
Waterfront Commission Special District Commission

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MINUTES OF SEPTEMBER 19, 2005
Public Hearing

Present were: Chairman Rogers, Jay Gregory, Isadore Ramos, Jacob Harpootian, Laura McNamara, John Pesce, John Lynch, Jeanne Boyle, Robin Main.

1. Chairman's Opening Remarks

Chairman Rogers states he must recuse himself from the vote because his firm has done work for Tockwotton and states that Jay Gregory will be Acting Chair of this meeting since he has been leading the charge at the subcommittee level with the Design Review Committee.

2. Approval of Minutes

A. Minutes of August 15, 2005

On a motion by _____ the minutes were approved as amended.

3. New Business

A. **Public Hearing** – Tockwotton on Waterfront Drive

1. Development Application
2. Application for conditional use permit (memoranda and attachments enclosed)

Tockwotton representatives presented their application to the full commission at this time.

Attorney Richard Sherman, Counsel for the applicant presented. He stated that Tockwotton has already presented before the Design Review Committee and has three people here tonight. They are Mr. Kevin McKay, Executive Director of Tockwotton Home, Jan Greenwood, Civil Engineer, ESS Group, and Diane Dooley, architect for the project, Laura Ernst, ESS Group, and Robert Moitiso who did the Traffic Impact Study.

Mr. McKay states that Tockwotton is a nonprofit assisted living facility located in Providence. There will be 148 units, 66 assisted living, 52 skilled nursing, and 30 Alzheimer's units.

They are proposing a 66 bed assisted living facility that will have 30 units of Alzheimer patients and 52 units of skilled nursing. Tockwotton purchased 11.6 acres of land about a year ago. They plan to build the Tockwotton Home and then give the other parcel to the City for a park. Tockwotton will give \$50,000 towards the development of that park and donate it to East Providence. The remaining 10.6 acres will be subdivided.

With the aid of a map Mr. McKay showed the power lines located on the property which goes over the project and stated that Narragansett Electric will bury those power lines from the Manchester Street Station in Providence and across the Seekonk River at a location in East Providence opposite Mauran Avenue, then down to the Tockwotton property. Narragansett Electric has agreed to give Tockwotton an easement so that they can locate their transmission station on this location. It will not impact any property owners or the Portuguese Social Club.

There will be approximately 90 employees working at the Tockwotton Home. The busiest times will be at the 7:00 change of shift, the 3:00 p.m. change will be the busiest shift. There will be 85 parking spaces.

Regarding affordable housing regulations, Tockwotton already provides five and this will be increased to seven or 10% of the 66 assisted living residents.

Tockwotton is a nonprofit organization which is exempt from state and federal taxes. The Board of Directors has voted to negotiate an agreement with the City of East Providence, City Manager, Bill Fazioli, which will consist of donating the 1.2 acres of land and contribute \$50,000 towards the development of that parcel which will stay a park. Also Tockwotton is committed to introducing educational programs to the Senior Center in East Providence which will generate at minimum an additional \$30,000. Tockwotton will also contribute \$50,000 to the curbing on Waterfront Drive and will contribute approximately \$20,000 towards the revetment design work.

Jan Greenwood, ESS Group stated that she is the civil engineer on the project. She explained the utility part of the project and noted that for this project to be built Waterfront Drive needs to be constructed. The sewer lines needs to be moved to the edge of the property line which will be parallel to the Waterfront Drive and tie into the existing line. Ms. Greenwood stated that they are working with the Department of Public Works to tie the water line at Tangent Street. The gas line will be extended from Mauran Avenue and stated they are working with the Gas Company and Public Works. The overhead electric lines will be moved underground at Pier Road. We are working with the CRMC regarding the drainage and have agreed to our drainage concept. Three basins will take care of any water runoff at the site. After the water is treated, it will flow into the Seekonk River. There will be infiltration fields under the garage. She explained about the flood elevations and the building levels. There will be a drop off area in the front of the building for residents entering and pedestrians walking along the Waterfront Drive. The building is handicapped accessible.

