

**Village of Egg Harbor
Architectural Review & Historic Preservation Board
Meeting Minutes**

August 17th, 2023, at 10:30 A.M.

**This meeting will be conducted IN PERSON at the Paul J Bertschinger Center
7860 STH 42 Egg Harbor, WI 54209**

**Members of the public can also join the meeting by Zoom Video Conference:
TO CONNECT VIA COMPUTER/PERSONAL DEVICE:**

Meeting Link: <https://villageofegg Harbor.zoom.us/j/83227517155>

Meeting ID: 832 2751 7155

**Members of the public with limited internet access are encouraged use the phone option:
Phone Number: +1 312-626-6799 Meeting ID: 832 2751 7155**

Chris Roedl, Chair
Kathy Navis, Member
Jim Vander Heiden, Member

Ken Mathys, Member
Paul Brophy, Member

1. Call the meeting to order

Roedl called the meeting to order at 10:30 a.m. Those in attendance were Chris Roedl, Kathy Navis, Jim Vander Heiden, Ken Mathys, Paul Brophy, and Megan Sawyer. Also in attendance were Jason Tish and Elizabeth Hilton with the Wisconsin Historic Office and Rob Esposito.

2. Approve the agenda

Brophy moved to approve the agenda, second by Roedl, motion carried.

3. Approve June 8th, 2023, Architectural Review and Historic Preservation meeting minutes

Mathys moved to approve the June 8th, 2023 meeting minutes, second by Brophy, motion carried.

4. Open Session

Ken Mathys asked that art installation be discussed at a future meeting.

5. Discussions with Jason Tish about becoming a Certified Local Government through the partnership program with the Wisconsin State Historic Preservation Office and the National Park Service

Sawyer reviewed that at the last meeting, the Board discussed having a meeting with Jason to discuss our ordinance, our design process, and becoming a certified local government. Jason and Elizabeth have joined today's meeting to discuss these items. Sawyer and Brophy had a preliminary conversation with Jason almost a year ago to discuss the Village's development of an Architectural Review and Historic Preservation Board and guidelines.

Jason Tish introduced himself and he is the coordinator of the certified local government program which is within the State Historic Preservation Office which is inside the WI Historical Society. The State's Historic Preservation Office is mandated by Federal law and funded in part by Federal funding. They coordinate with the National Register

program, CLG program, and state and federal tax program. Elizabeth Hilton introduced herself and she is the National Register Coordinator with SHPO.

Tish reviewed the Certified Local Government (CLG) Program. This is a program that was designed by the National Park Service and is a mechanism for getting federal funding to local government.

With the CLG portion of that funding, a program was devised to certify local governments.

Tish reviewed the rules of the CLG program. To be a CLG, and participate in that distribution of funding, a community has to have an ordinance that creates a Historic Preservation Commission (HPC) and requirements for the expertise that is on that commission. An HPC typically has the authority to make decisions about historic properties in the community. There needs to be historic, architectural, and planning expertise on the HPC.

In smaller communities this can be difficult so expertise can be drawn from nearby communities. A plan or strategy to recruit that expertise can be submitted in lieu of having this expertise on the HPC.

The community also needs an ordinance that creates the commission and that has criteria for designating historic properties, which the Village ordinance does. The ordinance has to have standards for review. The ordinance has to define a designation process that includes a public hearing and notice, which the Village ordinance does. The ordinance needs to give the HPC quasi-judicial authority to review and approve or deny basically a permit.

The Village's ordinance does have all of the requirements, except the one thing it doesn't do quite right is that it gives the quasi-judicial power to the Plan Commission, that is okay as long as that body has the expertise.

The Board discussed that this should be updated in our ordinances to be the Architectural Review and Historic Preservation Board.

Other requirements are enforcing the ordinance and state and federal historic preservation laws. Tish stated that his office can help the Village with this.

Tish reviewed the ordinance compliance with State and Federal laws which includes a requirement to send him the minutes of the meetings. Annually there is a report requirement for CLGs. It is a pretty simple reporting form that is online.

The ordinance requires that the local government be able to designate properties over the potential objection of an owner. This can be a scary thing, but if the HPC only has the ability to recommend properties to the Village Board and not actually designate them, then there are elected officials making these decisions instead of appointed officials. The Village's ordinance may need to be tweaked a bit in this regard because the current ordinance allows designation of properties by the HPC and recommends districts to the Village Board.

