



Deposition of:
**Historic Review Board Public Hearing -
6/16/2020**

August 3, 2020

In the Matter of:
**DE Audio - NCC Department of Land
Use**

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STATE OF DELAWARE

NEW CASTLE COUNTY

DEPARTMENT OF LAND USE

HISTORIC REVIEW BOARD

PUBLIC HEARING

ZOOM VIDEO CONFERENCE

JUNE 16, 2020

5:00 p.m.

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Transcribed by: Lisa Beauchamp

1 APPEARANCES:

2 BOARD:

3 John Davis, PE, Chair

4 Karen Anderson, AIA, LEED BD+C

5 John Brook, Esquire

6 Barbara Silber, MA, RPA

7 Stephen L. Johns, PE, PLS

8 Rafael Zahralddin, Esquire

9 Perry Patel, MBA, CHA

10

11 DEPARTMENT OF LAW:

12 Colleen Norris

13

14 STAFF:

15 Betsy Hatch, Planner II Preservation Planner

16 Christopher Jackson, Planner II

17 Joe Day, Code Enforcement

18

19 OTHERS PRESENT:

20 Michael Hoffman, Esquire

21 Tim Dewson, Dewson Construction

22 Woody Dries, Dewson Construction

23 Keith Rudy, Landmark Science & Engineering

24 Christopher Miller, John Milner Architects, Inc.

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1 P R O C E E D I N G S

2 MR. MEYER: Hello. Sorry about that.
3 Good afternoon, everyone. Good evening.

4 MR. PATEL: Good afternoon.

5 UNKNOWN MALE: Hello.

6 MS. HATCH: Hello.

7 MR. MEYER: How are you? Thanks --
8 thanks, Betsy.

9 MS. HATCH: Sure.

10 MR. MEYER: Karen. And, Colleen, how
11 you doing?

12 MS. NORRIS: I'm good, Tony.

13 MR. MEYER: Barb?

14 MS. SILBER: Yeah.

15 MR. MEYER: Mr. Chairman.

16 MR. DAVIS: Good afternoon.

17 MR. MEYER: Should we go ahead and get
18 started with the swearing in or should I wait for the
19 Chairperson?

20 MR. DAVIS: He's here.

21 MS. HATCH: He's here.

22 MR. DAVIS: The Chairperson Elect is
23 looking at you.

24 MS. SILBER: That way. That way.

1 MR. MEYER: So should we go ahead and
2 do -- I think I did one of these virtually and it's --
3 yeah. It's --

4 MS. HATCH: Yeah.

5 MR. MEYER: -- a little -- I like them
6 better in person but, hey, you can't...

7 MS. HATCH: Yeah. Yeah.

8 MR. MEYER: I like a lot of things
9 better in person, but you can't be...

10 MR. DAVIS: Yeah. A bit awkward
11 virtually, right?

12 MR. MEYER: Yeah, that's right. I
13 don't know, you might have your fingers crossed behind
14 your back when you raise your right hand. We need,
15 like, two cameras to see.

16 MR. BROOK: He might not -- he might
17 not be wearing any pants.

18 MR. MEYER: I didn't want to go there,
19 but yeah.

20 MS. HATCH: Well, the floor is yours.

21 MR. MEYER: All right. Good. First of
22 all, thank you. You know, thank you so much for all
23 of your service to the Historic Review Board. One of
24 the -- one of the most important things that we do in

1 our Land Use Department is we make sure that the
2 historic treasures across our county are recognized
3 and preserved. And that can be hard sometimes in the
4 face of development pressures and so it's really --
5 appreciate you very often have very hard decisions and
6 I recognize and appreciate all of your service.

7 So this is an exciting time to appoint
8 -- it's not every day that I get to appoint a new
9 chairman. In fact, this may be the only opportunity I
10 have as County Executive to do that.

11 So, John, if you would, please raise
12 your right hand. I don't know where John went. I've
13 got to go to --

14 MR. DAVIS: I'm on here. I don't know
15 if you can see me or not.

16 MR. MEYER: There you are. Actually,
17 yeah. When you talk you appear so.

18 MR. DAVIS: Oh, okay.

19 MR. MEYER: Just repeat after me,
20 please. I, John Davis --

21 MR. DAVIS: I, John Davis --

22 MR. MEYER: -- do solemnly swear or
23 affirm --

24 MR. DAVIS: -- do solemnly swear or

1 affirm --

2 MR. MEYER: -- you're supposed to pick
3 one -- that I will diligently and honestly --

4 MR. DAVIS: How about I do both?

5 MR. MEYER: There you go. Swear --
6 okay. Let's start over. You're going to swear and
7 affirm.

8 I, John Davis --

9 MR. DAVIS: I, John Davis --

10 MR. MEYER: -- do solemnly swear and
11 affirm --

12 MR. DAVIS: -- do solemnly swear and
13 affirm --

14 MR. MEYER: -- that I will diligently
15 and honestly --

16 MR. DAVIS: -- that I will diligently
17 and honestly --

18 MR. MEYER: -- administer the affairs
19 --

20 MR. DAVIS: -- administer the affairs
21 --

22 MR. MEYER: -- of my office --

23 MR. DAVIS: -- of my office --

24 MR. MEYER: -- as the chairman --

1 MR. DAVIS: -- as the chairman --

2 MR. MEYER: -- of the New Castle County
3 Historic Review Board --

4 MR. DAVIS: -- of the New Castle County
5 Historic Review Board --

6 MR. MEYER: -- and that I will not
7 knowingly violate --

8 MR. DAVIS: -- and that I will not
9 knowingly violate --

10 MR. MEYER: -- or willfully permit to
11 be violated --

12 MR. DAVIS: -- or willfully permit to
13 be violated --

14 MR. MEYER: -- any of the provisions --

15 MR. DAVIS: -- any of the provisions --

16 MR. MEYER: -- of the laws governing --

17 MR. DAVIS: -- of the laws governing --

18 MR. MEYER: -- the operation of the
19 Historic Review Board.

20 MR. DAVIS: -- the operation of the
21 Historic Review Board.

22 MR. MEYER: And will faithfully --

23 MR. DAVIS: And will faithfully --

24 MR. MEYER: -- and impartially --

1 MR. DAVIS: -- and impartially --
2 MR. MEYER: -- discharge the duties --
3 MR. DAVIS: -- discharge the duties --
4 MR. MEYER: -- as a member --
5 MR. DAVIS: -- as a member -
6 MR. MEYER: -- and chairperson --
7 MR. DAVIS: -- and chairperson --
8 MR. MEYER: -- of the Historic Review
9 Board --
10 MR. DAVIS: -- of the Historic Review
11 Board --
12 MR. MEYER: -- so help me God.
13 MR. DAVIS: -- so help me God.
14 MR. MEYER: Fantastic.
15 Congratulations.
16 MR. DAVIS: Thank you.
17 MS. HATCH: Congratulations.
18 MR. DAVIS: Thank you very much.
19 MR. MEYER: I have a document that
20 needs to be -- that needs to be signed an notarized
21 and we will figure out how to do that.
22 MR. DAVIS: Okay.
23 MR. MEYER: All right.
24 MR. DAVIS: Great. Well, thank you

1 very much.

