



July 19, 2024

To the City Council of Medford, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

****This GOL application was previously approved, and this is a GOL amendment hearing.**

If you have any questions regarding this permit, please contact:

Moses Okokuro – moses.okokuro@nationalgrid.com

Please notify National Grid's Jenn Iannalfo of the **hearing date / time** to
Jennifer.Iannalfo@nationalgrid.com

If this petition meets with your approval, please return an executed copy to:

National Grid: Jennifer Iannalfo; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,

Nick Memmolo

Nick Memmolo
Distribution Design Supervisor

Enclosures

Questions contact – Moses Okokuro – moses.okokuro@nationalgrid.com

Petition of the Massachusetts Electric Company d/b/a NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric Conduit Location:

To the City Council of Medford, Massachusetts

Respectfully represents the Massachusetts Electric Company d/b/a NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Main Street - Medford, Massachusetts.

The following are the streets and highways referred to:

WR# 30658427

Main Street - Beginning at a point approximately 15 feet South-West of the centerline of the intersection of Main Street & South Street and continuing approximately 760 feet in a South direction. National Grid is petitioning to install 5" ducts between 101 Main Street and 151 Main Street; *approx. 370 feet of 4-5" ducts from existing manhole MH186 to MH187 and *approx. 390 feet of 2-5" ducts from existing manhole MH 187 to MH 188, Medford, MA.

***This is linked to previously approved GOL.**

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a
NATIONAL GRID *Nick Memmolo*

BY _____
Engineering Department

Questions contact – Moses Okokuro – moses.okokuro@nationalgrid.com

Dated: July 19, 2024

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 20th day of October, 2022.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Main Street - Medford, Massachusetts.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

WR# 30658427

Main Street - Beginning at a point approximately 15 feet South-West of the centerline of the intersection of Main Street & South Street and continuing approximately 760 feet in a South direction. National Grid is petitioning to install 5" ducts between 101 Main Street and 151 Main Street; *approx. 370 feet of 4-5" ducts from existing manhole MH186 to MH187 and *approx. 390 feet of 2-5" ducts from existing manhole MH 187 to MH 188, Medford, MA.

***This is linked to previously approved GOL.**

I hereby certify that the foregoing order was adopted at a meeting of the

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....., held on the day of, 20

....., 20

Received and entered in the records of location orders of the City/Town of

Book Page

Attest:

.....

..... hereby certify that on20....., at o'clock,M

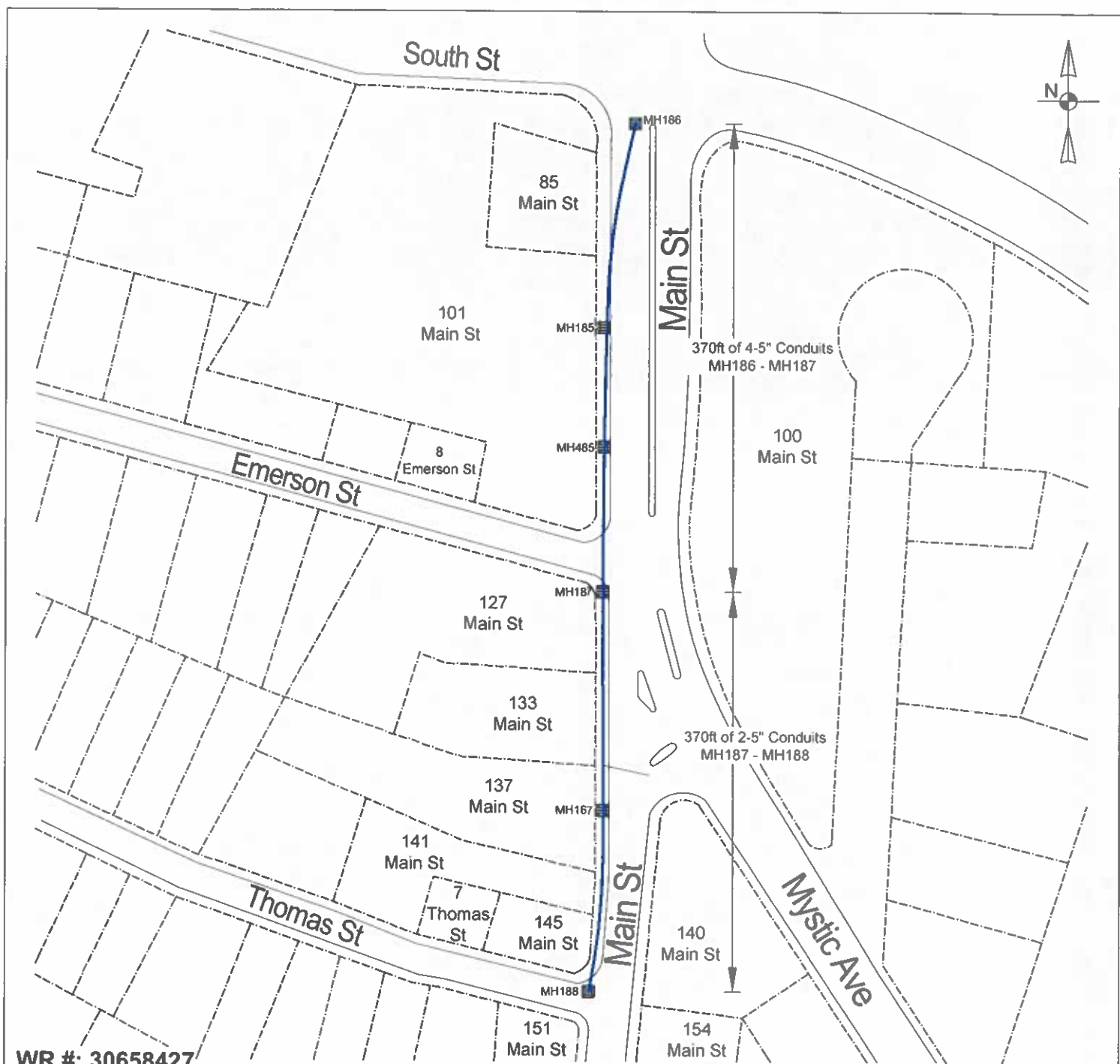
at, a public hearing was held on the petition of Massachusetts Electric Company d/b/a NATIONAL GRID for permission to construct the

