast corner of the present barn. Dairying, and some beef-cattle raising, continued on the farm until 1966.

(continued)

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

**Levi Wetherbee Farm  
Boxborough (Middlesex), MA**

**Section number 8 Page 5**

Burpee Franklin Steele succeeded his father as both a school-bus driver and highway surveyor. He was closely involved with Boxborough's roads until the day he died, when in May of 1977 he suffered a heart attack while clearing away a tree broken by a freak snowstorm.

After B. F. Steele died, his son, Russell Steele, raised Christmas trees on part of the farm for a number of years. In 1991, Myrtle Steele moved away, and in 1994 the family sold the farm, including the entire remaining 36 acres, the old Wetherbee farmhouse, the Steele barn, milkhouse, and a few sheds, to the Town of Boxborough.

Since that time, the upkeep and management of the property have been overseen by a town advisory committee, with most of the maintenance being done by community volunteers. The milkhouse and three small sheds were torn down in the mid-1990s, but in the late '90s, the ca. 1904 icehouse from the Richardson Farm in the south part of town was moved to a site just south of the barn.

Today, under the name Steele Farm, the Levi Wetherbee Farm is used for passive recreation, and some of the land is still mown for hay. The barn is presently used for general town storage, and plans are underway to utilize the house, barn, and icehouse for public historical/educational purposes, and to lease some of the land to livestock owners for pasture.

**Archaeological Significance**

Since patterns of ancient Native American settlement in Boxborough are poorly understood, any surviving sites could be significant. Although numerous ancient sites have been identified within the Merrimack River drainage and its nearby tributaries, the Concord, Sudbury, and Assabet River drainages, fewer sites have been recorded along more inland tributary streams including the Beaver and River Meadow Brook drainages, possibly reflecting underreporting in this area or environmental differences in the drainages. Ancient Native American sites in the vicinity of the Levi Wetherbee Farm may contribute important information that identifies the range of functional and temporal variability between sites in the Beaver Brook drainage and their relationship to Native settlements along the main drainage of the Merrimack River and its major tributaries. Information may also be present that clarifies the relationship and regional importance of sites and resources along the Beaver Brook drainage to larger tributaries of the Merrimack River such as the Concord, Sudbury and Assabet River drainages. Ancient sites in the vicinity of the Levi Wetherbee Farm and the Beaver Brook drainage may represent a seasonal /functional aspect of a subsistence and settlement system that focuses on larger sites along the Merrimack River drainage and other tributaries listed above. Sites in this area can also contain evidence of exchange between more interior portions of the Merrimack River drainage and downstream coastal areas.

Historic archaeological resources described above have the potential to contribute important information related to the evolution of the farmstead from the 18<sup>th</sup> through 20<sup>th</sup> centuries, the social, cultural, and economic characteristics of the farm's inhabitants, and the agricultural developments that made the farm one of the most productive in 20<sup>th</sup> century Boxborough.

(continued)

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

**Levi Wetherbee Farm  
Boxborough (Middlesex), MA**

**Section number 8 Page 5**

Additional architectural research combined with archaeological survey and testing may contribute information that accurately defines the initial construction date for the house. Structural evidence from the house, construction features, and artifact evidence from the contents of occupational-related features may support or reject a pre-1750 construction date as indicated by finish details used in the first floor architecture. Similar architectural and archaeological evidence may also indicate that portions of the house were moved to the present location by 1750 or later. Information described above may also document changes that occurred to the house during major rebuilding in the early 19<sup>th</sup> century.

Additional documentary research combined with archaeological survey, testing, and detailed mapping may also locate the sites of barns, outbuildings, and occupational-related features from the 18<sup>th</sup> through 20<sup>th</sup> centuries. While much of the information for 20<sup>th</sup> century structures is available, the location and function for 18<sup>th</sup> and 19<sup>th</sup> century structures is unknown. The internal configuration, function, and architectural details of barns, outbuildings, and occupational-related features may have followed regional and local patterns of development through time that can be discerned through historical and archaeological resources. Understanding the farm's development during the 18<sup>th</sup> and 19<sup>th</sup> centuries may be important to fully understand its reputation as one of the most productive farms in 20<sup>th</sup> century Boxborough.

