



August 4, 2023

To: City of Madison Landmarks Commission

Re: Old Spring Tavern property and proposed house at 3701 Council Crest
Legistar File ID No. 79099

Dear Commissioners and Preservation Planner Bailey,

The Madison Trust for Historic Preservation opposes the proposal to build a new house on the Old Spring Tavern property at 3701 Council Crest that was submitted to the Landmarks Commission by Jon and Brenda Furlow on July 21, 2023. We respectfully ask the Landmarks Commission to deny a Certificate of Appropriateness (COA) for the proposed new house.

The proposed house would have a significant adverse impact on this historic property, and the proposal fails to meet the requirements for approval of a COA set forth in the Madison Ordinances and the Secretary of the Interior's Standards for Rehabilitation, as explained in further detail below.

Background

The Madison Trust for Historic Preservation, founded in 1974, represents more than 350 members. We educate people about Madison's history and neighborhoods through historic architecture walking tours and other events, and we advocate for the preservation of significant historic sites to help protect the unique character of Madison's streetscapes and neighborhoods.

The Old Spring Tavern property is one of Madison's most significant historic sites. The Tavern and the grounds surrounding it were designated as a Madison landmark in 1972, the 16th of 184 local sites to be designated as a landmark. The importance of the Tavern site is shown by the fact that the property is the very first site pictured in the City's official report on Madison's Historic Preservation Plan, which was adopted by the Common Council on May 27, 2020.

A visit to the Tavern property is among the most memorable stops on the tours conducted by the Madison Trust because of the unique landscape of the property and the fascinating history of the Tavern as an inn during the stagecoach era. If a very large house was built on the historic

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west yard, as proposed by the Furlows, it would be much harder to understand the historic setting and feeling of the property. The historic appearance of a solitary inn set on a road in an open, undeveloped landscape has been maintained by a succession of owners over the years and should not be lost due to construction of a very large house that would completely change the character and appearance of the historic west yard and overshadow the landmark Tavern.

Standards for Approving Certificate of Appropriateness

The relevant provisions of the Madison Ordinances that apply to this application are Sections 41.18(1)(b) and 41.18(1)(d), which has been confirmed to us by Preservation Planner Heather Bailey.

Section 41.18(1)(b) says that the Landmarks Commission shall approve a Certificate of Appropriateness for exterior construction only if, in the case of construction of a structure on a landmark site, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.

The relevant parts of the Secretary of the Interior's (SOI) Standards for Rehabilitation include these (with underlining added):

- Standard 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- Standard 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- Standard 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- Standard 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

In addition, Section 41.18(1)(d) says that the Landmarks Commission shall approve a COA for exterior construction only if the proposed work will not frustrate the public interest expressed in the ordinances for protecting, promoting, conserving and using the City's historic resources.

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Reasons for Denying Certificate of Appropriateness

There are a number of reasons for denying a Certificate of Appropriateness for this proposed new construction.

The proposed house is very large at 4,500 square feet. It would be located very close to the Tavern and its highest point would be higher than the Tavern. This means its massing and scale would not be compatible with the Tavern, which disqualifies the proposal under SOI Standard 9. It also means that the historic character of the Tavern property, defined by an inn located in a rural landscape, surrounded by a large yard, would not be preserved, which disqualifies the proposal under SOI Standard 2.

- To demonstrate the size of the proposed house, consider that there are 644 houses in Nakoma. According to figures presented by the Furlows, the proposed house would be bigger than at least 97% of all Nakoma houses based on square footage. (They say that only 20 houses in Nakoma have a larger square footage than their proposed house.)
- Moreover, its highest point would be higher than the Tavern's highest point, its back wall would be only 26 yards from the front of the Tavern, and it would be built on a slope above the Tavern. All these aspects of the proposed house, along with its mass and bulk, would make it incompatible with the Tavern.
- The back of the proposed house would be 37 feet high, facing the 30 foot tall front of the Tavern, with 10 feet of height added to the proposed house because it would be built on a higher base because of the upward slope of the yard.
- That means that the top of the proposed house would be 47 feet above the bottom of the front door of the Tavern, significantly higher than the top of the Tavern, which is only 30 feet above the bottom of its front door.

The proposed house would occupy an inordinately large proportion of its lot. This means that it would create significant change to the landmark lot, which disqualifies the proposal under SOI Standard 1, which requires minimal change to the site and environment.

- According to figures presented by the Furlows, the proposed house would occupy more of its lot than 98% of all Nakoma houses. (They say that only 10 of the 644 houses in Nakoma occupy a larger percentage of their lots than the proposed house.)
- Building a house that occupies so much of a lot by definition creates more than a minimal change to the landmark lot.

The proposed house would most likely seriously damage or kill the historic black walnut tree in the west yard. This disqualifies the proposal under SOI Standards 1 and 2, which require minimal change to the site and environment and retention of the historic character of the property.

