



**EAST PROVIDENCE WATERFRONT  
SPECIAL DEVELOPMENT DISTRICT COMMISSION**

**Hearing Panel  
Public Hearing Minutes  
May 7, 2013**

*Hearing Panel*

*Members:* Steven Hardcastle, Chairman  
William J. Fazioli  
Bruce Chick

*Consultants:* Sara Bradford, Landscape architect  
Glen Fontecchio, Architect  
Brad Leach, Traffic engineer

*Staff:* Jeanne Boyle, Executive Director  
Roberta Groch, AICP- Planner  
John Pariseault, Legal Counsel

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Chairman Hardcastle called the hearing to order at 5:45PM.

**1. Approval of Meeting Minutes**

VOTE: A motion was made to approve the minutes April 9, 2013 Hearing Panel meeting: the motion was seconded and was approved unanimously, without discussion.

**2. New Business-**

**A. Public hearing- Kettle Point residential development project**

The witnesses from the Kettle Point team were sworn in.

Mr. Hardcastle asked Ms. Christine Engustian, attorney for the project, to begin the testimony regarding the requested deviations.

Mr. Osgood of DiPrete Engineering was called as the first witness. Mr. Osgood described his credentials: his résumé was accepted and entered into the record as Applicant's Exhibit #1. Mr. Osgood described his previous expert testimony and his role on the project team and in the development of the Kettle Point plans.

VOTE: A motion was made to qualify Mr. Audie Osgood of DiPrete Engineering as an expert in civil engineering: the motion was seconded and unanimously approved without discussion.

Mr. Osgood stated that he had reviewed the requirements and performance standards of the Waterfront District section of the East Providence *Zoning Ordinance*, as well as the Waterfront District's "Kettle Point Sub-District Design Guidelines." He listed the request for four deviations: sidewalks on both sides of the street; parallel parking; pavement width for rear alleys; and size of a standard off-street parking space. Ms. Engustian submitted Kettle Point plan sheet #14 entitled "Overall grading and utility plan" as Applicant's Exhibit #3, which was accepted and entered into the record.

Mr. Osgood described the need for only one sidewalk on a road in the development and the need for a reduction in size of standard parking spaces. He stated that the Ordinance requires six-foot

wide sidewalks on each side of all streets: the proposed plans do not show this on all roads. Road A from VMP has no sidewalks from the northern entrance to the project for approximately three hundred feet; there are also no sidewalks from the southern entrance for approximately three hundred feet into the site. Mr. Osgood said that the reason was because of concerns of pedestrians crossing VMP to the development: it is a safety issue. Sidewalks are not provided leading to VMP in order to discourage pedestrian crossings. Road F is the first road heading the west: it provides access to the bike path. Sidewalks are provided along both sides of Road F: the sidewalk on one side is located approximately 25-30 feet from the road. It might be considered access along the coastal feature rather than a sidewalk for Road F, which is why the team is asking for a deviation request. The team wanted to reduce impervious area so they decided not to double up on sidewalk. A sidewalk is provided along only one side of Roads D and E: there is no reason for pedestrian access from these loops except to access the public parks and there is already a path from Squantum Woods that will provide pedestrian access: again, they decided not to double up on sidewalks at this point. Mr. Osgood stated that he was believed that not providing sidewalks on both sides of streets of the development would not be an adverse impact and that not granting the deviation would be more than a mere inconvenience to the Applicant.

Mr. Osgood addressed the deviation for reduced off-street parking space size. Ms. Engustian submitted Kettle Point plan sheet #11 entitled "Site Plan 2" as Applicant's Exhibit #4, which was accepted and entered into the record. The Zoning Ordinance requires that parking spaces be not less than 180 square feet per off-street space, as either a 9'x20' space or as a 10'x18' space: the development plans show the off-street spaces to be 9'x18', or 162 square feet per space, or an approximately ten percent reduction in size. Mr. Osgood said that the reduction will limit the amount of impervious surface on the site by approximately one-third of an acre. He said that the smaller spaces will not have an impact on vehicular safety and the dimensions shown are used by other municipalities in Rhode Island. Mr. Osgood stated that he was believed that reducing the size of the parking spaces in the development would not be an adverse impact and not granting the deviation would be more than a mere inconvenience to the Applicant. If the parking spaces were full-sized, they would take away from the planned green space in the development and add to impervious surface.

There was a discussion regarding the path near Road F: it is not completely next to the road and can be called a path along the coastal feature. Mr. Osgood said that having only one path reduced stormwater runoff near an estuary. Mr. Brad Leach, the traffic consultant for the Commission, pointed out that at the bottom of Road D there is no connection between the two points to get people across the streets. Mr. Osgood stated that he agrees: they will address this gap. The path along Road F will be a shared-use path of impervious material: it will be primarily for pedestrians, since cyclists will probably continue riding on the road. The material might be some sort of gravel.

There was a discussion about providing a sidewalk along both sides of the road. Mr. Leach stated that he feels that providing sidewalks on both sides of Road A is important, due to the bus stops located on VMP (across from Delway and Interlochen) and people using the bike path: a lack of sidewalks will force pedestrians into the street. The existing shoulders will be removed when left turn lanes are added for access to the development: the situation should be made as safe as possible. If people are given a destination, like the bike path or park, they will go there. Mr. Gregory agreed and proposed providing a sidewalk on at least one side of Road A. People are

being invited into the property.