Additional historical research combined with detailed analysis of the contents of occupational-related features may also contribute valuable insights into the social, cultural, and economic characteristics of the families that occupied the farmstead for over two centuries. Isolated features and/or stratified archaeological deposits may exist that can be associated with different families or occupations at the house. The above information may indicate how the social and cultural aspects of specific families changed with the evolving agricultural economy of the farm, town, and region. Important information may exist that documents agricultural technologies in use and whether cottage industry type manufacturing supplemented the agricultural economy.

(end)

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

Levi Wetherbee Farm  
Boxborough (Middlesex), MA

Section number 8 Page 1

**9. MAJOR BIBLIOGRAPHIC REFERENCES**

Books and articles

- Drake, Samuel. *History of Middlesex County*. Boston: Estes & Lauriat, 1880.
- Hager, Lucie C., "Boxborough," in Hurd, D. H. ed. *History of Worcester County, Mass.*, Vol II. Philadelphia: J.W. Lewis & Co., 1890.
- \_\_\_\_\_. *Boxborough: a New England Town and its People*. Philadelphia: J.W. Lewis & Co., 1891.
- Rohwer, Alan. *The Steele House*. n.d., Boxborough Historical Commission.
- Talmadge, Katherine, et al. *Boxborough: a Portrait of a Town, 1783-1983*. Boxborough: Boxborough Bicentennial Commission, 1983.

United States documents

- U.S. Census: agricultural schedules for Boxborough: 1850, 1860, 1870, 1880.
- U.S. Direct Tax Census, 1798.

Massachusetts documents

- Forbes, Anne M. Massachusetts Historical Commission: Wetherbee-Cobleigh-Steele Farm, MHC Area Form, 2001.
- Massachusetts Census: 1855, 1865.
- Middlesex County Registry of Deeds.
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Local resources

- Boxborough Historical Society. Homes and Home Sites Study, 1960s-1970s. (file at Sargent Public Library.)
- Forbes, Anne. Interviews with local residents, 2001: Lorna Steele Brown, Donald Morse, Owen Neville.

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United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

**Levi Wetherbee Farm  
Boxborough (Middlesex), MA**

Section number 10 Page 1

**10. GEOGRAPHICAL DATA, continued**

**Verbal Boundary Description**

The boundaries of the nominated property are those of the parcel shown as Parcel 7-3-125 on Town of Boxborough Tax Maps 10, 11, 17, and 18.

**Boundary Justification**

The National Register boundaries encompass the 36.19-acre parcel that for generations comprised the Levi Wetherbee Farm. The parcel includes the surviving elements of the farmstead, as well as the complete agricultural landscape which is now largely hay meadow, wetlands, and the surviving stands of trees from a late 20<sup>th</sup>-century Christmas tree farm.

(End)

United States Department of the Interior  
National Park Service

National Register of Historic Places  
Continuation Sheet

Levi Wetherbee Farm  
Boxborough (Middlesex), MA

Photographs      Page 1

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PHOTOGRAPHS

Unless otherwise noted, all photographs by Anne Forbes, 2004.

8 x 10" photographs

1. Levi Wetherbee Farm, view northeast overlooking farmstead; farm pond in left center
2. Levi Wetherbee House, mid-18<sup>th</sup> C./ca. 1800-1815: south façade and east elevation
3. Levi Wetherbee House, mid-18<sup>th</sup> C./ca. 1800-1815: north elevation, with barn at rear
4. Levi Wetherbee House, mid-18<sup>th</sup> C./ca. 1800-1815: looking east, with north and west elevations
5. Levi Wetherbee House, mid-18<sup>th</sup> C./ca. 1800-1815: southeast chamber: fireplace wall
6. Levi Wetherbee Farm: Steele Barn (1941), with farmhouse in background, looking north

