

City of Waltham Massachusetts Community Preservation Act Historic, Open Space and Recreation Funding Application WCPA-1



APPLICANT INFORMATION

Name of Applicant ⁽¹⁾ Waltham Conservation Commission

Name of Co-Applicant, if applicable ⁽¹⁾ _____

Contact Name Philip Moser

Mailing Address 119 School Street, Waltham, MA 02451

Daytime Phone (i.e. of Proposal Applicant) 781-424-3960

PROJECT BASICS

Address of Project (or Assessor's Parcel ID) 100 Robert Treat Paine Drive

Parcel ID R043 001 0005

CPA Category (check all that apply):

- Open space
- Historic preservation
- Open space recreation
- Community Housing (You must also complete Application WCPA-2)

CPA Funding Requested \$50,000

Total Cost of Proposed Project \$50,000

PROJECT DESCRIPTION

Attach answers to the following questions. Applications will be returned as incomplete if all requested information is not provided. Include supporting materials as necessary.

GOALS: What are the goals of the proposed project?

COMMUNITY NEED: Why is this project needed? Does it address needs identified in existing City plans?

COMMUNITY SUPPORT: What is the nature and level of support for this project? Include letters of support and any petitions.

TIMELINE: What is the schedule for project implantation? Include a timeline for all critical items for their

completion.

CREDENTIALS: How will the experiences of the Applicant(s) contribute to the success of this project?
Success Factors: How will the success of this project be measured? Be specific.

BUDGET: What is the total budget for this project? How will the CPA funds portion be spent? All items of expenditure must be clearly identified and justified. Detail the hard and soft costs. Identify contingencies.

OTHER FUNDING: What additional funding sources are available, committed, or under consideration? Include commitment letters if available. Identify all sources of other funding which have been sought for this project and the status of the requests.

MAINTENANCE: If ongoing maintenance is required for your project, how will it be funded? (Note that CPA Funds may not be used for maintenance, but maintenance is an important consideration for all projects.)

ADDITIONAL INFORMATION

Provide the following additional information, *as applicable*.

DOCUMENTATION: Provide written documentation that you have control over the site, such as Purchase and Sale Agreement, option, or deed.

CONSTRUCTION OR REHABILITATION: ⁽²⁾ For projects with construction or rehabilitation, provide floor plans, elevations including the existing and proposed site plan(s), and any additional drawings or photographs which visually describe the project.

ZONING: Provide evidence that the project is in compliance with the current City Zoning Ordinance as Amended, as well as all other laws and regulations. If zoning relief is required, note the parts of the proposal not in compliance with the Zoning Ordinance, and when an application will be made to the Zoning Board of Appeals.

CITY APPROVALS: Provide evidence that the appropriate City Boards and Commissions approve of the project (Waltham Historical Commission for Historic, Conservation Commission for Open Space, Park & Recreation Board for Recreation, and Waltham Housing Authority for Community Housing). As an example, a project in a City park would require that the Park & Recreation Board accept the project.

HAZARDOUS MATERIALS: Provide evidence that the proposed site is free of hazardous materials or that there is a plan for remediation in place.

PROFESSIONAL STANDARDS: Provide evidence that appropriate professional standards will be followed if construction, restoration, or rehabilitation is proposed.

LEVERAGED ADDITIONAL BENEFITS: Provide information indicating how this project can be used to achieve additional community benefits.

Notes:

(1) City Property: If the proposal is located on City-owned land, either the Applicant or Co-Applicant must be the City Board, Commission or Department that has custody of the land.

(2) Appraisals: If the requested funds are for a real estate acquisition, an independent appraisal will be required which the Applicant will be required to fund. No funding decisions will be made without an independent appraisal. Additional appraisals may be required for final approval.

FOR COMMUNITY PRESERVATION COMMITTEE USE ONLY

Application received on _____

Application received by _____

Date Project presented to CPC for Submission Acceptance Process _____

Was Project accepted for Consideration? _____

If accepted for Consideration, Project Public Hearing date _____

Following meeting Date for decision to recommend for funding _____

Was project recommended for funding to the City Council? _____

Was project funded by the City Council? _____

If project funded by the City Council, for how much? _____

Date funding Contract signed with applicant _____

APPLICATION SUBMISSION REQUIREMENTS

Proposals for Community Preservation Act funding must be submitted using the City of Waltham’s Application forms WCPA-1 and WCPA-2.

If the proposal is exclusively a community housing project, applicants must submit WCPA-2. If the proposal combines community housing with any other funding category, both WCPA-2 and the WCPA-1 must be submitted. Otherwise applicants can submit just WCPA-1.

All information requested on the application forms must be included with the proposal at the time of submission or it will not be accepted for consideration. Applications may not include any handwritten information.

Applications and all supporting documentation must be submitted as hardcopy with eleven (11) copies (including one unbound for reproduction) to the official mailing address as specified in Article VI. If an Application is recommended for funding by the CPC, then an additional 17 copies must be provided for use by the City Council.

Applicants are encouraged to include any maps, diagrams, and/or photographs pertaining to the project. Letters of support for the project from community organizations or other sources may also be submitted.

Applicants will also submit an electronic version of each and every document submitted in their application if available, either on CD or USB flash drive, preferably in Portable Document Format (PDF) or other commonly used file formats (eg. .doc, .docx, .xls, .xlsx, .jpeg).

Applicants should include actual quotes for project costs whenever possible. If not available, estimates may be used, provided the basis of the estimate is fully explained.

Applicants should pursue matching or supplemental funds from state, federal and/or private sources when available.

Applicants should detail who will be responsible for project implementation and management. Their relevant experience should be included in the narrative. Please be sure that project management costs have been included in the overall project budget.

GOALS

The Waltham Conservation Commission seeks funding to hire a professional, multi-disciplinary planning firm or team to prepare a Conservation Land Stewardship Plan (LSP) for the woodlands and trails of Stonehurst, the Robert Treat Paine Estate/Storer Conservation Lands, in consultation with relevant City departments and commissions.

The 113- acre Paine/Storer Estate is the City of Waltham's only official conservation land and its only National Historic Landmark (NHL). It is one of the largest and most popular public open spaces in Waltham, and has the distinction of being associated with Frederick Law Olmsted, Sr., father of public parks in America and national parks worldwide, who famously wrote of protected open space as a social good essential to a democratic society.

Proposed in response to the clear collective voice of community members in 2018 and the Community Vision in the City of Waltham's 2015 Open Space and Recreation Plan (OSRP), the document will help meet a primary city-wide goal of preserving currently-owned City open space. "By preserving the inventory the City currently owns, residents and visitors are able to enjoy historical open spaces in their natural state and be free from fear of development or destruction." (OSRP, p. 50) In a planning process similar to the one developed for the OSRP, input from the public and from community stakeholders will play a vital role.

This plan will focus primarily on the ecology of the woodlands surrounding the 6-acre historic core of the estate, addressing its long-term preservation, the care and maintenance of its ecosystem and natural features, and its public use. It will take also into careful consideration the context of the larger cultural landscape and the historic features and historic uses of the forested areas of the property.

Specific goals for the plan are:

- Document significant natural and cultural resources and landscape zones outside the historic core;
- Identify land management and visitor use issues and opportunities;
- Describe and enhance existing legal protections for the Paine/Storer Estate;
- Enhance visitor experience and appreciation of the estate;
- Create stronger links to the larger municipal and regional open space and trail systems;
- Enhance the ecosystem of native plants and wildlife;
- Articulate the guiding philosophy for the ongoing management, planning, and development of the property in keeping with existing deed restrictions and NHL status;
- Develop and prioritize recommendations for improving care, maintenance and overall stewardship of the conservation area and the natural and cultural resources therein; and

- Establish short-, medium- and long-term goals and objectives for property improvements that balance stewardship and resource integrity, visitor and community experience, and financial viability.

COMMUNITY NEED

As audiences for this popular landscape expand and as access to greenspace in urban areas is increasingly recognized as an essential right and social justice issue, the need for an LSP has become more acute. The introduction of the Western Greenway Trail corridor through the land improves its connectivity, introducing new audiences along with new challenges and opportunities. As people discover this beautiful space, passive and organized uses of the property continue to grow in size, variety and frequency, at times testing the delicate balance between preservation and access. In addition, new climate change and development pressures threaten fragile park ecosystems here and across the nation each year. The need to better define and communicate the goals, policies and protections for this land is perhaps best demonstrated by the recent public outcry over a proposal to desecrate and develop this protected open space for a new high school.

As a result of the increased public use, appreciation, awareness and concern, City residents and key stakeholders have voiced a desire for more effective stewardship of this conservation land.

The LSP will complement the city-wide 2015 Open Space and Recreation Plan (OSRP) as well as previous landscape planning documents specific to the Paine/Storer Estate. The OSRP calls for improved stewardship of Waltham open spaces through collaboration, property surveys and management plans like the one we propose. A Robert Treat Paine Estate Landscape Master Plan (1992 with 1999 Update) guides stewardship of the land, but with a clear emphasis on the design features of the 6-acre historic core. The 2015 OSRP acknowledges that parking lot, wayfinding, and trail improvements dating to over a quarter century ago are deteriorated or missing altogether and require refreshing. (OSRP, p. 35)

Land management activities in the woodlands have been undertaken on a case-by-case basis, but these activities have lacked the consistency that the creation of a body of principles, policies and plans would supply for guiding these decisions. The proposed plan will define goals and objectives for the woodland component of this Olmsted landscape, which have never been fully articulated.

See Attachment A for Illustrations. Existing planning documents are available upon request.

COMMUNITY SUPPORT

The Paine Estate is a beloved community resource owned and operated by the City of Waltham that is also recognized and cherished nationally as a national treasure. It so closely embodies the ideals of the Community Preservation Act, that the governor chose it above all other properties in the state for the historic signing of the Act, “one of the most important pieces of environmental legislation in the Commonwealth’s history that will allow us to preserve, protect and sustain our very way of life at a time when pressure to develop our natural places has never been more intense.”

The staffed site reaches about 24,000 annual visitors for programs, field trips, tours, events, class projects, and casual passive use. For many, a walk in the Paine/Storer Estate woods is an essential part of their daily routine. The Waltham Public Library, Waltham Public Schools, Waltham Land Trust, Friends of Stonehurst and other community groups routinely partner with estate staff on programs on all areas of the property. For example, science specialists from Waltham Public Schools teach hundreds of children about its woodlands and vernal pools on organized field trips each year. Brandeis and Bentley students of ecology, geology, social justice and other areas of study visit the property annually.

The community recently demonstrated intense, widespread support for the protection of this extraordinary land through letters, petitions, articles, programs and public meetings, all aimed at preserving the land in its natural state forever in accordance with the City’s well-established and well-documented public promise. Improving protections and stewardship of this land has exceptionally strong community support, clearly demonstrated in 2018 by the thick preservation packet representing thousands of individuals and organizations sent to City officials. To reiterate and reinforce their continued support for these goals and for this specific project, new letters of support are attached.

See Attachment B.

TIMELINE

After a consultant is selected, the planning process is expected to take less than nine months.

| | |
|--------------|------------------------------------|
| Mar 2020 | Bidding |
| Apr 2020 | Bid evaluation |
| May 2020 | Bid award |
| May-Aug 2020 | Inventory, mapping, and assessment |
| Sep 2020 | Initial Public meeting |

Nov 2020 Draft recommendations
Dec 2020 Final recommendations and public meeting

CREDENTIALS

A number of City of Waltham departments and commissions are responsible for aspects of the Paine/Storer Estate: Consolidated Public Works, Stonehurst staff within the Planning Dept., and the Historical and Conservation Commissions. Each group brings its experience and expertise to the project. The Conservation Commission will work with City staff and the Historical Commission to ensure the project’s success.

Following the public procurement process, the City of Waltham will solicit and evaluate proposals submitted by professionals to carry on this project. Candidates will be evaluated based on the qualifications of key personnel, similar experience and past performance on similar projects, technical approach, capacity and management approach, MBE/WBE participation, and cost.

BUDGET

| | |
|---|-----------|
| Storer Conservation Land Stewardship Plan | |
| Planning Services | \$50,000 |
| Total | \$50,000. |

OTHER FUNDING

The proposed planning document is a fundamental step that will open up opportunities to obtain capital funds from other sources at the state and federal levels.

MAINTENANCE

All management and capital improvement recommendations will need to stress efficiencies and take into consideration the Commission’s and the City’s limited maintenance resources.

The City of Waltham Consolidated Public Works Department has a maintenance budget for all City landscapes, including the Paine/Storer Estate. The Conservation Commission will work with

the consultant and City departments to ensure that adequate funding is available for ongoing maintenance of the land, including specific projects proposed in the plan.

ADDITIONAL INFORMATION

DOCUMENTATION

Theodore Storer, a grandson of the Paines, donated and sold the 113-acre estate to the City of Waltham in 1974 with conservation restrictions to ensure that it remains in a “predominantly naturally scenic, green and open condition forever.” Federal Land and Water Conservation Funds (LWCF) made that transaction possible and also placed Article 97 protections on the 113 acres of “Storer Conservation Lands.” In 1989, the entire 113-acre property more commonly known as “Stonehurst, the Robert Treat Paine Estate,” received National Historic Landmark status.

See Attachment C.

CONSTRUCTION OR REHABILITATION

Not applicable.

ZONING

See Attachment D.

CITY APPROVALS

See Attachment E.

HAZARDOUS MATERIALS

There are no known hazardous materials on this property, which has been mostly forested for all of its recorded history. The plan will provide recommendations for whether testing is necessary at specific areas of proposed restoration (e.g., the abandoned parking lot / former site of Ferncroft mansion, etc.).

PROFESSIONAL STANDARDS

The planning document will define professional standards for the treatment of this conservation land compatible and consistent with state and federal laws protecting conservation land and National Historic Landmarks. In addition to conservation protections, there are specific constraints, deed restrictions, existing planning documents and *The Secretary of the Interiors Standards for the Treatment of Cultural Landscapes* that protect and shape decision-making for this National Historic Landmark property. The document will be distributed and made available on-line in order to inform the many stakeholders and ensure adherence to these standards.

LEVERAGED ADDITIONAL BENEFITS

Planning documents are essential tools for making informed decisions, for securing funding from a diverse pool of resources for capital projects, and for prioritizing staff and community efforts. The plan will enable the City to submit well-conceived and competitive state and federal grant applications for site improvements and to make the best use of its community partners and volunteer stewards. The greatest benefit will to be to the citizens of Waltham, who requested improved stewardship and protection of this public open space.

ATTACHMENT A Project Illustrations

Site Plan
Opportunities
Challenges

ATTACHMENT B Evidence of Community Support

ATTACHMENT C Documentation

Deeds
Land and Water Conservation Fund Documentation

ATTACHMENT D Zoning

ATTACHMENT E City Approvals

ATTACHMENT A
Project Illustrations

Site Plan
Opportunities
Challenges

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

The City of Waltham makes no claims, no representations, and no warranties, expressed or implied, concerning the validity (expressed or implied), the reliability, or the accuracy of the GIS data and GIS data products furnished by the City, including the implied validity of any such uses of such data. The use of this data, in any such manner, shall not supersede any federal, state or local laws or regulations.

Administered by:
Waltham Conservation Commission
119 School Street
Waltham, MA 02451
Phone: 781-314-3846
E-mail: conservation@city.waltham.ma.us

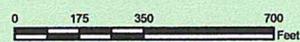


| | | | | | | | |
|--------------------------------|---|--|--------------------|--|--------------------|--|--------------|
| | Bus Stop | | Abandoned Trail | | Morrison Trail | | Water Body |
| | Informational Sign | | Blueberry Trail | | Olmsted Trail | | Upland Area |
| | Parking | | Bull Run Trail | | Paine Pass | | Wetland Area |
| | Western Greenway | | Cart Road | | Pine Springs Trail | | |
| | NHESP 2003 Massachusetts Certified Vernal Pools | | Garden Trail | | Storer Path | | |
| Handicap Accessibility: | | | Hobbes Trail | | Unnamed Trail | | |
| | Easy | | Lyman Trail | | White Pine Trail | | |
| | Moderate | | Meeting House Walk | | Wintergreen Trail | | |
| | Difficult | | Meeting House Walk | | Paine Estate | | |

**DIRECTORY MAP
STORER CONSERVATION LAND
WALTHAM, MASSACHUSETTS**

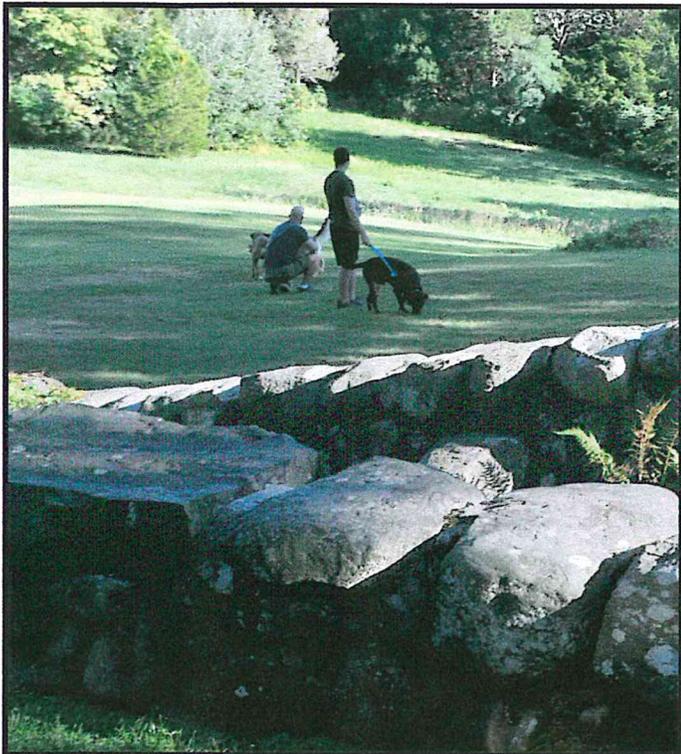


1 inch = 290 feet



Opportunities:

Visits to this conservation land improve the quality of life in Waltham and promote human health and well being



