

**COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD**

Petition of NSTAR Electric Company d/b/a)
Eversource Energy for Approval to Construct,)
Operate, and Maintain a New 115-kV)
Transmission Line on an Existing Right-of-Way)
in Acushnet and Mattapoisett Pursuant to)
G.L. c. 164, § 72; and for Individual and a)
Comprehensive Zoning Exemption From the)
Operation of the Zoning By-Laws of the Town of)
Mattapoisett Pursuant to G.L. c. 40A, § 3 Related)
to the Expansion of the Crystal Spring Substation)
in Mattapoisett, Massachusetts)

EFSB 25-03/D.P.U. 24-93/24-94

FINAL DECISION

On the Decision:
Shannon Dennehy
Timothy Reilly

Daniel Keleher
Presiding Officer
July 29, 2026

The Siting Board translates materials into other languages to assist people with limited English proficiency. The Siting Board has reasonably attempted to provide an accurate translation of the original material, but due to the nuances in translating to a foreign language, slight differences may exist. While the Siting Board has provided translated versions, the English version is the official version of the Siting Board's decision.

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ABBREVIATIONS

ACCC	Aluminum Conductor Composite Core
ACCR	Aluminum Conductor Core Reinforced
ACSS	Aluminum Conductor Steel Supported
CIP	capital investment project, as defined in “ <u>Provisional System Planning Program</u> ,” D.P.U. 20-75-B (2021)
Company	NSTAR Electric Company d/b/a Eversource Energy (also “Eversource”)
Crystal Spring Substation	Crystal Spring Substation #646 in Mattapoisett, Massachusetts
dBA	A-weighted decibels
Department	Massachusetts Department of Public Utilities
DG Interconnection Tariff	Eversource Tariff, Standards for Interconnection of Distributed Generation M.D.P.U. No. 55A
EFSB	Massachusetts Energy Facilities Siting Board
Epsilon	Epsilon Associates, Inc.
Eversource	NSTAR Electric Company d/b/a Eversource Energy (also “Company”)
FEIR	Final Environmental Impact Report, MEPA
G.L. c.	Massachusetts General Laws chapter
GHG	Greenhouse Gas Emissions
ICNIRP	International Commission on Non-Ionizing Radiation Protection
ISO-NE	Independent System Operator of New England
kV	Kilovolt(s)
MassDEP	Massachusetts Department of Environmental Protection
Marion-Fairhaven CIP Proposal	Marion-Fairhaven Capital Investment Project Proposal, filed by Eversource on April 15, 2022, and docketed as D.P.U. 22-47

Marion-Fairhaven CIP Order	<u>NSTAR Electric Company d/b/a Eversource Energy, D.P.U. 22-47 (2022)</u>
MEPA	Massachusetts Environmental Policy Act
MF	Magnetic fields Group Study (within the meaning of the DG Interconnection Tariff) by Eversource of the four Eversource substations that supply customers in the Marion-Fairhaven area
M-F Group Study	
MVA	megavolt-ampere(s)
MW	megawatt(s)
New Line Extension	the proposed three-mile extension of Line 112
NHESP	Natural Heritage and Endangered Species Program
Notice	Notice of Filing, Request for Comments, and Public Comment Hearing, dated August 28, 2024
PAL	Public Archaeology Lab, Company's archaeology consultant
Project	the New Line Extension, including the replacement of the three-pole dead-end structure at the Mendall Road Tap, and the Substation Expansion, all as proposed by the Company
Provisional Program	<u>Provisional System Planning Program, D.P.U. 20-75-B (2021)</u>
ROW	right-of-way
Siting Board	Massachusetts Energy Facilities Siting Board
Substation Expansion	the Company's proposed expansion of the existing Crystal Spring Substation
SYS-PLAN 010	Eversource Bulk Distribution Substation Assessment Procedure
TPP	Turtle Protection Plan
USEPA	United States Environmental Protection Agency

SUMMARY OF FINAL DECISION

To develop additional electrical capacity to accommodate solar and battery energy storage facilities (together referred to as distributed generation (“DG”) and to enable electric transportation and electric heating in the region and meet electric service reliability requirements of existing customers, NSTAR Electric Company d/b/a Eversource Energy (“Eversource” or “Company”) proposes to: (1) construct, operate, and maintain an approximately three-mile 115 kV extension to an existing 21-mile, 115-kilovolt overhead transmission line; and (2) expand an existing substation to accommodate the new line. The new line extension (“New Line Extension”) would run overhead along an existing right-of-way (“ROW”) from Eversource’s Mendall Road Tap in Acushnet to the proposed expansion of existing Crystal Spring Substation #646 (“Crystal Spring Substation” and “the Substation”) located on Company-owned property at 26R Crystal Spring Road in Mattapoisett.

Pursuant to G.L. c. 164, § 72, the Company petitioned the Energy Facilities Siting Board (“Siting Board”) to approve the New Line Extension. In addition, pursuant to G.L. c. 40A, § 3, the Company petitioned the Siting Board for individual and comprehensive zoning exemptions from the operation of the *Zoning By-Laws of the Town of Mattapoisett* regarding the proposed expansion of the Crystal Spring Substation.

Because of recent statutory changes in the 2024 Climate Act, the Siting Board no longer has jurisdiction over the New Line Extension pursuant to G.L. c. 164, § 72. Even so, the Siting Board and the parties focused attention on the New Line Extension during the course of this proceeding when the Siting Board still had such jurisdiction. The Final Decision considers the New Line Extension and offers recommendations to the Company for constructing the New Line Extension.

The Final Decision reviews the Company’s petition under G.L. c. 40A, § 3 to determine whether the Substation Expansion is reasonably necessary for the public convenience and welfare and otherwise qualifies for the requested zoning exemptions. The Final Decision finds the Substation Expansion would disturb 2.4 acres of land, including increasing impervious surface by approximately 0.1 acre and removing 0.69 acres of trees. The Decision requires the Company to trim trees whenever practicable instead of removing them and to mitigate the increase in impervious surface by installing a new stormwater collection basin in the southeast corner of the site. The Final Decision finds that the Substation Expansion qualifies for the requested zoning exemptions because it meets significant public needs for expanded transmission capacity and increased reliability and appropriately reduces environmental impacts.

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 (“Eversource” or “Company”) for individual and comprehensive zoning exemptions to allow expansion of the Crystal Spring Substation (#646) in Mattapoisett, Massachusetts.

I. INTRODUCTION

A. Description of the Proposed Project

On June 4, 2024, the Company filed a petition (“Petition”) with the Massachusetts Department of Public Utilities (“Department”) pursuant to G.L. c.164, § 72 (“Section 72 Petition”) and G.L. c. 40A, § 3 (“Zoning Petition”), respectively, to extend an existing overhead transmission line through Acushnet and Mattapoisett, and to obtain zoning exemptions to facilitate expansion of the existing Crystal Spring Substation in Mattapoisett. The Company seeks to expand its electrical capacity in the Company’s Marion and Fairhaven Massachusetts service area to: (1) maintain reliable electric service; (2) facilitate future electrification of its customer energy uses; and (3) enable proposed distributed generation (“DG”) facilities in the area to interconnect to the power grid (Exh. EV-1, at 2).

To achieve this expansion, the Company proposes to extend its existing 21-mile, 115-kilovolt (“kV”) overhead transmission line (known as “Line 112”) by approximately three miles on existing right-of-way in Acushnet and Mattapoisett, including replacing the three-pole dead-end structure at the Mendall Road Tap (“New Line Extension”) (Exh. EV-1, at 4). The Company also proposes to expand the existing Crystal Spring Substation in Mattapoisett (“Substation Expansion”) to which the New Line Extension would connect from the Mendall Road Tap in Acushnet (Exh. EV-1, at 4-5). Together, the New Line Extension and the Substation Expansion, including the replacement of a three-pole dead-end structure, are referred to as “the Project.”¹

¹ The term “Project” is used in this decision to encompass the full scope of work presented in the initial petitions submitted under Section 72 for the New Line Extension and G.L. c. 40A, § 3 for the Substation Expansion. As noted below, under G.L. c.164, § 72, neither the Department nor the Energy Facilities Siting Board has jurisdiction over the New Line

The Project is subject to the Department's Provisional Program as a capital investment project ("CIP").² Eversource reported that the total cost estimate of the Project is \$76.3 million (Exhs. EV-1, at 6; DPU-C-2; DPU-C-2(1)). The New Line Extension would cost approximately \$20.5 million, and the Substation Expansion would cost approximately \$55.8 million (approximately \$14 million of this total would be associated with transmission station costs; the remaining \$41 million would be the distribution costs) (Exhs. EV-1, at 6; DPU-C-2(1); RR-EFSB-7). The Company stated that, as previously approved by the Department, 41 percent of the distribution cost to upgrade Crystal Spring Substation would be covered by DG interconnecting customers and 59 percent by distribution customers (Exhs. DPU-C-1). Transmission-related costs would be recovered from wholesale customers through Local Service charges under Schedule 21-ES of the ISO New England Open Access Transmission Tariff (Exhs. DPU-C-1; DPU-C-3(1) at 71-90). As the New Line Extension would be a radial, non-Pool Transmission Facility, transmission costs would not be regionalized or spread among all New England ratepayers (Tr. 1, at 170).

1. Substation Expansion

The Company's expansion of the Crystal Spring Substation is intended to provide an upgrade that would add a redundant source of 115-kV transmission supply via Line 112 (thus supplementing the existing Line 114 supply) and to add capacity with the addition of two new and larger 37/50/62.5-MVA, 115/13.2-kV transformers, one of which replaces the existing transformer and one of which is an additional transformer, for redundancy (Exh. EV-1, at 5; Tr. 1, at 65-66).

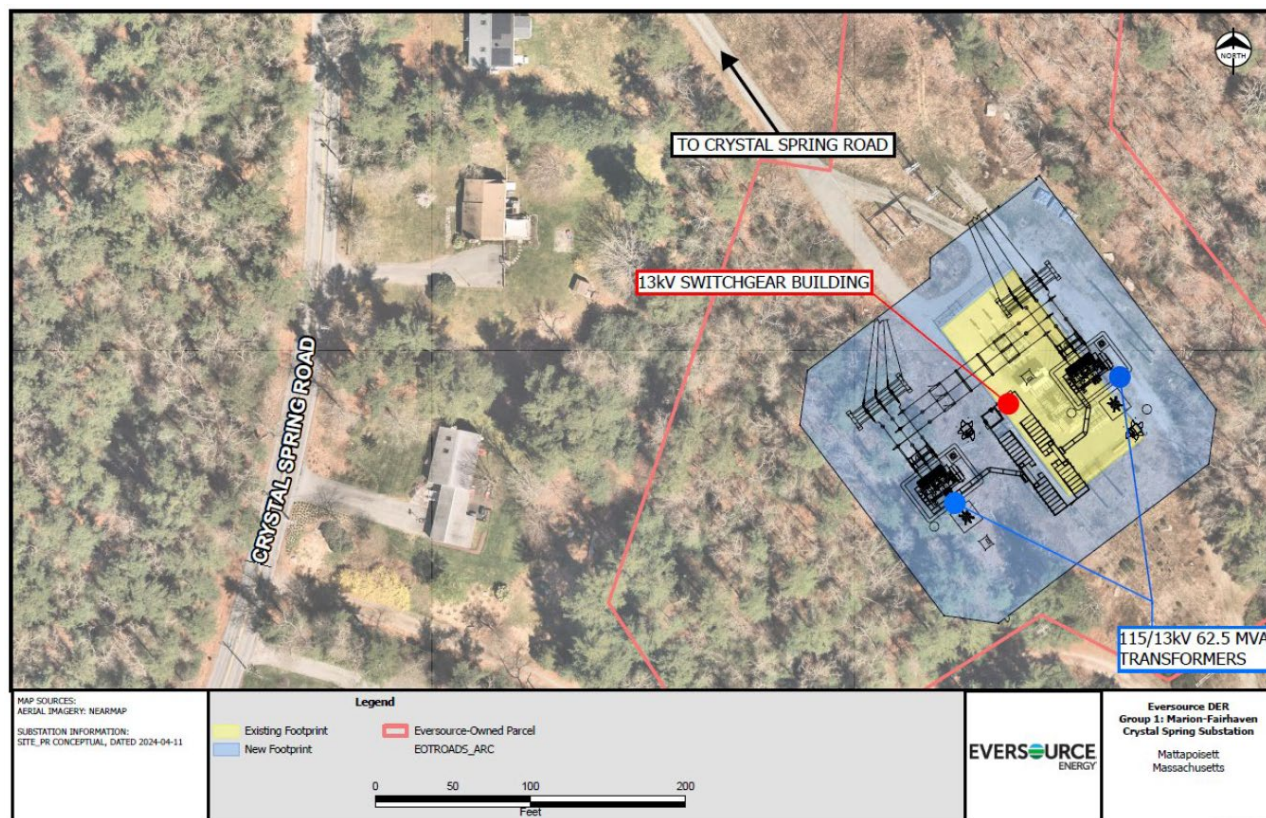
Extension, absent a request for eminent domain authority (not present here). Therefore, the determinations in this Decision regarding the New Line Extension are solely advisory.

² CIP is defined as "a project proposed for cost recovery by a[n Electric] Distribution Company under the proposed distribution system planning process for the assessment of the interconnection and integration of DG..." D.P.U. 20-75, Att. at 1. The Department clarified the definition by adding that CIPs "may include but are not necessarily limited to: (1) substation transformer replacements; (2) reconductoring of distribution feeders; (3) distribution protection measures; and (4) transmission related upgrades triggered by resources interconnecting to the distribution system." D.P.U. 20-75, Att. at 5 n.2.

The upgrade would also include the installation of new metal-clad switchgear to create additional feeder positions to attach additional feeders in the future to facilitate DG interconnection (Tr. 1, at 66). The new substation capability would serve both existing customer needs and DG requirements and allow for automatic restoration of service in the event of transmission line or transformer outage (Exh. N-14, at 1; Tr. 1, at 66).

The Substation Expansion would enlarge Crystal Spring Substation's footprint from 8,300 square feet to 45,000 square feet (Exhs. EV-1, at 5; EV-1(D)). Much of the expansion would be to the northeast and southeast of the existing Substation (Exhs. EV-1, at 5; EV-1(D)). The Company remarked that the 36,700 square foot expansion would be required to accommodate installation of the new equipment while existing operations continue uninterrupted (Exh. DPU-PA-4). To prevent the Substation from being taken out of service during construction, the Project would occur in phases; further, once the new equipment is installed, all existing foundation, equipment, and enclosures would be removed (Exhs. EV-1, at 5). At the Mendall Road Tap, construction would be limited to replacement of the three-pole dead-end structure with a new three-pole dead-end structure that would be approximately ten feet higher than the existing structure (Exh. EV-1, at 6, 33).

The Company stated that the Substation Expansion would disturb 2.4 acres of land, resulting in 0.69 acres of tree removal (Exhs. EV-1, at 39). The Substation Expansion would also result in approximately 0.1 acres of new impervious surface; consequently, the Company would install a stormwater basin in the southeast corner of the site to collect and treat runoff from these new surfaces (Exhs. EV-1, at 5; EV-1(D)). The extent of the Substation Expansion is shown in Figure 1 below.