Supplementary photographs (4 x 6")

Landscape views:

7. View southeast over hay field, with Richardson ice house, (ca. 1904)
8. West cart path, looking south
9. Farm landscape, looking south

Interior views, Levi Wetherbee House:

10. Southeast parlor: fireplace wall
11. Rear kitchen, looking southwest
12. Rear kitchen, looking east
13. Rear chamber: fireplace wall

Gravestones in east barn foundation wall (2006)

14. North gravestone
15. South gravestone

Historic photo (photocopy)

Aerial view of Boxborough: Hill and Middle Roads. 1939. (Boxborough Historical Society).

United States Department of the Interior  
National Park ServiceNational Register of Historic Places  
Continuation SheetLevi Wetherbee Farm  
Boxborough (Middlesex), MA

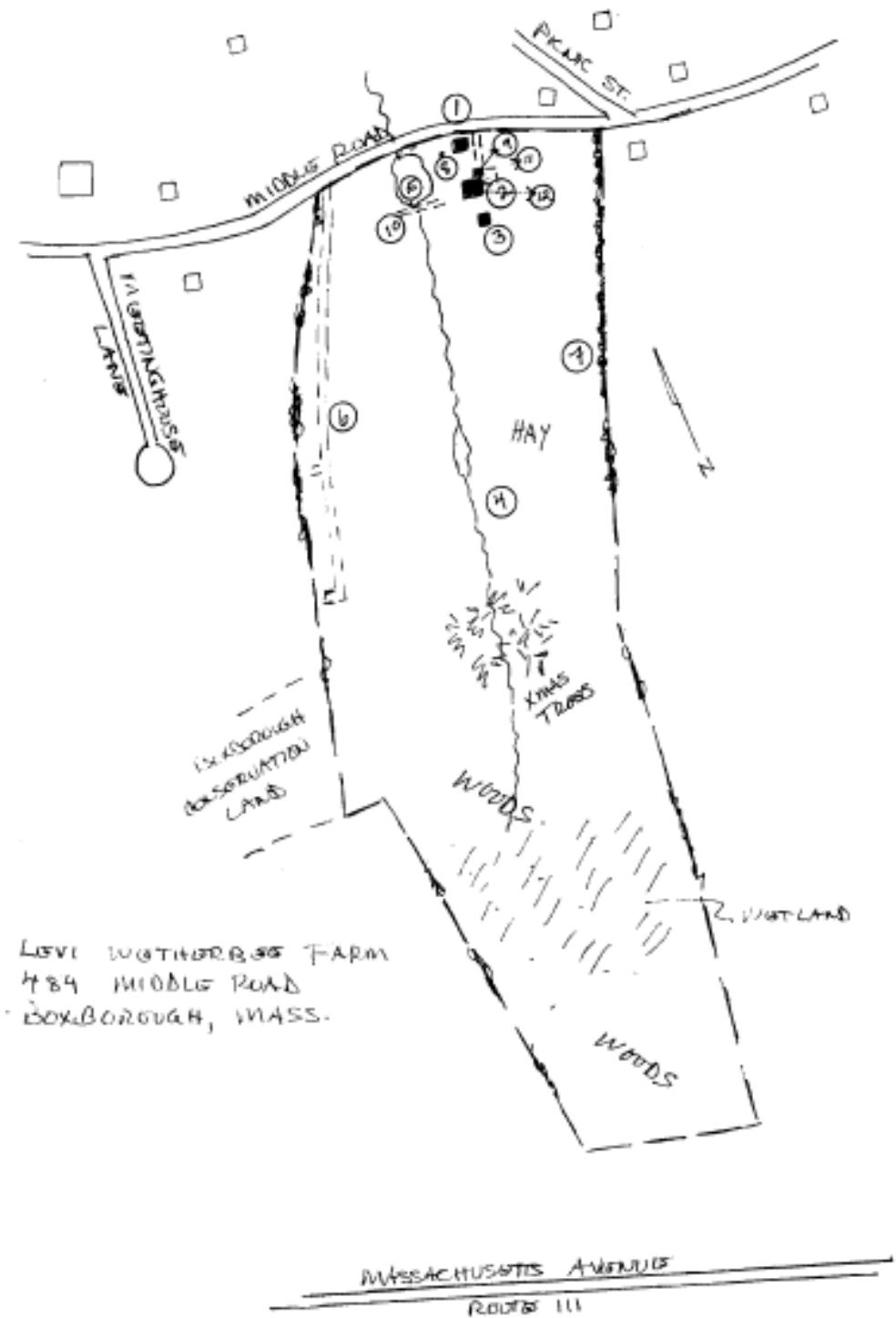
## Data Sheet

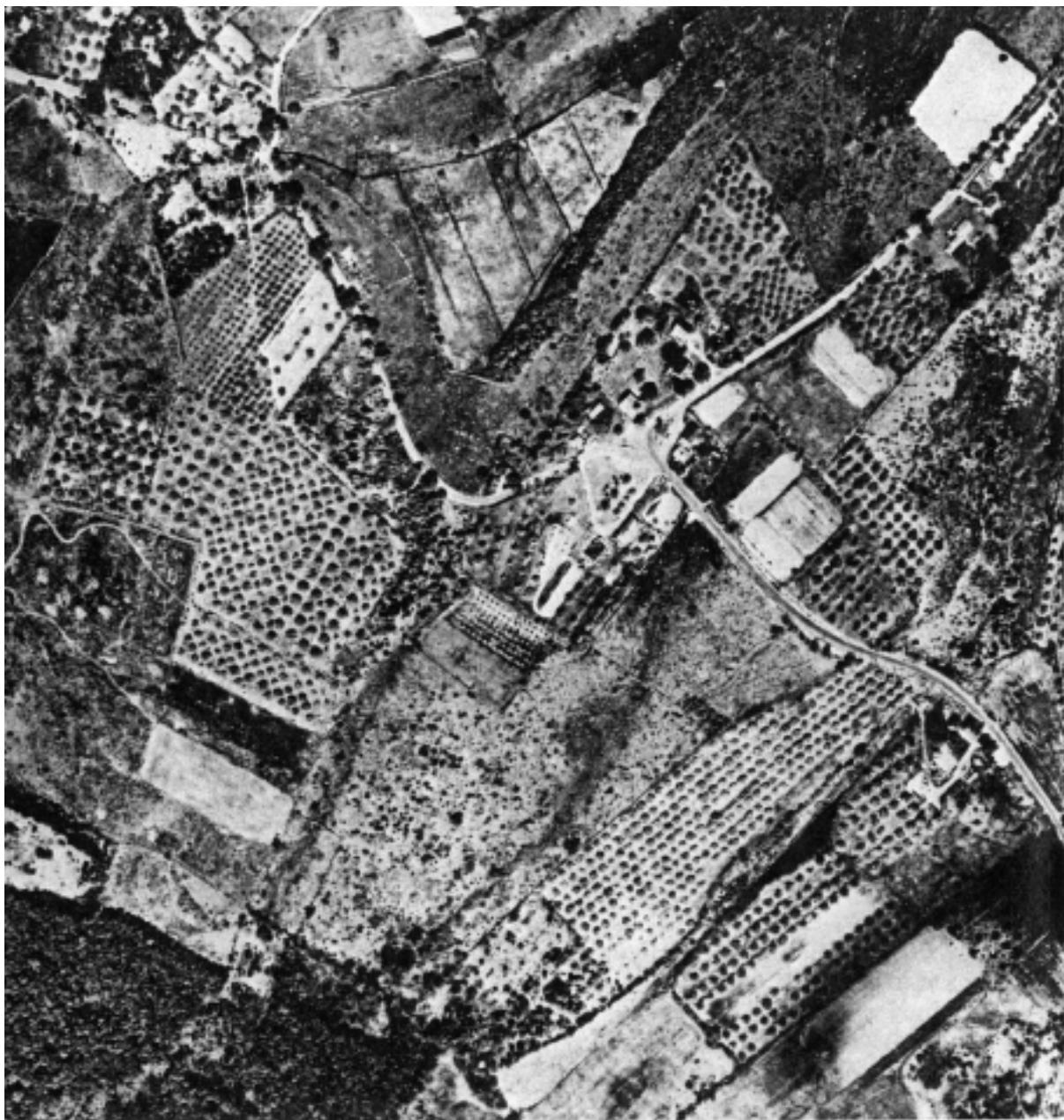
