

Minutes: September 18, 2019

Present: R. Tag Carpenter, Vice-Chair, Michael Cole, Arthur Evans, Sheila Lynch-Benttinen, Ed Mayo, and Nicole Walters. Robert C. (Terry) Vose, Chair, was absent.

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

Vice-Chairman Carpenter called the meeting to order at 7:01 PM.

**1. Open Forum.** The E.H. Critchett-James Otis House (DUX 674) at 339 Powder Pt. Ave. is for sale.

**2. Minutes.** Consideration of the minutes of the Sept. 4 meeting were postponed to the next meeting pending revisions.

**3. Demolition Delay in Effect.** *308 Summer Street, complete demolition.* Delay expires October 6, 2019. No new information reported.

**4. Pending Demolition Delay Applications.**

a. *208 Myrtle Street, ca.1850, Joel Peterson House, Complete Demolition.*

Discussion followed the public hearing held on Sept. 4. Nathan Popolosky, contractor, was present and said that if a 12 month demolition delay was imposed, owners would cancel their plan to build a new single-family home, move elsewhere, demolish the barn as well as the house, and build a three home development on the site. Commissioners, noting the property met two criteria of the By-law, asked for evidence such as engineering reports, structural evaluations, etc. about why the structure could not be restored. A motion to impose a twelve-month demolition delay passed with 5-0 with 1 abstention. A letter to the owners informing them of this decision will be sent immediately.

b. *761 Temple Street, Isaac Simmons House, ca. 1696, complete demolition.*

Nathan Harrington, owner, was present to answer questions raised at the previous DHC meeting, specifically why he filed a demolition application when the buyer of the property, Banner Construction Co., is on record saying it wants to preserve the house. The simple answer: a clause in the purchase and sale agreement requires it. The historic significance of the property was again discussed briefly with Commissioners in agreement the house is a regulated structure that meets all criteria of the By-law. A motion to hold a public hearing on the demolition application passed 6-0. The hearing will be held October 16.

**5. New Demolition Delay Applications.**

a. *9 Elder Brewster Road, ca. 1914, demolition of shed.*

Application is for demolition of metal shed and wooden bath house; owner said at walkaround the bath house would be moved and only the shed torn down. A motion that neither structure met the criteria of a regulated structure covered by the By-law passed 6-0.

b. *44 River Lane, ca. 1830, (DUX 116) partial demolition/renovation*

Main demolition would be to repair a damaged foundation under the addition on the left side of the house; other renovations would correct framing, change some windows, and remove a porch. Replacements would be with period appropriate pieces; main house would stay as is. Primary concern was how renovations might affect the “perfect tree” on the property; local residents in attendance were vocal about this, even though it is outside the purview of the DHC. One noted a chimney on the west side of the main house had recently been torn down, which was not mentioned in the demolition application nor in the site visit. Commissioners had more questions than answers, and voted to postpone consideration of the application until the next meeting. Passed 6-0. The owner will be asked to attend.

**6. Discussion of Demolition Delay By-law.** The Clerk will ask the Planning Director for the proper version of the revised By-law that should be distributed to the public.

**7. 761 Temple Street Discussion.** The Selectmen voted Sept. 16 to rescind their July 15 vote not to exercise the right of first refusal on 13.08 acres of this property that was classified as agricultural land under state law Chapter 61A. The seller must now make a bona fide offer to sell this part of the property to the town, which, can again exercise its right of first refusal. The portion of the property with the house and shed would be sold separately. Commissioner Lynch-Benttinen volunteered to prepare and submit an application for the property to be listed on the National Register of Historic Places.

**8. Envision Duxbury.** The Clerk will circulate the latest draft of a letter proposed by Ms. Lynch-Benttinen commenting on the final draft of the Envision Duxbury Master Plan. Comments are due to the Planning Director by October 1.

**9. Revision of Commission’s Rules and Regulations.** These have been submitted to the Town Manager and Town Planner for review and approval.

**10. CPC.** Applications for items to be considered at the 2020 ATM are due Oct. 15.

**11. Motion to Adjourn.** Made and seconded at 8:20 PM. Passed 6-0.

New Materials Received:

1. Complete Demolition Application dated September 9, 2019 for 44 River Lane.
2. Complete Demolition Application dated August 22, 2019 for 9 Elder Brewster Road.

*Minutes prepared and submitted by Arthur B. Evans, Clerk*