Mr. Donald Powers of Union Studios was called as a witness. Mr. Powers described his credentials and his résumé was accepted and entered into the record as Applicant's Full Exhibit #5. Mr. Powers' role on the project team and in the development of the Kettle Point plans was explained.

VOTE: A motion was made to certify Mr. Donald Powers as an expert in architecture. The motion was seconded and passed unanimously without discussion.

Mr. Powers stated that he had reviewed the requirements and performance standards of the Waterfront District section of the East Providence *Zoning Ordinance*, as well as the Waterfront District's "Kettle Point Sub-District Design Guidelines." He described the request for two deviations: parallel parking and pavement width for rear alleys. Ms. Engustian submitted a plan sheet entitled "Parallel Parking Exhibit" as Applicant's Exhibit #6, which was accepted and entered into the record.

The ordinance requires parallel parking on both sides of a public street: the plans propose parallel parking on one side only of Road A and of two other streets, Roads D and E. There is public parking for the bike path: it is not expected that people will park on Road A before they reach the public parking area. They are trying to: reduce pervious surfaces by reducing the on-street parking; and keep the road as narrow as possible to slow down traffic.

Ms. Engustian submitted a plan sheet entitled "Alley Dimension Exhibit" as Applicant's Exhibit #7, which was accepted and entered into the record. The Ordinance requires a width of twenty-four feet travel lane for rear alleys: the plans propose a travel lane of only sixteen feet at certain points. The twenty-four feet is the width that a car needs to pull out and drive away: this is provided throughout the site where needed. The only points that will be sixteen feet for a low-traffic, low-speed travel lanes like an alley. It will allow for plantings and to minimize impervious surfaces, creating a more welcoming feel. The plans for the placement of garages are not yet developed; the deviation is for the dimension from the back of a garage across the alley. They would address this to ensure that the width is never less than twenty-four feet. The Fire Chief feels that it is adequate for his safety equipment as shown. The sixteen-foot lanes are only in two locations. Mr. Powers stated that he was believed that reducing the width of the alleys in two locations in the development would not be an adverse impact and not granting the deviation would be more than a mere inconvenience to the Applicant.

VOTE: The following motion was made:

At its public hearing of May 7, 2013 the Hearing Panel heard testimony provided by the Applicant's representatives attesting to the necessity of the requested deviations. The Applicant also entered testimony into the record demonstrating the consistency with the goals and policies of the Waterfront District.

Based upon the evidence of the Applicant, the testimony of the members of the public and the materials submitted and the Design Review Committee's advisory recommendation, the Hearing Panel finds the following:

1. That the literal enforcement of the regulations relating to the requirement that any street must have two sidewalks as outlined in Section 19-482 of the East Providence *Zoning Ordinance*, Article IX, would preclude the full enjoyment of the owner as a permitted use and would amount to more than a mere inconvenience. In its deliberations the Panel also considered the factors listed in Section 19-479 (g).
2. That the literal enforcement of the regulations relating to parallel parking requirements as outlined in Section 19-482 of the East Providence *Zoning Ordinance*, Article IX, would preclude the full enjoyment of the owner as a permitted use and would amount to more than a mere inconvenience. In its deliberations the Panel also considered the factors listed in Section 19-479 (g).
3. That the literal enforcement of the regulations relating to rear alley pavement width requirements as outlined in Section 19-482 of the East Providence *Zoning Ordinance*, Article IX, would preclude the full enjoyment of the owner as a permitted use and would amount to more than a mere inconvenience. In its deliberations the Panel also considered the factors listed in Section 19-479 (g).
4. That the literal enforcement of the regulations relating to parking space size as outlined in Section 19-282 of the East Providence *Zoning Ordinance*, Article IX, would preclude the full enjoyment of the owner as a permitted use and would amount to more than a mere inconvenience. In its deliberations the Panel also considered the factors listed in Section 19-479 (g).

The motion was seconded and passed unanimously, with the following amendment:

The granting of the deviations shall have the following conditions:

- A. The first deviation requested relating to the requirement that any street have two sidewalks is granted in the manner requested in the Applicant's List of Deviations Requested and shown on the Applicant's plans for all roads within the development but for Road A in that (in addition to the sidewalks proposed in the Applicant's plans) the Applicant must continue at least one sidewalk along the entirety of Road A to connect to Veteran's Memorial Parkway.
- B. That the development be in conformance with the site plans, preliminary elevations and other supporting documentation submitted as exhibits and entered into the record of the Design Review Committee's and Hearing Panel's public hearings of meeting of May 7, 2013 and as the same may be modified at the request of or with the approval of the Waterfront Commission, Police Chief, Fire Chief, Department of Public Works, Building Inspector or State permitting agencies;
- C. That all applicable local, State, or Federal requirements pertaining to the development be met.

D. That the applicant satisfies all conditions set forth in the Advisory Recommendation of the Design Review Committee, dated May 7, 2013.

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

The hearing was adjourned at 6:38PM.

Respectfully submitted,

JEANNE M. BOYLE  
*Executive Director*

JMB/RG

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