



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE

Wednesday, October 30, 2019

6:00 PM

215 Martin Luther King Jr. Blvd.
Room 206 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Present: 5 - Patrick W. Heck; Christian A. Albouras; Arvina Martin; Keith Furman and Marsha A. Rummel

Staff present: Heather Bailey, Planning Division; Amy Scanlon, Engineering Division; John Strange, City Attorney's Office

The meeting was called to order at 6:05 pm

Martin arrived at 6:06 pm

APPROVAL OF MINUTES

A motion was made by Heck, seconded by Rummel, to Approve the August 29, 2019 Minutes. The motion passed by voice vote/other.

SUSPENSION OF RULES

No action was taken.

PUBLIC COMMENT

None

DISCLOSURES AND RECUSALS

None

- [57480](#) Discussion of Window Maintenance and Replacement

Jim Murphy, registering neither in support nor in opposition and wishing to speak
Pam Barrett, registering neither in support nor in opposition and wishing to speak
Erica Fox Gehrig, registering neither in support nor in opposition and wishing to speak

Murphy, representing the Marquette Bungalows Neighbors Group, referenced a statement sent to the Committee on September 3, 2019. He requested committee members look at the concerns outlined in that statement prior to approving any final ordinance language.

Barrett said that she is interested in this topic because she is going into the window restoration business. She said that she thinks there is misinformation regarding the cost of repair versus replacement. She said that she had an estimate for replacement

of one window at her house, and it would cost \$3200 for a historically appropriate window, which she could repair for \$1200, less than half the cost of replacement. She suggested that when applicants say that it costs more to repair than replace that they be required to provide quotes on those different costs because in research she has done, she found that across the nation, it is cheaper to repair than replace windows.

Fox Gehrig said that she was on the Landmarks Commission for many years, and reviewed a lot of window projects during that time. She said that she attended the Landmarks Commission meeting earlier this week to discuss language about inviting a third party to inform applicants as to whether their windows can be repaired or would need to be replaced. She explained that the question is who is eligible to help make that decision and what the City's role can be. She suggested that the building inspectors could assess whether or not one could repair a window, saying that it helps to have a person who is not financially connected to the project to make that decision. Rummel asked for Fox Gehrig's observations from her time on Landmarks Commission. Fox Gehrig said that there is such a campaign of misinformation about what it takes to repair a window because the replacement industry is so vocal, so it is important to provide applicants the information and resources they need regarding window repair. Rummel asked Fox Gehrig what she envisions Building Inspection's role to be, and Fox Gehrig said that it would be helpful to have a professional third party opinion that applicants could feel comfortable with because often they come to Landmarks Commission with their remodeler, who is going to tell the applicants what is in the remodeler's best interest. Bailey clarified that the Landmarks Commission was discussing an update to the Policy Manual regarding guidance for what would make a sufficient window application in order to receive a more robust application while also simplifying the process. Heck said that if Building Inspection were to become the people to judge whether one can repair or replace, there would likely be pushback at times.

Bailey provided information on window components and types, and referenced other documentation provided to committee members regarding window repair. She explained that windows are a big topic in the preservation world because they are typically character-defining features for a property. She said that the original craftsmanship is difficult to replicate exactly, and pointed out that old-growth wood windows can last almost indefinitely if they are managed appropriately. As Madison loses the historic fabric of buildings in historic districts, it affects the character of those neighborhoods, and she said that she would like to be more careful in how they proceed in order to retain more of that historic fabric. Shifting to lead paint and windows, Bailey said that she has received Landmarks Commission applications for window replacements as a way to remediate lead paint, and the topic should be discussed in relation to the ordinance revision. She explained that the HUD guidelines point out that "the mere presence of lead paint on a building component does not constitute a hazard," and said that the issues for windows begin with a friction surface, which can create lead dust as the window is being operated. She referenced HUD's lead paint safety advice, which discusses paint removal and installation of jamb liners in friction surfaces. She said that in discussions with Public Health Madison and Dane County, they have raised concerns that lead isn't just in the paint itself, but in the wood as well. She said that she reached out to the US Forest Service Forest Products Laboratory, who said that lead does not tend to travel and due to the viscous nature of paint, lead doesn't tend to travel very far out of the paint either. The USFS pointed her to some research that tested lead levels in wood siding after planing, which found that

the lead did not penetrate the wood particularly deeply. She said that sustainability is another issue, and one can get stuck in a cycle of window replacement because most new materials are not repairable like old growth wood windows, so the replacement ends up being more costly over time. Albouras referenced the USFS data that Bailey had cited, and pointed out that the lead did penetrate the wood a little, and asked if there was cause for concern that it was still hazardous. Bailey said that the research showed that the lead goes down to as deep as 1/8", so the amount of sanding one would need to do to get the wood ready for new paint would likely take off the layer of wood that might contain any remaining lead. She pointed out that the work needs to be completed by a lead-safe contractor so the lead is contained properly. She said that this particular study is the only research she was able to find on lead paint levels, and she could not find any research that involved hand sanding of wood. Albouras asked if there was any funding available for Madison residents for the remediation of lead paint. Bailey said that funding would be available if the house is also in a National Register Historic District because lead remediation is eligible for preservation tax credits; if it is not in a National Register Historic District, there is no funding available.

