

MAUI COUNTY CULTURAL RESOURCES COMMISSION
REGULAR MINUTES
SEPTEMBER 5, 2019

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Vice-Chairperson Ivan Lay at 11:00 a.m., Thursday, September 5, 2019, 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).

Mr. Lay: Good morning everyone. The Cultural Resources Commission is now called to order. It's September 5th, 11:00. I'll be sitting in for Tanya 'cause she was unable to make it today.

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Maximum time limits of at least three minutes may be established on individual testimony by the Commission. More information on oral and written testimony can be found below.

Mr. Lay: Right now I'm going to open up to public testimony. If anyone wishes to testify on any of these agenda items, you can testify now, but if you testify now, you won't be able to testify when the agenda item comes up, and you'll be given three minutes on your testimony. Anyone wish to come forward now? No. Okay, we're closing public testimony and going into our first agenda item.

Mr. Lay read the following agenda item description into the record:

C. NEW BUSINESS

- 1. Jeremy Stoddart of Pili Design + Build, on behalf of Judy Sturgis, requesting design review for plans to construct a new single-family home at 1057 Front Street, TMK (2) 4-5-003:030, Lāhainā National Historic Landmark District, SMX 2019/0178, HDX 2019/0011 (A. Kehler)**

The Commission may provide design review for projects affecting any building, structure, site, or district eligible for the National Register of Historic Places, pursuant to Subsection 2.88.060.F, Maui County Code

Mr. Lay: And Annalise will be talking about it.

Ms. Kehler: Okay, thank you, Chair. So I am going to go through your staff report and kinda explain couple of things about this project, and then also the consultant for this

project, Jeremy Stoddart, he's here, so if you have questions after I go through the staff report, feel free to call him up and ask him.

Okay, so this is a project that came to you in a different iteration on November 4th of 2018, and so when the Commission previously reviewed this project, it was to remodel an existing structure, and so the structure was an older structure built sometime in the 1910s, and it had been remodeled over the years, and it had no historic value, so at the time that the Commission reviewed it, it was a design review and not an approval because outside of the County Historic Districts, we just do design review, not approval, and the Commission offered comments on the remodel back then and so, in your staff report, those comments, I included the comments that were a result -- oh, I'm sorry. I misspoke. I said November 4th, it's October 4th is when you did your review. And so that comment letter is provided in your staff report, and my old staff report for that project is also in the current staff report.

So the applicants or the property owner got permits from the Planning Department at the beginning of 2019, and those permits were to remodel the house. So shortly after receiving permits, our zoning inspector became aware that work happened at the lot that was not part of the -- of the scope that we approved, so instead of remodeling, the house had been totally demolished, and they had started building a new foundation for a new house. So the Planning Department told the property owner to stop work. We made them pay some fines. We made them come in for a new permit. And so before we issue their new permit that includes the scope of what is actually going on at the property, we're requiring them to come to you for comments on their new design. So that's just a little bit of background. So, again, the scope of the Commission today is just to review the plans and provide comments on them.

So in the new permit application, it states that the plans are essentially identical to the plans for the remodeling, so same footprint, essentially, same everything except for it's a new structure instead of a remodeled structure.

So in the staff report, I kind of analyze the plans against your guidelines, and I state how the plans are either consistent or inconsistent with your applicable guidelines, and I offer suggestions on how the plans can be modified to be more consistent with your guidelines. So, in general, I found that the home is, you know, it's pretty compatible with the architectural character of surrounding homes. It's similar in massing, form, and scale to historic plantation homes in the area. There are inconsistent architectural details, so the windows, the front façade, and gable vents are a little irregular for plantation-style homes. The materials, mutton patterns and trimmed details, of the windows are inconsistent. Also, the gable vents are like modern metal. Traditionally, gable vents are wood. And then the other thing is that the front façade, the front of the building that faces the street, it's missing a front porch and a main entrance oriented towards the street so, typically, in Lahaina, historic homes have a front porch and the

main entrance is you access the building through the front of the house, so in this house, the front has no front porch and it -- you access the main entrance from the side, so you go through a gate and you access through the side of the building. Okay, so, you know, these -- these issues could be addressed by adding a front porch and main entrance to the front of the house using windows and gable designs and details found on surrounding historic homes and that would -- that would help the house blend in more with its surroundings.

The plan show that the home will sit on a concrete masonry foundation. The foundation's already been built, and you can see a photo of it. I have photos of it in the staff report. Let's see. So these photos in your staff report, that shows the work that's already been done. So concrete masonry units, they were traditionally used in late plantation period homes in Lahaina so that's, you know, that's generally consistent with your design guidelines.

The plan show that the home's walls will have board and batten siding, that's a material that's traditionally used in plantation homes in Lahaina, so that's, you know, pretty consistent with your guidelines.

So the roofing material is a little bit inconsistent. It -- the plans call for taper sawn cedar shake on the house and one of the accessory buildings, and then the other accessory building is going to have a synthetic thatch, so neither of those materials are traditionally associated with plantation homes in the area. Shakes are not the same thing as shingles. They look different. They have a different profile. And shingles are traditionally -- they were traditionally used on plantation homes in Lahaina as well as corrugated metal roofing, so incorporating those materials instead of using shakes and thatch would be something that would help the house and the accessory buildings blend in more with its surrounding.

So the -- the home is set to be one-story in height, that's -- that's consistent with your applicable guidelines. So one of your guidelines talks about significant archaeological resources and making sure that if they are disturbed, that mitigation measures are undertaken, so the property was -- the home was demolished and a portion of the foundation was built without the review of the State Historic Preservation's Archaeology Branch, and so in their view and in our view, that work is considered after-the-fact, it was -- it occurred outside of the scope of the permit, and the State Historic Preservation Division doesn't like to comment on projects that happen without permits because if something has been damaged as a result of work, there's nothing that can be done to reconcile that. It's already damaged. So the -- the SHPD, the State Historic Preservation Division, they -- they're not going to comment on these proposed plans, but just as a note, the agency requested monitoring for ground-disturbing activities on the lot immediately north of the subject property, so right next to that property, they've requested monitoring for work on that lot.

Let's see. So one of your guidelines talks about limiting damage to historic materials that characterize the property, so the home that was demolished was not significant because it didn't qualify for a historic register, so, you know, its demolition didn't really involve destroying historic materials that characterize the property. Another one of your guidelines talks about making sure that, essentially, that new work on the lot is compatible with the character of the property, so the plans call for a two-foot rock -- tall rock walls in front of the house and to the north of the house. They also call for six-foot tall rock walls to the south and to the north of the house, so short rock walls are typical of the district, so that's generally consistent although the plans show that the rock walls are kind of arranged in this weird circular pattern, that's -- that's a little odd for the district, but at least the walls are short and you can see through to the property and you can see the front of the house. The rock walls that are tall, the six-foot tall ones, they're set back from the front façade of the proposed home, which will also help maintain traditional visual continuity between the house and the street, so traditionally in Lahaina you could see through the front yard, and you could see the house, and it wasn't blocked off by a rock wall. So setting the six-foot tall walls back helps, but those rock walls could be lowered a little bit more to -- to help with compatibility with the surrounding buildings.

The other issue with the plans is the front yard is currently covered with grasscrete, so those are those little concrete blocks that you install and grass grows up through them, that is a -- it's a better alternative to covering an entire front yard with concrete, so, you know, that's a little odd to do in a Historic District where most homes have grassy front yards. If the applicant could retain the existing grasscrete, that would address this problem.

And so, to summarize, you know, some of the elements of the proposed plans are consistent with your guidelines and standards, and some aren't. Overall, the house's massing, scale, and form are compatible with surrounding historic homes in the area, and that's really important in determining whether a new building in a Historic District is appropriate, this is especially important in Lahaina because there are so many historic homes that have been demolished and then replaced with huge ones that are really inappropriately massed and way too big. So like I mentioned in the staff report, the architectural details could be further modified using the suggestions that I made and that would help the house be more compatible with surrounding historic homes, and so these -- the staff report outlines my recommendations, so the Commission can use these recommendations, you guys can adopt them as your own, you guys can modify these and make your -- make your own or add your own, or you could completely discard my recommendations and make your own recommendations, so it's up to you how you folks want to do it. This is just a guide. And so, like I mentioned, the applicant is -- or the consultant is here so if you have questions of him, feel free.

