

# Final Report

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Town of Duxbury  
Local Historic District Study Committee

12/07/2010

## Summary Sheet

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**Local Historic District Study Committee:**

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**Planned date of Public Hearing:** November 22, 2010

**Date of Town Meeting:** Begins March 12, 2011

**Total Number of Properties in Proposed District:** 13 (excluding adjoining lots)

**Website:** [www.duxburylhd.org](http://www.duxburylhd.org)

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## INTRODUCTION

### Duxbury History

The area now known as Duxbury was inhabited by Native Americans as early as 12,000 to 9,000 B.C. By the time European settlers arrived here, the region was inhabited by the Wampanoags who called the area Mattakeesett, meaning “place of many fish.” Here the Native Americans cleared land for crops, hunted game both small and large, and fished along the many brooks.

In 1620, the English settlers known as the Pilgrims established their colony in Plymouth. Seven years after their arrival, the colonists divided land along the shore of Cape Cod Bay, allotting large farms to each household. Thus, the coastline from Plymouth to Marshfield was parceled out and many settlers began moving away from Plymouth.

Some of the most influential men in the colony received grants in what would become Duxbury. These included Captain Myles Standish, Elder William Brewster and John Alden. In all, approximately 20 families comprised the first settlers of Duxbury. Before long, they petitioned the colony to be set off as their own town and Duxbury was incorporated in 1637.

Until the late 18<sup>th</sup> century, Duxbury’s history was generally defined by modest agricultural pursuits. The town’s quiet history was interrupted in the 1770s by the American Revolution. In the years leading up to the war, the community had little tolerance for loyalists. Research has shown that nearly all able bodied men in Duxbury served the revolutionary cause at some point during the war.

The most remarkable period in Duxbury’s history, the shipbuilding era, began immediately after the Revolution. Following the Treaty of Paris, the newborn nation was granted fishing rights on the Grand Banks. Several families took advantage of the new opportunity and began to build large fishing schooners. Soon, as foreign nations began to ease trade restrictions, Duxbury mariners found that they could trade all over the world. The schooners built in the 1790s gave way to larger brigs and ships designed for international trade. The builders of fishing vessels soon became owners of merchant fleets, and Duxbury prospered.

By the 1840s, Duxbury boasted about 20 shipyards and was the largest producer of sailing vessels on the South Shore. With an average of ten vessels built every year between 1790-1830, the accomplishments of the Duxbury shipbuilding families rank among the more significant in Massachusetts maritime history.

Among these families were the Winsors and the Bradfords. The Winsors, bold entrepreneurs, were one of the first Duxbury families to begin the construction of fishing vessels immediately after the Revolution. By 1815, the family had delved into international trade and owned a large fleet primarily overseen by Nathaniel Winsor, Jr., who built a stately mansion at the corner of Washington and Harrison Streets. The

Bradfords were not ship builders but ship captains. Three Bradford brothers, Gamaliel, Gershom and Daniel, captained Boston and Duxbury vessels during the dangerous era of the Quasi-War with France and the years leading up to the War of 1812. In the Mediterranean and Atlantic, the brothers fought off attacks by French privateers and endured capture by the British Navy.

There are few physical traces of Duxbury's remarkable shipbuilding industry today. The era has nonetheless left a legacy in the many fine federal houses that now collectively serve to define the town's character. Along Washington Street, Tremont Street, and Powder Point Avenue, one can view the homes of Duxbury shipwrights, sailors, master mariners and merchants. Many of the homes are in a remarkable state of preservation.

Another key aspect of Duxbury's historic character resulting from the shipbuilding era are several public buildings in the Greek Revival style. Just as the prosperity of Duxbury merchants reached its zenith in the 1830s, a new and bold architectural style was taking hold in the United States. When a group of Duxbury merchants decided to reconstruct the First Parish Church on Tremont Street in 1840, it was designed in the Greek Revival style. The adjacent Town House, also constructed in 1840, and the town's first secondary school, Partridge Academy, constructed in 1844, were also designed in the Greek Revival style. The three buildings, side by side, formed a striking triumvirate of church, government and education. The two surviving buildings, the First Parish Church and the Town House, represent the pinnacle of Duxbury's maritime prosperity.

The shipbuilding era in Duxbury ended as quickly as it began. By the 1850s sailing vessels were made obsolete by other modes of transportation such as steamships and railroads. While other Massachusetts towns grew, Duxbury went into a long economic decline.

There was, however, a silver lining. By the 1870s, Duxbury's rural character and unspoiled bay began to attract summer visitors. Duxbury soon gained a reputation as an idyllic summer resort. With the completion of the Duxbury and Cohasset railroad line, large numbers of city-folk from Boston could pay their \$1.50 for a round trip ticket and enjoy Duxbury's refreshing environment. The Myles Standish monument, completed in 1898, was a result of this tourist influx.

This pattern continued in Duxbury well into the 20<sup>th</sup> century. It was not until the construction of Route 3 that transportation to Boston became expedient and the town's population exploded with the arrival of thousands of year-round residents.

## **Historic Districts**

There are substantial differences between a Local Historic District and a National Register District. For a more detailed discussion, see <http://www.sec.state.ma.us/mhc/mhcpdf/difference.pdf>.

## **National Register Districts**

A National Register District is part of the National Register of Historic Places. The National Register of Historic Places is the list of individual buildings, sites, structures, objects and districts, deemed important in American history, culture, architecture or archeology. It is a federal designation and is administered by

the Secretary of the Interior through the Massachusetts Historical Commission at the State Historic Preservation office.

A listing in the National Register:

- Recognizes that the area is important to the history of the community, state or nation;
- Allows the owners of income-producing properties certain federal tax incentives for rehabilitation; and
- Provides limited protection from adverse effects by federal or state involved projects.

If there is not state or federal involvement in a project (such as federal licenses, permits or funding) and no pertinent local or regional regulations (such as a local historic district), then listing on the National Register of Historic Places does not in any way limit an owners handling of the property.

There are over 900 National Register Districts in Massachusetts, including the Shipbuilders District in Duxbury. The Old Shipbuilder's Historic District is a 287-acre historic district, which includes both sides of Washington Street extending from Hall's Corner to Powder Point Avenue, including several side streets off of Washington and a small portion of St. George Street and Powder Point Avenue. The district was added to the National Register of Historic Places in 1986. In 1986, the district included 143 buildings deemed to contribute to the historic character of the area.

### **Local Historic Districts**

In general, local historic districts are far more effective at preventing inappropriate changes than a National Register District. In a local historic district, a locally appointed Historic District Commission reviews proposed changes to exterior architectural features visible from a public way. For instance, if a building addition is proposed in a local historic district, the property owner must submit an application to the Historic District Commission. The Historic District Commission holds a public hearing and makes a determination on whether the new addition is appropriate. If the addition is deemed appropriate, the Historic District Commission issues a Certificate, allowing the work to proceed. Many Historic District Commissions prepare *Historic District Guidelines* that clarify how proposed projects should respect the existing historic character.

The benefits of local historic districts are many.

- Local Historic Districts can be credited with saving the character of many areas in Massachusetts.
- Local Historic Districts provide protection from demolitions and inappropriate remodeling.
- Local Historic Districts provide assurance that the historic built environment will be there for future generations to enjoy
- Local Historic Districts provide a visual sense of the past.
- Local Historic Districts create pride in the community.
- Local Historic Districts create neighborhood stabilization
- Local Historic Districts provide schoolchildren with educational opportunities.

Historic districts do not prevent all changes from occurring, nor do they prevent all demolition, new construction or development. The intent is to make changes and additions harmonious, and prevent the intrusion of incongruous elements that might detract from the aesthetic and historic values of the district. Historic district commissions are only allowed to review changes to exterior architectural features visible from a public way. The ordinance or bylaw creating the district may also exclude certain categories from review; most frequently these are paint color, storm windows and doors, and window air conditioning units. The purpose of a local historic district is not to halt growth, but to allow for thoughtful consideration of change.

Although historic districts had been created in other parts of the United States prior to the Second World War, in Massachusetts the first local historic districts were not established until the 1950's, and then only pursuant to special legislation. In 1960, the Massachusetts Legislature enacted Chapter 40C of the General Laws, entitled the Massachusetts Historic District Act. It provided general authorization for Massachusetts cities and towns to establish local historic districts. The express purpose of Chapter 40C is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of buildings and places significant in the history of the Commonwealth, its cities and towns, or their architecture. It also provides for the maintenance and improvement of settings for such buildings and places, as well as the encouragement of designs compatible with the surrounding environment.

