

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
OCTOBER 4, 2012**

** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, Hawai'i. ***

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson, Raymond Hutaff, at approximately 10:10 a.m., Thursday, October 4, 2012, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Commission was present (see Record of Attendance).

Chair Raymond Hutaff: The Maui County Cultural Resources Commission, October 4, Thursday. We do have barely a quorum, thanks to everybody who showed up. So I guess we'll go right on to item B.

Mr. Stanley Solamillo: Good morning, Mr. Chair, and good morning, Commissioners, and welcome to the general public. My apologies for the late start today.

Mr. Solamillo read the following item description in to the record:

B. BANYAN TREE PARK - Report from MAUI COUNTY DEPARTMENT OF PARKS AND RECREATION on Confirmed Users for Banyan Tree Park for 2013

Mr. Alvin Kametani: Good morning. I have the dates for the availability for the Banyan Tree Park for the year 2013.

Chair Hutaff: Just a real quick question for you.

Mr. Kametani: Yes?

Chair Hutaff: I believe normally we see another gentleman here every year?

Mr. Kametani: Yes, Mr. Ashfield. Yes, Mr. Ashfield. He is on retirement. He's getting ready to retire so I'll be doing it this year and, hopefully, I'll be able to do it more as the years go on.

Chair Hutaff: Cool. I just wanted to -- why we have a different face. No worries. You have anything you want to comment on about this that we should know about, anything in particular?

Mr. Kametani: No.

Chair Hutaff: Any changes that you've noticed over the last -- from the last year?

Mr. Kametani: No. Nothing that I can see that requires any changes.

Chair Hutaff: Commissioners, have you had a chance to kinda glance over it? Do you see anything worth commenting on?

Ms. Makalapua Kanuha: If I may, Mr. Chair. I see that the Lahaina Town Action Committee this year but do we have Na Kupuna as well, like Aunty Patti's group, He U'i, I believe.

Mr. Kametani: I believe they're, at the end, there's 43 dates for Aloha First, I believe that's her. That would be her group.

Ms. Kanuha: Aloha First?

Mr. Kametani: Yeah. And then Lahaina Arts would be the other 43.

Chair Hutaff: And are there particular days that they've already corralled or?

Mr. Kametani: If there are no changes, to the open dates, I will be contacting them and we'll be able to divide out the dates.

Chair Hutaff: Okay. Any public testimony? I'm going to open this up for any uses on the Maui banyan, smile, jump up, raise your hand? 'Cause if not, we're going to close public testimony. Public testimony is closed. Commissioners, any comment?

Ms. Erin Wade: Mr. Chair, I apologize. Can I ask a question? I don't have a copy of it, but I know that the last two years there was a conflict with Festivals of Aloha, and I don't know if it ended up on this schedule, so if you folks could take a look and make sure that that did end up on the schedule. It's usually September is when it is.

Chair Hutaff: You have a tentative date for that?

Mr. Kametani: No. We were not contacted by them. My understanding is that they normally work with the existing, either the Aloha First group to schedule the date

Ms. Kanuha: Or Lahaina Town Action Committee.

Mr. Kametani: I can try to contact the group ahead of time and try to work something out.

Ms. Wade: Yes. They actually called me this week and said because they had to work something out this year and the previous year with Aloha First, but Aloha First prefer to keep their own date, if they could, and then to allow also for the Festivals of Aloha, so they would like the opportunity to be offered the banyan tree at another date so that they don't have to take someone else's date away.

Chair Hutaff: What would you suggest that we do on that, we revisit this, having them pick a date, negotiate, and come back?

Ms. Wade: I know that Daryl Fujiwara, who does a lot of the coordination, is out of the country right now so he couldn't be at this meeting, but he'll be back next month and perhaps he could come and maybe if there's a way to approve the majority of the schedule today and then come back and find a date with him next month, that would be appropriate.

Chair Hutaff: Okay. I kind of agree with that. Would you be okay with that?

Mr. Kametani: Yeah.

Chair Hutaff: Where we, you know, go ahead and approve this tentative schedule subject to the changes for the Festival and that so we can actually have a date and give them the time. Would that be okay?

Mr. Kametani: Yeah. That would be fine.

Ms. Kanuha: And, Mr. Chair, if I may recommend that we have Aunty Patty, from He U'i, and all the representatives from all the different groups that put on these festivals under the banyan tree to actually be contacted and to be here next month too as well. You know what I'm saying?

Chair Hutaff: Yeah.

Ms. Kanuha: So that we have all parties present.

Chair Hutaff: Okay.

Ms. Kanuha: That's what I would recommend.

Chair Hutaff: So my understanding is is that we're entertaining the option of deferring this, the final, for next meeting? Is that what I'm gathering?

Ms. Kanuha: Yes.

Chair Hutaff: Would that be okay with you, sir?

Mr. Kametani: That would be fine. Yes.

Chair Hutaff: Does that make sense? So all we need is someone to make a motion to that effect.

Ms. Kanuha: Okay. I make a motion to defer to next month.

Chair Hutaff: Okay.

Mr. U`u: Second.

Chair Hutaff: Okay. We have a motion, second, any discussion? Okay. All those in favor say aye.

Mr. U`u: Discussion. So is the Planning Department going to get in touch with department -- with the people that's going to be involved for next weeks so they have time to come or send a representative or is it -- is it Planning or is it staff?

Chair Hutaff: Who is going to take responsibility for notifying the parties about this deferral? Would you be willing to do that?

Mr. Kametani: I'll be willing to do it. Yes.

Chair Hutaff: Okay, is that okay with ...(inaudible)...

Mr. U`u: Just so we on the same page.

Chair Hutaff: Very good.

Mr. Kametani: And then everybody meets here next month at the next meeting?

Mr. U`u: Send a representative.

Chair Hutaff: Okay.

Mr. U`u: I remember last year we had some discussion, and some of the parties did show up, so if they hash that out at next month's meeting, that'll be great.

Chair Hutaff: That's a great idea. So I believe the motion still stands.

Ms. Kanuha: Yes.

There being no further discussion, the motion was put to a vote.

It has been moved by Commissioner Kanuha, seconded by Commissioner U`u, then unanimously

VOTED: to defer this item to the November 1, 2012 meeting.

Chair Hutaff: The motion is carried. Thank you so much, sir, for your --

Mr. Kametani: Okay. And I'll see you guys all next month.

Chair Hutaff: Thanks.

Ms. Kanuha: Thank you.

Chair Hutaff: Go ahead, Stan.

Mr. Solamillo read the following item description into the record:

C. HISTORIC DISTRICT APPROVAL

- 1. MR. ALVIN YOSHIMORI of GYA ARCHITECTS, INC., on behalf of MAUI COUNTY DEPARTMENT OF PUBLIC WORKS, requesting review and approval of the Proposed Re-roofing of the Old Maui County Court House Building, Located at 150 South High Street, TMK (2) 3-4-008:042, in Maui County Historic District No. 3, Wailuku Civic Center. Public testimony will be accepted. (BT 2012/0963) (S. Solamillo)**

Mr. Solamillo: This, as everyone knows, is the County Court House. It was designed by H.L. Kerr, and built in 1909, as a neo-classical building of the period. In 1928, Paul Lowe, with Maui County, did a rehabilitation of the building and introduced the plantation style roof that we see today covered in clay tile. H. L. Kerr did other projects in Maui County, specifically the Bank of Maui in Lahaina in 1919, Fred Baldwin Memorial Home in Makawao in 1911, the McCandless Building in Honolulu in 1906, Yokohama Specie Bank in 1909, Mission Memorial Building in 1915, Cooke Hall at Punahou in 1917, and Linekona School in 19, I think it's 25. H.L. Kerr is a very famous architect and he was very prolific in Honolulu and throughout the Hawaiian Archipelago, and this building is one of two very important contributing buildings, which were listed on the National Register of Historic

Places, and will be presented this morning for re-roofing. At this point, I will ask Mr. Alvin Yoshimori, of GYA Architects, to come up and give his presentation.

Mr. Alvin Yoshimori: Mr. Chairman, Members of the Commission, my name is Alvin Yoshimura, from GYA Architects. We were hired by the County of Maui, Public Works, to restore the roofing system on both Kalana Pakui and the Old Court House building. So this morning, as a training for my architect that just recently graduated from college, in San Francisco, we're putting him through a test to see if he can do a presentation to get approval from the Commission, so we thought by having Leif Estrada do the presentation, you guys would take kindly to his presentation and not harass him.

Chair Hutaff: No comments.

(Commissioner Maluo arrived at 10:23 a.m.)

Mr. Yoshimura: And with that, I will introduce you to Leif.

Mr. Leif Estrada: Hi. Good morning. My name is Leif Estrada. I'm here with GYA Architects to do our proposal for a scope of work for the re-roof for the Old Court House and also Kalana Pakui. Just to add to the historical information, the Old Courthouse was actually built in 1907 and it incorporates Beaux-Arts architecture style, and the two-story structure is actually of random ashlar cast-like stone structure, and, interestingly, it was built with a flat roof and 1929, it was replaced with the roof that we currently see right now. And prior to being occupied by the prosecuting attorney's office, it was occupied by a circuit court, and was also used as the Maui Town Hall. And our scope of work for both buildings is to remove existing underlayment and the roof tiles and replace them with new underlayment and also roof tiles.

So the total area for the roof is 6,089 square feet. It is on 150 South High Street. This is the demolition roof plan. So we will be keeping the existing gutter and down spout of the roof. And this is the proposed new roof plan. This is the north elevation of the building. The south elevation. The west, which is what you see from South High Street. And the east elevation facing the County Building. This is a building section. And these are pictures of the current condition of the Court House. So in the picture in the top-left is the current roofing of the Court House and the one on the bottom is the Court House with tile that we will be using to replace the old tiles, which is exactly the same as the existing. And some details for the roofing. Is there any questions?

Chair Hutaff: Any questions before we open public testimony?

Mr. U`u: Question. So when was the last re-roof done, re-roofing done?

Mr. Yoshimori: We don't have that information. Sorry.

Mr. U`u: Just curious. The warranty or the time span of the existing roof warrants it to be re-roofed or -- it looks in pretty good shape, just visually, and, you know --

Mr. Yoshimori: Yeah. If you look at the existing roof system, it looks good, but we were instructed by the county --

Mr. U`u: It's all good.

Mr. Yoshimori: To replace the tile and roof. We were not given access to ...(inaudible)....

Chair Hutaff: You need to get by the mike. Sorry.

Mr. Yoshimori: So we didn't get to see the actual condition of the existing roof. Normally, on a flat roof system, we can have access to the roof and evaluate the system, but in this case, both projects, they just told us that it's time to restore the roof and that's what we were assigned to. But I'm afraid to go on the roof 'cause my age and then Leif refuse to go up that roof.

Mr. U`u: He young. Good enough. That's part of the test. Just curious.

Mr. Yoshimori: Answered your question?

Mr. U`u: Yeah.

Mr. Yoshimori: Okay, Bruce.

Chair Hutaff: I do have one. It mentions in one of your slides there that color to be determined from the manufacturer, you're going to try to keep the color exactly the same?

Mr. Yoshimori: Mr. Chairman, we got samples of the tile that we brought in and it pretty much resembles what is there now except it's subject to fading on the same system, but it's supposed to be the same mission tile that was installed many years ago.

Chair Hutaff: And the same --

Mr. Yoshimori: The same color.

Chair Hutaff: The same color or at least it will end up the same color?

Mr. Yoshimori: Yes.

Chair Hutaff: Okay. Anybody have any other questions? I'm going to open it for -- go ahead.

Mr. U`u: Just a question for Stan. Question, Stan. Is that considered the Maui County Court House, that building?

Mr. Solamillo: Yes, it is. When, historically, it was used as a court house.

Mr. U`u: Because, on this paper, I have, from the ATM machine installation, it states that the Maui County Court House was built in 1907, and I think on your slide was '09.

Mr. Solamillo: Yeah. It was my mistake.

Mr. U`u: Oh. I just was curious. Okay.

Chair Hutaff: Any other questions? So I'll open it up for public testimony. I don't see a raise of hand and anybody jumping up. Okay, we're going to close public testimony. Okay, Commissioners, what do you think? Yes?

Mr. U`u: Question for Planning. What do you need from us, approval or comments?

Chair Hutaff: Yeah. It doesn't really say in here.

Ms. Michele McLean: This is agendized as historic district approval so, yes, your approval.

Mr. U`u: Okay. Motion to approve.

Mr. Gaylord Kubota: Second.

Chair Hutaff: Okay, we have a motion and a second. Any discussion? Okay, let's put it to a vote on the motion.

There being no further discussion, the motion was put to a vote.

It has been moved by Commissioner U`u, seconded by Commissioner Kubota, then unanimously

VOTED: to approve the proposed re-roofing of the Old Maui County Court House Building.

Chair Hutaff: Noone's opposed. You did a good job, young man.

Mr. U`u: One more to go.

Mr. Solamillo: Oh, he has one more.

Chair Hutaff: So he has a second chance then.

Mr. Solamillo read the following item description into the record:

2. **MR. ALVIN YOSHIMORI of GYA ARCHITECTS, INC., on behalf of MAUI COUNTY DEPARTMENT OF PUBLIC WORKS, requesting review and approval of the Proposed Re-roofing of the Kalana Pakui Building, Located at 250 South High Street, TMK (2) 3-4-008:042, in Maui County Historic District No. 3, Wailuku Civic Center. Public testimony will be accepted. (BT 2012/0961) (S. Solamillo)**

Mr. Solamillo: This is Kalani Pakui Building. It was placed on the National Register in 1986 and is a contributing building to the Wailuku Civic Center Historic District. It was designed by William Desmond, who lived between 1872 and 1930. He was not as prolific with such high style buildings as his predecessor, H.L. Kerr; in fact, he built lots of warehouses, yards, docks, and things that aren't normally looked as being fine pieces of architecture. He only practiced in Maui for ten years. He died an untimely death in 1930, so he practiced here from 1920 to 1930. And his buildings include the Kahului Railroad Company Offices, 1923; Wailuku Sugar Company Offices, 1924; Pioneer Mill Manager's House, also known as the Burns Moyer house or Puamana, 1924; the Maui County Office Building, 1927, which we're looking at today; Makawao School, 1929; Union Trust Company Limited in Wailuku, 1929; and various bungalows of which he was a major proponent that he built in Wailuku from 1920 to 1930.

At this point, we'll turn it again to our applicant and trainee.

Mr. Estrada: Just a quick historical information on Kalana Pakui Building. It was built in 1925 and incorporating a Mediterranean revival style, architecture with a U-shape floor plan. It's a two-story wood frame stucco structure and one of the floor, the lower floor, is actually below grade with reinforced concrete. And before serving as the Planning Department, it was also used as the county office and was used as a police station.

