

MAUI COUNTY CULTURAL RESOURCES COMMISSION
REGULAR MINUTES
DECEMBER 5, 2019

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Tanya Lee-Greig at approximately 11:10 a.m., Thursday, December 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).

Chair Lee-Greig: Aloha. I'd like to call the December 5th meeting of the Maui County Cultural Resources Commission to order, a little behind schedule but, hopefully, everybody is okay with that.

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.

Chair Lee-Greig: Our first item on the agenda is to collect public testimony for any of the agenda items. Is there anyone present who would like to present public testimony? No? Seeing none, we are going to close public testimony, and move on to agenda item C., New Business.

Ms. Desjardins: Chair? Sorry. Just before you do -- okay. I'm sorry. I just wanted to let the Commission Members know that -- I wanted to let you know we have Stephanie Chen with us today, she is our new Deputy Corporation Counsel, and she's my backup so you'll see her attending meetings or helping me out if I ever go on vacation or something fun like that, so I just wanted to let you know that she's here.

Chair Lee-Greig: Thank you, and welcome. Okay, New Business:

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

C. NEW BUSINESS

1. **Jeremy Stoddart of Pili Design + Build, on behalf of the Jason T. Sturgis Living Trust, requesting design review for plans to demolish an existing single-family home and construct a new single-family home at 1065 Front Street, TMK (2) 4-5-003:029, Lāhainā National Historic Landmark District, SMX 2018/0198, HDX 2018/0015 (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

Chair Lee-Greig: Do we have someone present?

Ms. Kehler: Chair, so I'm going to have one of the property owner's consultants kind of provide you with an overview of what's being proposed, and then after they're done with their presentation, I'll go over the staff report with you guys.

Chair Lee-Greig: Thank you.

Ms. Sarich: Good morning, Chair Tanya Lee-Greig and Members of the CRC. My name is Brandis Sarich. I'm an architect and I've been hired as a consultant to help with the integration of this proposed project into the Historic District. The architect of record is here, his name is Jeremy Stoddart, and he has done many successful projects on Maui, and the owner is also here, Jason Sturgis, he and his wife, Stephanie, have been part of the Lahaina community for over 44 years, and they would like to build their family home here.

A little about the owner. You may know him, he is a conservationist and a videographer who does underwater work and works for the Whale Trust and he's involved in a lot of community activities. He works for National Geographic, BBC, Discovery Channel, but he is here on Maui and he works on Maui for our oceans and the whales. Jason and Stephanie have two children and they plan to raise their family in this home.

So, as an introduction, their proposal is for and under just -- just under 1600 square-foot house. It's a single-story single-family residence located at 1065 Front Street, in Lahaina, and as you said before, we're requesting comments from the CRC. We are using the West Maui Community Plan as criteria for evaluation and have worked with Annalise to address the items that pertain to this project. Can you hear me okay? Okay.

So these are the nine items. And can everybody see the slides? No? Okay. Any better? I know it's hard to see. So, in any case, we have nine items that we felt needed to be addressed from the West Maui Community Plan and that are applicable to a small single-family residence in Lahaina. We're also going to show how the owners have addressed archaeological and historic resources concerns, and how the design addresses the Community Plan.

So the first item is that, in the Community Plan, is that we -- we're supposed to preserve the remain -- the, excuse me, preserve single-family residential uses between Ala Moana Street and Papalaua Street, and as you can see, between Ala Moana and

Papalaua is the location of this, it's a single-family house, so that is consistent with the Community Plan.

The next item is to ensure that new projects or developments address potential impacts on archaeological, historical, and cultural resources, and identify all cultural resources located within the project area as part of the initial project studies; further require that the proposed activity adequately mitigate potential adverse impacts on cultural resources. So in this neighborhood is the Seaman's Hospital, it's listed on the Hawaii and National Historic Register. It was restored by the Lahaina Restoration Foundation in 1982, and it was built by King Kamehameha III in 1833. The residence is actually 400 feet away and will never be viewed simultaneously with the resource, but per the National Park Service Historic Preservation Technical Bulletins, the best method to mitigate any adverse impacts to a historic resource is through consistency of design within the district, so we are trying to show how the proposed home is consistent the patterns of historic Lahaina.

The next item is to support public and private efforts to inventory, evaluate, and register historic and archaeological sites to expand the public's knowledge of the region's cultural resources. So as part of our exploration of this site, first of all, I don't know if you saw, the plan is to demolish the house that's there, so this is the historic home that is on the property right now, and it has been altered significantly so it's no longer considered a historic resource or eligible for listing. We have letters from SHPD confirming that. But being thorough with our research, we went through and found that the original inhabitants have a big connection with Lahaina in -- I mean not hugely significant, but interesting in that they owned one of the Japanese fish markets that was located where Bubba Gump Shrimp is now, so that's kind of a neat connection, and I also like that the owner now is actually very connected to the ocean and Lahaina.

And as far as archaeology, there is an archaeological monitoring plan that has been accepted by SHPD. Excavation will be limited to utilities and foundations, so very limited, but there will be full-time archaeological monitoring in case of any historic relics being founds. I apologize for my voice. I'm coming down with a cold.

I'm going to quickly run through the design. I think that you've already been provided with the plans, so I don't want to be redundant. If I'm going too fast, please ask me any questions.

In the site plan, you can see that there will be the consistent pattern of a front yard. It actually needs to serve as parking, so the architect has designed pavers that will go underneath the grass, so it will look -- it'll be a front lawn is all you'll see, but you can actually park on it. Here's an existing garage that will remain, and there is also an entry gate in front of the recessed porch, and there's a privacy fence towards the back of the property along the -- the street, that isn't a through street, but just accesses some houses off of Front Street there. This is on the corner of Front Street and Kamaka

Circle, and, again, that is a small street that only accesses a handful of houses, and it's not a through road. We tried to leave the corner open so as you're driving down Front Street, you will actually see that pattern of -- you'll actually see the house, it's not -- it's not behind the wall, it is exposed, and it was a compromise between exposing and reinforcing that pattern and also having privacy for the backyard and a place for the kids to play.

Here's the plan. I know this is really small. It is a fairly modest house. There are two bedrooms, two-and-a-half bathrooms, a den, a great room, and an outdoor lanai. Of note, in the elevations, this is the Front Street elevation, so the main elevation that people will see coming down Front Street, it is single-story, it has hipped roofs with the Dutch gables, it is very low massing, it's about 21 feet off of the ground at the highest ridge there, which is a small portion of the building, and, also of note, is that the floor level is above flood level. On these elevations, the back elevation won't be seen from anywhere. This is the Kamaka Circle elevation, so as you're driving down Front Street, this is the corner you will see, and dashed here is where that privacy fence is proposed.

So the next item in the Community Plan is to maintain the scale, building massing, and architectural character of Historic Lahaina Town, so as far as scale, we do have a single-story building, which is consistent with residential projects in Lahaina especially in the Historic District. Massing. We have hipped roofs and an undulating façade to maintain a human scale. No elevation appears massive. The -- the biggest, the widest portion is about 17 feet wide and 1 story tall. And as far as architectural character, this is a plantation vernacular, and it's a modern interpretation of a small residence in Lahaina. We have the hipped and Dutch gable roof with wood shingles, exposed rafter tails. Can -- I don't know if you can see those on the slides; perhaps you saw them in your plans. It has a front yard and front porch facing Front Street. We have drooped traditional windows with traditional trim details. We have a double front door with side lights, which is also traditional pattern, and vertical board and bat siding, and contrasting earth-toned paint scheme.