Park Rx

Who: every American! Date: _____

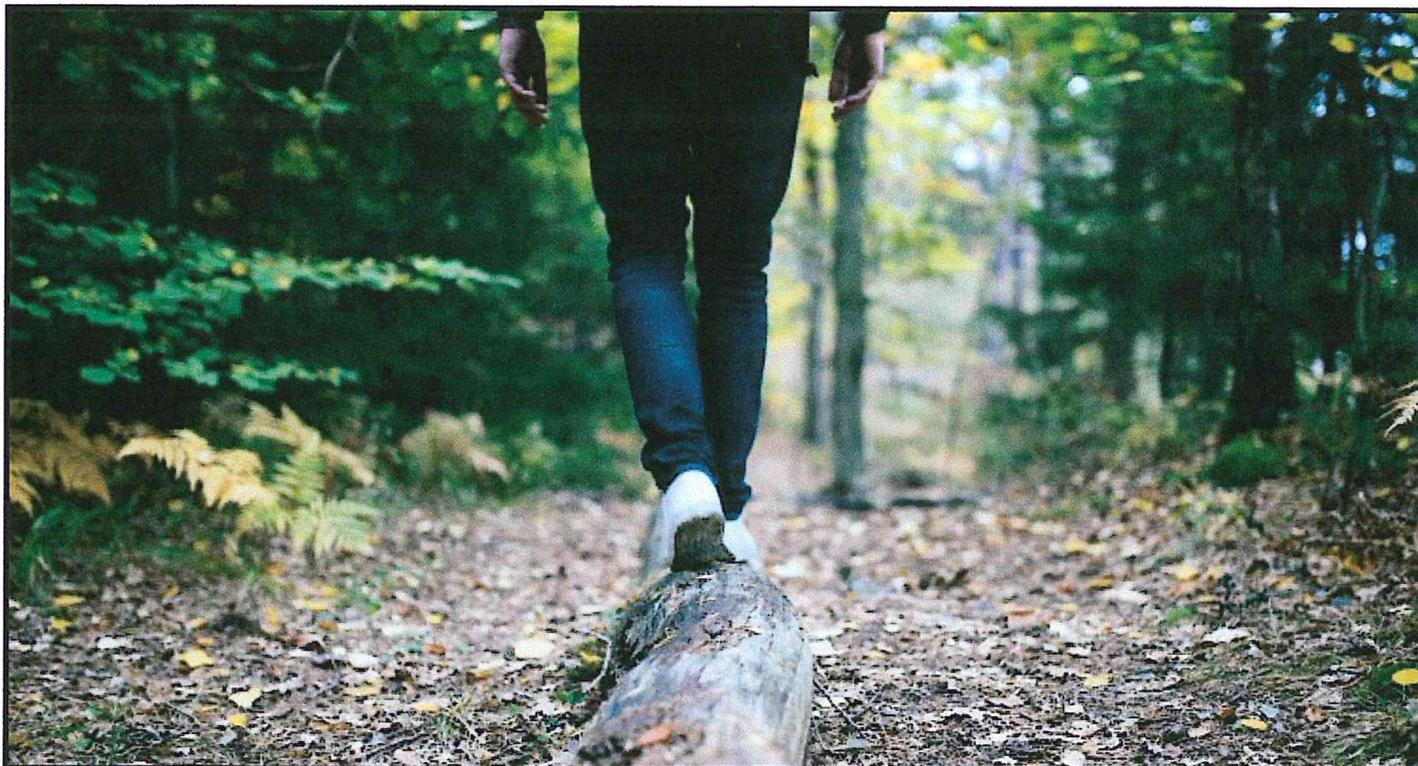
Rx: Nature time in your neighborhood park

Sig: *as needed for physical, mental health*

Dispense: *unlimited*

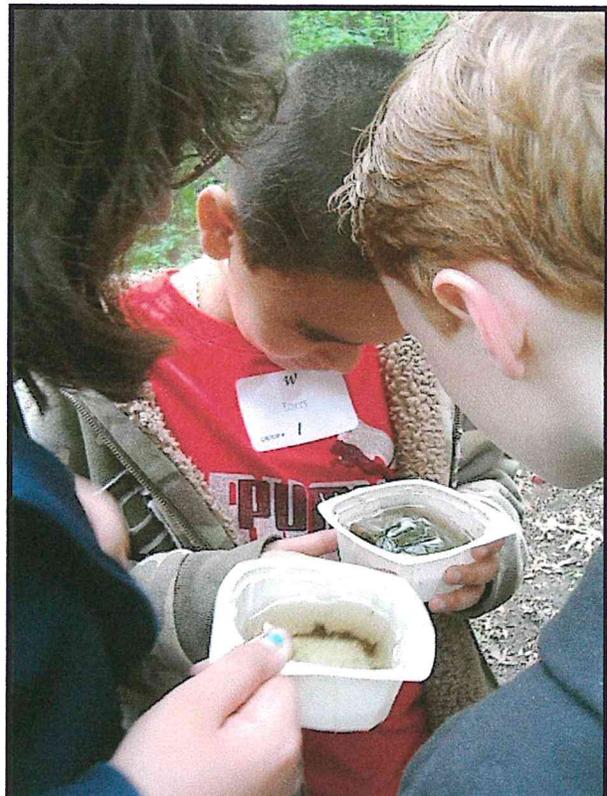
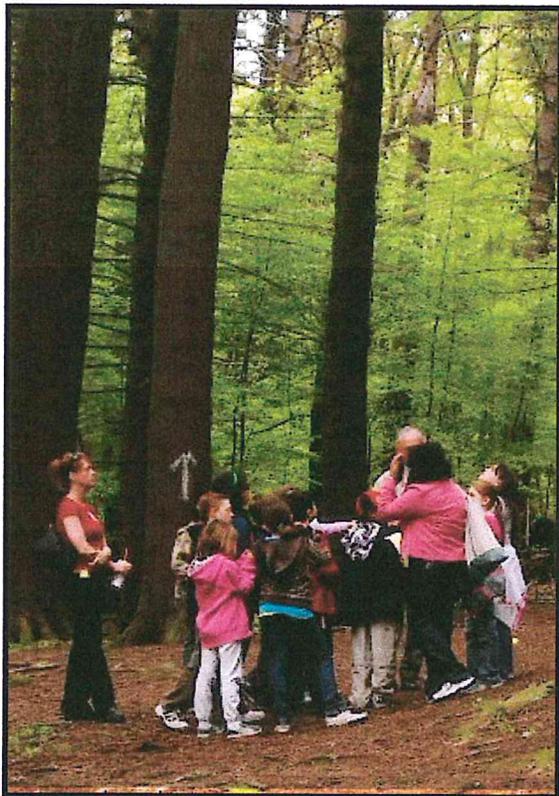
Refills: *unlimited*

Side effects may include happiness, laughter, and improved health and wellness



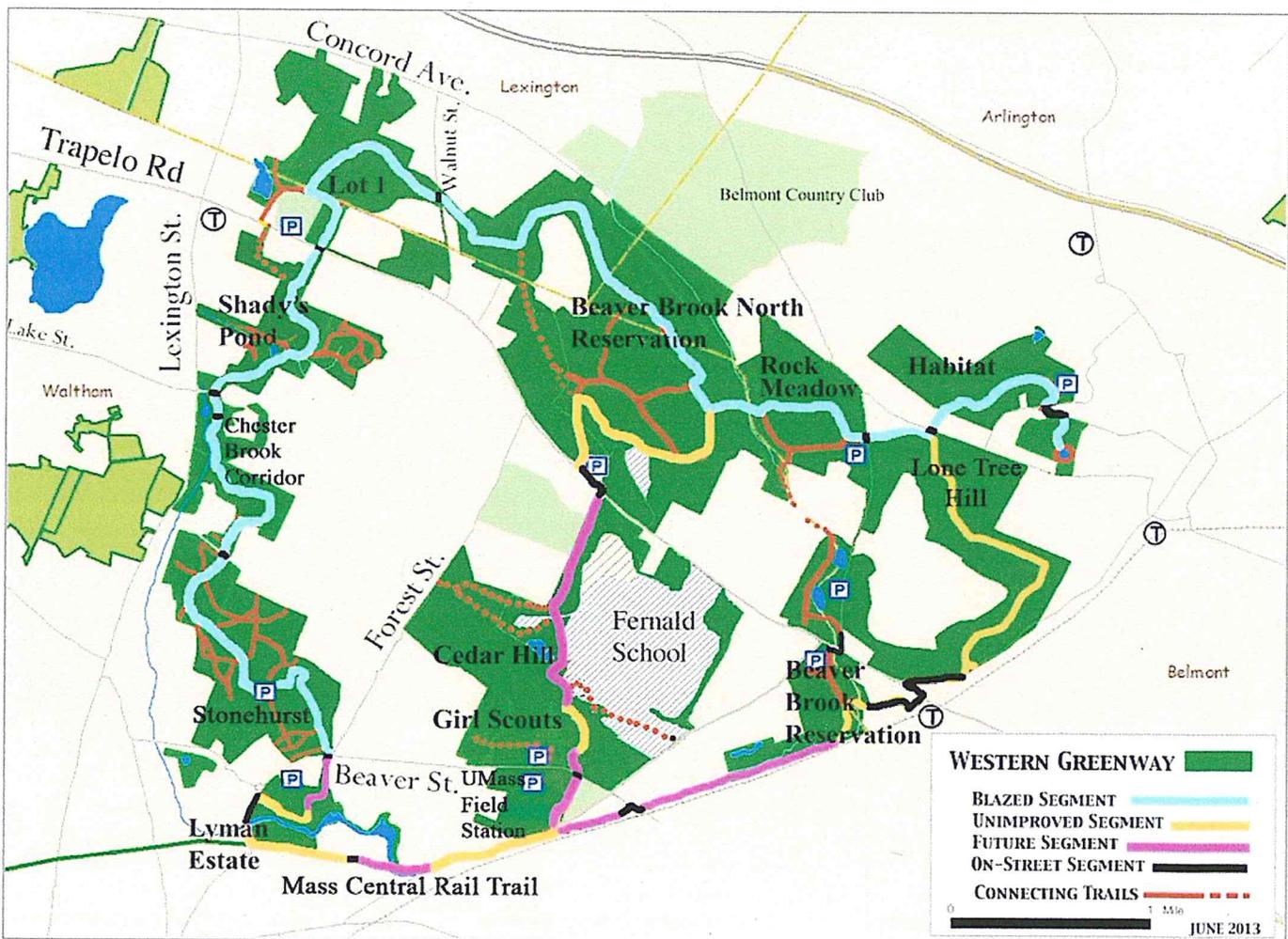
Opportunities:

Kids who connect to this special place are the future stewards of our planet



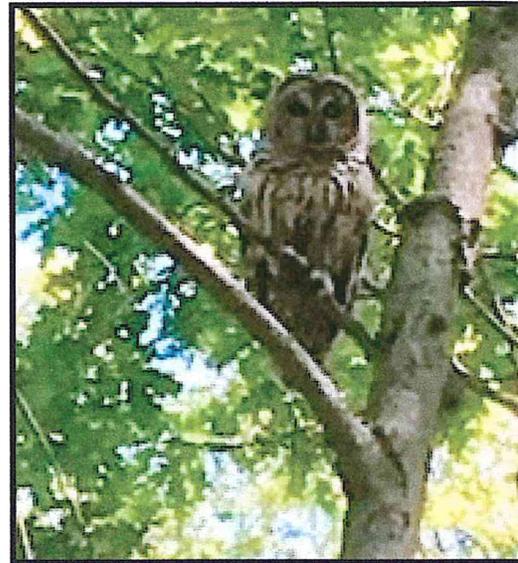
Opportunities:

The Paine/Storer Estate is vital link in the Western Greenway trail corridor, an irreplaceable regional amenity that connects over 1300 acres in three communities.



Opportunities:

Vernal pools and rich natural habitats promote and sustain biodiversity



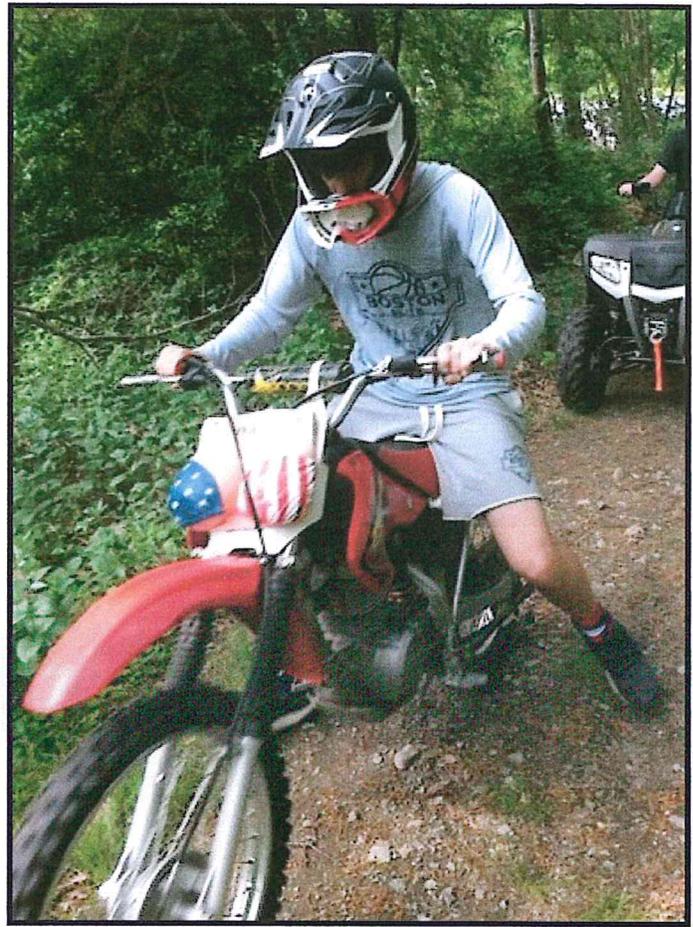
Opportunities:

Stone walls, culverts and ruins of outbuildings and other structures reveal historic agricultural and forestry practices on this National Historic Landmark property.



Challenges:

Unwelcoming trail heads with deteriorated, ad hoc and missing signage require refreshing to convey City pride in its open space and prevent inappropriate and unsafe uses.

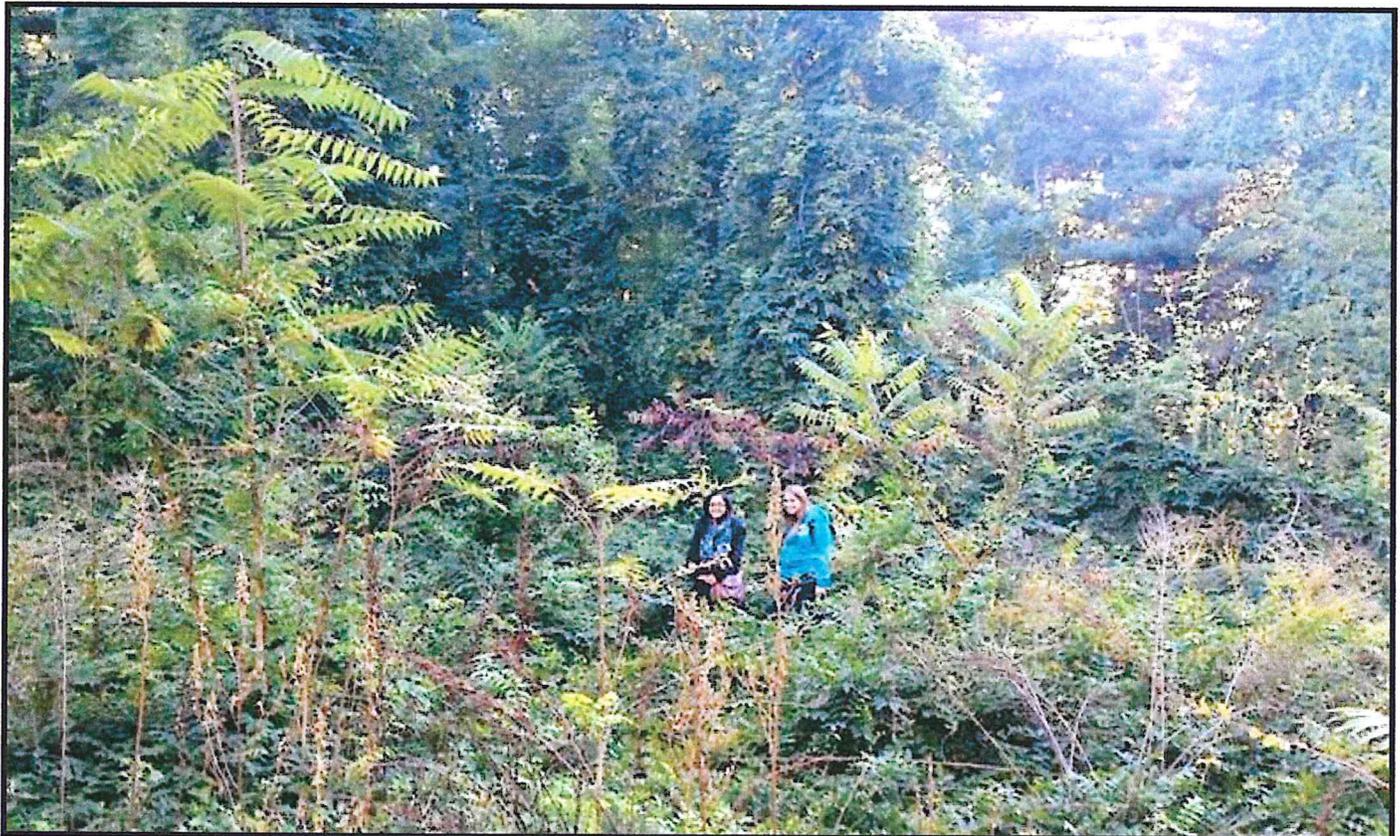
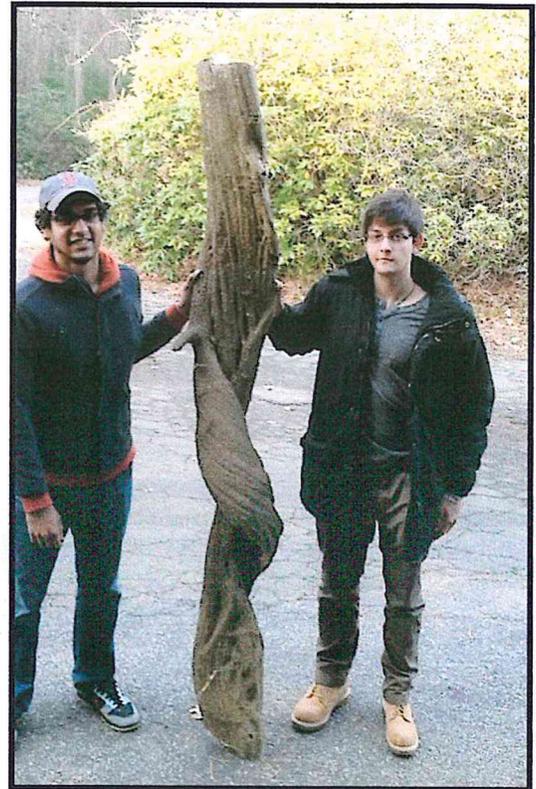


Challenges:

Climate change allows pests to thrive, killing entire species of trees and transforming the forest



Challenges: Invasive plant species threaten the fragile forest ecosystem.



ATTACHMENT B
Evidence of Community Support



STAFF PHOTO BY SHANNON McHUGH

Gov. Paul Cellucci signing the Community Preservation Act in Waltham, Mass. (Inset photo by Shannon McHugh)

Preserving our community

By Patrick Golden and David B. Caruso
CNC STAFF WRITERS

Waltham hosts historic signing of Community Preservation Act

WALTHAM – Amid the sprawling Robert Treat Paine Estate, Gov. Paul Cellucci yesterday signed into law the Community Preservation Act, which supporters say will help preserve historic places, protect undeveloped land and build more affordable housing, but only with local support.

