

TOWN OF JOHNSTON



PLANNING BOARD & ZONING BOARD OF REVIEW

100 IRONS AVENUE, JOHNSTON, RI 02919
TEL.: (401) 231-4000 FAX: (401) 231-4181

JOINT PUBLIC HEARING

Narragansett Electric Company d/b/a National Grid
Rhode Island Reliability Project

MINUTES

May 27, 2009

The Planning Board and the Zoning Board of Review of the Town of Johnston held the second joint public hearing in connection with the Rhode Island Reliability Project on May 27th, 2009, at the Johnston Senior Center. The public was invited to attend to voice concerns or ask questions regarding the project.

The hearing was called to order at 7:14 p.m. Board members present were:

PLANNING BOARD: Mohamad Yaser Sasa, *Vice-Chair*; Thomas Breckel, Michael A. Campagnone, and Peggy A. Passarelli.

ZONING BOARD: Kenneth Aurecchia, *Chair*; Richard Fascia, *Vice-Chair*; Douglas Jeffrey, *Secretary*; Joseph Anzelone, Bernard Frezza, & Anthony Pillozzi.

Also present for the Town of Johnston (TOJ) were: Joseph Ballirano, Esq., *Assistant Solicitor*; Timothy J. Chapman, Esq., *Assistant Solicitor*; William J. Conley, Esq., *Solicitor*; Merrick A. Cook, Jr., *Administrative Officer*; Bernard Nascenzi, *Building Official*; and W. Mark Russo, Esq. and Moshe S. Berman, Esq. Present for National Grid (NG) was Peter V. Lacouture, Esq.

Mr. Lacouture introduced documents requested at last meeting as *TOJ exhibits: H—Dr. Bailey résumé; I—electric and magnetic field (EMF) research update, August 2008; J—RI Reliability Project EMF modeling report, May 2009; K—plan set with right-of-way (r-o-w) and structure locations in Johnston; L—aerial photographs of r-o-w; and M—cross-sections of r-o-w. Exhibits accepted unanimously by both boards. Addendum to Exhibit J also accepted, as Exhibit N.*

Résumé of David Barn, P.E., *unanimously accepted as NG Exhibit O.* Health Department advisory opinion submitted as NG Exhibit P; Mr. Russo objected as not germane. *NG Exhibit P accepted by Planning Board; not accepted by Zoning Board (no second to Mr. Jeffrey's motion.)*

Dr. William H. Bailey, principal scientist and director of New York office, Exponent (scientific and engineering firm) *unanimously accepted as NG expert witness.* Dr. Bailey defined EMF and explained sources. Exponent hired by National Grid to assess impact of EMF on health and effect of additional lines. National Grid working to minimize EMF levels.



EMF strength outside of the right-of-way same level as elsewhere within town. No disruption of cell phones, emergency radio transmission or satellite reception. No induction electrical wiring or metal structures on surrounding residential structures on; grounding to remediate. No effects on wildlife/habitats. No increase in noise/'hum.'

Discussion of effects on health from exposure to lines. No scientific or health agency recognition of relationship between proximity to lines and leukemia in children. Cause-and-effect unsubstantiated in three studies considered. 2004 Connecticut ordinance re: burying high power lines not for health reasons; not enough room overhead. No substantiated studies on relationship to neurological diseases.

Discussion of EMF exposure levels, normal day-to-day and beneath proposed lines; whether swimming pools could be built on adjacent properties. Building Official questioned levels of transmission frequency—limited in US to 60 cycles per second—and of voltage—limited to proposed specifications, short of changing all conductors and entire circuit. NG: towers usually serviced from the ground. Potential difference between grounding of towers and adjacent residential properties: evaluation by electrician if shocks occur.

Mr. Conley addressed timing of receipt of NG report and backup reports on which current testimony based. He asserted late provision of information to town as interfering with boards' ability to make decisions, and as substantially prejudicial, impeding the securing of expert testimony. Recommended request for additional time from Energy Facility Siting Board (EFSB).