2 MR. MEYER: Great. And thank you all
3 so much for your service.

4 MS. HATCH: Thank you.

5 MR. JOHNS: Thank you.

6 MS. ANDERSON: Thank you.

7 MR. JOHNS: Take care.

8 MR. MEYER: Take care.

9 MS. HATCH: All right. Bear with me
10 one moment while we transition here.

11 MR. BROOK: Well, John, while we're
12 transitioning, let me say that I'm sure that all
13 Members of the Board join me in congratulating you and
14 thanking you for agreeing to take on this position.
15 And we look forward to working with you.

16 MR. DAVIS: Well, thank you. It's a --
17 it's a pleasure and an honor.

18 MS. ANDERSON: Congratulations.

19 MS. SILBER: Congratulations.

20 MR. DAVIS: Thank you. Betsy, are we
21 ready to start?

22 MS. HATCH: We -- one moment. I
23 believe Rafael is having some trouble hearing so we're
24 trying to --

1 MR. DAVIS: Oh, okay.

2 MS. HATCH: -- to quickly tech help
3 here. So, Rafael, like, just like Chris said, there's
4 a little button down at the bottom under mute. And if
5 you go into your audio settings you should be able to
6 select a speaker. Actually, I don't --

7 MS. SILBER: He can't hear you.

8 MS. HATCH: You can't hear me, right?
9 Why am I even saying this? Let's see here, connecting
10 on -- I think he's back. Unmute. Rafael, can you
11 hear us?

12 MR. DAVIS: He sent a chat message that
13 said he still can't hear.

14 MS. HATCH: Yeah.

15 MR. DAVIS: Yeah.

16 MR. BROOK: I can see him. Can we hear
17 him?

18 MS. HATCH: I know. We can see him.

19 MR. BROOK: We can't hear him?

20 MS. HATCH: Oh, it says connecting.

21 MR. PATEL: Yeah. He's connecting now.

22 MS. HATCH: I have (unintelligible).

23 MR. BROOK: So, John, you're really
24 screwing up your first meeting.

1 MR. DAVIS: First meetings should never
2 start smoothly, right?

3 MR. BROOK: That's right. The only way
4 to go is up, yeah.

5 MR. PATEL: I think he should be now.

6 MS. HATCH: Yeah. See if this will
7 work.

8 MR. DAVIS: Betsy, when you eventually
9 get to roll call will you do -- will you do a roll
10 call so that there's -- we avoid the confusion?

11 MS. HATCH: Yes.

12 MR. DAVIS: Okay.

13 MS. HATCH: Yes, certainly. Let's see
14 here, I believe he's trying to call in and use the
15 audio there.

16 MR. DAVIS: Good.

17 MS. HATCH: Once a see a phone number
18 come up for him I'll be able to... Rafael, is that
19 you?

20 MR. ZAHRALDDIN: Yeah.

21 MS. HATCH: Okay.

22 MR. DAVIS: Great.

23 MS. HATCH: All right.

24 MR. DAVIS: We ready?

1 MS. HATCH: All right. I think we're
2 ready.

3 MR. DAVIS: Okay. Good.

4 MS. HATCH: All right. So roll call.

5 MR. DAVIS: Well, should I -- I'll call
6 the meeting to order first, right? So this is the --

7 MS. HATCH: Yep.

8 MR. DAVIS: -- New Castle County
9 Historic Review Board Public Hearing of June 16, 2020.
10 The time is 5:13 and we will call the meeting to
11 order. We'll start with roll call. I'm John Davis.

12 MS. HATCH: Mr. Patel?

13 MR. PATEL: Perry Patel.

14 MS. HATCH: Mr. Zahralddin?

15 MR. ZAHRALDDIN: Yeah. I'm present,
16 Rafael Zahralddin.

17 MS. HATCH: Okay. Yep. Ms. Anderson?

18 MS. ANDERSON: Karen Anderson is
19 present.

20 MS. HATCH: Ms. Silber?

21 MS. SILBER: Barbara Silber is present.

22 MS. HATCH: Mr. Johns?

23 MR. JOHNS: Stephen Johns is present.

24 MS. HATCH: And, Mr. Brook?

1 MR. BROOK: Present.

2 MS. HATCH: All right. Okay. The --
3 there are seven present. All Board Members are
4 present this evening.

5 MR. DAVIS: Great. And -- and also
6 with us is Betsy Hatch and Chris Jackson from
7 Department of Land Use and Colleen Norris from the Law
8 Department.

9 MS. HATCH: All right.

10 MR. DAVIS: Betsy, will you read in the
11 rules of procedure?

12 MS. HATCH: Certainly, yeah. This is a
13 public hearing conducted by the New Castle County
14 Historic Review Board. The purpose of these hearings
15 is to compile a record of relevant information
16 regarding each application and how the proposed
17 projects affect the County's historic resources. To
18 make the most efficient use of time at this hearing,
19 the following rules of order are established:

20 Following the reading of each agenda
21 item, the applicant and their representations will
22 make a presentation not to exceed a total of 15
23 minutes. Board Members may ask questions of the
24 applicant at the conclusion of the presentation.

1 The public will then be invited to
2 speak in the following order: One, those who wish to
3 speak in favor; two, those who wish to speak in
4 opposition; and three, those who wish to offer general
5 comments. Speakers are encouraged to be brief and to
6 focus their remarks on historic issues.