## RESOURCE COUNT

C =contributing; NC = non-contributing  
 B= building; O = object; Si = site;  
 St = structure

| MAP# | MHC #    | NAME OR DESCRIPTION                   | DATE   | STATUS | TYPE |
|------|----------|---------------------------------------|--|--------|------|
| 1    | BXB. 3   | Levi Wetherbee House                  | mid-18 <sup>th</sup> C./ca. 1800-1815        | C      | B    |
| 2    | BXB. 4   | Steele Barn                           | 1941   | C      | B    |
| 3    | BXB. 5   | Richardson Icehouse                   | ca. 1904                                     | C      | B    |
| 4    | BXB. 902 | farm landscape                        | 18 <sup>th</sup> -21 <sup>st</sup> centuries | C      | Si   |
| 5    |          | farm pond                             | 19 <sup>th</sup> -20 <sup>th</sup> centuries | C      | Si   |
| 6    |          | cartpath                              | 19 <sup>th</sup> -20 <sup>th</sup> centuries | C      | St   |
| 7    |          | system of stone walls                 | 18 <sup>th</sup> -19 <sup>th</sup> centuries | C      | St   |
| 8    |          | underground tunnel/root cellar        | 19 <sup>th</sup> century                     | C      | Si   |
| 9    |          | milkhouse base                        | ca. 1950                                     | C      | Si   |
| 10   |          | causeway                              | probably 19 <sup>th</sup> century            | C      | St   |
| 11   |          | slate gravestone (in barn foundation) | 18 <sup>th</sup> century                     | C      | O    |
| 12   |          | slate gravestone (in barn foundation) | 18 <sup>th</sup> century                     | C      | O    |

