

DEVELOPMENT REVIEW COMMITTEE

Minutes of the Meeting of March 16, 2021

The DRC meeting was held via Zoom

Members Present

✓ _____ Larry McEwen, Co-chair
✓ _____ John Landis, Co-Chair
✓ _____ Steve Gendler, LUPZC
✓ _____ Jean McCoubrey, LUPZC
✓ _____ Patricia Cove, HDAC

_____, Business Assn.
✓ _____ Richard Snowden, TT&P
✓ _____ Jan Albaum, Streetscape Committee
_____, Tony Banks, VP Physical (interim)
✓ _____ Kathi Clayton, CHCA President

Others Attending

Sanjiv Jain, owner 8612 Germantown
Tom Farnholly, neighbor 8612 Germantown
Richard Snowden, owner of properties in 8600 block of Germantown
Lori Salgonicoff, CH Conservancy
Leah Silverstein, CH Conservancy
Deborah Popky, HDAC
Eileen Javers, HDAC
Bill O'Keefe, HDAC
Matt Millan, HDAC
Randy Williams, HDAC
Richard Bartholomew, HDAC
Henry O'Reilly, owner 30 W. Highland Ave.
Larry McEwen, architect 30 W. Highland Ave
Neighbors of 30 W. Highland
Other interested Community members
Joyce Lenhardt, LUPZC
Anne McNiff, Director CHCA
Celeste Hardester, Development Review Facilitator
Melissa Nash, recorder

The meeting was opened by John Landis, co-chair, at 7:02 pm. The agenda includes 8612 Germantown Avenue for feedback and reporting and 30 West Highland Ave for an update. A motion and a second were made to approve the February minutes. Jan Albaum noted that she has provided some clarification for the Streetscape report which will be included in the revised minutes. That change was agreed to. The minutes were approved.

8612 Germantown Ave.

•Presentation: There was a problem with notification and this project is being revisited. Sanjiv Jain will speak first and then the neighbors. S Jain will be the owner operator for this restaurant as a franchisee for el Limon. The property is zoned CMX-1 and requires a variance for a restaurant. There is no zoning change. The other properties in the building will remain as they are. J Landis noted the concerns for the committee include noise impacts, hours, trash, odors, parking and traffic, façade and signage. The façade will remain as is signage is in keeping with older signs. S Jain stated

that he has worked through all the problems and agreed to solve all. He did follow notification procedures; the letters were not received in a timely manner. He has met with the neighbors. A letter of agreement was drawn up with S Jain and the CHCA that included 12 items. 1. An exterminator should be used for the business. 2. Invoices for those services should be forwarded to CHCA monthly. (This info should be available for all.), 3. The dumpster in the purple lot will be used by Chestnut Hill Coffee, Cosimos and el Limon. This has been agreed to previously. 4. An enclosure for the dumpster pad with a 9' fence and a design approved by Bowman Properties will be constructed. 5. Trash removal will be increased as needed. 6. Third party deliveries should occur between 7am and 10 am daily. This should apply to all. 7. All deliveries should be made off Germantown Avenue. 8. Two spots in the lot should be rented for the drivers of food delivery services. This is agreeable if the spaces are near the back of the building. 9. If outdoor dining is added, it must be presented to CHCA. 10. Access to the lot should be defined for customers. 11. If the above terms are not complied with, damages may be incurred. 12. Debts owed to CH Parking Foundation must be paid in full. Tom Farnoly, who owns a building in the purple lot, stated that the agreement is not official as it has not been agreed to. S Jain stated that he sent the agreement out that morning. T Farnoly noted that it was not "marked up" as agreed. J Landis noted that CHCA could enforce it. There should be assurance that the issues will be addressed. Richard Snowden stated that CHCA should sign the agreement, not the owners. It was noted that operational issues have not been addressed. The lack of notification is not addressed. J Landis noted that there has a notification problem. Some of the issues are operational. CHCA is generally not a party to these types of issues if the applicant agrees; he should be taken at his word. There is little enforcement ability for some of the issues. A neighbor noted that there are many empty restaurant properties and asked why is this one being used. S Jain said all food deliverers will be from the back. R Snowden noted that there have been problems with the dumpster and restaurants. S Jain will pay for the extras. T Farnoly stated this should be referred to the Executive Committee with the agreement. P Cove asked about lighting and has it been agreed to by Streetscape. Streetscape accepted the lighting. HDAC will need a written report on lighting including spillage control. Jan Albaum noted lighting was presented with down lights, soft light and no fluorescents. P Cove asked for more specifics be presented. S Jain noted that if there is a light problem, he should be informed.