The next item in the Community Plan is that new buildings and renovations of existing buildings in Lahaina Town should reflect the scale, texture, materials, and facades of existing structures in the Lahaina Historic District. The scale, again, it's a single-story, which is the most typical residential pattern in Historic Lahaina. The texture, most historic homes have vertical siding; the proposed vertical board and bat is acceptable within the Lahaina District. Materials. Historic homes are, generally, all wood and some had metal roofs or metal garden gates. The proposal is for all wood materials painted natural colors. We are proposing aluminum clad windows and an aluminum front gate. The roof material and roof form is the hipped roof with Dutch gables. Here's an example of 450 Front Street that uses very similar materials, similar design of the hipped and Dutch gable. The pitch of the roof is 6:12, which lays -- is within the guidelines for the Historic District. The doors are double-doors that have glass in them and glass side lights. Here's an example of a historic home with a similar pattern. And

the windows are grouped windows with traditional trim, so much like the example out of - I don't know if this is accepted or out of the -- I think this is off the Lanai guidelines for plantation homes that three windows, so a grouping that is consistent with plantation homes. Here's an example from Waianae Place showing the trim details and traditional pattern of windows. And as far as the façade, this is a traditional plantation form. Here are some examples from Lahaina, here's 271 Front Street that is extremely similar with the two wings and the recessed porch, 281 Front Street with the wings and the recessed front porch, and I can't remember the address of this home, but it also is in the core of Lahaina.

Continuing with that last item is the setbacks. On this slide, I'm showing the hatching is the existing home and the gray is the proposed home, and in that, you can see it's basically the same setbacks and also pretty much the same size. Here are the neighboring properties and, again, they have a front yard, 15 feet, 15-foot front yard, and in this slide you see the neighboring properties and the 15-foot front yard setback is consistent, and that is actually very consistent through the district.

The next item in the Community Plan is that building height should reflect the context of existing building heights and massing in the Lahaina Historic District. The maximum building height shall be 2 stories or 35 feet. The proposed residence has a maximum ridge height of 21 feet 4 inches above adjacent grade and is a single-story structure and single-story massing.

The last item is a -- there we go. Sorry. The last item is encourage the use of natural materials in existing or new buildings and to emphasize contrasting earth-tone color schemes for buildings. So I've provided a small example picture of another house that's already been built with very similar materials, the wood shingles, the contrasting green and white wood building elements, these are actually also clad aluminum windows, and also, in this project, we have a stained front door, and I believe it's the -- the foundation, the perimeter foundation is all plastered. Correct? Yeah. So there will be plaster over CMU blocks for the perimeter foundation, which will give you this very similar look of most of the historic homes because they were elevated above grade.

So there it is again. Thank you for your time and listening to the presentation, and we do ask for your feedback.

Chair Lee-Greig: Do we have any questions from the Commission?

Ms. Wagner: I don't have any questions, but I have a couple comments later whenever it's appropriate.

Chair Lee-Greig: Annalise?

Ms. Kehler: Thank you, Chair. So in your staff report, I go over, you know, what -- what you're doing today, which is you're providing feedback on the proposed new single-family residence, so the existing home that's on that lot, it doesn't qualify for listing on a historic register because it's been too altered, so the Commission doesn't have the authority to approve or deny the demolition, just offer comments on the new design. In the staff report, I go through how the -- the proposed design is or is not consistent, I'm not going to go over every single point, but just generally, the massing, scale, and form of the proposed home, it's compatible with the surrounding historic homes in the area. There are a few little details that are not consistent that, if changed, would help the home blend in even more with its surroundings, and I've called that out in the staff report, so one of those things is that little entry gate that's proposed at the front façade of the home, so it's calling for 4-foot six-inch tall aluminum pickets, so aluminum fencing isn't really common, it's not common at all for Lahaina, but, you know, wood picket fences, there are historic photos showing homes and properties, like Wo Hing Society, that have wood picket fences, so if -- if those aluminum pickets were supplanted with wood pickets, that would help. And then the other thing is the six-foot tall privacy fence that's proposed for the north side of the house. Privacy fences are really not part of Historic Lahaina, but the good thing about this privacy fence is that it's -- it's contained to a smaller area and it's not at the front of the property so there is still that traditional visual continuity between Front Street and the front of the house. And then there's a couple of other things, like the plans call for aluminum windows, you know, obviously aluminum windows weren't historically used, it was wood, so using wood windows would -- would be the preferable choice. And then the railing design is a little unusual, it's sort of like a modern interpretation of plantation style architecture. Using a railing design that's traditionally found in Lahaina would help kind of mitigate that situation. And then the front doors, they're also a little bit of an unusual choice, they're sort of modern looking, so, you know, using door designs that are traditionally found in the district would help, but other than those things, those issues, the proposed house is really pretty compatible with its surroundings and is really a lot nicer than a lot of, you know, other stuff that comes before the Commission so --

Chair Lee-Greig: Thank you, Annalise. Commissioner Wagner, you had comments?

Ms. Wagner: Yeah, I think I agree with Annalise that -- that it, basically, conforms to the character of the neighborhood. There's two things that my preference would modify. One is the way the porch is set so deeply into that cavity. I would rather see the -- the porch come forward all the way to the front of the house, and then have the railing up at that level, and then maybe the steps leading up to it there just because then there would be an option to have a chair on the porch or just use the porch in some way. I don't see any other houses in Lahaina that are sunken back that way. The porch is -- there's this sense that the porch is actually an exterior room. So that's one thing that would be easily remedied. And the other thing is, in the traditional single-wall construction, there was often a horizontal band at the mid-height that give -- that breaks down the scale even more. You know, the way these windows are nice and low, it would probably be

maybe a foot or 18 inches up from the bottom of the window and it would go round the entire house, maybe at the height of the railing of the front porch, if the rail were at the floor level, and I think it would add a certain charm and consistency to the -- the house that would help it to blend in with the older traditional style, and also it would match the trim of the windows so it would bring that kind of lightness around the whole house. And I --and I agree about the -- the aluminum materials. The wood would be nicer. I feel like that I would be okay with the aluminum in the window frame because the trim is all wood, but I'd like to see the handrails be wood.

Ms. Sarich: Thank you. I feel like in the historic examples, and I -- I know you can't see them very well, the porches are setback, but I do hear what you're saying and maybe there's a compromise between the level at it's -- that it's at.

Ms. Wagner: Do you show one that's like that?

Ms. Sarich: Yeah, in those three examples, but I know that you can't actually see the slides so that makes it very difficult.

Ms. Wagner: The yellow one, it looked like the porch was very much like the one at the top, the porch is right out front.

Ms. Sarich: Right, and that's a different form. If you look at the three at the bottom there, those are the very similar, the two wings with the inset porch, so like in this one especially, the porch is back but probably not as far back as ...(inaudible)...

Ms. Wagner: Yeah, and it has that little -- it has that little roof extending forward at the center, on the far right.

Ms. Sarich: Do you feel that that's something that --

Mr. Stoddart: ...(inaudible - not speaking into the microphone)...

Ms. Wagner: Yeah, it's just the floor, like the porch, it feels like to me, it should be a real porch, and then the railing is at the height. If the porch came forward and the rail was at the edge of the porch, at the front wall of the house, and then the steps were in front of that. It's just my personal preference. I like porches that are actual porches.

Mr. Stoddart: The steps would --

Ms. Kehler: Can you --

Ms. Maydan: Can you use the microphone?

Ms. Wagner: We have to get you to state your name and use the microphone.

Mr. Stoddart: Hi. I'm Jeremy. The -- the limitation on the steps is the front yard setback, so we could -- we could push it far enough to the setback --

Ms. Wagner: You know, it's funny because I see that sometimes they let you do the steps in the front yard. I mean how many steps are there? Three?

Mr. Stoddart: Yeah.

Ms. Wagner: Yeah, so --

Mr. Stoddart: With risers.

Ms. Wagner: A lot of times they let you put those steps in the front yard setback, depends on who the planner is, and there's so many examples all over Maui of the steps in the front yard; oh but -- but even still, if maybe -- 'cause it looks like that the setback is a foot in the front of the front wall, like you've set the house back, back a foot from the setback.

