

PRESERVATION RESTRICTION AGREEMENT
BETWEEN
THE TOWN OF WESTON
AND
WILLIAM KINNEALEY AND PATRICIA KINNEALEY

MC 19

We William Kinnealey and Patricia Kinnealey ("Grantor") of Weston, Middlesex County, Massachusetts hereby grants to the Town of Weston having a mailing address of P.O. Box 378, Town House Road, Weston, Massachusetts 02193 (the "Grantee") the following preservation and conservation restrictions on the premises at 153 Church Street, Weston, Middlesex County, Massachusetts and all more particularly described below .

WHEREAS, the Grantor is the owner in fee simple of certain real property with improvements thereon situated at 153 Church Street, as described in deed from the Town of Weston dated June 29, 1999 and recorded herewith with Middlesex South District Registry of Deeds (the "Premises").

WHEREAS, the Grantor has agreed to accept certain restrictions, obligations and duties upon him/herself as owner of the Premises and on the successors to his/her right, title and interest therein in order to protect the rural 18th century appearance of both the house and the landscape of the Premises by preserving, maintaining and promoting the relation of the buildings to the surrounding landscape; and

WHEREAS, the preservation of the Premises is important to the public for the enjoyment and appreciation of its architectural, archaeological and historical heritage as a rare surviving remnant of the original farming community and will serve the public interest in a manner consistent with the purposes of M.G.L. Chapter 184, Section 32, (the "Act");

WHEREAS, the Premises is eligible to be listed in the State Register of Historic Places as a contributing property to the potential Coburn-Church Street District;

WHEREAS, the Grantor has agreed to forego development permitted under the Zoning By-Laws of the Town of Weston on the Premises; and

WHEREAS , the Town is authorized to accept these preservation restrictions pursuant to M.G.L. Chapter 40, Section 8C

NOW, THEREFORE, for good and valuable consideration, the Grantor for him/herself, his/her heirs, executors, administrators, successors and assigns, hereby covenants and agrees with the Grantee as follows:

1. The conservation and preservation restrictions hereby granted shall be perpetual, and the right to enforce them shall be vested in and managed and controlled by the Grantee or its successor.

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2.
 - (a) The land with the buildings and improvements thereon situated and affected by this Agreement is shown as Lot 1 on a plan entitled "Plan of Easements Weston, Massachusetts" dated April 13, 1998, Scale: inch = 40 feet, made by Snelling and Hamel Associates recorded with Middlesex South District Registry of Deeds on April 17, 1998 as Plan No. 399 of 1998 and containing 0.97 acres, more or less, according to said plan, (the "Easements Plan") and more particularly described in Exhibit A attached hereto and made a part hereof.
 - (b) The Premises are also shown on a plan entitled "Permissible Modification Locations: Preservation Restriction Agreement" dated February 1, 1998 (the "Modifications Plan") and attached hereto as Exhibit B and made a part hereof.
 - (c) Activities on the Premises shall be regulated by the Agreement and the Preservation Guidelines (the "Guidelines") attached hereto as Exhibit C and made a part hereof, as the same may be amended from time to time by amendments filed with the Town of Weston Historical Commission.
 - (d) Sidewalk easements and access easement to the abutting conservation land retained by the Town of Weston, its successors and assigns as shown on the Easements Plan and described in Exhibit D attached hereto and made a part hereof.
3. The Grantor covenants for himself/herself, his/her heirs, executors, administrators, successors and assigns, to forbear from performing or wilfully permitting others to perform, except as specifically provided for in Paragraph 4 hereof, the following activities:
 - (a) construction or placing of any buildings, improved roads, mobile homes, signs, billboards or other advertising, or other structures on or above ground on the Premises with the exception of the structures and improvements specifically referenced herein;
 - (b) dumping or placing of soil or other substances or material as land fill, or dumping or placing of trash, waste, or unsightly or offensive materials on the Premises;
 - (c) removal or destruction of trees, shrubs, or other vegetation shown on the Modifications Plan on or from the Premises and alteration of the existing landscaping not in accordance with the Guidelines;
 - (d) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substances or natural deposit in such manner as to permanently alter the topography of the Premises;
 - (e) other surface use of the land at the Premises;

