



Town of Middletown Planning Department

350 East Main Rd., Middletown RI 02842 (401) 849-4027

January 3, 2017

Todd A. Bianco, Coordinator
Rhode Island Energy Facility Siting Board
89 Jefferson Blvd.
Warwick, RI 02888

**Re: EFSB Order SB-2016-01
The Narragansett Electric Company
d/b/a National Grid
Aquidneck Island Reliability Project**

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PUBLIC UTILITIES COMMISSION

Dear Mr. Bianco,

Pursuant to the above-referenced order and Section 308 of the Middletown Zoning Ordinance, the Middletown Planning Board (the "Board") hereby submits this Advisory Opinion RI Energy Facility Siting Board ("EFSB") as to whether the Aquidneck Island Reliability Project "would be a land use consistent with [the Town's] comprehensive plan pursuant to the Comprehensive Planning and Land Use Act, R.I. Gen. Laws §45-22.2-1." EFSB Order SB-2016-01.

During the Board's meeting on December 14, 2016, the Board considered plans and other documents, submitted by the above-referenced applicant and the town's consulting engineer, related to the above-referenced application.

Documents reviewed included the following:

- Site Plan Review Memoranda from the Town's consulting engineer, Steven Cabral, PE, of Crossman Engineering: Memo 1 of 2, dated July 19, 2016, revised through November 25, 2016; Memo 2 of 2, dated November 25, 2016.
- Stormwater Management computations prepared for the Jepson Substation, Jepson Lane, Middletown & Portsmouth, RI, by VHB, dated November 2016.
- Soil Erosion and Sediment Control Plan for Jepson Substation, by VHB, dated October 2016.
- Long Term Stormwater Operation and Maintenance Plan and Pollution Prevention and Source Control, Jepson Substation, by VHB, dated October 2016, revised November 2016.
- Site Plans for Aquidneck Island Reliability Project, Jepson Lane, Middletown & Portsmouth, RI by VHB dated November 7, 2016, sheets 1 - 14.

- Existing Conditions Survey by Garafalo, dated September 2014, Revised May 1, 2015.
- Engineering Plans by NGRID: ESC-001, ESC-002, ESC-003, SP-001 and LP-001 (Engineering Plans certified 3/01/2016).
- Visual Impact Assessment, Aquidneck Island Reliability Project, dated December 2015.
- Energy Facility Siting Board Environmental Report, Aquidneck Island Reliability Project, Portsmouth and Middletown, RI by VHB, dated December 2015, Revised March 17, 2016.
- Aquidneck Island Reliability Project, Portsmouth and Middletown, RI, Environmental Report-Volume II Figures, by VHB, dated December 2015.
- Letters dated September 8, 2016 and November 8, 2016 to Ronald Wolanski, Planning Director, from Daniel McIntyre, National Grid.

Following consideration of the evidence submitted and testimony offered during the public hearing, the Board voted to forward a negative recommendation on the application to the EFSB. By vote of the Board, motions to make each of the following findings required by Zoning Ordinance Section 309 failed to pass:

1. The granting of approval will not result in conditions inimical to the public health, safety and welfare;
2. The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district;
3. The plans for such project comply with all the requirements of this chapter and the Regulations, or that necessary waivers from the requirements of the Regulations have been granted;
4. The plans for such project are consistent with the Comprehensive Plan, and;
5. Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval or recommendation.

Items of concern discussed during the December 14th hearing included the following:

1. The applicant had yet to demonstrate compliance with the Town's stormwater management ordinance, and the state's stormwater design manual. The Town's consulting engineer, Steven Cabral of Crossman Engineering, testified that the plans submitted do not adequately address the design standards of the manual. The applicant agreed that the latest revised design did not strictly meet state requirements, and that the Rhode Island Department of Environmental Management ("RIDEM") had never reviewed and/or approved the proposed plans, in even an informal capacity. Therefore, the plans do not comply with the Town's stormwater management ordinance, Chapter 153 of the Town Code.

2. Section 518 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land addresses retention of environmental features. Specific areas of concern included the proposed clearing and filling of land within the 100-foot wetland buffer area as described in section 518.E. and concern over the impact on rural roadside character described in section 518.K. These regulations indicate that these and other issues listed in section 518 should be addressed "to the extent practicable."
3. The applicant has indicated that the operation of the substation will comply with the Town's noise ordinance, with an estimated maximum sound level of 48 decibels, where the Town's limit is 50 decibels. Given that the anticipated maximum sound levels are close to the limit imposed by the Town's noise ordinance, Chapter 130, Section 130.80, and the proximity to abutting residential uses, the applicant was asked to provide additional information on actual sound levels from similar installations, and to factor in the impact of the proposed sound wall on expected sound levels around the entire perimeter of the proposed substation. The requested analysis was not provided.

The plans subject to this recommendation include the following:

- Site plans prepared by VHB, Inc, revision date 11/7/2016
- Landscaping Plan by AECOM, stamped by the landscape architect 10/25/2016
- Stormwater Management Computations by VHB, Inc., dated November 2016
- Long Term Stormwater Operation and Maintenance Plan by VHB, Inc., revised November 2016

Sincerely,



Arthur S. Weber, Jr., Chairman
Middletown Planning Board

cc. Building Inspector
Town Solicitor