

Greylock FAQs

About the Chestnut Hill Conservancy and its Easement Program

1. How does the Chestnut Hill Conservancy protect the natural resources and historic properties in Chestnut Hill and surrounding communities in the Wissahickon watershed?

For more than 55 years, the Chestnut Hill Conservancy has protected natural resources and historic properties in the community. The Chestnut Hill Conservancy is the country's first accredited urban land trust, holding 52 conservation and preservation easements. The Conservancy has also successfully protected numerous historical properties by listing them on the Philadelphia Register of Historic Places. These efforts provide permanent protections for the community's benefit.

The Conservancy and the Friends of the Wissahickon maintain a joint program to acquire conservation (land protection) and preservation (historic building facade protection) easements to benefit present and future generations. Accredited land trusts are nationally recognized for meeting national quality standards, upholding the public trust, and ensuring that conservation efforts are robust and sustainable.

2. How does the Conservancy acquire conservation and preservation easements, work collaboratively with property owners, and amend easements when necessary?

The Chestnut Hill Conservancy and the Friends of the Wissahickon maintain a joint program to acquire conservation (land protection) and preservation (historic building facade protection) easements for the benefit of present and future generations. With 52 conservation easements in place, the Conservancy has established legally binding agreements with property owners to protect historic building structures and natural resources. These efforts provide permanent protections for the community's benefit.

Working together with the owners of eased properties, the Conservancy upholds the easement's goals while emphasizing responsible stewardship. The Conservancy maintains a collaborative and confidential approach with property owners to achieve each easement's conservation and preservation goals. The Conservancy and property owners share the responsibility of upholding the goals of easements.

Amendments to easements are rare and are considered on a case-by-case basis, consistent with the requirements of federal law and the Conservancy's amendment policies and procedures. These policies and procedures adhere to national standards and accreditation requirements set by the Land Trust Accreditation Commission, ensuring the protection and preservation of valuable natural and cultural resources for future generations.

3. How does the Conservancy ensure transparency and accountability?

The Conservancy is committed to transparency and accountability. It maintains clearly defined policies and procedures concerning easements and any amendments in accordance with national nonprofit standards and requirements of the Land Trust Accreditation Commission.

4. How does the Conservancy handle discussions and negotiations regarding conservation and preservation easements?

As with all conservation easements, which are private agreements between the owner and the Conservancy, discussions and negotiations between the property owner and the land trust (the Conservancy) are confidential, the Conservancy will not share confidential information about an owner's property with the neighbors or anyone else without the owner's consent.

Regarding Greylock

5. What challenges and unique circumstances surround the conservation and preservation easements on the Greylock property, and how has the Conservancy addressed them?

Greylock at 209 West Chestnut Hill Avenue is a unique and challenging property. The **conservation** and **preservation** easements and **amendment** on this property are the only easements held by the Conservancy which were created with public input, with the owner's consent. As a result, some of the restrictions resemble zoning issues rather than typical easement restrictions. These restrictions would not be included if these easements were drafted today. One example is the limits in the conservation easement on the number of commercial vehicle trips per day; another is a restriction on the types of businesses permitted in the mansion.

These restrictions have created confusion and conflict around the purposes of the conservation and preservation easements and have introduced unnecessary complications to the use of the property. In its commitment to best practices, the Conservancy achieved national accreditation and follows recognized national standards in drafting conservation and preservation easements.

Over the years, the Conservancy has monitored the Greylock property annually and when necessary has notified the owner of actions required to be taken pursuant to the easement terms. The owner, not the Conservancy, has the obligation to maintain the property.

6. What actions has the Conservancy taken to address the condition of the Greylock property, particularly regarding the property's history, maintenance obligations of property owners, and the Conservancy's monitoring and enforcement of easement compliance?

The property was vandalized shortly after it was vacated by its owner more than 15 years ago in anticipation of a project that did not move forward. Subsequent projects were unsuccessful for a variety of reasons. Greylock has been listed for Sheriff's Sale several times and was acquired by its current owner in 2022.

The owners of eased properties, not the Conservancy, have the obligation to maintain their properties. The Conservancy has monitored the Greylock property annually for compliance with the easements. When necessary, it has notified the owner of actions required to be taken pursuant to the terms of the easements.

If an owner fails to respond to a Notice of Violation, the Conservancy must determine its next steps based on its policies, the advice of counsel, the severity of the violation, and the likely effectiveness of legal action. Legal action against an owner for compliance with a Notice of Violation requires a considerable and unpredictable expenditure of a land trust's financial resources and staff time, with no assurance of reimbursement or success.