7 So that everyone has an opportunity to
8 be heard, all speakers are limited to five minutes.
9 Any speaker may ask the Board to hold the record open
10 for submittal of written comments and testimony if the
11 time limit is not sufficient for their needs.

12 Speakers are not permitted to debate
13 the applicant, but may ask questions that the
14 applicant may choose to answer during his or her
15 rebuttal period at the close of the public comment
16 period.

17 All testimony is recorded and
18 transcribed; therefore, all speakers must come forward
19 to the table one at a time and state their name,
20 address, and organization affiliation, if any, before
21 offering comments. Random comments from the audience
22 will not be recognized and the public is asked to
23 respect to the applicant's right to an orderly
24 hearing.

1 No recommendations or decisions will be
2 made by the Historic Review Board at the hearing
3 today. The Board will evaluate the information,
4 testimony, and comments received here at a public
5 business meeting to be held the first Tuesday of next
6 month.

7 MR. DAVIS: Thank you. On to old
8 business. We have one item.

9 MS. HATCH: Uh-huh. All right. So
10 under old business -- we can advance to the next slide
11 -- Application 2019-09509, 385 Vandyke Greenspring
12 Road. This is the north side of Vandyke Greenspring
13 Road, west of the intersection with Sawmill Road,
14 Appoquinimink Hundred, Tax Parcel 14-018.00-024. This
15 is a demolition permit to demolish the Vandyke Heath
16 House constructed circa 1780. SR Zoning and H Zoning.
17 Council District 6.

18 And just to give the Board some
19 background, New Castle County is actually the
20 applicant this evening. So if you remember last year
21 -- Matt, if you could advance to the next slide -- the
22 property owner had applied for a demolition permit and
23 appeared before the Board. The Board had voted to
24 require that a partial demolition be completed and

1 that the property owner explore the structural
2 stability of the log cabin that is in the center of
3 the house.

4 Unfortunately, the property owner -- we
5 haven't been able to get in touch with the property
6 owner until very recently. So we do have Joe Day from
7 Code Enforcement, which I'm about to promote here in a
8 second, to kind of go over any Code Enforcement
9 concerns.

10 But below are pictures that staff took
11 during our site visit earlier this month. And then
12 above are pictures from a year ago.

13 And, Matt, if you could advance to the
14 next slide.

15 And just to remind the Board, there was
16 a structural engineer report completed for New Castle
17 County regarding an active code violation on the
18 property which did recommend full demolition of the
19 structure. So just keep that in mind that that was
20 provided to the Board as well and that was provided to
21 the Board back in 2019.

22 So let me see here. So, Joe, I believe
23 you're on the line. Mr. Brook does have his hand
24 raised. I will click that now.

1 UNKNOWN MALE: Well, I'd like to hear
2 the presentations first.

3 MS. HATCH: Okay. All right. Joe, are
4 you there?

5 MR. DAY: I'm here.

6 MS. HATCH: All right. Feel free to
7 proceed.

8 MR. DAY: Yep. Thank you, Betsy. Good
9 evening, Board Members. I wanted to address the Board
10 tonight because I wanted to make sure we all had the
11 same expectations. Obviously, this property was
12 severely damaged by fire, you know, some time ago. We
13 have the structure report that we had done from our
14 structural engineer Alan Steinle.

15 A couple things I wanted to point out
16 in the report. In the first -- in the first paragraph
17 under observations, you can see that he describes the
18 property and he clearly states in there that the log
19 cabin is surrounded really on each side by an addition
20 and above by an addition.

21 So generally Code Enforcement gets into
22 demolition because things are unsafe and obviously we
23 hire a vendor and they go in and they tear the house
24 down with a machine and -- and we're done with it. We

1 understand that this is a little bit different case,
2 but I definitely wanted to come before the Board and
3 tell them, you know, we are more than willing to have
4 our vendor go down there and, you know, work to
5 attempt to save the log cabin inside.

6 But we do not feel that once we do
7 that, one, that it will be structurally stable and,
8 two, then the log cabin will be completely exposed to
9 the weather and I'm not sure kind of what happens with
10 it after that. Do we just leave it in place?

11 So I wanted to kind of get the Board's
12 feelings on how we should handle this and where we
13 should go. We're more than willing to work as much as
14 we can to preserve it, but if we uncovered it all the
15 way and then there's no plan in place to preserve it
16 after that I feel like, you know, maybe in another six
17 months we'd be down there demolishing the rest of the
18 property.

19 And I'm willing to take any questions
20 or -- or suggestions.

21 MR. DAVIS: Okay. Thank you.

22 MR. DAY: Uh-huh.

23 MR. DAVIS: Mr. Brook?

24 MR. BROOK: Yes, thank you. It's

1 obvious from the pictures that considerable damage was
2 done to this property, but I also thought when I first
3 saw these pictures and again that I see them now that
4 it appears that a substantial portion of the log cabin
5 is still intact. And the pictures that I have don't
6 show me the roof of -- over the log cabin.

7 But I think in view of the fact that
8 this was built back in the 1700s that it would be
9 worthwhile to try to go slow here and see if it could
10 not be preserved. And I think the idea of tearing
11 down the obvious -- obvious damage from the fire that
12 is surrounding the cabin makes sense to take a better
13 look at the cabin and see if it needs to be -- could
14 be -- could be restored.

15 It may need a new roof to protect it
16 from the elements, but it could be warehoused until
17 another use could be found for it. So I'd like to go
18 slow and like to really take another look at the cabin
19 when -- when everything else is torn away to see what
20 we really have.

21 MS. ANDERSON: Oh, sorry.

22 MR. DAVIS: Ms. Anderson, did you have
23 a question?

24 MS. ANDERSON: Yes. Who owns the --

1 who owns this, is it the County?

2 MS. HATCH: I apologize. Sorry. I was
3 on mute. The County does not own the property. It is
4 privately owned. The reason that Code Enforcement is
5 before you today is because over the past year we've
6 been attempting to get in touch with the property
7 owner. And, unfortunately, we haven't been able to
8 get any sort of response despite e-mails and whatnot.

9 It wasn't actually until staff showed
10 up on site we were able to touch base with the
11 property owner who was -- who just happened to be out
12 there. So, you know, we certainly encouraged him to
13 work with Code Enforcement. And that's the goal to
14 really remove any sort of safety hazard or concern on
15 the property.

