

## DUXBURY HISTORICAL COMMISSION

TOWN CLERK  
Approved <sup>2023 AUG 21 2023</sup> Aug. 16, 2023 5:57  
DUXBURY, MASS.

Minutes: July 18, 2023

Present in person: Tag Carpenter, Chair, Arthur Evans and Brendan Wall.

Present by remote: Chris Andrew, Andrew Burns, Michael Carlson and Ed Mayo.

*Note: the numbering below is chronological and may not correspond to agenda item numbering.*

This was an in-person meeting with a hybrid option. Mr. Carpenter called the meeting to order at 7:05 PM and confirmed that remote members present could be heard by calling for a roll call. He then read the following preamble:

*Pursuant to Chapter 2 of the Acts of 2023, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided, the meeting/hearing will not be suspended or terminated if there are technological problems, unless required by law.*

1. Open Forum. Nothing brought forward.
2. Minutes. Minutes of the June 21, 2023 meeting were approved by a 7-0 vote.

3. Public Hearing: 5 Hummock Lane, 1943, total demolition.

The Chair opened the public hearing. Jessica Williams, architect, was present representing the owners; none of the 64 abutters attended. Ms. Williams explained that while the present structure was intact, it is a summer cottage only and the owners want to convert it to a year-round residence. To do that they need to demolish the present house and build a new one on stilts that would be up to code. Ms. Williams noted other structures in the neighborhood have been similarly rebuilt and said the applicant has received letters of support from neighbors. The Chair closed the public hearing.

Commissioners concluded that while the cottage at 5 Hummock Lane is quaint in a way, the historical significance of this period is debatable, and this example lacks any ornamentation or identifiable style with established architectural preservation value. A motion was made and seconded that it does not meet the criteria of the bylaw and demolition should not be delayed. Passed 7-0.

4. New Demolition Delay Applications.

a. 338 Washington Street. The Ahira Wadsworth House, (DUX.18) 1803. Partial demolition/addition.

Owners propose to add to an existing rear addition to create a master suite. The roof of the existing addition will be replaced; new windows will match those in the existing home. Commissioners found this a minimal renovation that would not affect the historic nature of the house. It was moved and seconded that the demo delay bylaw does not apply. Passed 7-0.

b. 70 Soule Avenue, Duffy Cottage (DUX.524), ca. 1940, total demolition.

Stephan Delano, owner was present via remote dial-in, and had no comment. The cottage has not been occupied for five years and the envelope appears to have been compromised. It was noted that Duxbury's bylaws do not require buildings in a deteriorated condition be razed; only the fire commissioner can post a warning notice. Moved and seconded the structure at 70 Soule Avenue does not meet the criteria of the demo delay bylaw, and a demolition hearing is not required. Passed 7-0.

5. McLaughlin Pier, 685 Washington Street.

Kathy Palmer of the Friends of the Bluefish River was present and gave a brief overview of the history of this case. Her husband's stepfather had gifted some of the marsh land on this property, with a covenant that it would not have a pier built on it. This led to a lengthy discussion of the situation, summarized as follows.

The present owner, J.G. McLaughlin, originally applied to the Conservation Commission for permission to build a pier in 2012 but was denied. He applied a second time and was denied again, but the decision was not delivered on time, and thus not enforceable. He then applied to the ZBA and was once again denied permission. Mr. McLaughlin went to the Land Court in Boston, which annulled the ZBA's decision and ordered the ZBA to issue a permit. The Town of Duxbury appealed this. The Appeals Court supported most of the Land Court's reasoning, short of immediately issuing the permit. The matter was remanded to the ZBA via the Land Court with direction to complete the process, including a determination of any conditions that would be appropriate "to protect the interests targeted by the Wetlands Protection Overlay District (WPOD)." A ZBA hearing will be held in September to consider the matter again, especially Section 906 of Duxbury's bylaws that deals with the importance of scenic views from a public way.

Commissioners had an extended discussion of this situation, of the pros and cons of piers in general and of this one in particular, noting the proposed pier would be on a marsh that is considered by many to be the most scenic view in Duxbury and is in a National Historic District. This indicates that formal a review by the Army Corp of Engineers under Section 106 of the National Historic Preservation Act is legally mandated. The Historical Commission acknowledged that it could choose either to do nothing about this or get involved in some way. The Chair discussed his understanding of the existing State and Federal enforcement regime, which relies on the local permitting authority to drive compliance with the law. A motion was then made and seconded that it is the legal responsibility and role of the Historical Commission to request that the Army Corps of Engineers perform a Section 106 review of the aesthetic impact of the proposed pier at 685 Washington Street on the Old Shipbuilders Historic District. Passed 7-0. The question of how the recommendation might be worded and when it should be made will be discussed at the next HC meeting.

6. Signing of the Historic Preservation Restriction for the Isaac Simmons Farm at 761 Temple Street. Sale of the house was completed June 29 when all documents were signed. The new owners are away at present, so no further information was available. Affordable Housing plans to send out an RFP in August for the structures it proposes to build on its share of the property.

7. Planning Alternatives to Demolition Meetings:  
Not discussed because of time restraints.

8. Demolition Delays in Effect:

- a. *Delano House at 474 Franklin Street, expires Feb. 15, 2024.* Mr. Mayo, who volunteered to follow-up on these delays, is still attempting to arrange a meeting with the owner or his eldest son who is listed as the contact person.
- b. *Joshua Ford House and Barn at 1335 Tremont Street, expires April 12, 2024.* Jonathan Mark, realtor and local builder who sold this property to the present owner, J. R. Kent, has met with him to consider alternatives. The owner is still undecided about what to do; discussions will continue.

9. CPC Update. Nothing new reported.

10. LHDC Update. Commission members continue to explore possible new districts.

11. Motion to Adjourn

A motion to adjourn was moved and seconded at 8:43 PM. Passed 7-0.

New Materials Received:

1. Demolition Delay Application for 338 Washington Street dated June 29, 2023.
1. Demolition Delay Application for 70 Soule Ave dated July 10, 2023.
2. Email from K.B. Palmer dated 07/18/2023 re: Appeals Court decision in McLaughlin pier case.

*Minutes Prepared and Submitted by Arthur B. Evans, Clerk*