

CITY OF MERRILL
HISTORIC PRESERVATION COMMITTEE
Thursday, March 11, 2021 at 5:00 P.M.
City Hall Council Chambers
1004 E. First Street

AGENDA

Voting members of Committee: Alderperson Paul Russell, Chairman, Bea Lebal, Jeremy Thompson, Elizabeth McCrank and Alderman Steve Sabatke.

To attend remotely, call 440-678-8040 and meeting PIN 638 065 238#

1. Call to order
2. Update on T.B. Scott Mansion Status
3. Discussion on donations for tower preservation.
4. Discussion on Procedure and Policies for new nominations for Historic Structures
5. Discussion on Building Repair guidelines
6. Public comment
7. Set date, time of next meeting.
8. Adjourn

Agenda prepared by Shari P. Wicke
Agenda reviewed by Chairman Paul Russell

The Merrill City Hall is accessible to the physically disadvantaged. If special accommodations are needed, please contact the Merrill City Hall at 536-5594.

ARTICLE VII. - HISTORIC PRESERVATION

Footnotes:

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State Law reference— Historic properties, Wis. Stats. § 66.1111; uniform conservation easement act, Wis. Stats. § 700.40.

Sec. 105-313. - Purpose and Intent.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this article is to:

- (1) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.
- (2) Safeguard the city's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (3) Foster civic pride in the notable achievements of the past.
- (4) Stabilize and improve property values.
- (5) Protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (6) Improve and enhance the visual and aesthetic character of the city.

(Code 1993, § 15-7-1)

Sec. 105-314. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Committee means the historic preservation committee created under this article.

Historic district means an area designated by the common council on recommendation of the committee, that contains two or more historic improvements or sites.

Historic permit means the permit issued by the building inspector approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.

Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this article, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as constituting part of the premises on which the historic structure is situated.

Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or culture characteristics of the city, state or nation and which has been designated as a historic structure pursuant to the provisions of this article.

Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

(Code 1993, § 15-7-2)

Sec. 105-315. - Historic preservation committee.

A historic preservation committee is hereby created, consisting of five members. Of the three citizen members, if available in the community, one shall be a registered architect; one shall be a historian; and one shall be a licensed real estate broker. The remaining members shall be two alderpersons. The community development representative shall serve on the committee as an ex officio nonvoting member. The mayor shall appoint the members of the committee, subject to confirmation by the common council. Of the initial citizen members so appointed, one shall serve a term of one year, one shall serve a term of two years, and one shall serve a term of three years. Thereafter, the term of each citizen member shall be three years.

(Code 1993, § 15-7-3; Ord. No. 2007-20, § 1, 8-14-2007)

Sec. 105-316. - Historic structure, historic site and historic district designation criteria.

For purposes of this article, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the city such as historic structures, sites, or districts which:

- (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
- (2) Are identified with historic personages or with important events in national, state or local history;
- (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
- (4) Are representative of the notable work of a master builder, designer or architect who influenced his age;
or
- (5) Have yielded, or may be likely to yield, information important to prehistory or history.

(Code 1993, § 15-7-4)

Sec. 105-317. - Powers and duties.

- (a) **Designation.** The historic preservation committee shall have the power, subject to section 105-318, to designate no more than 12 historic structures and historic sites annually and to recommend designation of no more than two historic districts annually within the city limits. Such designations shall be based on

section 105-316. Historic districts shall be approved by the common council, after consideration by the city plan commission. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this article.

- (b) *Hearing.* Prior to the designation of any property or district, the historic preservation committee shall hold a preliminary hearing to determine whether the proposed historic site or historic district meets the qualifications for designation under this article. This preliminary hearing shall be in addition to the hearing required under **section 105-318**. The committee shall give notice of the hearing in accordance with the requirements of the state Open Meetings Law, as amended from time to time. The historic preservation committee shall consider testimony from any interested individual at the preliminary hearing.
- (c) *Regulation of construction, reconstruction, alteration and demolition.*
- (1) The historic preservation committee shall establish historic preservation standards to be used in determining whether proposed alterations to a historic structure or in a historic district are appropriate under this article.
 - (2) No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property, unless a historic preservation permit has been granted by the historic preservation committee or its designee, who is the building inspector.
 - (3) Upon the filing of any application for a historic preservation permit with the building inspector, the inspector shall notify the historic preservation committee of the application and shall approve the application unless:
 - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done or otherwise violate the historic preservation standards established by the historic preservation committee;
 - b. In case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district or otherwise violate the historic preservation standards established by the historic preservation committee;
 - c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this article and to the objectives and design criteria of the historic preservation plan for said district or otherwise violates the historic preservation standards established by the historic preservation committee;
 - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;
 - e. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense; or
 - f. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

