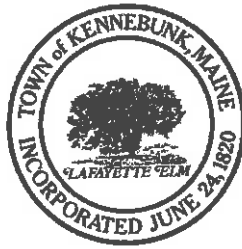


# Town of Kennebunk, Maine



## Historic Preservation Commission

### MEETING MINUTES

June 9<sup>th</sup>, 2021

Zoom Teleconference Meeting, Kennebunk

- 1. Call to Order:** The meeting was called to order at 6:30pm by presiding officer Frances Smith via Zoom teleconferencing under the Governor's COVID-19 Executive Order and by request of the Town's Select Board. Those in attendance were:

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

**Absent:** Judee Jaudreau [Member] and Maria Kyriakides [Member]

**Applicants Present:** Judith O'Donnell, William Pasquill, Jr., and Timothy Cassavaw

**Also Present:** Karen Winton [Deputy Director, Community Development], Tim Myers [Andersen Renewal Windows]

The presiding officer stated, for the record, that this 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 formally 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 also designated alternates M. Megeaski and Stephen Dalzell as voting members for the purpose of this meeting.

## 2. Prior Applications

### Application 21-H-19B

Property owner(s): Judith O'Donnell

Applicant: Same

Property location: 9 Dane Street

Summary: Replace 8 (instead of 4) windows with Andersen 100 Series

Applicant had originally been granted a Certificate of Appropriateness on May 26, 2021 for the installation of four Andersen 200- and 400-Series windows. Ms. O'Donnell subsequently amended her request and now seeks authorization to install eight Andersen 100-Series windows instead.

P. Bevacqua inquired about the location of the windows to be installed. Applicant responded that they will not be located in the front of the house, but will be "in-kind" replacements. Commission members had no other questions.

Motion: B. Fleshman moved to approve Application 21-H-19B as submitted for the installation of eight [8] windows.

Second: S. Dalzell

Vote: Roll call vote. 5 votes in favor, none opposed. Motion carried.

### Application 21-H-16

Property owner(s): William Pasquill, Jr. and Michael Levasseur

Applicant: William Pasquill, Jr.

Property location: 14 Summer Street, Units #1 and #2

Summary: Replace 6 windows in Unit #1 and 5 windows in Unit #2.

At today's hearing, Commission Members addressed three issues: (1) whether it is the responsibility of the condominium association or individual unit owners to seek authorization for modifications in a condominium building in Kennebunk's Historic Preservation Overlay District; (2) how to respond to the discovery that architecturally different windows are currently installed "side by side" in different units of 14 Summer Street; and (3) the merits of this particular Application for authorization to install 6 Andersen windows in Unit #1 and 5 windows in Unit #2.

Applicant W. Pasquill had provided a copy of the Greenleaf Condominium's by-laws as the Commission requested. That document stipulates that repairs and renovations to individual residential units in the condominium are the responsibility of the individual owners.

B. Fleshman stated that, in her view, the windows proposed by applicant conform to Historic District standards. However, Fleshman voiced concerns: (1) what controls, she asked, will ensure exterior conformity in this condominium building going forward, and (2) how, specifically, can the Commission ensure that individual owners do not make repairs, modifications, or other window replacements without Commission and Town authorization, historic appropriateness, and uniformity.

Fleshman voiced the view that while the condominium association is not responsible for the cost of these particular windows, it nevertheless bears responsibility for ensuring conformity when external repairs or modifications are made.

F. Smith recommended that the Greenleaf Condominium Association should meet, discuss the issue, and agree on ways to enforce conformity.

K. Winton suggested that a copy of the Town's guidelines regarding historic properties be given to the Condominium Association as well as individual property owners at 14 Summer Street so that all parties understand the requirements of home ownership in the Historic District. Windows installed without this Commission's Certificate of Appropriateness as well as a building permit, Winton said, can and should be addressed by Code Enforcement.

S. Dalzell likewise expressed concern about the mismatched windows installed in other units. P. Bevacqua called for a clear definition of "common areas" as regards this condominium. This application, he said, might have to be made by the Condominium Association rather than an individual owner.

F. Smith suggested that K. Winton and B. Fleshman might investigate the building's master deed to ascertain the condominium association's oversight responsibilities and to consult with Maine Historic to ascertain which party — the condominium association or individual owners — must apply for pre-fact window approval in a condominium building.

Utilizing the Town's computer data base, K. Winton found the master deed for this property in Book 2756, page 71. That deed, Winton stated, contains extensive definitions of such terms as "common areas", "limited common areas" and the like for the building in question. The Board, she said, might want to review these definitions.