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- The black walnut tree has stood in its present location since before the Tavern was built and the west yard was created, and has been a distinctive and defining feature of the landmark property since the Tavern was built in 1854. It has been listed as one of Wisconsin's most significant and historic trees in the well-known 2005 book by arborist Bruce Allison, Every Root an Anchor: Wisconsin's Famous and Historic Trees.
- An arborist we spoke with who was trimming trees at the property next door to the west yard and who closely observed the black walnut tree said that digging a home foundation close to the tree as the Furlows propose would very likely severely damage or kill it. He explained that the root system for a tree extends about 1.5 times further than the tree's canopy, meaning that the root system for the black walnut tree extends under much of the west yard. Digging a foundation for a large house on the lot very close to the tree, as the Furlows propose, would inevitably significantly damage the root system and put severe stress on the tree.
- While ordinary trees by themselves aren't protected under Madison's ordinances, a historic tree that is an important and defining feature of a landmark lot qualifies for protection under the Secretary of the Interior's Standards along with the other notable features of the landmark property.

If the proposed new construction took place but was later removed, the landmark west yard would be left in a completely different condition than it is now. This disqualifies the proposal under SOI Standard 10, which stipulates that new construction should be undertaken in such a manner that if removed in the future would leave the essential form of the historic property and its environment unimpaired.

- The large construction project proposed by the applicants would change the landmark west yard extensively, including likely damage to the historic black walnut tree, and it is clear that even if any construction was removed in the future the property would not be unimpaired.

Responses to Points Presented in Furlow Application

The Furlows made a number of points in their application, some of which were misleading or provided without context, so we wanted to respond to several of them.

Furlow Application Point 6.

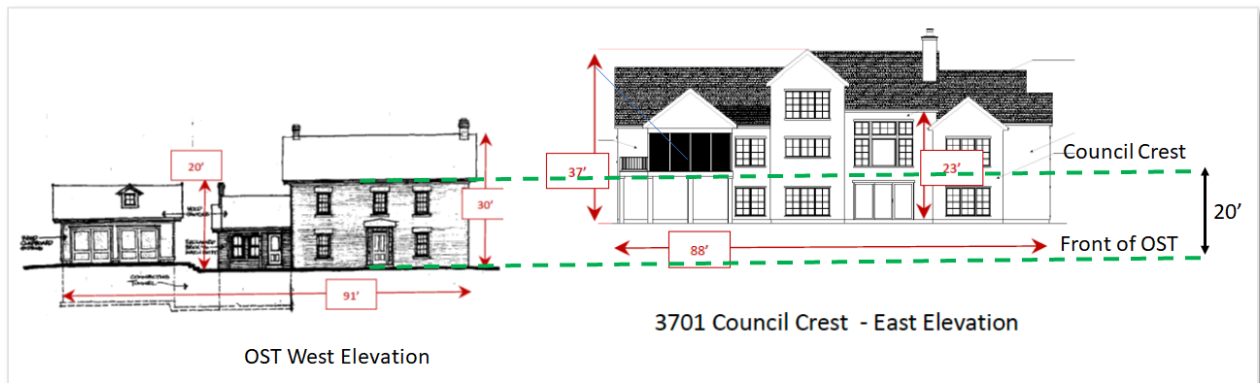
- The Furlows say the proposed house is consistent in scale with the Tavern and show side-by-side comparisons of the two-story front of the house with the two-story front of the Tavern, and the three-story back of the house with the three-story back of the Tavern.

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- This is the wrong comparison. The appropriate comparison would show the three-story back of the house with the two-story front of the Tavern, because those are the two sides of the buildings that would face each other, only 26 yards apart. (The distance between the two buildings would be short; 26 yards is less than the distance between home plate and first base on a baseball diamond, for instance.)
- The front of the Tavern is 30 feet high and the back of the proposed house is 37 feet high, and the base of the three-story back of the house would be on higher ground (10 feet higher) than the two-story front of the Tavern, so the top of the proposed house would be 47 feet above the base of the Tavern while the top of the Tavern is 30 feet above its base, a significant and incompatible difference.
- All of this means that the proposed house would overshadow the Tavern and be incompatible with it because of its height, mass and close location.
- We have provided a drawing below to illustrate the relative height and mass differences between the sides of the two buildings that would face each other.



Furlow Application Point 2.

- The Furlows say the site has been altered and developed over time, with landscaping and additions to the Tavern (porches, driveway, patio, garage complex).
- The alterations the Furlows refer to were very modest changes and preserved the essential look and feel of the property. Somebody who walks, bicycles or drives past the property on Spring Trail and Council Crest (including people from all over Madison who go on our walking tours) can still envision what the entire property looked like when the Tavern was a solitary inn set in a rural landscape.
- The proposed very large new house would be a dramatic change that would alter most of the west yard and completely change the look and feel of the historic site. Equating the impact of a 4,500 square foot house with the impact of a patio or modestly-sized garage is ridiculous.