Figure 1. Substation Expansion

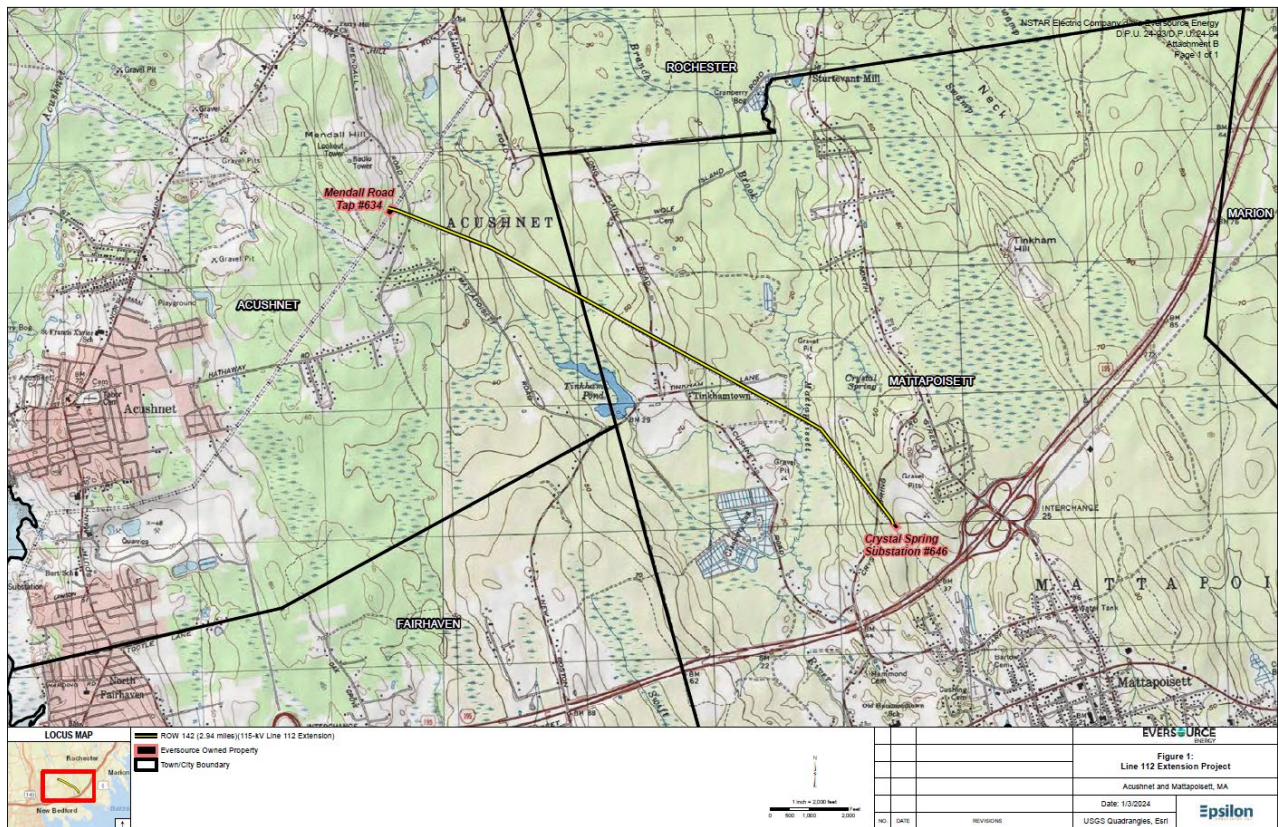
Source: (Exh. EV-8).

2. New Line Extension

For the New Line Extension, the Company proposes construction of a new three-mile-long overhead 115-kilovolt (“kV”) transmission line on ROW 142, where an existing 115 kV single circuit overhead transmission line (Line 114 lateral) connects to and supplies Crystal Spring Substation from the Mendall Road Tap (Exh. EV-1, at 4; Tr. 1, at 66). ROW 142 is currently managed as a border zone setting; with the addition of the New Line Extension, it would be managed as a wire zone setting (Tr. 1, at 92-93). The New Line Extension would consist of a single circuit transmission line installed on approximately 26 new weathering steel structures, including 21 H-frame structures, four 3-pole structures, and one monopole structure (Exh. EV-1, at 4). The New Line Extension would run from the Mendall Road Tap in Acushnet to the Crystal Spring Substation in Mattapoisett, spanning Mendall Road in Acushnet and Long Plain Road, Tinkham Lane, and Crystal Spring Road in Mattapoisett, as shown in Figure 2 (Exhs. EV-1, at 4;

EV-1(B)). It would also span an access drive from Hereford Hill Road to a municipal pumping station in Mattapoisett (Exhs. EV-1, at 25; EV-1(B)).

Figure 2. Map of the Proposed New Line Extension



Source: Exh. EV-1(B)

B. Procedural History

On August 23, 2024, the Department, which previously had jurisdiction over the Project, consolidated the Section 72 Petition and the Zoning Petition into a single proceeding with a consolidated docket number of D.P.U. 24-93/24-94. NSTAR Electric Company d/b/a Eversource Energy, D.P.U. 24-93/24-94, Hearing Officer Procedural Order on Consolidation (August 23, 2024). On August 28, 2024, the Department issued a Notice of Filing, Request for Comments, and Public Comment Hearing (the “Notice”), setting a public comment hearing for September 26, 2024 in Mattapoisett. As directed, the Company served a copy of the Notice in English and in

Portuguese³ 14 days prior to the hearing on the following: (1) the Mattapoisett Select Board, the Mattapoisett Town Administrator; the Mattapoisett Planning Board and the planning board of every abutting city or town; the Mattapoisett Zoning Board of Appeals; the Mattapoisett Conservation Commission; and the Mattapoisett Department of Public Works; (2) the Acushnet Board of Selectmen; the Acushnet Town Administrator; the Acushnet Planning Board; the Acushnet Zoning Board of Appeals; the Acushnet Conservation Commission; and the Acushnet Department of Public Works; (3) all U.S. Mail addresses and persons owning real estate within three hundred feet of the boundary of the New Line Extension between Eversource's Mendall Road Tap in Acushnet and the Crystal Spring Substation; and (4) owners of properties opposite the New Line Extension across any public or private street or way, abutters to the New Line Extension, and abutters to abutters within three hundred feet of the boundary of the Right-of-Way lot line of the New Line Extension, as they appear on the most recent applicable tax lists of the Town of Mattapoisett and Acushnet (Exhs. EV-2; EV-3). The Company also served a copy of the Notice in English and in Portuguese at least 14 days prior to the hearing on the following: (1) all U.S. Mail addresses and persons owning real estate within one-quarter mile of the property lines of the proposed expansion of the Crystal Spring Substation located on Company-owned property at 26R Crystal Spring Road in Mattapoisett and (2) owners of properties opposite the Substation Expansion across any public or private street or way, abutters to the Substation Expansion, and abutters to abutters within one-quarter-mile of the lot line of the Substation Expansion, as they appear on the most recent applicable tax list of the Town of Mattapoisett (Exh. EV-3).

Hard copies of the petitions, including all attachments, were available for the public at the following locations: (1) the Department of Public Utilities, One South Station, Boston, MA 02110; (2) Town Clerk, Town of Mattapoisett; (3) Town Clerk, Town of Acushnet; (4) Mattapoisett Library; and (5) Acushnet Public Library. The Company published the Notice in

³ The Project is not located within one mile of an Environmental Justice population (Exh. EV-1(O) at 38). Even so, because of the prevalence of Portuguese-speaking households, the Company provided the Notice in English and in Portuguese (Exh. EV-1(O) at 39).

the following newspapers before the public comment hearing: *The New Bedford Standard Times*, *The Wanderer*, and *The Portuguese Times*.

The Department conducted a hybrid public comment hearing on September 26, 2024, in Mattapoisett, with in-person and remote participation on Zoom. The Department provided Portuguese interpreters for the hearing. At the public comment hearing, commenters raised concerns about the alleged potential impacts of the New Line Extension and Substation Expansion on the abutting properties, including disruption to existing landscaping, tree removal, impacts to a property's irrigation system, and behavior of Company personnel during construction (Transcript for Public Comment Hearing, dated September 26, 2024).

The Notice set the deadline for written comments and filing petitions to intervene and to participate as a limited participant for October 10, 2024. The Department received timely written comments from John Stoleki, the Marion Planning Board, ReWild Renewable LLC, New Leaf Energy, and BlueWave in support of the Project. The Department also received timely written comments from Kathleen McArdle, a resident on Crystal Spring Road in Mattapoisett, who expressed concerns regarding woodland clearing proximate to the Substation, and Lauren Machie, a resident at 275 Mendall Road in Acushnet, an abutting residence, who expressed concerns about the Project's impact on her property. Lauren Machie filed a timely petition to intervene asserting that she is substantially and specifically affected by the Project.⁴ The Presiding Officer's ruling, dated November 13, 2024, granted intervenor status to Machie. The Department issued two sets of information requests to the Company.⁵ Machie issued one set of information requests to the Company.

⁴ Ms. Machie raised several concerns relating to the New Line Extension and, in particular, the location of Structure #2 (Exh. M-1, at 1). Ms. Machie states that, because of the proximity of the Company's easement to her home, she and her family would lose a line of mature trees and bushes and their backyard fence, which is ungrounded and had been installed by the previous owner (Exh. M-1, at 1). Furthermore, she stated that the proposed location of Structure #2 would be in her front yard and, while she had been in contact with Eversource, she had not received a satisfactory answer from the Company explaining why the structure could not be moved elsewhere (Exh. M-1, at 1).

⁵ On July 17, 2026, the Company filed supplemental responses to information requests DPU-G-2 and DPU-W-2.

On February 18, 2025, authority to grant zoning exemptions under G.L. c. 40A, § 3 automatically transferred from the Department to the Siting Board pursuant to St. 2024, c. 239 (“2024 Climate Act”). St. 2024, c. 239, § 37. The Department recognized this transfer by Order, dated February 21, 2025. NSTAR Electric Company d/b/a Eversource Energy, D.P.U. 24-93/24-94, Order (February 21, 2025). As part of the February 21, 2025, Order, the Department also transferred its jurisdiction over the Section 72 Petition, including all filings to date, to the Siting Board for further review and decision. See D.P.U. 24-93/24-94, Order (February 21, 2025). In March of 2025, the Siting Board assumed review of both Petitions under the docket number of EFSB 25-03 and consolidated the proceedings under the docket number EFSB 25-03/D.P.U. 24-93/24-94. NSTAR Electric Company d/b/a Eversource Energy, EFSB 25-03/D.P.U. 24-93/24-94, Procedural Order (March 5, 2025). The Siting Board established a new public comment period for the Project with a submission deadline of March 28, 2025, for written comments. Procedural Order (March 5, 2025). At the Siting Board’s direction, the Company issued a Notice of Filing and Request for Comments (“Second Notice”) regarding the new public comment period. Procedural Order (March 5, 2025); Exh. EV-5. The Siting Board received two written comments, one from an abutter with concerns about woodland clearing in connection with the Substation Expansion and the other from the Planning Board of the Town of Marion in support of the Project because of its potential to support solar generation.

The Siting Board conducted an evidentiary hearing on April 15, 2025, with representatives of both parties present.⁶ The Company presented a total of 15 witnesses for cross-examination: (1) Christopher Lombardi, project director, Eversource; (2) James Clancy, specialist/licensing and permitting, Eversource; (3) Keith Jones, principal engineer/distribution system planning,

⁶ When the Company filed its initial Petition, on June 4, 2024, the Department had jurisdiction over the New Line Extension under Section 72. After review of the Project was transferred to the Siting Board, the Siting Board, consistent with its statutory authority under Section 72, extensively addressed the New Line Extension in the evidentiary hearings. The Siting Board retained its jurisdiction over the Section 72 Petition until March 1, 2026, when a provision in the 2024 Climate Act became effective and automatically limited the applicability of Section 72 to eminent domain proceedings. Section 72 jurisdiction is discussed in Section II below.

Eversource; (4) John McLaughlin, principal engineer/transmission system planning, Eversource; (5) John Zicko, director of engineering/capital projects, Eversource; (6) Nick Forzono, supervising engineer/overhead transmission lines, Eversource; (7) Patrick Fitzgerald, manager/substation engineering, Eversource; (8) Stephen Dudeck, supervisor/project engagement, Eversource; (9) Anne McGinnes, specialist/T&D right of way, Eversource; (10) Michael Babineau, supervisor/transmission vegetation management, Eversource; (11) Anthony Veilleux, senior specialist, community relations, Eversource; (12) James Blais, supervisor/T&D right of way, Eversource; (13) Daniel Hagen, project manager, Burns & McDonnell; (14) Michael Howard, managing principal/environmental licensing and permitting, Epsilon Associates, Inc. (“Epsilon”); and (15) Chris Rodstrom, lead scientist, Epsilon. Ms. Machie presented no witnesses but did testify on her own behalf. In addition, she conducted cross-examination of witnesses presented by the Company.

After the close of hearings, the Presiding Officer admitted approximately 200 documents, including the Petition, responses to information requests, and responses to record requests, into the evidentiary record. On May 22, 2025, the Company and Lauren Machie each filed a brief regarding the Project.

On July 20, 2026, Siting Board staff distributed a Tentative Decision to the Siting Board members and all parties for review and comment. The parties were given until July 27, 2026, to file written comments. The Board received timely written comments from the Company and Ms. Machie.⁷ On July 29, 2026, the Board conducted a hybrid public meeting to consider the Tentative Decision, at which the parties presented oral arguments. The Siting Board provided interpretation in Portuguese. After deliberation, the Board directed staff to prepare a Final Decision approving Eversource’s Zoning Petition, subject to certain conditions set forth below.

⁷ In the Company’s comment, it stated that it had reached an agreement with the Machies regarding the location of Structure #2 consistent with the Board’s recommendation (Eversource Comment on the Tentative Decision at 2).

II. SITING BOARD’S JURISDICTION OVER THE NEW LINE EXTENSION UNDER G.L. C. 164, § 72 AND OTHERWISE

Until March 1, 2026, G.L. c. 164, § 72 required, based on long-standing SJC precedent, a transmission provider to obtain approval from the Department before installing a “line for the transmission of electricity for distribution.” Town of Sudbury v. Department of Public Utilities, 343 Mass. 428, 431 (1962). Effective March 1, 2026, however, the “Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers,” St. 2024, c. 239 (“2024 Climate Act”), signed by Governor Maura Healey on November 20, 2024, simultaneously transferred Section 72 jurisdiction from the Department to the Siting Board and confined such requirement to eminent domain proceedings under G.L. c. 79. St. 2024, c. 239, § 75. Thus, a transmission provider not seeking to exercise the power of eminent domain to install transmission lines does not first require approval from either the Department or the Siting Board pursuant to Section 72. Based on this change, the Siting Board concludes that the Siting Board no longer has jurisdiction over the New Line Extension under Section 72 outside the eminent domain context. This conclusion is reinforced by the 2024 Climate Act’s creation of a new process for the review of transmission and distribution facilities (other than those that fall under the Siting Board’s jurisdiction under G.L. c. 164, § 69J). See G.L. c. 164, §§ 69T and 69U. For clean transmission and distribution infrastructure facilities, this new review process supersedes prior review under Sections 69J and 72. See G.L. c. 164, § 69H. Having created new avenues of review, the Legislature did not intend for the Siting Board to retain jurisdiction under Section 72 outside the eminent domain context, or to create an inconsistent parallel process. See St. 2024, c. 239, § 60 (requiring the Siting Board’s review of energy projects to be consistent with section G.L. c. 164, § 69J for all types of facilities other than generating facilities, large clean energy infrastructure facilities, and small clean energy infrastructure facilities); see also Commission on Energy Infrastructure Siting and Permitting’s (“CEISP’s”) Recommendations to Governor Maura Healey on Clean Energy Infrastructure Siting and Permitting Reform, dated March 29, 2024 (recommending language to clarify that § 72 “is applicable only when a taking is required to complete a transmission project, leaving review of other transmission line projects to the EFSB and environmental agencies as needed”).

Furthermore, unlike G.L. c. 164, § 69J, G.L. c. 40A, § 3 does not confer “ancillary facility” authority on the Siting Board that might otherwise allow the Siting Board to consider the New Line Extension as part of its review of the Substation Expansion. Compare G.L. c. 40A, § 3 with G.L. c. 164, § 69J. G.L. c. 164, § 69J likewise does not apply because the New Line Extension is less than ten miles and is in an existing ROW. G.L. c. 164, § 69J.