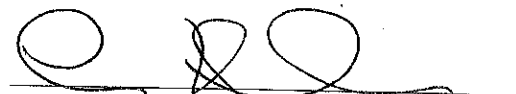
- (f) activities detrimental to the preservation of the soil conditions on the Premises;
 - (g) alterations in the exterior and interior features of the buildings on the Premises, except those expressly permitted under the Guidelines;
 - (h) changes in appearance of the buildings on the Premises;
 - (i) other acts or uses detrimental to the retention of the Premises predominately in its natural, scenic or open condition or appropriate to its preservation; or
 - (j) other acts or uses detrimental to possible archaeological remains which may be on or under the Premises as a result of its continuous use for farming purposes.
4. The Grantor, for him/herself and his/her executors, administrators, heirs, successors and assigns shall have and hereby is permitted to undertake the following activities on the Premises;
- (a) subject to the approval of the Grantee, to install and maintain a driveway for the passage and repassage by foot or vehicle at the location designated on the above referenced Modifications Plan;
 - (b) to plant, trim, cut and remove selectively bushes, shrubs, trees and other vegetation (i) for the purpose of maintaining existing paths and trail (ii) for purposes of proper horticultural, forestry or landscape practices, (iii) to maintain and improve the scenic view, and (iv) to implement disease prevention measures;
 - (c) to use the Premises for residential purposes;
 - (d) to cultivate and harvest crops and flowers, to plant and maintain trees, shrubs and the mowing of grass;
 - (e) to install, maintain, repair, replace and use such underground utilities as may be reasonably necessary or appropriate to serve buildings owned by the Grantor, and any excavation or construction necessary to undertake the same, provided that the surface of the land on the Premises is restored to its prior condition following such activity;
 - (f) to install, maintain, repair, replace and use such facilities and equipment as are necessary for an approved septic system to serve the buildings on the Premises, and any excavation or construction necessary to undertake the same, provided that the surface of the land at the Premises is restored to its prior condition following such activity;
 - (g) to construct, maintain, repair and use a two car garage to serve the buildings on the Premises, said garage to be built in the building envelope designated on the

above referenced Modifications Plan and said garage shall be constructed in accordance with the Modifications Plan and the Guidelines;

- (h) to affect such changes to the interior of the buildings on the Premises as shall seem appropriate to the Grantor and which shall not alter the exterior of the buildings;
 - (i) to affect such changes and alterations to the landscaping and site features on the Premises as may be permitted in accordance with the Modifications Plan and the Guidelines; and
 - (j) to consider the archaeological impacts of site excavations..
5. It is hereby recognized and agreed by both parties hereto that with the exception of the access easement granted to the Town of Weston for access to Lot 2 shown on the Easements Plan and the two sidewalk easements referenced in Exhibit D, there shall be no public right of access to the Premises without the express permission of the Grantor.
 6. The Town may assign this Agreement to another governmental body or to any charitable corporation or trust among the purposes of which is the maintenance and preservation of historic properties if the Town deems such transfer to be in the best interests of the goals of this Agreement.
 7. The preservation restrictions herein described are created pursuant to M.G.L. Chapter 184 Sections 31 through 33 and shall be construed so as to comply with said provisions of law. The invalidity of M.G.L. chapter 184 or any part thereof shall not affect the validity and enforceability of this Agreement according to its terms. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement.
 8. The preservation restrictions hereby imposed are in gross and are not for the benefit of or appurtenant to an particular estate. The burden of the restrictions hereby imposed shall run with the Premises and shall be binding all future owners of any interest therein.

In Witness Whereof, William Kinnealey and Patricia Kinnealey have hereunto set their hands and seals this 29 day of June, 1999


William Kinnealey


Patricia Kinnealey

BK 3038776563

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss. June 29, 1999

Then personally appeared the above named William Kinnealey and Patricia Kinnealey and acknowledged the foregoing to be their free act and deed, before me,

Kenneth Donnell
Notary Public
My commission expires: 12/29/00

36470/WEST/0025

ACCEPTANCE OF GIFT

The gift of the foregoing Preservation Restriction Agreement is hereby found to be in public interest and is hereby accepted ~~this~~ as of this 2nd day of July, 1999

TOWN OF WESTON
CONSERVATION COMMISSION

By Imogene O. Fish
Acting Chairman

TOWN OF WESTON
HISTORICAL COMMISSION

By Alfred L. Aydelott
Chairman

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

June 24, 1999

Then personally appeared the above named Imogene O. Fish and acknowledged the foregoing to be the free act and deed of the Town of Weston Conservation Commission, before me,

