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DEPT. OF LAND USE

BEFORE THE NEW CASTLE COUNTY
HISTORIC REVIEW BOARD
STATE OF DELAWARE

Department of Land Use
New Castle, DE

November 7, 2018

PRESENT

DEPARTMENT OF LAND USE

Elizabeth Caufield

HISTORIC REVIEW BOARD

Barbara Benson, Chair
John Brook
John Davis
Barbara Silber

Colleen Norris

MS. CAUFIELD: Your recording.

MS. BENSON: All right I'm going to call the New Castle County Historic Review Board business meeting for November 7, 2018 to order. It is 5:06 by the meeting room clock. We begin with roll call. I'm Barbara Benson.

MR. DAVIS: John Davis.

MR. BROOK: John Brook.

MS. SILBER: Barbara Silber.

MS. BENSON: We also have with us from the Department of Land Use our planner Elizabeth Caufield and from the Law Department Colleen Norris. And will you read in the Rules of Procedure.

MS. CAUFIELD: All right.

MS. BENSON: Thank you.

MS. CAUFIELD: This is a business meeting conducted by the New Castle County Historic Review Board. The purpose of this meeting is for the Board to discuss and evaluate the information and testimony received at the prior public hearing. As part of the meeting the Board may choose to engage the applicants in additional discussion. The public is invited to listen but not to speak, however, the public record remains open for submittal of written comments. The meeting is recorded and transcribed.

MS. BENSON: Okay. Now we have minutes, transcripts. Has everybody has reviewed both of them? All right then is there any pleasure in doing them together.

MR. BROOK: I move that Madam Chair, I move that we accept the minutes from the October 2nd and October 16th as written.

MS. SILBER: I second the motion.

MS. BENSON: All in favor.

. . . (Everybody said aye) . . .

MS. BENSON: Motion carries. All right old business. None. New business. Read it in Betsy.

MS. CAUFIELD: The only item for new business is Application 2018-10618, 501 Powder Mill Road (South side of Black Gates Road, south west of the intersection of Black Gates Road and Rockland Road), located in Brandywine Hundred. It's a Demolition Permit to demolish a National Register listed dwelling known as the Upper Louviers and Black Gates, circa 1900; also known as 9 Black Gates Road. OR Zoning. Council District 2.

MS. BENSON: Thank you. John.

MR. BROOK: Madam Chair. For purposes of discussion I move that we release the permit.

MS. BENSON: Discussion.

MR. BROOK: We need a second.

MS. BENSON: Oh we do need a second.

MR. DAVIS: Second.

MS. BENSON: Discussion.

MR. DAVIS: You want me to start the discussion?

MR. BROOK: Sure. Go ahead.

MS. BENSON: Go ahead John.

MR. DAVIS: So I just don't see this carriage house, I don't see that it has any historic integrity in its current state. It seems to have been modified and, you know, it just doesn't, I don't believe it's in its original condition. In addition I think, you know, the fact that it's on the property but the main house is not,

you know, it also kind of takes it out of context.

MS. BENSON: Thank you. Other comments?

MS. SILBER: Yeah. I do have one. In regard to the foundation if they are going to demolish the super structure is there any way that maybe we could suggest that they leave the foundation since that part of the property will not be used other then, you know, it will remain open or as is right I think.

MR. BROOK: Does this have a basement or is it just a?

MS. SILBER: I think if I recall there's a, anyone remember what the foundation. Is that doable?

MS. BENSON: Well I have a question. Is it possible that somebody playing golf will fall in it?

MS. SILBER: I thought that that was going to remain in an infield that it's not going to be.

MS. BENSON: Is anything being done there?

MS. SILBER: That's what I was under the impression.

MR. BROOK: I think that we could ask that the foundation be retained in such a way that it would not constitute it being a hazard for anybody.

MS. SILBER: Even if the foundation is buried, you know, it would be okay.

MS. BENSON: That that we should include with it.

MS. SILBER: I don't know if there is a cavity.

MS. BENSON: I don't either.

MR. BROOK: I don't either. Madam Chair I agree with John Davis. I think that if there was any historic connection with this carriage house it was part of a main structure that it's been so

changed over the years and it is so dilapidated that and it's so isolated that I see no historic value in retaining it.

MS. BENSON: I agree. Now John you have a motion. Do you want to take it back and then.

MR. BROOK: Yes.

MS. BENSON: Reincorporate it.

MR. BROOK: Yes. I withdraw my motion. You withdraw your second.

MR. DAVIS: I withdraw my second.

MS. BENSON: Now do I have a motion?

MR. BROOK: Yes. I move that we release the demolition permit in connection with that application 2018-10618 with the provision that the applicant retain so much of the foundation of the building as may be retained without causing it to be a hazard to any person in the future.

MS. BENSON: Thank you. A second.

MR. DAVIS: I second.

MS. BENSON: Further discussion. All in favor.

