

AUG 06 2021

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

Check Each Type Zoning Relief Sought:

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Variance – Use *
Variance – Dimensional*
Special Use Permit **

* Attach Appendix A to apply for a Use or Dimensional Variances

** Attach Appendix B to apply for a Special Use Permit

Applicant: The Narragansett Electric Company

Address 280 Melrose Street, Providence, RI

Zip Code 02907

E-mail mark.rielly@nationalgrid.com

Phone 781-907-2111

Home/Office

781-589-0283

Mobile (Cell)

Owner: Same as Applicant

Address _____

Zip Code _____

E-mail _____

Phone _____

Home/Office

Mobile (Cell)

Lessee: N/A

Address _____

Zip Code _____

E-mail _____

Phone: _____

Home/Office

Mobile (Cell)

Does the proposal require review by any of the following (check each):

- _____ Downtown Design Review Committee
_____ I-195 Redevelopment District Commission
_____ Capital Center Commission
_____ Historic District Commission

1. **Location of Property:** 70 Virginia Ave, Providence, Rhode Island
Street Address

2. **Zoning District(s):** Light Industrial District M-1
Special purpose or overlay district(s): None

3a. **Date owner purchased the Property:** July 24, 1940

3b. **Month/year of lessee's occupancy:** N/A

3. Dimensions of each lot:

Lot #	349	Frontage	84 feet	depth	80 ft.	Total area	6720	sq. ft.
Lot #		Frontage		depth		Total area		sq. ft.
Lot #		Frontage		depth		Total area		sq. ft.

4. Size of each structure located on the Property:

Principal Structure:	Total gross square footage	
Footprint <u>N/A</u>	Height <u>N/A</u>	Floors <u>N/A</u>

Accessory Structure:	Total gross square footage	
Footprint	Height	Floors

5. Size of proposed structure(s):	Total gross square footage:	
Footprint <u>N/A</u>	Height <u>N/A</u>	Floors <u>N/A</u>

6a. Existing Lot coverage: (include all buildings, decks, etc.) N/A

6b. Proposed Lot coverage: (include new construction) N/A

7a. Present Use of Property (each lot/structure):

former substation, presently vacant

7b. Legal Use of Property (each lot/structure) as recorded in Dept. of Inspection & Standards:

8. Proposed Use of Property (each lot/structure):

Battery Storage

9. Number of Current Parking Spaces: N/A

10. Describe the proposed construction or alterations (each lot/structure):

See Attached

11. Are there outstanding violations concerning the Property under any of the following:

☐ Zoning Ordinance
☐ RI State Building Code
☐ Providence Housing Code

12. List all Sections of the Zoning Ordinance from which relief is sought and description of each section:

	<u>See Attached</u>

13. Explain the changes proposed for the Property.

See Attached

The undersigned acknowledge(s) and agree(s) that members of the Zoning Board of Review and its staff may enter upon the exterior of the Property in order to view the Property prior to any hearing on the application.

The undersigned further acknowledge(s) that the statements herein and in any attachments or appendices are true and accurate, and that providing a false statement in this application may be subject to criminal and/or civil penalties as provided by law, including prosecution under the State and Municipal False Claims Acts. Owner(s)/Applicant(s) are jointly responsible with their attorneys for any false statements.

Owner(s):

The Narragansett Electric Company

Type Name

Signature



Terence M. Sobolewski

Type Name

Signature

Applicant(s):

The Narragansett Electric Company

Type Name

Signature



Terence M. Sobolewski

Type Name

Signature

All requirements listed and described in the Instruction Sheet must be met or this application will not be considered complete.

APPENDIX A

APPLICATION FOR VARIANCE(S)

Rhode Island General Laws § 45-24-41(c) requires that the Applicant for a variance demonstrate:

- (1) That 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; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16);
- (2) That the 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) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based;
- (4) That the relief to be granted is the least relief necessary; and
- (5) (a) For a **use variance**: That the land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance;
- (b) For a **dimensional variance**, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience.

Please provide the following information:

1. What is the specific hardship from which the applicant seeks relief?

See Attached

2. Specify any and all unique characteristics of the land or structure that cause the hardship?

See Attached

3. (a) Is the hardship caused by an economic disability? Yes _____ No x _____
- (b) Is the hardship caused by a physical disability? Yes _____ No x _____
- (c) If the response to subsection (b) is "yes," is the physical disability covered by the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.?
- Yes _____ No x _____
4. Did the owner/applicant take any prior action with respect to the Property that resulted in the need for the variance requested? (Examples include, but are not limited to, any changes the owner/applicant made to the structure(s), lot lines, or land, or changes in use of the Property)?
- Yes _____ No x _____

If "yes," describe any and all such prior action(s), and state the month/year taken.