Mr. Stoddart: The setback is angled slightly so the front, the north corner, is pushed about as -- as far up to the setback as we can.

Ms. Wagner: Oh, and then it angles? Well, maybe you can have one step and then two inside the wall of the house; well, so three risers is two treads, one, two, and the porch.

Mr. Stoddart: Right.

Ms. Wagner: Yeah, so you'd have one step out, one step, and then the edge of the porch would be set a foot back from the front of the house.

Mr. Stoddart: Yeah, we could -- we could look at it and you could push the steps all the way up as far as we could do it.

Ms. Wagner: Right.

Ms. Sarich: Does the compromise your design intention or are you comfortable doing that?

Mr. Stoddart: I'm -- I'm comfortable doing it. I think that the -- the owners were somewhat concerned about the traffic and the noise at Front Street in this particular spot and trying to create as much of a barrier between the actual road and the front door.

Ms. Wagner: Well that wouldn't change that relationship.

Mr. Stoddart: I agree.

Ms. Sarich: Okay. Thank you, Randy. And as far as the trim band, I think that we can also take that into consideration, and we appreciate the allowance for the aluminum clad windows just because of the practicality of the sun there. And, in fact, the porch railings are wood, and it's that entry gate that is proposed to be aluminum but it will mostly have landscaping around it.

Ms. Wagner: Is there a reason that that's aluminum and the pickets are -- Well, also, it's the design too that you were questioning, right, the style of the -- you wanted just a traditional picket, Annalise?

Ms. Kehler: Well, it has -- so, let's see, in the plans in your staff report, if you go to Sheet No. A-6.3, that's this sheet here, it shows aluminum pickets set between like lava rock clad CMU pillars. You know, I appreciate the transparency that that allows by having this thin widely set pickets, but just using wood instead of aluminum would help it kind of better fit with its surroundings 'cause aluminum is so -- it's so obvious.

Ms. Wagner: Yeah. I agree. And it's sort of the chippendale, was that what you were -- that shape that --

Ms. Kehler: Oh, on the railing for house, yeah. I've seen like that sort of railing happen in like new developments. It's just not -- it's really busy. It could be simplified to make it not so obvious.

Ms. Wagner: Well these are all minor details --

Ms. Kehler: Yeah.

Ms. Wagner: That seem like --

Ms. Kehler: Yeah.

Ms. Wagner: That they could accommodate.

Ms. Kehler: Yeah.

Ms. Albino: The aluminum seems to break the whole façade and it give it a whole different look. I think the wood really would justify the look of the house in that setting.

Ms. Wagner: Yeah, I would rather see wood pickets.

Chair Lee-Greig: Commissioner Bassford.

Ms. Albino: It stands out.

Mr. Bassford: Ipe fence in the back; ipe gate. Consistent.

Ms. Sarich: Again, this is really hard to see, there is an alternate proposal for a wood gate. And is that four feet or six tall?

Mr. Stoddart: Yeah, it's the same height.

Ms. Sarich: So I know this is very hard to see, and I don't know if we should look at the computer screen, but this is the aluminum, and this is the wood low fence, and they would -- the proposal is for a solid wood fence at the front and would you feel that was more in keeping?

Mr. Bassford: All I'm saying is --

Ms. Kehler: Ian, use the mike.

Mr. Bassford: Sorry. Keep the design consistent instead of having the aluminum gate, just replace it with wood. Put the gate; just make it out of wood, whatever color you see fit; that way, it kinda has continuity throughout the property and it blends in instead of just having this black anodized aluminum gate. That's all.

Ms. Sarich: Okay.

Mr. Bassford: That's all. That's how I feel.

Ms. Sarich: And would solid be acceptable at four feet tall?

Mr. Bassford: I -- I don't really think -- I don't have an opinion on whether it's solid or pickets, I mean you can stick to the design that you have with pickets, just make it out of wood instead of aluminum. That's all.

Ms. Sarich: Okay. Thank you.

Mr. Bassford: Thank you.

Ms. Wagner: I can understand why the owner wants what they want because they want kind of a more like a modern feeling in their house, however, they're building in the Historic District and they're being really respectful, and I think the simplest thing will be to have a white painted wood picket fence for the railing and the gate, and I think then it would look really traditional in the neighborhood, which I think is what the people, you

know, as long as we're having this historic neighborhood, although I have compassion for the owner, but they're not building outside of this neighborhood so --

Ms. Sarich: Right. I, as a consultant, I -- I understand that and I know -- I understand what you're saying, but I also know that this is a modern interpretation and I'm afraid of compromising his design too much by making it - I don't know what the word is - it's not true historic. You know, where do we find that line between being compatible and actually being modern but fitting in and being complementary.

Ms. Albino: I think the white, excuse me, I think the white picket fence would match. If you look at the -- when I look at it, the edgings or the borders of the windows are white, and this metal structure or gate just stands out like a sore thumb, if I just looked at it first glance and I went through Lahaina Town, the white, for me, it's -- it's aesthetically more compatible with the area than the metal or dark color. Something white along -- 'cause we see the white trimmings around the windows, it just looks more traditional Lahaina than contemporary. It's just a -- a façade. It just gives that impression when I -- if I were a malahini just driving through goes, oh, look, that just stands out. A white would look so much better. A white gate and picket fence.

Ms. Sarich: Thank you.

Ms. Albino: Wooden.

Chair Lee-Greig: Commissioner Celiz.

Ms. Celiz: Yeah, I agree with the staff report and I do agree that the white picket fence would keep that more traditional feel, and I also agree about, you know, the windows are okay and even though the doors are more modern, I think that's acceptable just the way it looks to me, so I think keep the modern doors but if we can make the fence more traditional.

Ms. Wagner: Plus, they have that nice back lanai area to be all as modern as the want.

Mr. Stoddart: I just have ...(inaudible)...

Ms. Sarich: Oh, Jeremy wants to say something.

Mr. Stoddart: Just a quick question as it -- as it pertains to the white picket. One of the concerns was the transparency of a barrier at the front, the white pickets would tend to, in the historical sense, would be more -- there would be less transparency with a white picket fence, is that something that everyone would be okay with? I mean we're just -- we're just dealing with a couple of different sort of possibly conflicting requirements. Does that -- does that make sense?

Ms. Wagner: Yeah, I think that that's actually a good thing because it gives them like a little buffer transition that is more -- it's kind of a like a delicate transition between the private and public that they don't -- people don't need to see in, they just need to have the sense that, you know, that it's someone's home, and it's welcoming, but it's also private.

Mr. Stoddart: Okay.

Ms. Sarich: Thank you. Was there something else, Tanya?

Chair Lee-Greig: Yeah, sorry. I was just like raising my hand. The fence, this gate, is it a security gate? Is it -- what -- I'm just curious as to the purpose of the gate 'cause in the -- in the examples that you have, and I -- and I love the old -- that old Lake hale in Front Street is beautiful, right, but those don't have those front gates, so I'm -- and I, you know, a homeowner wants what they want for -- so the purpose of the gate is it security? Is it to break things up?

Ms. Sarich: So I believe that it is two things: One is to make that transition between public space and private, and also it's just practical because they have children just to make it more safe for their children.

Chair Lee-Greig: Would -- would the designer and the owner be open to the -- the staff's suggestions about modifying to use more natural materials for this gate?

Mr. Stoddart: From a -- from a design standpoint, I don't -- I don't have any problem with it.

Ms. Sarich: Thank you.

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

Ms. Wagner: It looks like it's going to be a really nice house to live in.

Ms. Sarich: Thank you.

Chair Lee-Greig: I just have one other comment. I'm just -- I really appreciate the detail of your presentation and the effort I know that it has taken to go and find these different examples to ensure that this house or this design remain consistent with the Historic District; oftentimes we don't get that level of detail or research and I really, really appreciate that, so thank you so much for that.

