

WATERFRONT DEVELOPMENT SPECIAL DISTRICT COMMISSION

JOINT MEETING OF THE DESIGN REVIEW COMMITTEE
AND HEARING PANEL

MINUTES OF JANUARY 5, 2006

Present: Jay Gregory, Luis Torrado, John Pesci, Stephen Coutu, Terrance Gray, Jeanne Boyle, Laura McNamara, Jacob Harpootian, Dr. Isadore Ramos and Heidi Green.

1. Chairman's Remarks

Chairman Jay Gregory called the meeting to order at 6:30 p.m. He announced that this was a joint public hearing of the Design Review Committee and Hearing Panel. He indicated that there was a quorum for both the Design Review Committee and the Hearing Panel. Addison Closson was the real estate broker for Hermes and Display World. He outlined how the Design Review Committee would hear the application, ask any questions and then make a recommendation to the Hearing Panel. In turn, the Hearing Panel would ask questions and then make its recommendation. There were no members of the public present to comment.

2. New Business

a. Application of Display World, 105 Valley Street

Chairman Gregory asked Mr. Closson to present his clients' application. Mr. Closson indicated that Display World was comprised of approximately 100 people who manufactured displays. He said they have clients all over the country who request store window displays on a "just on time basis". Mr. Closson stated that Display World had an office in Warren which is comprised of 250,000 square feet, however, that structure cannot accommodate all of their displays. Display World is seeking to lease 105 Valley Street on a temporary basis. He stated that there would be approximately one truck per day with 2-3 people who would drop off and pick up displays.

Mr. Closson described the former tenant of 105 Valley Street as a metal recycling company. He stated that Display World would have a lower impact on its neighbors. He said it was a clean product because it is a retail usage. The company is a good solid Rhode Island manufacturing company with a good reputation.

Director Boyle asked what the hours of operation were going to be. Mr. Closson answered that the hours would be Monday through Friday from 7:30 a.m. to 5:30 a.m. Dr. Ramos commented that there are lots of trucks at the property now and views Display World's use of the property as an improvement to the previous use as a metal recycling company. Mr. Gray asked Mr. Closson if there were any proposed changes to the building. Mr. Closson stated no.

Mr. Pesce asked if it would be consistent with temporary usage. Mr. Harpootian stated that there would only be workers present when displays were picked up or dropped off and asked Mr. Closson if there would be any permanent workers. Mr. Closson replied no. Chairman Gregory asked which docks Display World would be using to load and unload the displays. He specifically asked if they would be using the front docks near the Jersey barriers. Chairman Gregory was concerned about traffic impacts if the front docks were used. The applicant responded that Display World would be using the recessed doors and not the front docks. Dr. Ramos commented that the Jersey barriers were placed near the property because people were illegally dumping in that area.

Chairman Gregory responded that he had no reservations about Display World temporarily using the property. Mr. Torrado indicated that the established use of the building will not change. About a year ago, the former tenant was a metal recycler. Display World manufactures displays. Mr. Torrado inquired if the building was equipped with sprinklers. Mr. Closson indicated that it was not. Mr. Torrado then inquired if there were any outstanding fire violations. Mr. Closson responded that there were no violations to his knowledge. Chairman Gregory stated that the proposed temporary usage of 105 Valley Street was a better use of the property and low impact to the community.

Mr. Pesce made a Motion to approve Display World's application to lease 105 Valley Street for interim storage use for six months. Mr. Coutu seconded the Motion. Director Boyle stated that a six month lease would require Display World to be out in April. As such, Director Boyle suggested that the Motion for the lease extend beyond the six month period. Chairman Gregory asked Mr. Closson if a year would be adequate. Mr. Closson replied yes. Therefore, the Motion was amended so that if the lease were extended beyond one year, the application would have to come back before the Waterfront Commission. The Design Review Committee unanimously voted to approve Display World's application for lease of 105 Valley Street for interim storage use for one year. Director Boyle indicated that staff would prepare a written decision for the Design Review Committee.

Chairman Ramos called for a Motion from the Hearing Panel on Display World's application. Mr. Harpootian commented that the property at 105 Valley Street was formerly used as a wire recycling plant and the use proposed by Display World was a good situation for everyone. Mr. Harpootian made a motion to approve Display World's application for lease of 105 Valley Street for an interim storage use for one year. Seconded by Ms. McNamara.