Mr. Lay: Okay, at this time, we recognize our Chair, who has stepped in, and we'll be switching places here.

Chair Lee-Greig: I apologize for my tardiness. There was quite a lot of traffic in Kihei today leaving the -- the park so my apologies.

Mr. Lay: Glad you're here.

Chair Lee-Greig: Questions from the Commission?

Mr. Kanahale: Chair, thank you. Annalise or maybe the consultants would be able to clarify this. So this is the second time that the applicants have been in front of this Commission, they appeared on October 4th, they had a permit to alter the existing structure, which mean was to gut the interior and exterior and I think kick out one of the walls, and so the Commission gave comments, I think the majority of the Commissioners on this Commission were present at that meeting, and then, as you said, not long afterwards, maybe the earlier part of this year, an inspector went by and found that the existing structure had been demolished.

Ms. Kehler: Correct.

Mr. Kanahale: And -- and then the -- a slab had been built.

Ms. Kehler: Correct. Yeah, so the concrete masonry foundation, so it's kind of like an outline, that had been built.

Mr. Kanahale: So now this is the second time they've come in front of us for an after-the-fact permit?

Ms. Kehler: So the first time was not after-the-fact, it's just that the scope was renovation --

Mr. Kanahale: Right.

Ms. Kehler: And now -- now this is --

Mr. Kanahale: This is the second time before the Commission for the same project.

Ms. Kehler: Correct.

Mr. Kanahale: The same exact design.

Ms. Kehler: Correct.

Mr. Kanahale: So I wanna understand why they demolished the existing structure; what's the history behind that because they came in with a permit for one thing and then demolished it.

Ms. Kehler: Okay.

Mr. Kanahale: They're here for something else, but I'm curious to knowing what their purview or scope of the permit, why did they demolish it, and then why didn't they, in the very beginning, if they had plans to demolish the project, why didn't they get that permit and then come before us. It seems like it would have saved time and taxpayer money 'cause it's the second time that you're coming before this Commission, the second time you've had the Planning Department have to go over this and prepare reports, and then the -- the other concern I have is that now SHPD doesn't comment and because of what has happened and they're recommending requesting monitoring, so given that the applicant demolished the project, has been ground disturbing on the site, did they provide a monitor of their own because it's in a Historic District and that's always a concern. So those are some of the things I hope can be clarified before this body before we proceed because, to me, those are two red flags, and so if you could clarify that, then I'd be very grateful. Thank you.

Chair Lee-Greig: Sorry, just very quickly, before we get too far into this part of it, I understand that we are going to take public testimony before each agenda item, it doesn't look like there's a whole lot of people here, but just as a matter of business, is there anyone from the public who would like to provide testimony on this specific item for the -- within the Historic District?

Ms. Schmidt: ...(inaudible - not speaking into the microphone)...

Chair Lee-Greig: You can provide clarification when we get back to that and -- and I'll just -- so seeing as there's no one in the public, we're going to close public testimony for this specific agenda item, and if we can address Commissioner Kanahale's concerns at this time. Thank you.

Ms. Kehler: So, Chair, we have Jeremy Stoddart here, we also have Jared Burkett, he's the planner who worked on the permitting side of this project, so he's been through both iterations so he might be able to lend some clarity too, but we'll start with the consultant here, Jeremy.

Mr. Stoddart: I'm Jeremy Stoddart, the architect on the job. I guess we'll start with the - - with the question as to why it was fully demolished. The permit and scope of work included an extensive amount of demolition. The back half of the building was a non-permitted structure from who knows when, before the owner owned it, and Public Works

either required us to get permits for that or to remove it, and since a good portion of it was being removed anyway, we went with their advice to just have that included in the demolition scope of work. And the second factor was related to the flood development permit, which required the building to be raised above the flood plain and, in our case, the building had to be raised about 14 inches above the flood plain and a flood-proof foundation needed to be designed and it had to be placed on a flood-proof foundation. So, in short, the house was largely demolished above the floor for the renovation, and the foundation, in its entirety was to be demolished, and the actual amount of the building that as intended to be kept was the front half on the -- on the Front Street side, and during demolition, they got to that point where it was literally, you know, the framing of a couple of rooms and a little bit of the roof overhead and, as I understand it, the wood was in really bad shape and the contractor was sort of faced with like what do we -- what do we do in this case, and it was -- it was going to have to be replaced stick by stick in -- in any case and they -- they elected to remove all of it and they're -- we're working through all of, you know, the implications of that with -- with the Planning Department and the Planning Commission and -- and so on and so forth. So in other words, it was never our intention to remove the entire structure. It was -- it was actually intended to just be a relatively straightforward interior renovation but because of the history of the building, because of its location in the flood zone, a number of -- of, you know, modifications were required, you know, to make the building flood proof or comply with the Public Works requirements.

Chair Lee-Greig: Commissioner Kanahale.

Mr. Kanahale: And the monitoring, did you do any monitoring as a result of ground disturbance?

Mr. Stoddart: There wasn't any monitoring at the time and -- but the foundation that we have installed was part of the foundation that was permitted under the original permit so we weren't aware that that was a requirement at -- at the time.

Mr. Kanahale: One last follow up.

Chair Lee-Greig: Yes.

Mr. Kanahale: Planning Department, were you aware of this? Did they keep you apprised of what was going on and -- and their decision to demolish, and did the scope of the permit allow them to demolish the rest of the building?

Mr. Burkett: Staff Planner, Jared Burkett. The scope of work included taking off the back of the roof, they were going to change the roofline on the back of the house, they were going to definitely remove a bunch of the interior walls, and I think what happened was, after the flood development permit was required and requiring them to elevate the

house above the base flood elevation level, they I think assumed that that meant that they were supposed to demolish because of the amount of work involved, but the scope did not include that, so there was a discrepancy between either the way they intended to have the work done or how the work is traditionally done instead of just elevating the house, so what ended up happening is the -- the inspector happened to be driving by and saw that this happened and he just happened to know about the project and contacted me, so I was not apprised of the scope of work changing to demolish the structure in any way. And SHPD did not require them to have monitoring because the proposed work was not going to be having ground disturbance, so it was going to be located in the exact same position I believe, I can't recall, but I believe the previous structure was on post and pier, but I'm not -- so -- and this foundation that they had put in includes some concrete support beams that would be put in as well, which I think it was called a grade concrete -- yeah, grade beam, so that would require ground disturbance as well. So we found that all out after the -- 'cause they altered their plans after the flood development permit was -- was approved in order to accommodate that, and the flood development permit plans did show that there would be a grade beam, but it was not added into the scope of work, it was just added onto the one page of plans. So I think there was just some discrepancies and some confusion on the matter too, so on the necessity of having the scope of work be very detailed and also the situation that arised when they were doing their construction, reconstruction and that it was worse shape than they had imagined.

Ms. Albino: Mahalo. I have a question, a few questions. So based on your assumptions of what was needed in almost total disregard of the permit, you went ahead and did what you wanted to do. Is that correct?

Mr. Stoddart: It wasn't --

Ms. Albino: Or the person in charge of it, that home. I'm looking at -- I'm thinking about how far do you go when you identify a problem before you check with those who are in charge of permitting or just go ahead and do it on your own and come after the fact? It appears to me that presumption does -- we don't wanna see that kind of ...(inaudible)...

Mr. Stoddart: Yeah, no, I -- I completely understand and agree. In this particular case, demolition happened all in a day, right. It's basically they got to that point and, as I understand it, they -- they reached that point and they didn't know exactly what to do, they called the Public Works building inspector, and spoke to them, and they didn't -- they didn't know or didn't think to call the planning inspector to -- to compare notes, and I think that everybody now understands that that was the correct protocol to go through, but I can't speak to the exact scenario of events on that day, but that's my understanding of it was that it was --

Ms. Albino: So moving forward with the project, you decided to move things around 'cause I'm looking at -- at the inconsistencies with the -- the detailed architectural design and how well do you conform so that it's compatible with that district being a Historic District, why the change in the windows, the façade? What are you going to do to -- to remedy all of these inconsistencies with that Historic District requirements?

