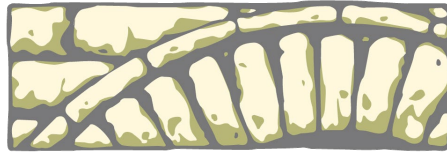


MADISON TRUST



for Historic Preservation

Advocacy News

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Nakoma Road's Old Spring Tavern is wrenched into the 21st Century

By Kurt Stege, Advocacy Committee Co-chair



The Old Spring Tavern (1854) at 3706 Nakoma Road, viewed from just beyond the western edge of the entire parcel

Because I lack professional training in historic preservation, I'm typically willing to defer to the opinion of someone who has that training. So it goes when Madison's Preservation Planner stakes out a position. But, I can't swallow that position (in this case one that was largely adopted by the Madison Landmarks Commission) when it is counter to the standard established by Madison's Landmarks Ordinance, contrasts with the views of other preservation professionals, and has overwhelming opposition from the neighborhood.

David Gordon, a resident of the Village of Shorewood Hills, recently purchased the Old Spring Tavern, constructed in 1854, from owners who conscientiously cared for the property for many years.¹ The Tavern, which was a stagecoach stop on the route between Madison and Wisconsin's lead mines, occupied a parcel of about two-thirds of an acre, significantly larger than the adjoining residential lots that were all developed as

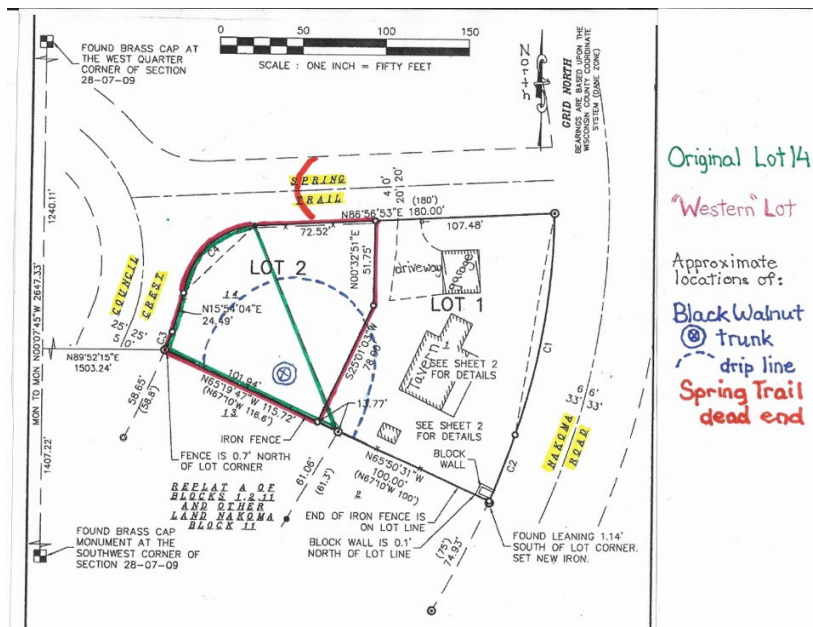
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¹ Because the former owners registered in opposition to the application at issue before the Landmarks Commission, it seems safe to assume they had not been informed, prior to the sale, of Mr. Gordon's intention to build an additional residence on the parcel.

a consequence of the 1915 Plat of Nakoma. The Tavern parcel is in an area long inhabited by Native Americans. Linear mounds were in the immediate vicinity. The property contains no oak trees, but it includes a black walnut tree, estimated to be 300 years old and recognized as one of Wisconsin’s 22 “historic” trees. The building that housed the Tavern is constructed of brick, with all posts, beams and roof planking made of solid oak.

From the time the Tavern was landmarked by Madison in 1972 and added to the National Register in 1974,² the site has included one large lot (Lot 1) about four times the size of a second lot (Lot 14) that is shaped like a slice of pie and located in the southwest corner of the Tavern’s parcel of land.

