



East Providence Waterfront Special Development District Commission

Minutes of Monday, March 19, 2007 Meeting and Public Hearing

Present were members: Bruce Chick, William Fazioli, John Gregory, John Lynch, Steven Hardcastle, John Pesce, Luis Torrado; ex-officio members: Stephen Coutu and Jeanne Boyle; consultants: Glen Fontecchio, Sam Shamoon and Maureen Chlebek; and counsel: Attorney Robin Main.

The meeting began at 6:40PM.

1. Chairman's Opening Remarks

Mr. Gregory served as the Acting Chairman for the Commission. He explained the process that had occurred for the Phillipsdale Landing project review and the method of public questioning.

2. Approval of Meeting Minutes: February 26, 2007

No meeting was held in February.

3. New Business

A. Public Hearing: SJV Electric- 80 S. Brow

Mr. Scott Viveiros, the applicant, gave a brief overview of the project. There were no questions from the public. A motion was made and seconded to accept the Design Review Committee's (DRC) March 7, 2007 recommendation and enclosures as part of the record: there was no discussion and the motion was approved unanimously. A motion was made and seconded to approve the project: there was no discussion and the motion was approved unanimously through a roll-call vote.

B. Public Hearing: Phillipsdale Landing Development

Attorney Rob Stolzman, counsel for the applicant Essex River Ventures, introduced the project team. A supplemental binder containing a complete set of updated submissions, dated March 14, 2007, was entered into the record as Exhibit #1. Plans dated March 14, 2007 were entered into the record as Exhibit #2. John Fenton, a principal of Essex River Ventures, gave a history of, and an introduction to, the project. Ms. Martha Werenfels of Durkee Brown, the architectural firm for the project, was qualified as an expert for the purpose of giving testimony: a motion was made, seconded and unanimously approved. She gave a PowerPoint presentation that reviewed the project's development program. Mr. Stolzman asked that the PowerPoint presentation of the project given by Ms. Werenfels, which is Section 10 of the March 14, 2007 binder (Exhibit #1), be accepted as Exhibit #3. A motion was made, seconded, and unanimously approved. Mr. Randall Collins of Gates Leighton Associates, the project landscape architect, was introduced. A motion was made to accept him as an expert witness: the motion was seconded and unanimously approved. Mr. Collins described the major public amenities of the project, particularly the Urban Coastal Greenway (UGB), Bourne Avenue improvements, and rain gardens that will provide stormwater management. There will be approximately 28% green space on the site. Mr. Stolzman then introduced Mr. Joe Lombardo, the author of the project's financial impact

analysis. A motion was made to accept him as an expert witness: the motion was seconded and unanimously approved. Mr. Lombardo explained how he arrived at the final net financial benefit of \$518,000 per year to the City.

Mr. Stolzman asked to submit the original application for the project, dated September 21, 2006, as Exhibit #4. Mr. Stolzman introduced Robert Clinton of VHB, the project's traffic engineer. A motion was made to accept him as an expert witness: the motion was seconded and unanimously approved. Mr. Clinton described the general circulation pattern immediately outside the development and within the project. There was a discussion about how the team intends to address the Fire Chief's concerns about the project. Mr. Fenton stated that they can accommodate the presence of a railroad spur on Bourne Ave.: drawings showing this concept have already been presented to the Design Review Committee (DRC).

Mr. Gregory opened the floor to the public: there were no questions or comments from the public. Mr. Gregory stated that the recommendation of the Hearing Panel for the Applicant's request for a deviation from the size of parking spaces would be considered. A motion was made for the Commission to accept the recommendation of the Hearing Panel: the motion was seconded and approved unanimously through a roll call vote, with no discussion from either the Commission or the public.

A motion was made and seconded for the Commission to accept the recommendation of the Design Review Committee and its enclosures: Ms. Main stated that there was an additional enclosure that needed to be included, dated March 15, 2007, from Sara Bradford of Bradford Associates to Ms. Boyle. In response to a question, Mr. Gregory stated that there would be 10% affordable housing dispersed throughout the project. Ms. Main referred to the Applicant's request of March 15, 2007 that Phase III, containing new buildings N1 and N2 along the waterfront, be exempt from the provision of 10% affordable housing. There is no opportunity for a variance from the requirement: the spirit of the requirement is that there will be 10% per phase of a project. Ms. Boyle suggested that they amend their phasing to include other buildings in Phase III, such that the 10% number would be met and exceeded, to perhaps 20% of the total site. Mr. Stolzman stated that they intended to comply with the requirement for 10% affordable units in the project. Five of the nine residential buildings will contain affordable units spread throughout the buildings. The new buildings along the waterfront will have higher construction costs due to the proximity to the coastal feature, underground parking, and site contamination. He asked that the recommendation be amended such that the Applicant could adjust Phase III at a later date to accommodate the 10% affordable requirement.

