



Preliminary Study Report

Proposed Local Historic Districts:
Temple Street Local Historic District

By: The Duxbury
Local Historic District Commission
and the Harrington Property Working Group

November 2021

Table of Contents

| | |
|---|----|
| Summary | 1 |
| Contact | 1 |
| Harrington Property Working Group Members | 1 |
| Important Dates | 1 |
| Introduction | 2 |
| Methodology | 3 |
| Justification of the Boundaries | 3 |
| Significance | 4 |
| Map of the Proposed District | 7 |
| Options and Recommendations for the Bylaw | 8 |
| Property Index | 8 |
| By-law | 10 |
| Inventory Forms and Photographs | 22 |
| Slides | 30 |

SUMMARY SHEET

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HARRINGTON PROPERTY WORKING GROUP MEMBERS

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Tag Carpenter – Historical Commission
Renée Mierzejewski - Local Historic District Commission
Joe Grady – Conservation Commission
Jeff Chandler – Agricultural Commission
Diane Bartlett – Duxbury Affordable Housing Trust
Kathy Cross – Open Space Committee
Holly Morris - Community Preservation Commission
Brian Glennon – Planning Board
Sheila Lynch-Benttinen -- Duxbury Historical Commission
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Significant contributions by Sheila Lynch-Benttinen and Holly Morris.
Editing by Evelyn Walker of the Duxbury Local Historic District Commission

IMPORTANT DATES

The expected date of the Public Hearing for Duxbury is February 9, 2022
The expected date of Town Meeting is March 12, 2022
(There is currently one proposed property for the Temple Street Local Historic District.)

INTRODUCTION

(From: Local Historic Districts | Preservation MA (preservationmass.org))

Duxbury properties under protection of the by-law are considered to be part of a Local Historic District. Several Local Historic District homes exist in the town today, and many community members are in the process of considering designating their properties as well. Homes are added to a Local Historic District during the Annual Town Meeting.

A local historic district is an area designated by a local ordinance which falls under the jurisdiction of the Local Historic District Commission. The Local Historic District Commission reviews all properties that are included in local historic districts. Local historic districts in MA have three major purposes, as stated in MA General Law, chapter 40C: to preserve and protect the distinctive characteristics of buildings and places significant in the history of the Commonwealth. Local historic districts offer one of the best methods for protecting historic buildings and structures from demolition and inappropriate alterations. If changes are proposed to properties included in a local historic district, the changes, if visible from a public way, must be reviewed by the local historic district commission. Local historic districts in Massachusetts were first established on Beacon Hill and Nantucket in 1955.

A National Register District is part of the National Register of Historic Places, which is a list of individual buildings, sites, structures, objects and districts deemed important in American history, culture, architecture or archaeology. This federal designation is administered by the Secretary of the Interior through the Massachusetts Historical Commission and the State Historic Preservation Office. Listing in the National Register recognizes that the area is historically important (to 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 no Federal involvement in a project and not pertinent local or regional regulations (such as a local historic district), listing in the National Register of Historic Places does not in any way limit an owner's handling of the property.

The Harrington property (also known as the Simmons farm) at 761 Temple Street is not currently in a National Register District. We think that a Local Historic District is needed in this area because this is one of only a handful of intact properties from its time. In addition to that, there are larger developments being constructed nearby, which will have impact on the character of the neighborhood. In this instance, a Local Historic District will benefit the neighborhood by providing a glimpse of the past in an area that continues to be threatened by development. The plan is to create walking trails and retain farmland, which we hope will continue to be farmed by local community members. Many of the towns surrounding Duxbury also have local historic districts.

The Local Historic Districts of Duxbury are crucial for protecting the historical structures that give the town its unique charm. Some community benefits of historic districts include:

- Preserving the character and aesthetic of Duxbury
- Protecting the rich history and beauty of Duxbury
- Fostering a sense of pride within the community
- Providing educational opportunities for generations to come
- Connecting Duxbury residents to the past

METHODOLOGY

For the first time in Duxbury's history, the impetus for creating a Local Historic District was the direct result of community action by concerned citizens! In 2015, these citizens created a group called Preserve Duxbury because of the threats by development against the historic and rural character of the northern part of Duxbury. This is a scenic area of old farm houses, barns, stone walls, woods, streams, fields and wetlands. It is the home of wildlife, including some endangered species, as well as rare and endangered plants. It was Preserve Duxbury who launched the campaign to save the Simmons Farm on Temple Street.

After the death of the owner, Pauline M. Harrington, who left the property to her son, Nathan R. Harrington, a developer planned to construct extensive 40 B Housing on the site, which although it could help bring Duxbury's Affordable Housing into alignment with State mandates, it would destroy the rural and historic character of the area. Preserve Duxbury and others understood that the Harrington Property was special and that it has remained largely intact since the 1700s. The farmhouse, the barn, and setting have been a significant and much-admired part of the neighborhood. Although the house appears to have been constructed in the early 1800s, records show a home having existed on the property from the early 1700s. It is believed by some that the existing house may contain parts from the earlier versions of the house, because there are records of changes to the original house. In addition to the above mentioned 40 B Housing proposal, there was another to build 100 apartments on this thirteen-acre farm. The character of this rural and historic part of Duxbury continues to undergo the threat of other high-density developments.