16 So that's kind of where it stands but,
17 again, you know, Joe is here before you today because
18 there is an active code violation on the property and
19 there are still safety concerns.

20 And, Joe, you're more than welcome to
21 add onto anything that I said or correct anything that
22 I said.

23 MR. DAY: Sure. And just -- just a
24 couple things to go through the report. In the

1 conclusions, our engineer kind of basically says the
2 fire caused complete and total destruction of the
3 house including both the log cabin and all the
4 additions. It is there professional opinion that the
5 house is in danger of collapse at any time and could
6 occur without warning.

7 And I'll just say again we don't mind
8 having our vendor go down there and tear the house
9 down around the log cabin, but if the log cabin comes
10 down in the process, I mean, that's very likely to
11 happen. And I just went through our pictures again
12 and I think there's a couple pictures in there that
13 very clearly show that there's no roof left on the log
14 cabin.

15 So, again, once we get this exposed,
16 without a plan certainly it is going to deteriorate
17 even sooner if it holds up to the demolition around
18 it. And I just wanted to make sure that everybody had
19 -- you know, had some of the same expectations as code
20 does.

21 UNKNOWN MALE: Joe, what are -- what is
22 the position of the property owner? Did -- did you
23 have a chance to speak with the owner?

24 MR. DAY: I have not spoken with the

1 owner; however, Betsy and Chris did and I'm not -- I
2 don't want to, you know, speak for them.

3 UNKNOWN MALE: Okay.

4 MR. DAY: But I think the property
5 owner has intentions of doing something, but
6 unfortunately the timespan already for this, I mean,
7 we already have deemed it an unsafe structure. And he
8 has done very little to the house itself.

9 But, Betsy, if you or Chris want to
10 speak on that, please do.

11 MS. HATCH: Sure. Yeah. So when --
12 when we did go out to the site to take pictures and
13 take a further look at it earlier this month we were
14 -- like I said, he -- the property owner was out
15 there. And he did, you know, express interest in
16 wanting to, you know, explore taking it apart or
17 reconstruction, you know.

18 And the log cabin portion is -- you
19 know, there are holes in the roof so it is slightly
20 exposed. It's in certainly better shape than the --
21 the photo number three on the rear that you can see on
22 the shared screen. But it -- unfortunately the case
23 is is that, you know, there -- there hasn't been any
24 sort of action since this appeared before the Historic

1 Review Board.

2 So the property owner does have
3 interest, but it just hasn't acted on it.

4 MR. DAVIS: And this came before us in
5 20 -- in September of 2019, but the fire was previous
6 to that, right? The fire happened two years earlier?

7 MS. HATCH: Uh-huh.

8 UNKNOWN MALE: Yeah.

9 MS. HATCH: November 2017. And then
10 this application appeared before the Board at a public
11 hearing at the August 2019 public hearing and the
12 Board voted on it in September. And since then there
13 has been no interaction despite multiple attempts to
14 contact him.

15 MR. DAVIS: Okay. I see Ms. Anderson
16 and Ms. Silber have their hands raised. I'm not sure
17 in what order, but I'll just take them --

18 MS. ANDERSON: I have --

19 MR. DAVIS: -- in the order that I see
20 them on the screen.

21 MS. ANDERSON: I was still -- I -- I
22 still had a -- I had a part two to my first when I
23 first had my hand.

24 MR. DAVIS: Okay.

1 MS. ANDERSON: So the first one was who
2 owns the property and then the second one was -- is
3 kind of piggybacking on what Betsy was saying. It's
4 really good for us to do this, but if there's no
5 purpose to what is going to happen to this particular
6 structure, then I'm not sure that -- that there should
7 be such an effort put into it in order to make sure
8 it's not damaged while they're trying to take the
9 other structure down around it.

10 It sounds like the owner -- I mean, I
11 can't speak for them. They're not here. But it
12 doesn't sound like we're received very much
13 information from them. And I think that Mr. Day had a
14 very good point in that let's say they are successful,
15 in a few months if nothing is done to that cabin then
16 what you'll have is another kind of safety violation.
17 It doesn't have a roof or anything like that.

18 In order to preserve these structures
19 you really need to make sure that the structures also
20 have a purpose, a life that continues at some point in
21 time, you know, so that we can use it now. If we
22 don't have that, then I'm not sure how saving this
23 kind of partial building without a roof -- if there's
24 no plan for it, then I don't see how it's going to --

1 how is it even going to remain? How is it going to
2 survive? I'm done.

3 MS. HATCH: I think that's a good
4 point. And definitely, you know, something that the
5 Board should be discussing at the business meeting,
6 you know, what -- you know, weighing in on -- on all
7 the information that they receive today.

8 MR. DAVIS: Yeah, absolutely. Good --
9 good stuff to consider for the -- for the business
10 meeting.

11 Barbara?

12 MS. SILBER: Yeah. Barbara Silber
13 here. I think there's a couple things and I --
14 there's many things that Karen brought up that -- that
15 we definitely have to take into consideration.

16 The one question I do have is roughly
17 what is the footprint square footage of the log cabin
18 component of the block of this building? Does anybody
19 happen to know?

20 MS. HATCH: It's -- I don't have that
21 information, but I could -- I could certainly try to
22 look into it. It's certainly -- Matt, if you go back
23 a couple slides. So go forward one.

24 So as you can see in the top-left

1 picture, you know, it's kind of in that central
2 portion of the house and then there are several
3 additions added to it. The bottom picture as I -- you
4 know, the sun was coming in so I was trying to get an
5 idea of what it looked like on the second floor.

6 So there is, like I said, still that --
7 as you can see in the top picture, there's partial
8 roof but, you know, a lot of it has been destroyed.

9 MS. SILBER: Right. But one of the
10 things is is that, you know, I think we have to look
11 at it is that obviously, you know, the log cabin
12 component is the -- the original and oldest block
13 section of this building. And maybe, you know, what
14 we need to think about for the business meeting is if
15 there is a -- if what we're talking about regarding,
16 you know, is there a purpose and what is the purpose
17 and why would we be saving this.

18 But I think there may be, you know, a
19 way to look at this -- this structure as maybe this is
20 a situation where it could be used as a teaching
21 example of some sort. I know that that -- that is an
22 issue that has been raised at various historic
23 preservation forums.

