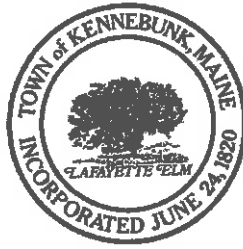


# Town of Kennebunk, Maine



## Historic Preservation Commission

### MEETING MINUTES

January 12, 2022

### Remote Zoom Teleconferencing Meeting

This meeting was held via the Zoom teleconferencing platform in keeping with the Historic Preservation Commission's "Remote Meeting and Participation Policy" for COVID safety.

- 1. Call to Order:** Chair and presiding officer Frances Smith called the meeting to order at 6:30pm. Those in attendance were:

Present: Frances Smith [Chair], Barbara Fleshman [Vice Chair], Paul Bevacqua [Member], Judee Jandreau [Member], Maria Kyriakides [Member], Stephen Dalzell [Alternate], and Mary Megeaski [Alternate];

Absent: None.

Also Present: Karen Winton [Deputy Director, Community Development], Natalie Burns [Town Attorney], Sally Carpenter [Select Board Liaison], and Kristin Collins [PretiFlaherty].

F. Smith stated, for the record, that this was a public hearing at which all present have the right to hear all that is said and view all exhibits submitted unless the Board specifically votes to go into Executive Session. She asked that the Commission be notified if anyone was unable to see or hear.

F. Smith further stated, for the record, that the meeting would be conducted in accordance with the published agenda. The Commission, she noted, is guided by the Town of Kennebunk's "*Historic Preservation Overlay District Design Guidelines*" as well as the U.S. Secretary of Interior's "*Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*".

F. Smith then initiated a discussion of continued applications.

## 2. Continued Applications

### Application 21-H-50

Property owner(s): Randy & Kari Gates  
Applicant(s): Same  
Property: 9 Barnard Lane  
Application Date: November 23, 2021  
Summary: Deconstruct and reconstruct building.

Applicant Kari Gates came before the Commission with structural engineer Joe Leasure and attorney Kristin Collins. Ms. Gates summarized her application as “a request for approval to carefully deconstruct and reconstruct” 9 Barnard Lane. The applicant offered a brief history of the property, which dates to the 1790s. The structure was originally an inn serving stage coach travelers.

Ms. Gates showed historic photos of the structure, which had different iterations of windows, doors, side porches, and other features over time. A clock tower had been added much later, but is now non-functional. K. Gates developed the argument that historic buildings like 9 Barnard Lane change architecturally decade by decade.

The house, K. Gates related, suffered massive fire damage in 1975 and has had little or no maintenance since. Some “temporary rafters” had been installed, but the overall structure is in “extremely poor condition”, according to Ms. Gates.

K. Gates showed photos of the interior of the building, depicting extensive rot, fire, and insect damage. Photos of the chimneys showed significant disrepair. Engineer Joe Leasure explained the damage in detail in several instances and described the chimney mortar as “very soft” and precarious.

Overall, Ms. Gates illustrated the structure’s faulty joists, floors, sills, rafters, brick work, and electrical wiring. She argued that the damage is extensive and cannot be easily remedied “or remedied at all”. The solution, the applicant concluded, is to deconstruct.

Applicant stated that she and her husband seek to make the building “as accurate as possible for the time period in materials, colors, and look”, and to “use as much of the historic materials as possible, preserving those not used.”

Ms. Gates showed preliminary sketches of the reconstructed building, but said her architect would prepare more detailed renditions for the HPC. K. Collins solicited questions from Commission members, but there were none. F. Smith then opened a public hearing and invited public comments and questions.

Sandy Nadeau, a public commentator, praised the Gates’ efforts to save the building. A telephone caller, Mike Johnson, identified himself as having expertise in preserving historic buildings and stated that he had joined the recent site walk at 9 Barnard Lane. Based on his first-hand observation, Johnson said, “the building is in imminent risk of collapse” and deconstruction should be approved.

Jeffrey Ferris, another public commentator, concurred. However, Mr. Ferris also expressed concern that some of the proposed reconstruction features shown in the sketches do not, in his view, match classic historical architectural elements. In particular, he cited the eaves and cornices, proportions of the window frames, mullions, and other features of the building as not being “truly historic”.

There were no other public commentators. However, K. Winton reminded the Commission that five residents had submitted comments by email or delivered written remarks to Town Hall. Those remarks — some quite lengthy — had been shared with HPC members in advance. Rather than read them in their entirety at today’s hearing, K. Winton stated for the record that all documents are available for public viewing on the Town’s website.