Diane Dooley, Architect, 286 Congress Street, Boston, MA described the orientation, location, and building design. The building will have different size peaks so as to minimize the size of the building which is five stories high and goes down to three stories. She states they are designing a community for seniors which is a residential community on the waterfront. There will be plantings around the site. The building will have front porches and they will be lowering the roof down to the fourth floor level and inserting the fifth floor into the dormer. Ms. Dooley described the different materials that will be used on the building which will be consistent with what one might find in a waterfront development. The building will have the appearance of wooden painted shingles to conform to the fire codes. The colors will be warm gray and a cultured stone base with a white trim.

Ms. Dooley noted there will be an accessible path to the building for residents and visitors. Service entry will be through the back parking lot.

At this time, Acting Chairman Gregory opened the floor to the Commission.

Mr. Pesce asks about the storm water and design of the basins. Ms. Greenwood explained that the basins are designed for sediment storage so that after that 36 hour minimum period of time the water then travels down to the Seekonk River. She said they were going to considering some underground treatment, but the CRMC did not want to see that.

Chairman Gregory asked about the traffic study and the impact on the neighborhood. He asked if that traffic study was done based on the office park as well as the nursing home. Mr. Robert Moitiso, engineer with Fuss and O'Neil answered that he prepared the report and when they evaluated it they looked at both the Tockwotton facility and the maximum office build-out on the northern parcel. It would not have an adverse impact on the neighborhood. Ms. Boyle said that a peer review was done by our consultants and they had a similar finding.

Ms. Boyle states that the GRA consultant also stated that she agrees with the analysis of the traffic study performed by Fuss and O'Neil.

Mr. Gregory asked Mr. McKay if Tockwotton is also going to maintain the park area. Mr. McKay states he is under the impression that the City is going to maintain the property through his conversations with the City Manager, but that Tockwotton is donating \$50,000 towards the development of the park. Ms. Boyle states that the discussion at this point is for the Tockwotton Home to donate this land to the City of East Providence to be added to the existing Bold Point Park facility. The actual acceptance of the donation has not taken place. That would require City Council action..

Dr. Ramos states he did not realize the building was going to be five stories. Mr. Gregory states that the DRC took into consideration the height of the building. He said that ESS drew view lines from the Veterans Memorial Parkway back to the waterfront

and they did not find that it obstructed any existing views of Providence or the waterfront. Dr. Ramos states he does not have a problem with the height.

Mr. Gregory asked about the waste compactors and whether they are going to be inside the building. Ms. Dooley stated yes. They will be located within the building and accessed by a truck that will come periodically.

Mr. Gregory asked about the fire apparatus getting through the back of the building.

Ms. Ernst states that fire access will be through the two parking lots, north and south. We will provide a reinforced turf area that will allow the fire truck to access the back of the building. This has been discussed with the Fire Chief. Ms. Dooley states there is fire truck access from three sides of the building and two parking lot areas. She stated that the Fire Chief is fine with getting access through the building which is direct open space that goes from the front to the rear of the building.

There were no other questions of the Commission.

Public Comments

Robert Manchester, Manchester Law Offices, Burlington, VT asked about the 1.2 acre gift parcel and if there will be a bike path. Mr. McKay states it will be open for the general public's use.

Mr. Manchester states there could be regulatory constraints on the materials used for any path in the waterfront district by the CRMC. They could require that the materials be impervious for the runoff issue. Mr. Sherman answered that Tockwotton would have no objection to this.