7. What actions has the Conservancy taken regarding the Greylock property with regard to the zoning variances and its role as the easement holder?

The conservation and preservation easements and amendment on this property are the only easements held by the Conservancy that were created with public input with the owner's consent. As with all conservation easements, which are private agreements between the owner and the Conservancy, discussions and negotiations between the property owner and the land trust (the Conservancy) are confidential. The Conservancy will not share confidential information about an owner's property with the neighbors or anyone else without the owner's consent. Because of the unusual inclusion of public input from near neighbors during the drafting of the Greylock easements and amendments, the appropriate confidential handling of the easements subsequent to drafting has caused confusion.

As a nationally accredited land trust, the Conservancy applies current best practices, policies, and procedures to all of its conservation and preservation easements, whether written before or after the availability of accepted national guidelines. The disconnect between current and past practices is, understandably, creating friction.

In 2022, the property owner approached the Conservancy with a preliminary proposal to redevelop Greylock as residential condominiums. In accordance with the Conservancy's practice, the Conservation and Easements Committee (a joint committee of the Conservancy and the Friends of the Wissahickon) reviewed the proposal and noted that amendments to the easements would be required in order for the proposal to move forward. Without determining whether such amendments ultimately could or would be approved by the Conservancy, the committee granted "conceptual approval" of the proposal, meaning that the owner could continue to develop the concept. The owner was encouraged to meet with neighbors but chose instead to file for permits, which resulted in the project immediately engaging the public review process for zoning variances.

Although the Conservancy, as a Registered Community Organization, is a participant in the public review of zoning variances, the Conservancy chose not to do so in this instance to avoid the appearance that it approves or disapproves of the variances. As the easement holder, the Conservancy must uphold the easements as written and may approve amendments only if they comply with federal law, best practices, and the Conservancy's policies and procedures.

As the holder of 52 conservation easements, the Conservancy takes a careful and balanced approach in deciding whether to spend resources to take legal action without guaranteed reimbursement from the owner, and whether to risk costly and time-consuming litigation to enforce owner obligations to the eased property.

8. What is the Conservancy's process for reviewing and providing feedback on development plans for eased properties like Greylock?

The Conservancy has reviewed and provided feedback on more than a dozen preliminary development plans for Greylock over the years. Ultimately, the applicant and/or property owners decide whether to proceed with plans. To date, none have ultimately done so.

The Chestnut Hill Conservancy's Conservation and Easements Committee (CEC) granted "conceptual approval" to a redevelopment plan proposed by the current owner late in 2022. Conceptual approval is an informal and preliminary review of an early-stage plan to develop or reuse a property. It analyzes the proposal's potential to meet easement goals if certain additional conditions are met. It is not an endorsement or approval by the Conservancy.

9. What criteria must development plans for eased properties meet?

When the Chestnut Hill Conservancy engages informally with owners, potential owners, and developers about possible plans for an eased property (including Greylock), it is with the explicit understanding that any formal proposal submitted to the Conservancy must provide sufficient details about project aspects that could require an amendment to the easement. Any amendment must provide sufficient conservation and preservation measures to maintain the easement's purposes. Any development proposal is reviewed against the Conservancy's clearly defined easement and amendment policies and procedures and must be consistent with the Land Trust Alliance's standards and practices and federal law.

If the proposal requires amendments to the easement, any amendments must be aligned with the original purpose of the easements and with legal requirements, including non-negotiable elements such as perpetual duration, public benefit, compliance with federal law, and avoidance of impermissible private benefit. Amendments are subject to final approval by the Chestnut Hill Conservancy's board of directors, whose members include owners of eased property, close neighbors of Greylock, and respected members of the Chestnut Hill Community. If the Conservancy's board determines that a proposed amendment does not provide a net conservation gain or could result in an impermissible private benefit, the amendment will be submitted for review by the Orphans' Court.

10. Has the Conservancy formally reviewed the current owner/developer's plan for Greylock, and what is the status of the plan in terms of the Conservancy's involvement and approval processes?

The Conservancy's Conservation and Easement Committee (CEC) reviewed the project and, seeing a potential path forward, gave "conceptual approval" in December 2022. "Conceptual approval" refers to an informal and preliminary review of an early-stage plan for development. It is not an endorsement by the Conservancy or an indication that the Conservancy's Board of Directors will approve a proposal or any required amendments to the easements.

