

Town of Middletown

ZONING BOARD OF REVIEW

MINUTES

January 10, 2017

Roll Call: Chairman Tom Silveira (present), Vice Chair Jim Miller (present), Secretary Stephen MacGillvray (absent), Olin Gambrell (present), Chris Sousa, Acting Secretary (present), Henry Pine (present), Eric Kirton (alternate-present), Thomas Heaney (alternate-present)

Adoption of Minutes: Minutes of Nov 22nd adopted.

Continuances/Withdrawals:

Petition of: John R. Gullison & Bonnie F. Zimble (owners) by their attorney Jeremiah C. Lynch, III - for a Variance from Sections 603, 1301(b), 1301(d), 1304, 1404 & 1406- Construct an 18 room hotel on a lot with 17,533 sq. ft. where 18,000 sq. ft. is required with an elevated parking structure with less than the required landscape buffer area on the south, east and west property lines resulting in lot coverage of 53% where 35% is allowed and increasing the number of spaces to 40 where 35 are allowed. Provide a loading space and service drive on the north side with less than the required landscape buffer. Said real estate located at 59 Aquidneck Ave and further identified as Lot 169 on Tax Assessor's Plat 115SE. Continued 01/24/2017

Referral for Development Plan Review:

Petition of: John R. Gullison & Bonnie F. Zimble (owners) by their attorney Jeremiah C. Lynch, III - for a Special Use Permit from Sections 602 & 1400- to allow the construction of a hotel (18 rooms), with an accessory restaurant. Said real estate located at 59 Aquidneck Ave and further identified as Lot 169 on Tax Assessor's Plat 115SE. Continued 01/24/2017 referred for development plan review

Full Hearings:

Petition of: The Narragansett Electric Company d/b/a National Grid (owner) by their attorney Peter V. Lacouture, Robinson+Cole 1 Financial Plaza Ste. 1430 Providence, RI. - for a Variance from Sections 603, 701, 705(F)1 & 705(G) to allow the construction of an Electric Power Sub-Station and High Voltage Electric Transmission Line Towers with sub-station and transmission line structures that exceed the 35' height restriction. Also to allow fencing and walls that exceed the maximum 6' height allowance and to allow barbed wire fencing in a residential zone. Said real estate located at Jepson Lane and further identified as Lots 49, 52, & 53 on Tax Assessor's Plat 111. Hearing starts with the zoning board presented with the DPR's negative recommendation for the zoning board's approval of this application.

Narragansett Electric (NE) then presents its case. NE attorney Peter V. Lacouture (Robinson +Cole) questions NE engineer McIntire. Engineer testifies that the substation and transmission line structures are in dire need of upgrading due to age and increasing power needs on the island. The two review the necessity to mirror the existing 65' height, the necessity for a fence exceeding 6' and the use of barbed wire fencing (as required by law to protect the facility) as a safety requirement. They also discuss the use of a large privacy wall to offset the negative impact of the view of the adjacent homes.

The two review their desire to move the existing facility to a location across the street. They refer to logistic and safety concerns about reconstructing at existing sight. The board questions why it is not plausible to rebuild over the existing location to minimize the impact on neighboring home. The meeting then shifts mainly to the questioning of why the facility has to be moved, and the potential negative impact on the property values of nearby homes, specifically those owned by Smith and Hodges.

Marissa Desautel, council for Town of Middletown, cross examines engineer McIntire. She questions what type of effort NE has put in towards alternative location analysis. Thomas Sweeney (Appraiser) is called to testify and answer questions on behalf of NE pertaining to potential diminished property values of the homes of Smith and Hodges. Sweeney testifies that there will be no diminished property values because the homes are already located in a "power

transmission corridor”.

At this point attorney Jay Lynch representing neighbor Hodges cross-examines Sweeney and then provides a counter argument by calling appraiser James Houle. Houle estimates significant property devaluation based on the fact the substation will be moved significantly closer to the homes than the existing station. Desautel then calls Stephen Dylaj (Keystone consulting). Dylaj agrees with Lynch and uses a study out of Utah to show diminished property values in a similar circumstance.

Steven Cabral (Crossman Engineering) then testifies on behalf of the Town of Middletown that the stormwater plan is not equipped to handle all of the runoff from the proposed new substation given a major weather event.

The board then discusses the testimony agreeing the fence and barbed wire is necessary for all end results regardless of substation location for reasons of safety. The large privacy wall is not approved as the board suggests the need for NE to explore building the new substation in the same location as the existing substation because property values of residents will be diminished.

The variance for the fence with barbed wire was granted 5-0 and the variance request for the wall was denied 0-5

Petition of: The Narragansett Electric Company d/b/a National Grid

**(owner) by their attorney Peter V. Lacouture, Robinson+Cole 1
Financial Plaza Ste. 1430 Providence, RI. - for a Special Use Permit
from Sections 602 to allow the construction of an Electric Power
Sub-Station and High Voltage Electric Transmission Line Towers.
Said real estate located at Jepson Lane and further identified as Lots
49, 52, & 53 on Tax Assessor's Plat 111. Denied 0-5 the board voted to
forward a negative advisory opinion to the EFSB**