Chairman Ramos stated for the record that "based upon the submitted application, testimony presented to the Waterfront Commission, Design Review Committee report, the Hearing Panel hereby finds that the proposal is consistent with the goals and objectives of the East Providence Waterfront Special Development District Plan, in particular Chapter 8 pertaining to Interim Uses. The Hearing Panel further finds that pursuant to RIGL Chapter 45-24-4, Special Development Districts, that the proposed

interim non-conforming use may be allowed where owing to special conditions, a literal enforcement of the regulations would result in unnecessary hardship, and that the proposal will not be contrary to the public interest, and the spirit of the plan will be observed and substantial justice done”.

Director Boyle reminded the Commission that the final authority was delegated to the Hearing Panel so that the applicant did not have to appear before the full Waterfront Commission.

Chairman Gregory stated that was the conclusion of the new business before the Design Review Committee and the Hearing Panel. As such, the public hearing concluded. Director Boyle took the opportunity to inform the Design Review Committee and Hearing Panel members of the recent plan changes proposed by the FRE Building Company, Inc. (FRE) concerning the proposed new development located at 0 Waterman Street. Mr. Gregory advised the Waterfront Commissioners that there had been an informal meeting between Director Boyle, Mr. Torrado, the applicant and himself.

He stated that the applicant had presented a new plan for the property that increased the density from 147 units to approximately 160 units. Additionally, the height of the proposed buildings increased from 85 feet to 115 feet. As a result, the distance in between the buildings increased from 30' between each building to approximately 50-60'. Mr. Gregory indicated that he personally felt that the view corridors should be preserved in between the buildings so citizens could see the water. He was not as adverse to the increased height of the buildings as he is to diminishing the view corridors.

Mr. Gregory also stated that the original plan depicted buildings that were not visually attractive. The proposed buildings were particularly plain. Mr. Torrado also worked with the applicant to use different colors and materials to improve the appearance of the buildings. Mr. Gregory indicated that the waterside of the buildings were attractive by the backsides facing Brow Street were not as attractive. Dr. Ramos inquired what was across the street from the proposed development. Mr. Gregory replied that there were three houses on Brow Street that abutted the property. Mr. Harpootian asked how many buildings were being proposed in the new development. Mr. Gregory responded that there were five buildings in total.

Director Boyle stated that there were five building styles proposed by the applicant. FRE is looking for feedback from the Waterfront Commissioners. Once the feedback is received, FRE will have a more refined list of 1-2 building styles. Director Boyle informed the Commissioners that the remediation costs are extensive. She explained that it is a two part lot. One part consists of an auto repair business which is going to be remediated to a residential standard. There is also a triangular shaped piece of property on the other side which contains a portion of the Getty pipeline. That section has sustained petroleum contamination for which Getty has been identified as the responsible party. The applicant has suggested that the land be subdivided and Getty could clean the

triangular portion for which it is responsible. Mr. Gray indicated that you cannot subdivide contaminated land because the contaminated portion could be abandoned.

Director Boyle indicated that the applicant has informed her that it is going to cost approximately \$3 million to clean up the site. Director Boyle indicated that the applicant has increased the density of the proposed development to recover some of the remediation costs. Mr. Gray asked if the density could be decreased if Getty stepped up and paid their portion. Director Boyle replied that gas companies have a reputation of waiting things out. Mr. Torrado asked if the \$3 million was to clean up the Getty portion of the property or the entire property. Director Boyle responded that the \$3 million was to clean the whole site.

Mr. Gregory informed the Commissioners that he was by no means backing high rise developments but he does want to protect the views in between the buildings. He also said that once a proposed building exceeds 85', there are high rise standards that must be adhered to. Mr. Gray commented that there are substantial clean up costs. Mr. Gregory replied that if Getty pays for their portion it will not be as expensive. Director Boyle added that the applicant is going to remove all contamination rather than the less expensive method of capping because they do not want any land use restrictions. She went on to say that FRE is going to remove the contamination from one side and determine the extent and source of the contamination on the Getty side. As such, they may have a slurry wall installed between the two parcels.

FRE has received a Preliminary Determination from the Coastal Resource Management Council (CRMC) and a Physical Alteration Permit from the Rhode Island Department of Transportation. They have submitted an application to the Department of Environmental Management and will proceed with CRMC. FRE should soon be ready to go before the Design Review Committee and Hearing Panel. Mr. Pesce asked what the height base was from the ground level to Brow Street. Director Boyle replied that it was about 60'.

