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MINUTES
HISTORIC REVIEW BOARD PUBLIC HEARING
NEW CASTLE COUNTY
DEPARTMENT OF LAND USE
87 READS WAY, NEW CASTLE, DELAWARE
September 20, 2022
5:00 p.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE CHAIRPERSON JOHN DAVIS

Transcribed by: Kim Soto

A P P E A R A N C E S

1 BOARD MEMBERS: JOHN DAVIS (CHAIRMAN)

2 PERRY PATEL

3 KAREN ANDERSON

4 STEVE JOHNS

5 JEAN HERSHNER

6 NANETTE SWADEY

7 BARBARA SILBER

8
9
10 ALSO PRESENT: BETSY HATCH

11 SHANE BAILEY

12 ALISON MATSEN

13
14 FOR APPLICATION 2022-0489-H

15 NATE MEGINNISS

16 BARBARA GREER

17
18 FOR APPLICATION 2022-0572-H

19 GARY CIMIGLIA

20 ED IDE

21
22 FOR APPLICATION 2022-05730-H

23 JOHN TRACEY

24 JON FALKOWSKI

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P R O C E E D I N G S

MR. DAVIS: We'll call to order the New Castle County Historic Review Board Public Hearing of September 20th, 2022. It is 5:01 by the clock on my computer. We'll start with roll call. (Inaudible).

MS. HATCH: Ms. Silber?

MS. SILBER: Present.

MS. HATCH: Ms. Swadey.

MS. SWADEY: Present.

MS. HATCH: Mr. Johns.

MR. JOHNS: Present.

MS. HATCH: Mr. Patel.

MR. PATEL: Present.

MS. HATCH: Ms. Anderson.

MS. ANDERSON: Present.

MS. HATCH: Ms. Hershner is not present. I will let you know if she joins. (Inaudible).

MR. DAVIS: Okay. And I'm present.

MS. HATCH: And Mr. Davis.

MR. DAVIS: (Inaudible) rule of order.

MS. HATCH: This a public hearing conducted by New Castle County Historic Review Board. The purpose of these hearings is to compile a record

1 of relevant information regarding each application and
2 how the proposed projects affect the county's historic
3 resources.

4 To make the most efficient use of time
5 at this hearing, the following rules of order are
6 established. Following the reading of each agenda
7 item, the applicant, and their representatives make a
8 presentation not to exceed a total of 15 minutes.

9 Board members may ask questions of the applicant at
10 the conclusion of the presentation. The public will
11 then be invited to speak in the following order. One,
12 those who wish to speak in favor. Two, those who wish
13 to speak in opposition. And, three, those who wish to
14 offer general comments. Speakers are encouraged to be
15 brief and focus their remarks on historic issues.

16 So that everyone has had an opportunity
17 to be heard, all speakers are limited to five minutes.
18 Any speaker may ask the board to hold the record open
19 for submittal of written testimony if the time limit
20 is not sufficient for their needs. Speakers are not
21 permitted to debate the applicant, but may ask
22 questions that the applicant may choose to answer
23 during his rebuttal period at the close of public
24 comment period.

1 All testimony is recorded and
2 transcribed; therefore, all speakers must come forward
3 to the table one at a time and state their name
4 address and organization affiliation, if any, before
5 offering comments. Random comments from the audience
6 will not be recognized and the public is asked to
7 respect the applicant's right to an orderly hearing.
8 No recommendations or decisions made at the Historic
9 Review Board at the hearing today. The board will
10 evaluate the information, testimony, and comments
11 received here at a public business meeting to be held
12 the first Tuesday of each month.

13 MR. DAVIS: Thank you.

14 UNKNOWN FEMALE: And I am (inaudible).

15 MR. DAVIS: Okay. Thanks. Old
16 business. We have none so move on to new business.

17 MS. HATCH: All right. First on the
18 agenda is Application 2022-0489-H: 1210 Dutch Neck
19 Road. Tax parcel 13-004.00-005. It's on the north
20 side of Dutch Neck Road, 2,000 feet east of the
21 intersection with Knightsbridge Road. St. Georges
22 Hundred. This a minor subdivision plan to subdivide
23 an existing 285-acre parcel to create a 2.07-acre lot
24 and to demolish the late 18th century K. Johns House.

1 S. Zoning Council District 12. And I just wanted to
2 let you know, I did remote Ms. Norris' call, Mr.
3 Davis.

4 MR. DAVIS: Okay. Good. Okay.

5 UNKNOWN FEMALE: (Crosstalk).

6 MR. DAVIS: Oh, great.

7 UNKNOWN FEMALE: If we do that, it's
8 kind of here in person with us.

9 MR. DAVIS: Welcome, would you like to
10 make a presentation or talk to --

11 MS. GREER: My son-in-law (inaudible).

12 MR. DAVIS: Okay.

13 MS. GREER: (Crosstalk).

14 UNKNOWN FEMALE: Yep.

15 MR. DAVIS: Yes, (crosstalk).

16 MR. MEGINNISS: Hello. My name is
17 Nathan, son-in-law of Barbara and (Inaudible) Greer
18 Jr. I'm reading on behalf of Greer Brothers
19 (inaudible) the Greer Brothers Farm, Charles William
20 Greer, Jr. propose to set back the existing 285-acres
21 to create a 2.07-acre lot and receive the demolition
22 of the farmhouse on deed today (ph). It has been
23 deemed that the existing foundation is beyond
24 reparable by Bromwell Construction Company. Our plan

1 is to get the 2.07 acres (inaudible) and son-in-law
2 Nathan, so they can build their dream home and start a
3 family. Our house was purchased on 1950 (ph) by
4 William Cedar and Danny Kay Greer. At the time of
5 purchase, the house was uninhabitable due to missed
6 windows and roofing. So over a period of about ten
7 years, William Senior renovated the house in 1959 then
8 moved in. The foundation included a two-story
9 addition to one side, completely remodeled the
10 interior and repaired (inaudible). The exterior and
11 basement brick walls were unattached and covered with
12 a stucco-like material.

13 They lived in the farmhouse until 1988
14 when they built a small retirement home on the
15 property. Since 1988, Charles has lived in the
16 farmhouse with the only renovation being a new roof in
17 1990. The original brick walls are deteriorating in
18 the (inaudible). We had signed a contract with the
19 Center of Architecture and Design at the University of
20 Delaware to process the historic survey. (Inaudible)
21 Associate Director at the University of Delaware,
22 project will be completed by October (ph) 31st, 2022.
23 The survey will include the basement, the first floor
24 plan drawings of the house, architectural quote,

1 photography, and the Delaware Cultural Research Survey
2 forms, a historic (inaudible) which will include a
3 general history of resource analysis of its
4 relationship to the surrounding environment and the
5 persons and events associated with the establishment.

6 Based on information provided above and
7 insight obtained by Bromwell Construction Company, we
8 believe the most feasible option would be to tear down
9 the existing farmhouse due to safety and cost. With
10 the approval from the Historic Society, Greer Brother
11 Farms can complete the subdivision process -- proceed
12 with it, building (inaudible). Thanks.

13 UNKNOWN MALE: And these are some of
14 the pictures of the (inaudible).

15 UNKNOWN MALE: (Inaudible).

16 UNKNOWN FEMALE: Yeah, just the -- yes,
17 (crosstalk) --

18 MR. DAVIS: Yeah, they'll get all that
19 (crosstalk) --

20 UNKNOWN FEMALE: -- pictures, the --
21 so.

22 MR. DAVIS: So these are pictures of
23 (inaudible). You want to just walk us through what
24 we're seeing here.

1 MR. MEGINNISS: So (crosstalk). So on
2 the left side is the front of the house. And to the
3 right side would be the backside of the house. It's
4 the -- on the left it would be the left side by the
5 side of the house and on the right would be the right
6 side of the fence. Left -- (inaudible) left looking
7 right, the left picture would be the front door entry
8 to the house. The other (ph) picture would be the
9 right side (inaudible) top. Second is the third story
10 of the house and the right side would be on the left
11 side of the home (inaudible) kitchen (inaudible).

12 MR. DAVIS: (Inaudible) go back to that
13 picture. So what are we looking at there with that --
14 with the hole in the brick.

15 MR. MEGINNISS: That is just over time
16 the hole will just get bigger, bricks started falling
17 out (inaudible).

18 MR. DAVIS: Does that have a floor
19 level. I see like a window or something on the right
20 side there. What is supposed --

21 MR. MEGINNISS: So that piece of
22 plywood would be the door to get into the crawl space
23 of that area.

24 MR. DAVIS: Okay. So that hole is about

1 floor level, then, right?

2 MR. MEGINNISS: Right. So --

3 MR. DAVIS: The main living?

4 MR. MEGINNISS: -- pretty much above
5 that door would be where the floor would (inaudible).
6 So below (inaudible) that window is the kitchen sink.
7 The hole is right below the kitchen sink.

