

February 13, 2001 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

Minutes of February 13, 2001 516th meeting

Present were: Messers Almeida, Cunha, DiTraglia, Gerstein, Poland, Sullivan, Jeanne Boyle (staff), Paul Lemont, City Manager, and William Conley, City Solicitor.

Chairman Poland welcomed Mr. Anthony Almeida as the Board's newest member. Mr. Almeida is taking Mr. Medeiros place.

I. SEATING OF ALTERNATE MEMBER

Mr. Cunha was seated as alternate number 1 in place of Mr. Fisher.

II. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of December 12, 2000

On a motion by Mr. DiTraglia, seconded by Mr. Cunha, the minutes of December 12, 2000 were approved unanimously.

It was noted the minutes of September 9, 2000 and January 9, 2001 were not formalized as yet.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the following correspondence were approved unanimously by the Board:

A. Memo dated 1/11/01 to City Council Re: "Ten Mile River Anadromous Fish Run Restoration Project"

B. Memo dated 1/10/01 to City Council Re: "Revisions to Telecommunications Ordinance"

C. Memo dated 1/10/01 to City Council Re: "Off-Street Parking Ordinance Revision"

D. Memo dated 1/10/01 to City Council Re: "Zoning Revision - Section 19-1 Definition of Hotel".

IV. NEW BUSINESS

A. Request for Disposition of City Owned Land by Frank and Rosalie Silva - Parcel between No. 240 and 250 Bullocks Point Avenue.

The petitioners presented their request to the Board. Mr. Poland notes that this is not a public hearing.

Mr. and Mrs. Frank J. Silva of 240 and 250 Bullocks Point Avenue, Riverside, owners of the DariBee and Depot Deli voiced their concerns about the strip of land between their properties and what the land is going to be used for. Mr. Silva asked why he as the abutter does not have any input in this. He said they originally wanted to purchase the land. It was taken from the DariBee to be used as a street to connect Pawtucket Avenue to Bullocks Point Avenue twenty years ago. He stated it has been a parking lot ever since. This is a 22 foot wide piece of property that the City is proposing to make it a mini park which is between our two parking lots. He states right now he owns the 240 and 250 Bullocks Point Avenue and cannot see anyone using that property in the middle of theirs without using his property for a parking lot. There has been a parking problem down there for a while for many years and noted when they bought the DariBee, the City took it by eminent domain we believe to put the street. Mr. Silva said they want to purchase the property to retain it as a parking lot for their business. He said the City never connected the street, but the piece of property is unusable by anyone without them using our piece of property to park on. He said they are upset because the City has never considered what the property owners want or what the concerns are of us running a business on both sides of us and having the interference of people using this piece of property that we have no right to say to anyone they can't be there anyway.

Mr. Silva stated there is a mini park right now less than 200 feet away from where they intend to make this a mini park that has basically abandoned by the City. He showed pictures of the area where the City has a park near the DariBee and the no loitering signs for that area. He states that last year the City petitioned the State to cut down the trees behind him and said he was very upset because they were not notified. He said he asked the State why they were cut down and the State replied that they were not aware of anyone being against the removal of the trees. Mr. Silva states the DariBee is closed down in the winter months, but that he could have been notified by mail. He said the trees that were cut down were originally put up there to create a barrier between the DariBee business and the bikepath. He said he does not like it when the people on the bikepath use his picnic tables to just sit when his customers cannot get use of the tables. He noted they have purchased the Depot Deli which is the abutting property and have worked hard cleaning that up the past six months. He noted the parking area in question

is very important to his business and does not feel that the other businesses should be dictating and asking the public what should be done with this strip of land. For identification, Mr. Poland reviewed the pictures of the area that Mr. Silva distributed to the Board.

Mr. Sullivan asks Mr. Silva what he wants the property for. He answered to retain it as a parking lot. Mr. Sullivan asks how many cars will fit in the lot. He answered 20 cars in that area. The parking in between would fit four cars. Mr. Silva said that by cutting the trees down the State made such a convenient spot for people to pull up a car to use the bikepath and they stay there four to six hours. Mr. Silva also pointed out he does not feel he is wrong because the other businesses in the area have signs that state no parking, violators will be towed.

