



East Providence Waterfront Special Development District Commission

Meeting Minutes of August 23, 2010

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

Ex-officio: Richard Brown, City Manager
Stephen Coutu, DPW Director

Staff: Jeanne Boyle, Executive Director
Roberta Groch, AICP- Planner
Robin Main, Counsel

The meeting was called to order at 6:32PM.

1. Vice Chairman's Opening Remarks

Mr. Fazioli welcomed the Commission back from their long recess.

2. Approval of Minutes

VOTE: A motion was made to approve the minutes of the June 2, 2010. The motion was seconded and unanimously approved without discussion.

3. New Business

A. Aspen Aerogels

Aspen Aerogels has submitted a minor modification to the formerly-approved plans. What the company had originally proposed to the Commission does not work for them and are proposing a small office expansion. An Aspen Aerogels representative described the addition as a single-floor, 3,000-sf "bump-out" to their existing building. Ms. Boyle suggested that the Commission delegate final approval of the project to the Design Review Committee (DRC). Mr. Gregory requested that the company provide the approved plans and renderings of the original project to the DRC meeting, for comparison. .

VOTE: A motion was made to refer the project to the DRC for review and final approval of the project: the motion was seconded and passed unanimously, without discussion.

B. Watchemoket Pump Station improvements- Public Hearing

Mr. Stephen Coutu, DPW Director for the City, gave a brief introduction regarding the need for a new pump station. The wastewater pumping station at Watchemoket Cove is slated for reconstruction to address capacity deficits. The new station will have a capacity of ten million gallons per day and will cost over \$2 million. The new station will address odor control and will have a one-year construction time. Mr. Jim Mitchell of AECOM— the engineering consulting firm for the project— described the project. The site lies between Bourne Veteran's Memorial Parkway Avenue to the northeast; Watchemoket Cove to the south; Chevron property to the northeast; and a scenic overlook to the southeast. The existing pump station was built in the 1950s and is not

located above the 100-year flood plain, as is required by the Rhode Island Department of Management (RIDEM).

The new building will be a one-story structure covered with brick veneer and shingles; it is designed to look like an oceanfront cottage. It will contain a workshop, grinder room, electrical room, and bathroom. The new facility will contain a screenings room below grade. The rear exterior of the building will have an odor control unit. The site is owned by the Rhode Island Department of Transportation (RIDOT) and contains a building, parking lot and many trees.

Ms. Diane Soule, landscape architect for the applicant, discussed the changes made to the plant materials at the request of Ms. Sara Bradford, landscape consultant for the Commission. The schedule, plant locations, and maintenance are now shown on the plans. Ms. Bradford added that she would like to see larger trees planted to screen the building from the road.

Mr. Gregory stated that the project team and consultants have worked hard on the revised plans and the current plans reflect DRC requests.

Mr. Fazioli opened up the hearing to public questions. Ms. Kimberly Francis of 714 Veteran's Memorial Parkway asked several questions regarding the location of the new building and the incorporation of energy-saving devices into the building design.

Ms. Boyle stated that the RIDEM has submitted a letter to the Commission stating that the State of Rhode Island owns the land on which the station is built and that no documents have been located that allowed the City to build the existing pump station on RIDEM land. The letter requests that the Commission include a condition that an agreement between the RIDEM and the City be drafted before construction and site work begins on the new station. This condition was incorporated into the motion. Ms. Main stated that an agreement such as this would be generated out of the City Solicitor's office and the RIDEM Director's office. Mr. Gregory said that the DRC incorporated the RIDEM's request into the Conditions of Approval.

VOTE: Mr. Gregory made the following motion to approve the project:

Based upon the submitted application and supporting documentation, testimony presented to the Waterfront Commission and the advisory recommendations of the Design Review Committee and the East Providence Planning Board, the Waterfront Commission finds that the proposal meets the purposes and objectives of Chapter 19, "Zoning," 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*. Further, these positive findings are made for the performance standards established in Article IX, "Waterfront Special Development Districts." The Commission hereby grants **conditional approval** to the development, as proposed, subject to the following:

1. Meets all conditions of the advisory recommendation from the July 21, 2010 meeting of the Design Review Committee to the Waterfront Commission, as presented in the Design Review Committee "Memorandum" dated August 16, 2010;

2. Meets all conditions imposed by the Commission at their meeting of August 23, 2010; and
3. Meets all applicable federal, State and local regulatory requirements.

The Waterfront Commission's approval of the Applicant's development is based on information provided by the Applicant and others through the public hearing process. The Waterfront Commission has no control over or responsibility for such information including, but not limited to, the accuracy thereof. The Applicant is responsible for compliance with any and all agreements, such as easements or licenses, and with all laws and regulations pertaining to its project.

Mr. Pesce seconded the motion. The motion was approved unanimously, without discussion, through a roll-call vote:

Fazioli	AYE
Chick	AYE
Gregory	AYE
Hardcastle	AYE
Killian	AYE
Pesce	AYE

C. Commission application fee amendment

Commission staff explained that the original application fee approved by the Commission did not differentiate between projects proposed by private developers and those proposed by public entities, such as municipal and state governments.

To address the disparity in funding available, staff recommended changes be made to the fee structure. After some discussion, it was decided to add the following: "these changes shall apply to public entities only and not to any public/private applicants."

VOTE: A motion was made to approve the public fee schedule, as amended: the motion was seconded and passed unanimously, without discussion.

