

BEFORE THE NEW CASTLE COUNTY

HISTORIC REVIEW BOARD

STATE OF DELAWARE

Department of Land Use
New Castle, DE

March 7, 2017

PRESENT

DEPARTMENT OF LAND USE

Valerie Cesna
Matt Rogers
Richard Hall
George Haggerty
Reid MacMillan
Antoni Sekowski

HISTORIC REVIEW BOARD

Barbara Benson, Chair
Karen Anderson
John Brook
John Davis
Steve Johns
Barbara Silber

Adam Singer



Department of Land Use

AGENDA
HISTORIC REVIEW BOARD
Business Meeting – 2nd REVISION
Department of Land Use, New Castle Room
87 Reads Way
March 7, 2017
5:00 p.m.

ROLL CALL

MINUTES/TRANSCRIPTS P. 2-3

December 6, 2016 Business Meeting

OLD BUSINESS

NEW BUSINESS P. 3-12

Discussion: Demolition Permit Review Procedures

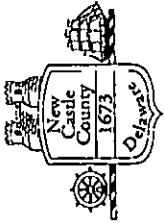
An Executive Session may be conducted to discuss legal issues relating to the Demolition Permit Review Procedures, and to receive legal advice from its attorney relating to such issues.

REPORT OF THE PRESERVATION PLANNER P. 12-13

REPORT OF THE CHAIR

PUBLIC COMMENTS P. 13-32

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DEPARTMENT OF LAND USE
HISTORIC REVIEW BOARD

ATTENDANCE RECORD

Please print legibly!

MEETING DATE: 3/7/2017

AGENDA ITEM(S)
OF INTEREST

| NAME | MAILING ADDRESS | AGENDA ITEM(S) OF INTEREST |
|-----------------------|--|-------------------------------|
| 1. James R. Hardy Sr. | P.O. Box 826 Claymont, DE 19703 | Demo Review Process |
| 2. Johnis Brown | 2 Old King's Hwy, Christina 19702 | " |
| 3. Eric Lowless | 117 B PRESIDENTIAL DR, GREENVILLE DE 19807 | " |
| 4. See Dangle | 1407 Venk Rd W. Mynor, DE 19816 | Review Process |
| 5. David Holston | 87 Reeds Way | |
| 6. Artem Jankowski | 87 Reeds Way | |
| 7. Rich Hall | | |
| 8. Kim Burdick | Kim E burdick@aol.com (19713) | |
| 9. Tyler Capanna | Tyler Capanna@live.com | Review |
| 10. J. Hersh | | |
| 11. | | |
| 12. | | |
| 13. | | |
| 14. | | |

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MS. BENSON: All right having quorum we will begin. I want to welcome you to the New Castle County Historic Review Board business meeting for March 7, 2017. This is a business meeting which means there can be no conversation from the Board and the public. There is as you will see at the end a space for public comment if we wish to have that. All right we'll start tonight with roll call. I'm Barbara Benson.

MS. ANDERSON: Karen Anderson.

MR. BROOK: John Brook.

MR. JOHNS: Steve Johns.

MS. SILBER: Barbara Silber.

MR. DAVIS: John Davis.

MS. BENSON: Thank you. We also have people with us tonight. We have Valerie Cesna and Matt Rogers, planners from the Department of Land Use. Adam Singer from the Law Department. George Haggerty, Assistant Land Use Manager. And we particularly welcome Richard Hall, the new General Manager of the Department, and we have someone who will make a presentation. So with that oh we have to do the minutes. We have minutes for the December 6, 2016 business meeting that we have received them in advance. John.

MOTION MR. BROOK: Madam Chair I move we accept these minutes.

MS. BENSON: A second.

~~MS. ANDERSON:~~ ^{SILBER} I have a small typographical error that I would like to add for the record.

MS. BENSON: Yes.

~~MS. ANDERSON:~~ ^{SILBER} Can I just pass these down. There's a couple copies in there.

MS. BENSON: Thank you.

~~MS. ANDERSON:~~ ^{SILVER} Thank you.

MS. BENSON: All in favor.

MR. BROOK: With the amendment.

MS. BENSON: With the amendment.

. . . (Everybody said aye) . . .

MS. CESNA: Who seconded it?

MS. ANDERSON: I seconded.

MS. BENSON: Anyone disagree? Motion is approved with the minutes. All right we have no old business tonight but we do have new business. And that is a discussion of the demolition permit review process. We were given the email, a brief background why we are coming back to revisit this situation for clarity and I'm going to turn it over at this point to Valerie.

MS. CESNA: Well the Department has a presentation. I'd like to introduce ~~Reid~~ ^{REED} MacMillan who is one of the Department of Land Use Managers. He has summarized the issue and will ask for some questions put before the Board per the request that you had.