Ms. Sarich: Thank you, Tanya.

Chair Lee-Greig: Alright, so can we entertain a motion to -- for staff to issue a letter with the comments made today, review comments?

Ms. Kehler: So does the Commission agree with the findings of the staff report? Do you want to make a motion to accept the findings of the staff report plus the additional comments made today? Or do you want to make your own comments?

Chair Lee-Greig: So are we --

Ms. Wagner: I think that there was a couple things in the staff report that at least that I thought were okay that they could keep the aluminum windows and the double front door. The others comments I think were the natural wood material we wanted to see, and then I made the comment about the band board and pulling the porch forward more.

Ms. Kehler: Okay.

Ms. Wagner: I don't ...(inaudible)...

Ms. Kehler: Okay, so then you don't have to use the staff report, we'll just say aluminum windows and double front doors are okay, the porch seems too deeply set, if you could bring the front porch forward a little bit more, that would be good, and then introducing the girth, which is the horizontal band to help break up massing even more.

Ms. Wagner: And then the picket -- white picket railings.

Ms. Kehler: Oh. So that's something that I'm not clear about. The fence. So is the Commission okay with just replacing the aluminum material for wood but keeping the design the same, or do you want the wood picket or the picket fence, like the traditional picket fence, white?

Ms. Wagner: My preference is the white picket fence, but not for the privacy wall. We're just talking about the front porch, right? The privacy wall is the -- is acceptable the way it is except for you were saying is there a gate there in that wall?

Mr. Bassford: No. I was -- No. I was just saying if you're going to use ipe for the back fence, use a wood material for the gate in the front entryway.

Ms. Wagner: Oh.

Mr. Bassford: That's all.

Ms. Wagner: Okay.

Mr. Bassford: I am not preferential to a color.

Ms. Wagner: Yeah, so the -- we're okay the back privacy fence 'cause its setback and it's along that side street.

Ms. Kehler: Okay. You want me to read the comments back?

Chair Lee-Greig: Yes, please.

Ms. Kehler: Okay. So front porch, bring it forward more. Aluminum windows and double front doors are okay. Consider using a girth. Back privacy fence is okay. And then use a picket fence at the front façade.

Ms. Wagner: Wood.

Ms. Kehler: Wood picket fence.

Ms. Wagner: Paint it white.

Ms. Kehler: Wood white picket fence.

Ms. Wagner: It's just to match whatever the trim is.

Ms. Albino: Because the railing come down and has white on it, so just be consistent, the design will be consistent.

Ms. Kehler: Okay.

Ms. Wagner: Is that middle one a traditional house or is that a new interpretation in there?

Ms. Sarich: No. That's a -- that's a brand new house.

Ms. Wagner: Okay, they had -- they made up that railing --

Ms. Sarich: Yes, they did.

Ms. Wagner: To be like that. And then are the roof shingles shakes or shingles, wood shingles?

Ms. Sarich: They're wood shingles.

Ms. Wanger: Like that?

Ms. Sarich: Yes.

Ms. Wagner: Yeah, that's really nice.

Chair Lee-Greig: Okay, can we entertain a motion or does anyone -- would anyone like to present a motion to accept the review comments as stated by Annalise?

Ms. Wagner: I so move to accept the review comments.

Ms. Albino: I second it.

Chair Lee-Greig: Discussion? Does any -- everyone okay with the amendments to the staff report and -- okay. Let's vote. All in favor? Any opposed? Motion carried.

It was moved by Commissioner Mary Wagner, seconded by Commissioner Louella Albino, then

VOTED: to accept the review comments of the Planning Department as presented and discussed.

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

Chair Lee-Greig: Thank you so much.

Ms. Sarich: Thank you very much.

Mr. Bassford: If I may, this is the first time, and it's quite refreshing, to see such a humble toned-down new home being constructed. I think it's great. It looks awesome, you know. Good on you, bruddah. Good on you.

Ms. Albino: Thank you.

Ms. Sarich: Thank you.

Chair Lee-Greig: Okay, moving on to Communications:

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

D. COMMUNICATIONS

- 1. U.S. Department of Transportation, Federal Highways Administration continuing National Historic Preservation Act, Section 106 Consultation for the proposed Hāna Highway Bridge Improvement**

Project, involving the following bridges along Hāna Highway: Kailua Stream Bridge, Makanali Stream Bridge, Puohokamoa Stream Bridge, Kopiliula Stream Bridge, Ulaino Stream Bridge, and Mokulehua Stream Bridge (A. Kehler)

The Commission may advise the U.S. Department of Transportation, Federal Highways Administration in carrying out its historic preservation responsibilities, pursuant to Subsection 2.88.060.A, Maui County Code

Ms. Kehler: Okay, so in your packets, you should have a letter from the Central Federal Lands Highway Division, and in this letter, this agency talks about how they came to the Cultural Resources Commission back in March, and they introduced the project, which involves making upgrades to six historic bridges in -- along Hana Highway, and this is the State-owned side of Hana Highway, and these bridges are part of the Hana Highway Historic District, which is on the National Register of Historic Places, so because it's involving Federal money, there's this national law that's a Federal law that's triggered and you folks are afforded the opportunity to participate in this Federal Historic Preservation Review Process. So last March, we sent a letter to -- to this office of the Federal Highways Administration telling them, basically, that the Cultural Resources Commission would like to be continuously updated on this project as it moves forward. So since they came last March, they have identified areas of potential effect for each bridge that they'll be working on that's part of this project, so an area of potential effect is a term that's used in this Federal Historic Preservation Law. I'm going to just read it to you, it's from the Code of -- it's 36 CFR 800, I'll just read you the really blah definition, I hate legal stuff like this, but I just am going to read it to you so that you guys understand what the area of potential effect is: It's the geographic area or areas within which an undertaking may directly or indirectly cause alterations to the character or use of historic properties if any such properties exist. Okay, so, basically, it's -- okay, and then it goes on to say, "The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." So, basically, it's like the area where a certain project might harm a historic property's character or cause it to not -- no longer be eligible for a register anymore. And so in the letter that is in your staff report, they've identified these six areas of potential effect, and in the letter they say that they've also not only included the bridges, but the staging areas where they might stockpile materials and equipment for construction on these bridges, and so there's several different attachments that map out the proposed areas of potential effect, that's what these look like, so if the body has any comments or concerns about what they've identified in this letter as their proposed potential effects, let me know today, and we can send a letter to this Federal office. Also, they told me that they'll be coming out here sometime soon to kind of go over updates about the project and to solicit feedback but, for now, if we have questions or comments, I'm happy to take them down and send them to them.

So aside from the areas of potential effect, they've also provided an update on their historic property identification efforts. So it says here that they've hired a consultant by the name of HDR, and they've also hired subconsultants, Scientific Consulting Services and Fung Associates to help with their historic property identification efforts. So it also says, "Scientific consultants will be performing full archaeological inventory surveys of their identified areas of potential effect." So all of the circled areas on the map, those will be receiving full archaeological inventory surveys. So it says here that their AISs, their archaeological inventory surveys will involve archival research, consultation, and field survey and analysis.

And that is pretty much it. And then it -- and then it just says this office will continue to share inventory survey results and additional project information with the Commission as it becomes available for you guys to review and provide feedback on, so do we have any questions, comments, concerns right now about the letter that they've issued to you guys?

Chair Lee-Greig: Commissioner Bassford.

Mr. Bassford: For the record, I just wanna say that I'm involved in this project and I'm currently working on it, so I'm seeking advice from Corp Counsel as well as the Chair on should I recuse myself or should I sit on the meeting?