Mr. Stoddart: As far as the -- the recommendations, the design recommendations?

Ms. Albino: You're now going to have to fix -- the building was built without further --

Ms. Maydan: The building's not built.

Ms. Albino: Not yet?

Ms. Maydan: No.

Ms. Albino: It was a design -- so how are you going to modify the design so that the shingles are used in place of?

Mr. Stoddart: Shakes?

Ms. Albino: Yes. So are you going to also modify the porch? You're going to change it?

Mr. Stoddart: The intention of the owner is not to modify the porch. We have -- we have relocated the entrance to the house via, it's basically a garden, a garden entrance to the front of the house, it was on the side of the house, they -- we have tried to address that. One of the concerns of the owner was the noise on Front Street and wanting to -- to try and mitigate some of that noise by -- the front porch is -- is now the second bathroom in the house so --

Ms. Albino: So do you intend to change it in any way to conform to the regulations of a Historic District or you're going to just leave it? It's like in defiance of whatever rules have already been in the permitting process. You're adjusting to your client or whoever is going to build that rather than keep in line with the historic requirements of the place.

Mr. Stoddart: I -- I will advocate to the -- to the client all of -- all of the recommendations. I fully agree with the no thatch roof. I've tried to eliminate that several times during the design process. There are certain things that she's -- that she's adamant about and I'm -- I'm trying to mitigate not only her requirements, but also the requirements of -- of the --

Ms. Albino: The conformity. So how much is she willing to -- to conform to the original permit's design and then come back again? You're -- I remember you coming back when I was here last year, I remember that -- the specific issue. It appears like they want to change it no matter what the permit requires so that's -- that's a concern for me I think. How far do you let people go to change after rules have already been set for a specific place?

Mr. Stoddart: I think I want to clarify, and correct me if I'm wrong, we weren't changing anything in the design from what was originally permitted. I know that there were recommendations and there are -- and I did everything that I can do to convince the client to follow those -- those recommendations, but we weren't -- we didn't do anything that was not -- we haven't constructed anything that was not part of the permit. The demolition scope was -- was -- was exceeded, there's no question in anybody's mind about that, but as far as the design that was approved, we haven't -- we haven't deviated from anything that was approved.

Ms. Albino: So you're proposing though to deviate to some extent with these design modifications. You're coming for a permit after-the-fact 'cause you already made modifications to the original design and architecture so in --

Ms. Desjardins: Can I interject real quickly? I'm sorry. Just to make sure that everybody understands, and then Annalise can correct me if I'm wrong, but my understanding is I that what's happening today is that you folks are going to make recommendations regarding design that needs to be implemented there and then the Planning Department will approve the designs based on the recommendations of the CRC, so that's for you folks to tell them, and then the Planning Department will take it from there. Is that correct, Annalise?

Ms. Albino: I guess that's why I'm trying to get clear. Are you willing to make the modifications necessary to meet the demands of the permitting? So are you coming again for modifications to be included in the original design, which were not part of the -- of meeting the standards that have already been set?

Mr. Stoddart: We will -- I will advocate to our client all of the recommendations and I don't -- I guess I don't know where -- if something is absolutely required, then we have no choice but to follow those requirements, and it's my understanding that in the last round of review, those -- those recommendations were given, I advised the client particularly on the bathroom, the front stoop is probably the largest component of -- of contention in terms of the Historic District standards and what the client wants, and she's -- she's adamant about that front porch, we've since modified the landscaping and the approach to the house to try and mitigate the idea of entrance being at the front of the house. The roofing, the rock walls, I think that all of those are absolutely

recommendations that I would -- I would agree with and then I will advocate to the -- to the client for. Absolutely.

Ms. Albino: Including the façade? There's a lot of detail -- detailed irregularities that I'd like to see you come up with a plan, or the developer, whoever it is, the people building to make it clear to me because I think once we approve something with this kind of request, it could set a precedence even in that kind of district. It's scary.

Mr. Stoddart: No, I understand.

Chair Lee-Greig: Commissioner Wagner.

Ms. Wagner: I agree with everything she's saying and I feel like that there are other ways to get rid of the noise from the front of the house, like using noise windows, you know, triple-glazed windows, so that she can feel quiet when she's inside the house, but I think it's really important for the sense of community that they have the front porch and a frontal approach, and not a concrete paver front yard. I also think that all Annalise's recommendations make sense, like the traditional shingle, wood shingles, and proper window type, and the wooden vents, and all that stuff is what gives the real beauty of the community its continuous integrity. And so I just feel like that I would request those things be done as recommendations from our group. I wasn't here before. I understand the dilemmas of, you know, getting into something and having it kind of snowball into a big problem, but when you're working with like these old houses, you kinda have to be so delicate and take them apart gingerly, and just -- and the monitoring is really important too; the fact that it's just like a respect for that historic community and trying to make it last.

Mr. Stoddart: I agree.

Chair Lee-Greig: Any other questions from the Commission? Commissioner Kanahele.

Mr. Kanahele: Yeah, my big concern is with the frontage of the property, it's what people see, and the idea of hardscaping sort of is the antithesis of what, you know, we're trying to do. I think in our -- in our designs is to reduce hardscaping and -- so may I ask is this going to be a primary residence or is this going to be an income-producing property, is this going to be -- are you -- do you know? Is it going to be an income-producing property, not a -- not an owner-occupied resident?

Mr. Stoddart: It's -- the owner lives in the adjacent house and she intends to use it for family that comes to visit. As far as I know, she's not intending to rent the house, but it will not be her primary residence. She lives next door.

Mr. Kanahele: So I'm concerned about hardscaping, that'll be it, you know, I would prefer something more natural, what they have there is closer to more natural, it's not -- I would prefer, well, and I'd like to see a porch, and a front entrance because that is the Lahaina District, you know, and the walls, the height of the walls, it's great you have two-foot walls, but six-foot walls are -- could be considered a little high, maybe bring it down a little bit.

Mr. Stoddart: I can -- I agree with that. I think -- is the concern about the materiality of being rock or is it about the height of the wall? She is concerned about security as well I think.

Mr. Kanahele: Yeah, I think it's more about the height.

Mr. Stoddart: The height.

Mr. Kanahele: And, yeah, you know, people are concerned about security, they're concerned about privacy, those are all issues we hear on a regular basis, but they're -- high walls are really, to me, when I see really high walls I think, oh, no aloha. You're not welcome, you know, and it's -- it doesn't add to the sense of community and welcomeness and being part of a neighborhood, but, you know, we see people put up -- buy properties and put up these big walls and these gates and then -- and then you can't -- I mean the people completely cut themselves off in the world and I hate to see Lahaina go down that road where they become little gated enclaves, you know, one after another and pretty soon, what do you have, you know, you have little bubbles where people live in.

Mr. Stoddart: I agree.

Mr. Kanahele: So, thank you.

Chair Lee-Greig: Commissioner Aiwahi.

Mr. Aiwahi: First, I just wanna say mahalo, Annalise, for all of your recommendations. I can tell it's very thought out. Just a couple things that really stand out to me is that -- is that ground work in the front and adding it with that -- that tall fence, it's kind of this different feeling to the house where it doesn't feel inviting, it doesn't feel welcoming, and then moving the main entrance to the side because of things like the noise, it's just kind of concerning to me because people want to move to Lahaina because it has all these things to it, it is very welcoming their open yards, their low walls, but then people want to move there and they wanna change it into something else that they didn't move their for. Sometimes when you go to the North Shore in Oahu, they have these high walls that are right at the property line so you can't even see anything and I feel like, with letting these little things kind of creep up, creep up, that's eventually what it's going to

lead to is six-foot walls right at the property line where you can't see anything, where there is no aloha. The pavement in the front, I think it's a good attempt at making it seem like it is grass, but it's really just a driveway, just a driveway, and it's just a protected bubble that -- that's how I feel like it's just trying to keep your privacy, security, but that is not why people move to that district, that is not why that district is so popular because people go there and put up their walls and their privacy, so, definitely, the front entrance and those high walls are definitely things that I have concerns with. Mahalo.

