COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 13, 2006

Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii  96813

Dear Ms. Salmonson:

RE: Final Environmental Assessment (FEA) for the Proposed Demolition of a Garage and Addition to an Existing Single Family Residence, located within the Lahaina National Historic Landmark District at 250 Front Street, Lahaina, Island of Maui, Hawaii, TMK: 4-6-004:005 (EA 2006/0003) (SMX 2005/0149)

The Maui Planning Department accepts the Final Environmental Assessment (FEA) for the subject project, and hereby issues a Finding of No Significant Impact (FONSI). Please publish the FEA in the June 23, 2005, Office of Environmental Quality Control (OEQC) Environmental Notice.

We have enclosed a completed OEQC Publication Form, and four (4) copies of the FEA have been sent under separate cover. If you have any questions, please call Mr. Dan Shupack, Staff Planner, of our office at 270-5517.

Sincerely,

MICHAEL W. FOLEY
Planning Director

MWF:DBS:bg
Enclosure
c: Dan B. Shupack, Staff Planner
    Livit Callentine, Staff Planner
    Michelle Cockett, Visions
    EA Project File
    General File
    K:\WP_DOCS\PLANNING\EA\2006\0003_McKenney_Demolition\OEQCTransFEA.wpd
Final
Environmental
Assessment
For Peter and Luanna McKenney

To demolish an existing garage built in 1929
And to construct an addition
To an existing single family dwelling

For a project located at
244 Front Street, Lahaina, Maui

May 17, 2006

Prepared by
Visions
Michelle Cockett
P O Box 1633
Wailuku, HI 96793
Environmental Assessment Request

The applicants, Peter and Luanna McKenney, are requesting an Environmental Assessment (EA) to demolish a 360 square foot garage built in 1921 and to construct in its place a 1945 square foot 2-story addition to the existing dwelling, also built in 1921. An EA is being requested as part of the Special Management Permit application (SMX 2005/0149) and based on its location within the Lahaina National Historic Landmark District.

This environmental assessment is prepared in accordance with Subchapter 6, SS 11-200-9 of Chapter 200, Environmental Impact Statement Rules of the Department of Health, State of Hawaii.

Approving Agency

County of Maui Planning Department
250 South High Street, Wailuku, Maui, Hawaii 96793
Contact person: Dan Shupack, Staff Planner
Phone: (808) 270-7735

Consulting Agencies

Planning Department
Department of Water Supply
Department of Land and Natural Resources,
    State Historic Preservation Division
Department of Public Works

General Description of the Property

1. The property, located at 250 (244) Front Street, Lahaina, Maui, Hawaii, is 20,038 square feet and is identified as TMK: (2) 4-6-004:005.
2. The State Land Use District is Urban within the West Maui Community Plan designation of single family residence. It is zoned R-2, located within the Special Management Area and within the Lahaina National Historic Landmark District.

3. The surrounding properties are zoned R-2, most with single family dwellings. South of the property is Puamana, a multi-family dwelling planned development project.

4. The property has three (3) dwellings. The oldest dwelling, built in 1921, which is 968 square feet, is the subject of the proposed addition. The existing garage, also built in 1921, lies south and east. The dwellings south of the proposed project are both built in 1972, one a 912 square foot residence, the other a 500 square foot accessory dwelling. All dwellings fall within the criteria of R-2 zoning.

5. Existing Services

Water: There is currently an existing 12" waterline on the makai side of the property on Front Street. The Department of Water Supply (DWS) has capital improvement plans prepared to replace it. (Exhibit 4). There is currently an existing 5/8" water meter and a 3 /4" meter serving the property, which will be replaced as part of the Front Street retrofit. DWS will also add a fire hydrant on the north corner of the property. A fire hydrant easement has been signed and recorded with the Bureau of Conveyances (Exhibit 5).

Sewer: There is an existing 8" sewer main on Front Street. All the dwellings are tied into it (Exhibit 6). The proposed addition will be tied into the existing lateral on the property.
Roadway: The property abuts Front Street, which is a County roadway; the pavement width is approximately 25 feet. There is an existing 12 foot wide driveway which serves the property. A new 11 foot wide driveway is proposed on the north side of the property (Exhibits 7). As there is limited sight distance, a Hold Harmless Agreement is currently being processed through the Development Services Administration for the proposed new driveway. Mitigation measures will be taken to improve the ability to see improve site distance. The new driveway location has been discussed with the Department of Water Supply so as to not interfere with the location with the new fire hydrant easement (Exhibit 8).

Drainage: The property is level, any rainwater is absorbed on site. Any excess water is channeled onto Front Street where, by virtue of natural grade, it flows into the ocean across the street.

Solid Waste: The County services the removal of solid waste. The nearest transfer station is located south of Lahaina, near Lanioupoko.

