MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY HISTORIC REVIEW BOARD
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
May 5, 2020
3:00 P.M.

The Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, March 3, 2020 in the New Castle room of the Government Center Building, 87 Reads Way, Corporate Commons in New Castle, DE.

The meeting was called to order by Barbara Benson at [5:00 p.m.]

The following Board members were present:
  Dr. Barbara Benson
  Perry Patel
  Karen Anderson
  Barbara Silber
  Steve Johns
  John Brook
  Rafael Zahralddin
  John Davis

The following Board members were absent:
  None

Historic Review Board, Department of Law
  Colleen Norris

The following Department of Land Use employees were present at the meeting:
  Betsy Hatch
  Christopher Jackson

The following members of the public were in attendance:
  Wendie Stabler
  Bill Rhodunda

RULES OF PROCEDURE

Ms. Hatch read the rules of procedure into the record.

MINUTES & NOTICE OF DECISIONS

March 3, 2020 Business Meeting Minutes and Notice of Decisions
On a motion made by Mr. Zahralddin and seconded by Mr. Johns, the Historic Review Board voted to approve the March 3, 2020 Historic Review Board Business Meeting Minutes. (In Favor: Zahralddin, Johns, Brook, Silber, Anderson, Benson, Patel; Abstention: Davis)

On a motion made by Mr. Johns and seconded by Mr. Zahralddin, the Historic Review Board voted unanimously to approve the Notice of Recommendation for App. 2019-0772-S, 203 Half Acre Drive.

On a motion made by Mr. Brook and seconded by Mr. Zahralddin, the Historic Review Board voted unanimously to approve the Notice of Recommendation for App. 2019-0647-S, 2818 Grubb Road.

OLD BUSINESS


At a meeting held on May 5, 2020, the Historic Review Board considered the revised application, public testimony provided at its April 21, 2020 public hearing, as well as the recommendation provided by the Historic Preservation Planner. On a motion made by Mr. Brook and seconded by Mr. Patel, the Historic Review Board voted to grant APPROVAL of the application as presented.

On a motion made by Mr. Brook and seconded by Mr. Patel, the HRB voted to make an amendment to the La Grange Subdivision Design Guidelines stating the following:

“Porches, enclosed porches, three-season rooms and any other additions shall utilize the same siding, window styles, roof materials, windows, and doors that are utilized on the dwelling.”

In discussion preceding the vote, the Board members offered the following comments:

Ms. Hatch gave the Board a brief presentation, which included revised building plans provided by the applicant. Ms. Hatch read the Staff Recommendation into the record, which was for approval. Staff also recommended that the HRB amend the La Grange Design Guidelines for future applications of a similar nature.

NEW BUSINESS


At a meeting held on May 5, 2020, the Historic Review Board considered the application, public testimony provided at its April 21, 2020 public hearing, as well as the recommendation provided by the Historic Preservation Planner. On a motion made by Mr. Patel and seconded by Mr. Brook, the Historic Review Board voted unanimously to recommend the following:

APPROVAL of the proposed rezoning of the property from NC21 to NC21 and H.
CONDITIONAL APPROVAL of the proposed parking plan with the following conditions:

- A completed landscape plan be submitted to the Historic Review Board for consideration prior to recordation of the Parking Plan with additional buffering along residential property lines.
- Archaeological monitoring is completed during the pool’s demolition and areas of disturbance by an archaeologist meeting the minimum professional standards as set forth by the Secretary of the Interior.

APPROVAL of the requested variances:

- **Section 40.15.240(D) of the New Castle County Code**, which requires a minimum lot size of three acres and 60% open space to qualify for an adaptive reuse within an Historic Overlay District. The site is 1.64 acres in size and would have 1.3 acres of open space.
- **Section 40.03.552 of the New Castle County Code** requires office uses to have a minimum of 3.5 parking spaces per 1,000 square feet. The proposed parking is 15 spaces (UDC requires 23 spaces.)

