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CITY CLERK  
COUNSELLOR AT LAW  
DEC 14 12 00 PM '78  
89 STATE STREET  
BOSTON, MASSACHUSETTS 02109  
CAMBRIDGE, MASS.  
December 12, 1978

TELEPHONE  
(617) 742-9100  
TELEX 94-0472

City Clerk's Office  
City of Cambridge  
795 Massachusetts Avenue  
Cambridge, Massachusetts

Re: Facade Preservation Easement  
22 Putnam Avenue, Cambridge

Gentlemen:

I enclose original executed copy of the Facade Preservation Easement dated October 12, 1978 for your records. Please be advised that the Facade Preservation Easement was recorded in Middlesex South Registry of Deeds on November 21, 1978 in Book 13589, Page 339.

Sincerely yours,

  
Joel H. Sirkin

Enclosure

RECEIVED BY  
OFFICE OF CITY CLERK  
FACADE PRESERVATION EASEMENT  
OCT 10 1978

CAMBRIDGE, MASS.

KNOW ALL MEN BY THESE PRESENTS that SIAR, Incorporated, a Massachusetts Corporation with its principal place of business in 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").

The Owner owns the building known as the Hiram Sands House (the "Building") believed to have been built about 1848, of historical and architectural significance and worthy of preservation, now numbered 22 Putnam Avenue, Cambridge, conveyed to it by deed of William T. Giarrusso, dated Oct. 10, 1978 recorded with Middlesex South Registry of Deeds, book 13562 page 332, and located on the land more particularly described in Exhibit A (said land and Building being hereinafter referred to together as the "Premises").

The City and the Commission desire to encourage restoration of the Building and preservation of its North, South and West facades from the ground level up (the "Restricted Facades"), which are visible from the public way presently known as Putnam Avenue. The Owner, on behalf of

itself and any successor to it hereby grants a restrictive easement in perpetuity (but subject to the eighth and ninth unnumbered paragraphs hereof) 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 its successors shall not make any alterations to, or build any structure affecting, nor permit others to make alterations to, or build any structure affecting, the Restricted Facades of the Building, if such alterations or structure would change the appearance of the Restricted Facades or would otherwise be visible from Putnam Avenue. 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.

The Owner reserves the right to make alterations to the Building and the Restricted Facades and other structures built on the Premises and to construct new structures on the Premises any of which changes would change the appearance of one or more of the Restricted Facades or otherwise be visible from Putnam Avenue if the prior written 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 a new structure or an addition to the existing Building either of which would be visible from Putnam Avenue, the Commission shall consider the appropriateness of the size and shape of the proposed addition or structure as viewed from Putnam Avenue in relation to (i) the existing Building and structures, as so viewed, and (ii) the land area between the proposed addition or structure and Putnam Avenue. The Commission may in appropriate cases impose set-back requirements in relation to Putnam Avenue and dimensional requirements as to the facade of any new structure visible from Putnam Avenue in addition to those required by applicable ordinance or by-law. The Commission shall not consider interior arrangements or architectural features not subject to public view. The Commission shall not make any recommendation or requirement except for the purpose of preventing alterations or the construction of structures which would appear to be incongruous with the historical aspects or the architectural characteristics of the Restricted Facades as viewed from Putnam Avenue. Written notice of approval or denial of the proposed alteration or construction by the Commission shall be given within forty-five days of receipt of written re-

quest 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. In case of denial, the reason or reasons shall be stated. 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 such affidavit 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 therein.

Nothing in this Preservation Easement shall be construed as restricting the Owner's right to alter any part of the Building or to construct any structure on the Premises if such alteration or construction would not, when completed, be visible from Putnam Avenue.

The Owner reserves the right to place a 12 inch by 18 inch sign specifying the name and business of the occupant or occupants of the Building on any Restricted Facade or grounds in front of any Restricted Facade.

Nothing in this Preservation Easement shall be con-

strued to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature of the Building including the Restricted Facades or any future addition or structure allowed to be constructed on the Premises which does not involve a change in design, material or color of such exterior architectural feature of the Building or future structure 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 because of an unsafe or dangerous condition.

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.

This Preservation Easement shall permanently terminate as to any Restricted Facade which shall in the future no longer be visible from a public way; at such time, the Owner shall record a duly executed and acknowledged notice of such termination in the Middlesex South Registry of Deeds, which notice shall be conclusive evidence in favor of every person dealing with the Premises as to the facts set forth therein.

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

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.

