



# City of Gardiner

## Historic Preservation Commission

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### Minutes Regular Meeting Tuesday, August 18, 2009 @ 6:00pm City Hall, Council Chambers

**Present:** Kirk Mohney      Jean Parkin-Clunie      Paula Murphy  
                 Gail Ham                      Hal Norvell

**Absent:** Clarence McKay, Chair      Geri Robbins-Doyle

**Also Present:** David Cichowski, Code Enforcement Officer  
                 Dorothy Morang – Recording Secretary  
  
                 Paul McGuire

#### 1. Call Meeting to Order

Acting Chair Mohney called the meeting to order at 6:09pm

#### 2. Roll Call

#### 3. Approval of May 19, 2009 Meeting Minutes

Gail Ham made a motion to approve the minutes. Jean Parkin-Clunie seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

4.) **Consideration of a Certificate of Appropriateness Application from Aspire Corporation, Applicant**

**Proposal: to remove and cap two chimneys that are coming down, creating a hazard.**

**Location: 218 Water St, City Tax Map 34, Lot 102, Central Business/Historic Zoning District**

**Land Use Ordinance Reference: Section 9, Article F**

Paul McGuire, the Applicant said that the back chimney and the one on the side of the building have bricks that are loose. They are not used, so he would like to shorten them and cap them.

David said that employees come in through the door that is underneath the chimney and they also take breaks there. The Applicant is concerned about the bricks falling on someone.

Kirk said that the CEO brought this issue to his attention at the May 19, 2009 meeting. He said that the records show that the current height of the chimneys are not original and they were shortened without approval. Hal asked if the one on the side was the same height as the other one on the front. David said that he might have a picture in his files that would show that.

Kirk referred to the Secretary of Interior Standards for Rehabilitation and noted that 3 out of 10 standards apply to this. He said that based on looking at historic pictures of downtown Gardiner and this building, he thinks the chimneys are character defining features of the building and should be preserved, not destroyed. He asked if there was any analysis of the condition of these and is it possible to re-point and stabilize them. He noted that a ladder was placed against them for workers to work on. David noted that because the chimneys were dangerous and a hazard, the Applicant thought that he could take them down.

Gail asked if they were stable to the point they are now, is it possible to rebuild them. Paul said that he sees no point in it as they serve no purpose. Hal asked Paul if he were talking about both chimneys. Paul said yes. Hal asked what happened to the bricks that were removed. Paul said that he didn't know.

Jean said she agrees with Kirk. The chimneys should not have come down – they are a defining feature. She said that the Commission needs to adhere to the standards or at some point they won't have a historical downtown. She feels they should follow the standards and guidelines.

Hal asked David if he could determine the original height. David said he doesn't know but thinks that the chimney on the end was probably the same height as the front one on the gable end.

Kirk noted that there may have been changes – the windows and other things have been changed. He recognizes that from the owner's point it is an unneeded element of the building, but the chimneys are important to the character of the building. David said that people buying buildings in the Historic District need to know what that entails. Gail said the

situation is difficult – if she owned a building and brick fell off, she would want to do the same thing, but the recommendations say to repair or replace.

Paul said that he has looked around the downtown and over 8 chimneys are shorter than his and others are capped. He doesn't want to be the only one to take a hit here. He doesn't want to build them up to meet a purpose that was a 100 years old. He feels he could match and cap them at this level.

Jean said that the back chimney isn't a bad height for the building, but the gable end one is objectionable – it should go back up to its original height. It is a defining feature and was meant to be matching with the other chimney on the front – to be symmetrical. Hal agreed. The back chimney could be capped as is with a flair. He asked if we could get pictures. David said he would look for some in his file.

Kirk recessed the meeting to look for pictures in the CEO's files.

The meeting reconvened. The CEO found photos of the building depicting the chimneys at different angles and an assessment with pictures done in 2001. In the assessment, a recommendation was made that the southeast chimneys be re-pointed. The photos show the center chimney in the back with a different cap and it had been shortened.

The Committee members reviewed the photos and discussed what the next step would be. David recommended that any chimney not being used in the downtown be capped. That would reduce the deterioration from the top down.

**Gail Ham made a motion that we allow the applicant to cap the back chimney which we've been referring to in our discussion as to the south chimney with the same look that we see in the Downtown 2001 Assessment, which was the straight up flat capping and that the chimney on the side of the building be rebuilt to match, in so far as possible, the chimney on the front of the building and that we set a date to meet to follow up on that so that you can come up with a plan and that would be able to be presented to this Board and that is in accordance with the following guidelines: 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved; 5) Distinctive features, finishes and construction techniques, (in this case the chimneys) or examples of craftsmanship that characterize a property shall be preserved; 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials; and 9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. Hal Norvell seconded the motion.**

A discussion followed concerning whether or not it would be appropriate to deny the application. David said that he would recommend that they deny the application.

Kirk said, so what we are doing is partially approving the Certificate of Appropriateness for the chimney that was taken down on the south side and requiring the Applicant to

reconstruct the chimney on the Church St elevation back to it's prior configuration as appears in the 2001 assessment and, based on the discussion, the Application will work with the CEO to develop specifications for this and come back to this Board at a future meeting for approval. He asked if that is the Commission members' understanding.

David suggested that they deny the application as to tearing the chimneys down and come back with a new application with specifications for reconstruction.

**Jean Parkin-Clunie made a motion to amend the original motion to add that we deny this application. Hal Norvell seconded the motion.**

**Vote: 5 in favor. 0 opposed.**

**Kirk Mohny made a motion to amend the original motion by saying that the applicant is allowed to cap the chimney at its present height. Hal Norvell added – and that it won't be taken down any further and that the east chimney be restored to the height as depicted in the 2001 assessment as determined by the CEO. Paula Murphy seconded the motion.**

**Vote: 5 in favor. 0 opposed. Motion passed.**

**Vote on original motion with amendments: 5 in favor. 0 opposed. Motion passed.**

5.) **Adjourn**

Jean Parkin-Clunie made a motion to adjourn the meeting. Hal Norvell seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

The meeting adjourned at 7:31 PM