There are now over 200 local historic districts in Massachusetts, and these districts have proven effective at saving historic structures, neighborhoods, and villages from inappropriate alteration and demolition. By establishing local historic districts, a community recognizes the importance of its architectural heritage, and how fragile and vulnerable that heritage is.

While Duxbury is a late adopter of such a district, many other towns in the region have added local historic districts, with Hingham being a notable example. Hingham's six districts date back to 1966 with the establishment of the Lincoln Historic District as the first, and extended to the implementation and expansion of five others in intervening years, comprising hundreds of properties.

Communities such as Hingham have found that local historic districts offer significant benefits to the community. They preserve the architectural heritage by protecting the structures and open spaces, its churches, its commercial buildings and homes. Historic districts also preserve the fabric and character of neighborhoods. In the case of Duxbury, as with Hingham and others certain of the neighborhoods have undergone many changes and modifications, but still reflect their 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> century origins. This is a visual and tactile component of what makes a community like Duxbury remain exceptional, in particular following eras where the significance of both classic and contemporary design to the built environment within which we live has not been emphasized.

## **METHODOLOGY**

Today, the need to guide future changes in the sensitive areas of Duxbury is critical. Remarkably, many of our neighborhoods have remained largely intact since the early part of the 20<sup>th</sup> century – bad economic

times of the mid 19<sup>th</sup> and early 20<sup>th</sup> centuries, and the difficulty of daily travel to Duxbury prior to the construction of Route 3 removed many of the pressures of modernization and demolition that other communities have experienced. Exhaustion of undeveloped land, modernization of the highway system, the restoration of commuter rail serves and other factors conspire to increase the pressure on these signal components of the community.

The Duxbury Local Historic District Study Committee was appointed by the Selectmen of the Town of Duxbury at the request of a Duxbury resident. The Selectmen made the appointments to the committee following the procedure set out under M.G.L. Chapter 40C, which requires that where possible, membership include nominees from the following organizations: Local Historical Society, Board of Realtors and the American Institute of Architects. This committee was so formed, with a representative from the Duxbury Rural and Historical Society, one from The Duxbury Historical Commission, two members of the Plymouth County Board of Realtors, and four active participants who are members of the AIA and the Boston Society of Architects.

The Local Historic District Study Committee met approximately twice a week starting in May of 2009, both in the form of administrative meetings to consider the general nature of a district appropriate for the Town of Duxbury, larger meetings more on the order of public forums and presentations, and small meetings with residents of the areas under consideration for inclusion in a district. While by far the majority of the feedback and input from attendees was positive, concerns were raised about the mechanics of local historic districts in operation. The Committee was also provided with feedback from residents of the local historic district proposed some years back about the importance of listening to the community, and ensuring that any proposed district was supported by the residents directly affected.

This report in preliminary form was filed with the Massachusetts Historical Commission on September 22, 2010, and the report was accepted by the MHC on that date. On October 18, 2010, the MHC issued a letter containing some “advisory recommendations and comments”, the bulk of which were included in this Final Report.

As required under M.G.L. Chapter 40C, a formal public hearing was held November 22, 2010 for the purpose of presenting the Preliminary Report to the residents of the Town of Duxbury, and discussing and concerns or proposed changes. At this hearing, a limited number of comments were received, uniformly positive and encouraging, and primarily focused on the need to ensure continuing educational and outreach efforts prior to the Annual Town Meeting.

Also, on November 13, 2010, an informal meeting was held at the Nathaniel Winsor, Jr. House to which all residents and owners of affected properties were invited to discuss the impact of the proposed LHD on them. This meeting was lightly attended, but those in attendance did ask many relevant questions, and voiced their continued support for the proposed Districts.



## **NEIGHBORHOOD INTEREST**

The threshold question under consideration, given the passage of some fifty years since the adoption of the enabling legislation for local historic districts, was “Do the residents of the Town of Duxbury *want* local historic districts in the Town?” In answering this question, the goal of the committee was to identify first and foremost possible districts where the residents of those districts answered the question with the answer of “yes”. This process was examined some years back in the Town, with the answer at the time having been “no”, the sense being at the time that the interests and concerns of residents of the proposed district at the time had not been fully considered and factored into the process. The committee was therefore particularly sensitive to this issue, and has attempted to deliver for consideration two districts in which the support of the property owners was unanimous and heartfelt.

Joining in the process is the Duxbury Rural and Historical Society through the inclusion of two of its flagship properties in the proposed local historic districts. These properties are the Nathaniel Winsor, Jr. House, the headquarters of the Society, and the Gershom Bradford House, operated by the Society as a museum, along with approximately ten acres of open space attendant to the Bradford House. Both properties enjoy totally preserved status under the Massachusetts Building Code, and have been the recipients of much attention and considered stewardship by the Society over the years of their ownership. The Society has not only consented to the inclusion of these properties, but has enthusiastically embraced the process as consistent with their mission.

## **REPORT DOCUMENTATION**

The basic research for this study report derives from historic building survey forms prepared for the Duxbury Historical Commission. This study report also relies on and incorporates documentation from primary source research conducted by the staff and volunteers of the Duxbury Historical Commission and the Duxbury Rural and Historical Society over the years, deed records, town atlases, tax lists and directories.

## **PUBLIC HEARINGS AND TOWN MEETING**

As noted above, a formal public hearing was held November 22, 2010 for the purpose of presenting the Preliminary Report to the residents of the Town of Duxbury, and discussing and concerns or proposed changes. At this hearing, a limited number of comments were received, uniformly positive and encouraging, and primarily focused on the need to ensure continuing educational and outreach efforts prior to the Annual Town Meeting. The proposed local historic district will be considered at the Spring, 2011 Town Meeting, which begins on March 12, 2011.

## **HISTORICAL SIGNIFICANCE**

### **The Winsor Local Historic District**

The district is located at the historically significant crossroads of Washington and Harrison Streets in the Snug Harbor neighborhood on the Duxbury waterfront. The four Federal period houses at this

intersection (three of which are to be included in the district) are prominent and iconic, representing the gateway to the Snug Harbor business area immediately to the south and the town pier and waterfront directly to the east. The intersection also lies at the heart of the Old Shipbuilder's National Historic District (NRHP #86001899) and embodies the characteristics of Duxbury during the community's heyday as a center of shipbuilding and maritime commerce.

Washington Street was first laid out in 1798 as part of a plan by several up-and-coming shipbuilders to create better access to the shoreline and allow convenient placement of shipyards, stores and wharves. Immediately after its construction, sea captains, shipwrights and merchants began building attractive homes on Washington Street. The shipyards and wharves are now gone but the houses remain and collectively provide a sense of the character of early 19th century Duxbury. The street is now one of Duxbury's most valued historic resources.

Historically, the land on the east side of this intersection belonged to the Winsor family. In the late 18<sup>th</sup> century, they were among the first Duxbury families to venture in the Grand Banks fishery and, by 1800, the family had built a significant fishing fleet as well as several ships constructed for trans-Atlantic trade. The Winsors owned the largest of Duxbury's fleets and employed a significant number of Duxbury residents as mariners, wharf hands, and carpenters. They were the catalyst, in large part, for the decades of prosperity Duxbury would experience during the early 19<sup>th</sup> century.

The land on the southwest side of this intersection belonged to the Sprague family. The patriarch of this family was Seth Sprague, Sr., a shipbuilder, representative to the General Court and, in his old age, an antislavery activist. Although Sprague's maritime operations were not as expansive as the Winsors', they were successful enough to propel his children into prestigious careers. Among his several sons were Judge Peleg Sprague, a U.S. Senator and Seth Sprague, Jr., Vice-President of the New England Antislavery Society.

The district consists of three historic properties:

The Seth Sprague, Jr. House stands at 476 Washington Street and was built in 1813. It features an unusual monitor roof. In addition to his activities with the New England Antislavery Society and his association with abolitionist William Lloyd Garrison, Seth Sprague, Jr. was, like his father, a local politician who served on the General Court. He was an active member of the Whig Party and, in 1840, made an unsuccessful run for U.S. Senator on that party's ticket.