Mr. Gordon’s application to the Commission described his project as: “Dividing the land at 3706 Nakoma Road in order to create another build-able parcel.”³ The application sought to adjust the lines of the small pie-shaped lot (Lot 14) into a distinct 10,783 square foot parcel, approximately one quarter of an acre. The result would allow a large residence to be built that would separate the Tavern from the Ho-Chunk land that was outside the Tavern’s front door, brought the stagecoaches, and provided key construction materials for the Tavern. For purposes of this article, the proposed new quarter-acre lot will be referred to as the “western” lot.



Though not shown as such on the map, Spring Trail is not a through street to Council Crest, but a dead-end at the approximate location shown. Helpful context may also be provided by the Google satellite view of 3706 Nakoma Road [here](#).

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² In 1998, Nakoma was also designated as a National Register Historic District. It contained 499 contributing buildings from the 20th century and just one, the Tavern, from the 19th century.

³ Property owner Gordon acknowledged that existing triangular lot 14, though small, was still “buildable.” In other words, the lot division merely creates a larger second lot to accommodate a (larger) new residence than previously possible, while dramatically reducing the size of the lot containing the Tavern itself.

The only issue that initially seemed to be before the Landmarks Commission at its July 11 meeting was whether Mr. Gordon's lot line adjustment to allow the construction of a much larger residence satisfied the following language in s. 41.18(4) of the Madison General Ordinances:

The commission shall approve a certificate of appropriateness for land divisions . . . of landmark sites . . . unless it finds that the proposed lot sizes adversely impact the historic character or significance of a landmark

Response by the neighbors

The earliest that any neighbors of the Tavern learned of the land division application was only two weeks before the scheduled hearing in front of the Landmarks Commission. Within that two-week period, the neighbors carefully developed a sophisticated and extensive effort to oppose it. They circulated a petition that was signed by 170 individuals in just three days. They retained an attorney to identify legal arguments against the application. In advance of the hearing, opponents filed 27 written submissions⁴ that responded to the application. The submissions were well-written and covered a wide range of relevant topics. Seventeen registrants spoke at the hearing in opposition to the application. A number of those who spoke and filed written comments had unusually strong historic preservation credentials. Of the 174 persons who registered for the hearing, 169 opposed the application.

However, the Planning Division's Staff Report, prepared by Madison's Preservation Planner, supported the application:

Staff believes that the standards for granting a Certificate of Appropriateness are met and recommends the Landmarks Commission approve the request with the following condition:

1. Submit an archaeological monitoring report for an excavation of the buildable area on the proposed western lot/parcel.⁵

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⁴ The timing of the written submissions makes it quite unlikely that all the Commissioners had read all the submissions at the time the Commission voted on the issue before it. Given the importance of the issue and the complexity of the relevant information, it would have been logical to defer a final vote until a subsequent meeting.

⁵ You can read the entire staff report [here](#).

Action by the Commission

During the July 11 hearing, it became apparent that a second issue needed to be addressed: If the lot division would be granted, should the new lot be separated from the landmark designation? In other words, would the property within the western lot still have landmark status?

Despite the many cogent arguments raised by the neighborhood, the Commission first voted down (2 to 3) a motion to deny the application to adjust the lot lines. The Commission then proceeded to adopt (3 to 2) a motion to approve the land division request. That motion

approve[d] the request for the Certificate of Appropriateness for the land division with the conditions that the landmark designation remain on the newly configured lots and the applicant submit an archaeological monitoring report for an excavation of the buildable area on the proposed western lot/parcel. The Commission found that the proposed lot sizes are compatible with adjacent lot sizes and retaining the landmark designation on the western lot will ensure preservation of the historic structure on the eastern lot by allowing for review of potential adverse impacts of the new construction on the historic structure.⁶

The net effect of this action was to grant the adjustment to the lot line. My reading of the Commission's Meeting Report is that this adjustment was made *without the requisite finding* of whether it had an adverse impact on the character and significance of the landmark site, i.e., the entire parcel consisting of two lots.

