

BEFORE THE NEW CASTLE COUNTY

HISTORIC REVIEW BOARD

STATE OF DELAWARE

Department of Land Use
New Castle, DE

December 6, 2016

PRESENT

DEPARTMENT OF LAND USE

2016-0623-S
151, BEAN CONF. CENTER
P. 4-28

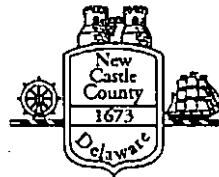
Valerie Cesna
Matt Rogers

HISTORIC REVIEW BOARD

Barbara Benson, Chair
Karen Anderson
John Brook
John Davis
Steve Johns
William Krauss
Barbara Silber
Rafael Zahralddin

Adam Singer

Thomas P. Gordon
County Executive



DEPARTMENT OF LAND USE

AGENDA
HISTORIC REVIEW BOARD
Business Meeting
Department of Land Use, New Castle Room
87 Reads Way
December 6, 2016
5:00 p.m.

ROLL CALL

MINUTES/TRANSCRIPTS –

October 4, 2016 Business Meeting
(October 18 Hearing was canceled – no transcript)
November 1, 2016 Business Meeting
November 15, 2016 Hearing

OLD BUSINESS

NEW BUSINESS

App. 2016-0623-S: West side of Centerville Road, 700 feet south of Hillside Road. Exploratory Minor Land Development Plan for **Intercollegiate Studies Institute, Bean Conference Center** proposes to construct a 12,880 SF addition, 34 parking spaces and associated improvements. H and SE Zoning. CD 2.

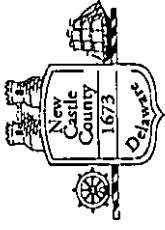
Draft "Special Rules of Order/Public Hearing Procedure"

REPORT OF THE PRESERVATION PLANNER

REPORT OF THE CHAIR

PUBLIC COMMENTS

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Individuals needing reasonable accommodations according to the Americans with Disabilities Act call 395-5400 (TT/TTY/TTD: DRS, 1-800-232-5460).



DEPARTMENT OF LAND USE
HISTORIC REVIEW BOARD

ATTENDANCE RECORD

Please print legibly!

MEETING DATE: 12/4/2014

NAME	MAILING ADDRESS	AGENDA ITEM(S) OF INTEREST
1. PAUL RHEIN	4 CALGARY ROAD NEWARK DE	151 PROJECT
2. Wendie Stabler	PO Box 1266 WLM DE 19899	151
3. _____	_____	_____
4. _____	_____	_____
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MEMORANDUM

DATE: March 7, 2017

TO: Members of the New Castle County Historic Review Board
Barbara E. Benson, PhD, Chair
Karen Anderson, AIA, LEED BD+C, member
John T. Brook Esq., Member
John R. Davis, Member
Stephen L. Johns, PE, Member
William F. Krauss, Member
Rafeal X. Zahralddin-Aravena, Member
Valerie Cesna, Staff Person to the Board

FROM: Barbara C. H. Silber, MA, RPA, Board Member

SUBJECT: Comments for
December 6, 2016 Business Meeting Transcript

Page 8, line 1 (first line): Please correct "is trying to diminish" to "diminishing quickly".

Page 8, line 18: Please correct "Luther" to "Lowther".

Page 8, line 19: Please correct "Henley House District" to "Hartley House".

Page 9, line 15. Please correct "pre-date" to "pre-dating".

Page 15, line 6. Please correct "ncst" to "past".

MS. BENSON: Good evening everyone. I like to start the Historic Review Board of New Castle County business meeting for December 6, 2016 to order. It is 5:02 by the meeting room clock. We'll begin with roll call. I'm Barbara Benson.

MR. JOHNS: Steven Johns.

MR. KRAUSS: Bill Krauss.

MR. BROOK: John Brook.

MR. ZAHRALDDIN: Rafael Zahralddin.

MS. SILBER: Barbara Silber.

MS. BENSON: We also have Valerie Cesna and Matthew Rogers from the Department of Land Use and Adam Singer from the Law Department. We have first minutes and transcripts. We have October 4, 2016 business meeting and November 1, 2016 a business meeting and November 15, 2016 a hearing. Is there a motion to approve or amend all three or we can take them separate? John.

MR. BROOK: I have to abstain from October 4th. I was not here.

MS. BENSON: All right.

MR. KRAUSS: I have to abstain from October 4th and November 1st.

MS. BENSON: Oh I have to abstain from October 4th.

MR. BROOK: I think you better take them separately Madam Chairman.

MR. JOHNS: We may not have a quorum.

MS. BENSON: I believe we don't have a quorum for October 4th. Well wait one, two, three, four. We don't have a quorum for October 4th. Those will have to come back to us. November 1, 2016.

MR. BROOK: Wait you said an abstention.

MR. SINGER: I was.

MR. BROOK: Isn't an abstention part of the quorum?

MR. SINGER: I think an abstention counts.

MR. BROOK: Yeah.

MR. SINGER: For the purposes of the quorum.

MR. BROOK: I think we can vote on them.

MS. BENSON: Oh all right then those of you who are left is there a motion?

MR. ZAHRALDDIN: Yes.

MR. BROOK: I move.

MS. BENSON: Is there a second?

MR. JOHNS: Second.

MS. BENSON: All in favor.

MS. SILBER: Aye.

MR. ZAHRALDDIN: Aye.

MR. JOHNS: What was the motion for?

MS. BENSON: Approve the minutes.

MR. JOHNS: All of them or just the first one?

MS. BENSON: Just the first one.

MS. CESNA: Who abstained?

MR. BROOK: I abstained.

MS. CESNA: Krauss and Brook abstained.

MS. BENSON: And Benson.

MS. CESNA: Oh.

MR. JOHNS: I move we approve the November 1st minutes.

MS. SILBER: I second.

