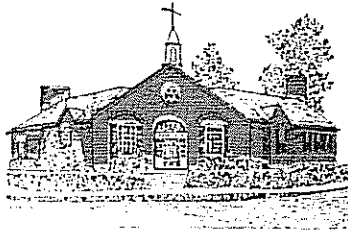


# TOWN OF BURRILLVILLE

105 Harrisville Main Street  
Harrisville, Rhode Island  
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TOWN BUILDING  
HARRISVILLE, R.I.

Zoning Board of Review  
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## ZONING BOARD OF REVIEW

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**APPLICANT (S):** The Narragansett Electric Company d/b/a National Grid:

**DATE:** April 9, 2013

**FILE NO:** 2013-03

### A RESOLUTION GRANTING A POSITIVE OPINION REGARDING A VARIANCE and A SPECIAL USE PERMIT

**WHEREAS**, a meeting of the Burrillville Zoning Board of Review was held on January 8, 2013, wherein the instant matter was considered.

**WHEREAS**, The Narragansett Electric Company d/b/a National Grid: Applicant(s), and The Narragansett Electric Company d/b/a National Grid, Owner(s) has/have filed an application for the purpose of rendering an advisory opinion from the Zoning Board of Review as directed by the Energy Facility Siting Board to construct two new 345 kV transmission lines from the Burrillville, RI/Thompson, CT border to the West Farnum Substation.

**WHEREAS**, all members of the Burrillville Zoning Board of Review viewed the property on or before the public hearing;

**WHEREAS**, the Burrillville Zoning Board of Review held a public hearing on this application at its January 8, 2013 meeting after due and public notice as provided under the Burrillville Zoning Ordinance and Rhode Island General Laws;

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

**WHEREAS**, the Burrillville Zoning Board of Review finds as a fact that:

1. At the request of the Energy Facility Siting Board this case went before the Burrillville Zoning Board to render and advisory opinion.
2. Attorney Peter Lacouture represented the applicant, The Narragansett Electric Company d/b/a National Grid. He entered Exhibit #1 – a hard copy of the power point presentation that was shown before the Board. He summarized the need for the proposed work. He stated that a variance for the height of the new poles and a special use permit for the extended work hours were requested.
3. David Veron, a representative from National Grid was sworn in. He demonstrated the inefficiency and reduced reliability with their system in our area, namely the Interstate Transfer Capacity. He then stated that the solutions would involve a combination of projects with the Interstate Reliability Project being before the Board now. He added that the existing Sherman Road Substation would need to be replaced as well.
4. Mr. Vernon explained that 75 miles of new 345kV transmission lines would be installed connecting Rhode Island to Massachusetts and Connecticut. Reconstruction of over 9 miles of 345 kV lines would also be completed. A new switching station would be constructed next to the existing substation which is located adjacent to Ocean State Power Plant. He noted that a number of the new “H Frame” poles may need to be up to 130 feet high and the new switching station will be 105’ high. He added that the hours of operation may need to exceed 7 am to 7 pm Monday through Friday and 7 am to 5 pm on Saturday. A Dimensional Variance and a Special Use Permit were requested.

5. Thomas O. Sweeney was accepted by the Board as a real estate expert. He entered Exhibit #2 – a real estate survey of the Interstate Reliability Project. In summary, he stated that an additional set of high tension wires would be installed along existing National Grid right of ways, mirroring what exists there now. Sweeney opined that the granting of the relief requested and the construction of the new transmission lines within the existing corridor will not have a negative impact on the surrounding properties and/or their uses. This would be in part due to the fact that there are existing easements which allow for use of the property for the intended purposes and that such use is already in place.
6. Attorney Angelo Mosca came before the Zoning Board representing Ann-Marie Cardon, an abutter from Joslin Road. He noted that the National Grid's right of way bisects her house.
7. Charles Bates Sr. came before the Board with questions. Paul Barry of Joslin Road noted concern with recreational vehicles operating in the newly cleared area of National Grid's right of way. James Auger, his wife Linda, and son Alan came before the Board with concerns. Marguerite P. White noted concerns with the excessive "buzzing" that occurred from the power lines. Jack Croall from Round Top Road stated that National Grid's right of way was not noted in his deed. David Carlton questioned if National Grid would offer any "buy-outs" for the abutters. Kevin Frenette stated that the proposed new high power lines would be 75 feet from his bedroom. Robert R. Woods asked if this would affect properties on Pulaski Road. Daniel DiBattiestra had concerns about an adjacent historic cemetery.
8. Jamie Durand, an engineer for National Grid, was sworn in and spoke regarding erosion control plans both for the short term and long term issues.
9. Attorney Lacouture noted that there were 3 representatives for National Grid, present at this hearing. He suggested that all interested parties could meet with these representatives after the hearing and obtain contact information. The interested parties received assurances that National Grid would work with them to take reasonable steps to minimize impacts to their properties.
10. There was no further public comment from the audience. The public portion of this hearing was closed and the Zoning Board

discussed the case. Town Solicitor, Attorney Patrick Dougherty noted that this case was before the Zoning Board solely for an advisory opinion and that the Board was able to act only in an advisory capacity.

