

WATERFRONT SPECIAL DEVELOPMENT DISTRICT COMMISSION

Revised 9/20/05

MINUTES OF AUGUST 15, 2005

Present were members: Chairman Rogers, Dr. Isadore Ramos, Jacob Harpootian, Laura McNamara, Attorney Robin Main, John Pesce, John Lynch, and Jay Gregory. Staff: Jeanne Boyle, Renee Kinchla.

Ms. Boyle announced that the City has been approved for a \$100,000 Legislative Grant for the Commission through the State Legislature and that we should have that check in about five months. She commended the efforts of Representative Rose and Senator DaPonte for this grant and said it will allow the Waterfront Commission to continue with its operations. Chairman Rogers said to pass their thanks along if they should see them.

1. Chairman's Opening Remarks

It was noted that Mr. Gowell would not be in attendance, but that he sent Ms. Boyle an email appointing Chairman Rogers as his proxy for any votes.

2. Approval of Minutes

A. Minutes of March 21, 2005

B. Minutes of July 14, 2005

The Commission approved the March 21 and July 14, 2005 minutes with the corrections as noted.

3. New Business

A. Application of Tockwotton Home (refer to DRC – Hearing Panel)
(tentative meeting/hearing schedule enclosed)

Mr. Boyle noted that she has received an application from the Tockwotton Home. City staff has reviewed it and we have had several meetings with the applicants. The application has been deemed complete. We have until Sept. 26 to render a decision on this application. Tonight we are asking that the Commission refer this to the Design Review Committee and to the Hearing Panel for their actions. She went over the upcoming schedule of hearings for Tockwotton.

At this time Kevin McKay, Executive Director of Tockwotton gave a presentation of the history and background of Tockwotton Home and their development proposal.

Chairman Rogers asks if there are any questions. There are none. He thanked Mr. McKay for the presentation.

Motion

On a motion by Dr. Ramos, seconded by Mr. Gregory, the Commission unanimously voted to refer the application to both the Design Review Committee and the Hearing Panel.

**B. Application of Wood Precision for Conditional Use Permit
(Refer to DRC and Hearing Panel)**

Director Boyle explains that this is an application that was received for the property know as the "old Fram property" where Monarch Industries and Victoria Creations are located on 10 New Road. Initially, the applicant was referred to the East Providence Zoning Board of Review. They did not realize that they were actually located within the Waterfront District. The action that was going to be taken by the Zoning Board of Review was for a special use permit to allow open storage which is essentially the use is being proposed where they will take some of the wood scraps and byproducts associated with the cabinet making operation and put it into a facility where they can burn the waste rather than dispose of it. She states this is not a complete application as yet. We did submit a copy of the application to the DRC at their last meeting. There seemed to be a number of questions. I suggest that this application be referred to the Design Review Committee for review and additional information they may need to render a decision before it goes forward to the Hearing Panel.

At this time, a representative from Wood Precision is present tonight.

Mr. Steve Kruppa states that Wood Precision would like to build a storage silo to store wood chips and sawdust and then have an auger system that goes into the stove. The stove will be enclosed and located within the facility.

Mr. Gregory asks Mr. Kruppa to give the DRC more information on the stove and information on the discharges relative to the Rhode Island standards and submit that information back to the Design Review Committee.

Motion

On a motion by Mr. Gregory, seconded by Dr. Ramos, the Commission voted unanimously to refer this to the Design Review Committee and the Hearing Panel and to have the DRC complete its review of the application at their next meeting.

4. Continued Business

A. Aspen Aerogel – Proposal for Cooling Tower

Director Boyle states this was brought before the Commission at the last month's meeting but was discussed very briefly. One of the issues associated with the development of Aspen Aerogels was that they were proposing to put chillers located on the roof and one location fairly close to the residential area. There was concern by the Commission that there may be some noise impacts associated with those chillers. Aspen has come in with a different approach which is a cooling tower. The other concern was the visual impact of the cooling tower especially during the winter months. They have submitted an analysis of what the impact of this cooling tower vs. the chiller.

At this time Aspen made their presentation. Mr. Richard Sherman, Attorney from Edwards and Angel who is representing Aspen Aerogel and Glen Almquist from the ESS Group has put together an analysis of the cooling tower in lieu of the chillers.

Mr. Almquist summarizes the analysis at this time. He explained the assessment of air pollution control system.

There was no further discussion by Commission members, regarding the impact of the proposed cooling tower.

Motion

On a motion by Dr. Ramos, seconded by Mr. Harpootian, the Commission unanimously approved Aspen's revised proposal for a cooling tower.

At this time Advertising Adventures make their presentation. Mary Sadlier, Courtney Guertin, and Paul Dozois presented design concepts on the marketing materials that they will be going forward with.

Two cover concepts were presented. Mr. Dozois distributed the sketches and described them from the inside and outside spread.

Chairman Rogers asked for comments from the Commission.

