

Town of Smithfield
Zoning Board of Review

64 Farnum Pike, Smithfield, Rhode Island 02917
(401) 233-1039

George D. McKinnon, Chairman

Geri DeAngelis, Clerk

APPLICANT/OWNER: The Narragansett Electric Company d/b/a National Grid

DATE: June 10, 2009

FILE NO.: 09-014

A RESOLUTION GRANTING
SPECIAL USE PERMITS

WHEREAS, a meeting of the Smithfield Zoning Board of Review was held on June 10, 2009, wherein the instant application was considered;

WHEREAS, The Narragansett Electric Company d/b/a National Grid (hereinafter Narragansett), as applicant and owner of a utility right of way that is approximately 5.3 miles long running generally north-south through the Town of Smithfield, filed an application with the Smithfield Zoning Board of Review seeking Special Use Permits in order to relocate two existing 115kV transmission lines and to construct a new 345kV transmission line within the existing right of way;

WHEREAS, a public hearing on this application was held by the Smithfield Zoning Board of Review at its June 10, 2009 meeting, after due and public notice as provided under the Smithfield Zoning Ordinance and the Rhode Island General Laws;

WHEREAS, all members of the Smithfield Zoning Board of Review viewed the property before the public hearing;

WHEREAS, at said hearing all those who desired to be heard were heard and their testimony recorded;

WHEREAS, the Smithfield Zoning Board of Review finds as fact that:

1. Narragansett's right of way is generally 250' wide and is about 5.3 miles long in Smithfield. It is located west of I-295 and east of Route 5. It encompasses the following parcels: Assessor's Plat 43, lots 118, 146, 21, 21A, 95, 29, 33, 33A, 4, 51, 51A, 52, 72, 128, 21B, 46, 5, 6, and 95; Assessor's Plat 46, lots 118D, 108, 109, 118, 127, 156, 157, 158, 160, 166, 172, 260, 277, 284, 285, 286, 367, 369, 64, 64A, 64B,

65, 91, and 92; and Assessor's Plat 49, lots 109, 218, 219, 228, 234, 74, 79, 82, 83, 85, 86, 88, 89, 91, and 75.

2. Narragansett's right of way is located in the following zoning districts: R-80, R-20, R-20M, I, LI, and PC.
3. The proposed project in Smithfield involves the relocation within the existing right of way of two 115kV transmission lines. This will create the space needed to construct a new 345kV transmission line. The new line will be constructed primarily with steel pole davit arm structures that will vary in height from approximately 85' to 125'. The reconfigured 115kV lines will also be constructed primarily with steel pole davit arm structures that will vary in height from approximately 70' to 125'.
4. The proposed construction in Smithfield is part of Narragansett's Rhode Island Reliability Project which involves the upgrade of approximately 21.4 miles of transmission lines that pass through North Smithfield, Smithfield, Johnston, Cranston, West Warwick and Warwick. The overall project must be approved by the Rhode Island Energy Facility Siting Board.
5. Narragansett seeks a special use permit as a Public Utility pursuant to Zoning Ordinance Section 4.3.D.15 in order to proceed with the project in Smithfield. The applicant also seeks a special use permit as authorized by Section 4.5 in order to gain relief from the following three (3) dimensional requirements of the Zoning Ordinance: the height restrictions of Sections 5.3.5 and 5.4, the wetlands setback requirements of Section 5.3.4, and the Residential District setback requirements imposed by Section 5.3.4.
6. David Berren, a project manager, testified in support of the application. Mr. Berren is a registered professional engineer and was accepted by the Zoning Board as an expert engineering witness. Mr. Berren testified, and based on this testimony the Board finds as fact, that the project will improve the reliability of electric supply by increasing the loading capability of the transmission system while maintaining acceptable voltages in Rhode Island consistent with applicable planning guidelines and reliability standards. If the project is not completed, under certain system contingencies, there would be significant line and equipment overloads, unacceptable voltage levels and/or large scale blackouts.
7. The project will require a freshwater wetlands permit from the Rhode Island Department of Environmental Management and approval from the U.S. Army Corps of Engineers. Erosion control measures as required by the Smithfield Soil Erosion and Sedimentation Control Ordinance must be installed prior to construction.
8. Based on the expert testimony of Mr. Berren, the Board finds that it is not possible to construct transmission lines in compliance with the height restrictions of the Town's

Zoning Ordinance. The height of the proposed transmission line structures is a result of the design of the line and clearance requirements specified in the National Electrical Safety Code. The requested setback relief is necessary since the right of way is only about 250' wide and has been in existence and used for the transmission purposes since the 1950's.

9. Webster Collins, a real estate appraiser, testified in support of the application. Mr. Collins was accepted by the Zoning Board as an expert witness in the field of real estate appraisal and valuation. Mr. Collins' report was entered into the record as Exhibit 2. Based on the expert oral and written testimony of Mr. Collins, the Zoning Board finds as fact that the project as proposed in the Town of Smithfield will not have an adverse impact on the value of properties in the area of Narragansett's right of way. Since the right of way is already utilized for electrical transmission purposes, the Board finds as fact that the proposed upgrade of the transmission system will not alter the general character of the area surrounding the applicant's right of way.
10. Mr. Collins further testified, and the Zoning Board so finds, that to ensure that the project will not adversely affect surrounding property values, Narragansett should provide vegetative screening to any Smithfield property owner who abuts the project and who requests that such screening be installed.

WHEREAS, the Smithfield Zoning Board of Review has determined that:

1. The special uses are specifically authorized by Section 4.3.D.15 and Section 4.5 of the Smithfield Zoning Ordinance.
2. The special uses meet all the criteria set forth in the subsections of the Zoning Ordinance authorizing such special uses.
3. The granting of the special use permits will not alter the general character of the surrounding area or impair the intent or purpose of the Town of Smithfield Zoning Ordinance or the Comprehensive Plan of the Town.

NOW THEREFORE BE IT RESOLVED by a unanimous vote of the Smithfield Zoning Board of Review that the application as filed by the applicant is hereby APPROVED subject to the following:

1. The applicant must obtain final approval for the project from the Rhode Island Energy Facility Siting Board prior to construction.
2. The applicant must obtain final approval from the Rhode Island Department of Environmental Management and the U.S. Army Corps of Engineers prior to construction.

3. The applicant must obtain final approval pursuant to the Smithfield Soil Erosion and Sedimentation Control Ordinance prior to construction.
4. Upon request, the applicant must provide vegetative screening to any property owner abutting the project. All such screening must be approved by the Smithfield Town Engineer prior to installation.

BE IT FURTHER RESOLVED that the Building Official of the Town of Smithfield is hereby authorized to issue the necessary permits and to enforce the terms and conditions of this Resolution.

BY ORDER OF THE SMITHFIELD
ZONING BOARD OF REVIEW

APPLICATION APPROVED
BY A VOTE OF 5-0


George D. McKinnon, Chairman

Approved: George D. McKinnon, Antonio S. Fonseca, David Greene, S. James Busam,
Peter Fogarty.

THIS DECISION WILL BE PUBLICLY POSTED IN
A VISIBLE LOCATION IN THE TOWN HALL FOR
A PERIOD OF TWENTY DAYS COMMENCING

July 8, 2009