



EAST PROVIDENCE WATERFRONT SPECIAL DEVELOPMENT DISTRICT COMMISSION

Hearing Panel Public Hearing and Design Review Committee (DRC) Meeting

Minutes of March 2, 2009

Members: Jeanne Boyle, Executive Director
John Gregory, DRC Chairman
John Pesce
Steven Hardcastle, Acting Hearing Panel Chairman
Bruce Chick

Staff: Roberta Groch, AICP- Planner

Chairman Gregory called the meeting to order at 6:35PM.

A. Public Hearing- 105 Valley Street

Mr. Gregory explained that the Design Review Committee was running a public workshop for the project. The Hearing Panel would run the public hearing portion of the evening and would ultimately vote on whether or not to recommend approval of the use variance request to the Waterfront Commission. The Commission will have the final vote on the variance request at their next meeting on March 16, 2009.

Mr. Martin Sleprow, attorney for Cemet Holding Co. and Gregory Demetrakas, Sr. ("Applicant") presented the project. The property is located in the Crook Point Sub-district of the Waterfront District and is approximately 1.33 acres in size. There is an existing one-story building on the site that is currently vacant. The site has been used for metals reclamation since the 1950s. In October of 2000 it became a grandfathered legal non-conforming use: the use was eliminated throughout the City. The Applicant leased the property to Fortune Metal, which ceased operation in November 2005. The owner erred in not reopening the site after its departure: the use consequently lapsed and the Applicant is now seeking a use variance to re-allow metals reclamation at the site. Mr. Sleprow stated that, although the Applicant applied for (and received) an interim use permit from the Waterfront Commission to store fixtures on the site in 2005, the Applicant did not show intent to abandon the use forever.

The site would be used for the taking in, buying and selling, and storing of metals: there would be no smelting or burning on the site. Mr. Sleprow stated that, although the plans that the city has for the Crook Point sub-district are admirable, in the short-term there will most likely be little happening in the area. The building has no viable use potential: there is not much that can be done. Even if it was limited in time, the use would not cause any disruption.

The Applicant, Mr. Gregory Demetrakas, Sr. of 131 Applegate Road in Cranston RI, stated he wants to buy materials and cut them up, storing everything inside and transporting them out in a vehicle. The building is vacant and he cannot find a tenant. He also owns a lot across the street. Mr. Gregory Michael Demetrakas of 121 Gilbert Stuart Drive, Warwick RI, co-Applicant has worked with his father in the past at City Metal. They currently employ one hundred persons. The Valley Street site has had had two tenants, but the building has become a target for vandals. The past activities at the site, such as metal smelting, will not occur in the future.

Mr. Gregory asked about truck traffic: Mr. Demetrakas stated that 3, 4 or 5 tons would be shipped out. Their “product” would consist of non-ferrous metals such as: aluminum doors, car radiators, auto batteries, brass, electrical products, lead traps, copper tubing, wiring, etc. It would be coming from salvage yards, people in construction, or people who pick aluminum cans up off of the street: there would be no appliances. The materials would be chopped up to less than four feet in length with a large machine or sometimes by hand. Car radiators would first be drained. Everything would be baled in a four foot by six foot bale. Whatever is not salvageable would go to the landfill in separate dumpsters that would be stored indoors.

Although Mr. Sleprow will investigate whether the use will require a permit from RIDEM, he does not believe that this is their purview. Ms. Boyle asked about batteries: Mr. Demetrakas, Jr. stated that they would not process them if they contained battery acid and would ship them out again. The building does not have sprinklers; the Fire Marshall needs to inspect the building before a Certificate of Occupancy is granted.

The hours of operation would be Monday through Friday (and possibly Saturday) from 8AM to 4:30 or 5PM. Mr. Demetrakas said that they would employ one hundred people: he later said that this was an over-estimate. Ms. Pesce asked if they would sell the business if someone offered to buy it: the Applicant stated that he would; Mr. Pesce stated that the use would not hamper the plans of the Waterfront District.

