

STATE OF RHODE ISLAND
KENT, SC.

ZONING BOARD OF THE
TOWN OF WEST WARWICK

PETITION NO. 2009-2

APPLICANT: NARRAGANSETT ELECTRIC CO. d/b/a NATIONAL GRID

LOCATION: WAKEFIELD AND PROVIDENCE STREETS, WEST WARWICK, RI

ASSESSOR'S PLAT: 2	LOTS: 14 AND 16
ASSESSOR'S PLAT: 22	LOT: 5
ASSESSOR'S PLAT 23	LOTS: 2, 3, 12 AND 15
ASSESSOR'S PLAT 24	LOTS: 15, 30, 138 AND 139

ZONES: R-10, R-7.5, B AND CI

RELIEF SOUGHT: A DIMENSIONAL VARIANCE TO ALLOW RELIEF FROM HEIGHT RESTRICTIONS IN ORDER TO CONSTRUCT NEW AND RELOCATED TRANSMISSION LINES.

DECISION

The above matter came on for hearing before the West Warwick Zoning Board on May 27, 2009, for a Decision of the West Warwick Zoning Board and an opinion to the State of Rhode Island Energy Facility Siting Board regarding Applicant's seeking a Dimensional Variance from height restrictions in order to relocate certain electric transmission lines and supporting structures and to add additional electric transmission line and structure with increased voltages.

A quorum was present.

After hearing thereon, based on the application, the testimony and the evidence presented and personal knowledge of the area, the following FINDINGS OF FACT were made:

There will be a decrease in the property values of the abutting residential properties as a result of the installation of the taller transmission towers and the increase noise that will be generated by the transmission lines.

It is established that there is a fear of the potentially adverse health affects from EMF and this fear will also decrease property values.

While research may indicate that the danger of the increased voltage and EMF may only have minimal adverse affect on the health of adults there remains a need for further study of the potential adverse health affects on children, the research at this time being inconclusive. There is concern for the potential causation of Leukemia.

The unknown health affects of the EMF make the project unacceptable. The present status of the evidence regarding adverse health affects can be likened to the fact that Asbestos and Lead Paint were originally thought to be safe but now are known to have created health hazards.

The applicant's primary objection to placing portions of the transmission lines underground is based on the increased time required to repair break downs. Applicant testified that breakdowns were so infrequent that it could not present evidence of the number of times or places where such breakdowns occur indicating that the concern for breakdowns is negligible.

The stated reason for the application is to install a redundant transmission line. If transmission line installed underground should suffer a breakdown, the presently existing line will constitute the redundant line to provide service during the time of breakdown.

The applicant has the option of placing the new transmission lines under ground for the entire West Warwick route or only in the areas where the transmission lines will be located next to residential properties, thereby rendering a beneficial use that is not more than a mere inconvenience.

Based on the above facts, it is found:

That the hardship from which the applicant seeks relief is not due to the unique characteristics of the subject land or structure and is not in conformance with the general characteristics of the surrounding area; and is due to economic desires of the applicant.

That the hardship is the result of a prior action of the applicant in that it has established a right of way a number of years ago for a stated purpose and now desires to greatly increase the burden and use of that right of way over the burden and use at the time of its establishment and does result primarily from the desire of the applicant to realize greater financial gain.

That the granting of the requested variance will severely alter the general character of the surrounding area in that it will impose on residential areas a use that is detrimental to the area and will impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based in that it will alter the residential character for which the area is planned..

That the relief to be granted is not the least relief necessary in that portions of the area of the transmission lines could be underground, eliminating the concerns stated, for a nominal increase in cost..

That the hardship that will be suffered by the applicant if the dimensional variance is not granted as opposed to the burying of the transmission lines for which the variance will not be required will not amount to more than a mere inconvenience.

Patricia Morgan moved and Brian Tucker seconded the following motion:

The request for a Dimensional Variance from height restrictions in order to construct new and relocated transmission line be granted.

