

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY HISTORIC REVIEW BOARD
DEPARTMENT OF LAND USE – GILLIAM MULTIPURPOSE ROOM
67 READS WAY, NEW CASTLE, DELAWARE
June 7, 2022
5:00 P.M.**

The Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, June 7, 2022, via Zoom meetings.

The meeting was called to order by John Davis, at [5:01 p.m.]

The following Board members were present:

John Davis
Barbara Silber
Karen Anderson
Steve Johns
Nannette Swadey
Jean Hershner
Perry Patel (joined at 5:14)

The following Board members were absent:

Rafael Zahralddin

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

May 3, 2022 Historic Review Board Business Meeting

On a motion made by Mr. Johns and seconded by Ms. Silber, the Historic Review Board voted to approve the meeting minutes from May 3, 2022. [In Favor: Davis, Silber, Anderson, Johns, Swadey, Hershner; In Opposition: None; Abstention: None; Absent: Patel, Zahralddin.]

HISTORIC MARKER PROGRAM

None.

OLD BUSINESS

None.

NEW BUSINESS

App. 2022-0287-H: 2114 Foulk Road. (TP 06-033.00-058.) East side of Foulk Road, 600 feet north of the intersection with Grubb Road. Brandywine Hundred. Demolition permit to demolish the U. Pierce House, ca. 1820 (App. 2022-04067). NC15 zoning. CD 2.

At a meeting held on June 7, 2022, the Historic Review Board considered the proposed application, public testimony provided at the May 17, 2022, public hearing, and the Department of Land Use Recommendation.

On a motion made by Ms. Swadey and seconded by Ms. Silber, the Historic Review Board voted to recommend the Department **HOLD** the release of the demolition permit application for 90 days with the following condition:

1. The applicant produce a report on the structural integrity as determined by a registered design professional licensed in Delaware under 40.15.210.B.1.c and the cost of repairs to the subject property demonstrated through a third-party cost estimate pursuant to 40.15.210.B.2.b and the Delaware CHAD report as well as the information under 40.15.210.B.3.

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 Ms. Anderson, the Historic Review Board voted to **AMEND** the original motion to include the following condition:

2. If the building were to be demolished, explore the feasibility of the preservation in place of below grade level components and archaeology associated with the historic structure including the stone foundation.

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:

Ms. Anderson asked for clarification regarding whether the Department recommendation was being considered. It was noted Ms. Swadey's motion was the item for discussion.

Ms. Silber noted after reviewing the information that if the building were to be demolished, the property owner did not desire to build anything within the footprint, but to leave the area as lawn. Ms. Silber asked if it was possible to cap the stone foundation at ground level so the below-grade components and resources could be preserved.

Mr. Johns asked about the difference between the motion on the floor and the Department's recommendation. Ms. Swadey noted how a structural analysis was not provided, as seen in some previous demolition permit applications that have appeared before the Board. Mr. Johns asked for clarification that a structural analysis and a cost estimate for repairs, as well as the

historic documentation from the Department's recommendation, would be required, which was confirmed by Ms. Swadey.

Ms. Anderson commented that an amendment to require an engineering evaluation should be added, noting that stone portion of the building was constructed in 1820 with the wood portion constructed in 1870.

Ms. Hershner asked for clarification regarding the motion, noting that UD CHAD could handle most of the recommendation, and a structural engineer and cost estimator could provide guidance regarding the capping of the resources and preservation in place. Ms. Silber noted the professionals involved would know where to look regarding the procedures.

Mr. Johns noted leaving the foundation could be used as a garden but would not meet County code and asked for guidance from the Department. Mr. Jackson noted Chapter 6 of the County code requires foundations to be removed within 18 inches of grade, and a code modification would be necessary and would likely be granted with the Board's support.

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. Preservation measures 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 June 7, 2022, the Historic Review Board considered the proposed application, public testimony provided at the May 17, 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 **CONDITIONAL APPROVAL** of the proposed Preservation Plan with the following conditions:

1. Provide interpretive signage along the shared use pathway adjacent to Valley Road that is accessible to the public regarding the historic significance of the site as it relates to the Belton (Bulah) v. Gebhart case.
2. If the barn structure is demolished and an accessory structure is to be constructed, it shall be required to be built with similar location, materials and design to the Phase I Block of the existing barn.
3. Provide measured drawings and documentation of the existing complex structures, including the dwelling interior, in accordance with the Historic American Buildings Survey (HABS) as required by Section 40.15.310.B.2 of the New Castle County Code.
4. Provide a schedule for long term maintenance that includes the frequency of inspections to be completed by the property owner as required by Section 40.15.310.B.3.c of the New Castle County Code.

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. Anderson and seconded by Mr. Johns, the Historic Review Board voted to **AMEND** the conditions of the original motion to the following:

1. Provide an interpretive sign a minimum of 2'x2' in size along the shared use pathway adjacent to Valley Road that is accessible to the public regarding the historic significance of the site as it relates to the Belton (Bulah) v. Gebhart case.

2. The owner is encouraged to refurbish the barn structure. If the barn structure is demolished and an accessory structure is to be constructed, it shall be required to be built with similar location, materials and design to the Phase I Block of the existing barn. In addition, the spigot shall be placed in its original position, which is at the barn.

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.]

On an amended motion made by Mr. Johns and seconded by Ms. Anderson, the Historic Review Board voted to **AMEND** the original motion to include the following condition:

5. Provide a landscape design that provides an open view of the house and site from the shared use pathway and the road.

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.