Chair Lee-Greig: Any other questions from the Commission? Commissioner Kanahele.

Mr. Kanahele: Yeah, I just want a ...(inaudible)... I like a lot of what you're doing, you have -- your massing is to scale, you're keeping basically the same footprint, there's a lot of design qualities, you know, you're -- that are nice and pleasing to the eye, it's just - - it's just, for the most part, you know, those things are really great so I do appreciate that, that effort, and it comes across when I look at your designs, so I think there's a lot of great qualities to the -- to what you're trying to build, but then there's just these couple issues and I think our -- our planner has done a great job in sort of highlighting those, and then we're kind of reflecting the same feeling, you know, we look at them, now we're reflecting them back to you in like little mirrors, but so I just wanted to -- to say that, you know, there are things I do like about the design.

Mr. Stoddart: Thank you.

Chair Lee-Greig: Do we have any other questions from the Commission? No? I have a couple of questions and it's mainly to do with the foundation and the demolition work. So -- and it's -- and part of it is probably going to be a repeat 'cause I wasn't here in the first couple of minutes, so I apologize for making you repeat any information that you've already given to the Commission, so the original house that was -- that was definitely on post and pier?

Mr. Stoddart: It was.

Chair Lee-Greig: Okay. And I'm trying to remember if you talked about any utility work in your original -- in your original presentation to us. Is there going to be any additional utilities, underground utilities added?

Mr. Stoddart: No. All the plumbing and electrical was going to tie into the existing main feeders.

Chair Lee-Greig: And then can you tell me a little bit about the current foundation and the structural elements of the current foundation?

Mr. Stoddart: The current foundation is a stem wall, a concrete stem wall foundation. It -- it is a continuous CMU wall around the perimeter of the house, it's got flood vents in it, it's a -- it's a typical flood-proof foundation that is -- is oftentimes used. It also meets current structural code.

Chair Lee-Greig: So what does that mean "current structural code?" How wide are the walls? How tall is it? How deep is the footing?

Mr. Stoddart: Oh, in terms of the foundation itself? It's basically current structural, like design in the code, it requires a certain amount of stiffness, a certain amount of strength at the foundation level, because the house is elevated so how you bridge the gap between the ground and the actual house, this is the strongest and most effective way to do it.

Chair Lee-Greig: Right. So excavation-wise, foundations?

Mr. Stoddart: Oh, so on -- on that wall --

Chair Lee-Greig: Your footings?

Mr. Stoddart: The footings underneath that wall is -- it's a continuous excavation of --

Chair Lee-Greig: How deep?

Mr. Stoddart: About 12 to 18 inches I would say.

Chair Lee-Greig: Twelve to eighteen inches. Okay.

Mr. Stoddart: Below the existing grade.

Chair Lee-Greig: And what kind of permits are normally required for constructing a wall like this, a foundation like this? Is it grubbing and grading, or are there excavation permits required? Who reviews these permits?

Mr. Stoddart: If it exceeds a certain amount of excavation and quantity, you have to get a grading permit. It's below the threshold of --

Chair Lee-Greig: It's just below.

Mr. Stoddart: Of requiring that -- that specific type of permit.

Chair Lee-Greig: Okay. So it would have been exempt from having to go back?

Mr. Stoddart: It -- it wouldn't have fallen under the criteria of a -- of a grading permit, per se, or minor grading. It's, technically, a minor grading permit at -- at a certain amount ...(inaudible)...

Chair Lee-Greig: Even in the SMA? So even in the SMA, it fell well below the threshold?

Mr. Stoddart: I think it's 50 cubic yards.

Ms. Kehler: So when we originally sent the permit, the SMA permit to SHPD, it showed the footings as what was previously there, so they weren't going to do any work on the footings. They had to get a flood development permit and the plans showed that concrete footing but the scope didn't mention that, so it wasn't re-reviewed by SHPD, and then demolition work happened, and then the new perimeter, the new thing was installed without the benefit of SHPD's review.

Ms. Wagner: Or a building permit.

Ms. Kehler: Right.

Chair Lee-Greig: So a building permit wouldn't have been -- or a shift in the building permit would have been required --

Ms. Kehler: Yeah.

Chair Lee-Greig: To install this foundation, which then would have triggered something from SHPD, correct?

Ms. Kehler: Yes.

Chair Lee-Greig: Okay. Is that not true?

Mr. Stoddart: That's not.

Chair Lee-Greig: Okay.

Mr. Stoddart: Public Works, the building permit ...(inaudible - not speaking into the microphone)... everything that happened out there so far was part of the original building permit set. I think that there was -- the discrepancy was when we resent the Planning Department all of the changes that had to happen for the flood development permit, the scope of work in the SMA assessment didn't include new foundation work.

Chair Lee-Greig: Right.

Mr. Stoddart: But I mean, at the time, we just sent plans, we didn't realize that there was a project narrative that needed to be updated, it was -- we sent the new plans but we didn't resubmit any -- any packet associated with the SMA assessment. We didn't -- we didn't know that that was -- that was part of it.

Ms. Wagner: So you got a permit for this foundation wall then?

Mr. Stoddart: Yeah.

Ms. Wagner: Oh.

Chair Lee-Greig: Staff Planner, you have a comment?

Mr. Burkett: I do. So, whenever there is ground disturbance that's proposed on a set of plans for SMA, that's when we, the Planning Department, then will contact SHPD to have them do a completely different analysis and that's when they would determine if they would like ground monitoring, and so, and monitoring plan, sorry, so what happened was the -- the plans that were changed for the flood development permit, there were five pages of the building plans that were altered, on those five pages, the -- there were some of the elevations that were changed showing a -- the concrete grade beam, but the scope on the side, which describes all the activities that would be happening, what was altered for the flood development permit, did not mention that it was altered, they had a new scope, but it was -- it did not include any of -- any changes or that that was a grade beam or -- so -- I'm trying to recall something. So, basically, the -- the scope was not inclusive enough for us to -- to recognize that this needed to be sent to SHPD. We don't evaluate building plans, like building department does. We evaluate for the SMA purposes, so we rely on the scope to tell us what needs to happen.

Chair Lee-Greig: So Planning doesn't look at the elevations or any cross-sections that might have been in the drawing?

Mr. Burkett: Yes, we do. So the Zoning Division reviews plans that's from building, that are sent from DSA, so that they can make sure that the plans conform to the zoning code, and so they also do that when they're doing a flood development permit, they're also the ones that process them, and they'll check the plans for -- to make sure it meets those requirements. Then whenever I get the plans or the Current Division gets the plans for the SMA purposes, we rely on the scope, we do look at elevations, we try to catch things, but it's just not our -- we aren't so close to look at that in detail, we're supposed to rely on the scope of what's provided, and that's the -- and the application that's submitted so --

Chair Lee-Greig: Whose responsibility is it to make sure that the proper scope accompanies the drawings or who checks for that? Is there a way to check for that so this doesn't happen again?

Mr. Stoddart: I can -- I can speak sort of to that. So I think that, in this particular case, the original SMA assessment package included a scope of work that was descriptive of what we intended to do. The permit process, along the way, added additional scope to the -- to the drawings and we were -- we were addressing things and adjusting things to work through the building permit process, and all along that path, we were updating Jared with drawings but there was no dialogue in terms of -- like we weren't double-checking back to that original SMA assessment package.

Chair Lee-Greig: Right. Not --

Mr. Stoddart: And --

Chair Lee-Greig: You now have to bring a backhoe in and dig these long linear trenches in the --

Mr. Stoddart: Yeah, I mean --

Chair Lee-Greig: Historic District.

Mr. Stoddart: I think that that -- that would be -- I mean now I know that it's like, oh, okay, don't forget that the written description of this has to get modified in addition to the working drawings. We sort of work in the world of working drawings after the permit stage, okay, let's -- these are things that we're going to actually building from, but there is this narrative and there's this -- this assessment document that was -- it seems outdated because there was almost a year before, but that, I understand now, that that's a critical piece of the communication at the -- at the -- with the planner.