Utilities: There are existing MECO poles and overhead electric and telephone lines along the frontage of the property (Exhibit 10).

Recreational Services and Resources: The Lahaina Youth Ballfield and Lahaina Recreation and Aquatic Center are located mauka of Honoapiilani Highway, approximately 3 1/4 mile from the property, within walking distance. There is a regional park, Maluuluolele Park, located on Front Street, south side of Lahaina town, also 3/4 mile north of the property.
Police and Fire Protection: The Police Station and nearest Fire Station are located at the Civic Center approximately 3 miles north of the property.

Schools: Lahainaluna Intermediate and High School & Princess Nahienaena Elementary School are located approximately 2 miles north and east of the property. Kahamehameha III elementary school is located approximately 3 1/4 mile north of the property on Front Street.

Description of Proposed Project

The proposed project consists of demolishing an old garage/laundry built in 1921 and constructing a two-story addition to the original dwelling. The garage has extensive termite damage and the timbers are rotted, and therefore, is unsafe and structurally unsound. The structure will be dismantled with hand tools so as to not to impact the existing structures around it. Best Management Practices will be implemented to prevent erosion and maintain dust control and to reduce any effects the project will have on surrounding properties. Mitigation is to include watering and construction of a silt fence if needed or required.

Construction and demolition noise levels will be temporary and minimal and be limited to daylight hours per Department of Health requirements. The new addition would include a new garage, recreation room, study and covered lanai. It will be constructed on the mauka portion of the property and be in keeping with the style of the surrounding dwellings by using a post and pier foundation (Exhibits 9 - 12).
Affected Environment

Agriculture

The project is not located in the agricultural district and therefore will not affect it. The property is within a well established residential neighborhood.

Archaeological, Cultural or Historic Resources

There are no known cultural, archaeological or historic resources on this property and has been in the same Hawaiian family for over 90 years. The applicant knows of no cultural significance attached to it. Anything of significance would have been noted within the family on previous occasions and no such records are in existence. However, the Department of Natural Resources State Historic Preservation Division has requested monitoring on all ground breaking activities (Exhibit 13). The applicant has retained the services of Teresa Donham, M.A. of Akahilele Archaeology to analyze the property (Exhibit 14). The proposed addition and demolition has been reviewed by the State Historic Preservation Division and has been determined that there are no archaeological or architectural concerns (Exhibit 14A).

Impacts on Infrastructure

Water: The existing dwellings and proposed addition are serviced by one 3/4" meter and one 5/8" water meter. The project would not have a significant impact on water resources as the property has sufficient water capacity.

Mitigation Measures: No mitigation is expected to be required.
Sewer: There is an existing sewer lateral connection to the existing dwelling and proposed addition which will have minimal impact on services or use.

Mitigation Measures: No mitigation is expected to be required.

Roadways
And
Traffic: The proposed project will have little additional impact on the existing traffic on Front Street. There will be minimal increase at this location and the new driveway will allow better access to the roadway and the property.

Mitigation Measures: A new driveway will be constructed per County of Maui standards for access to and from the property.

Drainage: There will be no change of the existing drainage conditions of the property and will not impact the surrounding area. The proposed addition will be built on post and pier to allow natural drainage patterns to continue.

Mitigation Measures: Construction mitigation will be temporary and include Best Management Practices per Maui County Code Title 20, Chapter 20.08, “Environmental Protection”. As there will be minimal grading, likely impacts would be corrected with watering for dust control and wind erosion and, if applicable or necessary, a silt fence to alleviate any drainage issues which may result from construction activities. Vegetation will be retained.
Solid Waste: The proposed addition will have minimal impact to the services already servicing on the property.

Mitigation Measures: No mitigation is expected to be required.

Utilities: As the project is an addition to the existing dwelling, no new infrastructure is needed and will have little impact to the existing services.

Mitigation Measures: No mitigation is expected to be required as existing MECO and telephone lines are in place.

Recreational Services and Resources: The existing recreational facilities will not be affected by the proposed addition.

Mitigation Measures: No mitigation is expected to be required.

Police And Fire Protection: Public safety facilities, the Police Station and Fire Station are located within 3 miles of the new project and would not increase nor impact the services they provide.

Mitigation Measures: No mitigation is expected to be required.

Schools: The proposed addition will have little to no impact on the school system in or around Lahaina Town.