MS. BENSON: All in favor.

. . . (Everybody said aye except for Mr. Krauss who abstained)

. . .

MS. BENSON: Opposed. Abstentions. And then we get to November 15th.

MR. ZAHRALDDIN: I need to abstain from this one.

MR. BROOK: I move we approve the minutes for the November 15th.

MR. KRAUSS: Second.

MS. BENSON: All in favor.

MR. BROOK: Aye.

MS. SILBER: Aye.

MS. BENSON: Aye.

MR. KRAUSS: Aye.

MR. JOHNS: Aye.

MS. BENSON: Any abstentions.

MR. BROOK: Rafael I think.

MR. ZAHRALDDIN: Yes I'm the only abstention.

MS. BENSON: Thank you. And let me note for the record that Karen Anderson has joined us. Okay. Now that our housekeeping is out of the way we have no old business. New business. Valerie do you want to read the information into the record.

MS. CESNA: Application 2016-0623-S: West side of Centerville Road, 700 feet south of Hillside Road. Exploratory Minor Land Development Plan for **Intercollegiate Studies Institute, Bean Conference Center** proposes to construct a 12,880 square foot addition, 34 parking spaces and associated improvements. This Historic overlay and Suburban Estate Zoning.

MS. BENSON: Thank you.

MR. SINGER: If I.

MS. BENSON: Please Adam.

MR. SINGER: Could read something into the record.

MS. BENSON: Yes.

MR. SINGER: Had a public hearing on about the Adam Singer office of law. Had a public hearing on November 15, 2016 this Board heard a presentation on behalf of the applicant Intercollegiate Studies Institute. This Board conducted a hearing including asking questions of the applicant relating to the proposed addition, parking spaces, and associated improvements. The Board may recall that since there is a historic overlay on the property the Historic Review Board has oversight and must in the future ultimately review and approve the architectural elements of the proposed expansion. The applicant has advised that they will be prepared to come back to the Board to address those in detail once it has received record plan approval and has completed the design. However, at this stage of the process because the exploratory plan affects a historic resource the Board has jurisdiction through you to make recommendations to the Department. That should be a focus of the discussion at this business meeting today. The Board is charged to consider all features of the plan including the landscape plan, building, design, scale and location, lot size, proposed signage, relationship to adjacent properties and buildings, and archeological potential to determine whether the subdivision or land development will be in accordance with the interests and purposes of the sections of the UDC that relate to historic

resources.

The applicant has also indicated its desire to solicit input from the Board that might help the applicant tweak any design. And certainly the Board has the authority to suggest and/or signal any changes it would like to see as a condition of its final approval when the applicant returns for the more detailed architectural review. Thus the focus of today's meeting should be to discuss the hearing that was conducted on November 15, 2016. The Board should number one, review and make a recommendation to the Department concerning the proposal of the applicant. And number two, suggest and/or signal any changes to the applicant that the Board would like to see as a condition of the Board's final approval when the applicant returns for the more detail architectural review. Thank you.

MS. BENSON: Thank you. We did have a detailed presentation. We did have a significant number of questions. I do have a question for Valerie. Did the applicant submit additional material?

MS. CESNA: Not additional information.

MS. BENSON: Okay.

MS. CESNA: They did share this. Well actually they didn't because this was the presentation.

MR. BROOK: Yep.

MS. BENSON: Yes.

MS. CESNA: And you have a copy of the presentation from the public hearing. And there was a request to add to this drawing an indication of the footprints here.

MS. BENSON: Yes. Thank you.

MS. CESNA: Just if at any point you want me to scroll through their presentation.

MS. BENSON: No. No. I just this was I think what we.

MS. CESNA: Tell me whether you want the plan up on the board. I can put the photos up. I can do that to help guide you through that.

MS. BENSON: Okay. All right. As Mr. Singer said our job is to discuss it and to fashion recommendations to the Department but also to be extremely helpful to the applicant at the preliminary stage we are at. Who would like to begin this discussion? Then I will. I was a little concerned when I saw this coming before us. In addition of over 12,000 square feet seemed massive to me and the location we were going to see it in but seeing the plans I'm very happy to see this now. It leads me to believe that the applicant, the architects have been very sensitive to both how they needed to look at the site and how they had to handle an historic resource. It's clearly an addition and you can tell that from the architecture but it it is compatible so I think they have come a very long way on this. Barbara.

MS. SILBER: I agree that their design is quite context sensitive and but the one thing I am a little concerned about especially since this is a historic overlay property and the course of Centerville Road is quite old is that that the amount of ground disturbance we do have to take into consideration some sort of archeological potential on this stretch of road.

One of the things I do notice after reviewing some of the historic maps is that the landscape of the pre-Hoopes Reservoir era

of Centerville Road is ~~trying to~~^{ING} diminish quickly. And many of the houses here are post Hoopes Reservoir. In fact they were built as part of that landscaping.

MS. BENSON: Yes.

MS. SILBER: But we do have several old houses along Centerville Road. They have been recorded with the Delaware SHIPO. But we also do have is on some of the historic mapping they have houses that are no longer there that are not accounted for in the original locations. What I have and I don't know if anybody wants to look but I just took a, you know, a basic sweep and plotted where the houses before the 20th century are that are extant in relationship to addition of the historic mapping and then where the houses that are post 20th century construction are. And there are a few buildings on the historic maps that are not accounted for. They are either non-extant or were demolished at one time.

MS. BENSON: On this property?

MS. SILBER: Um not necessarily on this property but between and I would argue between what they would call the ~~Luther~~^{LOWTHER} Farm and I believe it's called the ~~Henley~~^{HARTLEY} House ~~District~~^{DISTRICT}. This is the ~~Worth~~^{WORTH} house. Orange. So we have historic buildings that are pre-20th century here. Here and here. There is area on the historic mapping that also has pre-20th century structures depicted. Whether or not it's literally on the property of the Worth House is unknown. But what I did look at is when I looked at the soil borings of the Intercollegiate project and they are here I noticed that they still have intact plow zones. And they still have a.

