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Geri Doyle, Chairperson
Michael Foster, Administrative Assistant

HISTORIC PRESERVATION COMMISSION

MINUTES

Tuesday, February 19, 2019 @ 9:00 AM

Regular Meeting

City Hall Council Chambers

1) Call Meeting to Order

Geri Doyle called meeting to order at 9am

2) Roll Call

Barb Skelton, CEO/Assistant Planner

Clare Marron

Geri Doyle

Robert Abbey

Janet Slade

Absent- Hal Norvel, Rob Lash, Eileen Hagerman, Melian Mulherin

Others present- Marni Sienko, Andy Beaulieu (contractor), Michael Foster (Admin Assistant)

3) Review of meeting minutes of November 20, 2018

Geri Doyle asked if everyone had a chance to review the minutes.

Janet Slade made motion to accept minutes. Seconded by Clare Marron.

Barb Skelton explained that before hearing there should be a discussion of potential conflict with Janet Slade voting on Marni Sienko's cases. It should be discussed for the record. It was pointed out that the Ordinance says that you have to have a quorum with majority of members, there is supposed to be seven members, four members are needed to vote on decision.

Geri Doyle mentioned she does not see a conflict with two separate buildings with two separate owners.

Robert Abbey mentioned there are also two different sets of issues and more amendments for Marni Sienko's proposal.



Clare Marron asked if it is a potential conflict because the contractor is the same. Barb Skelton responded that she raised the issue because they have been wrapped into one type of application and were addressed together by city attorney Jon Pottle at the same time.

Janet Slade replied she is able to separate the issues.

Geri Doyle responded she feels she can separate the issues and there is no conflict.

Janet Slade asked if that meant she will have to have a different meeting for her hearing. Geri Doyle stated that we will table Janet Slade's application for amendment to Certificate of Appropriateness until Commission can next meet.

- 4) Marni Sienko is seeking an amended Certificate of Appropriateness issued July 18, 2017 for the replacement of 9 windows to reflect the use of .032 aluminum trim to meet federal guidelines for lead paint encapsulation at 325 Water Street on City Tax Map 037 Lot 112 in the Central Business/Downtown Historic District.**

Barb Skelton stated that original issued certificates of appropriateness were included in packet for review.

Robert Abbey wanted to clarify that they are being asked to approve the aluminum trim to encapsulate lead paint according to guidelines.

Marni Sienko stated that building originally had some aluminum trim on the bottom of window and some aluminum storm windows. When lead paint was found it was important to encapsulate so it didn't get onto sidewalks and into the public space.

Clare Marron mentioned number 7 in letter from Maine Historic Preservation Officer Kirk Mohny says that it is an acceptable replacement.

Barb Skelton clarified that letter mentions aluminum clad with sash, but doesn't talk about actual trim. It doesn't extend to the trim. It doesn't negate the issue that they ran into lead paint. Wood sash is clearly part of the window and not the trim.

Geri Doyle mentioned letter from Kirk Mohny (dated March 31, 2017) recommended that the replacement sash be either wood or aluminum clad wood sash.

Barb Skelton referenced letter from city attorney Jon Pottle addressing the applications and previous meeting with both Janet Slade and Marni Sienko. It was one of the recommendations of Jon Pottle that this issue come before the HPC.

Marni Sienko pointed out that the letter states that it is just his opinion.



Robert Abbey pointed out that it seems the only clear comment made in letter is that there is no rationale provided on why removing the lead paint could not occur or why the trim molding could not be replaced. It seems to be asking for applicant version or contractor version about why the method used the preferred method for encapsulation.

Marni Sienko responded that she submitted documents and letters stating that, and guidelines from the state as to why that method was used.

Robert Abbey asked if it was submitted to Façade grant committee or the City. Marni Sienko responded that she submitted it to Barb Skelton, City Manager Christine Landes, and the lawyer.

Clare Marron asked if at the time lead paint was discovered if change order was submitted then.

Marni Sienko stated that change order was submitted but got lost and wasn't found in file at City until later.

Robert Abbey pointed out that letter from City attorney Jon Pottle states that review process has not occurred. Robert asked if Commission is reviewing methodology. Response from Commission members was yes.

Geri Doyle asked if change order submitted explained why they needed to go a different route.

Marni Sienko responded that it was only one line and she asked Denise Brown if a more detailed letter was needed. Marni stated that Denise said that would be fine and to come and schedule a review when it is done and they will have it inspected, then they will get final payment.