So the same scope of work for the Kalana Pakui roof is to remove the existing underlayment and the current roof tiles and replace it with the new. And the area for the roof is 7,725 square feet. It is on 250 South High Street, where we are right now. This is the demolition roof plan ...(inaudible)... and the proposed new roof plan. And this is the lower part of the roof. The north elevation; south elevation; west, which what we see from

South High Street; and also the east elevation. And this is a building section. And the current condition of the building.

Similarly to the Old Court House Building, the tile sample is on the bottom is the Cordova tile, which is the approved manufacturer, and on top is the existing Kalana Pakui roof, and the same information on the dimensions of each tile and color, and the finish is a semi-gloss glaze. And some details. And that's it. Is there any questions?

Chair Hutaff: Come on, Commissioners. Any comments or questions for him before we open up for public testimony? Just don't let him off the hook. Come on. Okay, we're going to open up for public testimony now. Anybody in the public would like to comment on the re-roof? Again, I would -- nobody has anything? Okay. So we're going to close public testimony. The Chair has just, again, a comment on the colors, you know, would really like it to be as close to possible to what either was or is ...(inaudible)... fading and stuff like that. Any other comments from anybody? We'll let this guy off with two? Okay. You're going to be a hero, guy. Noone's ever done that. Okay, anyone want to entertain a motion?

Mr. U`u: Motion to approve.

Mr. Warren Osako: Second.

Chair Hutaff: We have a motion and a second. Any discussion? Okay. Closed for discussion. Let's take a vote.

There being no further discussion, the motion was put to a vote.

It has been moved by Commissioner U`u, seconded by Commissioner Osako, then unanimously

VOTED: to approve the proposed re-roofing of the Kalani Pakui Building.

Chair Hutaff: Motion has carried. Hopefully, we'll give you a little better time next time.

Mr. Yoshimori: Thank you.

Chair Hutaff: Thank you. Go ahead, Stan. You ready?

Mr. Solamillo read the following item description into the record:

3. **MR. DON MITCHELL OF TRANE, on behalf of MARIA LANAKILA CATHOLIC CHURCH, requesting review and approval for the installation of photovoltaic systems on the rectory, early learning center, kindergarten and classroom roofs of Maria Lanakila Church and Sacred Hearts School, located at of 712 Waine'e Street, TMK (2) 4-6-010:001, in Historic District No. 1 and the Lahaina National Historic Landmark (NHL). Public testimony will be accepted (HDX 2012/0019) (E. Wade)**

Ms. Wade: Commissioners, the applicant has put the presentation together today so Don Mitchell is here to make the presentation.

Mr. Don Mitchell: Thank you. Mr. Chair, Commission, I appreciate the opportunity to be here today to present, on behalf of Maria Lanakila, and, Erin and Stan, I appreciate your help in this through the application process and allowing us to be a part of the agenda today.

So here also supporting the project is the Pastor as well as Tony La Banca, from the Maria Lanakila Parish. The actual property owner is the Roman Catholic Church in the State of Hawaii, and representing RCCH is Vince Vernay, the Facility Services Manager, also supporting me is Wyatt Apple, who is our project manager, who's helped with the design and layout of the this project, as well as HNU-Energy, Jared Libby, who would be the project manager locally on the island here and has helped with the design of the system.

Some historic background. The actual Roman Catholic Church in the State of Hawaii was established in 1941 but really has roots that go back to 1836 as a vicariate. It really is comprised of 66 parishes distributed throughout all the islands of Hawaii.

The parish was established in 1846, and, of course, that land is within the Lahaina District No. 1. There are two properties: the church, which was constructed in 1873, and then renewed in 1928; as well as the cemetery that are on the National Historic Registry and also the State of Hawaii Historic Registry. This project does not involve either one of those properties that are on those registries.

The rectory itself was constructed in the 1970s. The school was actually established in 1862 but those buildings are not -- no longer on the property. The early learning center itself is 1970s. The kindergarten, very new construction, 2011. And then the classroom buildings, 1 and 2, and the cafeteria were also in the 1970s. So our project is really involving the buildings that were constructed in the 1970s as well as 2011.

So just to -- really why renewable energy? The Roman Catholic Church in the State of Hawaii has selected to select Trane to be able to help them in reducing their energy cost

as well as the use of renewable resources throughout all of their parishes. Of course, by being able to provide renewable energy, it's a clean green power, and it allows each of the parishes to have lower rates than they're currently provided by MECO or HECO for those on the neighbor islands. It reduces our reliability on fossil fuels. As most of you know, diesel is the primary source of power used in the islands, and at a tremendous cost, as well as it's not the best green solution overall for our environment. The project will allow the parish to have a predictable energy budget over the next 20 years. So we have a rate that is established for the power production from that photovoltaic system at a lower rate than what they're paying MECO and as those rates continue to increase drastically from MECO, unfortunately, the rates, the increase, very little through the PPA, actually just the three percent annual escalation on it. What that does is, of course, it allows the parish to instead of allocate money towards utilities spent, allocate it through their true mission of, you know, worshipping, learning, as well as the community services they can provide.

The way that we're putting this project together does not cost the parish anything up-front, so there's no money out of pocket for the parish itself, and thanks to federal and state tax credits, it helps make these projects viable through the investor who's putting the money up for the project.

On each of these systems, the roofs will be reconditioned and sealed, and reconditioned by sealing those existing roofs, and that is also included as part of the project so it's another benefit, great benefit for the parish in that they don't need to make the investment in those roofing costs.

We -- as we were going through and getting our pictures together for this project to identify another property very close that has already had photovoltaics installed on it that is within the historic district, and MECO was already supportive of this project and approved the interconnect agreement for the project. I think, as we all know, we need to get off of burning diesel and move on to renewable energies and this is a project that will help the diocese as well the Roman Catholic Church in the State of Hawaii do just that.

A whole lot of diagram here talking about what a PV system, I won't go into all the details, but in essence, you know, we're taking the rays of the sun, converting those into DC power, which converts it into AC power, and then when the sun is out and there's not a big cloud cover or anything, we're providing full power for that school and excess power actually goes through the meter, spins it backwards, and you're putting power out onto the grid; in essence, building a credit for now when evening comes, the meter starts turning back the other way because we don't have the sunlight to be able to provide power to the facility anymore, and so the idea is to get net zero to where you can eliminate that MECO bill entirely. Due to the design considerations, which I'll share with you here, we're not able to actually attain that zero because we're looking at trying to make sure we're going to maintain the design such it would not be affecting the neighborhood.

So in looking at the design, you know, this is quiet. There's no big windmills. There's no large obtrusive things that are there. So this renewable solution is, you know, one that's going to be -- have minimal impact on the neighboring environment. Recognizing that it was a historic district, you know, we looked at, first, there would be no panels on the church being part of the registry, and that we'd just place the panels only on the newer structures being as symmetric as possible and in such a way that the roofs would not be exposed out to the exterior of the property but rather as many of them to the interior of the property as possible. The racking systems themselves, and I'm sure many of you have seen on a number of PV systems, sometimes those racking systems have them pitched way up in the air; in this case, the panels are flat to the roof so there's no additional pitching so they match the current roof lines, and the roof will be sealed and the visible part of that sealant will be colored to match the existing roofing, which in most cases is a red color, so we make sure that we have matching for those.

This is the actual overhead of the site plan. This was the proposed PV panel that was in the application. We've made a few small changes in it, which I'll share with you here. Sorry, I had a quick change. Any questions so far?

Mr. Osako: I have one. You spoke about power purchase agreement but later on you were on net metering, so this system will be which?

Mr. Mitchell: This is a power purchase agreement with a net metering agreement with the utility. So the power purchase agreement is in place with the Roman Catholic Church in the State of Hawaii, and the net metering agreement that is with the utility, MECO.

Mr. Osako: Oh. Okay. So the ownership of the system is Trane?

Mr. Mitchell: The ownership of the system would be the investor, who is a third-party to the transaction.

Mr. Osako: Yeah.

Mr. Mitchell: Yes.

Mr. Osako: Okay.

Mr. Mitchell: Yes. Correct.

Ms. Kanuha: And I had another question. Like for the early learning center, for the children and the kindergarten classes, so the classrooms are all -- are they air-conditioned?

Mr. Mitchell: I don't recall ...(inaudible)...

Ms. Kanuha: Currently, are they? They are?

Unidentified Speaker: ...(inaudible)... yes, they are.

Ms. Kanuha: Okay. Okay. Great. And the reason why I ask that is --

Chair Hutaff: Could you repeat what he said so it's on the mike?

Mr. Mitchell: Oh sure. He said, yes, those buildings are air-conditioned.

Ms. Kanuha: Only because that's actually my district where I live so I understand how it can be very difficult for children to concentrate when it's really warm and hot.

Mr. Mitchell: Yes.

Ms. Kanuha: Yes. Okay.

Chair Hutaff: Any other questions, Commissioners, before we open it to public testimony? Are we still --

Mr. Mitchell: Yeah, I'm sorry. We had a problem with the presentation here.

Chair Hutaff: Okay. We'll wait then on the public --

Mr. Mitchell: One change -- oh, thank you. So one change is instead of just this one small area being covered, we're looking at, basically, that array being throughout the length of this building right here. This building is pretty much right behind, this drawing doesn't show it exactly, this building's actually further in this direction so it's actually right behind the church itself, and then on this building here, we're also looking at putting an array right here on this portion of the building as well. So these roofs, as you can see, are all the red metal roofing, that I mentioned, that we'll be sealing this entire face as well as this face and any of the parts that are exposed there would be matching colors. This roof here is an asphalt roof, correct me if I'm wrong, Wyatt. That one is as well? Okay. That's shingle asphalt. Yeah. So that'll be matching and then this one as well would be color matching with a sealant on it. Okay.

We took some photographs from the perimeter to be able to show, you know, in this case, the first photo where there's some great natural trees, which help block the early learning center from the public as far as any exposure to that photovoltaic system. There is an existing hot water heating system on the roof here and so we'll be installing panels, in essence, that would just, you know, blend in pretty much in essence with the adjacent hot water heating that's there. And from Dickenson Street, I mean there's no panels on this roof

directly here, there are on this roof over here, as well as this one. From the highway, this would not have any panels on it. The panels are all on the other side of the building. Again, no panels on this side that are facing the highway. They're all facing inside into the interior of the property. And here we see a photograph through the cemetery and, again, we have some great natural blockage with some green trees right there. Again, through the cemetery, this is the rectory building in the background. And from Wainee Street, again some nice natural green to help show that from the street.

So, in conclusion, you know, the system is really installed in order to be able to help the parish accomplish their mission, it'll help improve the environment within Maui, and designed to have minimal impact on the historic district, so any other questions?

Chair Hutaff: Commissioners, you have any questions?

Ms. Kahulu Maluo: You mentioned in your testimony that the sealant was going to be a matching color with the roof.

Mr. Mitchell: Yes.

Ms. Maluo: How does that differ from the picture we're looking at in the Appendix, the Aina Nalu Vacation Condo?

Mr. Mitchell: Oh, the application?

Ms. Maluo: The --

Mr. Mitchell: Are you referring -- which photo are you referring to there?

Chair Hutaff: Number one.

Ms. Maluo: Number one in the Appendix.

Chair Hutaff: Page two.

Ms. Maluo: I guess I was just -- yeah, but what it would look like when it's up with the matching color?

Mr. Mitchell: Oh, the -- we don't have an actual artist rendering it. I mean the diagram that we showed previously that just had that aerial cad drawing, in essence, you know, was indicating the red roofs and where the red roof coloring then would be matching that existing red roof. I'm sorry, did that answer your question?

Ms. Maluo: Yes.

Mr. Mitchell: Okay.

Ms. Maluo: I just don't see it in my head. I'm sorry.

Mr. Mitchell: Okay.

Ms. Maluo: I've never seen PV panels that match with the roof.

Mr. Mitchell: Oh, I'm sorry. The PV panel itself does not match.

Ms. Maluo: Okay. So it's the ...(inaudible)...

Mr. Mitchell: What we're doing is we're sealing -- we're sealing the roofs themselves so that because we want to have that system up and operating for 20 years and not take any panels off so we do sealant on the entire roof space underneath those panels, but we also do, you know, areas around the perimeter of those panels as well so it's not just immediately underneath, we want to make sure there's no leaks anywhere within that area. So those adjacent areas to where the panels are being installed will be colored to match that existing roof.

Ms. Maluo: So it would look similar to number one.

Mr. Mitchell: Yes. The panel themselves. Correct. Correct.

Chair Hutaff: Yeah, I think that what he's saying is that this is a picture of the Aina Nalu that you can actually see from the road that's not in the historic district.

Ms. Maluo: Yes.

Chair Hutaff: And 90% of what you're going to put up as far as these PVs are, we won't see it from the road.

Mr. Mitchell: Correct.

Chair Hutaff: But modifications to the roof on the side that we will see from the road will match the color. Is that correct?

Mr. Mitchell: Thank you, Mr. Chair. Yes. Exactly.

Ms. Maluo: That answers my question.

Mr. Mitchell: Thanks for the save. Yeah.

Chair Hutaff: Any other questions from the Commissioners? Okay, let's open it for public testimony. Anybody have a comment, suggestion, question from the public? I don't see a rush today. There's a lot of people out there today. I'm getting scared. No rush one time, brah. Okay, so we're going to close public testimony. Anymore questions from the -- well, I have a comment.

Mr. Mitchell: Yes?

Chair Hutaff: I like the fact that you did the very best you could and still get the system to work without interfering with the view plain, change in the view plain. I'm glad -- I'm glad the sun and God were on your side, and ours, ultimately, so I really appreciate that, you know, consideration. I'm also going to assume that, through the course of life, that the trees that hide some of the areas there will probably either always be there or replaced in-kind. I think that's something that you want to do because it protects the kids from outside interference.

Mr. Mitchell: Absolutely. Yes.

Chair Hutaff: Am I correct on that?

Mr. Mitchell: Yes. And in some cases, you know, because of shading, we need to actually do some tree removal or tree trimming, but in these cases, these trees are all well away from those buildings themselves so there's no reason from the -- to do so, in order to be able to make sure that they're getting as much power as possible.

Chair Hutaff: Okay. Any other questions, Commissioners?

Mr. Kubota: I just have a comment. I was reading the guidelines, international, you know that energy laboratory technical report that was sent to us, and I can see that, looking at the guidelines, you really followed the guidelines.

Mr. Mitchell: Thank you.

Mr. Kubota: I think you've done a commendable job.

Mr. Mitchell: Thank you. I've got a good team working with me.