24 And so what I'm thinking is is that,

1 you know, size-wise if you strip off all of the -- the
2 later components, what do you have left? And maybe
3 that's how we have to sort of, you know, hone in what
4 is the piece that is the component that we are looking
5 at. And maybe that will help guide our discussions
6 during the business meeting as well.

7 MR. DAVIS: Agreed, yeah. Mr. Brook?

8 MR. BROOK: Yes. Thank you, Mr.
9 Chairman. I'm still a little bit confused about who's
10 brought this application before us. I understand the
11 County's brought it. Does the owner know that the
12 property's before us again or --

13 MS. HATCH: Yes. Yes.

14 MR. BROOK: Does the owner know that?

15 MS. HATCH: Yes.

16 MR. BROOK: But they chose not to
17 participate; is that correct?

18 MS. HATCH: I'm not seeing their name
19 on the line. They could be on the phone. So we can
20 double check after the Board, you know, opens up to
21 public comment to see if they're here. They were made
22 aware in person and over e-mail and the property was
23 posted with a yellow sign.

24 MR. BROOK: Oh.

1 MS. HATCH: So the property owner is
2 aware that it -- that we are bringing it before the
3 Historic Review Board.

4 MR. BROOK: Okay.

5 MR. DAVIS: Okay. Mr. Patel?

6 MR. PATEL: Just a quick question. Did
7 we learn that the owner lives close by, it is on the
8 property? How far is it?

9 MS. HATCH: I'm not exactly sure where
10 he lives, but I do believe he lives in the area. He
11 does not currently live on the property. The property
12 is currently vacant.

13 MR. PATEL: Yeah. I figured that. Now
14 considering the safety aspect, I'm a little bit
15 worried about keeping the liability on the side of the
16 New Castle County so I just wanted to make that point.

17 MR. DAVIS: Okay. Thank you.

18 MR. PATEL: You're welcome.

19 MR. DAVIS: Mr. Johns?

20 MR. JOHNS: Yes. I had a question for
21 Mr. Day. And that is, Joe, do you think you could go
22 in and tear down the sections of the building that not
23 the log cabin and kind of clean out the log cabin so
24 that the walls are remaining in such a way that they

1 would be structurally sound and would not be a hazard
2 to the public the way this structure is now?

3 MR. DAY: No. I don't think that we're
4 going to be able to tear it down around it and -- and
5 that if we do, I don't believe that this section is
6 going to be structurally stable. Obviously, if we're
7 going to tear around down the -- tear around it, you
8 know, we're going to pay our demolition company to
9 remove most of this by hand and we're going to end up
10 with, you know, a couple walls that I don't believe
11 are stable.

12 And I think if you look at the pictures
13 really good, one picture -- sorry about that -- the
14 one picture in the lower left shows you the amount of
15 severe char that's on the logs themselves too. So
16 it's not like it's a little bit of surface. I mean,
17 you can see the char on those logs.

18 So I don't know what's left to save
19 here. You know, my original conversation with Betsy
20 is in my own opinion I think we ought to try and go
21 down there and try and make it as safe as possible and
22 have somebody go in and document it kind of in place
23 as much as we can and then demolish it from there.
24 Again, that was my opinion and I think that's the

1 safety route for us to go.

2 But, again, we're willing to work -- do
3 whatever the Historic Review Board wants us to do.

4 MR. DAVIS: Thank you.

5 MR. DAY: Uh-huh.

6 MR. DAVIS: Any more questions for Mr.
7 Day? Mr. Brook?

8 MR. BROOK: Thank you, Mr. Chairman. I
9 guess I'm still having a little bit of trouble
10 understanding why the County is here with this
11 application to demolish this property rather than the
12 owner.

13 MS. HATCH: Because there's an active
14 code violation on the property.

15 MR. BROOK: Is that it? Okay.

16 MR. DAY: Yeah. And we -- we actually
17 violated the property owner. It's an unsafe
18 structure. And believe it or not, Code Enforcement
19 demolishes, you know, maybe 20 to 30 structures a year
20 that have been damaged by fire or some other severe
21 damage.

22 MR. BROOK: Okay. No. I -- I
23 understand. I just needed that clarification.

24 MR. DAY: Yep. Okay.

1 MR. BROOK: Thank you.

2 MR. DAY: Yep.

3 MR. DAVIS: Thank you. One last call
4 for questions for Mr. Day.

5 Okay. Thank you. Now for --

6 MR. DAY: Thank you.

7 MR. DAVIS: -- for public comment.

8 MS. HATCH: Yep.

9 MR. DAVIS: Betsy, do we have any --
10 any of the public -- any members of the public that
11 want to speak in favor --

12 MS. HATCH: All right.

13 MR. DAVIS: -- of this application?

14 MS. HATCH: Is there anyone in favor?

15 MR. DAVIS: Anyone want to speak in
16 opposition?

17 Any general comment?

18 MS. HATCH: I do see one phone number
19 on the line.

20 MR. DAVIS: Okay.

21 MS. HATCH: But I don't -- I don't
22 think that they're speaking now so.

23 MR. DAVIS: Okay. Yeah. I don't -- I
24 mean, I don't know if I can see everything, but I

1 don't see any hands --

2 MS. HATCH: I don't see any hands
3 raised. Huh-uh.

4 MR. DAVIS: -- hands raised in the
5 attendees' part. Okay.

6 MS. HATCH: Okay.

7 MR. DAVIS: Okay. Thank you. We'll
8 move on to new business.

9 MS. HATCH: All right. So on to new
10 business. This is Application 2020-0133-S, 3510
11 Kennett Pike, southern corner of Barley Mill Road and
12 Kennett Pike intersection. This is the Crooked Billet
13 Subdivision, Christiana Hundred, Tax Parcel 07-030.10-
14 007. Resubdivision Plan to subdivide Lot 27
15 containing the historic dwelling and outbuildings into
16 three individual lots with a common driveway, removal
17 of a circa 1960 outbuilding/pool house, and the
18 conversation of the main dwelling to include an
19 accessory dwelling unit. This is the Crooked
20 Billet/Brindley Farm which was listed on the National
21 Register of Historic Places. S Zoning, Council
22 District 2.

23 And so just to give the Board, the
24 Board was provided with a copy of the site plan and

1 pictures as well as the Applicant's submission.