Dorothea W. Thomas
Notary Public
My commission expires: My Commission Expires November 26, 2004

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

June 25, 1999

Then personally appeared the above named Alfred Aydelott and acknowledged the foregoing to be the free act and deed of the Town of Weston Historical Commission, before me,

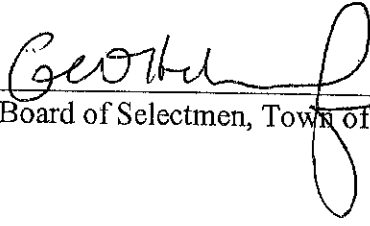
Dorothea W. Thomas
Notary Public
My commission expires: My Commission Expires November 26, 2004

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APPROVAL

TOWN OF WESTON
BOARD OF SELECTMEN

The undersigned Clerk of the Board of Selectmen of the Town of Weston, hereby certifies that the foregoing Preservation Restriction Agreement was duly approved as being in the public interest, pursuant to Massachusetts General Laws Chapter 184, Section 32, by the Selectmen at a meeting held on JUNE 29, 1999.



Clerk, Board of Selectmen, Town of Weston

EXHIBIT A
LEGAL DESCRIPTION

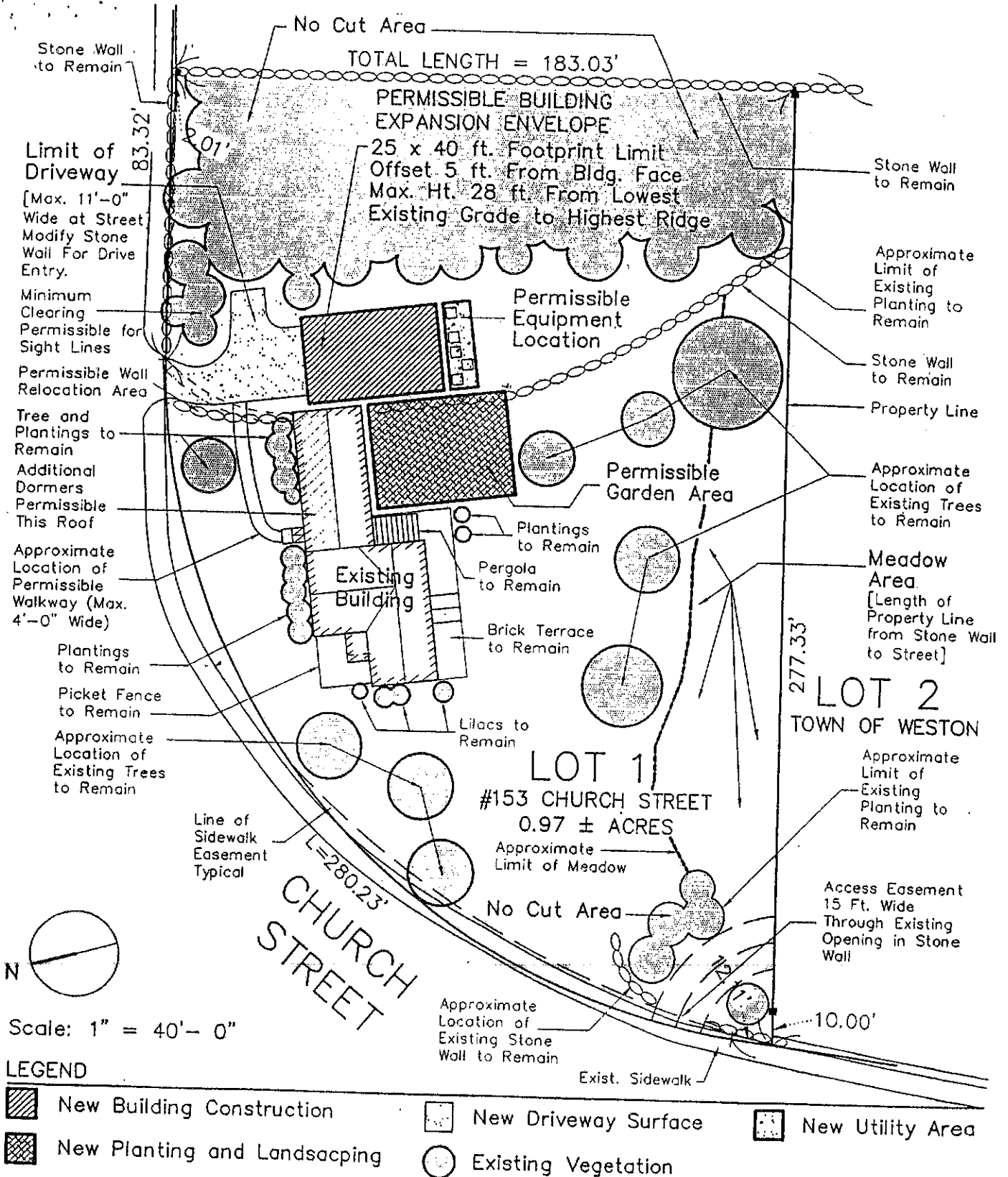
All that certain parcel of land with the buildings and improvements thereon situated at 153 Church Street, Weston, Middlesex County, Massachusetts being all more particularly described as Lot 1 on plan entitled ""Plan of Easements Weston, Massachusetts" Inch = 40 feet, dated April 13, 1998, made by Snelling and Hamel Associates, Professional Land Surveyors, and recorded with Middlesex South District Registry of Deeds on April 17, 1998 as Plan No. 399 of 1998 and containing 42,368 square feet of land, more or less, according to said Plan.