For the above reasons, the Board concludes that it does not have jurisdiction over the New Line Extension. Even so, because the Siting Board and the parties delved into the merits of the New Line Extension based on the Siting Board’s former jurisdiction over it and it was the subject of extensive inquiry at the evidentiary hearing, this Decision reviews the New Line Extension and provides recommendations that the Siting Board determines would improve it.

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

A. Standard of Review

Designed to accelerate progress towards the state’s goals of net zero greenhouse gas emissions by 2050, the 2024 Climate Act, effective February 18, 2025, changed local zoning exemption authority in two respects: (1) it codifies the definition of “public service corporation,” St. 2024, c. 239, § 36; and (2) it moved the authority to grant zoning exemptions to the Siting Board. St. 2024, c. 239, § 37, 91.

General Laws c. 40A, § 3 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 under G.L. c. 40A, § 3 must meet three criteria.⁸ First, the petitioner must qualify as a public service corporation. See Save the Bay, Inc. v. Department of Public Utilities, 366 Mass. 667 (1975) (“Save the Bay”); 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”). 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. Trimount ESS at 11-12; Park City Wind at 169; Vineyard Wind at 6. Finally, the petitioner must establish that it requires exemption from the zoning ordinance or bylaw. Trimount ESS at 12; Vineyard Wind at 6; NSTAR Electric Company d/b/a Eversource Energy, D.P.U. 18-21, at 6-7 (2019).

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; Cranberry Point Energy Storage, LLC, D.P.U. 22-59, at 21 (2023) (“Cranberry Point”); Medway Grid, LLC, D.P.U. 22-18/22-19, at 18 (2023) (“Medway Grid”); Park City Wind at 170. 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. Trimount ESS at 12; Cranberry Point at 21; Park City Wind at 170.

⁸ Both the Department and the Siting Board have historically exercised jurisdiction in zoning exemption matters under G.L. c. 40A, § 3. When deciding cases under a Department statute, the Siting Board, pursuant to G.L. c. 164, § 69H, applies Department and Board standards “in a consistent manner.” Thus, the Siting Board and the Department have implemented G.L. c. 40A, § 3, using consistent standards of review. Accordingly, this Decision cites to both Siting Board decisions and Department orders interpreting G.L. c. 40A, § 3.

B. Public Service Corporation

1. Standard of Review

Previously, the Siting Board based its standard of review for public service corporation status on analysis articulated by the Supreme Judicial Court. Save the Bay, 366 Mass. at 680; NSTAR Electric Company d/b/a Eversource Energy, EFSB 17-02/D.P.U. 17-82/17-83, at 194 (2019) (“Sudbury-Hudson”); Berkshire Power Development, Inc., D.P.U. 96-104, at 26-36 (1997) (“Berkshire Power”). 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, amending G.L. c. 40A, § 1A.

2. Analysis and Findings

As the Siting Board has previously found, Eversource is an electric company as defined by G.L. c. 164, § 1, i.e., “a corporation organized under the laws of the commonwealth for the purpose of . . . selling, transmitting, distributing, transmitting and selling, or distributing and selling, electricity within the commonwealth.” Sudbury-Hudson at 194. In its Petition, Eversource proposes to own or operate transmission or distribution facilities. Consequently, the Company is a “public service corporation” for purposes of G.L. c. 40A, § 3.

C. Public Convenience or 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 686; Town of Truro v. Department of Public Utilities, 365 Mass. 407, 410 (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; New York Central Railroad v. Department of Public Utilities, 347 Mass. 586, 592 (1964) (“NY Central Railroad”); NSTAR Electric Company d/b/a Eversource Energy, D.P.U. 17-147, at 7 (2019) (“K Street Substation”). 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.

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;⁹ 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.

⁹ With respect to the petitioner’s proposed site, G.L. c. 40A, § 3 does not require the petitioner to demonstrate that its primary 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 primary site is reasonably necessary for the convenience or welfare of the public. Martorano v. Department of Public Utilities, 401 Mass. 257, 265 (1987); NY Central Railroad, 347 Mass. at 591.

2. Need for or Public Benefit of Use

a. Existing System

The existing Crystal Spring Substation, which serves 5,598 customers, serves the 101 square mile Marion-Fairhaven service area, which is also served by the Arsene Street Substation in Fairhaven, Rochester Substation in Rochester, and Wing Lane Substation in Acushnet (Exhs. EV-1, at 18; LM-12; Tr. 1, at 161). For transmission service into the area, Line 114, an existing 115-kV line, serves the Crystal Spring Substation, and Line 112, an existing 115-kV line serves the other three substations (Exhs. EV-1, at 4, 18; DPU-N-1; LM-12). The Crystal Spring Substation currently has one transformer with a capacity of 40 megavolt-amperes (“MVA”), which supplies the 2-301-301, 2-302-302, 2-304-304 and 2-306-306 distribution feeders at 13.2-kV (Exhs. EV-1, at 18; DPU-N-9(1)(c), at 9). Currently, the distribution system within the Marion-Fairhaven service area serves a wholesale and retail (“native”) summer peak load¹⁰ of 57 MW (Exh. EV-1, at 20). Of this amount, summer peak native load for the Crystal Spring Substation was approximately 16 MW (Exh. DPU-N-7).

b. Standards Applicable to the Company

According to Eversource, the North American Electric Reliability Corporation (“NERC”), the Northeast Power Coordinating Council (“NPCC”), and ISO New England (“ISO-NE”) standards provide voltage and loading limits for transmission systems; if the violations are left unaddressed, the Company contends, transmission equipment risks becoming overloaded and voltage levels could exceed acceptable operating ranges (Exh. EV-1, at 15). As a transmission provider, the Company must ensure its transmission systems comply with the reliability standards developed by the NERC, NPCC, and ISO-NE (Exh. EV-1, at 14-15). 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 15). Moreover, Eversource adheres to its internal guidelines, outlined in the Eversource document entitled

¹⁰ Native load refers to a service territory’s commercial, industrial, and residential load.

“Transmission System Design and Analysis Guideline,” which are consistent with those referenced above (Exh. EV-1, at 16).

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”) (Exh. EV-1, at 16; EV-1(F)). 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; likewise, it establishes standards for loading criteria, equipment rating, system voltages, power quality, reliability, standard substation designs, secondary network criteria, evaluation of interconnection of DG, system modeling criteria, load forecasting, system study methodologies, and modeling assumptions (Exh. EV-1, at 16-17). The Company must also comply with its tariff “Standards for Interconnection of Distributed Generation” M.D.P.U. No. 55A, (“DG Interconnection Tariff”)¹¹ and must follow its Distributed Energy Resources Planning Guide, which the Company developed to explain the planning criteria and analyses undertaken to understand the impacts of DG looking to interconnect to the Company’s system (Exh. EV-1, at 17).

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

In 2021, the Department established a temporary program, entitled “Provisional System Planning Program,” D.P.U. 20-75-B (2021) (“Provisional Program”), to further the Commonwealth’s decarbonization objectives consistent with the Massachusetts 2050 Decarbonization Roadmap by ensuring funding for upgrades to the electric power system for timely development and interconnection of DG. The Provisional Program sets the parameters by which a Distribution Company files a CIP to request funding for the infrastructure project, which may be funded by both the interconnecting DG facilities and all ratepayers of the electric

¹¹ 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.

distribution company. Provisional Program at 2, 8, and 33-34. With the Provisional Program, the Department also recognized the immediate risk that hundreds of MW of DG projects awaiting interconnection may not have been able to proceed without costly upgrades to the electric power system and that construction timelines were critical to these projects. D.P.U. 20-75-B at 38-39. Therefore, the Department directed the Distribution Companies to submit CIPs only where they could demonstrate that aspects of the construction within their control could be completed within a maximum of four years from the conclusion of the Department's adjudicatory process. D.P.U. 20-75-B at 39.

Pursuant to the Provisional Program, Eversource studied the required scope and cost of modifying the electric system of different geographical areas to accommodate projected load and proposed DG interconnection within those areas (Exh. EV-1, at 18).¹² One such area was the Marion-Fairhaven area, whose four substations were the subject of a Group Study (within the meaning of the DG Interconnection Tariff) entitled, "M-F Group Study" (Exh. EV-1, at 18). Eversource stated that the main focus of the M-F Group Study was to analyze the impacts of proposed DG facilities on the area's steady state voltage and loading, voltage flicker, fault current contribution, interaction with voltage control equipment, transient overvoltage phenomena, and the risk of inadvertent islanding (Exh. EV-1, at 20-21). Notably, the Company indicated that Crystal Spring Substation, along with the other three substations, have zero MW of available bulk substation hosting capacity, meaning no additional amount of DG can be accommodated at the substations when one transformer is offline. Currently, a combined 70 MW of DG is connected to the four substations, with 22.6 MW of DG connected to the Crystal Spring Substation (Exhs EV-1, at 18-20; DPU-N-9(1)(a), at 3; DPU-N-13).

The M-F Group Study, which included 17 additional DG facilities with a total maximum power output of 48 MW, concluded that, even without the addition of proposed interconnecting DG, the Marion-Fairhaven area would, under specific N-1 contingencies, experience residual load

¹² Pursuant to Eversource'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.

loss,¹³ because of the current DG connected to the system, existing peak load, and estimated light load conditions (Exh. EV-1, at 21-22). The Company summarized these contingencies in the Marion-Fairhaven Interconnection Impact Study report (Exhs. DPU-N-9(1)(a); DPU-N-9(1)(b); DPU-N-9(1)(c); DPU-N-9(1)(d); DPU-N-9(1)(e); DPU-N-9(1)(f)). The identified violations for the Crystal Spring Substation are reproduced below in Table 1 and Table 2 (Exhs. DPU-N-9; DPU-N-9(1)(a); DPU-N-9(1)(c)).

Table 1: Substation Level Violations Under N-0 and N-1 Conditions

<i>Study Element</i>	<i>Criteria Violation</i>
<i>Under N-0 Condition</i>	
Reverse Power Flow	Identified
<i>Under N-1 Condition</i>	
Transformer Thermal Capacity	Reverse flow is more than 95 percent of top nameplate ratings
Reverse Power Flow	Identified

Source: Exh. DPU-N-9(1)(c) at 5-8.

Table 2: Distribution Level Violations Under N-0 and N-1 Conditions

<i>Study Element</i>	<i>Criteria Violation</i>
<i>Under N-0 Condition</i>	
Steady State Voltage Results	High voltage under light load conditions
Voltage Control Equipment	Excessive tap movements
Fault current	Fault current increments exceeds 10 percent increase tariff allowance
Risk of Islanding	Identified
Transient Over Voltage	Identified

¹³ Residual load loss refers to the gross load that is no longer served in the event of a contingency, after the operation of all existing automatic load restoration schemes (Exh. DPU-N-5(1) at 29).

<i>Study Element</i>	<i>Criteria Violation</i>
<i>Under N-1 Condition</i>	
Steady State Thermal Results	Thermal light violations under light load conditions

Source: Exh. DPU-N-9(1)(c) at 5-8.

Following completion of the M-F Group Study, the Company filed the Marion-Fairhaven CIP Proposal, the first of its electric power system infrastructure filings under the Provisional Program, docketed as D.P.U. 22-47. The Company identified the following upgrades for the Crystal Spring Substation: (1) upgrade the existing substation transformer and switchgear; (2) add a second transformer, switchgear, duct bank getaways and cable; (3) upgrade distribution feeders; and (4) extend a new, lateral 115-kV transmission line off Line 112, for approximately three miles from Mendall Road Tap to the new substation transformer (Exhs. EV-1, at 23; DPU-N-14). These upgrades would remove the aforementioned violations of the Company's SYS PLAN 010, Distributed Energy Resources Planning Guide, and Transmission System Design and Analysis Guideline, and they would enable the interconnection of up to 140 megawatts ("MW") of DG in the Marion-Fairhaven service area (Exhs. DPU-N-10; DPU-N-14). Marion-Fairhaven CIP Order at 63. The Company's proposal for the New Line Extension and the Substation Expansion are components of this CIP (Exhs. EV-1, at 2-3; DPU-N-3). These upgrades would enable the interconnection of solar facilities and battery storage facilities and would also allow for future electrification, including in transportation and in heating (Exh. DPU-G(5)(1) at 92).

The Department found the recommended upgrades were reasonable and appropriately limited to specific electric power system upgrades. Marion-Fairhaven CIP Order at 59. The Department also found that, although one DG project had already withdrawn from the interconnection queue, potential attrition of known projects would be balanced by development of future DG that would be spurred by current policies prioritizing DG development in the Commonwealth, the establishment of a predictable CIP Fee, and known construction timelines. Marion-Fairhaven CIP Order at 65-66. The Department approved the Marion-Fairhaven CIP Proposal and stated that any future applications for interconnection within the Marion-Fairhaven

CIP Proposal area would be subject to the interconnection process under the DG Interconnection Tariff. Marion-Fairhaven CIP Order at 113-114.

d. System Needs

In addition to enabling DG interconnections, the Company stated the Project is needed to comply with reliability standards and criteria developed by NERC, NPCC, and ISO-NE, in addition to the Company's own standards and criteria outlined in the SYS PLAN 010 (Exh. EV-1 at 14-15; Company Brief at 17-19). According to Eversource, the four Marion-Fairhaven substations rely on each other for daily operations and during N-1 contingency events (Exh. EV-1, at 19). In the event of a contingency outage at Crystal Spring Substation or Line 114 (the single 115-kV line supplying the Crystal Spring Substation), the summer peak and forecasted native load can be transferred via 13.2-kV ties to the Arsene Street Substation and Rochester Substation; however, this would cause all existing DG to be tripped offline (Exhs. EV-1, at 21; DPU-N-7). Eversource also stated that the loss of Line 114 would cause residual load loss, which would violate Section 3.5 of Eversource's "Transmission System Design and Analysis Guideline" (Exh. DPU-N-14).¹⁴ As described in the M-F Group Study, under N-0 and N-1 contingencies, the Marion-Fairhaven service area would additionally experience thermal and voltage violations (Exh. DPU-N-9(1)(c) at 5-8). See Table 1 and 2.

The Company claimed that installing Line 112 from Mendall Road Tap to the Crystal Spring Substation as an extension of Line 112 would provide transmission supply redundancy (Tr. 1, at 65-66). The Department also noted that the Marion-Fairhaven CIP Order provided tangible and operationally necessary capacity and reliability benefits, which would ensure fewer service disruptions and outages. See Marion-Fairhaven CIP Order at 88.

¹⁴ In this event, while customer load could be transferred to the Arsene and Rochester Substations, existing and proposed DG could not be transferred without causing thermal capability, steady state voltages, voltage flicker, islanding, and transient overvoltage violations (Exh. DPU-N-14).

e. Analysis and Findings

The Crystal Spring Substation is one of four substations serving the Marion-Fairhaven service area. The Crystal Spring Substation is served by one existing transmission line, Line 114.

To meet the state's climate goals and adhere to the Massachusetts 2050 Decarbonization Roadmap, the Department explored methods to enhance the electric power system for DG interconnections. For planning and funding these upgrades, the Department established the Provisional Program, an interim measure. D.P.U. 20-75-B at 42. As part of the Provisional Program, electric distribution companies, such as Eversource, are required to study upgrades required in a geographical area to accommodate additional proposed loads and DG interconnections. As a result, Eversource conducted a study and proposed several electric system upgrades in the Marion-Fairhaven service area, which included the Project upgrades – *i.e.*, the New Line Extension and Substation Expansion. The Department found the identified upgrades would adequately accommodate future load growth from electrification and other sources. See Marion-Fairhaven CIP Order at 85-86.