The Nathaniel Winsor, Jr. House at 479 Washington Street is the headquarters of the Duxbury Rural and Historical Society. A carver of ship's figureheads, Nathaniel eventually inherited a large portion of the Winsor family mercantile enterprise. His house, constructed in 1807, has been referred to in local histories as Duxbury's "most architecturally significant" and "most elegant" house. The high Federal style of the building is unusual in Duxbury and reminiscent of the designs of Charles Bulfinch and Asher Benjamin.

The house at 489 Washington Street is known as the Thomas Winsor House after the merchant who owned the building in the early 19<sup>th</sup> century. He was a cousin of Nathaniel Winsor, Jr. and also inherited a portion of the family operation. The house may date as early as 1780 and is historically significant in that the original wing is not oriented towards Washington Street but southward to Mattakesett Court indicating that it is probably among the few Washington Street houses along constructed before the street itself was laid out.

### **The Bradford Local Historic District**

The district is centered on the intersection of Harrison and Tremont Streets. This crossroads held special significance to the early inhabitants of Duxbury. Its centrality (given that most families lived within a mile of the shore) made it the logical site for the town's first one-room schoolhouse, constructed in 1715. The intersection was also chosen, in the years leading up to the Revolutionary War, as the site for the town's Liberty Pole.

The bulk of the district consists of land that was, in the late 18th century, the farm of Col. Gamaliel Bradford. A veteran of the French and Indian War, Bradford was among Duxbury's most prominent citizens during the Revolutionary era and commanded a regiment of the Continental Army. Late in life, Bradford divided his farm between three of his sons: Gamaliel, Jr., Gershom and Daniel. The three houses they built on their respective divisions of the property are among the most historically and architecturally significant in Duxbury.

The district contains houses dating to three different periods of Duxbury's history. The varying architecture of these houses is illustrative of the rise of Duxbury's maritime economy in the late 18<sup>th</sup> to mid 19<sup>th</sup> centuries. The properties along the southern edge of the district, situated on the farm once belonging to carpenter Enoch Freeman in the late 18<sup>th</sup> century, were built about the time of the American Revolution in the simple Cape Cod style, prior to the town's economic boom. The houses in the center of the district, on the former Bradford farm, epitomize the town's rising prosperity during the Federal era. Finally, the two houses on the northern edge of the district, built in the Greek Revival style, represent the peak of Duxbury's shipbuilding era.

The Bradford District also serves to compliment the First Parish Church Historic District in that three of the houses are closely connected with the church's history.

Historic structures within this district include the following:

The 1808 Capt. Gershom Bradford House at 931 Tremont Street and its accompanying 10 acres of woodland lie at the center of the district (parcel #1 on attached district plan). The property is now maintained by the Duxbury Rural and Historical Society as a museum. It was of interest to the Society not only because the house was in a remarkable state of preservation, but also due to the fact that acquisition of the woodland on the southeast corner of this prominent intersection would help to preserve the rural character of the town. The Society, over its 125-year history, frequently acquired property at significant intersections to control commercial development and protect historic structures. The establishment of the Bradford Historic District would represent an extension of this effort.

The 1847 Capt. Freeman Soule House at 987 Tremont Street (parcel #2) is unique in the Bradford District in that it is constructed in an elaborate Greek Revival style. The shipbuilding era in Duxbury peaked in the early 1840s with the construction of numerous vessels of tremendous size. The Ship *Hope*, launched in 1841 and belonging to Ezra Weston, Jr. (the town's greatest shipping magnate, also known as "King Caesar"), was the largest merchant vessel built in New England up to that time. The captain of the *Hope* for many years was Freeman Soule. Evidently well respected by the town's leading merchant firm, Soule further enhanced his standing as a master mariner by making several record-breaking shipments of cotton from New Orleans to Liverpool in the 1840s. By 1847, Soule apparently desired to build a house that reflected his success. Greek Revival architecture in Duxbury is symbolic of the apex of the maritime era. With the arrival of the style in the 1830s, Duxbury merchants and sea captains gravitated towards the new mode of architecture in an effort to display their worldliness. Greek Revival architecture is comparatively rare in Duxbury, however, due to the fact that the town's maritime economy collapsed very shortly after the style's introduction.

Also built during this era, although lacking the grand Greek Revival elements of the Soule House, is the 1831 Rev. Benjamin Kent House at 992 Tremont Street, also known as the Parish House (parcel #3). Benjamin Kent was adjunct minister of the First Parish Church from 1826 to 1833, acting in the place of Rev. John Allyn who was in poor health. Kent lived there with his family for only two years at which point the house was turned over to another prominent Duxbury citizen, Dr. John Porter, the town's physician. During the mid 19<sup>th</sup> century, the house was owned by Samuel Stetson, an attorney. Also on this property is a small building of undetermined age which may have served as a schoolhouse in the early 19<sup>th</sup> century and also as Samuel Stetson's law office. It is located near the site of Duxbury first schoolhouse, constructed in 1715 and long since removed.

The 1807 Capt. Gamaliel Bradford House at 942 Tremont Street (parcel #5) belonged to one of Duxbury's heroes of the Quasi-War with France. Gamaliel Bradford survived two engagements with French privateers, despite wounds that required the amputation of his leg. His home is constructed in a high Federal style and is architecturally unique in Duxbury. In the mid 19<sup>th</sup> century, the house belonged to Rev. Josiah Moore, pastor of Duxbury's First Parish Church and a leading citizen of Duxbury during the antebellum and Civil War eras. In the early to mid 20<sup>th</sup> century, the house belonged to Charles Bittenger, a notable artist who was engaged by the United States military to help develop naval camouflage prior to World War II.

907 Tremont Street (parcel #8) stands on land acquired by Enoch Freeman, mentioned above, from Jonathan Chandler in 1789. Although further research is required, it seems the house was built around 1790 for Enoch's son, also named Enoch Freeman. A carpenter of modest means, Enoch Freeman, Jr. built a house typical of the era, before Duxbury's maritime activities radically altered the economic and architectural history of the town.

The 1832 Daniel Loring House at 915 Tremont Street (parcel #9) was built by a house painter on land that had formerly been part of the Enoch Freeman farm. It was originally a smaller structure and enlarged by residents in the 19<sup>th</sup> century by adding an outbuilding onto the main structure. In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, the house belonged to Elisha Peterson, an undertaker. His widow bequeathed the house to

the First Parish Church in the mid 20<sup>th</sup> century. It is therefore one of two houses in the district known as the “Parish House.”

The c. 1808 Capt. Daniel Bradford House at 251 Harrison Street (parcel #11) sits on a portion of the 18<sup>th</sup> century Bradford farm. It is an excellent example of the Federal style and typical of the houses of successful sea captains in Duxbury during the period. Daniel Bradford, like his two brothers, captained merchant vessels during dangerous era of the Quasi War with France and the years leading up to the War of 1812. In 1809, Daniel Bradford was captain of the *Hercules*, a merchant vessel which nearly sunk during a storm and then was seized by privateers. Upon return to Duxbury, Bradford abandoned the sea and moved, in 1811, to New Hampshire to take up farming. For the remainder of the 19<sup>th</sup> century, the house was occupied Jacob and Moxon Smith, two generations of Duxbury sea captains.

### **The First Parish Church Local Historic District**

The 1840 First Parish Church at 842 Tremont Street is one of Duxbury most recognizable and treasured landmarks. It’s Greek Revival architecture expresses the affluence and pride of the community during the apex of Duxbury’s shipbuilding era.

In 1783, the First Parish Church (at that time the only congregation in the community) but an impressive structure in the Georgian style near the location of the present church. The congregation had chosen to re-locate their meeting house from its historic location on Chestnut Street next to the Old Burying Ground to what was then a more central location on the highway now known as Tremont Street.

The structure served the congregation well for nearly 60 years. However, during the 1830s, as merchants, shipbuilders and sea captains began to amass significant fortunes, many of the more wealthy parishioners desired a more modern and inspiring meeting house. The present structure was built in 1840, just before the decline of Duxbury’s maritime economy. It was constructed at the same time as the adjacent Town House (now known as the Old Town Hall) and followed soon after by Partridge Academy (the town’s first secondary school which burned in 1933). The three buildings, all constructed in the towering Greek Revival style, formed an impressive triumvirate of church, government and education.