MR. MACMILLAN: Good afternoon Madam Chair and fellow Board members. ~~Reid~~ ^{REED} MacMillan, Assistant Land Use Manager, Department of Land Use. I'd like to provide a summary of events that you all may have heard about which brings to light an issue that we need to, we believe need to bring some clarity to some code language in the Chapter Six building code regarding demolition of buildings that are over 50 years of age.

Again many of you may have heard about this barn demolition off of Silverside Road which occurred about a month ago. Evidently

a concerned citizen noticed the barn which according to an assessment date it was built around 1770 be demolished and went to a web page, went to our web page to research the demolition permit. He noticed that the demolition permit was applied for and issued on the same day which was January 27, 2017 and concluded that Land Use did not conduct a review of this structure for historic eligibility as required by the County Code. This person utilized social media to air his concerns which created much dialogue among Facebook users. As a result of this dialogue County Council had requested our General Manager, Rich Hall brief them during their February 14, 2017 executive meeting regarding the sequence of events and specifically if the Land Use Department had evaluated the barn prior to its demolition.

This slide summarizes how the demolition permits for buildings over 50 years of age have been reviewed and processed. The following slides summarized that briefing and the chain of events regarding the barn at Silverside Road. You can see by the sequence of events regarding Land Use evaluation of the barn which did occur prior to the demolition permit being applied for and issued. In the demolition permit applications the applicants attempt to complete nine required checklist items before they even apply for a demolition permit. Knowing an applicant has all of these nine items they apply for a demolition permit and most times when all nine items are successfully completed that permit can be issued on the same day that they apply for.

When a demolition permit application involves buildings 50 years or older and has been reviewed by the Land Use Historic

Preservation Planner as not being historically eligible these types of evaluation notes are not typically included into the demolition permit. Regarding this barn it was the professional opinion of our Historic Preservation Planner that the barn had been modified over the years to such an extent as its lost its historic eligibility and therefore the demolition permit could be issued.

Had the concerned citizen called our Historic Preservation Planner prior to the Facebook posting to inquire firsthand this issue might have been resolved nonetheless this experience did make our Department review the process and applicable code sections, our review procedures, and the demolition application process in general resulting in identifying the Chapter Six code language which did not match the existing practice by our professional Historic Preservation Planner and the UDC concerning review of historic structures.

Here are a few areas which impacted the original design element of the 1770 barn. Although Valerie could explain her evaluation in more detail this slide shows some of the changes over time within the structure. You might not be able to see but air conditioning units. These are Valerie's hand written notes from her evaluation. Windows. Decks added. A dormer added. And the original interior of the structure apparently was gutted to make way for a residence some years ago.

The Land Use staff and Law Department reviewed our current historic review procedures for buildings which are older then 50 years of age. Despite the practice of our professional Historic Preservation Planner reviewing demolition permits for buildings

that are over older then 50 years of age and only referring those applications within her professional opinion warrant review at the HRB, Chapter Six, Section 603.020(B) does account or does state that the, does not, oh I'm sorry does not take into account the professional Historic Preservation Planner to make these determinations. Rather Chapter Six does state that in cases where demolition permits are received for any building or structures over 50 years of age the code official shall refer all applications to the Historic Review Board within two working days of its receipt.

This Chapter Six language could also be applied to other land use actions which involve multiple reviews and public hearings such as major land development plans. Specifically all major land development plans are evaluated by the Land Use Historic Preservation Planner and the State Historic Preservation Office regarding the potential impacts to historic properties. It is also heard at the Planning Board public meeting or public hearing and it's heard at the County Council public workshop and hearing. As an example despite all the major land development plan and public review and the fact that the Delaware State Historic Preservation Office may determine no historically significant or eligible buildings would be impacted by that proposed land development plan. Any demolition permit for the buildings older then 50 years of age which are associated with that plan would still have to be submitted to HRB for review according to the current language in Chapter Six.

Thus the result of the Land Use Department review at 3205 Silverside Road barn demolition case recommended written code

language changed to Chapter Six which is our building code which would annotate the current land use practice regarding review of buildings older than 50 years of age by our professional Historic Preservation Planner.

Here's the proposed text amendment change to Chapter Six. It allows the code official 20 working days to evaluate demolition permits for buildings over 50 years of age and if historically eligible criteria are met by the development code those demolition permits are forwarded or will be forwarded to the HRB. As a reminder Chapter Six definition of the code official the code official means that a Department of Land Use employee designated by the General Manager who has the authority to administer and enforce this Chapter or his or her duly authorized representative in this particular meaning the Land Use professional Historic Preservation Planner would be the duly authorized representative. This proposed clarification matches how Land Use has processed demolition permits for the past several years and matches the process of historic eligibility review in the Unified Development Code.