The record also demonstrates that the electric power system in the Marion-Fairhaven service area does not currently comply with the Company's planning criteria; the four substations in the service area rely on each other for operations, including load transfers between substations during contingencies (such as an N-1 contingency involving an outage at the Crystal Spring Substation and Line 114). While 70 MW of DG currently interconnect at the substations, all these resources would trip offline during an N-1 contingency. Additionally, the M-F Group Study reveals that the substations in the area already experience potential residual load loss, as well as voltage and thermal violations during N-1 and N-0 contingencies. The New Line Extension would extend a second transmission line, Line 112, to Crystal Spring Substation. The Project, in addition to enabling 140 MW of future DG interconnections, would also solve the contingency issues providing additional reliability.

Accordingly, the Siting Board finds that the Project is needed and that the construction and operation of the Project would result in public benefits. 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.

3. Alternatives Explored

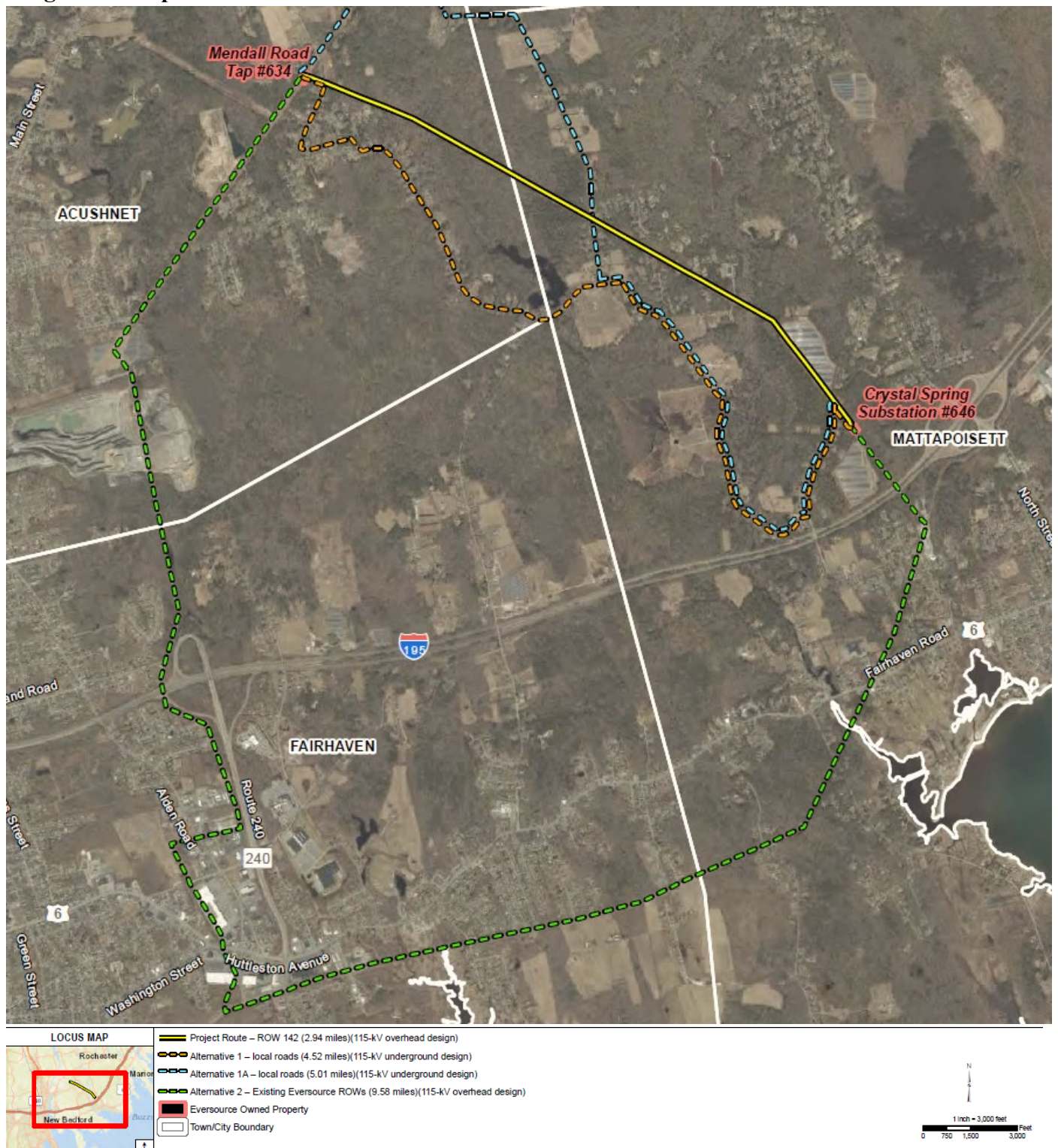
a. Substation Expansion

The Company considered two alternatives to the Substation Expansion. First, the Company considered leaving the Crystal Spring Substation as is, without any expansion, which it coined the No-Build Alternative (Exh. EV-1, at 26). However, the No-Build Alternative would not meet the need for increased hosting capacity that the Crystal Spring Substation requires for DG connection, and for enabling the Company to meet demand during certain contingencies (Exh. EV-1, at 26). Therefore, the Company did not explore this option further (Exh. EV-1, at 26).

Second, the Company considered non-wire alternatives (“NWAs”), including energy efficiency and demand response programs, new DG, and new energy storage facilities (Exh. EV-1, at 26). The Company remarked they have the potential to be effective when a project’s need is characterized by increasing customer load levels but that in this case, the Project’s needs are primarily related to interconnecting existing and proposed solar and battery energy storage system (“BESS”) projects, for which the current transmission and distribution facilities lack sufficient hosting capacity (Exh. EV1, at 26-27). The Company further stated that the quantity and size of the interconnecting facilities require transmission, distribution, and substation upgrades to avoid thermal overloads and other violations (Exh. EV-1, at 26-27). Thus, the Company determined that NWAs would not meet the Project need (Exh. EV-1, at 27).

b. Transmission Design and Route Alternatives

The Proposed Route of the New Line Extension was one of four considered by the Company, as depicted below in Figure 3. Each of the alternatives is discussed in more detail below.

Figure 3. Map of Alternative Routes for the New Line Extension.

Source: Exh. EV-1(G); modified by Siting Board staff to change color tone and enlarge legend.

i. ROW 142 Underground Alternative

The Company considered installing a new underground transmission line on ROW 142 (Exh. EV-1, at 27-28). The Company stated that this option presents several challenges; namely, increased environmental impacts, lack of contiguous rights to build and operate a new underground line, and significant costs of between \$20-25 million per linear mile (Exh. EV-1, at 27-28). Consequently, the Company did not explore this alternative further.

ii. Public Roadway Underground Alternative

In addition to considering the ROW 142 underground alternative, the Company explored two public roadway underground alternatives, which would be between 1.5 and 2.0 miles longer than the New Line Extension (Exhs. EV-1, at 28; EV-1(G)). These alternatives would present more construction impacts and would cost between \$35-\$50 million per linear mile; therefore, the Company did not pursue these alternatives further (Exh. EV-1, at 28).

iii. Overhead Alternative

The Company considered an Overhead Alternative that would run approximately ten miles along other existing ROWs (Exhs. EV-1, at 29-30; EV-1(G)). The Company stated that mapping data from the Massachusetts Bureau of Geographic Information (“MassGIS”) indicate that this alternative would cause greater temporary and permanent environmental impacts to wetlands, mapped rare-species habitats, floodplains, and sensitive resource areas than the Proposed Route (Exh. EV-1, at 29).

The Company cautioned that the Overhead Alternative would involve work in Fairhaven, which would involve more residential and commercial abutters, and would impact both residential and commercial abutters (Exh. EV-1, at 29). Moreover, the Company stated that some of the ROWs have limited space for new transmission and distribution infrastructure (Exh. EV-1, at 29). The Company estimated the cost of the Overhead Alternative would exceed the cost of the Proposed Route; the Company did not pursue this alternative further (Exh. EV-1, at 29-30).

iv. Overhead Line Extension in ROW 142 (the Project)

The Company argued that, after considering a variety of transmission design alternatives and route alternatives, the proposed Project is the best solution (Exh. EV-1, at 27-30). Similarly, after evaluating an alternative overhead solution that followed a different ROW, the Company stated that the alternative route, which is more than three times as long as the Proposed Route, would likely result in significantly greater temporary and permanent environments impacts to wetlands, mapped rare species habitat, floodplains, and other sensitive areas (Exh. EV-1, at 27-30). The Proposed Route, the Company argues, follows the shortest route, results in fewer impacts to the environment and on abutters, and is more cost-effective (Exh. EV-1, at 27-30).

c. Proposed Alternative Locations for Structure #2

i. Description

The Company proposed to install Structure #2 within the easement of 275 Mendall Road. The property at 275 Mendall Road is located on the northeastern edge of the ROW; the proposed location for Structure #2 would be within the Company's 150-foot-wide easement on Machie's property, approximately 50 feet to the east of Mendall Road and 130 feet from the nearest corner of the Machies' home, and adjacent to the structure on the corresponding transmission line, Line 114 (Exh. EV-1(O) at 12; EV-10; M-1; M-11; Tr. 1, at 77-78). The conductors of the New Line Extension would be approximately 30 feet from the edge of the easement, which abuts Ms. Machie's home (Exh. LM-22). Structure #2 would measure 65-85 feet in height (Exh. EV-1(O) at 10). To accommodate the New Line Extension, including the installation of Structure #2, the Company would require that the Machies receive a license from Eversource for their existing fence to remain (Exh. EV-9, at 3; Tr. 1, at 34-35). The Company would also require the removal of incompatible vegetation within the easement along the Machie property.¹⁵ This work would consist primarily of selective vegetation removal between Structures #2 and #3, with compatible species retained where feasible unless removal is necessary for construction or operation of the Project (Exhs. EV-9, at 2; LM-5; LM-19; M-1, Att.).

¹⁵

See Section III.C.4.b.

Eversource and Ms. Machie engaged in several email and in-person discussions regarding the placement of Structure #2 (Exhs. EV-9; LM-1, LM-2; LM-3; LM-4; LM-5, LM-6, LM-7, LM-8; LM-9; LM-10; LM-11; LM-12; LM-13; LM-14; LM-15; LM-16; LM-17; LM-18; LM-19; LM-20; LM-21; LM-22).¹⁶ The Board also asked the Company to consider additional alternatives to the options provided by the Company for Structure #2 (Exhs. DPU-PA-1; DPU-PA-2; DPU-PA-5; RR-EFSB-3; RR-EFSB-4; RR-EFSB-6; Tr. 1, at 79-159). In response, the Company presented seven additional options for the location of Structure #2:

- Option 1: Relocation of Structure #2 to the West of Mendall Road. This option would shift Structure #2 from the Eversource easement on Ms. Machie's property to the Company's easement on the opposite side of Mendall Road, at 284 Mendall Road (Exhs. DPU-PA-2; DPU-PA-5; Tr. 1, at 79-80; 88-89; 95-106). The Company argues that this option is not feasible because the distance between Structures #2 and #3 would exceed the maximum allowable conductor span; furthermore, an additional structure would need to be installed between Structures #2 and #3 (Exhs. DPU-PA-2; DPU-PA-5; Tr. 1, at 88-89). This additional structure would not be adjacent to the corresponding structures, introducing accessibility and maintenance issues (Exh. DPU-PA-5). This option also would cost \$400,000 more, though this price does not include the costs of further design, permitting, outreach, and civil engineering, which costs the Company did not estimate (Exh. DPU-PA-5).
- Option 2: Shifting Structure #2 towards Mendall Road. This option involves shifting Structure #2 up to 30 feet closer to Mendall Road in front of and, thus, further from Ms. Machie's home (Exhs. DPU-PA-1; DPU-PA-5; Tr. 1, at 80). The Company explained that this option would decrease the visual prominence of Structure #2 to the Machie residence but that it would still need to remove existing vegetation to protect the transmission lines that would remain overhead; moreover, the overhead lines would remain the same distance to the house as proposed (Exhs. DPU-PA-1; DPU-PA-5). This option would also require shifting Structure #3 towards Mendall Road by at least an equal amount to maintain span distances (Exhs. DPU-PA-1; DPU-PA-5). The Company explained that this option may introduce construction complexities, such as new proximity to a distribution line along the east side of the road, and placement of structures in the wetland (Tr. 1, at 76-78; 93-95). However, the Company also noted that there are no additional costs associated with this option and there would be no change to the environmental impacts or structure foundation designs (Exhs. DPU-PA-5; RR-EFSB-2).

¹⁶ In her comment on the Tentative Decision, Ms. Machie reiterated her concerns about the location of the Company's ROW.

- Option 3: Relocation of Structure #2 Beyond Fenced Backyard. The Company considered moving Structure #2 beyond Ms. Machie's fenced backyard, and closer to Structure 3 (Exh. DPU-PA-2). This option, the Company explained, would require the construction of another structure on the west side of Mendall Road to maintain span lengths (Exh. DPU-PA-2). Thus, visual impacts would be shifted rather than eliminated, and costs would increase by approximately \$400,000 at least (Exhs. DPU-PA-2; DPU-PA-5; DPU-PA-5(1); RR-EFSB-2; Tr. 1, at 80-81).
- Option 4: Relocation of Structure #2 to Rear of Machie Property. This option would place Structure #2 along the ROW toward the rear of the Machie property (Exhs. DPU-PA-1; DPU-PA-5; Tr. 1, at 81). While this option would involve building Structure #2 in a wetland, it would relocate Structure #3 out of a wetland; to maintain span lengths, Structure #2 would need to be 30 feet taller, requiring custom fabrication and support on a drill shaft reinforced concrete foundation (Exhs. DPU-PA-1; DPU-PA-5; Tr. 1, at 75-86). With this option, the Company would still need to remove vegetation, and the option would cost \$700,000 plus approximately \$150,000 for additional design, permitting, outreach, and engineering (Exhs. DPU-PA-1; DPU-PA-5; RR-EFSB-2; Tr. 1, at 83-86).
- Option 5: Shifting of Structure #2 Towards the Corresponding Structure on Line 114. This option would shift Structure #2 south, moving it closer to Line 114. While this would reduce Structure #2's prominence in the Machie's viewshed and shift the wire zone so that some vegetation could remain, the Company indicated that it is not feasible (Exhs. DPU-PA-3; DPU-PA-5; DPU-PA-9; Tr. 1, at 81). The Company explained that such a shift would bring the New Line Extension too close to Line 114, causing Line 114 conductors to violate clearance requirements under blowout conditions (Exhs. DPU-PA-3; DPU-PA-5; DPU-PA-9). Furthermore, moving Line 114 structures to accommodate the clearance issues would require additional easement rights from approximately seven abutting property owners. The Company estimated that this option would cost \$15 million more than the proposed Project (Exhs. DPU-PA-5; DPU-PA-9).
- Option 6: Underground Portion of the New Line Extension. The Company was asked by the Siting Board to consider undergrounding the New Line Extension between Structures #1 and #3 (Exhs. DPU-PA-3, DPU-PA-5, Tr. 1, at 81-82). While this option would eliminate Structure #2 from the Machie's viewshed, it would increase costs by approximately \$20 million and cause additional wetland impacts because of duct bank installation; in addition, it would cause a greater visual impact to property owners west of Mendall Road because Structure #2 would be relocated (Exh. DPU-PA-5; Tr. 1, at 86-88). Notably, this option would still require a riser structure for the transition from overhead to underground (Tr. 1, at 86-87). The Company emphasized that these restraints would apply also to undergrounding a portion of the line extension within the gravel access road (Exh. LM-2).
- Option 7: Use of Aluminum Composite Core Conductor. The Company explored different types of conductors to assess whether those conductors would allow the Company longer

spans between structures and possibly move or eliminate Structure #2. Typically, the Company uses aluminum conductor steel supported (“ACSS”) conductors for its transmission lines (RR-EFSB-5; RR-EFSB-6). However, the Board requested that the Company consider the use of an aluminum conductor composite core (“ACCC”) as a potential option for relocating Structure #2 (RR-EFSB-3; RR-EFSB-4; RR-EFSB-6; Tr. 1, at 147). Both ACSS and ACCC conductors are high temperature low sag conductors; the Company explained that it uses ACSS conductors because of its service territory’s current g capability, low sag, and high temperature characteristics (RR-EFSB-5). Further, the Company stated, using ACSS throughout its territory allows it to efficiently and consistently stock standard spare materials (RR-EFSB-5).