Fortunately for the Harrington Property, however, community leaders and Preserve Duxbury members brought the issue to Town Meeting for purchase by the Town and to be paid for by Community Preservation funds. All three goals of the Community Preservation Commission, those of Historic Preservation, Conservation, and Affordable Housing, were met with the purchase when Duxbury residents voted in favor of it at a Special Town Meeting on August 1, 2020. The Selectmen voted unanimously to take the property by eminent domain, paying the Harrington Trust \$2.2 million in compensation. The local newspaper, *The Duxbury Clipper*, records the protracted period of tense exchanges with the 40 B prospective developer and the citizenry through numerous articles and letters to the editor. As a result of this Town Meeting action, the Town of Duxbury now holds title to all 13.75 acres and the structures thereon.

JUSTIFICATION OF THE BOUNDARIES

The original bounds of the Simmons Farm were expressed in terms of paths and trees, which are no longer in evidence, but we know that the homestead and farm consisted of at least thirty acres, according to records dating back to 1712. Of that area, 17.08 acres constitute the present Harrington Property boundary. This area excludes one house lot at the northern edge of the property on Laurel Street, which was sold and developed in the 1990s.

The Harrington Property boundary serves as the natural container for the Local Historic District. The Duxbury Affordable Housing Trust will take title to two adjacent house lots on

Laurel Street, consisting of 2.92 acres. This leaves 14.16 acres of land funded by Community Preservation for Historic Preservation and for Open Space under the protection of this District.

The proposed boundaries of the Local Historic District have been selected for a variety of reasons. First and foremost, the Commission wants to maintain the current view of the Simmons farmhouse and farm, which we believe reflects its image throughout history. The Harrington Property Working Group has agreed to keep the barn and the house together on Assessor's lot 037-022-000 in the proposed Local Historic District. The fields behind and to the east of the house and barn (Assessor's parcel 037-022-005) are also included in the proposed Local Historic District. The driveway currently straddles two lots (given the current manner in which the land is being divided) and the Commission would like to keep both of those lots 'together' with the house. Doing so preserves the view of the house and barn from the public way. With its adjacent fields, its setting of rural and historic character is largely preserved.

Although the Commission had hoped to capture all the property that is left and add it all to the Local Historic District, it is not possible in this case because the Harrington Property was purchased with the help of Affordable Housing funds, with two lots being set aside for 40 B construction. The Commission has urged the Duxbury Affordable Housing Trust to consider placing the two lots slated for development into the Historic District in order to ensure compatibility with the historic and rural character of the neighborhood. The units are expected to be built with the Harrington Property Working Group's hope that the wooded area between the Affordable Housing and the Simmons Farm area will be preserved in order to make a scenic and natural division as well as background for both areas.

The fields will be administered as Conservation Land and local farmers will be able to grow appropriate crops there. In this particular case and at this time, the boundaries are set as they are for the reasons described above. The Local Historic District Commission will continue to work to expand this Local Historic District. It has already identified numerous additional historic structures in the Temple Street neighborhood and continues to advocate for their inclusion in future expansions of the Local Historic District. Due to the time constraints on creating this report and submitting it for review at Town Meeting in March, 2022, we are not able to expand the Temple Street Historic District at this time, but expect to do so in the near future.

SIGNIFICANCE

Temple Street is near the ancient paths of Native Americans: The Green Harbor Path, the Old Bay Path, and the Mattakeesett Path. The 761 Temple Street area was a known Native American habitation site because of streams and freshwater springs. Hundreds of artifacts have been recovered spanning a period of more than 10,000 years. The Duxbury Free Library's Archeology Month program in 2012 provided an opportunity for identification and resulting photographs. A 1712 Court Record lists the house at 761 Temple on the "west side of the path near the brook". A "path" usually refers to a Native American trail in the early Court Records. (See Dux Clipper article for age and location of artifacts in case some are specifically from Temple St.)

After a devastating plague from 1616-1619 that decimated the local native tribes, Europeans settled the area of Duxbury in the 1630's. Moses Simmons, who was born around 1604, came in November 1621 as a 17-year-old with his friend 18-year-old [Phillipe de la Noye](#). According to William Bradford, they were one of the "lusty yonge men" who arrived on the ship Fortune in Plymouth after many attempts for passage. Moses Simmons' heritage is the subject of many theories of which here are four.

