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MINUTES
HISTORIC REVIEW BOARD PUBLIC HEARING
NEW CASTLE COUNTY
DEPARTMENT OF LAND USE
87 READS WAY, NEW CASTLE, DELAWARE
May 19, 2020
5:00 p.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE CHAIRPERSON DR. BARBARA BENSON

Transcribed by: Angela M. D'Amico

A P P E A R A N C E S

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BOARD MEMBERS: DR. BARBARA BENSON
PERRY PATEL
JOHN DAVIS
RAFAEL ZAHRALDDIN
BARBARA SILBER
KAREN ANDERSON
JOHN BROOK
STEVEN JOHNS

ALSO PRESENT: BETSY HATCH
CHRISTOPHER PINE
COLLEEN NORRIS

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

2 DR. BENSON: I am looking for -- Betsy,
3 there doesn't seem to be a -- do I see a --

4 MR. ZAHRALDDIN: There is a decision on
5 the last page. It's all by itself.

6 DR. BENSON: Oh, yes. Thank you. All
7 right. Is there a motion?

8 MS. HATCH: Chairman Benson, Mr. Brook
9 has his hand raised, as well as Rafael Zahralddin.

10 DR. BENSON: Okay.

11 MR. ZAHRALDDIN: (Cross talk.)

12 MR. BROOK: I do have my hand raised
13 and I --

14 DR. BENSON: All right, John (cross
15 talk) --

16 MR. BROOK: I move that we accept the
17 recommendation and decision as written.

18 DR. BENSON: Thank you. Is there a
19 second?

20 MS. ANDERSON: I second it.

21 MS. HATCH: Are we -- can I just -- are
22 we on old business, Application 2019-11543 or are we
23 doing Notice of Decision Recommendation?

24 DR. BENSON: Notice of Decision

1 Recommendation.

2 MR. ZAHRALDDIN: Yeah.

3 MS. HATCH: Okay. Can we just make it
4 kind of clear which one we're on as we're moving
5 through this?

6 DR. BENSON: Well, I can try. Two-
7 sided copying is not my friend.

8 MR. ZAHRALDDIN: It's not mine, either.

9 DR. BENSON: But I believe I'm --

10 MR. ZAHRALDDIN: (Cross talk.)

11 DR. BENSON: -- on Half Acre Drive.

12 Yes.

13 MR. ZAHRALDDIN: Yes.

14 DR. BENSON: Okay. And we have a
15 motion. Do I have a second?

16 MR. ZAHRALDDIN: I raised my hand that
17 I seconded it.

18 DR. BENSON: Thank you, Rafael.

19 MS. HATCH: Yes.

20 DR. BENSON: All --

21 MR. ZAHRALDDIN: I'm going to lower my
22 hand.

23 DR. BENSON: All in favor?

24 ALL: Aye.

1 DR. BENSON: Or hands -- doesn't --
2 okay. All opposed? Abstentions? Motion carries.
3 Thank you. Now, we go to -- now, that should be all
4 of the --

5 MR. BROOK: Yes.

6 DR. BENSON: Now, we are on to old
7 business. Is that not correct?

8 MS. HATCH: Yes, correct. Now, (cross
9 talk) --

10 DR. BENSON: Oh, thank you. Thank you.

11 MS. HATCH: Chris, if you could advance
12 the slide? Okay. All right. Our first item under
13 old business is Application 2019-11543, 1139 La Grange
14 Parkway. This is located on the east side of La
15 Grange Parkway, east of the intersection with South
16 Aikens Tavern Court, Tax Parcel 11-026.20-001,
17 Pencader Hundred. This is a residential building
18 permit to construct a screened-in porch off the rear
19 of a dwelling within the La Grange subdivision, S&H
20 Zoning, Council District 11. And, now, the staff does
21 have a presentation just to give the board on this.

22 DR. BENSON: Thank you.

23 MS. HATCH: Yep. So, first, we have
24 the revised floor plans that the board had asked for.

1 The applicant had revised the plans to show how the
2 proposed addition will be attached to the house, and
3 it's a sunroom addition. So, Chris, if you could go
4 one more slide forward. The applicant did their best
5 to superimpose with, you know, limits on their
6 software, but they did their best to superimpose the -
7 - what the proposed porch would look like off the rear
8 of the house.

9 And then staff does have a
10 recommendation.

11 DR. BENSON: All right.

12 MS. HATCH: All right. Chris, if you
13 could go forward a few more slides. So, after
14 receiving feedback from the Historic Review Board, the
15 applicant revised the design for the screened-in porch
16 to incorporate the same siding, window style of main
17 dwelling. The new design appears to be more
18 consistent with the goals of the La Grange Design
19 Guidelines, established by the Historic Review Board.

20 Staff recommends approval of the
21 application in the advised design of the addition.
22 And, as well, given the common nature of sunroom and
23 screen porch additions, the HRB should also consider
24 all design aspects, including siding, roof shape,

1 windows as part of the application and also consider
2 proposing an amendment to the La Grange Design
3 Guidelines should they approve this type of design.
4 And I did give an example amendment in the reports
5 that were handed out to you.

6 DR. BENSON: Yes. All right. Let's
7 take the porch first.

8 MS. HATCH: Okay.

9 DR. BENSON: Is there a motion?

10 MS. HATCH: Madam Chair --

11 DR. BENSON: Yes?

12 MS. HATCH: Mr. Brook has his hand
13 raised, as well as Mr. Patel.

14 DR. BENSON: All right. Let's start
15 with John, first.

16 MR. BROOK: Madam Chair, I move that we
17 approve the application.

18 DR. BENSON: Thank you.

19 MR. PATEL: Second.

20 DR. BENSON: Is that Perry?

21 MR. PATEL: Yes.

22 DR. BENSON: Okay. Great. Further
23 discussion? If not, all in favor?

24 ALL: Aye.

1 DR. BENSON: Opposed? Abstain? Motion
2 carries. Now, Betsy, do you want us to try and do the
3 amendment to the La Grange Design Guidelines?

4 MS. HATCH: Sure, if the board is
5 inclined to do so, then, yes.

6 DR. BENSON: Okay. I mean, they're
7 here, in front of us. We have the packet. We've read
8 it. Any further discussion -- well, not further. Is
9 there a discussion on that?