Mathys asked if a municipality has to be a CLG to designate historic properties. Tish said you have to have a body that is authorized by ordinance to designate. Tish pointed out that municipalities are not required to designate anything, they are required to have the

authority to.

Brophy asked that with the exception of the Plan Commission listed as the designating body rather than this body, the Village ordinance seems to be in compliance with the requirements. Tish said this is technically correct, but he does have a bit of hesitation.

Bayfield has set up their ordinance the same way as the Village in that they have one body that reviews historical property designations, new construction, and alternations to most properties in the City. What has happened is that over the years, they have kind of lost their focus and the community's property owners don't quite understand what they do and what they are responsible for. Tish is nervous that the Village has convoluted the historical designation with everything else.

Mathys said that the Architectural Review and Historic Preservation Board just reviews the architectural components, not the building code and use. Tish said this doesn't really change his opinion because of his experience with Bayfield. However, this does not preclude the Village from becoming a CLG.

Mathys asked if the situation in Bayfield is from the standpoint of confusion amongst the population, not from an ordinance or statutory standpoint, and Tish confirmed that this is correct.

Tish asked how the Board feels about the old ordinance and the newly adopted ordinance and how they fit together. Mathys said that the Board has incorporated by reference the old ordinance into the new ordinance, which the Ad Hoc Committee felt pretty good about.

Brophy said he feels the Board's role by ordinance is being responsible for enforcing the design guidelines that exist in the geographic areas that are covered under the ordinance and because we have the historic requirements bring particular judgement to historic buildings in the Village. The Board thought there were some advantages to doing this because the same expertise is collected on one body.

Bayfield's body has committed to having separate meetings for historical designation and architectural guidelines.

Navis said she thinks the main difference here is that Bayfield is a much larger community. The Village has the expertise on this Board and we are a small community with not a lot of expertise to pull from.

Tish reviewed that the biggest benefit from becoming a CLG is the no match funding. Grant funding can be used for planning projects, not brick and mortar projects, so things like a survey of the Village to identify historic properties, nominations of those properties to the national register for tax credits. The Village could develop a Historic Preservation Plan.

Hilton explained that designation for the State register and National register is purely honorific. There is no control on physical changes to the property. It is an honor to have this designation and a desire to be on it because you are able to get tax credits. So, you you're a resident and you're a contributor to a national register historic district or your individually eligible for the register you can get a 25% tax credit on the work that you do

to your property. When that happens you do have to submit your proposed item to the state office for review in order to ensure that historic features are not being removed, or if they are that they are being replaced in kind. For income producing properties, there is a 20 percent state and a matching 20 percent federal tax credit.

Hilton said that this is another reason why CLGs are desirable because when you do the surveys you identify where these significant properties are. Through the Village's current WisDOT project, it was determined that Stella Maris Church was found eligible for the National Register, so even though they are a nonprofit, they can get a tax credit. Government properties cannot take advantage of tax credits because they don't get taxed. It is a huge incentive because as a CLG if the Village did a historic survey, you find these properties and can designate historic districts so that residents can take advantage of the tax credits.

Brophy asked if a Village property is on the National Historic Registry if the Board still has oversight over the design. Hilton stated that the design is all local, it is only if a property is receiving a tax credit that SHPOs office has to approve the proposed work.

Tish asked if the Village has any locally designated properties. The Board explained that the Village does not, but our historical society has a list of historic buildings. Therefore, we have a pretty good base to work from. Mathys said this is why the Board wants to pursue becoming a CLG because they want to protect those buildings as soon as possible. Tish said that the Village is set up well to protect those buildings.

Navis asked if SHPO has people they could recommend helping the Village with a survey. Hilton said SHPO has a historic consultants list of people who are well experienced and highly qualified. Mathys asked if these types of firms are readily available or how long would it take the Village to become a CLG and get things rolling.

Tish said that becoming a CLG could be accomplished in two months.

Navis asked what the Village is lacking. Tish said he doesn't think the Village ordinance is lacking anything.

Mathys asked after becoming certified, how long would it take to get connected with the resources for a survey.

Tish said the grant cycle is an annual cycle, the deadline for the initial letter of interest just passed. A grant would be available as soon as 2025. Mathys thinks the Village needs to do something sooner than that, but it would need to be locally funded.

Navis asked if since the Village already has the list of historic properties if the Board could just get through it or one of the Historical Society members go through it. Brophy said there are notification processes that have to occur with the property owners and community generally so he is not sure if it is wiser to do this in a group of properties or individually.