5. State any and all facts to support your position that the applicant is not seeking the variance(s) primarily in order to obtain greater financial gain.

See Attached

6. State any and all facts that support your position that you are seeking the least relief necessary to lessen or eliminate the hardship (for example, why there are no viable alternatives to your proposed plan).

See Attached

7. If you are seeking a USE VARIANCE, set forth all facts that demonstrate that the Property cannot have any beneficial use if you are required to use it in a manner allowed in the zoning district.

N/A

8. If you are seeking a DIMENSIONAL VARIANCE, set forth all facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer is more than a mere inconvenience.

See Attached

10. Describe the proposed construction or alterations (each lot/structure):

The Narragansett Electric Company d/b/a National Grid (“TNEC”) is seeking relief to construct an eight (8) foot tall security fence at its 0.15-acre lot at 70 Virginia Avenue (the “Property”). The security fence is to secure the new battery storage facility. The location of the fence is shown on the site plan included with this application.

The National Electric Safety Code and TNEC’s safety policy require electric facilities to be secured by a security fence with 8 foot tall panels. The chain-link fabric is a 1” woven diamond pattern.

The fence height restrictions listed in Section 12 below are a hardship for the applicant as a taller fence is required to meet the safety and security requirements for this unique use. Because of this hardship, the applicant is seeking dimensional variances from the fence height requirement found in Ordinance Sections 1302.I.1.f and 1302.I.2.a.

12. List all Sections of the Zoning Ordinance from which relief is sought and description of each section:

Variance			
Section	Ordinance Requirement	Requested Relief	Rationale
1302.I.1.f	Fences and walls shall not exceed six feet in height	Dimensional Variance	Taller fence is required to meet safety requirement
1302.I.2.a	No fence within 5 feet of a front lot line shall exceed 36 inches in height	Dimensional Variance	Taller fence is required to meet safety requirement

13. Explain the changes proposed for the Property.

The proposed change to the property is to replace the existing fence with eight (8) foot tall security fence.

APPENDIX A

1. What is the specific hardship from which the applicant seeks relief?

The applicant is seeking a dimensional variances from the maximum fence height restrictions of (i) three (3) feet within 5 feet of the front lot line and (ii) six (6) feet for the

remainder of the property, so that the applicant may install an eight (8) foot tall security fence around the perimeter of the Property (the "Requested Relief").

2. Specify any and all unique characteristics of the land or structure that cause the hardship?

The applicant is installing a new battery storage facility that will be connected to the local electric distribution system. The proposed security fence is necessary for the applicant to comply with electric safety codes, TNEC's safety policy, and to secure the electric facility.

The Requested Relief should be granted as the security fence is required to meet code and security requirements for the permitted utility use.

5. State any and all facts to support your position that the applicant is not seeking the variance(s) primarily in order to obtain greater financial gain.

TNEC is a public utility chartered by the Rhode Island General Assembly with the obligation to provide electricity to customers throughout most of the State. As the holder of the exclusive franchise to serve the great majority of the State's residents and businesses, TNEC has a statutory obligation to provide service to all customers in its territory. The Requested Relief from the Ordinance is not due to a physical or economic disability of TNEC. The proposed security fence is required for TNEC to operate the new battery storage facility in compliance with safety protocols.

That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.

The Request Relief will not alter or impair the intent or purpose of the zoning ordinance. The Requested Relief is necessary for a use that is permitted by right under the Ordinance.

6. State any and all facts that support your position that you are seeking the least relief necessary to lessen or eliminate the hardship (for example, why there are no viable alternatives to your proposed plan).

The dimensional variances for the fence height is necessary because the security fence is required for the applicant to safely operate a battery storage facility. As noted above, the proposed security fence is consistent with the National Electric Safety Code and TNEC's policy and it is the least relief necessary for a fence that meets code requirements.

Attachment to Application of
The Narragansett Electric Company d/b/a National Grid
To the City of Providence Zoning Board of Review
For the Dimensional Variance Application for 70 Virginia Ave
3 of 3

8. If you are seeking a DIMENSIONAL VARIANCE, set forth all facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer is more than a mere inconvenience.

