

# SUPPORTING DOCUMENTATION

Sellers have accepted offer - waiting for PLS

OFFER TO PURCHASE REAL ESTATE

TO: Starr O. Lawrence and  
Prudence O. Harper ("Sellers")

DATE: June 17, 2014

RE: Two (2) parcels of real estate on the westerly side of Plymouth Street in Middleboro, Plymouth County, MA shown as Lot 2098 and Lot 2867 on Middleboro Assessors Map 41 - (Lot 2098 contains 7.0 acres up to 8.3 acres. Lot 2867 contains 40.0 acres up to 45.7 acres) (collectively the "Premises")

The Town of Middleborough, a Massachusetts municipal corporation with a regular place of business in Plymouth County (the "Buyer") hereby offers to buy the Premises from you subject to the following terms and conditions:

1. The Town will pay for the Premises the sum of Five Hundred and Twenty-Five Thousand Dollars (\$525,000.00).

2. This offer is good until 5:00 p.m. on July 17, 2014 at or before which time a copy of this Offer must be signed by you and returned to the Town or else the Offer shall be void and of no force and effect.

3. The time for performance of your sale to the Town (the "Closing") shall be 11:00 a.m. on December 30, 2014 at the Plymouth County Registry of Deeds (Plymouth, MA office).

4. If this Offer is accepted by you, then the Town's obligation to buy the Premises shall be subject to and conditional upon:

(a) Obtaining within sixty (60) days after your acceptance of this Offer inspections of the Premises satisfactory to the Town;

(b) Execution by you and the Town within thirty (30) days after your acceptance of the Offer of a mutually satisfactory Purchase and Sale Agreement setting forth all of the terms and conditions of the transaction, which shall then become the agreement of the parties (the "Agreement"). The Agreement shall provide that the Town's performance of the Agreement shall be contingent upon the following conditions:

(i) Middleborough Town Meeting authorizing the Middleborough Board of Selectmen to purchase the Premises;

(ii) Middleborough Town Meeting appropriation of sufficient funds to pay for the purchase of the Premises;

(iii) The Town of Middleborough receiving awards of monetary grants from federal, state and/or private sources with respect to the purchase of the Premises in amounts satisfactory to the Town;

- (iv) Conveyance of the Premises to the Town by separate deeds (2), one deed to convey Lot A containing 8.3 acres more or less, and the dwelling and other buildings for consideration paid of \$228,100.00, and the second deed to convey Lot B containing all remaining land of Sellers included in the Premises, believed to be 45.7 acres more or less for consideration of \$296,900.00, the boundaries of Lot A and Lot B to be established by a plan approved for filing/registration by the Massachusetts Land Court. Lot A and Lot B will each contain parts of Lots 2098 and Lot 2867 shown on Middleborough Assessors Map 41.
- (v) The Sellers' deeds shall convey good and clear record and marketable title of the Premises to the Town.
- (c) Sellers obtaining an inspection report regarding the septic waste disposal system serving the dwelling on the Premises from a qualified Title 5 State Environmental Code system inspector that the septic waste disposal system passed inspection as a system which protects public health and safety and/or the environment.

If the above conditions are not satisfied after acceptance of this Offer, the Agreement shall terminate and neither the Sellers or Town shall have further recourse against each other.

5. When, as and if the deeds are delivered and recorded and the purchase price is paid, the Sellers shall pay any broker's fee or commission due and payable with respect to the Town's purchase.

6. Time is of the essence of this Offer.

Town of Middleborough, Buyer

By:



Allin J. Frawley, Chairman  
Board of Selectmen

Address of Buyer: Board of Selectmen, Town Hall, Middleboro, MA 02346

#### ACCEPTANCE OF OFFER

The above Offer is hereby accepted upon the foregoing terms and conditions.

\_\_\_\_\_  
Starr O. Lawrence, Seller

\_\_\_\_\_  
Prudence O. Harper, Seller

Address of Sellers: c/o Prudence O. Harper, 45 East 85<sup>th</sup> Street, New York, NY 10028

Dear Leilani:

I received a report from my title examiner regarding title to the above. The examiner's view is that –

- The 40 acre parcel was devised to Starr Oliver Lawrence and Prudence Oliver (Harper) under the will of Peter Oliver, Probate Docket #79746 (1959).
- The 7 acre parcel was conveyed to Starr O. Lawrence and Prudence O. Harper by deed of Charles F. DeSimone in 1970.