8 MR. DAVIS: Okay. Thanks.

9 UNKNOWN FEMALE: (Inaudible).

10 MR. DAVIS: Thank you. If you want to
11 stay right there, we'll open it up to questions from
12 the board.

13 Ms. Anderson.

14 MS. ANDERSON: Yes, I just -- based on
15 the package, it says that it was recently preserved
16 through the State of Delaware Agricultural Lands
17 Preservation program. So what is going to happen to
18 the agricultural lands for this land mass that they're
19 asking for this demolition permit for?

20 MR. MEGINNISS: So I believe the --

21 UNKNOWN FEMALE: The land preservation.

22 MR. MEGINNISS: The land preservation
23 was on the other half of the property with the other
24 farm land. So our side of the road was not included

1 in that.

2 UNKNOWN FEMALE: (Inaudible).

3 UNKNOWN MALE: (Inaudible). Okay. Just
4 state your name for the record.

5 MS. GREER: I'm Barbara (inaudible),
6 the owner of The Dutch Neck Farm. Land preservation
7 is when you preserve the land so that no construction
8 can be built on it for, like developments. That's
9 what land preservation is for that. If that -- does
10 that what you're asking?

11 MR. DAVIS: I think your question, and
12 Ms. Anderson you can clarify. But I think the
13 question is -- so in my mind, where -- what portion of
14 the land is --

15 MS. ANDERSON: Yes.

16 MR. DAVIS: -- preserved. I guess.

17 MS. ANDERSON: Yes. Yes. Thank you.

18 UNKNOWN FEMALE: The other side.

19 MR. MEGINNISS: It would be south of --

20 MR. DAVIS: So it's in the bottom of
21 Dutch Neck Road there.

22 MR. MEGINNISS: Right there at
23 (Inaudible).

24 UNKNOWN MALE: Okay.

1 MR. MEGINNISS: It's below that. It's
2 not all picture on that map.

3 MR. DAVIS: Okay. All right. So the
4 lands above the -- above Dutch Neck Road are not part
5 of that preservation, the land preservation, right.

6 MR. MEGINNISS: Correct.

7 MR. DAVIS: Does that -- did that
8 answer your question, Ms. Anderson?

9 MS. ANDERSON: Yes, it did. Thank you.

10 MR. DAVIS: Okay.

11 UNKNOWN FEMALE: Mr. Johns has his hand
12 raised.

13 MR. DAVIS: Mr. Johns.

14 MR. JOHNS: I just thought I should
15 state that I am not related to Kay Johns.

16 MR. DAVIS: Thank you.

17 UNKNOWN FEMALE: Ms. Hershner has her
18 hand raised.

19 MR. DAVIS: Ms. Hershner.

20 MS. HERSHNER: Yeah, just a question.
21 So if the demo permit is approved, what is the plan
22 for this existing 18th Century house site once the
23 demolition occurs?

24 MR. MEGINNISS: We would be building a

1 new farmhouse in roughly the same location as the
2 current dwelling that (inaudible).

3 MS. HERSHNER: Okay. Thank you.

4 UNKNOWN FEMALE: Ms. Silber has her
5 hand raised.

6 MR. DAVIS: Ms. Silber.

7 MS. SILBER: Hi. Yes, quick question.
8 I get the impression that you know this piece of
9 property very well. Have you ever encountered while
10 walking on it, any, you know, other types of maybe
11 earlier agricultural buildings or fence lines or
12 anything else along this property, you know, maybe
13 that could predate let's say 1950? For example, do
14 you see any evidence of any older wells or any such
15 things? Spring house, anything?

16 MR. MEGINNISS: Not that I've seen. I
17 don't (inaudible) other than (inaudible).

18 MR. DAVIS: Ms. Hershner?

19 MS. HERSHNER: Yeah, another question.
20 So I'm assuming that you have explored the possibility
21 of tax credits to fix the existing house rather than
22 going through the cost of demo and building a new
23 structure?

24 MR. MEGINNISS: We have weighed that

1 option as well. Unfortunately though with the
2 foundation being in question, you know, it would be a
3 lot of repairs and extensive work and we felt the best
4 thing that we ought to do would be to start new
5 (inaudible).

6 MS. HERSHNER: Okay. Thank you.

7 UNKNOWN MALE: Oh, Ms. (Inaudible).

8 UNKNOWN FEMALE: I was just wondering,
9 are you going to be the resident of that house?

10 MR. MEGINNISS: Myself and my wife.

11 UNKNOWN FEMALE: You and your wife will
12 be moving in there. Okay. Thank you.

13 UNKNOWN FEMALE: (Inaudible).

14 UNKNOWN FEMALE: Oh, I'm sorry. I just
15 got to (inaudible) real quick.

16 MR. DAVIS: Ms. Anderson.

17 MS. ANDERSON: Just another question in
18 regards to that cost. Was there a cost study done to
19 find out what that differential was for preservation
20 versus demolishing the structure and building new?

21 MR. MEGINNISS: (Inaudible). Not that
22 we know of. I don't believe.

23 UNKNOWN FEMALE: Okay. Thank you.

24 UNKNOWN MALE: You said you had a

1 contract to look at the foundations. Did they issue
2 you a report or anything -- report that talks about
3 it. Did we get a copy of that?

4 MR. MEGINNISS: Yes.

5 UNKNOWN FEMALE: We did. They provided
6 a letter saying that they recommended --

7 MR. DAVIS: Okay.

8 UNKNOWN FEMALE: -- demolition.

9 MR. DAVIS: Okay.

10 UNKNOWN FEMALE: But I'm not sure if
11 they can provide you with anything additional in that
12 letter.

13 UNKNOWN FEMALE: No.

14 UNKNOWN MALE: So there's no -- there
15 was no additional cost estimate or anything?

16 UNKNOWN FEMALE: Yeah, he just said it
17 wasn't worth doing.

18 UNKNOWN MALE: Okay. All right. Thank
19 you.

20 MR. DAVIS: Any more questions for the
21 applicant?

22 UNKNOWN FEMALE: I'm not seeing any hand
23 raised.

24 MR. DAVIS: Okay.

1 MS. SILBER: Oh, I do have one more.

2 MR. DAVIS: Okay. Ms. Silber.

3 MS. SILBER: Yes. Pardon. I
4 understand that the deed research will be continued,
5 correct? Is that my understanding?

6 MR. MEGINNISS: Yes.

7 UNKNOWN FEMALE: So I did perform the
8 initial deed research. There is a lot of research to
9 be done. So I show that you guys have signed with the
10 University of Delaware that they would probably
11 (inaudible).

12 MS. SILBER: Okay. So I just wanted to
13 know how far back, you know, this can go. This has a
14 potential for that deed -- the title -- chain of title
15 to go quite early so. Okay. Thanks.

16 MR. DAVIS: There are no further
17 questions from the board. Thank you. We'll open it
18 up to other comment. So we'll make a call for public
19 comment in favor of the application.

20 UNKNOWN FEMALE: There is one hand
21 raised, Alison Matsen. I've unmuted you. You should
22 be able to unmute yourself now.

23 MS. MATSEN: Yes. Hi, I'm Alison
24 Matsen. Upon seeing the pictures of the Gable end of

1 the house, the part where you can see the glazed
2 headers on the bricks, to me, that does not look like
3 a late 18th century house. It looks to be an early
4 18th century house, or even a late 17th century house.
5 So that was one comment I had. And it also looks like
6 it's very vertical. You know, the walls aren't
7 bulging or anything.

8 I had a question about are there any
9 pictures to be had of any interior wood work? I mean,
10 I did a lot of research on -- myself on this house and
11 I could see that it was already a tenant house owned
12 by Kenzie Johns in the middle of the 19th century. So
13 it may be that the interior has gotten so badly
14 chopped up or whatever, you know, that it's not worth
15 saving. But just looking at that gable end with the
16 glazed headers, I am, you know, impressed with this
17 house. Just it looks beautiful.

18 MR. MEGINNISS: Right. Thank you. I
19 think Betsy could probably answer your questions about
20 that (crosstalk).

21 MS. HATCH: Sure, I can send a link in
22 the chat. The Department of Land Use did conduct a
23 site visit and there were interior photos provided in
24 the packet. Bear with me, let me just email

1 (inaudible) link to the packet, which is available
2 online. It looks like the chat function is not
3 working right now. I apologize, Ms. Matsen. If you
4 want to give me -- you could email me or send -- give
5 me a phone call. My phone number is on the
6 (inaudible) board website. I'd be happy to send you
7 the link.

8 MS. MATSEN: Okay. Yeah, because I
9 tried to open that package and I -- but I couldn't.

10 MS. HATCH: It's a large file, so I'm
11 happy to send it to you. I can time and break it up
12 and compress it a little bit.

