

Town of Needham
Board of Selectmen
Minutes for April 26, 2017
Needham Town Hall
Powers Hall

7:00 p.m.

Call to Order:

A special meeting of the Board of Selectmen was convened by Chairman Marianne B. Cooley. Those present were Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, and Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt was not present.

Public Hearing – Eversource Energy West Roxbury to Needham Reliability Project Route

Ms. Cooley stated that the purpose of the meeting was for the Board to hear further input on the route options and to determine whether to take a position as to whether one of the routes, either the preferred route or the noticed alternative, is more advantageous to the Town.

Special Counsel Ray Miyares presented a PowerPoint and discussed Eversource's route options, scoring criteria, proposed scoring, and preferred and noticed alternative routes.

Ms. Cooley noted that the Board of Selectmen is not the final decision maker in this case. She said the Energy Facilities Siting Board will make the decision about this federally mandated project, noting however the Town of Needham has filed for intervener status and is working to obtain the best outcome possible. She reiterated the EFSB will ultimately make a decision, but reaching agreement with Eversource Energy may be something to consider, and that is part of tonight's discussion. Ms. Cooley said people have asked to what degree the project is required, and how do we know it is needed. She said while it is a federally mandated project, it is known that outside of Needham there are places where improving the transmission line through Needham improves reliability (specifically in West Roxbury and Boston, and farther southwest), but it does not directly impact Needham. Ms. Cooley referred to two cases over the last decade representing the kinds of situations Eversource is trying to prevent, but said that she does not know the duration of the outage or the number of people impacted.

Mr. Bulian recused himself from discussion. He said that Town Counsel indicated he could sit at the table, but not speak.

7:05 p.m.

Ms. Cooley opened the public hearing.

Chris Reece, 900 Greendale Avenue said he and John Curtis requested and have been granted limited participant status by the EFSB. Mr. Reece provided the Board

of Selectmen a package highlighting several items. Mr. Reece said “no build” is the best option. He noted 900 Greendale Avenue is located on the yellow portion of the map, but was not addressed earlier by Counsel. He said given the permanent environmental damage caused by going through the gravel pit and right of way, it is not a good alternative. He said Eversource will need to remove a minimum of 52 trees within a right of way extending 35’-40’ long and over 100’ wide. He commented root systems of trees not removed will be damaged. Mr. Reece said it is the only route that cannot be repaired environmentally, noting other routes go through streets which can be re-paved. Mr. Reece said figures supplied by Eversource are highly suspect.

Lyn Lustig, 86 Eaton Road urged that the Board of Selectmen weigh in on more than just a preferred route. She said she appreciates the testimony the Board submitted by Mr. Fink regarding EMF’s, and suggested testimony also be submitted based on need. She noted an assessment was completed, but it is “not a done deal” and that testimony could be submitted on whether the project is needed at all. Ms. Lustig also urged the Board to make specific requests regarding mitigation, particularly on the removal of 52 trees, as Eversource’s filing indicates it has no intention of replacing any trees. Ms. Lustig said the alternate route along South Street is the best route, noting she believes Eversource’s analysis is seriously flawed as common sense has been left out of their proposal. Ms. Lustig commented on noise lasting 18 months, 7 am-5 pm, 6 days a week. She said noise will be close to homes where there is no buffer. She commented on air pollution and EMF’s, should the project route go by way of Harris Avenue.

Abby Carr, 864 Webster Street said Needham is a classic, walkable suburb. She said she does not like the sensitive receptors data because in the preferred route it does not seem to capture the commuter rail stops. She asked why would Eversource build trenches near highly trafficked rail stops? Ms. Carr commented the people walk on the sidewalks of the preferred route, noting the alternate route has fewer sidewalks.

Larry Kolbe, 94 South Street said his house is close to the road, it is windy, and he worries about cyclists riding on the street. He said construction along South Street could be very dangerous, precisely because there are no sidewalks. Mr. Kolbe commented original plans showed 3 possible routes, asking why one route was removed? He urged the Board to ask Eversource why they did not consider the straightforward route along the existing easement? Mr. Kolbe also urged the Board to ask the EFSB to consider the route along the existing easement.

Attorney Miyares said the third route traveling the railroad right of way was eliminated from further consideration because of the impossibility of obtaining easement rights to go underground. The route was deemed to be less favorable as neighbors along the route would be impacted both visually and physically, and already have a railroad track in their backyard. He also stated there is greater shielding of EMF’s when burying the lines, rather than having them exposed.