Mitigation Measures: No mitigation is expected to be required.
Impacts on the Environment

The proposed addition is to an existing dwelling on a lot with existing dwellings. The neighborhood is residential, quiet and serene. It is a well established area of Lahaina away from tourist activities. The property has been in the same Hawaiian family for 90 years. It has kept the character of the community in the midst of change. The project will have no effect on erosion or aquatic resources. It is not located in a flood zone. Any noise associated with the project would be from constructed related activities and be minimal and temporary. The project is not within the view plane of a state highway and is located on the mauka side of Front Street, mauka, within the property. There are other two-story structures within the same area. The project is therefore within the scope and definition of the surrounding neighborhood. The project will not significantly affect employment, but will employ workers temporarily through the construction of it. Total building coverage on the 20,038 square foot lot will be 3,233 square feet (16.5%), including the 931 square foot 2-story addition, with 83.5% open space on the property. The increase in additional building footprint is 285.5 square feet.

Alternatives to the proposed action

A “no action” alternative regarding the demolition of the garage would result in the garage falling down of its own accord. That alternative would involve health and safety hazards and be detrimental to those living on property. Renovation of the garage is not feasible as the structural members are rotted and the timbers have sustained a large amount termite damage.
A “no action” alternative regarding the construction of the addition to the main dwelling rejects needed living area that the growing family requires. The construction will not increase the impervious cover of the lot as the existing concrete slab from the demolished garage (360 sf) will be used in the design of the new garage and living area. The foundation is post and pier resulting in minimal ground disturbance.

Conclusion

It is a permitted action to add on to an existing dwelling. Based on the above criteria, the proposed project will not have a significant effect on the surrounding environment. No natural or cultural resource will be effected, nor will it have a detrimental effect to the environment. It does not involve a degradation of environmental quality and will not negatively effect the existing quality of life within the neighborhood or community. Therefore, a determination of Finding of No Significant Impact (FONSI) is anticipated.

Compliance with Governmental Rules and Regulations

The required permits are:

- Building permit to demolish the existing garage (SHPD)
- Building permit to add to the existing dwelling (1997 UBC and MCC amendments [2000])
- Driveway permit (MCC Title 20, Chapter 20.08)
- Special Management Area Permit

The property is located in the Lahaina National Historic Landmark District and subject to the requirements of the National Historic preservation Act of 1966, Public Law 89-665, 16 U.S.C., Section 470, as amended or Chapter 6E, HRS.
Conformance to Maui County General Plan and West Maui Community Plan:

The project conforms to the County General Plan & the West Maui Community Plan. The proposed project will preserve the residential context of the community. It proposes no additional growth and will conform to the character of the surrounding properties.

Alternatives to the proposed action:

The deteriorated condition and lack of functionality of the existing garage necessitates its removal. Costs to repair and renovate this accessory structure would be substantial. The proposed addition to the single family dwelling is necessary as families grow and more room is needed. The integrity of the dwelling is then compromised if more room is not added. The family will then suffer the effects of greater density within the structure which deteriorates the dwelling at a much faster rate.

Significant effect criteria & analysis

1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;

The State Historic Preservation Division has determined that there are no archaeological or architectural concerns regarding the demolition and proposed addition. Therefore, the project is not effecting a historic or natural resource.

2) Curtails the range of the beneficial uses of the environment:

The proposed project does is not anticipated to curtail the range of beneficial uses and no long term environmental effects are expected.
3) Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS and any revision thereto and amendments thereto, court decisions, or executive orders.

As this property is in a long established residential neighborhood, the proposed demolition will not conflict with the policies or goals and guidelines of Chapter 343, HRS. The proposed addition is consistent with the objectives of maintaining the residential element of the community; the building design being sensitive to the existing structures on the property and of the surrounding properties.

4) Substantially affects the economic welfare, social welfare and cultural practices of the community or State:

The demolition of the deteriorated garage and construction of the addition of the dwelling will not impact the social or economic welfare, nor cultural practices of the community.

5) Substantially affects public health:

The proposed project will not affect the public health of the community.

6) Involves substantial secondary impacts, such as population changes or effects on public facilities:

The demolition and proposed construction of the dwelling addition will not create secondary impacts such as population changes nor will it impact effects on public facilities.
7) Involves a substantial degradation of environmental quality:

Best Management Practices will be implemented to mitigate any short term impacts of dust or noise on the surrounding properties.

8) Is individually limited but cumulatively has considerable effect upon the environment for larger actions

The proposed project will not cumulatively effect the environment for larger action.

9) Substantially affects a rare, threatened or endangered species or its habitat:

There are no known rare, threatened or endangered species which inhabit nor are located on the property.

10) Detrimentally affects air or water quality or ambient noise levels:

The proposed project will have no long term effects on air or water quality. Any ambient noise levels will be short term. Inspections will be made to address any potential asbestos concerns and paint will be tested prior to any demolition to determine if lead is existing. If any is found, mitigation measures will be implemented to insure the removal will have minimal impacts to the air and water quality.

11) Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters:
The property is not located in a flood zone, tsunami zone, beach, erosion prone area nor near or in a geologically hazardous area, fresh water. Coastal waters will not be impacted nor suffer by the demolition or the construction of the dwelling addition.