- (4) If the building inspector or the historic preservation committee determines that the application for a historic permit and the proposed changes are consistent with the character and features of the property or district, the inspector shall issue the historic permit. This decision shall be made within 15 days of the filing of the application.
- (5) Should the inspector or the historic preservation committee fail to approve a historic permit due to the failure of the proposal to conform to the historic preservation standards or the provisions of this article, the applicant may appeal such decision to the common council within 45 days. In addition, if the historic preservation committee fails to approve an historic permit, the committee shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain an historic permit within the guidelines of this article.
- (6) The issuance of an historic permit shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the historic permit required for the proposed work. There will be no charge for an historic permit.
- (7) Compliance with the historic permit shall be started within 12 months after the issuance of the permit, and the work shall conform to the provisions of the permit. Failure to comply with an historic permit or failure to obtain an historic permit shall be a violation of this section. In addition to other penalties and remedies, the city shall issue a stop work order, and all work shall cease on the designated property.
- (8) Ordinary maintenance and repairs may be undertaken without an historic permit, provided that the work involves repairs to existing features of an historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structures or site and does not require the issuance of a building permit.
- (d) *Recognition of historic structures, sites and districts.* At such time as an historic structure, site or district has been properly designated, the historic preservation committee may cause to be prepared and erected on such property at the city's expense, subject to common council approval, a suitable plaque declaring that such property is an historic structure, site or district. Such plaque shall be so placed as to be easily visible to passing pedestrians.

(Code 1993, § 15-7-5)

Sec. 105-318. - Procedures.

(a) *Designation of historic structures, sites and districts.*

- (1) *Designation.* The historic preservation committee may recommend and the city plan commission may, after notice and public hearing, designate historic structures and historic sites and recommend historic districts, or rescind such designation or recommendation, after application of the criteria in section 105-316. At least ten days prior to such hearing, the plan commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected, or within the boundaries of the historic district. These owners shall have the right to confer with the plan commission prior to final action by the plan commission on the designation. Notice of such hearing shall also be published as a Class 1 notice, under the state statutes. The plan commission shall also notify the following departments or individuals:
 - a. Mayor;
 - b. Community development;

- c. Health and safety committee;
- d. Building inspector;
- e. Director of finance;
- f. City clerk;
- g. City assessor;
- h. City attorney; and
- i. Alderpersons.

Each recipient of notice may respond to the commission within 30 days of notification with its comments on the proposed designation or rescission.

- (2) *Hearing.* The plan commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The plan commission may conduct an independent investigation into the proposed designation or rescission. Within 20 days after the close of the public hearing, the plan commission may designate the property as either a historic district, historic structure, or a historic site, or recommend its inclusion in a historic district, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner. Notification shall also be given to the city clerk, building inspector and the city assessor. The historic preservation committee shall cause the designation or rescission to be recorded, at city expense, in the county register of deeds office, or the recommendation to be submitted to the common council as provided by subsection (c) of this section.

(b) *Creation of historic district.*

- (1) *Defined areas.* For preservation purposes, the historic preservation committee shall select geographically defined areas within the city to be designated as historic districts and shall, with the assistance of the plan commission, prepare a historic preservation plan for each area. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the city, after application of the criteria in section 105-316. Each historic preservation plan prepared for or by the historic preservation committee shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.
- (2) *Review and adoption procedure.*
- a. *Historic preservation committee.* The historic preservation committee shall hold a joint public hearing with the plan commission when considering the plan for a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under the state statutes in the official city newspaper. Notice of the time, place and purpose of the public hearing shall also be sent by the city clerk to the alderperson of the aldermanic district in which the historic district is located, and the owners of record, as listed in the office of the city assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within 200 feet of the boundaries of the proposed historic district. Said notice is to be sent at least ten days

prior to the date of the public hearing. Following the public hearing, the historic preservation committee and plan commission shall separately vote to recommend, reject or withhold action on the plan.