Chair Hutaff: Cool. Great. Any other comments? Okay. Lets see, what's our action here? Stanley, do you have a recommendation from the Planning Department?

Mr. Solamillo: This would be a recommendation of approval because it says, "Historic District Applications," so it's approval and recommendations or comments.

Chair Hutaff: Without any comments or anything else like that? Any Commissioners have a condition or two, or anybody want to make a motion to approve?

Ms. Kanuha: I make a motion to approve.

Mr. Kubota: Second.

Chair Hutaff: Okay, the motion has been in support and second. Any discussion? Members, no discussion? We'll put it up for vote.

There being no further discussion, the motion was put to a vote.

It has been moved by Commissioner Kanuha, seconded by Commissioner Kubota, then unanimously

VOTED: to approve the project.

Chair Hutaff: Motion has carried.

Mr. Mitchell: Thank you.

Ms. Wade: The next planner, Ann Cua, is on her way over. You guys went so fast to even expect it as quick, but I texted her, she's on her way, perhaps we could have a five-minute break before the next agenda item.

Chair Hutaff: Okay. Why don't we break till 11:00, by that clock there, so we're going to be on a recess until 11:00, we'll reconvene.

(A recess was called at 10:56 a.m., and the meeting reconvened at 11:05 a.m.)

Chair Hutaff: Are you going to take this one over or is Stan going to take it over? Okay. Well, it's so nice to see you. Let's reconvene the meeting. Go for it.

Ms. Ann Cua: How does this work? Do you introduce it? I introduce it? Every commission's a little different so --

Ms. McLean: Usually Stan introduces it so if you wouldn't mind?

Ms. Cua: Okay. I can.

Ms. Cua read the following item description into the record:

D. ADVISORY REVIEW

- 1. MR. EVERETT DOWLING of DOWLING COMPANY, INC, Managing Member, on behalf of PALAUEA DEVELOPERS, LLC., requesting Approval for Transfer of Condition Numbers 14, 15, and 17 relating to Special Management Area Permit and Project District Phase II Approval for the transfer of a 20.7-acre Cultural Preserve Park in the Palauea Subdivision to the Office of Hawaiian Affairs, Located at Makena, Hawai'i; TMK: (2) 3-1-023:024. The Cultural Resources Commission may provide comments and recommendations. The Public testimony will be accepted. (SM1 990017) (PH2 990004) (A. Cua)**

Ms. Cua: So if I could just start you off on just some background information, and then I'm going to turn it over to the applicant, and then I'll come back on with you again.

So this project goes all the way back to November of 2000, and I think Commissioner U`u might have been on the Planning Commission then, no? Anyway, the Maui Planning Commission, at that time, granted approval of a special management area use permit and a project district phase 2 approval for the Palauea Subdivision, which consisted of a 17-unit residential subdivision as well as a 20.7-acre cultural preserve, and we do have the approval letter attached to your report. It's attached as Exhibit No. 2.

So Palauea Developers, LLC., is the developer of the planned unit development and an essential element of this project is the cultural preserve site. Based upon representations made to the developer by the University of Hawaii, the developer had previously decided to donate the preserve to the university, or one of its affiliates, so that Palauea's archaeological, cultural, and historic resources might be preserved.

On September 20, 2002, the department, the Planning Department found the final compliance report for this project to be acceptable and we issued a project district phase 2 approval for the subdivision's residential lots. Now through this period, the applicant had come before the Planning Commission -- I mean, excuse me, the Cultural Resources Commission a couple times, I don't know if any of you were on here, but the applicant will be getting into that. So, at this point in time, I'll introduce Mr. Dowling, Everett Dowling, and he'll go through the powerpoint presentation for you, which talks a little bit about the different times where he came before this body to brief you on the cultural preserve, and then I'll come back on and we can discuss further later.

Chair Hutaff: Thank you.

Ms. Cua: Mr. Dowling?

Mr. Everett Dowling: Thank you, Ann. Thank you, Commission Members, for giving us this opportunity to give you an update. As Ann mentioned, this has been a very long process. The original intent was to -- there's some very significant archaeological features, basically, in these two areas, so our intent was to preserve those sites, and then going through the process of developing the property and listening to the community, the, at the time, Maui Community College was very interested in taking stewardship to these and integrating the preservation of the archaeological features into their curriculum of the Hawaiian Studies program. So we started down that path to -- there's the site. The portion in the middle that's not colored, those are 15 residential properties, most of which have been built on, and the bottom right-hand corner, there are an additional two, two lots, and those houses have been completed.

So we, in November 2002, we came before this Commission and gave an update, presented the plan, and then came back in 2005 to move the -- we had a sales office that was on the mauka portion of the property which we relocated to the makai portion, along Old Makena Road, and that will be used by -- the original intent was by the college.

So we started working with the university and it was the university Maui Community College at the time, worked with U.H. Oahu, and the U.H. Foundation, and, Brian, maybe it's a good -- a good opportunity for you to take over. Brian Moto, with the Maui College.

Mr. Brian Moto: Good morning, Mr. Chairman and Members. My name is Brian Moto. My title is Special Assistant to the Chancellor, U.H. Maui College. Chancellor Sakamoto extends his greetings to you all and his respects. Chancellor Sakamoto is in New Zealand today, otherwise, he would be here. With me also, Mr. Chairman and Members, is our Vice-Chancellor of Academic Affairs, Mr. John McKee; and also we have Professors Melissa Kirkendall, Anthropologist; Professor Kiope Raymond, Hawaiian Studies; and Professor Kaleikoa Ka`eo, Hawaiian Studies.

I'm here just to give the talk about the slides, the brief slides, that summarize some of the history of this parcel. As Mr. Dowling stated, in June 2005, the Dowling Company and the University of Hawaii, and its officials, came before the Cultural Resources Commission regarding preservation matters and preservation status, at the time, U.H. committed to giving the CRC annual progress reports. However, in February 2006, the proposed dedication of the property from Dowling Company to the University of Hawaii was put on hold due to issues with the deed and issues regarding liability. Therefore, at the time, the university and Maui College began exploring another entity to take title to the preserve because the University General Counsel had given an opinion that the university itself could not take title to the property.

Thereafter, in October 25, 2009, U.H. Maui College was able to obtain the U.H. Foundation, U.H. Foundation is a -- is separate from the University of Hawaii system, the U.H. Foundation Real Estate Committee's support for conveyance of the cultural preserve from Dowling Company to U.H. Foundation, and then the idea was that the foundation would take title and then lease the property, on a long-term basis, back to the University of Hawaii.

So more time passes, and then finally in February of 2011, the University of Hawaii Maui College was able to present its case before the U.H. Board of Regents for its review. Ultimately, however, the U.H. Board of Regents decided that it could not approve the conveyance due to their own concerns regarding issues and responsibilities associated with owning the property.

But we didn't give up. No. So U.H. Maui College then said: How can we resolve this? How can we make the preserve a living place for the perpetuation of Hawaiian culture and for higher education? And so we approached the Office of Hawaiian Affairs to see if the Office of Hawaiian Affairs would collaborate with us and the community on a plan for OHA to accept title to the preserve and participate in its stewardship. And if she's willing, with us is a representative of the Office of Hawaiian Affairs, Koalani Kaulukukui, and perhaps I will turn it over, at this point, the slide show to her because these slides will now summarize the Office of Hawaiian Affairs and its involvement.

Ms. Koa Kaulukukui: Aloha. I'm Koa Kaulukukui. I'm a Land Management Specialist at the Office of Hawaiian Affairs. On August 16, the Board of Trustees did unanimously approve to accept the property and work in conjunction with U.H. for proper stewardship of this place, and OHA does commit to working with U.H. and also working with this Commission, the State Historic Preservation Division, and the Burial Councils to put into place the proper plan for preservation. And we do support the transfer of this SMA permit, the portions that are applicable to the preserve to OHA and we will comply with those requirements. Thank you.

Ms. Cua: So I just wanted to provide a little bit more background information. I was the planner that initially did this project in 2000, and I was present at all the Cultural Resources Commission meetings where they came to you to just advise you of the progress. It was a commitment that was made back in 2000 by the developer, and they've stayed true to that, to keep this Commission part of this process, if you will. Our hope is that definitely when OHA takes possession of this that they will, as they've indicated, continue to involve you with the progress because, you know, we believe it's going to be an exciting plan to put forward the work that will done on that property, the finds that they will have, will be beneficial to share with this Commission.

So with that, I will just reiterate the request. The University of Hawaii -- at the request of the University of Hawaii, Palauea Developers proposes to transfer the cultural preserve to OHA,

which is willing to accept the donation of the cultural preserve in recognition of its mission to protect Hawaii's environmental resources and perpetuate Hawaiian culture. OHA is aware of its responsibilities to implement the Palauea Cultural Preserve Preservation Plan approved by the Maui County Cultural Resources Commission. And on the report that the department prepared on page 2, we list the three conditions: Conditions 14, 15, and 17, so that approval letter that the Planning Commission granted back in 2000, there were a number of conditions that pertained to the entire property, the cultural preserve as well as the 17 residential lots. So what we've done is we've basically taken a look at all those conditions with the applicant and pulled out the conditions that were uniquely dealing with the cultural preserve and that's how we came out with conditions 14, 15, and 17. So now what we're going to do is go to the Planning Commission and ask that they transfer those over to OHA and we just needed your blessing to move forward in that regard. Any questions?

Chair Hutaff: Anybody have any questions?

Ms. Maluo: Ann, by the transfer of the 14, 15, and 17, that doesn't change anything in regards to the original list or the remaining list to the Palauea --

Ms. Cua: No. The remaining set of conditions is still applicable to the rest of the project. It's just that these conditions are unique to the cultural preserve and this is what -- these are the conditions that OHA would be subject to and it was important that they came forward, in writing, to agree to that.

Ms. Maluo: Thank you.

Chair Hutaff: Yeah, I -- just for clarification, my question is is since this is coming from the developer, being donated to the University of Hawaii Maui Campus, and then turned over to OHA, okay, in the end, who is ultimately responsible for keeping us apprised and should we have any questions or concerns, who do we address, OHA?

Ms. Cua: That is my understanding, it would be OHA. I'm not sure what kind of arrangement they have, but that would be my understanding.

Chair Hutaff: Yeah. If she could answer that question, please.

Ms. Kaulukukui: Yes, just to clarify. The donation would be directly to OHA and there would be a management agreement with U.H. and so, ultimately, as the landowner, OHA would be responsible for bringing updates to you, which, of course, we would do in conjunction with U.H.

Chair Hutaff: And so OHA is going to take ultimate responsibility for managing the area, taking care of it, respecting it, and so forth and so on. Is that correct?

Ms. Kaulukukui: That's correct. Yes, and we would be responsible for carrying out the SMA permit requirements as well.

Chair Hutaff: Cool. Thank you. That's my question. Anybody else have any? Go ahead.

Mr. Osako: There's a lot of paperwork here and I see something about data recovery of some sites. Were these sites and the archeological or cultural preserve or were they in the residential areas?

Ms. Kaulukukui: The sites were in the preserve.

Mr. Osako: They actually in the preserve?

Ms. Kaulukukui: Yes.

Mr. Osako: Because usually when they say "data recovery," that means these sites are adversely impacted or destroyed and I would like to know why that, if it's in the cultural preserve, why that was done?

Ms. Kaulukukui: I believe that the archaeological inventory study was done for the entire development project, and because the concentration was in that 20-acre area, that's why that preserve was set aside to protect those sites.

Mr. Osako: No. Yeah, but it's still -- but so these sites that they did data recovery on, were they in the preserve or in the residential area?

Mr. Dowling: They were in the residential area.

Mr. Osako: In the residential area?

Mr. Dowling: Correct.

Mr. Osako: Okay. That's all I wanted to know.

Mr. Kubota: I had a question about that same archaeological data recovery plan. I noticed, if you look on page 2 of it, on the chart, one of the sites says "preserve" instead of "data recovery," 2860. I think that should have been "data recovery" because it's mentioned in the introductory page as one of the sites for data recovery. So there's a mistake in the chart and in the table.

Mr. Dowling: I'm sorry, what number was that again, please?

Mr. Kubota: 2860. It's mentioned on page 1 as one of the 7 sites for data recovery, but on your table, it says "preserve."

Mr. Dowling: That was outside of the building envelope. It's within the development area within the residential lot area. It's a pretty small. Lot 1 is in this area and I believe that that feature, and quite honestly it's been many years since I read the data recovery report, but I believe that that feature is down in this gulch area, so it's outside of the preserve area but it's also outside of the development area for this lot.

Chair Hutaff: Go ahead.

Mr. Kubota: I guess that answers the question.

Chair Hutaff: Bruce, go ahead.

Mr. U`u: Question. You know on condition no. 15, where the applicant shall continue to update the CRC, there isn't a timeline on when and the updates will be annual updates, this is updates on preservation plan interim, preservation plan, data recovery plan?

Ms. Cua: No. There's not a time specified in the condition. I know that, at the beginning of the process, they were trying to come every year. But what was happening was they got to a point where there wasn't any change and so, obviously, if there's something happening, they should be coming back every year or sooner if need be, but if things are staying the same, we want them to come back when there's updated information, not just to say nothing's changed, you know. So that's kinda why it's on an ongoing basis as needed.

Mr. U`u: How come took so long for the U.H. Board of Regents to deny them? Took them ten years and three months.

Ms. Cua: I can't answer that question.

Mr. U`u: Was it the Stevie Wonder concert -- kidding. Kidding. But that's a long time - ten years and three months. And then you get one no.

Chair Hutaff: Gaylord, you had some more?

Mr. Kubota: No. That's it.

Chair Hutaff: Your question was answered?

Mr. Kubota: Yeah, it's just that it's mentioned specifically on page 1 that it's one of the sites, but I guess things changed after that, so there is a conflict between what the table says on page 2 and what page 1 says, but I think he's addressed that.

Chair Hutaff: Okay. Perfect. Any other questions before we open for public testimony? Okay. The floor is now open for public testimony. Anybody, please? Okay, go ahead, please. Thank you so much.

Mr. Hinano Rodrigues: Hinano Rodrigues, State Historic Preservation, Cultural Historian. I didn't do my homework, and I didn't read the agenda last night, so I wasn't planning on speaking this morning but I think I should I on this item. I've had several conversations with the Maui Trustee for the Office of Hawaiian Affairs, and we are both in agreement how important this project is. Opportunities in real life seems to come faster -- I mean opportunities in real life come and go, but they seem to go faster than they come, and I think this is the perfect example of an opportunity that we all might want to grab on to; add to that fact, you have a great Maui College Faculty, and add another thing, I had two conversations within the last six months with Ms. Teresa Dunham, and Ms. Dunham serves as Historic Preservation's Archaeology Branch Chief, and our conversations were directly related to this project, and she has offered to stay involved with the faculty, with their permission of course, in this project. So you got the perfect place and you got the perfect group of people, therefore, SHPD does recommend supporting this project.