12) Substantially affects scenic vistas or viewplanes identified in County or State plans or studies; or

The property is on the mauka side of Front Street and view planes and scenic vistas are not affected.


No substantial energy consumption will be expected on this project.

Response to agency comments:

To improve site distance, vegetation will be pruned or removed near Front Street to increase the ability to see oncoming traffic.

Appropriate measures for disposal will be taken in the unlikely event asbestos or lead is found during the demolition.
List of Exhibits

Exhibit 1  Location map
Exhibit 2  Ownership information
Exhibit 3  Zoning and Flood Information
Exhibit 4  Department of Water Supply plan of Front Street Waterline Replacement (portion)
Exhibit 5  Department of Water Supply Recorded Fire Hydrant Easement from Luanna McKenney
Exhibit 6  Department of Public Works plan of Sewer line locations on Front Street
Exhibit 7  Department of Public Works Development Services Administration Letter of Response regarding driveway location
Exhibit 8  Department of Water Supply Fax information regarding driveway location

Photo Exhibits

9  Photo of property Front Street facing SE
10  Photo showing location of demolition And proposed addition
11  Photo of garage to demolish
12  Photo of property Front Street facing NE

Exhibit 13  Letter from Department of Land & Natural Resources State Historic Preservation Division

Exhibit 14  Letter to Department of Land & Natural Resources State Historic Preservation from Theresa K. Donham - Akahele Archaeology

Exhibit 14A  Letter dated April 20, 2006, from State Historic Preservation Division stating no archaeological or architectural concerns

Exhibit 15  Building Plans
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<th>General Parcel Information</th>
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<tr>
<td>TMK: 4600400500006</td>
</tr>
<tr>
<td>Site Address: 244 FRONT ST</td>
</tr>
<tr>
<td>Apartment No:</td>
</tr>
<tr>
<td>Total Parcel Area: 46 acres/ sqft</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ownership</th>
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<tr>
<td>Owner: MCKENNEY LUANNA F TRUST</td>
</tr>
<tr>
<td>Address: P O BOX 519</td>
</tr>
<tr>
<td>City: LAHAINA</td>
</tr>
<tr>
<td>State: HI</td>
</tr>
<tr>
<td>Country:</td>
</tr>
<tr>
<td>Zip Code: 96767</td>
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<tr>
<td>Owner Type: Fee Owner</td>
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</tbody>
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Last Updated: 3/20/2006
Printed on Saturday, March 25, 2006, at 2:53:22 PM EST

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COUNTY OF MAUI
DEPARTMENT OF PLANNING

ZONING AND FLOOD CONFIRMATION REQUEST FORM

APPLICANT: Michelle Cockett  PHONE NO.: 3675821

ADDRESS: P.O. Box 1683 Wailuku

PROJECT NAME: McKenney, Luana

ADDRESS AND/OR LOCATION: 250 Front St. Lahaina

TMK NUMBER(S): 4-6-4-5

ZONING INFORMATION

STATE LAND USE URBAN  COMMUNITY PLAN SF

COUNTY ZONING R-2  SPECIAL DISTRICT SMA

OTHER

FLOOD INFORMATION

FLOOD HAZARD AREA* ZONE C

BASE FLOOD ELEVATION mean sea level, 1929 National Geodetic Vertical Datum or for Flood Zone A0, FLOOD DEPTH feet.

FLOODWAY [ ] Yes or [X] No

FLOOD DEVELOPMENT PERMIT IS REQUIRED [ ] Yes or [X] No

* For flood hazard area zones B or C, a flood development permit would be required if any work is done in any drainage facility or stream area that would reduce the capacity of the drainage facility, river, or stream, or adversely affect downstream property.

FOR COUNTY USE ONLY

REMARKS/COMMENTS:

- Additional information required.
- Information submitted is correct.
- Correction has been made and initialed.

Reviewed and Confirmed by:

[Aaron Shinmoto]
Planning Program Administrator

Signature

Zoning Administration and Enforcement Division

Date 01/21/05
NEW TYPE "A" SINGLE SERVICE LATERAL (5/8" W.M.), TIE-IN TO SERVICE ON THE CONSUMER'S SIDE OF THE EXISTING WATER METER. (SEE DWS STANDARD DETAILS L24, L25, L26)

STA. 22+14.2, 12" W.L.
FIRE HYDRANT CONNECTION:
1. FIRE HYDRANT ASSEMBLY
2. 12"x6" TEE (MQFE)
3. 6" G.V. (FEMA) W/ S.V.B. & COVER
4. 17± 6" D.I. PIPE W/ POLYWRAP
5. 42" SQ. x 6" THICK CONC. SLAB
6. REFLECTOR POSTS
7. BLUE HYDRANT MARKER

