



EAST PROVIDENCE WATERFRONT DISTRICT COMMISSION

Public Hearing/Meeting Minutes May 7, 2013

Attendees: William Fazioli, Vice Chairman
John Gregory, Chairman- Design Review Committee
Steven Hardcastle, Chairman- Hearing Panel
Bruce Chick
Paul Moura
John Pesce
Luis Torrado

Ex-officio: Michael Walker, RIEDC

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

Consultants: Sara Bradford, Landscape Architect
Glen Fontecchio, Architect
Brad Leach, Traffic Engineer

The meeting was called to order at 6:46PM.

1. Vice Chairman's Opening Remarks

The Vice Chairman made no remarks.

2. Approval of Meeting Minutes

A motion was made to approve the meeting minutes of April 23, 2013; the motion was seconded and approved without discussion.

3. Continued Business- Public Hearing

A. Kettle Point development project: C&B Kettle Point LLC

The entire Kettle Point team, including its consultants and attorney, were sworn in.

Ms. Christine Engustian, attorney for the project, introduced Mr. Richard Baccari, the project developer, as the first witness. Mr. Baccari described the site location and history. The size of the development will be approximately thirty-one acres and has been inaccessible to the public for years. The project will have a total of 407 residential units: 276 "garden-style" apartments are in the primary buildings, with 1-2 bedrooms; 62 townhouse condominium units; and a 69-unit condominium complex in the "signature" building that may be rental units, depending on the market. No commercial uses are proposed.

Mr. Osgood of DiPrete Engineering was called as a 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. Osgood as an expert witness: the motion was seconded

and passed unanimously, without discussion.

Mr. Osgood discussed the project team's progress with the various State agencies that need to approve the project. His testimony also included explanations of: the existing conditions and environmental remediation of the site; the proposed stormwater management plan; proposed water and sanitary sewer systems; and the parking plan. He also described the access points from Veteran's Memorial Parkway (VMP) into the site and the potential for incorporating access to Squantum woods from the southern entrance.

Mr. Paul Bannon of RAB Engineers, the project's traffic engineering consultant was called as a witness. Mr. Bannon described his credentials: his résumé was accepted and entered into the record as Applicant's Exhibit #2. Mr. Bannon 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. Bannon as an expert witness: the motion was seconded and passed unanimously, without discussion.

Mr. Bannon gave an overview of the process of drafting the traffic impact study (TIS). He also discussed some of the results of the TIS. Mr. Bannon distributed a letter entitled "May 6, 2013 Rhode Island Department of Transportation (RIDOT) letter to Paul Bannon," which was accepted and entered into the record as Applicant's Exhibit #3.

Mr. Donald Powers of Union Studios in Providence, the project architectural firm, was called as a witness. Mr. Powers described his credentials: his résumé was accepted and entered into the record as Applicant's Exhibit #4. Mr. Powers 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. Powers as an expert witness: the motion was seconded and passed unanimously, without discussion.

Mr. Powers gave a presentation about the project's proposed uses, architecture, and housing types; circulation; parking; scale in relation to the surrounding neighborhoods; view corridors; public access to the Bike Path; and open space. Mr. Powers stated that the Kettle Point development project is consistent with the Waterfront District's purpose and design guidelines.

Mr. John Carter of John C. Carter and Company, the project landscape architect, was called as a witness. Mr. Carter described his credentials: his résumé was accepted and entered into the record as Applicant's Exhibit #5. Mr. Carter 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. Carter as an expert witness: the motion was seconded and passed unanimously, without discussion.

Mr. Carter discussed the main loop road and its connections to VMP; public open space; landscaping; the Urban Coastal Greenway; the boulevard going into the site; foot trails; the point at Kettle Point; the private clubhouse; the overlook to Squantum Woods; and street trees along VMP.

Mr. Keenan Rice, president and founder of MuniCap, Inc., the project's financial consultant, was called as a witness. Mr. Rice described his credentials: his résumé was accepted and entered into the record as Applicant's Exhibit #6. Mr. Rice described his previous expert testimony and his role on the project team and in the development of the Kettle Point fiscal impact statement.

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

Mr. Rice described the impact of Kettle Point on the City's finances; the fiscal impact statement; and the "case study" approach versus the average impact approach.

Ms. Engustian concluded the Applicant's presentation. There were no questions from the Commissioners; Mr. Fazioli opened the hearing to questions and comments from the public.

Mr. Charles Kirwan of Crown Ave. submitted a signed affidavit to Mr. Fazioli. Mr. Kirwan raised these issues: the lack of pedestrian access on the VMP; the fast timeframe of the development's review by the Commission; the width of the proposed travel lanes and lack of adequate width on the VMP; the qualifications of members of the project team; observations on VMP at the proposed entrances to the development; the older age of residents (and drivers) in East Providence and Barrington; screening; compliance with the City's *Comprehensive Plan*; the lack of commercial uses; and the potential for a marina. Mr. Kirwan submitted a list of conditions that he would like the Commission to add to its approval of the project and a video of traffic taken on the VMP. Mr. Fazioli thanked him and asked if there were any other members of the public who would like to speak: there were none.