10 MR. BROOK: I had my hand raised.

11 DR. BENSON: John, I'm sorry.

12 MS. HATCH: Mr. Brook had his hand
13 raised.

14 DR. BENSON: I don't see you on my
15 screen, so --

16 MS. HATCH: Yep. I was just -- when
17 she was finished speaking. Mr. Brook and Mr. Patel
18 have their hands raised.

19 DR. BENSON: Okay. John?

20 MR. BROOK: In view of the fact that
21 this is filling the void that it did not exist in the
22 original specifications of what could be done down
23 there, I think that the staff is correct, that we
24 should have wording to amend the requirements. And my

1 language would read: Porches, enclosed porches,
2 (inaudible) and rooms, and any other additions shall
3 utilize the same siding, window style, roof materials,
4 windows, and doors that are utilized on the dwelling.

5 DR. BENSON: Okay. I'm just making
6 changes here.

7 MR. BROOK: Porches, enclosed porches,
8 (inaudible) and rooms, and any other --

9 DR. BENSON: Uh-huh. Okay.

10 MR. BROOK: That's my motion.

11 DR. BENSON: Is there a second?

12 MR. PATEL: I second.

13 MS. HATCH: Yep.

14 DR. BENSON: All right. Further
15 discussion? All in favor?

16 ALL: Aye.

17 DR. BENSON: Opposed? Abstentions?
18 Motion carries. Thank you very much. All right. Mr.
19 Patel, do you mean to still have your hand raised?

20 MR. PATEL: I'm sorry, I'm going to
21 lower it.

22 MS. HATCH: Oh, no worries. Okay.
23 Here we go. All right. Our next application for the
24 evening is 2019-0676, 4353 Summit Bridge Road. This

1 is on the east side of Summit Bridge Road, 2,500 feet
2 of Boyd's Corner Road, Tax Parcel 13-007.00-078, St.
3 George's Hundred. This is a history overlay rezoning,
4 an associated parking plan for an adaptive reuse of
5 the A. Eliason House listed on the National Register
6 of Historic Places, constructed circa 1856. NC-21
7 Zoning, Council District 12.

8 And then we also have -- we can go
9 through some slides just to give the board a refresh
10 of what was presented. So, Chris, if you could go to
11 the next slide. All right. Above is an aerial view
12 of the subject property. These are some pictures that
13 were provided to the board of the site with the photo
14 diagram. And just to -- just some background, we also
15 did enclose a letter from the applicant's legal
16 representation addressing the proposed variances, as
17 well as a letter from the surrounding property owner.

18 The staff recommendation for this
19 property is that staff has reviewed the proposed
20 rezoning and adaptive reuse plan in accordance with
21 the unified development code and recommends that the
22 Historic Review Board recommend approval of the
23 application and associated parking plan. The subject
24 site meets the criteria for listing as outlined in

1 Section 40.15.110 of the New Castle County Code, as
2 well as accomplishes the goals and objectives of the
3 adaptive reuse provisions in Section 15.240 of the New
4 Castle County Code.

5 The applicant has stated that the
6 historic resource had remained vacant for several
7 years, therefore, individuals willing to become new
8 stewards of the county's historic resources should be
9 encouraged. The board could also consider additional
10 recommendations, including buffering along neighboring
11 property lines, archaeological measures during any
12 proposed ground disturbance and anything regarding
13 site design, for example, the site entrance.

14 When making a motion, the board should
15 address the following in their recommendation. The
16 rezoning of the property to a historic overlay
17 district, according to the criteria for designation,
18 proposed parking plan in relation to the historic
19 structure and surrounding neighborhood, and
20 recommendations on the proposed variances, which would
21 be for the minimum lot size of three acres and 60
22 percent open space requirement, as required under the
23 adaptive reuse provisions of the development code, as
24 well as the proposed reduction in parking.

1 DR. BENSON: Thank you. Is there
2 discussion or do we have to have the motion first, I
3 guess?

4 MS. HATCH: Madam Chair --

5 DR. BENSON: This is --

6 MS. HATCH: -- Mr. Brook and Mr. Patel
7 have their hands raised.

8 DR. BENSON: Okay. Well, we'll start
9 with Perry first this time.

10 MR. PATEL: I would recommend the
11 approval based on the recommendations from the county
12 in terms of the overlay, in terms of the code
13 structure, and the (inaudible).

14 DR. BENSON: Thank you.

15 MS. SILBER: What was that? The bit to
16 the -- I couldn't hear him.

17 MR. BROOK: I couldn't either.

18 MS. HATCH: So, let me -- I will repeat
19 for him. Mr. Patel stated he would like to make a
20 motion to recommend approval of the application based
21 on the county's staff recommendation. So, Madam
22 Chair, Mr. Brook, and Ms. Silber also have their hands
23 raised.

24 DR. BENSON: All right. John?

1 MR. BROOK: I think, also, as part of
2 that motion, we need -- don't we need to say that the
3 property needs to be rezoned as historical overlay
4 criteria? My criteria would be criteria (a) and (d) -
5 (a) being listed as determined to be eligible for
6 listing, which it is. And, (d), it exemplifies
7 cultural, economic, social, and historical heritage of
8 the community. It's rather a unique property and was
9 built in a period when wealthy farmers, as part of New
10 Castle County, were diverting some of their resources
11 to building very fine homes.

12 The property probably does, from
13 looking at the pictures -- it probably does require
14 some additional buffering. You could raise the issue
15 as to whether to be the property owner behind should
16 do the buffering or whether the people remodeling or
17 reusing this property should do the buffering. But I
18 think that the proposal -- the people proposing the
19 proposal before us should do the buffering since they
20 are adding the parking lot and making the changes.

21 MS. NORRIS: May I just interject for a
22 second?

23 DR. BENSON: Yes, Colleen.

24 MS. NORRIS: We have a motion -- the

1 motion from Mr. Patel -- and I think what Mr. Brook is
2 doing is sort of having discussion. But we need a
3 second so that we --

4 MR. BROOK: All right. Then, I --

5 MS. NORRIS: -- can have the
6 discussion. Somebody other than Mr. Brook second and
7 then we can just have Mr. Brook's comments as part of
8 the discussion.

9 MR. DAVIS: I can second -- hold on,
10 let me raise my hand. I can second. I just didn't --
11 somebody needs to repeat the motion for me again
12 because I didn't hear it all the way. I will lower my
13 hand.

