

**MINUTES  
BUSINESS MEETING  
NEW CASTLE COUNTY HISTORIC REVIEW BOARD  
DEPARTMENT OF LAND USE - NEW CASTLE ROOM  
87 READS WAY, NEW CASTLE, DELAWARE  
August 3, 2021  
5:00 P.M.**

The Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, August 3, 2021 via Zoom meetings.

The meeting was called to order by Steve Johns, acting Chair, at [5:03 p.m.]

The following Board members were present:

Steve Johns  
Karen Anderson  
Barbara Silber  
Rafael Zahralddin  
Perry Patel

The following Board members were absent:

John Davis

Historic Review Board, Department of Law

None.

The following Department of Land Use employees were present at the meeting:

Chris Jackson

**RULES OF ORDER**

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

**MEETING MINUTES**

None.

**HISTORIC MARKER PROGRAM**

None.

**OLD BUSINESS**

App. 2021-0320-H: 1600 Rockland Road. (TP 06-118.00-002). Southwestern side of Rockland Road and southeaster side of Powder Mill Road, north of Alapocas Drive. Brandywine Hundred. Construction of a 9,050 sq. ft. collection storage facility at the Nemours Campus. OR Zoning. CD 2.

At a meeting held on August 3, 2021, the Historic Review Board considered the proposed application, public testimony provided at the June 15, 2021 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 recommend APPROVAL of the proposed application with the following recommendation:

1. Ground penetrating radar of the impacted area be completed and reviewed by a professional archaeologist that meets the professional qualifications of the Secretary of the Interior pursuant to 36CFR Part 61, with written communication and findings provided to the Department of Land Use.

The motion was adopted by a vote of 4-0-1-0-1 [In Favor: Anderson, Silber, Patel, Zahralddin; In Opposition: None; Recusal: Johns; Abstention: None; Absent: Davis].

Discussion preceding the vote included the following:

Steve Johns, acting chair for the meeting, recused himself from discussion and vote on the application. Mr. Jackson read the Department of Land Use recommendation into the record. Ms. Anderson stated that she noted during the public hearing the applicant indicated data scan of the area was performed, but there was no report completed. She stated that she thought it was important that written documentation be provided noting and effort was completed to ensure there was no impact archaeological resources. Ms. Silber agreed with Ms. Anderson, noting the importance of a qualified archaeologist completing the ground penetrating radar scans and analyzing the results, citing the Secretary of Interior professional standards.

The Board members inquired the applicant if they would be amenable to the motion on the floor. Jean Hershner noted that the ground penetrating radar scan had been completed and analyzed by a professional archaeologist and that they are ready to start the project. Ms. Anderson inquired if a written report was generated. Ms. Hershner noted that the findings were received verbally but wasn't sure about a report because there were no findings by the ground penetrating radar company or the archaeologist who reviewed the results. Ms. Anderson stated the importance of having the fact that there was no findings in writing for the record. Ms. Hershner noted that she would be willing to certify in a letter to the Board that the scans had been completed and that there were no findings. Ms. Silber stated that a letter from the archaeologist that reviewed the scans would suffice, noting that the documentation should come from the professional archaeologist.

On a motion made by Ms. Silber and seconded by Ms. Anderson, the Historic Review Board voted to amend the motion on the floor to include that ground penetrating radar scan be reviewed

by a professional archaeologist [In Favor: Anderson, Silber, Patel, Zahralddin; In Opposition: None; Abstention: None; Recusal: Johns; Absent: Davis].

On a motion made by Ms. Anderson and seconded by Mr. Patel, the Historic Review Board voted to amend the motion to clarify that written communication and findings be provided to the Department of Land Use and that the professional archaeologist should meet the professional qualifications of the Secretary of the Interior pursuant to 36CFR Part 61 [In Favor: Anderson, Silber, Patel, Zahralddin; In Opposition: None; Abstention: None; Recusal: Johns; Absent: Davis].

App. 2021-0109-H: 201 Reybold Rd. (TP 11-014.40-144.) North side of the Reybold Road, 2,500 feet east of the intersection with Sunset Lake Road. Pencader Hundred. Demolition permit to demolish historic outbuildings part of the Reybold Agricultural Complex with associated minor subdivision plan and proposed deed restrictions. (App. 2020-0051-S). ST zoning. CD 11.

Mr. Jackson noted that the Board was provided with a letter from the applicant requesting that the application be tabled in order for the applicant to gather additional information based on comments from the public hearing.

