Bailey, Heather

From: Julie Campbell <julie@jasgrp.com>
Sent: Monday, November 6, 2023 12:16 PM
To: PLLCApplications
Subject: Old Spring Tavern

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How many more historical buildings are we going to allow to be ruined or destroyed? We have already lost so many downtown and who would build there Knowing the entire neighborhood is against them?

Bailey, Heather

From: Kevin Pomeroy <urbanist@charter.net>
Sent: Monday, November 6, 2023 1:58 PM
To: Bailey, Heather; Latimer Burris, Amani; jmorrison@knothebruce.com; eledesma@wisc.edu; molly.harris@wisc.edu; knkaliszewski@gmail.com; Taylorm@firstweber.com; rba@stonehousedevelopment.com
Cc: Tishler, Bill; Rummel, Marsha; Figueroa Cole, Yannette
Subject: Testimony of Certified Arborist Jeffrey Albertini on the Walnut tree at the Old Spring Tavern site
Attachments: 231105_OLDSPRINGTAVERN_LETTER_ALBERTINI_ARBORIST.pdf

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Dear Landmarks Commission,

I have attached a letter from Certified Arborist Jeffrey Albertini, owner of Innovative Tree Care Specialists. He "reviewed the construction plans provided, and it is my professional opinion that the proposed construction will have a substantial, long term adverse impact on the Black Walnut tree in question."

The arborist recommends that “foundation installation and/or other construction activities may occur up to the defined CZR boundary,” and that “an additional buffer zone will only further protect the tree.” The arborist also said that “Overall, the tree looked to have good bud set (from what I could see) and seemed to be vigorous.”

Also, putting aside the requirements MGO 41.18(b), regarding the Secretary of the Interior’s Standards for Rehabilitation, the proposed construction would be a clear violation of MGO 41.14(1)(d), which requires the owner to refrain from actions that may cause decay and deterioration of the tree.

Many thanks for your careful consideration of this expert testimony.

Sincerely,

Kevin Pomeroy
President - Crawford Marlborough Nakoma Neighborhood Association
4129 Iroquois Drive
Madison, WI 53711
https://urldefense.proofpoint.com/v2/url?u=https-3A__cmnna.org_&d=DwIDaQ&c=byefhD2ZumMFFQYPZBagUCDuBiM9Q9twmxaBM0hCgII&r=Ii5iJEpI1NGlDuMJazrzQaARBJXazixLWgju9ZLO7XY&m=q22s1I54xyn0o6WIkWik8V2jme1E0ZnpegtNQiQHetuFLX_EPGZemVelgBmmUlK0&s=sYyM9r0ACiKTNXmirP1RfWph9wlpbmDIEHaF-tVP_B0&e=
608-438-8968

INNOVATIVE TREE CARE SPECIALISTS, LLC

1124 Stewart St. Madison, WI 53713
Phone: (608) 278-8318 Fax: (608) 278-1248

11/5/2023

Kevin Pomeroy
President Crawford, Marlborough, Nakoma Neighborhood Associations
4129 Iroquois Dr.
Madison, WI 53711

RE: Potential construction impacts for historic Black Walnut tree, located at 3701 Council Crest, Madison, WI 53711 (Old Spring Tavern site)

Tree assessed: 52.0" Black Walnut (*Juglans nigra*)
Assessment conducted: Review of construction plans; site visit with tree viewed from public or adjacent properties
Note(s): Base of tree was not accessible due to location on private property
Approximate tree age: 234 yrs (based upon a growth rate factor of 4.5 x DBH)
Species lifespan: 250+ years, provided favorable growing conditions
Species tolerance to construction stress: fair – poor (root severance)
Complications of concern: soil compaction; root disturbance and physical injury with poor compartmentalization of decay.

Mr. Pomeroy,

I have reviewed the construction plans provided, and it is my professional opinion that the proposed construction will have a substantial, long-term adverse impact on the Black Walnut tree in question. Root disturbance within the critical root zone (CRZ) should be limited or avoid if at all possible. I am defining the CRZ as 1'/inch of diameter (52' from base of the tree) or out to the extent of the canopy drip line, whichever is greater. In all reality, a tree of this stature would be expected to have a root zone that encompasses 1.5x the extent of its canopy or greater. Proposed construction will impact an ~30-40% (per my estimation) of the root zone area of this tree. Foundation installation, and/or other construction activities may occur up to the defined CRZ boundary, however, adding an additional buffer zone will only further protect the tree. Impacts may not be seen for many years (5-7+ years) but the proposed level of disturbance would be expected to have a negative effect on both immediate performance (growth, etc.), longevity, and other secondary stressor tolerances (ie. Drought-related stress).