To date, the Company has not used ACCC conductors, though it has used aluminum conductor core-reinforced (“ACCR”) conductors to span the Connecticut River in Montague, Massachusetts and Hartford, Connecticut (RR-EFSB-5). Unlike here, in those situations, because the lines spanned a river crossing, easement width was not a constraint (RR-EFSB-5). Like the ACCC, the Company explained, the ACCR conductors are better suited for extended spans with long, unobstructed areas and ROWs (RR-EFSB-5). The Company remarked that using ACCC between Structures #1 and #3 would not allow for eliminating Structure #2 (RR-EFSB-3). If, the Company posited, Structure #2 is eliminated and Structure #3 is moved east and out of the wetland, the span between Structures #1 and #3 would increase to 1,450 feet, which would not be supported by the available easement because the span would exceed horizontal blowout clearance limits (RR-EFSB-3). The Company stated that the maximum span is restricted to a maximum of 800 feet for ACCC (RR-EFSB-3). Leaving Structure 3 in its currently proposed location inside the wetland also would not decrease the span length to 800 feet or less (RR-EFSB-3). The Company also explored using ACCC conductor between Structures #2 and #3 if Structure #2 is moved west of Mendall Road and Structure #3 is moved east of the wetland (RR-EFSB-4). However, the Company reported that the span length, reaching approximately 1,100 feet, would still exceed 800 feet, rendering it an infeasible alternative (RR-EFSB-4).

ii. Positions of the Parties

Throughout the proceeding, Ms. Machie asserted that the Project would damage her property and affect her quality of life (Exhs. LM-1; LM-2; LM-3; LM-4; LM-5; LM-6; LM-7; LM-10; LM-11; LM-13; LM-14; LM-15; LM-16; LM-18; LM-21). Ms. Machie contends that the Company initially told her that it could move Structure #2 to the back of her property; she feels the Company has not adequately explained why this option is not available (Machie Brief at 1). Further, Ms. Machie emphasizes that the removal of mature trees and bushes would alter the border between her property and the easement edge (Machie Brief at 1). Ms. Machie asks the

Board to consider all alternative options (Machie Brief at 1-2). Ms. Machie states that moving Structure #2 30 feet from the proposed location away from her home (Option 2) would be a better alternative (RR-EFSB-10). She also asserts, however, that the use of ACCC would be preferable (RR-EFSB-10).

The Company acknowledges the concerns voiced by Ms. Machie (Company Brief at 52-53). However, the Company argues that Structure #2, as proposed, is the same approximate design and height as other proposed structures on the New Line Extension, and is also adjacent to the corresponding structure on Line 114; these characteristics would reduce operational and maintenance complexities compared to the alternative options explored (Company Brief at 61). The Company also reports that it continues to work with Ms. Machie in developing a landscape design and mitigation agreement for impacts associated with the location of Structure #2 (Company Brief at 63).

d. Analysis and Findings

For the Substation Expansion, the Company considered a No-Build option and NWAs. In Section III.C.2, the Siting Board found the Project serves a need and the public would benefit from its operation. The No-Build option and the NWAs would not achieve these benefits. Accordingly, the Siting Board finds that the Company's decision to pursue the Substation Expansion is reasonable.

Eversource also considered several options for the New Line Extension; the alternatives ranged from different overhead routes to underground alternatives following ROW 142 and a public roadway. The record shows that those options would increase costs and environmental impacts (e.g., temporary and permanent impacts to wetlands, mapped rare-species habitat, floodplains, and other sensitive areas), and would impact more abutters. The record also shows that the New Line Extension has fewer impacts to wetlands, rare-species habitat, and floodplains. The Siting Board acknowledges that the impacts to Ms. Machie are significant. In balancing the various factors, however, the Siting Board finds that the New Line Extension is superior to other alternative transmission routes.

Ms. Machie expressed significant concern regarding the proposed location of Structure #2, as it is proposed to be located in the Eversource easement in her front yard. Construction of the New Line Extension in this location would involve removal of substantial plantings that shield her property from the ROW. The record shows that many of the options for mitigating impacts to the Machie property significantly increase costs, environmental impacts, or impacts to other abutters. Out of all the seven options, Option 2, which involves shifting Structure #2 approximately 30 feet towards Mendall Road, was the only feasible one. The Company expected that this option would not cost more or change the environmental impact of the structure. Ms. Machie also stated that Option 2 would be a better alternative. The proposed location of Structure #2 would be approximately 130 feet in front of the Machie house; with this option, the proposed location of Structure #2 would shift up to 30 feet closer to Mendall Road, extending the distance between the house and the structure to approximately 160 feet.

The Siting Board finds that Option 2 is a reasonable alternative that balances cost, environmental impacts, and concerns raised by Ms. Machie, an impacted abutter. The Siting Board notes, however, some reservation on Eversource's part regarding maintenance issues with the option that could arise, such as proximity to existing distribution infrastructure. Thus, the Board recommends that the Company endeavor to move Structure #2 closer to Mendall Road and away from the Machie home as described in Option 2 above. The Siting Board also recommends that the Company reasonably assist the Machies in maintaining or replacing vegetation and in otherwise mitigating impacts to the Machies' viewshed.

4. Impacts of the Proposed Use

a. Construction and Outreach

The Company reported that it would limit work hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 4:00 p.m. on Saturdays; however, the Company noted that it could adjust this schedule in consultation with Mattapoissett and Acushnet town officials (Exhs. EV-1, at 43-44; DPU-G-4). The Company also committed to developing a construction communication plan that it would post on the Project website; the Company would update the

Project website weekly and would announce upcoming construction activities on it (Exh. DPU-CO-2).

For the Substation Expansion, the construction process would include the following steps: (1) site clearing and preparation; (2) construction of the new transformer and switchgear; (3) energization of the new transformer and switchgear; (4) cutover of distribution circuits to new switchgear; (5) demolition of the existing substation; (6) construction of the second new transformer on the site; (7) installation of a permanent stormwater management system and electrical wiring; (8) startup; (9) reconfiguration and construction of overhead and underground lines; and (10) site stabilization and restoration (Exh. EV-1, at 31-32).

In constructing the New Line Extension, the Company would follow this sequence: (1) survey and stake the ROW boundaries and new structure locations; (2) mark the boundaries of delineated wetlands and water courses; (3) develop construction field offices, laydown yards, and storage and staging areas; (4) install erosion and sediment controls; (5) perform selective tree and vegetation removal, and install temporary construction matting and mowing work zones in applicable areas; (6) improve existing access roads and construct new temporary and permanent gravel access roads where needed; (7) install temporary work and pull pads; (8) relocate the existing 13-kV overhead distribution line near the Crystal Spring Substation underground on the ROW; (9) assemble new transmission line structures; (10) install structure grounding systems; (11) install conductor and shield wire; (12) remove construction matting and debris; (13) restore disturbed sites; and (14) maintain temporary erosion and sediment controls until the disturbed sites are stabilized and revegetated (Exhs. EV-1, at 32-33; EV-1(H); DPU-LU-1).

At the Mendall Road Tap, the Company would replace the three-pole dead-end structure with another three-pole dead-end structure that would be ten feet higher (Exh. EV-1, at 6). Construction would include mowing and removing vegetation from the ROW, installing and maintaining erosion and sediment controls, and, upon revegetation and site stabilization, removing such controls (Exh. EV-1, at 33).

Upon completion of construction and between phases of work in areas where all work is complete, the Company would restore disturbed portions of ROW 142 (Exh. EV-1, at 38). In addition, both during and after construction, the Company would provide monitoring in

accordance with the requirements listed in the regulatory approvals, including from the U.S. Environmental Protection Agency (“USEPA”) Stormwater Construction General Permit (Exh. EV-1, at 38-39). The Company also developed a Stormwater Pollution Prevention Plan and stated that the stormwater management system was designed so post-construction conditions do not cause an increase in stormwater runoff peak discharge rate or volume relative to the current conditions (Exh. DPU-W-2(S1)(1)).

The Company stated that it conducted outreach efforts both to public officials and the wider community, including through hosting three open houses in April 2024, one in Mattapoisett, one virtually, and one in Acushnet, and mailing open house invitations to abutters located within 300 feet of the Project route, to abutters within a quarter mile of the Crystal Spring Substation and the Mendall Road Tap, and to municipal officials in Acushnet and Mattapoisett (Exh. EV-1, at 11, 12). The Company stated that it focused initial outreach efforts on project need, schedule, potential impacts, the permitting and siting processes, and opportunities for public input and that it has continued these efforts throughout the siting and permitting process (Exh. EV-1, at 11, 12). The Company commits itself to maintaining a focused communication program throughout construction, including outreach to municipal officials and abutters along the route with regards to construction staging and laydown and traffic management plans, as such details become available (EV-1, at 10).

b. Land Use, Resources, and Vegetation Management

i. Company Description

Land uses within and adjacent to the Project ROW and in the vicinity of the Substation Expansion include the following: (1) grassland associated with the maintained overhead transmission line; (2) palustrine emergent wetlands associated with wetland areas along the ROW and adjacent to the Crystal Spring Substation and Mendall Road Tap; (3) bare land and industrial land, associated with the Crystal Spring Substation and the Mendall Road Tap; and (4) developed open space and impervious land, associated with residential yards and access road segments (Exhs. EV-1, at 39; EV-1(I)). The Company stated that the Project would cause no appreciable change to the total area of Grassland or Palustrine Emergent Wetlands (Exh. EV-1, at 39). For the

Substation Expansion, the Company estimated the Project would disturb 2.4 acres of land, which includes approximately 0.2 acres of previously developed land occupied by the existing substation (Exh. EV-1, at 39). Moreover, the site already contains gravel access roads (Exhs. EV-1, at 39; EV-6(1)).

Currently, the Company manages vegetation on and along the transmission line ROW consistent with requirements of a wire zone and a border zone; Eversource explained that with the addition of the New Line Extension, the corresponding ROW would be reclassified as a wire zone and subject to different vegetation management requirements (Tr. 1, at 92-93). The Company follows an internal Vegetation Management Plan for its transmission line corridors, which states that vegetation that obscures the ROW corridors and grows tall enough to interfere with the operation of the electric line is considered incompatible within the ROW (Exhs. DPU-G-6; DPU-G-7; DPU-V-7; LM-6). To comply with this plan, the Company would allow only plant species in the ROW that are 15 feet or less at maturity (Exhs. DPU-V-7; LM-6; Tr. 1, at 102, 121-123).

The Company reported that it would remove trees from 0.69 acres of the total 2.4 acres of disturbed land for the Substation Expansion (Exhs. EV-1, at 39-40). For the New Line Extension, the Company would need to remove or trim approximately 1.18 acres of trees and vegetation along the northerly ROW edge in Mattapoisett and Acushnet (Exhs. EV-1, at 39-40; DPU-LU-2; DPU-SLS-6). As a result of vegetation management requirements, the Company explained that it would need to remove approximately 6,979 square feet (or 0.16 acres) of vegetation from within the ROW that crosses 275 Mendall Road in Acushnet (the Machie property) (Exhs. DPU-V-5; DPU-V-5(1)). The Company and Ms. Machie have communicated about the impact of vegetation removal and have discussed mitigation options (Exhs. DPU-V-6; LM-1; LM-10; LM-14; LM-19; LM-20).

Of the 1.18 acres of trees to be removed, 0.18 acres of trees and vegetation would be removed from mapped National Heritage Endangered Species Program ("NHESP") Priority Habitat (Exhs. DPU-G-5(1) at 72; DPU-LU-2; DPU-SLS-6). Eversource explained that, while there would be a change from forested habitat to scrub-shrub habitat, the tree removals would be confined to select pockets on the northerly edge of the ROW (Exhs. DPU-G-5(1) at 72;

DPU-SLS-6). The Company states that the understory vegetation would remain intact, which would also allow for more rapid regeneration following tree removal (Exh. DPU-SLS-6). Company also reported that the scrub-shrub habitat would still allow for potential foraging, migratory, and basking habitat to state-listed turtles (Exhs. DPU-G-5(1) at 72; DPU-SLS-6).

Eversource identified NHESP-mapped habitat along approximately 40 percent of the Project ROW, all associated with the eastern box turtle (Exhs. EV-1, at 50-51; EV-1(H); EV-1(I); DPU-SLS-1; LM-3). The Company stated that potential impacts to the turtles would include direct mortality during construction (Exh. EV-1, at 50). Accordingly, the Company consulted with NHESP and developed a Turtle Protection Plan (“TPP”) with conditions (Exhs. DPU-G-5(1) at 73-77, DPU-SLS-2). The conditions are as follows: (1) the approved TPP shall be implemented as written by a qualified, Division of Fisheries and Wildlife (“DFW”)-approved wildlife biologist in possession of a valid Scientific Collection Permit, and searches for the eastern box turtle must occur from April 1-October 31 of any year, unless otherwise approved by DFW; (2) all erosion and sediment controls shall be removed and properly disposed following construction and stabilization of the surrounding areas; and (3) within 30 days of work completion, the Company shall submit a written report to DFW documenting compliance with the conditions (Exh. DPU-SLS-2(S1)(1) at 3). The NHESP determined that, if its conditions are followed and there are no changes to the project plan, the Project would not result in a “Take of the state-listed species,” as defined in 321 CMR 10.02 (Exhs. DPU-SLS-2(S1); DPU-SLS-2(S1)(1)). The Company also stated that it updates its Operations and Management Plan annually with NHESP; this plan establishes guidelines and would consider time-of-year restrictions to avoid impacts during critical life stages including but not limited to nesting season for ground and shrub nesting birds, rearing season for bats, and flowering and seed times (Exh. DPU-W-2(S1)(1) at 209).

Neither the Crystal Spring Substation nor the Mendall Road Tap are in NHESP Priority and Estimated Habitat areas (Exhs. EV-1, at 50; EV-1(H); EV-1(I)). Pursuant to G.L. c. 40 § 15C, Mattapoisett has a scenic road bylaw, dictating that the Mattapoisett Planning Board would need to approve the cutting or removal of trees on public ways that have been designated as scenic roads (Exh. DPU-V-4). Crystal Spring Road and Long Plain Road are two such roads, and they also cross the ROW (Exh. DPU-V-4). The Company has committed to consulting with the

Mattapoisett Tree Warden to discuss any prior authorization required for tree removal or trimming at these crossings (Exh. DPU-V-4).

The Company's archeology consultant, Public Archaeology Lab ("PAL") investigated the Project area to ascertain the presence of archaeological resources that could be unearthed during transmission line construction on ROWs during grading and excavation (Exh. EV-1, at 49). PAL did not identify any potentially significant archeological resources within the Project's "Area of Potential Effect"; PAL also submitted a copy of its findings to the Massachusetts Historical Commission (Exh. EV-1, at 49-50). Should the Company inadvertently, over the course of construction, discover resources, the Company and its contractors would cease work immediately and, if appropriate, work with the State Historic Preservation Officer and the Tribal Historic Preservation Officer(s) (Exh. DPU-AH-1).