MR. BROOK: ~~Impact~~^{INTACT} what?

MS. SILBER: Intact plow zones. The original plow zone which means that the landscape has not been churned up as much as one would think. So the potential for archeological resources along that stretch of road could exist. Whether or not they are significant or contribute to the Centerville Historic, you know, overlay or the Centerville Historic landscape history is yet to be seen. But I think we have to entertain the possibility that there may be something out there. Not to mention on top of it is that before the Hoopes Reservoir that was a stream and in regard to this we have a potential just based on the landscape and the terracing of pre-contact era archeological resources. They are sitting back I'm looking at the plan they are going pretty far forward. They have an easement so a good portion is protected but where the proposed extension will be it's starting to push on that that region of where the potential for archeological resources pre-^{DATING}~~date~~ European arrivals could happen. Given the fact that the landscape is we have some mature trees throughout this corridor as well suggest that the landscape is not nearly as disturbed at a subsurface level as opposed to other places in the County and in fact as opposed to other places along Centerville Road. So whether or not at this time I recommend that an exploratory type of level of archeological analysis be performed for this property.

MR. BROOK: On the part that's going to be disturbed?

MS. SILBER: On the part that's, within, you know, and that one we would have to leave to, you know, at the discretion of who would be performing the study. But we do have areas where it will be disturbed to build to accommodate the extension. We have areas that

will be disturbed to accommodate storm water management basin. We also have areas that could be subject to subsurface disturbance with the addition of parking spaces. So I think there is warranted here with the locations of where the subsurface disturbance would occur. We do, it is warranted that an archeological assessment of some sort be performed.

MR. BROOK: Remind the Board of what that means.

MS. SILBER: An archeological assessment.

MR. BROOK: Yes.

MS. SILBER: Is to formally analyze the potential for archeological resources.

MR. BROOK: And how do you do that?

MS. SILBER: Well it could be performed in stages or it could be performed with a controlled subsurface ground testing. It depends. And that is where I think.

MR. BROOK: Is this the old shovel test type thing?

MS. SILBER: We could do shovel test or we could do something pretty much a background research which would be more of a desktop examination based on, you know, the previous landscape before the Hoopes Reservoir went in. The extent of how much subsurface disturbance occurred in the immediate vicinity of the property when Hoopes Reservoir was put in as well as when the Worth House was constructed. So it's not necessarily at this level we need to go full scale excavation but I think we need to entertain a possibility that this is a property that could have archeological potential.

MR. BROOK: And was it your contention that since Hoopes

Reservoir occupies an old stream valley that.

MS. SILBER: That.

MR. BROOK: That prehistoric peoples may have lived along there.

MS. SILBER: Yes. Pre-contact Native American groups as they would be following through the valley of that, you know, stream. The, you know, the floral and we can go through all of that with the flora, fauna but we are looking at a landscape that would be a favorable location. What is driving me to suggest that some sort of consideration be taken, some consideration be made to entertain the possibility of resource is the fact that the subsurface stratigraphy is still in pretty good shape.

MR. BROOK: Has that not been described.

MS. SILBER: As described in the soil borings which let me see.

MR. BROOK: But I guess I'm still trying to understand how extensive this archeological survey would be in terms of area.

MS. SILBER: Well.

MR. BROOK: It would apparently be more then just where the building is going to be built and the parking lot expanded.

MS. SILBER: I don't think we need to go, I don't think we need a full scale survey of the entire property in regard to digging as you call the classic shovel test.

MR. BROOK: Right.

MS. SILBER: You know that is one reason staging the assessment maybe a good idea. Identify.

MR. BROOK: Can you explain that a little bit to me.

MS. SILBER: Yes. That would be identifying, you know, looking

at documentary materials of what are the odds of something being out there.

MR. BROOK: Okay. Now who would do that?

MS. SILBER: I think the consultant would do that.

MR. BROOK: All right.

MS. SILBER: You know when I was just reviewing the materials I just pulled, you know, the historic mapping just to look. That's sort of the first step. And I pulled, you know, the historic topographic mapping just to see what the area looked like before.

MR. BROOK: Right.

MS. SILBER: But that would be more of a documentary research. I mean for a good example is the Hoopes Reservoir construction is well documented at the Delaware Historical Society. I think they have plenty of records.

MR. BROOK: Okay.

MS. SILBER: So basically you would do I would call a land disturbance analysis for more of a layman's term type of study. And that doesn't necessarily have to include physical digging. That is basically identifying what parts of the property okay there is no chance, you know, little to no chance of any archeological resources still remaining. Then you have a place where this could have a medium to, low to medium area. Basically identify target areas where you might think something could happen. And do those target areas coincide with where ground disturbances associated with development would occur. So in this case if a large extension of the property is not going to be touched or be subject to any subsurface impact testing would not have to be done there. But if

there's a place where like oh this is an area that might have something and.

MR. BROOK: Like the slope going down to Hoopes Reservoir.

MS. SILBER: Exactly. And this is where the storm water basin would be put a possible location. That maybe a place where an exploratory subsurface examination might be needed. You know the goal is not to dig everything and find everything. The goal is to find where things are not in this case. So you don't want anything to, you don't want anything at the last minute to occur.

MR. BROOK: All right so you are proposing that we do a fairly narrow search in terms of area.

MS. SILBER: Yeah.

MR. BROOK: Certainly not the houses that are.

MS. SILBER: No. No.

MR. BROOK: Gone that are some distance away.

MS. SILBER: Exactly. No. But I think what you need to find out is based on land, deed searches what are the odds of Centerville Road probably has road trace pavers. What are the relationships? Was there any buildings prior to the Worth House? MR. BROOK: You mean there.

