

LAN20190124-1
UNAPPROVED

The meeting was called to order by Chairperson Judy Jepson at 7:00 p.m.

Excused – Doug Yip (alt.), James Pape

STATEMENT OF PUBLIC NOTICE

APPROVAL OF MINUTES

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

Presentation by Jen Davel of the Wisconsin Historical Society on the New State Law Regarding use of Materials on a Historic Building or a Building in the Historic District.

According to Ms. Davel, WI Act 317 passed in April, 2018. It reinforces the City's local zoning ordinances and does not supersede the City's zoning ordinance. City Planner Censky advised

that the City Attorney has stated that due to the word “shall” in the Act, the Landmarks Commission must allow flexibility not previously permitted.

Planner Censky advised that the City needs official clarification from the State Historical Society regarding the new law since there is confusion about whether or not State law supercedes local ordinances. Ms. Davel advised that she would have Jim Draeger from her office send a clarifying letter.

*“In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this paragraph, a city **shall** allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.”*

Cedarburg has adopted the Secretary of the Interior Standards for Rehabilitating and Restoration of Historic Properties, written in 1976. The golden rule of the standards is that integrity and identity is retained. Ms. Davel then reviewed a number of the standards:

- Standard 2 – 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.
- Standard 3 – Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development shall not be undertaken.
- Standard 4 – Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.
- Standard 5 – Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- Standard 10 – New additions, exterior alterations, or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity would be unimpaired.

Ms. Davel stated that pivotal and contributing buildings in the City should be treated in the same manner. If Cedarburg’s Landmarks Commission determines that some element is beyond repair, the wording in the statute *“materials that are similar in design, color, scale, architectural appearance, and other visual qualities”* should be used to determine the City’s decisions. The City’s charge is to maintain the building’s identity.

Ms. Davel reviewed a number of elements, including windows, doors, siding materials, etc., describing acceptable and unacceptable solutions. In all cases, Cedarburg’s Code agrees with the guidelines she presented. There was a discussion about shingles. Ms. Davel stated that homes built prior to 1920 generally had a wood shingle roof unless it was tile, slate, etc. Post 1920s homes generally had asphalt shingles. At the State and Federal level, 3-tab and architectural asphalt shingles that are similar in appearance to wood shingles have been permitted. Cedarburg can use the language of the City Code to make determination on what is acceptable.

Applications that come to the Historical Society's office do not have to meet color criteria. They do not according to the Cedarburg Code either. Decisions must not be based on personal taste. Decisions should be made according to the historical context of the building and community. Ms. Davel encouraged Commission members to attend the Wisconsin Association of Preservation Commissions Conference to be held Friday, April 12 in Oshkosh. The speaker represents CAMP – the Commission Assistance and Mentoring Program, and was hired by the Wisconsin Historical Society because they are trainers of preservation commissions.

Commissioner Kubala raised a question about the wording of paragraph 2 (g) which seems to indicate that the 2018 ordinance provision overrules any local standards. Ms. Davel believes that applies to yards and courts, not buildings. However, she will also get clarification on that. Planner Censky asked that the City receive a written statement from the State Historical Commission regarding interpretation of the word "shall" to pass on to the City's Attorney.

ADJOURNMENT

A motion was made by Commissioner Kubala, seconded by Council Member Burkhart, to adjourn the meeting at 8:10 p.m. Motion carried without a negative vote with Commissioners Pape and Yip (alt.) excused.

Tomi Fay Forbes
Secretary

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