



Town of Portsmouth

ZONING BOARD OF REVIEW

2200 East Main Road / Portsmouth, Rhode Island 02871

(401) 683-3611

**Petition of The Narragansett Electric Company
d/b/a National Grid
(Aquidneck Island Reliability Project)**

**DECISION/ADVISORY OPINION
ON APPLICATION FOR SPECIAL USE PERMIT
AND DIMENSIONAL VARIANCE**

This matter was heard before the Portsmouth Zoning Board of Review on September 15, 2016, on the application of petitioner, The Narragansett Electric Company d/b/a National Grid (“National Grid”), for a special use permit and a dimensional variance to allow construction of upgrades to petitioner’s electric transmission lines and substations as part of the Aquidneck Island Reliability Project (“AIRP” or the “Project”).

Petitioner was represented by Peter V. Lacouture, Esquire and George W. Watson, III, Esquire of the firm Robinson & Cole LLP. Members participating in the decision were Chairman James E. Edwards, James E. Nott, John G. Borden, James Hall, and Kathleen T. Pavlakis.

The Board heard the presentation of Mr. Lacouture and testimony of Endrit Fiku, Thomas O. Sweeney ad Gerald Pepi, and considered the exhibits submitted with the petition and during the course of the hearing.

It was noted that the Rhode Island Energy Facility Siting Board (“EFSB”), pursuant to R.I. Gen. Laws § 42-9-8 of the Energy Facility Siting Act (R.I. Gen. Laws Chapter 42-98), has designated the Portsmouth Zoning Board of Review as a local agency to render an advisory opinion as to whether any necessary special use permit or dimensional variances should be granted in connection with National Grid’s application to the EFSB to construct the AIRP (EFSB Docket No. SB-2016-01). The Project is considered a major energy facility and, therefore, it is subject to the jurisdiction and authority of the EFSB.

The Project requires a special use permit for the expanded and upgraded public utility use along the utility right of way that runs 4.4 miles across Portsmouth and for the driveway accessing the proposed new Jepson Lane substation (on Map 60, Lot 1), and a dimensional variance for the height of the new transmission towers which exceed the height limitations of the Zoning Ordinance.

It was noted that the Planning Board heard the proposal on September 14, 2016 and voted unanimously to issue a favorable advisory opinion recommending that the Board grant the requested special use permits and dimensional variance.

Mr. Fiko testified that he is National Grid's Project Manager for the AIRP, and he presented a power point presentation which described and summarized the Project. (Exhibit 1). Mr. Fiku explained that the "OnIsland Project" is a series of transmission and distribution improvements on Aquidneck Island that is designed to help National Grid to continue to provide reliable electric service to Aquidneck Island. The AIRP is the transmission portion of OnIsland. AIRP includes the rebuild and upgrade of the existing 61 and 62 transmission lines from 69 kV to 115 kV; construction of the new Jepson Substation; improvements to Dexter Substation; and, removal of the old Jepson Substation. The Project is needed to maintain and improve the reliability of the transmission system on Aquidneck Island by increasing the system's load capacity and by replacing aging and obsolete infrastructure.

Mr. Fiku explained that the Project begins at the Dexter Substation, which is located in Portsmouth off of Freeborn Street, and runs in a southerly direction to the Jepson Substation, which is located on the east side of Jepson Lane in Portsmouth. The existing right-of-way between Dexter Substation and Jepson Substation 4.4 miles long. The Project also includes a 0.1 mile extension of the transmission lines which is needed to connect the lines to the new Jepson Substation.

Mr. Fiku stated that Slide 7 of the presentation is a photo of the existing transmission lines taken from Hedley Street. On the right side there is a distribution line and in the middle there are two structures that support the 61 and 62 lines. Mr. Fiku noted that there are four wires for each circuit. The three wires on the horizontal plane are the three phases of each circuit. The wire on the top of the structure is a shield wire which protects the transmission line from lightning strikes. Slide 8 is a rendering of the new structures. The new lines will also have four wires but they are arranged vertically with the shield wire on top. These wires are supported by davit arms connected to weathering steel monopoles.

Mr. Fiku testified that the new Jepson Substation will be a modern substation that is designed to accept the new 115 kV lines. The new station is needed for the new lines and to replace the aging, obsolete equipment. The existing substation is shown on the left of Slide 10. The existing substation is located in Portsmouth and the driveway is in Middletown. On the right side of Slide 10 is a rendering of the new substation. Only the driveway of the new substation is located in Portsmouth. The substation equipment and perimeter fencing are located in Middletown. Once the existing substation is removed, the existing Jepson Substation parcel will become a transmission line right-of-way. The new Jepson Substation landscaping plan (Slide 11) shows the increased vegetative mitigation that's being planned along Jepson Lane and to the north and south of the substation. The landscaping is to help screen the substation from the abutters.