- b. *Common council.* The common council, upon receipt of the recommendations from the historic preservation committee and plan commission shall hold a public hearing, notice to be given as noted in subsection (b)(2)a. of this section and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

- (c) *Appeal.* Any decision of the historic preservation committee may be appealed to the common council pursuant to the provisions of section 2-212.

(Code 1993, § 15-7-6)

Sec. 105-319. - Interim control.

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the historic preservation committee at which a nomination form is first presented until the final disposition of the nomination by the historic preservation committee or the common council, unless such alteration, removal or demolition is authorized by formal resolution of the common council as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

(Code 1993, § 15-7-7)

Sec. 105-320. - Conformance with regulations.

Every person in charge of a historic structure, historic site or improvement in a historic district shall maintain same or cause or permit to be maintained in a condition consistent with the provisions of this article. The common council may appoint the building inspector or any other individual or group of individuals to enforce this article.

(Code 1993, § 15-7-8)

Sec. 105-321. - Penalties.

Any person or persons violating any provisions of this article shall be subject to a general penalty as provided in section 1-7. Notice of violations shall be issued by the building inspector. Specific forfeitures will be by action of the common council.

(Code 1993, § 15-7-9)

Sec. 105-322. - Emergency conditions.

In any case where the building inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or a property in a historic district, the building inspector may order the remedying of these conditions without the approval of the committee. The building inspector shall promptly notify the

committee of the action being taken. When the emergency conditions do not require demolition, the building inspector shall make every effort to carry out the intent of this article and to use the design guidelines of the committee when remedying the emergency conditions.

(Code 1993, § 15-7-10)

Historic Residential Building Repair Guidelines for Historically Significant Properties in Merrill, WI

June 20, 2000

All additions, exterior alterations and repairs shall be compatible with the historic character of the building.

Porches. Porches that are original to the building, or that pre-date 1930 and blend with the historic character of the building, shall be retained whenever possible. If such a porch is on a street facade, and is beyond repair, then a new porch shall be constructed in its place, although the dimensions of the new porch do not necessarily have to duplicate the dimensions of the old. Construction of new porches to approximate the dimensions of original porches is encouraged.

All porches shall present a finished appearance, e.g., all floor joists hidden from view and all porches finished with ceilings and frieze boards. Porch ceilings shall have the appearance of narrow beaded boards. First floor porch flooring shall be tongue-in-groove boards. Carpeting or two-by-four decking on the porch is prohibited. All wood on exterior porches, except flooring and stair treads, shall be painted or opaque stained.

All railings on porches shall be constructed of wood with top and bottom rails. Bottom rails should be raised above the floor level and should be no higher than 3.5" from the floor. All balusters on porch railings shall be square posts, unless a different design is original to the building. Railings on stairways shall be either wood to match the railings on the porch or wrought iron with one-by-one plain vertical balusters. Twisted or other decorative wrought iron is prohibited. All balusters shall be constructed such that a 4" ball may not pass through the railing at any point. All balusters shall be located in between the top and bottom rail and shall not extend across the face of either. Siding on porch rails is prohibited unless the existing "original" rail was sided. Porch posts shall be trimmed with decorative molding at the top and bottom of the posts.

All porches and stairways shall be enclosed between the frieze under the first floor and the ground with a framed lattice. The lattice shall be designed such that a 3" ball could not pass through any portion of the lattice. All stairways shall have solid wood risers.

Porches on street facades can be enclosed by storm windows. Storm windows on porches shall have the appearance of double-hung or casement windows, with or without a transom, and shall fill the space between the top of the railing and the upper frieze board. When porches are enclosed the railing underneath can be filled in with solid framed panels. Porches on street facades shall not be enclosed as a four-season heated space.

Decks. Decks, if constructed, shall be to the rear of the building, closely follow the porch design guidelines listed above, never replace an entrance porch, and not detract from the historic character of the building and neighborhood. Tongue and groove flooring is suggested but not required.