**WHEREAS**, THE BURRILLVILLE ZONING BOARD OF REVIEW has determined, based on the testimony presented at the hearing, the observations of the Board Members in viewing the property, and the findings of fact as set forth, that the granting of the variances from Article IV Section 30-111 (Table II) as sought by the applicant is desirable and further finds as follows:

1. There are existing easements which allow for the construction and maintenance of the power lines which are presently in place and in use by the applicant.
2. The Applicant is proposing to develop the new transmission lines within the existing corridor and placing the new structures, where physically possible, in line with the existing structures.
3. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant because it is not possible for the Applicant to construct line structures and switching station structures in compliance with the dimensional restrictions of the Burrillville Zoning Ordinance.
4. 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 because the Applicant must undertake the construction in order to continue to provide reliable electric service to its customers, including but not limited to those within the Town of Burrillville, the State of Rhode Island and throughout the New England area and to continue fulfilling its statutory duty to maintain reliable service to such customers.
5. The granting of the requested relief will not alter the general character of the surrounding area or impair the intent or purposes of this chapter or the Comprehensive Plan of the Town because the right of way for the transmission lines currently exists and is in current use to some extent already.
6. The relief granted is the least relief necessary because the varying height of the transmission line structures is due to the topography and the need to adhere to proper engineering and safety standards and codes.
7. The granting of the requested relief will not confer on the applicant any special privilege that is denied by the Burrillville Zoning

Ordinance of other lands, structures or buildings in the same district because the provisions of the Ordinance itself allows an applicant to seek and be granted relief from the provisions of the Ordinance if the requisite criteria are met.

8. The hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience because the Applicant would not be able to properly fulfill its statutory duty and continue to provide reliable electrical service to its customers and the region by prohibiting construction of the project as contemplated and needed to meet the increasing demand for electricity.

**WHEREAS**, THE BURRILLVILLE ZONING BOARD OF REVIEW has determined, based on the testimony presented at the hearing, the observations of the Board Members in viewing the property, and the findings of fact as set forth, that the granting of the special use permit for relief from Article II Section 16-35 as provided for in Section 30-34(c)(4) in accordance with Article II Section 16-44 and 16-48(c) as sought by the applicant is desirable and further finds as follows:

1. That the activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of the section.
2. That no other reasonable alternative is available to the applicant.
3. The Applicant has provided assurances that it will act in such a manner as to minimize unreasonable noise, activity and operations in construction of the project.
4. The special use permit is necessary to complete the project in a timely manner and to safeguard the reliability of electric supply during the period of construction and to follow electric safety requirements and those requirements imposed by the Rhode Island Department of Transportation.
5. The hardships that would be suffered by the Applicant if the relief were not granted outweigh those to be suffered from potential temporary impacts of the project on the abutters and nearby persons and property.

**NOW, THEREFORE BE IT RESOLVED** by the Burrillville Zoning Board of Review that the application as filed by the Applicant is GRANTED by a vote of 5 – 0 with no conditions.

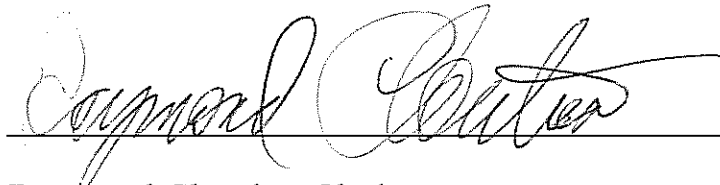
George Keeling made a motion to give an advisory opinion to grant a variance for dimensional relief of 80 feet height relief. Ken Johnson 2<sup>nd</sup> the motion. It was passed by a vote of 5 – 0.

George Keeling made a motion to give an advisory opinion to grant a special use permit to extend the hours of operation. John Patriarca 2<sup>nd</sup> the motion and it passed by a vote of 5 – 0.

The Zoning Board shall set down a record of findings of fact and shall make its decision in writing. No decision shall be final until it is filed in the Zoning Enforcement Office. All decisions shall be recorded in the land evidence records of the Town.

A variance or special use permit shall expire twelve (12) months from the date of approval by the Board, unless the applicant who has been granted relief obtains a building permit and is actively engaged in the project's construction, or in case of "use variance" has actually put the subject property to said use.

BY ORDER OF THE BURRILLVILLE ZONING  
BOARD OF REVIEW

A handwritten signature in cursive script, appearing to read "Raymond Cloutier", is written over a horizontal line.

Raymond Cloutier, Chairman

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

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APPLICATION GRANTED  
Vote 5 –0 with no conditions