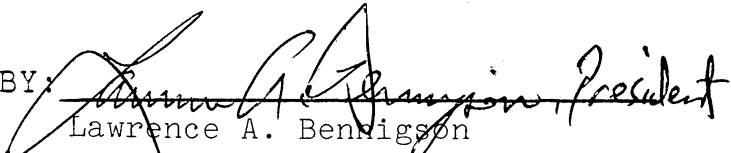
Within 15 days of receipt of written request, the Commission will execute, acknowledge and deliver to the Owner a statement addressed to the Owner, or to such other party as the Owner may designate in such request, certifying that this Preservation Easement is in full force and effect and that the Premises are in full compliance with this Preservation Easement (or, if they are not in full com-

pliance, 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.


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 part thereof as an historic 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.

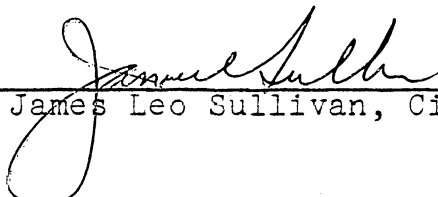
SIAR, INCORPORATED

BY:  President  
Lawrence A. Bennigson

CAMBRIDGE HISTORICAL COMMISSION

BY:   
Robert G. Neiley, Chairman

Approved: 10/25/1978  
CITY OF CAMBRIDGE

By:   
James Leo Sullivan, City Manager

Approved as to form:

BY: *Russell B Higley*  
Russell Higley, City Solicitor

COMMONWEALTH OF MASSACHUSETTS

~~SUFFOLK~~  
~~MIDDLESEX~~, SS.

*October 12 1978*

Then personally appeared the above named LAWRENCE A. BENNIGSON,  
the President of SIAR, Incorporated and acknowledged the  
foregoing instrument to be the free act and deed of SIAR,  
Incorporated, before me.

My Commission Expires:

*2-20-81*

*Joel H. Smith*  
Notary Public

COMMONWEALTH OF MASSACHUSETTS

*Suffolk*  
~~MIDDLESEX~~ SS.

*October 18 1978*

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

My Commission Expires: *5/1/81*

*Judith P. Dimmitt*  
Notary Public

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX SS.

Then personally appeared the above named James L. Sullivan <sup>10/25/1978</sup>  
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: 2/27/1981

Paul E. J. July  
Notary Public

The foregoing Facade Preservation Easement dated OCTOBER 12, 1978, granted by SIAR, Incorporated, has been approved and accepted by the City of Cambridge pursuant to the vote of the Cambridge City Council on June 26, 1978, 1978, a true copy attached.

CITY OF CAMBRIDGE

A TRUE COPY ATTESTED TO BY:

Paul Healy  
Paul Healy, City Clerk

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

Then personally appeared the above named Paul Healy <sup>Oct. 27 1978</sup> 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:

2/18/83

Joseph E. Tommar  
Notary Public

The foregoing Facade Preservation Easement dated October 12, 1978, granted by SIAR, Incorporated, is hereby approved by the undersigned Massachusetts Historical Commission pursuant to Chapter 134, Section 32.

MASSACHUSETTS HISTORICAL COMMISSION

BY: Patricia L. Weslowski  
Secretary

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

OCT. 30, 1978

Then personally appeared the above named PATRICIA L. WESLOWSKI and acknowledged the approval of the foregoing instrument to be the free act and deed of the Massachusetts Historical Commission, before me.

My Commission Expires:  
**APRIL 5, 1985**

Richard T. Early  
Notary Public A

APPROVED AS TO FORM

\_\_\_\_\_  
CITY SOLICITOR

EXHIBIT A

The land in Cambridge, Middlesex County, Massachusetts, with the buildings thereon, bounded and described as follows:

Beginning at the Southwesterly corner of said land on Putnam Avenue, formerly Putnam Street, and Green Street, and running thence Southeasterly by Green Street aforesaid, sixty-three (63) feet; there turning at a right angle and running thence Northeasterly by land now or formerly of Charles H. Allen, one hundred (100) feet; there turning at a right angle and running thence Northwesterly partly by land now or formerly of John Chamberlain and partly by land now or formerly of William J. Whipple, one hundred (100) feet to Putnam Avenue aforesaid; and there turning and running thence Southwesterly by Putnam Avenue aforesaid one hundred and six (106) feet to the point of beginning. Be any or all of said measurements more or less and however otherwise the granted premises may be more correctly bounded and described.

The premises are also shown on a plan entitled "Plan of Land in Cambridge, Mass." dated October 6, 1978 prepared by Allen & Demurjian, Inc. and recorded with Middlesex South Registry of Deeds as Plan No. 1186 of October 16, 1978 in Book 13562, Page 332.

Being the same premises conveyed to Mortgagor by deed of William J. Giarrusso dated October 10, 1978 recorded with Middlesex South Registry of Deeds in Book 13562, Page 332.

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