



EAST PROVIDENCE WATERFRONT DISTRICT COMMISSION

Meeting and Public Hearing Minutes April 22, 2015

Attendees: William Fazioli, Vice Chairman
Steven Hardcastle, Treasurer
Paul Moura, Secretary
Jay Kern
Luis Torrado
Peter Willey

Ex-officio: Michael Walker, Commerce RI

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

The hearing was called to order at 6:04PM.

1. Approval of Meeting Minutes

VOTE: A motion was made to approve the meeting minutes of April 9, 2015: the motion was seconded and approved without discussion.

2. New Business

A. Public Hearing

Kettle Point development project- modified plans

Address: Kettle Point Ave.

Owner: BP Corp.

Applicant: Kettle Point LLC

Assessor's Map 108, Block 2, Parcels 1 and 2

Assessor's Map 109, Block 1, Parcels 1, 2 and 3

Assessor's Map 209, Block 3, Parcels 1 and 4

Mr. Fazioli read the following:

“The Commission has received and reviewed the minutes from the February 19, 2015 Hearing Panel public hearing and the March 2, 2015 Design Review Committee public hearing, along with all exhibits that were entered into the record of those hearings, and the written recommendation of the Design Review Committee, dated February 26, 2015. The Commission acknowledges that the minutes of the Design Review Committee’s two public hearings and the exhibits submitted by the applicant at those public hearings will be part of the record for this public hearing. In addition, the Commission accepts as expert witnesses for the purposes of this public hearing, the expert witnesses presented and qualified by the applicant and accepted as expert witnesses by the Design Review Committee at its March 2, 2015 public hearing and the February 19, 2015 Hearing Panel hearing on this application.”

Ms. Christine Engustian, Legal Counsel for the project, introduced the project team: Mr. Richard Baccari and Mr. Raymond Lavey of Kettle Point LLC, the project developer; Mr. Brandon Carr of DiPrete Engineering, project engineer; Mr. Jeremy Lake of Union Studios, the project architect; and Mr. John Carter of The John Carter Co., project landscape architect. All were sworn in.

Ms. Engustian introduced Mr. Brandon Carr, engineer: she noted that he was previously qualified as an expert witness. Mr. Carr gave a presentation of each of the proposed changes to the project since its original 2013 approval (excepting the landscape plans).

Ms. Engustian introduced Mr. John Carter, landscape architect for the project: she noted that he was previously qualified as an expert witness. Mr. Carter gave a presentation of each of the proposed changes to the landscaping since the original project approval.

Ms. Engustian introduced Mr. Jeremy Lake, an architect for the project. Ms. Engustian discussed Mr. Lake's education and experience.

VOTE: A motion was made to accept Mr. Lake's resume as Exhibit #1: the motion was seconded and unanimously approved, without discussion.

VOTE: A motion was made to qualify Mr. Lake as a registered architectural professional: the motion was seconded and unanimously approved, without discussion.

Mr. Lake reviewed the revisions to the architectural plans.

Mr. Carr summarized all of the modifications to the previously-approved plans and what has stayed the same. He also reviewed previously-granted deviations, as well as deviations that were granted for the modified plans.

Ms. Engustian said that the Applicant will meet the Commission's ten percent affordable housing requirement through providing five percent of the housing on-site and five percent as a mix of off-site housing and a contribution to the City's housing rehabilitation fund. Ms. Engustian also reviewed the history of the Applicant's tax increment financing (TIF) agreement with the City.

VOTE: A motion was made to accept the evening's PowerPoint presentation as Exhibit #2: the motion was seconded and unanimously approved, without discussion.

There was a discussion about the location of sidewalks and the possibility of converting apartments to condominiums, should the market change.

Mr. Fazioli opened the hearing to public comment.

Mr. David Kelly of 828 Veterans Memorial Parkway (VMP) asked about the distance between the two VMP entrances; natural gas to the site; traffic controls on VMP; sidewalks and access for the public; green space; the existing Kettle Point Ave.; and affordable housing.

VOTE:

Mr. Hardcastle made the following motion:

“I make a motion to enter into the record the findings of fact and the Advisory Recommendations of the Design Review Committee dated March 2, 2015 and the findings of fact and Decision of the Hearing Panel, dated February 26, 2015. The motion was seconded and passed unanimously, without discussion.

VOTE:

Mr. Hardcastle made the following motion:

“I move to adopt the Advisory Recommendations of the Design Review Committee dated March 2, 2015 and all of the findings of fact and conditions contained therein.” The motion was seconded and passed unanimously, without discussion.

VOTE:

Mr. Hardcastle made the following motion:

“I move to adopt the Hearing Panel memo and decision dated February 26, 2015, and all of the findings of fact and conditions contained therein.” The motion was seconded and passed unanimously, without discussion.

VOTE:

Mr. Hardcastle made the following motion:

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, the Hearing Panel decision and findings of fact, and the record before us: I move to approve the application of Kettle Point LLC as presented to the Commission and subject to the Advisory Recommendation of the Design Review Committee, dated March 2, 2015 and the Hearing Panel Decision dated February 26, 2015, 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 and Site Development Criteria established in Article IX, “Waterfront Special Development Districts”
3. With respect to the deviations to the terms of Zoning Ordinance of the City of East Providence requested by the applicant, the Commission finds that the literal enforcement of the regulations relating to such requested deviations would preclude the full enjoyment of the owner of a permitted use and would amount to more than a mere inconvenience.
4. In reviewing this application, the commission considered, among other factors, the following:
 - (1) Protection of adjoining properties and other parcels in the waterfront district from any detrimental use on the site.

- (2) Convenience and safety of vehicular and pedestrian movement within the site in relation to adjacent streets, properties, improvements and in conformance with the express design intent.
- (3) Adequacy of the methods of disposal for sewage, refuse and other wastes, and methods of drainage of surface water.
- (4) Provisions of off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the site.
- (5) Adequacy of all other municipal facilities and services to meet the needs of the site.
- (6) Achievement of overall design objectives of the development plan.

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

- A. All conditions of the Advisory Recommendation, dated March 2, 2015, of the Design Review Committee to the Waterfront Commission;
- B. The conditions of the Hearing Panel decision, dated February 26, 2015;
- C. All conditions imposed by this Commission at this hearing; and
- D. The Proposal shall meet all applicable federal, State and local regulatory requirements.
- E. The Applicant obtains all applicable federal, State and municipal permits and approvals for the proposed development.

The motion was seconded and passed unanimously, without discussion.

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

The public hearing ended at 7:19PM.

3. Staff Reports

A. General Counsel's report

Mr. Pariseault had nothing to report.

B. Executive Director's report

Ms. Boyle gave an update on several items, including the proposed I-195 interchange project that has been stalled for several years.

4. Adjournment

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

The meeting was adjourned at 7:25PM.

Respectfully submitted,

JEANNE M. BOYLE
Executive Director

JMB/RG

DRAFT