MS. SILBER: And where on this piece of property, you know. And if that's the case with modern mapping it is easy to you can hone down okay this is approximately where it could be.

MR. BROOK: How long would it take for a consultant to do something like this?

MS. SILBER: Well I suppose it depends on how good the consultant is.

MR. BROOK: Well.

MS. SILBER: But I think that maybe at this stage we are still too early because the plans are not firm. The limits of disturbance are not ready to go. The storm water management basins are not defined. Those locations are not. But this is something that down the road mostly because for this Centerville Historic corridor that is a big part the pre-Hoopers Reservoir era of that settlement is a component of that region's history. So, you know, I'm not saying we do it now. And it maybe down the road, you know.

MR. BROOK: But I don't understand how we can do it down the road if we are acting on what we have in front of us. Don't we have to know that before we can act on this?

MS. BENSON: Yeah in a way. Bill.

MR. KRAUSS: I was going to say John we are going to make a recommendation to the Planning Department as far as is concerned.

MR. BROOK: Okay.

MR. KRAUSS: I don't see why or how you could note this on the final approval from the Planning Department for recordization. And the landscape architect shared with us at the public hearing that the storm water management location for instance has yet to be identified.

MR. BROOK: Okay.

MR. KRAUSS: So for the sake of our recommendation we'll take this into consideration when the applicant comes back for our approval of the plan specifications, etc. But you give the applicant an excellent preview.

MR. BROOK: Yeah.

MR. KRAUSS: Of things to come.

MS. SILBER: Right. And I like to, you know, state that this is not to hold anything up and this is not to say you have, the plan would have to be reorganized. It's just that there's a potential. And because it's a historic property we have to, you know, accept that that component of this historic ~~nest~~^{PAST} so to speak could be a contributing element of its historic character.

MS. BENSON: Yes. Steve and then Karen. But first I want to note for the record that John Davis have joined the group.

MR. JOHNS: Do we have the ability to require an archeological study be done prior to completing this development?

MS. BENSON: Yes I think we do.

MR. BROOK: Yeah.

MR. JOHNS: If we propose to do that I would suggest that it's very possible that we would want to do it now so that we can give the people doing this work the ability to do the study before they determine where they want to put the storm water management basin so that they can, you know, coordinate all that. Especially the table top study. If they find out that this area over here has a high possibility lets not do it, lets do it over here.

MS. SILBER: Precisely.

MR. JOHNS: I mean I just think if we are going to suggest that we do it now and not wait until later.

MS. BENSON: Karen.

MS. ANDERSON: I just want to piggy back that's basically what I was going to say that I would think that you should do if it's the type of study that was described then it sounds like it's

something that could be done now that you could easily go through and go and research some records you can identify any areas that might be potential archeological sites. And then you can make a decision not to put your basin there or adjust the footprint, you know, things like that. Those are important decisions that you want to make early on before you move forward and finalize your drawings.

MS. SILBER: I agree. I think that, you know, a desktop study it would fall in the, you know, in the phase approach of Phase One A or an archeological assessment will help hone where things are not. And you want to have areas for this purpose, large areas of where things are not that helps convince me, you know.

MS. BENSON: John.

MR. BROOK: It would seem to me that it would be more fair to the applicant that we get this out of in the front if we are going to require this at some point. To get it done before they go much further down the road in deciding where they are going to put things and what not.

MS. BENSON: Thank you. And I want to confirm with Valerie can we require this or do we recommend this on historic zoning overlay?

MS. CESNA: I don't know if you could require it. I'll have to look back at the code. But part of my concern in hearing all of this I feel more comfortable if there had been already identified the potential or archeological, known archeological sites. And Barb what I'm hearing you say is you looked at maps, you kind of looked at things in the area. It's an old road corridor. And in my mind following up on Mr. Brook's comment I don't know if it's fair at

this stage to.

MS. SILBER: No. Exactly.

MS. CESNA: Say gee we want to you find out what isn't there. Is is there do we know now is there some serious potential for some kind of significant archeological find there? And I don't know if I heard you say that.

MS. SILBER: Well that's precisely why I didn't want to recommend recommend a survey at this point. Because, you know, I can only do so much as part of a member of the Board. I don't want to study too much. Okay. So here is the 1996 survey that ^{Louis} ~~Lewis~~ ^{Benson} ~~Burger~~ did for the Department of Transportation architectural assessment. So they identified the houses here. This is our house. What I did was and I did not do this I did not do a classic GIS overlay situation just for I just needed to get, I did this just to get an idea of what type of landscape we were looking at at the time.

MR. BROOK: Right.

MS. SILBER: And what I noticed is that based on lets see I have 1881, 1868, and 1893 is a good example here. Is that we have two properties sandwiched between that are somewhere between what the Delaware State Historic Preservation Office catalogs as Number 524 and 525. So there is something in between in there. So whether or not it's literally on the Worth property I don't know and I haven't pursued that exploration far enough. So that is but I do notice that there are structures depicted that are no longer out there from that pre-20th century era.

MS. BENSON: But they are not within the boundaries of where

this specific addition will be taking place.

MS. SILBER: Well that I don't know.

MR. ZAHRALDDIN: Yeah she is saying she doesn't know. Look quite honestly I think there is very nice of you to put together because if they go in and start tearing up to put the parking in for example and then they find there's a foundation there they have to come back here any way. So the fact that she has narrowed it down to this point means perhaps it's very fair to the applicant to tell them hey by the way there is a historic overlay on this property and on top of that just by doing a little bit of research there's a potential that there might be another piece of historic, you know, property there. Maybe you should go take a look at it a little bit closer.

MS. SILBER: Whether or not it's there is at this point is, you know, nobody will know until they physically do a shovel to ground or it's possible a ground penetrating radar could figure that out too. That maybe the most efficient way to do it is take ground penetrating radar and see if anything shows up that that's non-invasive.

