

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY HISTORIC REVIEW BOARD
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
February 1, 2022
5:00 P.M.**

The Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, February 1, 2022 via Zoom meetings.

The meeting was called to order by John Davis, at [5:02 p.m.]

The following Board members were present:

John Davis
Steve Johns
Karen Anderson
Barbara Silber
Rafael Zahralddin
Perry Patel
Nannette Swadey
Jean Hershner

The following Board members were absent:

None

Historic Review Board, Department of Law

Colleen Norris

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

Betsy Hatch
Shane Bailey

RULES OF ORDER

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

MEETING MINUTES

January 4, 2022 Historic Review Board Business Meeting

On a motion made by Mr. Patel and seconded by Mr. Johns, the Historic Review Board voted to approve the meeting minutes from January 4, 2022. [In Favor: Davis, Swadey, Anderson, Zahralddin, Patel, Johns, Silber; Hershner; In Opposition: None; Abstention: None; Absent: None.]

HISTORIC MARKER PROGRAM

None.

OLD BUSINESS

None.

NEW BUSINESS

App. 2021-0319-H: 922 Otts Chapel Road. (TP 11-008.00-028). West side of Otts Chapel Road, south of the intersection with W Chestnut Hill Road. Pencader Hundred. Demolition permit to demolish the S. Ott House (ca. 1865). NC21 Zoning. CD 5.

At a meeting held on February 1, 2022, the Historic Review Board considered the proposed application, public testimony provided at the January 18, 2022 public hearing, and the Department of Land Use Recommendation.

On a motion made by Mr. Patel and seconded by Mr. Zahralddin, the Historic Review Board voted to **RELEASE** the proposed demolition permit with the following condition:

1. Updated State of Delaware Cultural Resource Survey forms are completed by the Historic Preservation Planner and uploaded to the Delaware Division of Historic and Cultural Affairs Cultural and Historic Resource Inventory System (CHRIS) noting updated photographs and the structure's demolition.

The motion was adopted by a vote of 7-0-1-0 [In Favor: Davis, Swadey, Anderson, Zahralddin, Patel, Johns, Silber; In Opposition: None; Abstention: Hershner ; Absent: None.]

Discussion preceding the vote included the following:

Ms. Hatch read the Department of Land Use recommendation into the record. The Board had no further discussion.

App. 2021-0782-H: 1925 Old Capitol Trail. (TP 08-054.40-151.) Northwesterly corner of Old Capitol Trail and Old Harmony Road. Mill Creek Hundred. Major land development plan to subdivide existing three lots and construct a three-story, 49,989 square foot self-storage building, containing a ca. 1900 dwelling. CN Zoning. CD 9.

At a meeting held on February 1, 2022, the Historic Review Board considered the proposed application, public testimony provided at the January 18, 2022 public hearing, and the Department of Land Use Recommendation.

On a motion made by Mr. Patel and seconded by Ms. Anderson, the Historic Review Board voted to find that the site **MEETS** the minimum Criteria for Designation for Historic overlay zoning pursuant to Section 40.15.110 of the New Castle County Code under Criteria B and D.

The motion was adopted by a vote of 6-0-2-0 [In Favor: Davis, Swadey, Anderson, Zahralddin, Patel, Silber; In Opposition: None; Abstention: Hershner, Johns; Absent: None.]

Discussion preceding the vote included the following:

Ms. Hatch read the Department's recommendation into the record.

The Board had no further discussion.

App. 2021-0842-H: 1208 Bethel Church Road. (TP 11-061.00-005.) approximately 1,850 feet west of Choptank Road; West side of Choptank Road, 3500 feet south of Bethel Church Road. Pencader Hundred. Major land development plan to construct an Open Space Planned development, J.T. Bird House (ca. 1770) with associated outbuildings. S Zoning. CD 6.

At a meeting held on February 1, 2022, the Historic Review Board considered the proposed application, public testimony provided at the January 18, 2022 public hearing, and the Department of Land Use Recommendation.

On a motion made by Ms. Anderson and seconded by Mr. Patel, the Historic Review Board voted to find that the subject site **MEETS** the minimum Criteria for Designation pursuant to Section 40.15.110 of the New Castle County Code under Criteria B and D as an early nineteenth century farmstead in Pencader Hundred.

The motion was adopted by a vote of 6-0-2-0 [In Favor: Davis, Swadey, Anderson, Zahralddin, Patel, Silber; In Opposition: None; Abstention: Hershner, Johns ; Absent: None.]

Discussion preceding the vote included the following:

Ms. Hatch provided a summary of the analysis provided in the Department of Land Use Recommendation Report.

Mr. Johns noted that he was not present at the January 18, 2022 public hearing; however, he had concerns with declaring the site to be eligible for Historic overlay zoning and having the property zoned as such to then have the structures further deteriorate due to infeasibility of repair. He inquired how the process would play out once the property is zoned with an Historic overlay zone. Ms. Hatch clarified that in the event the site is found eligible for Historic overlay zoning, the applicant would be required to stabilize the structure and bring the building to a usable state in accordance with recently adopted legislation. She noted a Preservation Plan for the building and surety measures would be required to ensure that the building remains in good repair as part of the major land development process. She noted that Historic overlay zones are subject to annual inspections to prevent demolition by neglect.

Ms. Silber stated that the property should be not only evaluated by the current state of the structure, but also by the historic context of the property and the historical occupation of the property. She noted the property's early temporal land use, including the potential for Native American sites. Ms. Silber stated while the building's condition is concerning, there are several options available to integrate historic resources into modern land use including green space to be utilized by the community. She noted the importance of the landscape that the historical context is a part of.

Ms. Anderson stated that based on the background information and the photographs of the property, it was sad that the application was a case of demolition by neglect, which is something the Board consistently tries to combat. She stated that she is in favor of some sort of restoration or renovation option for the historic building so that it can be saved. She agreed with Ms. Silber's points regarding the importance of the landscape, noting the importance of maintaining an historic landscape for the building. Ms. Silber added that there may also be historically significant resources that are located sub-surface, noting that archaeological reconnaissance should be completed to identify any potential resources important to the property's past.

REPORT OF THE PRESERVATION PLANNER

Ms. Hatch noted that the next Historic Review Board meeting would be the February 15, 2022 public hearing.

REPORT OF THE CHAIRPERSON

None.

COMMENTS FROM THE PUBLIC

Councilwoman Dee Durham provided public comment. Councilwoman Durham thanked Ms. Hatch, the Department of Land Use, and Historic Review Board for the analysis on the applications that were reviewed on the agenda. She noted that it was positive to see the intent of the new legislation carried forward and leading to more positive outcomes. Councilwoman Durham stated that she is exploring fee structures for demolitions and was hoping to have a draft ordinance appear before the Board for advanced feedback.

ADJOURNMENT

ATTEST:

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

John R. Davis
Chairperson
Historic Review Board