Mr. DiTraglia read from the Planning Department memo which states the City is going to hire a landscape architect to design improvements and this particular parcel is within the project area. He also read that the City will receive \$275,000 in federal funds to complete the landscaping and make improvements to Riverside Square and that this parcel may be needed for public access, parking or landscape improvements. Mr. DiTraglia states the City and State is not definite if they are going to use it as yet. Mr. DiTraglia noted that he was also upset that the State took the trees down. Mr. Silva said this is surplus property which the City owns and does not know what to do with it. He asks what the City's opinion is on the abutter wanting the surplus property. Mr. DiTraglia said this plan came into effect at a time when no one knew that Mr. Silva was interested in this property. He said the City does not have to notify anyone until the property is OK'd which it has not been as yet. Mr. DiTraglia noted Mr. Silva has done a great job with the property that he is renovating, but he cannot see any decisions being made at this time. Mr. DiTraglia asked Mr. Conley if this is approved, would Mr. Silva have a chance to bid on this land? Mr. Conley defers to Jeanne Boyle as to what the planning impact is, but in terms of what the City would require would be that the Planning Board would first have to review this request under the Ordinance and make a recommendation to the City Council. The Council would then review it and make a findings. One of those findings the City Council makes before it can convey a piece of property is to determine whether it is surplus property and that the City has no intended use for it. If the Council cannot conclude based on the information that the Planning Department gives, and it cannot determine that it is surplus property, than the City does not convey it. Mr. Conley stated he did not know the answer to Mr. Silva's questions as to how the City acquired the property. He said one of the reasons that the City, in the process of conveying property, requires interested parties to provide a title search to the City is because the title search would tell us the status of the City's title to the property and how the City acquired the property. The reason this becomes important information is because just like there have to be certain statutory findings on the property being surplus, there are also certain prohibitions against the city conveying out property if it was acquired a certain way. For instances, property acquired by the City by way of gift that the City accepts as a gift, the City loses its ability to re-convey the property out to someone else. Cannot take it as a gift and give it someone else. Once the City does this it the City loses it ability to convey title to the property. This is why the City requires a title search first before it is

conveyed. These questions need to be answered to see what kind of impact it would have on the City's planning for the City's revitalization project. If the City has plans for the property, the City Council cannot convey it.

Mr. Poland asked if there is a Department within the City that might have plans or desire to use that piece of property, and if it does, then the City Council could not let that property go? Mr. Conley answered yes. He stated he does not know how the City acquired title of it. He said he would find that unusual for the City to have taken this property years ago by eminent domain. Another way to get title to the property besides eminent domain is by taking tax title to the property. We can acquire title of the property if it goes up for tax sale and no one else buys it at the tax sale and a year passes after that point, title can in fact pass to the City.

At this time, Mr. Boyle went through the staff recommendation. She states the request by the Silva's to acquire this piece of property was referred to the Department of Public Works, Police Department and Tax Assessor. They had no objections. As has been mentioned, the City was selected to receive \$275,000 from RIDOT for an enhancement grant. This means that using transportation funds we will be able to use the money to improve the Riverside area such as lighting, landscaping, benches etc. . She explained that the City has approval by the State to hire a landscape architect. Because of the complexities of using federal highway money, it has been a very long and drawn out process. We have gotten the go-ahead and will be advertising for a consultant in getting a landscape architect on board. That architect will be reviewing the area and seeing what improvements make sense. There have been suggestions from the members of the Riverside Revitalization group that this piece of property would be appropriate for a little vest pocket park. That is one of the suggestions that the landscape architect will look at. The City does not know what the actual recommendation of that consultant will be. Ms. Boyle states this will be a very public process. There will be public meetings held in the Riverside Square area and the staff will be having a public presentation to the City Council. The abutters and people throughout that area will have a chance to comment at that time. It has to be ultimately approved by the City Council and Department of Transportation. Because we have not completed that study, and we anticipate that the study will not be completed for another 90 days, staff is recommending that action on the Silva's request be deferred by the City Council and they wait until the study is completed and then make a decision on whether or not to convey the property to Mr. and Mrs. Silva.