We have a two tier effort. Process demolition permits received and Chapter Six code language changes. As previously stated there are eight demolition applications for a combined March 21, 2017 HRB, Historic Review Board hearing and business meeting. In addition we have proposed Chapter Six code language changes which are suggested to regarding the proposed text amendments and any other suggestions on how to proceed regarding demolition permits being forwarded to the HRB. I don't know why this Chapter Six issue was never raised in the past 20 years as the language has never

been changed since 1990 other than 1998 when the only change was to review from 75 years old to 50 years old. Nonetheless this issue is before the HRB now and we have to come up with some kind of path forward.

In closing the Department seeks your input in addressing this demolition issue. Does the HRB:

1) Concur with the concept of the draft code language changes in Chapter Six that were sent out to the Board members last Friday?

2) Recommend changes to the draft code language for Chapter Six?

3) Stay with the current written Chapter Six code language regarding the demolition applications for buildings constructed prior to 1967? or;

4) Recommend some other course of action to address this demolition review issue?

If you have any questions I'll be more than happy to address them at this time regarding this presentation. Thank you. That concludes my presentation.

MS. BENSON: Thank you very much. Yes sorry.

MR. BROOK: Go ahead.

MS. BENSON: Karen.

MS. ANDERSON: Can you just repeat those one, two, three, four items that you were requesting response to.

MR. MACMILLAN: Sure. We'd like to know whether the HRB concurs with the concept of the draft language that was sent out last Friday for the text amendment of Chapter Six. Whether the HRB has recommended changes to that draft language. Whether the HRB would

like to stay with the current process outlined in Chapter Six meaning that all buildings 50 years of age or older must be referred to the HRB. Or four, can you recommend another course of action that the staff should undertake.

MS. ANDERSON: Thank you.

MS. BENSON: John you had something.

MR. BROOK: Yeah I do this language it says structures thought to be 50 years of age or more and where the code official believes the building or structure demonstrates one or more of the criteria stated. One of those criteria would be age. So the staff person could refer something to us just based on age alone?

MR. MACMILLAN: They could but basically we want them to look at the criteria outlined in the Unified Development Code A through N
M. So the culmination of that.

MR. BROOK: Be all those things.

MR. MACMILLAN: Right.

MR. BROOK: All right.

MR. MACMILLAN: Right.

MR. BROOK: Okay. Thank you.

MR. MACMILLAN: That's been the, that has been the challenge in reviewing other municipalities in other jurisdictions we see that the professional Historic Preservation Planner reviews buildings that are 50 years or older and then depending on his or her evaluation will submit to their local HRB those that meet the Historic or National Register criteria.

MR. BROOK: Right. If it is intended in this language that the Preservation Planner may issue a demolition permit without bringing

it before this Board if he or she feels that it does not meet the criteria to come here is that still permissible under this language?

MR. MACMILLAN: Yes. Yes. The Historic Preservation Planner would recommend that that building have an assessment that the building is not eligible for historical resources and then recommend to the code official in our building section to issue the demolition permit.

MR. BROOK: Okay.

MR. MACMILLAN: She doesn't in this case. They don't know, the Preservation Planner does not issue the demolition permit. This is just one of several reviews. Remember I said there are nine items on that checklist.

MR. BROOK: Yeah.

MR. MACMILLAN: And this is one of their nine.

MR. BROOK: So the language to be clear the language that you have here for us to consider essentially would be changing the code to match what we have been doing in practice.

MR. MACMILLAN: That's correct.

MR. BROOK: Is that correct?

MR. MACMILLAN: Yes sir.

MR. BROOK: Thank you. The other option would be stick with the old thing that everything would come here.

MR. MACMILLAN: That is correct.

MR. BROOK: Or.

MR. MACMILLAN: Or you could make a change.

MR. BROOK: A whole brand new one.

MR. MACMILLAN: You can make a whole brand new one or you can make a change to what we have.

MR. BROOK: Okay.

MR. MACMILLAN: Written.

MR. BROOK: Thank you.

MS. BENSON: Well I for one am extremely appreciative to the Historic Preservation Planners that we have. They are extremely well trained and we rely on them greatly. And it seems to me the process has worked very well for us all the years that I have been in this seat.

MR. JOHNS: I have not been on the Board as long as Madam Chair.

MS. BENSON: Nobody has been.

MR. JOHNS: But, but.

MR. BROOK: No I think I have.

MR. JOHNS: I would agree though I think what we have been doing although it doesn't meet the letter of the code I think it has been working fairly well.

MR. BROOK: So, so what do we need to do? Approve this?

MR. MACMILLAN: Well I'd like to have some kind of concurrence that this, if this language is acceptable to the HRB then I can go back and formalize it into a formal text amendment, send it up to the Department of Law. Of course they have to send it down to County Council to change Chapter Six which is the building code.

MR. BROOK: Madam Chair I'd like to.

MS. BENSON: Yes John.

MOTION

MR. BROOK: I'd like to move that we accept the language as

presented to us as acceptable to the Historic Review Board.