## **JUSTIFICATION OF THE PROPOSED BOUNDARIES**

As with the focus of the Duxbury Rural and Historical Society in early years on the protection of significant intersections of the town, the Local Historic District Study Committee decided to select three initial districts that had a similar focus. These districts were delineated by the existing property lines of the properties most significant to those intersections. Each of these properties has both significant visibility from the public ways they abut, and also provide significant visual impact to the proposed district as a whole. In each of the districts, there is synergy in the properties selected.

In the Winsor Local Historic District, three of the four Federal period properties that face each other across the streetscape were included as a unit. These properties were constructed in the same era, represent a similar economic standing of their builders, and have enjoyed a similar lack of adornment or disturbance in the intervening years.

With the Bradford Local Historic District, the core of the district was the three homes built by one generation of Bradford brothers, Gershom, Gamiliel and Daniel. In addition to these three significant properties that all represent well cared for and significant homes of that period, there are three other period-related houses that are also included in the district, surrounding a significant intersection of high visibility.

The 1840 First Parish Church at 842 Tremont Street is one of Duxbury most recognizable and treasured landmarks. It's Greek Revival architecture expresses the affluence and pride of the community during the apex of Duxbury's shipbuilding era.

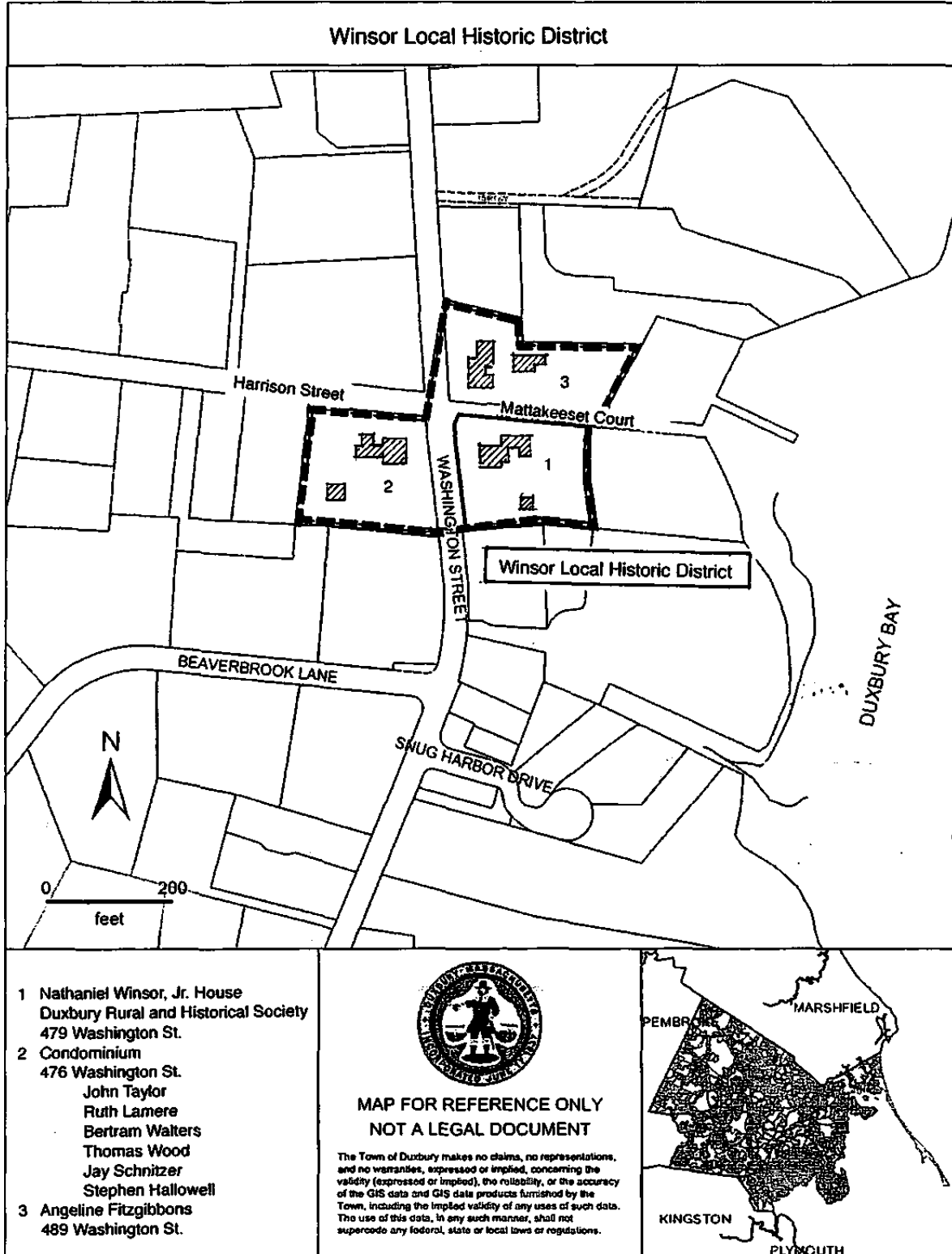
Other areas were considered for districts, with varying degrees of review. Areas of Washington Street, Cove Street, Surplus Street, High Street and others were considered, but not pursued for the proposal of the initial local historic districts. Reasons for this included:

- Lack of interest or opposition by property owners within the logical district;
- Concern about attempting to do too much in the initial proposal;
- Desire to provide an opportunity for a district that was desired by its property owners to serve as a teaching tool to the residents of the town about the operation of a local historic district; and
- A desire to utilize existing historical research and information in the initial proposal.

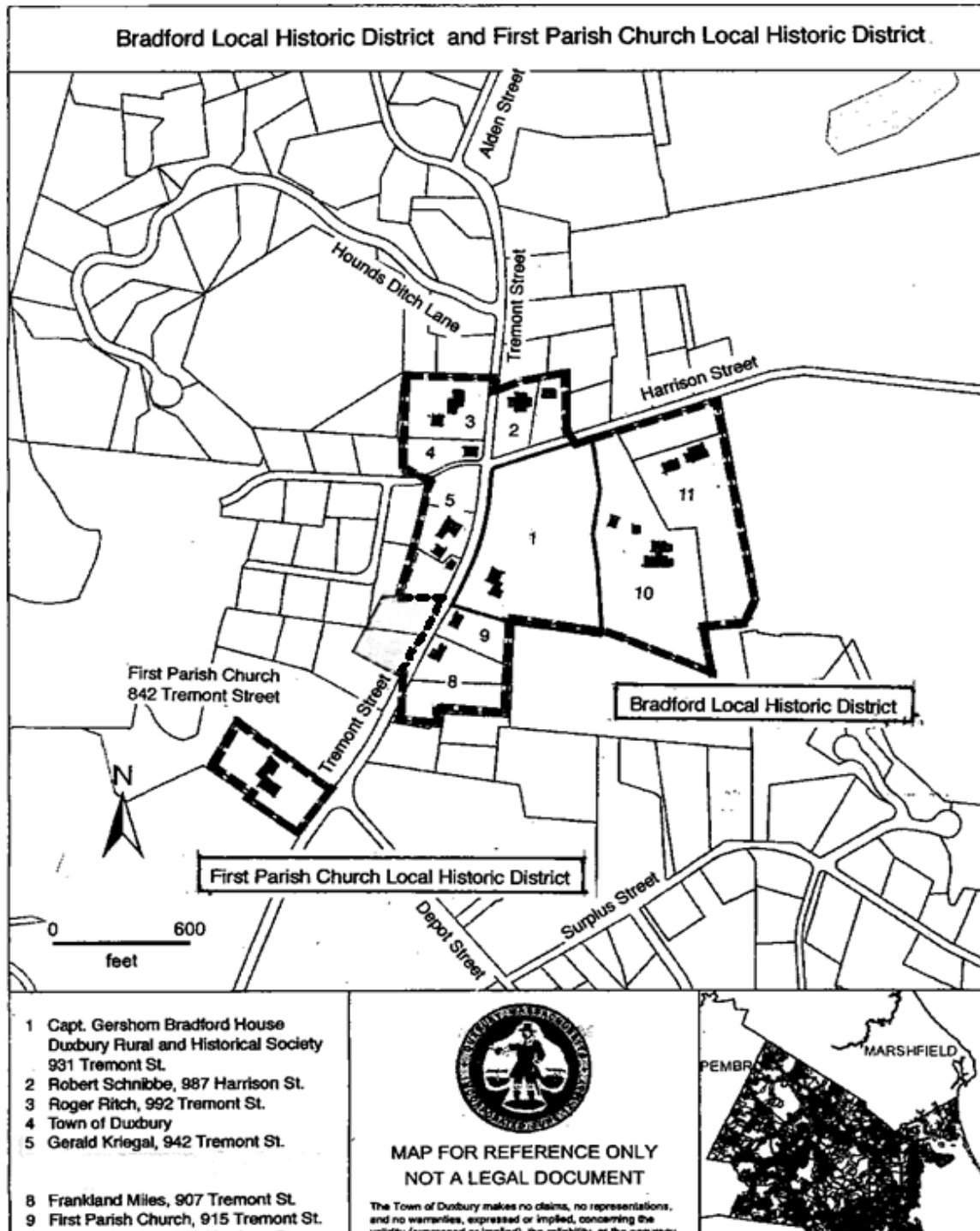
It is the expectation of the Local Historic District Study Committee that in years to come the benefits in operation, both to the Town as a whole and the properties within the local historic districts, will drive other neighborhoods to seek designation as local historic districts, and enjoy the protections so afforded.