The property is conveyed subject to the rights of the Town of Weston in and to the Sidewalk Easements "A" and "B" and the Access Easement shown on said Plan.

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EXHIBIT B

PERMISSIBLE MODIFICATION LOCATIONS
PRESERVATION RESTRICTION AGREEMENT
153 CHURCH STREET
WESTON, MASSACHUSETTS 02193



Permissible Modification Locations : Preservation Restriction Agreement
 153 Church Street, Weston, Massachusetts 02193 February 1, 1998
 Town of Weston : Conservation Commission / Historical Commission

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EXHIBIT C

PRESERVATION GUIDELINES

PRESERVATION RESTRICTION AGREEMENT
153 CHURCH STREET
WESTON, MASSACHUSETTS 02193

PRESERVATION GUIDELINES
153 CHURCH STREET
WESTON, MASSACHUSETTS 02193

1. PREAMBLE

- 1.1 The purpose of these guidelines is to assist the Property Owner (the Owner) and the Town of Weston, or its designated agents, (the Town) in retaining the substance and character of the historic dwelling and land (the property) located at 153 Church Street, Middlesex County, Massachusetts, by establishing standards and procedures for maintenance and improvements in accordance with the principles established in the Preservation Restriction Agreement.

2. GENERAL PROVISIONS

2.1 Architectural and Cultural Importance of the Property:

- 2.1.1 **Building:** The original 18th century Whittemore house and its subsequent additions have been determined to represent an architectural resource of considerable importance to the Town. Few examples of 18th century domestic construction survive in Weston, particularly in the state of preservation exhibited on the exterior of this building. In addition to its architectural significance, the house also is important to the Town as the residence, for over two centuries, of the Coburns, one of its oldest and most influential families.
- 2.1.2 **Landscaping and Surrounding Context:** The building forms an integral part of an ensemble of structures picturesquely placed in an open setting of fields and woodlands. This composition constitutes one of the last, and most significant, extant examples of the Town's rural heritage.
- 2.1.3 **Primary Objective:** Taken together, the building and its context constitute a unique and irreplaceable historical landmark, the essential substance and character of which the Town has mandated be preserved as a resource for the future.

2.2 Intent and Application of the Guidelines:

- 2.2.1 In view of the importance to the Town of preserving the property's character and integrity, both with respect to the building itself and in context with its surroundings, it is the intent of these guidelines that:
- 2.2.1.1 The appearance of the exterior, and specific portions of the interior, of the existing structure be maintained intact;
- 2.2.1.2 Necessary reconstruction or replacement of any portion of the structure reproduce the existing exterior features and components exactly, except as specifically indicated in these guidelines;
- 2.2.1.3 Alterations of, and additions to, the structure maintain the character of the existing.
- 2.2.1.4 Modifications of existing landscaping and site features be minimized;
- 2.2.1.5 Modifications of landscaping and site features retain the character of the existing and be harmonious with the character of the surrounding context.
- 2.2.2 Accordingly, these guidelines generally apply to all exterior and to specified interior features of the property, including, but not necessarily limited to, the location, character, configuration, proportions, size, materials, color, finish, type and style of the following, as applicable:
- 2.2.2.1 Porches, garages, ells, wings, outbuildings and other major building elements;
- 2.2.2.2 Roofing, siding, masonry and other building materials exposed to view from the exterior;
- 2.2.2.3 Windows, doors, trim, decoration, building-attached exterior lighting fixtures and other building components, except storm windows and window air conditioners;
- 2.2.2.4 Lawns and plantings;
- 2.2.2.5 Walkways and drives;
- 2.2.2.6 Free-standing lighting fixtures, walls and other secondary site features or structures.
- 2.2.3 These guidelines do not apply to the interior portions of the building, except as specifically designated below. However, the Town strongly urges that the Owner consider the historic

