



# EAST PROVIDENCE WATERFRONT DISTRICT COMMISSION

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## Waterfront Commission Hearing Minutes April 12, 2018

**Attendees:** William Fazioli, Acting Chairman  
Peter Willey  
Paul Moura  
Jay Kern  
Luis Torrado  
Stephen Hardcastle

**Members absent:** Roy Coulombe  
David Sluter

**Ex-Officio:**

**Staff:** Pamela M. Sherrill, Executive Director

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The meeting was called to order at 6:35 PM.

1. **Acting Chairman's Opening Remarks.** Agenda items were taken out of order.
2. **Old Business**
  - A. **VOTE:** On a motion by Mr. Torrado, seconded by Mr. Hardcastle, the Commission voted 5-0 to approve the minutes of March 15, 2018 (Mr. Moura arrived following the vote).
3. **New Business**
  - A. **VOTE:** Request for a six-month extension on August 31, 2009 Notice of Decision that was tolled under RIGL 45-24-61.1.  
Development project: Village on the Waterfront  
Owner/Applicant: Chevron Land & Development Co.  
431 Veteran's Memorial Parkway (*address corrected from the agenda*)  
Assessor's Map 17, Block 1, Parcel 1  
Assessor's Map 18, Block 1, Parcel 1  
Assessor's Map 18, Block 2, Parcel 2  
Sub-district: Veterans Memorial Parkway

Ms. Sherrill indicated that March 30, 2018 correspondence from Attorney Christine J. Engustian, counsel for the project owner/applicant, requested a six-month extension of conditional uses and deviations in accordance with Sec. 19-479(i) of the zoning ordinance if it is determined that the applicant has not exercised the permission granted, or received a building permit to do so. The Hearing Panel made a positive recommendation to the Waterfront Commission on conditional uses and deviations that were documented in two Hearing Panel Decisions, dated July 28, 2009, that were referenced as memoranda in the Waterfront Commission August 31, 2009 Notice of Decision recorded in Book 6,



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Page 107 *et. seq.* Although Ms. Sherrill had been advised by Waterfront Commission legal counsel that an extension would be required, she reported that substantive site work including demolition, remediation, and utility work has been conducted under twelve building permits issued between 2011 and 2015. She rescinded her recommendation made in the Planner's Report, dated April 9, 2018, to extend project approvals.

Ms. Engustian stated that the terms "building permit" and "exercise of approval" are not defined or qualified by type in the City Zoning Ordinance and, consequently, whether an applicant either "exercises the permission granted" or "receives a building permit to do so" must be evaluated on a case- by-case basis. She argued that Chevron has fully exercised its approvals by the nature and scope of the work conducted to date on the subject site, that those activities could not have taken place but for the subject approvals and, further, that vertical construction could not happen without remediation. In addition, building permits were received in order to so exercise the approvals.

The Acting Chair summarized findings and is satisfied that the exercise of approvals has been demonstrated.

The Commission voted 6-0 to approve the motion by Mr. Willey and seconded by Mr. Torrado, that the East Providence Waterfront Special Development District Commission deems that the owner/applicant of the subject land has exercised the approval of the conditional uses and deviations granted in year 2009, as reflected in the Notice of Decision (Amended) dated and recorded in the East Providence Land Development and Decision Index on August 31, 2009 at Book 6, Pages 107 and 108.

The Commission voted 6-0 to approve the motion by Mr. Willey, seconded by Mr. Hardcastle, that the two East Providence Waterfront Special Development District Commission Hearing Panel Decisions dated July 28, 2009 (one recommending that the Commission approve the requested conditional uses and one recommending the Commission approve the requested deviations), and which are referred to as "memoranda" in the Commission's August 31, 2009 Notice of Decision (Amended), are attached to the Waterfront Commission's meeting minutes of April 12, 2018 and that said meeting minutes and Hearing Panel Decisions be recorded together in the East Providence Land Development and Decision Index.

