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New Study Focuses on Wissahickon Trouble Spots

By **PATRICK COBBS**
Staff Writer

On January 14 the US Army Corps of Engineers and the Philadelphia Water Department (PWD) held a public meeting in Founders Hall of the New Covenant Campus, 7500 Germantown Avenue, for the ongoing Wissahickon Creek feasibility study. That study may - or may not - determine federally-funded creek improvement priorities for the next several years.

Representatives from Biohabitats Incorporated, a consulting firm from Baltimore, presented the results of a six-month study on ten trouble spots in the Wissahickon where heavy silt buildup and other impediments such as old dams have significantly degraded the health of the waterway.

The study focused on three fish species - brown trout, common shiner and black nose dace - to determine possible fixes for the trouble spots. Several area residents wanted to know why water quality was not a priority, especially when one of the identified target areas, the Monoshone

Continued on page 3



On the Martin Luther King Day of Service volunteers packed around a makeshift table at Emlen School's library to help get books ready for students to burrow into. Here, from left, are Marshall Woodruff (13) of Roxborough, Halimah Bey of Mt. Airy, Elizabeth Scott of Doylestown and Doyle H. Gray of Mt. Airy. For more on the project, see page 3.

News in Mt. Airy

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14th's New Captain.....	3
Opinions.....	4
Letters.....	5
Community Calendar.....	6-7
Police Briefs.....	8
Town Watch.....	8
Education.....	9-10
Religion.....	12
Business Directory.....	13-14
Classifieds.....	15
Allens Lane 'FUNdraiser'.....	16

Zoning Revision is Focus at EMAN/WMAN Meeting

By **PATRICK COBBS**
Staff Writer

At their annual joint meeting January 12, East and West Mt. Airy Neighbors got a custom update on the work of the Zoning Code Commission (ZCC) from three of its members who spoke about their attempts to fix zoning in the city once and for all.

By general agreement Philadelphia zoning needs help. The 600-plus page code is woefully out of date. And from concerned neighborhood residents to large property developers, most seem to agree that the current system tends to work against their interests in some manner.

In fact, one of the first things the ZCC did when it took up work on the project in 2007 was to produce a 180-page assessment of the current code, "which basically said it sucks," ZCC Executive Director Eva Gladstein said last Tuesday night.

The body hopes to make recommendations by June for overhauling not only the city code document, but revamping the way people use the code too, Gladstein explained. This means developing entirely new procedures, from soup to nuts.

But, as much as East and West Mt. Airy residents seemed agreed in their praise of the ZCC's work, many were concerned that the new, more efficient system could forget about community needs.

Sheldon Kilby noted that the Zoning Board of Adjustments (ZBA) has become a useful tool for communities even if it is over-used. By appealing to the ZBA, neighborhood groups can

hold a measure of enforcement over quality of life issues when they relate to developments that might change the neighborhood, or businesses that might become a nuisance.

"Communities have used everything, including zoning, to try to stop these kinds of businesses from coming about," he said.

ZCC member Stella Tsai saw Kilby's point.

"That's going to be one of the big challenges," she said. But she doubted that zoning was really the proper place to address some of those concerns. "We want to focus on those quality of life issues as quality of life issues - you want to be able to address those issues directly."

Among the ZCC's goals are to simplify the code by reducing the number of zoning districts. In many cases this could mean expanding the range of uses permitted within districts and eliminating outdated codes. Other goals include reducing the confusion when one set of zoning rules overlaps with another, simplifying the approval process for building projects, protecting the character of neighborhoods, promoting good design and sustainability, making the document itself easier to understand, and reducing trips to the ZBA for zoning variances.

Community Concerns

Despite being in the "home stretch" of creating the new code recommendations, according to Gladstein, the ZCC is still working out just how to fit community concerns into the process of construction project approval. That iffiness tends to make community groups a bit nervous.

Continued on page 2

Study Focuses on Wissahickon Trouble Spots

Continued from page 1

Creek, which cuts past Historic Rittenhouse Town in Fairmount Park, has consistently been polluted with raw sewage.

"Anything that goes down the Wissahickon we drink, and that includes raw sewage," said Tom Sharpless of Germantown. "Something should be done about that."

After the meeting, PWD's Public Affairs General Manager, Joanne Dahme, acknowledged that it was PWD's responsibility to figure out who the Monoshone polluters really are. But she emphasized the Water Department wasn't doing the actual polluting. The problem likely comes from a group of relatively new homes constructed in Mt. Airy, Germantown or Chestnut Hill that have sewer lines improperly connected to the storm drain system, she indicated.

"This is the real hard part for us, to figure out exactly which house it is," Dahme said. "We've been searching for years, tracking that down. It's like a needle in a haystack."

PWD has promised to correct the problems for free and without penalty if the offending homes would step forward, or at least allow PWD in to test their pipes.

But Darcy Turner of Biohabitats said the real reason



At left, Ellen McClure of Biohabitats Incorporated goes over the details of the ecological study her company recently performed on the Wissahickon Creek with (from right) residents Walt Sasse, Cynthia Turecki and Susan Haider.

the study did not directly address water quality or flood mitigation issues is because the likely stream of federal funding, through the Corps of Engineers, would have a ecological focus. Still, that might help with other water issues too.

"If you improve that [biological habitats] it will improve

drinking water quality," said Hank Gruber in a separate interview. He is a civil engineer with the Army Corps Philadelphia District Planning Division.

And as for the flood problems that are common along Lincoln Drive, Gruber said the Corps would make sure any fixes it implemented would not increase

the likelihood of flooding.

The \$250,000 biological habitat study is in its final phase, but the larger \$1.5 million feasibility study for the Wissahickon has been going on since 2002, according to Gruber, and it's likely to be several more years before any decisions are finally made on what work to do, if any.

