**Wiscasset Historic Preservation Commission**

Minutes, 4/6/17

Present: John Reinhardt, Wendy Donovan, Gordon Kontrath, Richard Thompson, Susan Blagden, Jim Kochan

1. Call to order

The meeting was called to order at 5:00 pm

2. Consideration of minutes

The minutes of the 3/16/17 meeting were approved 5-0.

3. Executive session

Richard requested a 5 minute executive session to discuss a personnel matter. The Commission received memos from Ben that outlined the upcoming Certificate of Appropriateness reviews, and included recommendations from the Planning Department regarding approvals. A few of the commission members expressed their objection to receiving memos in this fashion, citing concerns that the memos would be entered into the record, and that it was not done appropriately.

The town lawyer was present during the executive session, and said that the issue should be taken up with the town manager. He also noted that the information contained in the memos was simply a recommendation, and not something that the Commission was obligated to abide by.

4) Certificate of Appropriateness reviews

a) 4 Fort Hill St – fencing, replacement of side door, restoration of front door

Susan moved the Commission act on each of the requests in this application separately, and the motion passed 5-0.

Fencing: Jim pointed out that the home is a National Register contributing structure, and that the original fence foundation is still in place. There are ample records of the original fence, which was a formal style Federal fence, featuring large, square posts with an upper and lower rail. The new fence is a garden picket fence in a stockade style, with modern style rounded pickets. There was no attempt to replicate the original fence. Based on the guidelines set forth in the historic preservation ordinance, every attempt should have been made to preserve the existing structure or to replace it in kind. The new fence is architecturally incompatible.

The applicant maintained that when she purchased the home, she was not made aware that there was an historic preservation ordinance, nor that the house was an historic structure.

Al suggested that in light of the owner’s situation, she should retract this application and re-apply with a more appropriate design. John said that it is not the Commission’s goal to penalize anyone, and that we recognize the cost factors involved, but that it is our job to preserve the history of Wiscasset. Susan noted that ignorance of the law is not an excuse, and wondered if there was some compromise possible. Richard acknowledged that the applicant is in a difficult position and that the Commission is sympathetic, but we are sworn to uphold the rules. He was discouraged that the applicant was not aware that this is an historic structure.

Jim moved that the Certificate of Appropriateness for the fence be denied as the fence is not historically appropriate to the structure. The motion passed 4-1.

Side door replacement: Susan moved to approve the replacement of the side door with a door from the Tiny House on Fort Hill St. The motion passed 5-0.

Front door restoration: A motion was made to approve the restoration of the front door. If it is determined that the door needs to be replaced, the applicant will need to re-apply for a new Certificate of Appropriateness. The motion passed 5-0.

b) 1 Union St – addition of porch and parking spaces

Wendy moved to approve the Certificate of Appropriateness for the addition of a porch and parking spaces as presented. The motion passed 4-1.

c) 25 Middle St – replace existing window with new door

There was a discussion about the need for steps leading to the new door, which are not currently part of the application as written. It was moved to table the application until the next meeting and to ask the applicant to provide a sketch for the steps. The motion passed 4-1.

5. Public comment

Robert Hark, a lawyer representing the Doering family, addressed the commission regarding the MDOT project. The family’s position is that MDOT needs to come before the commission and apply for a certificate of appropriateness, and they are concerned that MDOT is looking to waive that process.

Richard noted that at the meeting with the Downtown Advisory Committee last week the feeling was that the Historic Preservation Commission needs to do its job and that MDOT will need to apply for a COA.

Jim made a motion for the HPC to send a letter to MDOT reminding them that they will need to apply for a COA once the plans for the downtown project are in place. John did not feel that it was necessary to enter into a discussion with MDOT directly, and Ben noted that the town’s line of communication with MDOT is through the Downtown Advisory Committee. The correct avenue would be to go through the Selectmen, the same as any other action we do that represents the town.

Jim modified his motion to have the HPC to send a letter to the Selectmen to advise them that MDOT will need to apply for a COA once the project has been designed. The motion passed 4-1.

Jim also noted that he did not feel the commission had done its job with regard to the COA application for the fence for 4 Fort Hill St. He asked that we formally notify the Codes Enforcement officer by letter that the application has been denied and that the fence should be removed. The letter should be written by Ben and signed by the chairman. Ben stated that pursuant to section 10.8.3, the fence has been placed in violation. The Codes Officer must then notify the Selectmen, and they will decide on a course of action.

Bill Sutter stated that when the commission takes a vote that affects a person financially, we should record the votes by name.

6. Workshop on amendments to the Historic Preservation Ordinance

The commission has not clearly defined “major activities” for the proposed fee structure.

Ben will give the poster to the Selectmen so they can approve it and the other changes we have already made at their next meeting on 4/18.

Ben has met with the state CLG coordinator and she has recommendations for changes to be made to our ordinance. She would like to come to our June meeting. The commission would like to be able to review the recommendations in advance of the June meeting so we will be better prepared.

The meeting was adjourned at 7:30 pm

The next commission meeting will be Thursday, May 4 at 5:00 pm.