



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES

#### Special Meeting

DECEMBER 14, 2016

Town Council Chambers, 350 East Main Rd., Middletown, RI

#### Board members present:

Art Weber, Chair

John Ciummo, Vice Chair

Matthew Sullivan, Secretary

Paul Croce

Jan Eckhart

Bill Nash

Liz Drayton

Ron Wolanski, Planning Director

Peter Regan, Town Solicitor

Marisa Desautel, Special Counsel for the Town

*The meeting was called to order by Mr. Weber at 4:00pm.*

- 1. Public Hearing - Request of the Zoning Board of Review pursuant to section 602 of the Middletown Zoning Ordinance for Development Plan Review and an advisory recommendation on a petition of The Narragansett Electric Company, d/b/a National Grid, for a special use permit to allow construction of an electric power substation and high voltage electric transmission line towers on property located in the R-30 zoning district. Property located on Jepson Lane, Plat 111, Lots 49, 52, and 53.**

**Motion** by Mr. Eckhart, seconded by Mr. Ciummo, to open the public hearing. **Vote** 5-0-0 (Ms. Drayton and Mr. Nash had yet to arrive)

Mr. Wolanski reviewed his memo to the board, dated December 8, 2016, including results of the review by the Technical Review Committee and the findings to be considered as the board reviews the application. The TRC was unable to provide a positive recommendation due to remaining concerns related to storm water management design, impacts on wetlands and roadside character, and questions over potential noise impacts.

Attorney George Watson represented the applicant. He called Dan McIntyre, engineer with National Grid, who reviewed the project details. He stated that the courtesy lighting would be dark-sky compliant, the proposed sound wall would result in noise levels at the southerly property line of approximately 42-43 decibels. An analysis of the noise impacts around the perimeter of the substation is not available. The wall is proposed as a faux wood design, and would be reduced to 18' in height and approx. 70' less length than the submitted plans to reduce visual impact on the roadway. Landscaped screening is proposed to be added to the abutting Smith property. That plan has yet to be provided to Mr. Smith. Mr. McIntyre discussed the impacts of constructing the new substation on the existing site, including impacts on abutters, lack of area to provide screening, and potential impact on St. Mary's Pond.

Mr. Watson called Susan Moberg, project manager with VHB, Inc., who described the attempt to design the station to minimize impacts on wetlands, including providing a retaining wall.

Mr. Watson called Renee Codega, project engineer with VHB, Inc., who reviewed the design of the stormwater management system. She reviewed the design criteria of the state stormwater design manual. With the exception of the required water quality treatment, she stated that the plan copies with the manual. RIDEM has approved similar designs in the past, but RIDEM has not reviewed the proposed design. The operations and maintenance plan will be revised prior to RIDEM permitting.

Mr. Watson offered to have the landscape architect review the landscaping plan. Mr. Weber stated that this would not be necessary. The board members have a copy of the plan.

Mr. Weber invited public input.

Attorney Jay Lynch, representing Kevin Smith of 519 Jepson Ln., an abutter to the project, asked questions of Mr. McIntyre relative to noise and lighting impacts and screening of the proposed towers, which Mr. McIntyre addressed.

Ms. Desautel asked Mr. McIntyre if a review for consistency with the Middletown Comprehensive Plan had been completed. He stated the Ms. Moberg had completed a review as part of the environmental analysis but he could not identify which specific sections of the plan were reviewed.

Ms. Desautel asked if the visual impact analysis included views of the proposed site from the north. Mr. McIntyre stated that it did not.

Ms. Desautel asked about the feasibility of constructing the new station on the existing site. Mr. McIntyre described the complexities involved with building the new station on the site of the existing station.

Ms. Desautel ask Ms. Codega if applications have been made to RIDEM for required permits. Ms. Codega stated that applications are to be submitted on December 23<sup>rd</sup>. RIDEM has not issued any approvals for the project. There was discussion of permitting of prior projects with similar design components.

Mr. Lynch called real estate expert James Houle and asked him if the project is consistent with the Middletown Comprehensive Plan. Mr. Houle cited several areas where the project is inconsistent with the comprehensive plan. Mr. Houle stated that locating the station on the existing site would be more consistent with the comprehensive plan, including having less visual impact.