<https://www.wikitree.com/wiki/Simonson-144>

<http://massandmoregenealogy.blogspot.com/2013/09/moses-simmons-b-ca-1605-died-1689-1691.html>

<http://www.langeonline.com/Simmons/moses.html>

https://en.wikipedia.org/wiki/Moses_Simonson

According to the Plymouth Court Records of 1623, "Moyses Simonson" shared a two-acre parcel of land with Phillipe de la Noye in the Plymouth First Division of Land. They grew corn for the common lot. Simonson was a signer of the 1626 investment group called the Undertakers whose purpose was to pay back the London investors, having signed as "Moyses Symonson." The Court Records of 1627 list a cattle division as "Moyses Simonson" where he shared an additional two acres with Philipe de la Noye. By the time of the 1633 tax list, Simonson shortened his name to "Simmons." By 1639, Simmons settled in Duxbury and served as a surveyor, the first member of the Duxbury's highway committee, along with Philipe de la Noye, now known as Phillip Delano. By 1639 Simmons had married "Sarah" with whom he had at least seven children. He was granted a number of parcels in Duxbury, one of his parcels was known as "Moses' Pasture" in North Duxbury consisting of thirty acres. One of his sons, John, had children with Mercy Pabodie, John Alden's granddaughter. One of their sons, Isaac Simmons, was born January 28, 1674. He married Martha Chandler in 1696 in Duxbury when he was twenty-two. Their first daughter, Deborah Simmons, was born April 30, 1696. They had two more daughters and one son. The Court record of 1712 indicates that Isaac Simmons wanted the boundaries of his thirty acres entered into the record "where his house now stands":

JOHN WADSWORTH, T. C.

1712. Duxborough, October the 18th, 1712.
 Oct. 18. We the subscribers being desired by Isaac Simons,
 Vol a. to lay out thirty acres of land granted to him by the
 Page 53. town, where his house now stands, have laid out the
 same as followeth, viz We began at a maple tree
 marked on four sides, standing on the West side of
 the path near the brook, and run from thence North
 sixty rods, to a bunch of maples marked, and from
 said maples we run East Eighty rods, to a red oak
 tree marked on four sides, and from said red oak we
 run Sixty rods to a great spruce tree marked on four
 sides standing by the brook near where it parts, and
 from thence it is bounded by said brook on the
 Southerly side, till it comes to the maple tree first
 mentioned.

EDWARD SOUTHWORTH.
 SETH ARNOLD.

Recorded by me

JOHN WADSWORTH, T. C.

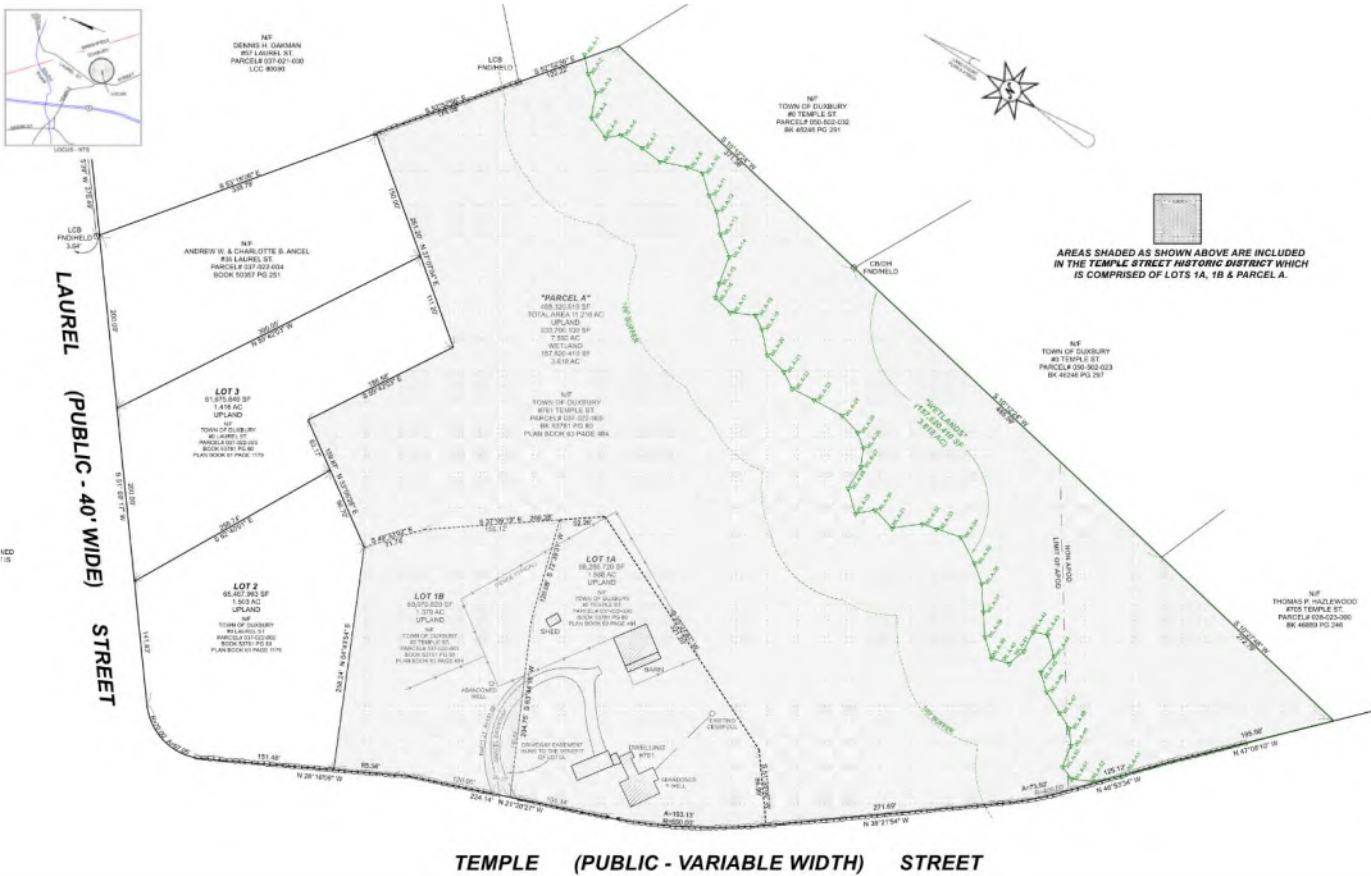
Duxbury Rural and Historical Society date-boarded the house "1696", based on the first child's birth, although it could be dated any time before 1712, which would still make it a First Period House, having been built before 1726. Although most First Period Houses originally had pastureland, time and development have taken their toll, and original pastures are gone in the few First Period Houses remaining. Not the case with the Isaac Simmons house! Fortunately, it has 17 acres of the original thirty-acre pastureland. The Massachusetts Historical Commission does not have data on another First Period House with its original pastureland.