At this time, Acting Chairman Gregory summarized the Tockwotton application. They have purchased 11.6 acres on the waterfront. Six acres for assisted living and four acres for commercial development, and 1.2 acres which is adjacent to Bold Point Park. This will be a park which will be donated by Tockwotton to the City. The care facility will have 148 units, 66 of which will be assisted living and 52 will be skilled nursing and 30 of Alzheimer's units. The building will be five stories and 130,000 square feet. There is ample parking. They will fully comply with all fire code regulations. They have into an agreement with the City Manager for payments in lieu of taxes. They have voluntarily accepted all seven required units of affordable housing on their property. The power lines will be under ground. They will be providing education programs to our Senior Center and will help defray the costs of the curbing on Waterfront Drive.

At its meeting of September 12, 2005 the Design Review Committee took into consideration memoranda from City staff, applicant's testimony and public input received at the August 31, 2005 DRC public hearing, and voted 4-0 to recommend approval of the proposed Tockwotton on Waterfront Drive project subject to the following 11 conditions:

1. That the approval be based on the application, plans and supporting documentation submitted to the Waterfront Commission dated June 30, 2005.
2. That all technical comments of the Department of Public Works, as expressed in a memorandum dated August 26, 2005 received from the Director of Public Works Stephen Coutu to Jeanne M. Boyle be incorporated in the final plans;
3. That the design of the drainage piping under Waterfront Drive be reviewed and approved by the RIDOT prior to construction;
4. That all technical comments of the Fire Department, as expressed in a memorandum dated August 2005 from Fire Chief Christian Brassill to Jeanne M. Boyle be incorporated in the final plans;
5. That Tockwotton provide decorative lighting along the eastern frontage of Waterfront Drive meeting the Waterfront Commission's standards for same, or that Tockwotton provide funding in an escrow account to cover such costs;
6. That Tockwotton submit a performance bond to cover all public improvements. The amount of such performance bond shall be calculated by Tockwotton engineers and submitted to the Director of Public Works for his review and approval;
7. That the subdivision of the upland parcel (Map 016, Block 21, Lot 7) be approved by the City's Administrative Officer and recorded in Land Evidence Records;
8. That the northern portion of the upland parcel, when proposed to be developed as a commercial development, be submitted as a new application to the Waterfront Commission subject to all applicable submission requirements and fees;
9. That the waterfront parcel (Map 016, Block 22, Lot 1) be developed by Tockwotton as proposed for waterfront recreation space;
10. That an acceptable Payment in Lieu of Taxes (PILOT) agreement be negotiated between the City and Tockwotton;
11. That all applicable Federal, State and local requirements are met and necessary permits obtained.

It was noted for the record, at the Hearing Panel's meeting of September 6, 2005, Dr. Ramos was Acting Chair since Chairman Mr. Gowell had recused himself from voting.

At this time, Ms. Boyle summarized the recommendation of the Hearing Panel to the Waterfront Commission dated September 6, 2005 as follows:

She said the Hearing Panel considered the recommendation to the full Waterfront Commission on the conditional use permit to permit a continuing care facility. They received testimony from the applicant and the applicant's representatives, engineers, and architects and found that this particular proposal "is limited to a conditional use which ensures the convenience and welfare of the public and does not substantially or permanently injure the value of neighboring properties. The Hearing Panel further found that neither the proposed use nor its location on the site would have a detrimental affect on the public health, safety, welfare, or morals. In its deliberations, the Panel also considered the factors listed in Article 9, Section E3G of the Waterfront Regulations.

The Panel voted unanimously to recommend approval of the conditional use subject to the following conditions.

1. That the location, operation, and design of the continuing care facility be in conformance with the site plans, floor plans and preliminary elevations submitted as exhibits and entered into the record of the Hearing Panel's proceedings at their meeting of September 6, 2005, and as the same may be modified at the request of or with the approval of the Fire Chief, Department of Public Works, Building Inspector or State permitting agencies; and

2. That all applicable local, state or federal requirements pertaining to the development and operation of the facility be met.

For the record, Ms. Boyle stated that Mr. Gowell recused himself from any participation in this manner.