MODIFY & INSTALL ROCK WALL AROUND F.H. EASEMENT—SEE C-10

NEW TYPE "A" SINGLE SERVICE LATERAL (5/8" W.M.), TIE-IN TO SERVICE ON THE CONSUMER'S SIDE OF THE EXISTING WATER METER. (SEE DWS STANDARD DETAILS L24, L25, L26)

NEW 12" WATERLINE TO BE ABANDONED IN PLACE

NEW TYPE "A" SINGLE SERVICE LATERAL (5/8" W.M.), TIE-IN TO SERVICE ON THE CONSUMER'S SIDE OF THE EXISTING WATER METER. (SEE DWS STANDARD DETAILS L24, L25, L26)

STA. 25+32.4, 12" W.L.
FIRE HYDRANT CONNE
1. FIRE HYDRANT A
2. 12"x6" TEE (MQFE)
3. 8"x10" BEND (W)
4. 6" G.V. (FEMA)
5. 15± 6" D.I. PIPE W/ POLYWRAP
6. CONC. REACTION Blocks
7. 42" SQ. x 6" THICK CONC. SLAB
8. REFLECTOR POSTS
9. BLUE HYDRANT I

TO KAANAPALI

STA. 22+30, 12" W.L.
12" G.V. (MQ) W/ S.V.B. & COVER

NEW TYPE "A" SINGLE SERVICE LATERAL (5/8" W.M.), TIE-IN TO SERVICE ON THE CONSUMER'S SIDE OF THE EXISTING WATER METER. (SEE DWS STANDARD DETAILS L24, L25, L26)

STA. 25+43, 12" W.L.
5/4" A.R.V. W/ TYPE I
Exhibit 5 - DWS fire hydrant easement

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
JUL 08, 2005 08:02 AM
Doc No(s) 2005-135394

REGISTRAR OF CONVEYANCES
CARL T. WATANABE

DEPT. OF WATER SUPPLY
COUNTY OF MAUI

205 SEP 8  PM 3:25

LAND COURT SYSTEM

Return by Mail To:
DEPARTMENT OF WATER SUPPLY
County of Maui
200 South High Street, 5th Floor
Wailuku, Hawaii 96793

REGULAR SYSTEM

TOTAL PAGES: 9

GRANTOR: LUANNA F. MCKENNEY, TRUSTEE
OF THE LUANNA F. MCKENNEY REVOCABLE LIVING
TRUST DATED 10/09/79

GRANTEE: COUNTY OF MAUI

DOCUMENT: FIRE HYDRANT EASEMENT

TAX MAP KEY: (2) 4-6-04:005

PROJECT: FRONT STREET WATERLINE REPLACEMENT
PROJECT (SHAW TO PUAMANA)
DWS JOB NO. 00-25
EASEMENT 4
FIRE HYDRANT EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That LUANNA F. McKENNEY, Trustee of that certain Luanna F. McKenney Revocable Living Trust dated October 9, 1979 and amended December 1, 1994, which Trustee is empowered to grant, bargain, sell and convey, borrow money, mortgage and encumber and hypothecate, real and personal property, pursuant to those certain trust powers more particularly set forth in said Trust, whose mailing address is Post Office Box 519, Lahaina, Hawaii 96767, referred to as the "Grantor", in consideration of the sum of ONE DOLLAR ($1.00) and other valuable consideration paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, with its principal office and mailing address at 200 South High Street, Wailuku, Hawaii 96793, hereinafter referred to as the "Grantee", the receipt and sufficiency of which whereof is hereby acknowledged, does hereby grant and convey unto the Grantee, and its successors and assigns, a perpetual, nonexclusive easement over, under, across and through a portion of Tax Map Key (2) 4-6-04:005, as described in EXHIBIT "A" attached hereto and made a part hereof, to construct, maintain, operate, repair, and remove a fire hydrant and related appurtenances, referred to as the "Water System Improvements", installed in connection with the construction of FRONT STREET WATERLINE REPLACEMENT PROJECT (SHAW TO PUAMANA), DWS JOB NO. 00-25.

That the foregoing also includes the right of ingress to and egress from the said easement area for purposes in connection with the rights granted.

That the foregoing grant is made upon the following restrictions and conditions, which shall be binding upon the Grantor, Grantee, and their respective successors and assigns:

1. Waste and unlawful, improper or offensive use of premises. That the Grantee shall
not commit or permit to be committed any wasteful, unlawful, improper, or offensive use of the easement and adjoining areas.

2. **Use and restoration of premises.** That the Grantee shall, upon performing any maintenance or repair work, restore the surface of the ground, damaged in the performance of said maintenance or repair work, to their original condition to the extent that such restoration is reasonably possible.

3. **Use by Grantor.** That the Grantor shall not erect nor construct any building foundations, buildings, or structures above or below the present ground level, raise or lower the present ground level, or plant any hedges or trees within the easement area.