MR. BROOK: And you would recommend where the addition is going to go, the storm water retention basin is going to go, and the parking lot is going to be expanded.

MS. SILBER: Well this is where archeology becomes a bit of it's hard to determine, you know, because you can't guarantee that. Even if I measured and put all the overlays properly I can't guarantee that that's foundation for example would be where it exactly is. And it may be or it may not be. But the idea is that

exactly as Rafael said that what happens during construction if they start digging something up and oh there is something down there.

MR. BROOK: Sure.

MS. SILBER: And that is the thing. I think it's a precautionary recommendation.

MS. ANDERSON: So I think what we are asking them to do at this point in time is not necessarily do ground penetrating.

MS. SILBER: Precisely.

MS. ANDERSON: Radar and things like that. All we are saying is we would, the recommendation or the requirement would be do at least a research review. And that to me does not seem to be over bearing or, you know, we are not asking a lot. We are saying yes expend a little bit more effort. Have someone do an archeological analysis which would mean pulling old records, doing a more thorough review based on the information here. Maybe some overlays. A GIS. This is all things that are done with books and computers and things like this so you are not necessarily saying go out to the site and start and digging and.

MS. SILBER: Precisely.

MS. ANDERSON: Things like that. But if you could go through and do a thorough research and then come back and say hey we did this research and what we found was there are no major indications.

MS. SILBER: Exactly. For example.

MS. ANDERSON: They may come back and say oh we did all this research and it looks like there are three major archeological sites. So we have decided to move this, this, and this so that we

don't disturb.

MS. SILBER: A good example was I think we had a case a couple of months ago the location of the mysterious mill ended up being on the other side of the road. Remember. But that was the study where okay someone just has to sort of put all the pieces together and the majority of it becomes a desktop exercise and identify the land use history of the property prior to the Worth House.

MR. BROOK: Okay.

MS. SILBER: Beyond a chain of title, you know, was this area mostly the farm, the agricultural fields of another of a property where their core area was located off of this property or was the core area of the agricultural property of which this was once a part located closer to the boundaries of the property. So it is and I can't say that there is something there.

MR. BROOK: But we don't know.

MS. SILBER: Exactly.

MS. BENSON: I am a little concerned in asking them to do full fledged studies of a property when we are only looking at certain areas that are going to be disturbed.

MS. SILBER: Precisely.

MS. BENSON: I can understand asking them to look at those areas.

MS. SILBER: And that maybe the focus that the target is these are our areas that we right now as of now this is our limits of disturbance. We are not asking them to do the whole research for the whole property.

MS. BENSON: Yes.

MR. ZAHRALDDIN: Yeah I thought that's what you were saying just where they are going.

MR. BROOK: Disturb it.

MR. ZAHRALDDIN: The water basin, the parking, and the addition.

MS. BENSON: Valerie.

MS. CESNA: One of the concerns I have with this discussion and maybe your counsel can respond to this is that none of this discussion of archeological potential was raised in the public hearing.

MS. BENSON: That's true.

MS. CESNA: So the applicant did not have a chance to respond to it then and this is all new information put on the table at a business meeting right before you are going to formulate a recommendation to the Department. I'm wondering if your counsel can respond to that. Should this have been raised at the hearing?

MR. SINGER: I think ideally it should have been raised at the hearing. But the question is is it too late now is I think is a tricky question. I have to research because even if it's technically too late at this recommendation phase if something is uncovered through later on and the Board has the power to deny the final record plan I think. I think it's difficult for the applicant to ignore the concerns that have been expressed here even though yes maybe they technically should have been expressed or questioned about last month or two weeks ago. So it's almost like the applicant is on notice and there is a certain risk involved.

MS. SILBER: Well this is one reason I wanted to bring this up,

you know, because at the hearing I was not sure. And so as we were reading through and that's why I said let me just check and perhaps maybe I shouldn't have checked. I don't know, you know, but this is what one of the things just as part of our discussion I just wanted to, you know, bring up is this something that we have to worry about when it comes to this particular project.

MS. BENSON: Adam.

MR. SINGER: It's possible that maybe the Board wants to defer making any decision at this business meeting on this matter to give the applicant an opportunity to respond or reopen the record if they information on the concerns raised here.

MR. ZAHRALDDIN: I think that would be.

MS. BENSON: I like that yes.

MR. ZARHALDDIN: That would be probably the best way to go about this certainly.

MR. JOHNS: They are looking for a recommendation from us on whether, you know, the applicant is looking for us to make a recommendation to the Department of Land Use concerning their exploratory sketch. They have a lot more work to do before they get to the point of design drawings. And I don't see any reason for us to make them wait another month for us to make a decision here just because we think maybe they might want another month to tell us whether they want to do an archeological study or not. I mean I don't know whether, I don't know about the required, whether we want require an archeological study or whether we just recommend. You know, we could recommend that the exploratory sketch be approved based, you know, that we have no objection to the design

or historical matter because we think it's an excellent design sensitive to the historic nature of the house. But we might suggest that they do some archeological studies before they get into the final design. Because if they start digging and find some things that are of an issue they want to do have done some research before they get to that point.

MR. BROOK: If that's a motion I'll second it.

MR. ZAHRALDDIN: Yeah that's fine.

MS. BENSON: Did you get it down? All right we have.

MS. CESNA: I think you need to make a proper motion so it's clear. Not have a discussion.

MR. BROOK: Okay. Make a proper motion.

MS. BENSON: All right Steve can you say it louder if you were to do this but.

MR. BROOK: Go ahead Steve.

MR. JOHNS: I move that we, I guess we want to make a recommendation to the Department of Land Use on this.

MS. BENSON: Yes.

MR. JOHNS: As far as the historic nature of the house goes we have no objection and therefore along the historic issues associated with the house we recommend that the exploratory sketch be approved.