The Company explained that no aspect of the Project, including the ROW, the Mendall Road Tap, or the Crystal Spring Substation, are within or near designated Areas of Critical Environmental Concern (Exhs. EV-1, at 50; EV-1(I)). ROW 142 passes through open parcels in Acushnet and Mattapoisett (Exh. EV-1(I)). The Company reported that many of these parcels are associated with the Mattapoisett River Reserve and are owned by the Buzzards Bay Coalition; other parcels are owned by the Mattapoisett Land Trust, the Girl Scouts of America, the Town of Mattapoisett Water Department, and the Fin Fur and Feather Club of Mattapoisett (Exh. EV-1, at 50). However, the Company maintains that the existing ROW easement allows for construction of overhead transmission lines and does not require Article 97 approval (Exh. EV-1, at 50; DPU-G-5(2) Att., at 6).

ii. Positions of the Parties

Ms. Machie voices concern about the impact vegetation removal would have on the resale value of her home (Machie Brief at 1). She urges the Board to reexamine the photos and drone footage of the mature trees and bushes that the Company would remove (Machie Brief at 1). Regarding the impact of vegetation removal to the Machies' property, the Company has identified incompatible vegetation and has also agreed to provide reasonable funds following a bidding

process for the Machies' contractor to relocate the vegetation outside of the easement area (Company Brief at 63).

iii. Analysis and Findings

The record shows that the Project would be generally consistent with existing land uses in the area and would result in permanent impacts associated with the expansion of the Crystal Spring Substation, i.e., 2.4 acres of land, which includes approximately 0.69 acres of tree removal. The record further shows that 0.20 acres have already been developed; additionally, land is already occupied by gravel access roads.

The record also demonstrates that the Company would comply with vegetation plan requirements in maintaining the Project ROW for the New Line Extension. This would require additional tree removal and trimming along the ROW in Mattapoisett and Acushnet, which is especially concerning to Ms. Machie, who could experience 0.16 acres of tree removal on her property. The Company has committed to continue working with Ms. Machie to mitigate the impacts of vegetation removal, which would include covering certain landscaping costs. The Siting Board recommends that the Company, whenever possible, consider trimming branches rather than remove trees. Further, the Siting Board recommends that the Company schedule vegetation clearing outside the primary bird nesting season where practicable, consistent with applicable federal and state wildlife protection requirements.

Regarding NHESP-mapped habitat, the record establishes that the Company has performed its due diligence in coordinating with the appropriate agency and developing a protection plan to minimize impacts to the eastern box turtle, which is the only species with a NHESP-mapped habitat within the Project area. The record demonstrates that the Project would continue to allow for potential foraging, migratory, and basking habitat to state-listed turtles and would be subject to the conditions laid out by the Massachusetts Division of Fisheries and Wildlife in the TPP. The Siting Board expects the Company to adhere to the conditions recommended in the TPP to prevent a take of the eastern box turtle within the meaning of 321 CMR 10.02.

The record further shows that Project construction is not expected to unearth archaeological or historical resources. In the event that archaeological resources are discovered, the Company commits to working with the appropriate agencies. Moreover, the Project is not located within an

Area of Critical Environmental Concern and the Company states that the Project does not require Article 97 approval. The record demonstrates the Company's commitment to mitigation and restoration; accordingly, the Siting Board finds that land use impacts have been appropriately minimized.

c. Visual

i. Company Description

Eversource stated that, based on photo-simulations, the Substation Expansion and New Line Extension transmission structures highly dominate views of the Project, which it described as visually complex groupings of utility infrastructure (Exh. EV-1, at 43). Nevertheless, the Company reported that, because the Project is an expansion of the existing use, the Substation Expansion and related electrical equipment would not drastically alter the Crystal Spring Substations surrounding area's visual characteristics (Exhs. EV-1, at 43; EV-1(J)). The Company indicated that, while the Project may be seen from Crystal Spring Road, Tinkham Lane, and Long Plain Road in Mattapoisett and Mendall Road in Acushnet, overall visual alteration would be modest, with limited tree cutting or removal to mitigate impacts in Mattapoisett (Exhs. EV-1, at 43; DPU-V-4). The Company explained that, during operation, it would primarily use downward-facing lights and would only use upward-facing lights to view circuit switchers (Exh. DPU-Z-1(1) at 15).

The Company stressed that it would notify affected property owners through multiple channels to address concerns and, when appropriate, offer mitigation (Exhs. EV-1, at 43; DPU-V-1; DPU-V-2; DPU-V-3). The Siting Board heard testimony on how the New Line Extension would significantly alter the view from Ms. Machie's property at 275 Mendall Road (Exhs. LM-5; LM-6, LM-7, LM-10, LM-13). As discussed in Section II.C.3, to mitigate the impacts on Ms. Machie's property, the Company proposed installing Structure #2 within 30 feet of the previously proposed location but remaining on the east side of Mendall Road; this option may slightly reduce the visual impacts (Exhs. RR-EFSB-2; DPU-PA-5). Further, as discussed in Section III.C.4.b, the Company and Ms. Machie have been in communication regarding the impact

of vegetation removal and have discussed mitigation options (Exhs. DPU-V-6; LM-1; LM-10; LM-14; LM-19; LM-20).

ii. Positions of the Parties

Ms. Machie argues that as a result of the New Line Extension, “[her] property will be destroyed”, along with the property’s curb appeal, and resale value (Machie Brief at 1). Ms. Machie also indicates that the previous seller and his realtor misrepresented the property and were dishonest in pointing out the easement and proposed changes (Machie Brief at 1).¹⁷

iii. Analysis and Findings

The record shows that the Substation Expansion would not significantly alter the visual characteristics of the area. The Board directs the Company to design permanent exterior lighting at the expanded Crystal Spring Substation using DarkSky-compliant, fully shielded fixtures directed downward to minimize attraction or disorientation of nocturnal migrants as practicable. However, the Board recognizes that construction of the New Line Extension, and in particular, Structure #2 (which the Siting Board recommends the Company move up to 30 feet closer to Mendall Road) would have a significant impact on the view from the Machie property.¹⁸ The record demonstrates that the Company has committed to working with the Machies in developing a landscaping plan to mitigate the impacts to their property. The Siting Board expects the Company to continue its outreach with the Machies as they work to maintain or replace vegetation and mitigate impacts to their viewshed. With these commitments, the Siting Board finds that the visual impacts of the Project will be minimized and mitigated.

¹⁷ As indicated by the Presiding Officer multiple times during the proceeding, while the Siting Board empathizes with the concerns expressed by Ms. Machie regarding the circumstances surrounding her purchase of the property at 275 Mendall Road, the Siting Board is not the appropriate venue to pursue remedies for problems with the sale of the property.

¹⁸ See Section II.C.3 for discussion and analysis of the placement of Structure #2.

d. Wetland and Water Resources, and Flood Zones

i. Company Description

A portion of the Substation Expansion falls within the 100' Buffer Zone of a wetland; during the construction phase, the Company would use temporary construction matting within this zone, as described in Section III.C.4.a (Exh.EV-1(H) at 6). The Company asserts that no permanent impacts to wetlands are associated with the Substation Expansion (Exh. DPU-G-5(S1)(1) at 37).

The Substation Expansion would involve the creation of 0.10 acres of impervious surface (Exh. DPU-G-5(1) at 123). Accordingly, the Company stated that it would install a new stormwater collection basin in the southeast corner of the site (Exh. DPU-G-5(S1)(1)). In addition, the Company would develop upgrades to the stormwater management system design, which would conform to MassDEP standards; the details of the stormwater management system would be included in the Notice of Intent to be filed with the Mattapoissett Conservation Commission (Exhs. DPU-G-5(1) at 66-67; DPU-G-5(S1)(1)).

Both ROW 142 and the Crystal Spring Substation site contain or are adjacent to freshwater wetlands and waterways; many of these areas are palustrine scrub-shrub and emergent wetlands that were previously altered through construction and operation of the existing electric infrastructure and ROW maintenance (Exhs. EV-1, at 40; EV-1(H); EV-6(1)). The potential wetland impacts of the installation of Structures 3, 4, 14, 15, and 19 are summarized in Table 3 (Exh. EV-1, at 40). As stated above, the Company would use construction mats to minimize construction impacts in wetlands (Exh. EV-1, at 40). The Company explained that construction mats reduce the extent of vegetation removal for equipment movement and staging and minimize the amount of rutting in soils (Exh. EV-1, at 40-41). To ensure compliance with applicable permits and regulations, the Company would employ an environmental inspector during construction (Exh. DPU-G-5(1) at 58). The Company also reported that for permanent impacts resulting from installation of transmission structures, it would replace the affected wetlands in kind (Exh. DPU-G-5(1) at 56). If required by the Conservation Commissions of Acushnet or Mattapoissett, the Company would use compensatory flood storage for permanent impacts to Bordering Land Subject to Flooding and wetland replication for permanent impacts to Bordering

Vegetated Wetlands (Exh. EV-1, at 41; DPU-W-1; DPU-W-7). Furthermore, the Company would stabilize the graded area with a native upland seed mix and would allow the area to revegetate naturally once the Company removes the construction mats; if needed, the Company would stabilize other disturbed areas as well by applying a native wetland seed mix (Exh. DPU-G-5(1) at 61; DPU-LU-2).

Table 3. Summary of Impacts in Wetland Resource Areas.

Structure(s) and Location	Temporary Construction Matting (sq ft)	Temporary Vegetation Removal (sq ft)	Permanent Impacts (sq ft)
Bordering Vegetated Wetlands			
Structures #3, #4 Acushnet	52,600	12,000	100
Structures #14, #15 Mattapoisett	65,600	11,400	100
Riverfront Area			
Structure #19 Mattapoisett	13,600	900	50
Bordering Lands Subject to Flooding			
Acushnet	5,400	200	N/A
Structure #19 Mattapoisett	11,300	400	50

Source: Exhs. EV-1, at 41; EV-1(H); DPU-W-4; DPU-G-5(1) at 54-64; DPU-G-5(S1)(1) at 85-90.

The Company also identified a potential vernal pool near the location of proposed Structure #16 but does not expect any construction-related impacts (Exh. DPU-W-6). According to Eversource, the Mattapoisett River and an unnamed stream bisect the ROW, but the Company stated that no evidence indicated that Project construction and operation would impact these waterways (Exhs. EV-1, at 40; EV-1(H); EV-1(I)). Furthermore, the existing ROW access roads cross the two waterways via culverts (Exhs. EV-1, at 43; EV-1(H)). The ROW crosses Mattapoisett Brook in Mattapoisett and an unnamed stream tributary to Tinkham Pond in Acushnet, both of which are in a Federal Emergency Management Agency mapped 100-year flood zone; approximately 1,250 linear feet of floodplain is located on the ROW (Exhs. EV-1, at 43; EV-1(I); EV-1(H)).

The proposed location of Structure #19 in Mattapoisett lies within a 100-year floodplain (Exhs. EV-1, at 43; DPU-W-7). The Company would need to fill in approximately 50 square feet of floodplains for installation of Structure #19 (Exhs. EV-1, at 43; EV-1(H)). Thus, the Company designed the structure to support National Electric Safety Code requirements and 220 CMR 125 loading and would provide compensatory flood storage (48 cubic feet) to offset the nominal volume of fill placed in the floodplain (Exhs. DPU-G-5(S1)(1) at 37; DPU-W-7). To mitigate the impacts of potential flooding, Project engineers determined that because of specific design measures, such as sealing the bottom section of the pole, adding an extra groundline steel sleeve, and using a protective coating, temporary flood conditions would not be a problem (Exhs. DPU-G-5(S1)(1) at 45; DPU-G-5(S2)(1) at 5-6). MassDEP granted the Project a Water Quality Certification, subject to conditions (Exh. DPU-G-2(S2)(2) at 35).

Eversource stated that part of ROW 142 lies within a Massachusetts Department of Environmental Protection (“MassDEP”) Zone II Wellhead Protection Area and is adjacent to three Community Groundwater Sources in Mattapoisett (Exhs. EV-1, at 41-42; EV-1(I)). The Company explained that, to avoid and minimize impacts, it would use construction mats and adhere to the Company’s spill contingency plan, described in Section III.C.4.k., as well as applicable laws and regulations pertaining to the use of regulated materials (Exh. EV-1, 42; DPU-S-1; DPU-G-5(1) at 85-86).

ii. Analysis and Findings

The record shows that the Project would cause both temporary construction impacts and permanent impacts to wetlands, as discussed above and reflected in Table 3. During construction, to address temporary impacts, the Company would use construction mats to reduce the amount of vegetation removal and minimize soil rutting. Following construction, the mats would be removed and the area allowed to regenerate. If needed, the Company would seed the area with native mixes. For permanent impact mitigation, the record shows that the Company committed to in-kind wetland replication, revegetation, and stabilization. The record also shows that the Substation Expansion would create 0.10 acres of impervious surfaces. The Board directs the Company to install a new stormwater system in the southeast corner of the new substation site to mitigate the

increases in impervious surfaces in accordance with the requirements of the Wetlands Protection Act, G.L. c. 131, § 40, and with the MassDEP Wetlands Protection regulations at 310 CMR 10.00. In addition, the Company will construct the stormwater system to conform with the requirements in these laws.

The record indicates that part of the ROW falls within a 100-year floodplain, which would necessitate the Company filling in approximately 50 square feet for installation of Structure 19. To mitigate this impact, the Company would provide compensatory flood storage to offset the nominal volume of fill ultimately placed in the floodplain. Additionally, the record shows that the Company considered the placement of structures and minimized the potential flooding impacts in its design of Structure #19.

Further, the record establishes that, while part of ROW 142 lies within a MassDEP Zone II Wellhead Protection Area and is adjacent to groundwater sources, Eversource would follow its internal mitigation plan, as well as adhere to applicable laws and standards to minimize impacts to wetlands and water resources. The Board recommends that the Company delineate wetlands resources within the Project footprint in accordance with MassDEP Wetlands Protection regulation 310 CMR 10.00 and relevant MassDEP wetlands delineation guidance, including, without limitation, to assess the suspected vernal pool near Structure #16, and the Company investigate the Mattapoisett River and the unnamed stream that bisect the Right-of-Way to determine whether such water bodies are within the jurisdiction of the Chapter 91 Waterways program and, if so, to apply for any licenses or permits for the crossings required by either G.L. c. 91 or MassDEP's Waterways regulation 310 CMR 9.00. Accordingly, the Siting Board finds that impacts to wetlands and water resources have been appropriately minimized and mitigated.

e. Noise

i. Company Description

Temporary noise impacts for the Project are mostly construction-related; however, in Mattapoisett, the Substation Expansion would cause permanent noise impacts associated with operation of the Substation Expansion (Tr. 1, at 190-193). The Company intends to work with town officials and contact abutters in advance of construction (Tr. 1, at 193; DPU-G-4, at 1). The

Company would, whenever feasible, work within approved hours, from 7:00 a.m. to 6:00 p.m. Monday through Friday, and from 8:00 a.m. to 4:00 p.m. on Saturdays (Tr. 1, at 55). For certain operations that require work outside of specified working hours, such as cable splicing, the Company would coordinate with the affected towns and stakeholders to mitigate noise impacts (Exhs. EV-1, at 43-44; DPU G-4). Eversource agreed to those hours of construction following conversations with the Acushnet Building Inspector and Chair of the Selectboard (Exh. DPU G-4(a)). The Company committed to using the quietest equipment possible and foundation designs that minimize excavation and maximize component assembly off site during construction (Exh. EV-1, at 43-44).

The Towns of Acushnet and Mattapoisett do not have noise ordinances or other noise provisions applicable to operation of the Project (Exhs. DPU-NO-2; DPU-NO-3). The Project must comply with MassDEP's Air Pollution Control regulations and related Noise Policy (Exh. EV-1(K) at 9). Sources violate these regulations if they increase the broadband sound pressure level by more than 10 A-weighted decibels ("dBA") above the ambient level or produce a pure tone condition (Exh. EV-1(K) at 9).

Eversource contracted Epsilon to conduct noise analysis for the Crystal Spring Substation in Mattapoisett (Exhs. EV-1, at 44; EV-1(K)). To characterize the existing baseline noise conditions at the site, Epsilon first conducted an ambient sound level survey (Exh. EV-1(K) at 10). Epsilon then modeled predicted sound levels using noise calculation software; the locations for modeled sound levels were chosen to represent sound levels at the closest residences and closest residential property lines; the closest abutting residence is approximately 200 feet away from the proposed fenceline of the Substation Expansion (Exhs. EV-1(K) at 16-17; DPU-MF-4).

