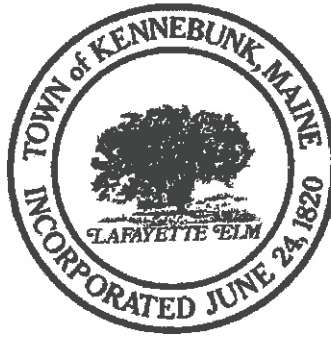


Town of Kennebunk, Maine



Historic Preservation Commission

MEETING MINUTES

March 22, 2023

In Person Meeting, 3rd Floor, Town Hall, 1 Summer Street, Kennebunk

- 1. Call to Order:** Chair Frances Smith called the meeting to order on March 22, 2023 at 6:30pm at Town Hall, 3rd Floor, 1 Summer Street, Kennebunk. The meeting was held in-person. Those in attendance were:

Present: Frances Smith [Chair], Barbara Fleshman [Vice Chair], Judee Jandreau [Member], Stephen Dalzell [Alternate], and James Cartwright [Alternate];

Absent: Paul Bevacqua [Member], and Maria Kyriakides [Member];

Also Attending: Christopher Osterrieder [Town Engineer and Director, Community Development], and Karen Winton [Deputy Director, Community Development].

F. Smith first elevated J. Cartwright, an alternate member, to voting status for the purpose of this meeting. She then stated, for the record, that this was a public hearing at which all present had the right to hear all that was said and view all exhibits submitted unless the Board specifically voted to go into Executive Session.

The Chair 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 introduced each of the Commission members in attendance. There were initially four voting members present: F. Smith, B. Fleshman, J. Jandreau, and J. Cartwright.

2. Continued Applications

There were none.

3. New Applications

a. Application 23-H-03

Property owner(s): Town of Kennebunk
Applicant(s): Bryan Laverriere, Josh Jaken
Property: 19 Park Street
Application Date: February 17, 2023
Summary: Replace field dugout corral

C. Osterrieder spoke on behalf of the applicants, asking that the hearing of this application be continued until a later date. The proposal, he said, was being modified and would be resubmitted to the Commission for its April 12, 2023 meeting.

Motion: Move to continue Application 23-H-03 until April 12, 2023.

Moved: B. Fleshman

Second: S. Dalzell

Vote: Roll call vote. 4 votes in favor, none opposed; the motion carried.

b. Application 23-H-04

Property owner(s): Gwendolynne Arthur & Thomas Whistler
Applicant(s): Gwendolynne Arthur
Property: 14 Summer Street
Application Date: February 27, 2023
Summary: Replace two windows

Gwendolynne Arthur, an owner of Unit #5 at 14 Summer Street, addressed the Commission next, seeking authorization to replace two windows. The windows in her unit, the applicant said, had been in place for more than 20 years and very much needed repair. However, the owners propose to only replace two windows on the south, front side of the building at this time.

Ms. Arthur stated that she did not choose to use the same window manufacturer [Andersen] as had been recently approved for Units #1 and #2 in the building. For cost and installation reasons, the applicant sought approval to use Pella windows instead -- ideally with a 6 over 1 configuration exactly as her existing windows. But the Pella windows, she said, would look exactly the same as the Andersen ones for visual uniformity in the building.

The applicant stated that she had been out of the country and did not know of the email sent to her requesting that she furnish Condominium Association approval of her Pella, six-over-one request. She acknowledged that other owners in her building had installed different windows over time and that the Association as well as the HPC now sought to give the building's exterior a more uniform look.

Applicant inquired if the HP had ever approved vinyl windows, and F. Smith replied in the negative. In keeping with Secretary of Interior guidelines, Smith said, the HPC has only approved all-wood and composite windows.

The applicant also asked if she could use a manufacturer other than Pella for any future windows which she might replace other than these two. F. Smith replied that the HPC could not give an approval today for windows to be installed in two or three years' time. A new application would have to be submitted in the future. However, the Commission would hope to see any additional windows being similar "in quality and look" to the two proposed now.

In response to other questions by the applicant, S. Dalzell and J. Cartwright said they had no objection to windows with the applicant's present six-over-one configuration rather than six-over-six. The applicant volunteered that she would also check with the Condominium Association for its approval of six-over-one. B. Fleshman remarked that the HPC's approval for six-over-one could be amended depending on the Condominium Association's stand.

Before a vote, F. Smith also elevated S. Dalzell to voting status for the purpose of this meeting. The number of voting members present therefore became five: F. Smith, B. Fleshman, J. Jandreau, J. Cartwright, and S. Dalzell.

Motion: Move to approve Application 23-H-04 for two, six-over-one Pella windows pending approval by the [Greenleaf] Condominium Association.