PRESERVATION GUIDELINES
153 CHURCH STREET
WESTON, MASSACHUSETTS 02193

character of the building in the planning and execution of any interior renovations or modifications, and that the Owner seek the advice of the Town in the planning and execution of work affecting the interior spaces.

- 2.3 **Reference Documents:** The following are appended to, and made a part of, these guidelines for purposes of reference in design and construction, and for assistance in review.
- 2.3.1 Documents referenced in Paragraph 2 of the Preservation Restriction Agreement and in particular, the plan entitled "Permissible Modification Locations: Preservation Restriction Agreement" dated February 1, 1998 ("Modifications Plan") and designated Exhibit B.
- 2.3.2 Documents on file with the Weston Historical Commission, including
- Photographs of the existing construction and landscaping.
 - A measured sheet of drawings at the scale of 1/4" = 1'-0" entitled "A1: Elevations, Existing Residence" and dated 1/13/98.
 - Massachusetts Historical Commission Inventory Forms A and B.

3. GENERAL REQUIREMENTS AND REVIEW PROCEDURES

3.1 Work Subject to Review:

- 3.1.1 Any repair, maintenance, replacement, modifications of, or additions to, the existing fabric of the property visible from the exterior, and specific portions of the interior described in Paragraph 4.3, shall be subject to review by the Town.
- 3.1.2 Approval of any proposed work subject to review must be granted in writing by the Town in advance of the commencement of construction.
- 3.1.3 Approval may be waived by the Town for ordinary maintenance, replacement of existing fabric, and those items specifically excluded in Paragraph 2 of these Guidelines, provided that no modifications to the existing fabric are proposed.

3.2 Review Standards and Procedures:

- 3.2.1 Review procedures, including those conducted for emergency repair and replacement, shall generally be conducted in accordance with applicable provisions of the following:
- 3.2.1.1 The Secretary of the Interior Standards for the Treatment of Historic Properties;
- 3.2.1.2 Article XXVIII of the Bylaws of the Town of Weston in effect as of the date of the agreement, except as modified by the provisions of the Preservation Restriction Agreement and these Guidelines.
- 3.2.2 Determinations by the Town relating to work subject to review shall be based on the primary objective of retaining the substance and character of the property, in accordance with the general provisions of Paragraph 2.2 of these Guidelines.

3.3 Submittal and Documentation Requirements:

- 3.3.1 Material required for review may include scale drawings, renderings, models, specifications, product descriptions, planting plans, plant lists, and any other design documentation which the Town may require to adequately review the substance and character of proposed modifications. At a minimum, such documentation shall include elevations, drawn at the scale of 1/4" = 1'-0".
- 3.3.2 In addition, the Town at its discretion may require submittal of:
- 3.3.2.1 Qualifications of the proposed architect and contractors.
- 3.3.2.2 Construction documents, product and materials literature, shop drawings, samples, and other construction-related material to assure compliance with the design.
- 3.3.3 Construction documents for exterior work requiring a Building Permit shall possess the stamp of a registered professional architect currently licensed in Massachusetts.

PRESERVATION GUIDELINES
153 CHURCH STREET
WESTON, MASSACHUSETTS 02193

3.4 Qualifications of Consultants and Contractors:

- 3.4.1 All design work affecting the building exterior, and those portions of the building designated for preservation, shall be performed by an architect currently licensed in Massachusetts, with proven specialty in historical renovation and reconstruction.
- 3.4.2 All construction affecting the building exterior, and those portions of the building designated for preservation, except simple maintenance projects, shall be performed by contractors currently licensed in Massachusetts, with a minimum of 5 years proven experience in historical renovation and reconstruction.

