

**CITY OF LEWISTON**  
**HISTORIC PRESERVATION REVIEW BOARD (HPRB)**  
Thursday, April 1, 2021, @ 3:00 p.m.  
ZOOM Meeting  
**FINAL MINUTES**

**I. Roll Call:** The meeting was called to order at 3:01 p.m., and David Chittim chaired the meeting.

**Members Present:** David Chittim, Douglas Hodgkin, Jack Clifford, IV, Michael Brochu, Sandra Marquis and Mark Lee

**Members Absent:** Steve Dayton

**Associate Member Absent:** Margaret Craven

**Staff Present:** Douglas Greene, Deputy Director of Planning & Code Enforcement and Cathy Lekberg, Planning & Code Department

**Guests Present:** Michael Dostie and Daniel Dostie

**II. New Business**

**177 Main Street – Mural/Artwork**

Sandy Marquis recused herself from voting on this agenda item.

Mike Dostie introduced himself and asked if he could call his father, Daniel Dostie to give testimony and Chairman Chittim said yes, but wanted the staff to make their report first.

Doug Greene summarized the staff report. He said that the correct address for the property is 177 Main Street, not 181-193 Main Street. He mentioned that because the building is a contributing structure, it requires a Certificate of Appropriateness. The proposed location of the mural was a firewall constructed next to a building that was demolished years ago. This wall is now exposed and visible from Main Street, which is considered to be an exterior architectural feature by staff.

Doug described the requirements for a COA application and stated that this application needed two things; a.) a deed for the property or a letter from the owner authorizing Mr. Dostie to apply and b.) the applicant had not provided a proposed design of the mural, either as a draft, concept or written description. It was unclear how the staff or the Board could evaluate the application using the review criteria without more information. Mr. Greene stated the Board shall utilize "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" in evaluating modifications to significant structures and designated historic structures.

The applicant's narrative states that previous actions by the Board at 157 Main Street in which the Board approved a window on a similar blank firewall justifies their COA request for a mural. The staff report recommended two options to the Board on how to proceed.

Option one would be to table the Board's action until a design for the mural is available to the Board to help decide if the review criteria can be met. In particular, Doug Greene mentioned

review criteria b.) which states "The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided." Board member Lee noted criteria i.) which states, "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment".

The second option from the staff was for the Board to "make a determination that the blank firewall at 177 Main Street (181-193 Main Street), while visible from the street, is not an exterior architectural feature that provides historical value as defined in Article XV, Section 1, Statement of Purpose and Definitions:

*Historic value (as to a building or place)* means any building or place that is associated with, that is the situs of, that is indicative of, or that leads to an understanding of, the history of or a period or style of architecture of, the municipality, the state, or the nation, or their lands or inhabitants, or events concerning them, including (without limitation) cultural, political, economic, military, social, sociological, or other significant events, historical personages, a great idea or ideal, archeological resources, architectural types or specimens, including (without limitation) vernacular structures that are valuable for the study of a period, style, or method of building construction, of community organization and living, or of landscaping, or with a notable structure or site representing the work of an outstanding builder, designer, architect, or landscaper, or any site listed or eligible for listing in the National Register of Historic Places or as a National Historic Landmark.

The staff concluded its presentation by noting this application for a mural on a historic structure puts the City of Lewiston on notice of the need to create a process that encourages and supports the placement of art throughout the City, while preserving and protecting their historic assets. The City supports this application for a mural and would like to find a way to make it work.

Mike Dostie called his father, David Dostie, to answer some questions regarding permits he pulled at 157 Main Street. He owned the property for 28 years. He had gone to the HPRB on April 21, 1993 and received a Certificate of Appropriateness for an awning over the front entrance, a marquee sign and for a request to bronze over the old "vault" sign. He mentioned that a window was added to a blank firewall and that the HPRB did not consider that wall to be historic. In addition, in later years, signs, and a 10' x 10' deck were added to the building. David stated that City Staff did not require approval from the Historic Board for these changes.