Windows. On the front facade, and within ten feet of the front facade on the side facades, all original windows, or pre-1930 windows that are compatible with the historic character of the building shall retain their existing historic size, appearance and trim detail. If any of the original windows or pre-1930 windows that are compatible with the historic character of the building have true divided lights (i.e., with small panes of glass between muntin bars), replacement sash shall duplicate the existing appearance and have true divided lights. If windows have been altered in the past, restoration to the original appearance is encouraged. If installing new windows, insulated glass units are acceptable as long as they conform to the original historic size, style and appearance especially in the area of sash widths.

On the building sides not within ten feet of the front facade and on the rear facade, the sills of original windows or pre-1930 windows that are compatible with the historic character of the building can be raised to serve bathrooms and kitchens. In all other respects the design shall duplicate the original appearance of the existing window. On the sides of the building beyond ten feet of the front facade and on the rear facade, new windows in locations where no window previously existed can be installed. They shall retain a similar ratio of height to width as the original windows, be the same type of window as others on the building (e.g., double-hung or casement) and be trimmed and finished to match the appearance of the other windows.

Entrance Doors. If the entrance door is original or is pre-1930 and blends with the historic character of the building, it shall be retained unless it is beyond repair. If beyond repair, the door shall be replaced with a wood door that closely duplicates the original door. Other material doors such as fiberglass or metal shall only be used if wood is not available and shall blend with the historic appearance of the building and the original door. Doors without panels and modern-style doors are prohibited. Doors shall be painted or varnished.

Patio Doors. Patio doors shall never be installed anywhere except to the rear of the building, always have frames similar to full view doors, and always be hinged doors, rather than sliding doors. Raw aluminum doors or other metallic appearing door finishes are prohibited. Patio doors shall be painted or finished with a material that resembles a painted finish. They can also be stained and varnished.

Storm Windows and Doors. Storm windows and doors shall be enameled, painted or otherwise coated with a colored surface to resemble a painted surface. Raw aluminum or other metallic finishes on storm windows and doors are prohibited. Painted or varnished storm doors of wood and glass to match the original design on the building are encouraged. Storm doors of simple design with no stylistic references and full view storm doors can be used. Storm doors with metal grills are prohibited.

Skylights. Skylights on the roof slope over the main street facade shall never be installed unless they are not visible from the street. Skylights can be installed without too much detriment to building appearance on rear roof slopes and on side roof slopes provided the front edge of the skylight is at least ten feet back from the front edge of the main roof. The skylight shall not be obtrusive to the general appearance of the building. The design of new skylights shall be as simple as possible, of the flat (not bubble) type, and finished to blend with the color of the roof.

Roof Materials. Roofing shall be done with asphalt shingles, fiberglass or other rectangular composition shingles similar in appearance to 3 -in- 1 tab asphalt singles. Sawn wood shingles, or shakes appearance shingles as those used on the Christ Methodist and Christ Evangelical Episcopal Churches in Merrill may also be approved. Modern shingles as thick wood shakes, Dutch lap, French method and interlock shingles are prohibited. Vents shall be as inconspicuous as possible and shall be similar in color to the color of the roof. Ridge vents are one method of being fairly inconspicuous. Rolled roofing, tar-and-gravel, rubberized membranes and other similar roofing materials are prohibited except for use on flat or slightly sloped roofs that are not visible from the ground.

Dormers and other Roof Alterations. New dormers shall match the appearance of original dormers on the building in roof shape and material, width of overhang, siding, window design and trim details whenever feasible. If the original roof shape is not practical, another shape may be approved provided that it does not detract from the historic character of the building or the neighborhood. New dormers shall be no less than twelve feet from the front edge of the roof. The ridgeline of a new dormer shall not extend above the ridgeline of the main roof of the building unless such higher roofline is not visible from the ground. Shed dormers behind existing dormers or gables on non-street sides of the building may be approved provided that the roof material, siding, window design and trim details match the original features of the building. Other roof alterations shall be compatible with the roof shape and other historic features of the building, such as siding and trim details, and shall not extend above the ridgeline of the building unless such extension is not visible from the ground.

