COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD

Petition of NSTAR Electric Company d/b/a Eversource Energy Pursuant to G.L. c. 40A, § 3 for Zoning Exemptions from the Operation of the Zoning Bylaw of the Town of Dartmouth, Massachusetts	)	EFSB 25-06

FINAL DECISION

On the Decision:

Shannon Dennehy
Nathaniel Strosberg

Connor C. Tarr
Presiding Officer
November 18, 2026

APPEARANCES:

Catherine J. Keuthen, Esq.
Cheryl A. Blaine, Esq.
Keegan Werlin LLP
One Cranberry Hill, Suite 304
Lexington, MA 02421

FOR: NSTAR Electric Company
d/b/a Eversource Energy
Petitioner

TABLE OF CONTENTS

ABBREVIATIONS ..... **Error! Bookmark not defined.**
SUMMARY vii
I. Introduction 1
A. Description of the Proposed Project 1
B. Procedural History 3
II. Request for Zoning Exemptions Pursuant to G.L. c. 40A, § 3 5
A. Standard of Review 5
B. Public Service Corporation 6
1. Standard of Review 6
2. Analysis and Findings 7
C. Public Convenience and Welfare 7
1. Standard of Review 7
2. Need for Project or Public Benefit of Use 8
3. Alternatives Explored 13
4. General Description of Project Construction 15
5. Impacts of the Proposed Use 17
6. Conclusion on Public Convenience and Welfare 32
D. Zoning Exemptions Required 33
1. Standard of Review 33
2. Zoning Exemption Requests 34
3. Consultation with Municipal Officials and Community Outreach 39
5. Analysis and Findings 41
E. Conclusion on Request for Zoning Exemptions 42
III. Section 61 Findings and Environmental Justice Policy 43
A. Section 61 Findings 43
B. Environmental Justice Policy 43
IV. Decision 45

Abbreviations

2024 Climate Act	An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers, St. 2024, c. 239
ACEC	Area of Critical Environmental Concern
Beverly-Salem	New England Power Company d/b/a National Grid, EFSB 19-04/D.P.U. 19-77/19-78 (2021)
BMP	best management practices
BVW	bordering vegetated wetlands
CIP	Capital Investment Project
Company	NSTAR Electric Company d/b/a Eversource Energy ("Eversource")
Cranberry Point	Cranberry Point Energy Storage, LLC, D.P.U. 22-59 (2023)
Cross Road Substation	Eversource's Cross Road Substation #651, located at 245 Cross Road in Dartmouth
Crystal Spring	NSTAR Electric d/b/a Eversource Energy, EFSB 25-03/D.P.U. 24-93/24-94 (2026)
Dartmouth	Town of Dartmouth
Dartmouth-Westport	NSTAR Electric Company d/b/a Eversource Energy, D.P.U. 22-52/D.P.U. 22 53/D.P.U. 22-54/D.P.U. 22-55 (2024)
dBA	A-weighted decibels
Department	Massachusetts Department of Public Utilities
DER	distributed energy resources
DG	distributed generation
DG Interconnection Tariff	Eversource's Standards for Interconnection of Distributed Generation, M.D.P.U. No. 55A
DSPG	Eversource's Distribution System Planning Guide
D-W CIP	Dartmouth-Westport Capital Investment Project
EEA	Massachusetts Executive Office of Energy and Environmental Affairs
EJ	environmental justice
EPS	electric power system
ERP	emergency response plan
Eversource	NSTAR Electric Company d/b/a Eversource Energy ("Company")

Fisher Road Substation	Eversource's Substation #657, 630 Fisher Road in Dartmouth, MA
G.L. c.	Massachusetts General Laws chapter
Group Study	Dartmouth-Westport Group Study
HMLP	Hingham Municipal Lighting Plant and NSTAR Electric Company d/b/a Eversource Energy, EFSB 24-01/D.P.U. 24-135 (2026)
Hz	hertz
ICNIRP	International Commission on Non-Ionizing Radiation Protection
ISO-NE	Independent System Operator of New England
K Street Substation	NSTAR Electric Company d/b/a Eversource Energy, D.P.U. 17-147 (2019)
kV	kilovolt
Martorano	Martorano v. Department of Public Utilities, 401 Mass. 257 (1987)
MassDEP	Massachusetts Department of Environmental Protection
Medway Grid	Medway Grid, LLC, D.P.U. 22-18/22-19 (2023)
MEPA	Massachusetts Environmental Policy Act
MF	magnetic field
MHC	Massachusetts Historical Commission
Mid-Cape Reliability Project	NSTAR Electric Company d/b/a Eversource Energy, EFSB 19-06/D.P.U. 19-142/19-143 (2022)
MVA	megavolt-amperes
MW	megawatts
NERC	North American Electric Reliability Corporation
Notice	Notice of Adjudication and Public Comment Hearing
NPCC	Northeast Power Coordinating Council
NY Central Railroad	New York Central Railroad v. Department of Public Utilities, 347 Mass. 586 (1964)
NWAs	non-wires alternatives
Park City Wind	Park City Wind, LLC, EFSB 20-01/D.P.U. 20-56/20-57 (2023)
Petition	Eversource zoning petition pursuant to G.L. c. 40A, § 3
Project	expansion of Eversource's Fisher Road Substation #657 located at 630 Fisher Road in Dartmouth to accommodate new and upgraded equipment

Project Site	Eversource's Fisher Road Substation #657 located at 630 Fisher Road in Dartmouth
Provisional Program	Provisional System Planning Program, D.P.U. 20-75-B (2021)
Petition	Petition of NSTAR Electric Company d/b/a Eversource Energy, EFSB 25-02 (2026)
Roadmap Act	An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy, St. 2021, c. 8
Save the Bay	Save the Bay v. Department of Public Utilities, 366 Mass. 667 (1975)
Siting Board	Massachusetts Energy Facilities Siting Board
Southcoast Wind	Southcoast Wind Energy LLC, EFSB 22-04/D.P.U. 22-67/22-68 (2024)
Sudbury-Hudson	NSTAR Electric Company d/b/a Eversource Energy, EFSB 17-02/D.P.U. 17-82/17-83 (2019)
SYS-PLAN 010	Eversource's Bulk Distribution Substation Assessment Procedure
Town of Truro	Town of Truro v. Department of Public Utilities, 365 Mass. 407 (1974)
Trimount ESS	Trimount ESS LLC, EFSB 25-05/D.P.U. 24-152 (2026)
TSDAG	Eversource's Transmission System Design and Analysis Guideline
USEPA	U.S. Environmental Protection Agency
Vineyard Wind	Vineyard Wind, LLC, D.P.U. 21-08 (2021)
Zoning By-Law	Zoning By-Law of the Town of Dartmouth

SUMMARY OF DECISION

NSTAR Electric Company d/b/a Eversource Energy ("Eversource" or the "Company") proposes to expand its Fisher Road Substation #657 located at 630 Fisher Road in Dartmouth, Massachusetts, and, pursuant to G.L. c. 40A, § 3, has requested that the Energy Facilities Siting Board ("Siting Board") grant individual and comprehensive zoning exemptions from the Town of Dartmouth's Zoning Bylaw. To accommodate this proposed expansion, the Company proposes to expand the existing substation yard to 0.95 acres and install approximately 800 feet of additional fencing (the "Project"). The Project includes new and upgraded substation equipment to ensure a reliable supply of electricity to customers, facilitate the interconnection of proposed and future distributed energy resources ("DER"), and accommodate future load growth in the Dartmouth area due to electrification for heating and transportation. The Department of Public Utilities approved a cost recovery mechanism for the distribution-related portion of the Project in docket D.P.U. 22-53 (2024), pursuant to Eversource's Dartmouth-Westport Capital Investment Project, designed to enable DER interconnections.

The Siting Board reviewed the Company's petition to determine whether: (1) the Company qualifies as a public service corporation; (2) its proposed use of the land or structure is reasonably necessary for public convenience or welfare; and (3) an exemption from local zoning laws is required. The Decision finds that the Project as proposed is necessary, would provide public benefits, and that the Company has adequately considered alternative sites. The Decision finds that the existing electric power system in the Dartmouth-Westport service area does not comply with established reliability planning criteria and would worsen with additional DER interconnections, absent upgraded transmission and distribution system capability. The Decision finds that the identified upgrades would adequately accommodate both DER and future load growth from electrification and other sources in the Dartmouth-Westport region. The Decision finds that impacts of the Project would be avoided, minimized, or mitigated based upon measures proposed by the Company and conditions imposed by the Siting Board. Therefore, the Company has met the applicable standard of public convenience or welfare.

Based on the record, the Decision finds that several provisions of the existing Zoning By-Law in the Town of Dartmouth would prevent construction of the Project and require exemption. Given the public benefits associated with the Project, and the four-year window granted by the Department for construction of the Project, the Decision finds that a comprehensive zoning exemption is necessary to avoid substantial public harm. The Decision imposes several conditions to help ensure environmental benefits and minimize environmental impacts of the Project.

Pursuant to G.L. c. 40A, § 3, the Massachusetts Energy Facilities Siting Board ("Siting Board") hereby approves, subject to the conditions set forth below, the petition of NSTAR Electric Company d/b/a Eversource Energy seeking individual and comprehensive exemptions from the operation of the Town of Dartmouth Zoning By-Law.

I. INTRODUCTION

A. Description of the Proposed Project

On March 12, 2025, NSTAR Electric Company d/b/a Eversource Energy ("Eversource" or the "Company") filed a zoning exemption petition pursuant to G.L. c. 40A § 3 ("Petition") with the Energy Facilities Siting Board ("Siting Board") (Exh. EV-1, at 1). The Petition requests individual and comprehensive zoning exemptions from the operation of the Town of Dartmouth ("Dartmouth") Zoning By-Law (the "Zoning By-Law") for the Company's proposal to expand its Fisher Road Substation #657 located at 630 Fisher Road in Dartmouth ("Fisher Road Substation" or "Substation") to accommodate new and upgraded equipment (collectively, the "Project") (Exh. EV-1, at 1; Company Brief at 4). The Company stated that the Project is needed to ensure a reliable supply of electricity to its customers, facilitate the interconnection of proposed and future distributed energy resources ("DER")[1], and accommodate future load growth in the Dartmouth area due to electrification (Exh. EV-1, at 16).

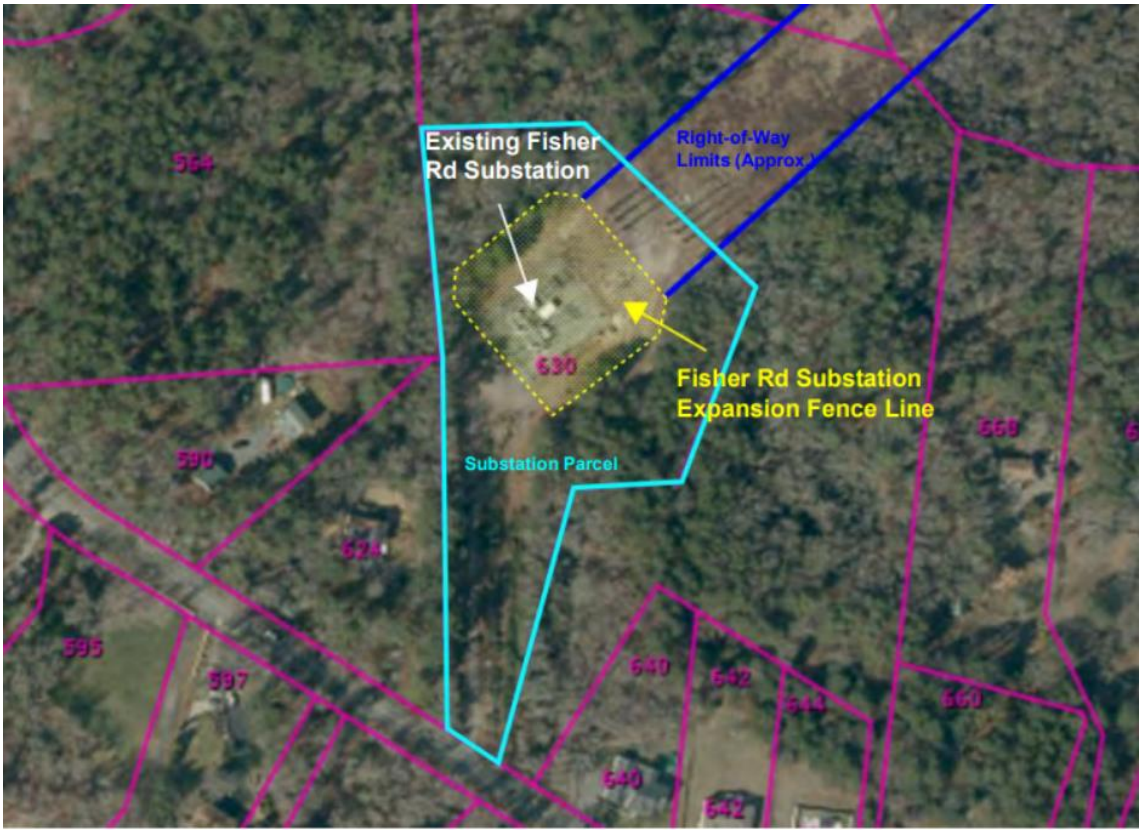
The Substation site is 4.52-acres, and the existing fenced yard is 0.31-acres ("Project Site") (Exh. EV-1, at 5). The fenced yard would be expanded to 0.95 acres, which would require installation of approximately 800 feet of additional fencing, to accommodate new and upgraded equipment (Exh. EV-1, at 5). The Company stated that approximately 0.92 of trees would be removed as part of site preparations and grading work (Exh. EV-1, at 5; Company Brief at 5). Most of the Project would be to the north of the existing Substation yard (Exh. EV-1, at 5). The

[1] The Company uses the terms distributed generation ("DG") and distributed energy resources ("DER") interchangeably (Exh. EV-1, at 1, n.3).

