

DEVELOPMENT REVIEW COMMITTEE

Minutes of the Meeting of May 16, 2023

The DRC meeting was held via Zoom

Members Present

- ✓ Larry McEwen, Co-chair
- ✓ John Landis, Co-chair
- ✓ Chris Linn, LUPZC
- ✓ Steve Gendler, LUPZC
- ✓ Patricia Cove, HDAC
- ✓ Sam Filippi, Business Association
, Parking Foundation
, Streetscape Committee
- ✓ Larry McEwen, VP Physical
Kathi Clayton, President CHCA (ex-officio)

Others Attending

Michael Bowman, attorney for 8129 Germantown
Shawn Gibbon, owner 8129 Germantown
Doug Martenson, spoke on 8129 Germantown
Robert Caserio, spoke on 8129 Germantown
Karen Pilling, spoke on 8129 Germantown
Andrew Keats, owner 184 E Willow Grove Ave
Henry Clinton, attorney 184 E Willow Grove Ave
Bob Elfant, Elfant Ponce
Steve Masters, attorney for neighbors 184 E Willow Grove Ave
Amy Clark, neighbor 184 E Willow Grove Ave
Sarah Katz, neighbor 184 E Willow Grove Ave
John Clark, neighbor 184 E Willow Grove Ave
Lesa Stevens, neighbor 184 E Willow Grove Ave
Courtney Volpe, neighbor 184 E Willow Grove Ave
Lucinda Lea, resident 184 E Willow Grove Ave
James Fagan, neighbor 184 E Willow Grove Ave
Arpan Desai, property owner 8623R Germantown Ave
Tim Breslin, CHCA Board
Ross Pilling CHCA Board
Greg Lattanzi, LUPZC
Camille Peluso, LUPZC
Craig Schelter, LUPZC
Cynthia Brey
Tony Banks, VP Operations
Celeste Hardester, Development Review Facilitator
Anne McNiff, Director CHCA
Melissa Nash, recorder

The meeting was opened by Larry McEwen, co-chair, at 7:04 pm. Committee members introduced themselves. The process was briefly explained. There are two action items on the agenda.

8129 Germantown Avenue

- Committee Reports: Patricia Cove reported that the HDAC took no position on this project as it involved no changes to the building. The LUPZC supported to application for the variance with the provision that the variance run with the ownership of the property.

- Presentation: Michael Bowman described the project briefly. The building is owned by 8129 Germantown LLC and includes three businesses on the ground floor that include interior design, home décor and law. The change requested is for the second floor apartment. Employees of the various businesses come to work here and for special events. The stays are short. They wish to rent out the apartment when it is not being used by employees. This short term rental is not allowed in CMX-1 and requires a variance for Visitor Accommodations. The apartment is 2 bedrooms, one bath, living room, kitchen/dining and a mudroom. There are no changes planned. The apartment can be accessed from the street or from the back. There are two other short term rentals in the area – the Chestnut Hill Hotel and 7916 Ardleigh. M Bowman has some ideas on how to make the variance run only with their ownership. This provision should be included in the letter of support for the ZBA. M Bowman can draft this statement.

- Committee Questions/Comments: Sam Filippi stated that he had no questions and has no problem with the proposal. Steve Gendler suggested the sundown provision be included in the deed.

- Neighbor Comments: Doug Martenson stated that he is concerned about this cottage industry for this area, although he has no problem with the short term employee use. Camille Peluso noted that the LUPZC was not concerned with the neighbors, that no economic hardship was shown, and this sets a precedent. She asked what as the rationale for introducing short term rentals. Larry McEwen noted that setting a precedent was not a real problem as there are around 250 short term rentals in Chestnut Hill already. The precedent has been set. C Peluso stated that the neighbors may not want this. Shawn Gibbon noted that the hotel does not house guests all in one building. Robert Caserio noted that he is concerned about the variance process. He noted there are no hardships and no benefits to the community. The only benefit is to the owners. M Bowman noted that they are also business owners and they are invested in the community. Tim Breslin noted there are loose laws for short term rentals. Airbnb has a bad influence on neighborhoods. The use may not be best for everyone. T Breslin noted that he has data to support this position. It was suggested that this information be shown. M Bowman and Shawn Gibbon stated that they will be sensitive to the occupants. Ross Pilling stated that there is planning for a legal analysis of variances in the community. In this case there is no hardship and no public interest. It is a minimal variance. Should it be allowed in CMX-1? M Bowman stated the hardship was the down time for the apartment. S Gendler noted that this is a unique situation; not all owners would want to do this. Long term rental does not benefit the business. R Pilling noted that the business can simply rent the apartment long term. Karen Pilling noted that there is fear mongering and that she is shocked by L McEwen's comments. The DRC is relying on opinions not research. S Gendler noted there will not be a ripple effect. C Peluso noted that the use of the apartment for employees does not demonstrate the need for a variance. T Breslin noted that he is not opposed to the variance and noted that the owners came through the process and are open about plans. S Gendler stated that there is a lack of empathy. Long term rental does not work for this business.