# MAPS

## Proposed Winsor Local Historic District



## Proposed Bradford and First Parish Local Historic Districts





## PROPERTY STREET ADDRESS INDEX

### Proposed Bradford and First Parish Local Historic District

Assessor's Parcel Number	Owner	Property Address	Map Reference	Inventory Form #	Date of Construction	Architectural Style	National Register Property
190-404-000	Duxbury Rural and Historical Society	931 Tremont Street	1	29	1808	2 story Colonial New England	Yes
180-003-001, -002	Robert Schnibbe, Jr., et ux	987 Tremont Street	2	N/A	1847	Farmhouse	
140-612-000	Roger W. Ritch, et ux	992 Tremont Street	3	274, 475	1831	Federal/Greek Revival	
140-500-001	Town of Duxbury	Tremont Street	4	N/A	N/A	N/A	
140-014-002, -003, -004	Gerald Kriegal, et xu, Trustees	942 Tremont Street	5	3	1807	2 story Colonial	Yes
190-804-001, -002	Franklin W. Miles, Jr., et ux	907 Tremont Street	8	472, 473	Last Qtr. 18th Century	Federal era Cape	
190-463-004	First Parish Church	915 Tremont Street	9	21	1840	Federal/Church	Yes
190-002-000	Howard Lewine, et ux	273 Harrison Street	10	N/A	1772	Cape	
190-003-000	Charles Kane, Jr., et ux	251 Harrison Street	11	9	1808	2 story Colonial	Yes

## Proposed Winsor Local Historic District

Assessor's Parcel Number	Owner	Property Address	Map Reference	Inventory Form #	Date of Construction	Architectural Style	National Register Property
191-139-000	Duxbury Rural and Historical Society	479 Washington Street	1	1	1807	Federal	
182-200-054	Condo Association	476 Washington Street	2	231, 377	1813	Federal	
	<i>Unit A<sup>1</sup></i>	<i>John CR Taylor, et al</i>	<i>Unit A</i>				
	<i>Unit B<sup>1</sup></i>	<i>Ruth Gardner Lamere</i>	<i>Unit B</i>				
	<i>Unit C<sup>1</sup></i>	<i>Bertram L. Walters, et ux</i>	<i>Unit C</i>				
	<i>Unit D<sup>1</sup></i>	<i>Thomas H. Wood, Trustee</i>	<i>Unit D</i>				
	<i>Unit E<sup>1</sup></i>	<i>Jay Jeffrey Schnitzer, et al</i>	<i>Unit E</i>				
	<i>Unit F<sup>1</sup></i>	<i>Stephen Hallowell, et ux</i>	<i>Unit F</i>				
180-177-000	Angeline S. Fitzgibbons	489 Washington Street	3	233, 378	c. 1780	Federal	

<sup>1</sup>The six units listed reflect the ownership of the condominium units contained within the Seth Sprague, Jr. House located at 476 Washington Street.

## RECOMMENDATIONS FOR THE BYLAW

The overriding focus of the Local Historic District Study Committee was that the bylaw focus on an absence of harm. Many elements that are regulated in other more homogeneous local historic districts were not considered for inclusion here, for they are impermanent, and not detrimental in the long term to the character of a proposed local historic district. These elements include:

- Paint color
- Fencing
- The use of modern materials
- Limitation to the use of cedar roof shingles, slate, or other period appropriate materials
- Landscape materials
- Window manufacturers

What was considered to be fundamental to the goal of preserving the resource was:

- the historic and architectural value and significance of the site, building or structure;
- the general design, proportions, detailing, mass, arrangement, texture, and material of the exterior architectural features involved; and
- the relation of such exterior architectural features to similar features of buildings and structures in the surrounding area.

Further, in the case of new construction or additions to existing buildings or structures, the Local Historic District Study Committee felt that consideration should be given to appropriateness of the scale, shape and proportion of the buildings both in relation to the land area upon which the building is situated and in relation to others in the vicinity. Please see the attached “Appendix B - Mythbusters” listing which addressed common concerns about what does and does not require review under the Bylaw.

The Local Historic District Study Committee looked at a variety of options for the appeals process under the Bylaw. Of particular concern was the desire to ensure fairness at all levels of the process, while at the same time minimizing expense and complications. As a result, the appeals process is first of fairly informal nature, with the appeal to an arbitrator. However, in the event that the property owner feels that this second level of review was still at odds with their property rights, the owner has the option to pursue the appeal further in the court system, with an appeal right to the Superior Court as provided under M.G.L. c. 40C § 12A.

The working dynamics of the Local Historic District Study Committee as constituted according to M.G.L. Chapter 40C worked well enough that this committee felt that it would be appropriate for the Local Historic District Commission’s make-up to mirror this. Thus, the proposed Bylaw calls for the membership of the Local Historic District Commission to be of five residents, of which one is a realtor, one an architect, one from the Duxbury Rural and Historical Commission and one a property owner from the districts. In the event that the number of local historic districts in Duxbury is expanded, it is anticipated that the number of members would increase accordingly so that each has a representative on the commission.

# Preliminary Report Appendix A – Local Historic District Bylaw

The Town of Duxbury hereby creates a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws, Chapter 40C, as amended.

## 1. Purpose

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Duxbury, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the historically significant architecture existing in the Local Historic District(s) when this Bylaw was first adopted in 2011. This Bylaw does not seek to establish an architectural museum, but instead to inform concerning the historical process of architectural growth and adaptation to heighten a sense of educated pride in our heritage.

## 2. Definitions

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

- “Alteration” or To Alter**                    The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition and other similar activities.
  
- “Building”**                    A combination of materials forming a shelter for persons, animals or property.
  
- “Certificate”**                    A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship.
  
- “Commission”**                    The Historic District Commission as established by this Bylaw.
  
- “Construct” or “To Construct”**                    The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.
  
- “Display Area”**                    The total surface area of a Sign, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the Sign. The Display Area of an individual letter Sign or irregular shaped Sign shall be the area of the smallest rectangle into which the letters or shape will fit where Sign faces are placed back to back and face in opposite directions, the Display Area shall be defined as the area of one face of the Sign.
  
- “District”**                    The Local Historic District as established in this Bylaw consisting of one or more District areas.

<b>“Exterior Architectural Feature”</b>	Such portion of the exterior of a Building or Structure as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, Signs and other appurtenant exterior fixtures.
<b>“Person Aggrieved”</b>	Such portion of the exterior of a Building or Structure as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, Signs and other appurtenant exterior fixtures.
<b>“Signs”</b>	Any symbol, design or device used to identify or advertise any place of business, product, activity or person.
<b>“Structure”</b>	A combination of materials other than a Building, including but not limited to a Sign, fence, wall, terrace, walk or driveway.
<b>“Substantially at Grade Level”</b>	Located at the existing or altered surface of the earth or pavement which does not/will not exceed one foot in height above the surface of the earth or pavement.
<b>“Temporary Structure or Building”</b>	A Building not to be in existence for a period of more than two years. A Structure not to be in existence for a period of more than one year.

### **3. District**

The District shall consist of one or more District areas as listed in Section 14 (Appendices) of this Bylaw.