4. **Maintenance of easement area.** That the grant of right does not obligate nor charge the Grantee with any duties or responsibilities with regard to the ownership, condition, repair, and/or maintenance of the easement area except as required in paragraph 2.

5. **Indemnity.** (a) That the Grantee shall indemnify and hold the Grantor harmless from and against all claims for property damage, injury, or wrongful death arising out of or in connection with the Grantee’s use, maintenance or operations on the subject easement area, to the extent that the Grantee’s liability for such damage, loss or injury has been determined by a court of competent jurisdiction or otherwise agreed to by the Grantee, and further, to the extent the payment for such damage, loss or injury is permitted by law and approved by the Maui County Council.

(b) That the Grantor shall defend, indemnify and hold harmless the Grantee from and against all claims for property damage, personal injury, or wrongful death when and to the extent such damage, injury, or death proximately results from or arises out of the negligence of the Grantor, and will reimburse the Grantee for any judgments, costs, and expenses, including attorney’s fees,
incurred in connection with the defense of any such claim, or incurred by the Grantee in enforcing this agreement.

6. **Damage to Water System Improvements.** That the Grantor, regardless of any prior approval granted by the Director to make improvements within the easement area, shall be responsible for all costs and expenses incurred by the Grantee in connection with the repair of damages to the Water System Improvements when and to the extent such damages result from or arise out of the negligence of the Grantor, and shall reimburse the Grantee for costs and expenses, including attorney's fees, incurred by the Grantee in enforcing this provision.
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed on the 31st day of May, 2005.

GRANTOR:

[Signature]
LUANNA F. MCKENNEY
Trustee aforesaid

GRANTEE:

COUNTY OF MAUI

[Signature]
GEORGE Y. TENGAN, Director
Department of Water Supply

APPROVAL RECOMMENDED:

[Signature]
KALBERT K. YOUNG, Director
Department of Finance

[Signature]
GILBERT S. COLOMA-AGARAN, Director
Department of Public Works
and Environmental Management

APPROVED AS TO FORM
AND LEGALITY

[Signature]
EDWARD S. KUSHI, JR.
Deputy Corporation Counsel
County of Maui
On this 31st day of May, 2005, before me personally appeared Luanne F. McKenney, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Signature: [Signature]

Name: LISA N. FRANCIS

Notary Public, State of Hawaii

My commission expires: February 29, 2008
STATE OF HAWAII  )  
COUNTY OF MAUI )  SS.

On this 23rd day of June 2005, before me appeared GEORGE Y. TENGAN, to me personally known, who, being by me duly sworn, did say that he is the Director of the DEPARTMENT OF WATER SUPPLY of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the COUNTY OF MAUI, and that said instrument was signed and sealed on behalf of said COUNTY OF MAUI by authority of its Council, and the said GEORGE Y. TENGAN acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Signature]
Notary Public, State of Hawaii
JERRY ANN WELLS
EASEMENT 4
FRONT STREET WATERLINE REPLACEMENT
SITUATED ON THE NORTHEASTERLY SIDE OF FRONT STREET
AT PUEHUEHUNUI, LAHAINA, MAUI, HAWAII
BEING A PORTION OF LAND COMMISSION AWARD 581,
APANA 4 TO LAHILA

An Easement for fire hydrant purposes affecting Parcel 5, Tax Map Key (2) 4-6-04 in favor of the Department of Water Supply and described as follows:

Beginning at the Westerly corner of this Easement, being also the Westerly corner of Parcel 5, Tax Map Key 4-6-04, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 12,464.24 feet South and 604.92 feet West and running by azimuths measured clockwise from True South:

1. 229° 44' 5.00 feet along the remainder of Land Commission Award 581, Apana 4 to Laahila, along Parcel 11, Tax Map Key 4-6-04;

2. 319° 44' 6.00 feet along the remainder of Land Commission Award 581, Apana 4 to Laahila;

3. 49° 44' 5.00 feet along the remainder of Land Commission Award 581, Apana 4 to Laahila;

4. 139° 44' 6.00 feet along Front Street to the point of beginning and containing an area of 30 Square Feet.

R. T. TANAKA ENGINEERS, INC.

Kirk T. Tanaka
Licensed Professional Surveyor
Certificate No. 7223-LS
License Expires: April 30, 2006

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

June 28, 2004
Revised: May 10, 2005
EASEMENT 4
FRONT STREET WATERLINE REPLACEMENT
Easement for Fire Hydrant Purposes in favor of Department of Water Supply, County of Maui
Being a Portion of L. C. Aw. 581, Ap. 4 to Lahila
AT PUEHUEHUNUI, LAHAINA, MAUI, HAWAII

Tax Map Key (2) 4-6-04: 05

R. T. TANAKA ENGINEERS, INC.
JOB NO. 00-059
January 19, 2005

Ms. Luanna F. McKenney  
P.O. Box 519  
Lahaina, Hawaii 96767

Subject: DWS Job 00-25  
TMK: (2) 4-6-004:005  
244-250 Front Street, Lahaina, Hawaii

Dear Ms. McKenney:

This is in response to your letter dated January 5, 2005 regarding the construction of a driveway on the subject property.

