

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY HISTORIC REVIEW BOARD
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
October 6, 2020
5:00 P.M.**

The Virtual Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, October 6, 2020 via Zoom meetings.

The meeting was called to order by John Davis at [5:05 p.m.]

The following Board members were present:

Perry Patel
John Brook
Karen Anderson
Barbara Silber
John Davis

The following Board members were absent:

Steve Johns
Rafael Zahralddin

Historic Review Board, Department of Law

None.

The following Department of Land Use employees were present at the meeting:

Betsy Hatch
Chris Jackson

RULES OF PROCEDURE

Ms. Hatch read the rules of procedure into the record.

MINUTES & NOTICE OF DECISIONS

September 1, 2020 Business Meeting Minutes

On a motion made by Mr. Patel and seconded by Ms. Silber, the HRB voted unanimously to approve the September 1, 2020 Historic Review Board meeting minutes.

OLD BUSINESS

None.

NEW BUSINESS

Case No. 2019-08887: 706 New London Road. (Located on the east side of New London Road, south of the intersection with Wedgewood Road.) (TP 09-005.00-074). White Clay Creek Hundred. Code violation case for interior work and demolition without a permit. William Kennedy Post Office and Store ca. 1860. NC21 Zoning. CD 3.

At a meeting held on October 6, 2020, the Historic Review Board considered the code violation case, public testimony provided at its September 15, 2020 public hearing, as well as the recommendation provided by the Department of Land Use.

On a motion made by Ms. Brook and seconded by Mr. Johns, the Historic Review Board voted unanimously (In Favor: Patel, Brook, Anderson, Silber, Davis) to:

1. Find that the appendages demolished were historically significant to the structure and demolished without the issuance of a demolition permit.
2. Recommend that historic mitigation measures be taken in order to prevent further loss of historic significance, including the preservation and restoration of the Period II portion of the structure and the restoration of the front entry and southeast porch.
3. Recommend to the Code Official that building permits be withheld for a period of three (3) years in accordance with **Section 06.03.020.B.2 of the New Castle Code** unless historic mitigation measures are submitted to the Department, approved by the Historic Review Board, and exercised by the applicant..

Discussion preceding the vote included the following:

Ms. Hatch gave a brief presentation on the code violation case's background and read the Staff Recommendation into the record. Ms. Hatch noted that the Board was provided with an assessment completed by the University of Delaware Center for Historic Architecture and Design and outlined its contents. Ms. Hatch stated that following the Historic Review Board meeting, the Department discussed with the property owner the Board's request that he present a plan to offset any further impact on the historic aspects of the building. The property owner indicated to the Department that they did not propose any further work and would like to obtain building permits.

Mr. Brook asked if all permits were held for a period of three years, if that would include any further demolition. Ms. Hatch stated that it would. Ms. Anderson asked how the Period II portion of the building related to the porches that have been demolished. Ms. Hatch noted that the Period II portion of the dwelling is the Period II section of the building which has been determined to be the most significant while the porches were considered appendages. Ms. Hatch noted that the appendages were also historically significant and explained the

staff recommendation. Ms. Anderson stated that the addition of the porch was an important arrival on the structure as it speaks to the social values and needs of the structure. She noted it provides us information as to how people were functioning and socially interacting with each other.

Mr. Patel asked what the stance of the property owner was and what would happen if the Historic Review Board follows the staff recommendation and recommends that building permits should be held. Ms. Hatch stated that the property owner simply wishes to demolish the rest of the building and continue with his project. She noted that the Historic Review Board's recommendation would be forwarded to the Code Official, who would decide on final action. Ms. Hatch stated that in the meantime the property owner could come back before the Historic Review Board with proposed mitigation measures that would need to be exercised by the property owner in order for the Code Official to release the hold.

Ms. Anderson moved that the southside porch be restored in addition to the front-entry porch be restored be incorporated into the motion. Ms. Silber seconded the motion and the HRB voted to add the suggestion to the motion.

App. 2020-05988: 904 Old Baltimore Pike. (Located on the west side of Dayett Mill Road, south of the intersection with Old Baltimore Pike.) (TP 11-014.00-044). Pencader Hundred. Demolition permit to demolish two non-contributing structures located within the Cooch's Bridge Historic District. I Zoning. CD 11.

At a meeting held on October 6, 2020, the Historic Review Board considered the application, public testimony provided at its September 15, 2020 public hearing, as well as the recommendation provided by the Department of Land Use.

On a motion made by Mr. Brook and seconded by Ms. Anderson, the Historic Review Board voted to **RELEASE** (In Favor: Patel, Brook, Anderson, Silber, Davis) the demolition permit a provided a recommendation to the Delaware Division of Historical and Cultural Affairs take special demolition measures be taken including the structures' full documentation prior to demolition and a documented deconstruction of the structures with attention paid to construction methods and techniques of the structures.

Discussion preceding the vote included the following:

Ms. Hatch gave a brief presentation to the Board and read the staff recommendation into the record. Ms. Silber agreed that there should be documentation as part of the demolition, and that both forms of documentation (extant-documentation and documented deconstruction) were appropriate. She noted that because the buildings were relocated, there could be easily be case-study documentation completed to evaluate construction techniques that can be beneficial in a vocational or educational manner. Ms. Silber moved that the motion include a recommendation that both types of documentation be completed, noting that some of the materials from the building could be used for learning in the future.