The owner/developer has not presented the most recent plan to the Conservancy's Conservation and Easements Committee for discussion and review; instead, they have chosen to pursue zoning variances first. At this time, it is premature for the Conservancy to consider whether to amend Greylock easements. Once the zoning approval process has concluded, the Conservancy will, if requested by the owner, review the proposal as approved by the ZBA. Any amendment that ultimately may be considered by the Conservancy must be consistent with the easements' objectives, federal law, and the Conservancy's Easement Amendment Policy, which is available on our website.

11. Has the Conservancy rejected any development plans for Greylock due to non-compliance with the terms of the easements?

The Conservancy has reviewed and provided feedback on at least a dozen preliminary development plans for Greylock over the years. Ultimately, the applicant and/or the property owners decide whether to proceed with the plans. To date, none have done so.

12. Is there any potential conflict of interest with the architect, a former member of the Conservancy's board?

When the current owner engaged Millan Architects, (now former) Conservancy Board member Matt Millan and the Chestnut Hill Conservancy followed the organization's conflict of interest policy. Mr. Millan voluntarily disclosed the situation to the Board and staff. He was never a member of the joint easement committee reviewing this and other eased property issues, and he did not participate in Board discussions of Greylock. Last year, Mr. Millan stepped down from the Conservancy's Board to avoid the appearance of a conflict. He was not a member of the Board when the Conservancy discussed and determined how to handle its dual roles as a land trust and Registered Community Organization (RCO.)

13. Conservation and preservation easements are permanent – why are amendments allowed, and will the Conservancy approve amendments for the owner/developer's plan?

Because conservation and preservation easements are binding legal documents that impose permanent protections, amendments are rare. However, amendments can be considered to improve the administration of an older easement, to add additional protections, or to accommodate changes requested by the owner to facilitate the use of the property. Any amendments to an easement must conform to best practices, the requirements of federal law, and the Conservancy's policies and practices.

To date, a formal amendment proposal from the current owner of Greylock has not been presented to the Conservancy. The owner chose to pursue zoning variances first. The Conservancy's review process for any request for an amendment to the Greylock easements will not be affected by whether zoning variances have or have not been granted.

14. How frequently does the Conservancy grant amendments, and should other property owners be concerned that other conservation and preservation easements will be amended?

Because conservation and preservation easements are binding legal documents that confer permanent protections, amendments are rare. Amendments are considered on a case-by-case basis, so the grant of an amendment to one easement has no effect on whether an amendment will be considered or approved for another easement.

A proposed amendment to any easement is reviewed against the Conservancy's amendment policy and procedures per the Land Trust Alliance's standards and practices and federal law. Any amendment must be aligned with the original purpose of the easement and with legal requirements, including non-negotiable elements such as perpetual duration, public benefit, compliance with federal law, and avoidance of impermissible private benefit. Amendments are subject to final approval by the Chestnut Hill Conservancy Board of Directors, whose members include owners of eased property, close neighbors of Greylock, and respected members of the Chestnut Hill Community. The Conservancy may petition Orphans' Court for review and approval of a proposed amendment if the Conservancy's review has indicated that the amendment could result in impermissible private benefit.

15. Will any amendments to the Greylock easement create a domino effect for other eased properties?

An amendment of one easement has no impact on whether an amendment will be granted for any other easement. Enforcing the Conservancy's conservation and preservation easements as written is always the first goal and priority of the Chestnut Hill Conservancy. Because conservation and preservation easements are binding legal documents that create permanent protections, amendments to easements are rare.

As an accredited land trust, the Conservancy maintains clearly defined policies and procedures concerning easements and amendments per the Land Trust Alliance's standards and practices and federal law to preserve and protect the integrity of its conservation and preservation easements.

The Conservancy's policy and procedures for evaluating any proposed amendments - including Greylock's – require that any amendment must align with the easement's original purpose and with legal requirements, including non-negotiable elements, such as perpetual duration, public benefit, compliance with federal law, and avoidance of impermissible private benefit.

16. What outcome does the Conservancy seek for Greylock?

The Conservancy looks forward to working with the owner on a responsible, sustainable proposal that meets the conservation and preservation easement goals to protect the property's natural resources and maintain the appearance and structures of a historic country estate.

For more information, go to CHConservancy.Org/Greylock or contact the Chestnut Hill Conservancy's Executive Director, [Lori Salganicoff](mailto:Lori.Salganicoff@CHConservancy.Org), at Lori@CHConservancy.Org.