

MEMORANDUM

To: Gavin Schoch
General Manager

From: *GK for*
Network Siting Policy Board, HEX Program Office

Date: December 10, 2021

Subject: Third Avenue Interconnector HEXC # C15A2

The Network Siting Policy Board (“NSPB”), an outside Advisory Board acting on behalf of the HEX Program Office and formed under resolution of the Board of Directors of TOWARDEX Technologies International, Inc., has received and reviewed the proposal from TWDX Infrastructure requesting to perform installation of new transmission lines for the Third Avenue Interconnector project. The project location is Third Avenue at the Inner Belt district of Somerville, Massachusetts.

NSPB offers the following comments and findings regarding the right-of-way ownership in the project area:

1. Streets and public rights-of-way in Somerville’s Inner Belt have a complex history. These streets were originally built by a private developer in 1967 upon parcels of land acquired from Boston & Maine Corporation.
2. Third Avenue was a Private Way constructed and previously owned by Cobble Hill Investment Trust. However, in 1983, Cobble Hill Investment Trust subsequently transferred Third Avenue to the City of Somerville (per Quitclaim Deed recorded in Book 15364, Page 168), specific extents of which are described in a plan entitled “Plan of Land in Somerville, Disposition Parcel” by Green International Affiliates, Inc. dated May 31, 1983 (Book 1983, Plan 1450).
3. Inner Belt Road between New Washington Street and Washington Street (1 – 20 Inner Belt Road) is a Public Way by the City of Somerville.
4. Inner Belt Road from MBTA Yard Lead #10 railroad crossing to the end of the street at 200 Inner Belt Road, and Third Avenue are together both owned by the City of Somerville. However, the City had not yet formally adopted these streets as Public Way per statutory procedures laid out in MGL c.82. This means that technically speaking, these streets are statutorily Private Ways, but are owned by the City.
5. TOWARDEX has a 20’ wide permanent easement from the City of Somerville for siting of the Hub Express System on Inner Belt Road (Book 79114, Page 53). The easement was obtained in lieu of Grant of Location as provided by MGL c.166 § 22, due to the street being a City-owned property, but not statutorily a Public Way. The terms of the Easement Agreement were approved by the Somerville City Council on October 28, 2021.
6. Although Third Avenue is statutorily a Private Way, it is owned by the City of Somerville, and thus for operational purposes of the proposed project, it should be treated similar to that of a public way.

Based on the information submitted, NSPB should deem the request to be “Approved with Conditions.” In addition to any and all conditions set forth by the Engineering and Projects Division, Maintenance & Operations and Joint Network Facilities, the following conditions shall be met:

1. Obtain siting approval from City of Somerville prior to commencing on the permitting process for the project. In addition, all installations for Third Avenue Interconnector shall conform to the terms of the existing Easement Agreement which TOWARDEX is bound for siting of the Hub Express System at Inner Belt.
2. Pursuant to the terms of the aforementioned Easement Agreement, (2) – 1.25” shadow conduits for City of Somerville’s use shall be installed and roped in all Third Avenue Interconnector mainline sections.
3. All installations of lines on Third Avenue shall conform to MGL c.166 § 21 and shall not incommode the public or cause hazard to navigation.
4. The level of expected disturbance by the construction is anticipated to be Moderate to High Risk, due to the large size of the proposed conduit system and its transmission manholes to be installed in the street. Furthermore, the road surface of Third Avenue is in an extremely poor state of condition. The NSPB is concerned about trench cuts for the Third Avenue Interconnector causing even more nuisance to the public and contributing to the further degradation of road surface. Therefore, in addition to conforming to all City permit requirements and regulations for public works occurring upon public ways, including Permit Manual by City of Somerville Department of Infrastructure & Asset Management dated May 2020, the entirety of the City-owned section of Third Avenue (507 ft. from Inner Belt Road) shall be milled and repaved curbside to curbside upon conclusion of the project. TWDX Infrastructure is directed to develop and submit a street repaving plan to the City of Somerville Engineering Division, and submit a revised estimate of ROW Restoration Costs to TOWARDEX finance for project owner’s approval.
5. In addition to following all state and City regulations, including alerting Dig Safe One Call Center prior to excavation per MGL c.82 § 40A, and implementing Temporary Traffic Control Plan (TTCP) approved by the Traffic Engineer and on-site police detail, TWDX Infrastructure shall not detour traffic and shall ensure that one travel lane remains open during construction. Furthermore, TWDX Infrastructure shall dig test pits and pilot holes in advance of the trench running line, to verify presence of existing underground services.
6. To meet Dig Once objectives, TWDX Infrastructure is directed to work closely with City of Somerville’s Engineering Department to seek approval on additional construction permits, and reach out to abutters and utility owners to install new laterals and subsidiary lines while the street is being dug up. A separate budget item to approve no-cost lateral installations for utility owners and abutters shall be required. After conclusion of the project, TWDX Infrastructure shall provide a 5-year guaranteed street moratorium on Third Avenue Interconnector to minimize unnecessary excavations from breaking a newly paved City street.
7. (2) – 1.25” shadow conduits for TWDX IP shall be installed and roped in all Third Avenue Interconnector mainline sections, in accordance to the terms of the Joint Network Facilities Agreement between TWDX IP and HEX Program Office. Further, the project shall install (1) – 4” conduit to TWDX IP’s own private manhole (commonly known as ‘JNF manhole’) located on the intersection of Third Avenue and Inner Belt Road. The costs of installing these shadow conduits and additional connection to the JNF manhole shall be paid for by the TWDX IP business unit of the corporation, not the HEX project, in conformance to 47 USC § 224(g).

If you have any questions or concerns, please feel free to contact me.