Ms. Silva asked if there is any other City land on Bullocks Point Avenue that a mini park can go into. Ms. Boyle stated there is not any other city-owned land. She stated staff will take a look at it during the study and there will be an inventory done on what is out there. They will identify who owns which pieces of property, where the limits of the State property are, and what the needs and opportunities are such as parking etc.

Chairman Poland asked if there were any questions.

It was asked the measurements of the property. The property is 56 x 22 deep.

Motion

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted to defer Mr. and Mrs. Silva's request until the design study of Riverside Square Improvements is completed pending a recommendation by the City Council as to whether the parcel serves any future purpose.

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. DiTraglia	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

Mr. Almeida asked about the O'Neil property across the street and if they were going to improve their property. Ms. Boyle answered hopefully they will see what is going on in the Riverside Square area and follow suit, but that there is not much the City can do about it. City Manager Lemont stated that he has had conversations with Mr. O'Neill and he has done some cleaning up of his property, but that sometimes he falls back. As soon as he backslides, he gets cited right away by the Law Department. He stated the City does everything they can within the boundaries of the law without giving him the ability to claim that we are singling him out or harassing him.

B. Waterfront Vision Presentation

Mr. Lemont gave the Waterfront Vision presentation. He explained that more than a year ago he met with George deTarnowski of Central RI Development Corporation (CRIDCO) which the City is a member of. He told them the shoreline of East Providence was totally underdeveloped and underutilized, that at the turn of the century and shortly thereafter, the City was dotted with oil storage tanks on the shoreline and large industrial type organizations such as Washburn Wire, Bird and Sons and Rumford Chemical were there. He stated the oil storage of Arco, Amoco, Chevron, and Gulf Oil are no longer in the City, but that Unocal is in their place. Mobil has only a portion of what they originally had. He said Ocean State Steel was forced out of business and they abandoned a fairly large piece of land in Rumford.

Mr. Lemont stated that one of the reasons the City is pushing so hard to build a hotel and some office buildings on Warren Avenue is to improve a gateway from Seekonk into the East Providence to make it look fairly attractive. The same applies of the Old Wampanaog Trail which has become fairly attractive. We are making efforts to not only add to the tax base, but to bring some attractiveness to it and capitalize on what has taken place in Providence. With the aid of a map, Mr. Lemont showed the Board that to the north is about 40 acres of prime land that is vacant. He noted the piece of land south of the Parkway, which is the Kettle Point Area, which was going to be developed by a waterfront company about ten years ago known as Transcontinental Corporation, but this

never happened. The City has now acquired Squantum Woods Park and one of the things we insisted on was to have the strip that runs all the way down to the entrance way into Kettle Point so that the City could control the egress and ingress into the property. There is only one way in and the second way would have to cross City land and that was key to our taking that piece of property. The City owns the property just to the south of it and we control all the way down to the Parkway to the escape route up into Kettle Point.

Mr. Lemont explained that there have been various suitors for that piece of property. Ms. Boyle and Mr. Moran have been very active in trying to have someone develop it. The land has mostly been remediated. The Arco piece of property has been remediated. The Amoco portion of the site has been partially remediated, but does not have far to go.

Mr. Lemont said that to the north is the Chevron piece of property which is formerly the old Gulf Oil property. A press conference was held last summer there and Senator Chafee was talking about Brownfields and this is clearly one of the brownfield sites where it has been brought back to the standard where it could be built on for brownfield purposes. In dredging the Providence River, the Corps of Engineers has talked about digging what they call a CAD (Confined Aquatic Disposal) site off of Watchemoket Cove near South Broadway pumping station extending from Watchemoket into the Chevron property. It would be a half-mile long, 900 feet wide, and 40 feet deep. They would take the clean fill and dig the trench 40 feet deep, take the fill and run it down to Hog Island and dispose of it in a 70 foot hole which is between Hog and Prudence Islands. They would then take the dirty fill from the river, putting it in a hole and capping it with a two foot cover. Mr. Lemont states that the City does not want to be the recipient of the dirty fill because we envision a marina in that area.