Chair Hutaff: Thank you. That's comforting. Any other questions? Anybody else from the public? I'm about the close public -- okay, we're going to close public testimony. Commissioners, thoughts, directions, questions? Go ahead.

Mr. U`u: I, personally, would like to thank OHA for stepping up to the plate. I think it's a valuable piece of property and it should do well for education with all the young ones coming up, so I'm just glad somebody, you know, took the initiative to get someone to acquire the property and yet still use it in a way that's appropriate for U.H., so mahalo, OHA.

Chair Hutaff: Yeah, mahalo, OHA. I ditto that. I also would like to thank the Maui Community College for recognizing the fact that they may not be able to do a good job, and make that known, and seek out someone who could. I think that that's, no matter how long it took, important. Any other comments or questions?

Ms. Kanuha: I, too, would like to just say thank you to the Office of Hawaiian Affairs, and to our Trustee of Maui, and to the Maui College staff, and I know that this cultural preservation use for education as we know our Commission is to perpetuate and preserve cultural sites, so this is a awesome vehicle for upcoming young people, you minds that with this preserve, they'll be more empowered of our kupuna who was here before us, and be

well equipped and empowered for the future that is ahead of them, so thank you to all of our leaders who are here, mahalo nui for that.

Mr. Kubota: I think we'd be remissed if we didn't thank the developer who, in the first place, recognized the importance of this property, who was willing to donate it. I think that's very commendable.

Chair Hutaff: I definitely would like the Commission to make that comment to the developer. Can we make that comment as a whole, thank you, mister developer, you know, OHA, and --

Ms. Kanuha: Yes.

Chair Hutaff: The university, as a Commission? We all agree on that?

Ms. Kanuha: Yes.

Chair Hutaff: Thank you. So another nice thing we've said today. We're really getting out of hand here.

Ms. Kanuha: Today is a different day.

Mr. Osako: I move that we recommend approval of the transfer of the property.

Ms. Kanuha: And I second.

Chair Hutaff: Okay, we've got two seconds. So any further discussion from the Commissioners, or shall we put it to a vote? Okay, no further discussion.

There being no further discussion, the motion was put to a vote.

It has been moved by Commissioner Osako, seconded by Commissioner Kanuha, then unanimously

VOTED: to recommend approval of the transfer of the property.

Chair Hutaff: Motion has carried unanimously. Thank you so much.

Ms. Cua: Thank you.

Chair Hutaff: Okay, Stanley?

Mr. Solamillo read the following item description into the record:

- 2. MR. BRIAN ROSE of VALLEY ISLE ATM, requesting review and comment on the Proposed Installation of an ATM machine in the Front Facade of the Lahaina Store, Located at 744 Front Street, TMK (2) 4-6-009:007, in Maui County Historic District No. 2 and the Lahaina National Historic Landmark. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: This is one of two buildings which were built by Hackfeld and Company, which was a German firm, that owned and operated Pioneer Mill, and this followed the construction of the Pioneer Mill Office on Lahainaluna Road, which was built in 1910, and this specific edifice was built in 1916. It replaced a wooden building that was there in 1914. And then we have a Sanborn Map, from 1919, which actually shows the size difference between the two buildings. The lower photograph in the right-hand corner shows the buildings a few years after construction, and it is one of the few remaining and extant buildings which represent German heritage and history in Maui County. It was a prominent building throughout the historic period of the early 20th century, and survived a fire that happened in 1919 that actually took out the wooden building to the right of it, and still remains today a prominent building that you see from the ocean. It was rehabilitated a few years ago, and Ms. Ann Cua will probably be able to give you an exact date, and it was a roof structure which was built on top of the roof to provide additional square footage. That's the building as it appears today, and it's a view of the side elevation, and this is a view of the rear elevation. And after the rehabilitation had taken place, there was an LCD screen, which was located at the front facade, essentially, at the location which the applicant is proposing for his ATM machine. The duration of the location of that equipment I do not know, but it was there for at least a couple of years. And at this point, I'll turn it over to the applicant, Brian Rose, to give us more details about the ATM unit that he is proposing.

Mr. Brian Rose: Thank you. This is a through the wall ATM so what you'll see protrude is just the, more or less, the trim around the ATM. All the machine will actually be inside of the building, access to the ATM will be done inside of the building, so it's not going to actually stick out onto the sidewalk or anything like that. It's a brand new state of the art machine, ADA compliant, and it certainly provides a nice convenience for the people shopping in the Lahaina District. All we're looking to do is there's a window there and it actually happens that the window is, basically, the exact dimensions of what the ATM requires, so we're just going to make the window a little bit shorter and place the ATM in the lower portion of the window. We really didn't need to alter the building at all. We don't need to change the facade as it fits already in the space where the window is. So you can see on the picture there we're just going to -- the top part of the window is going to remain and we'll just kind of make that a little bit smaller and that's -- and it won't stick out at all. And that's pretty much what we're looking to do. Is there any questions?

Mr. Osako: Is there some reason why this ATM machine can't be completely inside the building?

Mr. Rose: Yeah, the location's ideal here; inside of the building is -- you mean inside the store or inside the entire building?

Mr. Osako: Because I think in terms of preserving this historical building, it's the exterior that's important, so you cut a hole in there and put a machine in there, you're actually changing part of the historical view from public view of just the outside, so I'm just wondering why this can't be inside the building.

Mr. Rose: Oh, okay. Yeah, it would not be profitable for the machine to be inside the building.

Mr. Osako: Well, most of it's inside anyway. Why wouldn't it be practical?

Mr. Rose: The -- where the machine would be placed inside the building would be outside of where the normal traffic pattern would be for the people that would be walking up to use it so it would not generate the number of transactions necessary to support ...(inaudible)...

Mr. Osako: But you're already going to disrupt the traffic on the sidewalk so --

Mr. Rose: You know, with the -- we wouldn't actually be cutting a hole in the building because the hole's already there for the window.

Mr. Osako: According to the views here, which you don't show here, if you look at the front of the building, the openings are all on a level, but then the ATM machine's going to be lower, so you are changing the look there.

Mr. Rose: We're, if anything, would be changing just the trim. I don't know that we would be cutting into the building itself. That's not the intent at least. And actually to address your point about the traffic flow, there is, as you can see on this picture, the sidewalk actually recesses in towards the entrance of the building so that there's plenty of people -- room for the people to stop and look at the windows where the jewelry store is, or the poster store, and also to access the ATM if they'd like, it's not going to -- it's a much wider part of the sidewalk than normally on Front Street because it can be quite narrow there on other parts of the sidewalk on Front Street. So we didn't think that would be very disruptive for the traffic flow 'cause -- and that's, you know, with it being flat against -- flush against the building too so people just kind of stand right up next to it.

Mr. Kubota: I have a real problem with this because taking a very historical building, and at the very focal point of the facade in front at the entrance, the focal point, you're sticking

this modern, ultra modern state-of-the-art computer, basically. It just clashes. I can't see us approving this. I had the same question about why don't you use the same closet, or whatever it was, storage closet, just turn it around and work it from the inside. And you can put maybe a full-size photograph in the window so people know there's an ATM inside; that way you might be able to generate the traffic you're talking about without having to obstruct the sidewalk and have an awful clash with the modern with the ultra modern with the very historical.

Mr. Rose: The -- to put the ATM inside, the business would have to be -- you wouldn't be able to see it through the window. It would have to be placed someplace off inside the business so, again, it wouldn't be -- it wouldn't generate --

Mr. Kubota: Why couldn't you use the same closet, just turn it around, and then you can put a full-size photograph of the ATM machine in the window and say ATM ...(inaudible)...

Mr. Rose: Oh. I see what you're saying. So you'd put a picture on the window and then the people would walk in the building and then come around like that. Yeah.

Mr. Kubota: Yeah, just in the entrance 'cause it's right there.

Mr. Rose: Yeah, that's a good point. Actually, the space is not suited for that level of traffic to come into the merchant establishment to access the ATM the way that the tenant is setup in that space, so that wouldn't be feasible, unfortunately.

Chair Hutaff: Wouldn't the tenant like more people to come into their store?

Mr. Rose: Yeah. Yeah. Definitely. And that's, you know, part of it, but the way their store is setup is that they -- they just don't have the room right there for the traffic flow to come in that way and that's not something that they're setup to do.

Ms. Kanuha: However, if it's turned around and facing -- my concern is we may, if this was to be approved, we may be setting a precedence, and our Commission is to preserve these cultural buildings, and, yeah, that if there's a 24-hour access to it, then it's more profitable as a money-making machine because I know there's -- every transaction has a fee, however, my concern is it will change the integrity of the building even with a small puka like that.

Chair Hutaff: Okay. Why don't we open this up for public testimony and then we can come back for more discussion. I believe Barbara Long has signed up to comment on this. Alright, Barbara. Thank you though. Stick around real close.

Ms. Barbara Long: Good morning, Commissioners. It's been a while since I've been here. Thank you for hearing me. I've been a Front Street landlord and owner since 1972. I've seen a lot of tenants move through that building. And as an owner/landlord, I have appreciated very much Lahaina's designation as a National Historic Landmark and as a historic district. And also as a landlord/owner, I've understood the value of complying with historic district standards. As you probably know, there is creeping noncompliance in Lahaina, and it threatens Lahaina's designation as a national landmark. As caretakers of our historic districts, and thank you for the comments I've heard already, I ask you to suggest to the applicant that he place the ATM machine, if it must be there, where it will not be visible at all from the public sidewalk or roadway. And as stewards of our historic districts, I hope that you'll do that. Thank you.

Chair Hutaff: Anybody else from the public? Does anybody have any questions for her?

Mr. U`u: Yeah. Question.

Chair Hutaff: Ma'am? Ma'am? Sorry. My mistake.

Mr. U`u: Good morning, by the way. Question. And, you know, I wish we had some pictures of the original. I guess that would be the original ...(inaudible)... on the bottom left, correct? Just wondering, are the bottom windows original? No? The doors I know is not original. So I was wondering, what changes were made from the original to now?

Mr. Solamillo: It appears that the vestibule may have been altered, but I don't have a copy of the plans. Ann would know more because she was the planner for this project several years ago.

Ms. Cua: Many years ago, and I don't have the best memory. It was a very controversial issue at the time because they did a major change to the building, you know, the stairs were removed. I can't -- I know the entryway was changed. I think the windows now are smaller than those windows, so I believe they were altered. But we tried, as much as possible, to retain as much of the character that was there, and it was a challenge, but I think we were, you know, successful with where, you know, definitely it wasn't what exactly what the applicant wanted, the community did come forward, and, you know, we were able to secure the design that is there now.

Chair Hutaff: Bruce, did that answer your question?

Mr. U`u: Yeah. And --

Chair Hutaff: You want to comment on that?

Mr. U`u: Yeah. And, you know, at first I just was thinking it's an ATM machine but, you know, I guess we cannot change what happened prior; in fact, I know we cannot do it right now. What's done is done. And, you know, I would like to keep the original look of the building in tact without interference of anything that's forthcoming, whether it be this or something else, and, like I said, at first I think ATM, you know, prior, sadly, I was going say slam dunk, but I retract my original message in my head and I don't see it happening because there's a lot of history with these stores and we losing them, and I mean it's in perfect condition, not like we're talking about one demo, but the character of this is beautiful and the history behind it, because of the fire, is incredible and I don't want to do my time here on the Commission have to regret changing even if it's just one ATM machine so --

Chair Hutaff: Just for your clarification, we can't change any approved --

Mr. U`u: I agree.

Chair Hutaff: Changes

Mr. U`u: Right.

Chair Hutaff: The design.

Mr. U`u: I understand that.

Chair Hutaff: Yeah. Anybody else in the public? Go ahead. Thank you.

Mr. Rodrigues: Hinano Rodrigues, as an individual. Your predecessor, the predecessor of the Cultural Resources Commission was the Maui Historic Commission. I am old enough to say that I remember the Maui Historic Commission. In fact, if you read the headlines of *The Maui News* back, I think it was 1972, the headlines said, "Youngest member to the Maui Historic Commission to be appointed," and that was me, and I think that that title still stays with me, I was the youngest appointed to the Maui Historic Commission, and probably the youngest one to serve even through your tenure as the Maui Cultural Resources Commission. But anyway, so I served for four years and then I moved to teach at the University of Hawaii, then I went away to law school, and then I decided to live on the Mainland for 20 years. And in the 1990s, I came home and was walking Front Street, and I ran into Jim Luckey. Some of you might remember Jim Luckey. Jim Luckey was very passionate about what Lahaina looks like and what it represents. And he recognized me after all those years of being away, and he said this to me, "Hinano, you gotta come home. You gotta come home." And I said, "Why?" He said, "Hinano, look around. Look at what has happened to Lahaina." And I looked around and I realized that we worked so hard back then, when it was the Maui Historic Commission, to keep it the way we thought the design should be. And I've seen, in the last 30 years, a change, a slow change, I'm going to use

the word "encroaching," yeah, and Lahaina is changing. We don't see -- I, at least, don't see what I saw in the 1970s, and I think that -- and I do feel for this businessman, but I think the compromise would be to move the machine inside of the building because what I think what Lahaina would look like in the 1880s and, all of a sudden, run into an ATM machine, it's an automatic block in my mind. So, personally, I would rather see the machine be inside of the building and not on the outside of the building.

Chair Hutaff: Thank you. Anymore from the public?

Ms. Maluo: Comment.

Chair Hutaff: Oh, you had a question for him?

Ms. Maluo: Comment.

Chair Hutaff: Go ahead.

Ms. Maluo: I just want to echo what we've heard from the last three voices, and this voice comes from a very frequent, if not dependent, ATM debit card user. Lahaina is very special. And the facade of this building I think we all want to see remain the same. By putting the machine inside, that also builds a relationship between you and the store owner. Are you the store owner?

Mr. Rose: No. I'm not.

Ms. Maluo: No. Okay, I didn't think so. What are the hours that the store is open? How many hours during the day or into the evening are the doors open so the people can use the ATM?

Mr. Rose: I'm not exactly sure because I didn't -- wasn't anticipating putting ATM inside the gallery. I think that generally around -- I don't want to speculate because I do not know the answer to that.

Chair Hutaff: Okay, one last call for public testimony. No one else? Okay, I'm going to close that off so we can continue our discussion. Go ahead.

Mr. U'u: Question. If he move it inside, would he have to come back before the Commission? No?

