

Wilmington Design Review and Preservation Commission
Wednesday, September 18, 2019

6:32 pm call to order

Commissioners Present: Peter vonGlahn , Stuart Baron, Sandra Dolan, Jay Macklin

Staff Present: Rose Tassone diNardo, Law; Pat Maley, John Kurth, Herb Inden, Dorien Snyder, Planning

Administrative Business

Rules of procedure were read by the chairperson.

Acceptance of the minutes from August 2019 - Motion to accept was made by Stuart Baron, seconded by Edie Menser and approved unanimously.

New Business

Permit Referral DR-1628: 840 N. Market Street. Request to replace commercial entry doors at main entrance and add roof-mounted HVAC equipment. Market Street City Historic District. Resolution 26-19.

Presentation was made by Kimberly Keene representing Chase.

The major proposed external work includes rooftop units, a new card reader, new knock box / key box, and new entry door with a sidelight (replacing the side by side 2 doors).

Power Point Slides were shown b John Kurth.

He noted that 838 Market Street is the residential address (upper floors), and 840 Market Street is the bank's address.

Peter von Glahn had no objections to the application, calling it a nice job of showing what you are doing.

There were no commission objections. Sandra Dolan noted she had no questions and was fine with the application. Stuart Baron called it a good application.

There were no community comments.

Stuart Baron read and moved the prepared resolution; it was seconded by Sandra Dolan and received unanimous approval.

Permit Referral CLG / DR-1629: An Ordinance to Amend Article IX, Division 2, Subdivision III of Chapter 48 to Provide Penalty and Enforcement provisions relating to Neighborhood Conservation Districts. Resolution 27-19.

The case summary was given by Rose Tassone di Nardo of Law who was principal author of the ordinance. She summarized the intent of the ordinance, pointing out the differences between CHD and NCD provisions, and ended by noting this ordinance was the “First piece of larger major “TWEAK.”

The ordinance has 3 new subsections –

§48- 428 – enforcement of approved work provides mechanism to ride herd on approved work - this provides more detail than CHD section –

§48-429 Unauthorized work - spurred by the Scalessa case
Gives DRPC the discretion to determine what needs to be done if unauthorized work is found; Clarifies path forward and provides options for DRPC to call for

§48-430 – Penalties

Already applies to NCD – subsection (a) comes from chapter 48 beginning;
Fines are different from CHD section – which will be modified in the big TWEAK;
This provides a range and increased fines for repeat violator; Demo w/o permit - difference is that fine has been increased to a minimum of \$5K.

Sandra Dolan asked if the Forty Acres neighborhood is “on board.” Pat Maley answered that there had not yet been a public hearing.

Rose Tassone diNardo further answered that because this proposed change amends the zoning code it must go through City Planning Commission (with public hearing noticed 7 days), then City Council Committee,(with 15-day notice of public hearing) then full Council (with public hearing), which will give 3 other opportunities for public comment.

Stuart Baron stated that the proposed changes seem reasonable - this addresses what happened with the Scalessa case in 2018 and provides “teeth” which the community called for at that time.

Sandra Dolan stated it was good that the new sections outlined the fines.

Peter von Glahn expressed that he thought the existing dollar amounts of the fines are “too lenient.”

Peter von Glahn read the proposed resolution; Jay Macklin seconded it, and it was approved unanimously.

The third item on the posted agenda -

Permit Referral DR-1630: 1917 and 1919 N. Lincoln Street. Request from Kentmere Rehabilitation and Healthcare Center, Inc. to demolish the adjacent twin property to allow space for an off-street entrance for emergency vehicles and patient drop off. Forty Acres Neighborhood Conservation District. Resolution 28-19.

Was withdrawn at the request of the applicant.

Administrative scheduling notes –

Planning asked to RESCHEDULE to Oct 23 for the October meeting. Pat Maley summarized that two of the seven cases are so detailed that the move is necessary to assure enough Commissioners to get a quorum.

The issue of filling the Vice Chair position was deferred until the October for a vote.

There was discussion about tweaking the application form so there is NO question about what is required for an applicant to produce.

Peter von Glahn suggested an addition to the current cover sheet and asked about adding a discussion item regarding format change of application to October meeting. It was also suggested that moving the meeting start time to 6 pm for October meeting to accommodate the longer agenda should be considered to accommodate the possible use of the 3rd Floor Conference Room.

Other topics mentioned were a notation of caution regarding e-mail quorum, and the need for a Non quorum Subcommittee to review and create so there can be a workshop

Move to adjourn was made by Jay Macklin, seconded by Edie Menser and approved unanimously.