MR. JOHNS: I second.

MS. BENSON: All in favor.

. . . (Everybody said aye) . . .

MS. BENSON: Motion carries. Thank you. All right then we move on with the agenda. Next we have the report of the Preservation Planner. Valerie.

MS. CESNA: Just a few quick items. As you recall the last time we met in December you voted on finalizing your Hearing Rules of Procedures and I have put a clean copy in front of you and those rules are also posted on the board. You also have in front of you the most recent update to the Unified Development Code. It includes three ordinances that were adopted by County Council. And two of them will create new zoning districts. One is called a Neighborhood Preservation Overlay District. The other one is an Economic Empowerment District. The third ordinance creates guiding principles for development which appear, now appear as another appendix in the Unified Development Code. So you all have that to update your hard copies of the UDC.

And then the legal notice for the March 21st Historic Review Board hearing has been posted so mark your calendar. You will have a meeting there. Because there are quite a few demolition permits and a category demolition permit that we have not particularly been bringing to the Historic Review Board and one of the applicants felt that they were being needlessly delayed we also advertised the business meeting to follow the hearing immediately if you want to act immediately on any of those applications.

MS. BENSON: Steve.

MR. JOHNS: I have a conflict that evening on the 21st where I have to be in the City of Wilmington at 6:30. So I would have to leave the meeting at 6 o'clock. And it doesn't look like we'd be able to get through both the hearing and the business meeting so I'm thinking I'm not going to show up at all. I mean I would come to make the quorum but, you know, if I'm not here for the business meeting if we can't get the business meeting over by 6 I'm won't be able to make it for the quorum.

MS. CESNA: That's it for my report.

MS. BENSON: That's it. All right then the report of the Chair. I don't actually have a report of the Chair. I don't have anything really to report except to say that I am hoping to be able to meet with the new General Manager of the Department of Land Use so that I can bring him from the Board's perspective up to date on what we do and our particular needs. John.

MR. BROOK: Madam Chair I have a question I wasn't here early enough to know we don't normally have as many people at our meeting. Could you explain what they are and who they are and what they are doing.

MS. BENSON: No.

MR. BROOK: Do we know?

MS. BENSON: Not yet.

MR. BROOK: Not yet. Okay. I'd be curious to know.

MS. BENSON: The last thing on the agenda is public comments and do we have any public comments?

MR. HANBY: Good afternoon Madam Chair.

MS. BENSON: Good afternoon. Can you give us your name for the record please.

MR. HANBY: James Hanby. I'm why you are all having this meeting today. I'm the gentleman that was referred to as the one that started this whole thing over the barn. It's not the first time that that sort of activity occurred. It's not, I'm not knocking at all on Valerie. I served on this Board. It's an issue of the public having input into this process. As a certified legal or as a government entity that runs through the State SHPO or certified by the State SHPO there's specific regulations to be in conformance with that which include the public having input in every part of the historic preservation process. And you were headed down the right path when you asked the question about age being one of those criteria. It is. Another one of those criteria is that it is a landmark noticeable to the community surrounding it which in this case.

MR. BROOK: There are a number of criteria.

MR. HANBY: Right. So that particular structure also met that issue. When County Council talked about it at their executive meeting one of the questions was again about the changes. Well, you know, we have this thing called adaptive reuse and now you guys will review permits and things and designs for historic structures. In 1969 there wasn't any such review. So yeah they made a few mistakes along the way. But the fact is the structure was still there.

You probably saw and I'll pass these around an article from New Jersey that just occurred in the last week where a pre-

revolutionary barn was demolished in the middle of the night by the State of New Jersey with very limited review having been done to also determine that under their very limited review that it also was not historically significant. The public has a right to weigh in on these applications.

I'm a little bit flummoxed because you already voted to go with the Land Use Department has written but I'll pass around there's front and back. The front is the current language that was up on the board. The back is a proposed text amendment that I wrote which was listed and altered out of a model historic preservation ordinance from Connecticut which if enacted A, preserves the public input and B, doesn't load your calendar up unnecessarily with properties. It doesn't cut Valerie out of the process. It in fact does what County is trying to do with this text amendment which is codify her actions into the code with the ability of public comment. And the main thing that that text amendment does is it delays it for the 20 days. It refers it to the Historic Preservation Planner who has 10 days to make a recommendation. At that point it would go on a list then it would be publicly noticed and any member of the public or any of you could then review that list and say I think that structure needs further review. And at that point it would have to be referred to the Historic Review Board. If at the end of the 20 days no one has said anything anything, the permit issued, and then it goes on its merry way.

The issue of whether land development plans and things come before this Board very few plans that involve demolition of structures and rebuilding other things happen in a vacuum that 20

days is really going to impact. These things take months and months and months. You folks reviewed the land development plan and the rezoning request for the Forwood School property in Brandywine Hundred I think over a year ago. That is still going through the process. It still has not made it to County Council for rezoning. So your action would not delay that but the public had input. This barn was not the only structure in Brandywine Hundred that this has occurred to that I have objected to. It was the first time that thanks to a little bit of turnover in folks on County Council it got some legs and is now before you.