Chair Hutaff: You know, I agree that this is not a big change, okay, and a lot of what we see that's changed Lahaina dramatically has not been big changes. It's been the accumulation of small changes, probably most not necessarily legally, are encroaching, if you will, okay,

and in fear of adding to that wrong kind of change, I would, personally, like to say thank you for coming. Sorry. But it has to be a Commission -- what does Stan have to say with the Planning Department's recommendation?

Mr. Solamillo: I'm hesitant to actually respond to this because I might get egged when I leave the building. I took a much more lenient view based upon the fact that the entire store front system had been changed. The large plate glass windows had been reduced in size and it had actually been raised. The entire vestibule, as you enter the building, had been changed. The stairs had been removed to provide for handicap accessibility, so you had a slight incline. And, essentially, you had a corridor where there wasn't a corridor anymore. So there had been substantial changes which had been made to the front facade. We do not want to see new openings punched into the building on the outside, which, you know, would provide this vendor with an installation opportunity as well as the fact that for visibility, from a safety standpoint of customers using the ATM machine, you don't want to be on the side or the rear of the building anyway, so I understood what the vendor was trying to do. Based upon the fact also that sometime during the previous decade, an LCD screen, which was a computer, was mounted at essentially the same location on again a storefront or a vestibule, which had been changed and was not old, I took a much more lenient view. Since I stand the opportunity of being egged when I leave this building today, I defer to this Commission.

Chair Hutaff: Good call. Go ahead, sir.

Mr. Rose: I just wanted to say, you know, I certainly respect the heritage of Lahaina and we had felt that this was going to be a minor change in that it wasn't -- we weren't asking for like a large sign or something that would be placed in front and would actually change the amount of the building that you could see or would change the view. We were placing this in such a way that it's in the window so it would be very similar to having a picture in the window or if the merchant, for example, wanted to put an LCD screen behind the window to advertise whatever he may be advertising, it would give the same effect. And so we were hoping that, you know, by going through the right channels and requesting for approval to and not going through, you know, doing it on our own or being illegal, which sounds like its been a major problem, and maybe we're paying the price for that, people being illegal and doing things that they shouldn't have been doing, but that's why we were very careful when selecting the location because we weren't going to really be changing -- we weren't going to be changing the building and it was going to be low profile, it wasn't going to be changing the view that people would have of the building from the street, or anything like that, so that is what our thinking was, and I understand and appreciate your thinking as well, but we would just like say, you know, we did feel like it was important that we'd go through the due process and do things legally, which I'm sure you'll agree, and you know, hopefully, that'll be considered because if people are able to go through the -- they're encouraged to go through the legal process, then maybe there will be less things that are done illegally and

maybe the encroachment won't actually be as bad, it won't be left up someone else to monitor or change something's that's already been established. But thank you, everyone, for your time and your consideration. I do understand your views and appreciate, you know, your thoughts and, you know, I would just ask one last time that you would -- if you would reconsider your position given the new facts or the new testimony. Thank you. Aloha.

Chair Hutaff: Thank you. Go ahead.

Ms. Cua: I just wanted to make a quick comment based on Stan's comment. That LCD screen that he said was there at one point in time, I don't believe was permitted, you know, things kinda happen. It would definitely be something that if it came into the department, we would have bumped it to you, and I don't think you remember seeing it, Stan doesn't, so I just want you to know that so you don't think that that's something that was approved.

Chair Hutaff: Oh, okay.

Ms. Cua: Yeah. Okay.

Chair Hutaff: And I wanted to thank the applicant for, you know, doing what you're doing, and coming through the process; that actually does carry some weight, okay, from the standpoint because, you know, what has been done in the past that's not necessarily legal will have an issue eventually with this Commission and the Planning Department as time goes on, so even if you didn't, the chances are there would have been, you know, a negative impact anyway, but the fact that you did come before us, you know, we certainly do appreciate that and I think the Commission is aware enough that we're going to value this particular entity, not what was done wrong before, but we do need to consider whatever we do has an impact in the future. The past is the past. It will be addressed garans-ball barans, okay. But for that, I just wanted to make sure that you understood that we really, really, really do appreciate that. And comments, suggestions, ideas?

Mr. Osako: Yeah, I just don't see changing the facade of the building anymore than it has been.

Chair Hutaff: Okay.

Mr. Osako: So that would mean having the machine in the interior of the building.

Chair Hutaff: Would you like to put that into a motion to approve or to disapprove?

Mr. Osako: I move that we recommend to the Planning Department that they do not approve putting the machine through the facade of the building.

Mr. Kubota: Second.

Chair Hutaff: Okay. We have a motion and a second. Any discussion?

Mr. U`u: Discussion. Yeah, I like the building more than I like the ATM machine, and I respect you for going through the process, and respecting the process, but it's part of being in the profession, and this is our profession here I guess, even though we're volunteers, but, like I said, I like the building more than I like the ATM machine. It ain't easy for me.

Ms. Kanuha: And I, too, would like to say thank you to the applicant, however, we, at the end of the day, at the end of our meeting, we still have our Commission kuleana, and that is to protect and preserve these buildings and the integrity of it. And my concern is if this was to get passed, can you imagine how many other applicants will be standing in line to put these machines in the other buildings in Lahaina. And I drive up and down Lahaina because that is my hometown, and I love seeing it. And my Commission, when I took on this oath, is to protect the integrity of our town. So that is my comment, and once again, thank you. But, you know, it can go inside. Put the machine inside. You know, there's always a solution. Thank you.

Chair Hutaff: So nothing's change to the motion, let's take a vote.

There being no further discussion, the motion was put to a vote.

It has been moved by Commissioner Osako, seconded by Commissioner Kubota, then unanimously

VOTED: to recommend to the Planning Department that they do not approve putting the machine through the facade of the building.

Chair Hutaff: Motion for denial has been set. Thank you. So sorry.

Mr. Solamillo read the following item description into the record:

- 3. MR. DAVID SAKODA, COUNTY ARBORIST, on behalf of MAUI COUNTY DEPARTMENT OF PARKS AND RECREATION, requesting review and comment on the Proposed Removal of a Monkeypod Tree located on County property in the 500 block of Front Street, between Shaw Street and Mokuhina Place, TMK (2) 4-6-002:011, Lahaina, Hawai'i. Public testimony will be accepted. (S. Solamillo)**

Chair Hutaff: Question before we -- before we move on. Lunch is here. Does -- do we wanna try to fight through this or take a break for lunch? I beg your pardon?

Mr. Kubota: I think we should take a break because this looks like it might take a while.

Chair Hutaff: And I think we'll be more apt to listen rather than worry about our stomach. Yes?

Ms. McLean: Chair, if there are members of the public who might not be able to return after the lunch break, you might want to offer them the opportunity to testify now.

Chair Hutaff: Okay. That's a good idea. We are inclined to take a lunch break for at least 40 minutes, we would certainly like all those who have signed up for public testimony to have the opportunity after lunch; if there is anyone in the public that needs -- that cannot make it until after lunch, then we would open it to public testimony prior to the presentation, which might not be the best way to go. So does anybody need to --

Ms. Kanuha: You got one.

Chair Hutaff: We got one? Okay. We will enter that. And you are?

Ms. Joanne Carroll: I'm Joanne Carroll, and I've lived in Lahaina, and I've had a business there, and I'm not affiliated with Maui Friends of the Library so I am managing, on a volunteer basis, the Maui Friends of the Library at the Wharf Cinema Center. And I've lived in Lahaina for sometime. And I'm well acquainted with Front Street. And I went and looked at this tree and took pictures, and it is a hazard, and that is what your main concern is that it's a hazard. However, it looks to me like the solution is pretty simple, at the cost of maybe one or two parking spaces on Front Street. The tree is beautiful. It provides a lot of shade and cooling for the people who live in the house right behind it. It looks to me like that sidewalk could just bump out, go around it, save the tree. I think there's been too many trees in Maui cut down in the last 10 to 15 years. And it will be unsightly. There'll be a big ugly hole there. And while we're talking about hazardous conditions, Front Street is a hazardous condition. Most of Front Street, it's difficult to walk down Front Street. I know lots of people that are concerned. I try to avoid it. I live on Front Street. I avoid it as much as possible. There is -- all the sidewalks are irregular, there's raised parts, there's dips, there's obstacles sticking up everywhere; at least once a day, I see somebody has fallen down, and I'm always curious why you haven't been sued because it looks to me like -- it's happened to me now three times, and the parking lot behind the Wharf Cinema Center, Luakini, it's terrible. There's holes all down there. Front Street has holes. It's just, for the place that it is, the destination that it is, it looks tacky. It doesn't look like it's well taken cared of, and it doesn't seem to be. So I think this tree is more important to save that tree, bump out a sidewalk; it's much more attractive that way; there won't be any problem with

people walking around it. When I was there today, please walked down the sidewalk and just walked where they've got that bumper thing up around there, and you have across the street a lot of parking, so lose one or two parking places I think is a fair tradeoff for saving the tree. And that's it.

Chair Hutaff: Thank you. Okay. So we temporarily going to -- let's go to lunch. Back here at 12:45.

(A recess was called at 12:03 p.m., and the meeting was reconvened at 12:46 p.m.)

Chair Hutaff: Commission meeting will reconvene and we were at the --

Mr. David Sakoda: Committee Chair, Committee Members, fellow county employees, and members of the public, aloha. My name is David Sakoda. I'm the County Arborist. I'm here to speak about the monkeypod that's located at 545 Front Street. A little bit of history about this tree. Well, I asked some folks and made a call in to Lahaina Restoration Foundation to see if anybody knew who planted it or what, but I haven't gotten any information about that. But the sidewalk area was given to the County of Maui from Pioneer Mill in 1983 as an easement. At that time, the tree was there. The sidewalk was straight. It's indicated on the plot map. Since then, the sidewalk was redone and there's a picture later on that shows the sidewalk that was just recently removed; it curved around the tree so -- and, as you can see, it had been uplifted. Generally speaking, the number one liability that most municipalities face throughout the country is tripping hazards, so I was contacted by Public Works to assess this tree. They wanted to repair the sidewalk. As when I assessed the tree, if they wanted to put in a similar cement sidewalk, the problem with that would be, when they pour the cement, the forms, to place the forms, and to make it all ADA compliant, it would require pruning of significant number anchor roots that stabilize the tree on this -- on the street side. So it goes well beyond the threshold of what industry standards are for root pruning and tree stability. On the other side of the tree, there's some pictures also that I noticed that there was prior root pruning done, and it wasn't done by the county, but it wasn't done by an arborist either. I believe it was probably done when they put in the fence, the post and rail. So the current situation on the other side, the roots are compromised. And then compounded with the root pruning that would be required to pour the cement sidewalk and the tree would become unstable and high risk. So that's the reason by I'm recommending the removal of the tree based upon the sidewalk design. Public Works representatives are here if you have any questions related to the sidewalk issue. I'm the arborist so I can only speak about the tree, and the tree is beautiful. It's diameter -- does everybody have that report? I put that in. So the reason why I'm here is that I just want to make this process as transparent as possible. It's located in the Historical District 1, area 1, and even though by current ordinance, it's not required to be brought to your attention, I know that you're in the process of bringing it to County Council to include the, what is it? 60-inch diameter circumference, 60-inch circumference --

Chair Hutaff: Forth-two inches high is what is there. The council right now is asking us to kinda, you know --

Mr. Sakoda: Yeah, currently in Wailuku historical district, you have something that pertains to a threshold for tree removals that needs to be reviewed by you, and I believe that that circumference is 60, so this goes beyond that. I'm estimating that this tree is roughly 50 years old. Do you have any additional questions?

Chair Hutaff: You say it's only 50 years old?

Mr. Sakoda: I believe so. It's 34-something in diameter, and you know the tree out in High Street and Wells is 5-foot diameter, so I mean it potentially can grow a lot longer but, as you can see, the space for that tree to grow is not there. Yes?

Mr. Osako: The trimming of the roots on the offside, so you think that compromises the stability of the tree?

Mr. Sakoda: This?

Mr. Osako: Yeah, that.

Mr. Sakoda: The pruning that was done on the ocean side of the tree, yes. That would -- that does compromise the root. The wound is also excessively large. I mean, you know, they cut down and then they shaved it out that way, I don't know why, but it's -- it was fairly recent. It hasn't started to callus over yet, but every wound like that is an entry point for disease and rot, and it also compromises the structural integrity of that anchor root, but it does function still as an anchor root. I mean --

Mr. U`u: Question. What about comments we had from testifiers saying to jog it out, the sidewalk. Comments from Public Works?

Mr. Sakoda: We have Earle.

Mr. Earle Kukahiko: Aloha. My name is Earle Kukahiko. I'm with Public Works Highways Division. I'm the District Supervisor for Lahaina, and we are responsible for the maintenance of this area as well as the sidewalk. To your question, Commissioner, I was kinda a little hesitant to recommend that, and the only reason why is because it would compromise one of our sweeping operations. We have several areas in Lahaina already that has planters that protrude out into the roadway and it really cuts down on our efficiency of that part of that operation, so we try to -- and it's not a done deal or not option, however, you know, we're a little hesitant on something like that.

Mr. U`u: I know it's an invasive plant also, yeah. Is it?

Chair Hutaff: I have kind of a question for Public Works. If there was a -- if the sidewalk were to be elevated, you know, I'm talking about protecting the tree, okay, to be elevated and fanned out and made around so that they wouldn't have to cut into the existing tree root, between the two of you, how high would that have to be?

Mr. Kukahiko: I'm not sure what would be the dimensions for that. I think it is an option to change the elevation you mean?

Chair Hutaff: Yes.

Mr. Kukahiko: Coming over the root system? You know, I think it is an option; however, I think maybe, you know, with us even putting back that kind of material, I think has some affect on the tree, you know.

Chair Hutaff: Putting back what kind of a material?

Mr. Kukahiko: Whether it's concrete or asphalt or, you know, whatever --

Chair Hutaff: Okay.

Mr. Kukahiko: That would be solid.

Chair Hutaff: That would be good to know.

Mr. U`u: Currently, it's not ADA compliant, correct?

Mr. Kukahiko: Correct.

Mr. U`u: So you need 30 inches, if I'm not mistaken, 36 --

Mr. Kukahiko: Yes.

Mr. U`u: To be -- 30 inches? 36 inches?

Mr. Kukahiko: 36 I believe.

Mr. U`u: So right now --

Mr. Kukahiko: Yeah.

