

RECORDED IN DEEDS BOOK 14250 PAGE 102

R9.75. BK 14250 PG 427

THE COMMONWEALTH OF MASSACHUSETTS
NEWTON
CITY

#127-80
#128-80(2)

BOARD OF ALDERMEN

October 27, 19 80

NOTICE OF VARIANCE

Conditional or Limited Variance or Special Permit
(General Laws Chapter 40A, Section 18 as amended)

Notice is hereby given that a Conditional or Limited Variance or Special Permit has been granted

To..... George A. Nadaff
Owner or Possessor
Address..... 93 Bellevue Street
City Newton, Ma. 02158
93 Bellevue Street, Ward 1, Section 12, Block 21.
Identify Land Affected
Lot 38 containing approx. 30,410 sq. ft.

by the City of..... Newton..... Board of Aldermen affecting the rights of the owner with respect to the use of premises on

..... 93 Bellevue Street, Newton, Ma.
Street City

the record title standing in the name of
..... George A. Nadaff, Trustee of the High Tide Trust.....

whose address is..... 93 Bellevue Street, Newton, Ma.
Street City State

by a deed duly recorded in the Middlesex South County Registry of Deeds in Book
12257, Page 422, Registry District of the Land Court

Certificate No..... Book Page.....

The decision of said Board is on file with the papers in Decision or Case No. 127-80; 127-80(2)
in the office of the City Clerk of Newton

Signed this 27th day of October, 19 80
Board of Aldermen

William Jefferson President
Board of Aldermen
Edward G. English Clerk
Board of Aldermen

..... 19..... o'clock and..... minutes ...M.
Received and entered with the Register of Deeds in the County of.....

Book..... Page.....

ATTEST

Register of Deeds

Notice to be recorded by [redacted] Land Owner.

RECEIVED
NEWTON CITY CLERK
2011 JUN 19 PM 1:58
David A. Gibson, City
Newton, MA 02459

CITY OF NEWTON

#127-80
#127-80(2)

IN BOARD OF ALDERMEN

October 6, 1980

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor through its Chairman, Alderman Terry Morrie.

Petition number: 127-80
Petitioner: George A. Nadaff
Location: 93 Bellevue Street, Ward 1, Section 12, Block 21, Lot 38, containing approximately 98,410 square feet.
Owner: Alfred Nadaff
Address of owner: 93 Bellevue Street, Newton, Mass. 02158
To be used for: Six (6) condominium units within existing structure (Carriage House).
Construction: Wooden frame, brick and stone building.
Explanatory note: Section 30-5(d) of the Zoning Ordinance requires the petitioner to obtain permission of the Board of Aldermen to convert existing carriage house to multi-family use.

Land referred to is in Single Residence "B" District.

Approved, subject to the following conditions:

1. That the condominium building, driveways, parking areas, walkways, walls, landscape areas, utilities and other site features shall be located and maintained consistent with a plan entitled "Site Plan of Land in Newton, Mass. belonging to Alfred N. Nadaff, Tr.," dated January 31, 1980, revised to July 10, 1980 by Barnes Engineering Co., Inc., 411 Lexington Street, Auburndale, Mass., submitted by the petitioner and filed herewith.

2. That the conversion to six dwelling units shall be consistent with a plan entitled "The Carriage House, Newton, Mass., by Michael James Philaja, Architect, 27 Claremont Park, Boston, Mass." submitted by the petitioner and filed herewith.
3. That the parking areas shall be screened from view of abutting properties by plantings, subject to approval of the Director of Planning and Development.
4. That the site indentified as Section 12, Block 21, Lot 38 containing approximately 98,410 square feet shall not be subdivided for the purpose of erecting single or two-family structures or other buildings.
5. That no more than one dwelling unit shall be maintained on Lot 39 (now or formerly of Alfred N. Nadaff, Trustee) and Lot 39 shall not be subdivided.
6. That no structure shall be constructed on Lot 40 (now or formerly of Alfred N. Nadaff, Trustee, and Lot 40 shall not be subdivided.
7. That the petitioner shall apply a Conservation Restriction to Lot 38 (Carriage House) and Lot 39 (Riley House) designed to prevent their subdivision as long as the Carriage House contains more than one residence.
8. That there shall be no dumpsters located on site including Lots 38, 39 and 40.
9. That the petitioner shall include in the condominium agreement that no facade alterations shall be made to the structure on Lot 38 until the Newton Historical Commission has reviewed and filed a statement certifying approval of such facade alterations with the Building Commissioner.
10. That the petitioner shall restore the site to its original condition subsequent to the installation of underground utilities.
11. That no building permit shall be issued in pursuant to this SPECIAL PERMIT until:
 - a. The petitioner shall have filed with the City Clerk, Building Commissioner and Director of Planning and Development an instrument recorded with the Registry of Deeds for the southern District of Middlesex County prohibiting subdivision of Lots 38, 39 and 40 in accordance with the Newton Subdivision Rules and Regulations. Said instrument shall permit subdivision of Lot 38 in accordance with condominium organization pursuant to Chapter 183A of the General Laws.