Geri Doyle asked if change order said there was no way they could do aluminum clad wood sash.

Marni Sienko clarified that the aluminum clad windows were approved in amended certificate.

Geri Doyle asked about aluminum trim.

Marni Sienko stated windows had some aluminum trim on window bottoms and aluminum trim storm windows. Contractor Andy Beaulieu wrote letter citing rules and why they choose to encapsulate.

Marni Sienko provided letter from Andy Beaulieu about encapsulation of lead paint dated September 30, 2018.

Robert Abbey pointed out that letter is referenced by attorney.



Barb Skelton mentioned there was a lot of correspondence and that it all wasn't included in packets, just the materials submitted from applicants and previously issued certificates. If they would like to see any of the information copies can be provided.

Robert Abbey stated that in over simplified terms it sounds like they are being asked to say that they agree with contractor that this is best way to deal with lead paint issue, and if they agree it opens the door to approving an Amended Certificate of Appropriateness.

Geri Doyle asked Andy Beaulieu (contractor) about other methods of lead paint encapsulation.

Andy Beaulieu explained one way is removal. Different methods are mentioned in federal guidelines and he picked most appropriate method. Project was shut down when lead paint was discovered and Andy went to get certified by state and EPA to make sure they were doing the job correctly.

Clare Marron asked about change order process for HPC and if change order would come in front of HPC for review.

Barb Skelton stated that when change order was submitted one was lost, one was processed.

Marni Sienko mentioned that it was lost and then they found it.

Barb Skelton explained that part of the problem the City had was changes in personnel throughout process. Marni Sienko had been in and talked to Denise Brown and front counter staff, but didn't meet with Barb. There were issues with things not being found that Marni found them in file when she met with Christine Landes.

Clare Marron clarified that she asked because she had previously received change order herself and that it didn't come before HPC.

Barb Skelton explained that change orders with no substantial changes to approval can be approved from state or the HPC it wouldn't rise to the level to need to come before HPC. Previous unheard change orders involved roof changes that were not visible. This issue is coming back because it is visible trim and needs HPC approval. She stated that she was not notified that the work had stopped. Andy did the appropriate thing by getting training, but there was a lack of communication that happen on both sides.

Andy Beaulieu pointed out that other buildings in the Downtown District have aluminum clad trim.

Barb reminded the HPC that they have heard and approved aluminum clad windows with trim, vinyl clad windows, and composite trim materials. Difference with this application is that there are Federal and State guidelines and requirements due to Façade grant and Historic District.



Janet Slade asked if Cindy Malcom's building was part of façade grant.

Barb Skelton responded that it wasn't.

Janet Slade stated that she doesn't recall the HPC addressing trim and they usually concentrate on the windows themselves during review.

Barb stated that with approvals of vinyl/aluminum windows unless the application states differently the Commission would assume trim materials are the same as the window.

Barb pointed out that exterior trim is not specifically mentioned in requirements.

Robert Abbey stated that this seems to be about compliance. There was a contractor (Andy Beaulieu) certified to make judgement and he decided this was best way to address the lead paint issue. Also had issue of getting things lost at City Hall. HPC is spinning wheels if they can't find way to amend certificate based on compliance.

Robert moved to amend the certificate of approval from September 20, 2016 and July 18, 2017 to reflect use of .032 aluminum trim to meet federal guidelines for lead paint encapsulation.

Barb distributed finding of fact work sheet for HPC members.

Robert Abbey made motion that based upon the facts presented by Marni Seinko Applicant, the Gardiner Historic Preservation Commission finds that the proposed project is consistent with the *Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings* in order to amend the Certificate of Appropriateness from September 20, 2016 and July 18, 2017 reflecting the use of .032 aluminum trim to meet federal guidelines for lead paint encapsulation. Seconded by Clare. All in favor.

- 5) Marni Sienko is seeking an amended Certificate of Appropriateness issued July 18, 2017 to include reinforcement of existing exterior stairwell, replace rotten deteriorated deck boards, stair treads, railings, jack existing stairs and level, and replace with like materials at 325 Water Street on City Tax Map 037 Lot 112 in the Central Business/Downtown Historic District.**

Marni Sienko stated that request was on original application but when funds were distributed she didn't think there were enough funds to do the windows and this. When she was told more funds were available the last thing Patrick Wright (previous economic developer) told her before he left was to apply for change order.