### **4. Commission**

- 4.1 The Commission shall consist of five (5) regular members appointed by the Board of Selectmen. When the Commission is first established, two members shall be appointed for one year, two members shall be appointed for two years, and one member shall be appointed for three years. Successors shall each be appointed for terms of three years. Vacancies shall be filled within 60 days by the Board of Selectmen by appointment for the unexpired term. All members shall serve without compensation. The Commission shall elect annually a Chairman and Vice Chairman from its own number and shall appoint a Secretary from within or without its own number. Three members of the Commission shall constitute a quorum.
- 4.2 The Commission shall include among its regular or alternate members, if practical, a Duxbury property owner who resides in each District containing more than one property owner, one Duxbury resident chosen from two nominees put forward by the Board of Realtors covering Duxbury, one Duxbury resident chosen from two nominees put forward by the chapter of the American Institute of Architects covering Duxbury, and one Duxbury resident chosen from two nominees put forward by the Duxbury Historical Society. If within thirty days after submission of a written request for nominees to any of the organizations herein named

insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

- 4.3 The Board of Selectmen may at its sole discretion, appoint up to a maximum of four (4) alternate members to the Commission for three (3) year terms. The available alternate members with the longest continuous length of service as an alternate may be substituted and vote on a one for one basis, in place of any regular member(s) who may be absent or has/have an actual or apparent conflict of interest, or in the case of a vacancy in the regular memberships.
- 4.4 Each member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.
- 4.5 Meetings of the Commission shall be held at the call of the Chairman, at the request of two members and in such other manner as the Commission shall determine in its Rules and Regulations.
- 4.6 A quorum is necessary for the Commission to conduct a meeting. At least three (3) members of the Commission (or Alternate Members with voting rights as to a matter(s) under consideration) must be present.

## **5. Commission Powers and Duties**

- 5.1 The Commission shall exercise its powers in administering and regulating the Construction and Alteration of any Structures or Buildings within the District as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the Commission shall pay due regard to the distinctive characteristics of each Building, Structure and District area.
- 5.2 The Commission, after public hearing, may by vote of two thirds (2/3rds) of its regular members (not to include alternate members) from time to time adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for Certificates, fees, hearing procedures and other matters. The Commission shall file a copy of any such Rules and Regulations with the office of the Town Clerk.
- 5.3 The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Duxbury, may adopt and from time to time amend guidelines which set forth the designs for certain Exterior Architectural Features which will meet the requirements of the District. No such design guidelines shall limit the right of an applicant for a Certificate to present other designs to the Commission for approval.
- 5.4 The Commission shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.
- 5.5 The Commission shall keep a permanent public record of its resolutions, transactions, decisions and

determinations and of the vote of each member participating therein.

- 5.6 The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a District.

## **6. Alterations and Construction Prohibited Without Certificate**

- 6.1 No Building or Structure, or any part thereof, which is within a District shall be Constructed or Altered in any way which affects the Exterior Architectural Features visible to the unaided eye from any point of the public way on which the underlying lot or property has frontage, viewed from a point that is no closer to the Building or Structure than the closest edge of pavement, or paved sidewalk if any, unless the Commission shall have first issued a Certificate with respect to such Construction or Alteration, except as this Bylaw otherwise provides
- 6.2 No building permit for Construction of a Building or Structure or for Alteration of an Exterior Architectural Feature within a District and no demolition permit for demolition or removal of a Building or Structure within a District shall be issued by the Town or any department thereof until a Certificate as required under this Bylaw has been issued by the Commission.

## **7. Procedures for Review of Applications**

- 7.1 Any person who desires to obtain a Certificate from the Commission shall file with the Town Clerk and the Commission an application for a Certificate of Appropriateness or non-Applicability or of Hardship as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application. The date of the filing of an application shall be the date on which a copy of such application is received by the office of the Town Clerk.
- 7.2 The Commission may appoint one or more of its members to initially and privately screen applications for Certificates to informally determine whether any application includes and/or is submitted with sufficient information upon which the Commission may reasonably take its required actions. Within fourteen (14) days following the first filing of an application for a Certificate with the Town Clerk, the Commission or its appointee/s may determine without need for a public hearing, that insufficient information has been provided, in which case the application may be once returned to the submitting party, with written advice as to what was considered to be lacking, and the applicant will then thereafter be required to re-file the application before any further Commission action is required. Any second filing of essentially the same application must be formally acted upon by the Commission as is otherwise provided in this Bylaw.
- 7.3 The Commission shall determine within fourteen (14) days of the filing of an application for a Certificate whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission.
- 7.4 If the Commission determines that an application for a Certificate does not involve any Exterior Architectural Features, or involves an Exterior Architectural Feature which is not subject to review by the Commission under

the provisions of this Bylaw, the Commission shall forthwith issue a Certificate of Non-Applicability.

- 7.5 If the Commission determines that such an application involves any Exterior Architectural Feature subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The Commission shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Duxbury. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the Commission to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice.
- 7.5 A public hearing on an application for a Certificate need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a Certificate may be waived by the Commission if the Commission determines that the Exterior Architectural Feature involved, or its category, is so insubstantial in its effect on the District that it may be reviewed by the Commission without a public hearing. If the Commission dispenses with a public hearing on an application for a Certificate, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the Commission to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application.
- 7.6 The Commission shall grant a Certificate, or issue a written decision, within sixty (60) days from the date the pertinent application was filed (or re-filed in the event the application was once returned for lack of information), unless the applicant consents in writing to a specific enlargement of time by which such an issuance may occur. In the absence of any such enlargement of time, should an issuance not be forthcoming within the prescribed time, the applicant is entitled as of right to a Certificate of Hardship.
- 7.6.1 If the Construction or Alteration for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to conditions especially affecting the Building or Structure involved, but not affecting the District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the Commission shall issue a Certificate of Hardship.
- 7.7 By the concurring vote of at least three members who were present throughout any relevant public hearing and the Commission's discussion leading up to its finding, the Commission must adopt a specific written findings setting forth the basis on which it was initially determined that the application in question involved an Exterior Architectural Feature subject to approval by the Commission and may then:



- A. Grant an appropriate Certificate for the work to be performed, to remain effective regardless of any subsequent change in the ownership of the property; or
  - B. Grant an appropriate Certificate for the work to be performed, to remain effective regardless of any subsequent change in the ownership of the property, with conditions and limitations requiring architectural or plan modifications as to those matters not excluded under Section 9 of this Bylaw which are within the Commission's review jurisdiction; or
  - C. Deny the application with a written statement of the basis for the denial, at which time it may provide written recommendations for changes not excluded from the jurisdiction of the Commission by Section 9 of this Bylaw which, in a subsequent application, might be acceptable to the Commission; or
  - D. Deny the application with a fact specific written statement of the basis for the denial without further recommendations, if essentially the same application has previously been the subject of a prior denial accompanied by written recommendations pursuant to sub-paragraph 7.7C above.
- 7.8 Should the Commission, during the course of reviewing an application, find that it does not have review jurisdiction under this Bylaw it shall make an appropriate finding of Non-Applicability.
- 7.9 Each Certificate or written decision upon an application by the Commission shall be dated and Signed by the Chairperson or such other person as the Commission may designate and shall be deemed issued upon filing with the Town Clerk.
- 7.10 Each Certificate or written decision upon an application by the Commission shall be promptly served on the applicant by the Town Clerk who shall promptly forward a copy thereof to the applicant at the address shown on the application, by first class mail, postage prepaid, and a copy shall be further provided to the Building Commissioner, Planning Board and Board of Selectmen.
- 7.11 Nothing contained in this bylaw shall be deemed to preclude any person contemplating construction or alteration of a Building or Structure within a District from consulting informally with the Commission before submitting any application referred to in this bylaw on any matter which might possibly be within the scope of the Bylaw, and such informal consultations are in fact encouraged. Nothing contained in this bylaw shall be deemed to preclude the Commission from offering informal advice to a potential applicant prior to receiving an application. However, any such preliminary advice offered by the Commission shall not be deemed to set a precedent nor in any way limit the Commission in the exercise of its functions under this bylaw.

