



City of Cambridge

(Calendar Item No. 6)

IN CITY COUNCIL

April 30, 1984

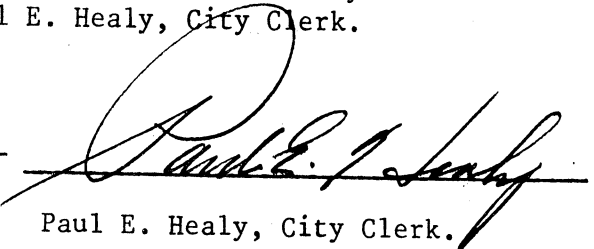
ORDERED:

That the City Council go on record approving the Facade Preservation Agreement for the Carriage House at 7 Waterhouse Street.

In City Council April 30, 1984.
Adopted by a voice vote of the City Council.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-


Paul E. Healy, City Clerk.

FACADE PRESERVATION AGREEMENT

February , 1984

KNOW ALL MEN BY THESE PRESENTS that MOSHE SAFDIE, 4 Buckingham Street, Cambridge, Massachusetts, (the "Owner") hereby grants this Facade Preservation Easement more particularly hereinafter described (the "Preservation Easement") to the Cambridge Historical Commission (the "Commission") acting for and on behalf of the City of Cambridge, Massachusetts (the "City").

1. The Owner owns the building known as the Waterhouse House built about 1753, and its Carriage House, believed to have been built about 1800, which is of historical and architectural significance and worthy of preservation, now numbered 7 Waterhouse Street, Cambridge, conveyed to him by deed of President and Fellows of Harvard College, dated March 6, 1984, recorded with Middlesex South Registry of Deeds, book 15470 , page 281 , and located on the land more particularly described in Exhibit A (said land and buildings being hereinafter referred to together as the "Premises").

2. The City and the Commission desire to encourage restoration of the Carriage House (the "Building") and preservation of its four facades and roof from the ground level up (the "Restricted Facades"). The Owner, on behalf of itself and any successor to it hereby grants a restrictive easement so long as the Premises remain a part of the ^{Old} Cambridge Historic District, ^{and} (but in any event subject to Paragraph 8) to the Commission, and any successor to it, acting for and on behalf of the City by

imposing the following restriction on the Premises: the Owner and his successors shall not make any alterations to, nor permit others to make alterations to, the Restricted Facades of the Building, if such alterations would change the appearance of the Restricted Facades. The restrictions set forth in this Preservation Easement are expressly granted by the Owner for the benefit of the City of Cambridge and are to be administered by the Cambridge Historical Commission, or its successor, pursuant to the terms hereof.

3. The Owner reserves the right to make alterations to the Building and the Restricted Facades any of which changes would change the appearance of one or more of the Restricted Facades if the prior approval of the Commission, which approval shall not be unreasonably withheld, is obtained. In deciding whether to grant such approval the Commission shall consider, among other things, the historical and architectural value and significance of the Restricted Facades and the general design, arrangement, texture, material, and color of the features involved. In the case of construction of an addition to the Building, the Commission shall consider the appropriateness of the size and shape of the proposed addition in relation to the existing Building. The Commission shall not consider interior arrangements or architectural features not subject to view from the exterior. The Commission shall not withhold approval except for the purpose of preventing alterations which would appear to be incongruous with the historical aspects or the architectural characteristics of the Restricted Facades.

4. Notice of approval or denial of the proposed alteration or construction by the Commission shall be made in writing within forty-five days of receipt of written request from the Owner therefor. If such a request for approval is not acted upon within such forty-five day period, it shall be deemed approved for purposes of Paragraph 3. In case of denial, the reason or reasons shall be stated.

5. The Owner may record with the Middlesex South Registry of Deeds an Affidavit of Approval of Alterations or Construction, signed and acknowledged by the Owner, for all such alterations or construction which notice shall describe the approved alteration or construction, state the date of the Commission's action or the fact that the alteration or construction was approved by lapse of time and refer to the book and page number of this Preservation Easement in said Registry. The Owner shall deliver a copy of any such affidavit recorded by the Owner to the Commission. Such an affidavit shall be conclusive evidence in favor of every person dealing with the Premises as to the facts set forth herein.