“The reports of the death of the Community Preservation Act were greatly exaggerated,” said Cellucci, twisting an old Mark Twain quote.

The bill had been in works since the early 1990s, and weathered a series of changes before being put to ink.

Modeled after the Cape Cod Land Bank, the Community Preservation Act allows cities and towns to raise local property taxes up to 3 percent to fund land conservation, historic preservation and develop affordable housing. The legislation also calls for the state to kick in matching amounts.

But voters have the final say in determining whether their cities and towns will take part. Town meetings or city councils must agree to put the property tax surcharge on the ballot.

PRESERVATION. Photo A7

FROM THE FRONT PAGE

Community Preservation

RESERVATION, *From A1*
oters must approve it by a simple majority.

Cellucci told state and local officials yesterday he is ready to kick in \$225 million in state money to help with the matching funds program. The bill calls for using new fees on filings at the registry of deeds to pay for the matching funds program.

A \$10 to \$20 hike in fees at the registry of deeds could raise at least \$26 million a year in state matching funds that would then be passed on to communities.

Bob Durand, secretary of environmental affairs, said he plans to aggressively recruit communities to participate, while providing help to those towns that need advice on planning strategies for preserving land.

Communities would be required to spend at least 30 percent of the money received equally on land reservation, historic preservation and affordable housing. The remaining 70 percent can be used as they choose.

"We're talking about preserving our history and our culture. We're talking about preserving open space," said Cellucci.

Several of the officials who spoke at yesterday's bill signing ceremony warned it is up to each city and town to make the law work.

Proponents say the law would help

communities protect themselves from building by allowing them the cash to buy land.

"It will provide a powerful new weapon to protect our community from urban sprawl and uncontrolled growth," said Whitney Hatch, regional director for the Trust for Public Land. Hatch said the state loses 44 acres to development each day.

Real estate agents on hand also commended the legislation, calling it step forward in providing more homes for low- to moderate-income people.

"That's money subsidizing rents, and building affordable units," said Fred Meyer, president of the Massachusetts Association of Realtors.

The question now is how many towns might eventually participate in a program that would require them to raise their own taxes.

In recent years there has been an appetite for more town spending on land preservation projects, even in towns traditionally known for a less-is-more approach to town government.

In Waltham, city officials have started an effort to buy undeveloped land using a portion of its hotel tax money. Officials want to use the money, which could start at as much as \$250,000 annually, to pay off the debt of money borrowed to purchase land.

"I think this is an excellent way to

write legislation to let the voters decide," said Waltham City Councilor Michael Squillante of the Community Preservation Act.

Voters in Stow, a town still laced with winding waterways and hilly forests, passed a \$3 million property tax override in 1998 with the goal of protecting 240 acres of undeveloped woods and fields.

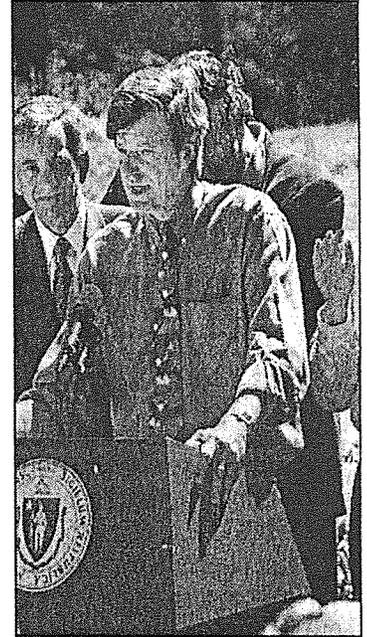
The tax hike passed with a whopping 80 percent of the vote, a victory the town's state senator, Pam Resor, said is evidence of strong community support for preservation efforts.

"I think they see some rapid development on the horizon here, and I suspect they know that they need to implement programs of this type and protect what they have while they have the chance," Resor said.

Other towns have followed suit.

Northborough put \$200,000 into a conservation fund and set up a commission to begin looking at land that might qualify for protection. Hopkinton has been setting aside \$350,000 a year for the past three years, running up a preservation war chest of \$1 million. Shrewsbury voters shelled out \$5 million to buy 18 undeveloped properties and protect around 270 acres. Westborough put \$1 million into its land bank.

The interest in protecting open space has been spurred on by the creeping advance of suburban



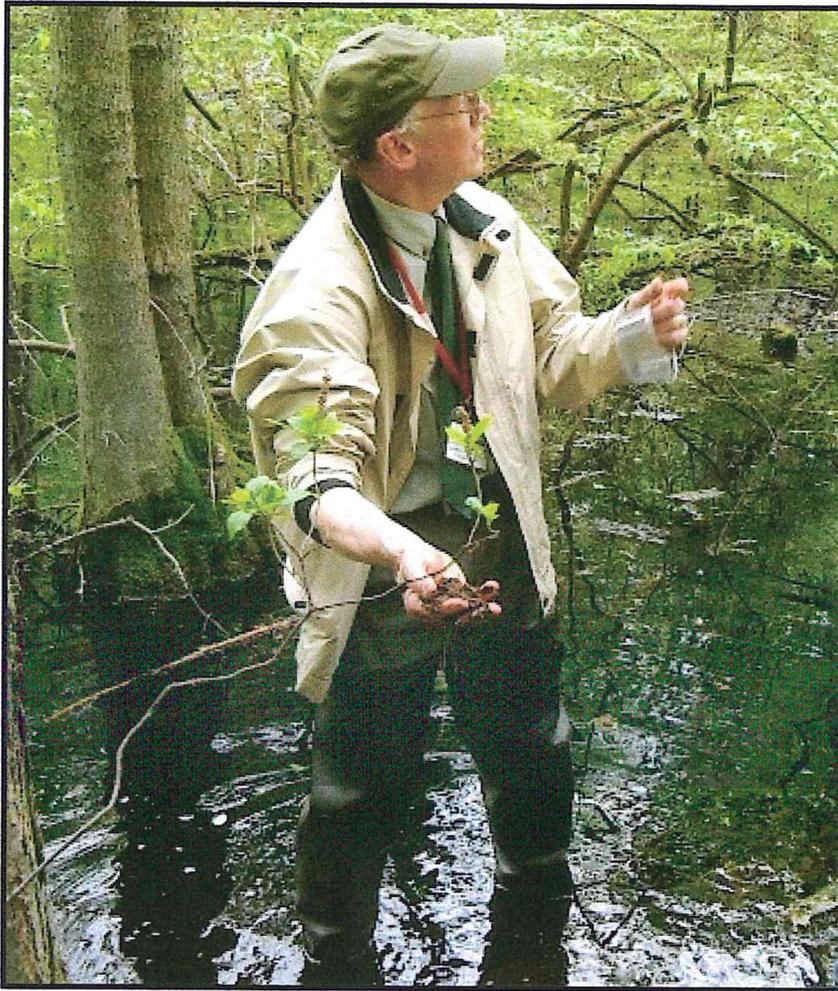
STAFF PHOTO BY SHANNON MCHUGH-POWER

Environmental Secretary Robert Durand addresses a crowd at Waltham's Robert Treat Paine Estate yesterday after the signing of the Community Preservation Act.

sprawl into the orchards and old farms of the Assabet and Blackstone valleys.

In Hopkinton alone nearly 2,337 homes have been built since 1990, at a pace that has quickened recently to more than 300 new residences a year.

Yet, as a number of small towns have plunged into land planning with renewed vigor, they have run into a number of obstacles, some of which are bound to continue under the Community Preservation Act.



Community support:
Waltham Public School students,
parents and science teachers
who participate in annual field
trips

*“The Paine Estate is the most or-
ganized and beneficial field trip
that we go on. The social studies
and science connection is won-
derful!”*

— a Third-Grade teacher



Community support:

Boy Scouts, Brandeis University and others volunteer for community service projects





Community Support:
Civic and community groups regularly organize popular guided walks on the land





Friends of
STONEHURST
 THE ROBERT TREAT PAINE ESTATE

WALTHAM



*Protecting
 Waltham's land
 ...forever.*

Waltham Land Trust
 240 Beaver St.
 Waltham, MA 02452
 Board of Directors

Nadene Stein, PhD, *President*
 Maureen Bagge Fowler,
Vice President
 David Kehs, *Clerk*
 Marc Rudnick, *Treasurer*
 Martha Creedon
 Marie Daly
 George Darcy III
 John Dieckmann
 Natalie Hayes
 Brian McCormick
 Daniel Melnechuk
 Phil Moser
 Anna Richardson
 Stephen Rourke
 Jim Walker
 Diana Young

Sonja Wadman,
Executive Director

Friends of Stonehurst/
 Robert Treat Paine Historical
 Trust
 100 Robert Treat Paine Dr.
 Waltham, MA 02452
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 Judith Keegan DiMarzo
 Maureen Bagge Fowler
 Brian LaBau, AIA
 Sarah Lyon
 Elizabeth Storer Paynter
 Elaine P. Smerlas

April 9, 2018

Dear Mayor, City Council, School Committee & School Building Committee,

Attached please find letters, articles and a petition representing thousands of individuals and organizations throughout the region and country who oppose the plan to develop any piece of Stonehurst, the Robert Treat Paine Estate/Storer Conservation Lands and Chesterbrook Woods for a school campus. The material draws from a broad range of perspectives presenting a myriad of legal, philosophical, practical and ethical arguments against the evisceration of this protected land.

We trust that this strong expression of public concern and disapproval will convince you to discard this ill-considered and unviable proposal and to pursue instead other less destructive alternatives for the school and its campus.

Sincerely,

Friends of Stonehurst Board of Directors and Waltham Land Trust Board of Directors

[Waltham Land Trust board members George Darcy III, who is also a member of the Waltham City Council, board member Philip Moser, who is also a member of the Waltham Conservation Commission, board member Marie Daly, who is also a member of the Waltham Historical Commission, and board member President Dr. Nadene Stein, who is also a member of the Waltham School Building Committee, did not participate in the WLT discussion and vote on this matter.]

[Friends of Stonehurst/Robert Treat Paine Historical Trust board member Dr. John Cox, who is also a member of the Waltham Historical Commission, did not participate in the Friends of Stonehurst discussion and vote on this matter.]

cc. Senator Michael J. Barrett
 Representative Thomas M. Stanley
 Representative John J. Lawn
 Brona Simon, State Historic Preservation Officer and Executive Director,
 Massachusetts Historical Commission
 Robert O'Connor, Forest & Land Policy Director, Executive Office of Energy
 & Environmental Affairs
 Mort Isaacson, Chair, Waltham Historical Commission
 William Doyle, Chair, Waltham Conservation Commission



STONEHURST

THE ROBERT TREAT PAINE ESTATE

FRIENDS OF
STONEHURST/

ROBERT TREAT PAINE
HISTORICAL TRUST

BOARD OF TRUSTEES

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Erika Bourne

John Cox, PhD

Maureen Fowler

Brian LaBau, AIA

Sarah Lyon

Elizabeth Storer Paynter

Elaine P. Smerlas

1 November 2019

M. Justin Barrett, Chair
Community Preservation Committee
119 School St.
Waltham, MA 02451

Dear Members of the Community Preservation Committee,

The Friends of Stonehurst write in strong support of the Waltham Conservation Commission's grant application to fund a Conservation Land Management Plan for Stonehurst, the Robert Treat Paine Estate, designed by Frederick Law Olmsted.

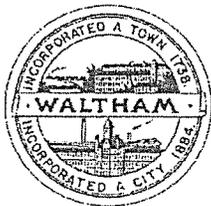
This woodland is one of the signature assets of Waltham, a place name meaning "a forest home." In a city now characterized more by its industrial downtown than its forests, residents cherish these publicly-owned woods and the respite they find there. In this way, the land fulfills the vision of their famous designer for our national and public parks as essential components of a healthful and functional civilization.

Our Friends group and its members are eager to help the Conservation Commission improve stewardship of these woods, but have been hindered by the lack of a plan. A guiding document will help make the most of limited public and private resources to ensure that this land continues to enhance biodiversity and human health and well-being.

We urge you to grant the Conservation Commission's request for funding.

Sincerely,

Robert Treat Paine Storer, III
President



Waltham Historical Commission

610 Main Street
Waltham, MA 02452

November 8, 2019

To: Philip Moser, Chair
Waltham Conservation Commission
119 School Street
Waltham, MA 02451

Dear Mr. Moser,

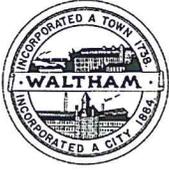
This letter is to give the approval and support of the Waltham Historical Commission to the Waltham Conservation Commission's project to develop a Conservation Lands Stewardship Plan for the Robert Treat Paine Estate/Storer Conservation Lands located in Waltham, Massachusetts. At its meeting of November 4, 2019, the members of the Commission, who were present, voted unanimously to endorse this project.

The Robert Treat Paine Estate is the only National Historic Landmark owned by the City of Waltham, and the Waltham Historical Commission has legally mandated historic oversight of the historic core of the property. For many years the Commission has been following and helping with the maintenance and inventorying of the historic resources on the adjacent Storer Conservation Land. Although the Paine Estate staff has done a tremendous amount of work related to this, it has become evident that there is a fundamental need for a much larger effort involving outside expertise to plan for the continued stewardship and preservation of this very historic resource.

The Waltham Historical Commission is pleased to endorse and support this important project.

Sincerely,

Morton S. Isaacson, Chair
Waltham Historical Commission



STONEHURST, THE ROBERT TREAT PAINE ESTATE

CITY OF WALTHAM

100 ROBERT TREAT PAINE DR.

WALTHAM, MA 02452

781-314-3291

12 November 2019

Justin Barrett, Chair
Waltham Community Preservation Committee
119 School St.
Waltham, MA 02452

Dear members of the Community Preservation Committee,

I heartily support the Conservation Commission's application to the CPC for funding a Conservation Land Stewardship Plan (LSP) for Stonehurst, the Robert Treat Paine Estate/Storer Conservation Lands, a National Historic Landmark.

The Conservation Commission and Paine Estate staff jointly recognize the urgent need for a LSP to guide stewardship of these protected woodlands enjoyed by thousands of visitors each year. As the staff on site, we hear a multitude of perspectives from many and varied trail users who value this land as a place to meet friends, exercise, find inner peace and connect with nature. For decades we have organized walks, events, volunteer sessions and school field trips to help building a constituency who enjoys and cares for this precious natural resource in the heart of the community.

The timing of the LSP could not be more appropriate. The LSP will not only respond to the recently intensified public demand for better protection and stewardship of the woodlands, it will coincide with the national celebration of the 50th anniversary of Earth Day in 2020. The Paine Estate is planning to host an Earth Day celebration that will raise awareness of this project and the invaluable work of the City of Waltham, Conservation Commission and Community Preservation Committee.

I look forward to working with the Conservation Commission on this essential planning tool for one of our most prized community assets and urge you to support their application.

Sincerely,

Ann Clifford, Curator
Stonehurst, the Robert Treat Paine Estate

ATTACHMENT C
Documentation
Deeds

STORER CONSERVATION LAND
WALTHAM, MA

COPIES OF RECORDINGS
MIDDLESEX COUNTY
REGISTRY OF DEEDS

Waltham Conservation Commission
119 School Street
Waltham MA 02154

JUL 12-77 AM 10:11 CTZRE - 15.00

09110-13

BK 13234 PG 233

I, THEODORE L. STORER, of Cambridge, County of Middlesex, Commonwealth of Massachusetts, in full consideration of One Dollar and other valuable consideration grant to the City of Waltham, a municipal corporation organized according to the Laws of the Commonwealth of Massachusetts, all my right, title and interest in that land situated in said City of Waltham and adjacent to certain parcels of land heretofore granted by me, Theodore L. Storer, by the Dramont Trust, and by Emily L. Storer, et als, under several deeds executed in 1974 and recorded in the Middlesex South Registry of Deeds, Book 12720, page 249, 254, and 280, being bounded and described as follows:

Beginning at the southeast corner of land heretofore conveyed to the City of Waltham by Emily L. Storer, et als, under date of October 15, 1974 and recorded in the Middlesex South Registry of Deeds, Book 12720, page 249, thence running

- SOUTHERLY 320 feet more or less along a wall by land heretofore conveyed to the City of Waltham by Theodore L. Storer to an intersecting wall; at the land of the New Church Institute; thence turning and running
- WESTERLY 437.82 feet in two courses by land of the New Church Institute as shown on plan number 1026 of 1962 in the Middlesex South Registry of Deeds; thence turning and running
- NORTHERLY 99.04 feet by land of said New Church Institute as shown on said plan; thence running;
- NORTHERLY 339 feet more or less by land heretofore granted by said Theodore L. Storer to Elliot H. and Louisa Harrington by deed dated July 23, 1962 and recorded in the Middlesex South Registry of Deeds, Book 10084 page 432 to land now or formerly of Eleanor D. Clark; thence turning and running;
- EASTERLY 516 feet more or less by two courses by land now or formerly of said Clark and by land of said City of Waltham granted by said Emily L. Storer et als., to the point of beginning

Containing 190,700 square feet more or less.

For title see Deed of "Paine, Et als." to the Grantor, dated December 20, 1950 and duly recorded with Middlesex South District Deeds in Book 7686, page 515.

The conveyance is given subject to all restrictions set forth in Deed of Emily L. Storer, et als. to the City of Waltham, duly recorded with Middlesex South District Registry of Deeds in Book 12720, page 751.

Meaning and intending to convey to the said City of Waltham all my title to any land standing in my name and not otherwise previously conveyed by me to the said City of Waltham under agreement made.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 11 day of March, 1976.

Theodore L. Storer
Theodore L. Storer

Commonwealth of Massachusetts

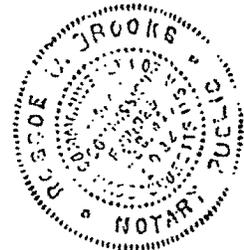
Middlesex, SS:

March 11, 1976

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

James W. Brantley
Notary Public

My Commission expires: Dec. 31, 1982



717.50 90

OCT 31 - 74 PM 2 13 3289E **17.50

WE, EMILY L. STORER of Washington, D. C., JOHN H. STORER, JR., of New York, New York, THEODORE L. STORER, ROBERT T. P. STORER, JR., and STATE STREET BANK AND TRUST COMPANY, as we are the executors under will of EDITH L. RHODES, late of Great Barrington, Massachusetts, THEODORE L. STORER of Cambridge, Massachusetts, LYDIA L. HALL of Cambridge, Massachusetts, ROBERT T. P. STORER, JR. of Beverly, Massachusetts DOROTHY S. LONG of Wayland, Massachusetts, ELIZABETH S. PAYNTER of Weston, Massachusetts in full consideration of Fifty-Five Thousand Two Hundred Forty-Two and no/100 Dollars (\$55,242.00), grant all our right, title and interest to the City of Waltham, a Municipal Corporation, organized according to the Laws of the Commonwealth of Massachusetts, in a certain parcel of land situated in said Waltham, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the Southwest corner of land heretofore conveyed by deed of even date of Theodore L. Storer to the grantee City herein, thence running

SOUTH 86°46'15" EAST three hundred seventy-five (375) feet, more or less, along said land heretofore conveyed to the City by deed of even date of Theodore L. Storer to an angle; thence turning and running

SOUTH 76°16'15" East thirty-four (34) feet more or less, to an angle; thence turning and running

SOUTH 21°07'30" West eight hundred seventy-one (871) feet, more or less, along other land owned by said Theodore L. Storer to an angle; thence turning and running

NORTH 59°31'50" West three hundred forty (340) feet, more or less, to an angle; thence turning and running

| | |
|------------------------|---|
| NORTH 70° 10' 50" West | eighty (80) feet, more or less, to an angle; thence turning and running |
| NORTH 5° 43' 45" West | three hundred seventy-eight (378) feet, more or less, along premises of Eleanor D. Clark to an angle; thence turning and running |
| NORTH 10° 46' 15" West | three hundred forty-three (343) feet, more or less, to an angle; thence turning and running |
| SOUTH 73° 16' 15" East | two hundred thirty-two (232) feet, more or less, along the property now or formerly of Martin J. Coleman, Jr., et als, to an angle thence running |
| SOUTH 86° 46' 15" East | seventy-nine (79) feet, more or less, to the point of beginning. |

Containing nine and 476/100 (9.476) of land more or less.