This Board as I say is under, in agreement with the State of Delaware as a certified local government. In that again the public has to have the ability to weigh in on these things and my amendment does that. Whether or not we agree or disagree that the practice has been followed in the last 20 years was sufficient. It doesn't follow the law. That's the basic thing it doesn't follow the law. The law says shall review. Shall refer and shall review. So that is the main crux of why I objected. There have been several successes that were facilitated by having Board action. Let me just talk about Tweeds Tavern. Would have been in a landfill somewhere had it not been for the delay of this Board and for our activities coming together in saying there was a core there that deserves being saved and look at all the activities that happen out there all the time up in Brandywine Hundred. The farmhouse at the Mosely Farm that is now a community center for the age restricted community that is being built up around it. The two-story colonial house that sits in the middle of Clay Estates that for no action on

here would have been demolished in the process of building new homes. And the end result in that case the developer liked the house so much when he got done with it he bought it himself. I mean it's the center piece of the development.

I will give you that the historic preservation ordinances as they are in New Castle County are severely in need of strengthening which gives you additional assistance. Well we can't throw up our hands and say well we can't do anything so lets just concentrate on the, you know, the major ones. We have to give the community the ability to say this is important to us and this is why. It may ultimately come down but let the public have it say.

MS. BENSON: I'm going to ask you a question.

MR. HANBY: Sure.

MS. BENSON: In terms of the public. Are not all demolition permit sites signed?

MR. HANBY: No.

MS. BENSON: No yellow signs or something.

MR. HANBY: This one was approved.

MS. CESNA: That comes before this Board.

MS. BENSON: Oh the ones before this Board.

MR. HANBY: Yeah. Only this one was approved and I happened to go by and they were knocking the wall down. That was the first I knew of it.

MR. BROOK: So.

MS. BENSON: John.

MR. BROOK: Let me, let me see if I understand what your saying. You got it that there have been a number of properties that

have been saved because of the delay that has been imposed by this Board?

MR. HANBY: Absolutely.

MS. BENSON: I think we have saved a number from more recent.

MR. HANBY: Yeah and that was from my time on the Board. But there have been a number that the Board has looked at which I'm sure you will do.

MR. BROOK: But you think your argument is that all should be looked at?

MR. HANBY: No. That's not my argument at all. That's why the code amendment that I propose say Valerie or the Preservation Planner who is in her office at that time would make a review and if he or she felt that it wasn't of historic significance it would go on a list. It would be publicly listed. Now I mentioned the Historic Preservation or the Historic Review Board website. My good friend Robin Brown suggested that it should go in what is it the weekly County notice that goes out, the legal notice. But however you you publicly put it out there.

MR. BROOK: Okay.

MR. HANBY: For that certain amount of time and if someone like me who has experience in history in a particular area sees that and says we need to have a discussion about that before it comes down. I can then send a note that says I object to this or any of you in reviewing that list could see something that you know of in your particular area and say this is important to the community we need to at least have a discussion. Now we may have that meeting and at the first meeting we may release it because we find that there

isn't anything there if there is no there there. But you may also find you get 50 community members here who say we want to do something about this which is, you know, has happened. So that's the point. Absolutely not saying that everything 50 years and older has to positively 100 percent come before this Board.

MR. BROOK: Thank you.

MR. HANBY: We need public input. That's all I'm saying. That's all I'm asking for.

MS. BENSON: Thank you.

MR. HANBY: Thank you.

MS. BENSON: Any other comment? Yes.

MS. BURDICK: Yes.

MS. BENSON: Yes Kim please come forward. State your name for the record.

MS. BURDICK: I'm little Miss Lovey Dah. How do you do? I'm Kim Burdick. And I'm an advisor in emeritus for Delaware from the National Trust for Historic Preservation and one of the community leaders for preservation. I have a deeper concern then this barn which I drove pass many a time all my life and never thought of that as being old. And I have no objections to anything that Valerie has ever done in her life. However, I do think you guys need more teeth. Sharper teeth. I think you need fangs. Some of you will remember I came to all of the meetings related to the Kux House and that damn girl just kept saying no, no, no, no, no to everything that anybody proposed. And as quick as she could she had it imploded in the middle of the night. So you need teeth. You need strong teeth. You don't have enough teeth.

And personally I'm very much interested in Councilman John Cartier's demolition by neglect proposal. We need that not just in the County. We need that Gibraltar doesn't, isn't covered by that. We are very concerned about what is happening to Gibraltar for example but we need that and you guys need that power. So any way that we can help bring that to you we are willing.