Mr. Lemont states the Corps is in their final stages in talking about digging some sites in the middle of the channel and removing the dirty fill and moving it out to sea then filling it in with worse material. He stated this will not be an alternative and the City will not accept this.

Mr. Lemont stated that to the north of the property is land that is owned by the P & W Railroad. He noted he has had meetings with Bob Eder. This is the land that was filled in and there was a court case as to who owned that piece of property. The state maintained that they owned the land underneath it, but Mr. Eder said that he owned it. Mr. Lemont said Mr. Eder now has clean title of that piece of land which is about 40 acres. Thirty acres of it runs out into the Bay and ten on the other side of the railroad tracks. Mr. Lemont stated that Mr. Eder also owns a piece of the Wilkes Barre Pier and that he is in discussions with Mr. Eder on that piece of property. To the north is the Unocal property, Bold Point, Colfax, and a variety of owners that run all the way up to the Washington Bridge. The Oyster House, E. Providence Yacht Club, MotoRing etc.

Mr. Lemont stated that Phase I will be the area to the south of the Washington Bridge and running all the way down to ARCO. Phase II which is being studied right now is from the north of the bridge up to the Phillipsdale Landing. We do not have the data on that yet, but the uses are going to be different. One will be light industrial type use

whereas the other will be both residential and limited commercial, limited industrial. He said the City hired North American Realty Advisors to do a study on what would be the best uses for this land. He stated some of the other properties are not on the market at this time. He stated that Mr. Eder has easements that run through the Unocal property. Mr. Lemont mentioned that at one time the Algonquin Pipeline Company wanted to build a 750 pound main that would have gone up to the Veterans Parkway and traverse the Gulf Oil or Chevron property down to the waterfront and across to the Providence Gas Company terminal on the other side. He stated he, Councilman Miranda and Jeanne Boyle fought against this by meeting with the Chairman of the Federal Energy Regulatory Commission in Washington DC. They told him that it was not in the best interest of the City to have that line traversing the City in that fashion, and that it would interfere with the future development. Fortunately that project was nixed. He stated that had we not enlisted the aid of Patrick Kennedy, Jack Reed and John Chafee at the time, there would have been a certification and probably Algonquin would have started building that line in the Parkway. At this point the issue is dead.

Mr. Lemont explained that North American Realty has a number of ideas and that the key parcel is South Quay site. It is essential that this piece be developed in a way that would attract usages for the Chevron property and for the Kettle Point property. We envisioned a complex that would engage and employ about 2500 people. These would be high-end jobs including a hotel and insurance company along with a hotel and some commercial type buildings. The Chevron property would be residential condominiums and the same would apply for Kettle Point. He states that the developer the City had spoken to initially was looking for 1,100 condo units, but that they would have to be scaled down. There was a developer that still has an option on Kettle Point and also Chevron. We were trying to get an understanding on this piece of property. The piece of property that Bob Eder owns was approved by the City Council to be a container port. Containers would come in by ship, put them on the rail and bring them up to Worcester. Worcester would disperse the goods throughout New England from there, and would be the hub to receive the shipments going out of this port. He said the problem is that New England does not generate enough manufactured goods to be exported. Economically it did not become feasible to bring ships in here. Bob Eder fills in the piece of land which they have put approximately 12 million dollars into and it is showing no return, so this is a piece of land that can be brought into the game. The asking price is approximately \$12 to \$20 million. Bob Eder said he could work a deal with the City where he would be part partner. When he is done with his short term use, the price of the land goes down significantly. Mr. Lemont stated he received correspondence from Mr. Eder that automobiles that are manufactured in Canada which includes General Motors cars and Honda, could be brought down by rail to the South Quay site to unload them and transport trucks there to take them out for distribution throughout New England. This job will be performed down at Quonset Point. The reason for the third rail is to bring Bob Eder's trains to Quonset and that would be the end result of this. He would like to drop his cars here for three years. At the end of the three year period and he would sign an agreement with the City that at that time or when the third rail is in place he said he will be gone and will give up his right to the rail right to the Washington Bridge.