Motion

On a motion by Dr. Ramos, seconded by Mr. Harpootian, the Waterfront Development Special District Commission voted to approve the application based on the comments and conditions set by the Design Review Committee and Hearing Panel previously read into the record.

Roll Call Vote

Dr Ramos	Aye
Ms. McNamara	Aye
Mr. Harpootian	Aye
Mr. Rogers	Abstained
Acting Chair Gregory	Aye
Mr. Pesce	Aye
Mr. Lynch	Aye

B. RFQ for TIF Underwriting firm

In regarding to tax increment financing, Chairman Rogers. He commented that the draft RFQ was prepared and noted that it is the East Providence Waterfront Commission as fully known is the one doing the full solicitation and not a financial institution. It needs to be an independent proposal and all RFQ inquiries should come back to the Interim Director Boyle as well as the RFP's and not the City of East Providence.

Director Boyle states the City does have some critical infrastructure needs that were identified district-wide for water and sewer. We also have been working with the RIDOT on some waterfront projects where we anticipate a portion of the financing would be appropriately done through tax increment financing. For some of the specific

waterfront developments, there will be public infrastructure that is going to be provided such as roads, sewers, and water systems. It would be appropriate to look at tax increment financing for these particular developments. It will give the developer more confidence in the ability of the Commission to actually implement the infrastructure improvements that are necessary. She said that Holland and Knight does have an attorney on staff who has expertise in tax increment financing and suggests that that attorney review the RFQ before we send it out. Also this attorney should get involved in review of the responses to the Request for Qualifications. Ms. Boyle noted that this particular RFQ was prepared by the City Manager who has a great deal of expertise in these matters, but would like to get comments from the Commission members. The goal would be to have the RFQ finalized at the next meeting of the full Commission and suggests a response by the Commissioners between now and the October meeting and culminate with comments at the October 17 meeting. The response period would be about two weeks. The responses would be reviewed by both legal counsel and maybe the Commission would want to appoint two members to be part of a review subcommittee, have a short list, get the Commission to agree to that short list, and then invite those short-listed firms in for an interview. Chairman Rogers asked the Commission if they have any comments to get them to Ms. Boyle for the next meeting. Ms. Boyle also noted that the City Council would have to review this arrangement as well because they are the ones who are giving up the tax revenue and dedicating it to a certain source.

Chairman Rogers suggested two meetings per year to inform the Council as to what is going on, get direction if appropriate, and public comment.

C. Affordable Housing Issues

Mr. Gregory opened the floor to discussion by the Commission or public on the affordable housing issues. He said that the direction that we have gotten from our legislation is that the developers can do on-site, off-site affordable housing or in lieu of payment. The DRC went back before the Commission asking for a directive from the Commission as to what their desires were as to what percentage that they would accept off-site and what type of in lieu of payment if any.

Dr. Ramos states he would like to see the affordable housing within the confines of their projects and does not agree with developers isolating low and moderate income people by placing them in other areas of the City. He said he does not agree with the developer giving money to upgrade existing buildings outside their development. Ross Commons development is has shown that you can have the affordable housing within the actual development.

Chairman Gregory thanked Dr. Ramos for his comments and asked if there were others.

Mr. Harpootian states he disagrees with Dr. Ramos. Over the years we have had many opportunities to have selected areas for one acre parcel of land to build and to attract not better people, but people of stronger financial means that could have a great mix

with their community. The Waterfront is certainly an opportunity to enhance the strength of bringing people into the City that will create more dynamic situations in our community. I respect Dr. Ramos opinion, in that everyone should have a decent place to live and everyone should have affordable housing for minorities. I believe we have to be business minded and have some strength in the financial area to bring in a bigger tax base to the City of East Providence.