Meaning and intending and hereby conveying all and the same premises as conveyed by Robert Treat Paine, et als., to Edith P. Storer by deed dated January 3, 1911 and recorded with Middlesex South District Registry of Deeds in Book 3589, page 117.

For title of Emily L. Storer, John H. Storer, Jr., Edith Storer Rhoades, Theodore L. Storer and Lydia L. Hall, reference is made to the Estate of Edith P. Storer, Middlesex Probate Court, Docket No. 147087.

For title of Robert T. P. Storer, Jr., Dorothy ^{s.} P. Long, and Elizabeth S. Paynter, reference is made to the Estate of Robert T. P. Storer, Middlesex Probate Court Docket No. 374856 and the Estate of Dorothy P. Storer, Middlesex Probate Court, Docket No. 414935.

The conveyance is given subject to the following restrictions, which restrictions are imposed for the benefit of other premises in which the grantors have interest and for the benefit of conservation purposes in accordance with the provisions of General Laws, Chapter 40, section 8c, and which restrictions shall be enforced by the Conservation Commission of the City of Waltham:

1. No building, outdoor advertising display, mobile home, permanent utility pole in greater number than one or other temporary or permanent structure (other than a fence of a design acceptable to the Conservation Commission of the City of Waltham) shall be constructed, placed or permitted to remain on the restricted parcel.

2. (a) No soil, loam, peat, gravel, sand, rock or other mineral substance, and (b) no ash, refuse, trash, vehicle bodies or parts, rubbish, debris, building rubble, junk, waste or other non-earth material shall be placed, parked stored, or dumped on the restricted parcel.

3. No loam, peat, gravel, sand, rock, or other natural deposit shall be excavated or removed from said parcel.

4. No trees, grasses, or other vegetation shall be cut or removed or otherwise destroyed.

5. No water shall be permitted to run off from paved areas in, near, or bordering the restricted area in such manner as would cause erosion and gulying.

6. The foregoing restrictions are authorized by General Laws, Chapter 184, sections 31-33, for the purpose of maintaining said parcel predominantly in a natural, scenic, green, and open condition forever in order to protect the natural and watershed resources of said City. The restriction shall be administered by the Conservation Commission of said City, established under General Laws, Chapter 40, section 8c.

7. The conservation restriction hereby conveyed grants any right to enter and use said parcel which is deemed by the Conservation Commission to be consistent with the purpose of maintaining a natural area of woodland within the City of Waltham.

8. Notwithstanding the foregoing, the City of Waltham by its Conservation Commission or the designee of such Commission shall have the right to plant, selectively cut or prune trees, brush, or other vegetation; to implement disease prevention measures; and to maintain in perpetuity a substantial belt of tree, vine and shrub vegetation within and along the whole length and width of the area restricted.

IN WITNESS WHEREOF we hereto set our hands and seals this ~~15th~~ day of OCTOBER, 1974.
15th

Emily L. Storer

EMILY L. STORER

John H. Storer

JOHN H. STORER, JR.

Theodore L. Storer
RTA *Record of Storer* to Registrar under the
STATE SEALS *Book 12720 PG 252* of *Waltham, Mass. Rec. 127*
EDITH STORER (WIDOW)

Theodore L. Storer

THEODORE L. STORER

Lydia L. Hall

LYDIA L. HALL

Robert T. P. Storer, Jr.

ROBERT T. P. STORER, JR.

Dorothy S. Long

DOROTHY S. LONG

Elizabeth S. Paynter

ELIZABETH S. PAYNTER



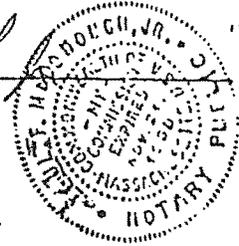
COMMONWEALTH OF MASSACHUSETTS

SUFFOLK SS. BOSTON

OCTOBER 15 1974

Then personally appeared the above-named Theodore L. Storer and acknowledged the foregoing instrument to be his free act and deed, before me.

Paul F. McDough
My commission expires December 21, 1980



OCT 31-74 PM 2 33 EXIRE ***5.00

BK 12720 PG 254

23606

175-



CITY OF WALTHAM
IN THE CITY COUNCIL

ORDERED: WHEREAS: In the judgment of the City Council the public necessity and convenience require that the following hereinafter described property be taken by eminent domain for conservation purposes it is therefore:

ORDERED: That the following described parcel of land be and hereby is taken by right of eminent domain under General Laws, Chapter 43, and Chapter 79 and every other power thereto enabling:

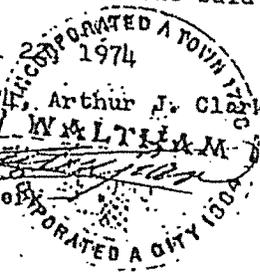
Beginning at a concrete bound at the southwest corner of property of the City of Waltham, taken for educational purposes by City Council Order No. 22007, approved May 15, 1967; thence running south 65°-23'-31" east 837.46 feet along said property of the City of Waltham to a corner; thence turning and running south 24°-37'-55" west 647.30 feet along a stone wall and along property now or formerly of Theodore L. Storer to a drill hole in a corner of said wall; thence turning and running north 64°-57'-21" west 129.18 feet along property now or formerly of Theodore L. Storer to an angle; thence running north 85°-03'-36" west 310.74 feet along property now or formerly of Theodore L. Storer and along property now or formerly of Emily L. Storer et al to an angle; thence running north 78°-04'-21" west 395.00 feet along property now or formerly of Emily L. Storer et al to a drill hole at a corner; thence turning and running north 23°-09'-05" east 330.77 feet along property of Martin J. Jr. & George A. Coleman and James F. Stanton to an angle; thence running north 22°-09'-54" east 507.41 feet along property of Martin J. Jr. & George A. Coleman and James F. Stanton to the point of beginning.

The above described parcel contains 13.895 acres and is shown on a plan entitled "Plan of Land Southerly of Waltham Senior High School off Lexington Street, Waltham, Mass. to be taken by the City of Waltham for Conservation Purposes from Theodore L. Storer, Scale 1 inch = 100 feet, April, 1974" and signed by Edward F. Delaney, City Engineer.

The sum of \$52,758.00 is hereby awarded as damages to Theodore L. Storer, the owner of the said premises.

Read and Adopted: April 23, 1974, Arthur J. Clark, Mayor

Approved: April 23, 1974, *[Signature]*
A True Copy
Attest: *[Signature]*
Acting City Clerk



OCT 31 - 74 PM 2 35 328.3E **12.00

BK 12720 PG 255

1112

I, THEODORE L. STORER, of Cambridge, County of Middlesex, Commonwealth of Massachusetts, in full consideration of Fifty Two Thousand Seven Hundred Fifty-Eight and No/100 Dollars (\$52,758.00) grant to the City of Waltham, a Municipal Corporation organized according to the Laws of the Commonwealth of Massachusetts, all my right title and interest in a certain parcel of land situated in said Waltham, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a concrete boundary marking the Southwest corner of property of the said City of Waltham, said City property having been taken by Order of City Council, No. 22007, approved May 15, 1967 and recorded with the South District Registry of Deeds in Book 11,326 page 422, and there shown as Parcel 2 on "Plan of Land Easterly of Kennedy Junior High School Off Lexington Street, Waltham, Massachusetts To Be Taken by the City of Waltham for Educational Purposes," dated May, 1967 and recorded with said Deeds in Book 11,326, page 420; thence running

- | | |
|------------------------|--|
| SOUTH 65° 23' 31" East | eight hundred thirty-six (836) feet more or less, along said property of the City of Waltham to an angle; thence turning and running |
| SOUTH 26° 06' 35" West | six hundred thirty (630) feet, more or less, along other land of the grantor to an angle; thence turning and running |
| NORTH 66° 46' 15" West | one hundred twenty-three (123) feet, more or less, to an angle; thence turning and running |
| NORTH 76° 16' 15" West | three hundred and four (304) feet, more or less, to an angle; thence turning and running |

NORTH 86° 46' 15" West

three hundred seventy-five (375) feet, more or less, along land of the grantor and others to be conveyed to the grantee City, to an angle; thence turning and running

NORTH 21° 13' 45" East

eight hundred twenty-eight (828) feet more or less, along property now or formerly of Martin J. Coleman, Jr. et als, to the point of beginning.

Containing thirteen (13) acres of land, more or less.

Meaning and intending and hereby conveying all and the same premises as conveyed to me by deed of William J. Stober, dated April 29, 1939, and recorded with said Deeds in Book 6332, page 530.

This deed is given subject to the following restrictions which restrictions are imposed for the benefit of other premises in which the grantors have interests and for the benefit of conservation purposes in accordance with the provisions of General Laws, Chapter 40, section 8c, and which restrictions shall be enforced by the Conservation Commission of the City of Waltham:

1. No building, outdoor advertising display, mobile home, permanent utility pole in greater number than one or other temporary or permanent structure (other than a fence of a design acceptable to the Conservation Commission of the City of Waltham) shall be placed, constructed, or permitted to remain on the restricted parcel. It is expressly provided, however, that notwithstanding any provisions hereinafter set forth, the City of Waltham may make use of the premises for any and all recreational activities including, but not being limited to, tennis, golf, and other similar outdoor recreational activities. Preparation of the premises for such activities and facilities customarily attendant to the same, may be allowed. Nothing shall be deemed to permit the construction of an arena, stadium, or similar facility on the premises.

2. Except as herein provided:

(a) No soil, loam, peat, gravel, sand, rock, or other mineral substance, and no ash, refuse, trash, vehicle bodies, or parts, rubbish, debris, building rubble, junk, waste or other non-earth material shall be placed, parked, stored, or dumped on the restricted parcel.

(b) No loam, peat, gravel, sand, rock, or other natural deposit shall be excavated or removed from said parcel.

(c) No trees, grasses, or other vegetation shall be cut or removed or otherwise destroyed. This is not intended to prevent the ordinary cutting of grass, trimming of trees and the removal of the same when such is deemed expedient or necessary.

(d) No water shall be permitted to run-off from paved areas in, near, or bordering the restricted area in such manner as would cause erosions and gulying.

3. The foregoing restrictions are authorized by General Laws, Chapter 124, sections 31-33, for the purpose of maintaining said parcel predominantly in a naturally scenic, green and open condition forever in order to protect the natural and watershed resources of said City. The restriction shall be administered by the Conservation Commission of said City, established under General Laws, Chapter 40, Section 8c

4. The conservation restriction hereby conveyed grants any right to enter and use said parcel which is deemed by the Conservation Commission to be consistent with the purpose of maintaining a natural area of woodland within the City of Waltham and other permitted uses.

5. Notwithstanding the foregoing, the City of Waltham by its Conservation Commission or the designees of such Commission shall have the right to plant, selectively cut or prune trees, brush or other vegetation within and along the whole length and width of the area restricted.

6. The foregoing restrictions and provisions shall pertain to that parcel of land taken by the City of Waltham by Order of the City Council, No. 23606, adopted April 22, 1974 and recorded with Middlesex South District Registry of Deeds on May 13, 1974 in Book 12,629, page 286.

IN WITNESS WHEREOF I hereunto set my hand and seal this 15th day of Oct, 1974.

Theodore L. Storer

Theodore L. Storer

COMMONWEALTH OF MASSACHUSETTS
DEEDS & EXCISE
10-31-74
120.84

COMMONWEALTH OF MASSACHUSETTS

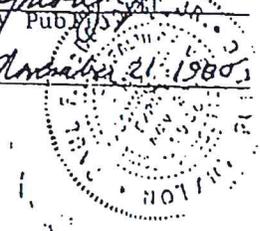
SUFFOLK ss BOSTON

October 15, 1974

Then personally appeared the above-named Theodore L. Storer and acknowledged the foregoing instrument to be his free act and deed, before me.

Ralph M. [Signature]
Notary Public

My commission expires November 21, 1980



1715-

OCT 31 7 14 PM 2 33 329 DE **15 CC

I, THEODORE L. STORER, of Cambridge, County of Middlesex, Commonwealth of Massachusetts, in full consideration of One Dollar and other valuable consideration, grant to the City of Waltham, a municipal corporation organized according to the laws of the Commonwealth of Massachusetts, all my right, title, and interest in three certain parcels of land situated in said Waltham, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Parcel A

Beginning at a point of tangency in the northerly line of Beaver Street as relocated by the County Commissioners in 1956; thence running north $51^{\circ} 42' 30''$ west 371 feet to a stone wall; thence turning and running in a general northeasterly direction along said stone wall and along the property of Thomas J. and Silas Howley 1771 feet to a point on said wall; thence running in a general northeasterly direction along said stone wall and along the property of the New Church Institute of Education 275.06 feet to a drill hole in said wall; thence running in a general northeasterly direction along said stone wall and along the property of the New Church Institute of Education 253.97 feet to a drill hole in said wall; thence running in a general northeasterly direction along said stone wall and along the property of Theodore L. Storer 103.97 feet to a drill hole in said wall; thence running in a general northeasterly direction along said stone wall and along the property of Theodore L. Storer and the property of Emily L. Storer, et al. 1209.461 feet to a corner in said wall; thence turning and running in a general southeasterly direction along said stone wall and along the property of Theodore L. Storer 280.01 feet to an angle in said wall; thence running in a general southeasterly direction along said stone wall and along the property of Theodore L. Storer 125.01 feet to an angle in said wall at the intersection of another stone wall at the northwest corner of Parcel B, as described below; thence running south $49^{\circ} 20' 48''$ east 373.97 feet along said stone wall and along the southwesterly side of Parcel B to an angle in said wall; thence running south $49^{\circ} 04' 12''$ east 107.06 feet along said stone wall and along the southwesterly side of Parcel B to

an angle in said wall at the intersection of another stone wall at the southwest corner of Parcel B, as described below; thence running south $49^{\circ} 02' 10''$ east 177.98 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south $51^{\circ} 48' 20''$ east 152.24 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south $22^{\circ} 20' 10''$ east 64.41 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south $42^{\circ} 08' 20''$ east 239.13 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south $31^{\circ} 06' 20''$ east 128.05 feet along said stone wall and along the property of Raymond and Arthur DeVincent and along the property of Paul K. and Mary B. Connolly to an angle in said wall; thence running south $40^{\circ} 00' 40''$ east 175.67 feet along said stone wall and along the property of Paul K. and Mary B. Connolly to a corner in said wall; thence turning and running south $33^{\circ} 57' 30''$ west 68.05 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south $29^{\circ} 13' 20''$ west 61.84 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south $20^{\circ} 38' 00''$ west 71.43 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south $8^{\circ} 07' 50''$ west 74.74 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south $16^{\circ} 30' 00''$ west 93.69 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south $31^{\circ} 43' 50''$ west 59.67 feet along said stone wall and along the property of Waltham Management Corp. to an angle in said wall; thence running south $37^{\circ} 12' 40''$ west 144.26 feet along said stone wall and along the property of Waltham Management Corp. to an angle in said wall; thence running south $28^{\circ} 41' 10''$ west 26.23 feet along said stone wall and along the property of Waltham Management Corp. to an angle in said wall; thence running south $19^{\circ} 55' 40''$ west 222.11 feet along said stone wall and along the properties of Waltham Management Corp., Charles and Ruth Namiot, Joseph J. and Marjorie Ferro, and Joseph P. and Lena M. Rigoli to an angle in said wall; thence running south $15^{\circ} 43' 30''$ west 197.49 feet along said stone wall and along the property of Joseph P. and Lena M. Rigoli to an angle in said wall; thence running south $20^{\circ} 43' 40''$ west 38.26 feet along said stone wall and along the property of Joseph P. and Lena M. Rigoli to a corner in said wall; thence turning and running north $60^{\circ} 54' 10''$ east 22.58 feet along said wall and along the property of Joseph P. and Lena M. Rigoli to an angle in said wall; thence running north $57^{\circ} 01' 20''$ east 10.10 feet along said stone wall and along the property of Joseph P. and Lena M. Rigoli to the westerly line of Forest Street as relocated by the County Commissioners in January 1966; thence turning and running south

31° 45' 02" west 85.51 feet along said westerly line of Forest Street to a point of curvature; thence running in a general southwesterly direction by a curve to the right with a radius of 100.00 feet 92.36 feet to a point of reverse curvature on the westerly line of Beaver Street as relocated by the County Commissioners in 1956; thence running in a general southwesterly direction by a curve to the left with a radius of 1030.00 feet 572.19 feet along the westerly line of said Beaver Street to a point on the property line between the land of Leo and Mary T. Gallitano and the parcel being described; thence turning and running north 47° 30' 24" west 123.74 feet along the property of Leo and Mary T. Gallitano to a point of curvature; thence running in a general northwesterly direction by a curve to the right with a radius of 135.00 feet 85.41 feet along the property of Leo and Mary T. Gallitano to a point of tangency; thence running north 11° 15' 24" west 382.25 feet along the property of Leo and Mary T. Gallitano and along the easterly line of Parcel C, as described below, to the northeast corner of said Parcel C; thence turning and running South 73° 47' 52" west 433.28 feet along the northerly line of Parcel C to the northwest corner of said Parcel C; thence running south 53° 36' 27" west 396.55 feet along the property of Leo and Mary T. Gallitano to a point in the northeasterly line of Beaver Street as relocated by the County Commissioners in 1956; thence turning and running north 29° 14' 57" west 190.34 feet along the north-easterly line of said Beaver Street to a stone bound at a point of curvature; thence turning and running north 32° 28' 34" east 196.00 feet along property now or formerly of Theodore L. Storer to a corner of said property; thence turning and running north 38° 37' 50" west 216.18 feet along property now or formerly of Theodore L. Storer to a corner of said property; thence turning and running South 47° 28' 34" west 204.00 feet to a stone bound at a point of compound curvature on the northerly line of said Beaver Street; thence turning and running in a general north-westerly direction by a curve to the left with a radius of 2274.26 feet 234.58 along the northerly line of said Beaver Street to the point of beginning.