Issues with the Commission's action

Many, but not all, of the substantive problems with the Commission's action arise from the fact that while the side of the Tavern that most people see abuts Nakoma Road and faces east, the original "front" of the Tavern actually faces west and away from Nakoma Road.⁷ The west side of the Tavern faces a significant slope that is crowned by an iron fence marking the western end of the parcel 150 feet away. This slope is mostly lawn but has gardens and shrubs at intervals to camouflage water-directing terracing that is centered on the parcel. For the most part, terraces do not extend to the iron fence marking the north and south edges of the property. While the east side of the Tavern is

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⁶ A link to the full report of the Commission's July 11th meeting that both summarizes the deliberations and specifies the action taken is [here](#).

⁷ Is there any question that something looking very much like a front door is in the above photo? There is no evidence this door was a modification made after construction in 1854.

dominated by an impressive three-story white porch, its west side is comparatively plain. Yet the west façade is quite handsome, with massive stone lintels above the five windows and front door. All six openings are set into a façade of pinkish-red brick.



Perspective from the driveway entrance to the Tavern/Inn site. Courtesy of Kevin Pomeroy

The slope to the west of the Tavern has multiple characteristics that are arguably central to the story of the property, including the Tavern’s construction and function.

As pointed out in Madison Trust Board member Rick Chandler’s written submission to the Commission and in his testimony at the hearing, the Trust’s Nakoma walking tour takes the group up the north side of the Tavern parcel on Spring Trail and into the sloped yard that runs to the west of the Tavern itself. In past years, if the owners of the Tavern were around, they would explain the history of the property from this “front door”

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vantage point. In the alternative, Rick, serving as the docent, has the group stand at the driveway entrance to explain how the sloped yard was used over the centuries.

I would talk about how the yard to the west was used as the tour group stood at the driveway entrance.

A visit to the Spring Tavern is among the most memorable stops on the tours conducted by the Madison Trust, in part because of the unique landscape of the property and the fascinating history of the stagecoach era. If the west part of the property was removed and another house was placed on it, it would be much harder to visualize and understand the way in which the property was historically used.

Below are some of the historic characteristics of the Tavern and the historic parcel that come to mind when gazing at the slope of the west lot.

Source of clay for the Tavern's brick, the first brick produced in or near Madison

The brick for the Old Spring Tavern was made by its builder, Charles Morgan, from clay on the back [west] slope of the property. Morgan had learned brick-making in his native New Haven, Connecticut, and he made the kiln and forms himself. Dr. William Morgan, his son, reported in a letter that the “brick was made from an excellent and durable clay . . . it was exceedingly hard, free from potash salts, and were the first to be made in Madison or its near vicinity, all of the brick in town having to be hauled by rail over the old Milwaukee & Prairie du Chien road from Milwaukee”⁸

Alder Tischler, the most recently appointed member of the Commission, made the initial motion to deny an adjustment of the lot line. In doing so he commented that the materials used to build the Tavern came from its land. Neither the Preservation Planner nor any other Commissioner mentioned this topic during the Commission's discussion even though it was referenced in the written submissions from those who opposed the application and was also referenced by those who spoke at the hearing in opposition.

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⁸ This is the initial paragraph describing the construction and appearance of the Old Spring Tavern as written in the Madison Landmark nomination for the property. The nomination can be accessed [here](#). Madison designated the Tavern as a local landmark in 1972, and the link in the previous sentence is to the document denominated by the city as the local landmark nomination for that designation. However, the linked nomination includes two pages (pages 4 and 5) that are copied from the National Register of Historic Places nomination that was submitted in 1973 and placed on the Register in 1974. References by this author to information found on pages 4 and 5 of the material linked to above, will be attributed to the National Register nomination, despite showing up on the City of Madison's website.

Likely source of oak used in constructing the Tavern

All beams in the house are solid oak, held together with square nails, and the boards in the roof also are oak. Mrs. Stephens [owner at the time of the landmark nomination was filed in 1972] speculates that Morgan may have used up the oaks on the property to make the beams for the house, since the property has no oaks at this time, in an area noted for many oaks.⁹

Neither the Preservation Planner nor any Commissioner mentioned this topic during the Commission's review.