Project would be constructed in phases so that the Substation would not be taken out of service during construction (Exh. EV-1, at 5).[2]

The Company proposes to: (1) replace two existing 20 megavolt-amperes ("MVA") transformers with two 62.5 MVA transformers, each with secondary containment; (2) install two 15 kilovolt ("kV") air cooled series reactors; (3) construct new foundations and trenching and install new conduits; (4) install a new 15 kV switchgear enclosure; (5) install new drainage structures; and (6) install galvanized chain link mesh fence of similar height to existing fence around the expanded portions of the Substation (Exh. EV-1, at 5-6).

Figure 1: Proposed Substation Expansion, Parcel Boundary, and Surrounding Parcels.



Source: Exh. EV-3; Public Comment Hearing Notice.

---

[2] The Company has no foreseeable plans to decommission the Fisher Road Substation. The final disposition of foundations, buildings, and any environmental remedial activity is highly dependent upon the future use of the property at the time of decommissioning (Exh. EFSB-G-6).

The Project originated during a series of Department of Public Utilities ("Department") proceedings intended to further the Commonwealth's decarbonization objectives by ensuring funding for upgrades to the electric power system for the development and interconnection of DERs (Exh. EV-1, at 2-4). The Company conducted the Dartmouth-Westport Group Study to assess the impacts of interconnecting proposed DER facilities on the region's electric system reliability and performance (Exh. EV-1, at 2-3). This led to the Company's submission to the Department of the Dartmouth-Westport Capital Investment Project ("D-W CIP"), which was approved by the Department in Dartmouth Westport CIP, D.P.U. 22-53 (2024) ("Dartmouth-Westport" or "D-W CIP") (Exh. EV-1, at 2-3).

The Project is estimated to cost $64.3 million,[3] based on a planning grade estimate (Exhs. EV-1, at 6; EFSB-C-1(S1)). The estimated cost for the Project includes the costs for engineering, project management, siting, permitting, materials, construction, and testing; 41 percent of the distribution-related costs would be borne by interconnecting DER customers and 59 percent would be borne by Eversource's Massachusetts ratepayers (Exhs. EV-1, at 6; EFSB-C-1; EFSB-C-2). The Company added that costs for interconnection facilities built to connect the individual DER customers will be borne directly by those DER customers (Exh. EFSB-C-2, at 1). Given that the Substation's transmission components are connected to non-pool transmission facilities, the Project's transmission-related costs would be recovered via Local Network Service rates from the Company's Massachusetts distribution and wholesale electric customers, rather than from customers across New England (Exh. EFSB-C-2, at 1-2).

B. Procedural History

On March 12, 2025, the Company filed the Petition for the Project. On October 24, 2025, the Siting Board issued a Notice of Adjudication and Public Comment Hearing ("Notice") and a Letter of Publication. As directed by the Siting Board, the Company published the Notice: (1) in

[3] The Company stated that the cost estimate provides an accuracy level of –25%/+25% (Exh. EFSB-C-1(S1). The distribution work required to connect the Dartmouth-Westport Group DER would cost approximately $ 17.3 million but is not included as part of the Project (Exh. EFSB-C-1(S1)).

the Standard Times (New Bedford area); and (2) in the Dartmouth Week (Exh. EV-15). The Petition was docketed as EFSB 25-06.

As directed in the Letter of Publication, the Company served a copy of the Notice 14 days prior to the public comment hearing on the following: (1) the Town of Dartmouth Select Board, town administrator, Planning Board, Zoning Board of Appeals, Conservation Commission, and Department of Public Works; (2) the Planning Boards of Fall River, Freetown, Westport and New Bedford, which all abut Dartmouth; and (3) all property owners and all U.S. Mail addresses for all properties, including residential condominium units, that: lie within one quarter mile of the property lines of the Fisher Road Substation (Exh. EV-15). The Letter of Publication also required the Company to provide the Notice to all municipal office buildings, public libraries, senior centers, and places of worship within one mile of the Project Site; however, the Company identified no such places (Exh. EV-15).

The Siting Board conducted a hybrid public comment hearing for the Project in Dartmouth on November 19, 2025, with in-person and remote participation via Zoom. At the hearing, the Siting Board received comments from two abutters that addressed impacts related to noise and construction (Tr. PCH at 16-27). The Notice set the deadline for filing petitions to intervene and to participate as a limited participant on December 8, 2025. The Siting Board did not receive written comments, petitions to intervene, or requests to participate as a limited participant.

On January 20, 2026, the Siting Board issued its first round of information requests ("IRs") to the Company. On February 23, 2026, the Siting Board issued its second round of IRs to the Company. On April 6, the Company provided pre-filed testimony. On April 7, 2026, the Siting Board conducted an evidentiary hearing with the Company. The Company presented a total of eight witnesses for cross examination, with Eversource witnesses: (1) Christopher Lombardi, project director; (2) Keth Jones, principal engineer, System Planning; (3) John Zicko, director, Substation and Transmission Line Engineering Group; (4) James Clancy, senior environmental specialist; (5) Nicholas Forzono, lead engineer, Transmission Line Engineering; (6) Moesha Outar, project engagement specialist; and witnesses for its consultants: (7) Christopher Badjek, director of noise and vibration, VHB; and (8) Giuliana Marchetti, project manager, Burns & McDonnell. On April 21, 2026, the Company responded to each of the record requests generated during the

evidentiary hearing. After the close of hearings, the Presiding Officer admitted all exhibits into the evidentiary record comprising approximately 100 exhibits. On May 5, 2026, the Company filed its brief ("Company Brief").

Siting Board staff prepared a Tentative Decision and distributed it to the Siting Board members and the Company for review and comment on November 5, 2026. The Company was given until November 13, 2026, to file written comments. The Siting Board received timely written comments from the Company.

The Siting Board conducted a hybrid Siting Board meeting (both in-person and Zoom) on November 17, 2026, to receive comments, deliberate, and vote on the Tentative Decision. The Company provided oral comment at the Siting Board meeting. After receiving presentations on the Tentative Decision, and hearing public comments, the Board deliberated and voted to approve the Petition, subject to conditions. The Siting Board directed staff to prepare a Final Decision, as set forth below.

II. REQUEST FOR ZONING EXEMPTIONS PURSUANT TO G.L. C. 40A, § 3

A. Standard of Review

On November 20, 2024, Governor Maura Healey signed legislation to accelerate progress towards the state's goals of net zero greenhouse gas emissions by 2050. "An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers," St. 2024, c. 239 ("2024 Climate Act"). The 2024 Climate Act became effective February 18, 2025, and changes local zoning exemption authority in two respects: (1) it codifies the definition of "public service corporation," St. 2024, c. 239, § 36; and (2) moves the authority to grant zoning exemptions to the Siting Board. St. 2024, c. 239, § 37, 91.

The legislative provisions pertaining to the Siting Board's zoning exemption authority are found in G.L. c. 40A, § 3, which states in relevant part:

> Land or structures used, or to be used by a public service corporation may be exempted in particular respects from the operation of a zoning ordinance or bylaw if, upon petition of the corporation, the [Siting Board] shall, after notice given pursuant to section eleven and public hearing in the town or city, determine the exemptions required and find that the present or proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public …

G.L. c. 40A, § 3. See also St. 1956, c. 665, § 6 (City of Boston); Trimount ESS LLC, EFSB 25-05/D.P.U. 24-152, at 11 (2026) ("Trimount ESS").

Thus, a petitioner seeking exemption from a local zoning ordinance or by-law under G.L c. 40A, § 3 must meet three criteria. First, the petitioner must qualify as a public service corporation. See Trimount ESS, at 11; Park City Wind, LLC, EFSB 20-01/D.P.U. 20-56/20-57, at 169 (2023) ("Park City Wind"); Vineyard Wind, LLC, D.P.U. 21-08, at 5 (2021) ("Vineyard Wind"); Save the Bay, Inc. v. Department of Public Utilities, 366 Mass. 667 (1975) ("Save the Bay"); see also Hingham Municipal Light Plant, EFSB 24-01/D.P.U. 24-135, at 81 (2026) ("HMLP"); NSTAR Electric d/b/a Eversource Energy, EFSB 25-03/D.P.U. 24-93/24-94, at 12 (2026) ("Crystal Spring"). Second, the petitioner must demonstrate that its present or proposed use of the land or structure is reasonably necessary for the public convenience or welfare. HMLP at 81; Crystal Spring at 12; Trimount ESS at 11-12. Finally, the petitioner must establish that it requires exemption from the zoning ordinance or bylaw. HMLP at 81; Crystal Spring at 12; NSTAR Electric Company d/b/a Eversource Energy, D.P.U. 17-147, at 8-9 (2019) ("K Street Substation").

The Siting Board favors the resolution of local issues on a local level whenever possible to reduce concern regarding any intrusion on home rule. The Siting Board has determined that the most effective approach is for a petitioner to consult with local officials regarding its project before seeking zoning exemptions pursuant to G.L. c. 40A, § 3. Trimount ESS at 12; HMLP at 81; Medway Grid, LLC, D.P.U. 22-18/22-19, at 18 (2023) ("Medway Grid"). Thus, the Siting Board encourages petitioners to consult with local officials and, in some circumstances, to apply for local zoning permits, before seeking zoning exemptions from the Siting Board under G.L. c. 40A, § 3. HMLP at 81; Medway Grid at 18; Park City Wind at 170.

B. Public Service Corporation

1. Standard of Review

The 2024 Climate Act codified the definition of "public service corporation" to include:

> a corporation or other entity duly qualified to conduct business in the commonwealth that owns or operates or proposes to own or operate assets or facilities to provide electricity, gas, telecommunications, cable, water or other

> similar services of public need or convenience to the public directly or indirectly, including, but not limited to, an entity that owns or operates or proposes to own or operate electricity generation, storage, transmission or distribution facilities, or natural gas facilities including pipelines, and manufacturing and storage facilities…

St. 2024, c. 239, § 36.

2. Analysis and Findings

An entity requesting a zoning exemption must establish that it is a public service corporation. The term "public service corporation" is defined by statute under the 2024 Climate Act. St. 2024, c. 239, § 36. The record indicates that Eversource is an electric company as defined in G.L. c. 164, § 1 and a public service corporation authorized by the Commonwealth to transmit and distribute electricity (Exh. EV-1, at 10). Therefore, the Siting Board finds that Eversource qualifies as a public service corporation for purposes of G.L. c. 40A, § 3.

C. Public Convenience and Welfare

1. Standard of Review

In determining whether the present or proposed use is reasonably necessary for the public convenience or welfare, the Siting Board must balance the interests of the general public against the local interest. Save the Bay, 366 Mass. at 680; Town of Truro v. Department of Public Utilities, 365 Mass. 407, 409 (1974) ("Town of Truro"); Trimount ESS at 13-14. Specifically, the Siting Board is empowered and required to undertake "a broad and balanced consideration of all aspects of the general public interest and welfare and not merely [make an] examination of the local and individual interests which might be affected." Trimount ESS at 14; K Street Substation at 7; New York Central Railroad v. Department of Public Utilities, 347 Mass. 586, 592 (1964) ("NY Central Railroad"). When reviewing a petition for a zoning exemption under G.L. c. 40A, § 3, the Siting Board is empowered and required to consider the public effects of the requested exemption in Massachusetts as a whole and upon the territory served by the applicant. Save the Bay, 366 Mass at 685; NY Central Railroad, 347 Mass at 592.

With respect to the site chosen by a petitioner, G.L. c. 40A, § 3 does not require the petitioner to demonstrate that its preferred site is the best possible alternative, nor does the statute require the Siting Board to consider and reject every possible alternative site presented. Rather,

the availability of alternative sites, the efforts necessary to secure them, and the relative advantages and disadvantages of those sites are matters of fact bearing solely upon the main issue of whether the preferred site is reasonably necessary for the convenience or welfare of the public. Martorano v. Department of Public Utilities, 401 Mass. 257, 265 (1987) ("Martorano"); NY Central Railroad, 347 Mass. at 591; K Street Substation at 7.

When making a determination as to whether a petitioner's present or proposed use is reasonably necessary for the public convenience or welfare, the Siting Board examines (1) the need for, or public benefits of, the present or proposed use; (2) the present or proposed use and any alternatives or alternative sites identified; and (3) the environmental impacts or any other impacts of the present or proposed use. Trimount ESS at 14; Park City Wind at 175; NSTAR Electric Company d/b/a Eversource Energy, EFSB 19-06/D.P.U. 19-142/19-143, at 101 (2022) ("Mid-Cape Reliability Project"). The Siting Board then balances the interests of the general public against the local interest and determines whether the present or proposed use of the land or structures is reasonably necessary for the convenience or welfare of the public. Trimount ESS at 14; Park City Wind at 175; Mid-Cape Reliability Project at 101.