Because Mr. Fazioli needed to recuse himself, the Commission took a brief recess while waiting for another member before the TIF public hearing could be opened. While waiting, the Commission discussed agenda items 4a and 4b.

Mr. Pesce arrived at the meeting after agenda item 4b: the Commission then returned to agenda item 3d.

D. Tax Increment Financing (TIF) application- "Village on the Waterfront" project

Mr. Fazioli asked Mr. Gregory assumed the assume role of acting Chairman of the hearing and recused himself.

Mr. Gregory opened the public hearing and asked that the members of the Commission and the public limit their questions specifically to the TIF application, as the project has already been approved by the Commission. Mr. John Gower, attorney for Village on the Waterfront (VOTW), gave an overview of TIF financing and its potential impact on the City of East Providence.

Mr. Michael Hennessey, principal of Village on the Waterfront LLC, gave an overview of the project, which was approved last year by the Waterfront Commission. He stated that Waterfront Drive will be constructed in its entirety during the first phase of the project. State approvals should be granted from various agencies in the coming months.

Mr. Keenan Rice, the TIF consultant for the VOTW project team, explained that provisions of the proposed TIF that have been included to protect the City. All documents will be prepared at the beginning of the process so that both parties are aware of all terms and conditions, with no surprises. The City's promise to reimburse the developer will be contingent on the developer's meeting of certain benchmarks, such as completion of the public improvements and completion of enough of the development such that taxes are generated. The bonds are additionally secured by betterment fees: these are a way for the developer to make a minimum tax guarantee by putting up property as collateral, the value of which must be three times the value of the bond.

A question was raised as to the impact on the City's debt level: the City manager stated that the TIF will have very little effect on City debt. Mr. Rice, referring to the Fiscal Impact Analysis (FIA) on the application, said that the developer wanted to ensure that the amount of taxes generated by the development covered costs incurred by the City. The City would incur costs for schooling high school students from the development, which have been incorporated into the total costs incurred by the City in the FIA.

Ms. Boyle stated that a team from the City has been meeting with the VOTW team and their TIF advisors for the past year to come to negotiate the terms of the proposed \$18 million TIF agreement, including timing, betterment fees, and benchmarks; they feel that they have negotiated an agreement with the developer that is a good deal for the City. VOTW wants to see a vote by the City Council by September of 2010. The TIF application requires adoption by the Commission and an advisory recommendation from the Commission to the City Council.

Mr. Gregory opened the hearing up to public comment. Ms. Virginia Francis of 714 Veteran's Memorial Parkway asked several questions related to the project's construction, quality, and design.

VOTE: Mr. Chick made a motion to approve the application: Mr. Hardcastle seconded the motion. The motion was approved unanimously, without discussion, through a roll-call vote:

Chick	AYE
Gregory	AYE
Hardcastle	AYE
Killian	AYE
Pesce	AYE

Mr. Gregory closed the public hearing; Mr. Fazioli rejoined the meeting and resumed the role of Vice Chairman. Mr. Gregory left the meeting.

4. Continued Business

A. Small Business Association (SBA) grant

Mr. Hardcastle, chair of the SBA Loan Committee, stated that the Commission has been awarded a \$235,000 grant from the Small Business Administration for loans for "green" improvements to businesses in the Waterfront district. The Committee will use the already-established East

Providence Commercial Loan Program as its model for loan guidelines. The Commission will be able to give revolving business loans up to \$75,000. The Loan subcommittee requested that the Commission vote to approve the use of Commission funds

VOTE: A motion was made to allocate up to \$25,000 of Waterfront Commission funds for the SBA Loan Committee for a green business loan: the motion was seconded and passed unanimously, without discussion.

B. Stormwater grants- update

Ms. Groch told the Commission that, due to contamination found at Bold Point Park, the RIDEM funds that were to have constructed stormwater management techniques at the Park has been returned to RIDEM. The Commission still has approximately \$130,000 remaining from the EPA stormwater grant for the same project: staff will be meeting with the EPA in September to discuss an alternative site for the use of these funds.

5. Reports from Subcommittees

Mr. Gregory stated the DRC report was heard during the Watchemoket pump station discussion. There was no report from the Hearing Panel.

6. Miscellaneous Other Business

There was no miscellaneous other business.

7. Staff Reports

A. General Counsel's Report

RIDEM will hold an informational public workshop on the fifteen hundred ton license on September 2, 2010 and must hold public hearings before it issues a license: these will most likely be at the end of October. The City will send letters regarding that the five hundred ton license must be heard as well.

B. Executives Director's Report

Ms. Boyle gave the Commission an update on Baer Supply: they have ordered new windows to replace those that were not approved by the Commission.

Aspen Aerogels will be submitting an application for a minor modification to their previously-approved plans. They are also starting major improvements for their second phase of production that do not require Commission approval.

After some delay, the \$9 million Dexter Road portion of Waterfront Drive will go out to bid by the RI Department of Transportation in the fall of 2010.

8. Communication and Correspondence

9. Executive Session

Mr. Gregory recused himself from the session.

VOTE: A motion was made to enter into Executive Session: the motion was seconded and unanimously approved, without discussion. The Commission entered Executive Session at 8:25PM. At 8:38PM the meeting was re-opened to the public. Mr. Fazioli reported that there was a

discussion with no motions made.

10. Announcements

There were no announcements.

11. Adjournment

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

The meeting was adjourned at 8:50PM.

Respectfully submitted,

JEANNE M. BOYLE
Executive Director

JMB/RG