underground electric conduits described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the underground electric conduits under said order. And that thereupon said order was duly adopted.

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CIVIL SKETCH



MANHOLE (EXISTING)



PROPOSED 5" CONDUITS

nationalgrid

Date: 10-13-2022

Job description

National Grid is petitioning to install 5" ducts between 101 Main St and 151 Main St;

- * approx 370ft of 4-5" ducts from existing manhole MH186 to MH187 and
- * approx 390ft of 2-5" ducts from existing manhole MH187 to MH188.

WORK REQUEST: # 30658427

To The: City Of Medford

For Proposed: 5" PVC Conduit Location: Main St

Drawn By: Moses Okokuro

DISTANCES ARE APPROXIMATE

ABUTTERS LIST

S/NO.	Address	Owner	Acct#	Map	Block	PID
1	85 MAIN ST	Owner: M & E 85 MAIN STREET LLC Address: 85 MAIN ST MEDFORD, MA 02155	10854	N-08	51	10854
2	100-120 MAIN ST	Owner: MEDFORD CITY OF Co-Owner: POLICE/FIRE Address: 85 GEO P HASSETT DR MEDFORD, MA 02155	10915	N-09	1	10915
3	127 MAIN ST	Owner: O T M LLC Co-Owner: GMSNEIRSON Address: PO BOX 505125 CHELSEA, MA 02150	11751	O-08	33	11751
4	133 MAIN ST	Owner: O T M LLC Co-Owner: C/O GM SNEIRSON Address: PO BOX 505125 CHELSEA, MA 02150	11750	O-08	32	11750
5	137 MAIN ST	Owner: O T M LLC Co-Owner: C/O GM SNEIRSON Address: PO BOX 505125 CHELSEA, MA 02150	11749	O-08	31	11749

S/NO.	Address	Owner	Acct#	Map	Block	PID
6	140 MAIN ST	Owner GLOBAL COMPANIES LLC Co-Owner C/O ALLIANCE ENERGY LLC Address ATTN TAX DEPARTMENT 15 NORTHEAST INDUSTRIAL RD BRANFORD, CT 06405	11811	O-09	8	11811
7	141 MAIN ST	Owner BROADWAY PIANO EXCHANGE INC Address 28 KING AVE MEDFORD, MA 02155	11748	O-08	30	11748
8	145 MAIN ST	Owner BROADWAY PIANO EXCHANGE INC Address 28 KING AVE MEDFORD, MA 02155	11747	O-08	29	11747
9	151 MAIN ST	Owner 151 MAIN STREET MEDFORD LLC Address 151 MAIN ST MEDFORD, MA 02155	11771	O-08	54	11771
10	153 MAIN ST	Owner PROTEGE COMMERCIAL PROPERTIES, LLC Co-Owner C/O EMANUEL TSIAANTOULOS Address 6 HELD CIRCLE MEDFORD, MA 02155	11772	O-08	55	11772