Other Court records from the early eighteenth century show that Isaac Simmons had a homestead farm in this area, and a "cord wood path" ran between the east side of his house and an orchard. Various Simmonses have lived on the property, and with each generation change has come to the structure and outbuildings.

The home has changed family ownership only twice since 1696. In the 1930's, during the Depression, the original thirty-acre parcel was sold to the Harringtons by the Simmons family. The Harringtons added a large barn and continued to use the pasture for sheep and cattle. They sold the south side of the property in various pieces but retained the current parcel of 17 acres. The Harringtons sold the property to the Town of Duxbury in 2020.

Although each generation of these two families made changes, the farmhouse and its setting are largely preserved, providing the public with a view of a First Period house on much of its original pastureland. This is a significant contribution to preserving the rural history of the area. The house, along with its landscape, was entered into the Massachusetts Historical Commission database (MACRIS) and recommended for the National Register of Historic Places, a rare honor.

MAP OF THE PROPOSED DISTRICT



TEMPLE STREET HISTORIC DISTRICT

761 TEMPLE STREET - SIMMONS FARM

PREPARED BY:
South shore
 urvey
 Consultants, Inc.
 REGISTERED LAND SURVEYORS
 & CIVIL ENGINEERS
 167 R SUMMER STREET
 KINGSTON, MA 02364
 781-582-2185
 MARK@SSSINC.NET

PREPARED FOR:
TOWN OF DUXBURY
 878 TREMONT STREET
 DUXBURY, MA. 02332

| | |
|--------------|------------|
| SCALE: | 1" = 60' |
| | |
| DATE: | 09-02-2011 |
| COMP/DESIGN: | MDC |
| CHECK: | AMP |
| DRAWN: | MDC |

OPTIONS AND RECOMMENDATIONS FOR THE ORDINANCE OR BYLAW

In establishing this Local Historic District, there are no options or recommendations for the bylaw.

PROPERTY INDEX

| STREET ADDRESS | CURRENT OWNER(S) | INVENTORY | DATE OF CONSTRUCTION | HISTORIC NAME OF PROPERTY | ARCHITECTURAL STYLE |
|-----------------------|-------------------------|------------------|-----------------------------|----------------------------------|----------------------------|
| 761 Temple Street | Town of Duxbury | Yes DUX.2 | c 1696 | Isaac Simmons House | Colonial |

BY-LAW

(Starts on next page)

CHAPTER 12: 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.

12.1 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.

12.2 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 through this Bylaw consisting of one or more District areas, and as shown on the most current Official Local Historic District Map of the Town of Duxbury.

“Exterior Architectural Feature”

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.

“Official Local Historic District Map of the Town of Duxbury”

The map showing the Districts as established through this Bylaw, and as may be amended from time to time. The delineation of the District boundaries are based on the parcel boundaries in existence and shown thereon at the time of adoption.

“Person Aggrieved”

The applicant; an owner of adjoining property; an owner of property within the same historic district as the property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic places, structures, buildings or districts.