- b. The petitioner shall have filed with the City Clerk, Building Commissioner and Director of Planning and Development, an instrument recorded with the Registry of Deeds for the Southern District of Middlesex County requiring the preservation, as long as the Carriage House contains more than one family, of the existing topography and natural vegetation except for ordinary care and maintenance, the removal of dead plants, and perimeter landscaping in the immediate vicinity of the buildings, and other construction on Lots 38 and 39. Such instrument shall conform to requirements of Chapter 184, Mass. G.L. where applicable.
 - c. The City Engineer shall have reviewed and approved of utility plans, and a statement certifying such approval shall have been filed with the City Clerk, Building Commissioner, and the Department of Planning and Development.
 - d. A landscape and lighting plan indicating the location, size, number and type of landscaping and landscape materials and lighting fixtures to be installed shall have been submitted to and approved by the Director of Planning and Development and a statement certifying such approval shall have been filed with the City Clerk and the Building Commissioner.
 - e. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this SPECIAL PERMIT with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
 - f. A certified copy of such recorded notice shall have been filed with the City Clerk, the Building Department and the Department of Planning and Development.
8. That no building or part thereof subject to this SPECIAL PERMIT shall be occupied until:
- a. A statement by the Building Department that there has been full compliance with the Massachusetts State Building Code, including any permits issued by said Department, and that the premises are suitable for occupancy shall have been filed with the City Clerk and the Department of Planning and Development.
 - b. The petitioner shall have filed with the City Clerk, the Building Department, and the Department of Planning and Development a statement by a registered architect or registered engineer certifying that Conditions 1 and 2 herein, have been complied with.

- c. There shall have been filed with the City Clerk, the Building Department, and the Department of Planning and Development a statement by the City Engineer certifying that the finished grade and final construction details of the driveways, parking areas, drainage systems and utility installations have been constructed to the standards of the City of Newton Engineering Department.
- d. There shall have been filed with the City Clerk and the Building Department a statement by the Director of Planning and Development approving the final location, number, size, and type of plant materials, final landscape features, and lighting installation.
- e. The petitioner will have established a condominium organization pursuant to Chapter 183A of the General Laws.

Under Suspension of Rules
 Readings Waived & Adopted
 18 Yeas 2 Nays 1 Excused
 3 Absent (Nays: Sheehan,
 Taglienti; excused: McGrath;
 absent: Jefferson, Diets,
 Richmond)

EXECUTIVE DEPARTMENT

Approved October 8, 1980

(Sgd) EDWARD G. ENGLISH City Clerk (Sgd) THEODORE D. MANN Mayor

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT is a true, accurate and complete copy of said decision; that all statutory requirements for the issuance of such SPECIAL PERMIT have been complied with; and that copies of the foregoing decision and all plans referred to in the decision have been filed with the Planning & Development Board and the City Clerk.

Twenty days have elapsed since the date of filing of the Board Order with the City Clerk and no appeal thereto has been filed.

Edward G. English
 City Clerk Edward G. English
 October 27, 1980



THE COMMONWEALTH OF MASSACHUSETTS

NEWTON
CITY

BOARD OF ALDERMEN

July 21, 19 81

NOTICE OF VARIANCE

Conditional or Limited Variance or Special Permit
(General Laws Chapter 40A, Section 1B as amended)

Notice is hereby given that a Conditional or Limited Variance or Special Permit has been granted

To George A. Rackliff
Owner or Possessor

Address 93 Bellevue Street

City Newton, Massachusetts 02158

109 Bellevue Street, Ward 1, Section 12, Block 21, Lot 38,
containing approx. 98,410 sq. ft.

by the City of Newton Board of Aldermen affecting the
rights of the owner with respect to the use of premises on

109 Bellevue Street, Newton, Mass.
Street City

the record title standing in the name of
Alfred H. Rackliff, Trustee

whose address is 718 High Street, Dedham, MA 02026
Street City State

by a deed duly recorded in the Middlesex County Registry of Deeds in Book
12337 Page 627 Registry District of the Land Court

Certificate No. Book Page

The decision of said Board is on file with the papers in Decision or Case No. 127-80(3)
in the office of the City Clerk of Newton

Signed this 21st day of July, 19 81

Board of Aldermen

Matthew Jefferson President
Edward G. English Clerk
 Board of Aldermen

at 10 o'clock and minutes M.