Chairman Gregory asked that with the 10 percent inclusion of 100 percent in the properties affect the property tax of those units. Ms. Boyle states that in an affordable unit that is intended to be affordable over time, the requirement of the regulation is that it be fixed. Obviously the resale of those properties is going to be less than the non-affordable units so the assessed value should reflect that. I presume that the Tax Assessor is not going to assess it as the same rate as the market rate units. We have not gotten a definitive answer from the Tax Assessor as yet. She said Tockwotton and Ross Commons have both agreed to meet the 100 percent.

Chairman Rogers states that you need to look at the specific circumstances and believes in having a mix. The waterfront is unique in that there are challenges to these properties and you have to recognize that it is tough to develop them. There must be some flexibility for a developer. Since some of the areas near the waterfront are run down it would be a good idea to have the requirement of affordable housing in other areas where they are run down. It would benefit the neighbors and would be an overall win. He urges the Commission to keep an open mind on this.

Dr. Ramos reiterates his comments that there will be a lot of problems if the affordable housing issue is dealt in that way.

Mr. Gregory states that this will be an issue and said he has heard some compelling arguments tonight for moderate inclusion and 100 percent inclusion on the waterfront. He asks to defer any action on this until another meeting. He said he believes the people of East Providence have looked at these projects and feel that they can afford one of these places. To take that off the table, there will be less positive feedback from the people, however he feels that the developers are under a lot of restrictions with the type of development we are offering.

It was noted that it would be placed on the next meeting of the Commission on November 21.

Mr. Pesce states that the Commission should look at some creative ways to provide that would have more positive impact for the community.

Ms. Boyle said that she could get one of the developers that have been providing some of the affordable and some of these inclusionary settings outside of the Waterfront District to come to a Commission meeting where they could address some of these financing issues.

To have balance, Chairman Rogers asked that Ms. Boyle also get a developer who might think it is a real challenge in our waterfront. The Commission agreed that it would be good to hear both opinions.

Ms. Boyle noted in reference to the memo on affordable fees that Planning Intern, Renee Kinchla researched it is problematic at best especially since we do not have the housing non-profit or any sort of resemblance of an administrative mechanism to make that work. For the purposes of coming up with an approach whether it is going to be for a portion of it being off site or not, I would rather get a since from the Commission whether we can take the "in-lieu" meaning cash off the table at this point. I believe it is not a workable solution for us and if we are keeping that out there as a possibility, I think we may be misleading developers.

Mr. Rogers states that they should not rule anything out at this time. If the developer prefers to give us a million dollars towards affordable housing rather than build two units. It think that should be part of the equation.

Chairman Gregory also agrees with Mr. Rogers to wait on any motions on this issue until the Commission can hear the whole issue.

On a motion by Mr. Harpootian, seconded by Dr. Ramos, the Commission voted to take the in-lieu of payments off the table at this time, but to have it on the agenda for the next meeting.

Mr. Gregory explained that if a member votes no, then it can be in the review of the next meeting.

Roll Call Vote

Mr. Ramos	Aye
Mr. Pesce	Nay
Mr. Gregory	Nay
Mr. Rogers	Nay
Mr. Harpootian	Aye
Ms. Main	Nay
Ms. McNamara	Nay
Mr. Lynch	Nay

All three options will be on for the table for next month.

D. Hiring of an architect – RFP

Chairman Rogers stated when this RFP went out for advertising; the Commission did not get a lot of respondents. He suggested resources outside of Mr. Torrado who has done a fantastic job as well. Mr. Gregory agreed. The developers need direction and suggests having a comprehensive plan for the whole waterfront vs. project by project.

Mr. Lynch agreed that they need to come up with a plan of some sort of cohesiveness for the whole waterfront. It will require some analysis and conclusions by an expert in the field.

Ms. Boyle states it might be good to have specific architectural standards for continuity within the waterfront. You also want to have a certain amount of cohesiveness within the subdistricts.

Mr. Rogers states the Commission should get as many people in the process and then negotiate what our expectations are. We don't want to put any arbitrary financial restrictions on it right now.

