

## AGENDA # 5

City of Madison, Wisconsin

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REPORT OF: LANDMARKS COMMISSION

PRESENTED: 10/28/19

TITLE: Review of Landmarks Commission Policy Document

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Heather Bailey, Preservation Planner

ADOPTED:

POF:

DATED: 11/1/19

ID NUMBER: 57664

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

### **SUMMARY:**

*Erica Fox Gehrig, registering in support and wishing to speak*

*Elizabeth Cwik, registering neither in support nor in opposition and wishing to speak*

Bailey went over the proposed changes to the policy document, and said that she updated sections they had discussed at the previous meeting. She said that there were two registrants present to speak about the window replacement requests on page 9. Cwik said that she is supportive of asking applicants to have a contractor look at their windows to determine where they are repairable. She suggested the wording be expanded to include architects or others with training on historic windows. She said that she could see a problem if a determined property owner were able to find a contractor to say the windows should be replaced. She pointed out that the City is in a position where they cannot recommend contractors, so sending people to the Madison Trust for Historic Preservation for that information is a terrific idea. She asked how they could regulate this and ask people to go to a contractor who can prove they have repaired historic windows because there is no authority that regulates window repairers. Andrzejewski said that the current language in the policy document says, "a 3<sup>rd</sup> party assessment" of whether the windows can be repaired. Cwik asked how to say the 3<sup>rd</sup> party is qualified. Bailey said that she doesn't know how specific to get, but ideally whoever provides the assessment could provide references for other projects they have completed and would also be able to provide the estimate for repair. She pointed out that an architect could complete the assessment, but not the estimate. She said that while this is not a financial hardship variance, they could then look at whether the cost of repair is practical or so exorbitant compared to replacement that they should focus discussion on replacement.

Gehrig said that the cost of one versus the other is not the only answer because regardless, the historic fabric is what they are trying to keep. She said that unfortunately it is a case-by-case basis. She referenced the policy document, which said, "...the applicant must provide a 3<sup>rd</sup> party assessment of whether the windows are physically beyond repair or are not economically feasible to repair," and pointed out that it does not specifically ask for a quote on cost. She read the next sentence, "This assessment must come from a contractor who completes window repair...", and said that she agreed with Cwik about what is meant by contractor. She said that she liked Saloutos' suggested wording, "qualified specialist actively in the business of refurbishing and repairing windows" because window replacement businesses are going to tell people that their windows need to be replaced. Andrzejewski said that they do see people come in who have a vested interest, but the Commission is aware of what is happening. Arnesen said that one has to use common sense and staff expertise and in good faith understand that some people are in the business of replacement. Gehrig said that

commissioners may understand that, but people on the outside might not, so the City needs to provide the most information possible to applicants. Andrzejewski said that one reason they asked for a little flexibility in the wording is that they didn't want to make it restrictive for people to find options. She said that if the language is too restrictive, it sets up barriers and could lead people to go around the whole process, so she is looking for a reasonable, common-sense approach. Kaliszewski said that they heard from many applicants that contractors were hard to find this summer, but some were able to find people familiar with wood repair who were not previously on the list of contractors. Gehrig said that she thinks the Madison Trust for Historic Preservation is a great place to leave the list because they don't benefit financially, and mentioned that Jen Davel at the Wisconsin Historical Society has a list of people as well. Bailey said that is what got them into a bind this summer because many contractors on Davel's list were busy and not taking on new work. Arnesen said that led them to say any experienced general contractor or carpenter could make an assessment or repair a window; it doesn't need to be a window specialist. Andrzejewski read Saloutos' suggested language, "qualified specialist actively in the business of refurbishing and repairing windows." Arnesen said that is specifically what they don't want to say; if an applicant can find that person to do the work, that is great, but if not, what do they do? Bailey said that when she shifted from telling applicants to find someone who specializes in window repair to suggesting painters, carpenters, or general contractors, then people were able to find someone to do the repair work. Taylor said that from his perspective as a real estate broker, the condition of the windows they reviewed tonight would substantially decrease the value of a home. He said that if someone is interested in purchasing a historic home, but there is a restrictive process where they feel like they can't make the house livable, it is going to become difficult to continue passing those homes down to new people. Arnesen said that they have discussed that exact point before, and if they want people to purchase and invest in historic homes, they need balance. Taylor agreed that a restrictive process could serve as a deterrent to someone who is interested in purchasing a historic home. Arnesen said that they want people to buy these homes who know they are historic and are willing to make a significant investment to maintain them as historic, but if they are looking at high repair costs, will they buy it? Taylor said that even someone sensitive to the historic significance of a home wants it to be a feasible place to live that is safe and warm during the winter. Bailey said that she likes the idea to include the threshold for feasibility of repair both for whether it is physically feasible and beyond that, whether it is economically feasible. She said that she is an advocate for retaining historic fabric whenever possible, but if it gets to a point where one must repair at all costs, the Commission then becomes a tool for gentrification, which she does not want this to be about. She said that she wants to maintain historic character in a way that is reasonable so that people can continue to live and work in these properties. Andrzejewski asked if the language pointing out that it is not economically feasible serves as a gateway for people to make that argument. Arnesen said that it does, so it is up to the Commission to determine if the applicant in good faith provided accurate information. Andrzejewski asked about it specifically being called out in a bullet point. Kaliszewski said that she has concerns about demolition by neglect of windows. Cwik said that it depends who applicants get the estimate from, which goes back to the language they discussed and the fact that there is no way to police that. Andrzejewski said that putting the language in the policy document is a huge step forward, and is meant to give the Commission and applicants guidance about what they need to provide in an application. She suggested that commissioners look at the language carefully to make sure it does what they intend, and said that she imagines as they go forward, they may need to tweak the language and see how it works. There was further discussion on the wording, "3<sup>rd</sup> party assessment," and whether they should list suggestions of who could complete that assessment. Gehrig provided a handout regarding windows, and pointed out that a window is a hole in a house, so it is cold, but is not the only thing in a house that leaks energy. She suggested the Commission help people understand that, as well as other myths that those in the window replacement business are perpetuating.

### **ACTION:**

**A motion was made by Arnesen, seconded by Kaliszewski, to refer the item to a future Landmarks Commission meeting. The motion passed by voice vote/other.**