Received and entered with the Register of Deeds in the County of
Book Page

ATTEST

Register of Deeds

Notice to be recorded by Land Owner.

127-80(3)

407

CITY OF NEWTON
IN BOARD OF ALDERMEN

July 13, 1981

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following EXTENSION OF SPECIAL PERMIT is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor through its Chairman, Alderman Terry Morris.

Petition number: #127-80(3)

Petitioner: George A. Naddaff

Location: 109 Bellevue Street, Ward 1, Section 12, Block 21, Lot 38, containing approx. 98,410 sq. ft.

Owner: Alfred Naddaff

Address of owner: 718 High Street, Dodham, MA 02026

To be used for: Six (6) condominium units within existing structure (carriage house).

Construction: Wooden frame, brick and stone building.

Explanatory Note: Section 30-5(d) of the Zoning Ordinance requires the petitioner to obtain permission of the Board of Aldermen to convert existing carriage house to multi-family use. Petitioner requests extension of time to exercise Special Permit granted by Board Order #127-80(2), dated October 6, 1980.

Land referred to is in Single Residence B District.

Approved subject to the following conditions:

1. That, except as amended herein, all conditions of Board Order #127-80(2) shall remain in full force and effect.
2. That this extension of Special Permit shall be exercised no later than six months from the date of approval of this Board Order. The term "exercise" shall mean the commencement of work requiring the issuance of a building permit.

- 1. There shall be no exercise of this SPECIAL PERMIT until:
 - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this SPECIAL PERMIT with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
 - b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Building Department and the Department of Planning & Development.
 - c. The petitioner shall have complied with all requirements of the Massachusetts State Building Code, including obtaining appropriate permits from the Building Department, and said Department shall have filed, with the City Clerk and the Department of Planning & Development, a statement certifying thereto.

Under Suspension of Rules
 Readings Waived & Adopted
 21 Years 1 Absent (McGrath)

EXECUTIVE DEPARTMENT

Approved July 15, 1981

Edward G. English
 (Sgd) EDWARD G. ENGLISH City Clerk

Thomas D. Mann
 (Sgd) THOMAS D. MANN Mayor

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT is a true, accurate and complete copy of said decision; that all statutory requirements for the issuance of such SPECIAL PERMIT have been complied with; and that copies of the foregoing decision and all plans referred to in the decision have been filed with the Planning & Development Board and the City Clerk.

Edward G. English

 City Clerk

A True Copy
Edward G. English
 City Clerk of Boston, Mass.

CITY OF NEWTON
1978

BK 14378 PG 452

1978

#127-80(3)

CITY OF NEWTON

IN BOARD OF ALDERMEN

July 13, 1981

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following **EXTENSION OF SPECIAL PERMIT** is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor through its Chairman, Alderman Terry Morris.

- Petition number: #127-80(3)
- Petitioner: George A. Maddaff *D 14359 P 9 535*
- Location: 109 Bellevue Street, Ward 1, Section 12, Block 21, Lot 38, containing approx. 98,410 sq. ft.
- Owner: Alfred Maddaff
- Address of owner: 93 Bellevue Street, Newton, Mass. 02158
- To be used for: Six (6) condominium units within existing structure (carriage house).
- Construction: wooden frame, brick and stone building.
- Explanatory Note: Section 30-5(d) of the Zoning Ordinance requires the petitioner to obtain permission of the Board of Aldermen to convert existing carriagehouse to multi-family use. Petitioner requests extension of time to exercise Special Permit granted by Board Order #127-80(2), dated October 6, 1980.

Land referred to is in Single Residence B District.

Approved subject to the following conditions:

1. That, except as amended herein, all conditions of Board Order #127-80(2) shall remain in full force and effect.
2. That this extension of Special Permit shall be exercised no later than six months from the date of approval of this Board Order. The term "exercised" shall mean the commencement of work requiring the issuance of a building permit.