14 MS. HATCH: Okay. So, the motion that
15 the board has before them is to recommend approval of
16 the application, per the county staff recommendation
17 provided.

18 MR. DAVIS: Okay.

19 MS. NORRIS: And then part of it, for
20 the historic overlay, what section Mr. Brook gave his
21 recommendations. So, anyone else who wants to add
22 should add.

23 MR. DAVIS: Okay. Well, I can second
24 that. I'm happy to second that, as stated with Mr.

1 Brook's addition.

2 MS. NORRIS: Okay.

3 DR. BENSON: I need a point of
4 clarification. We're adding a zoning overlay. Do we
5 each have to go around and say --

6 MR. BROOK: Yes.

7 DR. BENSON: -- what elements -- I know
8 we have to do that when we do a national register
9 nomination. Do we need to do that with the historic
10 zoning overlay?

11 MS. HATCH: Yes. And I can go through
12 --

13 MS. NORRIS: Yes.

14 MS. HATCH: -- and I can call everyone
15 by name if that helps.

16 DR. BENSON: Yes. And we just list the
17 criteria; is that not correct?

18 MS. HATCH: Correct. You list which
19 criteria you believe that it is eligible under.

20 DR. BENSON: Okay.

21 MS. HATCH: Okay. So, I will do that
22 first and then we do have a number of hands raised.

23 MR. BROOK: I'd like to continue my
24 motion, though, at some point.

1 DR. BENSON: Let's let John finish his
2 motion. Then, we'll see if Rafael still seconds it.
3 And then we all have to go around and -- no. Nope,
4 nope, nope, nope, nope. Colleen, shouldn't we first
5 do the -- so, we're clear on this -- do the rezoning
6 of the property, the historic zoning overlay?

7 MS. NORRIS: I don't -- Madam Chair,
8 it's -- it doesn't really matter which way. I think
9 the motion should be simple though and just approve
10 and then which recommendation -- or which criteria
11 each person recommends isn't really part of the motion
12 because you don't have to all agree on the same
13 criteria. You just have to agree --

14 DR. BENSON: That there is a criteria?

15 MR. BROOK: Okay.

16 MS. NORRIS: Right. So, Mr. Brook,
17 respectfully, your motion doesn't need to be as full.
18 What you would continue would be, that's part of your
19 discussion with the group as to why you think it
20 should be.

21 MR. BROOK: I thought it was Perry's
22 motion.

23 MS. NORRIS: Oh, sorry. Well, you were
24 seconding, but then --

1 MR. BROOK: Yeah. Well, just --

2 MS. NORRIS: So --

3 MR. BROOK: -- make my second a second.

4 MS. NORRIS: And then everyone should
5 have an opportunity to discuss, which that discussion
6 Betsy will roll call and everyone, in this case, has
7 to speak up and at least say what your criteria is.
8 If you don't have anything else to add, that's fine.
9 But that way, everybody gets to discuss and we get all
10 the designations for Betsy.

11 DR. BENSON: Yes, thank you. All
12 right. We have a motion and a second. Now is the
13 time for us to insert which qualification or do we
14 vote on it and then (cross talk) --

15 MS. NORRIS: No, I think -- I think, as
16 part of the discussion, everyone discusses, and at a
17 minimum, when it's your turn to discuss, you need to
18 tell the rest of the board and Betsy, what your
19 criteria designations are.

20 DR. BENSON: Okay. All right. Further
21 discussion?

22 MS. HATCH: All right. Madam Chair,
23 Barbara Silber, Karen Anderson, and Steve Johns have
24 their hands raised. All right. Barbara, you're

1 first.

2 MS. SILBER: Okay. I agree that it
3 warrants a historic overlay qualification under
4 criteria (a), eligible; (b), significant (inaudible)
5 or interest of value as an example of the development
6 and characteristics of the county favor the U.S.; and
7 (d), exemplifies the cultural code for economic and
8 historic heritage of the community.

9 I also have one thing that is -- and
10 this is something that Betsy will probably be able to
11 (inaudible). As of yet, the Delaware HPO's inventory
12 forms have not been completed for the property and
13 (inaudible) --

14 MS. HATCH: The CRS forms?

15 MS. SILBER: Uh-huh.

16 MS. HATCH: I believe that they have.
17 I know the -- and I don't -- I apologize, I don't have
18 the actual report on me right now. The Center for
19 Historic Architecture and Design did the full zoning
20 report but (cross talk) --

21 MS. SILBER: (Cross talk) right now.
22 So, (inaudible) and it's possible that my copy just
23 doesn't have the forms.

24 MS. HATCH: Okay.

1 MS. SILBER: But I think, you know, the
2 report is wonderful and will be a good contribution
3 for the HPO's office. But I think, you know, sort of
4 the formalization of updating any existing forms for
5 their inventory purposes just so it enters the
6 database, you know, as a -- currently, based on the
7 current report. That would be great, too.

8 MS. HATCH: Okay.

9 MS. SILBER: That would be an
10 additional recommendation (inaudible) historic overlay
11 is to make sure that the information submitted to the
12 county and the Delaware Historic Preservation Office
13 are consistent and compatible.

14 MS. HATCH: Okay. Yeah, if they
15 haven't been already filled out, I can look into that.

16 MS. SILBER: Thank you.

17 MS. HATCH: Uh-huh.

18 DR. BENSON: All right. Karen, you had
19 your hand up?

20 MS. ANDERSON: Yes. So, because I'm
21 not sure how we're supposed to go through and address
22 it. First, I guess I would say I agree that a
23 rezoning of the property to a historic overlay zoning
24 and criteria designation. I agree that in accordance

1 with criteria (b), it has significant character or
2 interest, as well as (e), distinguishing
3 characteristics of architectural style and
4 engineering; and, also, as (k), yielding information
5 of importance to the state history are all applicable
6 for the overlay. So, that would be number one.

7 Number two that I just want to state is
8 the motion on the floor is to approve the application
9 and associated parking place, period. I would like to
10 amend that motion to include that the -- that there be
11 additional barriers placed up -- placed around the
12 property in order to mitigate the light overflow into
13 the adjacent properties.

14 DR. BENSON: I see Barbara Silber's
15 hand up.

16 MS. HATCH: Okay.

17 MS. SILBER: I just need a
18 clarification of the procedure here. Are we also
19 adding our discussion comments regarding additional
20 things beyond the historic overlay designation or are
21 we just doing the historic overlay designation?
22 That's the question I have.