Chair Lee-Greig: Well anywhere really on Maui but --

Mr. Stoddart: Yeah.

Chair Lee-Greig: Particularly in our Historic Districts. Comment from Planning?

Mr. Burkett: Yes, so one thing I just also wanted to mention that the plans that were altered, they were -- more of the plans should have been altered because the whole plan set was consistently showing that it was going to be a project that look similar, so the pages that were altered, there's only one that alluded to that beam on grade and so -- and one page that showed elevating the home, so during the review, it looks as if it

was just going to be lifted but so we weren't expecting there to be ground disturbance for trenching so --

Chair Lee-Greig: Okay, so the assumption was being lifted at grade rather than --

Mr. Burkett: Yes.

Chair Lee-Greig: A CMU wall requiring footings.

Mr. Burkett: Correct.

Chair Lee-Greig: Okay. Well, now you know. How -- how -- so you're here now and, unfortunately, all of this happened, right, and how do we -- how do we rectify that, so -- so all my questions about the footing and that process has been questioned. With regard to removing the rest of the home, that decision, who made that call?

Mr. Stoddart: I believe that was the contractor in the field decision.

Ms. Schmidt: ...(inaudible - not speaking into the microphone)...

Chair Lee-Greig: Okay. And, yes, if you can provide clarity, additional clarity, then please, that would be helpful.

Ms. Schmidt: Hi.

Chair Lee-Greig: Hi.

Ms. Schmidt: My name is Sarah Schmidt, and I work for the contractor, I wasn't actually in the field, and what happened was so we were handed a set of plans that showed, and we knew that the flood development permit required the house being lifted a significant amount, I mean 15 inches is a significant amount for a hundred, you know, a hundred year old house that has a lot of potential damage, so -- and if you look at the plans, only -- there were only like three walls that were remaining to remain, and my understanding of, at the time, is that when we started taking the back cuff off and the interior walls and having to raise the foundation, it became very unstable, and the walls were termite riddled -- termite ridden, and that we knew that we were replacing those exact walls at that exact place with, you know, double-wall construction, which is now required, so it just was too unsafe to leave, and the contractor called the building department, and so thought we had taken -- addressed what we need to address given that the intention was always to follow the exact same plans, it was never the intention to say, oh, we're going to try to get away with something here because you guys had already reviewed and approved the set of plans, there's absolutely no deviation from the plans that we were handed that was planned, as far as I -- in any way, so it's -- there's

no -- I mean everything is exactly the same or is intended to be exactly the same but we -- we stopped. I mean -- and, you know, we're really sorry that that happened, but there was really no saving these crumbling walls when they had to be lifted 15 inches and put on a, you know, this foundation, and the -- I mean the ground work, it's in the exact same spot as the old house as that was dug how many years ago, and the intention is to -- I mean I know, we know the owner personally and because she lives next door, she bought this house so that somebody wouldn't come in and build -- try to build a monstrosity and tear it down. She really wanted to renovate it and that's why its keeping the same -- the same perimeter, everything, the same massing, she wants to keep the neighborhood like it was because she's been in her house for 40 -- 40-plus years, since the '60s, so that's -- that's why she bought this adjacent property to keep it, the neighborhood, how it's supposed to be and how she always used her neighborhood, which is a community, just like you said, and so that's the intention. There's no intention to try to change things or get away with anything, it's to keep the property the way it was just to get compliant and -- and a lot of this came from the developments of the flood requirement because, before flood got involved, all of this was to be, you know, just a complete renovation, that's all she wanted to do, and she didn't even want to, like once flood said you gotta raise the house, and we're like, well that's going to cost another \$25,000, she didn't really -- she was upset about that, obviously, because she wanted to keep the house how it was and still wants to do that. So -- and so there's no intention of waste the County's time or expense or anything, we didn't want to have to come back to you guys, and we are just asking to build the same house that has previously been permitted.

Ms. Albino: I have a question. However the intention was, it did not conform to the original permit. Is that true?

Ms. Schmidt: The original permit for -- you mean the renovation?

Ms. Albino: Yes.

Ms. Schmidt: Or the design?

Ms. Albino: The whole permit. In the permit, you were made aware that the -- the modifications had to fit a certain criteria but that -- that -- I'm worried because when you dig to make that foundation, nobody was there to monitor what's underground because homes of that area, that old, may have had inadvertent burials that you may not have known about because homes were built like that. Historically, they built homes and sometimes families were buried underneath.

Ms. Schmidt: Prior to building them?

Ms. Albino: Oh yes.

Ms. Schmidt: This one was the original house built --

Ms. Albino: 1910.

Ms. Schmidt: Annalise, you said?

Ms. Albino: You said?

Ms. Schmidt: 1910?

Ms. Albino: So to be safe, you know, and not presumptuous that those things should have been checked out.

Ms. Schmidt: Sorry, I believe the original house was 1938. Is that right?

Mr. Stoddart: Annalise, the house was 1938 ...(inaudible - not speaking into the microphone)...

Chair Lee-Greig: Annalise?

Ms. Kehler: Chair, thank you. So even though Real Property Tax says 1938, in the old staff report, I found a Pioneer Mill map from 1936, so that confirms it was built before 1938. Probably built around the 1910s because the garage or the accessory structure was built in 1918, so sometime around then probably.

Ms. Schmidt: So the ground where the perimeter wall is is in the exact same spot as the old house.

Ms. Albino: I'm worried about below because you had to dig didn't you?

Ms. Schmidt: Only on the perimeter, we did not dig in the center. There's -- there's no - - I mean if you look at the pictures in the packet, it's just a perimeter. The ground is undisturbed in the middle and the center of the house.

Ms. Albino: Even if you did any digging to lay the foundation, a cement foundation.

Ms. Schmidt: No, because -- the -- it's just a perimeter wall and the house goes above that and the house -- the floor goes above that. There's going to be no concrete poured in the center.

Ms. Albino: Okay. So you don't intend to change that in any --

Ms. Schmidt: No. No change in any way.

Ms. Wagner: I live in a house that was built in 1935, and we had to raise it also, and when we did, we had to have monitoring for just putting in a couple new piers 'cause we didn't do the full thing, so I understand that the reasoning behind doing the archaeology and how important it is. I have a question though. If someone wanted to buy that property and put up a new house, could they have put up a mcmansion, or would it have come before this committee and we would have said, no, that's not in keeping?

Ms. Kehler: So the purview of the Commission for new construction in the National District that's outside of the County is just design review, so they could. There's some other -- there's like the community plan that they would have to contend with, but as far as the Commission saying yes or no to a mcmansion, no. We could -- we could say we don't like that.

Ms. Wagner: Okay, so that's like now, when we're saying we want a porch, it's just our feelings.

Ms. Kehler: Yeah, it's -- it's recommendations.

Ms. Wagner: Yeah. Well, just like Daniel said, I appreciate the architectural scale and trying to keep and the neighbor wanting to keep the scale of the neighborhood, but I really feel like that the putting a bathroom in the front instead of a porch is kind of an insult to the -- to the historic nature of the neighborhood, and also the front, the front driveway that's being paved.

Ms. Schmidt: And I think, you know, Jared is definitely going to and I'll talk to the owner about keeping the -- you know, making the driveway more like grass block, like Annalise suggested. The front porch turning into a bathroom, you know, the proximity to Front Street, Front Street, you know, I understand the whole historic thing, but Front Street is - - has gotten a lot busier and with the new development that's gone in just to the south? North. North. To the north, there's a huge development that's apartment buildings that have gone in, and Front Street is going to get even busier, so that front porch being actually used is -- is -- it's just --

Chair Wagner: They don't like to people-watch?

Ms. Schmidt: It's -- I mean we're 15, less -- less, like 20 feet from Front Street and it's -- it is really loud and getting louder, and so keeping the feeling of -- of that pop-out front porch area with the -- with the roof and everything, the way it was --

Ms. Wagner: Yeah --

Ms. Schmidt: It just seems like just a much better use, and then the landscaping and like bringing people in ...(inaudible)...