Mike continued his presentation to the Board, referring to approvals for building permits of a 10' x 20' deck and a window on a firewall; neither one went before the Historic Preservation Review Board. Mike contended that the HPRB had established a precedent by determining the firewall did not affect the historical relevance of the building at 157 Main Street. Mr. Dostie's current COA application mentioned other changes to the exterior such as signs and an exterior window. He also stated that there were inconsistencies by the city in that some exterior alterations were done without the city requiring HPRB approvals.

Michael Dostie then proceeded to discuss the justifications for not presenting a sketch with the following points:

1. "As you can see in my application, my position is that the wall in question is not relevant to the historic significance of the characteristics that define this building as a contributing structure. Therefore the desired alterations and their limitations outlined in my application should not be

subject to scrutiny as affecting the designation of the building as a contributing structure. (This is supported by one of staff's recommendations in the Staff Report, but I still welcome a productive discussion later)

2. My experience with founding the local art walk has given me first-hand exposure to how broadly people's likes and dislikes in art styles span. Although I have absolutely no concern about any explicit bias from members of this Board, implicit bias could be a factor in influencing any member's decision for (or against) my application which would be inappropriate.
3. I have intentionally omitted any rendering or indication of content or subject matter as a *courtesy* to the members of this Board. Should this Board rule that a certificate of appropriateness will not be granted, you are shielded from any possible claims that you did so because you disagree with (or dislike) the subject matter or styling as such an action is strictly prohibited by the First Amendment. (The limitation of the free exercise of my communicative rights is protected from government interference.) This point is somewhat related to David Chittim's position about the role of the Historic Preservation Review Board at the 12-05-19 meeting while reviewing Charlie Hewett's application of appropriateness for his "Hopeful" installation on Mill 5.

Quoted from the 12-05-19 meeting minutes: "David Chittim stated that evaluating the merits of art installation falls way out of this Board's purview. The Board is not here to evaluate the sign but to make sure it does not impact the historical building."

4. The subject matter and/or styling of the mural's content would have no bearing or influence on any historical significance of the mural itself. Example - a floral theme is no more or less historically relevant than a cityscape, landscape, abstract, etc.

If there were documented evidence that this building was originally constructed with this wall intentionally designed to feature a mural, then I would concede that future murals should be scrutinized for their historical content and context. But this is not the case as we can ascertain from the surrounding area and the use of interior bricks on this exterior wall."

Mr. Dostie concluded his remarks by stating, "I hope that these points are enough to convey a justifiable reason for not providing a sketch. Mr. Dostie then asked the Board how can precedent be established?"

- The HPRB records do not show that a COA was discussed for the window, nor for the signs on the parting wall at 157 Main St.
- The building at 157 Main St was placed on the National Register of Historic Places on April 26, 1986
- Since that date, it has never been removed from the National Register of Historic Places
- Permits were pulled by Neokraft to install signs on two different occasions for Joe Bornstein - There is no record of a COA for these signs
- November 13, 2014 a building permit was issued to construct the 10foot wide by 20-foot long deck at an elevation of approx. 23 feet - There is no record of a COA for this
- Dan Dostie testifies that he presented to the HPRB about the window on the parting wall - that it was discussed and he was able to proceed. There is no record of a COA for this
- In this very meeting's staff report a recommendation is made by city staff: "Make a motion that the Board determines the blank firewall on the west side of the building at 177 Main Street (181-193 Main Street), while visible from the street, is not an exterior architectural feature that provides

historical value as defined in Article XV, Section 1, Statement of Purpose and Definitions and will not require a Certificate of Appropriateness".

- If this were an action taken by this Board, then an alteration of this wall would in fact be approved yet, in the distant future there would still be no record of a COA
- Which is more likely, that Dan Dostie intentionally came before this Board to tell you a lie about this window that I'm referencing? that he made up a story about Gridley Barrows? - Or - that there is a history of inconsistent operating procedures that allow for this information to be unintentionally omitted? Keep in mind these examples are only the ones that I was able to find in the last hour.