Following discussion, it was the consensus of the Commission to have a more clean type of brochure and to change the sailboat image and incorporate more of the economic development aspect.

Advertising Adventures will come back with a revised design on September 19th.

At this time, Chairman Rogers, Director Boyle and the Commission commended Ms. Kinchla's efforts and presented her a plaque for her efforts and hard work.

B. Public Hearing – Review of Application Fees

Director Boyle presented revised fee scenarios. Based upon feedback from the Commissioners at the last meeting, Attorney Main, Ms. Kinchla and I looked at some different scenarios that responded to the issues that the Commission had.

Ms. Boyle described the build-out analysis and cost and revenue projections that Ms. Kinchla had prepared.

Ms. Boyle described the different scenarios and fees which they had examined.

Ms. Boyle said that in regard to the maximum cap she presented scenarios you have \$150,000 cap and a \$250,000 cap. With the hypothetical revenues based on the build-out analysis and using these caps you will see in the majority of the years, the Commission will not be making enough money to be self sustaining based on a \$250,000 to \$275,000 income. We need to have fair fees and encourage economic development. Perhaps we can hope for the continued support of the State, but Commission may want to have a full-time staff situated outside of City Hall.

Chairman Rogers asked if there were any questions.

He asked if the two options that are presented here are the \$150,000 cap and the \$250,000 cap. She said yes.

There was extensive discussion by Commission members regarding the fee proposal.

In reference to Aspen Aerogel, Mr. Gregory stated that was a \$50 million to a \$60 million dollar project. Ms. Boyle states we are next assessing the fee on the \$50 million to \$60 million. We are excluding equipment and machinery. Ms. Boyle states that with the commercial projects where they don't have the ability to spread the costs out, it is more of a deterrent. We need to take a look at what the initial cost is and what the cost is over time. The \$250,000 with the \$50,000 up front is workable and enough to get their attention. If we go over the \$50,000 at the application stage, it will start to scare off some of the developers.

Chairman Rogers asks if there is any further discussion.

Mr. Harpootian asked for a recap on everything the staff recommended as revised per the Commission's comments this evening.

Ms. Boyle said that the revision would be to recommend a \$250,000 cap at the staggered rate with the range from .5 percent down to .25 percent. One of the changes would be that for projects of \$5 million or greater, we would also give them the opportunity to come in with a phased fee system. The other revision would be instead of asking for the phased fee in even increments, that we do 75 percent of whatever the remainder fee is at the building permit stage and then 25 percent of that remainder fee at the Certificate of Occupancy phase. The initial fee would be capped at \$50,000 with the exception of the projects between \$5 million and \$10 million where they would be given the ability to split up that fee into three increments with 25 percent at the initial phase, the remaining 50 percent at the building permit phase, and the remaining 25 percent at the Certificate of Occupancy phase.

Ms. Main said at the last meeting there did not seem to be a discussion or any of the revised language which allowed us to take an independent review of the construction costs to make sure they were represented and also pass through the costs that the Commission may incur regarding traffic analyses, legal issues etc.

There was further discussion regarding the timing of the payments of the remainder fees. Mr. Harpootian and Ms. Main suggested the fees be assessed at the issuance of the first building permit and the first CO.

Motion

On a motion by Mr. Lynch, seconded by Mr. Pesce, the Commission voted unanimously to approve the \$250,000 fee cap which will start at the \$5 million project and adjust the \$5 million, \$10 million, and 15 million to reflect 25 percent at the application, 50 percent at the first building permit, and 25 percent at the first Certificate of Occupancy. That will carry down until the cap hits at the largest project - \$200 million. This motion includes the language, which is passing through the costs for professional expenses, the construction review costs, and staggered rate fee.

Roll Call Vote

Mr. Harpootian	Aye
Ms. McNamara	Aye
Dr. Ramos	Aye
Mr. Pesce	Aye
Mr. Gregory	Aye
Mr. Lynch	Aye
Chairman Rogers	Aye

5. Reports of Commission's Subcommittees

A. Design Review Committee

Chairman Gregory of the DRC reported that he had a meeting on August 4th to review the One Waterman Avenue property. ESS engineering and Edwards and Kelsey gave a presentation. It was a pre-application meeting for five buildings submitted by FRE Company on a 6.2 acre site. The building would be six stories high and close to 100 feet in the air. There was a lot of discussion about the size of the building and the largest substance of the building was the design of the buildings themselves. It was brought up at that meeting by Mr. Torrado that the design of the buildings was awfully boxy, particularly the three smaller buildings that are exposed to the water. Mr. Torrado had asked that they give more consideration to the aesthetics of the buildings. Ms. Janice Hanner, of FRE agreed to this and said she was open to a revised design

Mr. Gregory states that they brought up an issue about affordable housing. They wanted to meet the affordable housing criteria of 10 percent with some units on site, some off site and some payments in-kind.