•Committee Decision: J Landis suggested this matter be forwarded to the Board or the executive Committee with the agreement Linda Baldwin, noted that the no-parking zones are not enforced. She added that no street seating be allowed. The ZBA date is March 24. The letter should be sent to S Jain and ZBA before that date. It was moved that the proposal for a restaurant by S Jain be supported with the provisos that the neighbors agreement list be worked out. The variance should be supported subject to the performance provisos be worked out with the neighbors. J Landis recommended that the motion be amended without involvement of the CHCA. S Jain noted that he has agreed to all provisos. J McCoubrey suggested adding that a signed agreement sent to the CHCA. The signees would be Tom Farnoly, Sanjiv Jain and by the attorney for the neighbors. S Jain agreed with Bowman Properties that the signees need to be figured out. A letter from S Jain formally approving each point is needed. The final motion was stated as:

The DRC endorses the application for a variance subject to the agreement for performance items as in the neighbor letter.

The motion was seconded and motion was approved.

30 West Highland

- Presentation: Anne McNiff reminded attendees to enter their questions in the chat. Henry O'Reilly and Larry McEwen began the presentation with a description of the working committee, which consists of 3 LUPZC members, 3 HDAC and 3 neighbors. Ross Pilling, Terry Jacobs and Denis Lucey who are all professionals, are the neighbor reps and have been funneling comments from the neighbors. The group has been working but does not yet have a firm proposal. Denis Lucey noted that there would be no vote tonight. J McCoubrey stated the LUPZC reps are J McCoubrey, Joyce Lenhardt and Steve Gendler. The HDAC reps are William O'Keefe, Richard Bartholomew and Miles Orvell. L McEwen stated that some of the issues discussed are the question of adaptive re-use of the old building, changes that have been made to the project, planting in the public lot and including a public amenity on Highland. L McEwen noted that housing is not allowed as of right on this site. If the site were zoned RSA-3, 8 units would be allowed. The project adds planting to the area. The area has shrinking commercial need. The project separates pedestrian and vehicles. Some problems with re-using the old building includes storm water problems, fire department access, inability to add windows on one side of the building (the wall is too close to the property line), and lots of asbestos in the old building. The proposal places the new construction mid-site with parking on one side and a garden on the other. A new storm sewer line will be installed at a cost of \$200,000. Landscaping has been requested for the parking lot side. This is agreeable; Acadia has agreed to planting on its property. Acadia will not move its driveway. The building is now moved back 7' from Highland. An entry to the first unit is added to the Highland façade as have windows. The new project has impervious coverage reduced to 58.5%. It has additional trees and the Highland façade is multi-planed with a bay window on the top floor. The relationship of the project's height to neighbor heights was presented. No height variance is needed for the project. A 21-point list and operational issues was prepared by the sub-committee and most have been responded to.

- Committee/Audience Response: Committee members will comment first. J Landis asked for audience response with a reminder that questions should be entered in the chat. P Cove asked for the Highland facades to be re-shown and changes described. The revised façade has the new door and retains the arched false opening. There is a small public park. There has been no decision about adding trees to the park. An audience member asked about the height of the building with the pilot house. The building is 4 stories plus the pilot house. The pilot houses are kept back from the street to minimize visual impact. A question was asked about trash and snow removal. The complex will have an HOA which will tend to those issues. The new sewer line will reduce the load on local sewers, reduce run-off. There is no separate storm sewer at present. A question was asked about how much trash will be placed on the street. Another question was asked about the brick. Roman brick will be used. It is used on many buildings on the street. The color has not been determined but in shape and colors as neighbors. It will not be orange or gray. It was asked what the hardship was. There will be a public benefit with the park, the ability to look down the garden path and adding needed housing. A neighbor commented that the design does not fit the surroundings and that a new design was needed. A question was asked about parking. There will be 2 spaces for each unit in garages. Another commented that the roof is a fifth livable party floor. There are no spaces on the roof. It has stair access only and nothing enclosed except the stairs. A question was asked about handling daily Amazon deliveries. The spaces on Highland in front of the complex are loading zones and will remain loading zones. It was suggested that the Highland unit be made 3 stories. This cannot be done. The project modifies the character of Chestnut Hill. It was asked if mature trees would be planted. They will be mature. A question was asked about where the new sewer line will

run as the lines further down the street are old and have backed up with the construction of the fire station. This is an issue that needs to be looked by the city-neighbors. The new line will run to Germantown Avenue. A question was asked about the new Highland entry. The door will open into a living space, not the garage. Another neighbor commented that massing was the issue Most are three stories on Highland. A question was asked about guest parking. Guest can use existing street parking. It was suggested that the roof railings and top desks be removed. A question was asked about environmental impact. About half of the roof will be a green roof; there will be pervious paving and insulation with high U values. It was suggested that photovoltaics could be installed on the roof. A neighbor expressed that he was disappointed in the design. Little effort was made to make the design fit the neighborhood. It looks like a motel. A question was asked about the sales price for each unit. This has not been decided yet. It was noted that currently there are many trucks in and out of the sight. It was suggested that the number of deliveries will cause a bottleneck on Highland.

Adjournment

•10 Bethlehem Pike Update: No application has been filed with the city. The meeting was adjourned at 9:32 PM