Mr. U`u: The county liable for having something that's not compliant with the --

Mr. Kukahiko: Yeah, you're correct. And then, you know, there are certain areas in town that fall under the maybe historical realm, I'm not really familiar with that, that maybe goes around the requirement. However, for us, in our maintenance division, whenever we make these type of corrections, we want to make sure that, number one, we repair it properly and get the maximum amount of life that we can with the repair, as well as try to meet our recent, more current codes and, like you said, ADA, you know, so --

Mr. Sakoda: Also, the tree would continue to grow and it doesn't have -- I mean it doesn't have enough to reach its mature size as it is but -- and monkeypods, as far as your comment about being invasive, the roots --

Mr. U`u: Not native, I should say.

Mr. Sakoda: Yeah. It's not native. Correct. The roots are aggressive and that term "invasive," but as far as the weed risk assessment, Hawaii Weed Risk Assessment, the tree species itself if not an invasive tree.

Chair Hutaff: Would there be thought of replacing the tree rather than just chopping it down and leaving it a nice sunny --

Mr. U`u: Still no more ADA.

Chair Hutaff: Well, I mean even if -- kinda what I'm going along with is like, okay, the tree needs to grow, I see the issue, I'm looking at the, you know, the shade impact, the visual impact, is something that -- would there be something that would replace that tree as sort of a compromise rather than chopping it down or leaving it alone?

Mr. Sakoda: Well, we can plant, replant a tree there; it wouldn't be a large species tree, like the monkeypod. We'd plant a small to medium species size tree.

Chair Hutaff: So nothing with the same kind of shade and visual --

Mr. Sakoda: Well, we can select a medium or small species tree that has a shade canopy, but it's not going to be the size of a monkeypod; otherwise, we'd run into the same situation again.

Chair Hutaff: Okay. Any other questions before we turn it over to the public?

Mr. Osako: So how long has that temporary barrier been there on the street?

Mr. Kukahiko: I believe we put up about a month-and-a-half ago.

Mr. Osako: Yeah, has that negatively impacted the parking situation around the area?

Mr. Kukahiko: Well, it hasn't come to our attention, you know, yet.

Mr. Osako: No complaints or anything yet?

Mr. Kukahiko: Yeah. Yeah. Yeah. Yet. And you're talking in conjunction if we did that little bump out? Right now, the location of that, and there's even, I don't know if Dave put that in, but there is some root that has already protruded into the roadway, which is about a half to one inch already. So right now it's right in the middle of two parking stalls, so I'm not sure how -- it probably be you have to go before engineering to make accommodations; definitely one stall will be removed if that bump out happens.

Mr. Osako: Okay. Thank you.

Chair Hutaff: You have a comment? Or anybody have a comment for them before we turn it over to the public for their testimony? Okay, we're going to open this up to the public now. Marilyn Colvin.

Ms. Marilyn Colvin: Mr. Chair, Members of the Commission, and staff, and members of the public, thank you for this opportunity to come today and give testimony on review and comment on the proposed removal of a mature monkeypod tree in question, located on county property in the 500 Block of Front Street.

I think it's disturbing that county leaders have, within the past year, sanctioned actions which adversely affect our urban forests and green spaces. Removing a tree here and there as if there were an endless supply of them is beginning to take it's toll on street and park trees, and on humans. Maui does not have many street trees. I count at least ten recent county actions aimed at destroying Maui's tree population when other solutions could be and have been used successfully. Most recently, four monkeypods on South Kihei that have been there 30 to 40 years were to be destroyed; they now stand and we're very thankful that we were able to work with the county to save those trees. And I believe in the case of this tree, you can see how lush and beautiful, that's a spectacular tree, and it's worth giving up one stall because there's plenty of parking right diagonal across in front of the tennis courts there. So if we lose one parking space, so be it, but we save a tree.

And I have some questions to ask about the county's remarks at the opening, and I'll save those till the end, and I might be out of order on that but you can tell me at the time.

So we've had ten recent examples, here are just a few of them: The Ulua Park monkeypods in Wailea, Ulua Park, which were bulldozed down without any public hearing. It's just tragic and it's criminal to do that; next, we had two gold trees that were removed, I don't know if they survived, maybe they did, I hope they did, and that was in Kahului; and then we had the kiawe tree issue in Kahului where part of them were bulldozed down by -- right behind a landowner and I believe that they were able to save the rest of those; and then I've already told you about the four monkeypods in Kihei. In fact, others believe, as I do, that there appears to be a growing support for the saving of the trees, and that information will be coming more later, so I think a solution might be coming, but we have to deal with what's here today.

The belief that the only way to solve this particular tree issue is to chop it down in Lahaina, of all places, is just beyond comprehension. There are so many other ways to handle this. All I am aware of -- and I'm aware of that the usual reasons the county and organizations might make excuses, but there are still ways to save it and to be saved. I urge the Commission to please seek other ways to save this tree. Those who represent us in our local government just haven't gotten the message yet, and I think we need to send a stronger message that the citizens of Maui want to save trees, at least the ones we have left. You know the benefits of trees. I don't need to tell you. And as I say, we need to stop using the ax as a way to solve our problems with trees and to live with our trees. Do you know, on the monkeypod, I learned that when it rains the leaves close so that the rain can get down to the roots, and there's even evidence that trees communicate in some way. Well, you know the benefits so I'm just saying we need to work together as a community, we want the county to have what it needs, we want us to have what we need, and I think there's a way to have both.

This reminds me of a famous writer, and I'll just put the book up there, who in 1971 wrote about the dangers of cutting trees. If you have children or grandchildren, you might have seen this movie recently. But the book itself was conceived in 1971 by Dr. Seuss, and he said, paraphrased, in this book, "Yes, I am the Lorax who speaks for the trees, which you seem to be chopping as fast as you please. Now, thanks to your hacking my trees to the ground, there's not enough left to go around." As a private member, I'm here standing before you today to speak or please do whatever it takes to save this tree, and there are ways to do it, and also the Maui Outdoor Circle supports saving this tree, and you have testimony, do you not?

Chair Hutaff: Yes.

Ms. Colvin: That was sent in. Thank you. And as many private citizens also support this. And please vote "no" to any plans that proposes tree removal. And then may I ask a question of Mr. Sakoda, or whoever it goes to, on the presentation? If you could go back to that slide where only -- that one right there, I think, those are roots, it's hard to see with

the lights on, but those roots are -- are those roots on the sidewalk side or on the property owner's side?

Mr. Sakoda: On the ocean side.

Ms. Colvin: So that's the property of the --

Mr. Sakoda: Yes.

Ms. Colvin: Okay. So that's not our kuleana. Okay. Does everyone understand that? That does not belong to the county. Okay. And then, I had one more -- oh, I wanted to know if a deep digging on an exposing of any roots study been done?

Ms. McLean: Excuse me, Mr. Chair?

Chair Hutaff: Yeah?

Ms. Colvin: Am I out of order?

Ms. McLean: A point of order.

Ms. Colvin: Okay, that's fine.

Ms. McLean: You're welcome to ask your questions to the Commission, and if they want to followup on those, then they can do so.

Ms. Colvin: Okay. Well, that would be -- thank you. I thought I was probably out of order but nobody said anything. But no, I would want to look at the roots underneath the ground, the supporting roots as well before we conclude it wouldn't stand. Okay, thank you very much.

Chair Hutaff: Okay, he has a question for you.

Mr. U`u: What would you remedy, I heard the complaints, but do you have a solution in mind?

Ms. Colvin: Yes. Well, I'd have to study it more.

Mr. U`u: Besides saving the tree, how would you get around the ADA factor as an interim?

Ms. Colvin: Well, I think somewhere I read the ADA factors are not as stringent as we thought.

Mr. U`u: Well, you're not in a wheelchair so that's ...(inaudible)...

Ms. Colvin: Yeah. Well, I understand that, and you'd have to have a way to get -- so the sidewalk could curve around, there's been suggestions to make that a bus stop, although we don't know how many bus stops are along the way, and there may be other testifiers that have ideas that I don't know about, but I just think it's too soon to know. And what my solutions are is to work, first of all, do more investigation of that tree because all we have is one person's opinion, and we don't know what's under the soil to stabilize that tree, so that would be first. And incidently, I just got word about this two days ago, and I wasn't even sure I had the right tree 'cause I didn't drive to Lahaina, but I do have the pictures that you saw. Any other questions. Well, I've had more than my share of time, thank you so much.

Chair Hutaff: Thank you. Before the next -- we call the next person up to testify, just kind of a point, that the person's opinion is an arborist educated opinion, okay. So, Dennis?

Mr. Dennis Morihiro: Thank you for letting me come forward and testify with you. My name is Dennis Morihiro, and I'm a beekeeper on Maui, I've been a commercial beekeeper on Maui for 25 years, and from my standpoint, I see what the tree represents to Maui environmentally. So first of all, I have a picture here of that tree, and if you look at this, those pictures there, this is a lot clearer of what we're looking at, and I would like everybody to look at this in comparing it.

First, is that have we considered the ramifications of what it is to cut this tree up and get rid of it? It seems everybody, the county wants to get rid of the tree. They want to cut all the trees off and make it windier. Well, one of things, one of the ramifications of removing of a tree, which abates the wind, has created and further creating a windier Maui. The roadways that we have were designed and in place when wind was not an issue because of the urban forestation we had, and it's not a consideration, are now putting motorists at risk. Now, the arborist committee, which what I am on, was not -- I was not notified. In fact, I first heard about this hearing was this morning, and that's why I'm here. Was an EIS part of the study in cutting the trees? What is being depleted or lost environmental to our forest and ocean habitat where both our nonrenewable resources are located affected by the wind, cutting these trees will affect that. Cutting any tree will affect it because in total is what they affect. We are at a point now where it's at a point of no return. Why? Because our watershed is not coming back. We don't have anymore water then with all these different policies that have gone through than we did 30 years ago. It's not getting any better. It's worse.

Culturally, what's the impact? Culturally, the impact affects our forested way of life. It affects our morals and morale. Our sense of worth to tall things natural and not replaceable. That's what cutting this tree would affect. Economic wise, it provides a scenic draw for local business people, tourists, because of the enhancement to the township.

Taking the tree out would be a void. Environmental impact. Maui's losing or has lost its land ocean habitat because of the decline of our urban forest. Every tree removed in the name of urban development has been and is far-reaching, as we can see by the dessert-like condition on Maui and on the face of Lana`i facing Maui.

Has any of you been recently to Lana`i and see what it is? The large pine trees in Dole Park are dying. They're getting defoliated. If you're a hunter, you went in the forest, you would see there's no kiawe beans under the kiawe trees, there's no koa growing on the koa trees except little sprouts, there's no water in those areas to support the wildlife, so they eating everything and anything that's there. The grassland outside of Lana`i is no longer a grassland. You can walk in the grass and see the bare dirt, and that's because they are downwind of Maui. So taking the trees off of Maui is creating things that are far-reaching into all the other islands. Maui, Molokai, and Lana`i, we're all together. We have vortex between the island, and that's what we're creating, a windier condition. Why? Because of this wind energy. So with the wind, we're losing our forest.

Now retaining the trees will provide a place to rest in the shade on the roadway tree ...(inaudible)... which is almost non-existent on Front Street. It adds to the variety of trees and natural textural essence of the township. The county's barricade around the tree has not shown any encumbrance, such as traffic or parking. Public parking is within viewing distance, as you can see across the street. The barrier currently shows, put in vehicular traffic and parking, has acclimated to the barrier. From the roadway marking, you can see on that front, it seems there is a driveway entry. If so, a sidewalk around the tree would increase the view of approaching traffic. Right now, if you park there, it would block the view, it would be hard, especially with the traffic condition on Front Street.

The proposal by Maui County to cut the tree should be rejected. It's a shame to think trees only belong in the forest. The far-reaching benefits of trees is immeasurable; most importantly, the trees maintain and preserve our nonrenewable resources. To preserve our reserves, we need to preserve what is left of our forest. As a beekeeper, what is killing the bees on Maui, we all here that, what is killing the bees on Maui? What is killing the bees on Maui is not the pesticide or the herbicide, what is killing the bees on Maui is the wind because when the wind changes we're moving a tree, you change the microclimate; you change the microclimate, you change their habitat; you change the annuals and the perennials where the bees need to propagate in the fall. With the wind, the all-drying wind and the change, the plants cannot adapt, and that's what's killing the bees. No trees; no bees. No bees; no forest. No forest; no water. That's where our watershed is going. That's why we need to save every tree we can, not because it's just a tree, but we have to make the concerted effort because it's affecting all of us. I, personally, think, as a beekeeper, Maui will run out of water in ten years. We need it, East Maui, West Maui watershed. We don't have the West Maui watershed. So how can Maui exist without the East and West Maui watersheds. We don't. If you look at, I don't know if I should this now,

but Maui's watershed, when you look at it, consist of a dryland forest and a wetland forest. From Hana to Wailuku, it's 40 miles, and if we say it's 3 miles wide, that's 120 square miles of forest that's supposed to support Maui's 726 or so square miles. Now with the developing Maui, from Paia to Wailuku, that dryland forest, which is about 30 square miles, that 30 square miles of dryland forest supported the 90 square miles of wetland forest, which is the East Maui watershed. We don't have the dryland forest so how is the East Maui watershed to survive? We cannot. We don't have the wherewithal to survive. The only way to do it is to do this urban forestation, to save everything, what is left there because the watershed, by changing the wind, the watershed is affected. The wind also change the current in the ocean; that's why our fishing is gone. The deepwater habitat is gone, which is a nonrenewable resource again. So I say that this thing about cutting trees needs by all means we need to preserve what we have because that's the only thing that's keeping alive now. Maui is at the point of no return, I think. Thank you.

Chair Hutaff: Stay right there. Any questions for this gentleman? I have a statement. Thank you. Okay. Everything that you've said, I thought I knew. Somehow after you saying it, I appear to know more now than I knew before. The second thing is, would you be willing to give your name to Stanley in case we need someone to speak on the water and the winds and things like that?

Mr. Morihiro: Sure.

Chair Hutaff: Again, thank you very much for enlightening us. Okay. Let's see, that was Dennis, we've got, let's see, Barbara, you came up -- Barbara. Barbara Long again?

Ms. Long: Yes.

Chair Hutaff: There you go. We're here for you.