The examiner believes that Peter Oliver got title to the 40 acre parcel by deed of Eliot N. Jones, Trustee under the will of Henry Champion Jones recorded in the Plymouth County Registry of Deeds in Book 1892, Page 191 (1945).

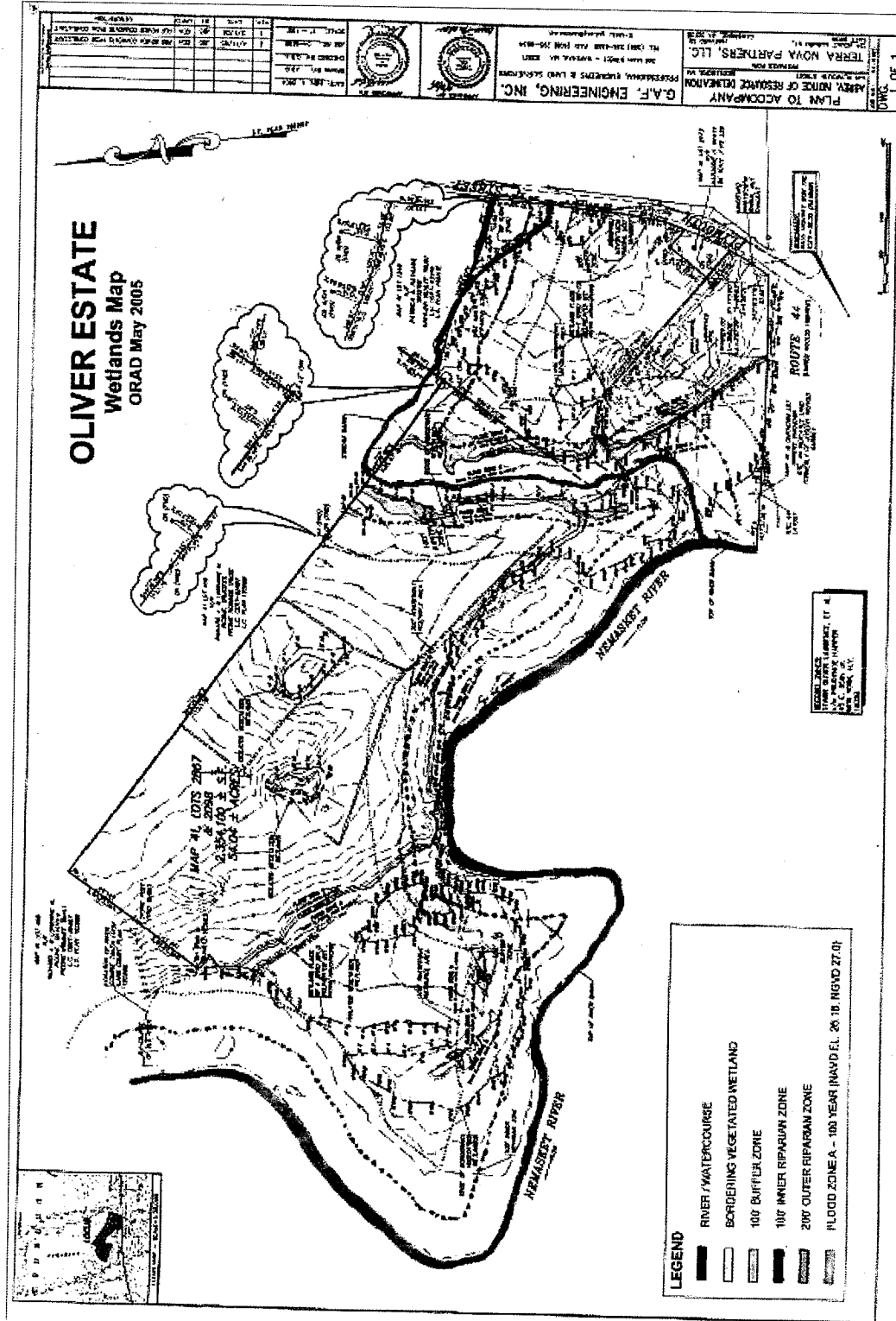
I have not fully examined the title reports received from the examiner.