Ms. Desjardins: So you certainly can sit in on the meeting, you don't have to leave the room or anything, just I don't know that there's really going to be any action taken, I would probably say probably don't vote on anything if there is any voting that takes place, so but thanks for letting us know.

Mr. Bassford: Thank you.

Chair Lee-Greig: Commissioner Ropa.

Mr. Ropa: So when they say a "potential effect," they mean like destroying the sites for their staging area?

Ms. Kehler: Well, so a potential effect could be direct, like directly harming a historic property, or it can be indirect, like it's in a view plain of a historic property and it's destroying the line of site or something like that.

Mr. Ropa: We can't ask him questions, huh?

Ms. Kehler: I think -- can?

Ms. Desjardins: I wouldn't --

Ms. Kehler: Okay.

Ms. Desjardins: Suggest that that be possible, unfortunately, yeah. He'd probably be a really good resource, but maybe not as a Commissioner, yeah.

Chair Lee-Greig: Any other questions.

Ms. Albino: Do we have any information regarding anything historical or archaeologically significant regarding these staging areas?

Ms. Kehler: We don't -- we don't know yet, but it sounds like they're doing archaeological inventory survey right now, and when we get that, when they get that information, they'll be sending it to you guys to review.

Ms. Albino: Okay. Thank you.

Chair Lee-Greig: So I know that HDOT did a preservation plan, my question would be is FHWA taking to consideration the recommendations put forth by Fung and Associates as a part of that plan, and it was a very detailed process going -- looking at each and every single bridge, and where those bridges are -- were eligible? I know that there was a very detailed process to determine how best to address deficiencies in the bridge so if -- I don't -- I would like to know more about that if --

Ms. Kehler: Okay.

Chair Lee-Greig: If FH -- 'cause then I would have familiarity with the recommendations for at least the historic character of the bridges.

Ms. Kehler: Okay. I do -- I have that -- I have a copy of that plan, so I could distribute it to the body, and then we could send a question to this Central Federal Lands office; that's a great point, and I remember going through that and they -- it was an extensive and painstaking process where they had to involve engineers, and they had to talk about, okay, well you know, this certain wall is going to have to come down, and they're going to have to move the bridge out this way, and so there was all of this information available, so it is -- I am curious as well to know how much of that information they will be using.

Chair Lee-Greig: And the other thing is in that -- in that report or in that plan, they, while it wasn't a focus of the plan, they did look at historic culverts, right, and so that I -- I would have to go back to the recesses of my brains to kinda look at where these are in relation to those historic culverts, and I know in different -- in different places along the Belt Road, there are -- they're not stabled, they're not guardrails, you know, but they are deterrents, and they're historic, they look historically constructed, so what are -- where are those in relation to the -- the APE. And then I also know that there are stacked

stone retaining walls along different sections of Hana Highway or the Belt Road, and I would like to know where those are in relation to the APE, or if there are any of those, that type of construction, I know that it doesn't quite meet current highway codes to keep that type of construction, but it was quite a feat of engineering at the time.

Ms. Kehler: Yeah. And I -- there are -- there's all these things that the Federal Government put out about how you can retrofit old bridges and old infrastructure to not necessarily make it modern day safety standards, but to make it safe enough.

Chair Lee-Greig: Context sensitive solutions?

Ms. Kehler: Yeah, exactly. Yeah.

Chair Lee-Greig: So, yeah, so kind of -- I know that they did, for the bridges themselves, they look specifically at those context sensitive solutions, but the -- the entryways how -- how equipment is going to go in and out of the staging areas, that is a thought and a concern when thinking in terms of old culverts, historic culverts, these retaining walls, if they are there, old curbing, I know that there is a small section where it looks like there's just this really beautiful section of dry-stacked curbing and it's very low and it's more of a deterrent than anything else rather than safety. That's all I have. Commissioners, anymore addition?

Ms. Wagner: I'm just curious, since I don't really know anything about this, are they going to replace them with new bridges or just restore the existing bridges?

Ms. Kehler: So when they -- when the Department of Transportation got Federal money to do that bridge preservation plan, they outlined specific actions that they would take for each one of these bridges, and some of them I don't think -- there was maybe one or two where they said they would do reconstruction, so that means they would demo it and rebuild it new, but, for the most part, most of it was like making these little adjustments, context-sensitive sort of adjustments, to make sure that they were retaining the historic -- the historicness. So I don't know how much difference there is between what was explained in that plan and what they're going to do now.

Ms. Wagner: Right, because it's such a dilemma with so many tourists going out on those roads every day and the, you know, it's like how do we limit that and how do we keep it so that the -- the bridges don't fall down, and the town doesn't get destroyed.

Ms. Albino: Yes. That's the age-old question.

Ms. Wagner: I think we need a big toll.

Ms. Albino: And I think the past -- in the past, that was always a concern about how to preserve those bridges and -- and still contain the current amount, growing amount of tourist traffic let alone the natives or people who live in Hana and around there.

Ms. Wagner: Oh, I have one other question. When I look at these maps, just out of curiosity, what is this tunnel? There's a tunnel that -- on Attachment A, Figure 2, it's like these extensive tunnels that they call out.

Chair Lee-Greig: Water.

Ms. Wagner: So it's not a underground tunnel, it's just a -- a ditch?

Chair Lee-Greig: No. So it's -- it's a drilled-through ditch.

Ms. Wagner: Under -- underground ditch or --

Mr. Bassford: There's a very vast series of ditches and tunnels that bring water from that side of the island to Central Maui; that's part of the EMI system.

Chair Lee-Greig: Yeah.

Ms. Wagner: Wow.

Mr. Bassford: And that is part of -- that is -- some of those historical features are potentially going to be impacted.

Ms. Wagner: Yeah, that seems like -- they would be really delicate, I mean they're going right by some of these bridges.

Chair Lee-Greig: Okay. I think -- do you need anything more from --

Ms. Kehler: Would you like me to send a letter to the -- yeah?

Chair Lee-Greig: Yeah.

Ms. Kehler: Okay.

Chair Lee-Greig: If we can send FHWA the -- the comments --

Ms. Kehler: Okay.

Chair Lee-Greig: Concerns and the questions about that and then maybe they can address that when they come --

Ms. Kehler: Yeah.

Chair Lee-Greig: The next time.

Ms. Kehler: Okay. Mimi, do they need to make a motion to provide these comments?

Ms. Desjardins: Yeah, I would go ahead, just in an abundance of caution, and just move to -- so that it's a board decision to do that, so why don't you go ahead and entertain a motion to adopt the comments and questions that were raised now for the Planner to --

Chair Lee-Greig: Do we have quorum without Ian's vote?

Ms. Desjardins: Yes. We do.

Chair Lee-Greig: Okay.

Ms. Desjardins: Yeah.

Chair Lee-Greig: Do we have a motion on the floor to adopt the comments and send to FHWA?

Ms. Celiz: I make a motion to adopt the comments and send it.

Mr. Ropa: Second.

Ms. Albino: To Federal Land Survey --

Chair Lee-Greig: Discussion? Any additional discussion? None? Okay, those in favor of adopting the motion, say aye? Yes? Those opposed? And Commissioner Bassford has recused. So motion passes. Thank you.

It was moved by Commissioner Yvette Celiz, seconded by Commissioner Michael Ropa, then

VOTED: to adopt the comments and questions of the Commission to be transmitted to the U.S. Department of Transportation, Federal Highways Administration.

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

Ms. Kehler: Good questions.

Chair Lee-Greig: Item 2 on -- under Communications:

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

2. Discussion of correspondence dated September 30, 2019 regarding: the preservation of the Vancouver Monument in Kihei; and the creation of an expanded historic district surrounding the Nationally-Registered Pu'unēnē School

Chair Lee-Greig: Do we have a presentation or just running through the correspondence?

