

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY HISTORIC REVIEW BOARD
DEPARTMENT OF LAND USE – GILLIAM MULTIPURPOSE ROOM
67 READS WAY, NEW CASTLE, DELAWARE
February 7, 2023
5:00 P.M.**

The Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, February 7, 2023 via Zoom meetings.

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

The following Board members were present:¹

John Davis
Barbara Silber
Karen Anderson
Steve Johns
Jean Hershner
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 6, 2022 Business Meeting Minutes

On a motion made by Mr. Johns and seconded by Mr. Patel, the Historic Review Board voted to approve the meeting minutes from the December 6, 2022 Business meeting.

HISTORIC MARKER PROGRAM

None.

¹ Prior to the beginning of the meeting, Chairman Davis noted that he would be recusing himself from acting as Chair during the Board's discussion of App. 2022-0839-H. On a motion made by Mr. Patel and seconded by Ms. Silber, the Board members elected Steve Johns to serve as acting chair during the Board's consideration of the application.

OLD BUSINESS

NEW BUSINESS

App. 2022-0785-H: 164 Ebenezer Church Road. (14-019.00-016.) West side of Ebenezer Church Road, south of the intersection with Blackbird Station Road. Demolition permit to demolish Ebenezer Church. NC40 Zoning. CD 6.

At a meeting held on February 7, 2023 the Historic Review Board considered the proposed application, public testimony provided at the January 17, 2023, 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 unanimously to place a **HOLD** the requested demolition permit. The motion was adopted by a vote of 7-0-0-0 [In Favor: Davis, Silber, Anderson, Johns, Hershner, Patel, Swadey; In Opposition: None; Abstention: None; Absent: None.]

Discussion preceding the vote included the following:

Ms. Hatch read the Department of Land Use recommendation into the record. Ms. Hershner stated that she wished all demolition permits had the same outcome.

App. 2022-0658-H: 15 Center Meeting Road. (TP 07-007.00-110.) North side of Center Meeting Road, 555 feet east of Kennett Pike. Christiana Hundred. Resubdivision plan and building permit to construct a 1,207 sq. ft. addition off the Chandler House within an Historic overlay zoning district. NC15, HT, and H Zoning. CD 2.

At a meeting held on February 7, 2023 the Historic Review Board considered the proposed application, public testimony provided at the January 17, 2023, 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 unanimously to recommend **APPROVAL** of the proposed resubdivision plan and the revised building plans for the release of any required building permits. The motion was adopted by a vote of 7-0-0-0 [In Favor: Davis, Silber, Anderson, Johns, Hershner, Patel, Swadey; In Opposition: None; Abstention: None; Absent: None.]

Discussion preceding the vote included the following:

Ms. Hatch read the Department of Land Use recommendation into the record. The Board had no further comment.

App. 2022-0839-H: 101 School Road. (TP 06-128.00-052.) North side of Alapocas Drive, east of Edgewood Road and on the west side of school road. Brandywine Hundred. Land development plan to construct a new, 75,000 square foot lower school, a new 3,900 square foot maintenance building, and demolition of existing maintenance building. NC10 zoning. CD 2.

At a meeting held on February 7, 2023 the Historic Review Board considered the proposed application, public testimony provided at the January 17, 2023, public hearing, and the Department of Land Use Recommendation. When considering the application, the Board chose to vote on the application in two motions.

On a motion made by Ms. Anderson and seconded by Mr. Patel, the Historic Review Board voted to grant **APPROVAL** of the proposed demolition of the ca. 1942 stone maintenance building, based on

the documentation and historic research provided by the applicant. The applicant is encouraged to develop a plan to salvage the existing materials of the barn. The motion was adopted by a vote of 6-0-1-0 [In Favor: Johns, Anderson, Swadey, Patel, Silber, Hershner; In Opposition: None; Abstention: Mr. Davis; Absent: None].

On a motion made by Ms. Anderson and seconded by Ms. Hershner, the Historic Review Board voted to recommend **CONDITIONAL APPROVAL** of the proposed land development plan with the following conditions:

1. The design and elevations of the proposed Lower School building are generally consistent with the renderings submitted into evidence at the January 17, 2023 public hearing.
2. The developer make an effort to establish a design to increase open space.
3. A disturbance analysis be conducted for the area of potential effect to ascertain the presence of any archaeological resources.

The motion to amend was adopted by a vote of 6-0-1-0 [In Favor: Johns, Anderson, Swadey, Patel, Silber, Hershner; In Opposition: None; Abstention: Mr. Davis; Absent: None].

Discussion preceding the vote included the following:

Ms. Hatch read the Department recommendation into the record. The Historic Review Board considered a motion made by Ms. Anderson and seconded by Mr. Patel to deny the proposed land development plan. Ms. Anderson noted that she believed there was a historic aspect of the plan that should be considered, as the Woodlawn Trustees were tasked with ensuring the preservation of green space, which was part of William Bancroft's vision for the Brandywine Valley. She summarized the importance of Bancroft's vision of the Brandywine Valley and the subject property. She noted that she is concerned that there is pressure to compress population demands on an existing historic site. She stated that overburdening the historic site at the expense of its historic character did not seem a good solution. She spoke to the details provided by the applicant regarding the number of students and the sewer data that was provided, noting that the data points were not in alignment with the parking data provided. She stated the plan calls for the significant reduction of open space and increase in impervious surface coverage. She stated that all the improvement proposed as part of the plan do not align with the Bancroft vision for the site and area. She noted that the site has historic significance for New Castle County and meets the minimum Criteria for Designation included in the UDC and spoke to the site's historic context. She noted the original friends school existed on a large grass area that was complimentary to the surrounding area. She stated that she did not believe that the proposed plan was sensitive to the historic nature of the site.