2 Matt, could you advance to the next
3 slide?

4 So we do have the applicant -- back one
5 -- on the line. Let me promote him.

6 MR. MCLAUGHLIN: Good afternoon, Mr.
7 Chairman, Members of the Board, can you see and hear
8 us?

9 MR. DAVIS: We can.

10 MR. HOFFMAN: Excellent. Good
11 afternoon. Let me first say congratulations, Mr.
12 Chairman, on your appointment. You certainly have
13 some big shoes to fill, but we are confident you are
14 up to the challenge. So we want to express
15 congratulations.

16 We are here via Zoom in these uncertain
17 times. For the record, I'm Michael Hoffman of
18 Tarabicos Grosso so here on behalf of the applicant,
19 Crooked Billet, LLC. With me are Tim Dewson and Woody
20 Dries of Dewson Construction. They are the
21 applicant's representatives. We also have Christopher
22 Miller of John Milner Architects, the project
23 architect, and Keith Rudy of Landmark Science and
24 Engineering, the projects, civil engineer.

1 We are here this afternoon seeking a
2 positive recommendation from the Historic Review Board
3 regarding the proposed subdivision of approximately
4 three-and-a-half-acre lot which currently contains the
5 Crooked Billet historic structures.

6 On the screen here you can see the
7 properties that more or less is today -- I think this
8 is a little older, but you can at least see the
9 subdivided property. As Betsy mentioned, you should
10 have received our submission with a supplement which
11 includes additional information to supplement this
12 presentation.

13 The property is located on the corner
14 of Route 141 and Center Road as well as Kennett Pike.
15 It is the -- it's adjacent to Westover Hills Section C
16 that's on the lower left-hand portion of the screen
17 here.

18 If we go to the next slide, please.

19 We were previously before the Board.
20 Hard to believe, but it has been almost exactly four
21 years to the day before we were first last before the
22 Board on this project back in June of 2016. The Board
23 previously approved the subdivision of the Brinkley
24 Farm properties, about 28 acres, into three distinct

1 and separate components.

2 One is on the left portion of the
3 screen you see seven single-family lots that were
4 incorporated as part of the Westover Hills community.
5 On the bottom portion you see 19 luxury single-family
6 age-restricted lots and then we also have the
7 approximately three-and-a-half-acre lot containing the
8 historic structures.

9 We were also before the Board back in
10 2018 regarding the proposed demolition of an accessory
11 dwelling unit on Lot 16. That's the lot immediately
12 to the left of the three-and-a-half-acre lot that's
13 the subject of tonight's -- or this afternoon's
14 application.

15 You can go to the next slide, please.

16 Three-and-a-half-acre lot includes the
17 lot with the structures as well as the drive which
18 provided the historic context leading up to the
19 structures. This is the property that's the subject
20 of the application here this afternoon.

21 Go to the next slide.

22 Existing conditions, you can see the
23 drive coming off of the area adjacent to Kennett Pike
24 you can see the main structure. The carriage house is

1 in the upper left-hand portion and in the lower left-
2 hand portion you see a pool with a more modern pool
3 house associated with it.

4 Go to the next slide.

5 We are here seeking a positive
6 recommendation to subdivide the property. The purpose
7 of subdividing the property is to promote owner
8 occupation of the historic structures, allow them to
9 be renovated and rehabbed to preserve the life and
10 give life to these structures going forward.

11 You can see in gray where the existing
12 buildings are and then we have some preliminary ideas
13 as far as some additions to be added to these
14 structures again to kind of give life to the
15 structures and promote their preservation.

16 We'll walk through some of these
17 renderings. And Christopher Miller is here and he can
18 walk through the vision. We have not finalized the
19 particular additions or renovations. That would be
20 subject to the buyer's interests, but we did want to
21 give you a sense of what the vision is on this -- this
22 project.

23 Go to the next slide.

24 Here you can see a color rendering

1 showing the subdivision. It is three and a half acres
2 so the code allows 1-acre lots. We're proposing to
3 subdivide it into three lots, so three 1-acre lots
4 would be consistent with the code; however, we're
5 actually proposing to keep the historic -- the lot
6 with the main structure at two and a half acres,
7 again, to provide a better buffer and to respect it as
8 the focal point for the property.

9 The other two lots are proposed to be
10 about a half-acre which is consistent with the other
11 lots in the immediate area that was previously
12 subdivided back in 2016.

13 Go to the next slide.

14 This is a bird's eye view that shows
15 existing conditions today. In the center of the
16 screen you see the historic Crooked Billet main
17 structure, to the right you see a carriage house which
18 is also on the Historic Register, and to the rear you
19 see the pool house. This is existing conditions.

20 Go to the next slide.

21 This is proposed conditions. So you
22 can see it as proposed to be subdivided with a new
23 structure where the pool house is in the back, the
24 carriage house with some additions, and then the main

1 house with some additions.

2 Go to the next slide.

3 To refresh the Board's recollection,
4 the historic nature of this property really comes back
5 and starts with this structure here. The property was
6 originally patented by William Penn to Adam Stedham in
7 1684. Mr. Stedham built a small, two-room structure
8 on this site and his son expanded it back in 1702 to
9 become a tavern called Crooked Billet.

10 The Crooked Billet was a name that was
11 frequently given to a -- where a bent stick would be
12 hung above the door to signal a tavern and inn back in
13 medieval English taverns. And so hence the Crooked
14 Billet name.

15 The Crooked Billet structure stood at
16 this intersection -- actually at the intersection of
17 Kennett Pike and 141 until 1811 when Kennett Road was
18 moved to its current location to become Kennett Pike,
19 a toll road, leaving Crooked Billet about 2,000 feet
20 away from the new road.

21 When that happened it was converted to
22 a private residence and farm by James Brindley and
23 became known as the Brindley Farm. That then was
24 owned by the du Pont family and du Pont heirs until

1 October of 2016 when the applicant purchased it for
2 this subdivision. So that's a little bit of the
3 history.

4 It is located on the National Register
5 of Historic Places. It's been on the register since
6 1976.

7 Go to the next slide.

8 You can see a picture of the structure
9 from the Register.

10 Next slide.

11 This is a picture from the Register.
12 This is looking on the north face of the structure
13 looking south.

14 Next slide.

15 And this is a picture of the south face
16 of the structure looking north. And so this is more
17 or less existing conditions.