4. CONSTRUCTION STANDARDS

4.1 General Standards:

- 4.1.1 All products, components and materials shall be of the best quality available for the intended use, free from defects or imperfections of any kind. All plant materials shall consist of healthy, mature specimens, free from disease and/or infestation.
- 4.1.2 Construction quality, including installation and maintenance of plant materials, shall conform to the highest standards of the industry.
- 4.1.3 All components, materials, colors, finishes and configurations incorporated into new construction shall match the respective item in the existing construction exactly, except as may be specifically noted in these Guidelines.
- 4.1.4 New construction shall maintain the scale, proportions, detailing and general character of the existing structure.
- 4.1.5 Exterior reconstruction and replacement of any portion of the existing structure shall reproduce existing construction in every particular, and replacement plantings shall reproduce the size, type and number of existing plant materials, except as specifically noted in this paragraph. Proposals for substitutions and alternates will be considered in accordance with the process described in Paragraph 4.2.2 for new construction
- 4.1.5.1 Roofs: White cedar shingles, clear select, fire-retardant treated, natural finish, straight course, are an acceptable alternative to the existing roof shingles.
- 4.1.5.2 Colors: Maintenance of the existing color scheme is strongly preferred by the Town; however, alternative schemes will be given consideration.
- 4.1.5.3 Plantings: Existing trees, foundation plantings, understory plant materials and other landscaping elements outside of designated "no cut areas" shall be preserved in locations indicated in Exhibit B. Replacement shall be limited to dead and diseased materials. Substitutions from among those suggested in Paragraph 4.2.2.2 will be given consideration by the Town.
- 4.1.6 Existing site features and components to be preserved are noted in Exhibit B and include the following elements:
- 4.1.6.1 Field Stone Walls: All walls shall be maintained in their existing condition, except for the portion along Church Street, maximum 11 ft. wide, which may be modified to accommodate a new driveway entrance.
- 4.1.6.2 Landscape Areas: "No cut areas" designated in Exhibit B shall be preserved in their current state, except for pruning and removal of dead or diseased material.
- 4.1.6.3 Picket Fence: Located at northwest corner of existing building.
- 4.1.6.4 Brick Terrace: Located along southern side of existing building.
- 4.1.6.5 Pergola: Located on south side of existing building.
- 4.1.7 New construction, including installation of landscaping and site features such as drives, walks and the like, shall be limited to the areas designated in Exhibit B.

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PRESERVATION GUIDELINES
153 CHURCH STREET
WESTON, MASSACHUSETTS 02193

- 4.2 **Specific Standards for New Exterior Construction:** The following descriptions are included to establish a general level of quality for proposed new construction, landscaping and sitework, and are not intended as a comprehensive specification.
- 4.2.1 **Requirements:** Maintenance of the following standards is considered essential to achieving the Town's primary objective for the property. Compliance is therefore required and deviations will not be considered by the Town.
- 4.2.1.1 **Building Elements:**
- a. **Siding:** Clear select beveled cedar clapboards, smooth side out, painted, with weather exposure matching existing construction; or alternatively, clear select cedar shingles, unstained, straight course, with 4" - 8" weather exposure.
 - b. **Pitched Roofs:** Fiberglass or asphalt composition shingles, heavy weight, straight course, matching the existing; or alternatively, clear select white cedar shingles, fire-retardant treated, natural finish, straight course. Eave drips to be shingle type; no rake drips. Gable-ended roof forms, broken pediment type, with eave returns.
 - c. **Chimneys, Terrace and Other Masonry:** Brick, red in color, medium range, traditional size, natural finish (unpainted), preferably water struck, with mortar color matching existing lime mortar.
 - d. **Exposed Foundations:** Granite field stone; or alternatively, cut granite blocks.
 - e. **Trim and Decoration:** Painted clear select wood in configurations and profiles matching existing similar elements. Gable ends to be broken or full pediment type with eave returns to the rake frieze boards. Gutters to be painted cedar.
 - f. **Shutters:** Wood louver type, painted, on blind hinges with concealed keepers.
 - g. **Windows, Sidelights and Transoms:** Single glazed painted wood with integral storm panels and true divided light sash. Reproduce horns, hoods and other existing features.
 - h. **Doors, Storm Doors and Sidelights:** Painted wood reproducing the style, color and finish of existing examples. Sidelights and transoms to be rectilinear, single glazed with true divided light sash.
 - i. **Garage Doors:** Painted wood.
 - j. **Building-Attached Lighting Fixtures:** Small wall-attached painted lanterns at doors and ceiling mounted recessed type at porches.
 - k. **Equipment:** Above-ground components associated with heating, air conditioning, electrical, or plumbing systems, such as pad mounted compressors, condensers, pumps, or transformers, shall be located within, and strictly confined to, the area designated in Exhibit B. All such equipment shall be enclosed either by fencing or screen planting whose design, construction or installation shall be subject to review in accordance with Paragraph 4.2.2, or by a building addition compatible with the standards established in these guidelines.
- 4.2.1.2 **Landscaping and Site Features:**
- a. **Lawns and Plantings:** Maintenance of the informal, open, rural quality of the existing site is of the essence, and a maintenance program which does not conform to this standard will not be acceptable. In particular, the open meadow/lawn with sparse mature native trees in the southern portion of the site (as designated in Exhibit B) shall be preserved and maintained, and mowings shall be coordinated with the mowing schedule of the adjacent town-owned field. In addition, every effort shall be made to retain the open, unobstructed boundary between the property and the adjacent field; in the event that the Owner can demonstrate to the satisfaction of the Town that such effort is impracticable, a