13 MS. MATSEN: Okay. But I don't see any
14 bulging walls or real structural problems except for
15 that one place where the bricks are falling out.

16 MR. DAVIS: Thank you.

17 MS. HATCH: I'm not seeing any other
18 hands raised.

19 MR. DAVIS: Okay. We'll make a call
20 for public comment in opposition for the application.

21 Ms. Anderson, Ms. Hershner, I see your
22 hands raised. I'll come to you in a second, okay?

23 UNKNOWN FEMALE: I'm not seeing any
24 other hands raised.

1 MR. DAVIS: Okay. All right. Any
2 general public comment related to this application?

3 UNKNOWN FEMALE: I'm not seeing any
4 hands raised.

5 MR. DAVIS: Okay. Great. Thank you.
6 We'll take them in the order I see them here. Ms.
7 Anderson first and Ms. Hershner.

8 MS. ANDERSON: Yes, I had an additional
9 question as to why this was being subdivided in such a
10 way that the proposed lot would not meet the minimum
11 standards for width when it appears that there may be
12 opportunity to, I guess, not create that situation.

13 UNKNOWN FEMALE: Let me go back to the
14 (inaudible). So (inaudible).

15 MR. MEGINNISS: Yeah, that's -- okay.

16 MS. GREER: What we're planning on
17 doing is my son and his wife are planning on also
18 building on that farm. So on the -- let's see, on the
19 right side of the old farmhouse there's a pool and
20 another home there. And all the way to the right,
21 there's another lot. That lot is the lot that my
22 son's going to put his house on.

23 Now we only have two houses on the
24 property -

- New Castle County you're only allowed to

1 have two homes on the property. So for us to
2 subdivide, we have to subdivide something so that's
3 why we're subdividing this lot. We weren't able to
4 subdivide that house with the pool because New Castle
5 County wants us to -- it's too close together. So we
6 weren't allowed to do that either on our farm. So
7 we're trying to do everything on the one side to
8 preserve the other side of the farm and this is the
9 only spot that was feasible for them.

10 MS. ANDERSON: Thank you.

11 MR. DAVIS: Ms. Hershner?

12 MS. HERSHNER: Yeah, sorry. This is my
13 last question. So with regard to the demolition
14 request for this house and building a new one, it
15 doesn't sound like you really explored tax credits or
16 that's there's been a cost study. So you know, what
17 is the, you know, the motivation for tearing this
18 down. Is it really just to perceived that it can't be
19 saved, or is there other underlying reasons that you
20 all feel like you -- that you have no other
21 alternative but to demolish this house and build
22 something new?

23 MR. MEGINNISS: Well, if you were able
24 to see the interior of the home as well, there's

1 sizeable holes within the second floor, so you can see
2 straight through to the third story all the up. It
3 wouldn't be desirable for us. As well, the staircase
4 leading up to the second story or third story, I would
5 not be able to walk through myself. I'm too tall. I'd
6 hit my head. (Inaudible) the original farmhouse and
7 then they added on to it. So the overall layout is
8 very negligible that ends upstairs you're able to see
9 the pictures that Land Use has taken. It is very
10 uninhabitable. And that bathroom. Many things that
11 are not what we would want to get that repaired to the
12 standard that we would (inaudible) would be very
13 substantially costs alone.

14 MR. DAVIS: There's one picture of the
15 corridor in the packet here that's (inaudible) a
16 little bit more, Which floor is that one?

17
18 MR. MEGINNISS: (Inaudible) have a
19 picture (inaudible). I believe that that's the
20 hallway that gets to the bedrooms upstairs on the very
21 top. Is that the hallway upstairs?

22 MR. DAVIS: Ms. Hershner, do you --

23 MS. HERSHNER: Yeah, no, I appreciate
24 that. I just -- I guess I'm just struggling to

1 understand, you know, I'm just struggling to
2 understand the motivation for not re-exploring fully
3 the cost of -- the cost comparison of repair with tax
4 credits versus demolition and a new build. So that's
5 the underlying motivation behind my question. I'm
6 really just trying to under -- really hear where
7 you're coming from.

8 MR. MEGINNISS: I understand what
9 you're saying as well. You know, we did have a
10 construction company come out and said is beyond
11 repair. So with the cost involved in that, you know,
12 it's hard for us to see being able to build a new one
13 with the existing structure the construction company
14 is saying beyond repair, you know, we wouldn't be able
15 to build for a cheaper cost (inaudible) the old
16 farmhouse demolition.

17 MR. DAVIS: Ms. (Inaudible) --

18 UNKNOWN FEMALE: I have a question.
19 What is -- what do you mean by tax credit. I'm not
20 understanding that. Like --

21 MS. HERSHNER: So I'm actually going to
22 defer to Betsy. She probably is -- has a better grasp
23 on, you know, all of the tax credits that are
24 available but that there are some incentives for

1 repair versus demolition. So Betsy, I'm going to
2 yield the floor to you.

3 MS. HATCH: Sure. So the property is
4 not listed on The National Register of Historic
5 Places, that being said it could be eligible. When a
6 property is listed on a national register, you can
7 apply for tax credits to perform repairs if the
8 building is going to be preserved. You can also
9 obtain county property tax credits that would be
10 applied to county property tax (inaudible) register or
11 historic (inaudible) zonings being repaired.

12 UNKNOWN FEMALE: And how much would
13 that tax credit be? I'm thinking it's not going to be
14 enough to repair this home that exists right here. I
15 think it's cheaper to actually just build a new one
16 (inaudible).

17 MS. HATCH: I can't speak to the state
18 program but I can definitely send you additional
19 information on the (inaudible).

20 UNKNOWN FEMALE: Because I did a little
21 bit of research. They don't -- they don't -- they're
22 not going to give us enough to actually completely
23 make this house the way we want it to be.

24 MR. DAVIS: Does Ms. Anderson have her

1 hand raised again? Go ahead.

2 MS. ANDERSON: I guess I'm just going
3 back to that. Additional information would be really
4 great. I mean we have seen packages come here to the
5 board where there have been investigations by
6 professional designers, an architect that is versed in
7 historic structures. And even if the entire structure
8 could not preserved, there are ways to actually
9 incorporate this even into a new structure. So I just
10 that there are other options. And this particular
11 structure, it just seems like there are other options
12 that do not seem to have been pursued. And I would
13 like to have seen, I guess, a little bit more
14 information on alternatives to demolition. Thank you.

15 MR. DAVIS: There are no further
16 questions from the board then --

17 UNKNOWN FEMALE: No. I apologize. So
18 Ms. Silber, her power cut off but she actually is
19 rejoining us.

20 MR. DAVIS: Okay.

21 UNKNOWN FEMALE: So I just want to give
22 her a chance.

23 MR. DAVIS: Yep. We'll wait until she
24 can rejoin us (inaudible).

1 UNKNOWN FEMALE: I just promoted her
2 again.

3 MS. SILBER: I'm in total darkness. So
4 I apologize.

5 MR. DAVIS: Ms. Silber, do you have
6 anything further for the applicants?

7 MS. SILBER: I do not. I do not. Thank
8 you.

9 MR. DAVIS: Okay. Thank you. Thanks.

10 UNKNOWN FEMALE: (Inaudible) so it's
11 Application 2022-0572-H 100 Christiana Road, tax
12 parcel 10-024.00-052. This is on the north side of
13 Christiana Road, 1500 feet west of Churchman's Road.
14 New Castle Hundred. Minor land development plan to
15 construct 44 -- it should be 5,400 (ph) square feet of
16 office space with associated improvements adjacent to
17 the Bethel Church Cemetery. Associated land
18 development plans is Application 2022-0112-S. The
19 property zoned ON and it's within council District 7.
20 (Inaudible) applicant. (Inaudible) actually have to
21 share the screen.

22 UNKNOWN MALE: Oh, okay.

23 UNKNOWN FEMALE: Gary is being promoted
24 and able to unmute yourself and share your screen.

1 MR. CIMIGLIA: All right. Hello, my
2 name is Gary Cimiglia from (Inaudible) Engineers with
3 my colleague and engineer of record Ed Ide on behalf
4 of the owners of this property of Living Brighter,
5 LLC, Adrian and Rashita Hill. Betsy, do you mind
6 putting Ed on as a panel list as well, just, you know,
7 so we can be involved in this as well.

8 MS. HATCH: Sure. I did just promote
9 him. Is it just Ed that needed to be promoted?

10 MR. CIMIGLIA: Yes, please.

11 MR. IDE: Hi. Ed's here.

12 MR. CIMIGLIA: Just some background
13 information on the site that Betsy may have already
14 covered. This site is located at 100 Christiana Road,
15 New Castle Delaware on the north side of Christiana
16 Road, Council District 7 ON, office neighborhood
17 zoning. The site is approximately 0.89 acres and
18 currently it is a vacant piece of property with a
19 significant amount of forest and our proposed use is
20 5,400 square feet of office space and associated site
21 improvements.