Mr. Watson ask Mr. Houle to confirm his statement that locating the station on the existing site would have less visual impact. Mr. Houle said that it would have less impact.

Ms. Desautel called the town's consulting engineer, Steve Cabral of Crossman Engineering. She asked for his conclusions following his review of the latest plans for the project. Mr. Cabral stated that the design, particularly for stormwater management, does not comply with proper engineering design. The design does not comply with RIDEM's stormwater design manual. He referenced his memo to Town Planner Ron Wolanski, dated November 25, 2016 and reviewed each of his concerns with the design. He noted that this is the first time in his career that he has been unable to reach consensus on review of an engineering design. Regarding visual impacts, he noted that the photo simulations of the alternative of locating the station on the existing site include no landscaping.

Mr. McIntyre stated that the amount landscaping and screen proposed for the west side of the road could not be provide on the east side of the road. Abutters on the east side would be adversely impacted more so than abutters on the west side of the road.

Ms. Codega stated that based on RIDEM prior approvals for another station of similar design, RIDEM approval of this project is anticipated.

Mr. Weber stated that he has significant concerns with the disagreement on the engineering design.

Mr. Sullivan asked if the plan meets RIDEM design requirements. Ms. Codega stated that they are anticipating RIDEM approval.

Mr. Ciummo asked if it is typical to put forward a plan that does not meet requirements? Ms. Codega stated that substation design, by its nature, is not a typical project.

Mr. Eckhart asked if addressing one of the concerns, use of materials prescribed by RIDEM, is possible. Ms. Codega stated that the proposed materials are adequate.

Mr. Sullivan stated that environmental concerns are not addressed. Ms. Codega stated that for water quality treatment, treatment of the first inch of runoff will be accomplished.

Mr. Eckhart asked if there had been analysis of existing water quality conditions on the site. Ms. Codega said that there was not, but the proposed BMP will provide required treatment.

Mr. Croce asked if there was any documentation from RIDEM to indicate that the proposed design would be approved. Ms. Codega stated that there is not.

Mr. Weber stated that he is concerned that design deficiencies identified by the town's engineer have not been addressed. The project is not consistent with the Middletown Comprehensive Plan. There would be significant impacts on abutters if the substation is constructed on the proposed site.

Kevin Smith of 519 Jepson Lane stated his concerns for impacts on his property. He stated that he has received an opinion that his property would be reduced in value by 40%.

Beth Gibson, a resident of Tiverton, and part owner of abutting land, expressed concern for impacts on the drainage and the wetlands, and on her property values, and stated that the substation should be constructed on the existing site on the east side of Jepson Lane.

Mr. Eckhart asked if National Grid has a policy to compensate abutters who are adversely impacted. Mr. McIntyre stated that there is no such policy and that he will be prepared to address the anticipated impacts on property values during the Zoning Board public hearing.

**Motion** by Mr. Sullivan, seconded by Mr. Ciummo, to close the public hearing. **Vote:** 7-0-0.

**Motion** by Mr. Nash, seconded by Mr. Croce, to find that the granting of approval will not result in conditions inimical to the public health, safety and welfare. **Vote** 0-7-0, all opposed.

**Motion** by Mr. Nash, seconded by Mr. Croce, to find that the granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district. **Vote:** 0-7-0, all opposed

**Motion** by Mr. Nash, seconded by Mr. Sullivan, to find that 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. **Vote:** 0-6-1, with Mr. Croce abstaining.

**Motion** by Mr. Nash, seconded by Mr. Croce, to find that the plans for such project are consistent with the Comprehensive Plan. **Vote:** 0-7-0, all opposed.

**Motion** by Mr. Nash, seconded by Mr. Eckhart, to find that any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval or recommendation. **Vote:** 0-7-0, all opposed.

**Motion** by Mr. Nash, seconded by Mr. Croce, to forward a negative recommendation on the proposed project to the Zoning Board of Review and to the state Energy Facility Siting Board. **Vote:** 7-0-0.

*Motion to adjourn by Mr. Eckhart, seconded by Mr. Croce. Vote: 7-0-0.*

*Meeting adjourned at 6:30 pm.*

Respectfully submitted:  
Ronald Wolanski  
Planning Director