Our department regulates the construction of driveway aprons within the County right-of-way. The granting of a water easement on your property will not affect the placement of the driveway apron for your property. However, the fire hydrant may impact its placement. Our County standard details require a minimum spacing of 2' between the driveway apron and any utility installation, including fire hydrants.

Attached for your information are copies of our standard details for driveway aprons.

If you have any questions regarding this letter, please call Mr. Lance Nakamura of our Development Services Administration at 270-7242.

Very truly yours,

MILTON M. ARAKAWA  
Director of Public Works  
And Environmental Management

Attachment

LSN  
S:\DSA\Engr\LSN\letters\2005\46004005.wpd
DEPARTMENT OF WATER SUPPLY  
COUNTY OF MAUI  
200 South High Street, 5th Floor  
Wailuku, Maui, Hawaii 96793  
Telephone (808) 270-7835 • Fax (808) 270-7833 • www.mauwater.org

FAX TRANSMITTAL

TO: Peter McKenney
OF: 
FAX: 662-0016
PHONE: 667-2953
RE: FRONT STREET WATERLINE REPLACEMENT

FROM: Wendy Taomoto
DATE: January 16, 2004
PAGES: 3 (Including this cover sheet)

FIRE HYDRANT AFFECTING TMK: 4-6-04:005  
(OWNER: LUANA F. MCKENNEY REVOCABLE TRUST)

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Peter,

Your driveway may be located a minimum of 6-feet from your property pin, per Development Services Administration (DSA) and as shown on attached detail "Driveway Layouts for Non-Curb Streets". Attached is a drawing showing the proposed DWS fire hydrant and your proposed driveway. As shown, the fire hydrant is within the 6-feet clearance required by DSA.

The easement required for the fire hydrant will be approximately 6-feet wide by 4.75-feet deep.

If this meets your approval, please let me know. I will then forward you a construction right-of-entry agreement so that we may proceed with construction. To finalize the fire hydrant, I will also be forward to you at a later time an easement document which will grant the County a perpetual easement for the fire hydrant.

COPY TO:
July 11, 2005

Ms. Sharon Norrod
Department of Public Works and Environmental Management
Development Services Administration
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Norrod:

SUBJECT: Chapter 6E-42 (HRS) Review — Request for Determination for the Proposed Demolition of a Structure Over 50 Years Old Located at 250 Front Street, Lahaina, Maui, Hawaii
Building Permit Application #T2005-0675
TMK: (2) 4-6-004:005

Architectural Concerns

SHPD staff has reviewed this application and has determined the following:

___ "No historic properties will be affected."

X Work will impact a historic structure therefore, the determination is "effect, with proposed mitigation commitments." We request:

X submittal to SHPD 35 mm black and white photographs, a completed historic sites inventory survey, and a site plan showing the building's location; (black and white photographs, a completed historic sites inventory survey, and a site plan have been submitted);

X The proposed project as submitted appears to comply with the mitigation recommended.

___ We recommend that this application be reviewed by the Maui Cultural Resources Committee.

Archaeological Concerns

Thank you for the opportunity to review and comment on the Request for Determination for the Proposed Demolition of a Structure Over 50 Years Old Located at 250 Front Street. Our review is based on reports, maps, and aerial photographs maintained at the State Historic Preservation Division; no field inspection was conducted of the subject property.
A search of our records indicates an archaeological inventory survey has not been conducted of the subject property. The proposed project area is located within the boundaries of the Historic Lahaina District (State Site 50-50-03-3001). This area comprises the port town of the 1800s and is likely to have once been the location of pre-contact farming, perhaps with scattered houses, during the pre-contact period. Thus, we believe it is likely historic sites and/or the remnants of previously disturbed sites may be present in the subsurface deposits of the subject property. Ground alterations activities associated with the proposed undertaking may have an effect on any historic sites which are present in the deposit. A program of archaeological monitoring will mitigate any effect the proposed undertaking may have on historic sites.

Given the above information, we recommend the following conditions be attached to the subject permit application, should it be approved.