2. Need for Project or Public Benefit of Use

a. Existing System and Load Forecast

The Fisher Road Substation and Cross Road Substation #651, located at 245 Cross Road in Dartmouth ("Cross Road Substation"), supply approximately 16,800 customers in Dartmouth, Westport, and New Bedford (Exh. EV-1, at 13). These substations and the interconnecting distribution/feeder line systems rely on each other for daily operations and during emergencies; in addition to Cross Road Substation, the Pine Street Substation in New Bedford also acts as a backup substation to the Fisher Road Substation for certain contingencies (Exh. EV-1, at 14; 22-23). The Fisher Road Substation has two 115/13.2-kV transformers, each fed by a separate 115-kV overhead transmission line, and five 13.2 kV distribution feeders serving Dartmouth and a portion of Westport (Exh. EV-1, at 13-14).

Currently, the Fisher Road Substation and Cross Road Substation collectively serve approximately 64 megawatts ("MW") of native customer peak load and 72 MW of DER

(Exh. EV-1, at 14). The Fisher Road Substation has a total capacity of 44.8 MVA, firm capacity of 22 MVA, and load carrying capacity of 28 MVA (Exh. EV-1, at 15).[4] Located in an area already highly saturated with DER, Eversource stated that the Fisher Road Substation lacks available hosting capacity[5] to serve additional DER customers (Exhs. EV-1, at 29; EFSB-N-2). The Company stated that under current conditions, DER already connected to the electric power system ("EPS") in the Project area would be lost under certain N-1[6] contingencies (Exhs. EV-1, at 21-22; EFSB-N-2).

The Company's ten-year load peak load forecasts for Fisher Road and Cross Road Substations (using summer 90/10 extreme weather conditions) both showing increasing loads. Fisher Road Substation increases from 23.7 MW (or MVA[7]) in 2024 to 25.5 MW in 2033, and for Cross Road Substation, the forecasted peak loads increase from 32.1 MW in 2024 to 43.9 MW in 2033 (Exh. EV-1, at 15). The Company noted that the actual peak load at Fisher Road Substation in 2024 was 23.7 MVA (or MW), which already exceeded the station's total firm capacity of 22 MVA (Exh. EV-1, at 15).

b. Standards Applicable to the Company

The Company stated that the Project is needed to comply with reliability standards and criteria developed by the North American Electric Reliability Corporation ("NERC"), the Northeast Power Coordinating Council ("NPCC"), and ISO New England Inc. ("ISO-NE"), in

---

4 Fisher Road Substation's firm capacity of 22 MVA reflects a contingency involving a loss of one transformer; the 28 MVA load carrying capacity includes an additional 6 MVA of transfer capability (Exh. EV-1, at 15).

5 Hosting capacity is the amount of distributed generation a substation can accommodate, assuming one of the transformers at the substation is off-line (either for service or repair). Location hosting capacity is the amount of distributed energy a circuit can accommodate, which cannot exceed the substation hosting capacity (Exh. EV-1, at 21 n.11).

6 "N-1" refers to loss of a single transmission element, such as a transformer (Exh. EV-1, at 15 n.10).

7 In its forecast, the Company indicated that the MW and MVA values were approximately equivalent and therefore it used them interchangeably (Exh. EV-1, at 15).

addition to the Company's own standards and criteria outlined in its Transmission System Design and Analysis Guideline ("TSDAG") (Exh. EV-1, at 17). Under these standards, if the transmission system has insufficient capability to serve forecasted load under representative contingencies, then the provider must plan and implement system modifications (Exh. EV-1, at 16-17).

As a distribution provider, the Company likewise maintains and operates its bulk distribution substations and distribution systems to comply with the performance and reliability criteria in its Bulk Distribution Substation Assessment Procedure ("SYS-PLAN 010") (Exhs. EV-1, at 17; EV-7). In addition, the Company uses its Distribution System Planning Guide ("DSPG"), which contains the planning criteria, design and analysis methods, and engineering rationale for expanding the distribution system to meet demand (Exh. EV-1, at 17). The Company must also comply with its tariff "Standards for Interconnection of Distributed Generation" M.D.P.U. No. 55A, ("DG Interconnection Tariff")[8] and its own DER Planning Guide, which the Company developed to explain the planning criteria and analyses undertaken to understand the impacts of DER looking to interconnect (Exh. EV-1, at 18-19).

c. Provisional System Planning Program: Group Study and CIP Assessment

Eversource proposed the Project pursuant to the Provisional Program, a framework established by the Department in 2021 for planning and funding upgrades to the electric power system ("EPS") and supporting timely and cost-effective development and interconnection of DER, particularly in light of the high cost of interconnection (Exh. EV-1, at 2). Order on Provisional System Planning Program, D.P.U. 20-75-B (2021) ("Provisional Program"). According to the Company, the Provisional Program allows electric distribution companies to file certain EPS infrastructure upgrade proposals with the Department that limit the costs charged to interconnect DER facilities by splitting such costs between the DER facilities and ratepayers of the electric distribution company (Exh. EV-1, at 2). The Department directed the electric distribution

[8] Each electric distribution company has a DG Interconnection Tariff approved by the Department. The DG Interconnection Tariff describes the process and requirements for an interconnecting customer to connect a power-generating facility to the electric power system. Eversource's current effective DG Interconnection Tariff is M.D.P.U. No. 55A.

companies ("EDCs") to submit CIP proposals that can be completed within a maximum of four years from the conclusion of the Department's adjudicatory process (Exh. EV-1, at 2-3). Provisional Program at 39.

Pursuant to the Provisional Program, the Company evaluated the scope and cost of modifying the electric system in different geographical areas to accommodate projected load and the interconnection of proposed DER facilities (Exh. EV-1, at 2).[9] One such study addressed the Dartmouth-Westport area, where the Fisher Road and Cross Road Substations were part of a DER group study called the Dartmouth-Westport Group Study ("Group Study") (Exh. EV-1, at 19-20). The main focus of the Group Study was to analyze the impacts of proposed DER facilities on the area's steady state voltage, voltage flicker, fault current contribution, interaction with voltage control equipment, and the risk of inadvertent disconnection of DERs known as "islanding"[10] (Exh. EV-1, at 20).

The Group Study, conducted in 2022, concluded that the Company could not connect the pending DER queue because of insufficient transformer capacity, excessive fault current, and thermal overloads on distribution feeders (Exh. EV-1, at 22). The Company determined that with the additional DER, the Fisher Road Substation transformers would be thermally overloaded under N-0 and N-1 contingencies (Exh. EV-1, at 22). The Company stated that even though some DER applicants have withdrawn from the queue, and only 8 MW remain at this time, the firm capacity of the Fisher Road Substation is currently insufficient to serve existing DER customers and, therefore, cannot accommodate additional DER facilities (Exhs. EFSB-PA-1(1), at 55; EFSB-N-2, at 2).

Following completion of the Group Study, the Company filed the D-W CIP with the Department, which the Department approved in Dartmouth-Westport (Exh. EV-1, at 2-3). The

---

9 Pursuant to the Company's DG Interconnection Tariff § 3.4.1, the Company may form a group study any time it receives more than one interconnection application through the expedited or standard process for proposed facilities in a common study area.

10 Islanding refers to a situation where a distribution system outage disconnects DER from the bulk power system, but the DER may continue to serve a portion of the distribution system. Islanding can cause safety and reliability issues, such as transient over voltage that damages customer appliances and equipment (Exh. EV-1, at 24 n.12).

D-W CIP included the following elements for the Fisher Road Substation: (1) upgrade the two existing substation transformers, switchgear, duct bank, and getaway cables; (2) install two three-phase series reactors; and (3) upgrade distribution lines (overhead and underground conductors) (Exh. EV-1, at 25). Dartmouth-Westport at 18. These upgrades would enable the interconnection of the Group Study DER queue projects and resolve the violations of the Company's SYS PLAN 010, DER Planning Guide, and Transmission System Design and Analysis Guideline, and they would enable the interconnection of additional DER in the future (RR-EFSB-1). In approving the D-W CIP, the Department found it would help spur DER projects by the establishment of a predictable CIP interconnection fee and known construction timelines. Dartmouth-Westport at 13, 89, 92. The Department also noted "[t]he proposed upgrades would result in fewer customers experiencing an outage by: (1) providing excess or headroom capacity, which allows for the operational flexibility to shift or transfer load during planned or unplanned maintenance work or outages on the system; and (2) adding more distribution feeders, which allows the Company to sectionalize customers onto different circuits" (Exh. EV-1, at 4, citing Dartmouth-Westport at 121-122).

d. Additional System Needs

The Company stated that the Project is also needed to comply with the reliability standards and criteria developed by NERC, NPCC, and ISO-NE, in addition to the Company's own standards and criteria outlined in SYS PLAN 010 (Exhs. EV-1, at 16-18, 23-24; EV-8). Under present conditions, the Company asserts that DER, already connected to the Company's EPS, would be lost under certain contingencies (Exh. EV-1, at 22). According to the Company, the interconnection of Group Study DER project would cause planning standard violations under certain N-0 conditions and N-1 contingencies and result in service quality degradation, including thermal overloads, voltage flicker and transient overvoltage, and loss of load and loss of DER for prolonged periods until the primary transmission system is restored (Exhs. EV-1, at 22-25; EFSB-N-2). The Company contends that these outcomes would be in violation of the applicable planning standards and could cause damage to utility and customer equipment and degrade or disrupt service to existing customers (Exh. EV-1, at 25; Company Brief at 20-21).

e. Analysis and Findings

To meet the State's climate goals and adhere to the Massachusetts 2050 Decarbonization Roadmap, the Department established the Provisional Program to require electric distribution companies, such as Eversource, to study system upgrades to accommodate additional proposed loads and DER interconnections. In the Group Study, the Company identified several EPS upgrades, which included upgrades at the Fisher Road Substation. The Fisher Road and Cross Road Substations serve 16,800 customers in Dartmouth, Westport, and New Bedford, amounting to approximately 64 MW of native customer peak load and 72 MW of DER. The Fisher Road Substation has no available bulk substation hosting capacity for additional DER and also lacks adequate capacity to serve existing DER under N-1 contingencies, which could result in their disconnection or islanding and related safety and customer equipment damages due to overvoltage conditions on portions of the Dartmouth-Westport system. The Company has also demonstrated several other transmission and distribution system deficiencies under both existing conditions and with expected DER interconnections and customer load additions.

The record demonstrates that the existing electric power system in the Dartmouth-Westport service area does not comply with established reliability planning criteria and would worsen with additional DER interconnections, absent upgraded transmission and distribution system capability. DG that is currently interconnected in the Dartmouth-Westport area would trip offline and remain offline under certain N-1 contingencies. As the Department previously found, the identified upgrades would adequately accommodate both DER and future load growth from electrification and other sources in the Dartmouth-Westport region. In view of the above, the Siting Board finds that the Project is needed and that the construction and operation of the Project would result in public benefits.

3. Alternatives Explored

a. Company Description

The Company stated that the no-build alternative would have no direct environmental or cost impacts but would not increase the hosting capacity of the Fisher Road and Cross Road Substations (Company Brief at 25-26; Exh. EV-1, at 28). Eversource stated that non-wire

alternatives ("NWAs") would also not increase the hosting capacity, as they are typically used to reduce electricity demand and to delay or avoid the need for new utility infrastructure (Company Brief at 26-27; Exh. EV-1, at 28-29). Neither alternative, therefore, would resolve the capacity constraints or reliability issues resulting from the saturation of DERs in the Dartmouth-Westport area (Company Brief at 26-27; Exh. EV-1, at 28-29). Accordingly, the Company rejected both alternatives (Company Brief at 26-27; Exh. EV-1, at 28-29).

The Company determined that construction of a new 115/13.2 kV bulk distribution substation at a different location is not a viable alternative because most of the Dartmouth-Westport DER projects are located in an area south of, and primarily served by the Fisher Road Substation (Company Brief at 27; Exh. EV-1, at 29). The Company noted that a substation at an alternative location would require land and transmission easement acquisition, an extension of the 115 kV transmission system, and potentially additional permitting that could extend beyond the four-year timeframe established in the Provisional Program (Company Brief at 27-28; Exh. EV-1, at 29-30). In addition, the Company stated that an alternative-site substation would be more costly than the proposed Project, would result in greater environmental impacts, and may require substantial development within and proximate to existing environmental justice ("EJ") communities (Company Brief at 28; Exh. EV-1, at 30).[11] Accordingly, the Company rejected the no-build, non-wire, and alternative-site options (Company Brief at 26-28; Exh. EV-1, at 28-30).

b. Analysis and Findings

The record shows that to interconnect the Dartmouth-Westport Group Study DER projects, the existing transmission and distribution facilities are inadequate and do not have sufficient system hosting capacity. The Company's project alternatives evaluation established that neither the no-build option nor NWAs would be able to address the identified hosting capacity constraints. The Company also assessed that a new substation at an alternative location would very likely result in greater costs, environmental impacts, and potential permitting challenges, schedule

[11] The Company noted that the Fisher Road Substation is located in Block Group 1, Census Tract 9855 – a minority-based EJ Population (Exh. EV-1, at 8).

difficulties, among other issues. Accordingly, the Siting Board finds that the Project is superior to the alternatives evaluated.