Tish recommended that the Board review properties one at a time since the Village doesn't have any at this time and it is going to be a new thing for residents and there will be some curiosity stirred up. He recommends taking it slowly and starting with low hanging fruit. Potentially public buildings that everyone agrees on. This way people in

the community get to know what the Board is doing and why. Navis said perhaps the Board looks at the historical society's list and prioritizes them and then works their way through the list.

Tish asked if the Board is aware of the survey that SHPO funded of the entire county back in the 1990s. The Board was not aware of this survey. Tish has a report of this that he can share as a resource. Tish clarified that the Village could start designating properties right now, we would not need to wait to be a CLG in order to do so.

Mathys asked if some of the resources Hilton and Tish mentioned are available for hire directly. Hilton said they are.

Sawyer said she assumes the cost is based off of the size of the community and how many properties could potentially qualify therefore, there likely isn't an estimate Hilton or Tish could provide.

Sawyer also asked if this might be similar to a resource that the Village has worked with already on the WisDOT Section 106 process. Hilton said a lot of those professionals do this work and are included on the list. Since the Board already has the criteria and a listing, a consultant may not be needed.

Vander Heiden asked about designating a district versus individual building such as the downtown. Vander Heiden asked what the pros and cons of this might be. Vander Heiden said part 2 of his question is that the Village has a significant project going on with the replacement of the highway and some significant changes. If the Village had a historic district in place now, would that have created obstacles or would have helped the Village with the project.

Hilton clarified if Vander Heiden is referring to local or national designation. Hilton said like the project that is going on right now, an evaluation is being done of all the properties to identify whether they're listed or determined eligible for the National Register. When WisDOT did that evaluation, they mark up on the map which properties meet that level and try to make an effort to protect those properties, so they're not going to try and encroach too much on the land or get too close to the buildings if they are eligible for the National Register. There are certain guidelines that need to be followed to make sure there is no adverse effect created.

Hilton said the difference really in creating a Historic District downtown is the fact that you won't get contributors and non contributors for listing on the National Register and if they are contributors they can receive those 40% tax credits.

Navis asked if the Village needs to fill out an application to become a CLG. Tish said there is not an official application, but he will need a letter from the Chief elected official, a copy of the ordinances, a list of who serves on the Review Board and their qualifications. This is basically a formal request to be certified. Tish will review it and will send it to the National Park Service after he reviews that the Village has met all of the requirements. It takes the National Park Service about a month to review and they have final approval.

Mathys asked if there is any downside to becoming a CLG. Hilton said it is some additional work for staff in terms of submitting minutes and filing the annual report.

There is no cost associated.

Brophy said that understanding that the next grant funding cycle available to the Village is in 2025 what other things can fund to toward in addition to surveys. Tish said that once the community gets a survey and can see all of the properties that are eligible for the National Register you can get grant funding to have those National Register Nominations prepared as well as create a National Register Historic District to receive tax credits.

Brophy asked if there is any funding for the local level. Tish said that grant funding can be used for local nominations. Tish said he doesn't know what the process is for nominating local landmarks, but the Village should have some sort of nomination form, so the Village could hire a consultant to put this together. A grant could also be put toward a Historic Preservation plan or to help develop design guidelines. Tish said good design guidelines will have illustrations showing what is acceptable and what's not. If there is a local organization that would like to do a traditional walking tour or app tour of the Village there can be grant funding for that.

Navis asked how difficult the grant funding application is. Tish said that it is not very complicated, it requires a letter of intent in August saying what the intent for funding is and the cost and the application is due in December. In between that time, Tish works with applicants to refine the scope of the project and make sure it meets the criteria.

Brophy asked what the typical range of grant sizing is. Tish said he expects the estimated program to be approximately \$140,000/year it has been going up over the years. Most projects that are granted are in the range of \$6,000 to \$30,000.

Navis moved that Village Administration ask for the Village of Egg Harbor to apply to become a CLG, second by Brophy, motion carried. Mathys absent.

Mathys said the Board should potentially review the listing of the resources or talk about getting the Historic Society involved at a future meeting as well as review the criteria that is in the ordinance. Navis said she thinks the Board should meet with someone from the Historical Society and review the list they have put together. Brophy suggested starting with Navis's building. Vander Heiden suggested getting a sample scope of work from Tish to review and figure out if there is work that can be done in-house or with a consultant. Sawyer said she can talk to some of the resources that were used in conjunction with the highway project since they are already familiar with the Village. The Village has been working through the Section 106 process with the highway project so there has been some historic review already done.

