

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY HISTORIC REVIEW BOARD
DEPARTMENT OF LAND USE – NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
July 5, 2023
5:00 P.M.**

The Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, July 5, 2023 in the New Castle Room and 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
Barbara Silber
Karen Anderson
Jean Hershner
Perry Patel
Nannette Swadey
Kevin Barni
Steve Johns
Robert Duke [joined 5:15]

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

RULES OF ORDER

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

MEETING MINUTES

June 6, 2023 Meeting Minutes

On a motion made by Mr. Johns and seconded by Ms. Anderson, the Historic Review Board voted unanimously to approve the meeting minutes from the June 6, 2023 Business meeting.

HISTORIC MARKER PROGRAM

None.

OLD BUSINESS

None.

NEW BUSINESS

App. 2023-0236-H: 3300 Faulkland Road. (TP 08-033.00-008.) Southeasterly corner of Faulkland Road and Newport Gap Pike. Mill Creek Hundred. Demolition permit to demolish a 20th century pavilion within a Historic overlay zone. S and H Zoning. CD 9.

At a meeting held on July 5, 2023 the Historic Review Board considered the proposed application, public testimony provided at the June 20, 2023, 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 voted to grant **CONDITIONAL APPROVAL** of the proposed demolition permit with the following condition:

1. State of Delaware Cultural Resource forms, to include photo documentation, be completed by the Department of Land Use prior to the structure's demolition.

The motion was adopted by a vote of 9-0-0-0 [In Favor: Davis, Silber, Anderson, Hershner, Patel, Swadey, Barni, Johns, Duke; 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. 2023-0284-H: 1 Delaware Street. (TP 12-027.40-067.) Eastern corner of the intersection of Delaware Street and N Main Street. Red Lion Hundred. Building permit to construct a detached accessory structure within the St. Georges National Register of Historic Places District. CN and HTO Zoning. CD 12.

At a meeting held on July 5, 2023 the Historic Review Board considered the proposed application, public testimony provided at the June 20, 2023, 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 grant a recommendation of **APPROVAL** of the proposed application with the following recommendation:

1. An archaeological assessment be completed on the site, as well as archaeological monitoring during construction, to ensure any archaeological resources or features are not impacted.

The motion was adopted by a vote of 9-0-0-0 [In Favor: Davis, Silber, Anderson, Hershner, Patel, Swadey, Barni, Johns, Duke; In Opposition: None; Abstention: None; Absent: None]

Discussion preceding the vote included the following:

Ms. Hatch read the Department recommendation into the record. Ms. Silber noted that in reviewing the information on the State's database, there is an identified archaeological site initially identified in 2006 on the property that was reported to have some potential for additional information / significance. She recommended that an assessment be completed to ensure that the site isn't impacted. Ms. Silber made a motion to amend the original motion for approval, which was seconded by Mr. Patel. The Board voted unanimously to include a recommendation that archaeological assessment be completed on the site, as well as archaeological monitoring during construction, to ensure any archaeological resources or features are not impacted.

Ms. Anderson stated that the property is located at a corner and did not concur that the building would not be minimally visible from the street, as the building will still be taller than the grade at the street. She stated that she believed it is something that should be taken into consideration when constructing a pole barn in a historic district.

The Board had no further comment.

App. 2023-0285-H: 1600 Rockland Road. (TP 06-118.00-002.) Southwestern side of Rockland Road and southeastern side of Powder Mill Road, north of Alapocas Drive. Brandywine Hundred. Demolition permit to demolish the ca. 1966 addition to the Administration and Research Building at Nemours Children's Hospital. OR Zoning. CD 2.

At a meeting held on July 5, 2023 the Historic Review Board considered the proposed application, public testimony provided at the June 20, 2023, public hearing, and the Department of Land Use Recommendation.

On a motion made by Mr. Johns and seconded by Ms. Silber, the Historic Review Board voted to **RELEASE** the proposed demolition permit.

