



East Providence Waterfront Special Development District Commission

Public Hearing/Meeting Minutes of August 11, 2009

Attendees: William Fazioli, Vice Chairman
Bruce Chick
John Gregory
Steven Hardcastle
Jacob Harpootian
Jonathan Killian
John Pesce
Luis Torrado

Staff: Jeanne Boyle, Executive Director
Robin Main, Counsel

Minutes: Roberta Groch, AICP- Planner

The meeting was called to order at 6:31PM.

1. Vice Chairman's Opening Remarks

2. Approval of Minutes

VOTE: A motion was made to approve the minutes of the June 15, 2009. The motion was seconded and unanimously approved without discussion.

3. New Business

There was no new business.

4. Correspondence

There was no correspondence.

5. Continued Business

A. Village on the Waterfront Project

Ms. Christine Engustian, counsel for the Village on the Waterfront Development project, outlined the presentations that would be made during the meeting by the team and described the project. She submitted the development application and associated plans to the Commission as Exhibit #1.

VOTE: A motion was made to accept the development application and associated plans as Exhibit #1: the motion was seconded and passed unanimously without discussion.

Ms. Engustian identified person who would testify or potentially testify: she then had Ms. Boyle swear in all of the witnesses for the project as a group. The witnesses were:

- Carla Baker- Chevron Land & Development Co. USA
- Michael Hennessey- Village on the Waterfront, LLC
- Audie Osgood- DiPrete Engineering, Inc.
- Paul Bannon- RAB Professional Engineers, Inc.
- Diane Dooley- DiMella Shaffer
- Alberto Cabre- DiMella Shaffer
- Wilfred Gates- Gates Leighton Associates

- Keenan Rice- MuniCap, Inc.

Ms. Dooley (architectural design) and Mr. Osgood (engineering) were previously qualified as expert witnesses at the Hearing Panel public hearing: Ms. Engustian asked that their résumé (already submitted) be accepted by the Commission as Exhibits #2 and #3, respectively.

VOTE: A motion was made to accept the résumé of Mr. Osgood and Ms. Dooley as Exhibits #2 and #3 (respectively): the motion was seconded and passed unanimously, without discussion.

VOTE: A motion was made to qualify Mr. Osgood and Ms. Dooley as expert witnesses: the motion was seconded and passed unanimously, without discussion.

Mr. Gates's résumé was submitted to the Waterfront Commission: he discussed his educational and professional background, work experience, professional licenses, and tasks on the project. Ms. Engustian submitted the résumé of Mr. Gates and asked that the Commission accept it as Exhibit #4 and qualify him as an expert witness.

VOTE: A motion was made to qualify Mr. Gates as an expert witness: the motion was seconded and passed unanimously, without discussion.

VOTE: A motion was made to accept the résumé of Mr. Gates as Exhibit #4: the motion was seconded and passed unanimously, without discussion.

Ms. Carla Baker of Chevron Land & Development Co. USA, gave some background to the site: it was a petroleum storage and distribution facility which will receive extensive remediation. They are working with the RIDEM to develop a series of remediation plans for the soil and groundwater. She discussed the details of the project, including recreational facilities, affordable housing requirements and tax increment financing (TIF).

Mr. Audie Osgood of DiPrete Engineering discussed access to the site from Veteran's Memorial Parkway (VMP) and the proposed extension of Waterfront Drive, as well as an emergency access point at the southern end of the site. There will be a land swap with the RIDOT for Waterfront Drive land to allow for more waterfront access and a reconfiguration of the road: conceptual plans have been submitted to the RIDOT. Waterfront Drive will be a public street: all other roads will be private but open to the public and maintained by a homeowner's association. The requirement for parking is exceeded by approximately three hundred spaces. Nine hundred of the total spaces will be located in underground garages.

Stormwater management will be a combination of green roofs and rain gardens: there will be no groundwater infiltration, due to contamination. Larger storm event will be conveyed through discharge pumps along the waterfront; there will also be a fifty-foot greenway buffer along the waterfront. The project is also looking for LEED certification and may include cisterns for rooftop runoff. The project has a CRMC Preliminary Determination and still needs a water type classification change, which is an on-going process that may take three to six months. Sea level rise will be incorporated into the site's design.