Ms. Engustian, attorney for the Applicant, presented a rebuttal to Mr. Kirwan's testimony which included clarification that the development plan was not required to meet every aspect of the City's *Comprehensive Plan* but instead was instead subject to a determination by the East Providence Planning Board as to whether or not the development plan was consistent with only the purposes and intent of the City's *Comprehensive Plan*, which the Board determined was so consistent.

VOTE: The following motion was made by Mr. Moura:

I make a motion to enter into the record the findings of fact and Advisory Recommendations of the Design Review Committee dated May 7, 2013 and the findings of fact and Decision of the Hearing Panel, dated May 7, 2013, and the Advisory Recommendation of the East Providence Planning Board, dated April 10, 2013.

The motion was seconded by Mr. Hardcastle and passed unanimously, without discussion.

VOTE: The following motion was made by Mr. Gregory:

I move to adopt the Advisory Recommendation of the Design Review Committee dated May 7, 2013, and all of the findings of fact and conditions contained therein, the Advisory Recommendation of the East Providence Planning Board, and the findings of fact and Decision of the Hearing Panel, dated May 7, 2013.

The motion was seconded by Mr. Hardcastle and passed unanimously, without discussion.

VOTE: The following motion was made by Mr. Gregory:

Based upon the testimony and supporting materials presented to the Waterfront Commission by the applicant and the public; the Advisory Recommendations of the Design Review Committee and the East Providence Planning Board; the Notice of Decision of the Hearing Panel; and the record before us: I move to approve the application of C&B Kettle Point, LLC as presented to the Commission and subject to the Advisory Recommendation of the Design Review Committee, dated May 7, 2013 and the satisfaction of all conditions contained therein, based upon the following findings of fact:

1. The Proposal meets the purposes and objectives of Section 19-470 of the *Revised Ordinances of the City of East Providence* and is consistent with the goals and objectives of the *East Providence Special Waterfront Development District Plan*.
2. The Proposal is in conformance with the performance standards established in Article IX, "Waterfront Special Development Districts."

The Commission's approval is subject to the applicant's satisfaction of the following conditions:

- A. All conditions of the Advisory Recommendation dated May 7, 2013 of the Design Review Committee to the Waterfront Commission, as adopted at their hearing on May 7, 2013;
- B. All conditions of the Hearing Panel imposed at their hearing of May 7, 2013, as presented in the Hearing Panel's "Notice of Decision" dated May 7, 2013 with respect to deviations;
- C. The Proposal shall meet all applicable federal, State and local regulatory requirements.
- D. The applicant obtains all applicable federal, state and municipal permits and approvals for the proposed development.

The motion was seconded by Mr. Moura and passed unanimously, without discussion, in a roll call vote:

Chick	AYE
Fazioli	AYE
Gregory	AYE
Hardcastle	AYE
Moura	AYE
Pesce	AYE
Torrado	AYE

Absent was Mr. Harpootian.

VOTE: A motion was made to close the public hearing: the motion was seconded and passed unanimously, without discussion.

4. New Business

A. Presentation by MuniCap, Inc. re: Kettle Point TIF request

Mr. Keenan Rice of MuniCap, Inc. made a presentation about the tax increment financing (TIF) application submitted by C&B Kettle Point LLC for the Kettle Point development project. The developer is requesting the not-to-exceed amount of \$9,370,000, compared to total project cost of approximately \$80 million of private investment.

The City would commit sixty percent of the increase in real property taxes that result from the development of the project to pay the costs of the public improvements associated with the project. The bonds will be sized to be paid from fifty percent of the tax increment revenues over the term of the bonds, which is twenty-five years. Revenues will be pledged in the amount of sixty percent of the tax increment revenue to provide sufficient coverage on the debt service for the bonds. Sixty percent of real property taxes of the increase in assessed value of the Kettle Point project will be transferred to a special fund and pledged to the TIF. The bonds will be sized to be repaid from fifty percent of tax increment revenues over the terms of the bonds. Any portion of the tax increment revenues that is not required for the tax increment financing will be returned to the City each year after the payment of debt service. The bonds will be further secured by a back-up special assessment if tax increment is insufficient in the form of a minimum tax agreement with the developer.

VOTE: A motion was made to approve the Amendment No. 1 to the *Project Plan*: the motion was seconded and passed unanimously, without discussion.

B. Recommendation to the City Council re: amendment to Commission's TIF Plan

The Commission reviewed a memo to be sent to the City Council recommending support of the Kettle Point Tax Increment Financing (TIF) request.

VOTE: A motion was made to recommend that the City Council adopt and approve the Amendment No. 1 to the *Project Plan*: the motion was seconded and approved unanimously without discussion.

VOTE: A motion was made to approve the memo dated May 8, 2013 from the Waterfront Commission to the City Council recommending that the City Council approve the request of C&B Kettle Point LLC for Tax Increment Financing: the motion was seconded and approved unanimously without discussion.

5. Staff Reports

A. General Counsel's Report

Mr. Pariseault had nothing to report.

B. Executives Director's Report

Ms. Boyle stated that there will be another Waterfront Commission hearing at the end of the month to decide on the Kettle Point TIF Assessment Plan.

6. Adjournment

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

The meeting was adjourned at 10:15PM.

Respectfully submitted,

JEANNE M. BOYLE
Executive Director

JMB/RG

DRAFT