On a motion made by Mr. Patel and seconded by Mr. Zahralddin, the Historic Review Board voted to TABLE the application until a future meeting date [In Favor: Silber, Patel, Zahralddin, Anderson, Johns; In Opposition: None; Abstention: None; Absent: Davis].

## **NEW BUSINESS**

App. 2021-0375-H: 563 Walther Road. (TP 09-041.00-005.) East side of Walther Road, 1,200 feet north of Pierce Run. White Clay Creek Hundred. Minor land development plan including the subdivision of the Stewart House, ca. 1780, listed on the National Register of Historic Places. (App. 2021-0220-S). S Zoning. CD 11.

At a meeting held on August 3, 2021, the Historic Review Board considered the proposed application, public testimony provided at the July 20, 2021 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 [In Favor: Silber, Patel, Zahralddin, Anderson, Johns; In Opposition: None; Abstention: None; Absent: Davis] to recommend **CONDITIONAL APPROVAL** of the proposed minor subdivision plan and provide their support of the fifteen variances as requested, subject to the following conditions:

1. In accordance with the proposed landscape plan provided by the applicant, landscaping shall be installed along the north and eastern property lines where possible, in order to establish a separation of residential from nonresidential uses.
2. The applicant consider rezoning the proposed 0.46± acre lot containing the historic Stewart House to Historic overlay zoning to ensure continued preservation and prevention of demolition by neglect.

Mr. Jackson read the Department's recommendation into the record.

Mr. Johns noted that he agreed with the variances requested. He noted the variances are minor in nature and not unusual in the current situation. On a motion made by Ms. Anderson and seconded by Mr. Patel the Historic Review Board voted to include their recommendation of approval of the fifteen requested variances [In Favor: Silber, Patel, Zahralddin, Anderson, Johns; In Opposition: None; Abstention: None; Absent: Davis].

App. 2021-0376-H: 23 E Main Street. (TP 09-030.00-048.) West corner of the intersection between E Main Street and Old Kings Highway. White Clay Creek Hundred. Demolition of dwelling and garage, contributing buildings within Christiana Historic District (National Register of Historic Places). NC5 Zoning. CD 1.

At a meeting held on August 3, 2021, the Historic Review Board considered the proposed application, public testimony provided at the July 20, 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 voted 1 [In Favor: Silber, Anderson, Patel, Zahralddin, Johns; In Opposition: None; Abstention: None; Absent: Davis] to **RELEASE** the proposed demolition permit with the following recommendation:

1. A Phase IA archaeological survey be completed on the site to ascertain the presence of archaeological resources.
2. Documentation be submitted to the SHPO noting the structure's demolition.

Discussion preceding the vote included the following:

Mr. Jackson read the Department's recommendation into the record. Ms. Silber stated that there is a potential for archaeological resources due to the history of Christiana Village and that she believes some level of archaeological investigation is warranted. She stated that because the plans for the property are for the use for a park, archaeological resources will likely be protected. Ms. Silber stated that documentation should be submitted to the DE State Historic Preservation Office (SHPO) noting that the house has been demolished.

Mr. Johns inquired what level of archaeological survey should be completed. Ms. Silber stated that a desktop survey or field observation during demolition would be appropriate. Ms. Silber made a motion, seconded by Ms. Anderson, to amend the motion on the floor for release of the building permit to include a recommendation that an archaeological survey be completed for the property and that submission of existing photographs to the SHPO noting the building's demolition. The amendment was adopted by a vote of 5-0-0-1 [In Favor: Silber, Anderson, Patel, Zahralddin, Johns; In Opposition: None; Abstention: None; Absent: Davis].

## **REPORT OF THE PRESERVATION PLANNER**

Mr. Jackson noted that the next public hearing would be held on September 21, 2021.

**REPORT OF THE CHAIRPERSON**

None.

**COMMENTS FROM THE PUBLIC**

Ed Ide, the project manager for the Christiana Fire Department, inquired about the procedures required for archaeological assessments. Ms. Silber noted that the Archaeological Society of Delaware is always a good resource and archaeology can help develop a picture of a property’s history. Mr. Jackson noted that Mr. Ide should contact Betsy Hatch regarding the procedures of demolition permits.

Councilwoman Dee Durham inquired about the Stewart House application and the procedures of minor subdivision plans, citing concerns that applicants may be avoiding Historic overlay zoning. Mr. Jackson noted that Councilwoman Durham should contact the Department of Land Use regarding the procedures of minor land development plans. She noted that she believed minor land development plans containing historic resources should be required to rezone historic resources to an Historic overlay zone in the future.

**ADJOURNMENT**

**ATTEST:**

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

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John R. Davis  
Chairperson  
Historic Review Board