PRESERVATION GUIDELINES
153 CHURCH STREET
WESTON, MASSACHUSETTS 02193

loose-laid natural field stone wall 12" - 18" high defining the boundary shall be acceptable to the Town.

- b. Drives: Crushed stone in earth tones, not gray.
 - c. Walks: Crushed stone material used on the drives, or alternatively, flagstones or red brick pavers set in sand or stone dust.
 - d. Site Stairs: If required along sidewalk limit designated in Exhibit B, material shall be cut granite or red brick with simple wrought iron railing painted black or dark green. Rails with elaborate decorative balusters, newels, finials or other accessory features will not be acceptable.
 - e. Free-Standing Lighting Fixtures: Single, post-mounted black lantern type at driveway entrance.
 - f. Mailboxes: Single painted post-mounted metal box.
- 4.2.2 Recommendations: Maintenance of the following standards is considered important, but not necessarily essential, to achieving the Town's primary objective for the property. Deviations from these standards will therefore be considered by the Town, provided that the Owner demonstrates to the Town's satisfaction that the proposed deviations contribute at least as effectively as the recommended standards toward achieving the Town's primary objective for the property. No deviations will be approved which the Town, at its sole discretion, deems to be unsatisfactory.
- 4.2.2.1 Building Elements:
- a. Windows: 6/6, 6/9 and 8/8 double hung.
 - b. Dormers and Porches: Gable-ended roof form, broken or full pediment type with eave returns, framing a maximum of two 30" wide windows in dormers.
 - c. Garage Doors: Flat or raised panel type, or alternatively, slat style similar to existing barn door.
 - d. Skylights and Roof Lights: Maximum 30" wide x 48" long, with frames matching the roofing color, in gangs of no more than two.
 - e. Columns: Classically detailed painted wood with true entasis, or alternatively, painted wood square posts with caps, bases and other classical trim.
 - f. Downspouts: Circular section painted metal, similar to existing.
 - g. Colors:
 - i. House Body and Trim: White.
 - ii. Roof: Black or natural cedar.
 - iii. Shutters: Black or dark green.
 - iv. Doors: Black or dark green.
- 4.2.2.2 Landscaping and Site Features:
- a. Plant Species: Suggested examples of acceptable plant species include
 - i. Trees:
 - Sugar Maple (Acer Saccarinum)
 - White Pine (Quercus Alba)
 - Black Cherry (Prunus Serotina)
 - Beech (Fagus Grandiflora)
 - ii. Foundation Plantings:
 - Common Juniper (Juniparus Communis)
 - Mountain Laurel (Kalmia Latifolia)
 - Oregon Grape (Mahonia Aquifolium)
 - Catawba Rhododendron (Rhododendron Catawbiense)
 - Spreading Yew (Taxus Cuspidata)
 - Highbush Blueberry (Vaccinium Corymbosum)
 - Hobblebush (Viburnum Alnifolium)
 - Inkberry (Ilex Glabra)