It would be my recommendation to incorporate a protection plan for this tree to avoid or lessen construction impacts. This plan should include, as drafted by an ISA certified arborist:

INNOVATIVE TREE CARE SPECIALISTS, LLC
1124 Stewart St. Madison, WI 53713
Phone: (608) 278-8318 Fax: (608) 278-1248

(1) A defined tree protection zone (TPZ) to protect the CRZ of the tree (reference above distances); construction fencing should be installed and no construction equipment or activity should be allowed within the defined zone;
(2) Consideration of preventative measures to further lessen impacts to the tree (i.e. application of a growth regulator, irrigation plan, installation of wood chips to reduce compaction, etc.);
(3) Follow-up monitoring plan and protocols, at defined intervals (3, 5, 7-year, post construction);
(4) Potential measures for remediation should damage be unavoidable (ie. Soil decompaction with air-spade, etc.).

Black Walnut response to construction impacts can vary but, overall, it is a more sensitive species. This species requires a healthy soil environment to thrive and will struggle in poorly aerated soils and is known to be sensitive to root cutting activities. It is my opinion that further consideration be taken to lessen impacts to this historic tree, and to aid in its' preservation for years to come.

I have presented the above letter as an unbiased, 3rd party consultant. I have no conflicting interests, associations, or other investments in the project being considered.

Best Regards,

Jeff M. Albertini
Certified Arborist
WI-0975A

Jeffrey M. Albertini
Owner/Consulting Arborist
Innovative Tree Care Specialists, LLC
1124 Stewart St.
Madison, WI 53713
Certified Arborist #WI-0975A (TRAQ)
WI Pesticide Applicator #320994-CA
Cell: 608-770-6999
Office: 608-278-8318

Bailey, Heather

From: Linda <lehnertz.l@att.net>
Sent: Monday, November 6, 2023 1:04 PM
To: Latimer Burris, Amani; jmorrison@knothebruce.com; knkaliszewski@gmail.com; taylorm@firstweber.com; rba@stonehousedevelopment.com
Cc: Bailey, Heather
Subject: comments re Legistar 79099 Agenda #5

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At the August Landmarks Commission meeting a number of Commissioners expressed concerns about the size of the proposed house in relation to the Old Springs Tavern ("OST"). This is a core issue. When a structure is proposed on a lot adjoining a landmark or landmark site, and the matter is referred to the Commission by UDC or Plan Commission, the Commission is tasked with determining whether the proposed new structure is not so large or visually intrusive as to adversely affect the historic character or integrity of the adjoining landmark or landmark site. Such an analysis is even more important when a new structure is proposed for a landmark site.

The applicant has reduced the width of the building by 10 feet, and changed the roof from a gable roof to a hip roof at the ends. But is this enough to make the proposed home compatible with the landmark building? Even with the changes, the new home would *not* be subordinate to the OST in terms of massing, size and scale - it would be significantly larger. (The Secretary's Guidelines for the rehabilitation standards speak to new construction being subordinate to the historic building.) The proposed house would be 20 feet wider than the OST and almost half the height of façade facing OST would be higher than OST's roof. The applicant's submission states "…the Commission suggested we narrow our home by 8 to 10 feet." This was not a suggestion of the Commission, rather one Commissioner suggested that a narrower elevation may work better. The revised proposed home remains too large and adversely affects the historic character and integrity of the OST and the landmark site.

The Commission faced a similar issue in 2014 (Legistar 35614) for the landmarked Plough Inn. The Plough Inn is on the eastern corner of the north 3400 block of Monroe. A proposal came before the Commission for a mixed-use building on the western corner (3 stories and about 10' taller than the Plough Inn). The Commission found the proposal was so large and visually intrusive as to adversely affect the historic character and integrity of the landmark or landmark site. The developer came back with a 4-story building which increased the setback from the landmark site by 9 feet for the second and third stories, and had an additional 7 foot setback for the 4th story. The Commission again found the proposal to be so large as to adversely affect the historic character and integrity of the adjoining landmark site (but added the stepbacks lessened the visual intrusiveness). The Commission made this finding despite (1) the mixed-use building being about 110 feet from the Plough Inn and (2) the buildings being separated by a building constructed on the landmark site in 1995 (a "buffer" in the words of one Commissioner).

Although the documents for approval of the 1995 building on the Plough Inn landmark site are not on-line, several facts can be discerned from assessor records and the street view: (1) the 1995 building is 415 sq. ft. (11%) larger than the Plough Inn, and (2) the 1995 building is not as tall as the Plough Inn. This proposal, in contrast, has a proposed structure with a size more than double that of the OST and its roof would be 18' higher than OST's roof (not including the hillside).

Regarding the black walnut tree, the staff report states that there is not any discussion of the tree in the landmark nomination, so it is not part of the designation, so it will not be considered. As I discussed in detail in my original comment letter (pdf pages 18-19 of document #5 of the Legistar record), the tree is an

"improvement" under City ordinances and the ordinances place a maintenance obligation on every owner of an improvement on a landmark site. The staff report also said: "In the rare instances that the commission reviews work impacting elements such as trees, the commission uses the guidance from the Secretary of the Interior's Guidelines for the Treatment of Cultural Landscapes …" Those Guidelines state, under the rehabilitation of vegetation section:

> Not recommended: Placing a new feature where it may cause damage or is incompatible with the character of the historic vegetation. For example, constructing a new building that adversely affects the root systems of historic vegetation.

Respectfully Submitted,
Linda Lehnertz