

## AGENDA # 1

City of Madison, Wisconsin

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REPORT OF: LANDMARKS COMMISSION

**PRESENTED:** 1/13/20

TITLE: 5101 Lake Mendota Dr - Demolition of an existing garage structure and construction of a new garage structure on a landmark site; 19th Ald. Dist.

**REFERRED:**

**REREFERRED:**

**REPORTED BACK:**

AUTHOR: Heather Bailey, Preservation Planner

**ADOPTED:**

**POF:**

DATED: 1/22/20

**ID NUMBER:** 58739

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Members present were: Anna Andrzejewski, Richard Arnesen, Betty Banks, Katie Kaliszewski, Arvina Martin, David McLean, and Maurice Taylor.

### **SUMMARY:**

*Erik Infield, registering in support and wishing to speak*

*Marie Infield, registering in support and available to answer questions*

Andrzejewski opened the public hearing.

Bailey described the proposed work to demolish the existing garage and replace it with a slightly larger garage and attached shed. She said that there is an identified human burial site on the property, which is part of the locally landmarked Merrill Springs Mound Group, so the property owner must secure a Request to Disturb a Human Burial Site from the Wisconsin Historical Society as part of the application process. She explained that the submission materials include a site plan, but do not identify the specific archaeological sites to protect them from any intrusion. She and an archaeologist at the Historical Society reviewed the plans for new construction in relation to the archaeological site as well as the methods for construction. She discussed the Historical Society's response to the request that has stipulations, including that all ground disturbance requires a monitor. She said that staff believes the standards are met and the project should be approved with the condition that the final archaeological monitoring report be filed with the Preservation Planner upon completion of the construction activities.

McLean asked if the monitor would stake off the mound areas that should not be disturbed, and Bailey said that the Request to Disturb did not specify, but that the area of construction is far away from where the mounds are located. Martin asked if anyone had contacted the Ho-Chunk Nation. Bailey said that she had not. Kaliszewski said that the State only contacts the tribe for work within a catalogued burial site; because this project is in an uncatalogued portion, it is far away from the actual burial site and there would be a monitor in place to oversee the work. Andrzejewski asked about the significance of the landmark site and whether the main concern was the disturbance of human remains or traditional cultural property in general. Bailey said that the way the landmark nomination is worded focused on the significance of the actual mound site. She added that she is not opposed to contacting the Tribal Historic Preservation Officer about the project.

Infield said that they bought the property one year ago, and they appreciated the mound and its value and had no intention of disturbing it. He explained that the structure was originally a small one-car garage with a chicken coop, and in the 1960s, the chicken coop was enclosed to create an office. He said that the garage is

not functional for their needs, so they would like to construct a two-car garage with storage that is almost the same footprint as the current garage, and they will not build any closer toward the mound.

Andrzejewski closed the public hearing.

A motion was made by McLean, seconded by Arnesen, to approve the request for the Certificate of Appropriateness with the condition that the final archaeological monitoring report be filed with the Preservation Planner upon completion of the construction activities.

Martin said that she was struggling because rationally, she understood that the mound and building are far apart from one another and it is unlikely there would be any human remains or archaeological findings on the project site; however, this makes her a little uncomfortable and concerned when thinking about it from a cultural perspective. She made clear that she did not feel the applicants were doing anything irresponsibly and knew they had the best interest of the site in their hearts and minds, but that she would feel better running the project by the Tribal Historic Preservation Officer to be sure.

Bailey suggested that commissioners could allow 30 days for staff to contact the Tribal Historic Preservation Officer regarding the site prior to issuing the Certificate of Appropriateness. Martin said that she would feel more comfortable with that option. She explained that tribal members have not historically been included in this process, so it is meaningful to her that they go above and beyond to ensure everything is okay. Andrzejewski asked the applicants if a 30-day delay in approval would interfere with their construction schedule. Infield said 30 days would be fine. McLean agreed to amend the previous motion to include the additional condition of approval allowing 30 days for staff to contact the Tribal Historic Preservation Officer.

Bailey said that she will contact the Ho-Chunk Tribal Historic Preservation Officer to ask if there are concerns about the proposed project with a 30-day deadline for comments, and once she hears back, they can proceed from there. Andrzejewski said that there are mechanisms in place for Tribal Historic Preservation Officers to provide a review like this, so there is no reason not to do it. McLean asked what would happen if the Tribal Historic Preservation Officer does have issues with the project. Bailey said that she would discuss it with the property owner and could bring the project back before the Landmarks Commission to decide how to proceed.

Taylor asked how far away the existing garage is from the mound. Kaliszewski said there are several mounds, and each has about a 90-foot buffer around it. She explained that there are several catalogued mounds in this area, and to bring the entire site together, there is a large boundary of uncatalogued portion around them.

Andrzejewski said that there have not always been Tribal Historic Preservation Officers, so the official history with State Historic Preservation Officers did not include the tribal perspective, so the Tribal Historic Preservation Officers are there to protect tribal history. Kaliszewski said that tribal nations also own their own land, so Tribal Historic Preservation Officers know the history of their land far better. Andrzejewski added that the Tribal Historic Preservation Officers would also understand the significance attached to places differently.

### **ACTION:**

**A motion was made by McLean, seconded by Arnesen, to approve the request for the Certificate of Appropriateness with the conditions that there be a maximum 30-day stay of issuing the Certificate of Appropriateness so the Preservation Planner can notify the Tribal Historic Preservation Officer of the Ho-Chunk Nation about the proposed project and that the final archaeological monitoring report be filed with the Preservation Planner upon completion of the construction activities. The motion passed by voice vote/other.**