The motion was adopted by a vote of 8-0-1-0 [In Favor: Davis, Silber, Anderson, Hershner, Patel, Swadey, Barni, Johns, Duke; In Opposition: None; Abstention: Hershner; Absent: None]

Discussion preceding the vote included the following:

Ms. Hershner noted the due to her employment, she would be abstaining from discussion and voting on the application. Ms. Hatch read the Department recommendation into the record.

The Board had no further comment.

App. 2023-0286-H: 1 Rock Manor Ave. (TP 06-128.00-111.) North side of Rock Manor Avenue, west side of Concord Pike. Brandywine Hundred. Minor subdivision plan to subdivide 2.37+ acres at 1 Rock Manor Avenue, containing the Mayer House (ca. 1913). NC15 Zoning. CD 2.

At a meeting held on July 5, 2023 the Historic Review Board considered the proposed application, public testimony provided at the June 20, 2023, 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 voted to recommend of **CONDITIONAL APPROVAL** of the proposed application with the following condition:

1. The applicant work with the Department of Land Use to provide a long-term preservation solution for the proposed Lot 1 prior to recordation of the minor subdivision plan.

The motion was adopted by a vote of 9-0-0-0 [In Favor: Davis, Silber, Anderson, Hershner, Patel, Swadey, Barni, Johns, Duke; In Opposition: None; Abstention: None; Absent: None]

Discussion preceding the vote include the following:

Ms. Hatch read the Department recommendation into the record.

The Board had no further comment.

App. 2023-0287-H: 1442 Bohemia Mill Road. (TP 13-016.20-026.) South side of Bohemia Mill Road, east of the intersection with Old Telegraph Road. Demolition permit to demolish a ca. 1965, Early American Style single-family dwelling. S Zoning. CD 6.

At a meeting held on July 5, 2023 the Historic Review Board considered the proposed application, public testimony provided at the June 20, 2023, public hearing, and the Department of Land Use Recommendation.

On a motion made by Ms. Anderson and seconded by Mr. Johns, the Historic Review Board voted to Board place a **HOLD** on the proposed demolition permit until the documentation of the house is completed, and to provide an opportunity for the applicant to explore alternatives to demolition and salvage. Once documentation is completed, the Board authorized the release of the demolition permit.

The motion was adopted by a vote of 9-0-0-0 [In Favor: Davis, Silber, Anderson, Hershner, Patel, Swadey, Barni, Johns, Duke; In Opposition: None; Abstention: None; Absent: None]

Discussion preceding the vote included the following:

Mr. Duke inquired if the owner was responsible for completing the documentation or if that is provided by the County. Ms. Hatch stated that because the house is an extremely in-tact and high style example and Early American structure, the Department of Land Use is utilizing Certified Local Government Grant funds to have the documentation completed by the University of Delaware. She noted that a HABS documentation would be thorough and be a significant resource in terms of studying, identifying, and understanding other Early American buildings in the County, State, and region.

Ms. Swadey inquired why the applicant wasn't paying for the documentation and why the cost was not passed to the applicant. Ms. Hatch noted that it was her professional opinion that the house's Early American features were incredibly high style and rose to the level of having a thorough documentation to be completed by the University for future preservation research. Ms. Swadey inquired what the cost was associated with the documentation. Ms. Hatch stated that there was not a firm cost quoted at the time and that the cost of documentation depends on the consultant that is hired to complete the documentation. Ms. Swadey inquired if the dwelling that was erected in 1965 was an addition or the two historic buildings. Ms. Hatch clarified that the three sections on the east site of the dwelling were assembled in 1965 and was comprised of different historic structures.