Mr. Dostie stated the First National Bank building at 157 Main Street is the "holy grail" of historic preservation, it is not a contributing structure in the district, it is a listed, significant structure.

He referred to the Lewiston Historic Design Manual (which was based on the Secret The Secretary of the Interior's Standards for Historic Preservation Projects - 1.)Building Exterior Windows , 2.)Building Exterior Entrances /Porches, and 3.)Building Exterior Storefronts)

Chapter 3, Section B, Criterion 2 of the Lewiston historic design manual (as an aside- this is a section on new construction)

"The location, size and proportion of openings in the facade, primarily windows and doors, of new construction will be consistent in proportion and rhythm with openings in the facade of existing significant structures"

The window is neither a similar size nor the same proportions (or styling for that matter) as any other windows in the same building on either the front or backside. The previous members of this board made no such stipulations. Furthermore, you can clearly see there is no attempt to match the rhythm of the other openings in the same structure.

I believe these would have been important aspects that Gridley Barrows would have focused on considering his historic enthusiasm and expertise as an architect. Inversely he took a position of strong support of the application while it was being discussed by the board.

It is likely that a factor in his position was taken from The Secretary of the Interior's Guidelines (p2) under the section titled "Design for Missing Historic Features" that reads:

"When an entire interior or exterior feature is missing (for example, an entrance, or cast iron facade; or a principal staircase), it no longer plays a role in physically defining the historic character of the building unless it can be accurately recovered in form and detailing through the process of carefully documenting the historical appearance".

In order for any alterations to the wall referenced as precedent at 157 Main Street to have any relevance to the historic district, an entire building would have to be constructed.

Since it has been established by this very board the parting wall of 157 Main Street is not relevant to the historic designation of that listed, historically significant building, the *contributing* structure at 177 Main Street must be held to the same standard.

#### **Mr. Dostie's conclusion**

Everything I've discussed has been focused on the technical reasons why we shouldn't be prohibited from having a professional mural painted on this wall. But they don't really address why we should have a mural.

If we were to look beyond the Secretary of the Interior's Standards & Guidelines and the Lewiston Historic Design Manual: I believe that having a professional mural on this wall does a far greater service to the historic district than what is there now.

Currently, people's exposure to that building is limited almost exclusively to driving past at anywhere from 5 to 30mph. There are two parking spaces in front of it so by a tiny degree this exposure is increased. There is nothing about this wall that calls attention to this building or the adjacent one at 157 Main street, inversely the paved parking lot, with one approximately 30 foot high blank wall on one side, and one approximately 50 foot high blank wall on the other creates an environment that is uncomfortable and unwelcoming. You don't spend time in that parking lot, you walk through or leave as quickly as possible.

I would like each of the members of this board to think of one person under the age of 20 - a niece, nephew, friend of the family, child, grandchild. Someone you know personally.

Would that person ever go out of their way to visit and admire the building at 177 Main Street? Would they ever stop their car when driving by, pull over and get out to see it? Would they ever go out of their way to visit it with their friends when they were coming downtown to go out to eat and pose for photos in front of it?

Now think of someone under the age of 40 or 50 -  
Would they do any of these things?

Well, Chances are they *would*, if there was a professional mural on that wall - and in doing so they would have a far greater exposure to the historical design and architectural features of both the 177 Main St Building and the 157 Main Street building.

There is a chance, they would look up, or around.  
And they would see what you see - what I see, when we consider this historic district. They would get a glimpse of our history - in architecture.

And that is the reason for historic preservation.