Mr. Lemont said that secondarily as a way of avoiding dredging in the Upper Bay where the ships are arriving at, we would run twin 16 inch lines and extend them all the way to the Mobil dock from Massasoit Avenue and have the ships unload and ship their product up to Massasoit Avenue. Mr. Eder would then donate this pier to the City of East Providence for one dollar. If that occurs, the City would own that and the area at Bold Point becomes more feasible because the City already owns this piece of land. It would make sense to go to the Corps of Engineers and see if we can create something like that. He stated he has asked the Narragansett Bay Commission for first dibs on the material that comes out when they do their directional drilling. They will be drilling 35 foot wide tunnels 300 feet below the City of Providence. Mr. Lemont stated we could take that debris and raise the South Quay three or four feet to get above the 100 year storm level.

Mr. Lemont states this will take some hard-driving visionaries to pull this off. We must have a Redevelopment Authority to get the landowners to agree to a common theme so the authority can come in and develop it. He stated we also need an Executive Director to move the project along. We are talking \$300,000 to \$500,000 units. We must attract big taxpaying people into the City by creating the \$50,000 + jobs here. These are the people that will be able to afford these condos. We would have a road coming from Warren Avenue and spilling back onto the Parkway near the other side of the Chevron property.

Mr. Lemont reiterated the fact that we need a Redevelopment Authority to have the clout to be able to say to those people who think their land is worth 10 times the amount that this is what we envision. He said it is important to have all the landowners be on the same page.

Mr. Lemont stated we should have a report for Phase II in a couple of months. This will be more of an industrial/commercial status. He stated Mr. George DeTarnowski of Central RI Development is very interested in this project. The City can borrow up to five times its CDBG allotment. We get about \$900,000 a year now. We can borrow \$4.5 million dollars for economic development. Mr. DeTarnowski's idea is to buy out Mr. Merva on Dexter Road. You will eliminate the junk operations there and P& W Railroad can drop their cars up there. When the program is over the land can be sold to a developer.

Mr. Lemont stated he met with a developer out of Pennsylvania who is interested and also has a Mobil person who is interested. The Mobil Oil Company has a dock and pipeline that runs to Springfield and they have four different oil companies storing their product on their property. Mr. Lemont stated he wants to get that piece of property as the one petroleum depository in the State of Rhode Island. This way we would not have to dig the channel all the way up to Providence.

Mr. Gerstein asks if they had anyone in mind to oversee this project. The person would have to have a lot of experience to pull this together.

Mr. Lemont stated that the City will hire someone who will be a powerhouse and have the experience of a large development like this. He states at the next meeting he had that city officials will include getting a Redevelopment Authority established and an Executive Director for this project. Mr. Lemont states he wants to see the same developer do the entire parcel. This way we would be dealing with one person; a person who can take charge.

Mr. Lemont stated the area from Bold Point to the Washington Bridge would be developed like a Newport waterfront such as retail shops etc. The road would have to come from Warren Avenue through that property. The second part would be to run from the Washington Bridge to the Pawtucket line. The City is looking at modifications of the proposed structure because the State will not come in to build a road because of the large expense.

Mr. Poland asked Mr. Lemont what the Planning Board's role is in this whole development? Mr. Lemont answered that at some point the Planning Board will have to step up and give their opinion to the Council as to getting the Redevelopment Authority into place and to let the Council know that the Board supports hiring an Executive Director to oversee such a high-volume project. He stated that one of the keys that he is telling the developer, is that the City wants at least 2500 jobs created on that piece of land.