Ms. Main suggested that the Commission vote to deny the recommendation as written and then vote to approve a recommendation that includes the proposed amendment and any other amendments that present themselves. Hearing no comments from the public, the Commission voted unanimously to deny the motion through a roll call vote.

Mr. Fontecchio stated that the recommendation be amended regarding the interim plans for the UCG: the posting of a performance bond should be required in Phase II, rather than in Phase III. Ms. Main added that language should be added to the beginning of the document that states that the Applicant must comply with all applicable Federal, State, and local laws, rules, and regulations. The DRC discussed amending the Recommendation to incorporate Mr. Stolzman's

suggestion that the Applicant shall have the ability to adjust the phases of the development, in Phase III of the document. The rest of the conditions will be accepted as presented in the Recommendation. A motion was made to amend the Recommendation as written with the above-mentioned conditions: the motion was seconded and approved unanimously through a roll call vote, with no discussion from either the Commission or the public.

A motion was made to approve the development based on: the Hearing Panel Advisory that was presented and approved; the DRC Recommendation that was approved with the three conditions; and the presentation made at the meeting by the Applicant: the motion was seconded and approved unanimously through a roll call vote, with no discussion from either the Commission or the public.

7. Staff Reports

A. General Counsel's Report

Ms. Main had nothing to report.

B. Director's Report

The Coastal Resource Management Council (CRMC) still has concerns regarding the design of the Urban Coastal Greenway (UCG) for the GeoNova project. A meeting has been scheduled with all parties for the following week that will hopefully address their issues. CRMC's main concern is the design of the slope of the revetment: CRMC feels that the steepness will cause the overlying soil to be washed away in the first storm. Staff feels that changes can be made to address this without affecting the layout of the project. GeoNova has also applied for necessary permits from the Army Corps of Engineers and FEMA. CRMC was pleased with the Phillipsdale UCG plans.

The RIDOT has completed the 10% design of the extension of Waterfront Drive: they can accommodate the new rail geometry adjacent to the GeoNova project. There will need to be changes made by GeoNova to accommodate it: a detention pond will have to be moved and they will need to amend their Physical Alteration Permit. RIDOT will now show the plans to P&W.

The Providence Business News recently ran an article about Kettle Point. The RI Economic Policy Council provided an insert in the East Providence *Post* highlighting the Waterfront as a means to achieve statewide smart growth encouragement. These are both good publicity for the City.

The City Council has before it for approval a Memorandum of Understanding between the City and the Gilbane Company, developers of the Kettle Point project. The Memorandum states that the Council will cooperate with the Company as the project proceeds; it also discusses the land swap in Squantum Woods and a tax stabilization proposal. Discussions have occurred between the City Manager and Gilbane.

Ms. Boyle presented an update on the Tax Increment Financing (TIF) Request for Proposal (RFP): the RFP has been sent out to several firms in response to inquiries. Responses are due April 16. The outline of a TIF plan is being prepared by staff.

8. Communications

Mr. Rogers wrote a letter to the Governor asking him to appoint two more members to the Commission.

DRC meeting minutes will be approved at the next DRC meeting.

Mr. Pesce asked Ms. Boyle to send a memo to Mr. Fontecchio, the Commission's architectural consultant, requesting that he investigate performance specifications- for at least three types and grades of vinyl siding- that the Commission could approve for development projects. He could report his results at the next meeting. Ms. Boyle said that it would still be a deviation: however, there could be a guidance document for the Hearing Panel regarding the types could be allowed or disallowed and what types of development could use it.

Ms. Boyle will contact Mr. Green, a TIF consultant, to attend the April meeting for a presentation on TIF to provide an overall context for the use of TIF in the Waterfront.

9. Next meeting: April 23, 2007.

10. Adjournment

The meeting was adjourned at 9:35PM.

Respectfully submitted,

Jeanne M. Boyle
Executive Director

JMB/RG