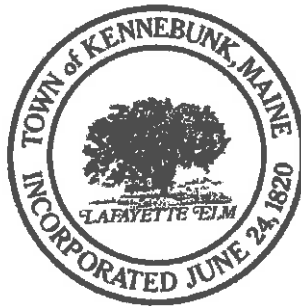


# Town of Kennebunk, Maine



## Historic Preservation Commission

### MEETING MINUTES

July 13, 2022

In Person Meeting, 3<sup>rd</sup> Floor, Town Hall, 1 Summer Street, Kennebunk

- 1. Call to Order:** Chair and presiding officer Frances Smith called the meeting to order on July 13, 2022 at 6:30 pm at Town Hall, 1 Summer Street, Kennebunk. Those in attendance were:

**Present:** Frances Smith [Chair], Barbara Fleshman [Vice Chair], Paul Bevacqua [Member], Stephen Dalzell [Alternate];

**Absent:** Judee Jandreau [Member], and Maria Kyriakides [Member];

**Also Present:** June Huston [Huston Construction], Christopher Osterrieder [Director, Community Development], Karen Winton [Deputy Director, Community Development], and Sally Carpenter [Select Board Liaison].

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 elevated alternate member S. Dalzell to voting status for the purpose of this meeting. The total number of voting members was, therefore, four: F. Smith, B. Fleshman, P. Bevacqua, and S. Dalzell.

## 2. Continued Applications

There were none.

## 3. New Applications

### Application 22-H-28

Property owner(s): Margaret Wibel  
Applicant(s): Same  
Property: 93 Summer Street  
Application Date: June 13, 2022  
Summary: Repaint house and garage

Applicant M. Wibel addressed the Commission, seeking authorization to repaint her house and garage in the colors Benjamin Moore HC-127 ["Fairmont Green"] and HC-172 ["Revere Pewter"]. The front porch of the house, the applicant affirmed, would be painted "the same white color as now". However, applicant did not know the name of the specific white paint to be used.

**Motion: Move to approve Application 22-H-28 as submitted with the caveat that applicant is to submit a paint chip for the specific white paint color to be used for the porch and deliver that chip to the Community Development Office for the record.**

Moved: B. Fleshman

Second: S. Dalzell

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

## 4. Old Business

K. Winton reminded the Commission that it was required to elect officers at its first meeting in July. However, HPC members decided to postpone the election until more members were present.

**Motion: Move to defer the election of HPC officers until the HPC's next meeting on July 27, 2022.**

Moved: S. Dalzell

Second: B. Fleshman

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

## 5. New Business

### a. Clarification of 9 Barnard Road Approvals

The Commission then took up the request dated June 30, 2022 of Mr. Robert Georgitis, a consultant helping the owners of 9 Barnard Road, for clarification about the HPC's past authorizations or Certificates of Appropriateness [COAs] for that property. A copy of the correspondence is attached. It asked the HPC to confirm (1) that "...it was your intent [to authorize] the replacement of the barn foundation (at the same elevation [as] its current state) with the same treatment

as the materials and treatment of the house;" and specifically (2) that "it was the intent of the Commission's COA [to] include the barn as well."

According to Mr. Georgitis, Code Enforcement Officer Brian Paul was "taking the conservative approach" and had withheld a building permit for the barn changes because, in Paul's view, lifting up the barn and installing a new barn foundation had not been approved by the HPC. However, neither Mr. Georgitis nor the applicants were present at today's meeting.

P. Bevacqua asked if the Code Enforcement Officer had also requested clarification about the HPC's approvals. K. Winton answered that the applicants propose to install a commercial kitchen below the barn and believed they had HPC approval to install a new barn foundation to do so when the HPC approved the deconstruction/reconstruction of the main structure. B. Paul, the Code Officer, did not agree.

The fundamental issue, K. Winton stated, is whether "your last COA includes approval for lifting the barn and replacing the foundation".

P. Bevacqua and F. Smith voiced the same view: the applicants, they said, had solely requested — and were solely granted approvals for — the barn to be repainted, re-shingled, and have new Mathew Brothers windows installed. "There was never discussion of changing or modifying the barn's foundation or lifting the barn at any time," P. Bevacqua said. "We had three applications regarding this property," he added, "and none of them requested approval to change the barn's foundation."

All HPC members concurred that there had been no prior request — stated or implied — for any change of the barn's foundation. The last COA regarding this property, every member agreed, was exclusively for the deconstruction and reconstruction of the main structure, not the barn.