4. General Description of Project Construction

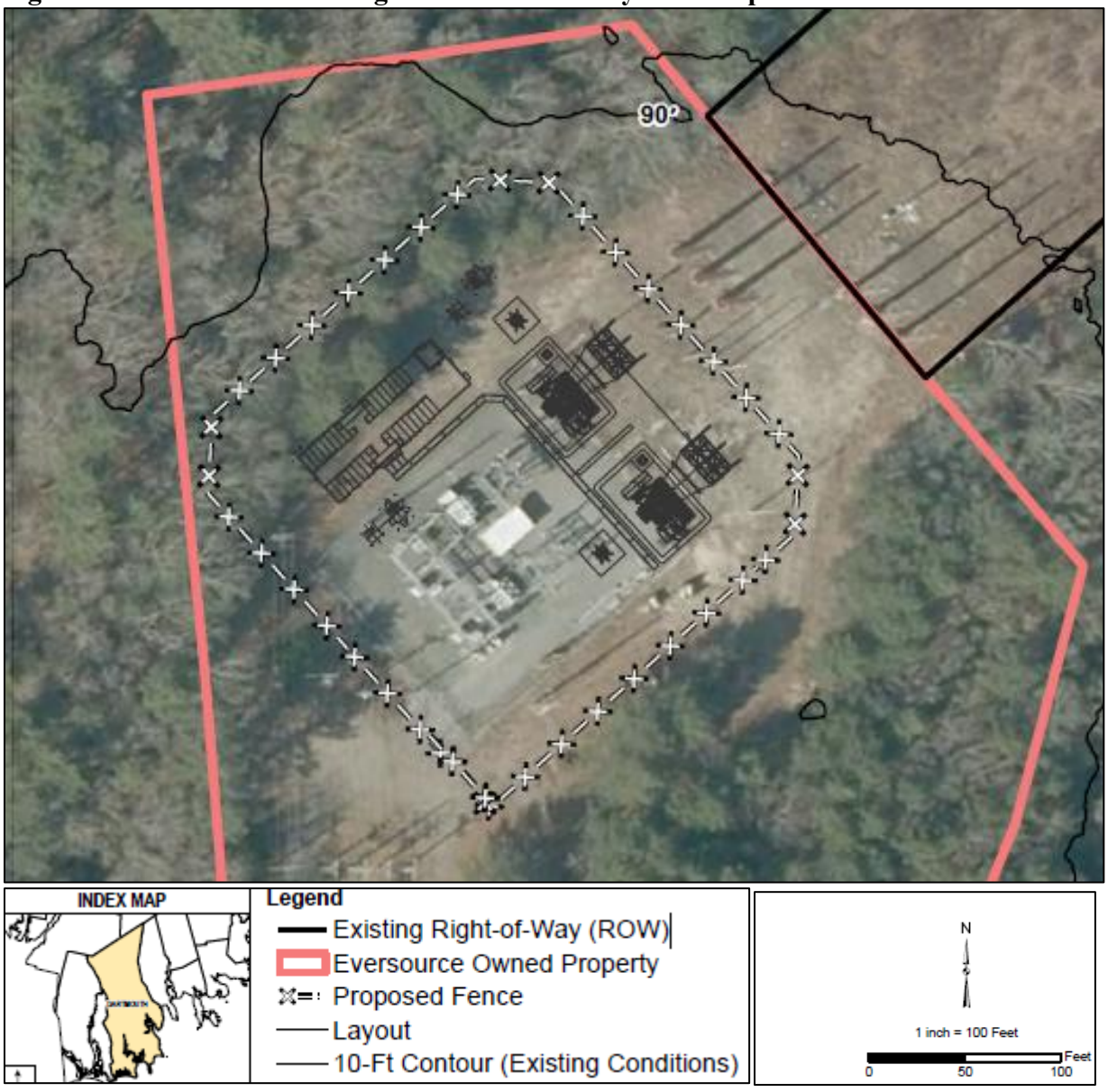
Before construction starts, Eversource would use biodegradable wattle type erosion and sediment controls in accordance with the Company's Best Management Practices ("BMP") manual (Exhs. EV-1, at 32; EFSB-CM-1). During construction, the Company would adhere to the following sequence: (1) clearing and preparing the site; (2) expanding the fence; (3) installing the new transformers, circuit switchers, series reactors, and switchgear; (4) cutover of existing distribution circuits to new switchgear; (5) demolishing the existing substation equipment; and (6) stabilizing and restoring the site (Exh. EV-1, at 32). Throughout the construction process and after completion, the Company would provide monitoring in accordance with the requirements of regulatory approvals, including from the U.S. Environmental Protection Agency ("USEPA") Stormwater Construction General Permit (Exh. EV-1, at 33). After the new equipment is installed, the Company would remove all existing foundations, equipment, and enclosures for the replaced equipment (Exh. EV-1, at 5).

The Company estimated that it would take approximately 18 months to complete construction of the Project once started (Exh. EV-1, at 6). The Company's objective is to complete the Project no later than June of 2028 to meet the four-year construction window established by the Department in Dartmouth-Westport (Exh. EV-1, at 6).

The Company prepared a detailed outreach plan specific to the Fisher Road Substation Expansion designed to engage the community, foster public participation, and solicit feedback from stakeholders (Exh. EV-1, at 6-7). The Company would inform abutters, municipal officials, community organizations about anticipated Project plans and solicit feedback and input as the Project is further developed (Exh. EV-1, at 7-8). The Company would continue its outreach during the permitting and siting process and maintain a focused communication program throughout construction, including outreach to municipal officials and abutters regarding construction staging and laydown and traffic management plans, as such details become available (Exh. EV-1, at 8). The Company would perform EJ informed outreach, provide translated Project information upon

request, and host pop up events in the community to promote project awareness and answer questions from the community (Exh. EV-1, at 8).

Figure 2: Detail of Existing Substation and Layout of Expansion.



Source: Exh. EV-3; modified by Staff for legibility.

5. Impacts of the Proposed Use

a. Land Use

i. Company Description

Land uses within and adjacent to the Project Site include industrial, grassland, scrub/shrub and forested wetland, and deciduous and evergreen forest (Exh. EV-1, at 33). To the north and east, the Project Site is bordered by approximately eight acres of undeveloped, densely wooded land, with a 150-foot-wide transmission corridor to the northeast (Exh. EV-1, at 33). To the southwest, approximately 140 feet of vegetation lies between the Project Site and the backyards of two residential properties, and to the east, approximately 350 feet of vegetation separates the Project Site from the backyards of three residential properties (Exh. EV-1, at 33).

The Project would disturb approximately two and a half acres of land, including 0.92 acres of tree removal (Exhs. EV-1, at 34; EFSB-G-5(S1)). The Company would remove 0.38 acres from the site's west side and approximately 0.55 acres from the site's east side to accommodate the stormwater management system (Exh. EFSB-G-5(S1)). Approximately 0.3 acres of the Project Site constitute previously developed land occupied by the existing substation (Exh. EV-1, at 34). The Company stated that it does not anticipate any permanent change to abutting land uses and that the Project would be consistent with the existing land use of the site as a substation (Exhs. EV-1, at 34; EFSB-L-2).

The Company's cultural resource consultant, Chronicle Heritage, investigated the Project area in December 2024 and determined that because of previous development and disturbance, the Project Site has low archaeological sensitivity; Chronicle Heritage also submitted a copy of its findings to the Massachusetts Historical Commission ("MHC") (Exh. EV-1, at 40-41). The Company explained that it would continue to consult with the MHC and other stakeholders to identify potential cultural resources and would avoid, minimize, and mitigate Project impacts, and would also file a Project Notification Form (Exh. EV-1, at 41). The area surrounding the Fisher Road Substation would be graded to support the expansion, and approximately 0.92 of trees would be removed as part of the Project Site preparation and grading work (Exh. EV-1, at 5). The Company maintained that the tree removal would not appreciably decrease the tree buffer of the Fisher Road Substation (Exh. EV-1, at 5).

The Company explained that no aspect of the Project is within or near Areas of Critical Environmental Concern ("ACEC") (Exh. EV-1, at 41). Moreover, according to Eversource, the Project also does not fall within Protected Open Space, areas of protected habitat, or on Article 97 Lands (Exh. EV-1, at 41).

ii. Analysis and Findings

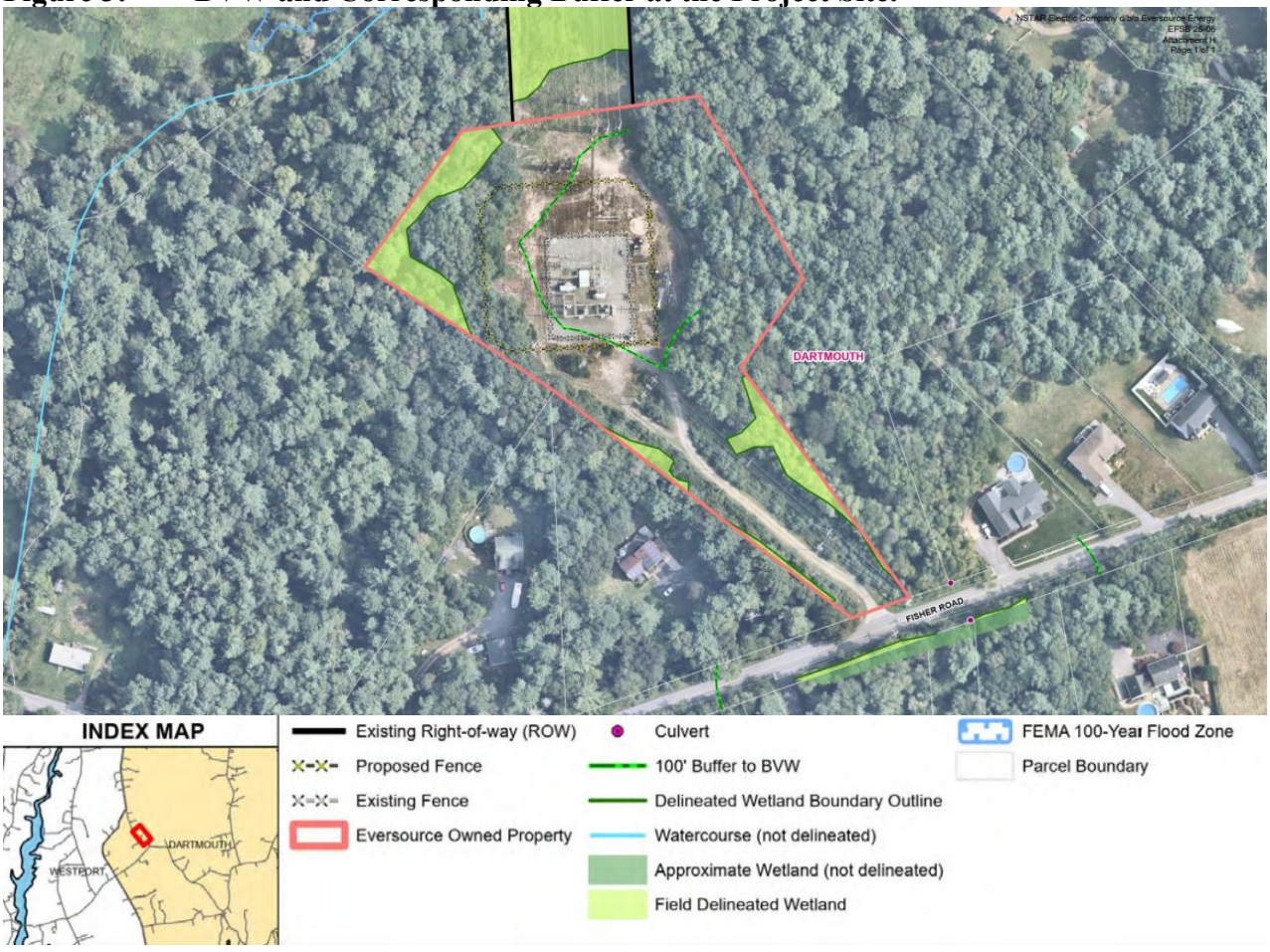
The record shows that the Project construction would occur entirely within the existing parcel on which the existing Substation is located and land use would remain consistent with its current land use as a substation. As shown in Figure 2 above, most of the Project construction would occur northeast and northwest of existing Substation, primarily adjoining the existing transmission line corridor, which connects the Substation to the electric power system. The Project construction locations are no closer to the nearest residential abutters than the existing Substation equipment. The nearest residential property lines would remain buffered from the Project by approximately the same distances at present: 140 feet of vegetated buffer to the southwest (affecting two residential properties) and by 350 feet of vegetated buffer to the east (affecting three residential properties). Although 0.92 acres of tree removal would be necessary for the Project Site, the record shows it would not appreciably decrease the existing tree buffer between the Substation site and the nearest abutting properties. The Siting Board directs the Company to limit tree removal on its Fisher Road parcel to approximately 0.92 acres and to retain the existing vegetated buffers on that parcel between the Project and the residential abutters to the southwest and east, except for hazard trees or removal required for safety or by the Dartmouth Conservation Commission. The Project is not located within Areas of Critical Environmental Concern, Protected Open Spaces, Protected Habitat, or in Article 97 Lands. Moreover, the record demonstrates that the Project is not expected to encounter archaeological or cultural resources. If such resources are discovered, however, the record also shows that the Company commits to working with the appropriate agencies. In view of the above, the Siting Board finds that the Project impacts to land use are appropriately minimized and mitigated.

b. Wetlands and Water Resources

i. Company Description

The Project would not be situated within a mapped flood zone but would be located in Zone 3 of the Town of Dartmouth's Aquifer Protection Overlay District (Exh. EV-1, at 36, 43). The Project Site contains, and is adjacent to, bordering vegetated wetlands ("BVW"), consisting primarily of scrub-shrub and forested wetlands (Exh. EV-1, at 34). Although the Project would not involve work within the BVW, it would permanently impact 1.2 acres of the BVW buffer zone through burial of overhead distribution lines within the existing access driveway and expansion of facilities and fencing to the north (Exhs. EV-1, at 34; EV-1, Att. D at 6; EFSB-W-2). Figure 3, below, depicts the BVW and corresponding buffer at the Project Site.