Water will be delivered to the site through a loop system tied into the existing water lines: there is no issue with capacity. The team is working with the DPW on avoiding the cross-bay water lines. All grading for the entire project will be performed during Phase 1. The project will be constructed in five phases until full build-out in 2018.

Ms. Diane Dooley discussed the architectural and design features of the site and described the fourteen buildings by phase, their heights, and the land uses within the buildings. She also outlined the commercial

program of the project, which will include a gym, a restaurant, stores, a kayak rental shop, and other commercial space. View corridors, building materials and design inspirations were also outlined. Trash collection facilities and recycling measures will be overseen by the homeowner's association. There will be no garage doors facing Waterfront Drive, as requested by the DRC. All sidewalks will meet ADA requirements.

Mr. Gates provided information about landscaping, habitat restoration, and pedestrian amenities. Landscaping will serve to both screen and focus views from VMP. The plantings will have a definite urban feel. The project will have an iconic entrance into the plaza, which will have permeable paving blocks instead of asphalt. The boardwalk and bike path will help ensure access to the path and compliance with the CRMC Urban Coastal Greenway requirements. He also discussed the green wall between buildings: it one of the larger walls on the site, a block wall with wire lattice to support plants, looking like a very steep slope. It will soften the look of the wall near residential units.

The team showed a video that simulates a drive through the site at full build-out.

Mr. Fazioli opened the floor to questions from the Commissioners. A question was asked as to what is the timetable for the final Remedial Action Work Plan (RAWP) from the RIDEM: Ms. Baker stated that the remediation is being implemented pieces. By the time the RAWP is approved, the remediation will be mostly completed. Grubbing the site will be started in the fall of 2009. The existing retaining wall must be removed in order to free up the area for truck loading and hauling of material. They are focusing on fall of 2010 for mass grading.

Mr. Hennessey stated that the price range for the units will probably be between \$270,000 and \$600,000, with the average being \$350,000. The average size of the units has been increased over the past five years: the team is looking for a mix of residents. Mr. Fazioli stated that the Fiscal Impact Statement (FIS) analysis should reflect and recognize the cost of debt services. A representative of Keenan Rice, the firm that authored the FIS, agreed.

Mr. Fazioli opened the floor to comment from the public: Mr. Jonathan Meindersma, counsel for Providence & Worcester (P&W) Railroad stated that his company owns two adjacent parcels. The P&W retains an easement to connect the two parcels: even though the Waterfront Drive design is very preliminary, he stated that the VOTW grading should not impede their ability to use the access, to access the utilities, and to connect the parcels. The size of WD should be built at once to accommodate development all along the road: the road should not be dug up again at a later date. Drainage plans look to move the stormwater out to the Bay: they want to ensure that it does not cross or enter into P&W property. Mr. Meindersma stated that they are concerned that, when the area is opened up for construction, that there is no unauthorized access to their land. In the area of construction, there is no rail Right-of-Way.

Mr. Pesce asked whether there have been meetings with VOTW to coordinate construction. There have been meetings but the plans were evolving at the time. Ms. Boyle stated that she spoke to Mr. Coutu of DPW regarding the twelve inch sewer main of which Mr. Meindersma was concerned: he stated that the size of the water an sewer mains was based upon the assumption that a major mixed-use development project would be constructed on the P&W's parcel.

Mr. Gregory made a motion was made to approve the Conditions of Approval submitted by the Design Review Committee for the Village on the Waterfront project. The Applicant must meet all conditions in the memorandum from the DRC to the Commission dated August 3, 2009; the Applicant must meet all conditions stated at the DRC meeting of August 11, 2009; and the Applicant must meet all applicable state, federal and local regulations; the approval is based on information provided by the applicant and others through the public hearing process; the Applicant is responsible for any and all easements and laws

pertaining to this project; and that the Advisory Recommendations dated August 14, 2009 from the DRC to the Waterfront Commission for approval. Mr. Pesce seconded the motion.