Mr. Gregory stated that ESS was doing the analysis which was not as comprehensive as that done by Tockwotten. Mr. Gregory informed the Commissioners that FRE intended to use the former roadway to the bridge as a public access point with public parking and benches for seating and fishing opportunities. Mr. Gregory thinks its positive for the City to incorporate public access into the development. Mr. Pesce commented that it will be a safer environment because now it is a wasteland. Mr. Gregory stated that it is currently a blighted property and has booms in the water due to leaching. To date, the developer has been cooperative.

Mr. Torrado stated that when he reviewed the original plans, he was concerned with the design, materials and massing of the buildings. He was happy that the developer was willing to improve the original design. At this point, he said that the developer is considering reducing the number of units. Mr. Torrado added that the developer is leaning towards the design that is tapered at the top of the building which decreases its perceived mass. He added that this would improve the view corridors. Mr. Gregory

added that schemes 4 and 5 appear to be the best. Mr. Torrado said the design is improved when the transparency of glass is added as well as balconies. Mr. Torrado added that he agreed with Mr. Gregory in that he prefers the taller building to protect the view corridors. Mr. Pesce agreed also because the buildings will be sited at the bottom of the hill.

Mr. Gregory also indicated that the developer was taking into consideration the flood plain and was going to elevate the buildings above the flood plain. There is going to be two parking spaces per unit and the maximum is two bedrooms per unit. Dr. Ramos inquired about how the new development would impact traffic especially in the vicinity of Brow Street and near the Henderson Bridge. Mr. Gregory stated that the traffic is currently in a state of flux because Waterfront Drive has not been built yet.

Additionally, the initial traffic study stopped at Brow Street and Mr. Gregory thinks it should be extended to include Summit, Anthony and Vine Streets. He stated that it is not an exact science and it will be good to see the peer review. According to the applicant's traffic study, the 147 units will have minimal impacts. Mr. Gregory indicated that on that property there is also the pipe line, electric spur and Waterfront Drive to consider. Director Boyle indicated that the peer traffic review had been completed.

Director Boyle informed the Commissioners that the RIDOT completed the 30% plan for the Dexter Road connector. Mr. Gregory said that when he saw the plans there was no access to the center of the City. Director Boyle suggested that there be access via Waterman Avenue. She further described that the road would have a higher elevation. Mr. Gregory indicated that if there was access via Waterman Avenue it would revitalize "6 corners" and would allow access to the center of the City. Director Boyle indicated that it was a tough area because it is constrained by differing elevations. Director Boyle further indicated that if the Waterfront Commission embraces taller buildings with increased density, other developers will follow suit and will most likely impact traffic.

Mr. Harpootian asked if there were any plans for the Chevron property. Director Boyle indicated that developers were still working with the oil company and the negotiations were taking time. Mr. Harpootian asked if there were plans for Kettle Point. Director Boyle replied yes. Dr. Ramos asked if there were plans for the Geonova property. Director Boyle replied yes. Mr. Gregory asked about the Phillipsdale property. Director Boyle said that most likely Geonova will submit their plans first, Phillipsdale will submit second and Kettle Point will submit third. Mr. Gray added that Kettle Point was not faced with many environmental constraints. Director Boyle said that for the next six months, the Waterfront Commission will be busy.

Mr. Harpootian asked Mr. Gray that once the negotiations were completed with the Kettle Point property, how long would it take before it was developed. Mr. Gray responded that most likely the closing will occur in approximately six months. Mr. Gray further informed the Commissioners that the RIDEM was currently building a data base for the waterfront properties that could be cross referenced and would provide

information concerning the status of the brownfield clean up on individual properties. The database is currently being linked to GIS which should be completed by the summer for East Providence and Providence.

Ms. Boyle added that Ms. Green, the waterfront intern is considering creating a website to compile all of the available information on the waterfront for developers for her Master's Project. This may include ortho photos, utility locations, FEMA maps, links to CRMC and RIDEM.

Mr. Gregory asked for a Motion to close the meeting. Mr. Ramos made a motion to conclude the meeting, seconded by Mr. Harpootian.

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Jeanne M. Boyle
Interim Executive Director

JMB/hjg