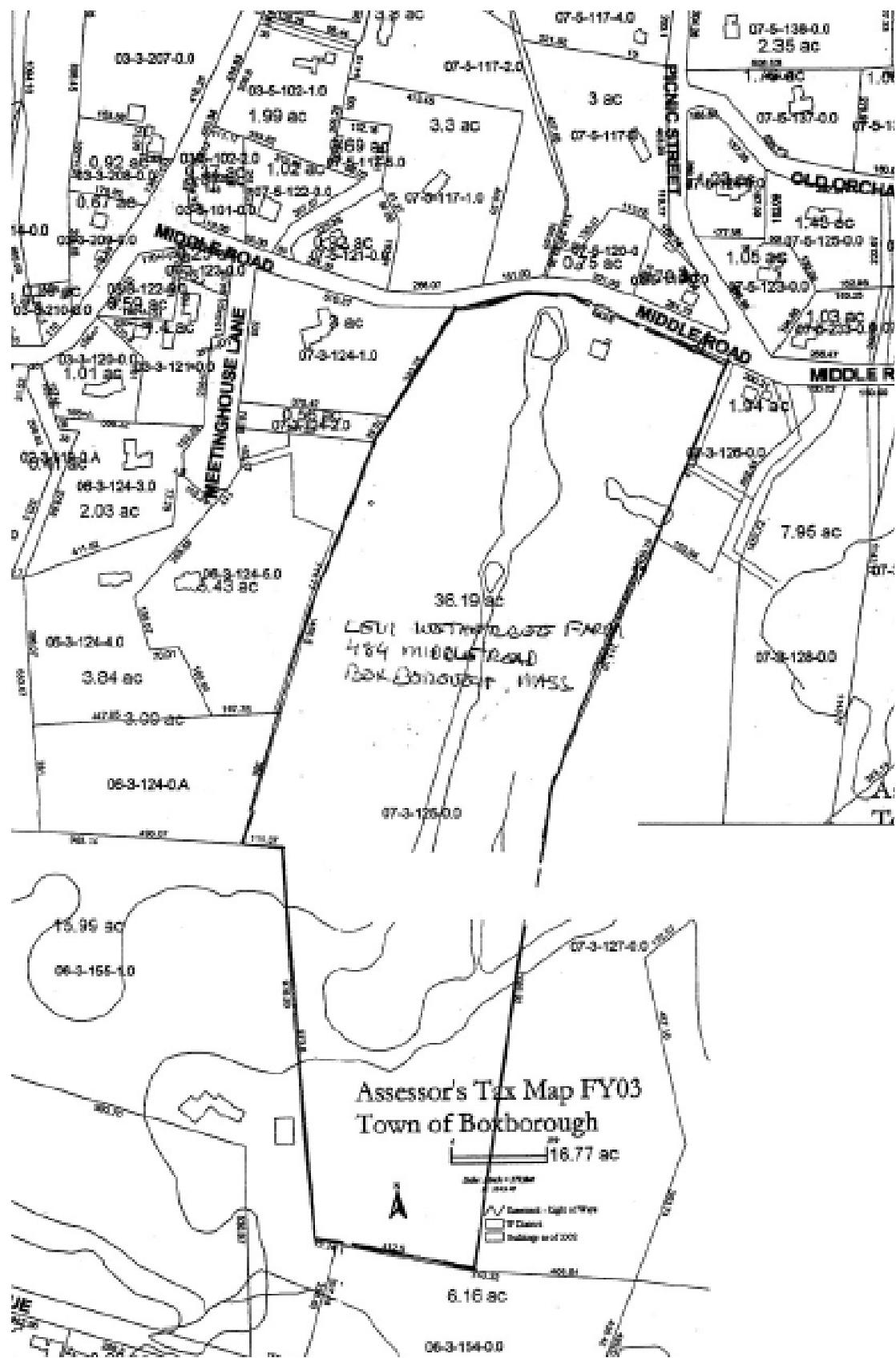
| <u>TOTAL RESOURCE COUNT:</u> | <u>Contributing</u> | <u>Non-contributing</u> |
|------------------------------|---------------------|-------------------------|
| BUILDINGS                    | 3                   | 0                       |
| STRUCTURES:                  | 3                   | 0                       |
| OBJECTS:                     | 2                   | 0                       |
| SITES:                       | 4                   | 0                       |
| <b>TOTAL:</b>                | <b>12</b>           | <b>0</b>                |





*The abundance of apple trees in Boxborough is evident in this 1939 aerial photograph. The Middle Road orchards of Burpee F. Steele are shown in the lower right; further up the road is the Town Common and Library Hall. (Photo courtesy of Boxborough Historical Society; gift of E. A. Moore.)*