Ms. Kehler: Just, yeah, so at the last meeting, there was a request -- okay, so just to back up. Someone had sent a letter to the Commission regarding those two items and, at the last meeting, there was a request to put that letter on the agenda so that it could be discussed. I don't have any discussion points for this but if you folks do, feel free. I do have -- I received some information from my Director about the Vancouver Monument.

Chair Lee-Greig: Okay.

Ms. Kehler: It is -- there's a special management area permit and there's a condition from the planning commission that involves receiving entitlements to remove the revetment in front of that area as well as the monument itself, and, from what I understand, they -- whoever the permit receiver is has not demonstrated compliance with that condition yet, but they're working on it. I don't have any other information on that.

Chair Lee-Greig: Okay. We have someone representing the landowner or the -- okay.

Ms. Shelton: Good afternoon everybody. My name is Patty Shelton. I work for a company called Rider Levett Bucknall, and I'm the project manager, representing Kuponno Partners, the developer of the Maui Bay Villas project. The Vancouver Monument, that is a correct statement, it is part of the SMA requirement for this project, it does require the removal of revetment and the monument. At this time, we're working on permitting to get that removed with the DLNR, DSA, and other agencies, and then we will be able to -- if you'd like us to attend another meeting to give more information, we're happy to do that.

Chair Lee-Greig: There's a question about the totem poles?

Ms. Shelton: They're -- they're no longer there. They've been gone for a long time.

Chair Lee-Greig: Does anybody know where they went?

Ms. Shelton: Probably vandalism. Yeah, they're not -- they're no longer there.

Chair Lee-Greig: Okay. Does anybody know when they were removed?

Ms. Kehler: I have no idea, but, you know, okay, so this the old Maui Lu property --

Chair Lee-Greig: Right. Yeah.

Ms. Kehler: And it's been vacant for a number of years and I don't recall seeing those down there in the last few times that I've been down there. I don't know.

Chair Lee-Greig: Would it -- now I'm just curious. I never knew, I mean I've lived down there for a while, but I never knew the significance of the totem poles. Can -- does anyone -- Ian, do you know?

Ms. Wagner: I heard that there was just like some people put them up and there was not really any --

Chair Lee-Greig: Alright.

Ms. Wagner: Very serious cultural reasons.

Chair Lee-Greig: Okay. There was not --

Ms. Wagner: I mean that's ...(inaudible)...

Chair Lee-Greig: I don't even know. I always thought they were --

Ms. Shelton: The -- from just a little bit of research that we've done already on the Vancouver Monument 'cause we're working with community groups and the descendants of that area, the monument was constructed around 1965. It was -- it was just built by a Canadian resident, the man who built the Maui Lu property at that time, I can't remember his name right off the top of my head, but it was never sanctioned, permitted or anything, they just built it. A bunch of people just got together and built it. It doesn't really have any historical significance, and, also, Vancouver never did anchor in Maalaea Bay, from what we understand, but we do have a lot of information on it, we're working with the community, you know, to get more information, and we'd be happy to attend the next meeting if you want. If you have it on the agenda, we can bring more information at that time.

Chair Lee-Greig: Okay. Thank you.

Ms. Kehler: I grew up in Kihei too and something just sparked, when we were talking about the totem poles, because I always remember a Canadian flag being flown in front of the Maui Lu, I was like maybe it has something to do with Canada. I don't know.

Chair Lee-Greig: I don't know if was a cultural exchange or some sort of Northwest Coast kind of thing or -- alright. I don't think -- would the Commission like to see this and have a presentation on the -- movement of the Vancouver Monument added to the CRC agenda for future consideration? No? Yeah.

Ms. Wagner: I think we have bigger fish to fry.

Ms. Kehler: Thank you.

Chair Lee-Greig: Okay, so thank you so much for coming and explaining that aspect and that I think -- I think we're okay. We're not going to take any action on this at this time.

Ms. Kehler: Okay.

Chair Lee-Greig: So Puunene School and potential historic district. What is the Commission's ability to bring something forward to be nominated as a district to the register?

Ms. Kehler: You -- you do have that ability to do that, but it's one of your powers afforded to you in the -- in your -- I think it's in 2.88, Maui County Code, so yes, if there's ever anything that you're interested in nominating, let me know and we can talk about it, and we can talk about how we might get to the point of presenting a nomination to the State Hawaii Historic Review Board.

Chair Lee-Greig: Commissioner Bassford, do you have a passion for this area?

Mr. Bassford: I'd like -- I'd like to open a discussion. Plantation important to me as it is for the majority of Maui. My family worked for that plantation. Beautiful architecture down there. It's old. It's the last vestige of sugar in the State. I -- with the new ownership of the land surrounding that area, that area is not owned by Mahi Pono, that area is still owned by A&B, and as it stands now, while the school is being kept in good shape, the church is dilapidated, the meat market, the motor pool and the garage are sitting fallow and falling apart, concrete spalling. The mill itself is just being left to rot. The museum itself is kind of in bad shape. I would like to make a motion to extend the historical district to Puunene. I think it's important. You know, we're talking about, not just the school, not just the church, not just the meat market, you know, there's the Sakamoto Pool, he was an Olympian; there's all kinds of stuff within those lands that have very deep cultural significance to everybody who lives on this island, and I think

it's important that we do what we can, as Commission Members, to somehow seek some type of purvey over that so we can take ownership for our history. Thank you.

Ms. Desjardins: Chair?

Chair Lee-Greig: Yes?

Ms. Desjardins: So my suggestion is rather than make a motion at this stage of the discussion, and, Annalise, correct me if I'm wrong, it might be worthwhile for this body to suggest to you that there be some commencing, like you said, opening the discussion, putting together some kind of a presentation that could lead this body towards what you're ultimately asking for, Commissioner Bassford, which is to extend historical significance to this area, so, Annalise, is that something that you could work on within the Planning Department?

Ms. Kehler: Yeah. Yeah. So if -- if the body is interested in perhaps designating that area either at the State or National level, then we would want to do some investigating, we would want to do some surveying of the area, see what's there, and then if we find that there is sufficient historic integrity in that area and that we believe that it is eligible for a register, then we would -- we would move forward with preparing a nomination.

Chair Lee-Greig: How -- how would that work on private -- with a private landowner?

Ms. Kehler: Yeah, so that's the other thing that needs to be considered is, at the State level, you can designate without property-owner consent. At the National, you cannot. So there is one example that I know of where they -- something was listed on the State Register without property-owner consent in Waikiki, it was a hotel, I think they sued. I don't know what -- I don't know what happened, but I remember that being a big deal. But, yeah, we would -- it's -- one of the difficulties with that is A&B.

Chair Lee-Greig: How difficult would it be to open up a conversation with A&B about it?

Ms. Kehler: We could try. We could try. We could send like a -- a letter to them asking if they'd be interested or willing to entertain designating.

Chair Lee-Greig: Has there been a -- a HAER done for the mill?

Ms. Kehler: No. Not yet.

Chair Lee-Greig: Okay.

Ms. Kehler: The HAER would be when if they ever came in for a demo although I would like them to do it anyway because if they don't demo, then, you know, like who knows

what's going to happen, how long it's going sit empty and start rotting, and so, yeah, it would be good to get everything documented at least. Yeah.

Chair Lee-Greig: Would there be funding to -- a funding source to -- if the County were to just, as a part of the investigation for, you know, the conversation with A&B and, hopefully, they'll say yes please, would there be funding to do -- to complete a HAER as a part of the overall survey?

Ms. Kehler: Yeah, so the County, every year, there's a \$25,000.00 budget for HABS/HAER, and that is a possibility. There is a possibility to use that money to get, I don't know how far it would go, but we could get something out of it I'm sure, yeah.