“Signs”

Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

“Structure”

A combination of materials other than a Building, including but not limited to a Sign, fence, wall, terrace, walk or driveway.

“Substantially at Grade Level”

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.

“Temporary Structure or Building”

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.

12.3 District

The District shall consist of one or more District areas as established through this Bylaw, and as shown on the Official Local Historic District Map as may be amended from time to time through this Bylaw, hereby made part of this General By-Laws of the Town of Duxbury Chapter 12 Local Historic Districts.

12.4 Commission

- 12.4.1 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. Three members of the Commission shall constitute a quorum.
- 12.4.2 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 Rural and 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.
- 12.4.3 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.
- 12.4.4 Each member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.
- 12.4.5 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.
- 12.4.6 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.

12.5. Commission Powers and Duties

- 1251 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.
- 1252 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, hearing procedures and other matters. The Commission shall file a copy of any such Rules and Regulations with the office of the Town Clerk. Fees for all Commission matters shall be set by the Board of Selectmen.
- 1253 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.
- 1254 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.
- 1255 The Commission shall keep a permanent public record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.
- 1256 The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a District.

12.6. Alterations and Construction Prohibited Without Certificate

- 1261 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.

- 12.62 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.

12.7. Procedures for Review of Applications

- 127.1 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.
- 127.2 The Commission may appoint one of its members to initially 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, at an otherwise appropriately convened meeting, or its appointee 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.
- 127.3 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.
- 127.4 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.

- 12.75 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.
- 12.76 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.
- 12.77 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.
- 12.78 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.

- 1279 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.
- 127.10 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.
- 127.11 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.
- 127.12 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.

- 127.13 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.

12.8. Criteria for Determinations

- 1281 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.
- 1282 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.
- 1283 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.
- 1284 The Commission shall not consider interior arrangements or architectural features not subject to public view.
- 1285 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.
- 1286 The Commission may impose requirements on the screening and location of

above ground features of septage systems. Such requirements shall not conflict with requirements of the Duxbury Board of Health.

12.9. Exclusions

- 129.1 The Commission's review jurisdiction shall not include the following:
- 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.
 - A. Terraces, walks, patios, driveways, sidewalks and similar Structures, provided that any such Structure is Substantially at Grade Level.
 - B. 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.
 - C. Storm windows and doors, screen windows and doors, and window air conditioners.
 - D. The color of paint applied to the exterior surfaces of Buildings or Structures.
 - E. The color of materials used on roofs.
 - F. 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.
 - G. 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.
 - H. 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.
- 1292 Nothing in this Bylaw shall be construed to prevent the following;
- A. 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.
 - B. Landscaping with plants, trees or shrubs.
 - C. 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.
 - D. Any Construction or Alteration under a permit duly issued prior to the effective date of this Bylaw.

- E. 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.

12.10. Categorical Approval

- 12.10.1 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.

12.11. Enforcement and Penalties

- 12.11.1 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.
- 12.11.2 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 Town Manager, may institute proceedings in Superior Court pursuant to M.G.L. c.40C §13 for injunctive or other relief and/or imposition of fines.
- 12.11.3 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.
- 12.11.4 Whoever violates any of the provisions of this By-law shall be punishable by a fine of not less than \$10.00 nor more than \$300.00 for each offense under the provisions of M.G.L. Chapter 40C, Section 13. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

12.12 Appeals

- 12.12.1 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.

12.5. Validity and Separability

- 12.13.1 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.

INVENTORY FORMS AND PHOTOGRAPHS

(Starts on next page)

Massachusetts Cultural Resource Information System

Scanned Record Cover Page

| | |
|--------------------------------|---|
| Inventory No: | DUX.2 |
| Historic Name: | Simmons, Isaac House |
| Common Name: | |
| Address: | 761 Temple St |
| City/Town: | Duxbury |
| Village/Neighborhood: | North Duxbury |
| Local No: | 082/050 022 000 |
| Year Constructed: | c 1696 |
| Architect(s): | Simmons, Isaac |
| Architectural Style(s): | Colonial |
| Use(s): | Agricultural; Single Family Dwelling House |
| Significance: | Agriculture; Architecture |
| Area(s): | |
| Designation(s): | |
| Building Materials(s): | Roof: Asphalt Shingle Wall: Wood; Wood Clapboard; Wood Shingle Foundation: Stone, Uncut |



The Massachusetts Historical Commission (MHC) has converted this paper record to digital format as part of ongoing projects to scan records of the Inventory of Historic Assets of the Commonwealth and National Register of Historic Places nominations for Massachusetts. Efforts are ongoing and not all inventory or National Register records related to this resource may be available in digital format at this time.

The MACRIS database and scanned files are highly dynamic; new information is added daily and both database records and related scanned files may be updated as new information is incorporated into MHC files. Users should note that there may be a considerable lag time between the receipt of new or updated records by MHC and the appearance of related information in MACRIS. Users should also note that not all source materials for the MACRIS database are made available as scanned images. Users may consult the records, files and maps available in MHC's public research area at its offices at the State Archives Building, 220 Morrissey Boulevard, Boston, open M-F, 9-5.

