

# MADISON TRUST



for Historic Preservation

## Advocacy News

September 2022

### Update on the Old Spring Tavern (3706 Nakoma Road)

By Kurt Stege, Advocacy Committee Co-chair

Last month's Advocacy News included [an opinion piece](#) relating to the July 11<sup>th</sup> action of the Landmarks Commission to okay a revision of the size of the two lots making up the site of the Old Spring Tavern. The Tavern/Inn overlooks the Arboretum's Duck Pond across Nakoma Road and was constructed in 1854 as a stagecoach stop. It was designated as a Madison landmark soon after the adoption of Madison's landmarks ordinance.<sup>1</sup> There was so little time between when the Madison Trust first learned of the proposed change in



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

early July and the determinative Landmarks Commission meeting that the Madison Trust was unable to complete its review and authorization procedure to formally oppose the application. That authorization from the Madison Trust Board was granted on August 16<sup>th</sup>, a date after the brief period for formally appealing Landmarks' decision to the Common Council, but in time to oppose a related but distinct step in the lot revision authorization process within the authority of the Madison Plan Commission.

On Monday, August 29, 2022, the Plan Commission was asked to approve a Certified Survey Map (CSM) that reflected the new lot lines, a step only tangentially related to the

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<sup>1</sup> The site is also on both the State and National Register of Historic Places.

historical significance of the site. The standards to be applied by the Plan Commission regarding a CSM typically relate to those established for the subdivision and Wisconsin's statutory standards, rather than specific historic preservation provisions. However, the public hearing by the Plan Commission did provide a few minutes for the Madison Trust and the neighborhood to voice opposition to the developer's application to place a second large residence within the historic site in a location that would completely undermine the visual context for a stagecoach stop and for how the Tavern was constructed.

Madison Trust President Lynn Bjorkman submitted a letter opposing the relocation of the lot lines in advance of the Plan Commission meeting. Madison Trust Vice-President Rick Chandler and Advocacy Committee Co-chair Kurt Stege both testified in opposition during the public hearing portion of the meeting.

As anticipated, the Plan Commission unanimously approved the CSM and it will now be sent on to the Common Council for rubber-stamping.

Despite this result, there were numerous comments by several members of the Plan Commission, both during and after the meeting, that made it clear those commissioners felt the Landmarks Commission had failed to properly exercise its authority (and responsibility) to protect one of Madison's highly important historic resources. The commissioners were, as a whole, well-informed regarding the Tavern's circumstances, attentive during the testimony,<sup>2</sup> and thoughtful in their analysis.

Those comments, while gratifying, do not have the direct effect of protecting the Tavern's site. Our only hope is that their sentiment will be conveyed to Madison Planning Division staff and to all Landmarks Commission members, and that there will be much greater vigilance exercised when the Commission addresses historic preservation protections in the future.

In the case of the Old Spring Tavern, the level of vigilance will be front and center when, at some point in the future, the Commission will have to consider whether or not to grant a Certificate of Appropriateness for an application to build a specific structure on the newly created lot within the Old Spring Tavern site.

For those who would like to begin preparation for Landmarks Commission review of an application for new construction on the site, the following provisions will come into play:

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<sup>2</sup> The CSM for the Old Spring Tavern site was the 35<sup>th</sup> of 35 items on the Plan Commission's agenda. The item came up four hours into a nearly five-hour meeting.

Sec. 41.18, Madison General Ordinances

A certificate of appropriateness shall be granted only if the proposed project complies with this chapter, including all of the following standards that apply.

(1) New Construction or Exterior Alteration. The Landmarks Commission shall approve a certificate of appropriateness for exterior alteration or construction only if:

(a) In the case of exterior alteration to a designated landmark, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.

(b) In the case of exterior alteration or construction of a structure on a landmark site, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.

(c) In the case of exterior alteration or construction on any property located in a historic district, the proposed exterior alteration or construction meets the adopted standards and guidelines for that district.

(d) In the case of any exterior alteration or 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.



Photo courtesy of Kevin Pomeroy