Ms. Silber pointed out the site is associated with the social and cultural history of the County, and suggested the interpretive signage be created in consultation with School #107 and the Hockessin Historical Society to incorporate the historic information of the district. Ms. Silber noted a tabletop sign would perhaps be appropriate, and a different location closer to Hockessin Station may be appropriate if placement near the historic resource is infeasible.

Ms. Hershner asked for clarification regarding the wording of the condition related to the spigot, which Mr. Jackson repeated for the record.

App. 2022-0288-H: 617 Marl Pit Road. (TP 13-017.00-036.) North side of Marl Pit Road, 2,900 feet east of the intersection with Summit Bridge Road. St. Georges Hundred. Demolition permit to demolish Achmester, ca. 1829 (App. 2022-04322). S zoning. CD 6.

At a meeting held on June 7, 2022, the Historic Review Board considered the proposed application, public testimony provided at the May 17, 2022, public hearing, and the Department of Land Use Recommendation.

On a motion made by M. Patel and seconded by Ms. Hershner, the Historic Review Board voted to recommend **APPROVAL** of the release of the demolition permit application with the following conditions:

1. The applicant consider restoring and maintaining Barn Building #1, as identified in the Cooperson Associates report, for use by the County or agricultural lessee.
2. The applicant consider restoring and maintaining the Smoke House, as identified in the Cooperson Associates report, for use by the County or agricultural lessee.

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 **AMEND** the original motion to include the following condition:

3. The applicant consider, upon the demolition of the building, engaging with a professional archaeologist to develop a Phase I level archaeological strategy for the survey of the core around the area of disturbance.

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: Zahraiddin.]

On an amended motion made by Ms. Silber and seconded by Mr. Patel, the Historic Review Board voted to **AMEND** the third condition to the following:

3. The applicant strongly consider, upon the demolition of the building, engaging with a professional archaeologist to develop a Phase I level archaeological strategy for the survey of the core around the area of disturbance.

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: Zahraiddin.]

Discussion preceding the vote included the following:

Mr. Jackson read the Department of Land Use recommendation into the record.

Ms. Swadey commented that the applicant provided a structural report on the resources, as well as a cost estimate for restoration.

Ms. Silber noted the site contains several archaeological sites, and that the site has the potential for below ground resources. While the site will have minimal subsurface disturbance as it is planned for agricultural uses, the site has been recognized for archaeological potential. Ms. Silber commented that investigation around the area of disturbance would be warranted.

Mr. Johns asked about the proposed extent of the archaeological investigation. Ms. Silber clarified that it would be the core area of the area of demolition and restoration of the barn area, essentially the bounds of the area of disturbance.

Ms. Hershner asked for clarification on whether the demolition permit would be held until the investigation was completed, voicing a concern regarding the safety of the public. Ms. Silber commented the timing of the investigation could be negotiable, with a goal of ascertaining the potential for archaeological resources.

Mr. Johns asked if the archaeological investigation would be a requirement. Ms. Norris commented that the Board has the authority to hold the release of a permit for up to 9 months to allow time to meet the conditions, or to release the hold and ask the applicant to consider meeting the conditions. Discussion on the format of an amendment to the motion ensued. Ms. Silber asked the Board for assistance regarding the conditions and timing for release. Ms. Anderson suggested that a signed contract for the investigation may be acceptable. Mr. Johns commented requiring the study would change the approval to HOLD the issuance of a demolition permit, where the Board could just ask the applicant to consider conducting the investigation. Ms. Silber noted her concern regarding the condition of the building.

Ms. Anderson asked that the condition be amended to identify that the archaeological investigation is strongly recommended. Ms. Swadey pointed out that the condition could not be required by the Board.

App. 2022-0289-H: 1349 Churchtown Road. (TP 13-011.00-162.) North side of Churchtown Road, 3,100 feet east of the intersection with Old Telegraph Road. St. Georges Hundred. Determination of eligibility for the Willits House, associated with major land development plan for Country Club Estates (2021-0287-S). S Zoning. CD 6.

At a meeting held on June 7, 2022, the Historic Review Board considered the proposed application, public testimony provided at the May 17, 2022, public hearing, and the Department of Land Use Recommendation.

On a motion made by Ms. Anderson and seconded by Mr. Patel, the Historic Review Board voted to find that the subject site **MEETS** the minimum Criteria for Designation pursuant to Section 40.15.110 under Criteria B and D as an Open Context site in accordance with Section 40.15.120 of the New Castle County Code.

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.]

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 June 21, 2022, public hearing.

REPORT OF THE CHAIRPERSON

Mr. Davis asked that the Board members let Mr. Jackson know their availability for the July 5th Business Meeting.

Ms. Anderson asked if Mr. Jackson has been receiving their appointment acceptances, which Mr. Jackson replied that he has.

Ms. Hershner asked for clarification on whether the Board voted on the Department recommendation for the first application. Ms. Norris noted that while the Board may use the Department's recommendation for their motion, in that instance Ms. Swadey made a separate original motion.

COMMENTS FROM THE PUBLIC

The meeting was inadvertently adjourned without a call for Public Comment. The Rules of Order read at the beginning of the meeting state that "the public record remains open for submittal of written comments." No Public Comment were received by the Department following the meeting.

ADJOURNMENT

ATTEST:

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

John R. Davis
Chairperson
Historic Review Board