Ms. Wagner: I understand. I understand and it makes sense except for that it's a Historic District. You know, architecturally it makes sense. I understand you're responding to the client's needs and all that, but there's something about like that strip of high windows and a blank wall, and then a private gate, it just doesn't -- it's not contextual, to me, in the neighborhood, and I just suggest that we support the opinion of the historic expert that we have here.

Chair Lee-Greig: I have another -- Annalise, I'm trying to remember the recommendations that we put forward in the original -- in the first time that it was brought forward, and I'm pretty sure that we didn't say yes, we love this all, so -- and I remember Commissioner Bassford making a comment about the lanai in the front and the thatching, and I remember several comments about the height of the walls, so I'm trying to recall what our letter to Planning said.

Ms. Kehler: Sure. So the letter is in the staff report, it's dated October 10, 2018, so there was essentially three comments that were made, and so one of the Commissioners liked the thatch roofing, one Commissioner asked if the front porch could be preserved, that was lan, while another one understood the applicant's desire to enclose the area, and then the last comment was the appreciation of maintaining the home's original massing, scale, and form. So those were the three main comments that came out of that meeting.

Chair Lee-Greig: Okay.

Ms. Kehler: Yeah. And there wasn't like an adoption of the staff report at that meeting. It was just these were the comments that the Commission provided.

Chair Lee-Greig: Okay. Thank you. It's good for my memory. The one thing about the walls, and I -- and this is just building on what other Commissioners have said about the height of the walls, I do have a concern about the archaeology, that shouldn't have been missed, I don't know where to rectify that now that -- I mean the foundation's in the ground, correct, and there's no additional excavation --

Ms. Schmidt: No.

Chair Lee-Greig: Anticipated in any future, way, shape, or form from any septic needs, future sewer upgrades, or anything like that.

Ms. Kehler: Jared, do they have to do anymore footings or anything inside of the existing foundation?

Mr. Burkett: Their plans still call for the grade on beam. I don't -- I'm not aware of what exactly else is involved with that.

Mr. Stoddart: I'd have to take a look at the foundation plan. I don't recall if there's -- if there's any additional foundation work. It's maybe one or two pad footings, but I --

Chair Lee-Greig: One or two pad footings.

Mr. Stoddart: Small -- small footings in -- in the --

Chair Lee-Greig: Inside --

Mr. Stoddart: Interior.

Chair Lee-Greig: Like a load-bearing kind of thing?

Mr. Stoddart: Yeah. I don't --

Chair Lee-Greig: How deep do you think those will be?

Mr. Stoddart: They would be the same depth, 12 to 18 inches deep.

Chair Lee-Greig: Okay.

Mr. Stoddart: But I --

Chair Lee-Greig: When can you verify that and provide a detail scope --

Mr. Stoddart: Yeah, I think --

Chair Lee-Greig: To Planning so that they can do what's needed for that?

Mr. Lay: I have a question.

Chair Lee-Greig: Commissioner Lay.

Mr. Lay: Okay, so you're going to -- your perimeter walls, they're going to have footings?

Chair Lee-Greig: They have --

Mr. Lay: Oh, it's up already? It's already up already, these six-foot walls?

Ms. Wagner: Oh those, the side walls?

Mr. Lay: Yeah.

Mr. Stoddart: No, the -- no, the side -- the landscape walls are not up yet, the six-foot tall walls that were -- were landscape gates, those are not up yet.

Mr. Lay: But those will need footings, right?

Mr. Stoddart: Technically, yeah.

Ms. Wagner: Good point.

Chair Lee-Greig: Yeah.

Mr. Stoddart: If they're going to remain rock, they would absolutely require at least a --

Chair Lee-Greig: For a six-foot high wall, two feet wide, what kind of footing depth would you need to be able to support that wall?

Mr. Stoddart: It would be similar, 12 to 18 inches deep.

Chair Lee-Greig: Planning?

Mr. Burkett: Hi. So I'd like also bring your attention to some of the photographs in the packet, so on, it's not labeled, but if you look at this page, this is showing what it was before the demolition occurred, so this work that is shown is -- was done without permits, this was from a previous owner --

Chair Lee-Greig: Okay.

Mr. Burkett: So I just wanted to mention that because I believe that they were preserving the grasscrete that's already there originally in the first set of plans, and there's already a very tall wall there and with posts that were put in illegally, without permits.

Chair Lee-Greig: Okay.

Mr. Burkett: So depending on where the posts go, they would maybe not need to have a transmittal to SHPD. It just all depends on where they're positioned if they go into the existing disturbance area. The back of the property, there's already existing rock wall and it's also about six feet high, correct?

Mr. Stoddart: Correct.

Mr. Burkett: That was there previously. So I believe that it's -- also, I just wanted to say this because the homeowner that purchased the property was likely thinking like, you know, she was just doing what's similar to what's there, but that was because it was not permitted.

Chair Lee-Greig: So these, these front fences, those were six feet high? But the current plans call for a solid rock wall, no?

Ms. Wagner: Not in the front.

Chair Lee-Greig: Not in the front, but off to the side?

Ms. Wagner: On the sides, but it looks like --

Chair Lee-Greig: Right.

Ms. Wagner: There already is one there.

Ms. Albino: Yeah.

Ms. Wagner: I think there's a stepping stone wall --

Mr. Stoddart: Yes.

Ms. Wagner: Down the left side of the property.

Mr. Stoddart: That's the neighbor's.

Ms. Wagner: Oh, that's their wall? But you probably wouldn't put another wall inside their wall would you?

Mr. Stoddart: No. The -- the proposed high walls are set back from the façade of -- of the building.

Mr. Lay: Quick question. Wasn't that public access in this area too on one side? No?

Mr. Stoddart: Not adjacent to this property.

Mr. Lay: Okay.

Ms. Wagner: Oh, this wall. That one isn't anything. The one right here.

Chair Lee-Greig: Yeah, that --

Ms. Wagner: This big giant one.

Chair Lee-Greig: That one. That's the one I'm referring --

Ms. Wagner: Yeah.

Chair Lee-Greig: I'm wondering about.

Ms. Wagner: Yeah, that would need footings and if you have piers in the middle, so those all should have archaeology if we go by the law.

Ms. Kehler: That was part of the original permit.

Chair Lee-Greig: Okay.

Ms. Kehler: It said that -- that SHPD saw.

Chair Lee-Greig: They saw that. Were there drawings?

Ms. Kehler: Yeah.

Chair Lee-Greig: That's disappointing.

Ms. Wagner: So SHPD wanted monitoring for that but they hadn't gotten to that phase of the construction yet?

Ms. Kehler: They want monitoring for what's going to happen on the lot immediately to the north.

Ms. Wagner: Oh.

Ms. Kehler: Yes.

Ms. Wagner: They don't want it on this lot?

Ms. Kehler: They haven't -- they didn't -- they never requested monitoring for this lot.

Ms. Wagner: Oh.

Chair Lee-Greig: Did they respond?

Mr. Burkett: They -- they did for the previous set of plans before the flood development permit was requested they did respond and they required this to come to you for your design review, and then they said that nothing was needed from them. They gave me permission to go ahead and do the permitting without having a monitoring plan.

Chair Lee-Greig: Yeah, but it was just a -- I'm trying to understand what was sent to them and how it was couched, was it couched as a renovation or was it couched as partial new construction and renovation?

Mr. Burkett: It was sent as a -- a renovation with the whole application packet and all the set of plans.

Chair Lee-Greig: Did it go to archaeology and architecture or do you know who signed the -- who signed or whose initials were on there?

Ms. Kehler: It went to their general intake email and the letter -- so the original letter that came from them, it looks like Tanya Gumapac-McGuire wrote the letter and it signed by Alan Downer.