3. There shall be no exercise of this SPECIAL PERMIT until:
- a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this SPECIAL PERMIT with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
 - b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Building Department and the Department of Planning & Development.
 - c. The petitioner shall have complied with all requirements of the Massachusetts State Building Code, including obtaining appropriate permits from the Building Department, and said Department shall have filed, with the City Clerk and the Department of Planning & Development, a statement certifying thereto.

Under Suspension of Rules
Readings Waived & Adopted
23 Yeas 1 Absent (McGrath)

EXECUTIVE DEPARTMENT

Approved July 15, 1981

(Sgd) EDWARD G. ENGLISH City Clerk

(Sgd) THEODORE D. MANN Mayor

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT is a true, accurate and complete copy of said decision; that all statutory requirements for the issuance of such SPECIAL PERMIT have been complied with; and that copies of the foregoing decision and all plans referred to in the decision have been filed with the Planning & Development Board and the City Clerk.

Twenty days have elapsed since the date of filing of the Board Order with the City Clerk and no appeal thereof has been filed.

City Clerk

MAY 31 1981 3:57 PM

BK 14250 PG 422

R875 ✓

PRESERVATION RESTRICTION UPON THE "CARRIAGE HOUSE" LOT 38
AND "RILEY HOUSE" LOT 39, NEWTON, MASSACHUSETTS

George A. Naddaff, Trustee of the High Tide Trust, under a Declaration of Trust dated July 28, 1972 and recorded in Book 12257, Page 624, and its successors and assigns, (the "Grantor") grants to the City of Newton, Massachusetts, a municipal corporation, (the "Grantee"), a Preservation Restriction on a parcel of land with improvements in said City, described as follows:

The land and buildings of the High Tide Trust being Lot #38 containing approximately 98,410 square feet, more or less, and Lot #39 containing approximately 46,349 square feet, more or less, having frontage on Bellevue Street, Newton, Massachusetts (the "Property") as shown on a plan entitled "Plan of Land in Newton, Mass. owned by Alfred N. Naddaff, Tr." dated Dec. 4, 1980 by Barnes Engineering Company, Inc., 411 Lexington Street, Auburndale, Mass. to be recorded herewith.

This conveyance is subject to, and with the benefit of, easements, restrictions, covenants, agreements and encumbrances of record, if any, and the Terms of the Preservation Restriction set forth in Schedule 1 attached.

The provisions of this conveyance shall be considered to be severable, and the revocation, termination or modification of any provision of this conveyance of its terms and conditions shall not affect the force, effect or validity of the provision not so revoked, terminated or modified.

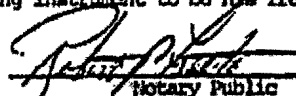

George A. Naddaff, Trustee
High Tide Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

March 31, 1981

Then personally appeared the above named George A. Naddaff, Trustee of High Tide Trust, and acknowledged the foregoing instrument to be his free act and deed before me,


Notary Public
My commission expires: Nov 23 1981

SEE PLAN IN RECORDED BOOK 14250 PAGE 422

SCHEDULE 1TERMS OF THE PRESERVATION RESTRICTION UPON A PORTION OF
THE LAND OF THE HIGH TIDE TRUST

The terms of the Preservation Restrictions on Lots 38 and 39 are as follows as long as (the Carriage House) Lot 38 contains more than one family:

1. No loam, peat, gravel, sand, rock or other mineral resource or natural deposit shall be excavated or removed from said parcel in such a way as to affect the surface of the property.
2. No trees, grasses or other vegetation shall be cut or otherwise destroyed.
3. In order that the unique architecture style of the Carriage House be reasonably preserved in perpetuity, no substantial alteration to the basic facade of the building shall be undertaken without the prior written consent of the Newton Historical Commission. The requirement of consent by said Commission shall not be construed to prevent interior modifications within the structure.
4. Notwithstanding anything contained in paragraphs 1 through 3, to the contrary, the Grantor and Grantee reserve to themselves, their successors and assigns the right to conduct or permit the following activities on the Property:
 - a) the maintaining of perimeter landscaping in the immediate vicinity of the Carriage House including, without limitation, the planting of trees and shrubs and the mowing of grass;
 - b) the installation of underground utilities;
 - c) the maintenance of the Property including, without limitation, the planting or selective cutting or pruning of trees, brush or other vegetation, and the removal of same, to improve the scenic view and to implement disease prevention measures;
 - d) to take such additional actions as are not contrary to the intent of the granting of this Preservation Restriction subject to the written approval of the Grantee.