The ten trouble spots are: Thomas Mill Dam, Cathedral Run, Magarge Dam, Cresheim Dam and Creek, Livezy Dam, Gorgas Lane (Run), Carpenter's Woods, Monoshone Creek, Little Ridge Avenue Dam and Big Ridge Avenue Dam. PWD identified them in 2000 before asking the Corps to take a look.

What remains of this phase of the study is to rank each of the ten sites and the possible alternatives associated with them in terms of ecological impact and cost, and then to make recommendations up the chain of command in the Corps of Engineers, vet the suggestions through PWD and eventually present the options to the U.S. Congress. Gruber thought 2012 would be the soonest any of that would be done.

At each phase, the Wissahickon projects could be knocked out in favor of some other project in Philadelphia or elsewhere. And the question of when the Congress might make a decision is wide open.

Although the project construction funding will be part of the federal Water Resources Development Act, which is supposed to occur every two years, there was at least a seven-year lag renewing this act in the early part of the last decade, Gruber said.

On top of that, since 35 percent of the money would come from the PWD, local budget realities will have an impact as well.

But even with the future of these projects so full of doubt, the executive director of the Friends of the Wissahickon (FOW), Maura McCarthy, was excited about recent activity surrounding the Creek.

"It feels unprecedented," she said of the number of projects going on at once.

Between FOW's own Sustainable Trails initiative and the new Storm Water Mitigation and Sediment Reduction Project, made possible by a recent \$780,000 grant from Merck & Co., plus several ongoing PWD and Fairmount Park initiatives for the Wissahickon, McCarthy saw the Corps of Engineers' project as being a very good potential addition to efforts aimed at improving the ecology and water quality of in the creek.

"None of these projects in isolation can solve these issues," she said. "You kind of need to do each piece of it."

Coming Zoning Changes Raise Community Concerns

Continued from page 1

East Mt. Airy Neighbors (EMAN) President Dan Muroff explained that his group is most effective when it can mobilize local concerns surrounding a proposed zoning issue before it goes to the ZBA for approval.

And because the ZBA takes neighborhood concerns seriously when considering variances, communities can stop poorly conceived projects from going through. He worried that expanding the rights of property owners in the zoning code by reducing the need for zoning variances at the ZBA could strip the "teeth" from community groups.

ZCC members saw these kinds of concerns being better addressed earlier in the process than typically occurs now. In basic terms, a high percentage of Philadelphia development is done through the ZBA. A developer will often receive an administrative or automatic refusal for his or her project because it does not fit with zoning, so it has become standard to take the project to the ZBA for a zoning variance. This is typically where and why developers and community members meet. The general goal for the ZCC is to design a way for these two groups to meet earlier and in less adversarial ways.

Zoning, Meet Planning

A major factor in doing this will lie in the way the new zoning categories will

match with a comprehensive city plan for development that the Philadelphia City Planning Commission is working on. So, with the new plan and the new zoning, the hope is that neighborhood desires are built into the process – if not in the code, at least in the city development plan – even before any proposed projects get off the ground.

"The engagement is upfront in the planning," Tsai summarized.

But even when pressed, ZCC members did not have details about how this new community-and-developer dialog would look. Partially because of this, the ZCC has teamed up with the Penn Project for Civic Engagement, a University of Pennsylvania agency that specializes in fostering public discussion, to help move this topic of community/developer engagement onto sturdier footing.

"Our charge is to try to find out where the common ground might be," said Dr. Harris Sokoloff, founder of the Penn Project for Civic Engagement.

Common ground is like the Hokey Pokey, Sokoloff emphasized. It is not consensus. It is much easier to get your "left foot in" than your "whole self." And everything that is still left "out" is important too.

"So we're going to try and recognize what's common and acknowledge what's not," he said.

Three More Forums

His organization will convene three forums over the next two weeks aimed first at developers and other professionals like lawyers and architects who appear in front of the ZBA on a regular basis on January 19. Next, on January 23, the focus will be community organizations. And on January 27 the two groups will meet together.

Unlike some past work of the Penn Project (last year's city budget workshops being one example), which encouraged wide public participation, this series will be invitation only. In large part this is because the ZCC must conclude its public engagement process by early February.

Sokoloff is aware that such circumstances could easily invite criticism if some groups go uninvited. For that reason his organization has been working hard to contact all the city's community groups that would likely have an interest in the forum. It started with the Planning Commission's list of city agencies, which the Penn Project checked against lists provided by each city councilperson. Then the Penn Project vetted those results with Portfolio Associates, which has also been helping with the public engagement process of the ZCC, and other groups like the Pennsylvania Association of Community Development Corporations.

"We're constantly trying to make sure

that we're getting the word out to as many people as possible, so as few people as possible can say 'why wasn't I told?'" Sokoloff said.

But Sokoloff knows they are bound to miss someone. And then they will apologize and try not to miss them again next time, he said.

Most at last Tuesday's meeting seemed willing to admit that the zoning improvement process is . But that may be part of its nature. Derek Green, the zoning committee chair for EMAN, likened the process to "culture change."

After the ZCC presents its recommended code and administrative changes in June, City Council must hold its own public hearings and vote on the matter within a total of six months. Assuming the new code and procedures become law, the City Planning Commission will then begin a roughly two to four year process of updating the city maps with all the new codes. At the same time City Planning will be working on a neighborhood-by-neighborhood revision of the city's long term plan for development.

Gladstein hoped that plan would be the result of a wide cross-group dialog as well – that is, more common ground – another measure to make sure a more efficient Philadelphia zoning process would not inadvertently suppress neighborhood voices.