Mr. Fiku testified that the overall cost for the Aquidneck Island Reliability Project is \$64 million. Petitioner's high-level schedule has the licensing permitting being completed in 2017, with construction beginning late 2018, and everything in service in 2020.

Thomas O. Sweeney of Sweeney Real Estate and Appraisal was then sworn in. Mr. Sweeney's written report and statement of qualifications was introduced as Exhibit 2. The Board voted unanimously to accept Mr. Sweeney as an expert in real estate. Mr. Sweeney summarized his findings and conclusions, which were detailed in his written report. Mr. Sweeney explained the special use and dimensional variance criteria, and testified that in his opinion all criteria were satisfied for both a special use permit and a height variance.

In response to questions from the Board, petitioner called Gerald Pepi, P.E. of Vanderweil Engineers, Boston, MA, to testify. Mr. Pepi stated that he was hired by petitioner to design the upgrades for the project, and that he has 45 years of experience in the design of electric transmission lines. The Board voted unanimously to accept Mr. Pepi as an expert witness. Mr. Pepi answered several questions concerning the design of the transmission system and construction of the transmission towers, and risks associated with falling poles.

The Chairman asked if any abutters or interested parties wished to be heard. Judi Staven, 51 Longmeadow Road, asked questions about falling poles and stated that she felt the transmission system did not belong in residential areas. Allen Shers, 40 Roger Williams Court, stated that he believed the project was an intensification of the use, and asked questions about the height of the towers. He stated that he felt the petition was lacking in specifics.

Before voting on the petition, the Board voted unanimously to impose certain conditions on any approval of a special use permit and/or dimensional variance, as follows:

1. That petitioner will take into consideration, in the design phase, the location of all existing homes within the 4.4-mile corridor of the project and the location and height of the monopoles to make certain that no pole would hit an existing house in the event of a failure; and
2. That petitioner will provide the Town with copies of all environmental studies and results relating to the new and existing substations on Jepson Lane.

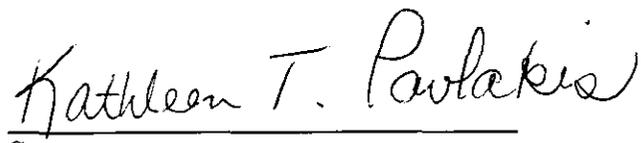
The Board then considered the petition and the evidence presented. With regard to the request for a special use permit for the access driveway and the expanded public utility use generally, the Board found that all applicable special use permit had been met, as shown by the evidence presented. The Board determined that the 4.4-mile utility easement and corridor with the series of transmission towers and lines already exists, and has for many years. The Board found that the proposed upgrade of the facility to improve the reliability of electric service for the citizens of Portsmouth and Aquidneck Island is in the public interest. The Board determined that the desired use will not be detrimental to the surrounding area; that it will be compatible with neighboring land uses; that it will not create a nuisance or a hazard in the neighborhood; that adequate protection is afforded to the surrounding property by the use of open space and planting; that safe

vehicular access and adequate parking are provided; control or noise, smoke, odors, lighting and any other objectionable feature is provided; that solar rights of abutters are provided for; that the proposed special use will be in conformance with the purposes and intent of the comprehensive plan and the zoning ordinance of the Town of Portsmouth and that the health, safety and welfare of the community are protected. The Board found that the conditions imposed by the Board mitigate against any potential detrimental impacts to neighboring properties.

With regard to the request for a dimensional variance for the height of the new proposed transmission towers, the Board determined that the request was reasonable and necessary in order to upgrade the facility to provide reliable electricity service, which is a public utility benefiting the public welfare. The Board found that the proposed transmission towers will be within the existing utility corridor with existing electrical transmission towers and lines. The Board determined that petitioner had requested the minimum relief necessary and that the hardship that necessitated the request for relief was not the result of prior action of petitioner but was due to the unique characteristics of the land and structures in question. The Board determined that granting the requested relief would not alter the general character of the surrounding area or impair the purpose or intent of the ordinance or the Comprehensive Community Plan, and that denial of the relief requested would result in more than a mere inconvenience to petitioner.

Accordingly, the Council hereby renders its advisory opinion to the R.I. Energy Facility Siting Board, as follows: (1) that National Grid's petition for a special use permit for the proposed access driveway to the new Jepson Lane substation and for the expanded and upgraded electric transmission and distribution facilities, be granted; and (2) that National Grid's petition for a height variance for the transmission towers be granted, subject to the conditions stated herein.

Portsmouth Board of Review
By:



Secretary

Dated:

October 20, 2016