David Minard, 260 Warren Street commented the “blue route” along the Harris Avenue has approximately 170 homes, and the “red route” has approximately 170 homes, and the right of way, referenced earlier and removed from consideration, has approximately 55 homes. He showed a snow plowing map from the Town of Needham revealing the “blue route” along Harris Avenue is 100% plowed, indicating it is sidewalks and used by pedestrians who are often children. Mr. Minard said it the project should not go near schools nor under sidewalks, but placed in the least dense neighborhoods.

Jeanne McKnight, 100 Rosemary Way said she is concerned about the preservation of open space. She said one criteria is Article 97 land, noting the preferred route involves an easement across land transferred to the Park and Recreation Commission, and understands why the parcel is listed. She said she was not aware the alternative route also involves Article 97 land. She asked what Article 97 land is affected by the alternative route?

Joel Segel, 263 Warren Street said some information presented should be broken out differently, noting cemeteries and funeral homes are lumped in with schools and hospitals, therefore not distinguishing between people who have absorbed the radiation. He commented the information also does not distinguish between disruptions/harm that is permanent vs. limited. He said children and people should have priority over trees.

John Bergeron, 121 Grant Street said putting a transmission line under the sidewalk or near his front yard would make him uncomfortable. He commented according the to World Health Organization, they are unable to say whether EMF’s are safe and suggest they are a possible carcinogen. He said he appreciates the snow plow map as it is a piece of information that is 100% independent and existed prior to any discussion. He commented it speaks to how the Town views the use of the routes with regard to pedestrian traffic. He commented on various scoring errors in the study provided by Eversource pointing out sensitive receptors for Pollard Middle School are scored the same as the Town Forest.

Ron Ruth, 248 Warren Street concurred with Mr. Segel and Mr. Bergeron. He said scoring on sensitive receptors relate to the need for the Board of Selectmen to make a decision as to the Town’s preferred route, pointing out the jeopardy Pollard Middle School faces in the project. He noted uncertainty on public health issues will last long after the EFSB makes its decision. He said trouble has found the Town before, but public health concerns can give rise to lots of problems including financial exposure. He asked, “Why put the Pollard Middle School at risk?” Mr. Ruth said Eversource Energy was asked if it would indemnify the Town against the risk of the transmission line being in front Pollard Middle School. He quoted Eversource’s response “Eversource will not identify any municipality or other parties for actions that are taken by said municipalities or parties.” He urged the Board of Selectmen to fight for not having the route include schools.

Norm Katziff, 147 Prince Street asked what is happening to the trees? He commented on the existing right of way of high voltage lines that does not impede sidewalks, asking why it is not being considered as a possible route?

Ms. Cooley said while Eversource could not attend the hearing, the question was answered earlier.

Rick Tacelli, 179 Harris Avenue said he appreciates the statistics vs. judgement, quoting Winston Churchill “I don’t believe in any statistics that I didn’t doctor myself.” He commented he prefers the “red route” while he believes “Eversource wants the argument to take place as either route would be fine with them.” He asked what other routes exist that do not go through or around Needham? He suggested the Board of Selectmen question the judgement of Eversource and their statistics.

Maura Segel, 263 Warren Street concurred with Mr. Tacelli in that Eversource does not care which route Needham chooses. She said she feels Eversource is pitting one resident against another, and is not a fair position. Ms. Segel asked about other possible routes bypassing Needham. She asked if the Town or homeowners would be compensated in any way?

Chris Cox, 62 Kimball Street is part of a group called “Concerned Citizens of Needham” who are active in examining the project. He presented a petition with over 400 signatures to the Board of Selectmen. Mr. Cox said the group came to the opinion that if this must happen in Needham, routes that go by schools or under/near sidewalks where children walk must be removed from consideration.

James Royal, 218 Broad Meadow Road said statistics are only as factual as the data put into them. Mr. Royal challenged several statements made by residents. He said his house is on the “blue route” which has 33 homes that have already had trees cut from their yards on Broad Meadow Road and Grosvenor Road, citing double indemnity. He said 25,000 studies on EMF’s show no conclusive damage, commenting the type of EMF being considered is low density. He read a statement from the World Health Organization, acknowledging he is convinced of the safety. Mr. Royal said the reason the “yellow route” was removed is because Eversource wanted to create duality.