J. Leasure spoke next, reiterating the extent of the damage that has taken place. He stated that it is applicants’ intent is “to use all the existing historic materials possible or document them.”

F. Smith called on Commission members who had been at the site walk to share their impressions. B. Fleshman said that she observed “good work” inside the barn and evidence of the applicants’ preservation of historic materials. The fireplaces, Fleshman acknowledged, are “in extremely poor condition”.

P. Bevacqua agreed that the chimneys are in “bad shape and ostensibly beyond repair”. He added that the entire roof probably needs to be replaced, and concurred that moisture and insect damage is significant.

F. Smith observed that there is an outstanding deed restriction on the property and questioned whether that issue impeded the HPC from making a ruling. Town Attorney N. Burns confirmed that the Town had released its right of enforcement of the restrictive covenant. “The remaining deed restriction,” Burns said, “is now a matter for private litigation and should *not* [Burns’ emphasis] be taken into consideration by the HPC tonight.”

Burns also asked each Commission member to confirm that they had seen the emails or materials cited by K. Winton which had been received by Town Hall and which are available online for public viewing. A roll call poll ensued and all members confirmed their receipt of the materials and having read them.

F. Smith then affirmed that there were five HPC voting members in attendance: F. Smith, B. Fleshman, P. Bevacqua, J. Jandreau, and M. Kyriakides. She called on each Commission member (whether a voting member or not) for his or her concluding views.

M. Kyriakides remarked that the Gates had done “a terrific job on the barn thus far”. She urged fellow Commission members to vote in favor of the Application so that the Gates could proceed with deconstruction/reconstruction “while keeping as close to the original as possible”. J. Jandreau concurred.

B. Fleshman opined that the building was in poor condition. The site walk confirmed both structural engineer reports that interior walls had been removed during interior work adding to the loss of stability of the structure. Fleshman noted that historic timber frame homes were kept stable through the tension supplied by interior walls. She was also adamant that deconstruction should be carried out or guided by a certified deconstruction expert or specialist.

S. Dalzell was likewise of the opinion that deconstruction might be the only option. However, he also expressed concern about the architectural detail of the reconstructed building. How, he asked rhetorically, would a reconstructed building comply with Code but also reflect a historic time period? How would historic pieces be inventoried and preserved? Dalzell suggested that (1) deconstruction should take place in a planned, orderly, and guided fashion; and (2) the HPC should see a final, detailed plan from the applicants' architect before agreeing to reconstruction plans.

P. Bevacqua called for: (1) a detailed inventory of the architectural elements currently in place; (2) "qualified deconstruction", which he defined as "deconstruction under the supervision or advice of a qualified deconstruction specialist", and (3) a detailed reconstruction plan "pegged to a specific time period".

F. Smith offered the view that the Commission "should have a detailed, much more complete application for both deconstruction and reconstruction".

K. Gates acknowledged that the sketches submitted with this application were only preliminary. She stated that her architect would provide detailed plans if deconstruction were approved in principle.

K. Collins sought common ground, suggesting that the HPC approve the deconstruction/reconstruction plan as submitted with the condition that detailed architectural plans for the reconstructed building be submitted later.

F. Smith called for a motion and N. Burns offered tentative language. Commission members discussed and revised the motion language several times, and N. Burns provided legal language for inclusion. The final motion was:

**Motion: Move that the Historic Preservation Commission approve Application 21-H-50 for the deconstruction and reconstruction of 9 Barnard Lane subject to the following conditions:**

- 1. Deconstruction is to take place piece by piece under a deconstruction plan vetted by a deconstruction specialist or consultant;**
- 2. There is to be pre-fact presentation to and approval by the HPC of detailed architectural plans for the reconstructed building before deconstruction takes place;**
- 3. Submission is to be made to the HPC of a detailed inventory with photos of the architectural elements that exist at present;**

4. **Historical materials are to be reincorporated whenever possible; and,**
5. **The HPC acknowledges the existence of a deed restriction concerning demolition of the building. The HPC finds that the applicant has shown sufficient right, title or interest to proceed with the application. The HPC does not have the authority to enforce or release the deed covenant.**

**Moved:** B. Fleshman

**Second:** P. Bevacqua

**Vote:** **Roll call vote. 4 votes in favor [Bevacqua, Fleshman, Jandreau, and Kyriakides], 1 opposed [Smith]; the motion carried.**

#### **Application 21-H-49**

**Property owner(s):** ONB Realty Corp. c/o People's United Bank

**Applicant(s):** Burr Signs

**Property:** 100 Main Street

**Application Date:** November 18, 2021

**Summary:** Update and replace signage with new branding and name.

Drew Serbin, representing Burr Signs, described the signage change that will take place as part of the rebranding of People's United Bank, which has been sold to M&T Bank. He showed illustrations of the proposed signs, which will have a brick base and a sign on top with white lettering on a green background. The signage colors are "standard" for M&T.