APPROVAL of the request that DelDOT waive and/or modify its subdivision regulations to allow modified driveway width and associated right-of-way dedication which will help protect the WRPA and historic integrity of the Property.

In discussion preceding the vote, the Board members offered the following comments:

Mr. Brook stated that he believed that the property was eligible for Historic Overlay zoning based on the Criteria for Designation, particularly criterion A and criterion D. He stated the house was built in a time period when wealthy farmers were utilizing their resources to construct fine homes. He stated the property does require some additional buffering and that the applicant should add the necessary buffering.

Dr. Benson stated the Board should go through individually and state which Criteria they believe the property is eligible for rezoning. Ms. Silber stated that the property should be rezoned pursuant Criteria A, B, D. Ms. Silber stated that CRS forms for the property should be updated to the State’s CHRIS database should they need to be updated to ensure all information is consistent across the County and State’s databases. Ms. Anderson stated that she believes the property meets Criteria B, D, and K. She stated that she believed that additional measures or barriers should be added on the property to ensure that any light pollution is mitigated that may impact adjacent properties. Mr. Johns stated he believe the property is eligible for Historic Overlay zoning under Criteria B and D. Mr. Patel that he believed that the property is eligible for Historic Overlay zoning under Criteria A and B. Mr. Davis stated that he believed the property is eligible for Historic Overlay zoning under Criteria B and E. Mr. Zahraaldin stated that he believed the property was eligible for Historic Overlay zoning under Criteria B and D. Dr. Benson stated that she believed the property was eligible for Historic Overlay Zoning under Criteria A, B, D, and E.

Ms. Silber stated that she believed an amendment of the motion should be added, which stated that archaeological monitoring is completed during the earth moving occurrences as improvements are made to the property. She stated this would include the pool’s demolition. She stated that it should be monitored by an archaeologist meeting the minimum professional standards as set forth by the
Secretary of the Interior. She emphasized the importance of capturing the sub-surface profile to gain a better understanding the environs and landscape of the property.

Ms. Anderson proposed an amendment to the motion to require additional buffering along the neighboring property lines. She stated that the requested variances should be approved as described by the applicant. Ms. Hatch clarified for the Board that the applicant is already required to complete buffering along residential property lines per the Unified Development Code. Dr. Benson requested that the landscape plan be presented before them, as she was concerned there would not be enough buffering in the area where the neighboring property owner indicated. She stated the neighboring property owner had provided the Boards with additional pictures. Mr. Johns stated that he knew the UDC required buffering along residential property lines; however, existing trees can count towards that buffering. He stated that there needed to be lower buffering added along the property line.

Mr. Brook stated that he would like to see what the sign would look like. Ms. Hatch clarified the Board would have an opportunity to review the sign permit. The Board concurred that the language from Ms. Stabler’s letter to the Board dated April 30, 2020.

Mr. Johns made a motion to add the language regarding the DelDOT regulations requiring that the driveway be expanded to the Board’s recommendation. This motion was seconded by Ms. Silber. Mr. Brook stated that he supported Mr. John’s proposal. Mr. Davis stated that he concurred with the language of the letter provided by Ms. Stabler.

**App. 2020-0127-S**: 3015 Duncan Road. (North side of Duncan Road, east of McKennans Church Road.) (TP 08-032.10-130.) Mill Creek Hundred. Minor Subdivision Plan of a 2.88-acre parcel containing an historic dwelling constructed ca. 1870 and stone ruins into four lots. NC6.5 Zoning, CD 9.

