

TOWN OF WESTPORT
HISTORIC PRESERVATION COMMISSION
Kennedy Administration Building Community Meeting Room
5387 Mary Lake Road
Town of Westport, Wisconsin

Minutes – April 6th, 2023

Members Present: Pichette, Moore, Werner, Wing, Will, Absent: Hermanson

Public Present: Jason Tish (CLG Coordinator, Wisconsin Historical Society), John Cuccia (Town Board Chair)

Meeting called to order at 6:00 pm

Public comment on matters not on the agenda: none.

Motion to approve minutes from March 2nd, 2023, made by Will, seconded by Werner, motion approved unanimously.

Presentation / Discussion, Jason Tish CLG Coordinator:

Jason Tish was invited by HPC to provide an overview of CLG program and status, and provide opportunity for members to ask questions. Tish gave a brief overview of the CLG partnership program, and noted Westport became a CLG in 2011. Tish said he helps with connecting preservation commissions to funding (grants) for various projects, like planning projects, and noted historic preservation plans help towns, villages or cities, and property owners, in a variety of ways. Tish said, in order to be a CLG, communities need to adopt a historic preservation ordinance (which Westport has) that meets standards, have a commission (which Westport does), and noted our HPC is in good standing as CLG partner.

Tish described relationship between local designation (under Town ordinance) and national designation.

Tish stated a historic preservation commission can designate properties under our Town ordinance, if they meet our established standards, and do not need to wait for an application by private party or landowner to do so. He stated that designation under Town ordinances are per their own criteria, and are not the same as state or national criteria, although often mirror many of the same standards.

Tish noted some advantages for property owners, if a property receives national historic designation, which included potential for property owners to receive tax credits and incentives.

Tish noted that the state tax credit program is for residential properties (as an example, a barn might qualify as part of residential farmstead property) and the federal program is available to commercial buildings. Tish provided an overview of some general relative tax credit amounts. He noted that 25% back to homeowners as credit from their state tax obligation, for

homeowners for things like (examples) roofing, painting, HVAC, electrical, plumbing, exterior repairs, with that 25% back as credit to state tax obligation. Commercial buildings could have the ability to combine incentives, and achieve a 40% financing tool, which Tish stated is significant.

Tish noted that Westport has not had a historic survey completed, and that our Town should consider that project for a variety of reasons. He noted the project could be relatively simple, not too expensive, and could identify properties that may be eligible for National Register designation and thus for credits, as a CLG Westport could get a CLG grant to do a survey.

Pichette and Wing noted some types of properties that exist in the Town which would be potentially historic, such as farmsteads, some commercial buildings, and sites.

Following his overview, Tish then fielded questions from the HPC.

- Pichette asked if a survey would include information about properties no longer standing. Tish noted the front end of survey typically has some historical context for places not there (ex *Rocky's Roost*, *Westport as originally considered site for State capitol*)
- Pichette asked if property owners typically perceive designation in negative, or positive ways. Tish there are often some negative connotations for historic designation, noting often the negativity comes from regulations at the local level. The National Register comes with no rules unless you apply to use tax credit programs.
- Pichette asked; If a property were to be designated "historic" at the local level, what restrictions (at local level) would a property owner have, that might not be desirable to them? Tish responded, noting that, according to our Town ordinance, once a property is designated [historic], a property owner must get approval from the HPC to any exterior modifications (ex; addition, windows), which they would first need to submit for approval to HPC, the HPC would then evaluate their request based on our criteria, then make a decision. Tish noted it is an encumbrance for the property owner, as they have to work with another body (re; HPC), and design to meet approval (criteria), which does typically require an additional investment in time, and/or costs. Tish went on to explain that, often doing it the right way, according to standards, can cost more (ex; materials, hiring specialt craftsman) that is why we [CLG] like to see federal designation, so the property owner can receive tax credits for it.
- Pichette asked if owner of locally historically designated property comes to HPC to ask for approval to make petition for alterations, or removal of building, once HPC makes decision, does that then go to other Town bodies (Plan Commission, Town Board) for review / approval, or does that decision come solely form HPC? Tish said our HPC, as a CLG, is a quasi-judicial body, so HPC is empowered to issue approval and Certificate of Appropriateness and does not go through other Town bodies. He noted a property owner could appeal a decision to Town Board (there is a process for this). He noted that the Westport Town Board can then make their decision(s) based on whatever criteria they want to, and as our Town ordinance as written, are not required to follow our Town's historic designation standards for their decisions.