Ms. Long: And good afternoon, Commissioners, again. It's been hard for monkeypods on Maui lately. I used to live down there in the 500 Block of Front Street, and that particular tract of land where the tree is located belonged to Pioneer Mill. It contained, oh, maybe half-a-dozen small houses that were used by Lahaina, by Pioneer Mill supervisors, and that use continued until what I think is about ten years ago. The tree, obviously, pre-dates the event of the county's sidewalk easement there so that you might consider that the tree references the history of the site as part of Lahaina Town Sugar Heritage. The easement, as I understand it, is some ten-feet wide and it looks as though the sidewalk in that area is not ten-feet wide so that would seem to give the county some leeway in developing alternatives, including a bump-out. The tree does contribute to the historic streetscape, it enhances the visitor and resident experience, and the West Maui Community Plan, adopted in 1996, those little red flags are where I notice tree references. This is an ordinance. This is not just a recommendation. This is a county law. And I counted eight policies and

objectives relative to trees in Lahaina and West Maui, including on page 29, "Recognize historic vegetation as a cultural resource." Page 34, "Save and incorporate health matures trees." And page 38, "Street landscaping provides a sense of place."

Maui County is fortunate to have an Arborist Committee made up of professional botanists, arborists, landscape professionals, people like Dennis as well, who review and recommend tree planting and preservation solutions. The location of this tree, in the noncommercial corridor of Front Street, across from existing county parking lots, offers a number of options. Directly across from where the tree is is the famous Just Do It lot, I don't know how many of you remember that the county bought that back from the Just Do It guys who built the building there. They tore the building down. It is used for parking. It is not paved or striped. If it were paved and striped, it could certainly accommodate parking that would, hopefully, make up for any parking lost by a bump-out for this tree.

I think that the Arborist Committee professionals could take a look at this with input from our County Arborist and from the Department of Public Works and come up with an appropriate an appropriate solution that would save the tree.

I hope that you won't condemn this healthy monkeypod tree to an inappropriate death. I hope that you'll vote to defer your decision and recommend that the matter is referred to the Arborist Committee for consideration, let them thoroughly look at the situation, evaluate the tree, and it's health, and it's future so that we can avoid cutting down this significant part of Lahaina's historic landscape. I hope you'll do that. Thank you.

Chair Hutaff: Any questions for her from the Commission? Okay. Any -- thank you. Anybody else from the public? Okay, we're going to close public comment. Commissioners, anybody want to comment on it? Okay, I do. Surprise. Surprise. Surprise. First of all, you know, monkeypod is probably one of the most forgotten trees in our culture, okay. Monkeypod was brought in for the sugar industry to provide shade for the oxen as they traveled from the sugar cane field to the mill and then down to the harbors; that being 15 -- only being 15 years old, obviously, were not part of that thing. Also, when the oxen was displaced by steam trucks in certain areas across the island, the monkeypod was, you know, used if they needed to burn a little more fuel for whatever reason and they'd take a branch or two or three or four or five, so the monkeypod represents a time in our culture relative to the sugar industry. My view of the sugar industry is kind of irrelevant other than the fact that there were so many different nationalities here that taught us so much so, in a way, for me personally, the monkeypod represents that time frame, and we've lost so much in Paia, we've lost so much in Pu`unene that I kinda think that the monkeypod, although it may be an invasive species to some, represents a time of shade, comfort, and a time in our history, whether we like it or not, that particular time, and I think that that's important to note that it does have cultural value, in my opinion, for me. Now, to the Public Works, I'd like to ask a question, okay. From the sidewalk that exist prior to the tree, to the

ending of the parking stall, okay, how wide is that? So before this tree, from that curb there, how wide are the parking stalls?

Mr. Kukahiko: The width or the length?

Chair Hutaff: Width. Width. From the curb to the road.

Mr. Kukahiko: To the roadside?

Chair Hutaff: Yeah.

Mr. Kukahiko: I'm not exactly sure but maybe six to eight feet, I would say.

Chair Hutaff: Okay, a car is usually, maximum, is about eight feet mirror to mirror, so that would probably be conducive, six to eight feet. If the sidewalk were to be taken all the way to the edge of that parking stall, okay, you probably need about, what, looking at the picture there, 12 inches of grassy area or an abatement of some sort. I'm trying to figure out is there a way to save the tree, okay, get a path around the tree itself, taking up that parking stall, and not damage the tree, is kinda what I'm kinda trying to look at.

Mr. Kukahiko: Chair, if you take a look at where that crack is.

Chair Hutaff: Yes.

Mr. Kukahiko: On the sidewalk.

Chair Hutaff: Yes.

Mr. Kukahiko: To the curb.

Chair Hutaff: Yes.

Mr. Kukahiko: It's about 18 inches.

Chair Hutaff: Okay. So if we were to take, from the curb to the end, and eliminate that parking stall six to eight feet from the curb, would that be enough room to make an ADA compliant sidewalk without damaging or having to dig so far down that we would damage the roots of that tree? You best opinion.

Mr. Kukahiko: I believe height, I think, was an issue. Dave, can you help me out on that one? On that side?

Mr. Sakoda: If you were to do the bump-out into the road, is what you're saying?

Chair Hutaff: All the way to the end of the parking stall, 36 inches, I'm assuming, is the ADA width for a sidewalk, plus I'm looking at probably another foot, so, you know, 42 inches in, would that leave enough room to allow the tree to grow and not have to cut off the roots to put the concrete in without elevating?

Mr. Kukahiko: Chair, a little bit of clarification. You're talking so we're going to remove the parking stall?

Chair Hutaff: Yes.

Mr. Kukahiko: Completely? So, yeah, so we'll have all that area?

Chair Hutaff: Yeah.

Mr. Kukahiko: Oh yeah. It'll definitely have enough room for ADA.

Chair Hutaff: Okay. And from the arborist, you know, removing the excess concrete around that tree there and eliminating the one parking stall, and doing that, would that give enough area for the tree to continue to grow for a time?

Mr. Sakoda: For a time, yes.

Chair Hutaff: What would your estimate and guesstimate on how long that time would be, 25 years, 50 years, 10?

Mr. Sakoda: So the edge of the cement would be where now I guess is what ...(inaudible)...

Chair Hutaff: Where -- it would be into the parking stall probably about two feet from the curb inward.

Mr. Sakoda: From the curb ocean side.

Chair Hutaff: No. Mountain side.

Mr. Sakoda: Curb out into the street.

Chair Hutaff: Yes.

Mr. Sakoda: So you would be gaining roughly four feet --

Chair Hutaff: Yes.

Mr. Sakoda: Away from the tree.

Chair Hutaff: Yes.

Mr. Sakoda: That would help. The tree would continue to grow. It would be structurally sound if you don't impact the anchor buttress roots, you know. The threshold distance out from the trunk is three times the diameter, so that tree's diameter is 34.5 inches in diameter, so you would be looking at a distance three times that out, that would be the area that you would want to protect those anchoring buffer roots, the buttress anchor roots. So it would, you know, it would definitely not impact the tree, the tree would continue to grow, and eventually it would outgrow that, but I don't know, that would be a total guesstimate on how fast, how long that would be.

Chair Hutaff: Okay. For the Public Works, how long do sidewalks last just without trees growing around them?

Mr. Kukahiko: We kinda hope they last forever, actually, you know.

Chair Hutaff: Okay. No, that's a good answer.

Mr. Kukahiko: I think there may be some maybe historic issues with the measurements along this. I don't know if, and again I'm not exactly sure --

Chair Hutaff: Sure.

Mr. Kukahiko: You know, how that would be, but --

Chair Hutaff: Go ahead.

Mr. U`u: I just was wondering, maybe we can get the people responsible for answering your questions correctly, like engineers and whatnot, and maybe you could propose to them to go back and look at one mitigation factor and come back and present the mitigation to the body instead of trying to guess and piecemeal something that potentially cannot or can happen, but, you know, you gotta refer back to the ADA books and everything else, but we can kinda guesstimate, which is what we're doing, but --

Chair Hutaff: I believe because they've come to us that we can, you know, make that recommendation and move and vote on it from that standpoint, but I think maybe some more questions so don't go away. Go ahead.

Mr. Osako: I assume, and correct me if I'm wrong, the property that has the white fence there, is that a privately owned property? So the damage or cut to the roots there on that side, you know, I would have to assume was done by that property owner. Has there been any complaints from the property owner about the tree?

Mr. Kukahiko: No.

Mr. Osako: And for the arborist, if, you know, there's going to be continuing damage on the public property, is it -- can you assume that there's going to be some damage into the property there?

Mr. Sakoda: Into the private lot?

Mr. Osako: Yeah.

Mr. Sakoda: I would say it would be minimal; it all depends on what they do on that -- I mean there's no -- they own the property, they could basically do whatever they want, if they decide to do some trenching or something, I don't know, but as far as the way it is now, the structure is far enough away from the trunk of the tree so that I don't anticipate significant impacts to the anchor.

Mr. Osako: What about waterlines or sewer lines and stuff like that?

Mr. Sakoda: That I don't know. But so I mean the issue is the buttress anchor roots and the uplifting, and it's starting to affect the asphalt, it hasn't affected the curbing so much, but in the asphalt, you can see some rising. So to do your bump-out, we would have to be sensitive to not impact those roots because that's still within the three times the diameter of the trunk. And, you know, generally, I go with five because when you -- it's a living thing, so when you cut a root, an anchor root, you're going to have some dieback. So that's all I have.

Chair Hutaff: Okay, before -- anybody else?

Mr. Kubota: I have a question. I understand this was not referred to the Arborist Committee? According to Dennis's comment.

Mr. Sakoda: It has not been brought to the Arborist Committee yet.

Mr. Kubota: Why? Why not?

Mr. Sakoda: There hasn't been an Arborist Committee meeting in past I think maybe three months, two months, two months for sure for lack of quorum.

Mr. Kubota: But it could still be referred to them, brought up.

Mr. Sakoda: I will bring it up at the next meeting. I was going to bring it up at the last meeting but there was no quorum so we didn't meet.

Chair Hutaff: Okay. For -- my question to the Public Works, we have some unanswered, you know, questions that certainly would be very helpful on us making a final recommendation. Would you be helpful and try to get answers to that and kind of look at, whoever you have to look at it with, the opportunity of going around it as a solution? Would you be willing to -- he's shaking his head so maybe you should answer that.

Mr. Kukahiko: Yeah. I'll defer this to Eric Yamashige, who's our superintendent.

Chair Hutaff: Perfect.

Mr. Eric Yamashige: Good afternoon, Members. My name is Eric Yamashige, I'm not with the engineering division, but I am an engineer. So as far as -- let me try and see if I going remember all your questions. As far as ADA, there is a way of getting around it. Certainly, if you take away a stall or probably in this area, because of the transition, maybe two stalls, you will be able to come out to the edge of the parking designation, setback for a gutter, you'll notice that it is a curb and gutter, concrete curb and gutter, and then put your sidewalk in that planter space that you've created. As far as the slopes for ADA, you should be able to make it because you'll have enough room. David's concern about being far enough from the trunk of the tree before you damage any roots, you know, if it's three feet times he said three, which is ten or five, which is fifteen, you're in the pavement, so when we try to put that curb and gutter, you know, it's going to be kinda close to that threshold so -- but we will work with David, it is in the historic district, so any improvements, like you're suggesting, would come back to you, and it would be designed by our engineering division, so, you know, you would certainly have a chance to see it again. I'm certain. Taking care of this sidewalk would, you know, stay in highways and we wouldn't have to go through all of those plans. Our concern is, first and foremost, safety. We had to remove the sidewalk because it had lifted up, it created an unsafe condition, so instead of leaving it, we removed it. We tried to expose what we could so David could take a look at it, and we took away a couple of stalls to put that temporary sidewalk around it. Eventually, you know, like David said, he cannot say how long it's going to last, like Earle said, we try to do things one time because, to the county, we don't want to go back, we don't want that persona, I guess, we want to take care of it, and it's going to come back, maybe not while we're working, but I don't like to do that. I don't like to say, you know, I'm retiring so it's not going to be my problem. It's going to be our problem, you know, we the county. So we try to look at the options. We did look at bumping it out. It is a temporary measure. How temporary? We don't know.

Chair Hutaff: If I had to make a comment on that, I would probably say it probably be a long temporary; "long" mean relative; I understand that permanent is what you're after, and this would not necessarily be permanent. There's also talk of, you know, closing Front Street to traffic, which would eliminate, you know, the need for parking that could come in the future, so the future's kind of unknown in this particular point, and I think we, as Commissioners, if I have to, you know, probably from a personal side, is gotta kinda try to look at, you know, what our responsibilities are, what the tree represents, and if we have to make a decision, you know, I think that a temporary would be an option for us, "temporary" meaning longer than like a week-and-a-half, okay, would be an option to us. I would -- how long do you think it would take to kind of re-look at re-engineering, based upon our comments, how long do you think it would take for you to --

Mr. Yamashige: You know, again, it would go through our engineering division.

Chair Hutaff: Yeah.

Mr. Yamashige: I don't know if they would go and get a topographic survey or just, you know, they would just be able to draw something out. You know, as an engineer, the other thing you look at, you guys mentioned, utilities. There is a waterline. There is a sewer line. I'm not familiar with how invasive these roots are, you know, if they're going to seek those out, that would be a concern. Lost it. There was something else I was going to say. Oh, drainage. This is a pretty flat grade. Oh, did you want to say something?

Mr. Kukahiko: I just wanted touch on, since Eric was talking about infrastructure, right on the south going that way of the sign, there are utility boxes also that, I guess, impact all the lighting posts along Front Street, so there is also utility there. The hydrant is on the makai side so, definitely, there is a waterline. There is also a drainage catchment at the end of, the south end, of the barrier that we have there that, as far as we know, hasn't plugged up, but I'm there may be some root issues down the line.

Mr. Yamashige: And I was going to mention drainage surface runoff because there must be a slope so the water isn't ponding in this area. Putting something that drop out towards the road, you know, will impact that, and there are ways to do it, I think along Front Street they put a pipe, and keep in mind that the pipe would run right next to that tree so it may impact those roots. You know, we don't hate trees. We like trees also. But we also look at, you know, what this means to the safety and the maintenance.

Chair Hutaff: We understand that. Any questions? Comments? Suggestions for a motion? Okay, if the Chair could entertain a possibility of a suggestion, I know that the Planning Department doesn't like the Chair to do that, but I ...(inaudible)...

Mr. Kubota: I think we should defer the decision until we get further information.

Mr. U`u: Simple. Make the motion.

Mr. Kubota: I so move. I move that we defer the decision until we get further information.

Chair Hutaff: Anybody want to second that?

Mr. U`u: Second.

Chair Hutaff: Okay. We have a motion, and it's been seconded, any discussion?

Mr. U`u: Discussion. I put myself in the position of, you know, if you in a wheelchair. You know, I like Front Street and, right now, it's not accessible, prior to this wasn't accessible, so I know the trees are important, but if you like holoholo Front Street, you know, you coming down to that end, granted they got it donated in I think it was '84, you know, we gotta make them accessible for everyone to enjoy and, for me, it didn't have enough, what was written in here, information of what else could be done instead of cutting the tree, and after we take a look at the potential possibilities of mitigating this and maybe can come to one conclusion where cut the tree or save the tree, but we didn't have options in here, and that's what I was looking for, one option ...(inaudible)...

