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# PRESERVATION AGREEMENT

Eleanor Tripp of 202 Hixbridge Road, Westport, Massachusetts of Bristol County, Massachusetts for no monetary consideration of value, but for consideration paid, do hereby grant to the Town of Westport, Massachusetts, located in Bristol County, the preservation restrictions as described below, subject to Chapter 184, Section 32 and 33 of the Massachusetts General Laws, with respect to a portion of a certain parcel of land with buildings and other improvements thereon located at 202 Hixbridge Road in Westport, Massachusetts, bounded and described as follows:

The restricted land runs from the northwest corner of Hixbridge and Drift Roads 290 feet more or less west to a stone wall and then runs along this wall north 350 feet more or less to another stone wall and then runs east along that wall 220 feet more or less to Drift Road and then along Drift Road 330 feet more or less to the point of origin, being 2+ acres.

Being a portion of Assessors' Plat 54, Lot 41....For title to said premises see deed date June 11, 1965 recorded with the Bristol County Registry, S.D., Deed Book 1486 Page 147.

The preservation restrictions hereinafter set forth are to ensure the architectural and historical integrity of the Cadman-Handy House, located on said Hixbridge Road. The Cadman-Handy House was built around 1713 on land owned by George Cadman, prominent landowner, and became the dwelling house of his daughter Elizabeth upon her marriage to William White in that year. Their descendent, Jonathan White, sold to Dr. Eli Handy of Rochester in 1794; in 1812 the farm passed to his son, James H. Handy, a physician of considerable celebrity. The Handys made two additions to the original house. The middle section, west of the earliest portion, was erected in the late 18th century. The third and western portion was erected in the mid-nineteenth century. The house has been little altered since built and its original framing, trim and chimneys are well documented and fully intact.

The grantor hereby agrees for herself, her grantees, heirs, devisees, legal representatives, successors and assigns that the above described premises shall be subject to the following preservation restrictions and that the restrictions shall be overseen and enforced by the Westport Historical Commission:

## PRESERVATION RESTRICTIONS

1. The following portions of the premises shall not be altered without written permission from the Westport Historical Commission:

a. Exterior

1) all elements of the four facades of the house

including the frames of the windows and doors, sash and trim

- 2) the cedar shingle roof
- 3) the chimneys

b. Interior

- 1) the fireplaces and woodwork in all rooms
- 2) flooring and plaster

c. The Grounds

- 1) the stone walls paralleling Hixbridge and Drift Roads, the stone wall west and north of the house
- 2) sheds and well cover

2. The owners shall maintain the property in its present condition, to the extent that said owner's personal funds will allow. The holders of these restrictions shall have no obligation to repair or maintain the property.
3. Any painting, wallpapering, or minor repairs whether interior or exterior shall not be considered alterations for the purpose of these restrictions, except that previously unpainted interior surfaces may not be painted.
4. No signs may be affixed to the house except for the small wooden plaque giving the name of the house and the date built or a National Registry of Historic Houses plaque.
5. A building such as a barn/garage may be built on the premises covering no more than 400 square feet in addition to or replacing the present garage. It must be located behind the garage or on the site of the present garage and be of an exterior style compatible with the house. Modernization of interior facilities and utilities will be considered, including the installation of a first floor bathroom.
6. Before any interior or exterior alteration may be made the owners must submit a written request, including designs, to the Westport Historical Commission. Approval will not be unreasonably withheld. Decisions of the Historical Commission are final.
7. Representatives of the holder shall inspect the premises at least once every two years, upon reasonable notice to the owners, to ensure compliance with these restrictions; however, public access is not to be inferred from these terms.
8. The property shall not become primarily a commercial establishment such as a store or hotel or office, although a resident owner might rent a few rooms or have his/her own office therein. An owner may sublet the property.
9. The burden of these restrictions shall run with the land and shall be binding on all future owners of an interest therein. The right of enforcement shall be as provided for

in MGL Chl. 184, Sec. 32 as enacted by the Acts of 1969, Ch. 666, Sec. 5, as it may be amended from time to time.

10. Upon receipt of the authorized signature of the Massachusetts Historical Commission, these restrictions shall be recorded with the Bristol County Registry, S.D., and placed on the Public Restriction Tract Index of Bristol County, Massachusetts and the zoning map of the Westport Planning Board of Westport, Massachusetts.

Witness the execution hereof under seal in duplicate this <sup>26<sup>th</sup></sup> day of Oct., 1991,

Eleanor S. Tripp  
Eleanor Tripp

Town of Westport

Richard W. White  
Historical Commission

Francis A. Bryant  
Selectman

James A. Galt  
Selectman

Mildred M. Mullen  
Historical Commission

Tom Pate  
Selectman

Commonwealth of Massachusetts

Oct 26, 1991

Then personally appeared the above name Eleanor S. Tripp and acknowledged the foregoing instrument to be her free act and deed, before me,



Richard P. Desjardins  
Notary Public  
My Commission expires 6/7/96

Approval by the Massachusetts Historical Commission

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

John B. McDermott  
Executive Director and Secretary  
Massachusetts Historical Commission

Commonwealth of Massachusetts,

Suffolk, SS

December 3, 1991

Then personally appeared the above named Judith M. Tomp and acknowledged the foregoing approval to be the free act and deed of the Massachusetts Historical Commission, before me

Elsa M. Fitzgerald  
Notary Public  
My Commission expires

10/18/96



Received & Recorded Jan 17, 1992 at 2 hrs. 20 min. P.M.

Attest: John E. Ames Register