The Board discussed the application at length. Some Board comments were:

- An oversight or failure by city staff not requiring a COA does not create a precedent.
- The blank wall in question is not by itself a historic part of the building but now that it's exposed an alteration like a door or window or door should apply for a COA.
  - Michael Dostie said the firewall at 177 Main Street would be considered a "missing element" by the Secretary of the Interior Standards.
- The Board is looking for a way to say yes.
- The Board was looking for compatibility in massing, size or scale of the alteration. Was there a conversation with the artist regarding the content?
  - Michael asked how the Board how could they make a decision based on a subject interpretation of a work of art? Michael felt that it's not in the purview of the Board to evaluate art.
- Chairman Chittim stated the Board is tasked with making a value judgment as to the alterations (mural's) compatibility to the structure.
  - Mr. Dostie asked what criteria will the Board use to evaluate the compatibility?
- Chairman Chittim said it's not for the Board to evaluate the art but to evaluate the compatibility of the change with the building. It's a nuanced point.

- The Board was not comfortable with issuing a COA evaluating the change without even a concept of the work.
- Member Clifford said this is not a takings, (should the Board turn the request down) as no court would rule in favor of turning down a portion of a building. The Board is very experience and should be able to make a decision on the mural. It doesn't matter whether the art is abstract or some other style. He encouraged the Board to take a vote. He liked the idea of a mural but the Board has to do its due diligence.
- Chairman Chittim offered to conditionally approve the idea that a mural can be put on the wall, but not issue a COA until the Board could have details of what the mural will be.
  - Mr. Dostie said he could not accept that proposal and was unwilling to disclose the subject matter or styling of the mural to this board or to the Planning and Code Department.
- Chairman Chittim asked a hypothetical question as whether a potential donor would contribute towards a mural without seeing what it might be?
  - Mr. Dostie said he would approach a potential donor but he was not prepared to show the HPRB nor the Planning and Code staff. He added that if the Board does not issue a conditional approval today, there would be no Downtown Association murals.

The following motion was made earlier in the meeting,

**MOTION:** by: **Mark Lee** that a Certificate of Appropriateness cannot be granted for the mural at 177 Main Street without providing the property deed and a written letter from the owner giving authorization to Michael Dostie to submit this application. Second by: **John Clifford, IV**

**VOTED:** **The Board did not vote on this motion.**

At this point in the meeting, the following motion was made

**MOTION:** by: **John Clifford, IV** to deny the Certificate of Appropriateness for the mural at 177 Main Street. Second by: **Mark Lee**

After additional discussion, the motion was amended to with the finding there is a lack of information in the application.

**VOTED:** **5-0-1 (Passed)**  
**Sandy Marquis Recused**

After the Board's action the following discussion ensued.

- Doug Greene said he wanted to make it clear that the Staff's supported public art, but unfortunately, the City wasn't prepared with a process to allow murals or public art, similarly to solar projects or marijuana. The Staff has been working with Mr. Dostie for a month, the first few weeks were difficult and focused on the difference between signs and murals.
- Doug Hodgkin said he was very supportive of public art but supported the motion because he didn't know what was being proposed. Mr. Chittim agreed. Mike Brochu agreed.
- Mr. Dostie asked if the Board would allow maintenance to the building's wall.
- Doug Greene said there is a provision in Article XV that allows for the maintenance and repair of historic structures without a certificate of appropriateness. He said he would prepare and send a communication to Mr. Dostie stating that.

**III Minutes:** Adoption of the March 4, 2021 draft Historic Preservation Review Board minutes.

The following motion was made:

**MOTION:** by **Douglas Hodgkin** to accept the March 4, 2021 minutes as amended as per Chairman Chittim's request to remove the term enthusiastic.  
Second by **Jack Clifford, IV**

**VOTED:** 6-0 (Passed).

**IV. Adjournment:**

**MOTION:** by **Mark Lee** to adjourn the meeting at 5:15 p.m. Second by **Michael Brochu**.

**VOTED:** 6-0 (Passed).

Chairman Chittim asked staff to look into the definition of "historic value".

The next regularly scheduled meeting is for Thursday, May 6, 2021, at 3:00 p.m.

Respectfully submitted,



Cathy Lekberg, Administrative Assistant  
Planning & Code Department