S/NO.	Address	Owner		Acct#	Map	Block	PID
11	154 MAIN ST	Owner	VRL REALTY TRUST	11810	O-09	7	11810
		Co-Owner	VINCENT R LEO TRUSTEE				
		Address	517 CONCORD AV CAMBRIDGE, MA 02138				
12	101 MAIN ST #101,118,119	Owner	SPAULDING REHAB HOSP CORP	10902	N-08	5201	10902
		Co-Owner	ROBERT FELDMAN				
		Address	125 NASHUA ST BOSTON, MA 02114				
13	101 MAIN ST #102-105	Owner	MAROTTA FAMILY HOLDINGS LLC	10903	N-08	5202	10903
		Address	2150 NORTH OCEAN BLVD, APT 2N BOCA RATON, FL 33431-7867				
14	101 MAIN ST #106	Owner	HALLMARK HEALTH SYSTEM	10904	N-08	5203	10904
		Co-Owner	C/O JOHN DONOFRIO PROPERTY MANAGER				
		Address	LAWRENCE MEMORIAL HOSPITAL 170 GOVERNORS AVE MEDFORD, MA 02155				
15	101 MAIN ST #107	Owner	GEMINI REALTY TRUST	16950	N-08	5204	16950
		Co-Owner	KO BING H				
		Address	168 SUTTON HILL RD NORTH ANDOVER, MA 01845				

S/NO.	Address	Owner		Acct#	Map	Block	PID
16	101 MAIN ST #108-110	Owner	GEMINI TRUST	10905	N-08	5204	10905
		Co-Owner	MCNITT ROBERT				
		Address	168 SUTTON HILL RD NORTH ANDOVER, MA 01845				
17	101 MAIN ST #111-112	Owner	LAWRENCE MEMORIAL ASSOC INC	16993	N-08	5205	16993
		Address	170 GOVERNORS AV MEDFORD, MA 02155				
18	101 MAIN ST #113	Owner	LAWRENCE MEMORIAL ASSOC INC	16951	N-08	5205	16951
		Co-Owner	LAWRENCE MEML HOSP				
		Address	170 GOVERNORS AV MEDFORD, MA 02155				
19	101 MAIN ST #114-117	Owner	LAWRENCE MEMORIAL ASSOC INC	10906	N-08	5205	10906
		Co-Owner	LAWRENCE MEMORIAL HOSP				
		Address	170 GOVERNORS AV MEDFORD, MA 02155				
20	101 MAIN ST #201	Owner	LAWRENCE MEMORIAL ASSOC INC	10908	N-08	5207	10908
		Co-Owner	ACCOUNTING DEPT				
		Address	170 GOVERNORS AVE MEDFORD, MA 02155				

S/NO.	Address	Owner	Acct#	Map	Block	PID
21	101 MAIN ST #202	Owner HALLMARK HEALTH PROPERTIES INC Co-Owner ATTN: JOHN DONOFRIO Address LAWRENCE MEMORIAL HOSPITAL 170 GOVERNORS AVE MEDFORD, MA 02155	16955	N-08	5208	16955
22	101 MAIN ST #203-204	Owner LAWRENCE MEMORIAL ASSOC INC Address 170 GOVERNORS AV MEDFORD, MA 02155	10911	N-08	5208	10911
23	101 MAIN ST #205-206	Owner NELIDA T LEPORE REV TRUST Co-Owner LEPORE LORENZO & NELIDA T TRUSTEES Address 117 WHITNEY RD MEDFORD, MA 02155	10912	N-08	5209	10912
24	101 MAIN ST #207	Owner SHARON A MURANO REVOCABLE TRUST Co-Owner MURANO JOSEPH R Address 101 MAIN ST, UNIT 207 MEDFORD, MA 02155	10913	N-08	5210	10913
25	101 MAIN ST #208-209	Owner CATFLOOR LLC Address 101 MAIN ST, UNITS 208-209 MEDFORD, MA 02155	10914	N-08	5211	10914