Excepting therefrom such portion of the premises as may be owned by Theodore L. Storer and Roscoe W. Brooks, Trustees of the BRAMONT TRUST under a Declaration of Trust dated September 18, 1953, recorded with Suffolk Registry of Deeds in Book 7005, Page 100, conveyed to the said Trustees by deed of Francis P. Sears, Trustee, recorded with Middlesex Deeds at Book 10795, Page 328, such premises to be conveyed to the grantee by deed of even date herewith, except such portion of the premises granted to Leo Gallitano by deed dated June 30, 1967, recorded with Middlesex Deeds at Book 11,349 Page 728.

The above-described parcel is subject to an easement of 70 feet along the easterly boundary of the land of Leo and Mary T. Gallitano, and along the easterly boundary of Parcel C, as described below, from Beaver Street to the northeast corner of said Parcel C.

The building on the above-described parcel, known as the Robert Treat Paine House, is hereby granted subject to the following preservation restriction:

WHEREAS the Robert Treat Paine House was designed by Henry Hobson Richardson in 1884; and

WHEREAS Theodore L. Storer and the City of Waltham wish to insure the preservation of the Robert Treat Paine House in accordance with the architectural tradition of Henry Hobson Richardson and of the period;

NOW, THEREFORE, in consideration of the grant herein made, the City of Waltham, for itself and its successors and assigns, covenants and agrees as follows:

1. So long as the Robert Treat Paine House is extant, it shall be preserved and maintained as an historical and architectural asset of the community.

2. The Robert Treat Paine House shall be preserved and maintained in good condition without change in the exterior architectural characteristics.

3. To the extent possible, consistent with its use for public purposes, the interior architectural characteristics of the Robert Treat Paine House shall be preserved and maintained in accordance with the period and architectural tradition of the structure.

4. No changes or substantial repair to the exterior architectural features or to the interior features and detail shall be made unless the plans therefor are first submitted to the Waltham Historical Commission and approved by the Commission, which approval shall not be unreasonably withheld; and the Commission shall be deemed to have approved the plans unless within thirty (30) days from the date of submission, the Commission notifies the City of Waltham or its successor in writing of its objection thereto with reasons. In case of disapproval, the City of Waltham or its successor may within thirty (30) days after the notice of the disapproval request a review of the disapproval by a person of competence and experience in architectural preservation, designated by the Massachusetts Historical Commission or its chairman or acting chairman. The finding of this review shall be in writing within sixty (60) days after the request, and shall be binding on the City of Waltham or its successor and the Waltham Historical Commission.

For purposes of this requirement, ordinary and necessary repairs and maintenance which do not materially affect the exterior or interior architectural features of the Robert Treat Paine House shall not be considered alterations.

5. The City of Waltham covenants that upon any conveyance by it of the Robert Treat Paine House, the City will cause the grantee to execute and deliver to the Waltham Historical Commission a covenant to observe and perform the covenants set forth above. Upon delivery of such covenants, the liability of the original covenantor shall cease except as to any breaches occurring during its ownership.

6. The obligations set forth above in Paragraphs 1 to 6, inclusive, shall cease if the Robert Treat Paine House, exclusive of contents, shall be destroyed by fire or other casualty to the extent of fifty percent (50%) or more of its insurable value at the time; and all said obligations shall be subject to modification to the extent necessary to permit compliance with the requirements of public health and safety provisions.

7. These covenants shall remain in effect until 2100 A.D., or if approved by the Massachusetts Historical Commission, without limit of time.

Parcel B

Beginning at the northwest corner of Parcel B, as described in the above description of Parcel A; thence running north $40^{\circ} 07' 25''$ east 513.66 feet along a stone wall and along the property of Theodore L. Storer to an angle in said wall; thence running north $40^{\circ} 07' 50''$ east 332.89 feet along said stone wall and along the property of Theodore L. Storer to a corner; thence turning and running south $49^{\circ} 55' 16''$ east 469.30 feet along the property of the City of Waltham to a corner; thence turning and running south $39^{\circ} 05' 55''$ west 652.00 feet along a stone wall and along the property of Raymond and Arthur DeVincent to the southwest corner of Parcel B, as described in the above description of Parcel A; thence turning and running north $49^{\circ} 04' 12''$ west 107.66 feet along a formerly described stonewall to an angle in said wall; thence running north $49^{\circ} 20' 48''$ west 373.97 feet along said stone wall to the point of beginning.

The above-described parcel contains 7.079 acres.

Parcel C

Beginning at the northeast corner of Parcel C, as described in the above description of Parcel A; thence running south $11^{\circ} 15' 24''$ east 122.55 feet to a corner; thence turning and running north $87^{\circ} 40' 52''$ west 365.78 feet along the property of Leo and Mary T. Gallitano to an angle; thence running south $78^{\circ} 15' 00''$ west 76.10 feet along the property of Leo and Mary T. Gallitano to the northwest corner of Parcel C, as described above; thence turning and running north $73^{\circ} 47' 52''$ east 433.28 feet to the point of beginning.

The above-described parcel contains 23,065 square feet.

All of the above described parcels are conveyed subject to the following restrictions, which restrictions are imposed for the benefit of other premises in which the grantor has interests and for the benefit of conservation purposes in accordance with the provisions of General Laws, Chapter 40, section 8c, and which restrictions shall be enforceable by the Conservation Commission of the City of Waltham.

1. No building, outdoor advertising display, mobile home, permanent utility pole in greater number than one or other temporary or permanent structure (other than a fence of a design acceptable to the Conservation Commission of the City of Waltham) shall be placed, constructed, or permitted to remain on the restricted parcel. It is expressly provided, however, that notwithstanding any provisions herein after set forth, the City of Waltham may make use of the premises for any and all recreational activities including, but not being limited to, tennis, golf, and other similar outdoor recreational activities. Preparation of the premises for such activities and facilities customarily attendant to the same, may be allowed. Nothing shall be deemed to permit the construction of an arena, stadium, or similar facility on the premises.

2. Except as herein provided:

(a) No soil, loam, peat, gravel, sand, rock, or other mineral substance, and no ash, refuse, trash, vehicle bodies, or parts, rubbish, debris, building rubble, junk, waste or other non-earth material shall be placed, parked, stored, or dumped on the restricted parcel.

(b) No loam, peat, gravel, sand, rock, or other natural deposit shall be excavated or removed from said parcel.

(c) No trees, grasses, or other vegetation shall be cut or removed or otherwise destroyed. This is not intended to prevent the ordinary cutting of grass, trimming of trees and the removal of the same when such is deemed expedient or necessary.

(d) No water shall be permitted to run-off from paved areas in, near, or bordering the restricted area in such manner as would cause erosions and gullyng.

3. The foregoing restrictions are authorized by General Laws, Chapter 184, sections 31-33, for the purpose of maintaining said parcel predominantly in a naturally scenic, green and open condition forever in order to protect the natural and watershed resources of said City. The restriction shall be administered by the Conservation Commission of said City, established under General Laws, Chapter 40, Section 8c.

4. The conservation restriction hereby conveyed grants any right to enter and use said parcel which is deemed by the Conservation Commission to be consistent with the purpose of maintaining a natural area of woodland within the City of Waltham and other permitted usos.

5. Notwithstanding the foregoing, the City of Waltham by its Conservation Commission or the designees of such Commission shall have the right to plant, selectively cut or prune trees, brush or other vegetation within and along the whole length and width of the area restricted.

6. The foregoing restrictions and provisions shall pertain to that parcel of land taken by the City of Waltham by Order of the City Council, No. 23606, adopted April 22, 1974 and recorded with Middlesex South District Registry of Deeds on May 13, 1974 in Book 12,629 page 286.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 10th day of October, 1974.

Theodore L. Storer
Theodore L. Storer

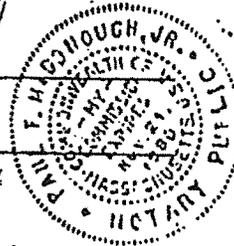
COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS: BOSTON OCTOBER 15, 1974

Then personally appeared the above named Theodore L. Storer and acknowledged the foregoing instrument to be his free act and deed before me

Paul F. McLaughlin
Notary Public

My commission expires: November 21, 1980



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BK 12720 PG 266

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CITY OF WALTHAM
IN THE CITY COUNCIL

ORDERED:

That the Mayor be and he hereby is authorized and empowered to accept on behalf of the City of Waltham, a deed of gift of certain property from Theodore L. Storer, said property consisting of three parcels of land, with the buildings thereon, situated in said Waltham, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Parcel A

Beginning at a point of tangency in the northerly line of Beaver Street as relocated by the County Commissioner in 1956; thence running north 61° 42' 30" west 37± feet to a stone wall; thence turning and running in a general northeasterly direction along said stone wall and along the property of Thomas J. and Eileen Howley 177 ± feet to a point on said wall; thence running in a general northeasterly direction along said stone wall and along the property of the New Church Institute of Education 275.80 feet to a drill hole in said wall; thence running in a general northeasterly direction along said stone wall and along the property of the New Church Institute of Education 238.87 feet to a drill hole in said wall; thence running in a general northeasterly direction along said stone wall and along the property of the New Church Institute of Education and the property of Theodore L. Storer 103.87 feet to a drill hole in said wall; thence running in a general northeasterly direction along said stone wall and along the property of Theodore L. Storer and the property of Emily L. Storer, et al. 1209.46± foot to a corner in said wall; thence turning and running in a general southeasterly direction along said stone wall and along the property of Theodore L. Storer 280.0± feet to an angle in said wall; thence running in a general southeasterly direction along said stone wall and along the property of Theodore L. Storer

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125.0± feet to an angle in said wall at the intersection of another stone wall at the northwest corner of Parcel B, as described below; thence running south 49° 20' 48" east 373.97 feet along said stone wall and along the southwesterly side of Parcel B to an angle in said wall; thence running south 49° 04' 12" east 107.06 feet along said stone wall and along the southwesterly side of Parcel B to an angle in said wall at the intersection of another stone wall at the southwest corner of Parcel B, as described below; thence running south 49° 02' 10" east 177.98 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south 51° 48' 20" east 152.24 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south 22° 20' 10" east 64.41 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south 42° 08' 20" east 239.13 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south 31° 06' 20" east 128.05 feet along said stone wall and along the property of Raymond and Arthur DeVincent and along the property of Paul K. and Mary B. Connolly to an angle in said wall; thence running south 40° 00' 40" east 175.67 feet along said stone wall and along the property of Paul K. and Mary B. Connolly to a corner in said wall; thence turning and running south 33° 57' 30" west 68.05 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south 29° 13' 20" west 61.84 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south 20° 38' 00" west 71.43 feet along said stone wall and along the property of Helen F. Rufo to an angle in said stone wall; thence running south 8° 07' 50" west 74.74 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south 16° 30' 00" west 93.69 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south 31° 43' 50" west 59.67 feet along said stone wall and along the property of Waltham Management Corp. to an angle in said wall; thence running south 37° 12' 40" west 144.28 feet along said stone wall and along the property of Waltham Management Corp. to an angle in said wall; thence running south 28° 41' 10" west 26.23 feet along said stone wall and along the property of Waltham Management Corp. to an angle in said wall; thence running south 19° 55' 40" west 222.11 feet along said stone wall and along the properties of Waltham Management Corp. Charles and Ruth Namiot, Joseph J. and Marjorie Ferro, and Joseph P. and Lena M. Rigoli to an angle in said wall; thence running south 15° 43' 30" west 197.49 feet along said stone wall and along the property of Joseph P. and Lena M. Rigoli to an angle in said wall; thence running south 20° 43' 40" west 38.26 feet along said stone wall and along the property of Joseph P. and Lena M. Rigoli to a corner in said wall; thence turning and running north 60° 54' 10"

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east 22.58 feet along said wall and along the property of Joseph P. and Lena M. Rigoli to an angle in said wall; thence running north 57° 01' 20" east 10.10 feet along said stone wall and along the property of Joseph P. and Lena M. Rigoli to the westerly line of Forest Street as relocated by the County Commissioners in January 1966; thence turning and running south 51° 45' 02" west 85.51 feet along said westerly line of Forest Street to a point of curvature; thence running in a general southwesterly direction by a curve to the right with a radius of 100.00 feet 92.36 feet to a point of reverse curvature on the westerly line of Beaver Street as relocated by the County Commissioners in 1956; thence running in a general southwesterly direction by a curve to the left with a radius of 1030.00 feet 572.19 feet along the westerly line of said Beaver Street to a point on the property line between the land of Leo and Mary T. Gallitano and the parcel being described; thence turning and running north 47° 30' 24" west 123.74 feet along the property of Leo and Mary T. Gallitano to a point of curvature; thence running in a general northwesterly direction by a curve to the right with a radius of 135.00 feet 85.41 feet along the property of Leo and Mary T. Gallitano to a point of tangency; thence running north 11° 15' 24" west 382.25 feet along the property of Leo and Mary T. Gallitano and along the easterly line of Parcel C, as described below, to the northeast corner of said Parcel C thence turning and running South 73° 47' 52" west 433.28 feet along the northerly line of Parcel C to the northwest corner of said Parcel C thence running south 53° 36' 27" west 396.55 feet along the property of Leo and Mary T. Gallitano to a point in the northeasterly line of Beaver Street as relocated by the County Commissioners in 195 ; thence turning and running north 29° 14' 57" west 190.34 feet along the northeasterly line of said Beaver Street to a stone bound at a point of curvature; thence turning and running north 32° 28' 34" east 196.00 feet along property now or formerly of Theodore L. Storer to a corner of said property; thence turning and running north 38° 37' 50" west 216.18 feet along property now or formerly of Theodore L. Storer to a corner of said property; thence turning and running South 47° 28' 34" west 204.00 feet to a stone bound at a point of compound curvature on the northerly line of said Beaver Street; thence turning and running in a general northwesterly direction by a curve to the left with a radius of 2274.26 feet 234.58 along the northerly line of said Beaver Street to the point of beginning.

Excepting therefrom such portion of the premises as may be owned by Theodore L. Storer and Roscoe W. Brooks, Trustees of the Bramont Trust under a Declaration of Trust dated September 18, 1953, recorded with Suffolk Registry of Deeds in Book 7005, page 100, conveyed to the said Trustees by deed of Francis P. Sears, Trustee, recorded with Middlesex Deeds at Book 10795, page 328, such

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premises to be conveyed to the grantee by deed of even date herewith, except such portion of the premises granted to Leo Gallitano by deed dated June 30, 1967, recorded with Middlesex Deeds at Book 11,349, Page 728.

The above described parcel is subject to an easement of 70 feet along the easterly boundary of the land of Leo and Mary T. Gallitano, and along the easterly boundary of Parcel C, as described below, from Beaver Street to the northeast corner of said Parcel C.

The building on the above described parcel, known as the Robert Treat Paine House, is to be granted subject to the following preservation restriction:

WHEREAS the Robert Treat Paine House was designed by Henry Hobson Richardson in 1884; and

WHEREAS Theodore L. Storer and the City of Waltham wish to insure the preservation of the Robert Treat Paine House in accordance with the architectural tradition of Henry Hobson Richardson and of the period;

NOW, THEREFORE, in consideration of the grant to be made, the City of Waltham, for itself and its successors and assigns, covenants and agrees as follows:

1. So long as the Robert Treat Paine House is extant, it shall be preserved and maintained as an historical and architectural asset of the community.
2. The Robert Treat Paine House shall be preserved and maintained in good condition without change in the exterior architectural characteristics.
3. To the extent possible, consistent with its use for public purposes, the interior architectural characteristics of the Robert Treat Paine House shall be preserved and maintained in accordance with the period and architectural tradition of the structure.
4. No changes or substantial repair to the exterior architectural features or to the interior features and detail shall be made

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unless the plans therefor are first submitted to the Waltham Historical Commission and approved by the Commission, which approval shall not be unreasonably withheld; and the Commission shall be deemed to have approved the plans unless within thirty (30) days from the date of submission, the Commission notifies the City of Waltham or its successor in writing of its objections thereto with reasons. In case of disapproval, the City of Waltham or its successor may within thirty (30) days after the notice of the disapproval request a review of the disapproval by a person of competence and experience in architectural preservation, designated by the Massachusetts Historical Commission or its chairman or acting chairman. The finding of this review shall be in writing within sixty (60) days after the request, and shall be binding on the City of Waltham or its successors and the Waltham Historical Commission.

For the purpose of this requirement, ordinary and necessary repairs and maintenance which do not materially affect the exterior or interior architectural features of the Robert Treat Paine House shall not be considered alterations.

5. The City of Waltham covenants that upon any conveyance by it of the Robert Treat Paine House, the City will cause the grantee to execute and deliver to the Waltham Historical Commission a covenant to observe and perform the covenants set forth above. Upon delivery of such covenants, the liability of the original covenantor shall cease except as to any breaches occurring during its ownership.

6. The obligations set forth above in Paragraphs 1 to 6, inclusive, shall cease if the Robert Treat Paine House, exclusive of contents, shall be destroyed by fire or other casualty to the extent of fifty per cent (50%) or more of its insurable value at the time; and all said obligations shall be subject to modification to the extent necessary to permit compliance with the requirements of public health and safety provisions.

7. These covenants shall remain in effect until 2100 A. D., or if approved by the Massachusetts Historical Commission, without limit of time.

Parcel B

Beginning at the northwest corner of Parcel B, as described in the above, description of Parcel A; thence running north $40^{\circ} 07' 25''$ east 313.66 feet along a stone wall and along the property of Theodore L. Storer to an angle in said wall; thence running north $40^{\circ} 07' 50''$ east 332.89 feet along said stone wall and along the property of Theodore L. Storer to a corner; thence turning and running south $49^{\circ} 55' 16''$ east 469.30 feet along the property of the City of Waltham to a corner; thence turning and running south $39^{\circ} 05' 55''$ west 652.00 feet along a stone wall and

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along the property of Raymond and Arthur DeVincent to the southwest corner of Parcel B, as described in the above description of Parcel A; thence turning and running north 49° 04' 12" west 107.66 feet along a formerly described stonewall to an angle in said wall; thence running north 49° 20' 48" west 373.97 feet along said stone wall to the point of beginning.

The above described parcel contains 7.079 acres.

Parcel C

Beginning at the northeast corner of Parcel C, as described in the above description of Parcel A; thence running south 11° 15' 24" east 122.55 feet to a corner; thence turning and running north 87° 40' 52" west 365.78 feet along the property of Leo and Mary T. Gallitano to an angle; thence running south 78° 15' 00" west 76.10 feet along the property of Leo and Mary T. Gallitano to the northwest corner of Parcel C, as described above; thence running and running north 73° 47' 52" east 433.28 feet to the point of beginning.

The above described parcel contains 23,065 square feet.

All of the above described parcels are to be conveyed subject to the following restrictions, which restrictions are to be imposed for the benefit of other premises in which the grantor has interests and for the benefit of conservation purposes in accordance with the provisions of General Laws, Chapter 40, section 8C, and which restrictions shall be enforceable by the Conservation Commission of the City of Waltham.