- Pichette asked if there anything preventing a citizen applicant from coming back to submit a second (or additional) application(s) for historic designation for properties if their initial application for designation was denied. (Tish) No – Nothing in your Town ordinance preventing that currently. Tish noted he has seen other Town ordinances that have provisions that include (for example) a provision stating another nomination cannot be entertained for 12 months from original application. Pichette noted we could amend our ordinances to include this, and Tish agreed.
- Pichette asked if there was anything in our Town ordinance that would prevent our Town from charging a fee for an application for historic designation. (Tish) No – Stated he does not see anything in our Town code that says we cannot do that.
- Pichette asked; Can you explain the difference between our Town local designation (as written) and national designation criteria? Can a site that is not the work of a master or architecture still be designated under national designation? (Tish) Stated there are a set of standards for national designation, and that locals typically follow a similar set of standards. He noted, at the national level, those standards are generally defined under the following categorical distinctions.
 - Architecture: High style example of a certain some style
 - History: Associated with some important aspect of history, (ex founding of a town), even if the building is considered unattractive. Wing asked if Prohibition would apply, to which Tish responded - Yes, potentially.
 - Person(s): Person was pivotal in community founding, important person, people gathering place, noting does not matter (again) if building is unattractive.
 - Arch. Sites: Site has or has potential to yield significant research in pre-history, for archaeological research.

Tish stated that Westport ordinance has 5 criteria;

- A “history” (of Town) criteria
- a historic personage criteria (like national “person” criteria)
- an “architectural” criteria
- another criteria (“landscape”) which is aimed at places, not necessarily buildings, which says can be applied for area that exemplifies character of local landscape, aesthetics that establish sense of place (could be aimed at landscapes)
- Pre-history (re: Archeology, likely to yield research on prehistory).

(Tish) The difference is the interpretation of our Town local criteria (vs. national) are up to us [HPC] as to how we interpret as local government. The federal criteria have a national standard and manual that is used and is pretty specific. Your local criteria are adopted by local government and are up to you (Town) as to how you interpret, through your HPC.

- Wings asked; If Town designates historic through Town (local) designation, does federal

recognition take into account how it was designated (and is considered relevant) locally? (Tish) At national level, those criteria can be relevant to local history. Also, state and national. For national register it only needs to be significant locally. It is pretty easy to translate to federal nomination (Tish). Pichette noted this then this would be potentially beneficial to property owner so they can get tax credits, and Tish confirmed.

- Will asked, for a property to receive designation, does it need to meet all criteria or only one?

(Tish) No – Only one.

- Will asked if it can be overwritten by Town Board (designation)?

(Tish) Your job (HPC) is to work with property owners to help them understand standards and how they can meet them. Will noted, we [HPC] don't want to be confrontational, and should be cooperative and help show the community the historical significance of a particular property.

- Will asked; How does zoning relate to the purview of the HPC, and/or historical designation?

(Tish) Your [Town] historic preservation ordinance is not written as a zoning overlay.

(Pichette) Could owner still ask for zoning change despite designation? Tish stated he did not see why not, but noted he was not familiar with Town's zoning ordinances, specifically.

- Werner, said he noticed our ordinance says we do not need to have to have property owner's permission to designate something as historic, and asked if this was a correct interpretation. Tish stated that this is true, and is a CLG program standard, because properties are either "historic" or they are not, whether owners are willing to accept that designation, or not. Tish went on to state that a property either meets designation standards or does not. And that is the nature of this stipulation. Tish went on to provide some additional context, stating that CLG standards are tool a Town needs to have, and in order for that tool to be effective, this needs to be in place.

- Wing asked; If we [Town, HPC] wanted to do a survey – Who does this work, and how does that move ahead? Would that be consultants?

(Tish) If you get a grant, Tish [State office of Historical Preservation] provides list of consultants, CLG manual that consultants do according to standards. Provides template contract Town can use. They walk through the Town through process, CLG helps define the scope of work. Members asked what the general investment level is. Tish stated it might cost around \$10,000-\$15,000 to have completed for a Town our size. Members asked what the maximum dollar amount is for a related grant, and Tish said the grant maximum is \$50,000.

- Wing asked what a relative timeline is for grant applications.

(Tish) Outlined schedule; Application deadline is in December, awards made in February. Usually by April or May you are off with your project, working with consultant and have until following August to finish up work. He said the Town would submit a letter of intent in

August. Moore asked Tish to clarify which state agency this process is through, and Tish said it would be his office, the State Office of Historic Preservation, which is within the Wisconsin Historical Society.