Ms. Wagner: I support the effort for the historic value of that area, and the beauty of some of those buildings back there, and, also, just the sense, it's like it has a feeling of an old community that's just been left derelict, and it would be so awesome to have that -- have effort go back into restoration, but not necessarily like it would be really neat to - - to restore some of those buildings, but it would need to be allowed to develop and grow into a living viable place again, and I don't know what being on a historic register if that like limits it or if it encourages it, or how does that work?

Ms. Kehler: I don't know. We would have to think about that. It doesn't stop it, but it -- it would require extra thought in what goes in there in the future.

Mr. Bassford: My -- my concern is ten-fold, but seeing the pattern of urban sprawl that we have going on now with Target and that building and knowing about the plans down at the Pulehunui project, the development trend right now, in term of urban planning, is slowly working through that isthmus, and I'm scared that the longer it takes and the longer that stuff sits there, the easier it's going to be to get it to go, which is why I requested that this letter come up because I think that that community, those buildings, that area is valuable, and I think that there's -- if there's some way that we can do something with it, like Commissioner Wagner said, that we gotta be able to lomilomi that and bring it back to life. I think that's important for Maui's community.

Ms. Kehler: So I think -- I think, in my mind, after hearing some of the discussion, I think one of the priorities should be to get it documented because we never know what's going to happen, I mean two of the houses have just burnt and that's really unfortunate because they were really, really beautiful and they were the last homes besides the Sugar Museum left and it burned so --

Ms. Wagner: And the Post Office, I mean it's like isn't that a Federal building? It looks like it's about to fall down.

Ms. Kehler: So it's -- yeah, I know. I have a post office box there so -- there's like tons of dirt in the box.

Chair Lee-Greig: I have one there too because I didn't want them close. I'm like I'm going to --

Ms. Kehler: So I don't know how the Commission feels but perhaps we could --

Chair Lee-Greig: How is the -- how would this fit into the County Historic Preservation Plan at all as an endangered resource or something like that?

Ms. Kehler: It could. It could. One of the biggest challenges that I find here is lack of understanding and awareness of what historic preservation means and why historic properties are important, so I'm just anticipating pushback, that's just how it goes, that's usually what I experience with these types of things, so it's like a symptom of a larger problem, and it's not just Puunene, it's everywhere, but it is an endangered resource,

Ms. Wagner: I think your idea of saying we need to document it is a -- the smartest first step so that at least there's a record that we're working on documenting this; it gives it validity in just its own right.

Ms. Kehler: Yeah. I'm just trying --

Chair Lee-Greig: Would it be difficult to obtain a right-of-entry through A&B 'cause that would be needful?

Ms. Kehler: Yeah. I just need -- I need to like think about -- I need to strategize about how to best approach them on behalf of the Commission. I can talk to my Director and kind of think about this 'cause I don't want to scare them away, you know.

Ms. Desjardins: I just wanna put a little bit of input in here that's not directly legally related, but, from working for the County, what I see with a lot of these is it starts with a nonprofit, like a community group, folks outside of this Commission can get together and decide that they want to form an organization whose sole focus is to talk to A&B about trying to obtain this property, talk to representatives of the County who shall remain nameless, have some authority to, you know, take over properties, but, really, I think it's going to be more than just what this Commission wants to do and then somebody's gotta approach A&B, but then once you have a nonprofit status, whatever group this is, you can apply for grants with the County for restoration, I mean there's lots of resources, but you have to get it on the radar, and if it's something that Commissioner Bassford, obviously, feels very strongly about, he might be a good person to start that thought of how do we preserve it. I know like Old Maui High School has a group, a community group that have received grant to oversee that property and to maintain it, and so you identify these things and, you know, sometimes you get lucky and A&B decides they don't really want that property, it's a nuisance to them and they're willing to donate it, or, you know, don't give up on that thought. But that's just my

thought from watching how things work around here but has nothing to do with this Commission, so sorry.

Ms. Albino: Thank you for that, that comment, because I was just going to mention something about having the community of Puunene garner, you know, their people and be a part of the, I'm not saying protest now, it's a lot of that going on, but the approach, you know, that project. Community input is -- is really a powerful thing outside of the Commission and what we're doing trying to really preserve the place, the people who love and who want to see the same thing happen.

Ms. Kehler: I think -- I think a good place to start would be to ask about accessing the property to get it documented, and then kind of work our way and see how that goes and I'll -- I'll discuss it with my Director.

Chair Lee-Greig: How about the Director of the Sugar Museum? Is that still Roslyn Lightfoot?

Ms. Kehler: I saw that she left, but I can check.

Ms. Wagner: Annalise, the thing that would be really helpful to have besides the individual buildings is kind like a -- a scope of the area, like to map out the extent that we wanna contain it, and then to have a plan that makes it easy to start thinking about how it could be used again, so not just limited to the documentation of the façade of this building or that building, but just more of an overview that, you know, defines more of a general than a specific -- you know how the preservation documents are done where like all the facades are all drawn, and they're gorgeous, and all that, but more of like a general prioritizing of this is the area and these are the most important buildings, and these are the ones in disrepair, these are the ones that are most viable, we could -- you know what I mean? So because it's a limited amount of money, to not get lost in the trees.

Ms. Kehler: So like prioritizing maybe which buildings get documented first?

Ms. Wagner: Yeah, but also just have a layout, an overview plan --

Ms. Kehler: Yeah.

Ms. Wagner: So people can look at it and they can see where the roads are, and see where the buildings are, and see how the whole place could be used again, and which buildings noted -- I mean it can even be a photographic analysis with each building as opposed to a record drawing.

Chair Lee-Greig: I'm sure there's aerials, aerial photographs that can --

Ms. Kehler: Yeah.

Chair Lee-Greig: Help with that. I think one of my -- one of my non-historic preservation concerns for that area is with the pesticides and the chemicals in the area, right, so I don't want anybody to endanger themselves trying to get this done but -- but, yeah, just to have that awareness that it is a former mill that had some pretty nasty hazardous materials.

Ms. Wagner: What do they call those? Brown sites?

Ms. Kehler: Yeah,

Ms. Wagner: You know there's money for clean up those brown sites.

Chair Lee-Greig: Yeah. Yeah

Ms. Kehler: Okay. So let me -- let me strategize and think and talk to my Director, and I'll come back to you guys with some ideas on how to move forward. I think --

Chair Lee-Greig: The person who sent this letter, the County employee, is this person affiliated with a nonprofit at all or --

Ms. Kehler: I am not sure. I don't know who this person is and I --

Chair Lee-Greig: Okay.

Ms. Kehler: Yeah.

Chair Lee-Greig: Some like semi-anonymous letter.

Ms. Kehler: Yeah, kind of. Yeah.

Chair Lee-Greig: So would it be a good idea to respond to this or no?

Ms. Kehler: No, but maybe, like at some point in the future, we could reach out to him and see if he would like to come talk to the Commission about --

Chair Lee-Greig: Okay.

Ms. Kehler: Whatever it is that he's interested in over there.

Chair Lee-Greig: Do we need to take any specific action or no? Just kind of --

Ms. Kehler: No.

Chair Lee-Greig: Hashing it out. Okay.

Ms. Kehler: It's just something that I need to work on.

Chair Lee-Greig: Okay. Thank you. Anything more on this agenda item on from the Commission? Questions? Comments? No? Okay, moving on to Unfinished Business:

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

E. UNFINISHED BUSINESS

1. **Office of Hawaiian Affairs requesting comments on [A Palauea: 'Āina Ka'iahea Leo Kūpuna](#) (Palauea: A Place Where Ancestral Voices Resound) - Draft Palauea Cultural Preserve Preservation Plan; Palauea Ahupua'a, Honua'ula, Maui; TMK (2) 2-1-023:034 ([Staff Report](#))**

The Commission may review and approve this preservation plan pursuant to Section 19.91.030, Maui County Code – Cultural Preserve Park PD-K/8

2. **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 Palauea 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 Palauea Subdivision, issued November 16, 2000

Ms. Kehler: So regarding these two Office of Hawaiian Affairs items, when we last discussed this plan, we sent the Office of Hawaiian Affairs a list of questions, and comments, and concerns regarding the plan. I've not heard anything from them at all. And we were supposed to have a site visit but there was some difficulties with gaining access to the property. And so I need to know if the Commission would still like to have that site visit, and if so, when, because they are wanting -- they want a legal document to access this site.

