



**Town Council
of the
Town of Portsmouth**

2200 East Main Road / Portsmouth, Rhode Island 02871

**In re: The Narragansett Electric Company
d/b/a National Grid
(Aquidneck Island Reliability Project)**

**ADVISORY OPINION
ON APPLICATION FOR SOUND VARIANCE**

This matter was heard before the Portsmouth Town Council on June 20, 2016, on the application of The Narragansett Electric Company d/b/a National Grid (“National Grid” or the “Applicant”) for a sound variance pursuant to § 257-18 of the Portsmouth Noise Abatement Ordinance, Chapter 257 of the Town of Portsmouth Code of Ordinances (“Noise Ordinance”).

Applicant was represented by George W. Watson, III, Esquire of the firm Robinson & Cole LLP. Council members participating in the hearing were President Keith E. Hamilton, Vice President James A. Seveney, Kevin M. Aguiar, Elizabeth A. Pedro and Joseph W. Robicheau.

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 Town Council as a local agency to render an advisory opinion as to whether National Grid should be granted a sound variance for construction-related noise that may be generated in connection with Narragansett’s application to the EFSB to construct the Aquidneck Island Reliability Project (“AIRP” or the “project”), 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 Council heard the presentation of Mr. Watson and testimony of Endrit Fiku, National Grid’s lead Project Manager, and Daniel McIntyre, P.E., Civil/Structural Engineering for National Grid.

Mr. Fiku explained that the AIRP is a set of projects aimed at improving the reliability of the electrical system on Aquidneck Island. The current infrastructure is 50-60 years old and obsolete. The project will include the rebuild and upgrade of the existing 61 and 62 transmission lines (the “61 and 62 Lines”) from 69 kV to 115 kV, the construction of a new Jepson Substation to be located on the west side of Jepson Lane in Middletown, and the retirement and removal of the existing Jepson Substation located at 500 Jepson Lane, on the east side of Jepson Lane in Portsmouth. The 61 and 62 Lines

will be rebuilt and upgraded along the existing right-of-way (“ROW”) beginning at the Dexter Substation located off Freeborn Street in Portsmouth and ending at the new Jepson Substation, a distance of approximately 4.5 miles. The Dexter Substation will be modified to accommodate the upgraded lines and there will be temporary line relocations along the project during construction. There are 69 existing wood structures (44 2-pole structures and 25 3-pole structures), which will be replaced by 92 new steel single structures and 1 new double circuit single pole steel structure at the existing Jepson Substation. The existing wood structures are 45 to 65 feet tall. The new steel structures will be 86 to 96 feet tall. The project will improve the reliability of the transmission system on Aquidneck Island by increasing the loading capacity of the system, and allow National Grid to meet increase and growing demand for service. The project is expected to general additional aggregate tax revenue of \$532,000 to the Town of Portsmouth between 2017 and 2022.

It was noted that § 257-13 of the Noise Ordinance limits construction and demolition activities to between the hours of 7:00 a.m. and 9:00 p.m. each day. Mr. Fiku and Mr. McIntyre explained that National Grid anticipates the normal project work hours will be 40 hours per week, with either four 10-hour days or five 8-hour days. The normal work day will begin at 7:00 a.m. and end at either 3:00 or 5:00 p.m., depending on the contractor’s preference. The entire project is expected to be completed with 30 months after construction begins. The work will be done in phases. Mr. Fiku and Mr. McIntyre explained that certain work tasks, such as pouring concrete, installing transformers, and stringing wire (and related activities) must be completed once started and will require extended work hours. The types of work, required equipment and materials, typical sound levels, and estimated durations of the work activities were outlined in the document entitled “Construction Practices and Equipment” for the project, which was submitted as part of the National Grid’s application.

Mr. Fiku and Mr. McIntyre stated that the project will exceed the construction hour limitation only when necessary to complete discrete construction activities and not on a continuous basis. They answered several questions from the Council and from members of the public concerning the project and specific types of construction activities and the sequences, durations and sound levels generated from such work. Mr. McIntyre stated that the loudest construction activities during the project would be caisson drilling and vegetation management. Council members expressed concern over the vagueness of the request for extended work hours and the lack of specific details. Mr. Fiku and Mr. McIntyre explained that it is impossible to be more specific at this time, and it is not feasible to seek variances during the project while construction activities are in progress and ongoing. They explained the various community outreach efforts that National Grid has been engaged in, and how it will endeavor to inform and communicate with the public and abutting residents during the course of the project. Mr. Fiku stated that National Grid planned to work closely with abutters to provide advance notice of upcoming construction activities to be performed near their homes.

Upon closing the hearing, the Council then considered National Grid's application for a sound variance. The Council balanced the hardship to the Applicant and the community if the sound variance were to be denied for the project, against the potential adverse impact on the health, safety and welfare of the affected abutters and properties if the variance were to be granted.

The Council voted unanimously to approve National Grid's application for a sound variance, subject to the following conditions:

1. All construction activity shall generally be performed between the hours of 7:00 a.m. and 9:00 p.m. in accordance with § 257-13 of the Noise Ordinance;
2. In the event that any construction activity needs to be extended to take place after 9:00 p.m. on any given day, National Grid shall give the Town Administrator, the Police Chief, the Fire Chief, and any affected abutters advance notice of at least 72 hours, if practicable;
3. There shall be no drilling of rock after 9:00 p.m.; and
4. There shall be no cutting of vegetation after 5:00 p.m.

Accordingly, the Council hereby renders its advisory opinion, that National Grid's application for a sound variance be granted, subject to the conditions stated herein.

Portsmouth Town Council

By:



Keith E. Hamilton, President

Dated: July 11, 2016