Ms. Boyle stated that one of the projects that Renee worked on was to do an analysis of how in-lieu fees and this type of approach has been taken in in other communities. A copy of that has been given to the Commission members. She said she would reproduce that report for the next meeting.

Dr. Ramos states he is definitely against developers having the affordable housing elements outside the Waterfront District. Everyone should have access to that waterfront. If Rossccommons can accommodate the affordable housing, then this company can also accommodate affordable housing.

Chairman Rogers agreed with Dr. Ramos comments and said it will be on agenda for the next commission meeting for discussion.

Chairman Rogers states that analyzing as a Design Review Committee projects from an architectural point of view requires a lot of attention and we are very fortunate to have Mr. Torrado in this field. Since we did not get many respondents the first time when we went out to bid for an architect, Mr. Rogers suggests that the Commission ask Mr. Torrado come up with some parameters for the bidding process and look at what we need to do to get some expertise to this Commission so that we can make decisions.

B. Hearing Panel

There was no report at this time.

6. Miscellaneous Other Business

7. Staff Report

Mr. Harpootian asks if now is the time to be actively looking for a permanent director? Mr. Rogers states that the Commission discussed it at the last meeting and that they would revisit it in June of 2006. Mr. Harpootian asks how long it will take to get one on board. The workload

seems to be getting heavier and the process should begin soon. Mr. Rogers states it will take about four to six months and suggests that the Commission discuss this in January of 2006.

Ms. Boyle asks if the Commission could authorize her to find another planning intern since Renee will be going back to Cornell this week. She said with all the analyses that Renee has done she would never have had the time to do it. The Commission and Ms. Boyle commended Renee on a job well done.

Motion

On a motion by Mr. Lynch, seconded by Mr. Gregory, the Commission voted to hire another intern for Jeanne Boyle.

Dr. Ramos asks Ms. Boyle what happens when the Planning Board does not like a project. Ms. Boyle answers that they are advisory only.

Mr. Rogers also reminded Ms. Boyle of the duck boat tour coming up in September and getting some dates and time for that. Also inviting other public officials and members of the community that have an interest in touring the waterfront.

A. Kelo Decision – Counsel Robin Main

Ms. Main explained that Kelo vs. City of New London Connecticut has been a much talked about eminent domain case that the U.S. Supreme Court decided in a 5-4 decision just at the end of the last term. It is quite relevant to the functions of this Waterfront Commission with its holding. The City of New London developed a development agency for this Waterfront Commission. This city developed an eminent domain authority to purchase private land. A group of residents opposed to the taking of their property for economic development. The case went to the Supreme Court and the court said in this type of situation when there is a development agency created by law, there was public participation in the way the agency was constituted from its regulations to the way it implemented its development plan, that the government, at times, needs to be able to step in and help economic development as long as there has been a tremendous amount of public participation in the process.

There was further discussion by Commission members regarding the case.

Dr. Ramos states that in one of the cases the people took it to court and won because they did not get a fair market value for their property. They were then offered a fair value for their land. Ms. Main states that they must offer a fair market value.

Ms. McNamara asks if the Commission has director's insurance. Ms. Boyle stated she would check into that, but she thought they had.

B. Waterfront Property Database – Report by Renee Kinchla

Ms. Kincha gave her presentation and reported that the City has eight different districts in the Waterfront with 400 acres and 100 separate parcels. She states that she and Chelsea Pierce consolidated all the information on a website that they created which shows the industrial land which has the potential to be quite different. The information is also on a CD, which includes pictures of the parcels, owner information, land value, building value, and total building coverage. It is arranged by acreage and can quickly find the largest parcels and find it sorted as well.

Ms. Boyle states this information can be posted so that all the Commission members will be able to access it and it will also be helpful to developers wishing to access the information. Because it is in a GIS format, we can add different layers so that they can look at not only the photographs, but also the renderings and site plans. The Commission also needs an ARC GIS license to update the information and asks that the Commission authorize this. She said you can set this up in QuickTime Video. Ms. Boyle suggested that the branding and logo of the Commission is also incorporated into this so that it has a unified appearance.

The Commission thanked Ms. Kinchla for an excellent presentation.

Ms. Main suggests to the Commission that some of the things that are happening now between Advertising Ventures and Renee's work we should think about copy write and trademark issues so that we don't have other people coming in and stealing some of these ideas.

C. Development Project Update – Executive Director Boyle

Ms. Boyle said that Mr. Gregory has already spoken about the FRE development on Waterman Avenue and that the GeoNova development has been reviewed for completeness. There is some information missing which they are aware of and we are waiting for them to respond and get back to us on those outstanding items.

Ms. Boyle reported she had a pre-application meeting with another developer who is proposing to do some conversions at the Phillipsdale Landing property immediately adjacent to the GeoNova property.

8. Communications

None

9. Adjournment

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Jeanne M. Boyle
Interim Executive Director

JMB/sac