Navis said what she would like to do is review the historical society list and prioritize it and then work through it.

6. Review and consideration of project application submitted for parcel # 118-56-0006 on the Northwest Corner of Church Street and Orchard Rd, DoCo Capital

Sawyer reviewed the Rob Esposito, the property owner, and Brian Johnson, the architect is on the call also.

Sawyer reviewed the history around this project. There was another project proposed for the property that required and was approved for a conditional use permit by the Plan Commission. This conditional use permit has been withdrawn by Esposito. The permit was

issued for multi-unit structures being used as short-term rentals. Esposito is now going in the direction of having a resort on the property which is a permitted use. This information will be shared with the Plan Commission in terms of an update on the withdrawal of the permit but will not require any further review or approvals from the Plan Commission.

Brophy asked if there had been a public hearing for the previous project that required the conditional use permit. Sawyer stated that the permit was entirely issued, and the conditional use permit application process was followed which does require a public hearing.

Rob Esposito walked through the project plans with the Board. Esposito explained that he previously developed the Flats on Church Street and this is kind of the third phase of that development.

Esposito stated that he is much happier with the updated design than the previous design that received the conditional approval. There was no parking shielded there wasn't frontage on both Church Street and Orchard Road. Now there are 5 buildings, 2 duplexes, 1.5 bath. The use is only intended for short term rental and he understands that if he would want to use them as long term rental units he would need to go back before the Plan Commission for the appropriate permits, however, this is not currently in the plans.

Esposito has been involved in the short term rental discussion in the Village and he thinks there is a good opportunity with this undeveloped land to add some short term rentals in the center of town outside of residential areas. The development is going with the resort designation but there is potential for large groups renting together.

Mathys asked if there is any significant to the resort label of this. Roedl pointed out that this is a permitted use. Sawyer said that there is a definition of resort in the ordinance and this development is in line with that.

Mathys asked if the property owner and the architect followed the regulations. Esposito said he did review the guidelines and he thinks the proposal fits well with them in terms of the site plan and how the development engages with the street and other use of materials.

Mathys asked if the architect could comment on the extent to which he followed the guidelines in completing the design.

Brian Johnsen said that there was an effort to emulate a lot of Door County characteristics with the materials and color scheme. Johnsen wanted to evoke the nostalgia of Door County in a more contemporary manner.

Mathys asked if Johnsen had the guidelines in front of him when he completed the design. Mathys would like to have some confidence going in that the guidelines were followed when the design was developed.

Esposito stated that the guidelines were shared with the architect and were part of the design process. Esposito feels the design meets the criteria and the criteria were reviewed throughout the design process.

Brophy stated that he is not prepared to vote on this project today as the plans were just shared yesterday and he would like to go through the project on a design element by

design element review. Brophy said this is a substantial set of buildings and he would like to make sure there has been ample community consultation. Brophy suggests the Board table this today and have a separate meeting to review.

Esposito said that he is looking for feedback today and not formal approval. Esposito asked if there is a public hearing element to this review like the Plan Commission. Sawyer stated that there is not a public hearing process for the Architectural Review and Historic Preservation Board.

Brophy stated he thought that the Architectural Review and Historic Preservation Board had the ability to call a public meeting if they wanted to.

Sawyer said that this was discussed but there was an issue with treating all applications the same. Brophy said not every application is the same and his recollection was that a public hearing could be held.

The Board discussed this issue further. Sawyer reviewed the notice requirements for public hearings and meeting agendas.

Brophy said he thinks the spirit of transparency needs to be brought to these meetings especially since this is a new process.

Esposito stated that he wanted to get this plan set in front of the Board for some initial feedback, he doesn't want the Board to feel rushed and he understands that this development might be controversial. Esposito said he doesn't mind coming back but he doesn't want to be treated differently than any other application subject to the regulations.

The Board discussed setting up the next meeting with a good amount of notice and have the Board work through the discussion of each element.

Roedl reviewed the timeline with having the applicant come back for a detailed discussion next month. Brophy clarified that there may need to be changes made after that discussion. Esposito understands this.

Roedl clarified that what the public says can't change the ordinance and there is a limited impact on how to apply the ordinance.

The Board will need to review the guidelines against the project during meeting.

The Board agreed to scheduled another meeting to have a more thorough review of the design plans.

7. Open Session

8. Next Meeting

The next meeting is scheduled for September 6th, 2023 at 1:00 PM.

9. Adjournment

Brophy moved to adjourn at 12:30 p.m., second by Navis, motion carried.