*AERIAL VIEW OF BOXBOROUGH: 1939 AND MIDDLE ROAD, 1939*



LEVI WETTHORPE FARM  
BOXBOROUGH, MA ZONE 19

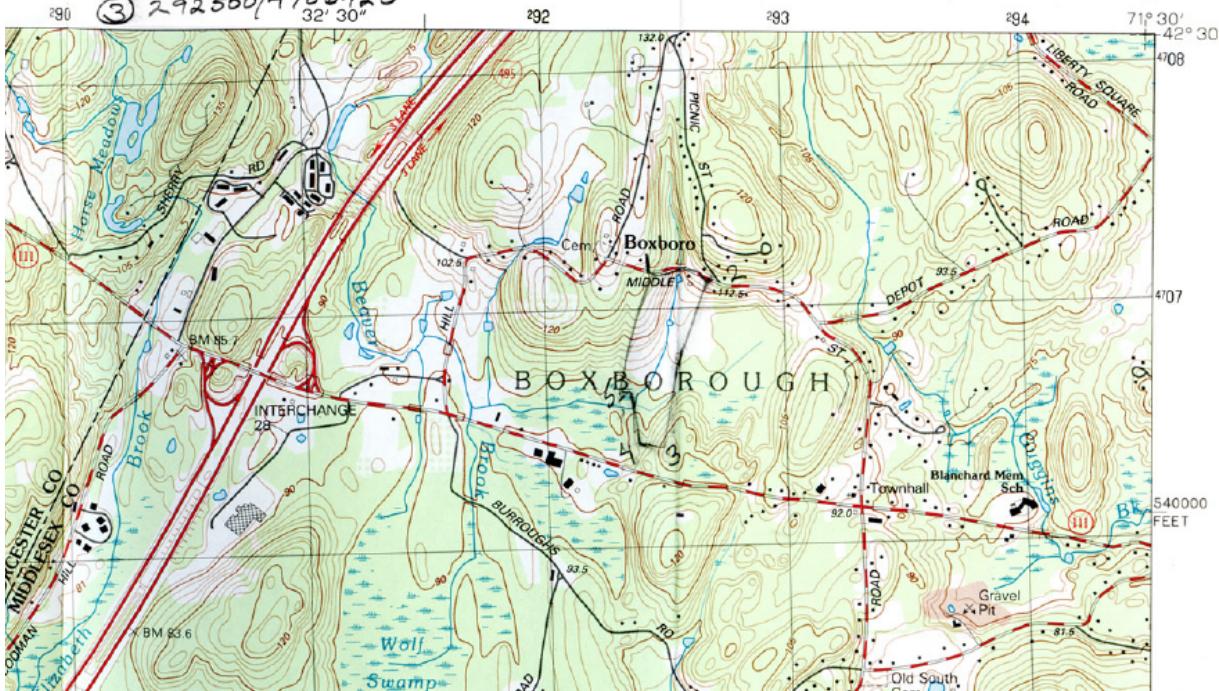
- (1) 292 440/4707160  
(2) 292 680/4707120  
(3) 292 500/4706420  
32° 30"

484 MIDDLE RD

(4) 292 380/4706440

(5) 292 300/4706640

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)