22 I've delineated down here, it's also
23 covered and this report will be going over today, but
24 a shed and garage that were previously used as a --

1 once a house and another time as a doctor's office
2 that were recently demolished under a New Castle
3 County building permit.

4 So on August 10th, 2022, we received a
5 redacted historical report from New Castle County.
6 This report was completed on DelDOT's (ph) behalf by a
7 historical consultant to investigate any historical
8 features within their proposed right of way when they
9 were developing Christiana Road.

10 Some key takeaways of the Bethel Church
11 site report are the history of the church, the
12 structures and objects of the past, whether they're on
13 100 Christiana Road's property or anywhere in the
14 vicinity, and soil characteristics derived from shovel
15 tests that were done throughout the property.

16 Some key excerpts I looked at, not only
17 received a redacted report, I show the board and the
18 Delaware Historical and Cultural Affairs Division have
19 more information on this stuff. But the location of
20 the Bethel old Baptist church site was established and
21 reported within the Bureau of Archeology and Soil
22 preservation in Dover, Delaware. The Bethel Church
23 building was a log structure standing on stone piers,
24

1 measured by 32 feet by 28 feet. In 1956, the stone
2 piers were the only remnant of the church.

3 The meeting house and any other
4 structures associated with it are no longer existent.
5 At the time of survey, which was 1990, a gray frame
6 house and a garage of 1950s or 1960s vintage occupied
7 the front of the property. This was, as back in the
8 slides previously that was the past residence and
9 garage and slash doctor's office.

10 North of that building, and in 100
11 Christiana Road's backyard and beyond, there was a
12 wooded area that continues to exist today. In the
13 summer, the lot was practically impenetrable because
14 of the thickness of the underbrush. So, and beyond
15 these woods and as delineated on New Castle County GIS
16 system and the property line verification was the --
17 is the Bethel Baptist Church and the associated
18 cemetery.

19 Traces of the road that led to this
20 church and cemetery are still outlined by trees along
21 the northwest boundary of the site.

22 Next, I was going to take you to the
23 proposed site layout here. Towards the rear of the
24 site, is the 5,400 square foot office building and

1 cross-hatched area designates the proposed forest
2 conservation easement as required by the county's new
3 regulations for forest conservation. We had to
4 redesign the site, but we feel this is what works and
5 what complies the best. Granted, we may go -- we will
6 have to go through some variances after this hearing
7 with the Board of Adjustment.

8 Towards the rear is the area in
9 question. Even, you know, possibly somewhere towards
10 the front of the site as well, because you'll see on
11 the next slide where the forest boundary exists now
12 hatched in the gray. Ed and I visited the site in
13 late August to take photographs.

14 I had them designate on the next slide
15 -- for some reason they're not showing up, but I can
16 switch my screen here and kind of give you a quick
17 rundown on all the photos we've taken. The places we
18 were able to access are marked by the red arrows in
19 the direction they're facing. So here it starts with
20 picture A. This goes from the driveway and looks
21 straight into the forest a little bit beyond. And
22 there is a -- there is land that the owners do not own
23 but it's the property adjacent. And it's just open

24

1 field. This also continues to kind of rotate a little
2 to the right, capturing more of the forest.

3 MR. DAVIS: We're not seeing the
4 pictures, is that (inaudible).

5 MR. CIMIGLIA: Oh, is it not showing up
6 for you guys.

7 MR. DAVIS: No. We see the
8 (inaudible).

9 MR. CIMIGLIA: I'm -- oh, let me stop
10 sharing here.

11 MR. DAVIS: The key plan.

12 MR. CIMIGLIA: Yeah, I'll share my
13 screen and not my application. How about that?
14 Screen, share. How about now?

15 MR. DAVIS: Yep, there we go. You got
16 it.

17 MR. CIMIGLIA: Okay, cool. So I'll go
18 back to the previous two pictures. This one is where
19 station A is facing towards the back of the property,
20 standing on the existing pavement kind of stood here
21 for the next couple of pictures just going through the
22 existing forest coverage. Mainly our site visit was
23 to kind of also verify that, you know, the description
24 of that existing log structure on those stone piers,

1 no physical features were found there. But there
2 obviously is more -- more area to the site that we
3 couldn't access due to the density of the forest.

4 Let me run through this again. I kind
5 of straight the site to the right, I think more
6 pictures of the forest beyond. This goes deeper into
7 the site, kind of getting to pretty dense territory
8 here.

9 UNKNOWN FEMALE: Can you indicate where
10 we are, whether we're on A, B, you have them labeled
11 here. So --

12 MR. CIMIGLIA: Sure. So this one right
13 here would be F. I'm kind of standing -- we're at the
14 limit of the forest here. You know, that -- basically
15 the gray indicates the line in the forest canopy. So
16 you can still get kind of under it. So that's where
17 I'm kind of looking here. This looks off to the right
18 of the site. And I can find another picture that
19 reflects the next visual here.

20 This one is -- there's a clearing in
21 the forest here. Actually, that's not a good one.
22 I'm sorry. So this one is H. It's basically turned
23 around looking towards Christiana Road. That's
24 basically most open part of the site here. That's

1 another continuation of H. These are all facing out
2 towards Christiana Road. And this one further into
3 the site would be G, so basically that's that H one
4 but just turned around towards the site. You'll have
5 to call these G as well. I'm standing in the same
6 spot. This one is just past the tree, from G onto --
7 on this side right here kind of further into the
8 brush.

9 Now, here just the limit of kind of
10 where we could access before it got really dense. Let
11 me know if I'm going too quickly here. I want to keep
12 this presentation as brief as possible. This one face
13 back towards Christiana Road. Same one here. So this
14 one kind of looks at the ground cover right now. It's
15 kind of filled with pretty light brush.

16 We did find a piece of concrete that we
17 didn't conclude that would -- it was stone. It was
18 just old concrete from paving. But we've taken a
19 pretty extensive walk through the site. This is the
20 figure I'm referring to here. You can see the piece
21 of concrete right up here that I thought for a second
22 would be evidence of the of a stone peer, but after
23 kind of visually inspecting it and leaving it out
24 there, it wasn't hooked into the ground or had any

1 sort of uplift resistance and it was pretty much a
2 sample of concrete that may have come from the
3 demolition of the old doctor's office and their
4 associated septic system.

5 This is from the sidewalk, looking into
6 the site, the existing land cover of pavement has been
7 there likely since the development of the old doctor's
8 office and residence. This would be right at UC here.
9 And the rest of these pictures will cover the right of
10 way and the land cover there. See the overgrown
11 sidewalk and curb. Same thing here. Just another
12 direction. This is out in the street. And this would
13 be view D, looking from the sidewalk, up the hill into
14 the site here. Land cover is grassy and weedy with
15 some overgrowth here. That's proposed to be cleared
16 as part of this land development.

17 This is the drive adjacent to the site,
18 going to the New Castle Square business park property.
19 I don't have a view designated for it, but you can see
20 where my mouse cursor is, it kind of heads over in
21 that direction. There's more right of way. This is
22 facing towards the east of the site, out to the
23 neighboring farm land property. And this would be
24

1 view E to conclude it. Basically the thin tree line
2 that looks beyond into the farm land beyond.

3 So to keep moving forward, just some
4 discussion items for today. We're not sure how the
5 board wants us to move forward with this land
6 development. We were told by Betsy and Chris that
7 basically the nature of this section of the hearing is
8 just precautionary. And due to the given information
9 from a study done, you know, 20, 30 years ago, you
10 know, how can we move forward, how can that
11 information be verified, and how can we avoid
12 uncovering, you know, anything historical that we
13 don't want to see, you know, in relation to the
14 cemetery or you know, preserve any artifacts that's in
15 the report? It was covered that there were artifacts
16 in the top soil covered from these shovel tests.

17 The next item would be historic overlay
18 zoning. Right now, as far as I know, these -- this
19 site isn't covered under historic overlay, nor is it
20 registered in the National Register of Historic Sites.

21 Also wanted to discuss the nature of
22 artifacts covered under the report. I know there's
23 more to the report that I haven't seen. But if there
24 is and there needs to be further investigation, we

1 should be advised on whether that comes during the
2 design or whether it comes during construction and how
3 to move forward from that. And then we'll open the
4 floor to public comment.

5 And that's the conclusion of my
6 presentation here.

7 MR. DAVIS: Okay. Thank you.

8 MR. CIMIGLIA: Do I need to let go of
9 my screen now?

10 UNKNOWN FEMALE: Sure.

11 MR. DAVIS: I see Mr. Johns has his
12 hand raised. Mr. Johns.

13 MR. JOHNS: So, sorry, you left your
14 screen. I was just wondering if -- do you know where
15 the church was and where the drive back to the church
16 was that you were talking about?