At a meeting held on May 5, 2020, the Historic Review Board considered the public testimony provided by the applicant’s attorney at its April 21, 2020 public hearing, the public testimony, and the recommendation provided by the Historic Preservation Planner. On a motion made by Mr. Johns and seconded by Ms. Anderson, the Historic Review Board voted to TABLE the application until the applicant had further opportunity to work with Land Use staff to ensure additional measures to avoid impact to the historic resources located on the property. In discussion preceding the vote, the Board offered the following comments:

Ms. Hatch gave a presentation to the Board on the application and updated them on what they were proposing. She informed the Board that the applicant revised the plan to include a cross-access easement in order to remove additional entrances off Duncan Road for the new lots, in an effort to reduce impact on the historic structures. Ms. Hatch read in the staff recommendation to the record, which was to table the application.

Mr. Davis stated he shared the concerns of splitting up the historic resources on the property. Mr. Johns stated the view from the street would not change with the proposed revision. He stated that he was unsure how all the structures could be all kept together. The applicant stated they want to preserve all of the existing buildings, but he wasn’t sure if the Board had a reason to table the application. Ms. Hatch stated that there are provisions in the UDC that may permit relaxed requirements, such as lot frontage, that can be utilized if a resource is being mitigated. She stated that Staff wanted to initiate a conversation with the property owner to look at alternatives that can help mitigate any impact to the resources.
Dr. Benson stated that she has concerns with the proposal, as there has been so little research on the parcel; therefore she can’t be certain how many actually historic resources are present on the property aside from the stone ruins. She asked if it was known if the blacksmith shop was still on the property. Ms. Hatch stated that staff wasn’t able to confirm if it is still extant, but there was one on the property at one point in time.

Ms. Silber stated that the segregation of the resources is concerning. She stated that there isn’t enough information about what is contributing and non-contributing. She stated that a property study is warranted, which would help develop a strategy for the building’s division. Ms. Silber stated that there is also subsurface potential to the property and that a detailed inventory of what is on the property would be helpful. Ms. Hatch stated that the Department can help the applicant research as much as possible; however, the property owner did indicate to the Department that they don’t have the financial resources, especially during the current pandemic, to hire a consultant to do a study. Dr. Benson stated that she does feel that it is the applicant’s responsibility to provide some sort of historic background.

Ms. Anderson asked how the Department can help the property owner do research. Ms. Hatch clarified that the Department does not have a source of funding the to help pay for research, but they can assist the property owner with various research resources. Ms. Anderson asked about the University of Delaware Center for Historic Architecture and Design and if they would be a good resource. Ms. Hatch stated that the property owner could reach out to University of Delaware, but her assumption would be that there would likely be a cost and noted that the University is currently shut down due to the pandemic.

Mr. Johns wanted clarification on what the Board is asking of the applicant. Dr. Benson stated there was concern regarding the layout; however, the Board could not make an informed decision without any additional information on the property. Ms. Hatch stated that the Conservation Design provisions in the UDC may permit the lots to be oriented in the back, and that the staff recommendation; however, the Department wanted additional time to discuss the layout with the applicant.

Mr. Brook stated that it would be helpful to receive a plan that is simple and doesn’t have as many lines, as it is currently difficult to understand. He stated there may be a better way to design the subdivision, and that Staff could work with the property owner. Ms. Silber agreed that with the intent of the motion, which would allow for the Department to work the property owner on methods that can help mitigate any impact on the historic resources.

**REPORT OF THE PRESERVATION PLANNER**

Ms. Hatch informed the Board that the next month’s agenda included a number of legislative items as well as the J. Houston House application. She stated that if the Board has any questions on any agenda items, to please reach out to the Department or their Counsel.

Ms. Hatch encouraged the Board to continue reading the Enhanced Fact Sheet, which covers the proposed legislation that the Department has been working on for the last several months.

**REPORT OF THE CHAIRPERSON**

Dr. Benson informed the Board of her impending retirement, and that the May 19, 2020 Public Hearing would be her last meeting with the Board.
COMMENTS FROM THE PUBLIC

None.

ADJOURNMENT

The Board voted to adjourn the meeting at 4:09 p.m.

ATTEST:

Richard E. Hall, AICP
General Manager
Department of Land Use

John R. Davis
Acting Chairperson
Historic Review Board