

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY HISTORIC REVIEW BOARD
DEPARTMENT OF LAND USE – GILLIAM MULTIPURPOSE ROOM
67 READS WAY, NEW CASTLE, DELAWARE
May 3, 2022
5:00 P.M.**

The Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, May 3, 2022, via Zoom meetings.

The meeting was called to order by John Davis, at [5:03 p.m.]

The following Board members were present:

John Davis
Barbara Silber
Perry Patel
Steve Johns
Nannette Swadey
Jean Hershner
Karen Anderson (joined at 5:19)
Rafael Zahralddin (joined at 5:26)

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:

Chris Jackson
Shane Bailey

RULES OF ORDER

Mr. Jackson read the rules of order into the record.

MEETING MINUTES

April 5, 2022 Historic Review Board Business Meeting

On a motion made by Mr. Patel and seconded by Ms. Silber, the Historic Review Board voted to approve the meeting minutes from April 5, 2022. [In Favor: Davis, Silber, Patel, Swadey, Hershner; In Opposition: None; Abstention: Johns; Absent: Anderson, Zahralddin.]

HISTORIC MARKER PROGRAM

None.

OLD BUSINESS

App. 2021-0544-H: 2401 St James Church Road. (TP 08-043.40-328 & 08-043.40-539.) West side of St. Francis Street, east side of Lindell Boulevard and St. James Church Road intersection. Mill Creek Hundred. Minor subdivision plan (App. 2021-0422-S) to subdivide 1.97 acres into three lots, associated with Locust Grove Farm (ca. 1790). NC6.5 zoning. CD 9.

At a meeting held on May 3, 2022, the Historic Review Board considered the proposed application and the Department of Land Use Recommendation.

On a motion made by Mr. Patel and seconded by Mr. Johns, the Historic Review Board voted to grant **APPROVAL** of the subdivision plan consistent with what has been submitted.

The motion was adopted by a vote of 5-0-1-2 [In Favor: Davis, Silber, Patel, Johns, Swadey; In Opposition: None; Abstention: Hershner; Absent: Anderson, Zahralddin.]

Discussion preceding the vote included the following:

Mr. Jackson read the Department of Land Use recommendation into the record. The Board had no further discussion.

NEW BUSINESS

App. 2022-0206-H: 2201A Eastburn Avenue. (TP 08-049.40-029.) East side of Eastburn Avenue, north of the intersection with Old Capital Trail. Mill Creek Hundred. Minor subdivision plan to establish four single-family lots and proposed demolition of a ca. 1935 dwelling (App. 2021-0823-S). NC5 zoning. CD 1.

At a meeting held on May 3, 2022, the Historic Review Board considered the proposed application, public testimony provided at the April 19, 2022, public hearing, and the Department of Land Use Recommendation.

On a motion made by Mr. Patel and seconded by Mr. Johns, the Historic Review Board voted to recommend **APPROVAL** of the minor subdivision plan and the proposed demolition of the structure.

The motion was adopted by a vote of 6-0-0-2 [In Favor: Davis, Silber, Patel, Johns, Hershner, Swadey; In Opposition: None; Abstention: None; Absent: Anderson, Zahralddin.]

Discussion preceding the vote included the following:

Mr. Jackson read the Department of Land Use recommendation into the record. The Board had no further discussion.

App. 2022-0207-H: 992 Flemings Landing Road. (TP 15-017.00-009.) East and west side of DE Route 9 (Flemings Landing Road), 3,100 feet south of Deakyneville Road. Blackbird Hundred. Site plan to establish a ground mounted solar farm (App. 2021-0448-S), Fleming House Site ca. 1830 (listed on the National Register of Historic Places). SR Zoning. CD 6.

At a meeting held on May 3, 2022, the Historic Review Board considered the proposed application, public testimony provided at the April 19, 2022, public hearing, and the Department of Land Use Recommendation.

On a motion made by M. Patel and seconded by Mr. Johns, the Historic Review Board voted to recommend **CONDITIONAL APPROVAL** of the site plan with the following conditions:

1. Consider providing a buffer in excess of that required by Section 40.03.337, particularly along Flemings Landing Road and facing the historic resource, to minimize visual impact.
2. Design the installation to allow for a separate parcel to be created for the historic complex in the future.
3. Work with the Department regarding a path for the preservation and maintenance of the historic structures, such as deed restrictions or Historic overlay zoning.

The motion was adopted by a vote of 7-0-0-1 [In Favor: Davis, Silber, Patel, Anderson, Johns, Hershner, Swadey; In Opposition: None; Abstention: None; Absent: Zahralddin.]

On an amended motion made by Ms. Silber and seconded by Mr. Johns, the Historic Review Board voted to recommend **CONDITIONAL APPROVAL** of the site plan with the original conditions in addition to the following condition:

4. Consider the potential impact to archaeological resources that may be disturbed by the installation.

The amended motion was adopted by a vote of 7-0-0-1 [In Favor: Davis, Silber, Patel, Anderson, Johns, Hershner, Swadey; In Opposition: None; Abstention: None; Absent: Zahralddin.]

Discussion preceding the vote included the following:

Mr. Jackson read the Department of Land Use recommendation into the record. Mr. Johns commented about the proposed buffer along Flemings Landing Road and questioned how the buffer along the roadway benefits the historic resource, and whether the byway buffer is in the Board's purview. Mr. Jackson responded that the roadway is part of the Delaware Bayshore Byway and the field impacts the viewshed along the byway. Mr. Johns also asked why the project is not required to be rezoned to Historic in accordance with 40.15.310. Mr. Jackson responded that the label on the plan was an error, and the application is actually a site plan.

Ms. Silber stated for the record that while the individual footings for the solar panels may be small, the collective potential archaeological impact may be great, asking that a fourth condition be added regarding subsurface disturbance.

Ms. Hershner commented about the lack of planning for the future of the NR listed historic resource, and the hope that the Department will work with the applicant regarding a path for preservation. Mr. Davis agreed and voiced the desire for a preservation plan for the resource.

App. 2022-0209-H: 863 Valley Road. (TP 08-012.00-039.) East side of Valley Road, 850 feet south of Evanson Road. Mill Creek Hundred. Determination of eligibility and Preservation Plan for the Robinson House, associated with major land development plan with rezoning for Hockessin Station (App. 2021-0695-S/Z). S Zoning. CD 3.

At a meeting held on May 3, 2022, the Historic Review Board considered the proposed application, public testimony provided at the April 19, 2022, public hearing, and the Department of Land Use Recommendation.

On a motion made by Ms. Anderson and seconded by Ms. Silber, the Historic Review Board voted to find that the site **MEETS** the minimum Criteria for Designation pursuant to Section 40.15.110 of the New Castle County Code under Criteria B, C and D.

The motion was adopted by a vote of 8-0-0-0 [In Favor: Davis, Silber, Patel, Anderson, Johns, Hershner, Swadey, Zahraiddin; In Opposition: None; Abstention: None; Absent: None.]

Discussion preceding the vote included the following:

Mr. Jackson read the Department of Land Use recommendation into the record. The Board had no further discussion.

REPORT OF THE PRESERVATION PLANNER

Mr. Jackson noted the next Historic Review Board meeting would be the May 17, 2022, public hearing.

REPORT OF THE CHAIRPERSON

Mr. Davis noted the Board was due for a Special Business Meeting.

Ms. Norris updated the Board about the birth of Betsy's baby. The Board offered their congratulations.

COMMENTS FROM THE PUBLIC

None.

ADJOURNMENT

ATTEST:

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

John R. Davis
Chairperson
Historic Review Board