2. [56918](#)

Draft Historic Preservation Ordinance

The committee went through the draft ordinance document to provide feedback to staff; they began on page 8 in the Standards for Alterations section, where they had previously left off. In Roofs- General Requirements, (3)(a)1, Scanlon suggested that "b", which discusses roof form, should be moved up to "a", and that the current "a" and "c" could potentially be combined. Strange suggested that they add an exception to "c" similar to that in "b", which says, "except to restore it to the historic documentable appearance."

Albouras said that at a previous meeting, he had requested information on whether there is an obligation on a realtor who is selling a home to disclose information about a property's historic designation. Bailey said that she reached out to some realtors who confirmed that as part of the disclosures, there is a question about whether a property has a historic designation; however, the disclosures are to the best of the property owner's knowledge, so if they are unaware of a designation, that information may not be completed correctly. Albouras said that he is concerned about someone who might purchase a home and is unaware of what a historic designation means, and may end up in a situation where these important things that need to be done to preserve the history and efficacy of these neighborhoods become more of a pitfall to them. Bailey said that it is a priority for her to hold a training for realtors because they are the gateway for people buying properties in historic districts. She said that she does not want homeowners to get into a situation where this is a surprise, and wants them to know exactly what they are getting into when purchasing a home with a historic designation. Rummel pointed out that some of the recommendations in the Historic Preservation Plan are also about education and awareness. Scanlon said that there is an annual letter that is sent to property owners in historic districts so they are aware of that designation.

Albouras left at 7:10 pm.

Rummel referenced previous public comments, and asked why one can't remove a chimney that is not a character-defining feature. Bailey said that chimneys are character-defining even if they are not high-style and decorative. She said that chimneys are part of the history of the building, and by removing a chimney, one is

changing the character of the building and neighborhood, which would look noticeably different if chimneys were removed. Rummel asked if removal is allowed if the chimney is not visible from the street, and Bailey confirmed it was. Heck asked if there was any prohibition of making a chimney non-functional, and Bailey said there was not.

In Windows and Doors- Filling Openings- Requirements, (4)(a)1, Heck asked about the language, "above the foundation level," and whether that was the same as above grade. Scanlon said that if a window is in a basement, there is more potential to infill than if it is not in a basement; sometimes those windows sit right above grade, sometimes are half and half, and sometimes are below. Strange asked if they could combine "a. Filling Openings" and "c. New Openings", and instead have a heading of "Openings" with requirements and guidelines for Filling Openings and New Openings differentiated beneath. Rummel raised concerns about allowing people to fill openings, and said that she thinks of buildings as four-sided rather than what is visible from the street. In "c. New Openings", Heck pointed out that it referenced windows, but not doors; Scanlon said they should add a reference to doors in Requirements "a" and "b". In (4)(e), Glass Requirements and Guidelines, Bailey pointed out that it also only discusses windows and suggested they add doors. Rummel asked about commercial buildings, and pointed out that bird-friendly glass is sometimes etched or patterned. Bailey said that changing glass could be enough to impact the historic character of the building. Scanlon said that most historic windows have muntins rather than large expanses of reflective glass, and Bailey agreed that most glass buildings are not historic yet.

3. [54448](#)

Discussion of Next Steps and Schedule

David Mollenhoff, registering neither in support nor in opposition and available to answer questions

Furman began discussion of the updated work plan, and Bailey described the topics planned for discussion at the upcoming meetings. Furman said that the Madison Alliance for Historic Preservation has requested to present their draft ordinance to the committee at the December 10 meeting. He said that he would like to work through staff's draft of the ordinance prior to hearing from the Alliance, and he doesn't think they will be ready by December 10. He suggested they set aside time at the December 17 meeting to hear from the Alliance, but they can reassess the date at a future meeting. Heck said that he wanted to be sure they allow time for the committee to discuss the Alliance's presentation as well.

Heck asked if the committee was going to discuss the historic district tours because a lot of questions came to mind as he did them and he would like to debrief. Furman agreed that the tours gave him some things to think about, and said it should be included as a topic on the next meeting agenda. Rummel asked if they were going to discuss the regulation of non-buildings. Bailey made a note that archaeology is not addressed, and said there are some landscape features and archaeology that are individually landmarked and have been addressed through the Secretary of the Interior's Standards, but otherwise there is largely not language that discusses them.

ADJOURNMENT

**A motion was made by Martin, seconded by Rummel, to Adjourn at 7:55 pm.
The motion passed by voice vote/other.**