23 MS. NORRIS: I think that's up to the
24 Chairwoman to determine. She can have everybody just

1 speak once and include everything or just strictly get
2 the designations and that's sort of a form of order
3 that she can do it however she would like.

4 DR. BENSON: Well, I would feel most
5 comfortable just letting everyone go around. And if
6 they think it is worthy of designation, just tell us
7 which categories. And then we can add some of the
8 other things after that.

9 MS. SILBER: Okay.

10 MS. ANDERSON: And those are the
11 categories, the ones that I stated, and I'm going to
12 leave my hand raised so that you can come back around
13 and I would like to add in some of the other items.

14 MS. SILBER: I, also.

15 DR. BENSON: All right. But then we
16 have to get Perry to amend his original motion.

17 MS. ANDERSON: Okay. So, we -- let me
18 see. We've got Barbara and Karen and John have given
19 us their categories for the historic zoning overlay.

20 MS. HATCH: Madam Chair, Mr. Johns has
21 his hand raised.

22 DR. BENSON: Steve?

23 MR. JOHNS: Yes. I believe this
24 property deserves the historic overlay under the

1 criteria of (b) and (d), as an example of the cultural
2 characteristics of the county and exemplifies the
3 economic heritage of the community.

4 DR. BENSON: Thank you.

5 MS. HATCH: All right. Madam Chair,
6 Mr. Patel has his hand raised.

7 DR. BENSON: Perry?

8 MR. PATEL: Yes, I would also add to
9 the designations (a) and (b), (a) (inaudible) and the
10 (b) that exemplifies. Those are the two categories.

11 DR. BENSON: All right.

12 MS. HATCH: All right.

13 DR. BENSON: Who else do we need?

14 MS. HATCH: We need -- Mr. Davis has
15 his hand raised.

16 DR. BENSON: Oh, John?

17 MR. DAVIS: Madam Chair, I also support
18 the approval of the historic zoning overlay for this
19 property. I think the property meets the criteria for
20 (b) and (e). It certainly has significant character
21 and interest and it also embodies distinguishing
22 characteristics of a specific architectural style.

23 DR. BENSON: Thank you. Who else do I
24 need?

1 MS. HATCH: All right. We need Mr.
2 Zahralddin.

3 DR. BENSON: Rafael?

4 MR. ZAHRALDDIN: I had to unmute and
5 raise my hand at the same time. That's way too
6 difficult. I'm going to go with (b), echoing earlier
7 comments. Also, (d), exemplifying the cultural
8 protocol, economic, social, or historic heritage of
9 the community. And I'll leave it at that to move this
10 along.

11 DR. BENSON: Thank you. Do we have
12 everyone except me?

13 MS. HATCH: We have everyone except
14 you.

15 DR. BENSON: All right. Then, I
16 believe it is eligible under criteria (a), (b), (d),
17 and (e) for all the reasons that everyone else has
18 said.

19 MS. HATCH: Okay. So --

20 DR. BENSON: Now, I need to consult our
21 lawyer again.

22 MS. NORRIS: Okay.

23 DR. BENSON: Colleen, after we have
24 done that part, can we continue under the umbrella of

1 Perry's motion?

2 MS. NORRIS: Yeah. You can continue
3 discussion as you wish on the pending motion. So, as
4 long as we're still under the original motion made by
5 Mr. Patel. And if there's further discussion -- we
6 already have on the record the designation
7 recommendations, and so if there's anything else that
8 anyone needs to discuss, now is the time.

9 DR. BENSON: All right.

10 MS. NORRIS: And then you have the vote
11 and you're done.

12 DR. BENSON: All right. I know that
13 Barbara and Karen each had -- have additional motions
14 that they'd like Perry to move in an amended motion.
15 Okay. Barbara?

16 MS. SILBER: Okay. So, I know that
17 during our last meeting, at the hearing, one of the
18 things that we mentioned is that this property,
19 because it has remained relatively, you know, intact
20 for so long that the potential for, you know,
21 archaeological deposits still lies. There's a
22 potential for them within the property bounds.

23 I know that the parking -- that the
24 proposed plan for the property involves some level of

1 earth moving activity that would be associated with
2 any of the construction of the parking lot. And, as
3 well, likewise, you know, the removal of the swimming
4 pool for the construction of the parking lot, which is
5 that's the primary earth moving disturbances that
6 would occur.

7 I do think, as we mentioned during the
8 hearing, that archaeological monitoring or at least
9 inspection of the work as the swimming pool is being
10 dismantled would definitely be a useful endeavor to at
11 least get -- ascertain sort of the physical integrity
12 and character and nature of the subsurface conditions
13 of this property because it will provide a window. Of
14 course, we understand that the pool footprint itself
15 is severely disturbed. But the edges of the pool,
16 which will be exposed when the pool is being removed
17 will provide a nice insight window into what the
18 remaining grounds, the profile, the subsurface
19 (inaudible) looks like.

20 And I think that is warranted because,
21 you know, as we look at these properties, while they
22 are historic above ground, what makes them also
23 historic is that they have remained intact and
24 remained in good condition. But that also, likewise,

1 indicates and is representative that the environments
2 and landscape of that property has also remained
3 intact. This is why these buildings are in good
4 shape.

5 And I think, with that in mind, we do
6 have to recognize that the archaeological potential of
7 these properties is also, you know, higher than in a
8 place where the landscape has been subjected to
9 extensive alteration. So, I would suggest that we
10 recommend, as part of our motion, that the project be
11 proceeded with the understanding and a recommendation
12 that an archaeological examination, which can be at
13 the discretion of a professional that meets the
14 secretary of standards qualifications for
15 professional, be performed to evaluate and assess the
16 archaeological potential and condition of the property
17 itself, specifically in the areas that would be
18 subjected subsurface impact during the development of
19 the property and conversion of it into the proposed
20 usage.

21 DR. BENSON: All right. Perry, do you
22 accept that amendment to your motion?

23 MR. PATEL: Yeah, I accept the changes
24 and amendment.

1 DR. BENSON: Thank you. Now, Karen,
2 you had something.

3 MS. ANDERSON: Yes, I would like to
4 propose amending the motion on the floor to include
5 additional buffering along neighborhood property
6 lines. I also recommend that the requested variances
7 for minimum lot size of three acres and the 60-percent
8 open space requirement be exempted in this case. I
9 also recommend a variance be accepted for the proposed
10 reduction in parking.