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Furlow Application Point 3.

- The Furlows say the black walnut tree is old and probably will die soon, but nevertheless they designed the proposed home with a “notch” in the foundation near the tree to try to preserve it.
- First of all, it’s not at all certain that the tree will die soon. The Furlows say it’s 234 years old (which means it started growing in 1789, the year George Washington took office as our first President), and they say that black walnut trees have an average life span of 250 years. If this tree lives 20% longer than average, it would live for another 66 years if it isn’t seriously damaged by construction of a house, and it could live much longer than that. It’s very healthy now, so there’s an excellent chance it would exceed the average 250-year lifespan unless its roots are seriously damaged.
- The tree would be at serious risk if the proposed home was built very close to it as the plans provide. A small “notch” in the home’s foundation would do very little to mitigate the risk of building a home close to the tree and damaging a large part of its root structure. The Furlows make the vague general statement that they are planning steps to minimize root impacts, but they don’t provide any specific information about what those steps would be.

Furlow Application Point 4.

- The Furlows say they will preserve some existing site elements, specifically the fence and some of the stonework on the site of the proposed house.
- However, preserving a few minor site elements does not change the fact that covering much of the west yard with a very large house would eliminate or drastically alter most of the current elements of the site.
- As an example, the clay for the bricks in the Tavern was dug from the slope in the west yard (reportedly among the first bricks fired in the Madison area). The slope where the clay was dug would be covered by the proposed house.

Furlow Application Point 7.

- The Furlows say there has been a lot of adjacent development and their proposed home is consistent with that development.
- This is incorrect. As discussed above, the proposed home is larger than at least 97% of Nakoma homes, according to the figures provided by the Furlows. Also, it should be obvious that no other home has been built on the landmark west yard, only 26 yards from the front of the landmark Tavern, so a home in this location is completely inconsistent with prior development.

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- The Furlows also cite the fact that a garage was added to the property in 2000. However, the garage is much smaller than an average-sized house, much smaller than the Tavern itself, and occupies only a small proportion of the historic yard.
- Also, the garage design was carefully reviewed and approved by the Landmarks Commission before it was built. The architect and owners worked hard to make the garage compatible with the historic Tavern and to minimize its visual impact on the historic site, by doing things such as putting the connecting passageway between the garage and the Tavern underground, using weathered stone from an old barn in rural Dane County on the bottom of the garage, and making the color of the garage a neutral dark gray shade.

Furlow Application Point 8.

- The Furlows say their home is consistent in style and scale with Nakoma development.
- If this is meant to imply that the home is an average-sized or typical residence for the neighborhood, it is wrong. As discussed previously, the figures presented by the Furlows show that this is a very large house by Nakoma standards (in the top 3%), and occupies an inordinately large share of the lot by Nakoma standards (in the top 2%).
- Furthermore, there are no other homes in Nakoma that we are aware of that are built only 26 yards from the front door of another house. That style of construction is nonexistent in Nakoma. Constructing a house so close to the front of another house (as opposed to constructing it close to the side of another house, which is common) is highly intrusive and highly incompatible and would severely damage the historic setting of the Tavern.

Final Points

Here are a few final points:

- First, it has to be kept in mind that both the Tavern building and the west yard (Lot 2) have landmark status. Any new construction has to be compatible with the Tavern and make minimal changes to the landmark west yard (Lot 2) for the COA to be approved under the Secretary's Standards for Rehabilitation. The historic significance of this site derives from both the Tavern and the surrounding grounds, and both have to be protected.
- Second, the applicants need to explain how their proposal meets the Secretary's Standards. They have not done this. We have provided multiple examples of why their proposal does not meet the Secretary's Standards.

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Conclusion

The application for a Certificate of Appropriateness for the proposed large house on the landmark Old Spring Tavern property should be denied. The proposal has multiple features that disqualify it under at least four of the Secretary of the Interior's Standards for Rehabilitation, including its large mass, proximity to the Tavern and tall height which make it incompatible with the landmark Tavern, its sweeping and extensive changes to the landmark west yard, and its threat to the historic black walnut tree.

In addition, the proposal should be disqualified under the general provisions of Section 41.18(1)(d), which say that the proposed work should not frustrate the public interest in protecting, promoting, conserving and using the City's historic resources. Taken as a whole, the proposal to place a 4,500 square foot house on the landmark west yard very close to the landmark Tavern unquestionably fails to protect and promote this historic site.

We appreciate the Commission's consideration of these points, and we are available to answer any questions or provide additional information.

Sincerely,

Rick Chandler

Rick Chandler
Vice President

On Behalf of the Madison Trust for Historic Preservation Advocacy Committee