The other thing most of you know but not everybody we do have a Facebook group page and anything I find on any given day about a historic building or land use issue it goes on that Facebook group page so anybody can post on there. And quite often they do right. But it's called Delaware Historic Preservation Celebration and you can go on there. But anything that comes up in any given day I throw right on there. So it's a pretty good track record of what people are concerned about.

A couple of years ago when Joan Hope was at Hagley still Joan and Kenny Johnstone and I went to talk to Ted Ashford about the employee houses over across the river from Hagley. And I really like him a lot. He did a wonderful job with that old mill.

MS. BENSON: Walker's Mill.

MS. BURDICK: Walker's Mill. It's absolutely beautiful. And Rod Morelli who is an architect that many of you noted a fantastic job of that. So Kenny and Joan and I said to him what's up with this worker's housing complex? This is really really important. And he said I wanted to fix it. I had good intentions but the County kept throwing road blocks in my way. What they kept bugging me about was the number of parking spaces needed. So you need to talk to different divisions within the County and find how out how can you

partner with them. Because that was a well intentioned guy with some money who wanted to do something. And finally he just said the hell with it. And that happens more than you would think. But there's no way he could put those parking spots there. There's a cliff behind that building and it drops right down into the Brandywine Road. There's no room for all these parking spots the County is doing. So there's more to demolition by neglect than just somebody who has remodeled a barn and how you are going to tear it down. But you guys really need teeth. So if there is any way I can help you grow some teeth let me know.

MS. BENSON: Thank you.

MS. BROWN: Hi everybody I'm Robin Brown. I live in Christiana. The house I live in is the oldest house in my village. If you look at the National Register of Historic Places and find the house you talk about the structure. My parents were such private people, however, that when the nomination form was being developed my folks wouldn't let them on the property. So the nomination includes no mention of the fact that the back most part of the house is a dutch house from the 1600's. I think that it is a good illustration of the kinds of things that you might not know in just researching a property. I very much respect Valerie Cesna who I know from back in James Hanby's day of covering the Historic Review Board and I too could list many great victories, great saves. Adaptive reuses. Building moves and so on. I just think that I'm in support of public involvement and transparency. It couldn't do any harm to publicly notice what the demo permits are that are pending.

I haven't read the full text of what James Hanby proposes and

I understand that people with plans feel a great sense of urgency. But I'd like to suggest that there should be breathing room that time for just letting people know what's going to happen. I think that a lot of times the structures that would be demolished might be demolished any way. But I think that the public involvement and knowing about when it's going to happen is absolutely priceless in your community. You might have oral histories that would add some of those values or people who might step up and say they might be willing to help collaborate on an adaptive reuse or a move.

I understand that you've already voted on the language. But with the Saturday legal notices that are placed by the Department of Land Use every week I couldn't see any harm in posting and giving this a slight delay to let the public know so that they are not surprised by seeing things that they consider local treasures or landmarks suddenly on their way to work the next day being gone. I just think that it would be worth the time that it would take in terms of the brief delay for everyone to be on the same page and feel like we are all in this together.

MS. BENSON: Thank you.

MR. BROOK: Thank you.

MR. LOVELESS: My name is Eric Loveless, you know, being the docent at Rockwood and volunteering at Hagley we are seeing more and more people, you know, that want to know what you actually do and how you interact with the other agencies as far as the county government and how you make your determination on the final granting of a demolition. There's more and more people that are entering New Castle County that are more interested in history and

the preservation of buildings then at any time that I've ever been aware of.

By the proposal that James is making, you know, make the public more aware it has to be more than just a yellow sign going up. More than just, you know, something in the paper. People really want to get involved. And I think you are going to see this happening, you know, since the elections that there are going to be more and more people they are going to be questioning what actually the process is and how different things can be changed.

My concern is how much interaction can you really have with other agencies such as what Robin is talking about with her village, with James, and what Kim were talking about the parking space, things of that nature. You know, how much do you really talk to those people that make a determination is this really necessary or is not necessary. You know, that's the type of question, you know, that I'd like to know. And I'd like to know what your feelings are about extending to inform the people of New Castle County exactly what you are here for and what the process is.

MS. BENSON: Well you could start by reading our web page. I mean we, I mean we are limited in many senses by the government structure in which we work. One of the things and I will just take a moment to say this that is personally disappointing to me is that we have these meetings and there all these people who are interested in preservation but we do not have a strong organization that fights for public, for historic preservation in this community in this state. And that is it makes our jobs harder too.

MR. LOVELESS: Would this be something that the County would

consider doing forming a committee that.

MS. BENSON: I don't speak for the County.

MR. LOVELESS: No. But I'm quoting what your recommendation would be.

MS. BENSON: No. I think it should be a private organization.

MR. LOVELESS: Separate from the County. By it being private, you know, what recommendations would you have on how it should be runned.