The foregoing restriction is authorized by General Laws Ch. 184, Sec. 21-23, and is intended to retain the Property predominantly in its present condition in order to protect the architectural integrity, basic topography, and natural vegetation of a site historically significant for its architecture and associations. Both the Grantor and Grantee, their successors and assigns shall have the right to inspect the Property and enforce the foregoing restrictions, with the right, without obligation, to remedy any violation thereof. The rights hereby granted and reserved shall be in addition to any other remedies to the Grantor and Grantee for the enforcement of the foregoing restriction.

SOLICITOR'S OFFICE



DANIEL M. FUNK
CITY SOLICITOR

City of Newton, Massachusetts
Incorporated 1871
CITY HALL
COMMONWEALTH AVENUE AND WALNUT STREET
NEWTON CENTRE 02459

TELEPHONE
943-7266

ASSISTANT CITY SOLICITORS

MICHAEL D. BABEMAN GARY A. BLAU
NORMAN L. KURLAND KATHLEEN L. TORRES
G. MICHAEL PEIRCE MELAINE E. HONIG
WAYNE R. FRIGARD

January 26, 1981

Robert P. Freeto, Esq.
P.O. Box 115
335 Auburn Street
Newton, MA 02166

Re: Naddaff Preservation Restriction

Dear Bob:

This is to certify that I have reviewed the Preservation Restriction covering the property on Bellevue Street in Newton. As attorney for the Board of Aldermen and the City of Newton I wish to state that the restriction is in a form satisfactory to these parties.

Very truly yours,

G. Michael Peirce
Assistant City Solicitor

GMP/jla



**MASSACHUSETTS
HISTORICAL
COMMISSION**

**COMMONWEALTH OF MASSACHUSETTS
Office of the Secretary of State**

294 Washington Street
Boston, Massachusetts
02108
617-727-8470

MICHAEL JOSEPH CONNOLLY
Secretary of State

March 25, 1981

Robert F. Fresto
P.O. Box 115
335 Auburn Street
Newton, MA 02166

Re: Preservation Restriction for 93 Bellevue Street, Newton

Dear Mr. Fresto:

I have reviewed the preservation restriction proposed for the property at 93 Bellevue Street, Newton. This property appears suitable for a Preservation Restriction.

I have enclosed a copy of our Preservation Restrictions manual which contains sample restrictions and authorizing legislation. I have also enclosed, for your assistance, a copy of the state survey for this property.

If you should have any questions, please feel free to contact Joseph Orfant, Review Director.

Sincerely,

Patricia L. Waslowski
State Historic Preservation Officer
Executive Director and Secretary
Massachusetts Historical Commission

PLW/pb

Enclosures

PRESERVATION RESTRICTION UPON THE "CARRIAGE HOUSE" LOT 38
AND "UTILITY HOUSE" LOT 39, NEWTON, MASSACHUSETTS

11-1-75

Alfred N. Maddaff, Trustee of an unnamed Trust Agreement dated August 1, 1972 and recorded in the Suffolk County Registry of Deeds in Book 8582, Page 663, and its successors and assigns, (the "Grantor") grants to the City of Newton, Massachusetts, a municipal corporation, (the "Grantee"), a Preservation Restriction on a parcel of land with improvements in said City, described as follows:

The land and buildings of the unnamed trust being Lot #38 containing approximately 98,410 square feet, more or less, having frontage on Bellevue Street, Newton, Massachusetts (the "Property") as shown on a plan entitled "Plan of Land in Newton, Mass. owned by Alfred N. Maddaff, Tr." dated Dec. 4, 1980 by Barnes Engineering Company, Inc., 411 Lexington Street, Auburndale, Mass. ^{as Book 14250, p. 112} recorded ~~herewith~~.

This conveyance is subject to, and with the benefit of, easements, restrictions, covenants, agreements and encumbrances of record, if any, and the Terms of the Preservation Restriction set forth in Schedule I ~~attached~~, ^{as Book 14250, p. 112} recorded ~~herewith~~.

The provisions of this conveyance shall be considered to be severable, and the revocation, termination or modification of any provision of this conveyance of its terms and conditions shall not affect the force, effect or validity of the provision not so revoked, terminated or modified.