Mr. Johns inquired about the significance of the building and if the significance was because old buildings created a new house or if the significance was with the old buildings themselves. Ms. Hatch noted that the Early American movement occurred in the mid-twentieth century as a response to modernism and social change, which resulted in an architectural movement similar to a second Colonial Revival and that the significance of this building was the new structure that was erected in 1965. She spoke to the connection with the Biggs family as well as other examples of the Early American movement including the Robert Mitchell House and Independence Mall. Mr. Johns inquired if the applicant would have to return to the HRB once the documentation was completed. Ms. Hatch noted that the motion included a provision to release the permit once the documentation was complete, therefore the application would not have to go back before the HRB. She stated that the Department would also be willing to help the applicant to seek salvage opportunities.

Ms. Hershner stated that the applicant did not have a third party evaluate the structure and inquired if it was something the Board could require, as she was struggling with the demolition due to the fact that it is such a significant structure. She inquired what recourse there would be for saving the structure, which is so unique and significant, as the applicants may be making decisions without all the information. Ms. Norris stated that the code allows a hold not to exceed nine months and that the Board has the ability to set conditions. She stated that if the Board wished for the applicant to have a third-party evaluation, the Board could recommend that; however after the nine months, the permit would be issued. She stated that it was not unheard of for applicants to wait out the hold. Ms. Hatch concurred.

Ms. Swadey inquired when the buildings that were moved to the site were initially built. Ms. Hatch stated that Monterey was constructed in the eighteenth century and that the mid-section of the structure was likely of early construction based on the Flemish brick bond.

Ms. Silber inquired if there was any discussion about relocation the buildings again. Mr. Davis stated that there was not discussion with the applicant regarding moving. Ms. Swadey said that it may be possible to move it again. Mr. Davis noted these are all things that can be considered during the hold period. Ms. Swadey also noted that the owner did not provide a third-party recommendation. Ms. Norris provided guidance to the Board regarding the authority and powers of the Board in terms of demolition permits.

App. 2023-0288-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. Draft Preservation Plan and affiliated Historic overlay rezoning for Country Club Estates (2021-0287-S/Z). S Zoning. CD 6.

At a meeting held on July 5, 2023 the Historic Review Board considered the proposed application, public testimony provided at the June 20, 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 to grant **APPROVAL** of the proposed Preservation Plan with the following items:

1. Grant **APPROVAL** of the proposed classification of the site as an enclosed context site.
2. Require Option 2 as outlined in the proposed Preservation Plan, which states:

The granary will be stabilized and secured (not renovated or restored) until such time as the house and the (2) small outbuildings are restored, renovated, and sold. The developer has always intended to sell the farmstead on the open market once the newly restored and renovated house

and (2) outbuildings work has been completed. Under this option the stabilized granary and some additional land would be included with the sale of the property. Once ownership is transferred to a new owner, the new owner will decide from the following options for the granary building:

Preservation: To preserve the granary in its current general condition, with repairs made using materials in keeping with the historic nature of the existing structure, although not to be restored as a granary.

Adaptive Reuse: To modify and rehabilitate the existing structure, to be used for any use allowed by the zoning code, with a design in keeping with a to be agreed set of broad guidelines for building materials.

Non-Preservation: The buyer could, at a later time, choose to demolish the structure.

The developer is requesting that the Historic Review Board defer approvals under items A and C to the Department of Land Use rather than holding an additional Historic Review Board hearing. Should Option 2 be selected, the Manor Farm site will be adjusted to include the granary.

The motion was adopted by a vote of 9-0-0-0 [In Favor: Davis, Silber, Anderson, Hershner, Patel, Swadey, Barni, Johns, Duke; In Opposition: None; Abstention: None; Absent: None]

REPORT OF THE PRESERVATION PLANNER

Ms. Hatch noted that the Department received no applications for the next agenda, therefore there would be no hearing in August.

REPORT OF THE CHAIRPERSON

None.

COMMENTS FROM THE PUBLIC

None.

ADJOURNMENT

ATTEST:

Charuni Patibanda
General Manager
Department of Land Use

John R. Davis
Chairperson
Historic Review Board