## **8. Criteria for Determinations**

- 8.1 In deliberating on applications for Certificates, the Commission shall consider, among other things, the historic and architectural value and significance of the site, Building or Structure; the general design, proportions, detailing, mass, arrangement, texture, and material of the Exterior Architectural Features involved; and the relation of such Exterior Architectural Features to similar features of Buildings and Structures in the surrounding area.
- 8.2 In the case of new Construction or additions to existing Buildings or Structures, the Commission shall consider

the appropriateness of the scale, shape and proportion of the Buildings or Structure both in relation to the land area upon which the Building or Structure is situated and in relation to Buildings and Structures in the vicinity. The Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw, however, such requirements shall not further limit the maximum floor area ratio and height of a Building as defined and permitted in the Duxbury Zoning Bylaw.

- 8.3 When ruling on applications for Certificates on solar energy systems as defined in Section 1A of Chapter 40A, the Commission shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.
- 8.4 The Commission shall not consider interior arrangements or architectural features not subject to public view.
- 8.5 The Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the District.
- 8.6 The Commission may impose requirements on the screening and location of above ground features of seepage systems. Such requirements shall not conflict with requirements of the Duxbury Board of Health.

## **9. Exclusions**

- 9.1 The Commission's review jurisdiction shall not include the following:
  - 9.1.1 Temporary Buildings, Structures, seasonal decorations or Signs subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the Commission may reasonably specify.
  - 9.1.2 Terraces, walks, patios, driveways, sidewalks and similar Structures, provided that any such Structure is Substantially at Grade Level
  - 9.1.3 The number of the residents' personally owned or leased and regularly used motor vehicles which may be routinely parked within the boundaries of a residential property.
  - 9.1.4 Storm windows and doors, screen windows and doors, and window air conditioners.
  - 9.1.5 The color of paint applied to the exterior surfaces of Buildings or Structures.
  - 9.1.6 The color of materials used on roofs.
  - 9.1.8 Signs of not more than two (2) square feet in Display Area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such Sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one Sign in connection with the nonresidential use of each Building or Structure which is not more than six (6) square feet in Display Area, consists of letters painted on wood without symbol or

trademark and if illuminated is illuminated indirectly.

- 9.1.9 The reconstruction, substantially similar in exterior design, of a Building, Structure or Exterior Architectural Feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
- 9.1.10 The point of access served by handicapped access ramps designed solely for the purpose of facilitating ingress or egress of a physically handicapped person, as defined in M.G.L c.22 s13A.
- 9.2 Nothing in this Bylaw shall be construed to prevent the following;
  - 9.2.1 Ordinary maintenance, repair or replacement of any Exterior Architectural Feature within a District which does not involve a change in design, material or the outward appearance thereof.
  - 9.2.2 Landscaping with plants, trees or shrubs.
  - 9.2.3 The meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe, unhealthful or dangerous condition.
  - 9.2.4 Any Construction or Alteration under a permit duly issued prior to the effective date of this Bylaw.
- 9.3 Upon request the Commission shall issue a Certificate of Non-Applicability with respect to Construction or Alteration in any category not subject to review by the Commission in accordance with the above provisions.

## **10. Categorical Approval**

- 10.1 The Commission may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Duxbury, that certain categories of Exterior Architectural Features, Structures or Buildings under certain conditions may be Constructed or Altered without review by the Commission without causing substantial derogation from the intent and purpose of this Bylaw.

## **11. Enforcement and Penalties**

- 11.1 No Building Permit shall be issued for the Construction or Alteration of any Building or Structure wholly or partially in a District unless a Certificate has first been issued by the Commission when such a Certificate is required by this Bylaw.
- 11.2 No Alteration or Construction of any Building or Structure wholly or partially in a District for which a Certificate is required by this Bylaw shall deviate from the terms and conditions of such a Certificate.
- 11.3 The Building Commissioner of the Town of Duxbury shall enforce this Bylaw upon a determination by the

Commission that a violation exists, and subject to the approval of the Board of Selectmen, may institute proceedings in Superior Court pursuant to M.G.L. c.40C § 13 for injunctive or other relief and/or imposition of fines.

11.4 The Commission, upon a written complaint challenging some enforcement action by the Building Commissioner, received by the Town Clerk within five (5) days following such decision, by a Person Aggrieved, or other citizen of or property owner in the Town of Duxbury, shall hold a timely public hearing to determine whether or not the Building Commissioner's action should be upheld, in whole or in part.

11.5 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of not less than \$10.00 nor more than \$500.00 for each offense under the provisions of M.G.L. c.40C §13. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

## **12. Appeals**

12.1 An appeal of a determination of the Commission, except as to the propriety of a decision to invoke the provisions of M.G.L. c. 40C § 13 (institution of an action in Superior Court) by the Building Commissioner, may be taken by a Person Aggrieved by filing a written request with the Town Clerk, acting as an agent of the Commission, within twenty (20) days of the issuance of a Certificate or a disapproval. In the event of such an appeal, the Duxbury Town Manager, or his delegate, shall make a timely request to the Metropolitan Area Planning Council that it promptly designate an arbitrator(s) with competence and experience in such matters to hear such an appeal. If such a person(s) is/are so designated he/she/they must hear the appeal in a timely manner and issue a written decision within forty-five (45) days of the request as specified in M.G.L. c. 40C § 12. The arbitration decision shall be binding on the parties, unless a Complaint seeking a further appeal is filed in Superior Court within twenty (20) days from the filing of the arbitration decision with the Town Clerk, pursuant to M.G.L. c. 40C § 12A.

## **13. Validity and Separability**

13.1 The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

## **14. Appendices**

### **Appendix 1: Winsor Local Historic District**

The Winsor District shall be a District area under this Bylaw. The location and boundaries of the Winsor District are defined and shown on the Local Historic District Map of the Town of Duxbury, Sheet 1 - 2010 which is a part of this bylaw. The delineation of the District area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.

### **Appendix 2: Bradford Local Historic District**

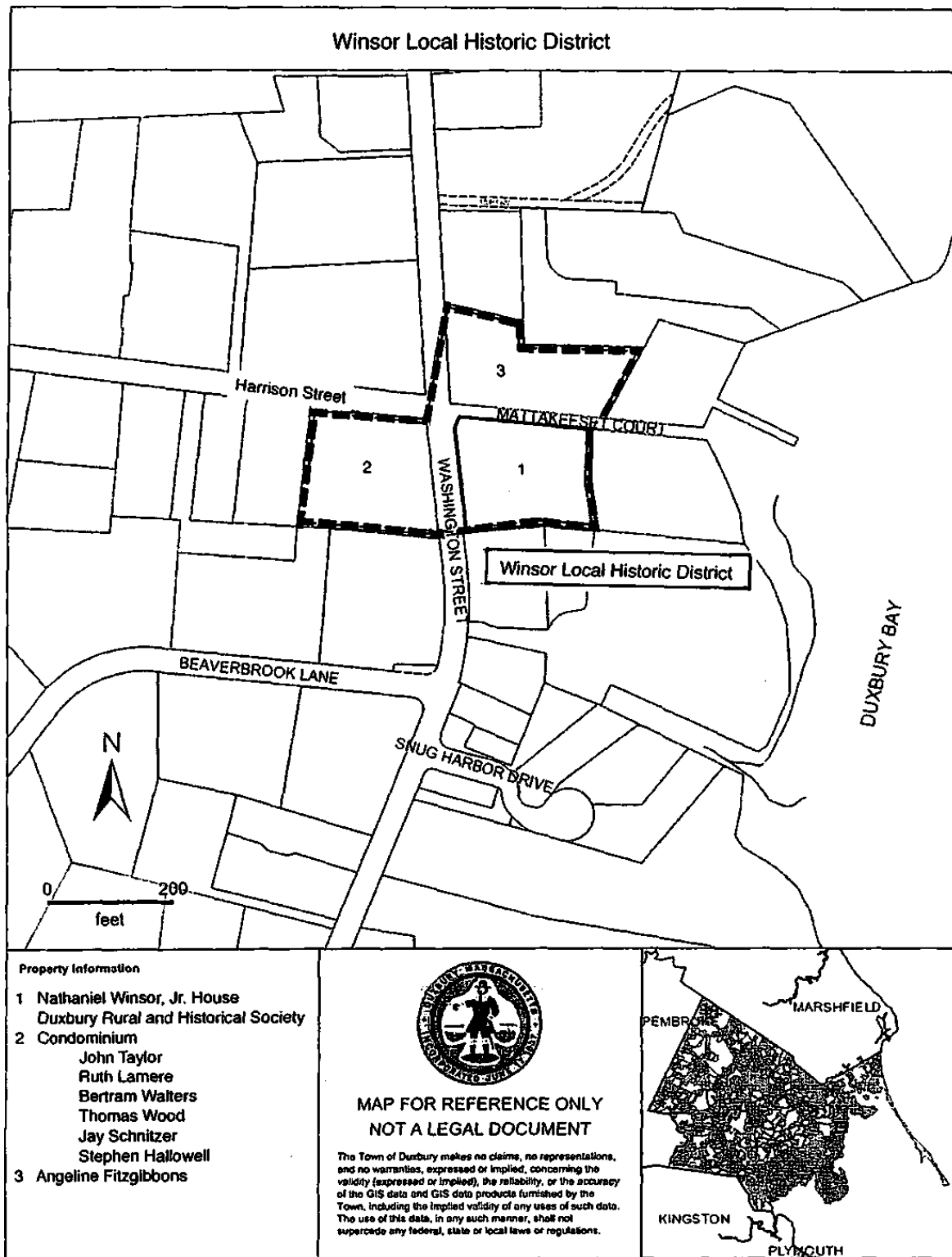
The Bradford District shall be a District area under this Bylaw. The location and boundaries of the Bradford District are defined and shown on the Local Historic District Map of the Town of Duxbury, Sheet 2 - 2010 which is a part of this bylaw. The delineation of the District area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 2.