Mr. Gregory stated that several projects have been permitted, such as the \$40 million Tockwotton Home; several have been constructed, such as Providence Overlook and the neighboring residence that is being renovated. The \$10 million in funding for the Crook Point section of Waterfront Drive has been approved and will go out to bid this year: it will run along the existing railroad right-of-way, across the street from the Applicant’s property.

Ms. Boyle looked at a map and noted the surrounding properties that have come before the Waterfront Commission are all conforming uses or have received interim special use permits. She stated that in October 2000 the metals reclamation use was prohibited anywhere in the City, not just in the Waterfront District.

Mr. Sleprow stated that the Commission could limit the time of the variance: Ms. Boyle stated a use variance runs in perpetuity with the land, is transferable, and cannot be limited. The Applicant could have asked for a conditional use permit instead of a use variance. The Applicant must withdraw the use variance request and re-apply for conditional use permit. The conditional use permit has different standards than does a use variance.

VOTE: A motion was made to close the DRC workshop at 7:25PM: it was seconded and passed unanimously without discussion.

The Hearing Panel public hearing began. Mr. Hardcastle stated that the Hearing Panel’s concern was the granting of the use variance and whether the standards of granting the variance could be met. He then opened the floor to the public.

Mr. Ralph Briere of 232 Power Street in Providence is interested in renting 89 Valley Street. His concern was batteries and their potential toxicity: how will the battery acid be disposed of? Mr. Demetrakas stated that they would not accept batteries that contain acid. Mr. Briere stated that they

would get hazardous material such as lead and asked about its disposal.

Mr. Ahmed Idrissi of 90 Valley Street is the owner of the residence across the street from 105 Valley Street. He has invested heavily in the property in light of the vision for the Waterfront District and is concerned about this type of an industrial use. Mr. Idrissi will live in the house and is worried about noise, chemicals, additional traffic, and increased traffic. Who will stop them if they decide to work at night and how will it be enforced? Will a conditional use permit require a public hearing and notification? Mr. Sleprow stated that his client does not object to another public hearing.

Mr. Chick asked how many tons could be processed per day: Mr. Demetrakas stated that 10-20 tons could be handled per day. That would be one truckload per day: it is condensed metal. They have been out of the scrap metal business since 1990.

Mr. John Narcession of 156 Valley Street stated that the applicant had been good neighbors in the past and do not object to the use variance.

Mr. Robert Kelly of 120 South Blossom Street in East Providence stated that, when Mr. Demetrakas ran City Metal, Mr. Kelly lived on Summit Street: the building started on fire due to the incineration that occurred within the building. This contaminated the whole area. Mr. Demetrakas stated that nothing will be incinerated: they are not going to use the ovens. Mr. Kelley asked where people are going to park: Mr. Demetrakas, Jr. stated that they have ample parking on the site across from the tire place, which the Applicant owns. Mr. Kelly stated that he cannot see the Applicants discontinuing the use (if they are successful) when the City wants to redevelop the area. He does not support the use variance.

VOTE: A motion was made to deny the use variance. Mr. Hardcastle stated that Section 19-45 of the *Zoning Ordinance* requires evidence to the satisfaction of the following standards be met and entered into the record:

- 1) The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area;
- 2) Such hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
- 3) The granting of the variance will not alter the general character of the surrounding area or impair the intent or purpose of Zoning or the City's Comprehensive Plan;
- 4) The relief to be granted is the least relief necessary.

The Hearing Panel did not find that the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of Zoning. Due to the lack of required hardship for the granting of a use variance; the lack of required findings for General Purposes, Zoning; and because the proposed use is inconsistent with the *Comprehensive Plan*, the findings for the granting of a use variance could not be met. The motion was seconded and approved in a 2-0 vote. The Hearing Panel will recommend that the Waterfront Commission deny the request.

VOTE: A motion was made to close the Hearing Panel public hearing at 7:50PM: it was

seconded and passed unanimously without discussion. The DRC workshop was adjourned at 7:50PM.

Respectfully submitted,

JEANNE M. BOYLE
Executive Director

JMB/RG