PRESERVATION GUIDELINES
153 CHURCH STREET
WESTON, MASSACHUSETTS 02193

- American Holly (Ilex Opaca)
 - Common Lilac (Syringa Vulgaris)
- b. Fences: Preferred equipment screen fence described in Paragraph 4.2.1.1k is cedar stake type, or alternatively, vertical board and post type with molded caps, maximum 5 ft. high. Gate design shall be compatible with, and indistinguishable from, the remainder the of the fence.
- c. Site Furniture: Moveable benches, swing sets, play structures, umbrellas, and other similar elements which are not anchored to the ground with embedded posts, footings, or foundations, are acceptable, subject to review by the Town as to size, placement, configuration and material. Preferred material is wood.
- 4.2.3 Prohibitions: In addition to specific exclusions mentioned in the standards above, the following are considered to be non-contributory to achieving the Town's primary objective for the property shall not be permitted:
- 4.2.3.1 Building Elements:
- a. Circular, elliptical or arched windows.
 - b. Flush style or metal doors.
 - c. Building-attached or free-standing satellite dishes or antennas.
 - d. In-ground pools, gazebos, garden sheds, decks, and/or tennis courts.
 - e. Building-attached or free-standing greenhouses.
 - f. Building-attached floodlights or spotlights.
- 4.2.3.2 Landscaping and Site Features:
- a. Wood chip covered planting beds.
 - b. Permanently installed fountains, barbecue pits, benches, swing sets, play structures, or other similar site features.
 - c. Walls, fences, gates, site stairs and rails, or similar structures, other than those explicitly described in these standards.
 - d. Free-standing stone piers, or lighting fixtures, mailboxes or other elements mounted on piers.
 - e. Accent lighting of the building, trees, walks, driveways, site features or any other exterior element.
 - f. Concrete or asphalt walks, drives or site stairs.
 - g. Drive and walkway curbing.
- 4.3 Specific Standards for Interior Renovation: The following requirements and recommendations are included to establish standards for the interior renovation of specific portions of the existing building, and are not intended as a comprehensive specification.
- 4.3.1 Requirements: Preservation of the following interior features is considered essential to achieving the Town's primary objective for the property. Compliance is therefore required and deviations will not be considered by the Town.
- 4.3.1.1 South Parlor:
- a. Boxed beam (summer beam), with casing;
 - b. Federal period fireplace surround;
 - c. Door and window trim and casings;
 - d. Doors and door hardware;
 - e. Chair rail.
- 4.3.1.2 Entrance Hall:
- a. Turn-around stair with balusters and newel posts;
 - b. Closet door, hardware and casings;
 - c. Boxed corner posts.
- 4.3.1.3 North Parlor:

PRESERVATION GUIDELINES
153 CHURCH STREET
WESTON, MASSACHUSETTS 02193

- a. Boxed beam (summer beam), with casing;
 - b. All woodwork and fireplace surround on fireplace wall;
 - c. Door and window trim and casings;
 - d. Doors and door hardware;
 - e. Chair rail.
- 4.3.1.4 Rear Keeping Room: Fireplace and beehive oven masonry.
- 4.3.2 Recommendations: Maintenance of the following interior features is considered important, but not necessarily essential, to achieving the Town's primary objective for the property. Deviations will therefore be considered by the Town, provided that the Owner demonstrates to the Town's satisfaction that the proposed deviations contribute at least as effectively as the recommended standards toward achieving the Town's primary objective for the property. No deviations will be approved which the Town, at its sole discretion, deems to be unsatisfactory.
- 4.3.2.1 Upper Floor Parlors:
- a. Door and window trim and casings;
 - b. Doors and door hardware;
 - c. Boxed beam casings;
 - d. Wide board floors;
 - d. Wood paneling;
 - e. Fireplace mantels and surrounds;
 - f. "Coburn" door knocker. If removed, the knocker shall be conveyed to the Town.
- 4.3.2.2 Miscellaneous Features: All other doors and door hardware of an early date not specifically designated above, particularly wrought iron hardware.

BK 30387PG579

EXHIBIT D

EASEMENTS RETAINED BY THE TOWN OF WESTON

The Premises are conveyed by the Town of Weston subject to the following easements all shown on plan entitled "Plan of Easements Weston, Massachusetts" dated April 13, 1998, made by Snelling and Hamel Associates and recorded with Middlesex South District Registry of Deeds on April 17, 1998 as Plan No. 399:

1. Sidewalk Easement "A" located on the southerly side line of Church Street;
2. Sidewalk Easement "B" located on the southerly side line of Church Street; and
3. Access Easement 15' wide for the benefit of adjacent land owned by the Town of Weston