Users of this digital material acknowledge that they have read and understood the MACRIS Information and Disclaimer (<http://mhc-macris.net/macris/disclaimer.htm>)

Data available via the MACRIS web interface, and associated scanned files are for information purposes only. THE ACT OF CHECKING THIS DATABASE AND ASSOCIATED SCANNED FILES DOES NOT SUBSTITUTE FOR COMPLIANCE WITH APPLICABLE LOCAL, STATE OR FEDERAL LAWS AND REGULATIONS. IF YOU ARE REPRESENTING A DEVELOPER AND/OR A PROPOSED PROJECT THAT WILL REQUIRE A PERMIT, LICENSE OR FUNDING FROM ANY STATE OR FEDERAL AGENCY YOU MUST SUBMIT A PROJECT NOTIFICATION FORM TO MHC FOR MHC'S REVIEW AND COMMENT. You can obtain a copy of a PNF through the MHC web site (www.sec.state.ma.us/mhc/) under the subject heading "MHC Forms."

Commonwealth of Massachusetts
Massachusetts Historical Commission
220 Morrissey Boulevard, Boston, Massachusetts 02125
www.sec.state.ma.us/mhc

This file was accessed on: Saturday, June 15, 2019 at 6:35: PM

FORM B – BUILDING

MASSACHUSETTS HISTORICAL COMMISSION
 MASSACHUSETTS ARCHIVES BUILDING
 220 MORRISSEY BOULEVARD
 BOSTON, MASSACHUSETTS 02125

Photograph**Topographic or Assessor's Map**

See continuation sheet.

Assessor's Number USGS Quad Area(s) Form Number

082/050 022 000 DUX.2

Town: Duxbury

Place: (*neighborhood or village*)
 North Duxbury

Address: 761 Temple Street

Historic Name: Isaac Simmons House

Uses: Present: residential

Original: residential

Date of Construction: ca. 1696

Source: Duxbury Rural and Historical Society

Style/Form: Georgian cape

Architect/Builder:

Exterior Material:

Foundation: fieldstone

Wall/Trim: wood clapboard, shingles, and trim

Roof: asphalt shingles

Outbuildings/Secondary Structures:

Connecting barns; free-standing barn.

Major Alterations (*with dates*):

Rear wing (18th c?), main doorway (early 19th c?),
 connecting barn at NW (19th c?), free-standing barn (late 20th
 c?), shed dormer and alterations of fenestration in east
 gable (early 21st c)

Condition: good

Moved: no yes **Date** _____

Acreage: 18.39 acres

Setting: Located close to the north side of a main rural
 thoroughfare, with some recent suburban subdivision in the
 area. Large, open, generally flat site.

Recorded by: Wendy Frontiero and Candace Jenkins,
 preservation consultants

Organization: Duxbury Historical Commission

Date: March 2009

RECEIVED

MAY 20 2009

MASS. HIST. COMM.

INVENTORY FORM B CONTINUATION SHEET

Duxbury

761 Temple Street

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

| | |
|--|-------|
| | DUX.2 |
|--|-------|

- Recommended for listing in the National Register of Historic Places.
If checked, you must attach a completed National Register Criteria Statement form.

ARCHITECTURAL DESCRIPTION:

The Isaac Simmons House stands in an historically rural/agricultural area with some recent suburban subdivision. The area is characterized by narrow, winding roads lined by trees and stone walls. There is a mix of new and old buildings interspersed with fields, wood areas, ponds, and cranberry bogs.

The rural setting of this site is well-preserved by the 18.39 acre lot that surrounds the house. The house is located on the north side of Temple Street near its intersection with Laurel Street (which leads to Marshfield). Set very close to the road, the house faces south in the traditional manner. A low stone retaining wall sets the house off from the street. The land around the buildings is maintained in turf. Mature trees line a curving drive west of the house, which leads to a large, freestanding barn. Simple wood fences subdivide some of the fields.

The Isaac Simmons House consists of a 30 ft by 36 feet main block, which is 1½ stories high; a 26 ft by 13 ft rear wing, which is two stories; and an attached one-story barn. A much larger, 2½ story barn stands well behind the house.

The five by two bay house rises from a low, uncoursed stone foundation to a side-gable roof with center chimney. A full shed dormer has been added across the entire rear/north roof slope. Walls are sheathed with weathered wood shingles except for the façade, which is clapboard. Roofs are covered with asphalt shingles. Window surrounds are very plain and flush with the wall. They contain 6/6 double hung sash. Trim consists of plain corner boards and raking cornice boards; no gable returns. There is a molded cornice across the façade.