Very truly yours,

Daniel F. Murray  
Town Counsel  
DFM/s  
T-1817

cc: Ted Eayrs  
Patricia Cassady, Conservation Agent  
Charles J. Cristello, Town Manager

# Site Description Wetlands Map





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***Summary of Important Facts and Conclusions***

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**Highest and Best Use, Subject to Proposed Historic Preservation Restriction:** Site for three single-family lots, one improved with the existing buildings.

**Value Indications, Subject to Proposed Historic Preservation Restriction:**

Cost Approach:	Not Applicable
Income Approach, Cost of Development Technique:	\$510,000
Sales Comparison Approach:	\$525,000
<b>Final Value Estimate:</b>	<b>\$510,000</b>



## **EXECUTIVE SUMMARY**

The Oliver Estate is an extraordinary building and property for both its architectural significance and connection to events during the founding of this country. The house possesses an extraordinary degree of architectural integrity, having never been modernized in an intrusive manner. The Nineteenth or early Twentieth Century kitchen and First Floor bathroom were placed in an addition rather than the original structure.

The house was very well constructed, exhibiting an extremely high level of craftsmanship not seen outside of major urban centers during this time period. The house remains in fundamentally sound condition with only limited repairs that are needed at this time. Filling in the abandoned swimming pool is a recommended public safety item.

This structural assessment and reuse study has been limited in scope and no destructive investigation has been performed. A more thorough investigation and detailed plans will be developed once a decision has been made regarding acquiring the house and what short-term and long-term uses are planned. See structural report for specific structural conditions. In our opinion there is a variety of potential and appropriate uses for the house and property. From least intrusive to most intrusive they are:

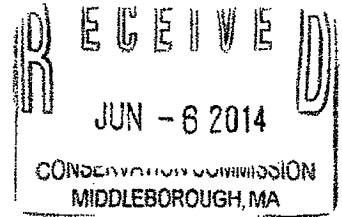
1. Caretaker Residence: No change of use from existing residential use and very few code required upgrades. (This is probably best thought of as an interim use.)
2. House Museum: The building would clearly qualify for special House Museum status under the building code, minimizing code upgrades. The biggest challenge would be in meeting handicap accessibility requirements and its long-term financial sustainability. A group of active and dedicated volunteers is key to this option. The very detailed inventory of furnishings would be very helpful in furnishing the house museum and completing the story of the Oliver Iron Works.
3. Small Scale Office Use: Small-scale office such as one related to tourism or cultural activities could be a compatible use that provides income and keeps the house occupied. This would be a change in use to "business" occupancy and requires certain upgrades, including handicap accessibility.



4. Reception/Function/Meeting Center: The property grounds could provide an attractive venue for large-scale receptions and functions in tent structures if bathroom and kitchen facilities were located in the current Kitchen addition and attached garages, or in a freestanding building. Small meeting rooms and/or a house museum could be located in the original house. This option would involve the greatest capital expenditures but could then be self-supporting. The Commander's Mansion in Watertown is a somewhat larger house that has been self-supporting for the last fifteen years after it was purchased and renovated by the town.

For the above reuse option, the first costs and annual costs will vary significantly. For Option 1 (Caretaker's Residence), only minor initial repairs are required and annual operating costs would be similar to a typical single-family house. For Option 4 (Reception/Function/Meeting Center), the first costs would be very substantial. However, after these initial costs, other similar properties, such as the Commander's Mansion in Watertown, have become self-supporting. Option 2 (House Museum) and Option 3 (Office Use) are different steps between Options 1 & 4 in terms of first cost and net annual costs.