17 MR. CIMIGLIA: No, not from the report
18 I was received. There is mapping associated with the
19 unredacted report that may show that, but I don't
20 believe -- I don't have any information on where
21 exactly the church did sit. You know, I'm optimistic
22 that it would have sat on the Bethel Church cemetery
23 property and not on ours, so to speak. But we --

24

1 there's no way to confirm that by what I've saw on the
2 report.

3 And from what Betsy and I have talked
4 about, I believe there's also remains of a fence that
5 kind of delineated the boundary of the cemetery, but
6 you know, a fence doesn't, you know, it's not a metes
7 and bounds, it's not a property marker. It doesn't,
8 you know, record where -- who owns land and who
9 doesn't. It just a barrier, you know, so --
10 especially back in the day, there could be --
11 definitely could be some unmarked graves. So -- but
12 we don't have a ton of knowledge on what's in the
13 forest.

14 MR. DAVIS: Betsy, could you offer some
15 clarification?

16 MS. HATCH: Sure.

17 I just wanted to kind of supplement,
18 based on the deed research that the property reports,
19 it's pretty clear that the lot at 100 Christiana Road
20 has been its own lot, even back as far as the 19th
21 century. It's been a separate parcel from New Bethel
22 Church Cemetery. Deed descriptions clearly describe a
23 (inaudible) on the (inaudible) so it's on that
24 information to build out report. It's unclear exactly

1 where Bethel meeting house was. I couldn't say, with
2 any confidence, based on what we have in front of us,
3 where Bethel House was, but I can tell you that the
4 deed (inaudible) does have some very clear
5 descriptions of the metes and bounds of the lot in
6 question at the subject site, as well as what was on
7 (inaudible). And that was provided to the board in
8 the packets.

9 UNKNOWN FEMALE: Ms. Silber has her
10 hand raised.

11 MR. DAVIS: Ms. Silber?

12 MS. SILBER: Yes, I have a question.
13 Have you had any archeologist -- have you consulted
14 with any archaeologist to discuss, you know, the
15 potential of the -- for the -- of the property for
16 having, you know, intact archaeological resources. I
17 mean, I have read the full report and it makes several
18 good arguments that there is potential for this
19 information down there. And one of the first steps I
20 would suggest is, you know, contacting a professional
21 archaeologist to analyze, you know, what are the
22 conditions now as opposed to when the report was, you
23 know, originally prepared back in the 90s. My guess

24

1 is that you still have, you know, potential for intact
2 resources.

3 And the archaeological project -- study
4 that was conducted in the 90s is relatively thorough.
5 It did not go, you know, all the way, but it did get -
6 - it was able to collect a relatively, you know,
7 sturdy sample of to do a little bit of, you know,
8 assessment and valuation at that level. So I --

9 MR. CIMIGLIA: Yeah, I agree. Sorry.
10 Just to answer your question.

11 MS. SILBER: No, no.

12 MR. CIMIGLIA: It does. It's pretty
13 extensive. I mean, but beyond the -- but as far as I
14 understand it, the shovel tests that were done only,
15 you know, covered the amount -- like top soil. It
16 doesn't go any deeper stratum with regards to
17 archaeological preserves. But I have consulted with
18 the Delaware Department of Historical and Cultural
19 Affairs. Not as a for hire basis or not to get an
20 official statement. But kind of their comment was,
21 you know, from the report, you know, it's kind of
22 inconclusive on whether or not, you know, is this
23 property listed for the National Register of Historic

24

1 Sites or is it not. And they suggested I do the same
2 thing as, you know, consult with an archaeologist.

3 But, you know, regarding the phasing of
4 this project, you know, it's tough to do testing due
5 to the density of the forest at this time. And I'm
6 sure back then it was too, and, you know, and all the
7 mapping associated, we can only really, you know, it's
8 only really finite, you know, within the -- before it
9 gets to dense parts of the woods. So I guess there's
10 some sort of a gray area here somewhere back in the
11 woods. But, you know, does that testing or is that
12 consultation, does that come during design or does
13 that come during construction, you know, those would
14 be the -- from what I believe, those (inaudible) would
15 be set forth by the board, but we can do -- we can do
16 either.

17 MS. SILBER: Right. I think that's
18 something that, you know, the board will discuss at
19 its hearing as it deliberates and you know, kind of
20 synthesizes all of the information that you presented,
21 as well as the information that we have on-hand as
22 well.

23 I would suggest, though, one of the
24 things is as winter is coming, you know, that will

1 definitely be a little easier to walk through as that
2 brush and that over (inaudible) --

3 MR. CIMIGLIA: Right.

4 MS. SILBER: -- starts to die off. And
5 you know, well, no, no archaeologist likes to dig in
6 the dead of winter. However, you know, there is
7 advantages to that, right? From a planning and
8 scheduling perspective. So that's just things to keep
9 in mind, you know, the concern, you know, I understand
10 your concern in regard to, you know, timing. Right?
11 Timing is always a critical path for any type of
12 scheduling.

13 So one of the things that an
14 archaeological, you know, survey and sort of
15 assessment can be done is in the situation is that,
16 you know, there has been quite a bit of information
17 that has been gathered. So perhaps it's a simple
18 situation of acquiring the right information to make
19 a, you know, accurate assessment of what you're
20 potentially dealing with. And that is something that,
21 you know, a professional archaeologist can help you
22 kind of, you know, figure out what's your best, you
23 know, plan forward on this. Right?

24

1 (Technical difficulty) thinking about
2 what your future developments, if the -- the more of
3 the (technical difficulty) and the more they have
4 information in regard to how deep, you know, your
5 development (inaudible) to help. Right? There's no
6 reason to test areas (technical difficulty). So just
7 some food for thought, you know, moving forward.

8 MR. CIMIGLIA: Yeah, I think the forest
9 conservation required also kind of helps us in that
10 regard. You're right. Because we were able to save
11 some forest back there with this development while
12 kind of achieving, you know, what the owner wants to
13 see on the site. And I just want to make sure, like,
14 you know, this project won't get shut down here
15 because of, you know, a discussion that was had or a
16 report from 20 years ago stating that oh, there might
17 be something here or there is something here. You
18 know, I think there's always a way forward instead of
19 just putting the brakes on it, you know.

20 MS. SILBER: Right. But for a
21 archaeologist it is always, you know, there's always
22 potential for mitigating adverse effects.

23 MR. CIMIGLIA: Uh-huh.

24

1 MS. SILBER: So that is, you know, one
2 of the pros of archaeology in some ways. Right?

3 MR. CIMIGLIA: Right.

4 MS. SILBER: There's always a solution
5 on how to mitigate things.

6 MR. DAVIS: Thank you, Ms. Silber. Ms.
7 Anderson?

8 MS. ANDERSON: Yes. I just wanted to,
9 I guess, piggy back onto what Ms. Silber was
10 discussing. I think that it's very important to get
11 some additional information with what is going on with
12 this site, at an early point, rather than at a later
13 point. So I guess just from a professional outlook,
14 knowing the history of the site, it just seems like it
15 would behoove the developer to invest up front in some
16 mitigating investigation. Because when you do an
17 investigation up front, it always costs a lot less
18 than when you're out on the site and you are now
19 trying to construct something and now you find
20 something. That costs a lot more.

21 So I would just -- I think that under
22 these circumstances, I think it's very important to
23 weigh as you move forward and you figure out what your
24 timeframe is and things like that, that based on the

1 history of the site that it may be worthwhile to put
2 something -- put a little bit more investigation into
3 the upfront portion so that you can make some smart
4 decisions that will not affect you later on.

5 MR. DAVIS: (Inaudible) Ms. Swadey and
6 then Ms. Silber.

7 MS. SWADEY: Yes, I just have a couple
8 questions about the cemetery. It's not clear to me.
9 Does -- is it delineated? Is the cemetery still
10 there? Is it being maintained by anybody? And does
11 your development in any way affect the property of the
12 cemetery?

13 MR. CIMIGLIA: So the cemetery still
14 exists. I don't believe the owners maintain it. I
15 think the -- basically I think the -- it's all
16 maintained by the state. But it's not delineated,
17 which is, you know, it's part of the issue here
18 because does it -- you know, because back then, even
19 though the, you know, 100 Christiana Road has always
20 been its own property since, you know, the 19th
21 century, you know, can that cemetery still encroach on
22 the property. And that's a big question here.

23 So basically if during construction,
24 if, you know, any grave was dug up, you know, those

1 grave sites would be protected by the state and that
2 would just put a halt to the project. So that's
3 something we definitely want to try to figure out as
4 well here too. You know, we talked about, you know,
5 archaeological investigation of the sub surface but
6 what about a gravesite delineation that could be
7 mapped and reported, you know, within the county and
8 also for our records, just so, you know, anything
9 around this area, again, doesn't need to come here, if
10 that makes sense.