The following votes were cast:

FRANK GIORGIO, III

NO

HENRY BROUSSEAU

NO

PATRICIA MORGAN

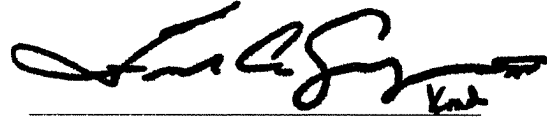
NO

ROBERT MESSIER

NO

BRIAN TUCKER

NO

A handwritten signature in black ink, appearing to read 'Frank Giorgio, III', with a small 'Knd' written below the end of the signature.

FRANK GIORGIO, III - Chairperson

Date: JUN - 3 2009



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ZONES: R-10, R-7.5, B AND CI

RELIEF SOUGHT: A SPECIAL USE PERMIT FOR RELOCATION OF PRESENT TRANSMISSION LINES AND CONSTRUCTION OF NEW TRANSMISSION LINES WITH INCREASED VOLTAGE IN A B AND CI ZONE

DECISION

The above matter came on for hearing before the West Warwick Zoning Board on May 27, 2009, for a Decision of the West Warwick Zoning Board and an opinion to the State of Rhode Island Energy Facility Siting Board regarding Applicant's seeking a Special Use Permit in order to relocate certain electric transmission lines and supporting structures and to add additional electric transmission line and structure with increased voltages in a B and a CI zone.

A quorum was present.

After hearing thereon, based on the application, the testimony and the evidence presented and personal knowledge of the area, the following FINDINGS OF FACT were made:

There will be a decrease in the property values of the abutting residential properties as a result of the installation of the taller transmission towers and the increase noise that will be generated by the transmission lines.

It is established that there is a fear of the potentially adverse health affects from EMF and this fear will also decrease property values.

While research may indicate that the danger of the increased voltage and EMF may only have minimal adverse affect on the health of adults there remains a need for further study of the potential adverse health affects on children, the research at this time being inconclusive. There is concern for the potential causation of Leukemia.

The unknown health affects of the EMF make the project unacceptable. The present status of the evidence regarding adverse health affects can be likened to the fact that Asbestos and Lead Paint were originally thought to be safe but now are known to have created health

hazards.

The applicant's primary objection to placing portions of the transmission lines underground is based on the increased time required to repair break downs. Applicant testified that breakdowns were so infrequent that it could not present evidence of the number of times or places where such breakdowns occur indicating that the concern for breakdowns is negligible.

The stated reason for the application is to install a redundant transmission line. If transmission line installed underground should suffer a breakdown, the presently existing line will constitute the redundant line to provide service during the time of breakdown.

The applicant has the option of placing the new transmission lines under ground for the entire West Warwick route or only in the areas where the transmission lines will be located next to residential properties, thereby rendering a beneficial use that is not more than a mere inconvenience.

Based on the above facts, it is found:

The proposed use is not compatible with the neighboring land use in that the neighboring land use is residential and this use is commercial with a potentially hazardous health effect on the residents the neighboring land as well as the decrease in property values

The proposed use will create an nuisance in the neighborhood in the increase of potential for dangerous conditions existing with the placing of transmission lines as close to the edge of right of way as is proposed.

The proposed use will hinder the future development of the Town in that the area being residential in nature will suffer a severe decline in desirability for development.

The proposed development will not conform to all applicable sections of the zoning ordinance and is not in conformance with the purposes and intent of the West Warwick comprehensive plan in that the zoning code and comprehensive plan set a residential nature to the area and the proposed plan will increase the burden and use of a commercial nature on the area.

Henry Brousseau moved and Patricia Morgan seconded the following motion:

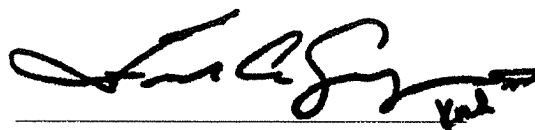
The request for a Special Use Permit in order to construct new and relocated transmission line in a B and CI zone be granted.

The following votes were cast:

FRANK GIORGIO, III	NO
HENRY BROUSSEAU	NO
PATRICIA MORGAN	NO
ROBERT MESSIER	NO

BRIAN TUCKER

NO

A handwritten signature in black ink, appearing to read 'Frank Giorgio III', written over a horizontal line.

FRANK GEORGIO III, Chairperson

Date: JUN 3 2009