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2025 JUL 10 P 2:42

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Zoning Board of Review

RESOLUTION NO. 2025-10

July 10, 2025

IN RE: Application for Special Use Permit (Section 1201, Table 12-1, and Section 2006.B.2., updates to existing Utility), and Dimensional Variances (Sections 1202.FF. and 1302.I.3., fence height and setback, barbed wire use, and landscaping)

PROPERTY: Tax Assessor's Plat 69, Lot 455
325 Chad Brown Street
(R-4 Residential District)

OWNER/
APPLICANT: The Narragansett Electric Company
280 Melrose Street
Providence, RI, 02907

COUNSEL: George Watson III, Esq.
Robinson & Cole LLP
One Financial Plaza, 14th Floor
Providence, RI, 02903

On June 4, 2025, the within matter came before the Zoning Board of Review (the "Board") for a duly noticed public hearing on the request by the Owner and Applicant (together the "Applicant") for a special use permit and dimensional variances at the above-designated Property (the "Property"). The following members of the Board were present throughout the hearing: Acting Chair Holt, Ms. Rodriguez, Mr. Ryan, and Mr. Scott.

WHEREAS, the Applicant sought a special use permit for alterations to an existing Utility by special use, and dimensional variances for relief from the maximum fence height and required setback, use of barbed wire, and planting of required shrubbery, pursuant to Section 1201 (Table 12-1) and Sections 1202.FF, 1302.I.3, and 2006.B.2 of the City of Providence Zoning Ordinance of November 24, 2014, as amended (the "Ordinance"); and

WHEREAS, prior to the hearing, the members of the Board individually made inspections of the Property and of the surrounding neighborhood; and

WHEREAS, Attorney George Watson presented the application and the testimony of Jason McCreary, PE/Substation Engineer, and Thomas Sweeney, Certified Real Estate Appraiser; and

WHEREAS, the Board received a letter from, and heard oral comment from, Mark Theroux of the Providence Housing Authority in opposition to the request for dimensional relief; and

WHEREAS, the Board received, and the Acting Chair read into the record, the June 4, 2025 recommendation of the Department of Planning and Development (“DPD”) recommending the granting of the special use permit and dimensional variances.

NOW, THEREFORE, after consideration of the application, the testimony, and all other evidence of record, upon motions by Mr. Scott, seconded by Mr. Ryan, the Board voted unanimously (4-0) to APPROVE the application for a special use permit and dimensional variances.

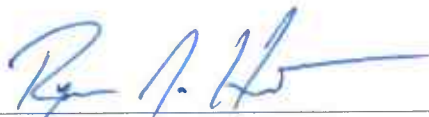
**THE BOARD HEREBY MAKES THE FOLLOWING
FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. The Property is located in an R-4 Residential District. It consists of approximately 67,715 square feet and is improved with various structures related to the use of an electric utility site. The Property is fully fenced at its lot lines with an existing chain link fence.
2. The Applicant proposed to modernize the facility by updating transformers and switchgear structures, replacing the existing fence at the lot lines with a new fence that is nine (9) feet in height topped with one (1) foot (three strands) of barbed wire, where eight (8) feet is the permitted maximum fence height and barbed wire is prohibited. *See* Ordinance § 1202.FF.1 and 1302.I.3.a. The applicant also proposes installing the replacement fence three (3) feet from the lot line when a five (5) foot setback is required along front and corner side lot lines. *See* Ordinance § 1202.FF.2. The applicant further proposes not including the plantings (174 shrubs) that are required every three (3) feet between the front/corner side lot lines and the fencing. *See id.*
3. The Board finds that the relief sought is due to the unique characteristics of the subject Property—more specifically, the security and safety needs of the Utility based on the high voltage electrical equipment on site and the fact that the entire area within the Property is being used for the Utility.
4. There was no evidence presented or elicited that the relief sought is due to a physical or economic disability of the Applicant, or that is it the result of any prior action of the Applicant.
5. The Board agrees with the presentation of the Applicant, and the findings and recommendation of the DPD, and finds that granting the requested dimensional variance will not alter the general character of the surrounding area nor impair the intent or purpose of the Ordinance and/or the Comprehensive Plan. More particularly, the Utility has been on the Property since the 1920s and the proposal is for the purpose of upgrading and making more reliable this substation for the service of the community, this neighborhood in particular, and the city generally. Further, the Board finds the proposed fencing enhances the safety of the neighborhood.