Moved: S. Dalzell

Second: B. Fleshman

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

c. Application 23-H-05

Property owner(s): Barbara and John Fleshman

Applicant(s): Barbara Fleshman

Property: 77 Summer Street

Application Date: March 2, 2023

Summary: Remove damaged limbs and trees [post fact]

B. Fleshman recused herself, and addressed the HPC as an applicant, seeking post-fact approval of recent tree and limb removals on her property. Severe snow and ice storms, she said, had caused extensive tree damage. Arborist Noah Tucker inspected the trees and confirmed that five of them needed to come down. They were deemed to be a hazard and were consequently removed with the concurrence of the Town's Code Enforcement Office.

B. Fleshman affirmed that only one of the trees -- a large maple lost at the front of her property -- would be replaced by a 10-ft. gingko tree.

Motion: Move to accept Application 23-H-05 as submitted.

Moved: J. Jandreau
Second: J. Cartwright
Vote: **Roll call vote. 4 votes in favor, none opposed, 1 abstention [Fleshman]; the motion passed.**

d. Application 23-H-06

Property owner(s): One Realty Corp c/o M&T Bank
Applicant(s): Shawn McCarthy
Property: 100 Main Street
Application Date: March 7, 2023
Summary: Replace 5 windows

As neither the applicant nor a representative was present to present this application or answer questions, the Commission moved to hear the application at a later date.

Motion: Move to continue Application 23-H-06 until April 12, 2023.

Moved: J. Jandreau

Second: S. Dalzell

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

e. Application 23-H-07

Property owner(s): Randy & Kari Gates
Applicant(s): Randy Gates & Bob Georgitis
Property: 9 Barnard Lane
Application Date: March 10, 2023
Summary: Add retaining walls, paths/walkways, building lighting, landscape lighting, landscape plantings, outdoor fireplace, driveway gate, fencing, and parking area.

Applicant Randy Gates addressed the HPC first, exclaiming “enough’s enough!” He alleged that there has been “systematic blockage” of this project by Town Hall staff and this Commission, causing Mr. and Ms. Gates years of delay and hardship. He praised one HPC member, Maria Kyriakides, for her support, but rebuked other HPC members for their intransience.

Kari Gates spoke next. She thanked the public for its support and thanked J. Cartwright for his professionalism. However, Ms. Gates voiced distain for the Town’s and HPC’s approval processes as well as for her treatment. She announced that, after more than two years of approval delays and “stonewalling”, she and her husband had decided not to build anything after all. “This application,” she announced, “is withdrawn.”

A public commentator and resident at 71 Heath Road spoke next, voicing support for the Gates. The couple, he said, had espoused a project of great potential benefit to Kennebunk. But “small town politics” and poor Town Hall stewardship,

he said, had sabotaged the applicants' goodwill. He opined that Town Hall had handled this project in a disgraceful fashion.

Ms. Gates spoke again. She blamed Town Hall staff for not forcing the HPC to operate in a professional, helpful way. The Secretary of the Interior's guidelines, she alleged, were not being honored. She decried the Town "red-tagging" work that she had done to simply remove and safeguard several barn windows before she learned of all the building restrictions in Kennebunk.

As well, K. Gates found fault with Kennebunk's zoning and building Ordinance. "Article 12", she remarked, "is a joke." "The Town should look at the ordinances of Saco and Biddeford for a proper ordinance."

K. Gates went on to opine that the Historic District existed by the will of voters, but she was sure that the majority of voters in the Historic District would vote today to abolish the HPC and its restrictions. "Kennebunkport doesn't have one [an HPC] and it does just fine." State officials, she believed, were also at fault for allowing this approval bureaucracy to prevail.

"We've been road-blocked every step of the way," Ms. Gates continued, "...and this is documented and factual." As a result, she said, the Inn will not be rebuilt and the Town is losing a valuable improvement.

The Chair thanked the Gates and public commentator for their views. There was no further action.

4. Old Business

There was none

5. New Business

B. Fleshman advised HPC members that another workshop would take place when time permitted and a future meeting agenda was light. Ms. Fleshman will liaise with K. Winton and B. Howard to ascertain that date and notify Commission members.

6. Minutes of Prior Meetings

Members then reviewed the minutes of the HPC's meetings of March 8, 2023. Several errors were identified and corrected.

Motion: Move to approve the minutes of March 8, 2023 as corrected.

Moved: B. Fleshman

Second: J. Jandreau

Vote: Roll call vote. 4 votes in favor, none opposed, 1 abstention [Dalzell had not attended the 3/8/223 meeting]; the motion carried.

6. Adjournment

There being no further business, F. Smith declared the meeting adjourned at 7:20pm.

Motion: To adjourn the meeting.
Moved: S. Dazell
Second: J. Jandreau
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 April 12, 2022

Signed by,



HISTORIC PRESERVATION COMMISSION