Reported path of the stagecoach road serving the Tavern¹⁰

In terms of siting, the old roadway originally passed along the northwest side of the house, now the rear yard area, and the present road to the southeast was built later. . . .¹¹

Originally, the old stage road passed to the northwest of the house in what is now its rear yard, and the current Nakoma Road was built later between the house and the spring . . .¹²

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⁹ Quoted is the second paragraph of the local landmark nomination. This information is also referenced on p. 22 of R. Bruce Allison's Every Root an Anchor: Wisconsin's Famous and Historic Trees, Wisconsin Historical Society Press (2005) where he notes that no oaks are left on the property.

¹⁰ The location of the stagecoach road/path has been placed into question by the Preservation Planner, who relies on an 1861 map as evidence. Obviously, that map does not necessarily describe the road system during the first seven years of the Tavern's existence. During her presentation to the Commission, which was after the close of the public hearing, the Preservation Planner introduced "additional research" obtained earlier that day. The research does not appear to be dispositive of the issue of the location of the coach road. Of course, the public had no knowledge of the result of this research which in and of itself was a reason the public hearing should have been continued until a later date. My own research on the coach road location has not been exhaustive. However, Drew Vogel, who spoke in opposition to the application, stated: "The Tavern was originally a stopover for the people who were on their way to work in the lead mines. . . . The original road ran through the very area proposed for development. The road separated the Tavern from the Ho-Chunk village that occupied the ridge above, including the area to be subdivided." A written submission from Juli Aulik, former Preservation Planner for the State of North Carolina, carefully analyzed the question of the location of the coach road and concluded that the "Old Farm Road" running between two linear mounds to the west of Nakoma Road on a 1915 map of the mounds might have served as the coach road. The Preservation Planner acknowledged in her presentation during the July 11th meeting that this "Old Farm Road" would have corresponded to the current driveway entrance to the Tavern. Bruce Allison's text, referenced in the previous footnote, carefully distinguished Nakoma Road which "wasn't there, of course, when the Spring Hotel had its heyday" though there was a road leading out of Madison along the route of Monroe Street called by various names on which the stagecoach "made regular stops at the Spring Hotel." P. 22

¹¹ National Register nomination.

¹² National Register nomination.

The inn was a rendezvous of mail carriers & stage drivers on the pioneer Madison-Monroe Rd., one of 18 territorial mail routes laid out when Madison was made territorial capitol in 1836. This road passed in what now is the back of the house, that being the original front.¹³

The 1998 nomination (Section number 7 Page 1) for the Nakoma National Register Historic District includes the following reference that suggests the coach road followed a different path in 1854 than the current Nakoma Road:

Nakoma Road – originally known variously as the Monroe Road and the Verona Road – runs in a northeast-southwest direction through the district, which it bisects. It was already in existence in 1854 (although on a slightly different alignment), when the Old Spring Tavern, the oldest building in the district, was built.

Site of the 300-year-old historic black walnut tree

Long before Charles Morgan built the Old Spring Tavern, the front yard to the west was being shaded by a large black walnut tree. Described at the July 11th hearing as 300 years old, the tree is one of just 22 specimens featured in the “Historic Trees” chapter of Bruce Allison’s Every Root an Anchor: Wisconsin’s Famous and Historic Trees, Wisconsin Historical Society Press (2005).¹⁴

The continued presence of the tree on the site is a strong connection to both the Tavern and to the Ho-Chunk, who clearly inhabited the immediate area. The tree witnessed the displacement of the Ho-Chunk from the land and its settlement by those from another culture.

If, as the evidence suggests, the developer’s goal is to maximize his profits from his recent purchase of the property rather than to respect the Tavern, the future of the historic tree is bleak. The Landmarks Commission has created an incentive to harvest the tree right away so the valuable wood can be sold and so all concerns about the effect of future construction on the tree’s health can be eliminated. It appears that the trunk of the tree is itself within the area of the new western lot that, with set-back requirements, is available for new construction. The dripline for the tree’s canopy extends over much of the western lot. If the tree is gone by the time a residence is designed for the site, the Landmarks Commission will have one fewer aspects of historic significance to consider.