1) A qualified archaeological monitor shall be present during all ground-altering activities in order to document any historic properties which may be encountered during the proposed undertaking and to provide mitigation measures as necessary. An acceptable archaeological monitoring plan will need to be submitted to the State Historic Preservation Division for review, prior to the commencement of any ground-altering activities. An archaeological monitoring plan must contain the following nine specifications: (1) The kinds of remains that are anticipated and where in the construction area the remains are likely to be found; (2) How the remains and deposits will be documented; (3) How the expected types of remains will be treated; (4) The archaeologist conducting the monitoring has the authority to halt the construction in the immediate area of the find in order to carry out the plan; (5) A coordination meeting between the archaeologist and construction crew is scheduled, so that the construction team is aware of the plan; (6) What laboratory work will be done on remains that are collected; (7) A schedule of report preparation; (8) Details concerning the archiving of any collections that are made; and (9) An acceptable report documenting the findings of the monitoring activities shall be submitted to the State Historic Preservation Division for review upon 180 days following the completion of the proposed undertaking.

2) The State Historic Preservation Division (Maui and O’ahu offices) shall be notified via facsimile upon the on-set and completion of the proposed undertaking.

Should you have any questions regarding architectural concerns please call Susan Tasaki at 692-8032. Should you have any questions regarding archaeological concerns please call Cathleen Dagher at 692-8023.

Aloha,

Melanie A. Chinen, Administrator
State Historic Preservation Division

ST:Jan

JUL 12 2005
Dr. Melissa Kirkendall  
State Historic Preservation Division  
130 Mahalani Avenue  
Wailuku, Hawai‘i 96793

23 October 2005

Dear Melissa:

Subject: Request to Revise SHPD Recommendations for Archaeological Monitoring during Demolition of a Structure over 50 years in old, 250 Front Street, Lahaina, Maui

(Permit Application T2005-0675) TMK (2) 4-6-044-085

In a recent review of a Maui County permit to demolish a garage structure over 50 years old, SHPD addressed architectural and archaeological concerns (Melanie Chinen letter to Sharon Norrod July 11, 2005 LOG NO 2005.822, DOC NO 0504ST08, attached). The letter noted that architectural mitigation in the form of photographs and documentation has been completed as requested. Archaeological mitigation as recommended in the letter was for archaeological monitoring during demolition, and submittal of an archaeological monitoring plan to SHPD for review and approval prior to issuance of the demolition permit.

Pursuant to the recommendations for archaeological mitigation, I was contacted by the property owners, Peter and Luanna M’Kenney, and requested to complete the archaeological monitoring plan. As part of plan preparation, I conducted a site visit to the subject property on October 12, 2005. The garage proposed for demolition is a wood frame structure on a concrete pad, constructed in 1917. It is being demolished primarily due to its compromised structural integrity.

During the site visit, I was informed by the M’Kenneys that they intend to retain the concrete pad beneath the garage, which will be used as a parking area. Additional discussion of the proposed demolition indicated that there will be no ground disturbance in connection with the demolition of the garage.

Due to the fact that no ground disturbance will be associated with the garage demolition, it would appear that archaeological monitoring is unnecessary in this case. I would therefore like to request a revision of the SHPD recommendations to the County, to reflect a condition of “no effect” to any historic properties that may be present in subsurface deposits at this location.

If you have any questions regarding this request or this proposed demolition permit, please do not hesitate to call me at 891-1495.

Aloha,

Theresa K. Donham

Attachment: SHPD letter dated July 11, 2005

(you have a copy of this)
April 20, 2006

Mr. Michael Foley, Director
County of Maui, Department of Planning
250 South High Street
Wailuku, Hawai‘i 96793

Dear Mr. Foley:


The subject application consists of a follow-up to the proposed demolition application for the existing garage that was described with compromised structural integrity (T 2005-0675). The current subject application is for the proposal for a two-story bedroom, recreational room, study area, new garage, and covered lanais as an addition to a previously existing single-family dwelling.

We believe that no historic properties will be affected by this undertaking because:

a) intensive cultivation has altered the land
b) residential development/urbanization has altered the land
c) previous grubbing/grading has altered the land
d) an acceptable archaeological assessment or inventory survey found no historic properties
e) this project has gone through the historic review process, and mitigation has been completed
f) other: The proposed undertaking is located on a previously grubbed and graded lot within a well established residential development. The additions will connect to the existing residence and the existing concrete slab/pad that was constructed in 1917 will be used for the foundation of the proposed additions. There will be no ground disturbance in relation to the garage demolition or the proposed additions. The structure is less than 50 years old. There are no archaeological or architectural concerns.

In the event that historic resources, including human skeletal remains, are identified during routine construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Division, Maui Section, needs to be contacted immediately at (808) 243-5169.

Aloha,

Melanie Chinen, Administrator
State Historic Preservation Division

MK:dlb

cc: Bert Ratte, Engineering, DSA, County of Maui, Fax: (808) 270-7972
    Maui Cultural Resources Commission, Dept. of Planning, 205 S. High Street, Wailuku HI 96793