S/NO.	Address	Owner	Acct#	Map	Block	PID
26	101 MAIN ST #210	Owner THACKER REALTY TRUST Co-Owner THACKER MUKUND M & VASANT M TRUSTEES Address 3 PINEHURST RD BELMONT, MA 02478	16956	N-08	5211	16956
27	101 MAIN ST #211-212	Owner MAIN ST #101 REALTY CORP Co-Owner KATHLEEN NATH PRESIDENT Address 6 CABOT ST WINCHESTER, MA 01890	10909	N-08	5207	10909
28	101 MAIN ST #213-214	Owner LAWRENCE MEMORIAL ASSOC INC Address 170 GOVERNORS AV MEDFORD, MA 02155	16953	N-08	5207	16953
29	101 MAIN ST #215-219	Owner LAWRENCE MEMORIAL ASSOCIATION Address 170 GOVERNORS AVE MEDFORD, MA 02155	10910	N-08	5207	10910
30	101 MAIN ST #220	Owner 101 MAIN STREET UNIT 220 MEDFORD LLC Address 101 MAIN ST, UNIT 220 MEDFORD, MA 02155	100395	N-08	5207	100395



via hand delivery

July 11, 2024

City Council of the City of Medford
c/o City Clerk
85 George P. Hassett Drive
Medford, MA 02155

Re: Petition to Amend Grant of Location Petition 23-445 for Massachusetts Electric
Company's Main Street Project

Dear City Council:

I write on behalf of the Massachusetts Electric Company d/b/a National Grid (the Company) to respectfully request that the Medford City Council amend its decision on November 14, 2023, which allowed the Company's petition for a Grant of Location (GOL) to install underground electrical conduits beneath Main Street beginning close to the intersection of South Street and extending approximately 370 feet southward. For the reasons explained below, the Company requests that the decision be reissued with Condition No. 5 deleted in its entirety and replaced with the following:

Pursuant to the pavement restoration agreement reached between the DPW Commissioner, the Engineering Division and National Grid, which agreement is depicted on the Civil Layout plan dated 7.13.2023, provided to the Engineering Division, National Grid shall:

- (a) saw cut the bituminous concrete pavement at the outside painted edge of the bike lane;
- (b) mill and overlay the area between the outside painted edge of the bike lane and the western curb plus an approximately 35' x 35' section of curb-to-median curb pavement at the South Street crosswalk south of Manhole 186; and
- (c) at National Grid's election either: (i) restore the remainder of the west side of Main Street from curb-to-median-curb for the length of the project; or (ii) pay a Street Preservation Offset Fee pursuant to Section 74-144(2)(b) of the City Ordinance.

The Civil Layout drawing is attached.

Background & Reasoning

Condition No. 5 should be amended to accurately reflect the agreement reached between and to avoid conflict with prevailing law as described below. Condition No. 5 currently states:

The Sidewalk and street restoration shall be done in consultation with the Engineering Division and per the requirements of an approved Street Opening permit. This must include a site inspection with the permit officer to determine extends [sic] of pavement restoration. Any concrete sidewalk damaged during this work must be replaced in-kind and cleanly cut at the control joints. The bituminous pavement over the trench shall be milled and overlaid to an offset approved by the Engineering Division. Vice President Bears offered an amendment requesting that Engineer Wartella's Condition 5 (this condition) be further amended to reflect that National Grid will provide the repaving of another roadway(s) in the City that is equal to all the work associated with 'curb to curb' roadway restoration within the project's limits.

Prior to submitting its GOL petition the Company had reached agreement with the DPW Commissioner and Engineering Division to (a) saw cut the bituminous concrete pavement at the outside painted edge of the bike lane; and (b) mill and overlay the area between that bike lane and the western curb and an approximately 35' x 35' section of curb-to-curb pavement at the South St crosswalk south of Manhole 186. The GOL should incorporate that prior agreement to avoid any confusion and/or the imposition of additional or inconsistent requirements in connection with the Street Opening Permit.

The Company's electrical distribution designer represented the Company on the evening of the City Council's hearing. He did not object to Condition No. 5 because he did not understand the legal constraints described below and because he understood "curb to curb" to mean curb-to-median-curb for the length of the project. Subsequently, the City Engineer took the position that "curb-to-curb" included both sides of Main Street for the length of the project – effectively doubling the restoration area – on the ground that doing so was an "industry standard." There is no pavement restoration "industry", however, let alone one that has established uniform standards. The City Engineer is also requiring that the repaving of "another roadway(s)" be completed *before* the City would issue any permits to the Company to begin the Main Street project, which is a requirement that the City Council did not impose. Efforts to negotiate a resolution with the City Engineer have been unsuccessful, leading the project team to consult with legal counsel, who advised that Condition No. 5 was unlawful for the following reasons:

First, the requirement to restore other undisturbed streets exceeds the City's authority relative to regulating utilities. The Legislature vested the DPU with exclusive authority to regulate utilities. See G.L. c. 164, § 105A. "[T]he Legislature [also] intended to preempt local activity on the subject [of utilities] absent an affirmative grant" of authority. Boston Edison Co. v. Town of Bedford, 444 Mass. 775, 782 (2005). There is no state statute or regulation that grants municipalities the authority to require a utility to repave streets that it had not excavated or otherwise disturbed.