Chair Lee-Greig: Right, so archaeology, and Tanya Gumapac, she's architecture, not archaeology, so the other issue when we're working in a Historic District for our County agencies is that when we're working in a Historic District, we need to address letters both to architecture and archaeology, they're not necessarily talking to each other, I'm sorry to say that on the record, but so that's one thing to think about is I'm unclear if archaeology took a stab at this at this one if it's only signed Tanya and not in collaboration with archaeology and Susan Lebo. Yes. It was?

Mr. Burkett: I'm not sure.

Chair Lee-Greig: Oh, okay.

Mr. Burkett: We sent it to their -- their main inbox. They disseminate it how they choose.

Chair Lee-Greig: Yeah. So as a consultant, I always advise to make sure that stuff like this doesn't happen to send -- have it -- having a cc list, architecture and archaeology, in the cover letter. Do you not submit a cover letter or just -- yeah. Yeah. Just -- just I mean it's -- there are these loopholes and so, unfortunately, this landowner and homeowner has got caught up in those loopholes, so it's just a -- I have a soapbox now to be able to say it for the County agencies to be sure to make sure in an email to intake

or in the cover letter to route to archaeology and architecture because they'll see the Historic District and they'll route it to architecture first and foremost. Okay.

Mr. Kanahale: I know maybe this is getting off topic, but can -- can the CRC make a recommendation to the Planning Department to that effect? Can we do that?

Ms. Desjardins: I think in the discussion I think that that's been done but really your focus here, under your rules, is the design.

Chair Lee-Greig: Right.

Ms. Desjardins: But I think -- I think the point is well taken, but when you look at the law as to what the Planning Department's required to do when dealing with SHPD, it's not as detailed as making sure one side gets a letter and other side, it's, my understanding, is to send it to the general box and then hope for the best, maybe that needs to be changed, but that's not what's -- they're not required to go any deeper than that.

Mr. Kanahale: I think that's why the discussion is being had.

Ms. Desjardins: Yeah, I do too.

Mr. Kanahale: There needs to be more -- more detail.

Ms. Desjardins: Yeah, perhaps that be a great agenda item too as, in the future, to have a more general discussion about ways to improve communications with SHPD by the Planning Department in terms of what you folks have jurisdiction over.

Chair Lee-Greig: Hopefully, the County's new archaeologist, whenever that person comes onboard, will be able to help with that as well so that something like this doesn't happen again. Okay, so I'm sorry. I got off track. I got all caught up with archaeology, but I wanted to just provide a little bit of commentary about the height of that one wall, that six-foot high wall that I believe is new. One of -- a lot of the comments from our Commission here has been, you know, sense of community and -- and understanding of the need for privacy. Part of Lahaina's -- Lahaina Historic District's charm, like so many have said, is the ability -- these view plains and to have this sense of community and to be able to, not to be nosey to see into other people's yards, but to appreciate their gardens, and appreciate their yards, and I had an opportunity to visit the Garden District in New Orleans and if anywhere there's these beautiful southern mansions with these beautiful wrought-iron gates that you can see through and you can see the beauty of the house and you can see the beauty of the gardens, and Lahaina Historic District is like -- it should be like that, and it was once like that, and it can be like that again, so these high walls take away from that aspect of the Historic District, and then people in the beautiful Garden District of New Orleans can accommodate that, surely, here in Hawaii,

we can accommodate that with our aloha, so that's just a bit of that commentary with regard to the height of wall, if you can take that to your client and express that because I do miss seeing these beautiful gardens and these beautiful fruit trees here and there and around, even in Makena where my family is from, so just a commentary about the height of the walls, and Commissioner Kanahale's point toward how it seems like people are sort of encapsulating themselves behind the wall, right, there are places to do that, if that's what they want, but the Historic District shouldn't be one of them and we should respect that as well. So just another maybe something to add to your quiver when you talk to your clients about retaining the feel of the Historic District and how that six-foot wall is actually an impact to the view plain so --

Mr. Stoddart: I agree.

Chair Lee-Greig: My comments on design. Commissioner Kanahale.

Mr. Kanahale: Okay, I'd like, we've been discussing this almost an hour-and-a-half, I'd like to -- I'd like to make a motion, if no one has any other questions, I'd like to make a motion to adopt the recommendations of our Planner.

Ms. Wagner: I second that.

Chair Lee-Greig: All in favor? Any opposed? Motion carries.

It was moved by Commissioner Daniel Kanahale, seconded by Commissioner Mary Wagner, then

VOTED: to adopt the Department's recommendations.

(Assenting: K. Aiwohi; L. Albino; T. Lee-Greig; D. Kanahale; I. Lay; M. Ropa; M. Wagner)
(Excused: I. Bassford; Y. Celiz)

Ms. Kehler: So are there any additional comments or recommendations that the Commission wants to make regarding archaeology? Is there some other action or recommendation that you would like to happen here?

Chair Lee-Greig: Yes. Absolutely. Verification on whether or not those two central pads are needed within the wall and how deep those excavations will be as well -- okay. Awesome. Thank you.

Ms. Schmidt: So the center, the central ones here are precast concrete and then placed and so the digging will be less than 12 inches --

Chair Lee-Greig: Okay.

Ms. Schmidt: For those. The perimeter was 12 to 18 inches, like Jeremy said.

Chair Lee-Greig: And then six-foot wall --

Ms. Schmidt: The six-foot wall --

Chair Lee-Greig: Footing?

Ms. Schmidt: Sorry. The six-foot wall I didn't check on the six-foot wall --

Chair Lee-Greig: Okay.

Ms. Schmidt: 'Cause that -- we haven't done that yet.

Mr. Stoddart: We haven't done that yet.

Ms. Schmidt: No.

Chair Lee-Greig: Okay.

Mr. Stoddart: If the council is recommending --

Ms. Schmidt: A different wall --

Mr. Stoddart: A different wall, then that would --

Chair Lee-Greig: Then maybe you don't need such a deep footing and you don't need an extra person on your project site to have to -- that extra expense maybe. But recommendation for the -- the landowner, the representatives of the landowner to submit detailed scopes and where excavation exceeds -- where there's any ground-disturbing activity, maybe that should be routed to archaeology. I don't know.

Ms. Kehler: So there's a recommendation to have the applicant submit detailed scopes outlining where excavation will occur, and the extent of that excavation, and then route that to SHPD Archaeology. Mimi, do they need to make a motion?

Ms. Desjardins: Yeah, that was a little backwards.

Chair Lee-Greig: Oh.

Ms. Desjardins: Maybe we could try a second motion to incorporate what was just stated into the recommendations of the Planner's report.

Chair Lee-Greig: Is there a --

Ms. Desjardins: Hold on one second, please. That would be the -- my suggestion is to go ahead and make that motion since it's a recommendation from the body, so does somebody want to make that motion?

Ms. Albino: I motion.

Ms. Desjardins: Okay.

Mr. Aiwohi: I'll second.

Chair Lee-Greig: Discussion?

Ms. Schmidt: Yes, is there --

Chair Lee-Greig: Oh no.

Ms. Desjardins: Not from there, from the body.

Chair Lee-Greig: Oh, from the body. Do we need clarification? I would like -- or discussion on the motion? I would like hear what you have to say.

Ms. Schmidt: Just there's the word "significant," is there a definition for "significant?" Ground -- like is it under 12 inches, over 12 inches?

Chair Lee-Greig: Oh no, just ground disturbing activity.

Ms. Schmidt: If there's ground disturbance, but it says, "any significant ground disturbance," so I'm -- I'm curious as to what --

Chair Lee-Greig: What was that?

Ms. Schmidt: The agreement with the Planning, it says, "any further significant ground disturbance," so I didn't know if that was something you need to address.

Chair Lee-Greig: You have a --

Mr. Burkett: I -- we are required to contact SHPD when there's anything over six inches.

Chair Lee-Greig: Anything over six inches. Okay.

Ms. Schmidt: Thank you.

Chair Lee-Greig: Thanks. Okay, let's take a vote on the motion. All in favor of the motion? Opposed? Motion carries. Thank you for adding that.

It was moved by Commissioner Louella Albino, seconded by Commissioner Kaapuni Aiwohi, then

VOTED: to incorporate in the previously adopted Department's recommendation an additional recommendation that the applicant submit detailed scopes outlining where excavation will occur, and the extent of that excavation, and route that to the State Historic Preservation Division Archaeology.