The symmetrical, five-bay south façade is centered on a well-detailed entrance. The frame consists of tapered pilasters that rise from plain plinths to small entablature fragments, which are framed into the molded cornice. The door surround contains a wood door with six recessed and molded panels, and a narrow, three-pane transom.

The west end wall displays a small attic vent, two windows with 12/12 sash, and two small four-pane outer eaves windows in the gable. At the first story, one window is aligned beneath the south eaves window, while two windows and a secondary entrance are located at the north end. Like the main entrance, this entrance contains a paneled wood door.

The east end has recently been modified by the replacement of a single attic window and small outer eaves windows by a triple window whose units retain the approximate size of the original windows. A single window occupies the southern bay at the first story. A small, one-story, hip roof addition covers the north end of this elevation. A recent shed dormer extends across the north slope of the roof of this main block.

Perpendicular to the main house, a low, two-story rear wing features a gable roof and irregular fenestration, mainly 6/6 double hung sash, with a plain doorway in the middle of each long elevation. A small recent connector on the northwest corner leads from this wing to an early outbuilding, which consists of a long, narrow shingled structure rising one story to a gable roof. The front/south roof slope projects well beyond the plane of the wall. A single window is located at the east end of this façade, while a door and two windows are clustered at the west side. The west end wall has two windows with 8/8 sash. The north/rear wall has a large sliding door at its east end.

A large, freestanding, gable-front barn at the rear of the house yard is separated from the house by a fenced paddock. Exterior materials include vertical board siding and an asphalt shingle roof. The west end contains a large double door with one small 6/6 window on the north side. A larger 6/6 window is located above and a hoist is centered on the gable. An unusual, shed roofed porch supported on plain wood posts runs along the entire south side. The north side has one window at the east end.

The Isaac Simmons House provides a well-detailed and well-preserved example of a typical, early 1½ story cottage in Duxbury, and is greatly enhanced by its still-rural setting. Notable architectural features include the molded cornice and three-pane transom over the main entrance. The exterior appearance does not support a 17th century date. The features cited above, coupled with the symmetrical façade, are more typical of the late 18th century.

Continuation sheet 1

INVENTORY FORM B CONTINUATION SHEET

Duxbury

761 Temple Street

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

DUX.2

HISTORICAL NARRATIVE

The Isaac Simmons House has traditionally been dated to 1696, but the source of this date has not been documented. Further deed and probate research, as well as architectural inspection of the interior of the building, are needed to confirm the construction date. Town records dated 1712 document that Isaac Simmons, a farmer, requested that the town "lay out thirty acres of land granted to him by the town, where his house now stands." Other town records from the early 18th century show that Isaac Simmons had a homestead farm in this area, and a "cord wood path" ran between the east side of his house and an orchard.

The Simmons family arrived in Duxbury in the early 17th century, and many settled on farms in the northern part of town. Isaac (b. 1674) was married to Martha Chandler, with whom he had four children. The first was born in 1696, possibly contributing to the traditional date for the house. Remarkably, the farmstead remained in this one family into the early 20th century. Isaac and Martha Simmons's children included Deborah (b. 1696), Isaac (1701-1767; m. Lydia Cushman or Cushing, 1732), Sarah (b. 1699), and Priscilla (b. 1710). Isaac Jr. had seven known children, including Consider (b. 1734), Martha (1735-36), Jeruiah or Jehiel (b. 1738), Levi (b. 1743; married Lydia Lewis 1765), Martha (b. 1746), Susannah (b. 1749) and Lidia.

The later Simmons genealogy is unknown at present. "J. Simmons" is marked at this site on the 1833 and 1857 maps. By 1879, the property was owned by Levi Simmons, a blacksmith and farmer. An 1894 assessors list shows Levi P. Simmons as owning a 37-acre homestead, cranberry meadows, woodland, and salt marsh acreage. The homestead at that time contained a house, barn, carriage house, green house, blacksmith shop, an unnamed shop, piggery, and ice house. Livestock included two horses, three cows, three heifers, and 16 fowl.

A Levi Simmons, possibly a son of the Levi observed here in 1879 and 1894, was reportedly the last of the family to occupy the farm, until 1932. He operated a blacksmith shop on nearby Franklin Street, close to its intersection with Temple Street, but eventually moved it to his farm. The operation continued in business there for another 30 years, until the rise of the automobile made blacksmithing obsolete. The 1903 map, which is the first to show building footprints here, illustrates the present T-shaped house (the main block and rear ell) and an attached barn at the northwest corner. The building is labeled "L.M. Simmons." Fish's 1923 map lists the current occupant as L.P. Simmons. More research in deeds, probate records, and vital records is needed to confirm the Simmons family members that owned and occupied this property.