- Committee Action: Steve Gendler moved that the committee recommend support of the unique application for a variance to allow visitor accommodations. The provision that the variance will end with a change in ownership will be attached to the deed and will be recorded.

The motion was seconded and approved with 3 votes in favor, none against and one abstention.

184 E. Willow Grove

- Committee Reports: The HDAC, at first, abstained from taking a position. Under further consideration, it did take a position for approval with three conditions. There will be no increase in the size of the rear building, the property will be owner occupied, and the front house will be a single rental. The LUPZC also recommended support for the variance with three provisions. The variance support is based on the existing building or an in-kind replacement if lost due to a casualty; there is one parking space provided on site for each apartment; and the owner will be responsible for reasonable trash fines incurred by neighbors.

- Presentation: Henry Clinton attorney for 184 E Willow Grove, described the property. It is a large 8000+ sq ft lot. Andrew Keats purchased the property in October 2022. The building in the rear has 4 apartments with a single family house in the front. Street parking is available. This is the largest lot in the area. The variance is needed for multiple principal uses and more than one structure. Records show that the rear building has had apartments and offices since 1920. The variance asks to continue the use of the apartments legally.

- Neighbor Comments/Questions: Steve Masters, attorney for some of the neighbors, stated that he has had productive conversations with H Clinton and have resolved many concerns. He feels that they are close to resolution. Lesa Stevens has lived in the block for most of her life and likes the property. There were first apartments upstairs and later downstairs as well. She noted that things could change. Anne McNiff has received comments on the property. One from Richard Snowden supported the project; it supports the idea that there should be residences available for any incomes. The existing structure is in keeping with Chestnut Hill. Amy Clark stated that the use has expanded and it is not grandfathered, especially the additional units. H Clinton has contacted the heirs of the older family but has received conflicts in the story line. L Stevens stated the older owner was Michael Toboga. All 4 units were rented in the 1960s and 1970s At one time there were 2 apartments and offices.

- Committee Actions: P Cove moved that the committee recommend support for the variance with three conditions: no increase in existing building, owner occupied and the primary house a single family residence. The LUPZC conditions may be added. The motion was seconded. C Linn suggested that the owner occupant stipulation be removed as it is a burden on the owner. H Clinton noted that here are problems between the HDAC and LUPZC stipulations. S Gendler asked about including a sundown proviso related to A Keats. Steve Masters noted that the idea of an owner occupant on site could guarantee working with the neighbors. A local property manager could work as well. H Clinton noted that requiring an owner occupant could hamstring the owner and the use of the property. A Keats stated that he intends to stay but can't predict the future. A local management company is already in his plans. P Cove noted that the addition of the local management would be acceptable. A restated motion is needed. C Linn suggested an amended motion with the local management included no increase in area/footprint, a single rental in the front house, the parking ratio, reasonable fines covered for trash violations. S Gendler asked if the trash

finances were part of the neighbor discussions. Sarah Katz noted that this was a good direction but more is needed on property management. S Masters and H Clinton stated that some parts will have separate enforcement agreements between A Keats and the neighbors.

•Committee Motion: Patricia Cove moved that the committee support the application for a variance with six conditions: 1. The property will be owner occupied and/or managed by a local professional management company, 2. No increase in the footprint and building mass of the rear structure will be allowed, 3. The rear building can only be replaced in kind except by casualty loss 4. Each apartment will have one on-site parking space, 5. The owner will be responsible for paying reasonable trash fines incurred by neighbors for improper trash handling by the tenants, 6. The front house will be single family occupation.

The motion was approved unanimously. The property will move to the Board on May 25 at 7 PM.

Committee Business

•Minutes: There was a motion to approve the minutes as submitted. The motion was seconded and was approved.

•New Project at 8623 Germantown Avenue (Santander Bank): Dr. Arpan Desai spoke about a planned development at 8623 Germantown Avenue, currently the vacant Santander Bank building. His office, Dental Arts of Chestnut Hill located behind the bank at 8623R, will be impacted by that new construction. The development is to be a 5-1/2 story building. His office is a small cottage. There are also heritage trees located on the building site. Trees will be removed. There are 30 apartments planned with some ground floor retail. Dr. Desai asked if anything could be done. L McEwen noted that the height limit is 45', but bonuses could add to that height. There are some exceptions for removing heritage trees. S Filippi stated that the new construction would restrict access to Dr. Desai's office. The architects are Regan Kline Cross and Ruggerio Plante is the landscape designer. There is an easement for access to the office, but Dr. Desai was told it is not viable. It was suggested that the architect/developer be invited to speak to the committee.

Adjournment

•The meeting was adjourned at 9:45 PM.