The attached Masters Thesis by Walter Eayrs is a great source of historic information about the Oliver family, the iron works and the Peter Oliver House. This thesis is extremely helpful in developing a detailed understanding of how the house fits into the history of Colonial Plymouth County and events during the period of the American Revolutionary War. Mr. Richard Meche of Historic Homes, Inc. has provided a very detailed existing conditions report, which is also attached and provides very useful information.



June 3, 2014

## The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

Celia Riechel  
Grant Programs Supervisor  
Division of Conservation Services  
Executive Office of Energy & Environmental Affairs  
100 Cambridge St, 9th fl  
Boston MA 02114

RE: LAND Grant Application, Oliver Estate, 445 Plymouth Street (Map 41, Lots 2867 & 2098), Middleborough. MHC #RC.56148.

Dear Ms. Riechel:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the Project Notification Form (PNF) and MHC's files for the proposed LAND grant program project referenced above. The project proposes acquisition of ca. 47 acres.

The MHC strongly recommends this important land acquisition project for funding. Acquisition of the property will protect and preserve the setting of a contiguous, significant historic property, and will protect and preserve archaeologically sensitive land.


A portion of the proposed acquisition area is within the Muttock Historic and Archaeological District (MHC #MID.X), listed in the State and National Registers of Historic Places. The acquisition area is part of a large estate that is associated with the Peter Oliver Jr. - Sprout House (MHC #MID.140), listed in the State and National Register of Historic Places as a contributing property to the historic district. The historic house (ca. 8 acres) is proposed to be subdivided from the acquisition parcel. The house contains the sole Colonial Period building (original portions ca. 1769) within the historic district that is a preeminent and well-preserved example of Federal style architecture. Peter Oliver, Jr. has been the subject of several recent historical scholarly treatments, and his interest and influence in scientific agriculture is notable. Enslaved persons were present at the property in the 18th century as domestic servants and agricultural laborers. The house, featured and highlighted in the National Register nomination for the historic district, includes the house, a carriage house, the building foundation remains of a former barn, and formal designed historic landscape elements that date to the 1940s, such as a stonewall-lined driveway with an allee of evergreen trees, juniper hedges, gardens, and a wood arbor way. The setting of the historic house includes the proposed acquisition area, where Oliver's agricultural laborers worked, and where Oliver's interests in agricultural technology were carried out. Significant archaeological features and deposits from the historical period land use activities are expected in the acquisition area.

The location of the property along the Nemasket River and with other wetlands, and the presence of known and significant ancient and historical period Native American habitation in this part of Middleborough indicate that the acquisition area is also highly likely to contain significant archaeological features and deposits of ancient and historical period Native American land use and occupation.

The MHC recommends that the Conservation Restriction to be developed for the acquisition area should include stipulations that will assist to protect and preserve the property's significant historic and archaeological qualities and characteristics. The MHC is able to assist in review and comment on a draft Conservation Restriction for the acquisition area. The MHC also recommends that that the Town of Middleborough should consider future acquisition of a Preservation Restriction (MGL c. 184, ss. 31-33) for the contiguous homelot.

These comments are offered to assist in compliance with MGL c. 9, ss. 26-27C (950 CMR 71). Please contact me if you have any questions or need additional information.

Sincerely,



Edward L. Bell  
Deputy State Historic Preservation Officer  
Senior Archaeologist  
Massachusetts Historical Commission

xc:

Irene Del Bono, EEA-DCS  
Patricia J. Cassady, Middleborough Conservation Commission  
Ruth McCawley Geoffroy, Middleborough Planning Dept.  
Middleborough Historical Commission

CRANBERRY CAPITAL  
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

**Town of Middleborough**  
**Massachusetts**  
**Board of Selectmen**

June 30, 2014

Jane Lopes, Chairman  
Community Preservation Committee  
20 Centre Street  
Middleborough, MA 02346

Dear Chairman Lopes & Committee Members:

At its meeting held on June 2, 2014, the Board of Selectmen voted unanimously to authorize the Tourism Committee to apply for funding and to purchase the Oliver Estate.

Thank you.

Sincerely,  
For BOARD OF SELECTMEN

Allin Frawley, Chairman  
BOARD OF SELECTMEN

xc: Tourism Committee