Second, the Department of Telecommunications and Energy (now the Department of Public Utilities) issued Order D.T.E. 98-22 to establish uniform processes and methods for

restoring public roadways excavated by utilities.¹ Section 9.1 of that Order expressly requires restoration of disturbed areas only:

The Utility shall be responsible to replace all pavement disturbed by work under the Permit with homogeneous and in-kind pavement, unless otherwise stipulated, to the original strength and condition.

This limitation applies in all instances, including guaranteed streets less than five years old, like Main Street. Section 9.16 of the Order grants municipalities the “jurisdiction to determine the pavement repair method to be utilized on all pavements which have been installed for less than five years”; however, nothing in Order authorizes municipalities to require a utility to repave roadways that are entirely unrelated to and undisturbed by a project.

Lastly, Condition No. 5 contradicts statewide policy aimed at ensuring that utility service is delivered in a uniform and efficient manner.² Condition No. 5 is inconsistent with how every other municipality in the Company’s service territory handles roadway restoration. It is also inefficient because it would result in significant increases in the cost of gas and electric service, particularly if this approach were widely adopted by other municipalities. Further, it unfairly shifts the costs of maintaining Medford’s roads onto customers in other cities and towns.³

Street Preservation Offset Fee (SPOF)

Under Section 74-144 of the City Ordinance, an applicant can elect to pay a SPOF to defer part of the permanent restoration costs. In this case, the Company’s trench would be less than two feet wide, meaning that the SPOF would be determined pursuant to City Ordinance § 74-144(2)(b) by “multiplying the most recent City of Medford contract price for street reconstruction times the product of the length of the street to be restored and one-half of the paved width of the street measured from curb to curb.” In this case, the Company voluntarily agreed to the City’s request to restore the pavement to the edge of the bike lane. Because that agreement resulted in a larger disturbed area, the City Engineer now takes the position that the SPOF should be calculated using the full width of the street pursuant to Section 74-144(2)(c). In

¹ Section 74-141(2) of Article IV of the City Ordinance expressly requires compliance with Order D.T.E. 98-22.

² See Boston Gas Co. v. Somerville, 420 Mass. 702, 706 (1995) (holding that the City “cannot use its limited authority enact an ordinance which has the practical effect of frustrating the fundamental State policy of ensuring uniform and efficient utility services to the public”).

³ Courts have struck down municipal efforts to shift costs on to utilities. See Boston Edison Co. v. Town of Bedford, 444 Mass. 775, 784-85 (2005) (rejecting local enforcement against double poles because it creates “inappropriate economic incentives that [would] compel pole owners to devote resources to those cities and towns where the penalties are the most onerous” and thereby putting “purely local interests” above state policy); Colonial Gas Company v. Town of Wilmington, 1998 Mass. Super. LEXIS 495, *7 (Middlesex Super. Ct. 1998) (“Requiring the utility to pave the entire road “gutter-to-gutter” far exceeds this statutory requirement unless the excavation is so extensive as to effect [sic] the entire road. Additionally, such a requirement unfairly benefits the municipality by forcing the utility to improve portions of the road which were not excavated but were otherwise in disrepair.”).

effect, the City Engineer is penalizing the Company for having agreed to the City's request to restore an area larger than the width of its trench.⁴

Accordingly, in order to accurately reflect the agreement reached between the Company and the City prior to the GOL hearing and to avoid conflicts with prevailing law, the Company respectfully submits that Condition No. 5 be deleted in its entirety and replaced with the language suggested above.⁵

Respectfully Submitted,



Mark R. Rielly
Assistant General Counsel
National Grid Service Company Inc.

cc: Mayor Lungo-Koehn
Timothy McGivern, P.E., DPW Commissioner
Owen Wartella, P.E., City Engineer

⁴ As noted, Section 9.16 of Order 98-22 grants municipalities the "jurisdiction to determine the pavement repair method to be utilized on all pavements which have been installed for less than five years." But Section 9.16 must be read in concert with Section 9.1, which expressly limits restoration to disturbed areas only. Accordingly, the term "repair method" means *how* the pavement should be restored, not *how much*. The City Engineer disagrees but has not cited to any authority or support for that position either in the Order or elsewhere.

⁵ The amendment of Condition No. 5 would also resolve the dispute regarding the City Engineer's requirement that the Company complete the restoration of "another roadway(s)" before issuing any permits for the Main Street project.