Figure 3: BVW and Corresponding Buffer at the Project Site.



Source: Exh. EV-9.

During construction, the Company would protect wetlands through erosion and sediment controls and by servicing and refueling equipment at least 100 feet from wetlands and waterbodies (Exh. EFSB-W-2). The Company would also file a Notice of Intent with the Dartmouth Conservation Commission for work within Wetlands Protection Act jurisdictional areas and comply with any associated conditions (Exhs. EV-1, at 34; EFSB-S-4). To mitigate potential impacts to the Dartmouth aquifer, the Company would install concrete containment beneath each transformer capable of holding 110 percent of the transformer's oil capacity (Tr. 1, at 114). The Company also stated that it would make any necessary engineering changes to ensure compliance with stormwater and wetlands standards as grading plans are further developed (Tr. 1, at 115-116). The Company added that the Project would cause only a negligible increase in impervious surface, as the fenced yard and new access road[12] would be left pervious (Exh. EFSB-G-5(1) at 6; RR-EFSB-5, at 3).

ii. Analysis and Findings

The Project would not be located within a flood zone or involve direct work within BVW; however, the Project would impact portions of the BVW buffer zone. The record demonstrates that the Company would minimize impacts to wetland resource areas through construction-based measures, compliance with Dartmouth Conservation Commission requirements, and ensuring its grading plan meets applicable standards. The Company would also mitigate impact risk to the aquifer through 110 percent containment of transformer oil. The Siting Board finds that the Project impacts to wetlands and water resources are appropriately minimized and mitigated.

[12] As part of the Project, the Company would construct a perimeter access road interior to the fence that will allow emergency vehicles to traverse the Substation once the Project is completed (Exh. EFSB S-5).

c. Visual

i. Company Description

The Company stated that Fisher Road provides the primary view of the Project (Exh. EV-1, at 36). From this vantage point, the existing viewshed includes overhead distribution lines along the existing access driveway and about fifteen support structures, each about 45 feet in height (Exh. EV-1, at 36). As part of the Project, the Company would bury these overhead lines in a duct bank within the access driveway (Exh. EV-1, at 36).[13] The Project would also add four lightning masts, each approximately 65 feet tall, within the expanded substation yard (Exh. EV-1, at 45).

Five residential parcels are located near the access driveway (two approximately 140 feet to the west and three approximately 400 feet to the east) with a vegetative buffer separates them from the Project Site (Exhs. EV-1, at 36; EV-9). According to the Company, the Project would require only limited vegetation removal, which would not significantly alter the buffer (Exh. EV-1, at 36). The Company would clear trees primarily northwest of the existing substation (PCH Tr. at 11) and that burying the access road transmission lines would not require tree removal (Tr. 1, at 29). The Company would work with homeowners to address visual impact concerns and implement reasonable mitigation, as necessary (Exh. EV-1, at 37).

ii. Analysis and Findings

The Company would reduce the visibility of current facilities by burying the existing overhead distribution lines along the access driveway. The Project would require only limited vegetation removal that would not significantly alter the existing vegetative buffer between the Project Site and nearby residences, or visibility of the Substation from those locations. The Company also has committed to working with homeowners to address any visual impact concerns.

Consistent with previous Siting Board decisions, the Siting Board directs the Company to implement new Dark Skies compliant lighting for the entirety of the expanded Substation, except for secondary, upward-facing lights that could be activated on a limited, as-needed basis during

---

13 The Company would retain two distribution structures and one overhead distribution line east of the access driveway to avoid wetland impacts (PCH Tr. at 11, 20; Tr. 1, at 28; Company Brief at 34 n.17).

after-dark switching and emergency repair work, and to submit a report to the Siting Board describing the final lighting design prior to installation of outdoor lighting. See HMLP at 59; Petition of NSTAR Electric Company d/b/a Eversource Energy, EFSB 25-02, at 39 (2026); Hillman Energy Center, LLC, EFSB 25-08, at 98-99 (2026) ("Hillman ESS"). In view of the above, the Siting Board finds that the Project's visual impacts are appropriately minimized and mitigated.

d. Noise

i. Company Description

Temporary noise impacts for the Project would be associated with construction, associated with the use of equipment like jack hammers/rock drills, concrete mixers, chainsaws, woodchippers, etc. (Exhs. EV-1, at 37-38; EFSB-NO-13). The Company would, whenever feasible, work within approved hours in compliance with the By-Laws of the Town of Dartmouth, from 7:00 a.m. to 8:00 p.m. Monday through Friday and from 9:00 a.m. to 5:00 p.m. on Saturdays, with prior approval from the Town of Dartmouth; for certain operations that require work outside of specified working hours, the Company would coordinate with stakeholders to mitigate noise impacts (Exhs. EV-1, at 37; EFSB-NO-14).

Permanent noise impacts would be associated with the operation of the Project, which would replace both existing 20 MVA transformers with two 62.5 MVA transformers (Exh. EV-1, at 37). The new transformers would have a maximum design output of 62 A-weighted decibels ("dBA"), with the core, windings, and fans contributing to the sound produced, and noise would increase as load increases (Exhs. EV-1, at 37; EFSB-NO-4; RR-EFSB-2). The Company indicated that the sound produced by the transformers would be predominantly low frequency (60-120 hertz) and there are limited options available for noise mitigation (Exh. EFSB-NO-11; RR-EFSB-2).

The Company conducted a sound study under normal and potential operating conditions after finalizing its transformer selection, using Cadna-A sound prediction software and the International Sound Organization ISO 9613 (2024) "Outdoor Sound Propagation" standard. (Exhs. EV-1, at 37-38; EV-11; EFSB-NO-2; EFSB-NO-3(S); EFSB-NO-3(S)(1)). The model included three operating scenarios: (1) Transformer T1 at 75 MVA and Transformer T2 at 0 MVA; (2) Transformer T1 at 0 MVA and Transformer T2 at 75 MVA; and (3) Transformer T1

at 37.5 MVA and Transformer T2 at 37.5 MVA (Exh. EFSB-NO-3(S)(1) at 1). The locations of the receptors are depicted in Figure 4 and the modeled sound levels for sensitive receptors are shown in Table 1 and reflect the highest sound level increases of the three modeled scenarios, one transformer operating at maximum load level.

The closest residential building is approximately 390 feet to the southwest of Transformer T1 (Exh. EV-11, at 9). The model predicted pure tone conditions at ten receptor locations (Exhs. EFSB- NO-3(S); EFSB-NO-3(S)(1)). To address the potential of pure tones, the Company explained that it would be installing vibration isolators between the transformer base and the foundations, which it has used at other sites for mitigation (Exh. EFSB-NO-3(S)). The Company contends that the modeled sound levels comply with Massachusetts Department of Environmental Protection ("MassDEP") Noise Policy, which limits sources to a sound level increase of no more than 10 dBA over ambient (Exhs. EV-11, at 7; EFSB-NO-3(S); EFSB-NO-3(S)(1); Company Brief at 37).

Figure 4: Sound Level Contours for Project at 75 MVA Operation.



Source: Exh. EFSB NO-3(S)(1), at 3.

Table 1: Predicted Sound Levels When Operating Transformer T1 at 75 MVA and Transformer T2 at 0 MVA

Receptor ID	Existing Sound Level (dBA)	Total Modeled Project Sound Level (dBA)	Change in Sound Level (dBA)	Pure Tone Condition
R01	31	38	6.9	Yes
R02	31	36	4.6	Yes
R03	31	34	3.0	No
R04	31	34	2.8	No
R05	31	35	3.7	Yes
R06	31	36	5.0	Yes
R07	31	37	5.7	Yes
R08	31	33	2.1	No
R09	31	34	2.5	No
R10	31	34	2.9	No
R11	31	34	3.1	No
R12	31	34	3.3	Yes
R13	31	34	3.3	Yes
R14	31	34	2.7	No
R15	46	48	2.0	Yes
R16	46	48	1.9	Yes
R17	31	34	3.0	No
R18	31	34	2.6	No
R19	31	33	2.2	No
R20	46	48	1.8	Yes

Source: Exh. EFSB-NO-3(S)(1), at 2.

The Company would evaluate the cause of the noise and determine which measures, such as adjusting the transformer taps or placing sound barriers like sound walls, would be necessary should the installed condition differ from the updated modeled condition, and the Company receives complaints (RR-EFSB-2).

ii. Analysis and Findings

The record demonstrates that temporary noise impacts for the Project would occur during construction with permanent impacts during Project operation. The Company intends to mitigate Project construction noise impacts primarily by limiting work hours to timeframes allowed by the Town of Dartmouth By-Law. The Siting Board directs the Company to limit construction to the

hours of 7:00 a.m. to 8:00 p.m. Monday through Friday and from 8:00 a.m. to 5:00 p.m. on Saturdays. To further mitigate noise, the Siting Board directs the Company to ensure there is no construction on Sundays or legal state or federal holidays, unless operationally necessary for continuous operations or an emergency. Work requiring longer continuous duration than normal construction hours allow, shall, with 48 hours advance notice to the Town of Dartmouth be exempted from this requirement. Should the Company need to extend construction work beyond those hours and days, with the exception of emergency circumstances on a given day that necessitate extended hours, the Siting Board directs the Company to seek prior written permission from town officials before commencing work and to provide the Siting Board with a copy of such permission. If the Company and municipal officials are not able to agree on whether such extended construction hours or days should occur, the Company may request prior authorization from the Siting Board and shall provide the Town of Dartmouth with a copy of any such request and authorization.

During construction, the Siting Board directs the Company to use the quietest generators and portable heating ventilation and air conditioning units reasonably available to the Company. In addition, to reduce noise impacts at residences, when operating noisy equipment, such as whole tree chippers or compressors, the Siting Board directs the Company to locate such equipment as far away as possible from nearby residences, where the flexibility exists to do so.

Regarding permanent noise impacts associated with operation of the proposed Project, the record shows the Project, as modeled, would comply with the sound level provision of MassDEP's Noise Policy; however, pure tone conditions were modeled at several locations. The Company plans to mitigate this impact by installing vibration isolators and is committed to demonstrating compliance with the required standard in operating the Project.

The Siting Board directs the Company to install adequate noise mitigation measures such as sound walls, if the Project causes pure tones, or if operating conditions otherwise exceed MassDEP Noise Policy standards. The Siting Board further directs the Company to investigate noise complaints and install mitigation measures as needed. The Siting Board directs the Company, within 180 days of commercial operation, to perform a noise assessment of the substation with the operating transformers to confirm that operating conditions meet the limits in

MassDEP's Noise Policy, and file those results with the Siting Board. The Company's submission to the Siting Board shall include any additional mitigation measures necessary to achieve such compliance. With the mitigation and conditions imposed above, the Siting Board finds that the Project's noise impacts are appropriately minimized and mitigated.

e. Air Quality

i. Company Description

The Project would create temporary air quality impacts during construction from fugitive dust and equipment and vehicle emissions but would not produce operational emissions (Exhs. EV-1, at 38; EFSB-A-1). The Project's new circuit switchers would contain 40 pounds of SF_6, the same amount as the existing circuit switchers, and have a maximum SF_6 leakage rate of 0.1 percent per year, consistent with applicable MassDEP regulations (Exhs. EFSB-A-3; EFSB-G-7, at 2; Tr. 1, at 61).