6. Nothing in this Preservation Easement shall be construed as applying to parts of the Premises other than the Building or as restricting the Owner's right to alter any part of the interior arrangements or interior architectural features of the Building; or to alter any other part of the Building if such alteration would not, when completed, be visible from the exterior.

7. Nothing in this Preservation Easement shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature of the Building including the

Restricted Facades which does not involve a change in design, material, or color of such exterior architectural feature of the Building or otherwise change the outward appearance of the Restricted Facades, nor to prevent landscaping the Premises with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety and compliance with ordinances, laws, rules, and regulations of the City of Cambridge.

8. In the event that the Restricted Facades above the Building's foundation are totally destroyed by fire or other casualty this Preservation Easement shall terminate on the date of such destruction or casualty. In the event that the Restricted Facades are not totally destroyed by such fire or casualty but damage thereto is so serious as to cause restoration to be financially impractical in the reasonable judgment of the Owner, this Preservation Easement shall terminate on the date of such destruction or casualty. Upon such termination in the case of either of the foregoing events, the Owner shall deliver a duly executed and acknowledged notice of such termination to the Commission and record a duplicate original of said notice in the Middlesex South Registry of Deeds. Such notice shall be conclusive evidence in favor of every person dealing with the Premises as to the facts set forth therein.

9. This Preservation Easement is authorized and governed by Massachusetts General Laws, Chapter 184, Sections 31 through 33.

10. The Commission may not take any action with respect to any violation hereof (other than delivering a written notice describing such violation, setting forth the Commission's demand that it be remedied and describing any proposal for proper remedy) without appropriate order of court.

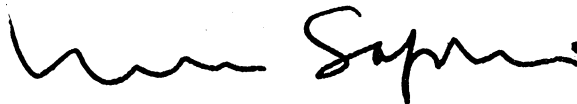
11. Within 15 days of receipt of written request, the Commission will execute, acknowledge, and deliver to the Owner a statement addressed to the Owner, or to such other party as the Owner may designate in such request, certifying that this Preservation Easement is in full force and effect and that the Premises are in full compliance with this Preservation Easement (or, if they are not in full compliance, setting forth in reasonable detail the specific areas of non-compliance). Any such statement delivered pursuant to this paragraph may be relied upon by any prospective purchaser, mortgagee or lessee of the Premises or any portion thereof.

12. No provisions of this Preservation Easement shall be construed as providing the necessary written consent needed for the Massachusetts Historical Commission to certify the Premises or any party thereof as an historical landmark pursuant to Section 27 of Chapter 9 of the General laws.

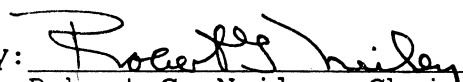
WITNESS the execution hereof by the Owner under seal in duplicate as of the day and year first above written and the

acceptance hereof by the Commission acting for and on behalf of
the City of Cambridge.

MOSHE SAEDIE

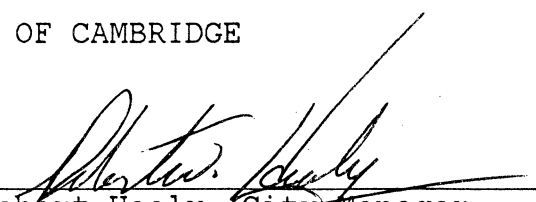


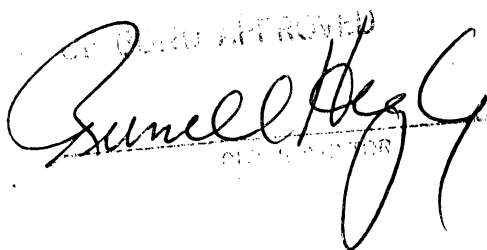
CAMBRIDGE HISTORICAL COMMISSION

By: 
Robert G. Neiley, Chairman

Approved:

CITY OF CAMBRIDGE

By: 
Robert Healy, City Manager


Samuel Healy
CITY MANAGER

Approved as to form:

By: Russell B Higley
Russell Higley, City Solicitor

SUFFOLK
~~MIDDLESEX~~, SS.

