

**MINUTES  
BUSINESS MEETING  
NEW CASTLE COUNTY PLANNING BOARD  
DEPARTMENT OF LAND USE - NEW CASTLE ROOM  
87 READS WAY, NEW CASTLE, DELAWARE  
September 15, 2020  
9:00 A.M.**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, September 15, 2020 by ZOOM Video Conference.

The meeting was called to order by Chairperson Karen Peterson at 9:00 a.m.

The following Board members were present:

Leone Cahill  
Joseph Daigle  
Leah Gray  
William McGlinchey  
Karen Peterson  
Robert Snowden  
Ruth Visvardis

The following Board members were absent:

Jonathan Cochran  
Kiana Drake-Williams

Planning Board Attorney, Office of Law

Randolph Vesprey

The following Department of Land Use employees were present at the meeting:

Rich Hall	Betsy Hatch
Matthew Rogers	Marisa Lau

The following members of the public were in attendance:

None.

**MINUTES**

July 21, 2020

**DEFERRALS**

**App. 2020-0004-T.** Text amendment to amend Chapter 40, Article 3 (“Use Regulations”) and Article 33 (“Definitions”) regarding Industrial Uses. **Ord. 20-008 is a text amendment to amend Article 3 and Article 33 of the Unified Development Code regarding Industrial Uses.**

## **BUSINESS**

**App. 2020-0301-T (Ord.20-071).** Ordinance 20-071 is a text amendment to amend New Castle County Code, Chapter 40 (also known as the Unified Development Code or “UDC”), regarding Article 7 (“Transferable Development Rights And Bonuses”), Article 15 (“Historic Resources”), and Article 33 (“Definitions”) regarding historic resources.

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from other agencies and the public. Based on this analysis, the Department recommends **CONDITIONAL APPROVAL** of Ordinance No. 20-071 with the condition that County Council consider incorporating the following comments from the State Historic Preservation Office:

- The term “archaeological examination” be revised to “archaeological investigation” for consistency.
- Clarification be added in provisions relating to recommended or required archaeological work regarding what point such work must occur during the land use process (e.g. prior to the completion of any ground disturbance per the direction of the Historic Review Board).
- Work must be completed by a Registered Professional Archaeologist.
- Archaeological investigations (of all Phases) must follow the Division of Historic and Cultural Affairs’ guidelines for Archaeological Survey in Delaware.

At a business meeting held on September 15, 2020, the Planning Board considered the Department of Land Use recommendation. The Planning Board voted on a motion made by Mr. Snowden and seconded by Ms. Visvardis, to recommend **CONDITIONAL APPROVAL** of Ordinance No. 20-071 subject to the conditions made by the Department of Land Use. The motion **PASSED** by a **VOTE of 7-0-0-2** (YES: Daigle, Peterson, Snowden, Cahill-Krout, McGlinchey, Visvardis, NO: none; ABSTAIN: none; ABSENT: Drake-Williams, Cochran).

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

Ms. Peterson inquired about Committee of 100 comments, noting the recommendation report addressed the “big-ticket” comments, but had some questions regarding the other minor comments. Ms. Peterson noted in particular, the Committee of 100 recommended that the Preservation Plan requirement of the proposed Division 40.15.300 be approved by the Preservation Planner rather than the Historic Review Board, citing a concern that three additional months would have to be added to the process due to the new requirement. Ms. Hatch, Preservation Planner, noted that the Preservation Plan requirement could be reviewed concurrently with the Historic Review Board at its initial hearing in order to avoid additional delay. Ms. Hatch noted that land development plans containing historic resources are already required to be reviewed by the Historic Review Board and that the Preservation Plan, if provided upfront, could be reviewed at that point.

Ms. Peterson commented that Committee of 100 stated in their comment letter that they felt it was appropriate to provide a third-party estimate for the maintenance of a resource without approval from the Department and without a guarantee. She noted that the Committee of 100 also recommended that comps be utilized instead of appraisals for an historic resource as that is what a realtor would do when listing a property for sale. Matt

Rogers, Planner III, noted that the Department already requires certified appraisals in the Unified Development Code for other situations, given that real estate comps can be largely inconsistent. He noted that the UDC does not define or reference the use of real estate agencies and that it would be an odd addition to the UDC, whereas a certified appraiser has qualified standards that they have to meet. Ms. Hatch further noted that the Committee of 100 had several comments about the language included in the proposed Section 40.15.160, which is existing code language that was adopted under the Demolition by Neglect ordinance, noting that it was relocated to the restructured Article 15 in Ordinance 20-071. Ms. Hatch stated that the Department has looked at several local historic preservation codes across the country and found that requiring an appraisal or real estate listing are not uncommon requirements when it comes to officially designated historic structures.

**App. 2020-0325-T (Ord.20-074).** Ordinance 20-074 is a text amendment to amend the New Castle County Code, Chapter 40 (also known as the Unified Development Code or “UDC”), Article 5 (“Site Capacity and Concurrency Calculations”) regarding mezzanine space in site capacity calculations.

The Department has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from the public and other agencies. Based on this analysis, the Department recommends **APPROVAL** of Ordinance 20-074.

At its business meeting held September 15, 2020 the Planning Board considered the recommendation offered by the Department of Land Use. On a motion by Ms. Cahill, and seconded by Mr. Daigle, the Board voted to recommend **APPROVAL** of Ordinance 20-074. The motion was adopted by a **vote of 7-0-0-2** (Yes: Cahill-Krout, Daigle, Gray, McGlinchey, Snowden, Visvardis, Peterson; No: none; Abstain: none; Absent: Cochran, Drake-Williams).

## **REPORT OF COMMITTEES**

None.

## **REPORT OF GENERAL MANAGER**

Richard Hall, General Manager of the Department, informed the Board of several upcoming events related to the Comp Plan update and other planning studies. The fall workshops for NCC@2050 are underway and will lead into a forum in November. The previous night’s workshop on Zoom focused on transportation, jobs, and the economy and had about 60-70 participants; the next workshop will address housing, community development and environmental justice issues. Additionally, there is a meeting with WILMAPCO tomorrow night on the Churchman’s Crossing transportation study update. A meeting for the proposed final draft of the Southern New Castle County is also scheduled. As a reminder, the Comp Plan website ([NCC2050.newcastlede.gov](http://NCC2050.newcastlede.gov)) has information about ways to participate and stay engaged with this process. The public can also stay updated via social media on Facebook or Instagram.

## **REPORT OF CHAIRPERSON**

Karen Peterson, Board Chair, thanked Mr. Hall for keeping the Board apprised of Department activities. Following up on Mr. McGlinchey’s comment regarding the Youth Planning Board at the July business meeting, she noted that they had found a way to engage those applicants who hadn’t been selected for the program in the Comp Plan update. These participants would be part of a youth ambassador category. She also let Board members know that they would need to register online for the Churchman’s Crossing