Alfred N. Maddaff - Trustee
Alfred N. Maddaff, Trustee

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

June , 1981

Then personally appeared the above named Alfred N. Maddaff, Trustee, and acknowledged the foregoing instrument to be his free act and deed before me,

Caroline J. Scoville
Notary Public

My commission expires: 2/1/85

1981 10 11 11:00 AM

REC-11 0882 551 M 12 61

BK 14378 PG 456

R10.

CONFIRMATORY PRESERVATION RESTRICTION UPON THE "CARRIAGE HOUSE"
LOT 38 AND "RILEY HOUSE" LOT 39, NEWTON, MASSACHUSETTS

Alfred N. Naddaff, Trustee of an unnamed Trust Agreement dated August 1, 1972 and recorded in the Suffolk County Registry of Deeds in Book 8582, Page 663, and its successors and assigns, (the "Grantor") grants to the City of Newton, Massachusetts, a municipal corporation, (the "Grantee"), a Preservation Restriction on a parcel of land with improvements in said City, described as follows:

The land and buildings of the unnamed trust being Lots 38 and 39 containing respectively approximately 98,410 square feet and 46,349 square feet, more or less, having frontage on Bellevue Street, Newton, Massachusetts (the "Property") as shown on a plan entitled "Plan of Land in Newton, Mass. owned by Alfred N. Naddaff, Tr." dated Dec. 4, 1980 by Barnes Engineering Company, Inc., 411 Lexington Street, Auburndale, Mass. record with the Middlesex South Registry of Deeds Book 14250 Page 422.

This conveyance is subject to, and with the benefit of, easements, restrictions, covenants, agreements and encumbrances of record, if any, and the Terms of the Preservation Restriction set forth in Schedule 1 attached.

This Preservation Restriction is to confirm a certain Preservation Restriction dated June 15, 1981 and recorded with said Registry at Book 14359, Page 339, on which reference to Lot 39 was inadvertently omitted.

The restrictions contained herein shall run with the land and be binding upon the grantor and his successors and assigns.

The provisions of this conveyance shall be considered to be severable, and the revocation, termination or modification of any provision of this conveyance of its terms and conditions shall not affect the force, effect or validity of the provision not so revoked, terminated or modified.

Alfred N. Naddaff - Trustee
Alfred N. Naddaff, Trustee

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

August 5, 1981

Then personally appeared the above named Alfred N. Naddaff, Trustee, and acknowledged the foregoing instrument to be his free act and deed before me,

Constance J. Bulloff
Notary Public

My Commission Expires: April 1, 1985

BK 14250 PG 423

ARTICLE ITERMS OF THE PRESERVATION RESTRICTIONS UNDER A DEED TO THE
THE EARS OF THE HIGH TIME TRUST

The terms of the Preservation Restrictions on lots B1 and J1 are as follows as long as (the Carriage House) Lot B1 contains more than one family:

1. No loam, peat, gravel, sand, rock or other mineral resources or natural deposit shall be excavated or removed from said parcel in such a way as to affect the surface of the property.
2. No trees, grasses or other vegetation shall be cut or otherwise destroyed.
3. In order that the unique architectural style of the Carriage House be reasonably preserved in perpetuity, no substantial alteration to the main facade of the building shall be undertaken without the prior written consent of the Boston Historical Commission. The requirement of consent by said Commission shall not be construed to prevent interior modifications within the structure.
4. Notwithstanding anything contained in paragraphs 1 through 3, to the contrary, the Grantor and Grantee reserve to themselves, their successors and assigns the right to conduct or permit the following activities on the Property:
 - a) the maintenance of perimeter landscaping in the immediate vicinity of the Carriage House including, without limitation, the planting of trees and shrubs and the mowing of grass;
 - b) the installation of underground utilities;
 - c) the maintenance of the property including, without limitation, the planting or selective cutting or pruning of trees, brush or other vegetation, and the removal of same, to improve the scenic view and to implement disease prevention measures;
 - d) to take such additional actions as are not contrary to the intent of the granting of this Preservation Restriction subject to the written approval of the Grantee.

The foregoing restriction is authorized by General Laws Ch. 124, Sec. 12B, and is intended to retain the Property substantially in its present condition in order to protect the architectural integrity, historic character, and natural vegetation of a site historically significant for its architectural and scientific value. Both the Grantor and Grantee, their successors and assigns shall have the right to inspect the Property and enforce the foregoing restrictions, with the right, without obligation, to remedy any violation thereof. The rights herein by Grantor and reserved shall be in addition to any other remedies to the Grantor and Grantee for the enforcement of the foregoing restrictions.