

I-195 REDEVELOPMENT DISTRICT COMMISSION

MEETING OF LEGAL ISSUES SUBCOMMITTEE

PUBLIC SESSION

AUGUST 20, 2014

The Legal Issues Subcommittee (the "Subcommittee") of the I-195 Redevelopment District Commission (the "Commission") met on Wednesday, August 20, 2014 beginning at 8:00 AM, at the offices of the Commerce RI, located at 315 Iron Horse Way, Suite 101, Providence, Rhode Island, pursuant to a notice of the meeting to the members of the Subcommittee and public notice of the meeting, a copy of which is attached hereto, as required by applicable Rhode Island law.

The following Subcommittee members were present and participated throughout the meeting: Mr. Colin Kane, Mr. John Kelly, Mr. Mark Ryan and Mr. Michael Van Leesten.

Also present were Ms. Jan Brodie, District Executive Director and Project Associate, Kate Holguin, and Mr. Charles F. Rogers of Edwards Wildman Palmer LLP, legal counsel to the District.

The meeting was called to order at 8:15 AM.

1. Technical (Zoning) Approval

The issue of how to proceed with zoning approval was discussed. By law, the Commission must follow the Providence Comprehensive Plan and Zoning Ordinance adopted in 2012, and it was discussed whether the Commission should adopt any standards and regulations beyond the ordinance. In late fall of 2013, the Commission had deliberated retaining disposition consultants to help with this process since the Commission does not have the internal resources to review and analyze proposals, and it was suggested that the idea of a third party review in conjunction with Commission review for the zoning approval process be revisited. It was also suggested that a third party firm could propose a consolidated timeline, with reference to the Developer's Toolkit and the Level 1 and Level 2 submission requirements. The third party firm would review proposals and identify issues in a written summary related to zoning and planning for the Commission's benefit. The Commission would act as the single, and final entity for issuing the various permits that would allow a project to proceed. Fuss & O'Neill is a pre-procured consultant to the Commission and will be involved in the environmental review of each project. That firm also regularly provides such permitting services to many municipalities throughout the region. The firm is also well equipped to review civil engineering plans and proposals. For all the above reasons, it was agreed to expand the services of Fuss & O'Neill to incorporate this peer review level of service on permitting and engineering. They will provide estimates of review costs for each proposal, and the developer will be required, as outlined in the Toolkit's Schedule of Fees, to deposit funds to cover the cost of all third party reviews.

2. Plan and Design Review and Approval

The issue of how to proceed with plan and design review was discussed, as well as how to involve the RI State Historic Preservation Officer (SHPO) in the process. It was suggested the SHPO could provide a written report, commenting on a project's plan and design. This report would be submitted to the Commission, along with technical reports, as a resource for their review of a development's design scheme. If it was necessary, a Subcommittee could be created to further review the development design schemes.

3. Rules and Regulations for Permitting Approval

The issue of how to establish rules and regulations for the permitting approval process was discussed. The Subcommittee reached a consensus that the Commission will oversee the whole permitting process with the exception of fire and building permits which will be handled independently by the developer with the State Fire and Building Departments.

4. Letters of Intent

The issue of how to establish a process for reviewing disposition documents was discussed. It was suggested that the process begin with Mr. Rogers' review of a letter of intent (LOI) and that he would circulate initial comments on the document to the Legal Issues Subcommittee. The Subcommittee would meet to collectively review the LOI and make subsequent comments that would be incorporated into Mr. Rogers' response to the applicant. The Subcommittee would only be further involved if substantial deviation from agreed upon terms were not followed. The final draft of the LOI would be circulated and brought to the full Commission before being signed.

5. Chairperson

It was noted that the Subcommittee should have a chairperson, and Mr. Ryan agreed to act as such.

6. Review of Proposals to Purchase and Develop District Property

Mr. Ryan noted that, pursuant to the notice of the meeting, the Subcommittee would go into Executive Session in order to review proposals to purchase and develop District property.

Accordingly, upon motion duly made and seconded, the following vote was adopted:

VOTED: To go into Closed Session, pursuant to the Open Meetings Act, Rhode Island General Laws Section 42-46-5(a) (the Open Meetings Law) in order to review proposals to purchase and develop District property.

Voting in favor of the foregoing were: Mr. Kane, Mr. Kelly, Mr. Ryan and Mr. Van Leesten.

Voting against the foregoing were: None.

Members of the public were then asked to leave the boardroom for the Closed Session, and members of the Subcommittee and staff entered into closed session at 8:55 AM.

The Public Session was reconvened at 9:45 AM.

Mr. Ryan reported that the discussion during the Closed Session was confined to discussion of proposals to purchase and develop District property and that no votes were taken. The Subcommittee voted to end the Closed Session, maintain the Closed Session records and reconvene the Public Session.

Upon motion duly made and seconded, the following vote was adopted:

VOTED: That pursuant to Rhode Island General Laws Section 42-46-4, Section 42-46-5 and Section 42-46-7, the Open Meetings Act, the minutes of the Closed Session shall not be made available to the public, except as to the portions of such minutes as the Subcommittee ratifies and reports in Public Session of this meeting.

Voting in favor of the foregoing were: Mr. Kane, Mr. Kelly, Mr. Ryan and Mr. Van Leesten.

Voting against the foregoing were: None.

There being no further business, upon motion duly made and seconded the meeting was adjourned at 9:45 am.


Mark T. Ryan
Chairperson

**I-195 REDEVELOPMENT DISTRICT COMMISSION
LEGAL ISSUES SUBCOMMITTEE**

PUBLIC NOTICE OF MEETING

A meeting of the I-195 Redevelopment District Commission Legal Issues Subcommittee will be held at **Rhode Island Commerce Corporation, 315 Iron Horse Way, Providence, Rhode Island**, on **WEDNESDAY, AUGUST 20, 2014**, beginning at 8:00 A.M., for the following purposes:

I. PUBLIC SESSION

Call to Order

1. Zoning Approval – expert review and findings, process, timeline.
2. Plan and Design Review – expert’s input, process, timeline.
3. Rules and Regulations for Permitting Approval – legal frameworks.
4. Letters of Intent – establish process for reviewing disposition documents.

II. EXECUTIVE SESSION

To consider and act upon such matters as may be considered at a meeting closed to the public pursuant to Rhode Island General Laws, Section 42-46-5(a) (the Open Meetings Law), specifically matters permitted to be so considered under subsection (5) (acquisition and disposition of public property).

5. Review of Proposals to Purchase and Develop District Property.

III. PUBLIC SESSION

6. Vote to Adjourn.

The location is accessible to the handicapped. Those requesting interpreter services must notify the I-195 Redevelopment District Commission at (401) 383-5900 forty-eight (48) hours in advance of the meeting. Also, for the hearing impaired, assisted listening devices are available onsite, without notice, at this location.