. . . (Everybody said aye) . . .

MS. BENSON: Opposed. Motion carries unanimously. Now on my agenda this is the last item.

MS. CAUFIELD: I do have a Report of the Preservation Planner.

MR. BROOK: You are covering these materials as the Preservation Planner.

MS. BENSON: Okay. Please.

MS. CAUFIELD: All right. Okay. I have two items tonight. The first we are looking at the Everett Johnson House and Wawa. So we

have two representatives here to kind of go over what they are proposing but what you have in front of you is information as to the structural report. Basically they have met with them and they are looking at, you know, fixing it up and they are kind of looking for some guidance because the structure was built in different periods over time. So we have them here. If you want to come up to the table.

MS. STABLER: Yes. Sure.

MS. CAUFIELD: Thank you.

MR. BROOK: Do you have a proposal or just questions?

MS. STABLER: Mostly questions. This is just sort of an informal exchange before we move forward with anything formally we thought of you and seek your guidance.

MR. BROOK: Okay.

MS. SILBER: Thank you.

MS. STABLER: And thank you for allowing us to come in this capacity.

MS. BENSON: We rather talk now.

MS. STABLER: Absolutely.

MS. BENSON: Now for the record will you give us your name.

MS. STABLER: Yes. Good afternoon. My name is Wendie Stable. I'm with Saul Ewing Arnstein & Lehr and I'm here for Wawa.

MS. LINDBERG: I'm Betty Lindberg. I'm the senior real estate portfolio manager with Wawa just about two years.

MS. BENSON: Thank you.

MS. STABLER: Sure

MS. BENSON: Okay. Hit it.

MS. STABLER: Yes. So as I have mentioned we are extremely appreciative and candidly a little bit, not a little bit very sorry for the context in which we are appearing before this Board in connection with this house. It is not part of the Wawa way and its commitment to the community to allow things to deteriorate. And without going into a lot of explanation because frankly I wasn't involved in it nor was Betty. And I'm not trying to disassociate because it's the company and we are here representing the company.

Suffice to say that I think there were efforts made initially to really comply with the spirit and terms of the restrictions that were imposed on that property at the time that it was rezoned in this Board. I don't know if anyone here was involved but certainly the Historic Review Board at the time was very actively involved. The property was.

MR. BROOK: You were so I had to be.

MS. BENSON: When it came back. Yeah. At least one of the times.

MS. STABLER: Any way.

MR. BROOK: It doesn't matter.

MS. STABLER: The property certainly probably is known to the Board.

MR. BROOK: It is.

MS. STABLER: And certainly there have been folks over time who have been more actively involved in actually looking at it. So it was in fact rezoned to commercial and it was rezoned with conditions including a historic zone overlay which the Board well knows, you know, gives this Board tremendous authority and

jurisdiction over anything that happens with respect to that property. And so and the language of those restrictions were that the historic and I'm summarizing just to, you know, to kind of get things before you all. The historic Everett C. Johnson House shall be preserved and maintained and then it goes on to say but not the barn, driveways, paved areas, or other accessory building in a habitable condition in its present location. So that's what the restriction is that was imposed as a condition of the rezoning status.

So we are here as a practical matter to try to talk with you about a solution that will bring us much closer to that. As mentioned we have submitted that the house is structurally sound and there is some minimal lead base paint there which certainly can be dealt with in the context of the remediation. So what we are trying to do is hone in on what is the priority here. So the Board is, I don't know if the Board is aware of the history of the house but the Everett C. Johnson was, it was built I think in the 1800's. It was part of the Welsh Baptist Church parsonage. And then the daughter of the parson married Everett C. Johnson, a very famous Delaware person who was a state representative. He was the Secretary of State. He was very involved in Newark and started the Newark Post. Was very intimately involved with the University of Delaware. So that was the historic background of the house.

The house itself we do have some pictures. It was in the report. It seems to have been changed quite a lot of over time. And we brought with us a picture of what we think was the original part of the house and I'll just share this. I'm not submitting anything

into the record today because that's not what we are here for. But I don't know if you.

MS. LINDBERG: That was part of the.

MS. STABLER: Right.

MS. LINDBERG: That was part of the report that seems to correlate with what our thinking is. The challenge has been there really are no plans that we can find.

MS. STABLER: So what, not to interrupt but again of course we are all just exchanging.

MS. SILBER: Thank you.

MS. LINDBERG: It's not recordable testimony. So what we have done to try to back up what we think to be the case which is I call Mackle Carbonell. Somewhere in the file it looks like they had done some work on the house because candidly we like to preserve that main part. We think the other part that is not within the red and you can see the original facade I think is what I believe was again the report as well which is sort of this from the front and we just have one copy of that. If you want to pass it around. So that's, you see the side version of that. That looks like the front. It looks like there was a connection and a garage added onto that. Whether that is, we think that's actually the barn that is referred to in the restrictions where it talks about that that is not the area that is protected and that could be demolished.