Mr. Bassford: Pardon me. They want a legal document?

Ms. Kehler: Yeah, they want a right-of-entry.

Mr. Bassford: For us?

Ms. Kehler: Yeah.

Mr. Bassford: So are they going to make every member of the Hawaiian community and the public get a right-of-entry permit?

Ms. Kehler: Well --

Chair Lee-Greig: Are they going to make the Historic Preservation Division apply for a right-of-entry permit?

Ms. Kehler: I don't know. I don't know. It wasn't clear to me like if they wanted the public to do that as well if they came because they wanted us to have a closed meeting, which is so difficult, procedurally, that I'm not interested in entertaining that, I mean we can, but like I don't want to deal with the procedures of it because it's really -- it's easier to just allow the public to be there than not.

Chair Lee-Greig: Did they specify why was it a concern that having a lot of people within the preserve be an issue?

Ms. Kehler: I think they're afraid of someone injuring themselves.

Ms. Desjardins: Can I say something?

Chair Lee-Greig: Yes.

Ms. Desjardins: So I don't recommend doing this under a right-of-entry agreement for a couple of reasons: One is it's a -- it should be a public place. My understanding is is that the whole idea of the preserve is to open it to the public, so it's unclear to me why they would need us to waive liability, etcetera. We can create a public meeting and -- and ensure the safety of the public, for example, when you have these site visits, everybody needs to stay together, you folks have to stay together anyways under the Sunshine Law, so we could, obviously, have those members of the public that were interested in attending the meeting understand that those are ground rules. I don't think there's a basis to say that this is a dangerous place and, therefore, we should be engaging with the Office of Information Practices about having a closed meeting. So I'm not inclined, at this point, to -- and Annalise and I had exchanges about this during the discussion about the right-of-entry that this isn't really a right-of-entry situation. I'm happy to talk to OHA, talk to the director, see if we can come to an understanding, maybe they need a little bit more clarity and assurance that this really needs to be a public place. It's accessible to the public anyways. I thought that was the idea of it. So I think it's a good idea for you folks to have a site visit, if that's what you want to have, but, clearly, we've run into some roadblocks and legal roadblocks and we probably need

a little bit more time to work those out, if that's okay, and then we can let you know in the future when we have worked it out and then we can get back on this. But as far as this preservation plan goes, under the law, you have to approve the plan or disapprove the plan, so it's not going to get approved without your input, so it's just delaying it, but it doesn't mean that you're waiving any legal, you know, right to approve this plan.

Ms. Albino: So -- so people who want to practice cultural protocol are also being denied entry?

Ms. Kehler: I don't think so.

Ms. Albino: Okay. I'm trying to -- to figure out what OHA is -- I'm sorry, what are they afraid of really because they're running -- we've run into many other difficulties with them being transparent and do we have to approach them in that way? We're here to practice cultural protocol, which means we go, we aloha the aina, we oli, and we talk about kupuna there that's -- does that -- it violates -- it violates our right to be able to -- to choose to practice our culture if it goes to that point because if they're denying the public, I don't want to go there, I wouldn't want to go there, I mean we have to, but I'm thinking about what their intentions are and why we can't go there if it's the venue, if it's not safe, and then -- and so it's complicated, I'm just -- I don't agree with what they're doing. It doesn't sound right.

Ms. Kehler: Yeah, so, Mimi, did you look at that document that I sent you that they wanted us to sign?

Ms. Desjardins: You know, part of what I think, it could be a simple factor of just having to talk to the right people, I mean it could be putting a little bit more grease behind this and getting a little higher up the food chain and getting them to understand that you folks are the commission that is to approve or disapprove this plan and, therefore, you do need to go see this place and the Sunshine Law requires your meetings to be open meetings. So unless they can identify some real reason why it would be unsafe, but I agree with Commissioner Albino, this is, you know, practitioners should be having access to this place regardless of this little issue that's come up, but the right-of-entry, as drafted, was not acceptable. There should not have to be a legal document to get us access to this property. So I will work with Annalise to talk to OHA and see if we can get somewhere on this sooner than later 'cause I think it needs to be done --

Ms. Kehler: Yeah.

Ms. Desjardins: Within the next few meetings.

Ms. Kehler: Yeah. So I'll try -- I'll try to get a site visit to happen on -- during a regularly scheduled day so that no one has to come during a day where we don't normally have meetings, and I'll try -- I think the time that we agreed was acceptable was 9 a.m. Oh,

that was right. It couldn't -- sorry. I don't think the Department could accommodate 9 a.m. because of our outer-island Commissioners so --

Ms. Desjardins: But the good news is it's cooler now.

Chair Lee-Greig: Right.

Ms. Desjardins: Than it was in August.

Ms. Kehler: Yeah. Yeah.

Ms. Desjardins: So maybe if we go at 11 --

Ms. Kehler: Yeah.

Ms. Desjardins: It'll get cloudy and it'll be a little nicer than it would have been two months ago when we all would have probably ...(inaudible)...

Ms. Kehler: Yeah,

Ms. Desjardins: Out there.

Ms. Kehler: So I'll try to get it during a regularly scheduled day and time, and I'll work with Mimi and maybe we'll poll the Members and work with OHA and see when they're available, and we'll just send you an email with information as we get it.

Chair Lee-Greig: OHA understands that this Commission has review and acceptance and authority over this plan, they understand that?

Ms. Kehler: Yeah. I mean they have -- they got the staff -- they had a staff person here.

Chair Lee-Greig: Yeah.

Ms. Kehler: They got the staff report that outlined all the questions and your authority over this plan, and they have -- they signed the document that said they would accept responsibility for those - I forget how many conditions of zoning, so that was a deal when they accepted the deed to that property that they accepted responsibility for those unfinished items. So I -- because they haven't responded, there's not much that we have left to discuss unless anybody has reviewed the document again and has additional comments or concerns at this time.

Chair Lee-Greig: I would rather, for me, I would rather wait until we have the site visit.

Ms. Kehler: Yeah. Okay.

Chair Lee-Greig: Does anyone else have any -- can we wrap these two items --

Ms. Kehler: Yeah.

Chair Lee-Greig: Together?

Ms. Kehler: Should we -- should we just defer them? Okay.

Chair Lee-Greig: So we're going to defer items 1 and 2, under Unfinished Business.

F. NEXT MEETING DATE: January 2, 2020

G. ADJOURNMENT

Chair Lee-Greig: Our next meeting date is January 2, 2020. This meeting is -- I'm going to adjourn this meeting at 12:50. Mahalo everyone for your time.

Ms. Kehler: Thank you.

Chair Lee-Greig: Thank you.

The meeting was adjourned at approximately 12:50 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present:

Tanya Lee-Greig, Chairperson
Louella Albino
Ian Bassford
Yvette Celiz
Michael "Kaleo" Ropa
Mary Randall Wagner

Excused:

Ka`apuniali`ionalaniki`eki`ie Aiwohi
Ivan Lay, Vice-Chairperson
Daniel Kanahele

Others:

Jennifer Maydan, Planner VI, Long-Range Division, Dept. of Planning

Annalise Kehler, Cultural Resources Planner, Long-Range Division, Dept. of Planning

Mimi Desjardins (Excused at 1:25 p.m.), Deputy Corporation Counsel, Dept. of the Corporation Counsel

Suzette Esmeralda, Secretary to Boards & Commissions, Current Division, Dept. of Planning