During construction, the Company would control dust by spraying water, employing anti-tracking pads, and regularly sweeping pavement of adjacent roadway surfaces (Exh. EV-1, at 38). To mitigate emissions, the Company would retrofit certain diesel-powered construction equipment with USEPA-verified (or equivalent) emission control devices and would use ultra-low sulfur diesel fuel (Exh. EV-1, at 38). Further, per state regulations, the Company would limit vehicle idling to a maximum of five minutes (Exh. EV-1, at 39).

ii. Analysis and Findings

The record shows that normal Project operations would not generate emissions and the Company has committed to implementing an appropriate array of measures to mitigate construction-based air quality impacts. Therefore, the Siting Board finds that air quality impacts are appropriately minimized and mitigated.

f. Traffic

i. Company Description

The Company noted that construction vehicles would be working within the Project Site, with limited entry and exit onto Fisher Road (Exh. EV-1, at 39). During construction, the

Company would require local road access, and at times, temporarily block Fisher Road to accept supplies, move large equipment, or install the underground distribution lines (Exh. EV-1, at 39). While the Company stated it does not intend to develop a traffic management plan, it would coordinate with Dartmouth officials as needed to minimize traffic impacts, such as when a police detail would be required (Exhs. EV-1, at 39; EFSB-T-1).

ii. Analysis and Findings

The record shows that construction traffic impacts would be infrequent and limited in duration. The record also demonstrates the Company's commitment to mitigate traffic disruption, including by coordinating with local officials. The Siting Board directs the Company to fulfill its commitment to work with Dartmouth to mitigate the traffic impacts and to explore further mitigation of this work through any subsequent permitting processes with permitting agencies.

The Siting Board directs the Company, in consultation with the Town of Dartmouth, to develop a comprehensive public outreach plan for Town residents and businesses. The outreach plan should describe the procedures the Company will use to notify the public about: (1) the scheduled start, duration, and hours of construction in particular areas; (2) the methods of construction that will be used in particular areas (including any use of nighttime construction); and (3) anticipated street closures and detours. The outreach plan should also include information on complaint and response procedures; Project contact information; the availability of web-based Project information; and protocols for notifying schools and local and regional public transit operators of upcoming construction. The comprehensive public outreach plan shall also include general public education on the use, construction, operation, and maintenance of electric substations. In view of the above, the Siting Board finds that the Project's traffic impacts are appropriately minimized and mitigated.

g. Hazardous Materials and Safety

i. Company Description

The Project Site does not contain any mapped MassDEP Tier Classified 21E sites or properties with activity and use limitations (Exhs. EV-1, at 39; EFSB-S-1). If the Company encounters contaminated soil, contaminated groundwater, or other regulated materials during

construction, it would manage them in accordance with the Utility Related Abatement Measure provisions of 310 CMR 40.00 and would retain a licensed site professional as conditions require (Exh. EV-1, at 39-40). The Company would not dispose of MassDEP waste ban materials in landfills and would recycle materials to the extent practicable (Exh. EV-1, at 40).

The Company stated that its contractors would adhere to BMPs for storage and handling of oils and potentially hazardous materials (Exh. EV-1, at 34-35). To minimize spill risk, the Company would inspect construction vehicles and equipment daily (Exh. EV-1, at 35). The Company would detect transformer oil leaks through liquid-level alarms that transmit alerts to a continuously staffed operations center (Exh. EFSB-S-3). The Company would respond to inadvertent oil or chemical releases per its 24/7 spill response program, industry best practices, and state and federal regulations (Exhs. EFSB-S-4, at 1; EV-1, at 35). The Company noted that the Project's secondary oil containment system would hold 110 percent of all oil contained in Project equipment and would be capable of accommodating a 24-hour, 25-year storm event (Exhs. EV-1, at 35; EFSB-W-4, at 2). The Company would address Project emergencies through its standard Emergency Response Plan ("ERP"), which applies to all Company substations (Exh. EFSB-S-4, at 2).

During construction, the Company stated that it would use temporary fencing to secure work areas beyond the existing perimeter fence (Exh. EFSB-S-2). The existing fence would secure work areas containing in-service equipment (Exh. EFSB-S-2). Following construction, a new perimeter fence would secure the Project, as well as security cameras, cybersecurity measures, outdoor lighting, and safety signage (Exhs. EV-1, at 46-47; EV-3; EFSB-S-2).

ii. Analysis and Findings

The record shows that the Company would manage regulated materials in accordance with applicable requirements and implement appropriate recycling and disposal practices. The Company would minimize risk and potential effects of hazardous material releases through spill prevention, containment, monitoring, and emergency response measures. The Project would also include an array of site security measures.

The Siting Board directs the Company to submit to the Siting Board an ERP at least 30 days prior to the start of the operation of the Project and indicate any provisions of the plan that are still in development with appropriate public safety and emergency management officials. The Company shall describe in its ERP, at a minimum, specific steps to be taken in response to emergency situations including, but not limited to, flooding and fires. The plan shall also describe the structure of communication and authority that would be followed in the event of an emergency at the Fisher Road Substation, specifically identifying the public safety and emergency management officials with whom the Company would coordinate. In developing the ERP, the Company shall consult appropriate municipal and/or state public safety and emergency management officials. Given the above mitigation and conditions, the Siting Board finds that the Project's hazardous materials and safety impacts are appropriately minimized and mitigated.

h. Magnetic Fields

i. Company Description

The Company stated that it does not anticipate any appreciable increase in magnetic field ("MF") levels at the fenceline of the Project (Exh. EV-1, at 40; Company Brief at 42). The Company identified the dominant sources of MF around substations as the transmission lines (Exh. EV-1, at 40). The Company measured the MF at 27 locations approximately one meter above grade, and within three feet of the fence; measurements are listed in Table 2 (Exhs. EFSB-EMF-1; EFSB-EMF-1(1)). The Company noted that magnetic fields undergo significant attenuation at the distance of the equipment to the fence line (which ranged from 25 and 40 feet) and, consequently, the MF levels are negligible at the fenceline of the existing substation, with no expected increase resulting from the Project (Exhs. EV-1, at 40; EFSB-EMF-1; EFSB-EMF-1(1)). The Company explained that the highest MF readings are associated with the overhead distribution lines (Exhs. EFSB-EMF-1; EFSB-EMF-1(1)).

Table 2: Measured Magnetic Fields at the Existing Fence Line of Fisher Road Substation

Measurement	Magnetic Field (mG)
1	8.8
2	10.4
3	11.5
4	4.5
5	3.9
6	3.9
7	4.3
8	4.2
9	6.5
10	6.2
11	5.2
12	5.2
13	6.2
14	5.0
15	4.7
16	5.0
17	7.4
18	11.8
19	12.8
20	6.2
21	4.2
22	9.1
23	17.2
24	19.0
25	11.2
26	12.4
27	10.0

Source: Exh. EFSB-EMF-1, at 2.

The Company provided reference levels for whole body exposure by the general public to 60-hertz fields, as recommended by the International Commission on Non-Ionizing Radiation Protection ("ICNIRP") and the International Committee on Electromagnetic Safety (Exh. EFSB-EMF-1). The Company maintains that the measured MF levels at the existing Fisher

Road Substation are significantly lower than the acceptable limits described therein (Exh. EFSB-EMF-1; Company Brief at 43-44). In view of the above, the Siting Board finds that the Project's magnetic field impacts are appropriately minimized and mitigated.

ii. Analysis and Findings

The record shows magnetic fields at the Project fenceline are not expected to change appreciably from those at present, which are already quite low. Because the nearest residences to the Project Site fenceline are approximately 390 feet away, the Project would not alter MF levels which would continue to be consistent with background levels of MF. The magnetic field levels measured at the Project fenceline are approximately 100 times lower than health-based standards established by ICNIRP and ICES. These levels of magnetic fields impact are also low in comparison with other Siting Board reviews and minimize magnetic field impacts for the Project. See NSTAR Electric Company d/b/a Eversource Energy, EFSB 14-2/D.P.U. 14-73/14-74, at 77 (2017); NSTAR Electric Company d/b/a Eversource Energy, D.P.U. 20-67, at 50 (2022); NSTAR Electric Company d/b/a Eversource Energy, EFSB-25-03/D.P.U. 24-93/24-94, at 50 (2026).

i. Conclusion on Impacts of Proposed Use

The Siting Board finds that the impacts of the Project related to land use, wetlands and water resources, visual, noise, air quality, traffic, hazardous materials and safety, and magnetic fields have been avoided, minimized, or mitigated based upon measures taken by the Company and conditions imposed by the Siting Board.

6. Conclusion on Public Convenience and Welfare

The Siting Board found in Section II.C.2 that increased capacity is required to meet the area's interconnection of additional DER previously approved by the Department. In Section II.C.3, the Siting Board found that the Project is superior to other approaches in meeting the identified need. In Section II.C.5 the Siting Board found that with the measures that the Company has adopted and conditions imposed by the Siting Board, the impacts of the Project are limited and have been minimized.

Based on the Company's proposed Project design, mitigation measures, and Board-imposed conditions, the Siting Board finds that the impacts to the environment have been minimized and are consistent with the public convenience and welfare. Additionally, based on the (1) need for or public benefit of the use; (2) alternatives explored; and (3) impacts of the proposed use, the Siting Board finds the Project is necessary for the purpose alleged; the benefits of the Project to the general public exceed the local impacts; and the Project is reasonably necessary for the convenience or welfare of the public and consistent with the public interest.

D. Zoning Exemptions Required

1. Standard of Review

The Company requests individual exemptions and a comprehensive exemption from the Dartmouth Zoning By-Law (Exh. EV-1, at 1). In determining whether exemption from a particular provision of a zoning ordinance or by-law is "required" for purposes of G.L. c. 40A, § 3, the Siting Board determines whether the exemption is necessary to allow construction or operation of the petitioner's project. Trimount ESS at 80; New England Power Company d/b/a National Grid, EFSB 19-04/D.P.U. 19-77/19-78, at 120-121 (2021) ("Beverly-Salem"); NSTAR Electric Company d/b/a Eversource Energy, EFSB 17-02/D.P.U. 17-82/17-83, at 196 (2019) ("Sudbury-Hudson"). It is a petitioner's burden to identify the zoning provisions applicable to the project and then to establish on the record that exemption from those provisions is required:

> The Company is both in a better position to identify its needs, and has the responsibility to fully plead its own case . . . The [Siting Board] fully expects that, henceforth, all public service corporations seeking exemptions under [G.L.] c. 40A, § 3 will identify fully and in a timely manner all exemptions that are necessary for the corporation to proceed with its proposed activities, so that the [Siting Board] is provided ample opportunity to investigate the need for the required exemptions.

Trimount ESS at 80; Park City Wind at 177-178; Mid-Cape Reliability Project at 102-103.

Regarding comprehensive zoning exemptions, the Siting Board grants such requests "on a case-by-case basis where the applicant demonstrates that issuance of a comprehensive exemption could avoid substantial public harm by serving to prevent a delay in the construction and operation of the proposed use." Trimount ESS at 80; Park City Wind at 208; Beverly-Salem at 126-127. In order to make a determination regarding substantial public harm, the Siting Board has articulated

relevant factors, including, but not limited to, whether: (1) the proposed project contributes to a reliable energy supply for the Commonwealth; (2) the project is time-sensitive; (3) the project involves multiple municipalities that could have conflicting zoning provisions that might hinder the uniform development of a large project spanning these communities; (4) the proponent of the project has actively engaged the communities and responsible officials to discuss the applicability of local zoning provisions to the project and any local concerns; and (5) the affected communities do not oppose the issuance of the comprehensive exemption. Trimount ESS at 81; Park City Wind at 208; Mid-Cape Reliability Project at 109-110; New England Power Company d/b/a National Grid, EFSB 12-1/D.P.U. 12-46/12-47, at 88 (2014) ("IRP"). The Siting Board considers time sensitivity for projects to determine whether the granting of a comprehensive zoning exemption would avoid substantial public harm. See Southcoast Wind at 246; Park City Wind at 210; IRP at 88.

2. Zoning Exemption Requests

The Project would be located in a Single Residence B zoning district and in Aquifer Protection Overlay District (Zone 3); the Project would be a pre-existing nonconforming use in the zoning districts (Exh. EV-1, at 43; Company Brief at 48-50). The Company identified the zoning provisions applicable to the Project and asserts that zoning exemptions from the provisions are required (RR-EFSB-5(1)).[14] In particular, the Fisher Road Substation expansion would require zoning relief in the form of variances and a special permit, and in some cases zoning relief is unavailable (RR-EFSB-5(1); Company Brief at 59-62).

The Company asserts that there is legal uncertainty in obtaining variances, and the potential for adverse interpretations, delay, burden, and undue expense associated with the permitting process and appeals therefrom (RR-EFSB-5(1); Company Brief at 59-62). In addition, the Company contends that it requires zoning exemptions because the standard for a special permit by the Dartmouth Zoning Board of Appeals is subjective, the grant of a special permit is

[14] The Siting Board notes that the Supreme Judicial Court has ruled that the Siting Board is not required to identify each individual zoning exemption required. Planning Bd. of Braintree v. Dep't of Pub. Utilities, 420 Mass. 22, 29 (1995) ("Braintree").

discretionary; a special permit could contain burdensome or restrictive conditions that could impede the construction of the Project; and the possibility of delay, burden, and undue expense associated with the local permitting process and appeals therefrom (RR-EFSB-5(1)).

Table 3: Zoning Exemptions Requested.

