

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY HISTORIC REVIEW BOARD
DEPARTMENT OF LAND USE – GILLIAM MULTIPURPOSE ROOM
67 READS WAY, NEW CASTLE, DELAWARE
October 4, 2022
5:00 P.M.**

The Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, October 4, 2022, 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
Steve Johns
Nannette Swadey
Jean Hershner
Perry Patel

The following Board members were absent:

Rafael Zahralddin

Historic Review Board, Department of Law

Michael Gordon

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

Betsy Hatch
Shane Bailey

RULES OF ORDER

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

MEETING MINUTES

None.

HISTORIC MARKER PROGRAM

None.

OLD BUSINESS

None.

NEW BUSINESS

App. 2022-0489-H: 1210 Dutch Neck Road. (TP 13-004.00-005.) North side of Dutch Neck Road, 2,000 feet east of the intersection with Knightsbridge Road. St. Georges Hundred. Minor subdivision plan to subdivide an existing 285± acre parcel to create a 2.07± acre lot and to demolish the late 18th century K. Johns House. S Zoning. CD 12.

At a meeting held on October 4, 2022, the Historic Review Board considered the proposed application, public testimony provided at the September 20, 2022, public hearing, and the Department of Land Use Recommendation.

On a motion made by Mr. Patel and seconded by Mr. Johns, the Historic Review Board voted to grant **CONDITIONAL APPROVAL** of the proposed demolition of the K. Johns House with the following condition:

1. Pursuant to Section 40.15.210.B.3 of the *New Castle County Code*, a documentation in accordance with the Historic American Building Survey (HABS) guidelines be submitted to the Department of Land Use prior to the release of the demolition permit. Such documentation shall include a written historical narrative, field documentation (measured drawings and photography) and the completion of Delaware Cultural Resource Survey forms.

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

Discussion preceding the vote included the following:

Ms. Hatch read the Department of Land Use recommendation into the record. Mr. Johns inquired if the Board needed to provide any recommendation regarding the minor subdivision plan. Ms. Hatch noted that the Board is welcome to provide a recommendation regarding the subdivision plan if they deem necessary. She noted the Board should consider if the site has historic significance without the historic house extant when forming a recommendation on the subdivision plan.

App. 2022-0572-H: 100 Christiana Road. (TP 10-024.00-052.) North side of Christiana Road, 1500 feet west of Churchmans Road. New Castle Hundred. Minor land development plan to construct 5,483 sq. ft. of office space with associated improvements adjacent to the Bethel Church Cemetery. (App. 2022-0112-S) ON Zoning. CD 7.

At a meeting held on October 4, 2022, the Historic Review Board considered the proposed application, public testimony provided at the September 20, 2022, 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 recommend **CONDITIONAL APPROVAL** of the proposed land development plan with the following condition:

1. The applicant work with a Registered Professional Archaeologist and the Department of Land Use to establish an approach for any necessary archaeological work for the subject site.

The motion was adopted by a vote of 6-0-1-1 [In Favor: Davis, Patel, Anderson, Johns, Hershner, Swadey, Silber; In Opposition: None; Abstention:None; Absent: Zahralddin.]

Discussion preceding the vote included the following:

Ms. Hatch read the Department of Land Use recommendation into the record. Ms. Silber noted that it was important to understand that there are two separate sites present in the area, including the cemetery and the domestic sites. She noted that an registered professional archaeologist should understand all of the archaeological resources on the site and their historic contexts. She stated that she read the public comment provided and she agreed that careful clearing of the site is warranted, as clearing can be destructive to archaeological resources. She stated that non-invasive methods such as GPR may be advisable.

Mr. Johns inquired if the HRB had the ability to require an archaeological investigation. Ms. Hatch stated that the Board only has recommendation authority. She stated the Department highly encourages the applicant to conduct an investigation and that the applicant provided testimony during the public hearing that they were willing to conduct an investigation and was seeking the Board's guidance on how to handle the archaeological resources. Mr. Johns inquired if the stone piers that were present on the property were part of the Bethel Church. Ms. Hatch stated that based on the research completed thus far, she would be hesitate to state that they belonged to the church, as they may have belonged to the nineteenth century dwelling on the site. Ms. Silber noted the complexity of the site due found through the previous Phase I and Phase II studies that there were conducted on the site. She noted the importance of understanding what resources may be present to practically plan site work and prevent delays down the road. Mr. Johns agreed with Ms. Silber and noted that the motion on the floor was appropriate by allowing an RPA help develop a plan with the applicant. Mr. Patel agreed.

App. 2022-0573-H: 1073 Clayton Greenspring Road. (TP 15-026.00-029.) West side of Clayton Greenspring Road, 1,750 feet south of VanDyke Greenspring Road. Blackbird Hundred. Minor land development plan to subdivide an existing 47.70+ acre parcel containing a late 19th century dwelling (Dr. William Daniels Farm, Hopkins Map) for the purposes of a large-scale solar energy system. (App. 2022-0373-S) SR Zoning. CD 6.

At a meeting held on October 4, 2022, the Historic Review Board considered the proposed application, public testimony provided at the September 20, 2022, public hearing, and the Department of Land Use Recommendation.

On a motion made by Ms. Anderson and seconded by Mr. Patel, the Historic Review Board voted to recommend **APPROVAL** of the proposed subdivision plan and to provide a recommendation of approval to the Board of Adjustment for the requested variances:

- To permit a 0-foot lot width for Lot B (300-foot minimum lot width) see UDC Table 40.04.110.B.
- To disturb 0.11 acres of the Riparian Buffer Area (RBA) (100% protection level required) see Table 40.10.010.
- To disturb 0.04 acres of wetlands (100% protection level required) see Table 40.10.010.
- To disturb a TBD acres of floodplain (100% protection level required) see Table 40.10.010.

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

Discussion preceding the vote included the following:

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

REPORT OF THE PRESERVATION PLANNER

Ms. Hatch reminded the Board that there would be a special business meeting following the October 18, 2022 public hearing in order for the Board to conduct their annual review of their Rules of Procedure.

REPORT OF THE CHAIRPERSON

None.

COMMENTS FROM THE PUBLIC

None.

ADJOURNMENT

ATTEST:

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

John R. Davis
Chairperson
Historic Review Board