1. No building, outdoor advertising display, mobile home, permanent utility pole in greater number than one or other temporary or permanent structure (other than a fence of a design acceptable to the Conservation Commission of the City of Waltham) shall be constructed, placed, or permitted to remain on the restricted parcel. It is expressly provided, however, that notwithstanding any provisions herein after set forth, the City of Waltham may make use of the premises for any and all recreational activities including, but not being limited to, tennis, golf, and other similar outdoor recreational activities. Preparation of the premises for such activities and facilities customarily attendant to the same, may be allowed. Nothing shall be deemed to permit the construction of an arena, stadium or similar facility on the premises.

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2. Except as herein provided:

(a) No soil, loam, peat, gravel, sand, rock, or other mineral substance, and no ash, refuse, trash, vehicle bodies, or parts, rubbish, debris, building rubble, junk, waste or other non-earth material shall be placed, parked stored or dumped on the restricted parcel.

(b) No loam, peat, gravel, sand, rock or other natural deposit shall be excavated or removed from said parcel.

(c) No trees, grasses, or other vegetation shall be cut or removed or otherwise destroyed. This is not intended to prevent the ordinary cutting of grass, trimming of trees and the removal of the same when such is deemed expedient or necessary.

(d) No water shall be permitted to run-off from paved areas in, near, or bordering the restricted area in such manner as would cause erosions and gulying.

3. The foregoing restrictions are authorized by General Laws, Chapter 184, Sections 31-33, for the purpose of maintaining said parcel predominantly in a naturally scenic, green and open condition forever in order to protect the natural and watershed resources of said City. The restriction shall be administered by the Conservation Commission of said City, established under General Laws, Chapter 40, section 8c.

4. The conservation restriction to be conveyed will grant any right to enter and use said parcel which is deemed by the Conservation Commission to be consistent with the purpose of maintaining a natural area of woodland within the City of Waltham and other permitted uses.

5. Notwithstanding the foregoing, the City of Waltham by its Conservation Commission or the designees of such Commission shall have the right to plant, selectively cut or prune trees, brush or other vegetation within and along the whole length and width of the area restricted.

6. The foregoing restrictions and provisions shall pertain to that parcel of land taken by the City of Waltham by Order of the City Council, No. 23606, adopted April 22, 1974 and recorded with Middlesex South District Registry of Deeds on May 13, 1974 in Book 12,629 page 286.

Read and Adopted: October 18, 1974

Approved: October 16, 1974

A true copy

Attest:

Joseph J. Clark
City Clerk



Arthur J. Clark, Mayor

OCT 31 - 74 PM 2:33 331RE**11.00

mll

In accordance with the provisions of City Council Order No. 23745 adopted on October 15, 1974, by the City Council of the City of Waltham, I Arthur J. Clark, as Mayor of said City of Waltham, and in behalf of said City, do hereby accept from Theodore L. Storer a gift by deed to said City, the following described premises:

Three certain parcels of land situated in said Waltham, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Parcel A

Beginning at a point of tangency in the northerly line of Beaver Street as relocated by the County Commissioners in 1956; thence running north $61^{\circ} 42' 30''$ west 37± feet to a stone wall; thence turning and running in a general northeasterly direction along said stone wall and along the property of Thomas J. and Eileen Howley 177± feet to a point on said wall; thence running in a general northeasterly direction along said stone wall and along the property of the New Church Institute of Education 275.80 feet to a drill hole in said wall; thence running in a general northeasterly direction along said stone wall and along the property of the New Church Institute of Education 238.87 feet to a drill hole in said wall; thence running in a general northeasterly direction along said stone wall and along the property of the New Church Institute of Education and the property of Theodore L. Storer 103.87 feet to a drill hole in said wall; thence running in a general northeasterly direction along said stone wall and along the property of Theodore L. Storer and the property of Emily L. Storer, et al. 1209.46± feet to a corner in said wall; thence turning and running in a general southeasterly direction along said stone wall and along the property of Theodore L. Storer 280.0± feet to an angle in said wall; thence running in a general southeasterly direction along said stone wall and along the property of Theodore L. Storer 125.0± feet to an angle in said wall at the intersection of another stone wall at the northwest corner of Parcel B, as described below; thence running south $49^{\circ} 20' 48''$ east 373.97 feet along said stone wall and along the southwesterly side of Parcel B to an angle in said wall; thence running south $49^{\circ} 04' 12''$ east 107.06 feet along said stone wall and along the southwesterly side of Parcel B to

an angle in said wall at the intersection of another stone wall at the southwest corner of Parcel B, as described below; thence running south $49^{\circ} 02' 10''$ east 177.98 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south $51^{\circ} 48' 20''$ east 152.24 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south $22^{\circ} 20' 10''$ east 64.41 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south $42^{\circ} 08' 20''$ east 239.13 feet along said stone wall and along the property of Raymond and Arthur DeVincent to an angle in said wall; thence running south $31^{\circ} 06' 20''$ east 128.05 feet along said stone wall and along the property of Raymond and Arthur DeVincent and along the property of Paul K. and Mary B. Connolly to an angle in said wall; thence running south $40^{\circ} 00' 40''$ east 175.67 feet along said stone wall and along the property of Paul K. and Mary B. Connolly to a corner in said wall; thence turning and running south $33^{\circ} 57' 30''$ west 68.05 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south $29^{\circ} 13' 20''$ west 61.84 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south $20^{\circ} 38' 00''$ west 71.43 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south $8^{\circ} 07' 50''$ west 74.74 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south $16^{\circ} 30' 00''$ west 93.69 feet along said stone wall and along the property of Helen F. Rufo to an angle in said wall; thence running south $31^{\circ} 43' 50''$ west 59.67 feet along said stone wall and along the property of Waltham Management Corp. to an angle in said wall; thence running south $37^{\circ} 12' 40''$ west 144.28 feet along said stone wall and along the property of Waltham Management Corp. to an angle in said wall; thence running south $28^{\circ} 41' 10''$ west 26.23 feet along said stone wall and along the property of Waltham Management Corp. to an angle in said wall; thence running south $19^{\circ} 55' 40''$ west 222.11 feet along said stone wall and along the properties of Waltham Management Corp., Charles and Ruth Namiot, Joseph J. and Marjorie Ferro, and Joseph P. and Lena M. Rigoli to an angle in said wall; thence running south $15^{\circ} 43' 30''$ west 197.49 feet along said stone wall and along the property of Joseph P. and Lena M. Rigoli to an angle in said wall; thence running south $20^{\circ} 43' 40''$ west 38.26 feet along said stone wall and along the property of Joseph P. and Lena M. Rigoli to a corner in said wall; thence turning and running north $60^{\circ} 54' 10''$ east 22.58 feet along said wall and along the property of Joseph P. and Lena M. Rigoli to an angle in said wall; thence running north $57^{\circ} 01' 20''$ east 10.10 feet along said stone wall and along the property of Joseph P. and Lena M. Rigoli to the westerly line of Forest Street as relocated by the County Commissioners in January 1966; thence turning and running south

51° 45' 02" west 85.51 feet along said westerly line of Forest Street to a point of curvature; thence running in a general southwesterly direction by a curve to the right with a radius of 100.00 feet 92.36 feet to a point of reverse curvature on the westerly line of Beaver Street as relocated by the County Commissioners in 1956; thence running in a general southwesterly direction by a curve to the left with a radius of 1030.00 feet 572.19 feet along the westerly line of said Beaver Street to a point on the property line between the land of Leo and Mary T. Gallitano and the parcel being described; thence turning and running north 47° 30' 24" west 123.74 feet along the property of Leo and Mary T. Gallitano to a point of curvature; thence running in a general northwesterly direction by a curve to the right with a radius of 135.00 feet 85.41 feet along the property of Leo and Mary T. Gallitano to a point of tangency; thence running north 11° 15' 24" west 382.25 feet along the property of Leo and Mary T. Gallitano and along the easterly line of Parcel C, as described below, to the northeast corner of said Parcel C; thence turning and running South 73° 47' 52" west 433.28 feet along the northerly line of Parcel C to the northwest corner of said Parcel C; thence running south 53° 36' 27" west 396.55 feet along the property of Leo and Mary T. Gallitano to a point in the northeasterly line of Beaver Street as relocated by the County Commissioners in 1956; thence turning and running north 29° 14' 57" west 190.34 feet along the northeasterly line of said Beaver Street to a stone bound at a point of curvature; thence turning and running north 32° 28' 34" east 196.00 feet along property now or formerly of Theodore L. Storer to a corner of said property; thence turning and running north 38° 37' 50" west 216.18 feet along property now or formerly of Theodore L. Storer to a corner of said property; thence turning and running south 47° 28' 34" west 204.00 feet to a stone bound at a point of compound curvature on the northerly line of said Beaver Street; thence turning and running in a general northwesterly direction by a curve to the left with a radius of 2274.26 feet 234.58 along the northerly line of said Beaver Street to the point of beginning.

Excepting therefrom such portion of the promises as may be owned by Theodore L. Storer and Roscoe W. Brooks, Trustees of the BRAMONT TRUST under a Declaration of Trust dated September 18, 1953, recorded with Suffolk Registry of Deeds in Book 7005, Page 100, conveyed to the said Trustees by deed of Francis P. Sears, Trustee, recorded with Middlesex Deeds at Book 10795, Page 328, such premises to be conveyed to the grantee by deed of even date herewith, except such portion of the premises granted to Leo Gallitano by deed dated June 30, 1967, recorded with Middlesex Deeds at Book 11,349, Page 728.

The above-described parcel is accepted subject to an easement of 70 feet along the easterly boundary of the land of Leo and Mary T. Gallitano, and along the easterly boundary of Parcel C, as described below, from Beaver Street to the northeast corner of said Parcel C.

The building on the above-described parcel, known as the Robert Treat Paine House, is accepted subject to the following preservation restrictions:

WHEREAS the Robert Treat Paine House was designed by Henry Hobson Richardson in 1884; and

WHEREAS Theodore L. Storer and the City of Waltham wish to insure the preservation of the Robert Treat Paine House in accordance with the architectural tradition of Henry Hobson Richardson and of the period;

NOW, THEREFORE, in consideration of the grant so made, the City of Waltham, for itself and its successors and assigns, covenants and agrees as follows:

1. So long as the Robert Treat Paine House is extant, it shall be preserved and maintained as an historical and architectural asset of the community.

2. The Robert Treat Paine House shall be preserved and maintained in good condition without change in the exterior architectural characteristics.

3. To the extent possible, consistent with its use for public purposes, the interior architectural characteristics of the Robert Treat Paine House shall be preserved and maintained in accordance with the period and architectural tradition of the structure.

4. No changes or substantial repair to the exterior architectural features or to the interior features and detail shall be made unless the plans therefor are first submitted to the Waltham Historical Commission and approved by the Commission, which approval shall not be unreasonably withheld; and the Commission shall be deemed to have approved the plans unless within thirty (30) days from the date of submission, the Commission notifies the City of Waltham or its successor in writing of its objection thereto with reasons. In case of disapproval, the City of Waltham or its successor may within thirty (30) days after the notice of the disapproval request a review of the disapproval by a person of competence and experience in architectural preservation, designated by the Massachusetts Historical Commission or its chairman or acting chairman. The finding of this review shall be in writing within sixty (60) days after the request, and shall be binding on the City of Waltham or its successor and the Waltham Historical Commission.

For purposes of this requirement, ordinary and necessary repairs and maintenance which do not materially affect the exterior or interior architectural features of the Robert Treat Paine House shall not be considered alterations.

5. The City of Waltham by acceptance of this deed, covenants that upon any conveyance by it of the Robert Treat Paine House, the City will cause the grantee to execute and deliver to the Waltham Historical Commission a covenant to observe and perform the covenants set forth above. Upon delivery of such covenants, the liability of the original covenantor shall cease except as to any breaches occurring during its ownership.

6. The obligations set forth in paragraphs 1 to 6, inclusive, shall cease if the Robert Treat Paine house, exclusive of contents, shall be destroyed by fire or other casualty to the extent of fifty (50%) per cent or more of its insurable value at the time; and all said obligations shall be subject to modification to the extent necessary to permit compliance with the requirements of public health and safety provisions.

7. These covenants shall remain in effect until 2100 A. D., or if approved by the Massachusetts Historical Commission, without limit of time.

Parcel B.

Beginning at the northwest corner of Parcel B, as described in the above description of Parcel A; thence running north $40^{\circ} 07' 25''$ east 313.66 feet along a stone wall and along the property of Theodore L. Storer to an angle in said wall; thence running north $40^{\circ} 07' 50''$ east 332.89 feet along said stone wall and along the property of Theodore L. Storer to a corner; thence turning and running south $49^{\circ} 55' 16''$ east 469.30 feet along the property of the City of Waltham to a corner; thence turning and running south $39^{\circ} 05' 55''$ west 652.00 feet along a stone wall and along the property of Raymond and Arthur DeVincent to the southwest corner of Parcel B, as described in the above description of Parcel A; thence turning and running north $49^{\circ} 04' 12''$ west 107.66 feet along a formerly described stonewall to an angle in said wall; thence running north $49^{\circ} 20' 48''$ west 373.97 feet along said stone wall to the point of beginning.

The above described parcel contains 7.079 acres.

Parcel C.

Beginning at the northeast corner of Parcel C, as described in the above description of Parcel A; thence running south $11^{\circ} 15' 24''$ east 122.55 feet to a corner; thence turning and running north $87^{\circ} 40' 52''$ west 365.78 feet along the property of Leo and Mary T. Gallitano to an angle; thence running south $78^{\circ} 15' 00''$ west 76.10 feet along the property of Leo and Mary T. Gallitano to the northwest corner of Parcel C, as described above; thence turning and running north $73^{\circ} 47' 52''$ east 433.28 feet to the point of beginning.

The above described parcel contains 23,065 square feet.

All of the above described parcels are accepted subject to the following restrictions, which restrictions are imposed for the benefit of other premises in which the grantor has interests and for the benefit of conservation purposes in accordance with the provisions of General Laws, Chapter 40, section 8c, and which restrictions shall be enforceable by the Conservation Commission of the City of Waltham.

1. No building, outdoor advertising display, mobile home, permanent utility pole in greater number than one or other temporary or permanent structure (other than a fence of a design acceptable to the Conservation Commission of the City of Waltham) shall be placed, constructed, or permitted to remain on the restricted parcel. It is expressly provided, however, that notwithstanding any provisions herein after set forth, the City of Waltham may make use of the premises for any and all recreational activities including, but not being limited to, tennis, golf, and other similar outdoor recreational activities. Preparation of the premises for such activities and facilities customarily attendant to the same, may be allowed. Nothing shall be deemed to permit the construction of an arena, stadium, or similar facility on the premises.

2. Except as herein provided:

(a) No soil, loam, peat, gravel, sand, rock, or other mineral substance, and no ash, refuse, trash, vehicle bodies or parts, rubbish, debris, building rubble, junk, waste or other non-earth material shall be placed, parked, stored, or dumped on the restricted parcel.

(b) No loam, peat, gravel, sand, rock, or other natural deposit shall be excavated or removed from said parcel.

(c) No trees, grasses, or other vegetation shall be cut or removed or otherwise destroyed. This is not intended to prevent the ordinary cutting of grass, trimming of trees and the removal of the same when such is deemed expedient or necessary.

(d) No water shall be permitted to run-off from paved areas in, near, or bordering the restricted area in such manner as would cause erosions and gulying.

3. The foregoing restrictions are authorized by General Laws, Chapter 184, sections 31-33, for the purpose of maintaining said parcel predominantly in a naturally scenic, green and open condition forever in order to protect the natural and watershed resources of said City. The restriction shall be administered by the Conservation Commission of said City, established under General Laws, Chapter 40, section 8 c.

4. The conservation restriction conveyed grants any right to enter and use said parcel which is deemed by the Conservation Commission to be consistent with the purpose of maintaining a natural area of woodland within the City of Waltham and other permitted uses.

5. Notwithstanding the foregoing, the City of Waltham by its Conservation Commission or the designees of such Commission shall have the right to plant, selectively cut or prune trees, brush or other vegetation within and along the whole length and width of the area restricted.

6. The foregoing restrictions and provisions shall pertain to that parcel of land taken by the City of Waltham by Order of the City Council, No. 23606, adopted April 22, 1974, and recorded with Middlesex South District Registry of Deeds on May 13, 1974 in Book 12,629, page 286.

IN WITNESS WHEREOF, I set my hand and seal as Mayor aforesaid



Arthur J. Clark

Arthur J. Clark
Mayor of the City of Waltham

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS:

October 22, 1974

Then personally appeared before me the above mentioned Arthur J. Clark, Mayor, and acknowledged the foregoing to be his free and act and deed

William J. Bannan, Jr.

William J. Bannan, Jr.
Notary Public

My Commission expires September 29, 1978.

113.50

We, THEODORE L. STORER and ROSCOE W. BROOKS, Trustees of the BRAMONT TRUST under a Declaration of Trust dated September 18, 1953, recorded with Suffolk Registry of Deeds in Book 7005, Page 100, in full consideration of one dollar and other valuable consideration grant to the City of Waltham, a Municipal Corporation organized according to the Laws of the Commonwealth of Massachusetts, all our right, title and interest in a certain parcel of land situated in said Waltham, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

A certain parcel of land with the buildings thereon situated at 595 Beaver Street in the City of Waltham, County of Middlesex, Commonwealth of Massachusetts shown as Lot B on a plan entitled "Plan of Estate of George W. Lyman Waltham, Mass." by Chas. F. Parks, C. E. dated September 1881 recorded with Middlesex South District Registry of Deeds in Plan Book 37 as Plan No. 45, bounded and described according to said plan as follows:

SOUTHERLY and
SOUTHWESTERLY

by Beaver Street North Branch and Beaver Street by two lines measuring seven hundred ninety-two and $\frac{8}{10}$ (792.8) and two hundred sixty-seven (267) feet respectively;

NORTHWESTERLY

by land of owners unknown by four courses totalling nine hundred nine and $\frac{4}{10}$ (909.4) feet;

WESTERLY

by land of owners unknown by four courses totalling four hundred ninety-two and $\frac{2}{10}$ (492.2) feet;

NORTHWESTERLY by land of owners unknown, one thousand eighty-eight (1088) feet;

NORTHEASTERLY by land of owners unknown by five courses totalling seven hundred eighty-three (783) feet;

EASTERLY by land of owners unknown, one thousand fifty-four (1054) feet;

SOUTHERLY and SOUTHEASTERLY by Beaver Street, one thousand eighty-six (1086) feet.

Said premises are conveyed together with all of the Grantors' right, title and interest in that section of Beaver Street which has been abandoned by the City of Waltham by instrument dated July 13, 1960 recorded with said Deeds in Book 9632, Page 206.

Said premises are conveyed subject to rights, easements and restrictions set forth in a deed from Arthur T. Lyman et al to Sarah P. Sears dated October 6, 1881 recorded with said Deeds in Book 1580, Page 391, insofar as the same are now in force or applicable.

Said premises are also conveyed subject to a taking for sewer in Beaver Street dated March 1, 1955 recorded with said Deeds in Book 8437, Page 312 and a taking for Beaver Street dated December 14, 1956 recorded with said Deeds in Book 8874, Page 216.

