Thomas F. Kuech
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Madison, WI 53711
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November 1, 2023

City of Madison Landmarks Commission
Planning Division
215 MLKJ Blvd.
#017
Madison, WI

Dear Commission Members:

Re: Concerns over Water management associated with the Old Spring Tavern

I am Thomas Kuech, a 30+ years resident of Nakoma. I have taught engineering as a Professor at the University of Wisconsin over this period. I am also a member of the US National Academy of Engineering. I have authored hundreds of peer-reviewed publications in engineering and science and understand the difference between a good engineering study and one that is incomplete. I am writing in opposition to the present plan before the Landmarks Commission associated with the Old Spring Tavern (OST). While others have commented on the lack of compliance of the new revised plans with the Secretary of the Interior's (SOI) Standards for Rehabilitation, I would like to comment on the issue of potential water damage to the Old Spring Tavern (OST).

I have looked over the extensive revised hydrology simulation study which forms the bulk of the application. I have several critical remarks on the study.

1. There is no comprehensive hydrology study carried out that includes both surface runoff beyond the property line of the OST to the OST itself and addresses the highly critical issue of groundwater flow. While the surface runoff is important, the water that will actually leak into and damage the OST is subsurface water, which is neglected in all the reports, probably simply because the software at hand was not equipped to address the issue, despite its key relevance.

2. The study in the present plan presents results of a computer simulation. The computer simulation is only as good as the inputs involved and does not address the groundwater issue. The hydrology study presented in the application is not conclusive. A comparison between the initial surface runoff study presented in the previous application with the current application indicates that, even though there were only **minor** changes to the building and **no** change to the landscaping and property, the estimate of surface water runoff changed dramatically: 'Post-development w/Rain Garden' in first application versus Column C, page 3, of revised application. This favorable change is often a factor of three. It is expected that such minor building changes should lead to little or no change to the runoff results.

   This indicates that the software study cannot be trusted and it is only as good as the user inputs to the software program which can be chosen to give a desired result. There is no explanation of the origin of this dramatic shift and the application merely summarizes it is as a "revised" study.

The applicant has demonstrated that a wide variety of results, of increasing favorability, can be generated by modifying the inputs to the software. There's no reason to believe that the inputs are correct and that the study has any relevance without further information.

3. My informal consultations with several of the civil engineering faculty at the University of Wisconsin, who are expert in these issues indicated to me that a thorough study cannot be done by computer modeling alone in this case. Test holes would have to be placed on the property to determine the actual soil types under the groundcover and to measure directly the groundwater flow in the area. This would be done prior to the discussion of any mitigation efforts. The present study is not validated by any measurement or data.

These results are model calculations and are not based on actual water flow. The variation in the software inputs leading to dramatic changes in the water surface runoff flows are not documented. The application has shown that somewhat arbitrary results can be generated and that little confidence can be placed in the report as presented. This report is incomplete and lacking and should not be used to assess the potential impact of the new construction to the OST.

I request the Landmark Commission deny this application until a more complete and assessment of the impact of the proposed construction on the OST can be presented.

Sincerely,

Thomas Kuech

3713 Council Crest
Madison, WI 53711

Bailey, Heather

From: Meg Gordon <mbgordon721@gmail.com>
Sent: Sunday, November 5, 2023 4:27 PM
To: PLLCApplications
Subject: Newly created lot adjacent to Old Spring Tavern

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am writing in support—again—for the home to be built on the lot directly behind the Old Spring Tavern. The Tavern property was divided, and sold. The owners of that lot have negotiated in good faith with all parties involved. A best I can tell, opposition centers on trying to make it so no construction can ever happen. Keep nitpicking the design and hope the lot owners give up? Then what? It will be sold and then objections will just continue every time someone proposes to build?
The integrity of the Old Spring Tavern property was compromised a long time ago.
The owners of the lot behind the tavern have every right to build the home they want because that's why they bought the lot.
Filling in open space within reason fits with Madison's forward thinking on mass transit and curbing sprawl. I for one am grateful this couple is willing to come back yet again to get their project approved.
Forward thinking/climate thinking/community thinking/supporting the tax base means yes, sometimes the changes happen in our own back yard.
I strongly urge the Landmarks Commission approve this project now.
Sincerely,
Meg Gordon
Nakoma resident

Bailey, Heather

From: Jan Tymorek <jantymorek@gmail.com>
Sent: Monday, November 6, 2023 8:59 AM
To: PLLCApplications
Subject: proposed new house on Council Crest

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I have read the descriptions of the proposed over-4,000 square foot house in Council Crest next door to the historic Tavern. This is completely out of scale for the property and for the neighborhood. It disrespects the neighbors and will destroy the property. Is history going to be something we only read about, and can no longer see any remnants of it? Once done, or lost, it cannot be recreated or repaired. The tree, once dead, cannot be replaced or re-grown.