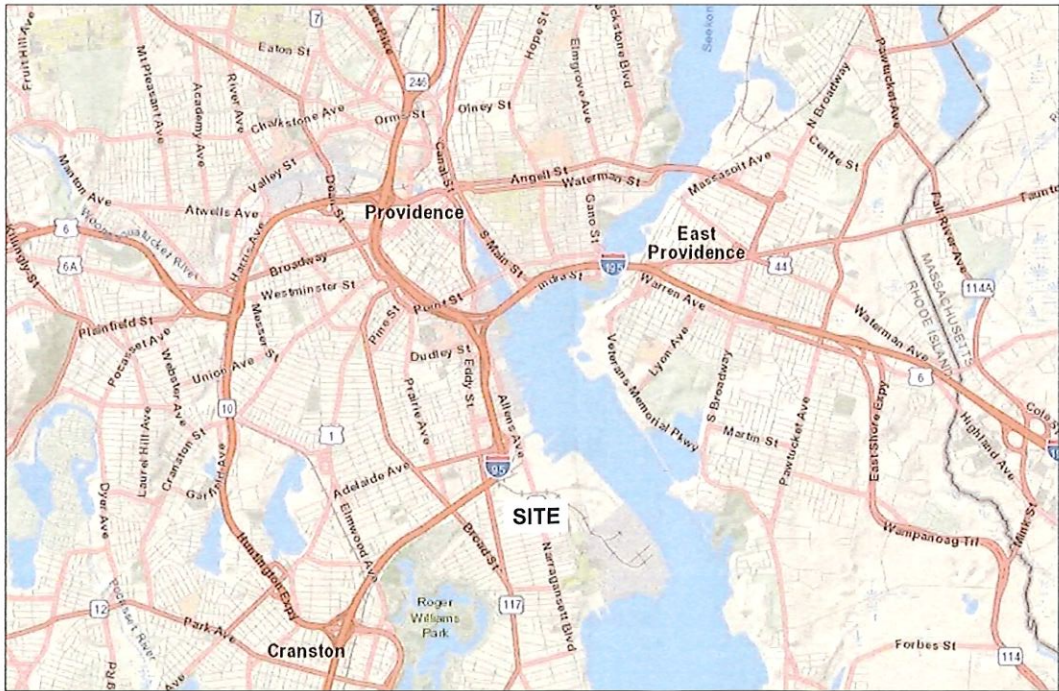
If relief is not granted, literal enforcement of the Ordinance will be more than a mere inconvenience as it will make it impossible to operate and secure the new electric facility in accordance with applicable electric code and the company's policy. For these reasons, denying the Requested Relief is more than a mere inconvenience to the applicant. The need for the security fence is not self-imposed as it is required to meet the security requirements for the new substation.

PROVIDENCE, RI ENERGY STORAGE PROJECT
PERMIT DRAWING SET

70 VIRGINIA AVE, PROVIDENCE, MA

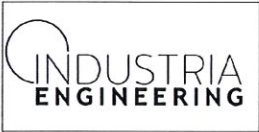
LIST OF DRAWINGS	
FIGURE NO.	DRAWING TITLE
C-1	EXISTING CONDITIONS
E-1	SITE PLAN
E-2	ELECTRICAL ONE LINE
E-3	DETAILS