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¹³ Local landmark nomination.

¹⁴ Allison writes that the Tavern “is famed as the first hostelry between Madison and Monroe.” P. 20

Site of Ho-Chunk activities

Indians must have thought the spring a place of particular significance, because six prehistoric mounds were found on the property, each containing a skeleton & artifacts, including copper knives. . . . In historic times the Winnebagos had a village on the ridge behind the tavern, and a trail ran through the woods on the slope of the hill.¹⁵

Situated on the old Indian summer camping ground and near springs called “Nibinnaggo”, springs by trails, stands the Spring Trail Tavern The site was an important Winnebago Indian summer dwelling place “dogeera”, even before the coming of the white man. . . . Evidence for the picture painted of the primitive home landscape is found in the camp fire stones and stone implements turned up in grading the present site of the tavern. . . .¹⁶

Linear mounds built by the Ho-Chunk and since destroyed, were in the immediate vicinity of the Tavern property.

Given these five likely relationships, does the size of the western lot “adversely impact the historic character or significance” of the landmark site?

This question is directly related to the mass of a new residence on the western lot compared to what might have been built¹⁷ on the old pie-slice-shaped Lot 14. The July 11 hearing made it clear there is a minimum distance of 35 feet between the back of a new structure and the lot line. That puts the west face of the Tavern, containing what is now clearly its front door, just 70 feet away from the east face of the new residence.

The mass of any new residence on the western lot will also be driven by the significant upward slope of the lot as it approaches Council Crest. Access to the new residence could either be off the dead end of Spring Trail or, more probably, from Council Crest. Either way, the east-facing façade of the new residence will undoubtedly have at least one more floor exposed than the west-facing façade. A two-story home on Council Crest would be a three-story home when viewed from the front door of the Tavern.

The western slope above the Tavern is the reference point for the brick and the oak used to construct it, for the Native Americans who inhabited this land for

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¹⁵ Local landmark nomination.

¹⁶ From an essay attributed to James Dickson, who purchased the Tavern in 1925. The essay was filed with the Landmarks Commission by a Nakoma resident who opposed the application for lot realignment.

¹⁷ Mr. Gordon admitted that only a “tiny” house could have been built on Lot 14, and the fact that his characterization of his application as a request to create a buildable lot suggests he didn’t think there was a realistic chance of building any residence on Lot 14.

centuries before the Tavern, and for the stagecoach road that would likely have served as an important reason for the orientation of the building's front door.¹⁸ All of these relationships can be understood when viewing the property from its driveway entrance emerging from Spring Trail.

Madison Trust President Lynn Bjorkman draws another important connection between the Tavern and the “open, undeveloped landscape” to the west of the Tavern's front door. This is how she describes the impact of the lot realignment:

The *adverse* impacts of the land division on the historic character of the property could be described as resulting from a loss of *setting and feeling*, two of the measures used to assess a property's integrity. The loss would impair the property's ability to convey its historic significance as a 185[4] inn. Specifically, the undeveloped space at the historic front of the building relates to the original *setting and feeling* of the rural landscape before the platting of the Nakoma subdivision in 1915. True, there is a house [to the south] already standing 45 feet away from the building. But in viewing the property, especially from Spring Trail, the appearance of a solitary building set on a road in an open, undeveloped landscape has been maintained. (An impressive feat by several property owners over so many years!)

It appears from the original 1915 [Nakoma] plat map that the parcel associated with the Old Spring Tavern was larger than most of the other lots created as part of the new subdivision. It didn't fit the pattern of typically smaller lots, so it was distinctive from the start of the subdivision. Creating two smaller lots erases the property's unique historic character as different (larger) from most other Nakoma lots.