Pamela Coletta asked about noise. NG identified calculations in Exhibit I. Discussion of noise levels at different times and conditions. NG: increase in decibels during heavy rain neutralized by noise from storm.

Mr. Russo cross-examined Dr. Bailey on building to edge of r-o-w; NG recommended consulting NG on a case-by-case basis first. Cited National Electric Safety Code (NESC) calculations, and Bonville, OR, project. Confirmed lack of opinion on building improvements rights up to edge of r-o-w. Requested explanation of induction: production of currents in nearby conducting objects by alternating electric and magnetic fields. Higher structures have greater possibility for induction due to proximity to lines.

Discussion of other states' regulations; height restrictions based on distance from r-o-w. Variability of edge of Johnston r-o-w to conductor ~25'. Noise—no actual readings taken. Source and timing of preparation and submission of EMF report (Exhibit J) to NG, and May 26 addendum to report (Exhibit N). Regulations stipulating no increase in EMF levels at edge of r-o-w; mitigation measures. Previous employers and state best management practices. Measurements and locations of models used. Residential structures within 30' of 115 Kv lines.

Mr. Conley examined NG's recommendation that potential builders along r-o-w consult NG first. Mr. Lacouture countered town concerns over timing of NG's submission of documents. Mr. Aurecchia objected strongly to lack of time for preparation. Mr. Russo reiterated request for NESC calculations. Mr. Pilozzi revisited previous statement by Mr. Beron that apparently okayed building up to property line. Mr. Lacouture qualified Mr. Beron's statement.

Discussion of hearing on request to NG for extension of proceedings. Further discussion of timing of submission of current exhibits. NG responded that all except c.v.'s and modeling



reports submitted with zoning application in November 2008. Mr. Conley explained balancing between requests for additional information from NG and EFSB deadlines. Final 20% of information obtained previous Friday and tonight. Calculations in support of NG's concluding statements, needed for review of key safety issues, still unavailable.

Mr. Lacouture objected, citing timing of and objections to certain town data requests. Stated that NESC standard is based on assumption that structures are built at edge of r-o-w, with utility rights only pertaining to actual easements. David J. Beron, PE, PMP, cited clearance requirements as determined according to national code, observed by all U.S. public utilities.

Mr. Russo reiterated request for sections of code and specific calculations. Questioned by Mr. Campagnone, Mr. Beron explained regulations governing work based on nature of what performed. Mr. Jeffrey expressed reservations about health, safety and welfare of citizens. Citing July EFSB hearings, Mr. Lacouture suggested continuation to late June. Discussion. Mr. Conley favored 45-day extension to allow for expert review and testimony. Requested NG reply to data request for electrical calculations to allow verification of NG compliance with national safety standards.

Discussion of raise in northeast rates. NG stated that proposed project investment in Johnston ~\$47 million; with facilities taxed at commercial rates, roughly additional \$800,000/year in tax benefits. Unconfirmed by tax assessor; concern over effects on property values. Mr. Conley stated that NG appealed suit against town over rate by which taxes assessed to Supreme Court.

Motion to request 45-day extension by Zoning Board. Mr. Lacouture unable to agree to extension beyond end of June. Mr. Conley proposed NG submit joint request to EFSB for 45-day extension. Mr. Campagnone cited need to analyze economic benefits to town.

Mr. Lacouture withdrew objection to 45-day extension, conditional upon town setting date for continuance and agreeing to EFSB proceeding to final hearings as scheduled. Additional EFSB hearing to be scheduled if town's pending advisory opinion calls for it.

May 27, 2009, Joint Public Hearing on Rhode Island Reliability Project continued to 7:00 p.m., June 23, 2009, and adjourned.

Lauren A. Garzone, SECRETARY

Douglas Jeffrey, SECRETARY
ZONING BOARD OF REVIEW