18 If we go to the next slide.

19 You can see the vision for the
20 additions and the renovations, again, adding -- adding
21 life to the structure.

22 Next slide.

23 The next structure I want to point out
24 is the carriage house. That's the structure to the

1 right.

2 Go to the next slide.

3 This is the image from the Register.

4 And if you go to the next slide.

5 This is the image as -- as proposed

6 with the vision of the renovations.

7 Go to the next slide.

8 This is the other side of the carriage
9 house. There's talk about maybe having a greenhouse
10 there. Again, the details are in flux subject to the
11 ultimate buyers.

12 Go to the next slide.

13 And the back of this screen is where
14 the pool house -- the former pool house a to-be-
15 constructed structure with the intent of matching the
16 -- the (unintelligible) of the balance of the site.

17 Go to the next slide.

18 You can get a sense of what that
19 structure looks like.

20 Next slide.

21 So just more or less light-colored
22 stone is the primary material used on the facades and
23 chimneys, some siding to break up the materials. The
24 garages will reflect and agricultural character of

1 large barn-style doors. You saw that in the carriage
2 house. And attractive landscaping surrounding the
3 three-lot subdivision to compliment the homes, again,
4 trying to blend the history with the -- the
5 renovations and make sure it is respect to the
6 historical character and aesthetic of the property.

7 Go to the next slide.

8 You'll see this is actually a view from
9 the Crooked Billet age-restricted community looking
10 towards the structure that will be constructed on the
11 pool house lot. You can kind of see how it also
12 blends with the character of the development there,
13 again, trying to make sure there's consistency
14 throughout.

15 Next slide.

16 And this gets back to the aerial. A
17 couple other things I want to mention just very
18 quickly, we are also seeking approval and a positive
19 recommendation to support and accessory dwelling unit
20 within the main house. Again, this is to add options.

21 The goal here would be to promote a
22 multigenerational buyer, a multigenerational option.
23 One of the benefits of the ADU, it would restrict the
24 ability for the property to be converted to be an

1 apartment conversion and it would also require the
2 property owner to reside in either the primary
3 residence with the ADU. So we think this is inline
4 with the goal of having owner-occupied structures and
5 also opens up a broader market to a buyer if they're
6 interested in this multigenerational option.

7 In addition, the property right now it
8 zoned suburban. It does not have a historic overlay.
9 We are -- have been discussing options of placing
10 these three lots into a historic overlay. That has
11 not been finalized. We want to talk to prospective
12 buyers.

13 Timing-wise that would be separate from
14 the subdivision, but it is something that we are
15 actively exploring and the applicant is interested in
16 getting additional details on.

17 So with that, Mr. Chairman, I'd be
18 happy to answer any questions. And we have our team
19 here as well.

20 MR. DAVIS: Thank you. I see Mr. Brook
21 has his hand raised. You're on mute, Mr. Brook.

22 MR. BROOK: How about now?

23 MR. DAVIS: We can hear you now.

24 MS. HATCH: Yeah.

1 MR. BROOK: Okay. Thank you. I was
2 wondering if you've had any conversation with the
3 neighbors about your plans?

4 MR. HOFFMAN: We -- we did. So the --
5 I reached out to Westover Hills Section C before we
6 filed, let them know that the sign would be -- I
7 reached out to the president there. Let him know that
8 the sign would be posted and that we were moving
9 forward with this and if they had any concerns. They
10 did not raise any concerns.

11 Mr. Dewson has reached out to --
12 obviously these are newly-constructed homes. These
13 are his clients. He reached out particularly to the
14 residents who live around the subject parcel and they
15 did not have any concerns.

16 MR. BROOK: Okay.

17 MS. HATCH: Mr. Johns has his hand
18 raised as well as Ms. Anderson.

19 MR. DAVIS: Steve?

20 MR. JOHNS: I was just wondering -- it
21 probably doesn't have anything to do with the historic
22 nature of the buildings, but will these lots -- what
23 will the relationship of these lots be to the age-
24 restricted community and the rest of the development?

1 Will they be part of the open-space management?

2 MR. HOFFMAN: Great, great question.
3 So when this property was subdivided back in October
4 of 2016, they were three separate plans. So the age-
5 restricted component with the associated open space is
6 tied to the Crooked Billet the 19 age -- yes, the 19
7 age-restricted homes.

8 That is separate from the 7 non-age-
9 restricted homes which have their own separate open
10 space and it's maintained via a separate maintenance
11 corporation. The three-and-a-half-acre lot is
12 separate from both of those and so this would not be
13 tied with those communities. It would not be age
14 restricted. It is a separate lot.

15 MR. DAVIS: Okay. Ms. Anderson?

16 MS. ANDERSON: Yes. I just wanted to
17 get a little bit of clarification on the larger lot
18 and the understanding that this is going to allow a
19 tenant; is that right?

20 MR. HOFFMAN: No. So it's the
21 accessory-dwelling unit option under the Unified
22 Development Code allows you to submit for a
23 certificate of occupancy and a permit to allow it to
24 be occupied by a separate party. And so in that -- in

1 that respect it does allow it to be available for a
2 tenant.

3 The intent here, however, would be for
4 it to be an in-law suite or to allow that
5 multigenerational living. We -- we are not guaranteed
6 -- again, it depends if a purchaser wants to go
7 forward with that option we wanted to present that to
8 them. We have not found a purchaser who wants to do
9 that specifically, but we wanted to provide that
10 option.

11 And Woody was just emphasizing, again,
12 the owner -- with the ADU requirements, the owner has
13 to reside in one of the units and the other party can
14 be in the other.

15 MS. HATCH: Okay. Mr. Johns and Ms.
16 Silber both have their hands raised.

17 MR. DAVIS: Yeah. Steve?

18 MS. HATCH: Oh, you're on mute. Here.

19 MR. DAVIS: Oh, maybe he -- he may have
20 just had it up now.

21 MS. HATCH: I think he did not mean to
22 have his hand up.

23 MR. DAVIS: Yeah.

24 MR. JOHNS: That is correct.

1 MR. DAVIS: Okay. Barbara?

2 MS. SILBER: I do have a question. If
3 we separate these -- if the property is going to be
4 separated into three separate parcels and I know that,
5 you know, right now they'll have a kind of sensitive
6 design that is strategy that's in place, but are there
7 any plans or conditions that would be taken into
8 consideration into ensuring over (unintelligible)
9 buildings do not become further, you know, separated
10 as we go through time?