Being the same premises conveyed to the Grantors by deed of Francis P. Sears, Trustee recorded with Middlesex Deeds at Book 10795, Page 328.

Excepting therefrom that portion of the premises granted to Leo Gallitano by deed dated June 30, 1967 recorded with Middlesex Deeds at Book 11,349, Page 728 .

This grant is given subject to the following restrictions, which restrictions are imposed for the benefit of other

premises in which the grantors have interests and for the benefit of conservation purposes in accordance with the provisions of General Laws, Chapter 40, Section 8c, and which restrictions shall be enforced by the Conservation Commission of the City of Waltham.

1. No building, outdoor advertising display, mobile home, permanent utility pole in greater number than one or other temporary or permanent structure (other than a fence of a design acceptable to the Conservation Commission of the City of Waltham) shall be constructed, placed, or permitted to remain on the restricted parcel. It is expressly provided, however, that notwithstanding any provisions hereinafter set forth, the City of Waltham may make use of the premises for any and all recreational activities including, but not being limited to, tennis, golf, and other similar outdoor recreational activities. Preparation of the premises for such activities and facilities customarily attendant to the same, may be allowed. Nothing shall be deemed to permit the construction of an arena, stadium or similar facility on the premises.

2. Except as herein provided:

(a) No soil, loam, peat, gravel, sand, rock, or other mineral substance, and no ash, refuse, trash, vehicle bodies, or parts, rubbish, debris, building rubble, junk, waste or other non-earth material shall be placed, parked, stored, or dumped on the restricted parcel.

(b) No loam, peat, gravel, sand, rock or other natural deposit shall be excavated or removed from said parcel.

(c) No trees, grasses, or other vegetation shall be cut or removed or otherwise destroyed. This is not intended to prevent the ordinary cutting of grass, trimming of trees and the removal of the same when such is deemed expedient or necessary.

(d) No water shall be permitted to run-off from paved areas in, near, or bordering the restricted area in such manner as would cause erosions and gulying.

3. The foregoing restrictions are authorized by General Laws, Chapter 184, section 31-33, for the purpose of maintaining said parcel predominantly in a naturally scenic, green and open condition forever in order to protect the natural and watershed resources of said City. The restriction shall be administered by the Conservation Commission of said City, established under General Laws, Chapter 40, section 8c.

4. The conservation restriction hereby conveyed grants any right to enter and use said parcel which is deemed by the Conservation Commission to be consistent with the purpose of maintaining a natural area of woodland within the City of Waltham and other permitted uses.

5. Notwithstanding the foregoing, the City of Waltham by its Conservation Commission or the designees of such Commission shall have the right to plant, selectively cut or prune trees, brush or other vegetation; to implement disease prevention measures; and to maintain in perpetuity a substantial belt of tree, vine and shrub vegetation within and along the whole length and width of the area restricted.

IN WITNESS WHEREOF we hereunto set our hands and seals this 15th day of October, 1974.

Theodore L. Storer
Theodore L. Storer

Trustees but not individually

Roscoe W. Brooks
Roscoe W. Brooks

COMMONWEALTH OF MASSACHUSETTS

SUAPOLK ss. BOSTON OCTOBER 15, 1974

Then personally appeared the above-named Theodore L. Storer and acknowledged the foregoing instrument to be his free act and deed, before me

Paul J. Hough, Jr.
Notary Public

My commission expires November 25, 1980



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BK 12720 PG 284

23741 78



CITY OF WALTHAM
IN THE CITY COUNCIL

ORDERED:

That the Mayor be and he hereby is authorized and empowered to accept on behalf of the City of Waltham a deed of gift of certain property from Theodore L. Storer and Roscoe W. Brooks, Trustees of the Bramont Trust under Declaration of Trust dated September 18, 1953 and recorded with Suffolk Registry of Deeds in Book 7005 page 100, said property being situated in said Waltham, County of Middlesex, Commonwealth of Massachusetts bounded and described as follows:

A certain parcel of land with the buildings thereon situated at 595 Beaver Street in the City of Waltham, County of Middlesex, Commonwealth of Massachusetts shown as Lot D on a plan entitled "Plan of Estate of George W. Lyman Waltham, Mass." by Charles F. Parks, C. E. dated September 1881 recorded with Middlesex South District Registry of Deeds in Plan Book 37 as Plan No. 45, bounded and described according to said plan as follows:

SOUTHERLY and
SOUTHWESTERLY

by Beaver Street North Branc and
Beaver Street by two lines measuring
seven hundred ninety-two and 8/10
(792.8) and two hundred sixty-seven
(267) feet respectively;

Page Two

NORTHWESTERLY by land of owners unknown by four courses totalling nine hundred nine and 4/10 (909.4) feet;

WESTERLY by land of owners unknown by four courses totalling four hundred ninety-two and 2/10 (492.2) feet;

NORTHWESTERLY by land of owners unknown, one thousand eighty-eight (1088) feet;

NORTHEASTERLY by land of owners unknown by five courses totalling seven hundred eighty-three (783) feet;

EASTERLY by land of owners unknown, one thousand fifty-four (1054) feet;

SOUTHERLY and SOUTHEASTERLY by Beaver Street, one thousand eighty-six (1086) feet.

Said premises are to be conveyed together with all of the Grantor's right, title and interest in that section of Beaver Street which has been abandoned by the City of Waltham by instrument dated July 13, 1960 recorded with said Deeds in Book 9632, page 206.

Said premises are to be conveyed subject to rights, easement and restrictions set forth in a deed from Arthur T. Lyman et al to Sarah P. Sears dated October 6, 1881, recorded with said Deeds in Book 1580, page 391, insofar as the same are now in force or applicable.

Said premises are also to be conveyed subject to a taking for sewer in Beaver Street dated March 1, 1955 recorded with said Deeds in Book 8437, page 312 and a taking for Beaver Street dated December 14, 1956 recorded with said Deeds in Book 8874, page 216.

Being the same premises conveyed to the Grantors by deed of Francis P. Sears, Trustee recorded with Middlesex Deeds at Book 10795, page 328.

Excepting therefrom that portion of the premises granted to Leo Gallitano by deed dated June 30, 1967 recorded with Middlesex Deeds at Book 11,349 Page 728 .

This grant will be given subject to the following restrictions, which restrictions are imposed for the benefit of other premises in which the grantors have interests and for the benefit of conservation purposes in accordance with the provisions of General Laws, Chapter 40, Section 8c, and which restrictions shall be enforced by the Conservation Commission of the City of Waltham.

1. No building, outdoor advertising display, mobile home, permanent utility pole in greater number than one or other temporary or permanent structure (other than a fence of a design acceptable to the Conservation Commission of the City of Waltham) shall be constructed, placed, or permitted to remain on the restricted parcel. It is expressly provided, however, that notwithstanding any provisions herein after set forth, the City of Waltham may make use of the premises for any and all recreational activities including, but not being limited to, tennis, golf, and other similar outdoor recreational activities. Preparation of the premises for such activities and facilities customarily attendant to the same, may be allowed. Nothing shall be deemed to permit the construction of an arena, stadium or similar facility on the premises.

2. Except as herein provided:

(a) No soil, loam, peat, gravel, sand, rock, or other mineral substance, and no ash, refuse, trash, vehicle bodies, or part, rubbish, debris, building rubble, junk, waste or other non-earth material shall be placed, parked stored, or dumped on the restricted parcel.

(b) No loam, peat, gravel, sand, rock or other natural deposit shall be excavated or removed from said parcel.

(c) No trees, grasses, or other vegetation shall be cut or removed or otherwise destroyed. This is not intended to prevent the ordinary cutting of grass, trimming of trees and the removal of the same when such is deemed expedient or necessary.

(d) No water shall be permitted to run-off from paved areas in, near, or bordering the restricted area in such manner as would cause erosions and gullying.

3. The foregoing restrictions are authorized by General Laws, Chapter 184, sections 31-33, for the purposes of maintaining said parcel predominantly in a naturally scenic, green and open condition forever in order to protect the natural and watershed

resources of said City. The restriction shall be administered by the Conservation Commission of said City, established under General Laws, Chapter 40, section 8c.

4. The conservation restriction to be conveyed will grant any right to enter and use said parcel which is deemed by the Conservation Commission to be consistent with the purpose of maintaining a natural area of woodland within the City of Waltham and other permitted uses.

5. Notwithstanding the foregoing, the City of Waltham by its Conservation Commission or the designees of such Commission shall have the right to plant, selectively cut or prune trees, brush or other vegetation; to implement disease prevention measures; and to maintain in perpetuity a substantial belt of tree, vine and shrub vegetation within and along the whole length and width of the area restricted.

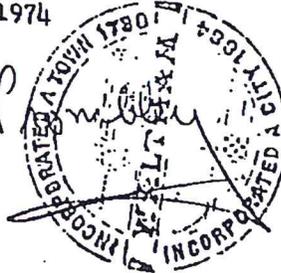
Read and Adopted: October 15, 1974

Approved: October 16, 1974

A true copy

Attest:

Joseph S. P.
City Clerk



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78

In accordance with the provisions of City Council Order No. 23744 adopted on October 15, 1974, by the City Council of the City of Waltham, I, Arthur J. Clark, as Mayor of said City of Waltham, and in behalf of said City, do hereby accept from Theodore L. Storer and Roscoe W. Brooks, as they are Trustees of the BRAMONT TRUST, under Declaration of Trust dated September 18, 1953, recorded with Suffolk Registry of Deeds in Book 7005 page 100, a gift by deed to said City the following described premises:

A certain parcel of land situated in said Waltham, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

A certain parcel of land with the buildings thereon situated at 595 Beaver Street in the City of Waltham, County of Middlesex, Commonwealth of Massachusetts, shown as Lot B on a plan entitled "Plan of Estate of George W. Lyman, Waltham, Mass." by Chas. F. Parks, C. E. dated September 1881 recorded with Middlesex South District Registry of Deeds in Plan Book 37, as Plan no. 45, bounded and described according to said plan as follows:

SOUTHERLY and
SOUTHWESTERLY

by Beaver Street North Branch and Beaver Street by two lines measuring seven hundred ninety-two and 8/10 (792.8) and two hundred sixty-seven (267) feet respectively;

NORTHWESTERLY

by land of owners unknown by four courses totalling nine hundred nine and 4/10 (909.4) feet;

WESTERLY

by land of owners unknown by four courses totalling four hundred ninety-two and 2/10 (492.2) feet;

| | |
|--------------------------------|--|
| NORTHWESTERLY | by land of owners unknown, one thousand eighty-eight (1088) feet; |
| NORTHEASTERLY | by land of owners unknown by five courses totalling seven hundred eighty-three (783) feet; |
| EASTERLY | by land of owners unknown, one thousand fifty-four (1054) feet; |
| SOUTHERLY and SOUTHEASTERLY | by Beaver Street, one thousand eighty-six (1086) feet. |

Said premises are conveyed together with all of the Grantors' right, title and interest in that section of Beaver Street which has been abandoned by the City of Waltham by instrument dated July 13, 1960, recorded with said Deeds in Book 9632, page 206.

Said premises are conveyed subject to rights, easements and restrictions set forth in a deed from Arthur T. Lyman et al to Sarah P. Sears, dated October 6, 1881, recorded with said Deeds in Book 1580, page 391, insofar as the same are no in force or applicable.

Said premises are also conveyed subject to a taking for sewer in Beaver Street dated March 1, 1955, recorded with said Deeds in Book 8437, page 312 and a taking for Beaver Street dated December 14, 1956 recorded with said Deeds in Book 8874, page 216.

Being the same premises conveyed to the Grantors by deed of Francis P. Sears, Trustee recorded with Middlesex Deeds at Book 10795, page 328.

Excepting therefrom that portion of the premises granted to Leo Gallitano by deed dated June 30, 1967, recorded with Middlesex Deeds at Book 11349, page 728.

This grant is accepted subject to the following restrictions, which restrictions are imposed for the benefit of other premises

in which the grantors have interests and for the benefit of conservation purposes in accordance with the provisions of General Laws, Chapter 40, Section 8c, and which restrictions shall be enforced by the Conservation Commission of the City of Waltham.

1. No building, outdoor advertising display, mobile home, permanent utility pole in greater number than one or other temporary or permanent structure (other than a fence of a design acceptable to the Conservation Commission of the City of Waltham) shall be constructed, placed, or permitted to remain on the restricted parcel. It is expressly provided, however, that notwithstanding any provisions hereinafter set forth, the City of Waltham may make use of the premises for any and all recreational activities including, but not being limited to, tennis, golf, and other similar outdoor recreational activities. Preparation of the premises for such activities and facilities customarily attendant to the same, may be allowed. Nothing shall be deemed to permit the construction of an arena, stadium or similar facility on the premises.

2. Except as herein provided:

(a) No soil, loam, peat, gravel, sand, rock, or other mineral substance, and no ash, refuse, trash, vehicle bodies, or parts, rubbish, debris, building rubble, junk, waste or other non-earth material shall be placed, parked stored or dumped on the restricted parcel.

(b) No loam, peat, gravel, sand, rock or other natural deposit shall be excavated or removed from said parcel.

(c) No trees, grasses, or other vegetation shall be cut or removed or otherwise destroyed. This is not intended to prevent the ordinary cutting of grass, trimming of trees and the removal of the same when such is deemed expedient or necessary.

(d) No water shall be permitted to run-off from paved areas in, near, or bordering the restricted area in such manner as would cause erosions and gullying.

3. The foregoing restrictions are authorized by General Laws, Chapter 184, section 31-33, for the purpose of maintaining said parcel predominantly in a naturally scenic, green and open condition forever in order to protect the natural and watershed resources of said City. The restrictions shall be administered by the Conservation Commission of said City, established under General Laws, Chapter 40, Section 8c.

4. The Conservation restriction conveyed grants any right to enter and use said parcel which is deemed by the Conservation Commission to be consistent with the purpose of maintaining a natural area of woodland within the City of Waltham and other permitted uses.

5. Notwithstanding the foregoing, the City of Waltham by its Conservation Commission or the designees of such Commission shall have the right to plant, selectively cut or prune trees, brush or other vegetation; to implement disease prevention measures; and to maintain in perpetuity a substantial belt of tree, vine and shrub vegetation within and along the whole length and width of the area restricted.

IN WITNESS WHEREOF I set my hand and seal as Mayor aforesaid.



[Handwritten signature of Arthur J. Clark]

Arthur J. Clark
Mayor of the City of Waltham

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS:

OCTOBER 2, 1974

Then personally appeared before me the above mentioned Arthur J. Clark, Mayor, and acknowledged the foregoing to be his free act and deed.

[Handwritten signature of William J. Bannan, Jr.]

William J. Bannan, Jr.
Notary Public

My Commission expires: September 29, 1978.

ATTACHMENT C

Documentation

Land and Water Conservation Fund documents

6

UNITED STATES DEPARTMENT OF THE INTERIOR
 Bureau of Outdoor Recreation
 Land and Water Conservation Fund Project Agreement

State Massachusetts Project Number 25-00163

Project Title Storer Conservation Lands

Project Period 10/7/74 - 12/31/77

Project Scope (Description of Project)

This project will consist of the acquisition of 90 + acres of land by gift and 22 + acres of land by negotiated purchase, in fee, with certain restrictions as noted in Exhibits E and F of the attached project proposal; and development to include those elements of construction identified in Exhibit I of the project proposal and hereby incorporated by reference; all by the City of Waltham and located in the County of Middlesex.

Project Stage Covered by this Agreement

Entire Stage

Project Cost

| | | |
|------------------------------------|----|----------------|
| Total Cost | \$ | <u>374,100</u> |
| Fund Support | | <u>50 %</u> |
| Fund Amount | \$ | <u>187,050</u> |
| Cost of this Stage & relocation | \$ | <u>373,800</u> |
| Assistance this Stage & relocation | \$ | <u>300</u> |
| | | <u>186,900</u> |
| | \$ | <u>150</u> |

The following attachments are hereby incorporated into this agreement:

1. General Provisions dated December, 1965
2. Project Proposal
3. _____
4. _____

POSTED

Date NOV 25 1974

By gl

25-00163

The United States of America, represented by the Director, Bureau of Outdoor Recreation, United States Department of the Interior, and the State named above (hereinafter referred to as the State), mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances attached hereto and hereby made a part hereof.

The United States hereby promises, in consideration of the promises made by the State herein, to obligate to the State the amount of money referred to above, and to tender to the State that portion of the obligation which is required to pay the United States' share of the costs of the above project stage, based upon the above percentage of assistance. The State hereby promises, in consideration of the promises made by the United States herein, to execute the project described above in accordance with the terms of this agreement.

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto:

The state shall transfer to the City of Waltham all funds granted hereunder.

This agreement is not subject to the conditions of Clauses B.2(d) or D.4 of the attached General Provisions dated December, 1965.

The state shall comply with the terms and intent of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894 (1970) and applicable regulations and procedures of the Department of Interior implementing such Act.

Reference to \$10,000 in B.2(a), (b) and (c) of the General Provisions is changed to \$2,500.

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

THE UNITED STATES OF AMERICA

STATE

By *Arthur W. Brownell*
(Signature)

MASSACHUSETTS

(State)

DEPUTY REGIONAL DIRECTOR
(Title)

By *Joseph Beaman*
(Signature)

Bureau of Outdoor Recreation
United States Department of
the Interior

Arthur W. Brownell, Commissioner

(Name)

Date NOV 18 1974

Ady State Liaison Officer
(Title)

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Outdoor Recreation

State Massachusetts
Project Amendment No. 25-00163.1

AMENDMENT TO PROJECT AGREEMENT
25-00163

THIS AMENDMENT TO Project Agreement No. _____ is hereby made and agreed upon by the United States of America, acting through the Director of the Bureau of Outdoor Recreation and by the State of Massachusetts, pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

The State and the United States, in mutual consideration of the promises made herein and in the agreement of which this is an amendment, do promise as follows:

That the above-mentioned agreement is amended by adding the following:

Change method of acquisition to include eminent domain.

In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below.

THE UNITED STATES OF AMERICA
By *Carl P. Hartney*
(Signature)
Chief, Grants Division
(Title)
Bureau of Outdoor Recreation
United States Department of
the Interior

Date 6/7/76

STATE
Massachusetts
(State)
By *Evelyn F. Murphy*
(Signature)
Dr. Evelyn F. Murphy
(Name)
State Liaison Officer
(Title)

POSTED
JUN 10 1976
Date _____
By *[Signature]*

UNITED STATES
DEPARTMENT OF THE INTERIOR
Heritage Conservation and
Recreation Service

State Massachusetts

Project Amendment No.

25-00163.4

AMENDMENT TO PROJECT AGREEMENT

THIS AMENDMENT To Project Agreement No. 25-00163.4 hereby made and agreed upon by the United States of America, acting through the Director of the Heritage Conservation and Recreation Service and by the State of Massachusetts pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

The State and the United States, in mutual consideration of the promises made herein and in the agreement of which this is an amendment, do promise as follows:

That the above mentioned agreement is amended by adding the following:

Delete: items of development as referenced in Exhibit I of the project proposed.

