

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY HISTORIC REVIEW BOARD
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
January 4, 2022
5:00 P.M.**

The Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, January 4, 2022 via Zoom meetings.

The meeting was called to order by John Davis, at [5:00 p.m.]

The following Board members were present:

John Davis
Steve Johns
Karen Anderson
Barbara Silber
Rafael Zahralddin
Perry Patel
Nannette Swadey

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
Shane Bailey

RULES OF ORDER

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

MEETING MINUTES

December 7, 2021 Business Meeting

On a motion made by Mr. Johns and seconded by Ms. Anderson, the Historic Review Board voted to approve the meeting minutes from December 7, 2021. [In Favor: Davis, Swadey, Anderson, Zahralddin, Patel, Johns, Silber; In Opposition: None; Abstention: None ; Absent: None.]

HISTORIC MARKER PROGRAM

None.

OLD BUSINESS

None.

NEW BUSINESS

App. 2021-0625-H: 1773 Old Coochs Bridge Road. (TP 11-014.00-042.) East side of Old Coochs Road, 184 feet north of Phoenix Avenue. Pencader Hundred. Resubdivision plan to convert existing historic barn to event venue with associated site improvements, G. Baynard House (ca. 1750), within the Cooch's Bridge National Register Historic District. I Zoning. CD 11.

At a meeting held on January 4, 2022, the Historic Review Board considered the proposed application, public testimony provided at the December 21, 2021 public hearing, and the Department of Land Use recommendation.

On a motion made by Mr. Johns and seconded by Mr. Patel, the Historic Review Board voted to recommend **APPROVAL** of the application as proposed and find the site eligible for Historic overlay zoning pursuant to Section 40.15.110 of the New Castle County Code under Criteria A, B, E, I, K, L, M, and N and found that the site meets the definition of an Enclosed Context Site pursuant to **Section 40.15.210 of the New Castle County Code**. As part of the motion, the Historic Review Board voted to provide a recommendation of **APPROVAL** to the Board of Adjustment regarding the six requested variances provided on the land development plan:

- To permit a 60% resource disturbance level within a Class C Wellhead WRPA (50% Resource Protection Level) per Table 40.10.010 of the UDC.
- To permit a 198' setback from a restaurant use to residential use (500' required) per Table 40.03.210.A of the UDC.
- To permit 61% of the site GFA to be used as a restaurant use (maximum 10% of GFA permitted) per Table 40.03.210.A of the UDC.
- To permit a 7' street yard building setback (40' required) per Table 40.04.110.B of the UDC.
- To permit a 40' building height (30' building height required) per Table 40.04.110 of the UDC.
- To permit a 0.0 bufferyard opacity (0.5 opacity required) along Old Coochs Bridge per Table 40.04.111.A of the UDC.

The motion was adopted by a vote of 7-0-0-0 [In Favor: Davis, Swadey, Anderson, Zahralddin, Patel, Johns, Silber; In Opposition: None; Abstention: None ; Absent: None.]

Discussion preceding the vote included the following:

Ms. Hatch read the Department's recommendation into the record.

Ms. Swadey inquired if the Historic Review Board was able to weigh in on the requested variances, as the Board of Adjustment is the governing body that makes decisions on variance requests per the structure of the UDC. Ms. Norris clarified that the Historic Review Board is able to provide recommendations to the Board of Adjustment, who often seeks guidance from the Historic Review Board when applications deal with historic resources. The Historic Review Board discussed the procedures of the Unified Development Code and the procedures and nature of recommendations from the Historic Review Board pursuant to the structure of the Unified Development Code.

Mr. Johns noted the requested variances will allow for the continued preservation of the historic resources on the subject site. Ms. Swadey inquired if the motion made by Mr. Johns included the approval of the land development plan, as the Board was also providing a recommendation on the Historic overlay zone. Ms. Hatch noted that the motion made by Mr. Johns included a recommendation on the land development application. Ms. Swadey inquired if the Board needed to consider the Adaptive Reuse provisions in **Section 40.15.150 of the New Castle County Code**. Ms. Hatch stated that the applicant is seeking limited use approval under the Industrial zoning classification of the site instead of pursuing adaptive reuse under the Historic overlay zoning provisions.

App. 2021-0781-H: 2818 Grubb Road. (TP 06-021.00-033.) West side of Grubb Road, 565 feet south of Country Gates Drive. Brandywine Hundred. Revisions to existing parking plan to identify 20th century farm buildings for removal and for the creation of a new trail. S Zoning. CD 2.

At a meeting held on January 4, 2022, the Historic Review Board considered the proposed application, public testimony provided at the December 21, 2021 public hearing, and the Department of Land Use recommendation.

On a motion made by Mr. Patel and seconded by Ms. Anderson, the Historic Review Board recommend **APPROVAL** for the proposed parking plan and subsequent release of demolition permits for the existing agricultural structures.

The motion was adopted by a vote of 7-0-0-0 [In Favor: Davis, Swadey, Anderson, Zahralddin, Patel, Johns, Silber; In Opposition: None; Abstention: None ; Absent: None.]

Discussion preceding the vote included the following:

Ms. Hatch read the Department's recommendation into the record.

Ms. Silber asked for clarification, noting that the Board is not discussing or voting the proposed trail on the property. Ms. Hatch confirmed that the Board is not considering the proposed trail, but the removal of the agricultural buildings as they relate to the approved parking plan on file with the Department of Land Use.

App. 2021-0783-H: 3300 Faulkland Road. (TP 08-033.00-008.) Southeasterly corner of Faulkland Road and Newport Gap Pike. Mill Creek Hundred. Proposed repairs to the Lake Washington Dam (ca. 1898) at Brandywine Springs Park. S and H Zoning. CD 2.

At a meeting held on January 4, 2022, the Historic Review Board considered the proposed application, public testimony provided at the December 21, 2021 public hearing, and the Department of Land Use recommendation.

On a motion made by Mr. Patel and seconded by Ms. Anderson, the Historic Review Board grant **APPROVAL** of the scope of work proposed by the Department of Public Works with a recommendation that interpretive signage for the site be added to the site in a comprehensive manner.

The motion was adopted by a vote of 7-0-0-0 [In Favor: Davis, Swadey, Anderson, Zahralddin, Patel, Johns, Silber; In Opposition: None; Abstention: None ; Absent: None.]

Discussion preceding the vote included the following:

Ms. Hatch read the Department's recommendation into the record.

Ms. Silber clarified that the repairs on the dam will be conducted on the spillway. Ms. Hatch clarified that the proposed repairs include repairs on the existing concrete for the dam, including the concrete buttresses. Ms. Silber noted that signage is something that should be addressed comprehensively across the park and sought clarification on the motion, noting that the signage should not be a condition of approval. Ms. Hatch clarified that the signage could be addressed at a later date and was not a condition of the proposed scope of work.

REPORT OF THE PRESERVATION PLANNER

Ms. Hatch noted that the next Historic Review Board meeting would be the January 18, 2022 public hearing.

REPORT OF THE CHAIRPERSON

None.

COMMENTS FROM THE PUBLIC

None.

ADJOURNMENT

ATTEST:

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

John R. Davis
Chairperson
Historic Review Board