11 MS. SWADEY: So at this point and time,
12 you don't know how many graves are actually there?

13 MR. CIMIGLIA: No, we don't know how
14 many or the extent of it.

15 MS. ANDERSON: Okay.

16 MR. IDE: Gary -- so this is Ed. From
17 our -- from the plans that we have currently, though,
18 the cemetery boundaries do not, from what we can tell,
19 encroach on this property whatsoever. This parcel was
20 its own site. None of the cemetery encroaches on it
21 at this point. Correct.

22 MR. DAVIS: Betsy, did you want?

23 MS. HATCH: Oh, I just wanted to -- I
24 did walk the site and there is still not a (inaudible)

1 in between the subject site and the cemetery. The
2 cemetery is still there.

3 MR. DAVIS: Well, I think Ms. Silber,
4 you had your hand up.

5 MS. SILBER: Yes. In many ways, this
6 is also, you know, building on what everybody has said
7 so far, is that, you know, one of the things you may
8 want to consider by conducting a, you know, a
9 thorough, you know, assessment and evaluation up
10 front, you know, that also helps you figure out where
11 things are not. Right? In many ways, in this case --

12 MR. CIMIGLIA: Right.

13 MS. SILBER: -- where things are not is
14 more important to you than where things are. What you
15 may want to consider, which will also, it's a
16 relatively efficient way to do it. Of course, you
17 know, you'll have to, you know, consult with a
18 professional archaeological firm on this. But this
19 will also, you know, help with the -- if there's
20 potential for any unmarked graves. Is you may want to
21 consider doing a ground penetrating radar survey.
22 It's non-evasive and it will be able to give you a
23 quick shot -- you know, in the 90s, this technology
24 was not so readily available, right? But now, you

1 take advantage of modern technology where at least you
2 have an assessment that's non-evasive that -- what
3 type of anomalies are you looking at below surface.
4 Right? Are they definable? And that -- that may be
5 able to also hone in on what you're dealing with or
6 what is potentially there, right? There's not -- as
7 we all said, the last -- the most difficult situation
8 is a last minute find where a project is shut down.

9 So I would suggest looking into a
10 ground penetrating radar, if it's feasible, depending
11 on the ground surface.

12 MR. CIMIGLIA: Right.

13 MR. DAVIS: Ms. Anderson?

14 MS. ANDERSON: Yes. I'm just
15 questioning the information. I'm not sure what Ed's
16 reference is. But he said that his understanding is
17 that the cemetery does not encroach on their site.
18 And they are taking up quite a bit of that land mass.
19 I'm trying to understand how he has that information
20 and if he does have additional information, perhaps it
21 should be shared. Because it doesn't seem like anyone
22 really knows where that cemetery or the church was
23 located.

24

1 MR. IDE: Based on the boundary surveys
2 that we had for this parcel, it didn't seem that there
3 were any gray areas between it. Now, whether somebody
4 has placed -- buried something on this parcel
5 unbeknownst to anybody in the past, but from the
6 boundary surveys that we see, the cemetery was its
7 parcel and this parcel -- there was no ambiguity
8 between the two of those. So the only thing that we
9 would be able to do in the future is if, you know,
10 something is discovered, it's discovered because
11 somebody had buried, you know, a loved one or
12 something there unbeknownst to anybody else, if that
13 makes any sense. Crossing a line, so to speak.

14 MS. ANDERSON: I guess, so you're
15 saying that there is evidence of where the actual
16 cemetery is located?

17 MR. IDE: Yeah, I -- well, from my
18 understanding, our boundary line was identified that
19 it didn't include the cemetery, if I'm speaking
20 correctly. And Gary, you can speak to this regarding
21 the -- this parcel line. If it -- make sure that it
22 did not encroach in the cemetery plot.

23 MR. CIMIGLIA: Yeah, I mean all -- all
24 that property line, you know, all it states is that,

1 you know, this is 100 Christiana's property and this
2 is the cemetery's property. And like, you know, and
3 it's been that way for the past 200 years. So, you
4 know, due to lack of technology and everything back
5 then and maybe a lack of communication, like you said,
6 Ed, you know, the only speculation you could have on
7 why there would be, you know, gravesites encroaching
8 the 100 Christiana Road property is because of
9 somebody burying somebody or something on -- you know,
10 in there without anybody's knowledge.

11 And that's the only way I see it. But,
12 you know, as far as delineating a property from a
13 property, you know, we -- 100 Christiana Road has had
14 theirs and it's been that area for the past 200 years.
15 And same thing for the Bethel Church site. But you
16 know, as I know it today, I don't believe that
17 anybody's, you know, having any funerals or having any
18 burials at that Bethel Church site today, so I don't
19 think there's an addition of anybody going in there
20 today or any activity going on there.

21 MS. ANDERSON: So you're saying
22 (crosstalk)--

23 MR. CIMIGLIA: That's all I can speak
24 on, yeah.

1 MS. ANDERSON: Okay. So you're just
2 saying that the lot -- boundary lines that we are
3 looking at for this piece of land have been in place
4 for over a hundred years. Is that the--

5 MR. CIMIGLIA: Yes, that's our
6 understanding.

7 MS. ANDERSON: Okay.

8 MR. CIMIGLIA: But I know it can defer,
9 like we just talked about, you know, somebody can
10 break the rules.

11 MS. ANDERSON: Right. Okay.

12 MR. IDE: Yeah. In the back --

13 MS. ANDERSON: No, but that's good
14 information. Thank you.

15 MR. IDE: Yeah, the back parcel is
16 forested and based on the requirements of the county,
17 we're not allowed to touch that area.

18 MS. ANDERSON: Thank you.

19 MR. DAVIS: Steve, did you have your
20 hand raised?

21 MR. JOHNS: Yes, I'm sorry.

22 MR. DAVIS: That's all right.

23 MR. JOHNS: I was just wondering if it
24 was possible for Gary to bring up a plan and just show

1 us where this parcel is and where the cemetery parcel
2 is?

3 MR. CIMIGLIA: I'll bring back up that
4 PowerPoint slide. Just bring this to a full screen
5 here. Why am I not seeing it. There we go. So this
6 line back here on the very rear of the site, you know,
7 this whole property has been, you know, marked with
8 the boundary detail and topographical survey. So we
9 believe in the accuracy of our property line. And
10 this rear property line divides the Bethel meeting
11 house and 100 Christiana Road back here. And we have
12 approximately 40 feet of forest where we're conserving
13 due to New Castle County's deforestation and
14 preservation requirements.

15 So I'm not going to say it gives us
16 enough room to -- for some flow in case anything's
17 back there, but you know, we're not touching this
18 section of the property with this proposed plan.

19 MR. DAVIS: I think you're muted again,
20 Steve.

21 MR. JOHNS: So in the cemetery parcel
22 is the parcel in the back that's not shaded at all.
23 The cemetery, is that correct? Where your cursor is
24 now. That's where the cemetery is.

1 MR. CIMIGLIA: That's correct. And
2 where my cursor is tracing right here, that is the
3 property line.

4 MR. JOHNS: That's the property line
5 between the cemetery parcel and your parcel?

6 MR. CIMIGLIA: Yep. So all the shaded
7 area is ours. It's just -- it's just forest to
8 remain, you know, that we're conserving as part of
9 this development.

10 MR. JOHNS: Right. But the cemetery
11 itself is outside of that?

12 MR. CIMIGLIA: Correct. But they share
13 the same -- they share the same wooded area, if that
14 makes sense. Like, you know, there's this wooded area
15 as common, you know, past the property line, as far as
16 I know. I'm not very intimate with the land cover of
17 the cemetery but according to the GIS maps and you
18 know, aerials and everything, that it looks like to be
19 all a shared forest but it's got a -- it's got a
20 separating property line.

21 MR. JOHNS: But a long time ago, there
22 was a parcel created just to hold the cemetery and
23 that's that parcel in the back, not your parcel?

24 MR. CIMIGLIA: Correct. Yep.

1 MR. DAVIS: Ms. Anderson.

2 MS. ANDERSON: Yes, I have another
3 question. So in reference to the drawing or the --
4 this topo, it's saying that this where the Bethel
5 meeting house itself was, not the cemetery. Was that
6 where the house was or was that where the supposed
7 cemetery was?

8 MR. CIMIGLIA: Well, from the report,
9 you know, the Bethel church site was one entity that
10 was basically a religious site, you know, it had a
11 church. It had, you know, land designated for its
12 cemetery. I don't know how that was configured.
13 There was no, you know, mapping associated with the
14 section of the report I received. But it did
15 describe, you know, it as a Baptist church site used
16 for religious purposes. And it was all covered under
17 that one parcel.