Ms. Engustian presented a name change for the Chevron project from Village on the Waterfront to *East Providence Harborfront at Bold Point*. Monte McKillup, Senior Consultant at McKillip and Associates, presented a preview of the new Harborfront at Bold Point website. Link will be provided from the Waterfront Commission website. It was recommended that links also be provided from the city and CommerceRI websites.

Ms. Engustian requested that the Waterfront Commission vote to confirm that its 2015 Notices of Decision approving modifications to the previously approved development



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plan do not require extensions since they do not incorporate any new conditional use or deviation. This matter will be included for consideration on the agenda at the next meeting.

- B. VOTE:** Request to approve conversion of two duplex units as one post-operative residential condo for University Orthopedics.

Address: 1 Kettle Point Ave.

Owner/Applicant: Long Rock Cove LLC

Assessors Map 109, Block 3, Parcel 1.9, *parcel number corrected from the agenda* (formerly Assessors Map 108, Block 2, Parcels 1 and 2; Assessors Map 109, Block 1, Parcels 1, 2 and 3; Assessors Map 209, Block 3, Parcels 1 and 4)

Zoning - Kettle Point Waterfront Sub-District

Richard Baccari II presented an overview of his April 9, 2018 letter and attachments and indicated that the lower profile building will not block views from the clubhouse or sun from the adjacent pool and will be a good transition between the clubhouse and Phase II condo development. He reported that current condo owners have no objections. Mr. Baccari stipulated that the deed will prohibit use as a nursing, congregate care, assisted living or convalescence home and that upon resale, use would be residential. He indicated that TIF revenue would not be adversely affected since assessed values presented in TIF documents were \$446,025 and current sales average \$650,000.

On a motion by Mr. Hardcastle, seconded by Mr. Moura, the Commission voted 6-0 to approve the conversion of two duplex units as one post-operative residential condo for University Orthopedics, with a deed restriction prohibiting use as a nursing, congregate care, assisted living or convalescence home and that upon resale, use would be residential.

- C. VOTE:** Quarterly budget. On a motion by Mr. Hardcastle, seconded by Mr. Willey, the commission voted 6-0 to approve the budget as amended (typo).
- D.** Presentation of Draft Affordable Housing Regulations. Mr. Torrado recused himself. Ms. Sherrill provided highlights directed toward increasing the number of affordable housing units in East Providence with a priority in the Waterfront District. The draft includes the requirement for any developer requesting in-lieu payment to partner with an affordable housing developer as a recipient of "gap financing." This strategy may encourage on-site affordable housing units/discourage in-lieu requests or provide opportunities to incentivize construction of affordable units in East Providence. Discussion followed regarding the potential for a Waterfront developer to build affordable units elsewhere in the city. Ms. Sherrill outlined the approval process under the Administrative Procedures Act. She will request a two-week comment period from commission members and then forward the edited version to legal counsel, RI Housing, and to the City Clerk for distribution to the Council for comment.



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Ms. Sherrill reported that AR Building Co. submitted \$552,500 in-lieu funding March 30. Demeter LLC was recently informed that the Ivy Place affordable housing project was not approved through the recent RI Housing financing round so it is unlikely that they will meet the June 22, 2018 deadline for \$488,000 from the Waterfront Commission. Mr. Torrado rejoined the meeting at 7:40 PM.

#### 4. **Staff Report**

Ms. Sherrill reported that the application for 105 Pawtucket Ave is anticipated shortly. The Hearing Panel will be convened at the May 17 meeting to hear conditional use requests for a wine warehouse at 89 Valley Street and for rooftop solar on a warehouse at 70 Pawtucket Ave.

Meeting was adjourned at 7:50 PM following a motion by Mr. Hardcastle, seconded by Mr. Willey and unanimous vote. The next meeting is May 17, 2018.

Respectfully submitted,

PAMELA M. SHERRILL, AICP  
*Executive Director*

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