6. The Board concludes that the hardship suffered by the Applicant if the dimensional variance is not granted will amount to more than a mere inconvenience and that the relief sought is minimal to a reasonable enjoyment of the permitted use. The Board agrees with the necessity of the proposed fencing height and location, as well as the reduced planting, given the safety and security requirements and best practices of the electric Utility.
7. The Board accepts the testimony of Mr. Sweeney and concludes that granting the proposed special use permit for alteration of an existing Utility by special use will not substantially injure the use and enjoyment of, nor significantly devalue neighboring property and will not be detrimental or injurious to the general health or welfare of the community. The Property has been used as a Utility for nearly 100 years; the granting of special use permit will not result in any changes to the neighborhood at this time. Furthermore, the Board finds that, with the granting of the requested dimensional variances, the plans and testimony submitted by the Applicant for the Properties makes them compliant with the use standards for Utilities in § 1202.FF. of the Ordinance.

WHEREFORE, upon motions by Mr. Scott, seconded by Mr. Ryan, the Board voted unanimously (4-0) to APPROVE the application for a special use permit for alterations to an existing Utility and dimensional variances from maximum fence height and required setback, the use of barbed wire, and the planting of required shrubbery, in accordance with the application and plans submitted to the Board.

By Order of the Zoning Board of Review.



RYAN J. HOLT
ACTING CHAIR

NOTICE TO OWNERS/APPLICANTS:

- A. SECTION 1901/1902 OF THE ORDINANCE REQUIRES THAT ANY VARIANCE OR SPECIAL USE PERMIT GRANTED BY THE BOARD SHALL EXPIRE SIX MONTHS AFTER THE DATE OF THE FILING OF THE RESOLUTION IN THE OFFICE OF THE BOARD UNLESS THE APPLICANT SHALL, WITHIN THE SIX MONTHS, OBTAIN A LEGAL, COMPLETE BUILDING PERMIT AND PROCEED WITH CONSTRUCTION; IF NO CONSTRUCTION IS REQUIRED, THE APPLICANT SHALL OBTAIN A LEGAL BUILDING PERMIT FOR THE USE, OR A CERTIFICATE OF OCCUPANCY. DEMOLITION AND FOUNDATION PERMITS ARE NOT BUILDING PERMITS FOR PURPOSES OF THIS REQUIREMENT. NO PERMIT OR CERTIFICATE OF OCCUPANCY WILL ISSUE UNTIL THE OWNER AND/OR ITS REPRESENTATIVE COMPLIES WITH PARAGRAPH B BELOW.
- B. THE ORIGINAL RESOLUTION IS ON FILE IN THE OFFICE OF THE ZONING BOARD OF REVIEW. THE OWNER OR THEIR REPRESENTATIVE MUST OBTAIN THE ORIGINAL RESOLUTION FROM SAID OFFICE, RECORD THE RESOLUTION IN THE CITY'S LAND EVIDENCE RECORDS, AND PROVIDE COPIES OF THE

RECORDED RESOLUTION TO BOTH THE OFFICE OF THE ZONING BOARD OF
REVIEW AND THE DEPARTMENT OF INSPECTION AND STANDARDS.

MOTION TO APPROVE THE DIMENSIONAL VARIANCES

MADE BY: Scott
SECONDED BY: Ryan
MEMBERS VOTING IN FAVOR: Scott, Ryan, Rodriguez, Holt
MEMBERS VOTING AGAINST: None
MEMBERS RECUSED: None

MOTION TO APPROVE THE SPECIAL USE PERMIT

MADE BY: Scott
SECONDED BY: Ryan
MEMBERS VOTING IN FAVOR: Scott, Ryan, Rodriguez, Holt
MEMBERS VOTING AGAINST: None
MEMBERS RECUSED: None

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Received for Record
JUL 15, 2025 09:46 AM
Document Num: 2025395386
Jeanne Pascone
Recorder of Deeds