At this time, the Commission authorized Ms. Boyle to put out an RFQ. Ms. Boyle said that she would touch base with Mr. Torrado to see who the Commission can solicit.

Motion

On a motion by Mr. Gregory, seconded by Mr. Lynch, the Commission unanimously voted to have Director Boyle proceed with the RFQ.

E. Invitation - Boat Tour of the East Providence Waterfront – October 5, 2005, 1:00 p.m. from Collier Park in Providence

With all the activities of the Waterfront Chairman Rogers invited the commissioners, and state and local agencies and some of the other commissions to take a boat tour of the waterfront on October 5, 2005, 1:00 p.m.. The tour will leave from Collier Pt. Park in Providence.

Ms. Boyle stated that the tour will be extended to the Pomham Lighthouse which is under restoration at the present time.

4. Continued Business

A. Advertising Ventures – Revised Brochure

Mr. Rogers reported that Advertising Ventures is working on the Commission's brochure. They will be at the next meeting with a draft. Also an unpaid intern will be able to assist on that project at no cost to the Commission. She is an Urban Studies major with a lot of writing experience. Mr. Boyle stated she is meeting with that potential intern tomorrow and will be interviewing another Waterfront Intern to replace Renee Kinchla.

5. Reports of Commission's Subcommittees

A. Design Review Committee

Mr. Gregory reported that Monarch Industries application has been brought to the Design Review Committee and will be sending it to the Hearing Panel. Also, he reported there was a preapplication meeting with Essex Phillipsdale LLC that brought to us a dynamic package of the Phillipsdale Land Area i.e. historic buildings, housing, restaurants, and recreational facilities.

B. Hearing Panel

Dr. Ramos chaired the September meeting of the Hearing Panel.

6. Miscellaneous Other Business

A. Discussion - Purchase of Letterhead, Business Cards etc.

Ms. Boyle suggested the Commission purchasing letterhead and business cards. She asks permission from the Commission to have Advertising Adventures work on the letterhead and other items. Three written quotes will be required rather than a sealed bid. She also asked the Commission as to how they would like to be identified in their business cards.

Motion – Purchase of a Transcriber/Recorder

On a motion by Mr. Gregory, seconded by Mr. Lynch, the Commission unanimously voted to purchase a digital transcriber/recorder at a purchase price of no more than \$1,000.

7. Staff Report

A. Update on Expenditures of Commission

Ms. Boyle distributed a letter from the RI Economic Development Corporation announcing the next \$100,000 Legislative Grant which this Commission has received. The payment take about two or three months to get the actual check. The expense sheet that the Commission received does not reflect this \$100,000.

Mr. Lynch asked about the expenditure sheet and Ms. Boyle's wages for March. It looked like a double payment, but was concluded it was a typo and was entered twice on the sheet for February/March. She said she would look into it, but that no double payments were made to her.

Mr. Rogers suggests hiring an accounting firm go through the numbers to improve our management. He suggests a CPA. Mr. Gregory agreed. Ms. Boyle states that in the Commission's budget we did provide for that service. Ms. Boyle suggests an RFP.

8. Communications

- A. Copy of DRC Workshop Minutes of 8/24/05
 - B. Copy of DRC Minutes of 8/31/05 Public Hearing
 - C. Copy of Public Hearing Notice by Hearing Panel for September 29, 2005
 - D. Copy of Public Hearing Notice for Waterfront Commission meeting on October 17, 2005
 - E. Copy of letter dated 8/30/05 to Michael F. Geisser, RICHGEIS, LLC from Director James Capaldi, RIDOT, Re: Sign License Request Correspondence, Massasoit Avenue, across from Dexter Road
9. Next meeting – Public Hearing - October 17, 2005, 6:30 p.m., Room 306.

10. Adjournment

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Jeanne M. Boyle
Interim Executive Director

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Respectfully submitted,

Jeanne M. Boyle,
Interim Executive Director

JMB/sac