

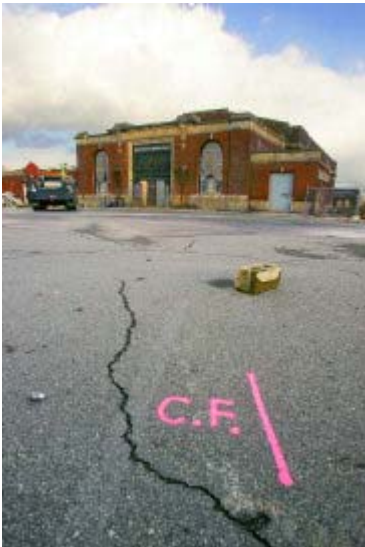


Court battle over train station is on hold

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By John Hill

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PAWTUCKET — The city and the would-be developer of the Pawtucket-Central Falls train station property have called a 30-day time out in their court battle over demolition of the station to try to negotiate a settlement.

City Solicitor Margaret M. Lynch-Gadaleta said the city had formally withdrawn its request for a restraining order to stop the demolition of the 90-year-old train station at Clay and Broad streets to see if talks between the city and Tennessee developer Oscar W. Seelbinder could produce a plan that would let Seelbinder build a drugstore, with its needed parking, but allow the aging but still architecturally distinctive train station to remain on the property.

“Basically, all parties have declared a moratorium until January 15, hoping to resolve the issues,” Lynch-Gadaleta said.

She added, however, that the city had withdrawn its request for a temporary restraining order “without prejudice” which means the city could go back to court “tomorrow if we wanted to” and ask the court to reinstate the ban on further demolition of the 90-year old station.

Thomas Moses, Seelbinder's Providence lawyer, said his client was willing to meet and discuss the site. If the city has a way that Seelbinder can build his store with the needed parking and other zoning requirements while at the same time not knocking down the station, Moses said Seelbinder would be "amenable" to such a plan.

The city claimed its position got a boost last week when officials from Amtrak, which runs the railroad lines that pass through the station, wrote Seelbinder to assert what Amtrak says are its rights to review and approve any demolition plan. Michael Stern, senior associate counsel for the National Railroad Passenger Corporation — Amtrak's formal name — advised Moses that deed restriction placed on the property in 1972 gave Amtrak the right pass judgment on any demolition plan.

"To ensure the safety of Amtrak operations at the Pawtucket/Central Falls train station, demolition work may not proceed until Amtrak reviews and approves the developer's demolition plans and the contractor's means and methods of demolition," Stern wrote in a Dec. 13 letter to Seelbinder's lawyers.

Lynch-Gadaleta said Amtrak's invoking of its rights "effectively puts the brakes" on any effort to tear down the station.

Moses disagreed, saying the deed provisions Amtrak cited concern only "air rights" or the right to build something over the train tracks, not something on existing land.

"It has nothing to do with solid ground," Moses said of the deed.

The property is about 3.4 acres and Seelbinder wants to build a 12,275-square-foot CVS pharmacy on the site, according to plans on file in Central Falls. Opponents of his plan, particularly the city's historic and preservation community, are upset, saying the proposal would destroy any hope of restoring the distinctive 90-year-old beaux arts-style station and replace it with a ubiquitous drug store. Supporters say Seelbinder's plan is a chance to replace an aging and long-vacant building with a taxpaying business.

Moses has contended that hopes for restoring the station to its former role as a train station are probably unfounded. The building is in poor condition; it's main floor has sunk below grade, and it has an odd layout, he has said.

So far only a part of the western section of the station, which is in Central Falls, has been taken down. Pawtucket officials got a temporary restraining order from Superior Court Judge Stephen Fortunato earlier this month, and no further demolition has occurred