## **Appendix 2: First Parish Church Local Historic District**

The Bradford District shall be a District area under this Bylaw. The location and boundaries of the Bradford District are defined and shown on the Local Historic District Map of the Town of Duxbury, Sheet 2 - 2010 which is a part of this bylaw. The delineation of the District area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 2.

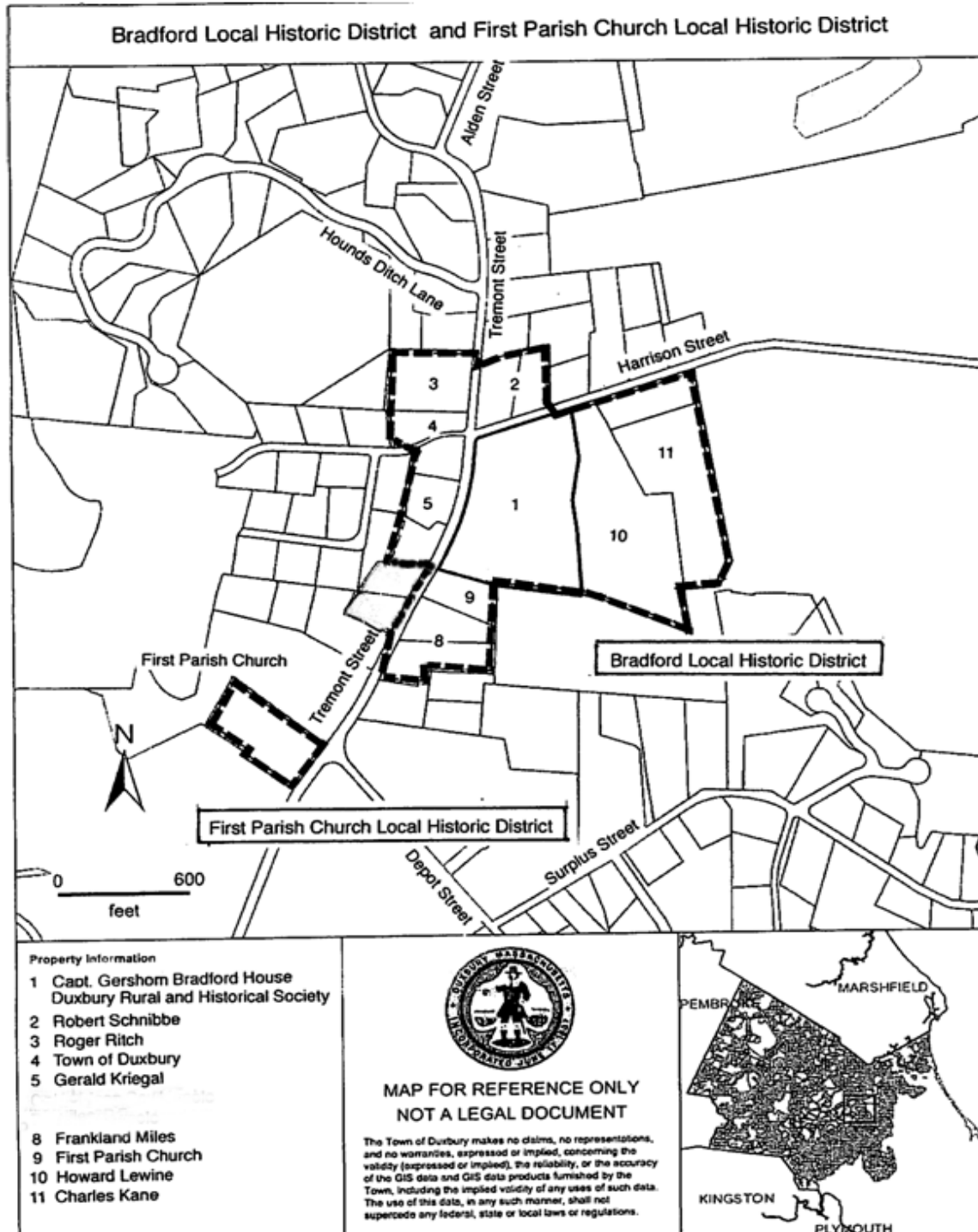
# Duxbury Local Historic District Bylaw Appendix 1

## Local Historic District Map of the Town of Duxbury Sheet 1 - 2010



## Duxbury Local Historic District Appendix 2

### Local Historic District Map of the Town of Duxbury Sheet 2 - 2010



## Preliminary Report Appendix B - Mythbusters

MYTH BUSTERS		Duxbury Local Historic District Study Committee
SUBJECT	MYTHS ....	....BUSTED! (PROPOSED GUIDELINES)
<b>PAINT COLOR</b>	Some people are concerned that if their home is in a LHD, they won't be able to choose the color of their house	Paint color is not permanent, so the committee proposes no restrictive guidelines
<b>LANDSCAPING</b>	Some people believe that being part of a LHD will limit the type of landscaping choices they can make	Landscaping is not permanent, therefore the committee proposes no restrictive guidelines
<b>BASKETBALL/ TENNIS COURTS / HOCKEY RINK</b>	One concern involves the installation of a basketball court or hockey rink on a homeowners property that will be visible from the public right of way.	Basketball / Tennis courts and hockey rinks would not be restricted, as long as they aren't enclosed
<b>FENCES</b>	A common concern is that a homeowner either will not be allowed to install a fence or the type of fence will be dictated by the Local Historic District guidelines	The committee proposes a review of proposed fences and will have alternate options.
<b>INTERIOR RENOVATIONS</b>	Some may be concerned about the renovation of the interior of their house.	A homeowner can renovate the interior as would like to, as long as they do not change the character of the exterior in doing so.
<b>ADDITIONS</b>	A common concern is that homeowners will not be able to add onto their house, if it is in a Local Historic District.	If the proposed addition is not visible from the public right of way and if it meets all codes, etc., it can be constructed. If it is visible from the public right of way, it will need to be reviewed by the Local Historic Districts Commission
<b>DATE - BOARDED HOUSES</b>	If a house has a date board, it's part of a Local Historic District.	No. The date board is issued by the Historical Society and it only documents the age of the house.
<b>VACANT LAND</b>	What happens with vacant land that is within a Local Historic District?	The Duxbury Local Historic Districts Commission proposes that new construction would be addressed in a similar manner to any other property within the Local Historic District
<b>ROOF</b>	Wood shingles are required	No. Roofing Materials are not restricted to wood.
<b>STORM WINDOWS / STORM DOORS / WINDOW A.C. UNITS</b>	A common belief is that these items will not be allowed in a LHD	These items are permitted pending review
<b>ANTENNAE</b>	Not allowed in a LHD?	These are not considered permanent so the committee proposes to allow them.
<b>SATELLITE DISH</b>	Not allowed in LHD?	These are not considered permanent so the committee proposes to allow them.
<b>SIDING</b>	Can vinyl / aluminum / composite siding be installed?	These materials are permitted pending review.