MR. ZAHRALDDIN: Or design.

MR. JOHNS: Design. With and also suggest that the applicant do some archeological studies so that to determine.

MS. ANDERSON: Are we suggesting or are we going to recommend that.

MR. KRAUSS: Recommend.

MR. JOHNS: Recommend that they do some archeological studies prior to finalizing their design.

MS. SILBER: Is it possible to change it to recommend and that the applicant take into consideration the potential of archeological resources. And if that requires a study to determine that for their purposes.

MR. ZAHRALDDIN: Yeah I don't think we are recommending they have to do an archeological study.

MS. SILBER: Right. Precisely.

MR. ZAHRALDDIN: What we are saying is that they have to do their diligence and investigate since it is an historic overlay property.

MS. SILBER: And if something comes up.

MR. ZAHRALDDIN: Correct.

MS. SILBER: It will come back to us.

MR. ZAHRALDDIN: In other words you can't do the whole thing for them.

MS. SILBER: Right.

MR. ZAHRALDDIN: Is what we are saying.

MR. JOHNS: Did anybody get that?

MR. ZAHRALDDIN: No I was making a suggestion. Certainly do you want to but I don't believe we are asking them to do an archeological study.

MS. SILBER: No.

MR. ZAHRALDDIN: Because that's one step so far.

MR. JOHNS: So the second part of the motion would be to

recommend that they acknowledge the possibility of archeological resources in the area and that they take that into consideration.

MR. ZAHRALDDIN: And investigate the issue further.

MR. JOHNS: And possibly investigate the issue before they finalize their design.

MR. ZAHRALDDIN: Yes.

MS. SILBER: Yes.

MR. BROOK: Second.

MS. BENSON: Perhaps they have a land use study already.

MS. SILBER: Yes. Exactly.

MS. BENSON: I mean it's a review period I don't know.

MS. SILBER: Exactly. A lot of this information does pop up during the course of a planning stage. So yeah.

MR. KRAUSS: Second.

MS. CESNA: Was there a clearly stated motion in that?

MR. BROOK: I moved.

MS. BENSON: I move. We did.

MR. KRAUSS: Yep.

MR. BROOK: He stated the first part and then.

MS. BENSON: We had no objection with the current design.

MR. BROOK: And then after a little discussion he stated the second part.

MS. BENSON: To the historic building.

MS. SILBER: Or the location at this point.

MS. BENSON: To would be to recommend.

MR. ZAHRALDDIN: The investigation.

MR. JOHNS: To recognize historic.

MR. ZAHRALDDIN: Yeah archeological.

MS. SILBER: Potential.

MR. JOHNS: It's on the tape recorder.

MR. ZAHRALDDIN: We recognize that there are potential archeological implications in a historic review zone or a historic overlay and that they should be investigated before they complete their design phase I guess.

MR. SINGER: Well now I'm confused because on the record there is a motion by Mr. Johns which was seconded and now there's been some other statements and I'm not sure if the motion is what Mr. Johns said if you are moving to amend the motion.

MR. ZAHRALDDIN: No it appeared to me that no one was taking down what Mr. Johns said. We just repeated it again.

MR. BROOK: Yeah.

MR. ZAHRALDDIN: So whoever is taking down the motion or writing it down that was the motion. So I don't know if we want to reread the motion or restate it but I think we've done it like three times so far.

MR. SINGER: I wasn't writing it down so.

MR. ZAHRALDDIN: Okay.

MR. BROOK: Valerie do you have it down?

MS. CESNA: We record the meeting.

MR. ZAHRALDDIN: Correct.

MS. CESNA: My concern is someone states a motion and then two or three other people chime in with their version of what they are.

MR. ZAHRALDDIN: Oh no no no. No we did not.

MS. CESNA: And then there's a bunch of statements.

MR. ZAHRALDDIN: No. Somebody wanted clarity.

MS. CESNA: Using the specific language of the motion three people.

MR. ZAHRALDDIN: Mr. Johns gave that. He said I move and then he said it. And I then thought people didn't hear him so then we reiterated what he said. But it was his original motion that we seconded.

MS. CESNA: It's just my concern because both your counsel and your staff person are having trouble understanding the motion.

MR. SINGER: Well as I understand Rafael said he is deferring to what Mr. Johns said.

MS. BENSON: We have Mr. Johns' motion.

MR. SINGER: But for the purposes of a general edification of everybody.

MR. ZAHRALDDIN: Both counsel and staff that's why we repeated it.

MR. SINGER: Right. But he's not, Rafael is not trying to say that.

MR. ZAHRALDDIN: No.

MR. SINGER: It what Mr. Johns said is the motion.

MR. ZAHRALDDIN: That's correct.

MR. SINGER: And that is recorded.

MR. ZAHRALDDIN: Correct.

MR. SINGER: And I can't recall who seconded it though.

MS. BENSON: Rafael seconded it.

MR. SINGER: Okay. All right.

MS. BENSON: All in favor of this motion.

. . . (Everybody said aye) . . .

MS. BENSON: Opposed. Abstentions. Thank you very much. I don't know if we've gone far enough in but we've gone too far in some areas but I don't know if we've gone far enough in helping the applicant understand what we really, I don't know how much we actually really want. For example we didn't talk about the preliminary look we had and the plantings and I think they are excellent too. I just think they are really on the right track.

MR. DAVIS: I thought the entire design.

MR. BROOK: I thought it was very good.

MS. BENSON: That's what I think they want to hear. I mean just not praise but in case we had a real concern with something.

MR. KRAUSS: Yeah. I think we covered Madam Chair at the public hearing.

MS. BENSON: Yes but.

MR. KRAUSS: I mean the design, the landscape, etc. there was no objection. Nobody was suggesting any improvements to it. It's very cleverly done. I think very sensitive to the area. Not only to the topography but also things as an architecture.