MS. BENSON: Well we had attempts at this before and I am no expert so it isn't for me really to say. We have had a preservation organization and it never had legs.

MR. LOVELESS: Okay. About how long ago was that?

. . . (Inaudible) . . .

MR. LOVELESS: Yeah because it just seems like if it wasn't for James picking out some of the different things and then seeing what happened in New Jersey last week and listening to what people are saying I can see how this is going to happen again.

MS. BENSON: Well we don't.

MR. BROOK: You also need to understand that the powers of this Board are limited to delay demolition by nine months.

MR. LOVELESS: Yes.

MR. BROOK: No matter what.

MR. LOVELESS: Yes.

MR. BROOK: And that is the frustration to many of us on this Board.

MR. LOVELESS: It has to be and you see so much of it more then what we see. You know that it has to bother you too. So that's, you

know, why I was looking into a way to, you know, make it more public. And also if you have to drag the county government to as far as the Council then that would be our responsibility as citizens to go to them to offer, you know, get them to offer you more help.

MR. BROOK: I think that's the bottom line. What we are able to do and not able to do is all determined by county code.

MS. BENSON: By county code.

MR. BROOK: I mean we are an instrument of the county.

MR. JOHNS: I think what I see is a lot of proposals to demolish buildings that, you know, I hear an argument for adaptive reuse but there's a lack of people willing to put up the money to do the actual reconstruction of a historic house for adaptive reuse. There are a lot of great examples of it throughout Delaware. There are a lot of great examples of adaptive reuse of buildings. But there are some buildings that is very difficult to argue spending the money because there really isn't a good use for the building or there isn't anybody willing to come forward and spend the money and the buildings just end up sitting and you get the neglect. If there was a strong preservation of Delaware that actually had money and effort behind it to actually do something to preserve the buildings, you know, the ability to buy them themselves, restore them themselves, or a network of people that they could, that they would have that were willing to, you know, come and take a look at a house and restore it themselves. So that when you come to this meeting you say wait a minute we may know somebody who actually wants to do something with that and don't

tear it down. That would be a great organization.

MR. LOVELESS: Yeah this is, you know, a perfect example of what I'm talking about with the public and the residents of New Castle County. If they knew this you might have more people that are involved. And it's not generally that we can contact them, you know, so I guess my next step is going to be talking to my County Council.

MR. JOHNS: I think you could.

MR. BROOK: The next step.

MR. LOVELESS: Then going from there. Because your hands are tied. There's no doubt about that because you do, you know, I was a government employee for 41 years and I know what you go through on a daily basis having to meet the criteria of what you can and cannot do in that respect. But, you know, I think that would be the next step and possibly get you some help.

MR. BROOK: Thank you.

MR. LOVELESS: And let the people of New Castle County know what you are doing at the same time.

MS. BENSON: Thank you. Anyone else? Yes sir.

MR. DAUGLE: I'm Joe Daugle. I came tonight just as an interested citizen and have one quick comment I wanted to make. But then after the great discussion that's been being had with the public comment at this moment I have a little bit more to add.

One thing Madam Chair to specifically to what you were just talking about in the last few months ^{PDI} ~~PBI~~ has actually gone through a bit of reboot drumming up a lot of effort and energy across the state and restaffing the board insofar as James is vice president.

I'm actually the treasurer and Kim is also one of our trustees. Just over the last few months on ^{PDI}~~PBI~~ in the state and so we are really trying to put energy back into preservation across the state of Delaware and would be happy to work with you and, you know, in any and all capacities. I believe our next meeting is actually in Dover next week and, you know, would like to invite you. Obviously that's really short notice but, you know, we can discuss that at a later time. But if that's something that you can think about and maybe brainstorm a bit about what you would like to see and see come out of ^{PDI}~~PBI~~ I'm sure we are very happy to hear that input.

Second from that the one comment I wanted to make is that I would really like to express support for some sort of public comment or public review or the ability for the public to take notice and escalate their concerns in a demolition process. I think one of the main reasons that makes a lot of sense even if it's a few days of a list being available to the public so that people can then reach out and express concern at that point is that it empowers this Board and it empowers anyone who is interested in preservation with the energy of the community. Because once you have an avenue to bring in more energy from the community around the project this room will be filled with people from the public for the meetings. You know, specifically tailored to issues that people care about and that will, you know, really foster this community in the area. And I think that's a good avenue to go.

MS. BENSON: Thank you. Yes sir.

MR. HEISLER: Good afternoon or good evening members of the Board. My name is Jerome Heisler. I'm with the Reybold Group.

MS. BENSON: Yes.