According to Epsilon, the two new 62.5-MVA transformers have a maximum National Electrical Manufacturers Association ("NEMA") sound level rating of 64 dBA and the residual background sound levels ranged from 41 to 57 dBA when measured on the west side of the existing substation access road along the ROW (Exh. EV-1(K) at 12, 21-22). Epsilon modeled three scenarios: (1) Transformer 1 operating independently at full load; (2) Transformer 2 operating independently at full load; and (3) both transformers operating simultaneously at half load (Exh. EV-1(K) at 16). Although the Project's projected increase over ambient does not

exceed 10 dBA, it nears or reaches 10 dBA at several residences and property line locations, as shown in Table 4 (Exh. EV-1(K) at 21).

Table 4: Modeled Increase Over Ambient Sound Pressure Level for the Substation Expansion

Modeling Location	Type	Increase Over Ambient (dBA)
Transformer 1 Operating at 100%		
PL1	Property Line	9
PL2	Property Line	10
R1	Residence	4
R2	Residence	8
R3	Residence	9
R4	Residence	6
R5	Residence	5
R6	Residence	3
Transformer 2 Operating at 100%		
PL1	Property Line	9
PL2	Property Line	7
R1	Residence	4
R2	Residence	6
R3	Residence	6
R4	Residence	5
R5	Residence	4
R6	Residence	3
Transformers 1 & 2 Operating at 50%		
PL1	Property Line	9
PL2	Property Line	9
R1	Residence	4
R2	Residence	7
R3	Residence	8
R4	Residence	5
R5	Residence	4
R6	Residence	3

Source: Exh. EV-1(K) at 21-22.

The Company stated that the noise analysis conservatively assumed the maximum allowable operating conditions for the new transformers, and that, while the actual sound may vary depending on how much DG is interconnected, the level would not exceed that depicted in the sound study (Exhs. EV-1, at 45; DPU-NO-4). Eversource explained that the modeled sound level increases are based on the average of the daily minimum background levels and that, most of the time, background sound levels are expected to be higher; thus, the sound level impacts would be less than presented in Table 4 (Exh. EV-1(K) at 21). The Company also stated that the Crystal Spring Substation is not expected to result in pure tone conditions associated with the Project (Exh. EV-1(K) at 21-22).

ii. Analysis and Findings

The record demonstrates that temporary noise impacts associated with the New Line Extension are limited to construction; however, noise impacts associated with the Substation Expansion would persist beyond construction. The record demonstrates the Company intends to limit Project construction to mitigate noise impacts, including through limiting work hours. The Siting Board directs the Company to limit construction hours to 7:00 a.m. to 6:00 p.m. Monday through Friday, and from 8:00 a.m. to 4:00 p.m. on Saturdays, with no construction on Sundays or official Commonwealth holidays, unless operationally necessary for continuous operations or an emergency. Work requiring longer continuous duration than normal construction hours allow, such as conduit pull-in operations, shall, with 48 hours' advance notice to the Towns of Acushnet and Mattapoisett and posting on the Company's website except in case of emergency circumstances, be exempted from this requirement. Should the Company need to extend construction work hours 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 obtain prior written permission from the Town of Acushnet or the Town of Mattapoisett, as appropriate, and to provide the Siting Board with a copy of such permission before commencing such work. 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 director and shall provide the Town of Acushnet or the Town of Mattapoisett, as appropriate, with a copy of any such request and authorization.

While the record shows that operation of the Substation Expansion as modeled complies with MassDEP's Air Pollution Control regulations and Noise Policy, several property line locations may approach the limit. To guard against unnecessary noise 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 during construction, when the Company is operating noisy equipment, such as whole tree chippers or compressors, the Company shall, where the flexibility exists to do so, locate such equipment as far away as reasonably possible from nearby residences. The Company shall also provide advance notification to residences to inform them when construction will take place.

After construction is complete, the Siting Board directs the Company to provide, within the first 180 days of commercial operation, a compliance filing demonstrating that Crystal Spring Substation's actual noise profile during full operation is consistent with the modeled results it has presented in this proceeding. For this Condition, "commercial operation" shall mean the date when the new transformers at Crystal Spring Substation are installed and capable of delivering energy. If the Company's testing reveals that the Project produces pure tones or increases noise by more than 10 dBA at the building location of abutting or nearby residences, the Company must install adequate noise mitigation measures such as sound walls. Before implementing such mitigation, the Company must file with the Siting Board documentation of its proposed operational noise levels and noise mitigation measures. With these conditions and Company commitments, the Siting Board finds that noise impacts will be minimized and mitigated.

f. Air Quality

i. Company Description

The Company reported that it expects construction air quality impacts to be minimal and limited to fugitive dust from disturbed soil surface areas and emissions from construction equipment and vehicles (Exh. EV-1, at 45). For mitigation, the Company would, as necessary,

control dust generated from earthwork or other construction activities by spraying water (Exhs. EV-1, at 45; DPU-A-1). In addition, the Company would use anti-tracking pads and regularly sweep the pavement of adjacent roadways to reduce the potential of construction traffic kicking up dust and particulates (Exhs. EV-1, at 45; DPU-A-2). Furthermore, the Company also committed to directing contractors to retrofit any diesel-powered non-road construction equipment rated at or above 50 horsepower that would be used for 30 days or more with either USEPA-verified (or equivalent) emission control devices (Exh. EV-1, at 45). For its diesel-powered equipment, the Company would use ultra-low sulfur diesel, which has a maximum sulfur content of 15 parts per million (Exh. EV-1, at 45). The Company also stated that it and its contractors would comply with state law G.L. c. 90, § 16A and MassDEP regulations 310 C.M.R. 7.11(1)(b), which generally limit vehicle idling to no more than five minutes (Exh. EV-1, at 45-46). The Company does not anticipate using gas-insulated switchgear (Exh. DPU-G-5(1) at 136).

ii. Analysis and Findings

The record shows that the Project would cause minimal construction air quality impacts. However, to mitigate potential air quality impacts, the record similarly demonstrates that the Company intends to implement measures, such as using anti-tracking pads and regular sweeping, to reduce effects of construction activities. Moreover, adhering to state and MassDEP regulations regarding vehicle idling would limit the amount of vehicle emissions. With these commitments, the Project impacts to air quality will be minimized.

g. Traffic

i. Company Description

The Company reported that it would require local road access during construction and would seek to plan delivery of materials and equipment during off-peak hours (Exh. EV-1, at 46). The Company also explained that situations in which traffic is impacted will be short and infrequent (Exhs. EV-1, at 46; DPU-T-1). Short-term closures during off-peak hours with police details would take place when stringing wires over Crystal Spring Road, Tinkham Lane, and Long Plain Road in Mattapoisett, and Mendall Road in Acushnet (Exh. EV-1, at 46). To minimize traffic impacts, the Company stated it would coordinate with local officials and use police details

in cases where traffic would be delayed (Exh. EV-1, at 46). Coordination would include notifying town officials about oversized deliveries, wire pulls that would cross local roads, and other activities (Exh. DPU-T-3). According to Eversource, it has met with the Towns of Acushnet and Mattapoisett regarding traffic issues and neither town requested a formal Traffic Management Plan (Exh. DPU-T-1).

ii. Analysis and Findings

The record shows traffic delays would occur, especially during construction of the aerial crossings over several roads and large equipment deliveries. However, the record also demonstrates that the Company's commitments to mitigate traffic disruption, including by coordinating with local officials, appropriately minimize traffic impacts. The Siting Board directs the Company to work with the Towns of Mattapoisett and Acushnet to mitigate any traffic impacts and to explore further mitigation of this work through any subsequent permitting processes with permitting agencies. With these commitments, the Siting Board finds that Project impacts to traffic will be minimized.

h. Waste, Hazardous Waste, Debris, and Contaminated Soil

i. Company Description

The Company reported no mapped MassDEP Tier Classified 21E sites or properties with activity or use limitations lie within one mile of the ROW or the Crystal Spring Substation (Exh. EV-1, at 46). However, if contaminated soil, contaminated groundwater, or other regulated materials are encountered along the route, the Company committed to managing such events as required by the Utility Related Abatement Measure provisions of the Massachusetts Contingency Plan, 310 CMR 40.00 ("MCP") (Exh. EV-1, at 46-47). For situations that require emergency remediation, the Company would call on one of its emergency contractors (Tr. 1, at 213-214).

The Company also confirmed that it would manage the use and storage of regulated materials at Crystal Spring Substation in accordance with applicable laws and regulations; this management includes 110 percent passive secondary containment structures for any proposed transformers that use dielectric fluid (Exhs. EV-1, at 42; DPU-S-1). Secondary containment could

accommodate a 25-year storm event, which is defined as seven inches of rainfall over a 24-hour period (Exh. DPU-S-1).

The Company reported that it may use hydraulic oil, greases, gasoline, and diesel during construction (Exh. EV-1, at 42). In case of a spill, the Company would always have spill kits available; the Company's internal policy requires the Company, in the event of a spill, to immediately activate its spill response (Exhs. EV-1, at 42; DPU-CM-1; DPU-S-2; DPU-W-3). The Company maintains a 24-hour-per-day/7-day-a-week spill response program (Exhs. DPU-S-2; DPU-W-3). In addition, the Company would require its contractors to inspect vehicles and equipment daily and to refuel at least 100 feet away from any wetland or waterbody, excluding equipment that cannot be moved from its location (Exh. EV-1, at 42).

ii. Analysis and Findings

The record shows that no mapped MassDEP Tier Classified 21E sites or properties with activity or use limitations lie within one mile of the ROW or the Crystal Spring Substation. However, should Project construction cause soil contamination, groundwater contamination, or encounters other regulated materials, the Company committed to managing such events as required and would call on one of its emergency contractors. The record shows that the Company would manage regulated waste materials consistent with its existing best practices, including the use of spill kits, and applicable regulations. With these commitments, the Siting Board finds that waste and hazardous waste impacts of the Project will be minimized.

i. Magnetic Fields

i. Company Description

The Company stated that it did not calculate MF levels for the area surrounding the Substation Expansion as the nearest abutting house is approximately 200 feet from the Substation Expansion's proposed fence where MF levels would typically remain at background levels and not increase (Exh. DPU-MF-4). The Company modeled magnetic field ("MF") levels associated with the New Line Extension under peak and minimum annual loading conditions (Exh. EV-1, at 47). The greatest changes in MF levels were found within the boundaries of the ROW, at one meter above ground and typically beneath the transmission lines or between multiple transmission lines

(Exhs. EV-1, at 47-48, Tables 3-5; DPU-MF-2). The Company also maintained that MF levels undergo significant attenuation at the distance to the fence line and the main source of magnetic fields in the vicinity of substations is the transmission lines (Exh. DPU-MF-4).

The Company explained that Ms. Machie's property, the closest residence to the ROW, is located along the northeastern edge of the ROW (Exh. LM-11). The conductors of the New Line Extension would be approximately 30 feet from the edge of the easement, which directly abuts the house (Exh. LM-22). At the northeastern edge of the ROW adjacent to Ms. Machie's residence, the Company's modeled MF level at summer peak loads would increase from 0.8 mG to 3.3 mG with the Project (Exhs. EV-1, at 47-48; LM-11). With full DG export and at minimum loads, the MF along the northeastern edge would decrease from 2.2 mG to 1.6 mG (Exhs. EV-1, at 47-48).

The Company provided reference levels for whole body exposure by the general public to 60-Hz fields, as recommended by the International Commission on Non-Ionizing Radiation Protection ("ICNIRP") and the International Committee on Electromagnetic Safety (Exh. EV-1, at 49, Table 6). According to Eversource, all calculated MF levels after construction would be far lower than the reference guidelines (Exhs. EV-1, at 47-49; DPU-MF-3; DPU-MF-3(1)).

ii. Positions of the Parties

Ms. Machie expresses concerns about the proximity of the Project's high-tension wires to her children's bedrooms (Machie Brief at 1). Machie urges the Siting Board to reconsider the placement of Structure #2 (Machie Brief at 1).

iii. Analysis and Findings

The estimated magnetic field impacts, including those along the northeastern edge, on which the Machie property is located, do not differ significantly from existing levels¹⁹. The record shows that the magnetic field levels modeled for the Project are orders of magnitude lower than health-based standards established by ICNIRP and ICES. Furthermore, these levels of magnetic fields impact are low in comparison with other Siting Board reviews. See NSTAR Electric

¹⁹ The modeled values for the northeastern edge of the ROW would reflect the values at the Machie property since the property is located on the northeastern edge of the ROW.

Company d/b/a Eversource Energy, EFSB 16- 02/D.P.U. 16-77, at 65-66 (2018) (“Needham West Roxbury”); 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).

The record also shows that the MF levels for the Substation Expansion would be close to background levels 200 feet from the fenceline, where the closest residence is located.

Accordingly, the Siting Board finds that MF impacts associated with the Project have been minimized.

5. Conclusion on Public Convenience and Welfare

With respect to the need for, or the public benefits of, the Substation Expansion and the requested exemptions, the Siting Board found in Section III.C.2, that increased capacity is required to meet the area’s growing electricity needs, and the hosting capacity required for interconnection of additional DG, as previously approved by the Department. Moreover, in Section III.C.3, the Board considered different project approaches that the Company might use to meet the demonstrated need. The Board concluded that the proposed approach, with conditions, is superior to other approaches. Regarding the Project’s impacts, in Section III.C.4, the Board analyzed the environmental impacts and found, subject to conditions, that the Company has adopted appropriate mitigation measures and that the impacts are limited and minimized. Based on the foregoing analysis, the Siting Board finds that the Substation Expansion is reasonably necessary for the public convenience and welfare.

D. Zoning Exemptions Required

1. Standard of Review

Eversource requests individual and comprehensive exemptions from the Town of Mattapoisett Zoning By-Laws for the Substation Expansion. In determining whether exemption from a particular provision of a zoning ordinance 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”); Sudbury-Hudson

at 196. 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. 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.

2. Zoning Exemption Requests

The Company asserts that the Substation Expansion portion of the Project requires exemption from the following provisions of the Mattapoisett Zoning By-Laws: (1) prohibition against nonconforming use even if preexisting; (2) prohibition against substation use in the Mattapoisett River Aquifer Protection Overlay District; (3) structure height limitation; (4) site plan approval requirement; (5) sign usage requirement; and (6) prohibition against parking (Exh. EV-1, at 53-58). Table 5 below summarizes: (1) each of the specific provisions of the Mattapoisett Zoning By-Laws from which the Company seeks exemptions; (2) the relief available (if any) under

the respective provisions; and (3) the Company's argument why it cannot comply with the identified zoning provision or why the available zoning relief is inadequate.

Table 5. Requested Individual Exemptions from the Town of Mattapoisett Zoning By-Laws – Summary of the Company's Position.

Zoning Section	Available Relief	Why Exemption is Required: Company's Position
Section 3.1 <i>Preexisting Nonconforming Use</i>	Special Permit	Eversource would need a special permit to extend the allowance of a preexisting nonconforming use. In granting such a permit, the Zoning Board of Appeals would have to find that the Substation Expansion would not be more detrimental to the surrounding neighborhood than the existing substation. Special permits are discretionary and can be subject to condition and appeal (Exh. EV-1, at 59).
Section 5.7 <i>Use in RR80 Zoning District</i>	Use Variance	This Bylaw section does not list public utility or substation use as allowed as of right or by special permit. Eversource would need a use variance for the Substation Expansion if it is not considered a preexisting nonconforming use. The Company argues that variances are "legally disfavored" and cites language in a decision issued by the Supreme Judicial Court that variances should be granted sparingly and only if all statutory prerequisites have been met (Exh. EV-1, at 53-55, 59; Company Brief at 70-71, n.38).
Article 9 <i>Uses in Mattapoisett River Aquifer Protection Overlay District</i>	Use Variance	The Crystal Spring Substation site lies in the Mattapoisett River Aquifer Protection Overlay District. In this district, public utility and substation uses are not allowed. Furthermore, the creation of more than 2,500 square feet of impervious area is prohibited; the Project would create approximately 4,278 square feet. The criteria for use variances are difficult to meet and if secured, could still be susceptible to appeal (Exh. EV-1, at 55-56, 59)..