(Assenting: K. Aiwohi; L. Albino; T. Lee-Greig; D. Kanahale; I. Lay; M. Ropa; M. Wagner)
(Excused: I. Bassford; Y. Celiz)

Ms. Wagner: Can I ask a question of you?

Chair Lee-Greig: Oh, sure.

Ms. Wagner: So we're making these recommendations, does that -- what does that mean to the owner?

Chair Lee-Greig: My understanding is that we make the recommendations, Annalise incorporates that in a letter to Planning, and that becomes potential conditions on it.

Ms. Wagner: So when you say, "it becomes potential," does that mean Planning has discretion?

Chair Lee-Greig: Yes.

Ms. Wagner: Okay.

Chair Lee-Greig: Anything else on this item that we need to address? No? Okay, thank you so much for your time. Moving on --

Mr. Stoddart: Thank you.

Chair Lee-Greig: Under New Business, item number C.2.:

Chair Lee-Greig read the following agenda item description into the record:

2. Office of Hawaiian Affairs requesting comments on the October 2018 Draft Palauea Cultural Preserve Preservation Plan; Palauea Ahupua‘a, Honua‘ula, Maui; TMK 2-1-023:034

The Commission may review and approve this preservation plan pursuant to Chapter 19.91, Maui County Code – Kihei-Makena Project District 8 (Palauea)

Ms. Kehler: Okay, so this is a really big plan and so this isn't the only meeting where we'll be discussing it, we're going to take several months to talk about it. So the first thing I want to do is get a tab on who wants hard copies of the plan so I can print it for next month's meeting. Okay, so Kaleo --

Ms. Wagner: We can get a PDF copy, right?

Ms. Kehler: Yeah, so it's available online, I just need to know who wants a paper copy, so --

Ms. Desjardins: It's 388 pages. Is that right?

Mr. Ropa: I read it.

Ms. Albino: Annalise, can I get it off the internet or --

Ms. Kehler: Yeah, it's available online so when --

Ms. Albino: And print it.

Ms. Kehler: When Suzie sent you the agenda, there's a link to the -- to the item and that's where the plan will come up, but I can print you one for next month too.

Ms. Albino: If I can print it, I'll do it.

Ms. Kehler: Are you sure? It's really long.

Ms. Albino: Well maybe it's better for you to print.

Ms. Kehler: Yeah, I think -- yeah, I think you better let me do it for you.

Ms. Albino: ...(inaudible)... printed it. Yeah. Thank you.

Ms. Kehler: Okay, so just to make sure we have Commissioner Albino, Commissioner Ropa, we have Commissioner Lee-Greig, Commissioner Kanahale, and anyone else? Commissioner Lay. Okay. Okay, so I will have those -- I'll send them out soon to you so that you have time to go through it for next month's meeting. Next month, we're going to have someone from OHA here, yeah, so between now and then, I'll send you the report and I'll send you a letter kind of summarizing all of the research that I've been doing on this, so I have been -- sorry, I'm like not quite there yet on this item because I've been spending a lot of time in the project files for this document, so what I've done so far is I've pulled all of the SHPD, the State Historic Preservation Division correspondence dating back to like 1999, and I've compiled that for you. I've pulled all of the Cultural Resources Commission correspondence relating to the Preserve and the Palauea Subdivision, and I'm compiling that for you. I have -- I just finished reviewing the 2002 Preservation Plan for the Preserve so there -- there was one that was previously prepared by Theresa Dunham, so I'm -- I finished reviewing that. Also reviewing the Hawaii Administrative Rules that govern archaeological site preservation, and I'm -- what I'll do is I'll kind of go through and crosscheck the new plan with the information that I've pulled and I'll develop a list of questions that you might want to consider asking OHA at the next meeting, and that can -- you can use that to help guide the conversation, or you can ignore it, you can ask your own questions, it's up to you, but that's why I'm not -- I'm not really ready yet because I've spent so much time with the files that I just need to get everything together and write it down for you. And I wanted to put -- I put this on the agenda though just so you guys have advance notice and more time with the document. And like I said, next month, someone from OHA will be here so if there's any questions right now, I'll try to answer them. One thing that I'm trying to work through with Mimi is it's my understanding, after reading the project district ordinance of Palauea as well as conditions for the approval of the project district, that the Commission is actually granted authority to approve this plan, so, typically, that is a responsibility of SHPD, but it looks like the Commission as well as the Burial Council have some authority based on approvals and ordinances, so that's an interesting thing that, typically, isn't afforded to this body.

Mr. Kanahale: That's a condition? Chair? Just to clarify, that was a condition of zoning or condition of the project district that the CRC would be one of the approving bodies?

Ms. Kehler: That's my understanding after reading, so let's see, it's Chapter 91 -- or 19.91, the Kihei-Makena Project District 8, so there is a section in that chapter that talks about the Cultural Preserve, and it makes references to principal and special uses that are permitted in the Cultural Preserve, and it says that like main uses and special uses that happen in the preserve need to be consistent with preservation plans approved by the State Historic Preservation Division, the Island Burial Council, and the Cultural Resources Commission. Yeah, so there's additional language, so let's see, this is November 16, 2000, this is an approval from the Maui Planning Commission for special management area use permit and project district phase two approval for Palauea

Subdivision, and -- and the Cultural Preserve. So when the Planning Commission issued these permits to the developer, there was three conditions that talked about preservation plans and made reference to the County and the Cultural Resources Commission approving various aspects of things that happen in the Cultural Preserve, so once I get clear on what exactly the scope is, I'll include that in my letter to you guys. I just need to work with Mimi to make sure I'm not giving you guys false information.

Chair Lee-Greig: Do we need to take any action on this agenda item? No? So we're going to -- or, Commissioner Kanahahele, you have a question?

Mr. Kanahahele: No.

Chair Lee-Greig: Oh, okay.

Mr. Kanahahele: Sorry.

Chair Lee-Greig: So we're just going to defer this item until next meeting. Alright, item D.1., under Unfinished Business:

Chair Lee-Greig read the following agenda item description into the record:

D. UNFINISHED BUSINESS

- 1. Follow up correspondence from Office of Hawaiian Affairs dated July 22, 2019 regarding their original correspondence to the Commission dated May 15, 2019 regarding the Palaeua Cultural Preserve, TMK (2) 2-1-023:034**

The Office of Hawaiian Affairs updates the Commission annually on the status of the cultural preserve pursuant to condition no. 15 of the Special Management Area Use Permit and Project District Phase II approval for the Palaeua Subdivision, issued November 16, 2000

Ms. Kehler: Okay, so in your agenda packet, you got a letter, and this was OHA responding to a list of questions that we sent them, so my suggestion would be to take a look at this, if you have additional questions, bring them to the next meeting and we'll discuss them as it relates to the Preservation Plan.

Chair Lee-Greig: Okay. Do we have any questions from the Commission for staff? No? Okay, so we will take that into our consideration and bring it back to the next meeting then. Okay? Perfect.

E. NEXT MEETING DATE: October 3, 2019

F. ADJOURNMENT

Chair Lee-Greig: Moving on to item E, next meeting date, October 3, 2019, where we will hear all about the Palauea Cultural Preserve. This meeting is adjourned at 12:40.

The meeting was adjourned at 12:40 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Tanya Lee-Greig, Chairperson (Arrived at 11:05 a.m.)
Ivan Lay, Vice-Chairperson
Ka`apuniali`ionalaniki`eki`ie Aiwohi
Louella Albino
Daniel Kanahale
Michael "Kaleo" Ropa
Mary Randall Wagner

Excused:

Ian Bassford
Yvette Celiz

Others:

Jennifer Maydan, Planner VI, Long-Range Division, Dept. of Planning
Annalise Kehler, Cultural Resources Planner, Long-Range Division, Dept. of Planning
Jared Burkett, Planner IV, Current Division, Dept. of Planning
Mimi Desjardins, Deputy Corporation Counsel, Dept. of the Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions, Current Division, Dept. of Planning