Ms. Main stated that the motion did not include the Hearing Panel decision of July 28, 2009; Mr. Gregory amended his motion to include the two Hearing Panel decision memoranda relative to conditional uses and deviations of July 28, 2009. Ms. Main said that the Hearing Panel decisions need to be edited. The first change is the statement that reads "the Applicant proposed to meet affordable housing requirements;" this has been changed to "the Applicant agrees to meet affordable housing requirements." The second edit is to the sentence that reads "affordability will be consistent with current applicable Federal, State and local laws and guidelines;" the word "current" should be removed. The section in Condition A that reads "the same may be modified at the request of or with the approval of the Waterfront Commission, Fire Chief, Department of Public Works, Building Inspector or State permitting agencies" should read "the same may be modified at the request of *and* with the approval of the Waterfront Commission, Fire Chief, Department of Public Works, Building Inspector or State permitting agencies." Condition C should read "that all applicable local, State, *and* Federal requirements pertaining to the development be met."

Ms. Main stated that the way the DRC Advisory Recommendation/Conditions of Approval is worded now there is no approval by any portion of the Waterfront Commission: the future work will be reviewed by subcommittees where appropriate. The Commission is not abdicating its authority to its consultants: this must be included in the document. Ms. Main stated that she wants a mechanism for the Commission (even if it is in the embodiment of the Executive Director) to pass on certain reviews or other elements that necessitated a variation from the guidelines, that it would go back before the appropriate panel. "Staff" should be changed to "Executive Director", as the Director has the authority to sign off on plans that staff and consultants do not; Ms. Boyle also suggested that language be added that states that, in the event that something does not comply, it gets referred to the Waterfront Commission.

Ms. Main suggested adding language stating that, to the extent permitted under Commission regulations, the Executive Director shall use his or her authority to approve of any plans, drawings and other similar materials contemplated with the opinion. Even the Director does not have the authority to sign off on a building permit if the plans are not in compliance with WC approval.

Mr. Gregory stated that he had no objections to changing the terminology: however, the last condition is each phase was intended to cover this issue. The intent was not to bring every document before the DRC, which will probably change members in the future. Ms. Main agreed and stated that her comments were not intended to bring the Applicant before the DRC for every change: she wants to tighten up the language to differentiate between staff and the Executive Director. Ms. Engustian agreed with the changes.

Ms. Main stated that she also wants to change the condition regarding "all applicable CRMC, RIDEM and City easements shall be recorded" to "all applicable CRMC, RIDEM and City *approvals and* easements shall be recorded. She also stated that the sentence "affordability will be consistent with current applicable Federal, State and local laws and guidelines" should read "affordability will be consistent with then-applicable Federal, State and local laws and guidelines."

VOTE: Mr. Gregory stated that he has accepted all of Ms. Main's suggestions, with Ms. Engustian's agreement: Mr. Pesce seconded the motion. Ms. Engustian summarized the amended motion. The motion was approved unanimously through a roll-call vote:

Fazioli	AYE
Chick	AYE
Gregory	AYE
Hardcastle	AYE

Harpootian	AYE
Killian	AYE
Pesce	AYE
Torrado	AYE

6. Reports from Subcommittees

A. Hearing Panel

Mr. Harpootian requested a motion to accept the decisions of the Hearing Panel of their July 28, 2009 meeting: the motion was seconded and approved unanimously without discussion.

B. Design Review Committee

Mr. Gregory stated that the DRC's recent work has already been discussed in the meeting.

7. Miscellaneous Other Business

There was no miscellaneous other business.

8. Staff Reports

A. General Counsel's Report

Ms. Main stated the RI Supreme Court has granted the Commission *amicus* status regarding the Pond View litigation and want the Commission to file a brief in the matter. They are still monitoring what's going on RIDEM: no revised application to RIDEM received from Pond View and therefore no hearing date.

B. Executives Director's Report

Ms. Boyle gave an update on the process being undertaken by staff to get the process rolling with the Small Business Administration "green" grant. The Commission will be able to give revolving business loans up to \$75,000 in the future. A subcommittee of the Commission may be created. The WC might also want to rethink getting rid of an outside audit this year: it will be necessary for the SBA funds. An update of the Commission's finances will be provided at the next meeting.

VOTW will need to have the Army Corps reclassify the waters surrounding the development. The VOTW TIF application has been submitted: the review process will be refined and the Director will keep the Commission abreast of developments within City departments.

9. Communications

10. Announcements

VOTE: A motion was made to adjourn the meeting: the motion was seconded and unanimously approved without discussion.

The meeting was adjourned at 9:45PM.

The next regularly-scheduled meeting will be held on **September 21, 2009** at 6:30PM.

Respectfully submitted,

JEANNE M. BOYLE
Executive Director
JMB/RG