COMMONWEALTH OF MASSACHUSETTS

March, 23, 1984

Then personally appeared the above named MOSHE SAFDIE and
acknowledged the foregoing instrument to be his free act and deed,
before me.

My Commission Expires:

Feb. 1, 1991

Ruth Aspinlay
Notary Public

MIDDLESEX, SS.

1984

Then personally appeared the above named ROBERT G. NEILEY and
acknowledged the acceptance of the foregoing instrument to be the
free act and deed of the Cambridge Historical Commmission, before
me.

My Commission Expires:

Notary Public

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

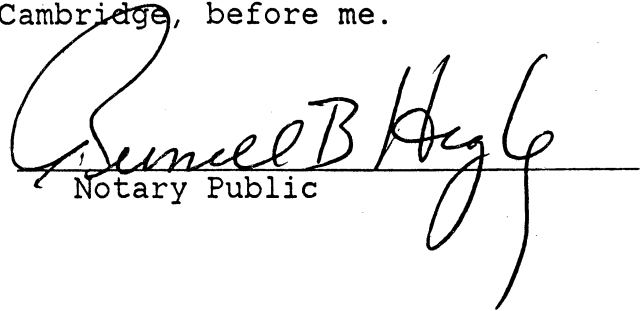
April 4

1984

Then personally appeared the above named ROBERT HEALY and
acknowledged the acceptance of the foregoing instrument to be the
free act and deed of the City of Cambridge, before me.

My Commission Expires:

12/23/88


Notary Public

The foregoing Facade Preservation Easement dated _____,
1984, granted by MOSHE SAFDIE, has been approved and accepted by
the City of Cambridge pursuant to the vote of the Cambridge City
Council on *April 30, 1984* true copy attached.

CITY OF CAMBRIDGE

A TRUE COPY ATTESTED TO BY:

Paul E. Healey
Paul Healey, City Clerk

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

1984

Then personally appeared the above named
and acknowledged the acceptance of the foregoing instrument to be
the free act and deed of the Cambridge City Council, before me.

My Commission Expires:

October 14, 1988

Priscilla M. Halford
Notary Public

The foregoing Facade Preservation Easement dated _____,
1984, granted by MOSHE SAFDIE is hereby approved by the
undersigned Massachusetts Historical Commission pursuant to
Chapter 184, Section 32.

MASSACHUSETTS HISTORICAL COMMISSION

By: _____
Secretary

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

1984

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My Commission Expires:

Notary Public



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Robert Healy, City Manager

Date April 11, 1984

From Charles Sullivan, Historical Commission **Reference**

Subject Facade Preservation Agreement for the Carriage House
at 7 Waterhouse Street

The Historical Commission and the owner of 7 Waterhouse Street have negotiated a facade preservation agreement that would give the Commission control over future changes to the historic carriage house on the property.

Both 7 Waterhouse Street and its carriage house are located in the Old Cambridge Historic District and the owner has proposed a number of changes to the property that include relocating the carriage house. The relocation to the west property line would take the carriage house out of public view and thus out of the Commission's jurisdiction.

Accordingly, the Commission voted to grant permission for the move on the condition that the city be granted a facade easement on the building that would allow it to be protected as though it were still visible from a public way, and that would allow the city access to the property to inspect the building. The owner agreed to this provision and we execute the attached agreement.

Please forward this agreement to City Council for acceptance at your earliest convenience.