P. Bevacqua and M. Kyriakides inquired whether the brick base would be real or "faux". Serbin responded that the base would be made of a mold-injected hard foam material which replicates the look and feel of brick and will match the color of the "real" brick exterior of the bank.

F. Smith questioned whether the Main Street sign would be illuminated, and D. Serbin responded in the negative.

**Motion:** **Move that the Historic Preservation Commission approve Application 21-H-49 with the notation that the faux brick is to be the same color as the building brick and not be illuminated.**

**Moved:** P. Bevacqua

**Second:** M. Kyriakides

**Vote:** **Roll call vote. 5 votes in favor, none opposed; the motion carried.**

### **3. New Applications**

The Commission next heard two new applications.

### **Application 21-H-51**

Property owner(s): Nathan & Gena Rawlins  
Applicant(s): Jason Sirois, Hazelwood Handyman  
Property: 32 Summer Street  
Application Date: November 29, 2021  
Summary: Replace windows.

Jason Sirois, representing the applicants, described the project. Owners Gena and Nathan Rawlins seek to replace 23 existing windows. The siding or trim of the existing windows would not be removed. The grill patterns and pane-separation details of the replacement windows would be the same. The exterior color will remain Marvin "Stone White".

Under questioning. Sirois explained that the windows will specifically be "Marvin Ultimate Double-Hung G-2 Insert" units with an aluminum half screens. All the windows will be 6 over 6.

Sirois showed photos of the proposed windows and went over their technical specifications. In response to questions from P. Bevacqua and F. Smith, he confirmed that work would commence on or about March, 2022.

**Motion: Move to approve Application 21-H-51 as presented with the understanding that the windows will have aluminum half screens and 8-degree sills.**

Moved: P. Bevacqua

Second: J. Jandreau

**Vote: Roll call vote. 5 votes in favor, none opposed; the motion carried.**

### **Application 21-H-52**

Property owner(s): Eamonn Hutton & Amy Hoffmaster  
Applicant(s): Same  
Property: 51 Summer Street  
Application Date: December 8, 2021  
Summary: Construct new, accessible entrance and make landscaping improvements

As the applicants were not present, the Commission moved to continue this Application until a later date.

**Motion: Move to continue Application 21-H-52 until the HPC's next meeting on January 26, 2022.**

Moved: B. Fleshman

Second: P. Bevacqua

**Vote: Roll call vote. 5 votes in favor, none opposed; the motion carried.**

**4. Old Business**

There was none.

**5. New Business**

K. Winton reminded the Commission that the Town is required to submit an annual "Historic Preservation" report to Maine Historic Preservation Commission. Town Hall staff will prepare the report for 2021, she said. However, Winton asked if Commission members would report any training they had undertaken in 2021 for inclusion in that document.

Winton also reported that a booklet entitled "*Weathering Maine: Historic Properties and Climate Change Planning in Maine, Survey Report*" was available. Winton will share a copy with Committee members and asked them to circulate it.

**6. Approval of Minutes**

F. Smith then led the Commission in a review of the minutes of the HPC's December 8, 2021 meeting.

**Motion: Move to approve the minutes of the HPC's December 8, 2021 meeting.**

Moved: P. Bevacqua

Second: M. Kyriakides

**Vote: Roll call vote. 5 in favor, none opposed; the motion carried.**

**7. Adjournment**

There being no further business, the presiding officer declared the meeting adjourned at 9:46 pm.

**Motion: Move that the meeting be adjourned.**

Moved: J. Jandreau

Second: B. Fleshman

**Vote: Roll call vote. 5 votes in favor, none opposed; the motion carried.**

Respectfully submitted by,  
J. Schlagheck

Adopted by the Commission in its meeting  
of February 9, 2022

Signed by

  
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HISTORIC PRESERVATION COMMISSION