MS. BENSON: Okay. Thank you. So we will move onto our own part of the new business where we have the draft rules Special Rules of Order and Public Hearing Procedure. We have those with you.

MR. JOHNS: The document that we received tonight it looks like it was modified from the one we reviewed at our last meeting with added material underlined and material spec through.

MR. SINGER: This is Adam Singer. Myself and Ms. Cesna tried to go through the transcript and we tried to revise the proposed rules

in accord what we discerned from reading the transcript. I'm not sure how successful we were on that. You can tell us.

MR. JOHNS: I think it's well done.

MS. BENSON: Yeah I do too.

MR. BROOK: Madam Chair.

MS. BENSON: Yes John.

MR. BROOK: I think it's well done also. I have a question about Section Two on page three, C. When we talk about the public will then be invited to speak in the following order and each speaker will address the Board. It doesn't say that the Board can ask those people questions. Can we ask people questions? We can't debate them I know. But can we ask them questions?

MR. SINGER: Well yes. There was discussion about that last time and my personal view is there is no right or wrong answer in that you want to explicitly put that in there. Sure. I think there was a comment that somebody made, a couple people made that the Board has the ability to ask questions. So there's no need to put that in there. But it's reasonable that people can disagree on that.

MR. BROOK: Well I didn't want to, I didn't want to preclude our ability to ask questions of people who might either speak in favor or against or.

MR. ZHRALDDIN: I thought it was implicit because in E it says that public speakers are limited to two minute responses to a question from the Board. So it's already there. I thought it was unspoken. I mean.

MR. BROOK: Your probably right.

MR. SINGER: Yeah.

MR. ZAHRALDDIN: It's right there. I don't think we need to state that we are allowed to speak at our own hearing.

MR. BROOK: My other question is on page four at the top of the page it says specified number of days. Could we also say our period like the next Board meeting or next hearing or next business meeting rather than trying to count out the number of days.

MS. BENSON: I'm trying to remember.

MR. BROOK: I think very often what we've done in the past is we held the record open until the next business meeting or something like that.

MR. ZAHRALDDIN: I thought we wanted flexibility.

MS. BENSON: Yeah in case there's a reason where we need a longer period of time.

MR. JOHNS: Valerie didn't want to hold it open all the way to the next meeting because she has to get the information and then distribute it to all of us.

MR. ZAHRALDDIN: So it's flexibility for the staff and for counsel and whoever else or us if we need the extra period of time. So that's why it says a specified number of days so there is an actual deadline as opposed to it being.

MR. BROOK: Okay so somebody better bring a calendar to the meetings then so we can.

MR. JOHNS: I have one on my phone.

MR. BROOK: Do you?

MS. BENSON: We can't have the phone on.

MR. JOHNS: Okay. I'll put it in airplane mode.

MS. CESNA: Barbara can I just?

MS. BENSON: Yes.

MS. CESNA: I think the reason I edited this to say a specified number of days is based on your discussion at the last meeting it came out that there are so many different types of applications in front of this Board and different circumstances that you didn't want to nail yourself down to a particular period of time in these rules so I made it vague purposely. But I think when you decide to hold the record open.

MR. ZAHRALDDIN: You mean flexible. Flexible.

MS. CESNA: Yeah. But when you do make a decision to hold the record open you need to make a decision as to what that period of time is for the benefit of the public.

MR. BROOK: Yes.

MS. CESNA: So they know what the deadline is for their comments.

MR. BROOK: Okay.

MR. JOHNS: So until the day before that person submits something.

MS. CESNA: And again all this document is intended to be is an outline of your rules and procedures for a hearing. It's not really intended to be a handbook or how the Historic Review Board operates in all situations. That's why it's really just an outline. And then, you know, from this I developed a text for what I read at the hearing.

MS. BENSON: John.

MR. BROOK: Madam Chair then I move that we adopt these as

written.

MS. BENSON: Thank you. Is there a second?

MS. ANDERSON: I second.

MS. BENSON: Second. Is that Karen?

MS. ANDERSON: Yes.

MS. BENSON: Thank you. All in favor.

. . . (Everybody said aye) . . .

MS. BENSON: Opposed. Abstentions. Motion carries. I have a question. Adam this isn't something we have to do several times is it? At several meetings before it passes?

MR. SINGER: No. No. These are not bylaws.

MS. BENSON: Thank you. Okay. Got that done.

MR. JOHNS: So we can change it just as easily.

MR. SINGER: Yes. And let me just say in my experience with other Boards that I represent here things come up and you learn and whatever I mean once in a while you may want to tweak the rules. But this I think is a good start and maybe in six months from now you want to tweak it a bit. So be it.

MS. BENSON: Okay. Valerie I think has a presentation.

MR. ZAHRALDDIN: A presentation.

MS. CESNA: Well if you are ready for the Historic Preservation Planner's report.

MS. BENSON: Yes.

MS. CESNA: I do have something to show you. We have a land development plan in for the Bidermann Golf Course which is adjacent to Winterthur. Give me a minute.

Okay this is the shaded area up here as well yes the shaded

area here is the subject of a land development plan for Bidermann Golf Course and the brown boundaries in here is the boundary for the Winterthur National Register of Historic Districts which for some reason unexplained in the National Register Nomination includes the golf course. The Unified Development Code says that for any land development plan that affects property that is on or eligible for historic overlay zoning and anything that is on the National Register is one of the criteria for designation for H overlay. That the plan could be reviewed by the Historic Review Board.

So I just wanted to bring this before you to outline a little bit of information and then ask you if in fact this is a plan that you want to review at a future meeting. And the reason I'm asking is this well tell you what why don't I just read you my staff comments that I've put into writing as part our internal review. There are two parcels in this plan. There is Parcel A and Parcel B. They are located in the National Register Historic Places boundary for Winterthur Museum and Gardens. Curiously the golf course already existed at the time the property was listed in the National Register in 1970. The National Register Nomination Report does not mention the golf course nor does it explain why the golf course was included in the district boundary. Winterthur Museum does not include the golf course in its programming or interpretation of the historic estate. It appears that all of the lands owned by Henry Frances DuPont and Winterthur at the time the property was nominated to the National Register were included in the historic district even though some of these lands did not function as an

element of the historic state.