Chimneys. The exterior appearance of original or pre-1930 chimneys visible from the street shall be maintained in good repair. The removal of the exterior portions of such chimneys is prohibited. Chimneys not visible from the street may be removed. New chimneys shall be constructed of brick or other historically accurate material; metal chimneys are prohibited.

Siding. Restoration of original wood siding and original decorative details is encouraged. Soffits may be replaced or sided with wood or artificial materials provided the appearance of the proposed material matches as closely as possible the original appearance.

Alternate #1. Original wood siding, or pre-1930 siding that blends with the historic character of the building shall be retained and restored as necessary. If the original siding is beyond repair, it shall be replaced with wood siding to match the original or existing pre-1930 appearance.

Alternate # 2. Residing with artificial materials is prohibited except for the possible approval of steel siding. The new steel siding shall duplicate the original in appearance. Wood-grained, textured or glossy siding is prohibited.

All architectural details including, but not limited to, window trim, frieze boards, cornices and other ornament shall either remain uncovered or be duplicated exactly in appearance and shall project beyond the siding the same dimensions as the original. Restoration of lost architectural trim is encouraged.

Original brick, stone and stucco siding shall be retained. Unpainted brick shall never be painted. Mortar and other materials used in brick repair shall match the original in color, hardness and appearance.

Foundations. All original foundation masonry, such as brick, stone or rusticated concrete block, shall be retained unless significant repairs are required, in which case replacement with materials to duplicate the original appearance is encouraged. If duplicating the original appearance is not practical, other materials can be used provided they blend with the historic character of the building.

Additions. New additions on the front of the building are prohibited except for open porches. Additions on the sides or rear shall be permitted if they are compatible with the building in architectural design, scale, color, texture, and proportion of solids to voids and proportion of widths to heights of doors and windows. Additions and exterior alterations that exactly duplicate the original materials in composition are encouraged. Additions or exterior alterations that destroy significant architectural features are prohibited. Side additions shall not detract from the design composition of the main facade. Siding on new additions shall be the same as the building, unless the building is masonry, in which case narrow gauge clapboards (alternate: or narrow-gauge steel that duplicates the look of wood clapboards and is not wood-grained, textured or glossy) will be permitted. Foundation material on new additions shall duplicate the original foundation material whenever practical and if allowed by the building code. Other foundation materials may also be permitted provided they do not detract from the historic character of the building.

Fire Escapes and Rescue Platforms. Fire escapes and rescue platforms shall be located such that they are as unobtrusive from the street as possible. No fire escapes or rescue platforms shall be permitted on the front facade of a building unless the Building Inspector determines no other location is practical. The design of fire escapes and rescue platform shall comply with the requirements of the (porches) above, except that balusters on fire escapes and second exit platforms can be metal with one-by-one plain vertical balusters, painted to blend with the colors of the house. Twisted or other decorative wrought iron is prohibited.

Shutters. The installation of new shutters requires the approval of the Historic Preservation Committee. Shutters will be permitted provided they are compatible with the historic character of the building and are of a size that, if the shutters were workable, would cover the window opening.

Repairs. Repairs to buildings shall either match the existing or the original appearance. Restoration to the original appearance is encouraged.

Garages. The adding of a garage or similar accessory building on a historic residential property requires the approval of the Historic Preservation Committee. If permitted, the building shall always be compatible with the design of the historic residence. Garage doors shall either be entirely flat or have approximately square panels. Horizontally paneled garage doors shall never be installed. Roof pitches shall always approximate the roof pitch of the residence and roof material/color/style shall always match that of the residence. Windows shall always be either double or single-hung units of a similar proportion to the windows on the residence or shall be six-paned (three panes across and two panes high) units similar to those seen on 1920s era garages. Siding shall always nearly duplicate the siding on the residence (reference the siding discussion on page #4). For brick residences, a knowledgeable architect shall always design new garages that are not to be brick.

Storage Sheds/Pole Buildings. Storage sheds and pole buildings are prohibited.

Fences. Chain link and rustic style fences, such as rough sawn wood or split rails, are prohibited.

Retaining Walls in Front Yards. Poured concrete walls less than 24 inches in height, flagstone and other stone ashlar will be permitted. The use railroad ties, landscape timbers, boulders, or concrete blocks in the front yard are prohibited.