MR. HEISLER: Thank you for allowing me to speak. I'm sorry I'm late. Actually you'll have two applications from the Reybold Group on the next meeting agenda. And I would like to personally thank Valerie and ^{REID}~~Reid~~ for going out of their way to putting all the pieces together. I'm sure that other people like Rich Hall and George and Antoni were also involved in making that happen in an expeditious way. I actually asked about this situation six months ago. And I was told it wasn't an issue and one came up through Mr. Hanby and it's unfortunate how it all came about. This is an important Board. But there has to be a balance. It shouldn't be subject to an age limit because otherwise you'll start getting mobile homes in here. And I was actually thinking about doing that as an application just to be obnoxious about it. Because I have a couple in our parks that are over 50 years old so there has to be a balance.

There is a significant amount of vetting. And I'm sure ^{REID}~~Reid~~ or Valerie discussed it already or maybe Rich Hall did regarding we have gone through the PLUS process in one of our applications. Other people have looked at it. That should have been taken into account. The development process in New Castle County to say the least isn't the easiest. And putting more rules up and making more meetings, making more notices people who really have interest they are going to get involved. And I've seen that with historical properties before. But I think the Department does an adequate job.

And I have preserved an historical house which I still have to refurbish but more important there has to be a balance. I haven't

seen the new ordinance and I intend to look at it and comment on it but most important from what I gather it is a balanced ordinance but I think that is what's important. And I just wanted to make those few comments. Thank you.

MS. BENSON: Thank you Mr. Heisler.

MR. BROOK: Thank you.

MS. BENSON: Do we have any more speakers? We are running out of bodies here. Yes sir give us your name please.

MR. CAPANNA: It's weird being at the end of the table. Oh my gosh. My name is Tyler Capanna.

^{BURDICK}
MS. ~~CAPANNA~~: Tell them how old you are.

MR. CAPANNA: I'm 16 years old. I'm a youth environmentalist historic preservation advocate. And I just want to say that I'm proud that this Board is here. But I also agree with what they are saying about the public comment because I dealt with a mansion called the Summerton Mansion, a 166-year-old mansion in Middletown. And once that land use meeting happens or whatever meeting that they have and if there is public comment there that's only one day and once that meeting happens things are really set in stone from there on. I mean that meeting happened all the way in 2015 and then when I heard about the mansion in 2016 I created a page, a petition, I got people together, and it served me no justice or for the house for that matter. They have that public comment area at that meeting. But if there is no, you know, area like they said whether it be a 100 days or nine months then we really have no input from there on.

MS. BENSON: Yes I understand that but you have to understand

that this Board is only in charge with unincorporated areas in New Castle County.

MR. CAPANNA: Yeah.

MS. BENSON: Middletown has its own.

MR. CAPANNA: Yeah.

MS. BENSON: For better or worse they have their own system in place.

MR. CAPANNA: I just, I don't know if it would be a good example from there on because it could have been significant to that community. As you know Middletown is a whirlwind of development. The Mansion set on the corner and surrounding it was all development. And for the community to be limited on what they could do or have a say in that as being in the community and that would be affecting them the most I think it is important like you all said to have more of a space for people to comment because because not only is that meeting only one day of when, you know, half the people or even more might not be available it's on certain time constricting.

And unless your an individual that, you know, really checks the Historic Review Board, the agenda, the minutes it's hard to, you know, just have this given to you. You sort of have to do, you know, your research doing that. And I mean these people are grateful and know and including myself about that you can go onto the New Castle County website and see that there's upcoming land use meetings the one I'm going to tonight and the Historic Review Board. But if they don't know about that or have no way of even thinking that exists I think like a newspaper or something even

bigger than that to be an announcement and before that these meetings happen like opposed demolition. You have a few said that some of us might not know about in terms of that. And once it's checked off from the Historic Review Board there's only eight or so more to go down and then there are pretty much good to go through them. And in terms of being historically significant beyond historic significance in terms of people or history, architectural pieces, its design, what it has done for the community is important also. So I just want to show my thanks to you all and that I like the idea of there being some type of space and public notice beyond what we have now. So thank you.

MS. BENSON: Thank you.

MS. BURDICK: Can I say one more thing?

MS. BENSON: Sure.

MS. BURDICK: One thing to be aware of tonight.

MS. BENSON: State your name for the record.

MS. BURDICK: Oh Kim Burdick.

MS. BENSON: Thank you.

MS. BURDICK: Tonight at Appoquinimink, I think is at the Corbett County Library the state is having a series of meetings throughout the state to update the State Historic Preservation Plan. It's really important that you all get in there and have a say. The next one is on the 21st of March. But they are up and down the state. If you can't make the one in New Castle go to Lewes for petes sake but get, make sure that your input is in there because truly your guys have a part.

MS. BENSON: Thank you. Going once, going twice. Being no

further public comment I would entertain a motion for adjournment.

MR. BROOK: So moved.

MR. JOHNS: Second.

MS. BENSON: All in favor.

. . . (Everybody said aye) . . .

MS. BENSON: Opposed. Motion carries. Thank you all very much.

(Whereupon this hearing was concluded at 6:14 p.m.).