It is as a side bar that I want to mention that this property here which is the plan for the Charis property which you reviewed a month or so ago was also included in the National Register boundary and again it was also that issue that it really wasn't an historic functioning part of the estate. It happens to be land that was purchased at some point in time by Winterthur. And it was in Winterthur's holdings at the time the National Register Nomination was put forth. So this is the second time that we've encountered that. However, with that being said it is noted that there are three buildings on this plan. If you look in this area here there are 19th century buildings. Two dwellings and a barn that formerly functioned as a small complex on the farmland that predated the golf course. These buildings have already been incorporated into the existing golf course maintenance facility and the plan does not propose alteration or removal. The primary impact of this plan is the construction of three new maintenance buildings and associated paving in an area that is already disturbed and surrounded by a landscape buffer. Therefore, this plan does not adversely impact the historic resources. A little more closely I'll just show you the aerial.

MS. BENSON: So this is not a piece of property that Winterthur wishes to sell.

MR. ZAHRALDDIN: It's a private country club.

MS. CESNA: It's a private golf course. It's on both sides of the road. This area here as part of my report is what is interpreted as the museum and the estate. This has been a golf

course since the 1960's.

MR. ZAHRALDDIN: Actually it's the 1920's it was nine hole and it was Henry Frances DuPont's personal.

MS. BENSON: So a golf course.

MR. ZAHRALDDIN: A nine hole golf course. And then in '65 and I think it was Devereaux Evan who is a pretty well known architect he did the nine hole and in '65 they added the other nines and they got it completed and opened it up as a club. So that maybe why they had it on there as part of the historic designation.

MS. CESNA: Maybe. Well part of it is I can tell you the National Register Nominations from the 1970's were not really vetted very well. They were prepared and no one really questioned the content. They were really rather thin.

MS. BENSON: They are not detailed at all.

MS. CESNA: Unfortunately. And no one really questioned them. They just kind of sailed through and were given the blessing at the state level and then at the national level. Today there is a much higher level in research and analysis involved. But just getting back to what's actually being proposed here is up in this area this has been for many years kind of a maintenance area. The maintenance yard for the golf course. And there's a late 19th century house, a barn, and it appears a ruin or a shell of a stone house. Those all are going to stay there. It's this area right here which is disturbed ground when they kept equipment. Then it's already surrounded by a landscape buffer and they are proposing to build three storage buildings within the buffer area. So from my perspective in looking at the plan is I didn't feel there was any

view shed impact on Winterthur. It was already a golf course for decades and they are not proposing to change the golf course. They are not proposing to change the three historic buildings. They just need to shift three maintenance sheds in an area that's surrounded by.

MR. BROOK: Is that what it's about three maintenance sheds?

MS. CESNA: Yeah.

MR. BROOK: Oh.

MS. ANDERSON: And they are not adding anything.

MS. CESNA: Well maybe build a road in there.

MR. ZAHRALDDIN: I think there's already a road that's there right. There's like two or three houses and then the ruin. So you can't even see it from the road.

MS. CESNA: No.

MS. BENSON: No.

MR. ZAHRALDDIN: Yeah you can't. You can see it if you are walking in the gardens probably but I think the buffer keeps you from.

MS. CESNA: There's a little driveway here and the house is here. This is the stone shell of the house. There's a mid-19th century house here and the barn. And the barn has been converted into storage use. It's this area here in question. And there's a row of white pine trees surrounding this and as you can see here it's already disturbed.

MR. ZAHRALDDIN: I've runned back there and I think the only way you can actually see it is if you've actually physically on top of it almost.

MS. CESNA: Yes. So from my perspective in reviewing it for historic impact I don't really think there is an impact but because technically it's on the National Register I just wanted to raise the question and ask if you thought it was worth your while for me to schedule it for a public hearing. I don't think it is.

MR. BROOK: Since it's on the Register can we not. Can we avoid it dealing with it?

MS. CESNA: That's why I'm asking you.

MS. BENSON: Yes we can delegate this to Valerie to move forward.

MR. BROOK: Okay.

MS. BENSON: Because we approve in general her assessment.

MR. ZAHRALDDIN: So in your assessment it's not an impact.

MS. CESNA: I don't see that there is anything to gain by bringing this to a public Board hearing.

MS. BENSON: I don't either.

MR. BROOK: I think I agree.

MR. JOHNS: They are not putting in huge, ugly buildings are they?

MS. BENSON: Okay. All right. If I hear, should we make a motion or just if I hear no descent we agree with Valerie. We deputize Valerie.

MR. SINGER: It maybe prudent to have a motion.

MS. BENSON: All right a motion.

MR. SINGER: Just in case. It may not be necessary.

MR. ZAHRALDDIN: I move to follow the recommendation of our planner to have this delegated to her to handle as opposed to

bringing forward to a public hearing as it doesn't warrant that.

MR. BROOK: Second.

MS. BENSON: All in favor.

. . . (Everybody said aye) . . .

MS. BENSON: Opposed. Motion carries. Great. Anything else Valerie?

MS. CESNA: Nope.

MS. BENSON: We just leave more work on your plate. Okay. Then the next item is the report of the Chair and blessedly I don't have one. We have no public so we have no public comment. Is there a motion for adjournment?

MR. KRAUSS: So moved.

MR. ZHRALDDIN: Second.

MS. BENSON: All in favor.

. . . (Everybody said aye) . . .

MS. BENSON: Motion carries. Thank you. (Whereupon this hearing was concluded at 6:00 p.m.).