- Pichette asked if a lot of towns have a CLG, or is it mostly villages and/or cities?
(Tish) Most are villages and cities – We (Westport) are little unique.
- Pichette asked how difficult is it to write the grant;
(Tish) Submit letter of intent in August, can be basic email. Between August and September he would work with us to define parameters of the project. Need to pick someone to be project manager – Usually city staff, (or Town staff), or perhaps a member of HPC in our circumstances.
- Will asked; What is state designation? Is that the same as local or national?
(Tish) There is a state register of historic places – Comes with no benefits or restrictions. This typically happens along the route of the national designation. There is no separate nomination for state. You apply to national and get state along the way.
- Pichette inquired about any means to gauge feasibility of a particular property successfully receiving national designation. Tish stated he has an audit form that can predict whether, or not, the designation might be successful and is very accurate. Tish noted that his organization has a weekly meeting to look at these initial inquiries and can give preliminary opinion of national register nomination being successful. Pichette asked if anyone can submit, Tish said yes.
- Pichette asked if there are any negatives to national designation?
(Tish) National register is all positive. Tish went on to clarify that you can get national recognition, even without local recognition.
- Town Board Chair John Cuccia asked what options does someone have to oppose a designation that is made?
(Tish) State appeal provision. Pichette asked if Tish had ever seen another case where someone sued a town for designation, and Tish said he had not seen this happen before, and that if that happened, he expected they (appealing party) would lose. Tish said this was appealed to the Supreme Court in the 1960's and was upheld by the Supreme Court.
- During discussion, Tish noted some “best practices” for a CLGs;
 - o Community should get out and designate in advance, if possible.
 - o Historic preservation ordinances are a specific tool and should not be used as a means to block development. Preservation consideration should only be measured or reviewed per the standards. It was noted that Westport does not have something in the ordinances (local), like Madison does, establishes timing parameters for proposed development relative to historic designation. Wing asked, what if something was not designated ahead of time?
- Will asked; If someone submits an application for historic designation, is it incumbent

upon the HPC to follow through with the process?

(Tish) Yes. This [HPC's] body's job at that point is to consider that application, and follow through on the process, and review that per your own criteria. Tish said the property owner could appeal to the Town Board, and they have a broader set of criteria than HPC.

- Cuccia asked Tish to clarify how designation works, relative to "historic buildings" vs. "historic property".

(Tish) National [designation] draws boundary around the entire property, or parcel.

- (Tish) said our Town's first historic designation criteria is "a property that exemplifies or reflects a broad, cultural, political, economic, or social history of the Town", and said that is what we need to consider, per our ordinance.

Members thanked Tish for his time and information provided.

Mill Road Sign discussion:

- Pichette would like to get the project moving again. Pichette saw stone pile again, and things it could be showed up to save what is there. Asked members; Do we want to work with Waunakee to save it and move forward? Joint Waunakee and Westport property, that is park affiliated. Wing said it is in the core plan that there will be signage there and said we could move forward with history and sign at HPC. Moore said he can assist with sign design and will reference recent Town sign standards set forth.
- Wing will share her historic report as last was drafted, and Moore will look at design. Town staff to send Moore a copy of final sign standard package from Poblocki, which he had not seen after his work with them on sign committee.
- Members discussed the inclusion of images, text and possibly a QR code. Moore said he can design for QR code to be added later, if there at some point is a website link to Town's history, which we do not have yet.
- Pichette would like to get it done this Summer if possible.

State Historic Marker

- Nothing to report.

EWV Site

- Pichette asked Town staff, and have not heard back from Dane County, but heard it could be 2024 before anything happens.
- Recent thoughts are maybe we simplify, and just put-up signs and leave it as pollinator and no mowed paths, Grosskopf will talk to Dane county and come back to HPC.

Document Storage

- Nothing to report.

Misc. Matters not on agenda

- Ziegler Dairy Farm LLC, 5428 County Hwy Q:
Recent land re-zoning was approved, with conditions. The owner will make two lots for family houses, the rest will stay farmland, owner will take down manure pit, and one condition of approval from Plan Commission was keeping the historic barn. The owner now wants to remove barn and must get HPC and Plan Commission to allow removal of barn. Owner was asked to come to HPC meeting to discuss barn and was not present. Members discussed what HOC would need to review, and it was agreed that Will will visit the barn to assess barn type and condition before next meeting. Will noted some types of barns and their builders. Wing noted we may need some type of barn policy as a means to assess and review these types of structures. Pichette noted he has asked Town staff to notify HPC if anyone requests permit to demo barn and agreed it might be good to get official policy in place for process.

Cuccia noted the current lack of consequences for demo without permits and may be worth considering implementing measures in the event this type of activity occurs, so there is a more formal recourse.

- 5360 Westport Rd, (former Nau-Ti-Gal, Hansen's Tavern): Pichette thanked HPC members for cooperating with the process. Pichette requested Town staff verify Wing's historical research report on property be included in Plan Commission packet, and also to verify it is the correct and final draft.
- Wing noted desire for Town to consider providing some type of basic training for commission or board members, to establish better educational foundation for them during their service. HPC members agreed, and Cuccia noted the Town taking some steps to build education for members of Town bodies. Will noted some examples of online materials and certifications that might be available.

Motion to adjourn Werner, seconded Moore.

Meeting adjourned at 7:26pm

The next HPC meeting is on May 4th, 2023.

Minutes respectfully submitted,

Chris Moore, Commission Secretary