MS. LINDBERG: As a matter of fact this picture shows when it was changed. This is during 1904 to 1918 and this is 1988. You can see that was all in the report.

MS. STABLER: Yeah. Exactly. To give you some idea there. So we

understand that there is a significant historic interest in that the property is protected with a historic zone overlay. And we have an obligation to put that house in better shape and we fully want to do that. And we want to put it in a habitable condition whatever that means but certainly have it be so that it could be used because the reason it's not the way it has is because nobody has used it. It hasn't been good for any purpose.

So in thinking about what the priorities were to us we very much wanted to preserve the integrity of the original structure. We do not want to move it. We do not want to demolish it. But we would very much like to spend the money on that original facade of what we think is the original facade. Remove the connection and what looks like either what was formerly the barn and now a garage which we believe is consistent with the language of the restriction. And that would also free us up to do really a very practical site plan which would add more parking which we think would really help to make the building usable or either a lessee, a tenant. Maybe the University of Delaware might be able to use it.

But certainly the lack of parking has been an issue we think in the past. And it will also help improve the traffic flow. So I'm sharing with you just again the concept to get your reaction and see what the Board thinks about it that again.

MS. LINDBERG: If I can just add to what was already said.

MS. STABLER: Sure.

MS. LINDBERG: From a real estate perspective enlarging the size for office or retail use will obviously make that more appealing. The size of the structure today is not really usable for

a retail and office tenant with a barn on the back or what we consider to be a garage.

MR. DAVIS: What's the total square footage of the outside?

MS. STABLER: Um. Yeah. So actually that's part of what I wanted to share with the Board. And I haven't gotten any feedback yet. I spoke with both Joe Carbonell and Thor Mackle who said that they had donated, you know, Mackle Carbonell is no longer in business and they have donated their files to the University of Delaware. I believe that they may have a report on that. That request is pending. And certainly if I get any feedback I will absolutely share it with the Board. But what we are hoping that that will help us to reaffirm our sense based upon the reports and the pictures that these add ons, the connection, and the barn which is, I don't know if it's right a barn or actually not part of it. And what we'd like to do is to have essentially have the proposal which will be more detailed what we expect to do by the way of that facade, the actual materials that we would like to use the color. That would be coupled with the request that these other add ons be removed as part of that plan. And that the site plan conceptually would be something that the Board would be comfortable with and would be able to endorse.

MR. BROOK: Ms. Stabler let me understand this.

MS. STABLER: Yeah.

MR. BROOK: Are you talking about removing everything that's outside of the red?

MS. STABLER: Yes.

MS. LINDBERG: What we believe would be the additions.

MS. STABLER: And in that particular case.

MR. BROOK: This looks like a pretty old addition by the size of those chimneys back there. I would want you to get somebody that knows about old buildings like the people at the University of Delaware.

MS. STABLER: Yes.

MR. BROOK: To go in there and see because I think this first, this L addition has been on there a long time. I don't know about the part that has the garage is under it but.

MS. LINDBERG: We are thinking that's the connector that's referred to in the 1941, 1942 time frame.

MR. BROOK: Which do you think is the connector?

MS. STABLER: This.

MS. LINDBERG: The part right before the three bay or the garage.

MR. BROOK: The two-story addition.

MS. LINDBERG: Yeah.

MR. BROOK: Why would anybody ever call that a connector? Do you see the size of the chimneys on that?

MS. LINDBERG: I know. And what our engineer when we were out there just from a physical inspection you can see the brick and right here and then this is all different types of shingles. So just from a physical inspection again we would have to engage someone that knows more but he also believed that this was the original structure.

MR. BROOK: It very well could be.

MS. LINDBERG: Yeah.

MR. BROOK: The original structure. But I'm saying that this L looks like it could have been added a long time ago. And how much space would you have in just the original structure to repurpose?

MS. LINDBERG: So I want to say just and again I'm rough estimating it here but there on the second floor between the first and the second floor if we were talking general office space or retail space I think it's 2,500 square feet between the two floors.

MR. BROOK: Don't you have to make this ADA compliant?

MS. STABLER: No. I don't think so because we are in a historic building we would not have to make it a.

MR. BROOK: I don't know.

MS. LINDBERG: However I think you'd have to.

MR. BROOK: You need to find that out.

MS. LINDBERG: Yeah.

MS. STABLER: Yeah so we are here because we haven't done all that detail work yet.

MS. LINDBERG: Yeah.

MR. BROOK: Yeah.

MS. STABLER: And want to. So we are hearing back that which we had anticipated which was we should retain somebody to help us confirm the historic really when these different additions were built.

MR. BROOK: Right.

MS. STABLER: And as you say Mr. Brook in fact it might not be the original but maybe it also was built a 150 years ago. We don't know.

MR. BROOK: Yeah.