11 DR. BENSON: Okay. Thank you.

12 MS. HATCH: So, I have that and I just
13 wanted, as staff, as a point of clarification,
14 regarding the buffering, they already are required to
15 do buffering along the residential property lines as
16 part of a record plan improvement. So, we don't have
17 -- we currently don't have a detailed landscape plan
18 at this moment, but there is required buffering that
19 has to meet certain opacity standards in the unified
20 development code.

21 DR. BENSON: Yes. And will that come
22 back to us?

23 MS. HATCH: If the board would like to
24 see it, then, yes, we could bring it back to the

1 board.

2 DR. BENSON: Yes.

3 MS. HATCH: Usually, I mean, it's
4 board's call. You know, we could -- we -- they -- we
5 have the minimum standards within the unified
6 development code, which would require buffering along
7 the property lines. But if the board would like to
8 see that plan come back, then we can (inaudible) it.

9 DR. BENSON: I would think so. Did we
10 all see? Because I saw pictures that the neighbor who
11 testified sent us and I think there is some concern of
12 getting enough buffering, particularly in that corner.

13 MS. ANDERSON: Yes, I agree. At the
14 location -- at that one corner location, there's a lot
15 less buffering against those neighborhood properties
16 than there were on the other side of the property.
17 So, there's a significant difference between the two
18 sides of the property.

19 DR. BENSON: Yes. And I see Steve
20 Johns' hand up.

21 MR. JOHNS: Yes. On the buffering, I
22 know that the county code requires landscape buffering
23 along the boundary lines. The problem that I see is
24 the existing trees can count towards that buffering

1 and you get a lot of credit for large existing trees.
2 And I think we need to make sure that they add lower
3 buffering along that boundary line because those trees
4 are open on the bottom and don't really provide the
5 buffer that's needed for this.

6 MR. BROOK: That's right.

7 DR. BENSON: Yes. That's why I think
8 it would be good if the plan came back to us.

9 MS. HATCH: And, Chairwoman --

10 MS. NORRIS: And that --

11 MS. HATCH: Oh, I'm sorry.

12 MS. NORRIS: I was just going to say,
13 and that can -- I mean, you don't have to figure it
14 out now. You can just make that part of your motion
15 that --

16 DR. BENSON: Oh, definitely.

17 MS. NORRIS: -- they bring that back.
18 And then -- you know, then you'll be able to talk
19 specifics once you make them give their --

20 DR. BENSON: Once we see something.

21 MS. NORRIS: -- give you the plan.
22 That's right.

23 MS. HATCH: Right. And, Chairwoman
24 Benson, just the -- the applicants' engineer and

1 attorney are here if you do have questions about the
2 buffering, just to make you aware that they are here.

3 DR. BENSON: Oh, well, that's good.
4 So, they hear our concerns and know that we will look
5 forward to seeing the plan. All right. Perry, do you
6 accept that amendment to your motion?

7 MR. PATEL: I accept the recommended
8 changes to my motion.

9 DR. BENSON: Thank you.

10 MS. HATCH: Chairwoman Benson, Mr.
11 Brook has his hand raised, as well.

12 DR. BENSON: Yes. John?

13 MR. BROOK: Yes, thank you. Is anyone
14 other than me concerned about the four-by-eight-foot
15 sign that would be placed along Route 896? Do we want
16 to see what that's going to look like before we bless
17 this project?

18 MS. ANDERSON: I thought they said they
19 had to come back to us with that sign. They can't
20 just put anything up there.

21 MS. HATCH: Correct.

22 MS. ANDERSON: That's going to --
23 they're going to come back with another presentation
24 for the sign.

1 MS. HATCH: Right.

2 MR. BROOK: Okay.

3 MS. HATCH: So, whenever a permit is
4 filed for in a historic overlay district, the -- it
5 does have to go through the Historic Review Board.

6 MR. BROOK: Okay. That being the case
7 then, I agree to second the changes that Perry has
8 accepted.

9 DR. BENSON: All right. So, we have a
10 motion, a second. We've had discussion. All in
11 favor?

12 ALL: Aye.

13 DR. BENSON: Opposed? Abstentions?
14 Motion carries. Now, I have a question, Betsy, on
15 this with -- we have Ms. Stabler's (ph) letter to us
16 opposing the specific language that should be included
17 in the Historic Review Board's recommendation. Now,
18 do we need to add all of this language? Maybe I
19 should ask Colleen that.

20 MS. NORRIS: I think you don't have to
21 add it. There will be a report that will be
22 generated. I guess the easiest way to ask it is, does
23 anyone have any issue with the way it's worded? If
24 not, then it can be cut and pasted into the words

1 report. But if you don't like it, you certainly have
2 no obligation to -- you know, you can draft it the way
3 you wish.

4 MS. ANDERSON: I would just say, going
5 along with what Steve said, in regards to the
6 additional buffering that needs to be at a lower -- at
7 the lower level, not just a high tree line.

8 DR. BENSON: Well, that's why we will
9 have the opportunity to see that plan again or
10 actually just see that plan.

11 MR. JOHNS: The wording we're talking
12 about is for the variances?

13 DR. BENSON: Yes.

14 MR. JOHNS: I don't have any problem
15 with the wording that Wendy has provided -- Ms.
16 Stabler has provided for the variances. They also
17 added wording for requesting a waiver from DelDOT --
18 to support their request for a waiver from DelDOT,
19 which we did not address in our motion. So, I don't
20 know if we want to get into that or not.

21 DR. BENSON: Oh, that's the driveway
22 width, isn't it?

23 MR. JOHNS: Correct.

24 MS. NORRIS: Oh, that's right, yeah.

1 MR. JOHNS: I move that we add this --
2 support of this request for waiver from DelDOT, as
3 worded in Ms. Stabler's letter to our previous motion.

4 MS. ANDERSON: So, then that would
5 become part of the -- in the board's recommendation,
6 they have an area that says, requested variances. So,
7 they have two listed, the minimum lot size, the
8 proposed reduction in parking, so there will be a
9 third that would be which would be the waiver --
10 DelDOT waiver.

11 DR. BENSON: Uh-huh

12 MR. JOHNS: Right. You can do DelDOT
13 instead of to the Board of Adjustment.

14 MS. ANDERSON: Yeah.

15 DR. BENSON: Is there a second?

16 MR. BROOK: I second.

17 MR. DAVIS: I second.

18 MS. SILBER: I second.

19 MS. HATCH: Okay. So, Madam Chair, Mr.
20 Johns and Mr. Brook and Mr. Davis all have their hands
21 raised. So, we could really try and use the hands
22 raising feature. Oh, now, it's just Mr. Brook and Mr.
23 Davis. That would be appreciated.

24 DR. BENSON: I'm sorry. I didn't quite

1 understand. We should all raise our hands if we are
2 for this?

3 MS. HATCH: Well, if we could keep
4 utilizing it because some have been speaking without
5 the raised hand feature. But Mr. Brook and Mr. Davis
6 have their hands raised.

7 DR. BENSON: Oh, okay. John?

8 MR. BROOK: Perhaps, what I have to say
9 is moot at this point, but I did want to support Mr.
10 Johns' proposal that we incorporate the language in
11 the letter. And, also, to second any other changes
12 that Mr. Patel made.

13 DR. BENSON: Thank you. John Davis?

14 MR. DAVIS: Yeah, I just also wanted
15 to, you know, support the language of the letter
16 there. And I simply raised my hand to second Mr.
17 Johns' motion.

18 DR. BENSON: So, it has been duly noted
19 and seconded. All right. All in favor?

20 ALL: Aye.

21 DR. BENSON: Opposed? Abstentions?

22 Motion carries. Thank you very much. All right.

23 Now, we go on to the next item on the agenda, which is
24 3015 Duncan Road. Do we all have that in front of us?

1 Betsy, do you want to read the staff recommendation?

2 MS. HATCH: Sure. Let me -- yep, I'll
3 read it into the record. So, Application 2020-0127-S,
4 3015 Duncan Road, located on the north side of Duncan
5 Road, east of McKennan's Church Road. Tax Parcel 08-
6 032.10-130, Mill Creek Hundred, minor subdivision plan
7 of a 2.88-acre parcel containing a historic dwelling,
8 constructed circa 1870 and stone ruins into four lots.
9 NC-6.5 zoning, Council District 9.

10 So, just to give the board a refresh on
11 the application, we can go through the presentation
12 here. They're proposing to subdivide the subject
13 parcel into four lots and I think Chris is trying to
14 advance (inaudible) here. These are pictures of the
15 property. This is the house. This is one of the out
16 buildings. And, then, Chris, when you get to the
17 revised plan, if you could stop on that spot.

18 Okay. So, I think the computers are
19 kind of catching up with us right now, but --

20 DR. BENSON: There we go.

21 MR. BROOK: There it is.

22 MS. HATCH: There we go. Okay. So,
23 the applicant did provide a revised plan just to give
24 the board an idea of the cross-access easement that

1 they're looking at proposing. The staff did have a
2 recommendation on this particular application. So,
3 while the applicant is proposed to design the
4 subdivision so that the new homes are not visible from
5 the roadway, the separation of the historic resources
6 is not ideal. By permitting the resources to go under
7 separate ownership from the each other, the potential
8 for the complex's historic context, the loss greatly
9 increases.

10 Based on the history of the site, the
11 complex's history is defined by how all of the
12 structures operated together as a working farm and
13 blacksmith shop by the Yearsley Family. The applicant
14 had indicated they were considering a cross-access
15 easement for all the lots so that they may utilize an
16 existing driveway, rather than lots taking access from
17 Duncan Road. The applicant had indicated the solution
18 in order to lessen visual impact on the site from
19 Duncan Road.

20 Staff recommends that the Historic
21 Review Board table the application so that the
22 applicant may revise the plan to show the proposed
23 access-easement, as well as explore alternative
24 layouts that reduce the potential for adverse impact

1 on the existing historic and archaeological resources.

2 DR. BENSON: Thank you. Is there a
3 motion on this and --

4 MS. HATCH: Mr. Brook and Mr. Davis
5 have their hands raised.

6 DR. BENSON: Mr. Brook?

7 MR. BROOK: Yes, Madam Chair. I move
8 that, for the reasons stated in the staff
9 recommendation, that we table this application.

10 DR. BENSON: Thank you. John, did you
11 have a second?

12 MR. DAVIS: Yes, Madam Chair. I'll
13 second the motion. You know, I also share in the
14 concerns about the splitting up of the historic
15 resources on this property.

16 DR. BENSON: Thank you. Is there any
17 other discussion?

18 MS. HATCH: Mr. Johns and Ms. Silber
19 have their hands raised.

20 DR. BENSON: Steve?

21 MR. JOHNS: First of all, the staff
22 recommendation is to table the application, pending
23 submission of a plan showing the cross-access
24 easement, which they have submitted. So, we already

1 have that.

2 MS. HATCH: Correct. Yep, that was
3 actually written before staff received the cross-
4 access easement. We received the plan a little later
5 than when the recommendation was written.

6 MR. JOHNS: And with that cross-access
7 easement now, the road frontage -- the view from the
8 street for this property will not change at all
9 because they're using the existing entrance for all
10 four proposed lots. I'm not exactly sure how we force
11 -- you know, how -- I'm not so sure how you keep all
12 these historic buildings together over the property
13 (inaudible) saying you're not allowed to subdivide it.

14 The applicant has stated that they want
15 to preserve all of the existing buildings and I don't
16 know whether, you know, that can be required as part
17 of the application for this plan or not. But I'm not
18 sure we have really -- we really have a reason to
19 table it, at this point.

20 MS. HATCH: If I may, as to provide
21 staff --

22 DR. BENSON: Yes.

23 MS. HATCH: -- indications. So, there
24 are provisions in the unified development code that

1 permit for the conservation design to avoid scenic and
2 historic resources. So, there are provisions, as part
3 of the code, that we could take a look at to avoid the
4 resources and even relax other code provisions so that
5 the majority, if not all, of the historic resources
6 could be maintained on the same lot. But, again,
7 that's something that, you know, the staff would have
8 to initiate a discussion with the property owner and
9 the applicant to look at those requirements and see
10 what other alternative layouts could be utilized under
11 that provision.

12 DR. BENSON: I have a problem with this
13 because there's been so little research done on this
14 piece -- this parcel that I don't really know how much
15 genuine historical resources are there beyond the barn
16 rooms -- ruins. Are we sure the blacksmith shop is
17 still there?

18 MS. HATCH: We're not -- based on my
19 research, we're not able to confirm or deny whether
20 one of the buildings was a blacksmith shop. We just
21 know that there was one on the property.

22 DR. BENSON: Okay. Barbara?

23 MS. SILBER: Yeah. Okay. So, this is
24 a very complicated situation here because for all of

1 the reasons, literally, the segmentation and division
2 of this will definitely put -- understanding the
3 historic context of this property a little bit, the
4 potential for putting that in jeopardy, you know,
5 definitely comes into play.

6 I think one of the difficult things is,
7 and as Barbara has mentioned, is that sort of the idea
8 of what is contributing and what is not contributing
9 in the temporal context of these in regard to the
10 occupational history is also a little bit ambiguous
11 and I think this is what everybody is trying to sort
12 of sort out and disseminate. What is historic? What
13 are the associated resources? What are the potential
14 resources? What are the (inaudible) resources? And
15 by tabling it, I think what we maybe need to think of
16 is, is that maybe this is a situation where a property
17 study, you know, is definitely warranted. Because, I
18 think, having a property study would also sort of help
19 develop a logical strategy of how things could be
20 divided, if needed, I would say appropriately and
21 maybe responsibly in recognition of the historic
22 nature and context of those resources.

23 You know, lumping and splitting it is
24 going to be a little difficult here. And by adding

1 the complexity of what is subsurface, especially since
2 we are not sure if the blacksmith shop is extant or is
3 it, you know, underground and only remains as
4 archeological deposits and whatever other
5 archeological deposits and whatever extant remains are
6 there that have not been identified. For example,
7 landscape features.

8 Those are things we actually need a
9 detailed inventory of what is literally on the
10 property, I think, and a comprehensive one. And, so,
11 maybe part of the tabling is recommending some sort of
12 level of further study or, basically, and inventory of
13 the property and identifying that. Is that something
14 that is doable as part of our tabling? I don't know.
15 I don't know how this works because, as we mentioned,
16 that a lot of this -- if we are tabling a lot of the
17 initiation of sort of developing a logical and
18 appropriate strategy would fall on the shoulders of
19 the Department, correct? Is that what I understand
20 from Betsy?

21 MS. HATCH: Right. So, you know, the
22 Department can try and assist the property owner to do
23 as much research as they can, you know. In regards
24 to, you know, time and resources, you know, we can,

1 you know, do our best to help them and just, you know,
2 discussions with the applicant, you know, in regards
3 to, you know -- because, obviously, one of the main
4 things or first things that we talk about when it
5 comes to historic resources is documentation and
6 research. So, they have indicated, you know,
7 currently, with all the concerns going on, they don't
8 really have the ability to like hire someone to do
9 this research. So, that is kind of a concern that the
10 property owner had indicated to me.

11 The Department -- again, you know, if
12 the application is tabled in addition to looking to
13 alternative layouts that could be permitted under the
14 UDC, you know, the Department could help the
15 applicant, you know, try and do as much research as
16 they can.

17 DR. BENSON: Well, I would think it's
18 hard to look at the layout of the property, however,
19 they might want to configure the driveways if we don't
20 know what's there. So, I think that is the
21 applicant's responsibility.

22 MS. ANDERSON: It's -- well --

23 MS. HATCH: So, Ms. Anderson, and Mr.
24 Brook, and Mr. Johns, and Mr. Davis also all have

1 their hands raised, as well as Ms. Silber, if she's
2 completed.

3 DR. BENSON: All right. Well, let's
4 start with Karen.

5 MS. ANDERSON: I just wanted to get a
6 clarification. When you said that the Department can
7 assist, would it assist with paying for the
8 documentation or is the owner going to have to go and
9 get documentation done out of their pocket?

10 MS. HATCH: So, the Department can
11 assist with background research. The Department does
12 not have funds to -- aside from very limited, you
13 know, annual grant projects that are, you know, mostly
14 for national register nominations, the Department
15 doesn't have any funding.

16 MS. ANDERSON: What about those
17 programs at the University of Delaware, where the
18 students that are in the historic program come out and
19 do a, I guess, sort of a -- they document some of the
20 historic property?

21 MS. HATCH: That is something that the
22 property owner could reach out to the University of
23 Delaware. My suspicion would be that, you know, they
24 also, you know, do -- they are consultant work, as

1 well.

2 MS. ANDERSON: Okay.

3 MS. HATCH: So, I'm not sure if there
4 would be a cost or if it would be voluntary. I can't
5 speak for them.

6 MS. NORRIS: Or if they're even in --
7 available now.

8 MS. HATCH: Well, and right now, they
9 aren't --

10 MS. NORRIS: Right.

11 MS. HATCH: -- because the university
12 is shut down.

13 MS. ANDERSON: Right.

14 MS. NORRIS: They shut it down, right.

15 MS. ANDERSON: Okay. Thank you.

16 MS. HATCH: Uh-huh.

17 DR. BENSON: Steve?

18 MR. JOHNS: I kind of lowered my hand,
19 but I'm still wondering what the -- what we're asking
20 the applicant to do while we table this application.
21 What are we expecting the applicant to provide to us
22 while we wait another month to discuss this
23 application?

24 DR. BENSON: Well, that's a good

1 question. What I heard people in the beginning
2 talking about was they were concerned about the
3 layout, the driveways through this. And should they
4 be going through the property or should they be
5 individual driveways? And I don't think we can make
6 any decisions until we know a little bit more about
7 this property.

8 MR. JOHNS: I prefer the current
9 proposed layout of the driveways because it keeps the
10 driveways hidden and I understand maybe the driveways
11 are going through the center of the site, but having
12 them come off of the road and blend back in, I think
13 would be more disruptive than what they're proposing,
14 which makes it (inaudible) for the most part of the
15 existing driveway.

16 MS. HATCH: If I may, so the -- from
17 the staff's perspective, the conservation design
18 provisions in the UDC could possibly allow an addition
19 to a cross-access easement reorienting the lots to the
20 back of the site, while still meeting minimum lot
21 size. And there -- again, you know, this is kind of
22 why the Department wants additional communication with
23 the applicant because there could be a way to
24 potentially avoid, you know, getting Board of

1 Adjustment approval instead of -- instead of going
2 through Board of Adjustment, there are conservation
3 provisions in the code that would relax, you know,
4 requirements of just road frontage. So, that, you
5 know, a cross-access easement could still be utilized;
6 however, it would lessen the impact to the historic
7 resources located on the front of the property.

8 MR. JOHNS: So, are we tabling it so
9 that the applicant has an opportunity to discuss the
10 design with the Department to consider alternative
11 layouts?

12 MS. HATCH: Uh-huh. That's what the
13 staff recommendation is.

14 MR. BROOK: Yes.

15 DR. BENSON: Yes.

16 MS. HATCH: Madam Chair, Ms. Silber --

17 MS. ANDERSON: I think we can just --

18 MS. HATCH: -- and Ms. Anderson have
19 their hands raised, as well.

20 DR. BENSON: Okay. Let me start with
21 John.

22 MR. BROOK: Yes, Madam --

23 MS. ANDERSON: Actually, I'm good.

24 MR. BROOK: This is John. John Brook.

1 DR. BENSON: Yes.

2 MR. BROOK: All right.

3 DR. BENSON: Yes.

4 MR. BROOK: One of the things that I
5 would certainly appreciate as the Department discusses
6 this with the applicant is a site plan that I can more
7 easily understand. I mean, there's so many lines and
8 cross hatches and other things on this plan that I
9 have some difficulty in determining in how it's all
10 going to work. There might be a better way to lay
11 this out to accomplish what the owner wants to
12 accomplish than what is presented to us. And I hope
13 that the staff could help them with that.

14 DR. BENSON: Then, Karen.

15 MS. ANDERSON: I think I received
16 clarification based on what the discussion was with
17 Steve Johns in that the request is that we table this
18 so the client could speak with the Department about
19 alternative layouts which are allowed, under the UDC,
20 for conservation provisions; is that correct?

21 DR. BENSON: Yes, basically.

22 MS. NORRIS: I think you need to have a
23 motion because the original motion was to get the
24 revised plan that you already have. So, if that's now

1 -- if what Mr. Johns has stated, I see lots of heads
2 nodding, then perhaps what he stated should be a
3 motion and then Ms. Anderson you could second it.
4 You've had discussion about it, but I'm -- I think
5 we've sort of moved away from what the original motion
6 was.

7 MR. JOHNS: Do we need to redact the
8 original motion before we consider a second one?

9 MR. BROOK: I have my hand raised.

10 MS. HATCH: Mr. Brook has his hand
11 raised.

12 MR. BROOK: I withdraw my motion.

13 DR. BENSON: You withdrew your motion?

14 MR. BROOK: I'm withdrawing my motion.

15 DR. BENSON: Thank you. All right.

16 Steve, would you like to make a motion?

17 MR. JOHNS: I move that we table the
18 plan to provide the applicant an opportunity to
19 discuss alternative layouts for the subdivision with
20 the Department.

21 DR. BENSON: Is there a second?

22 MR. BROOK: Second.

23 MS. ANDERSON: I second.

24 DR. BENSON: Who was that second?

1 MS. HATCH: Ms. Anderson.

2 MS. ANDERSON: Karen.

3 DR. BENSON: Thank you, Karen.

4 Discussion? Barbara?

5 MS. SILBER: Yeah. I think that's a
6 good idea. I like this motion that we are tabling.
7 That will give the applicant and the county an
8 opportunity to consult with one another to identify
9 alternative layout options and analyze the things that
10 may contribute to protecting the historic content. I
11 think that's the motion, correct? And I think
12 (inaudible).

13 DR. BENSON: Great. So, we have a
14 motion, a second. Any other discussion? All right.
15 All in favor?

16 ALL: Aye.

17 DR. BENSON: Opposed? Abstentions?
18 Motion carries. Thank you very much. All right. We
19 have gone through new business. So, now, we have the
20 Report of the Preservation Planner.

21 MS. HATCH: All right. So, I don't
22 have too many things for you guys today. Just to give
23 you guys a heads up, next month's agenda includes a
24 number of legislative items, as well as two

1 applications that are coming back before the board
2 regarding the J. Houston House and the Bayberry
3 Subdivision. So, we will be preparing, you know, for
4 that meeting.

5 And then, also, I want to make sure
6 that the board is prepared for that meeting, as well.
7 So, if you guys -- you know, when you receive the
8 meeting materials closer to May 19, please feel free
9 to reach out if you have any questions about any of
10 those items because, again, there's a few legislative
11 items and the Bayberry Applications.

12 Other than that, you know, feel free to
13 keep reading the enhanced framework fact sheet that we
14 had shared with everyone. We welcome any comments.
15 We're hoping that will be wrapping up soon so we can
16 get the process moving on that, as well. And that's
17 all that I have today.

18 DR. BENSON: Thank you. Betsy, I have
19 a question. Do we have a hearing later in May?

20 MS. HATCH: On May 19, yes.

21 DR. BENSON: May 19. Okay.

22 MS. HATCH: Uh-huh.

23 DR. BENSON: Thank you very much. Oh,
24 well, no, I'll just make the announcement now. For

1 those of you that don't know it, this will be the last
2 meeting that I will chair. I am retiring as of the
3 end of May.

4 MS. ANDERSON: Congratulations.

5 DR. BENSON: Oh, thank you.

6 MR. BROOK: We're going to miss you,
7 Barbara.

8 MR. DAVIS: Congratulations, Barbara.

9 DR. BENSON: Thank you. Thank you. I
10 have enjoyed my years on this and being with all of
11 you for varying amounts of time. John Brook, with you
12 a very long time.

13 MR. BROOK: Yes.

14 DR. BENSON: It's been wonderful. So,
15 I will see you at the May hearing. Well, at least,
16 I'll look at you. All right?

17 MR. BROOK: Very good.

18 DR. BENSON: Is there any public
19 comment? I should have asked for that. Hearing none.
20 Is there a motion for adjournment?

21 MR. PATEL: Yeah, adjourn.

22 DR. BENSON: Second?

23 MS. SILBER: I second.

24 MR. JOHNS: Yeah.

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MS. ANDERSON: Second.

DR. BENSON: All in favor?

ALL: Aye.

DR. BENSON: Motion carries. Thank
you.

MR. BROOK: See you, all.

MS. HATCH: Thank you, everyone.

ALL: Bye.

(Whereupon, this hearing concluded.)

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

I, Angela M. D'Amico, certify that the foregoing
is a true and accurate transcript from the official
electronic sound recording.



Angela M. D'Amico
Approved Transcriber

Dated: May 29, 2020