Settlers arrived in North Duxbury as early as 1685 though more frequently around the turn of the 18th century. Many 30-acre grants were officially made in 1712, although some houses and farms were already established. They clustered around the intersection of Lincoln, Franklin, and Temple streets, which was known as Four Corners and, more poetically, as the Crooked Lane neighborhood. Farmland was predominant, but the area also included cranberry bogs, a saw mill, school, harness and carriage shops, blacksmith shops, a slaughter house, store, post office, and even a Ladies Union Hall. Residents often attended church in nearby Marshfield. Wentworth's history describes the neighborhood as a flourishing village from earliest times into the 20th century.

BIBLIOGRAPHY and/or REFERENCES

Duxbury Rural and Historical Society. Dateboard folder for 761 Temple Street, including a typescript excerpt from the Duxbury Town Records 1642-1770.

Fish, Henry A. "A Map of Duxbury, Mass." (with narrative key). 1923.

_____. *History of Duxbury* (typed manuscript), 1923. At the Duxbury Rural and Historical Society.

Wentworth, Dorothy. *Settlement and Growth of Duxbury 1628-1870*. The Duxbury Rural and Historical Society, 2000 (revised edition). Printed by the Peacock Press, Norwell, Mass.

Historic maps and atlases: 1833 (Ford), 1857 (Walling), 1879 (Walker), 1903 (Richards), 1915 (Sanborn).

Town directories: 1867 (Plymouth County), 1894 (Cohasset), 1906 (Carver), 1915 (Duxbury and Kingston).

INVENTORY FORM B CONTINUATION SHEET

Duxbury

761 Temple Street

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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| | DUX.2 |
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Façade and east elevation.



Connecting barn at NW of main house; south elevation.

INVENTORY FORM B CONTINUATION SHEET

Duxbury

761 Temple Street

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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| | DUX.2 |
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West elevations; connecting barn, rear ell, and main house.



Free-standing barn and connecting barn; view from west.

INVENTORY FORM B CONTINUATION SHEET

Duxbury

761 Temple Street

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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| | DUX.2 |
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National Register of Historic Places Criteria Statement Form

Check all that apply:

- Individually eligible Eligible **only** in a historic district
 Contributing to a potential historic district Potential historic district

Criteria: A B C DCriteria Considerations: A B C D E F G

Statement of Significance by W. Frontiero

761 Temple Street is significant under Criterion A for its long associations with Duxbury's agricultural history and with the development of North Duxbury. It is also significant under Criterion C as an early farmstead that has evolved over nearly three centuries. The property retains integrity of location, design, setting, materials, workmanship, feeling, and association, and is significant at the local level.

LOCATIONAL CONTINUATION SHEET
 MASSACHUSETTS HISTORICAL COMMISSION
 220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

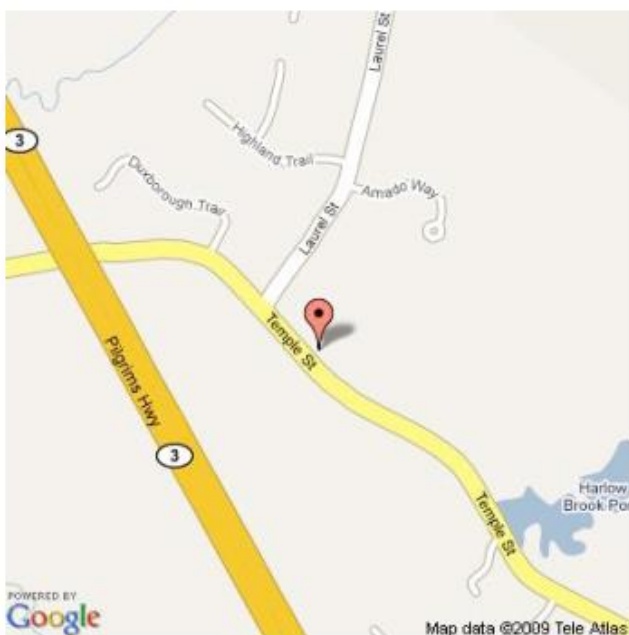
DUXBURY 761 Temple St
 Form No. Area(s)



UTM: 356684.7 E, 4659994.0 N
 Zone: 19N, Mercator - EPSG:26919

State Plane: 265497.5 E, 670125.6 N
 Massachusetts Mainland, Mercator - EPSG:26986

Lat/Lon: 42.07895, -70.75261
 All coordinates NAD83/WGS84



- 761 Temple St

Primary Map Data Sources:
 Parcel Data, Hydrology Data and Aerial Imagery: MassGIS WMS
 Road Data: Massachusetts EOT-OTF via MassGIS WMS
 Projection: State Plane NAD 83, Mass. Mainland 2001
 Map produced by the Locational Continuation Form Generator, and created on:
 Mon, 30 Mar 2009 17:26:17 -0400

SLIDES



View looking Northwest on Temple St.



Front view of house from Temple St.



View of barn from driveway looking NE.



View of barn from Temple St.



View of house from Temple St. looking East



Close-up view from Temple St. looking East



View across the street from Harrington Property, looking Southeast.



View up Temple St. looking Northwest.