

## PRESERVATION AGREEMENT

For and in consideration of the settlement of the appeal to the Massachusetts Housing Appeals Committee (HAC Docket #1987-6) of Andover Zoning Board of Appeals Decision #1893 filed May 4, 1987, with the Andover Town Clerk, John J. Nolan of Andover, Essex County, Massachusetts, does hereby grant to the Andover Historical Commission of Andover, Massachusetts, and its successors, this Preservation Agreement and the preservation restrictions hereinafter described, pursuant and subject to Massachusetts General Laws, Chapter 184, Sections 31-33, with respect to that certain parcel of land containing about 6.37 acres with the buildings and other improvements thereon known as 5 Argilla Road in said Andover and described as Parcel 1 in Executor's Deed to the Grantor herein, dated June 25, 1986, recorded with Essex County North District Registry of Deeds in Book 2242, page 329. See also Estate of Sidney P. White, Essex County Probate No. 361593.

The preservation restrictions hereinafter set forth are to ensure the preservation of the architectural and historical integrity of the granted premises. Architectural and historical integrity shall be defined as those significant characteristics which originally qualified the property for inclusion into the National Register of Historical Places, which characteristics are referred to in the Massachusetts Historical Commission's Multi-Resource Nomination for Andover attached hereto as Exhibit A.

The grantor agrees for itself, its grantees, successors and assigns that the above-described premises shall be subject to the following preservation restrictions:

1. The following portions of the Abbot-Baker House may not be altered without written permission from the Andover Historical Commission:

Exterior

The front and side facades of the house including the frames of the windows and doors and the central brick chimney

Interior

The fireplaces, widepine board floors, gunstock beams and wood panelling located throughout the house.

Approval by the Andover Historical Commission of written request by the Grantor for alteration of above shall not be unreasonably withheld. Any painting, wallpapering or minor repairs shall not be considered alteration for the purpose of this restriction.

2. The land consisting of about 6.37 acres upon which the Abbot-Baker House and other improvements are situated shall not be subdivided. This prohibition against subdivision shall include subdivision for lease and for sale.
3. The land consisting of about 6.37 acres shall not be developed in any manner for business, commercial or industrial uses or purposes, nor for further residential use beyond or in expansion of that existing on said land when acquired by grantor herein, namely use and occupancy of said land by one family in a single family house for residential purposes, including the right to continue the existing horse stable in conformity with the Andover Zoning ByLaw.

All other rights and privileges of ownership are to be retained by the Grantor.

Representatives of the Andover Historical Commission may enter upon and shall inspect the premises at least once every five years to ensure compliance with these restrictions. The Grantor shall have no obligation to repair or maintain the property. The restrictions shall be released by the Andover

Historical Commission in the event of substantial destruction of the Abbot-Baker House itself by accidental means and not by means brought about or suffered by the Grantor or his successors or by anyone occupying said land and structures by, through and under permission, grant or license of the Grantor and his successors.

The burden of these preservation restrictions shall run with the land and shall be binding on all future owners of an interest therein, whether in fee or otherwise.

## PRESERVATION AGREEMENT

BayBank Middlesex, as Executor of the Estate of and by power conferred under the will of Sidney P. White, for consideration paid but for no monetary consideration, does hereby grant to Andover Historical Commission of Andover, Massachusetts, the preservation restrictions hereinafter described, subject to Massachusetts General Laws Chapter 184, Sections 31-33, with respect to a certain parcel of land containing 6.37 acres with the buildings and other improvements thereon located at ~~5 Angilla Road~~ in Andover, Essex County, Massachusetts. Said parcel of land is shown as parcel 5 on current Town of Andover Assessor's Map 93. For title to said premises see Deed of Ina L. White dated December 2, 1939, recorded with the Essex North Registry of Deeds in Book 627, Page 370 and probate of Sidney P. White, Essex County Probate No. 361593.

The preservation restrictions hereinafter set forth are to ensure the preservation of the architectural and historical integrity of the granted premises. Architectural and historical integrity shall be defined as those significant characteristics which originally qualified the property for inclusion into the National Register of Historical Places, which characteristics are referred to in the Massachusetts Historical Commission's Multi-Resource Nomination for Andover attached hereto as Exhibit A.

The grantor agrees for itself, its grantees, successors and assigns that the above-described premises shall be subject to the following preservation restrictions:

## PRESERVATION RESTRICTIONS

1. The following portions of the Abbot-Baker House may not be altered without written permission from the Andover Historical Commission.

### Exterior

The front and side facades of the house including the frames of the windows and doors and the central brick chimney

### Interior

The fireplaces, widepine board floors, gunstock beams and wood-panelling located throughout the house.

Approval of written request for alteration of above by Holder shall not be unreasonably withheld. Any painting, wallpapering or minor repairs shall not be considered alteration for the purpose of this restriction.

2. The land consisting of 6.37 acres upon which the Abbot-Baker House is situated shall not be subdivided. This prohibition against subdivision shall include subdivision for lease and for sale.

All other rights and privileges of ownership are to be retained by Owner.

Representatives of Holder shall inspect the premises at least once every five years to ensure compliance with these restrictions. Holder shall have no obligation to repair or maintain the property. The restrictions shall be released by Holder in the event of substantial destruction of the Abbot-Baker House.

The burden of these preservation restrictions shall run with the land and shall be binding on all future owners of an interest therein.

The right of enforcement shall be as provided for in Massachusetts General Laws Chapter 184, Section 32 as enacted by the Acts of 1969, Chapter 666, Section 5, as it may be amended from time to time.

*December* WITNESS the execution hereof under seal this *2<sup>nd</sup>* day of 1985.

Town of Andover  
Board of Selectmen

*William J. Dalton*  
\_\_\_\_\_  
Chairman

COMMONWEALTH OF MASSACHUSETTS

*Kossex*

ss:

*December 2*, 1985

Then personally appeared the above-named *William J. Dalton*, and acknowledged the foregoing to be free act and deed.

Before me,

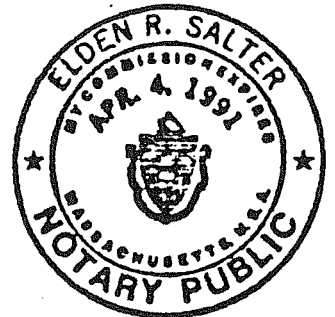
*Elden R. Salter*  
\_\_\_\_\_  
Notary Public

My Commission Expires:

*April 4, 1991*

Andover Historical Commission

*John D. Lewis*  
\_\_\_\_\_  
John D. Lewis, Chairman



COMMONWEALTH OF MASSACHUSETTS

ss: December 5, 1985

Then personally appeared the above-named John D. Lewis, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Rodney Smith  
Notary Public  
My Commission Expires: 10/3/86

Approval by the Massachusetts Historical Commission

The undersigned executive director and secretary of the Massachusetts Historical Commission, hereby certifies that the foregoing preservation restriction has been approved pursuant to Massachusetts General Laws, Chapter 184, Sec. 32.

*May 1985 signed by Val and notarized by Elise Fitzgerald*

Valerie A. Talmage  
Executive Director and Secretary  
Massachusetts Historical Commission

*signed copies at MHC*

*call 727-8470*

COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS, 1985

Then personally appeared the above named Valerie A. Talmage and acknowledged the foregoing to be the free act and deed of the Massachusetts Historical Commission, before me

Notary Public  
My Commission Expires: