

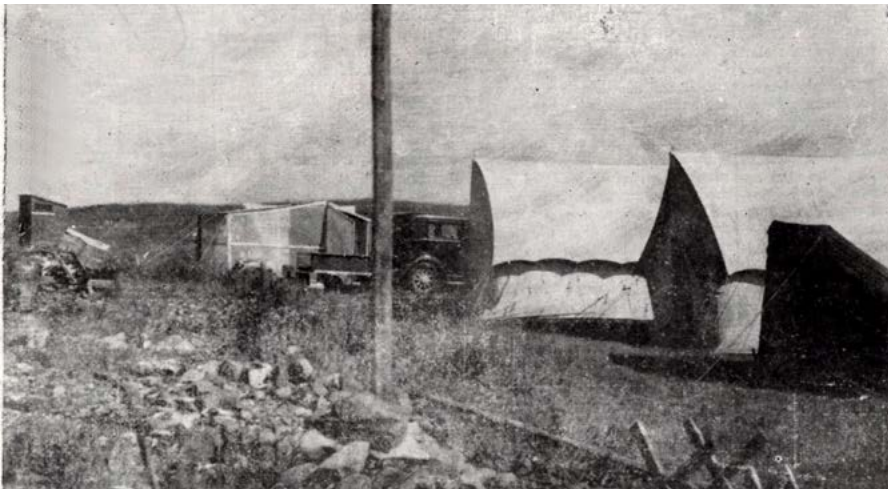


# Artifacts and Anchors

*A quarterly newsletter for Members, Volunteers, and Friends of the Kittery Historical & Naval Society*



## Kittery Contemplates Zoning... in 1941 Should Camping be Allowed at Sea Point Beach?



*An article in the May 2, 1941 issue of The Kittery Press reported on a public meeting held by Selectmen to discuss the potential adoption of zoning regulations in Kittery.*

### THE ZONING HEARING

In spite of all the prospective good from zoning in Kittery only twenty-six of the people came out for the hearing at the Court Room of the Municipal Building on Thursday evening.

Only three of these could be said to represent those who have often expressed a desire to close Sea Point Beach to camping.

The meeting was opened by Selectman Raymond Hobbs at 7:30 p.m. He told how that a year ago the Selectmen endeavored to get some zoning ordinances through at town meeting. But they were turned down and told to bring in a set for the following year. These were advertised but could not be adopted because of other statutory stipulations. So, a committee was appointed and a date set for a public hearing, with a notice published thirty days beforehand.

Mr. Hobbs said that Judson Hannigan of the Zoning Committee had another set of ordinances and the Chairman

called on Major Hannigan to speak.

Hannigan: "Well, before I start perhaps it would be just as well to explain what a zoning ordinance is. And how it comes into being.

"In the statutes there is a law permitting such ordinances." He read the law from the statutes of 1930. "In so saying," he went on, "They mean that the ordinances must serve the interests of the community as a whole.

"In the event that a zoning ordinance hits a piece of property and creates a hardship, the statute in that case gives the right of appeal to the Board of Selectmen to decide if the zoning ordinance ought to be changed. Then, if so, the Board of Selectmen may, and in many cases, must, change the ordinance.

"A zoning ordinance, when adopted does not change the use of buildings as of the time the ordinance was passed. For instance, if a grocery store in a zoned town was burned down, another grocery store could be built in its place. But a building could not be erected for any purpose forbidden.

"A suitable zoning ordinance would have prevented a situation we had here some time ago when property adjoining

## Fall 2023

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the land of Elmer Burnham at Locke's Cove was going to be sold to a gasoline company for the erection of a gas station. Mr. Burnham heard about it. Of course, he didn't want a gas station in his front yard. It would have decreased the value of his property, and the value of the other residences in the neighborhood. He had to buy this property himself in order to prevent such an occurrence. Now, if we had had a zoning ordinance forbidding such businesses to be carried on in that district, all this would have been unnecessary."

At this point Mr. Burnham himself entered. Chairman Hobbs asked if there were any questions.

Mr. Eugene Hayes: "What is the situation as to zoning now?"

Hobbs reviewed the ordinances as printed in the 1941 town report. Hayes: "Don't you really think that if gasoline stations are dangerous, they should be restricted?"

Hobbs: "Yes."

Hannigan told of the business district as described in the town book.

Hayes: "I understand from the paper that the government is going to buy part of my property for the new road to the new bridge to the Navy Yard. But nobody has seen me about it yet. Or offered me anything for land for a gasoline



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## News and Events

### New Sign

The large sign on the side of the Museum facing Rogers Road Extension, damaged during a wind storm earlier this year, has been replaced. Portsmouth Sign Co. delivered our fresh, new look.



### Annual Navy History Day at the USS Albacore

**Sunday, September 17**

The Museum will be participating again this year, along with several other organizations. The event takes place from 10 a.m. to 3 p.m. at Albacore Park in Portsmouth. This year, the USS Cheyenne (SSN-773) will be honored.

### Armsden Exhibit

The exhibit closed on August 29, and was taken down the following day. Although we initially chose August 31 as the last day for the show, the date was moved up a couple days to accommodate KCC logistics and scheduling. We apologize to anyone who missed seeing the exhibit due to that change. Parts of the exhibit will be on display on a rotating basis at the Museum in the future.

From our library:

**MANNERS**  
Culture and Dress  
IN THE  
Best American Society

by Richard A. Wells, A.M.,  
King, Richardson & Co., Publishers,  
1890

**AMUSEMENTS**

THREE things are to be borne in mind while getting up amusements for a party.

*First*, to get up an entertainment that as many as possible can partake in, for participation is part of enjoyment.

*Second*, That in the entertainment there shall be nothing to which there can be any objection, or which shall cause unpleasant remark and leave unpleasant memories.

*Third*, That the real object of the amusement shall be gained, namely, that all shall be amused.

There are many amusements to which attention could be directed, among which are: Shakespeare Readings, Private Dramas, Charades, Tableaux Vivants, Tableaux of Statuary, and Lights and Shades.

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Information about The Kittery Historical and Naval Museum may be found on our website: [kitterymuseum.org](http://kitterymuseum.org) or on [facebook.com/KitteryMuseum](https://www.facebook.com/KitteryMuseum).



## ZONING from page 1

station there. But I think it would be a good idea.”

Hann.: “It should be added that the Board of Appeals shall give fourteen days notice of any appeal hearing, under the ordinance as we have it laid out, and that written notice shall be sent to every property owner within two hundred feet of the property for which the change in zoning is asked.”

Hayes: “Isn’t that too much power to the Board of Appeals?”

Hann: “This is about the same regulation they have in other parts of the country. And they have found that there is very little disagreement as a result of this item in the country as a whole. If the Board of Appeal turns you down you can still go to court. If the court finds the ordinance not to be in the interests of the health, welfare, morals, and safety of the community as a whole, or if they find the Board of Appeal has been arbitrary, the ordinance will be declared illegal.”

Alfred Googins: “I never thought Kittery would wake up enough to have a zoning ordinance.”

Hobbs read the ordinances from the town book that apply to the extensive holdings that Mr. Googins manages for Albion W. Johnson, now of Almeria, Spain. This totals what is probably the largest amount of real estate owned by any one person in Kittery.

Googins: “It has been my experience that they have more trouble with measurements in zoning ordinances than with any other one feature. Who will be the Zoning Board?”

Hobbs: “The Selectmen, unless the people want to elect a separate organization.”

Hann.: “When we have the special town meeting I recommend that a Planning Board should be elected to recommend changes to the Town from time to time.”

The Chairman called on Arthur Cook of the Zoning Committee.

Mr. Cook: “I believe the Town of Kittery ought to have some sort of ordinance that would be a protection to all of the citizens. The ordinances as drawn up will not be of any particular hardship

to anyone.”

At this instant the room was suddenly plunged into darkness. Mr. Burnham had been leaning against the wall at the light switch. He quickly threw it on again, saying, “I’m sorry.”

Cook continued: “I’m for it. At the present everything is haphazard. A man can build a fine house and not be sure but what somebody will put up an old shack right next to it.”

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### Alfred Googins: “I never thought Kittery would wake up enough to have a zoning ordinance.”

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Hann.: “Mr. Cook, as a real estate expert, will you tell us if you could sell residences easier if you could tell them it was zoned?”

Cook: “Yes. Very much easier.”

Hann.: “And would zoning increase the value of property?”

Cook: “Yes, it would.”

Wilbur “Jummy” Randall: (Note: Nicknames of two of the speakers are given here because both are so generally known by them that there would be difficulty in identifying them otherwise for many readers.) “Well, just how would this affect Sea Point Beach?”

Hann: “The way this thing is written now it probably isn’t exactly as the people would want it.” He read the

ordinance applying to Sea Point in the town report. “Now I don’t think that we want to go quite so far in that direction.”

Randall: “Now this case came up in 1901 and they sued my father and Dan Seaward. They put up a fence across the road and wouldn’t let us go down there on the beach. The Town fought the case out and paid the bills. It went to the high court in Portland. They tried to drive us out once and now they’re trying to drive us again.”

Hobbs: “You want to reserve the right to go on the Beach at any time, then?”

Randall: “Well, if you were on your own property would you let Mrs. Thaxter or Mr. Raynes come down and drive you off?”

Hann.: “Nobody has the right to drive you off your own property.”

Randall: “Forty years ago the Beach was fenced off.”

Hann.: “There is a town-way that was formally taken by the Town that runs the length of the Beach.”

Googins: “Is there any town road down there?”

Selectman Charles Williams: “The Town owns a forty-foot roadway the length of the Beach.”

Googins: “I remember when that fence was there.”

Hann.: “I believe that when we get this worked up as it should be you won’t have any grounds for complaint.”

Googins: “Can a town compel a man to fix up his property?”

See [ZONING page 6](#)



Sea Point Beach when cars could park on the road that ran the entire length of the beach.



### SERIES ON KITTERY ARTISTS

We hope many of you got a chance to see the exhibit at the Kittery Community Center this summer—'Capturing Kittery: Douglas Armsden Photographs 1930s to 1990s'. It was very well received during its long run (May 15 to Aug. 29) and the community — longtime residents and newcomers alike — enjoyed the view of our town through the eyes (and lens) of Douglas Armsden.



D. ARMSDEN

John Prentiss Benson, left, and William Sumner Appleton, founder of the Society for the Preservation of New England Antiquities, in Benson's studio.

In this last part in our series about Kittery artists, we are featuring John Prentiss Benson, who lived and painted in Kittery from 1923 to 1947 on Whipple road in the lovely old house 'Willowbank.' In the Winter 2005 issue of *Artifacts and Anchors* we were happy to find a biography of Mr. Benson written by Margaret Betts, and we are reprinting that article. This is the last of our series about some of the artists in Kittery's past, but as many of you know, Kittery has known many other fine artists and craftsman, and continues to attract talented artists, many of who have collected together to show and sell their works at the Kittery Art Association in Wallingford Square.

The Museum is fortunate to own three works by John Benson, *Gundalow at Warehouse Point*, painted in 1945 as a gift to Dr. Paul Taylor; *River Traffic*, an etching from 1945, also a gift to Dr. Taylor; and a third untitled watercolor of local shores. These may be seen, along with some other paintings from the Museum's collections, in the media room.

## Artists of Kittery Series

# John Prentiss Benson

### Kittery's Remarkable Marine Artist

by Margaret M. Betts  
(Reprinted from *Artifacts and Anchors*, Winter 2005)

John Prentiss Benson was born in Salem, Massachusetts, in February 1985, just two months before the Civil War official ended at Appomattox. He was the second son of what eventually would be a lineup of six children. The extraordinary artistic talent for which both John and his older brother Frank are now so well known may have been inherited from their mother Elisabeth Poole Benson. Frank mentioned at one time to an interviewer that, "My mother used to go to a little room at the top of our house, the little rooms where we put the winter clothes, and there she painted and forgot all about the rest of the world."

Or perhaps the remarkable Benson talent might have originated with a far-distant relative, Henriette Benson Homer, who was born in Bucksport, Maine in 1809, and whose only son was another famous Maine artist, Winslow Homer.

In any case, as the two older

Benson boys approached the age of maturity, Frank's artistic bent was clearly recognized by his parents. They felt he deserved the chance to go to Paris for further study. He was given \$1000 and told to come home when the money ran out. In the 1880s, being an artist was not considered to be a reliable means of earning one's living. So when young John said he also wanted to be an artist, Benson family legend tells the tale that his father said very firmly "No! Absolutely not! One artist in the family is enough."

John must have been disappointed but, in the long run, he was both resilient and resourceful. He elected to study architecture. In 1889 he followed his brother Frank's example and went to Paris to study. With what was to be his typical good fortune, he happened to arrive at an ideal time and with an ideal group of expatriate Americans, all of whom had also gone to Paris to study architecture. The education these young men received in the ateliers associated with L'Ecole des Beaux-Arts was exemplary. And the friendships they formed during their brief time in Paris were to last many of them for the rest of their lives.

Upon his return to the United States in 1890 John Benson was offered a place in the firm of McKim, Mead & White.

That was as good a place as any to begin a career as a young architect in New York City, but he remained with them only a few months. Very soon he branched out on his own. Occasionally in partnership with a colleague from his Paris days, and often by himself, he secured commissions for both public buildings — libraries, hospitals, banks, school buildings — and private homes.

In 1893 he married



J.P. Benson, *Westward - A Spanish Galleon at Sea*, 1941.



## A 1978 Exhibit of John Prentiss Benson's artwork at the Kittery Historical and Naval Museum showcased the gifted artist's marine paintings.

Reprinted from *The Portsmouth Herald*, July 29, 1978:

KITTERY — A major attraction at the Kittery Historical and Naval Museum is the current exhibit of 11 paintings by the late John Prentiss Benson.

Considered one of Kittery's three best painters, along with George Wasson and Russell Cheney, Benson moved here in 1924 and painted in his studio Willowbank, off Whipple Road, until his death in 1947.

The exhibit, of ships and the sea, will continue until Aug. 15. Eight of the large paintings have been loaned, on a semi-permanent basis, by a Massachusetts relative. The remain-

der are from the collection of a local resident.

Benson's birthplace, Salem, Mass., is featured in a large 1936 oil which depicts a harbor scene of the 19th Century. The painting on display at the museum is one of four which formed a panoramic view of the harbor.

With his move to Kittery, Benson devoted full time to painting.

His works are on display in New York's Metropolitan Museum of Art and the Museum of Fine Arts in Boston as well as galleries through-

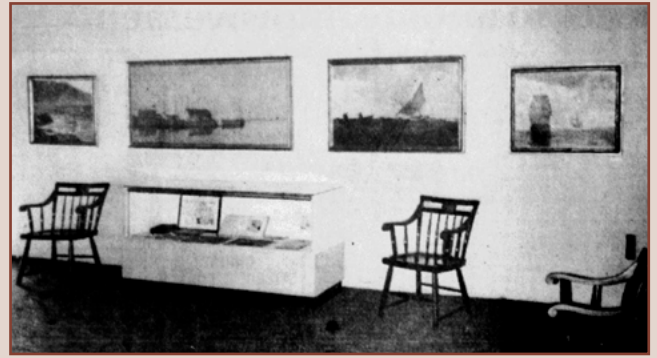


Photo of 1978 exhibit of Benson paintings at the KH&NS Museum. *Portsmouth Herald*, July 29, 1978.

out this country and in Europe.

The Museum of Natural History in New York commissioned him to paint eight murals of American sperm whaling scenes for its Hall of Ocean Life.

Included in the local display are examples of his engraving and prints as well as a book with "The Woozel-beast's Christmas Celebration." It is opened to a two-page sketch of a ship loaded with the most whimsical beasts imaginable. ■

Bessie Whitman. Living first in Plainfield, New Jersey, and later in Flushing, New York, John and Bessie raised four children. His architectural practice may have put bread on the table, but John never lost his desire to be a painter. What spare time he had was given over to painting. His subject was singularly focused on ships and the sea. He occasionally entered paintings in exhibitions, and he had an arrangement with New York's Kennedy & Co. galleries to show his work. His paintings sold readily. By 1922, despite having to work full time as an architect, he had already earned a reputation as a marine painter of some note.

By the mid 1920s, John and Bessie had had enough of New York, and he gradually phased out his architecture practice. In 1924 they began to search for a home near the seacoast, a hospitable place for a second career, where John could paint

full time. Eventually they found their way to Kittery, Maine. Imagine John and Bessie driving along Whipple Road for the first time and how they must have felt when they came around the corner and saw Willowbank! Perhaps it was love at first sight. Looking backward, it does seem that Willowbank and the Bensons were a perfect match.

Soon after taking up residence in the big white house, John had a studio built across the road. Family members recall how he would prepare for a day of painting by dressing formally in a suit and tie, wearing business attire right down to the last button. He took his art seriously. John's fertile imagination produced marine paintings by the dozens, recapturing the age of sail and maritime commerce that was so familiar to him as a boy growing up in Salem. He had a near-photographic memory, so his paintings are

marvels of accuracy; every detail of rigging, every sail, every flying flag is historically accurate. He was interested in historic vessels and depicted many of them: Henry Hudson's *Half Moon*, Christopher Columbus's *Nina*, *Pinta*, *Santa Maria*, Lord Nelson's *Foudroyant*, and many others too numerous to list here. But his paintings are not mere reproductions of ships that once sailed the high seas. He was a keen observer of the ocean and of the sky, so every canvas is an artistic study of the sea and clouds, of weather and rocks and waves and salt spray. His training as an architect is obvious in the design of his paintings, with careful attention always given to proportion and balance.

John Benson created more than 700 paintings (and perhaps many more) during his lifetime. He worked steadily until just a few

See [BENSON page 6](#)

## BENSON *from page 5*

weeks before his death, at age 82, in the studio on Whipple Road. Many canvases were bought by summer visitors to the studio on Whipple Road. Many others were given as presents to family members, to honor a wedding or to celebrate an occasion. A few John Benson paintings are in museum collections, but most known paintings are privately owned.

A very popular exhibition of John Benson's work was held at the Portsmouth Athenaeum, Portsmouth, New Hampshire, in the summer of 2004. An-

other exhibit is slated for the fall of 2005 at the Guild of Boston Artists in Boston, Massachusetts. A third has been scheduled for the summer of 2006 at the Maine Maritime Museum in Bath, Maine. It is gratifying to see John Benson's work earning for him —nearly sixty years after his death—the well-deserved reputation as America's foremost marine painter.

—Margaret M. Betts



J.P. Benson, *Kittery Harbor, Winter 1936-1937.*

In addition to the exhibits of Mr. Benson's work noted by Ms. Betts, above, retrospective exhibits of Benson paintings were held in 1948 at Guild of Boston artists. In 1978, the Kittery Historical and Naval Museum exhibited 11 of Mr. Benson's paintings, on loan from his family and from a Kittery resident. See box on page 5. ■

## ZONING *from page 3*

Hann.: "Off-hand I'd say not unless it was a fire-hazard or a health menace."

Googins: "Well, the men from the State came down here and told us we'd have to connect all our houses with sewer. I told 'em, 'All right, you just show us where the sewer is.'"

Several remarks were made as to the desirability of a sewer in Kittery, and the large sum it would cost.

Hann.: "I'd like to say to you, Mr. Randall, that the ordinance as written would be an illegal provision for Sea

Point Beach and it must be re-written. The ordinance must be of benefit to the general community on the points previously named."

At the last court they said the people of the Town had no right to that Beach whatever." He asked if the boundary line of shore-front properties ran to the low or the high-water mark.

Hann.: "If the deed reads 'to the sea' that means to the low water mark. But if the deed says 'to the beach' then it means to the high water mark."

Googins: "The people who own those lots can prevent people from going

there, can't they?"

Hann.: "Certainly, but the Town took the roadway by the right of eminent domain."

Mrs. J. Halsey Lewis: "But the Beach is so very little! Last summer it was so crowded! Many who were from out of the state were there who do nothing toward keeping up the Town!"

Claude Saddler: "I'd like to say that every camper down there paid rent for his camp site."

Eugene "Jakey" Saddler: "Has any person the right to collect rent from town property?"

*See ZONING page 7*



## Spotlight on Collections

### Who, What, Where

A small store with a gas pump advertising hot frankforts, sandwiches, cigars, candy, and MOXIE drinks for sale. Do you know where in Kittery the store was located?

ANSWER: Page 8

Hobbs: "I wouldn't want to say off-hand."

E. Saddler: "Well, they were and I think the receipts for the payments were handed over to Mr. Williams."

Hann.: "After we get these ordinances in shape I think everything will be fixed up. That special town meeting must be in the form of a special election. A written question is submitted to the voters and they mark their ballots in secret." He asked if *The Kittery Press* would publish the list of revised ordinances, and was told *The Press* would be glad to do so.

C. Saddler: "Could you tell me the law on zoning of taxable property?"

Hannigan said he did not understand what was meant. Saddler continued, "Well, in New Hampshire marshland is not taxable and it cannot be zoned."

Hann.: "I don't know how it is here but marshland isn't good for much anyhow."

Randall: "I've seen in one of the deeds for property adjoining the Beach that it says 'with no tax.'"

Hann.: "Frankly, Mr. Randall, I know how you are concerned."

Randall: "All we're worried about is we don't want to be driven away. We've been driven off once and we don't want to be driven off again."

Hann.: "If it goes to court and the court decides against the ordinance it only changes the ordinance in that one respect, not in all."

Randall: "Of course there may not be so many people there this summer. They wouldn't give 'em a drink of water last year."

Cook: "Wouldn't a zoning ordinance prohibit a neighbor from putting up a little shack alongside a very nice residence?"

Hann.: "Yes."

E. Saddler: "If you had a lot and the road running to it was full of holes wouldn't you want them to do something about it?"

Hann.: "Brother, you've never seen a hole until you've driven over the Gerrish Island roads this spring."

A vote was taken of those in favor of continuing with the project. Only three or four were against and the rest of the twenty-six people present were in favor

## Remembering Patty LaClair KH&NS Volunteer for over 30 years

One of our most loyal volunteers, Patty LaClair, passed away on August 27th.

Patty was a petite dynamo who was one of KH&NS's strongest advocates. When bookshelves were straightened, display cases Windex-ed, door glass polished, all quietly, as if by magic, Patty was behind it. She set up the sound system for Society meetings and baked for every conceivable occasion. She helped decorate for the Holiday Open House, climbing creaky attic stairs and dragging down Christmas trees and ornaments, then putting them together, working as a team with her husband, Steve Webber (Vice President of the Board of Trustees).

She and Steve have been volunteers for well over 30 years. They worked at the museum desk together, although visitors were often greeted with a smile from high on a ladder where Patty was banishing dust from the top of an exhibit. She familiarized herself with the collections and displays in the museum, then passed that knowledge on to visitors. She loved showing people the digital Time Line or poring through *Old Kittery and Her Families* to help visitors find Kittery ancestors.

Patty was a "Kittery Girl," graduating from Traip Academy and, after college, working for some 40 years in the school lunch program.



*Patty LaClair*

She didn't seem to know the meaning of "slow down." She was a member of the Eliot Garden Club. She played softball in high school, then kept right on for 50 more years. In the three softball leagues she played for, her sister Linda Wentworth said with a chuckle, she was known as "Super Woman." Patty and Steve found time to walk three miles every morning, then hop on their bikes in the afternoon for a ride.

She was an indefatigable advocate for KH&NS. We all will miss her quiet smile and whole-hearted work and play ethic.

—Jeanne Voorhees

of zoning.

W. Y. Tasker, Senior and Junior, made detailed inquiry as to trailers in prohibited zones that came under the proposed ordinances.

They were told that if anyone wished to have a trailer in a district where the same were prohibited a hearing could be held and if the adjoining property owners did not object it might be permitted.

William Raynes: "I wonder why when we who live in the neighborhood of Sea Point Beach pay over sixteen hundred

dollars a year in taxes we can't have some consideration on the looks of the beach. Not many local people come there. We want to enjoy the beach as a beach and not as a camping ground or a dump. I've never known any fencing off."

Randall: "I guess it's beyond your memory. It was fenced off."

Raynes: "Who's hauling sand off the beach now?"

Randall: "The Town of Kittery. They're using it to fix the roads."

The hearing adjourned at about nine. ■





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Answer to Who, What, Where (p. 6): The back of this photograph identifies it as “Mr. Morrows store out by rotary Circle on Rt. 1 on Seward property.” From the Sherman Higgins Collection. (ID# 2010.17.102)