Steve Brunelli, 33 School Street said as an epidemiologist he deals with public health every day. He commented there have not been 25,000 studies done on any topic in public health or medicine. Mr. Brunelli said the WHO classifies EMF’s as a carcinogen, particularly in children (leukemia and cancers of the nervous system). He noted a standard of 95% certainty of the presence of risk must be met. He commented, despite the high bar more than half the studies (approximately 2,000) have found there is a risk with uncertainty. Mr. Brunelli said he is offended by the

handout, as it is not science, but a company setting an agenda of what to talk about. Mr. Brunelli said children must be protected.

Steven Epstein, 117 Richdale Road, Vice Chairman of Needham's Board of Health said there are many studies but no proof of harm by EMF's, however there is a trend in studies that shows an association between EMF's and harm. He referred to a study in 2012 showing close proximity to EMF may be associated with childhood disease. He said there is risk in everything we do, but the question is whether we can mitigate those risks to an acceptable level bearing in mind that reasonable people will disagree on what is acceptable. Dr. Epstein referred to concerns of the Concerned Citizen's of Needham group. He said data from Eversource was checked by the state Department of Public Health's Environmental Division, as well as an independent electrical engineer. He said there is general agreement that the modeling we have is the best we are going to get, noting it is "just modeling." Dr. Epstein said distance matters a lot. He said doing nothing may be the worst option for the Town, as a number of neighbors living along the route will have double the exposure. Dr. Epstein said the data is linear with a lot of uncertainty. He said from a Board of Health perspective, it recognizes there is uncertainty and there might be risk, but there is no proven risk. Dr. Epstein suggested the Town consider its options with the EFSB.

Walter Wolf, 98 Grosvenor Road said there is a clear agenda to make it work for the utility company. He said scoring must not consider cost, but rather permanent vs. temporary issues.

Stephanie Arendell, 41 Kimball Street said if she heard one or two children got sick at Pollard, she would "flip out." She concurred with Mr. Ruth, saying why seek out harm, when harm will come to you. Ms. Arendell said the least exposure is the best option.

Resident, Grant Street referred to town census data from 2010 showing 29,000 residents, 28% under the age of 18. He said of 10,311 households in 2010, 37% had children. The resident said in 2015 population grew about 5%, but the amount of households grew 12%. His point was "families drive Needham." He said the preferred route will pass by two schools.

Jerry Bellomo, 111 Grosvenor Road said his street has drains on both sides of the street. He commented flooding issues have been a problem. He said all of Grosvenor Road has the potential as the easiest way for Eversource to use the sidewalk. Mr. Bellomo said children are more important than the cost, suggesting the lines run along the right-of-way.

Steve Sivigny, 90 Elmwood Road said there are reasons other than cost for not building in the existing right of way. He said that line is very close to many homes, and putting another line in would actually be closer to the houses.

Kevin Tierney, 206 Broad Meadow Road said the existing right of way has been described as “not as disruptive” but he feels it is the opposite and not accurate. He referred to the Epsilon report indicating construction would be done at night, disrupting people in the evening in their own backyard.

Steve Delisi, 54 Elmwood Road commented people who already live along the right of way have already been decimated by Eversource work. He said any more work in that area would be grossly unfair.

Amy Wixon, 92 Grosvenor Road echoed comments by previous speakers. She said while not directly affected by any tree clearing, it did affect the appearance of her home. Ms. Wixon said it is unfair to be affected once again.

Resident who previously spoke suggested the Board of Selectmen should ask about the benefit for Needham. He suggested perhaps there is a benefit for another town.

Amy Gworek, 81 Coolidge Avenue said neither option is acceptable, and the preferred route affects two schools and accessibility to the hospital. She said that fire trucks continually travel on Harris Avenue. She said she would choose the alternative route.

Marty Jacobs, 36 Mayo Avenue sees no justification for the project. He commented that the criteria presented are arbitrary and meaningless. He asked what are the criteria that the EFSB use to make its decision? Attorney Miyares said that two standards must be met: (1) to determine whether the project will provide a reliable energy supply with a minimum impact on the environment at the lowest possible cost and (2) whether the project is necessary, serves the public convenience, and is consistent with public interest. He said the EFSB considers the capital investment plans, the long term economic viability of the facility, overall financial soundness of the applicant, and the plans including the buffer zones or alternatives for the facility being consistent with current health, environmental protection, resources, and development policies. He commented the second criteria are designed to trigger the provision allowing Eversource to exercise eminent domain rights.