18 MS. ANDERSON: And that parcel doesn't
19 include the 100 Christiana parcel; is that what you're
20 saying?

21 MR. CIMIGLIA: No, it didn't. It
22 didn't state that in the report. The 100 Christiana
23 Road was mentioned in the report because they were
24 dealing with studying, you know, what's in the right

1 of way. What's in the front and what's the history --
2 compared to what's the history of the area and what do
3 we need to watch out for. Basically the same exercise
4 we're doing here today is, you know, we're developing
5 in front of a historical cemetery and we want to make
6 sure, you know, we have all of our bases covered -- in
7 identifying what's in here.

8 MS. ANDERSON: Okay. I don't -- this
9 is what I'm hearing, that there is a site that was
10 designated for the Bethel meeting house. That site
11 included a cemetery. Where the house was and where
12 the cemetery was, it doesn't seem to be clear. So I
13 think there's some assumptions being made that --

14 MR. CIMIGLIA: Well, I don't -- well
15 the way inferred it is that the house wasn't like a
16 residence, it was a house as in like a church.

17 MS. ANDERSON: Right. Yes. I agree.

18 MR. CIMIGLIA: And that was the
19 structure we had talked about in the excerpts and that
20 38 by 28 log structure that was a church. It wasn't
21 like a house.

22 MS. ANDERSON: Right. I understand
23 that.

24 MR. CIMIGLIA: (Crosstalk) residence.

1 MS. ANDERSON: I'm reading off of your
2 topo map, where you have Bethel meeting house, okay?

3 MR. CIMIGLIA: Well, that -- yeah, I'm
4 taking -- I mean, I'm taking that --

5 MS. ANDERSON: I understand that it was
6 -- I understand it was a church, okay? What I'm just
7 saying is that I -- that property designation was for
8 the -- it included the structure and the cemetery.
9 And we do not know how any of that was located.
10 That's --

11 MR. CIMIGLIA: Correct. Correct.

12 MS. ANDERSON: -- what I'm trying to
13 clarify. So just because -- I'm trying to get some
14 clarity on like the site lines that you were talking
15 about. Is there anything that's like, I don't know,
16 ten --

17 MR. DAVIS: Ms. Anderson, I'm sorry to
18 interject. I think Betsy wanted to offer some --

19 MS. HATCH: Clarification.

20 MR. DAVIS: -- info/clarification.

21 MS. ANDERSON: Okay.

22 MR. DAVIS: And this may help.

23 MS. HATCH: And Gary, if you don't
24 mind, unsharing your screen for a moment. Shane, if

1 you could share. I'm sorry. My internet went out so
2 I'm (crosstalk). So I did -- I do have historic
3 atlases that should be able to help kind of show what
4 buildings -- what we believe were the buildings that
5 were in the area throughout the 19th century. So the
6 latest map is the 1888 (inaudible) map. So you can
7 see, you know, (inaudible) does describe the lot
8 that's proposed for development, the 100 Christiana
9 Road, it's consistently been one acre. I believe
10 (inaudible) I traced it back to 1832. So it has been
11 consistently one acre since 1832. The Bethel meeting
12 house and church was located behind this one acre.
13 And that's pretty explicitly described in the deed, as
14 well as the right of way that runs along the western
15 side of this property.

16 What's in the deed, and this seems to
17 be corroborated on the maps, was that there were one,
18 about two residences on this property. It's unclear -
19 - again, like I said, it's unclear where Bethel
20 meeting house was. It's unclear if one those
21 buildings was Bethel meeting house or if the Bethel
22 meeting house was on the cemetery property, or even
23 perhaps on the adjacent parcels at -- you know,
24 there's farm land to the west and then there's

1 development to the right. You can see in the 1868
2 atlas, again, there's a right of way. Then it was
3 owned -- then the two dwellings in the (technical
4 difficulty). And then in 1849, the only thing there
5 was the Bethel Baptist Church. That's situated off
6 the road. And that's, you know, again, same location
7 in the vicinity of the cemetery.

8 So it's unclear where the Bethel Church
9 was, but it does seem, you know, there were two
10 residences on that lot, the one-acre lot in front of
11 the Bethel meeting house.

12 MR. DAVIS: Does that help, Ms.
13 Anderson?

14 MS. ANDERSON: I think it does
15 slightly.

16 MR. DAVIS: Ms. Swadey.

17 MS. ANDERSON: I mean, I certainly
18 appreciate the situation that they are currently in.

19 MS. SWADEY: Due to the recent line of
20 comments and questions, I'm a little confused. Is it
21 one cemetery or two.

22 MS. HATCH: There's one cemetery.

23 MS. SWADEY: There's just one cemetery,
24 okay. That's all we needed to know.

1 MR. DAVIS: If there are no further
2 questions from the board, public comment, and we'll
3 seek public comment in favor of the application first.
4 Looks like (crosstalk) Councilman (inaudible) allow
5 you to talk. You can unmute.

6 UNKNOWN MALE: There we go. Can you
7 hear me?

8 MR. DAVIS: Yes, we can hear you?

9 UNKNOWN MALE: Okay. First off, let me
10 ask you, please, don't take anything I say against the
11 applicant. My honesty and openness sometimes tends to
12 get me in trouble. My wife will say much more than I
13 think it does. But I sat here listening to this. I
14 want to tell you, some years back, and I'll probably
15 go 10, 14, or maybe a little more, I was contacted by
16 a constituent about there being a cemetery there.

17 So in that period in time I made three
18 poison ivy producing forays back through that cemetery
19 area. Because I am highly susceptible to it. I
20 walked it. It is quite a bit of distance away from
21 where the building was on this property, up near the
22 front. I walked it. I found some old headstones down
23 there that are basically in the dirt, most of them

24

1 broken. And I saw nothing back in there where there
2 would have been room for a building to have been.

3 This is kind of like you see down in
4 Sussex County where my wife has family buried.
5 There's a church and then quite a distance away they
6 have their cemetery. So there was some -- there are
7 some stones back in there. Very, very, very heavily
8 vegetated. It's tough getting through. Like I said,
9 I did it three times. Third one was the charm. And I
10 guess what -- I appreciate your interest and your
11 passion. What frustrates me is trying to satisfy my
12 constituents concerns. I did what research that I
13 could, found out that the church had had -- the
14 congregation had a falling out. One group had left,
15 went to Wilmington, another one stayed there. And
16 there was proof that when the Wilmington group came
17 out to maintain the cemetery, the pastor or whatever
18 of that church had them charged with trespassing
19 because it no longer belonged to them.

20 So I tracked that into Wilmington. I
21 went to several of the local churches that, from what
22 I could tell, had spun off from what was there. I
23 called, couldn't get anybody to return my calls. I
24 wrote a letter and hand delivered them to those

1 churches, advising them do you have pictures of what
2 their historic cemetery looked like. Nobody cared
3 enough to get back. I guess they didn't want to fund
4 the cleaning up or anything.

5 I was approached about cleaning it up,
6 talked to the county, bottom line is it's not county
7 property, it's not my property; therefore, there is a
8 concern about trespassing or whatever could happen.
9 So I can just tell you, I saw no signs of any building
10 back in there during my three forays. It is a great
11 distance back. Used to be Governor's Square Shopping
12 Center. It's back off the, like, corner of the end
13 building. That's how far back it is, if you're
14 familiar with it.

15 But I commend that you have such
16 passion for it. My frustration is that those who have
17 history with that site had none. So I just want to
18 say I support this. I have -- not that it's relevant
19 to what you're doing. I have history with this. The
20 past young man -- I say young because he was younger
21 than me -- that bought this property and started the
22 process of moving through the development to take his
23 pizza shop from a rental site to a site he could own
24 and was working it through.

1 Unfortunately, we had a problem with
2 vagrants there. I worked with him to board the
3 building up and everything. And one day he went down
4 there to do work. I went there with them. We ran the
5 vagrants out of there again. And unfortunately, he
6 went home and passed away. So now this property has
7 changed hands. It's been cleared.

8 I'd love to see something on that site
9 that would add to the community, add to the area, and
10 be of benefit. So but I've been in that cemetery
11 area, like I told you, three times and it is what it
12 is. I tried to get the state form the cemetery group,
13 committee, whatever. Used to be representative Hazel
14 Plant -- not Hazel Plant -- Margaret Rose Henry was
15 part of -- when they formed it. I tried to get an
16 interest from the state. None. So there was a
17 comment made about the state maintaining it. The
18 state has nothing to do with it. I even tried to get
19 the trustees of New Castle because it borders their
20 property. But I couldn't get anyone that was
21 interested in doing anything with that cemetery.

22 But I can tell you from my limited
23 knowledge and the work I've done on it that it is a
24

1 separate parcel. And with that, I will lower my hand.
2 Thank you.