Add: construction of driveway, roofs for storage sheds, parking area, rest room facilities, sign, landscaping, benches, water line, bicycle stands, and site clearance.

In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below.

THE UNITED STATES OF AMERICA

STATE

By Ellen Dayton
(Signature)
OUTDOOR RECREATION PLANNER

(Title)

MASSACHUSETTS
John A. Bewick
By _____
(Signature)

Heritage Conservation and
Recreation Service
United States Department of
the Interior

John A. Bewick

(Name)

Date June 5, 1979

State Liaison Officer

(Title)

HCRS 8-92a

POSTED
Date 6/15/79
By DR

INT 4769-78
GSA GEN. REG. NO. 27

Sheet 1

25-00163

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DIVISION OF CONSERVATION SERVICES

LAND AND WATER CONSERVATION FUND
POST COMPLETION ON-SITE INSPECTION REPORT

1. Project No. 25-00163
2. Type: Acquisition Development Combination
3. Name of Project/Site: Storer-Paine Acq.
4. Sponsor: City of Waltham
5. Findings: ("No" answers require explanation)
 - a. Is the property being used for recreation? Yes No N/A
 - b. Is the site or program accessible to disabled persons? Yes No N/A
 - c. Is upkeep & maintenance adequate? Yes No N/A
 - d. Is the site or program open to the general public, including non-residents? Yes No N/A
 - e. Is the site open at all times? Yes No N/A
 - f. Are fees and charges reasonable? Yes No N/A
 - g. Was the 6(f) boundary re-verified with a determination that no conversion to other than recreation has occurred? Yes No N/A
 - h. Is the LWCF sign posted at the site? Yes No N/A
 - i. Is the Equal Opportunity Poster displayed at the site or at the park headquarters?
 Yes No
 Unknown Yes No
 N/A
 - j. Is the site free of any problems (i.e. vandalism, safety/health issues, detracting man-made features)? Yes No N/A
 - k. Are all buildings on the site used for recreation? Yes No N/A

Explanation for "No" responses

The Paine House is a National Historic landmark which is not a recreational facility per se. It is utilized for public meetings and events and is opened for public tours. The city rents the house for a fee for private social events such as weddings and the like. The house and property are heavily used by the public. Grounds are well maintained.

(Attach photographs of the site if available.) Yes, see attached brochure.

6. Indicate the general, overall condition of the site. (Check one)
 Excellent Good Fair Poor
7. General Comments and Notes to Future Inspectors:
The income generated rentals maintains the building and grounds. A new entrance sign has been installed with the appropriate L&WCF program credits. Electric overhead line to light poles in parking area need to be placed underground. Paving the parking lot would drastically improve property appearance.

Date of Inspection: 6/10/02

Inspector(s): Joel A. Lerner

Agency: MA Executive Office of Environmental Affairs

Division of Conservation Services

Signature of Inspector: *Joel A. Lerner*



25-00163

Elisabeth Carter

Eight Great Open Space Places in Waltham

This is the final installment of a two-part article.

If you're looking for a pleasant way to pass an hour enjoying the outdoors, Waltham has much to offer.

Many residents take advantage of our woods, river walks and other open space, but some newcomers and visitors might not be aware of the secrets of the City of Choice. For instance, while you probably know that the Charles River runs through town, did you know that three historic mansions and their grounds of nearly 200 acres are open to the public in Waltham? Or that we can enjoy a Great Pond minutes from City Hall? The

Waltham Land Trust would like to encourage every citizen of Waltham, and visitor, to enjoy the open spaces we have today.

To help you find them, here is a selection of our favorites. Happy trails!

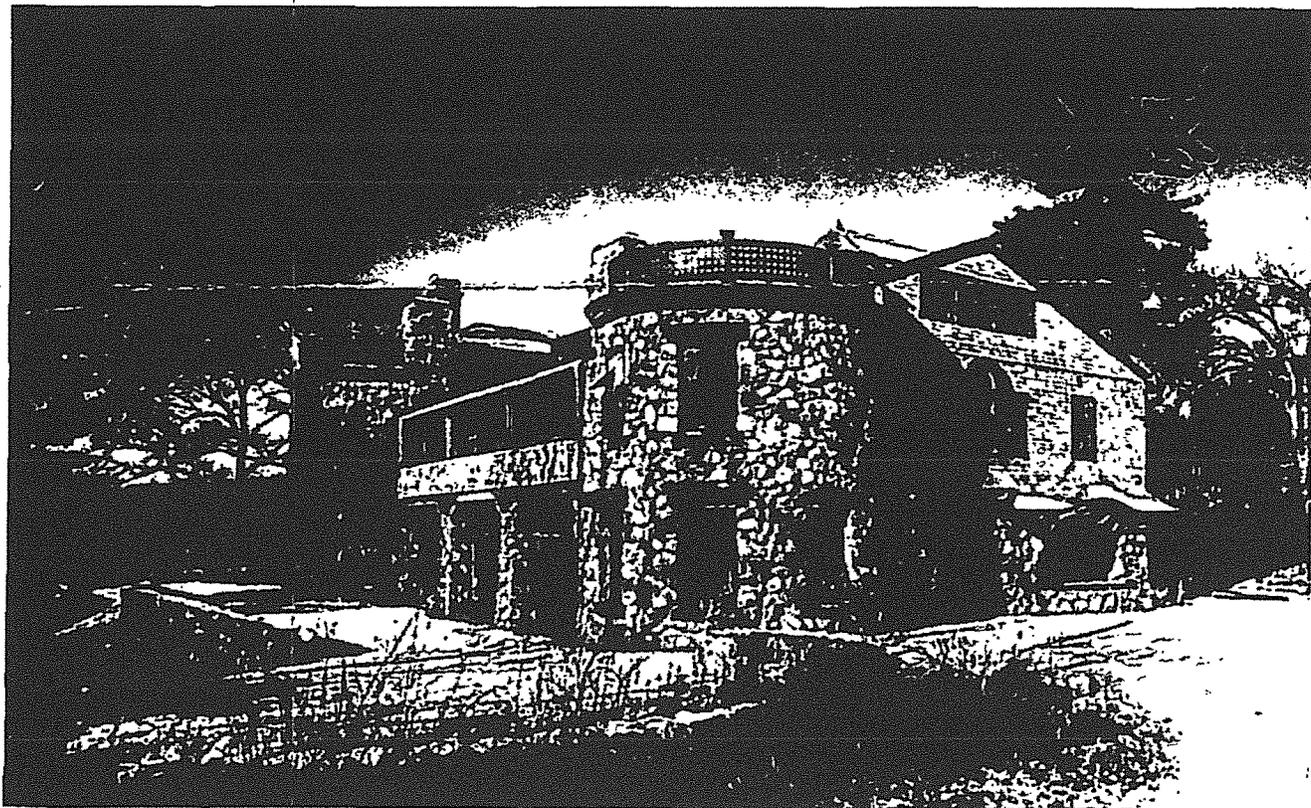
*Paine Estate
25-00163*

5 Storer Conservation Land and Stonehurst, the Robert Treat Paine Estate

You can easily enjoy hours at this city-owned historic estate and conservation land. Located off Beaver Street, the core of the 109-acre parcel of land was originally landscaped by the famous Frederick Law Olmsted, the same designer who laid out the Arnold Arboretum and Boston's "Emerald Necklace." Much of the landscaping

had grown wild until recent efforts to restore Olmsted's original design intent to the 6-acre core of the estate. Some of the original specimens are now visible, and lawns flow into graceful wildflower meadows. The Paine house is a visual treat from the outside and open for tours Tuesday and Wednesday afternoons at 1, 2, and 3 PM and by appointment. One third of the house is a classic Second Empire that was moved from a nearby location to the crest of the hill under Olmsted's direction. A dramatic stone and shingle-walled addition with curved windows and rounded walls was designed by H.H. Richardson, a famous American architect who rarely worked on private dwellings. A curved stone retaining wall designed by Olmsted bridges the gap between the great glacial rock formations on the site and the house, also made up of glacial boulders gathered from the site. The home is quite naturally a National Historic Landmark. For information on house tours call Stonehurst at 781-314-3290.

The real treat here for outdoors enthusiasts, however, is the extensive forest that stretches all the way to the Waltham High School parking lot, including three main trails and ten interconnecting ones. You will see a variety of forest flora, including a stately hemlock woods, two vernal ponds and abundant white pines, red oaks, beeches and maples. Depending on the time of year, you might come across ripening blueberries or blackberries, like we did in July. At that time the parking area



Stonehurst

Richard Cheek, courtesy of City of Waltham

was inundated by Queen Anne's Lace and Black-Eyed Susans. Besides the occasional patch of poison ivy, which is easy to avoid if you stay on the trails, we spotted sassafras, mountain laurel, wisteria, sumac, poplar, and too many small plants to mention. You might even find a salamander under a rotting log. Trails are well marked with maps, though for the best experience, pick up a trail map at the Conservation Commission in the 911 building complex, 163 Lexington Street, between the police and fire departments, during regular business hours. The map indicates three levels of handicap difficulty for the trails, terrain contours and adjacent roads, and it's free.

To get there, take Lexington to Beaver Street to the DeVincent Circle rotary. Go most of the way around it, passing the Lyman Estate on the right, and stay on Beaver Street. Not far from the circle, a sign on your left says Stonehurst. Turn in there and head up the hill past a few residential homes and a wildflower meadow. When you get to the end, take a hard right into the parking lot, the only place you are allowed to park on the site. Three trails head out from this lot, or you can walk back past the signs to the estate house area and other trails. You can also park at the high school and enter the trails from that end. The property is open sunrise to sunset year round, and pets are welcome if leashed at all times. Always clean up after your pet and yourselves, taking only memories, leaving only footprints. Call the Conservation Commission at 781-314-3845 for more information and for guided trail walks.

6 The Lyman Estate

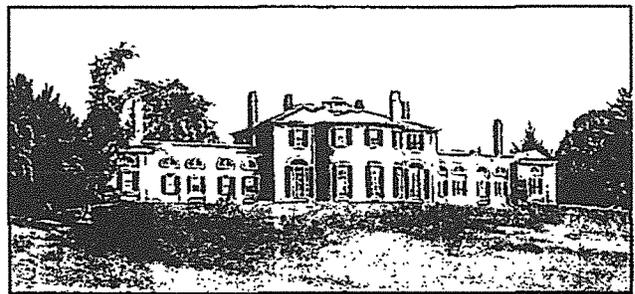
Also located off Beaver Street, the Lyman Estate, another National Historical Landmark, is owned by the Society for the Preservation of New England Antiquities. Its handicap-accessible grounds are open to the public during daylight hours year round. The mansion is generally closed except for private events. The 37 acres of landscaped gardens, woodlands and cultivated fields, established in 1793, was originally the country home for shipping tycoon Theodore Lyman. It's a nice place for a picnic or a seasonal stroll along gravel paths through perennial gardens. Plant lovers can also visit the wonderful historic 19th century greenhouses, which are especially welcome respites midwinter when you haven't seen anything alive and green for months. Instant tropical vacation—and it's free! (A small donation gratefully accepted at the entrance.) Greenhouses are open Monday through Saturday 9-4 year round, and sometimes Sundays, such as when the Camellias are in bloom. Some of the winter-flowering Chinese trees have been growing here for over 100 years. There is also a nice selection of orchids, a small nursery and periodic

plant sales. Grounds are occasionally closed for private functions; to check ahead, call them at 781-891-7095.

7 Gore Place

Another country home, this one originally belonged to Massachusetts' 7th governor [1809-1810], Christopher Gore. Wonderful formal gardens—hedges, herbs and flowers stretch out from the 19th century Federalist and Palladian-style mansion. This estate is also privately owned and sometimes rented out for special functions, but otherwise the public is welcome on the grounds during daylight hours. Come stroll, sneak a glimpse of chickens, sheep and historic goats, have a picnic, or even bring your dog for a walk (leashed, of course).

The house, full of period antiques, is open for tours Tuesday through Sunday; cost is \$7 and benefits the non-profit Gore Place Society, which owns the estate. A path called the Mile Walk leads around the perimeter of the property, and a shorter one called the Straight Walk, leads from the sheep pasture to a meadow.



G. E. Kidder Smith

Gore Place

Altogether there are 45 acres of gardens, hills and farmed land that straddle Waltham and Watertown; the remainder of the original 450-acre estate. In the spring you can come for the annual Sheep Shearing Day held the last weekend of April, a real country-style family day with music, food, crafts, costumes and more. For more information on the society, tours and special events, call 781-894-2798.

8 Hardy Pond

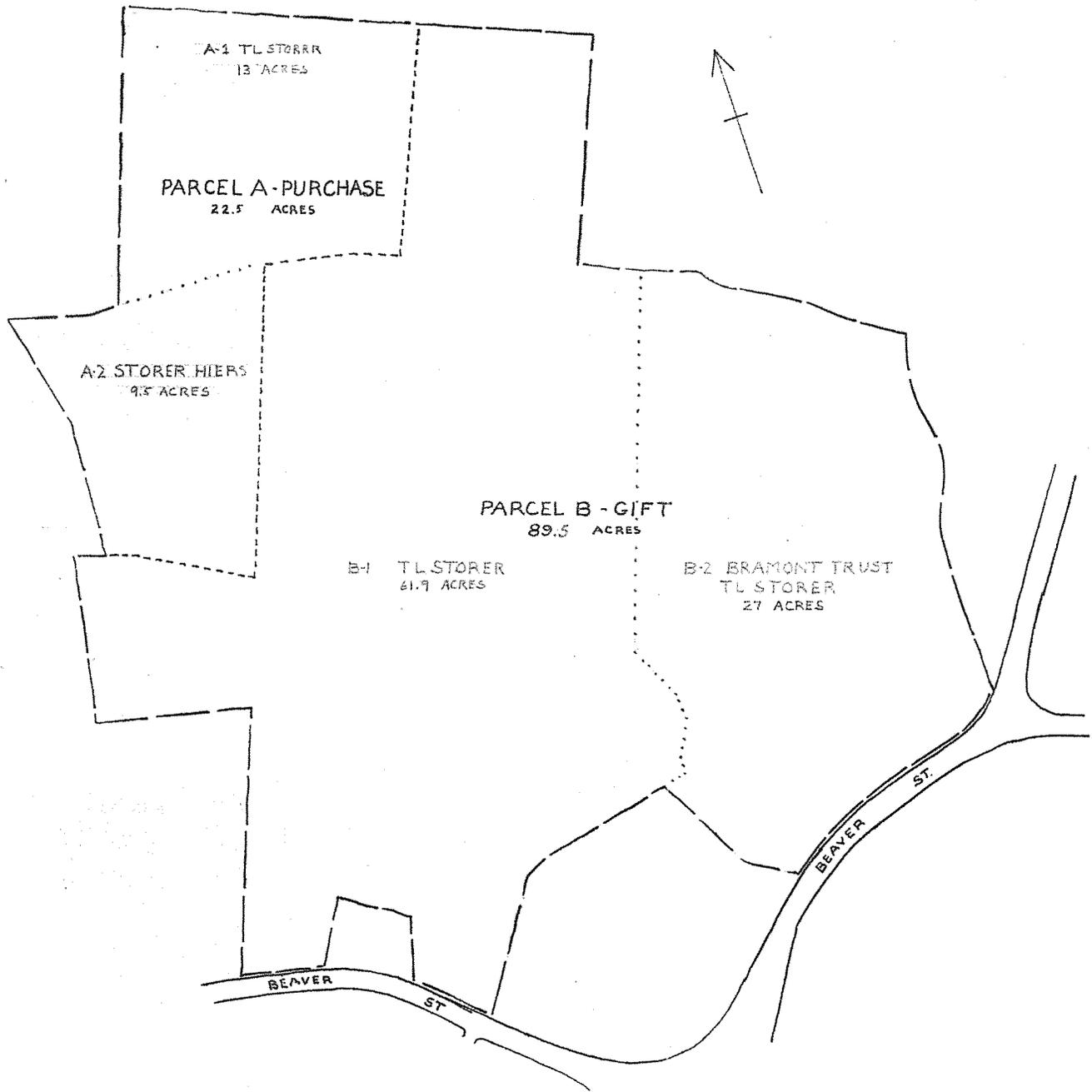
Hardy Pond is located in the Lakeview area of the city, west of the Wal-Lex shopping center and south of Trapelo Road. As a registered "great pond," it is owned by the state and managed by the city. (Qualifications of a great pond include being larger than 20 acres, and Hardy Pond is around 45.) Back in the early 1990s, an association of neighbors rallied together to procure state and local funds for dredging the pond, which had become stagnant and overgrown with invasive weeds. About 60% of the work has been completed, vastly improving its appeal. While most of the property surrounding the pond belongs to private home owners,

STORER

CONSERVATION

LANDS

25-00163



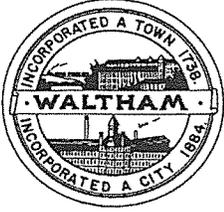
CITY OF WALTHAM
MASSACHUSETTS
ARTHUR J CLARK
MAYOR

PARCEL MAP

SCALE 1IN=200FT

SOURCE CITY ATLAS

ATTACHMENT D
Zoning



City of Waltham
Massachusetts

Waltham Building Department
William L. Forte
Inspector of Buildings
Superintendent of Public Buildings

January 30, 2019

Community Preservation Committee
City of Waltham
119 School Street
Waltham, MA 02451

RE: Robert Treat Paine Estate, Gentleman's Way, Waltham, MA

Dear Chairman Barrett,

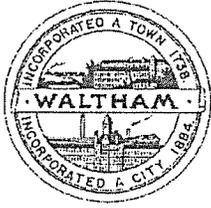
Please be advised that to the best of my knowledge, there are no outstanding violations of the State Building Code or the Waltham Zoning Ordinance at the above subject property.

Respectfully,

William L. Forte
Inspector of Buildings
Superintendent of Public Buildings

Cc: Ann Clifford

ATTACHMENT E
City Approvals



Waltham Historical Commission

610 Main Street
Waltham, MA 02452

November 8, 2019

To: Philip Moser, Chair
Waltham Conservation Commission
119 School Street
Waltham, MA 02451

Dear Mr. Moser,

This letter is to give the approval and support of the Waltham Historical Commission to the Waltham Conservation Commission's project to develop a Conservation Lands Stewardship Plan for the Robert Treat Paine Estate/Storer Conservation Lands located in Waltham, Massachusetts. At its meeting of November 4, 2019, the members of the Commission, who were present, voted unanimously to endorse this project.

The Robert Treat Paine Estate is the only National Historic Landmark owned by the City of Waltham, and the Waltham Historical Commission has legally mandated historic oversight of the historic core of the property. For many years the Commission has been following and helping with the maintenance and inventorying of the historic resources on the adjacent Storer Conservation Land. Although the Paine Estate staff has done a tremendous amount of work related to this, it has become evident that there is a fundamental need for a much larger effort involving outside expertise to plan for the continued stewardship and preservation of this very historic resource.

The Waltham Historical Commission is pleased to endorse and support this important project.

Sincerely,

Morton S. Isaacson, Chair
Waltham Historical Commission