This raises another question: Why is it we don't have zoning that limits size of a house proportionate to the lot?

On a personal note, if the neighbors are against this construction, the owners of the new house will certainly not be welcomed. Do they really want to live next to people who dislike them and resent what they've done? They'll probably end up moving, after creating the havoc and damage.

The only good that could come of this is tighter control, zoning, and appreciation of what could be lost.

Jan Tymorek
Madison, WI

PAUL W. EDMONDSON
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Cell/Text: 202-270-3276

November 6, 2023

Mr. Kevin Pomeroy
President, Crawford-Marlborough-Nakoma Neighborhood Association
4129 Iroquois Drive
Madison, WI 53711—3743
Via email: urbanist@charter.net

Re: Madison Wisconsin Landmarks Commission, File No. 79099: 3701 Council Crest – New Construction on a Designated Madison Landmark Site (District 10)

Dear Mr. Pomeroy,

I am writing in response to your request for my views on the above-referenced matter regarding proposed new construction on a parcel adjacent to the historic Old Spring Tavern property in Madison. The subject parcel, part of the landscape of the Old Spring Tavern property, was designated (together with the Old Spring Tavern parcel) as a Madison City Landmark and subsequently listed in the National Register of Historic Places in 1972. I understand that on November 6, 2023, the Commission will consider a revised application for a certificate of appropriateness for the project, having deferred action on the previous application to allow the applicant to address concerns raised in the Commission's August 14 meeting, particularly relating to the size and setbacks of the proposed new construction.

Having recently retired from a lengthy career at the National Trust for Historic Preservation, including serving more than 25 years as the National Trust's general counsel and, most recently, four years as president and CEO of the organization, I am occasionally asked to provide my perspective on current preservation matters, which is the capacity in which I write today. I note that the views stated below are solely my own, and do not reflect any position of the National Trust for Historic Preservation. Although I have not had the opportunity to visit the subject property in person, I have reviewed the original and revised submittals, as well as the video recordings, staff reports and presentations (including the October 31 staff report addendum), public comments, and related records of the Commission's hearing of July 11, 2022 (relating to the lot line adjustment for the two parcels), and its hearing of August 14, 2023 (relating to the proposed new construction on the 3701 Council Crest parcel). I have also reviewed the City Landmark file and the National Register nomination.

The Secretary's Standards. The Secretary's Standards provide, in Standard 9, that:

> "New additions, exterior alterations, or related new construction will not destroy historic materials, features, *and spatial relationships* that characterize the property. The new work will be differentiated from the old and *will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment*." (Secretary's Standards for Rehabilitation, Standard 9.) (Emphasis added.)

In its application of the standards, the August 14, 2023, staff report (recommending approval of the previous application) states:

> "The two-lot landmark site has functioned as a residential property located within a residential neighborhood of similarly sized houses for nearly a century. The introduction of another house *within this setting*, and having that house located significantly far away from the historic resource meets this standard's requirements of minimal change to the defining characteristics of the setting. . .." (Emphasis added.)

In other words, the staff report appears to define the historic setting of the landmark parcel at 3701 Council Crest primarily through its relationship with the surrounding residential neighborhood, rather than its relationship with the Old Spring Tavern. The staff report emphasizes the compatibility of the proposed new construction with other houses in the surrounding neighborhood, stating: "The new building will read as a building of its time, but it [is] still *compatible with the size and style of houses found in that part of the Nakoma neighborhood*." (Emphasis added.) "The architectural vocabulary of the proposed new structure has strong references to the large house immediately across the street at 3702 Council Crest." The staff report gives little attention to the size, scale and proportion, and massing of the proposed new construction as it relates to the Old Spring Tavern structure itself, or to that property's immediate setting, other than noting that the new structure would be placed 78 feet away from the tavern building. Instead, the staff report's analysis of the "size, scale and proportion, and massing," or other characteristics of the proposed new development relates almost exclusively to the character of the surrounding residential neighborhood.

The October 31, 2023, staff report addendum similarly provides little acknowledgment of the new construction's relationship with the Old Spring Tavern property, other than to state that "the new design, with its reduced scale is differentiated from the historic resources on the site." Instead, it continues to emphasize the compatibility of the design with the surrounding neighborhood, stating that it is "of a similar architectural character, scale, and size as the other residential structures in the immediate vicinity, which will allow it to blend with the residential neighborhood setting in which this designated landmark is designated."