3 MR. DAVIS: Thank you. Thanks for the
4 feedback.

5 UNKNOWN MALE: No other hands are
6 currently raised.

7 MR. DAVIS: Okay. We'll make a call
8 for public comment in opposition to the application.

9 UNKNOWN FEMALE: (Inaudible) there are
10 no hands raised.

11 MR. DAVIS: Okay. Any general comments
12 related to this application?

13 UNKNOWN FEMALE: There are no hands
14 raised.

15 MR. DAVIS: Great, thank you. Thanks to
16 the applicants.

17 MR. CIMIGLIA: Thank you, guys.

18 MR. IDE: Thank you.

19 MS. HATCH: Okay. Last item on the
20 agenda is Application 2022-0573-H. 107 Clayton -- 1073
21 Clayton Greenspring Road. Tax parcel 15-026.00-029.
22 This is on the west side of Clayton Greenspring Road,
23 1,750 feet south of VanDyke Greenspring Road, located
24 in Blackbird Hundred. It's a minor land development

1 plan to subdivide an existing 47.70-acre parcel
2 containing a late 19th century dwelling identified
3 near the Dr. William Daniels Farm house on the Hopkins
4 Map for the purposes of a large-scale solar energy
5 system. Associated land development for that
6 application is 2022-0373-S. The property zones
7 (inaudible) are SR and it's within Council District 6.
8 I will promote applicant. John Tracey will be
9 (inaudible).

10 MR. TRACEY: Hey folks. Can you hear
11 me?

12 MS. HATCH: Yes. John, would you like
13 to share your screen or would you like us to run the -
14 -

15 MR. TRACEY: I think super Jon
16 Falkowski from Becker Morgan Group can run the screen,
17 if that works?

18 MS. HATCH: Okay.

19 MR. TRACEY: And I think Jordan Belknap
20 from TurningPoint is probably also on the call as
21 well.

22 MS. HATCH: Okay. Thank you.

23

24

1 MR. FALKOWSKI: Hi, good evening, Jon
2 Falkowski here, if you guys can hear me. I'll share
3 my screen here.

4 MR. TRACEY: Jon, you (inaudible) you
5 didn't go by super John.

6 MR. FALKOWSKI: Super Jon, Super Jon
7 here. Obviously, civil engineer at Becker Morgan
8 Group. And Jordan should be on, but I don't think
9 that he needs to be a panelist just yet, but may be
10 promoted as we run through it.

11 MR. TRACEY: Buddy, I can -- I can --
12 hopefully this will not be as complicated and involved
13 as your last application. As Betsy indicated, we're
14 here for the review of a minor subdivision plan for a
15 community solar energy system to be installed on a
16 portion of this roughly 87-acre parcel of land. This
17 is not a major subdivision plan, so you don't have
18 those mandatory preservation aspects you guys have to
19 review as part of the application. Nor are we
20 proposing any demolition or alteration of any
21 structures that are on the property.

22 We've deed-traced the property back to
23 1940. I know that that department's report also
24 suggests it's probably older than that. It's not

1 zoned H. It's not on the National Register. And I
2 don't believe it's National Register eligible as far
3 as we know.

4 As Jon is running through the first
5 couple of slides, you'll see the existing and some of
6 the outbuildings on this property. And again, I don't
7 think whether deemed ultimately historic or not that
8 this proposal will have any negative impact on the
9 existing structures or on the property as itself.
10 Again, we're not proposing to modify or remove any of
11 these structures. If Jon shows the site plan for us,
12 which I think is one of our last slides, you'll kind
13 of get an idea of what we're proposing to do.

14 We're proposing to subdivide the
15 property into two parcels, using essentially an
16 existing hedge row that you see there as a line of
17 demarcation between the parcels. Under the proposal,
18 we will construct a solar field, which you can see
19 there that's unmanned and unoccupied use on the
20 portion of the property that is separated from the
21 historic structures by both a blue line stream and the
22 existing hedge and tree row which straddles the
23 stream. In addition you'll note that we're also
24 adding a 35-foot-wide landscape buffer with a mixture

1 of trees and shrubs that will be installed as part of
2 this project to further separate the solar use from
3 the remainder of the property.

4 This use is a very low intensity use,
5 having no traffic impact or other activity associated
6 with the use after it has been constructed. In
7 addition, it will be largely if not entirely shielded
8 from the view of the historic structures by both the
9 existing hedge row, as well as the additional
10 landscaping that we will be installing.

11 Finally, the height of the proposed
12 panels, typically less than 15 feet. We'll have them
13 substantially below both the height of the existing
14 hedge row, as well as the new landscaping once it
15 grows to maturity. So in essence, you'll have no
16 change to what you see. That back portion where the
17 panels are proposed, that was actively farmed, as well
18 as some of the front of the property was, but as you
19 can see, it was separated between -- from the house
20 and the other outbuildings by this existing hedge row.

21 In fact, Jon, if you go back to, I
22 think, some of the pictures of the house, I think I
23 noticed you can see this hedge row in the background
24 from the shot of the house as well. So you can kind

1 of see behind there under the trees and in the
2 background this existing hedge row. I think Betsy had
3 some pictures that showed it as well.

4 But basically, you've got an existing
5 visual buffer that will actually be enhanced by the
6 plantings that we are going to be required to do as
7 part of this solar array. So I think that is the
8 overview. Happy to take any questions.

9 MR. DAVIS: Thank you. Question from
10 the board.

11 MS. HATCH: Ms. Silber has her hand
12 raised.

13 MR. DAVIS: Ms. Silber?

14 MS. SILBER: Hi, yes. Thank you for
15 the presentation.

16 MR. TRACEY: Uh-huh.

17 MS. SILBER: Two things. One, how deep
18 -- your solar array, how deep will the post go below
19 surface? Do you know.

20 MR. TRACEY: I'll let Jon -- Super Jon
21 Falkowski answer that. I don't believe it's terribly
22 deep. And again, remember that's an actively tilled
23 and farmed portion back there. But Jon, can you
24 answer that question?

1 MR. FALKOWSKI: Yeah, I think they're
2 only several feet below, you know, three to five feet.

3 MS. SILBER: So you will probably be
4 going below plow zone it sounds like. The second
5 thing is, will you be required to go through any
6 federal permitting? Do you know? In your project.

7 MR. TRACEY: We might need to -- well,
8 Jon I guess I should let -- Jon, let you answer that
9 because you're really engaged in that more than I am.

10 MR. FALKOWSKI: We did have the Army
11 Corp. to the site, as well DNREC subaqueous. DNREC is
12 taking jurisdiction of the blue line stream and
13 several of the ditches. But the U.S. Army Corp. is
14 not. So there will be no federal permitting but there
15 will be state DNREC permitting from subaqueous.

16 MS. SILBER: Okay. Okay. Thank you.

17 MR. DAVIS: More question for the
18 applicants.

19 UNKNOWN FEMALE: I am not seeing any
20 hands raised.

21 MR. DAVIS: All right. Open public
22 comment. (Inaudible).

23 UNKNOWN FEMALE: (Inaudible) for public
24 comment.

1 MR. DAVIS: We'll make a call for
2 public comment in favor of the application.

3 UNKNOWN FEMALE: I don't see any hands
4 raised.

5 MR. DAVIS: Any public comment in
6 opposition?

7 UNKNOWN FEMALE: There are no hands
8 raised.

9 MR. DAVIS: General comments related to
10 this application?

11 UNKNOWN FEMALE: There are no hands
12 raised.

13 MR. DAVIS: Okay. Great.

14 MR. TRACEY: Thanks, folks.

15 MR. DAVIS: Thank you.

16 MS. SILBER: Thank you.

17 MR. DAVIS: So on the report of the
18 preservation planner.

19 MS. HATCH: So the (Inaudible) report
20 (inaudible) accept these items at the next Tuesday
21 (inaudible) 5:00 p.m. and the (inaudible) as always
22 and it will be virtual hybrid format.

23 And just a reminder for the historic
24 review board. We are overdue for or we are due not

1 overdue for our annual review of our rules and
2 procedure. So I think we were just planning on having
3 a special business meeting after the October 18th,
4 2022 public hearing. And I'll sending out (inaudible)
5 to all the board members in advance just to make sure
6 that that's on your radar and on your calendars so you
7 can make sure to attend.

8 MR. DAVIS: Thank you. We'll make one
9 final call for public comment.

10 UNKNOWN FEMALE: I don't have any hands
11 raised.

12 MR. DAVIS: Okay. Great. And I just
13 want to say welcome back, Betsy.

14 MS. HATCH: Thank you.

15 MR. DAVIS: It's good to have you back.

16 MS. HATCH: Thanks.

17 MR. DAVIS: Do we have a motion to
18 adjourn.

19 MR. PATEL: I make a motion to adjourn.

20 MR. DAVIS: Second?

21 UNKNOWN FEMALE: Second.

22 MR. DAVIS: All in favor?

23 ALL: Aye.

24 (Whereupon, this hearing concluded.)

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C E R T I F I C A T I O N

I, Kim Soto, certify that the foregoing is a true and accurate transcript from the official electronic sound recording.

Kim Soto

Approved Transcriber

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