Chair Hutaff: Kind of understand the motion to defer, my understanding of the intent of the motion is to defer to give the county time to look at alternatives and liability of keeping the sidewalk but -- and keeping the tree at the same time, if there are options on that. Is my understanding that that's what the motion is intended ...(inaudible)...

Mr. Kubota: Yeah. And also to consult with the Arborist Committee.

Chair Hutaff: Okay.

Mr. Kubota: That's important I think.

Chair Hutaff: So we want to move to defer and we ...(inaudible)... make recommendation? Yeah. I think, based upon this, we can incorporate them all. Am I correct? To where we can modify the motion to, you know, be very clear that we want to save the tree and provide the sidewalk and allow them to have time to contact, as far as experts go, the Arborist Committee. Can we -- is that an acceptable modification?

Mr. Kubota: Yeah, that's fine.

Chair Hutaff: Okay, second on the little modification? Are you okay with that?

Mr. U`u: Yeah.

Chair Hutaff: How about you? We're all okay with that? Okay, let's put it to a vote to defer.

There being no further discussion, the motion was put to a vote.

It has been moved by Commissioner Kubota, seconded by Commissioner U`u, then unanimously

VOTED: to defer making recommendations until more information is presented to the Commission and to allow the applicant to consult with the Arborist Committee.

Chair Hutaff: Motion is carried to defer. I want to thank the three of you gentlemen there for being so courteous, and working with us on that, and I know we've given you, you know, more work but can, huh?

Mr. Sakoda: Thank you.

Chair Hutaff: Okay. Okay, Stan?

Mr. Solamillo: The next items on today's agenda are included under Director's Report.

Chair Hutaff: Okay.

E. DIRECTOR'S REPORT

1. Kipahulu Comprehensive Site Plan, Haleakalā National Park

Mr. Solamillo: The first is the Kipahulu Comprehensive Site Plan for Haleakala National Park. You've been provided with everything I have been provided with, and there is a comment card, and the comments, unfortunately, are due tomorrow, so the best thing that I could suggest is make your comments online, and it gives you the online address at the front-end of that handout. So that'll be <http://parkplanning.nps.gov>, and at least you can get your comments in. It was rather unfortunate the way we got this. We just got it as a mailout. It actually went to the mayor's office, I believe. And it's unfortunate that NPS was not able to come to this body and solicit comments directly because it would have been good. So if the East Maui watershed is important to you. Any questions?

Chair Hutaff: If I can kind of add to a little bit of this, I hope it's okay, I've already commented on this and I've been to all of their meetings, and I have to commend the park because their desire to preserve and protect is higher than their desire to allow people, okay. And the only comment that I had against any of this was access to the living farm,

it's not clearly listed here, but in the discussions at the park, there is a heiau overlooking the ocean and the living farm part of it, which is up the Pipiwai Trail, there's actually a small splinter trail that leads to it and, unfortunately, it's a great view, and the heiau is almost all completely gone, so all you have is rocks, and what happens is people go up there, especially kids, I know I certainly, if I didn't know what it was, I would want to do the same thing, you take a rock and throw it over the cliff. It's what kids do. They throw rocks. The access trail to the Kipahulu living farm from the Pipiwai Trail be blocked off completely and no maintenance put on it so that people can't easily -- there's a gate there but, as we all know, the small gate, everybody just walks over it because they see this beautiful living farm, the taro patches, and never walk up to the taro, they always walk to the overlook and throw rocks off, and, unfortunately, those rocks are rather sacred, if there's nobody there to scold them, then obviously we're adding more damage. The rest of it, according to the community, is that again the park's trying to keep things preserved and, you know, the park has definitely been a leader and try to preserve areas, sometimes to a fault, and this is the, you know, this back picture here on the bottom is actually the living farm, okay, and the heiau I'm talking about is facing the ocean side, and this is facing the mountain side, and so we kinda made a comment that we'd like to protect the heiau by not allowing access. That's the only change that we said. If you guys have any alternative comments, you know, even in support of the National Park system, they're really good people, and they're really trying real hard, and so if they know that we in the community care about them too, and offer ...(inaudible)... is really good.

Mr. U`u: Question. Are you a part of the board when you say "we," what is "we" made the comments?

Chair Hutaff: "We made the comments" meaning that our company, okay. We made it from a --

Mr. U`u: Okay. That's good.

Chair Hutaff: Yeah. And also from the National Historic Foundation side of it, which I'm a member.

Mr. U`u: Thank you.

Mr. Solamillo: Any other questions or comments? Item No. 2:

2. Public Law 111-88, Section 125, Honouliuli Special Resource Study, Maui, Lana'i, and Moloka'i

Mr. Solamillo: Those sites identified as confinement sites for Maui County, which were proposed as important sites which needed to be addressed in the Honouliuli Special

Resource Study have I guess made it across the threshold and there will be some additional time spent on those items, and that includes the jails at Hana, Lana`i, and Kaunakakai, Molokai, where we have, at least from oral tradition, indications that Japanese were held on December 7, or shortly thereafter, before transfer to either Sand Island or Honouliuli, and to the Mainland. The person that provided that information was Lorraine Minatoishi Palumbo in Honolulu, and she's actually trying to access funding to at least do HABS documentation for the Molokai cultural resources, which are, at current levels, are pretty threatened. So as soon as I get more information, this is all kind of feeding into background information for the Park Service so that request for funding for projects like that can be supported. And item 3:

3. Demolition by Neglect, Alternatives from Other Jurisdictions

This has been proposed for being on this agenda. This is the second time now, and I apologize to the Chair. But I will have something at the next public meeting that we have in November, and I'm going to ask that we defer today.

Chair Hutaff: Okay. Actually, a comment on that. The flip drives that I gave you, the first item in there is about demolition by neglect. It's -- it would be really nice if you kind of went over it. I think that when we go over it here at the next meeting, okay, that you're going to have some real concerns about how it applies to Hawaii, how it applies to its people, you know. It's written in a different part of the world, and it was actually, when we went to that meeting, it was actually where Leialoha made the comment, when they were presenting this, "That's so wrong," because it forces people to do things without acknowledging people in the homes and their local style. But what would be good if you kind of reviewed it and if you kinda looked at how we could utilize some of the information and make it fit in Hawaii, that's how I would ask you to look at it rather than just go and throw eggs at me when I come in next time, okay, because there are some really good alternatives within that whole thing so I think it would actually be best if we deferred it.

Ms. McLean: Chair, if I could make a comment. If there's information that's being shared among the members that's going to be coming up for discussion, then a copy of that should be provided to staff so that it can be made available to the public. This statement might be premature, maybe all of that's in the works, but if it is something that the Commission will be discussing, then it does need to be available to the public.

Chair Hutaff: Yeah. I think that that's the zip drive with everything on it from the forum. You know, I'm sure with the amount of free time you have that -- but there's some good stuff about some legislation and stuff that was offered elsewhere that, again, through modifications and, again, could be helpful to us as a Commission, helpful to the Planning Department, and most of all, helpful to the public, you know. And if you could get that on the agenda that way because I think public comment would be much appreciated because,

knowing this Commission, I'm going to assume that we're going to have the public's well-being and at mind as well as the preservation of older buildings, and I think that that's where we can excel being an island community.

Mr. Solamillo: The only caveat I might add is this is just an example, this comes from Rawlings, North Carolina, so they went through a lot of work in preparing ordinances and coming up with a way to handle demolition by neglect instead of just being a, you know, a government to property owner situation, so it's just basically this is the way one community on the Mainland has tried and possibly been successful, and there's copies of draft ordinances and things like that; this is not something that would probably be blue-printed here, it's just as an idea, something to begin discussions.

Chair Hutaff: I agree with that a hundred percent, yeah. Yeah, read what they have and you're going to go, yeah right, but then try to read how we can modify it to make it work for the Planning Department, for the people, and for us.

Mr. Solamillo: Next item:

4. Update on Status of a Bill Amending Chapter 2.88, Maui County Code, Relating to the Cultural Resources Commission, and Title 19, Article III, Maui County Code, Relating to Maui County Historic Districts

Mr. Solamillo: Would you like to comment on that, Deputy Director McLean?

Ms. McLean: The bill is still pending before the Council's Planning Committee. They discussed it again on Monday, this past Monday, and the Chair was there as well as Stanley and another of our staff planners, Joe Alueta, and they essentially got through the entire bill but they're going to be returning to it one more time, possibly, for the last time. They got to the provision about trees, and got into some of the similar discussion that you did today about the role of the Arborist Committee and so forth, so committee staff will be looking at language and will be looking at getting feedback from the Arborist Committee to see how those might be bridged rather than creating a new authority for the CRC and not fully understanding what the Arborist Committee authority is.

Chair Hutaff: Also too, having -- I mean the last words that were said is that they would like, the committee would like to have an actual list of trees because some of them don't fit within the, like the coconut tree, the, you know, 60 inches in circumference, 42 inches high; same way with maybe some of the 'ulu, which is very prevalent in the cultural history of Lahaina, and I would -- you know, their next meeting on this is not till November --

Mr. U`u: If we get quorum. Who's that, the council?

Chair Hutaff: Yeah.

Ms. McLean: Council's Planning Committee.

Chair Hutaff: So I don't know if it's going to be ahead of our meeting or after our meeting, but they had suggested that they would like a list of trees, if I could, and I'll suggest, that since Rae is not here today and she seems to know her plants a whole lot better than me, maybe you do too, but to submit the indigenous endemic trees as part of the list for saving to get that to the Planning Committee so that they can, you know, view it, does anybody, besides -- I would make contact with Rae and ask her to make a list, okay, but I don't know what the legality of it all is, but, you know, if we could all make a list, legally, and give it to Planning so that you can -- 'cause, remember, they wanted a list of trees as we ended it or be more defined on what kind of trees we're talking about or not talking about?

Ms. McLean: It wasn't clear to me that that request was made to the Planning Department or to the CRC. I think council staff was going to be following up on that through the Arborist Committee. But you, as an individual and qualifying yourself as the CRC Chair or any CRC member, as individuals but also noting that they're members of the CRC, could submit their comments to the Planning Committee. So if there were trees that you wanted to be noted, then you could provide that to the committee but it's not something that this group, as a whole, has -- it hasn't been posted for discussion and comment.

Ms. Kanuha: So making a list of trees whether it's specific trees or location of trees or in the historical district or outside or islandwide or --

Ms. McLean: I believe species of trees.

Ms. Kanuha: Species.

Chair Hutaff: Yeah, species of trees, you know, coconut, hao were some of the names that were brought up.

Ms. McLean: With cultural significance.

Chair Hutaff: With cultural significance, and then Don Couch would be the one that you would write the letter to and emailing to and I'm going to -- I believe I can do this is to ask Rae to do the same thing to the committee chairperson, which is Don, so at least they have the list, and they share that with all the committee members, and then they can sort it out, you know, if they wanted to say indigenous or endemic or list them piece by piece, that's their role. It's actually what started the fact that we had an opportunity to make changes and adjustment to that 2.88 was the trees, and here we are going at the end of it so -- so

if we could do that, that would be great. I'll do that, and if anybody else wants to do that, go for it ...(inaudible)... I'll ask Rae to do that.

5. Certified Local Government Projects Transmitted to SHPD

Mr. Solamillo: Okay, next item is Certified Local Government Projects transmitted to SHPD. There were five. I think we were close to \$35,000 worth of projects, which at a one-to-one match, would be \$70,000 total. That's for fiscal year 2012. Two of those project were really important. The first was a structural assessment of Ka`ahumanu Congressional Church, which has appeared in and out of the newspapers for at least a year, and it was finally opportune for us to get a licensed structural engineer and let him go after the building, and they have. So we finally have a much better idea on how it works, it's deficiencies, and what improvements need to be made to continue the life of this extremely important building. That's a big first for Maui County. The second was, and this is increasing as an ongoing challenge for all of us who have to be involved with the care-taking of cultural resources, Hana Court House Jail and Archives Building condition assessment. I believe these buildings were placed on the register in the '80s and what has happened, when we look at pictures from the original nomination, it looked pretty bad. When we looked at pictures today, it looks like it did when it was first nominated. So we have the issue of long-term maintenance once we place buildings, especially in this case, if they're under county ownership, once it's placed on the National Register and the Hawaii Register of Historic Places, what are plans for continued maintenance of the resource through time, and that's a big issue and this is an opportunity because we've got failed roofs, failed windows, and this is an important piece of our island's history. More on the other projects later because we're hurting for time.

6. November 1, 2012 Meeting Agenda

Next item is November 1, 2012 meeting agenda. You may possibly get another re-roofing proposal on, this time, Iao Theater, we have two cases that carryover from today, we have a TCP workshop, which is scheduled which hasn't taken place yet.

Chair Hutaff: TCP?

Mr. Solamillo: Traditional cultural properties, requested by Commissioner Chandler. Are there any other topics that this Commission might want on the agenda?

Chair Hutaff: You know, realizing now that the November 1, probably will have that meeting before the Planning Committee because they have it on a Monday, that maybe we could include the tree issue, still do the submittal to Don Couch, but then we can discuss it as a Commission and present the letter as a Commission.

Mr. Solamillo: Okay. Any other items?

Chair Hutaff: And then the other item, of course, is your -- our demolition by neglect.

F. COMMISSIONERS' ANNOUNCEMENTS

Mr. Solamillo: Okay. Last item is Commissioners' Announcements.

Chair Hutaff: Anybody got any announcements? Comment. Mahalo for all of you being here. We had almost a perfect agreeable day. Just don't let that happen again. And that's the only thing I have to say on that. Anybody want to move to the next item on the agenda, which is adjourn?

G. NEXT MEETING DATE: November 1, 2012

H. ADJOURNMENT

Mr. U`u: Motion to adjourn.

Mr. Osako: Second.

There being no further business brought before the Commission, the motion was put to a vote.

It has been moved by Commission U`u, seconded by Commissioner Osako, then unanimously

VOTED: to adjourn the meeting at 2:05 p.m

Respectfully submitted by:

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Raymond Hutaff, Chairperson
Warren Osako, Vice-Chairperson
Makalapua Kanuha
Gaylord Kubota
Kahulu Maluo (Arrived at 10:23 a.m.)
Bruce U`u

Excused

Rhiannon Chandler
Irene Ka`ahanui
Brandis Sarich

Others

Michele McLean, Deputy Planning Director
Stanley Solamillo, Cultural Resources Planning
Erin Wade, Small Town Planner
Scott Hanano, Deputy Corporation Counsel