Ms. Anderson noted that the Board's recommendation is a strong recommendation. Mr. Brook concurred both with Ms. Anderson and Ms. Silber. The HRB voted to add the amendment proposed by Ms. Silber.

App. 2020-06221: 10 & 12 Pyles Lane. (Located on the south side of Pyles Lane, east of the intersection with New Castle Avenue.) (TPs 10-005.20-135 & 10-005.20-136). New Castle Hundred. Demolition permit to demolish a ca. 1900 duplex. NC5 zoning. CD 10.

At a meeting held on October 6, 2020, the Historic Review Board considered the application, public testimony provided at its September 15, 2020 public hearing, as well as the recommendation provided by the Department of Land Use.

On a motion made by Mr. Brook and seconded by Ms. Anderson, the Historic Review Board voted unanimously (In Favor: Patel, Brook, Anderson, Silber, Davis) to **RELEASE** the demolition permit. Discussion preceding the vote included the following:

Ms. Hatch gave a brief presentation on the application and read the Department's recommendation into the record. Mr. Patel noted that the building has gone too far and is past saving. Ms. Silber asked if the property was located in an historic district. Ms. Hatch clarified that it is not.

App. 2017-0666-S: 5300 Kennett Pike. (Located on the west side of Kennett Pike, north of the intersection with Pyles Ford Road.) (TP 07-012.00-018). Christiana Hundred. Minor subdivision plan to subdivide an existing parcel into two lots and convert an existing barn to a dwelling. Wm. Peters Ag. Complex (Beers) located along the Brandywine National Scenic Byway. NC2a Zoning. CD 2.

At a meeting held on October 6, 2020, the Historic Review Board considered the application, public testimony provided at its September 15, 2020 public hearing, as well as the recommendation provided by the Department of Land Use.

On a motion made by Mr. Brook and seconded by Mr. Patel, the Historic Review Board voted unanimously (In Favor: Patel, Brook, Anderson, Silber, Davis) to recommend **APPROVAL** of the proposed subdivision plan with a recommendation to the applicant that they consider Historic overlay zoning as part of the larger project scope.

Discussion preceding the vote included the following:

Ms. Hatch gave a brief presentation on the application and read the staff recommendation into the record. Ms. Anderson asked if the recommendation for Historic overlay zoning would be for both parcels. Ms. Hatch stated that it would, as the barn would be on one lot and the historic house on the other lot.

App. 2019-11735: 2203 W Newport Pike. (Located on the north side of W. Newport Pike, at the northwest corner of the intersection with Stanton Road, W Newport Pike, and Rock Avenue). Mill Creek Hundred. (TP 08-051.10-035). Demolition permit to demolish a ca. 1800 dwelling. NC5 Zoning. CD 9.

At a meeting held on October 6, 2020, the Historic Review Board considered the application, public testimony provided at its July 21, 2020 public hearing, discussion from the August 4, 2020 business meeting, as well as the recommendation provided by the Department of Land Use.

On a motion made by Ms. Brook and seconded by Ms. Anderson, the Historic Review Board voted unanimously (In Favor: Patel, Brook, Anderson, Silber, Davis) to **HOLD** the demolition permit for a period of nine months in order for the applicant to have an opportunity to document the structure in accordance with Historic American Building Survey (HABS) Guidelines, as well as to explore additional alternatives and funding sources for the preservation of the structure as part of the expected land development plan for the property.

Discussion preceding the vote included the following:

Ms. Hatch gave a brief presentation on the application and read the staff recommendation into the record. She noted that since the Board voted to table the application at its August 4, 2020 Business Meeting, the applicant and their counsel met with the Department of Land Use regarding the anticipated land development plan. She stated applicant provided a structural evaluation as well as an economic assessment of the property, expressing concerns over the cost it would take to repair the structure. Ms. Hatch stated the applicant has agreed to have the structure historically documented.

Mr. Brook stated that he thought it was a rare circumstance that the Board deals with a property that meet four of the criteria that make a property eligible for Historic overlay zoning. Ms. Silber inquired if there had been any public comment since the public hearing on this conversation regarding to the history of the property. Ms. Hatch stated that there was some interest from Council people that tuned into the public hearing in July regarding the property. She noted prior to the public hearing a neighbor had reached out to the Department and noted that he thought it was historically significant, but since the public hearing she had not received any further information regarding the site from the public. Ms. Hatch noted that any documentation completed on the property would likely be brought back before the Historic Review Board for consideration. Ms. Silber stated that this property appears to have been lost in the shuffle and there is a possibility that archival information could reveal the occupational history of the site. Ms. Hatch stated that the applicant is amenable to having the site documented.

REPORT OF THE PRESERVATION PLANNER

Ms. Hatch stated that that the next public hearing would be on October 20th and the following business meeting would be on Wednesday, November 4th due to Election Day. She noted that 565 Walker School Road was tentatively scheduled for the November business meeting and that the DE Division of Fish and Wildlife was working with Councilwoman Durham and Preservation Delaware on alternatives for the structure.

REPORT OF THE CHAIRPERSON

None.

COMMENTS FROM THE PUBLIC

None.

ADJOURNMENT

The Board voted to adjourn the meeting at 6:03 p.m.

ATTEST:

Richard E. Hall, AICP
General Manager
Department of Land Use

John R. Davis
Chairperson
Historic Review Board