Andy Bealieu explained that they took the stairs on back of building, the second means of egress, that were structurally in rough shape, and strengthened up the structure and replaced deteriorated treads, and a few deck boards up top with the same materials that were there.

Geri Doyle asked if the photos provided were before or after stair work was done. Marni Sienko responded that it was after the work was done.

Geri Doyle asked if the stairs were code conforming for height and width. Andy Bealieu responded that the stairs were left as building was, braces were added to secure stairs.

Barb Skelton mentioned that under normal circumstances the upgrades to stairs would not normally need a permit or CEO review being just upgrades and replacement. Change order process was recommended by City attorney Jon Pottle.

Janet Slade moved that based upon the facts presented by Marni Sienko Applicant, and the Gardiner Historic Preservation Commission the proposed project is consistent with the *Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings* with *Guidelines for Rehabilitating of Historic Buildings*.

Therefore, I move that the Gardiner Historic Preservation Commission approves the application and grants a Certificate of Appropriateness to Marni Sienko for work at 325 Water Street on City Tax Map 037 Lot 112.

Robert Abbey seconded. All in favor.

- 6) Marni Sienko is seeking an amended Certificate of Appropriateness issued July 18, 2017 to include replacement caulking in seam between bricks and block work along the front of building to keep water and ice out to prevent separation of the block work where deteriorated silicone caulking was replaced with commercial grade masonry caulking at 325 Water Street on City Tax Map 037 Lot 112 in the Central Business/Downtown Historic District.**

Marni Sienko stated that this was originally on application but she did not feel that there were enough funds. When she was told that there were more funds she completed change order.

Robert Abbey pointed out that there is a difference between caulking and masonry repointing. There are masonry grade caulks that are not the same as cement and repointing. Robert asked for clarification of method used.

Andy Beaulieu responded that it is masonry grade commercial sealant from A.H. Harris in Augusta. There could be more separation between block and brick so the deteriorated



plain old silicon caulking was removed then replaced with commercial grade sealant to keep water out and prevent further separation.

Clare Marron asked if block wall was tied in.

Andy Beaulieu answered that he is not sure where but somewhere it must be tied in.

Barb Skelton added that she had raised caulking issue with the state. They explained that it appears to be an expansion joint needing flexibility and doesn't require repointing with mortar. Jon Pottle did write on memo that he understood the issue of caulking versus mortar had been satisfactorily resolved.

Clare Marron made motion based upon the facts presented by Marni Seinko Applicant and the public hearing, the Gardiner Historic Preservation Commission finds that the proposed project is consistent with the *Secretary of Interior Standards for the Treatment of Historic Properties with Guidelines for Rehabilitation* to amend the Certificate of Appropriateness from July 18, 2017 to include replacement caulking in seams between brick and block work along the front of building to prevent separation at 325 Water Street Map 037 Lot 112.

Seconded by Robert Abbey. All in favor. Approved.

Barb Skelton notified the applicant that Michael Foster (Administrative Assistant) will work on approval letters similar to Certificate of Appropriateness for Geri Doyle to come sign. Barb will be working with Denise Brown to process paperwork.

Marni Sienko asked if change orders will be approved.

Barb Skelton responded that she cannot guarantee that because it is up to Denise who is the administrator. Barb will let her know that the Commission has approved it and give her necessary paperwork and that required inspection reports will be forwarded.

Marni Sienko asked if she will be provided copies.

Barb Skelton responded that copies will be provided.

Robert Abbey thanked building owners for patience and looks forward to healthy outcome.

7) Other

Tabled until next meeting when needed quorum is met:

Janet Slade is seeking an amended Certificate of Appropriateness issued June 20, 2017 for the replacement of 11 windows to reflect the use of .032 aluminum trim to enclose rotted trim and lead paint per federal guidelines at 327 Water Street on City Tax Map 037 Lot 111 in the Central Business/Downtown Historic District.



Barb Skelton stated that since they want to table Janet Slade's hearing until quorum can be met, HPC can meet next Tuesday 2/26/2019 9am. Next regularly scheduled meeting is not until March 19. HPC has option to continue meeting and not close today.

Barb Skelton added that there is also a potential training for members coming up in March.

8) Adjourn

Geri Doyle made motion to continue meeting next Tuesday Feb 26, 2019 at 9am. Seconded by Janet Slade. All in favor.