SYSTEM SIZE:
ESS: 1,5000 kWh-DC
498 kW-AC

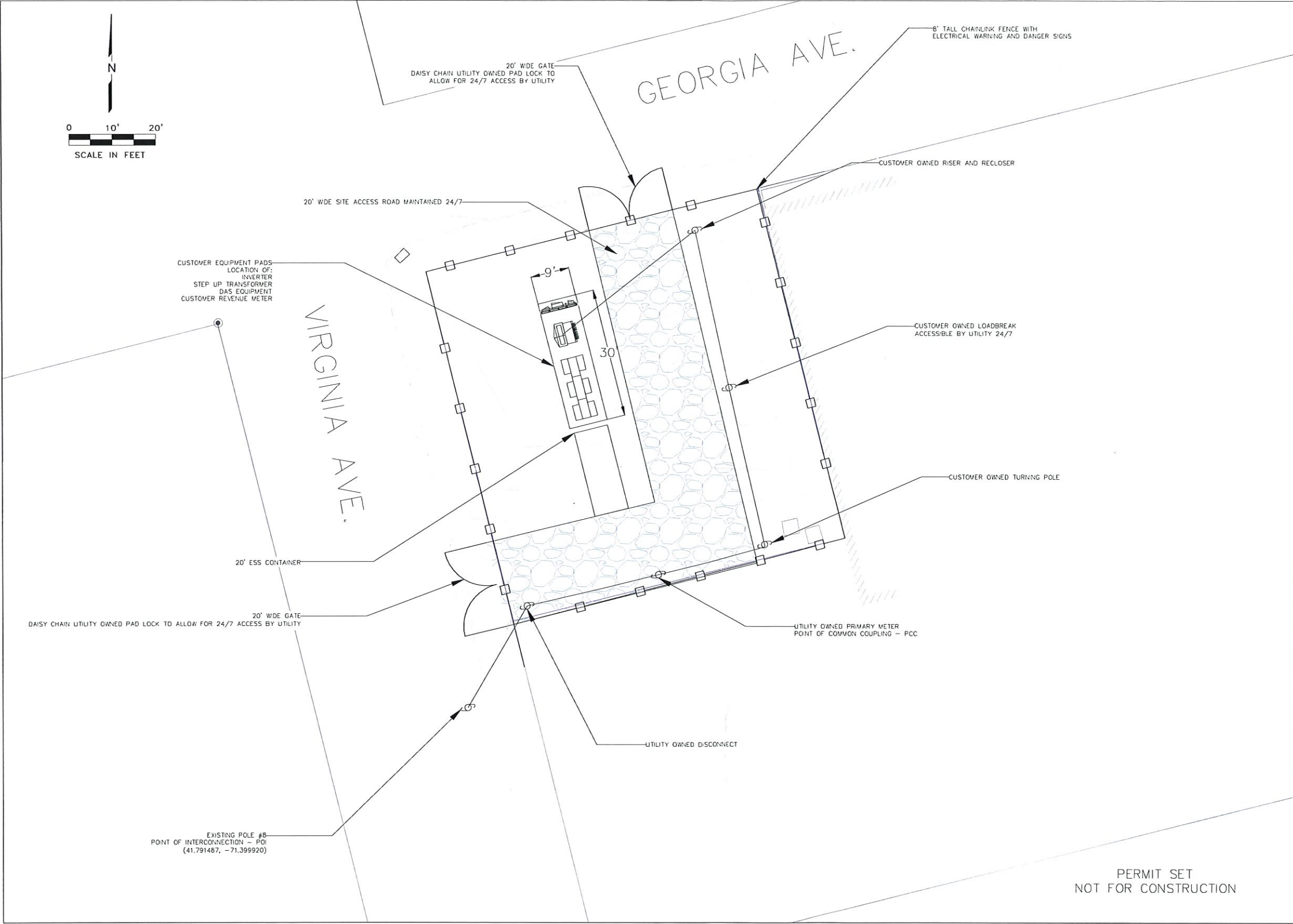


PREPARED FOR:
NATIONAL GRID USA

PREPARED BY:

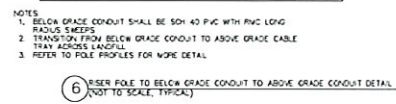
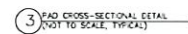
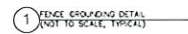


INDUSTRIA ENGINEERING, INC.
91 CEDAR STREET MILFORD, MA 01757



PERMIT SET
NOT FOR CONSTRUCTION

INDUSTRIA ENGINEERING		91 CEDAR ST MILFORD MA 01757	
nationalgrid		STAMP	
NOTE: DRAFTED IN ANSI D. PRINTING AT OTHER SIZES MAY AFFECT SCALING		DESCRIPTION OF REVISION	
REV. #	DATE	PERMIT SET	
1	5/5/2021		
SITE PLAN			
PROJECT		RI/ESS	
ADDRESS		70 VIRGINIA AVE PROVIDENCE, RI	
OWNER		NATIONAL GRID	
DESIGNED	KC	CHECKED	JS
DATE	NOV 2020	FIGURE	E-1



INDUSTRIA
ENGINEERING

91 CEDAR ST MILFORD MA 01757

nationalgrid

STAMP

NOTE: DRAFTED IN ANSI D, PRINTING AT
OTHER SIZES MAY AFFECT SCALING

DESCRIPTION OF REVISION

PERMIT SET

DATE	5/5/2021
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#	REV.
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DETAILS

TITLE

RI ESS

PROJECT

1

70 VIRGINIA A
PROVENCE

ADDRESS

PROVIDENCE

1

NATIONAL GR

OWNER

DESIGNED

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DATE _____

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