Claire Fialkov, 216 Warren Street noted the EFSB has, historically, never rejected the recommendation by Eversource and the towns. She said EFSB is responsible, but it would be a misunderstanding to say that we are not responsible. She said she appreciates the level of responsibility the Board of Selectmen is taking on the matter. Ms. Fialkov commented on a bill in the legislature from State Senator Mike Rush requesting that the siting board not only consider environmental and cost impacts, but also the impact on health. She asked the Selectmen be forward thinking and aggressive. Ms. Fialkov requested and pleaded with the Board of Selectmen to take a position, because by not taking a position, it is taking a position that sabotages what many townspeople want.

Resident who spoke previously asked what benefit is there for Needham?

Attorney Miyares said one possible outcome is for Needham to negotiate with Eversource in support of one route over another, and in exchange Needham will receive some benefit. He said there is nothing intrinsically benefitting the Town, saying actual benefit will only be if a settlement agreement is entered into with Eversource. He commented if Eversource can demonstrate that public interest will be served by the installation, they are given eminent domain power to take property or easements needed, including from the Town. He commented a finding from the EFSB is required.

David Minard, 260 Warren Street asked Attorney Miyares if he is aware of a specific or general figure on return on investment for this type of capital project?

Attorney Miyares said he is not aware, but it is a highly regulated utility and the rates charged are the result of proceedings before the Department of Public Utilities. Mr. Minard then clarified the addition of a multi million dollar capital improvement project would allow Eversource to go to the DPU requesting a rate increase. Ms. Cooley said it is fair to say everyone will pay for the cost of these projects.

Jeanne McKnight asked again whether the alternative route also affects Article 97 land and if so, where? Attorney Miyares said the company says the routes involve Article 97. Ms. Cooley clarified on the current route given, the company states both routes go through Article 97 land. She acknowledged a definitive answer will be sought.

Jerry Bellomo, 111 Grosvenor Road asked if the Board of Selectmen have considered public safety for each route?

Ron Ruth, 248 Warren Street elaborated and gave descriptions of intersections, saying he has asked Eversource of its ability in dealing with emergency vehicles. He told the Board of Selectmen Eversource said it will maintain emergency access at all times.

8:44 p.m. Ms. Cooley closed the public hearing and thanked everyone for their participation.

She noted the Town received a call from St. Sebastian's expressing their concern for the project running in front of St. Sebastian's.

She asked the Board for comments.

Mr. Borrelli thanked residents for attending tonight. He said there is a lot about EMF's that is not known. However, he said what is known is the deeper lines are in the ground, the EMF's will be lower. He said distance matters. Mr. Matthews said the preferred route will affect more people, and it is troublesome that sidewalks are now considered. Mr. Borrelli said the primary route is a non-starter, and perhaps there is a different way to approach the project.

Mr. Matthews spoke about the process and the kind of decision the Board of Selectmen must make. He agreed it is an emotional matter for many people, but that everyone told the truth as they understand it. He directed residents wanting more information to check on the Town's website. Mr. Matthews narrowed the possible outcomes, saying in all likelihood the 3rd option will be an option that does not require Eversource to obtain an easement from the Town to cross park land. He said at the core, this proceeding is decided between the EFSB and Eversource, noting the Town is a stakeholder. He said the Town can argue for "no build" or something else, but his understanding is that those choices are not productive because Eversource has told the Town the ISO has told Eversource to make system-wide redundancy improvements. He said once at that point, arguments may then be made. He spoke about energy necessary for the region of more than 3,000,000 people, many of whom will feel the same way as the residents of Needham. He said the question really is whether or not to weigh in on option 1 or option 2, or pursue another option. Mr. Matthews said the Board's weighing in may be a factor in deciding the case, and must seriously be considered. He said he appreciates all the testimony, noting many decisions will be made should the project run through Needham. He closed saying he hopes the Board can make a decision that will help the Town.

Mr. Handel added the Board of Selectmen is very conscious of how the public feels about the project. He said the Board of Selectmen, along with State Representative Denise Garlick and Town Counsel, will use as much leverage as possible in a process in which Needham is not the major player making the decision.

Ms. Cooley said the process is long and the Town is trying to secure the best route possible. She said the Board continues to read the research.

8:58 p.m. Motion: Mr. Bulian moved that the meeting be adjourned. Mr. Borrelli seconded the motion. Unanimous: 5-0.

Resources include and are available at: www.needhamma.gov