T. Myers, a representative of Andersen Renewal Windows present at applicant's request, observed that time is an issue. Because a lengthy lead time is needed to order the windows before they can be installed, he urged the Commission not to postpone approval as installation is not advised in the winter time, pushing out the installation time-frame even further.

S. Dalzell concluded that he would support the installation of the windows proposed with the "addendum" that the Greenleaf Condominium Association create a protocol or establish some policy to ensure long-term, exterior uniformity in the building. B. Fleshman expressed agreement with that view.

Motion: S. Dalzell moved to approve Application 21-H-16 for the replacement of 6 windows in Units #1 and 5 windows in Unit #2 with Renewal-by-Andersen windows, Fibrex composite material, full divided light in a 6 over 6 pattern and no change to the exterior trim.

Second: M. Megeaski

Vote: Roll call vote. 3 votes in favor, 2 opposed [Bevacqua, Smith]. Motion carried. [Note: This approval was not contingent on any addendum or policy requirement incumbent on the Condominium Association.]

### 3. New Applications

#### Application 21-H-23

Property owner(s): Timothy Cassavaw

Applicant: Same

Property location: 56 Summer Street

Summary: Lighting fixtures and post lantern

T. Cassavaw, current owner of 56 Summer Street, came before the Commission for approval to replace several exterior light fixtures and install a post-lantern. There were originally two lanterns at either side of his garage door, applicant said, but they were removed by prior owners. Applicant seeks to replace them.

Applicant also seeks approval to install gutters at the back of the house, replicating those in front.

P. Bevacqua inquired whether the new gutters would be copper or aluminum, and applicant stated they would be aluminum painted the same color as the existing ones.

F. Smith and B. Fleshman posed questions about the post lantern fixture. There are express Ordinance guidelines about on-post light fixtures, they observed. Applicant confirmed that the post lantern he seeks to install would have "seeded", opaque glass and not create an upward beacon of light.

Motion: P. Bevacqua moved to approve Application 21-H-23 as presented with the condition that a Town Code Officer vet or pre-fact approve the light fixtures to ensure compliance with the Town's private outdoor lighting code.

Second: B. Fleshman

Vote: Roll call vote. 5 votes in favor, none opposed. Motion carried.

#### Application 21-H-24

Property owner(s): Stephen Dalzell and Virginia Healey

Applicant: Same

Property location: 5 Park Street

Summary: Landscaping

As he is the applicant, S. Dalzell recused himself from this part of today's hearing. Dalzell had submitted a detailed landscaping plan for authorization to plant three "Betula nigra Heritage" [River Birch] trees and two "viburnums" for privacy screening. Applicant now finds that it is extremely difficult to source the viburnums. Hence, S. Dalzell verbally amended his Application at today's meeting, seeking authorization to (1) plant two Betula nigra Heritage [birches] in place of the viburnum, (2) not proceed

with planting any viburnums at this time. and (3) not plant the group of three Betula nigra Heritage depicted at the bottom of his landscaping diagram, lower left.

After brief discussion about likely planting dates and expected height of the plants, the Commission had no other questions.

Motion: B. Fleshman moved to approve Application 21-H-24 for authorization to plant "Betula nigra Heritage" birch trees as requested at 5 Park Street.

Second: P. Bevacqua

Vote: Roll call vote. 4 votes in favor, 1 abstention [Dalzell], none opposed; motion carried.

#### 4. Other Business

F. Smith inquired whether the public wished to voice any concerns or pose questions. There were none.

B. Fleshman inquired about the status of the rose bushes misplanted at 35 Summer Street. K. Winton reported that a Code Enforcement Officer had spoken with the owner who apologized for his gardeners' snafu. The bushes have been removed.

F. Smith asked the meeting clerk to organize future meeting agendas so that "new" applications are addressed before returning or "prior" ones. The clerk agreed to do so.

#### 5. Review of Prior Minutes

F. Smith led board members in a review of the May 26, 2021 minutes.

Motion: P. Bevacqua moved to accept the Minutes of May 26, 2021 as presented.

Second: S. Dalzell

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

#### 6. Adjournment

There being no further business, the presiding officer declared the meeting adjourned at 7:52pm.

Motion: P. Bevacqua moved to adjourn the meeting.

Second: B. Fleshman

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

Respectfully submitted by,  
J. Schlagheck

Adopted by the Commission at its meeting of June 23, 2021

Signed by

  
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Historic Preservation Commission