Zoning Section	Available Relief	Why Exemption is Required: Company's Position
Section 6.3.3 <i>Structure Height</i>	Variances	This section limits the height of structures to 35 feet, and work at the Crystal Spring Substation would include four shielding masts and two terminal bridges approximately 65 feet tall (Exh. EV-1, at 56, 59).
Section 3.9 <i>Site Plan Review</i>	Site Plan Approval	This section of the Zoning By-Laws provides thresholds and requirements for projects needing site plan approval, one of which applies to the Project: all new or modified nonresidential development that increases gross floor area more than 1,000 square feet requires site plan review by the Mattapoisett Planning Board. The Company argues that site plan approval could result in burdensome and restrictive conditions placed on the Project (Exh. EV-1, at 56-57, 59-60).
Section 3.5 <i>Signs</i>	Variances	The Zoning By-Laws provide sign regulations only for uses that are permitted; because substation use is not permitted, the Company is unclear what sign restrictions may apply to the Project. The Company proposes using the following signs: (1) a 14-inch-by-14-inch station identification sign and a 14-inch-by-10-inch warning/no trespassing sign at the access road gate; and (2) 14-inch-by-10-inch danger signs, 14-inch-by-10-inch hard hat area signs, and 7-inch-by-10-inch warning/no trespassing signs on the Crystal Spring Substation fence at various intervals. The criteria for variances are difficult to meet and if secured, could still be susceptible to appeal (Exh. EV-1, at 57-58, 60).
Section 3.3 <i>Parking</i>	Variances	The Zoning By-Laws do not impose parking requirements for substations because substation use is not explicitly allowed in any zoning district in the Town. The Company considers that the Town could impose parking requirements for the Substation Expansion in the site plan or otherwise. Following construction, the Crystal Spring Substation

Zoning Section	Available Relief	Why Exemption is Required: Company's Position
		would not be staffed, but there would still be space for vehicles. The Company thus seeks an exemption from any parking requirements imposed on the Project, because an exemption would avoid the uncertainty of obtaining variances that may be imposed. The criteria for variances are difficult to meet and if secured, could still be susceptible to appeal (Exh. EV-1, at 58-60).

Sources: Exh. EV-1, at 53-60; Company Brief at 68-76.

3. Comprehensive Zoning Exemption

Eversource asserts the Project is needed to: (1) maintain a reliable electric system; (2) enable the Group Study DG facilities to safely interconnect and operate; (3) allow future DG applicants to interconnect; and (4) accommodate future load growth due to electrification (Company Brief at 77). 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 January 2023 (Exh. DPU-N-4). The Company contends that it made all commercially reasonable efforts to avoid undue delay in designing the Project and preparing and filing its Petition and that did so within 16 months of the start of the construction window (Company Brief at 78). Finally, the Company asserts it maintains active and productive relationships with municipal officials in Mattapoisett and that, to date, they have not expressed any objection to the Company's pursuit of zoning exemptions relating to the Project (Exh. EV-1, at 10-11).

4. Consultation with Municipal Official 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.

The Company reported that it met with the Mattapoisett Building Inspector on March 18, 2024, during which it expressed its intent to seek individual and comprehensive zoning exemptions from the Mattapoisett Zoning By-Laws (Exhs. EV-1, at 10; DPU-Z-1; DPU-Z-1(1)). Eversource maintained that the Building Inspector did not express any concerns or opposition to the Company's planned course of action regarding zoning exemptions (Exhs. EV-1, at 10; DPU-Z-2). As referenced in Section III.C.4. above, the Company stated that it also engaged in general outreach to the community.

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 Section 3 allows a public service corporation to petition the Siting Board for an exemption from local zoning ordinances. G.L. c. 40A, § 3. The purpose of this exemption is to ensure that local restrictions do not prohibit needed services. See Berkshire Power at 30; see also 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 5 above, the Company would need to seek several use variances, site plan approval, and a special permit. 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 granting 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 5 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 Mattapoisett representatives regarding the Project consistent with the standard articulated in Russell and followed in Vineyard Wind and Sudbury-Hudson. Accordingly, the Siting Board grants the Company's request for the individual zoning exemptions for the Substation Expansion listed above in Table 5.

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." Planning Bd. of Braintree v. Department of Public Utilities, 420 Mass. 22, 27 (1995) ("Braintree"). Compared to the granting of individual zoning exemptions, which is tailored to meet the construction requirements of a project, the granting 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. In the absence of a showing that substantial public harm may be avoided by granting a comprehensive exemption, the granting of such extraordinary relief is not justified. NSTAR Electric Company, D.P.U. 13-126/13-127, at 38-39 (2014); NSTAR Electric Company, D.P.U. 11-80, at 44 (2012).

Siting Board cases 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; Woburn-Wakefield at 150-151; Walpole-Holbrook at 98-100. As discussed in Section III, these factors are present here in that the Project is needed to maintain the reliability of the transmission grid in the Marion-Fairhaven Study Group 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, the Board found that the Company engaged in good faith consultations with numerous Mattapoisett 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 Mattapoisett 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 Substation Expansion.

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 and 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 the Town of Mattapoisett. The Siting Board finds that the Company has identified and provided reasons that it cannot comply with the Zoning By-Laws and that, 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. Therefore, the Siting Board grants the Company's request for individual and comprehensive zoning exemptions for the Substation Expansion.

IV. SECTION 61 FINDINGS AND MEPA

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” (“Section 61 Findings”).

G.L. c. 30, § 61. Pursuant to 301 CMR 11.01(4)(c), Section 61 Findings are necessary when an Environmental Impact Report (“EIR”) is required. An EIR was required for the Project.²⁰ The

²⁰ On May 31, 2024, the Company provided an Environmental Notification Form (“ENF”), and on July 8, 2024, the Secretary of the Executive Office of Energy and the Environmental Affairs (EEA) issued a Certificate on the ENF requiring the submittal of a Draft Environmental Impact Report (“DEIR”) (Exh. EV-1(O)). On September 27, 2024, the Company submitted a DEIR to the Secretary, and on November 15, 2024, the Secretary issued a Certificate on the DEIR (Exh. DPU-G-5(2) Att.). On January 31, 2025, the Company submitted the FEIR to the Secretary (Exh. DPU-G-5(S1) Att.). On March 17, 2025, the Secretary issued a Certificate on the FEIR for the Project, finding that the Company's FEIR adequately and properly complies with MEPA and its implementing regulations, and reiterating that the project is exempt from the May 2010 MEPA

Siting Board must, therefore, issue Section 61 Findings as part of this Decision. Pursuant to 301 CMR 11.01(4), Section 61 Findings should be based on such EIR.²¹

The final EIR the Company submitted regarding the Project considered the following impacts: Land Use, Wetlands and Water Resources, Flood Zones, Visual, Noise, Air Quality, Construction Traffic, Waste, Debris and Contaminated Soils, Electric and Magnetic Fields, Archaeological and Historical Resources, and State-listed Species Habitat. Section III.C.4 above analyzes the same environmental impacts. Consistent with Section III.C.4 above, the Siting Board finds that the Company has taken all feasible measures to avoid or minimize the environmental impacts of the proposed Project. See G.L. c. 30, § 61; 301 CMR 11.2(5).

V. DECISION

In Section III 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 and welfare; and (3) zoning exemptions are required under G.L. c. 40A, § 3 for construction and operation of the Substation Expansion. In addition, in Section III, the Siting Board finds that the Company engaged in good faith consultation with the Town of Mattapoisett. The Siting Board finds that a grant of individual and comprehensive zoning exemptions for the Substation Expansion is both necessary and appropriate. Accordingly, the Siting Board approves the Company's Zoning Petition.

Accordingly, the Siting Board APPROVES the Company's Petition under G.L. c. 40A, § 3, as described herein, subject to the following Conditions A through J.

Greenhouse Gas Emission ("GHG") Policy and Protocol as GHG emissions associated with the project will be limited to the construction period and are de minimis (Exh. DPU-G-5(S2(1) Att.)).

²¹ The Siting Board generally is not required to make a G.L. c. 30, § 61, finding in Siting Board proceedings, as the Siting Board is exempt by statute from MEPA for proceedings under G.L. c. 164, §§ 69J and 69J1/4. G.L. c. 164, § 69I. However, the Board must comply with MEPA with respect to review of the Company's Section 72 Petition and Zoning Petition. Accordingly, in reviewing the Company's Zoning Petition in this case, the Siting Board has conducted the review and made the findings required by MEPA.

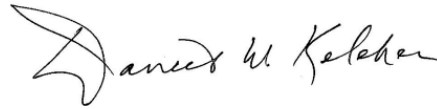
- A. The Siting Board directs the Company to comply with all applicable federal, state, and local laws, regulations, and ordinances from which the Company has not received an exemption. The Company shall be responsible for ensuring such compliance by its contractors, subcontractors, and other agents.
- B. 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.
- C. Because issues addressed in this Decision are subject to change over time, construction of the proposed Project must commence within three years of the date of the Decision.
- D. The Siting Board approves the Company's proposed construction schedule of Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and on Saturday between 8:00 a.m. and 4:00 p.m., with no construction on Sundays or official Commonwealth holidays, unless operationally necessary for continuous operations or an emergency. All vehicles on site need to comply with the state anti-idling laws. Work requiring longer continuous duration than normal construction hours allow, such as conduit pull-in operations, shall, with 48 hours' advance notice and posting on the Company's website except in case of emergency circumstances, 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 obtain prior written permission from the Town of Acushnet or the Town of Mattapoisett, as appropriate, and to provide the Siting Board with a copy of such permission before commencing work. 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 director and shall provide the Town of Acushnet or the Town of Mattapoisett, as appropriate, with a copy of any such request and authorization.
- E. The Siting Board directs the Company during construction 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 during construction, such as whole tree chippers or compressors, the Company shall, where the flexibility exists to do so, locate such equipment as far away as reasonably possible from nearby residences. The Company shall also provide advance notification to nearby residences about when construction is likely to occur.

- F. The Siting Board directs the Company to fulfill its commitment to work with the Towns of Mattapoisett and Acushnet to mitigate the traffic impacts and to explore further mitigation of this work through any subsequent permitting processes with permitting agencies.
- G. The Siting Board directs the Company to provide, within the first 180 days of commercial operation, a compliance filing demonstrating that Crystal Spring Substation's actual noise profile during full operation is consistent with the modeled results it has presented in this proceeding. For this Condition, "commercial operation" shall mean the date when the new transformers at Crystal Spring Substation are installed and capable of delivering energy. If testing reveals that the Project produces pure tones or increases noise by more than 10 dBA at the building location of abutting or nearby residences, the Company must install adequate noise mitigation measures, such as sound walls. Before implementing such mitigation, the Company must file with the Siting Board documentation describing its proposed noise mitigation measures.
- H. 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.
- I. The Siting Board directs the Company to install a new stormwater system in the southeast corner of the new substation site to mitigate the increases in impervious surfaces in accordance with the requirements of the Wetlands Protection Act, G.L. c. 131, § 40, and with the MassDEP Wetlands Protection regulations at 310 CMR 10.00. In addition, the Siting Board directs the Company to construct the stormwater system to conform with those laws and to provide its plans to the Siting Board in advance of doing so to provide a reasonable opportunity for review.
- J. The Siting Board directs the Company to design permanent exterior lighting at the expanded Crystal Spring Substation using DarkSky-compliant, fully shielded fixtures directed downward to minimize attraction or disorientation of nocturnal migrants as practicable.

In addition, the Siting Board makes the following recommendations regarding the New Line Extension: (1) the Company continue its outreach with the Machie residence in maintaining or replacing vegetation and mitigating impacts to their viewshed; (2) the Company relocate Structure #2 up to 30 feet closer to the east side of Mendall Road; and (3) the Company, whenever practicable, trim branches rather than remove trees; further, the Company schedule vegetation

clearing outside the primary bird nesting season where practicable, consistent with applicable federal and state wildlife protection requirements; (4) the Company delineate wetlands resources within the Project footprint in accordance with MassDEP Wetlands Protection regulation 310 CMR 10.00 and relevant MassDEP wetlands delineation guidance, including, without limitation, to assess the suspected vernal pool near Structure #16; (5) the Company investigate the Mattapoisett River and the unnamed stream that bisect the Right-of-Way to determine whether such water bodies are within the jurisdiction of the Chapter 91 Waterways program and, if so, to apply for any licenses or permits for the crossings required by either G.L. c. 91 or MassDEP's Waterways regulation 310 CMR 9.00; (6) the Company adhere to the conditions recommended in the Turtle Protection Plan to prevent a take of the Eastern Box Turtle; and (7) the Company provide Ms. Machie with documents used to establish the easement on her property, including any plans or maps depicting the easement location, and meet with Ms. Machie to discuss the location of the easement if she desires. Furthermore, consistent with the Company's commitments to mitigate temporary construction impacts in connection with the Substation Expansion, the Siting Board recommends that the Company obtain the appropriate local and state approvals, including but not limited to those required under the Wetlands Protection Act, G.L. c. 131, § 40, the MassDEP Wetlands Protection regulations at 310 CMR 10.00, and Section 401 Water Quality Certifications under the federal Clean Water Act. In addition, the Siting Board recommends that the Company use construction mats to reduce the extent of vegetation removal for equipment movement and staging and to minimize the amount of rutting in soils. In this regard, the Siting Board recommends that the Company employ an environmental inspector during construction. To mitigate permanent wetlands resources impacts, the Siting Board directs the Company to replace the affected wetlands in kind, and, if required by permitting authorities, to use compensatory flood storage for permanent impacts to Bordering Land Subject to Flooding and wetland replication for permanent impacts to Bordering Vegetated Wetlands as the terms are defined in the Wetlands Protection Act. Finally, the Siting Board recommends that the Company stabilize the areas disturbed from equipment moving and staging with a native upland seed mix, if needed or so directed by permitting authorities.

The findings in this Decision are based upon the record in this case. A project proponent has an 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 and any successor 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.

A handwritten signature in black ink, reading "Daniel W. Keleher". The signature is written in a cursive style with a large, stylized initial 'D'.

Daniel Keleher
Presiding Officer

Dated this 29th day of July, 2026

APPROVED by a unanimous vote of the Energy Facilities Siting Board at its meeting on July 29, 2026, by the members present and voting. Voting for the Final Decision as amended: Michael Judge, Undersecretary of Energy, Acting Chair, Energy Facilities Siting Board, and designee of Rebecca L. Tepper, Secretary of Energy and Environmental Affairs; Jeremy McDiarmid, Chair, Department of Public Utilities; Richard Collins, Director, Division of Clean Energy Siting & Permitting and designee for Elizabeth Mahony, Commissioner, Department of Energy Resources; Bonnie Heiple, Commissioner, Department of Environmental Protection; Douglas Gutro, Director of the Permit Regulatory Office and designee for Eric Paley, Secretary, Executive Office of Economic Development; Thomas O'Shea, Commissioner of the Department of Fish and Game; Alicia Fraser, Director, Division of Environmental Epidemiology and designee of Dr. Robert Goldstein, Commissioner of the Department of Public Health; Michael P. Cahill, Mayor of Beverly, Massachusetts, Public Member; Joseph C. Bonfiglio, Public Member; and David Weeden, Public Member.

A handwritten signature in black ink that reads "Michael Judge". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Michael Judge, Undersecretary of Energy
Designee for Rebecca L. Tepper,
Secretary of Energy and Environmental
Affairs, and Chair of the Energy Facilities
Siting Board

Dated this 29th day of July, 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.