By-Law Provision	Local Zoning Relief	Company Explanation Why Exemption is Needed
Section 375-6.1.E. Expansion, extension or change of a preexisting nonconforming use	Special permit The existing Substation is likely a preexisting nonconforming use and a special permit would be needed to expand that use by constructing the Project.	To grant the special permit, the Board of Appeals must find that the Project is not more detrimental to the neighborhood than the existing Substation. This standard is subjective, the grant of a special permit is discretionary, a special permit could contain burdensome or restrictive conditions that could impede the construction of the Project, and there is the possibility of delay and the burden and undue expense associated with the local permitting process and appeals therefrom. Accordingly, the Company seeks an exemption from the special permit requirements of Section 375-6.1E.
Section 375-8.2 Public utility/substation use is not expressly allowed in a Single Residence B zoning district	There is no local zoning relief available.	If the existing Substation is found not to be a preexisting nonconforming use, then the Project would be allowed only insofar as provided in Section 374-8.2. That section does not expressly allow public utility/substation use as-of-right or by special permit and, therefore, it is prohibited. Only a use variance could authorize a prohibited use, but the Zoning Bylaw expressly prohibits the grant of use variances in the Residence B district. Accordingly, the Company seeks an exemption from any prohibitions or other requirements applicable to the Project in Section 375-8.2.

By-Law Provision	Local Zoning Relief	Company Explanation Why Exemption is Needed
		This exemption request includes an exemption from the requirements of Section 375-8.2.R., which allows exempt uses as-of-right but requires them to meet the development standards in Section 375-8.4. If the Siting Board were to grant the Company's requested zoning exemptions, the Project would then be characterized as an exempt use and would be required to meet the development standards in Section 375-8.4. The Company requests an exemption from the development standards in Section 375-8.4.
Article 28 Aquifer Protection Overlay District	The Project would not meet two of the prohibited uses in Article 28, namely Sections 375 28.5.B.(8) and (15) regarding lot coverage and depth to groundwater, respectively. In addition, there are other prohibited uses and special permit uses that could be interpreted to apply to the Project. There is no zoning relief available for prohibited uses.	There is no local zoning relief available for any prohibited use (at a minimum, the lot coverage and depth to groundwater prohibitions in Sections 375-28.5.B.(8) and (15), respectively), because the Board of Appeals is not authorized to grant use variances in the Single Residence B zoning district. Should any of the other prohibited or special permit uses be interpreted to apply to the Project, the Company would need to seek more zoning exemptions for the prohibited uses, or local special permits. As these processes would delay the permitting, and could result in possible appeals, the construction of the Project would be delayed. For these reasons, the Company seeks an exemption from the entirety of Article 28 for the avoidance of doubt.
Section 375-8.4. Development Standards Section 375-8.4.E. Structure Height and Setbacks	Variances	Structure Height and Setbacks Height variances are needed for four lightning masts that exceed the maximum height requirement and setback variances are needed because the location of two of the lighting masts does not meet the maximum setbacks.

By-Law Provision	Local Zoning Relief	Company Explanation Why Exemption is Needed
Section 375-8.4.H. Lighting		Lighting The lighting design is not yet complete, and it is not known whether the outdoor lighting would meet the 14-foot maximum height limit. Also, notwithstanding the Company's intent to limit light pollution and glare, the standards in Section 375-8.4.H. that require that the lighting does not contribute to light pollution nor create a nuisance is subjective. Miscellaneous As noted above, if the Siting Board grants the Company's requested exemptions, the Expanded Substation would be an exempt use subject to the provisions of Section 375-8.2.R., which require exempt uses to meet the development standards in Section 375-8.4. To avoid the need to obtain additional zoning relief or zoning exemptions to comply with Section 375-8.2R., the Company requests an exemption from the entirety of Section 375-8.4. For all the above, it would be difficult to meet the statutory requirements for the grant of the variances. Because of the legal uncertainty in obtaining variances, and the potential for adverse interpretations, delay, burden and undue expense associated with the permitting process and appeals therefrom, the Company seeks an exemption from the maximum height and setback requirement and the need to seek variances per Section 375-8.4.E., the lighting requirements in Section 375-8.4,H., or the entirety of Section 375-8.4,

By-Law Provision	Local Zoning Relief	Company Explanation Why Exemption is Needed
		encompassing all of the development Standards.
Article 25 Signs	Variances	The danger, warning and identification signs that the Company affixes to the substation yard fence are not explicitly allowed. To ensure the Company's use of the signs, variances would be required. It would be difficult to meet the statutory requirements for the grant of a variance. Because of the legal uncertainty in obtaining variances, and the potential for adverse interpretations, delay, burden and undue expense associated with the permitting process and appeals therefrom, the Company seeks an exemption from any prohibition on the signs in Article 25.
Article 24 Site plan review	Site plan approval	Parking ratios are not provided for public utility substation use; however, the Town could still impose off-street parking requirements that would trigger site plan review. The purpose and goals of site plan review in Dartmouth are not consistent with the need for the Company to design the Project consistent with established utility standards. Moreover, site plan approval may be conditioned in a manner that would prohibit or restrict the construction and operation of the Project. In addition, the Company must have the discretion to design the Project consistent with utility standards and the technical and engineering issues involved are beyond the scope of typical site plan review. To the extent site plan review is required, the Company seeks an exemption from all of Article 24. Such an exemption would include the parking requirements

By-Law Provision	Local Zoning Relief	Company Explanation Why Exemption is Needed
		in Section 375-24.3, which are inconsistent with the Project. The expanded Substation would be unmanned and not open to the public. The parking of Company vehicles on the Substation Site would only be needed for periodic inspections and maintenance. While there would be no delineated parking spaces within the Substation yard, there is adequate space at the Substation Site to accommodate off-street parking for Eversource employees for all inspections and maintenance at the Substation. Thus, an exemption from the parking requirements is warranted.

Source: RR-EFSB-5(1); Company Brief at 59-62.

3. Consultation with Municipal Officials and Community Outreach

The Siting Board continues to favor the resolution of local issues on a local level whenever possible to reduce concern regarding any intrusion on home rule. Park City Wind at 169-170; Sudbury-Hudson at 193; Vineyard Wind at 132. The Siting Board believes that the most effective approach for doing so is for applicants to consult with local officials regarding their projects before seeking zoning exemptions pursuant to G.L. c. 40A, § 3. Park City Wind at 170; Sudbury-Hudson at 193; Vineyard Wind at 132.

On January 14, 2025, the Company met with Dartmouth officials, which included the director and assistant director of planning, the fire chief of District 2, and officials from the Department of Public Works and Public Safety (Exh. EV-1, at 7). The Company discussed seeking individual and comprehensive exemptions pursuant to G.L. c. 40A § 3 in lieu of seeking local zoning relief (Exh. EV-1, at 7). The Company provided a summary of the zoning exemptions process, including notice, posting and publication of the public comment hearing, and the opportunity for the Dartmouth and abutters to participate or intervene in the evidentiary proceeding (Exh. EV-1, at 7). The Company presented a preliminary list of individual exemptions that would be sought from the operation of the Zoning By-law and explained the scope of the

comprehensive exemption being sought (Exh. EV-1, at 7). The Company stated that no municipal officials expressed concerns regarding the individual and comprehensive exemptions (Exh. EV-1, at 7; Company Brief at 6). The Company also sent the Dartmouth building inspector the presentation by email and alerted him that the Company intended to seek individual and comprehensive exemptions pursuant to G.L. c. 40A § 3 rather than local zoning relief (Exh. EV-1, at 7). The Company stated that on January 30, 2025, the building inspector responded by email that he had reviewed the presentation and did not have any concerns or comments (Exh. EV-1, at 7).

4. Comprehensive Zoning Exemption

Eversource asserts the Project is needed to: (1) maintain a reliable electric system; (2) enable the Group Study DER facilities to safely interconnect and operate; (3) allow future DER applicants to interconnect; and (4) accommodate future load growth due to electrification (Company Brief at 64; Exh. EV-1, at 53). The Company asserts the Project is imminently needed because the Provisional Program required the Company to demonstrate in its CIP that the components of the construction timeline within the Company's control could be completed within a four-year period that began in June 2024 (Company Brief at 27-28; Exh. EV-1, at 53-54). The Company contends that it made all commercially reasonable efforts to avoid undue delays in designing the Project and preparing and filing its Petition and that it did so within nine months of the start of the construction window (Company Brief at 65; Exh. EV-1, at 54). Finally, the Company asserts that it maintains active and productive relationships with municipal officials in Dartmouth and that, to date, they have not expressed any objection to the Company's pursuit of zoning exemptions relating to the Project (Company Brief at 65; Exh. EV-1, at 6-7, 54). The Company asserts that a comprehensive zoning exemption would exempt the proposed Project from any future zoning enactment that comes into effect that has the potential to jeopardize its construction; therefore, individual and comprehensive zoning exemptions would work in tandem to ensure that meritorious energy facilities like the Project are constructed as approved by the Siting Board without undue delay (Company Brief at 63). The Company asserts that a comprehensive zoning exemption would ensure the timely construction of the Project, which

would provide benefits directly to customers and the DER developers in the Dartmouth-Westport area for whom these facilities would be constructed (Company Brief at 65).

5. Analysis and Findings

G.L. c. 40A, § 3 authorizes the Siting Board to grant exemptions from local zoning requirements for certain types of uses. The statute reflects the Legislature's intent that certain uses should be protected from local restrictions as a matter of public policy. Included in these protected uses is the use of land or structures by a public service corporation, and G.L. c. 40A, § 3 allows a public service corporation to petition the Siting Board for an exemption from local zoning ordinances or by-laws. G.L. c. 40A, § 3. The purpose of this exemption is to ensure that local restrictions do not prohibit needed services. See Save the Bay, 366 Mass. at 685-686; Town of Truro, 365 Mass. at 407; NY Central Railroad, 347 Mass. at 592.

The record shows that without the exemptions set forth in Table 3, the Company would need to seek several use variances, site plan approval, and a special permit, which may still not be sufficient for construction of the project under the Zoning By-Law and could still require zoning exemptions. Pursuit of such approvals would delay the Project, and the outcome of the requests would be uncertain. The Siting Board concurs with the Company that the necessity of obtaining a variance or a special permit whose approval is uncertain is likely to delay the Project and that such a delay would be contrary to the public interest in timely construction of the Project. The Siting Board finds that the specifically named zoning exemptions in Table 3 are required for the construction of the Project within the meaning of G.L. c. 40A, § 3.

Based on the record in this proceeding, the Siting Board finds that the Company has engaged in good faith consultations with Dartmouth representatives regarding the Project consistent with Vineyard Wind and Sudbury-Hudson. Accordingly, the Siting Board grants the Company's request for the individual zoning exemptions for the Project listed above in Table 3.

G.L. c. 40A, § 3 also provides the Siting Board with the authority to ensure that local interests do not prevent construction of needed facilities that serve the public interest. "The zoning exemption available under G.L. c. 40A, § 3, is intended to assure utilities' ability to carry out their obligation to serve the public when this duty conflicts with local interests." Braintree, 420 Mass.

at 27. Compared to the grant of individual zoning exemptions, which is tailored to meet the construction requirements of a project, the grant of a comprehensive zoning exemption serves to nullify a municipality's zoning code in its entirety with respect to the project under review. Thus, compared to the grant of individual zoning exemptions, a comprehensive zoning exemption constitutes a broader incursion upon municipal home rule authority. Southcoast Wind Energy LLC, EFSB 22-04/D.P.U. 22-67/22-68, at 207 (2024) ("Southcoast Wind"); Park City Wind at 169-170. In the absence of a showing that substantial public harm may be avoided by granting a comprehensive exemption, the grant of such extraordinary relief is not justified. Southcoast Wind at 243-244; Park City Wind at 208; Vineyard Wind at 109-110.

Siting Board decisions that grant comprehensive exemptions typically involve projects that contribute to a reliable supply of energy, address a need that would be sacrificed in the event of delay, and have actively engaged the community and local officials to discuss the applicability of the zoning provisions. See e.g., Beverly-Salem at 128-129; Park City Wind at 208; Vineyard Wind at 109-110. As discussed in Section II, these factors are present here in that the Project is needed to maintain the reliability for interconnecting DER customers of the transmission grid in the Group Study area. The record also shows that the need is immediate. Therefore, the Project both contributes to a reliable energy supply and meets an immediate need. Furthermore, as discussed above, the Board found that the Company engaged in good faith consultations with Dartmouth officials, including the Building Inspector, and also engaged in community outreach activities.

Under these circumstances, the Siting Board finds that grant of a comprehensive exemption from the Zoning By-Laws of Dartmouth would support the timely construction of the Project whose need is imminent and that such grant is warranted. Accordingly, the Siting Board grants the requested comprehensive zoning exemption for the Project.

E. Conclusion on Request for Zoning Exemptions

The Siting Board finds that (1) Eversource is a public service corporation; (2) the proposed use is reasonably necessary for the public convenience or welfare; and (3) zoning exemptions are required for purposes of G.L. c. 40A, § 3. In addition, the Siting Board finds that the Company

engaged in good faith discussions with Dartmouth. The Siting Board finds that the Company has identified and provided reasons that it cannot comply with the Zoning By-Law; therefore, exemptions from the Zoning By-Laws are required. The Siting Board finds that a grant of a comprehensive zoning exemption would avoid the substantial public harm of delayed construction resulting in non-compliance with the Provisional Program and Dartmouth-Westport. Therefore, the Siting Board grants the Company's request for individual and comprehensive zoning exemptions.