Ms. Boyle stated that one of the things that the Planning Department is working on now is the drafting of zone changes to the entire waterfront. This means that all the properties such as Ocean State Steel will be proposing changes to the zoning district. We are also drafting changes to the Zoning Regulations to allow taller buildings, more flexibility and design, and there will also be some amendments to the Comprehensive Plan required. She states they will be before the Board within the next two months. Mr. Lemont showed the Board another rendering of the South Quay and what it could look like with marinas, parking areas, etc.

Mr. Poland stated he was down at Sabin Point looking southeast to Crescent Park and remarked what a beautiful view it is. Mr. Lemont stated that if you stand at the Kettle Point site, it is also a beautiful site so we do have some potential scenic sites right here in the City.

Mr. Lemont stated that one of the other possibilities on the site would be medical office type building. They said that Boston has gone down to Worcester and come down Route 95. This could be the triangle for a medical type complex, which could have an association with Brown University.

Ms. Boyle asked if it would be appropriate for the Planning Board to send correspondence to the Council at this time supporting this whole concept? The Board felt this was a good idea and thought it should be in the form of a motion.

Mr. DiTraglia agreed that the City needs an experienced person to sell this project and hire a developer with negotiation experience to take the whole strip of land and not do it piece by piece. The word should be out throughout the country and even out of the country that this is prime land for big-time development.

Mr. Lemont states that his fear is that when Mayor Cianci of Providence cleans up Providence that cleanup will cause the rats to invade East Providence. He does not want to see this happen. At one time, the City turned down a gypsum factory and a cement operation plant that would have put two I30 fast high domes down on the South Quay site so that when you look down the Parkway you would see these unsitely tall domes. Our City needs something that will say to the world we have something very special here. He stated that North American Realty is a big-time company that can help us.

At this time, Mr. Lemont concluded his presentation. The Board thanked him.

Motion

On a motion by Mr. Sullivan, seconded by Mr. DiTraglia, the Board voted unanimously to send a letter to the Council supporting the City's efforts in the development of the East Providence Waterfront. Ms. Boyle agreed to write the letter.

V. CONTINUED BUSINESS

A. Leonardo Farms Development on Wampanoag Trail

Ms. Boyle stated that we have had a couple of pre-application meetings with the developer of the Leonardo Farms who is proposing to rezone the property to allow manufacturing and office. It is an intensive development and will create about 700 jobs. Ms. Boyle explained that the first phase would be in the 300 to 400 job range. It will also require a Comprehensive Plan amendment, a major land development project approval, and a subdivision. It would be subdivided into four parcels. We hope to put it on the next Planning Board meeting in March to actually have the scoping for the outside services before the Board for your approval. She stated there have been some developers interested in the site. A developer from Cranston is interested in having an operation at the site. Another one from Providence is also looking to locate there. The property will require a rezoning to Industrial-1.

Ms. Boyle stated the largest issue for this property is amount of traffic that will be generated on the Wampanoag Trail especially at rush hour. Buffering and impacts on the residential area are something that the staff will review and we are asking for a lot of back up information to be sure there will not be a negative impact on the residents. Drainage is always an issue, but we will be scrutinizing this very carefully. This will be a very controversial proposal, however the benefits of it is that the original 91 lot residential subdivision that we had been contemplating before did have some fairly significant impacts with the school and would have cost about 1/2 million dollars a year

in school costs. This is one of the things we will weigh as part of our review. It will probably go before the Board in April. She stated that staff suggested that they have their own public meetings before they go to the Planning Board.

B. Warren Avenue Development

Ms. Boyle stated this was approved by the Zoning Board and staff is working with them and trying to get that to the Board as soon as possible for preliminary approval.

VI. COMMUNICATIONS

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan the Board unanimously voted to accept the following communications:

B. Memo dated January 26, 2001 to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on January 31, 2001

A. Brochure regarding a conference on Pedestrian Systems throughout Rhode Island to be held on March 23 at Brown University

Ms. Boyle encourages members of the Board to attend this conference.

VII. ANNOUNCEMENT

Next Meeting – *March 13, 2001, 7:30 p.m., Room 306*

VIII. ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Peter Poland
Chairman

PP/JMB/sac