Enclosures

CMS/pb



City of Cambridge

(Calendar Item No. 6)

IN CITY COUNCIL

April 30, 1984

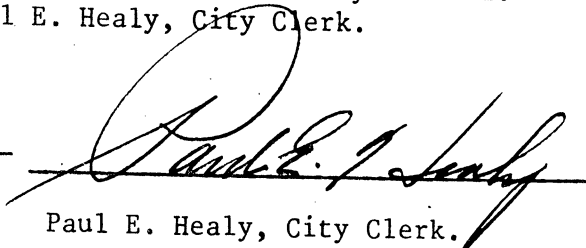
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In City Council April 30, 1984.
Adopted by a voice vote of the City Council.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-


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February , 1984

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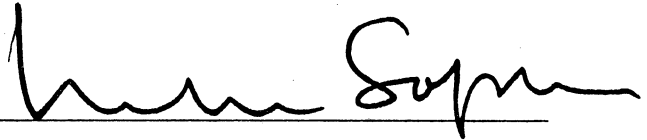
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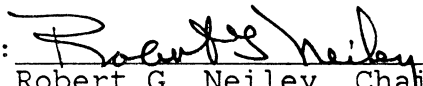
WITNESS the execution hereof by the Owner under seal in duplicate as of the day and year first above written and the

acceptance hereof by the Commission acting for and on behalf of
the City of Cambridge.

MOSHE SAFDIE

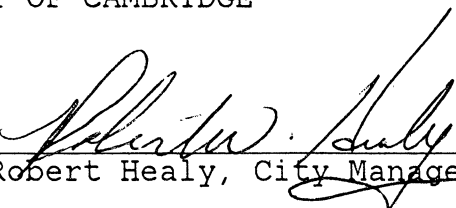


CAMBRIDGE HISTORICAL COMMISSION

By: 
Robert G. Neiley, Chairman

Approved:

CITY OF CAMBRIDGE

By: 
Robert Healy, City Manager

Approved as to form:

By:

Russell Higley, City Solicitor

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

March 23, 1984

Then personally appeared the above named MOSHE SAFDIE and acknowledged the foregoing instrument to be his free act and deed, before me.

My Commission Expires:

Feb. 1, 1991

Ruth Asoulay
Notary Public

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

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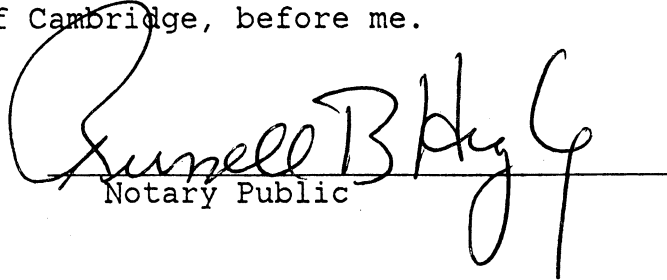
April 4

1984

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My Commission Expires:

12/23/88


Notary Public

The foregoing Facade Preservation Easement dated _____, 1984, granted by MOSHE SAFDIE, has been approved and accepted by the City of Cambridge pursuant to the vote of the Cambridge City Council on April 30, 1984, a true copy attached.

CITY OF CAMBRIDGE

A TRUE COPY ATTESTED TO BY:

Paul E. J. Healey
Paul Healey, City Clerk

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

1984

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My Commission Expires:

October 14, 1988

Priscilla M. Halford
Notary Public

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MASSACHUSETTS HISTORICAL COMMISSION

By: _____
Secretary

COMMONWEALTH OF MASSACHUSETTS

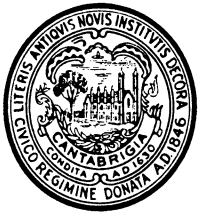
SUFFOLK, SS.

1984

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My Commission Expires:

Notary Public



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

April 23, 1984

To the Honorable, the City Council:

Enclosed please find copy of a communication from Charles Sullivan of the Historical Commission and a copy of a facade preservation agreement for the carriage house at 7 Waterhouse Street which is being submitted for your approval.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Encs. 2

5-296
Re: a facade preservation agreement for the
carriage house at 7 Waterhouse Street.

In City Council,

April 23, 1984.

4/23/84
Filed
By
E. Dwyer

Order
Adopted
Approving
Agreement
By
VITA VOLL -