Barbara Wyatt, who is retired from both the National Park Service and Wisconsin Historical Society and is a Fellow of the American Society of Landscape Architects, offered a consistent view in her written submission:

The siting of this vernacular Greek Revival building is related to the need for an inn at this location and the need for enough land to service horse and stagecoach traffic. . . . Confining a rural property to a small urban lot misrepresents its history. . . . [The Tavern] does not fit the pattern of Architectural significance described in the [National Register Historic District] nomination,

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¹⁸ Construction of another residence on the up-slope western lot raises possible water drainage issues for the Tavern. Kevin Pomeroy, who opposed the application, stated at the hearing: “[W]ater that flows down because of the sloping site [found in the western lot] has been dangerous to the [Tavern] in the past. Additional impervious surface . . . would seriously add to the water.”

and treatments for the Old Spring Tavern building or setting should not be evaluated in the context of the Nakoma plat.

A similar conclusion was reached by Juli Aulik, former Preservation Planner for the State of North Carolina, in her written submission to the Commission. During her testimony at the public hearing, she stated:

The land division does not align with the requirements of [Ordinance subsection 41.18(4)]. The ability in the future to stand in that backyard and imagine that a coach road ran there, and this was an inn, will be destroyed forever.

Summary

Information presented to the Landmarks Commission before and during the July 11 hearing provided strong evidence that the land to the west of the Tavern structure

- Sourced the clay for the bricks used to build the Tavern, which were the first bricks produced in the vicinity of Madison.
- Sourced the oak used to build the Tavern.
- Contained the stagecoach road that serviced the Tavern.
- Contains a tree that, because of its age, size, and girth, ties that land to the Tavern and to the Ho-Chunk.
- Connected the Tavern to the Ho-Chunk settlement at the top of the ridge.
- Maintains the appearance of the Tavern as a “solitary building set on a road in an open, undeveloped landscape” rather than just a building with atypical architecture on a Nakoma lot.

Redrawing the lot lines within the Old Spring Tavern parcel did not have a positive impact on the historic character and significance of the landmark. It had an impact, and that impact was adverse.¹⁹

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¹⁹ The standard for denying the land division of a Madison landmark is simply "adverse impact" to historic character and significance. In the absence of a definition in the ordinance, I argue that the Commission must apply it to mean the last of the following three categories of possible impact: 1) No impact; 2) Positive impact; and 3) Adverse impact.

What happens now?

No appeal of the Landmarks Commission's action was filed with the Common Council during the brief period allowed for doing so. A Certified Survey Map (CSM) underlies the application submitted to the Landmarks Commission and will need to be approved by both the Plan Commission and the Common Council. It appears that neither stop on that path will involve the exercise of discretion. The most recent information I have is that the CSM will be placed before the Plan Commission on August 29 for recommendation to the Common Council at the Council's meeting on September 6.

The Landmark Commission's action appears to defer the matter until an excavation can occur, a monitoring report can be submitted, and a residential design can be completed. Once all that occurs, it appears the Commission will consider whether the new construction on the western lot qualifies for a Certificate of Appropriateness.

The relevant ordinance language will be s. 41.18(1)(b) and (d), which only allow approval of a certificate of appropriateness for new construction if:

(b) 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. . . .

(d) In the case of any . . . construction for which a certificate of appropriateness is required, the proposed work will not frustrate the public interest expressed in this ordinance for protecting, promoting, conserving, and using the City's historic resources.

One hopes that the analysis at that time will occur less hastily and with greater insight into the relevant conditions and history than were considered on July 11.²⁰



“The ability in the future to stand in that back yard
and imagine that a coach road ran there,
and this was an inn, will be destroyed forever.”²¹

²⁰ It is hard to fathom why anyone would be interested in taking one or both lots off of Mr. Gordon's hands while the future of the parcel is up in the air. Let's hope that Mr. Gordon concludes it is in his best interest not to be forever identified as the person who chose to have a chainsaw end the life of one of Wisconsin's 22 most historic trees.

²¹ Julie Aulik, former Preservation Planner for the State of North Carolina. Statement at the July 11th public hearing.