Ms. Silber stated that there is still a potential for sub-surface resources to be located under playing fields and parking lots. She noted that a disturbance analysis would be warranted. Ms. Silber noted that an archaeological study could be wrapped into curriculum and interpretive means for the property. She recommended that the Board include an archaeological analysis to determine if the soils were disturbed or not, and if not, further testing occur.

Mr. Johns noted that Ms. Anderson noted the school had additional land at one point. Ms. Anderson noted that there was a lower school and upper school, and that the current lower school site is proposed to be sold to provide for the expansion of the nearby Incyte development. Mr. Johns noted that he felt conflicted, as schools that possess a good amount of land have in the past sold off land to ensure a viable, financial future. He stated that schools today face financial hardships, so he understands why the school is seeking to consolidate their buildings to the one property. He stated that the Board should be considering the impact to the historic open space and Bancroft's vision for the school. He stated that he wasn't aware of deed restrictions on the property that would require the HRB to consider the amount of open space maintained on the property. Mr. Johns stated the question of the application was if the proposed construction would have an impact on the school's

existing historic resources. He stated he believed the proposed buildings appeared to be appropriate in character and design, noting they paid homage to the historic school building. Ms. Anderson concurred she had no issue with the design, but that her concern was with the compatibility of the development with the historic resources on the subject site in terms of green space. She stated she believed the plan was overdeveloped and wasn't appropriate in relation to the original historic development design.

Mr. Johns inquired of Ms. Norris if the Board voted to recommend the be denied, what the next steps would be for the applicant. Ms. Norris noted that the Board is able to make a recommendation on the application and that the Board should note why they recommend the plan be denied. Ms. Norris provided guidance to the Board regarding the land development procedure and the concerns the Board was citing, noting the Board should provide guidance to the Department of Land Use and the applicant. Ms. Hershner inquired if the Board should note that there was no objection to the design of the proposed buildings, as she did not hear anyone voice concerns regarding the designs of the proposed buildings. Ms. Norris noted that Section 40.15.220 of the UDC outlines the criteria the Board should consider when forming recommendations on land development plans.

Following the above discussion, the motion to recommend denial of the application made by Ms. Anderson and seconded by Mr. Patel failed [In Favor: None; In Opposition: Johns, Anderson, Swadey, Patel, Silber, Hershner; Abstention: Mr. Davis; Absent: None].

On a motion made by Ms. Silber and seconded by Mr. Patel, the Board voted to approve an amendment to the final motion of condition approval to include an archaeological provision. The motion to amend was adopted by a vote of 6-0-1-0 [In Favor: Johns, Anderson, Swadey, Patel, Silber, Hershner; In Opposition: None; Abstention: Mr. Davis; Absent: None].

App. 2022-0840-H: 901 Mt Lebanon Road. (TP 06-075.00-006.) Northwest side of Mt Lebanon Road, northeast of the intersection with Rockland Road. Brandywine Hundred. Building permit and proposed exterior modifications to "901, listed on the National Register of Historic Places. NC40 & H zoning. CD 2.

At a meeting held on February 7, 2023 the Historic Review Board considered the proposed application, public testimony provided at the January 17, 2023, public hearing, and the Department of Land Use Recommendation.

On a motion made by Mr. Patel and seconded by Ms. Hershner, the Historic Review Board voted unanimously to grant **CONDITIONAL APPROVAL** of the application and subsequent release of any required building permits with the following condition:

1. The permit and building plans shall be consistent with the renderings that were submitted into evidence at the January 17, 2023 Historic Review Board Public Hearing.

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

Discussion preceding the vote included the following:

Ms. Hatch read the Department of Land Use recommendation into the record. The Board had no further comment.

App. 2022-0841-H: 2645 Pulaski Hwy. (TP 11-026.10-206.) North side of Pulaski Hwy, north of the intersection with Biddle Avenue. Pencader Hundred. Building permit to add attached signage to Building C of La Grange Center. CR & H zoning. CD 5.

At a meeting held on February 7, 2023 the Historic Review Board considered the proposed application, public testimony provided at the January 17, 2023, public hearing, and the Department of Land Use Recommendation.

On a motion made by Mr. Patel and seconded by Ms. Hershner, the Historic Review Board voted unanimously to grant **APPROVAL** of the application and subsequent release of any required building permits.

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

Discussion preceding the vote included the following:

Ms. Hatch read the Department of Land Use recommendation into the record. The Board had no further comment.

ANNUAL REVIEW OF RULES OF PROCEDURE

Ms. Norris noted that the Board members should email her with any other suggested changes to the Rules of Procedure. She stated that she would address the questions at a future meeting date.

REPORT OF THE PRESERVATION PLANNER

Ms. Hatch noted the next public hearing would be held on February 21, 2023.

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