III. SECTION 61 FINDINGS AND ENVIRONMENTAL JUSTICE POLICY

A. Section 61 Findings

Massachusetts Environmental Policy Act ("MEPA") provides that "[a]ny determination made by an agency of the Commonwealth shall include a finding describing the environmental impact, if any, of the Project and a finding that all feasible measures have been taken to avoid or minimize said impact" and shall consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise ("§ 61 Findings"). G.L. c. 30, § 61. Pursuant to 301 CMR 11.01(4)(c), § 61 Findings are necessary when an Environmental Impact Report ("EIR") is submitted to the Secretary of Executive Office of Energy and Environmental Affairs ("EEA"); and Section 61 Findings should be based on such EIR. Where an EIR has not been required and the Secretary has not required additional review, § 61 Findings are not necessary. 301 CMR 11.01(4). The Company states that no environmental notification form was filed and that no thresholds triggering review pursuant to MEPA, G.L. c. 30, §§ 61-62H, are met for this Project (Exh. EV-14). Therefore, a finding under G.L. c. 30, § 61 is not necessary in this proceeding.

B. Environmental Justice Policy

The EJ Populations map shows that the Fisher Road Substation is located in Block Group 1, Census Tract 9855, an EJ Population based on minority population (Exh. EV-1, at 8). An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy, St. 2021, c. 8 ("Roadmap Act") requires an environmental impact report ("EIR") for any project that is "likely to cause damage to the environment" and is located within a distance of one mile of an EJ

Population; this distance extended to five miles for a project that impacts air quality. Roadmap Act, Sections 58, 59, amending G.L. c. 30, § 62B. The term "likely to cause damage to the environment" is construed in the related MEPA regulations and EJ protocols to mean project impacts that meet or exceed MEPA review thresholds set forth in 301 CMR 11.03. As previously indicated, the Project does not meet or exceed any Environmental Notification Form or Environmental Impact Report thresholds and did not require an EIR.

With the absence of MEPA filing requirements for the Project, neither the enhanced requirements of the MEPA EJ protocols nor Section 20 of the 2021 EJ Policy are required.[15] Nevertheless, the 2021 EJ Policy contains Secretariat-wide General Requirements provisions (Sections 13 and 15, in particular) that are applicable to the Siting Board, and do not depend on a project's MEPA filing status. Section 13 obligates EEA agencies (including the Siting Board) "to develop strategies to proactively promote EJ in ways that are tailored to the agency's mission." Section 15 requires EEA agencies "to establish an inclusive, robust public participation program for key agency actions that focuses agency resources on outreach activities that enhance public participation opportunities for agency activities that potentially affect EJ Populations."

The Roadmap Act includes in its definition of EJ principles, "the equitable distribution of energy and environmental benefits and environmental burdens." St. 2021 c. 8, § 56; G.L. c. 30, § 62. The Roadmap Act amended Section 62 of Chapter 30 to define environmental benefits as "the access to clean natural resources, including air, water resources, open space, constructed playgrounds and other outdoor recreational facilities and venues, clean renewable energy sources, environmental enforcement, training and funding disbursed or administered by the executive office of energy and environmental affairs." St. 2021, c. 8, § 56; G.L. c. 30, § 62. The record shows that the Project as proposed would result in minimized environmental impacts, and benefit both EJ and non-EJ Populations. See Section II.C.5. Permanent impacts to abutters and communities have been minimized and construction related impacts would be mitigated. See Section II.C.6. The record also shows that Project would improve transmission system infrastructure and comply with applicable reliability standards, of benefit to both EJ and non-EJ Populations. See Section II.C.2.

---

[15] The EEA EJ Policy can be found at Environmental-Justice-Policy version 6.24.2021.

The Project would increase the reliability of electricity service to the nearby EJ Populations. See Section II.C.2. Reliability of electric service constitutes a significant health benefit. Mid-Cape Reliability Project at 89; see also, Beverly-Salem at 109. We further note the Department's findings that the Project would "result in an equitable distribution of costs and resultant benefits to distribution customers and Large DG Interconnecting Customers, maintain safety and reliability of the EPS through fewer service disruptions and outages…" Dartmouth-Westport at 121-122. In view of the above, the Project would be consistent with the EJ principle requiring an equitable distribution of energy and environmental benefits and environmental burdens.

Based on an analysis of the proximity of EJ Populations to the proposed locations of the Fisher Road Substation, the Project does not require EJ enhanced public participation, EJ enhanced analysis, or presumptive language translations and interpretations (Exh. EV-1, at 8). Eversource did conduct outreach in Dartmouth, which includes EJ Populations, to address community concerns (Exh. EV-1, at 8).

As stated above, the Project does not trigger MEPA thresholds mandating enhanced participation provisions of the EJ Policy. However, the Fisher Road Substation is in an EJ Population based on the minority population criterion (Exhs. EV-1 at 8; EFSB-G-7). The Company's outreach efforts focused on meaningful involvement of all stakeholders in the Project, characterized by the Company's focus on outreach that enables two-way communication and collaboration (Company Brief at 70). In view of the above, the Siting Board finds that this Decision is consistent with applicable EJ policies.

IV. DECISION

In Section II, above, the Siting Board finds that: (1) the Company is a public service corporation; (2) the proposed use is reasonably necessary for the public convenience or welfare; and (3) zoning exemptions are required within the meaning of G.L. c. 40A, § 3 for construction and operation of the Project. In addition, in Section II.E, the Siting Board finds that the Company engaged in good faith consultation with Dartmouth. The Siting Board finds that a grant of individual and comprehensive zoning exemptions for the Project is both necessary and appropriate. Accordingly, the Siting Board approves pursuant to G.L. c. 40A, §3, the Company's Petition for

individual and comprehensive zoning exemptions subject to the following Conditions 1 through 13.

1. The Siting Board directs the Company to comply with all applicable federal, state, and local laws, regulations, and ordinances from which the Company has not received an exemption. The Company shall be responsible for ensuring such compliance by its contractors, subcontractors, or other agents.

2. The Siting Board directs the Company, within 90 days of Project completion, to submit a report to the Siting Board documenting compliance with all conditions contained in this Decision, noting any outstanding conditions yet to be satisfied and the expected date and status of compliance.

3. The Siting Board directs the Company to submit to the Siting Board an updated and certified cost estimate for the Project prior to the commencement of construction. The Siting Board directs the Company to file semi-annual compliance reports with the Siting Board starting within 180 days of the commencement of construction, that include projected and actual construction costs and explanations for any discrepancies between projected costs, actual costs, and completion dates.

4. The Siting Board directs the Company to implement new Dark Skies compliant lighting for the entirety of the expanded Substation, except for secondary, upward-facing lights that could be activated on a limited, as-needed basis during after-dark switching and emergency repair work, and to submit a report to the Siting Board describing the final lighting design prior to installation of outdoor lighting.

5. The Siting Board directs the Company to limit construction to the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday and from 8:00 a.m. to 5:00 p.m. on Saturdays. To further mitigate noise, the Siting Board directs the Company to ensure there is no construction on Sundays or legal state or federal holidays, unless operationally necessary for continuous operations or an emergency. Work requiring longer continuous duration than normal construction hours allow, shall, with 48 hours advance notice to the Town of Dartmouth be exempted from this requirement. Should the Company need to extend construction work beyond those hours and days, with the exception of emergency circumstances on a given day that necessitate extended hours, the Siting Board directs the Company to seek prior written permission from town officials before commencing work and to provide the Siting Board with a copy of such permission. If the Company and municipal officials are not able to agree on whether such extended construction hours or days should occur, the Company may request prior authorization from the Siting Board and shall provide the Town of Dartmouth with a copy of any such request and authorization.

6. The Siting Board directs the Company to use the quietest generators and portable heating ventilation and air conditioning units reasonably available to the Company. In addition, to reduce noise impacts at residences, when operating noisy equipment, such as whole tree

chippers or compressors, the Siting Board directs the Company to locate such equipment as far away as possible from nearby residences, where the flexibility exists to do so.

7. The Siting Board directs the Company to install adequate noise mitigation measures such as sound walls, if the Project causes pure tones, or if operating conditions otherwise exceed MassDEP Noise Policy standards. The Siting Board further directs the Company to investigate noise complaints and install mitigation measures as needed.

8. The Siting Board directs the Company, within 180 days of commercial operation, to perform a noise assessment of the substation with the operating transformers to confirm that operating conditions meet the limits in MassDEP's Noise Policy. The Company's submission to the Siting Board shall include any additional mitigation measures necessary to achieve such compliance.

9. The Siting Board directs the Company to submit to the Siting Board an ERP at least 30 days prior to the start of the operation of the Project and indicate any provisions of the plan that are still in development with appropriate public safety and emergency management officials. The Company shall describe in its ERP, at a minimum, specific steps to be taken in response to emergency situations including, but not limited to, flooding and fires. The plan shall also describe the structure of communication and authority that would be followed in the event of an emergency at the Fisher Road Substation, specifically identifying the public safety and emergency management officials with whom the Company would coordinate. In developing the ERP, the Company shall consult appropriate municipal and/or state public safety and emergency management officials.

10. The Siting Board directs the Company to fulfill its commitment to work with Dartmouth to mitigate the traffic and to explore further mitigation of this work through any subsequent permitting processes with permitting agencies.

11. The Siting Board directs the Company, in consultation with the Town of Dartmouth, to develop a comprehensive public outreach plan for Town residents and businesses. The outreach plan should describe the procedures the Company will use to notify the public about: (1) the scheduled start, duration, and hours of construction in particular areas; (2) the methods of construction that will be used in particular areas (including any use of nighttime construction); and (3) anticipated street closures and detours. The outreach plan should also include information on complaint and response procedures; Project contact information; the availability of web-based Project information; and protocols for notifying schools and local and regional public transit operators of upcoming construction. The comprehensive public outreach plan shall also include general public education on the use, construction, operation, and maintenance of electric substations.

12. The Siting Board directs the Company to use construction practices according to BMP described in this decision, to minimize environmental burdens.

13. The Siting Board directs the Company to limit tree removal on its Fisher Road parcel to approximately 0.92 acres and to retain the existing vegetated buffers on that parcel between the Project and the residential abutters to the southwest and east, except for hazard trees or removal required for safety or by the Dartmouth Conservation Commission.

Because issues addressed in this Decision relative to this Project are subject to change over time, construction of the proposed Project must be commenced within three years of the date of the decision.

In addition, the Siting Board notes that the findings in this Decision are based upon the record in this case. A project proponent has an absolute obligation to construct and operate its facility in conformance with all aspects of its proposal as presented to the Siting Board. Therefore, the Siting Board requires the Company, or its successors in interest, to notify the Siting Board of any changes other than minor variations to the proposal so that the Siting Board may decide whether to inquire further into a particular issue. The Company or its successors in interest are obligated to provide the Siting Board with sufficient information on changes to the proposed project to enable the Siting Board to make these determinations.

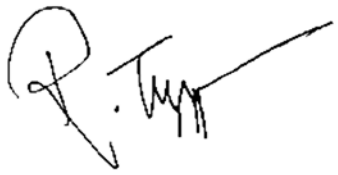
The Company shall serve a copy of this Decision on the following: the Town Clerk, the Town Administrator, the Department of Public Works, the Zoning Board of Appeals, the Conservation Commission, and the Building Department for the Town of Dartmouth. The Company shall certify to the Secretary of the Department within ten business days of issuance that such service has been made.



Connor C. Tarr
Presiding Officer

Dated this 18th day of November 2026

APPROVED by a unanimous vote of the Energy Facilities Siting Board at its meeting on November 17, 2026, by the members present and voting. Voting for the Final Decision as amended: Rebecca L. Tepper, Secretary of the Executive Office of Energy and Environmental Affairs and Chair, Energy Facilities Siting Board; Jeremy McDiarmid, Chair, Massachusetts Department of Public Utilities; Elizabeth Mahony, Commissioner, Massachusetts Department of Energy Resources; Bonnie Heiple, Commissioner, Massachusetts Department of Environmental Protection; Thomas O'Shea, Commissioner, Massachusetts Department of Fish and Game; Alicia Fraser, Director of the Division of Environmental Epidemiology, and designee for Dr. Robert Goldstein, Commissioner of the Massachusetts Department of Public Health; Douglas Gutro, Director of the Permit Regulatory Office and designee for Eric Paley, Secretary, Executive Office of Economic Development; Michael P. Cahill, Mayor of the City of Beverly, Public Member; and Mark Ells, Town Manager of the Town of Barnstable, Public Member.



Rebecca L. Tepper, Chair
Energy Facilities Siting Board

Dated this 18th day of November 2026

Appeal as to matters of law from any final decision, order or ruling of the Siting Board may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the order of the Siting Board be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Siting Board within twenty days after the date of service of the decision, order or ruling of the Siting Board, or within such further time as the Siting Board may allow upon request filed prior to the expiration of the twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the clerk of said court. Massachusetts G.L., Chapter 25, Sec. 5; G.L. Chapter 164, Sec. 69P.