HPC members then discussed whether the applicants would need to submit a new application providing detail about the foundation changes they now seek. P. Bevacqua made an offer to the applicants to simply amend their prior application with this information to streamline the process. K. Winton asked the HPC to itemize the specific kinds of information and/or support materials which HPC members would require in order to act on a new application or amendment. After some discussion, HPC members agreed that they would need to see, among other things, the following materials:

1. A new application or request to amend a prior application which describes the specific changes now proposed and provides project details;
2. Confirmation as to whether the barn would be higher or lower than it is now;
3. A new or revised and final elevation if different from the last elevation submitted to the HPC; and,

#### 4. Enumeration and description of the materials to be used.

The articulation of this list was interrupted when the conversation took a turn. However, K. Winton returned to the subject, asking the HPC to draft a letter itemizing these and any other requirements for “a definitive list”. F. Smith agreed to draft such a letter.

June Huston, a public commentator, then addressed the Committee, stating that “set-backs like this have financial consequences”. She urged the HPC to move forward on this case without further delay. She also alleged that one elevation submitted by the applicants to the HPC contained a note which stated that the applicants proposed to put “a stone-type face on the foundation”. That note made clear, Huston said, that the foundation was going to be changed.

S. Dalzell countered that while the foundation of the main house had been discussed extensively, there was never discussion about a new foundation for the barn. On the contrary, Dalzell said, “the applicants represented that the barn’s foundation was structurally sound.” “We were never asked to consider a new foundation for the barn at any time,” S. Dalzell remarked.

J. Huston rebutted the comment. “The last plan given to the HPC,” Huston repeated, “contains a note which clearly states that there would be a stone veneer.” Moreover, she added, the “slow-down on approving this is becoming a black eye for the community”.

P. Bevacqua replied that any side note or footnote about a stone veneer was, in his view, irrelevant. The HPC’s last approval, he said, was exclusively a response to the applicants’ request to deconstruct and reconstruct the main house. C. Osterrieder added that the Code Enforcement Officer had held off on issuing a building permit for a new barn foundation because he [the Code Enforcement Officer] was obligated to base his permits on the HPC’s authorizations. “The HPC’s specific approvals were not for a new barn foundation,” Osterrieder stated.

K. Winton observed that the HPC had the option of amending one of its COAs for this project. F. Smith replied that having the applicants or one of their representatives present would be important for such dialogue. However, P. Bevacqua agreed that the HPC could consider amending one of its COAs for 9 Barnard Lane in the interest of moving the project forward.

B. Fleshman opined that a new application was needed and abutters needed to be notified. C. Osterrieder concurred, observing that applicants could submit a new application or request an amendment to their application 21-H-09B. The Town, he affirmed, would need to notify abutters in either case.

K. Winton cautioned all parties that the deadline to post abutters notices was July 15<sup>th</sup> if the applicants wanted to qualify for a hearing at the HPC’s next July 27<sup>th</sup>, 2022 meeting. J. Huston asked how long it would take to receive a building permit if the HPC approved the new foundation on July 27<sup>th</sup>. K. Winton replied that this

case continues to have Brian Paul's [the Code Enforcement Officer's] priority attention, but he also needs to have final plans of what the applicants propose to do.

Sally Carpenter, Select Board Liaison Officer, asked the HPC to make its forthcoming letter about the approval requirements "as clear and definitive as possible". F. Smith again agreed to prepare such a letter and forward it to Mr. Georgitis. P. Bevacqua added that the applicants should likewise prepare a letter requesting an amendment to their application 21-H-09B and submit it to K. Winton or to the Community Development Office by Friday, July 15, 2022.

Neither Commission members nor Ms. Huston had further comments.

**b. Workshop Items**

B. Fleshman then circulated a preliminary list of the items to be discussed and definitions to be considered by the HPC in a forthcoming workshop. A copy of the list is attached. Members agreed to hold the workshop "sometime in August" to add to and prioritize this list. Members specifically agreed to consult their calendars and set a firm workshop date at their next meeting.

**6. Review and Approve Minutes**

The Chair next led the Commission in reviews of the minutes of the HPC's May 25, 2022 and June 22, 2022 meetings. HPC members had postponed their review of the May 25<sup>th</sup> minutes because the presiding officer at that meeting, B. Fleshman, was not present at subsequent meetings when the Minutes came up for review.

**Motion: Move to approve the Minutes of the HPC's May 25, 2022 meeting as submitted.**

Moved: P. Bevacqua

Second: S. Dalzell

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

**Motion: Move to approve the Minutes of the HPC's June 22, 2022 meeting as submitted.**

Moved: S. Dalzell

Second: P. Bevacqua

**Vote: Roll call vote. 3 votes in favor, none opposed, 1 abstention [B. Fleshman had not attended the June 22, 2022 meeting]; the motion carried.**

**7. Adjournment**

There being no further business, the presiding officer declared the meeting adjourned at 7:26pm.

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

Moved: P. Bevacqua

Second: B. Fleshman

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

Respectfully submitted by,  
J. Schlagheck

Adopted by the Commission in its meeting  
of July 27, 2022

Signed by

  
HISTORIC PRESERVATION COMMISSION