1. Levi Wetherbee Farm, view northeast overlooking farmstead; farm pond in left center (Photographer: Anne Forbes, 2004)



2. Levi Wetherbee House, mid-18th C/ca. 1800-1815: south façade and east elevation (Photographer: Anne Forbes, 2004)



3. Levi Wetherbee House, mid-18th C./ca. 1800-1815: north elevation, with barn at rear (Photographer: Anne Forbes, 2004)



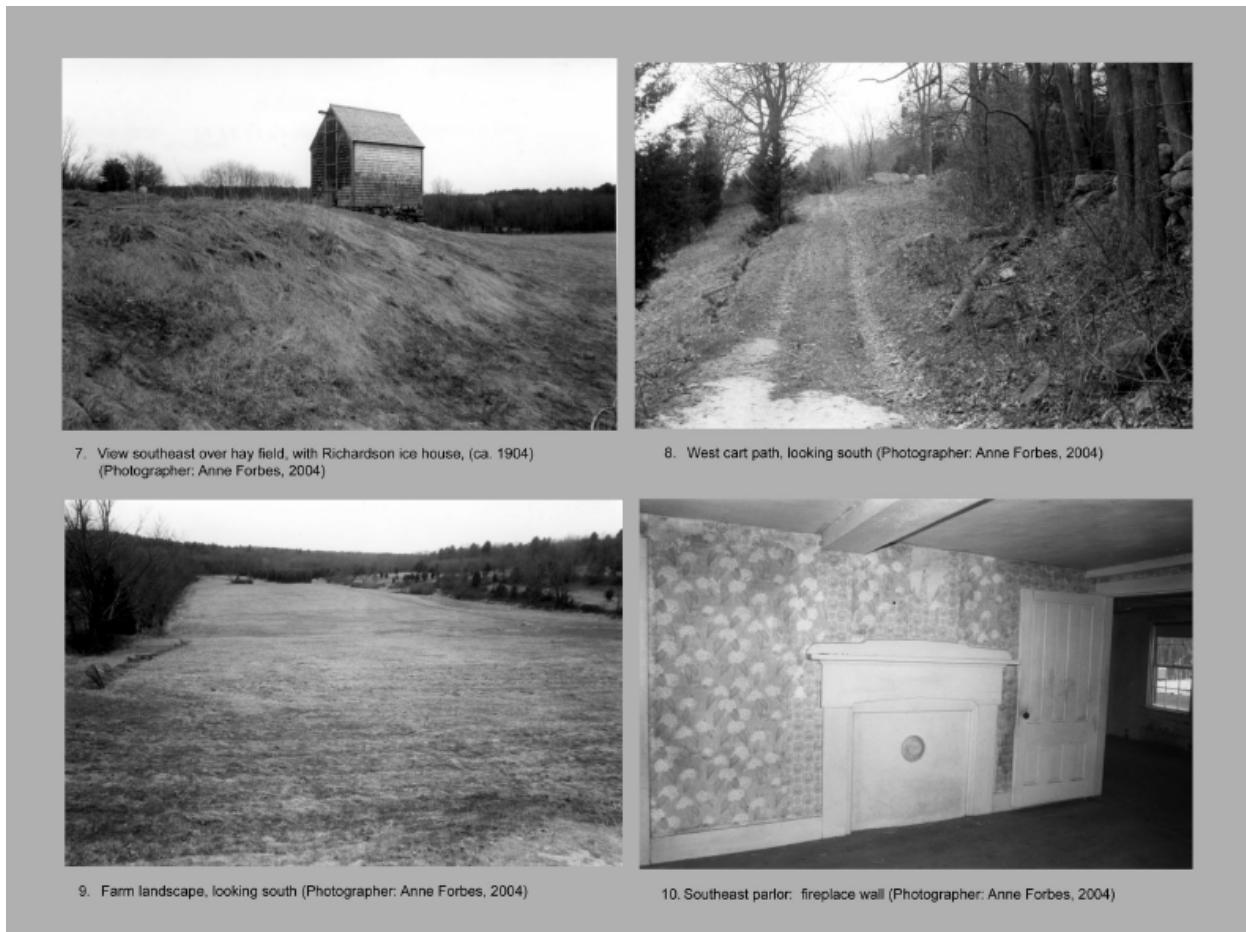
4. Levi Wetherbee House, mid-18th C./ca. 1800-1815: looking east, with north and west elevations (Photographer: Anne Forbes, 2004)



5. Levi Wetherbee House, mid-18th C./ca. 1800-1815: southeast chamber: fireplace wall (Photographer: Anne Forbes, 2004)



6. Levi Wetherbee Farm: Steele Barn (1941), with farmhouse in background, looking north (Photographer: Anne Forbes, 2004)



7. View southeast over hay field, with Richardson ice house, (ca. 1904)  
(Photographer: Anne Forbes, 2004)

8. West cart path, looking south (Photographer: Anne Forbes, 2004)

9. Farm landscape, looking south (Photographer: Anne Forbes, 2004)

10. Southeast parlor: fireplace wall (Photographer: Anne Forbes, 2004)



11. Rear kitchen, looking southwest (Photographer: Anne Forbes, 2004)



12. Rear kitchen, looking east (Photographer: Anne Forbes, 2004)



13. Rear chamber: fireplace wall (Photographer: Anne Forbes, 2004)

Gravestones in east barn foundation wall



14. North gravestone (Photographer: Anne Forbes, 2006)



15. South gravestone (Photographer: Anne Forbes, 2006)

Exhibit E  
Town of Boxborough, Massachusetts



Steele Farm Existing & Potential Parking