11 Because, you know, right now they're --
12 they're still on one parcel, but once you split they
13 are now not in one parcel. And right now physically
14 they look the same and their -- their design --
15 proposed design is intended to maintain their temporal
16 relationship, but what about for the future to make
17 sure that future modifications will not further
18 compromise the historic context of the -- of the two
19 parcels?

20 MR. HOFFMAN: Certainly. So -- so I'll
21 make a couple points. The first one is as it pertains
22 to the main structure and the carriage house because
23 those are historic homes the permits have to come back
24 to the HRB for review when they actually go to pull

1 the building permit. So you will be seeing the
2 additions and have the opportunity on those.

3 Second thing I will mention is that
4 these three lots are being themed as Penn's Grant at
5 Crooked Billet so they will be marketed and themed as
6 a -- as a kind of three lots related to each other.
7 They will also be subject to a cross-easement
8 declaration. The back two lots will have made an
9 easement over the private drive so they will be
10 connected in that way.

11 We have not discussed specific
12 restrictions tying them together. I think that if --
13 if the historic overlay were placed on three that
14 would be an element. Again, we are working through
15 those details, but today we do not have restrictions
16 to that effect. I will say, again, that is the
17 intent.

18 One other thing I do want to mention I
19 failed to mention, I saw the chat box come up. There
20 is a little house off of the drive and you'll see a
21 little structure there. That structure is to remain.
22 There are no current plans with that, but that is tied
23 to the larger lot as well I should mention.

24 MS. SILBER: Okay. Thank you.

1 MS. HATCH: Mr. Johns has his hand
2 raised.

3 MR. DAVIS: Steve?

4 MR. JOHNS: Yes. Mike, I think you
5 have a -- Mike, I think you answered the question, but
6 I was -- I was wondering if there was a historic
7 overlay on this property. And I think you just said
8 there is not (unintelligible) what we're saying what
9 we -- what we can do as far as control over future
10 changes to the buildings.

11 MR. HOFFMAN: And that's correct, yes.

12 MS. HATCH: And just from -- to provide
13 the Board with some code context. So as Mike had
14 mentioned and, Steve, you were asking about the
15 historic, there is no historic overlay currently on
16 the property. But our Building Code, Chapter 6 states
17 that any significant alteration to a historic
18 structure that's eligible for historic overlay zoning
19 does have to go back through the Historic Review Board
20 for review.

21 And with that, Barbara still has her
22 hand raised and so does Mr. Johns.

23 MR. DAVIS: Okay. Barbara?

24 MR. JOHNS: Took mine down.

1 MS. SILBER: I am lowering my hand.

2 MS. HATCH: Okay.

3 MS. SILBER: Thank you.

4 MR. DAVIS: Thank you. One last call
5 for questions for the applicant.

6 MS. HATCH: I am seeing no hands.

7 MR. DAVIS: Seeing -- seeing none.
8 Thank you. We will move on to public comment.

9 MS. HATCH: Okay. So for listeners on
10 the phone, if you're calling in and if you would like
11 to speak or address the Board, Star-9 is how you raise
12 your hand.

13 Let's see here, I believe that's
14 Rafael's phone number so. But is there anyone in the
15 public who could use the raise hand feature if they
16 would like to speak in favor?

17 I am seeing no hands.

18 MR. DAVIS: Any members of the public
19 that would like to speak in opposition?

20 MS. HATCH: Just give it a moment.

21 MR. DAVIS: Sure.

22 MS. HATCH: I'm not seeing any hands.

23 MR. DAVIS: Okay. Any general
24 comments?

1 MS. HATCH: I'm not seeing any hands.

2 MR. DAVIS: Okay. Thank you.

3 MR. BROOK: Thank you.

4 MR. HOFFMAN: Thank you very much.

5 Appreciate your time.

6 UNKNOWN MALE: Thank you so much.

7 UNKNOWN MALE: Thank you.

8 MR. DAVIS: We'll -- we'll move on to
9 the report of the preservation planner.

10 MS. HATCH: All right. Nothing too
11 new. As the Board knows, the Department of Land Use
12 held a virtual public meeting. I did forward the
13 Board Members a recording of that meeting just to keep
14 you up to date on the current legislative efforts as
15 well as the comprehensive historic update that the
16 Department of Land Use has been working on for some
17 time and it was just recently introduced at County
18 Council.

19 The -- see here, the enhanced fact
20 sheet is accessed on the legislative -- legislation
21 initiatives page so the link is above and anyone
22 attending can feel free to reach out to me if they
23 have any questions or need direction getting there.

24 And then just note the next business

1 meeting with be July 7th at 5:00 p.m. And that's all
2 that I have for the Board tonight.

3 MR. DAVIS: Great. Thanks, Betsy.

4 MS. HATCH: Yeah. Mr. Johns does have
5 his hand raise.

6 MR. DAVIS: Mr. Johns?

7 MR. JOHNS: I was just curious, we've
8 been having the -- the business meetings at four
9 o'clock instead of five. Are we going back to the
10 five o'clock on July 7th?

11 MS. HATCH: On July 7th we will be
12 going back to five o'clock. Since there are only two
13 applications on the agenda I don't think that there's
14 -- there's as much concern about two meetings
15 overlapping with each other.

16 The Department's exploring other
17 options, but we'll be -- definitely be keeping the
18 Board and the public apprised as -- as needed. But it
19 will be at 5:00 p.m. And I'll send out a meeting
20 invite to make sure that the website is correct and
21 make sure that the -- you know, the Board is aware.

22 MR. JOHNS: Okay.

23 MR. DAVIS: Thank you.

24 MS. HATCH: All right.

1 MR. DAVIS: Next on the agenda is
2 public comment.

3 MS. HATCH: Okay. I'm not seeing any
4 hands.

5 MR. DAVIS: Okay. Mr. Brook?

6 MR. BROOK: I move we adjourn.

7 MS. SILBER: Second that.

8 MS. ANDERSON: Second.

9 MR. DAVIS: Thank you. All in favor?

10 (A chorus of ayes.)

11 MR. DAVIS: Motion carries; meeting
12 adjourned.

13 (Whereupon, this hearing concluded.)

14 (Recording ends.)

15

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

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



Lisa Beauchamp

Approved Transcriber

Dated: August 11, 2020

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