By defining the historic setting of the landmark so broadly as encompassing the entire surrounding residential neighborhood, it seems to me, this approach largely discounts the significance of the subject parcel in terms of its being an integral part of the historic setting of the Old Spring Tavern building itself, which presumably was the very reason for its inclusion within the landmark's original boundaries (and presumably the reason for the Commission's decision in 2022 to continue listing of the Council Crest parcel as part of the landmarked property). Although altered by landscaping and other changes in the past, the subject parcel provides open viewsheds to and from the west façade of the landmark building (stated in the landmark and National Register nominations to be the original front of the building, although that conclusion has been questioned by current staff). For many years, this adjacent open space has, in fact, distinguished the Old Spring Tavern property from other residential properties in the neighborhood, reflecting its distinct history—reaching back far longer than the adjacent residential properties. The fact that other parcels adjacent to the property have been developed over the years into a residential neighborhood does not in any way diminish the particular

characteristics and significance of this land as part of the original environment and historic setting of the Old Spring Tavern.

In my view the compatibility (or appropriateness) of any new construction for this landmark site under Standard 9 should be measured by whether the "size, scale and proportion, and massing" of the new building are consistent with the historic environment of the landmark Old Spring Tavern (the principal historic property at issue here), including the "spatial relationships" characterizing that particular property. The relationship of the proposed new construction to the surrounding residential neighborhood is not irrelevant, but in my view should not be the primary basis for determining the proposal's compatibility with the Old Spring Tavern property. Any review under Standard 9 should specifically consider the topographical features of the property, since any new structure to the northwest (upslope) will present a larger downslope façade facing the Old Spring Tavern, as noted by a number of commenting members of the public (and as reflected in both the original and revised submissions). Although the revised submission offers modest revisions to the original design of the proposed new construction, the proposal, even as revised, continues to present a large and prominent structure within the original (and still-extant) landmark boundary in an area that was historically open space. The applicants' design may indeed be compatible with the broader "residential neighborhood," as stated by the staff report, but I share the views of other commentators who question its compatibility with the more immediate historic setting of the Old Spring Tavern—the primary historic resource for which the landmark designation was conferred.

National Park Service Guidelines. It is well understood that the Secretary of the Interior's Standards for Rehabilitation are general in nature, and subject to interpretation. To assist in that interpretation, the National Park Service has developed a set of comprehensive guidelines to assist practitioners in their application, most recently updated in 2017. (*The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, 2017 ("NPS Guidelines"). Those guidelines state:

> "New additions should be designed and constructed so that the character-defining features of the historic building, its site, and setting are not negatively impacted. Generally, a new addition *should be subordinate to the historic building*. . .. *The same guidance applies to new construction so that it does not negatively impact the historic character of the building or its site.*" (NPS Guidelines, p. 79.) (Emphasis added.)

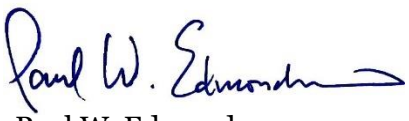
In addition to this general guidance, the NPS Guidelines include a set of "recommended" and "not recommended" practices that apply both to additions and new construction for historic properties. Recommended practices include the following: "Locating new construction far enough away from the historic building, when possible, where it will be *minimally visible* and will not negatively affect the building's character, *the site, or setting*." (NPS Guidelines, p. 161.) (Emphasis added.) "Considering the design for related new construction in terms of its relationship to the historic building as well as the historic district *and setting*." (NPS Guidelines, p.162.) (Emphasis added.) "Ensuring that *new construction is secondary to the historic building* and does not detract from its significance." (NPS Guidelines, p. 162.) (Emphasis added.) Similarly, the Guidelines state that the following practices are *not* recommended: "Adding new

construction that results in the diminution or loss of the historic character of the building, including its design, materials, location, *or setting*; Constructing a new building on a historic property *or on an adjacent site* that is much larger than the historic building; and designing new buildings or groups of buildings to meet a new use that are not compatible in scale or design with the character of the historic building *and the site*. . . ." (NPS Guidelines, p. 162.) (Emphasis added.)

I fully recognize the challenges involved in determining the appropriateness of the design of new construction in the historic setting of a landmark property, but I believe it important that the Commission, in considering the application of the Secretary's Standards, (1) carefully consider whether the "size, scale and proportion, and massing" of any proposed new construction is compatible with the historic setting of the landmark Old Spring Tavern property (rather than, primarily, its compatibility with the surrounding residential neighborhood), and (2) specifically consider the above-noted guidelines and practice recommendations, which were developed by the National Park Service to aid in interpretation of the Secretary's Standards, specifically including Standard 9.

I hope that the comments above are useful to you.

Sincerely,



Paul W. Edmondson