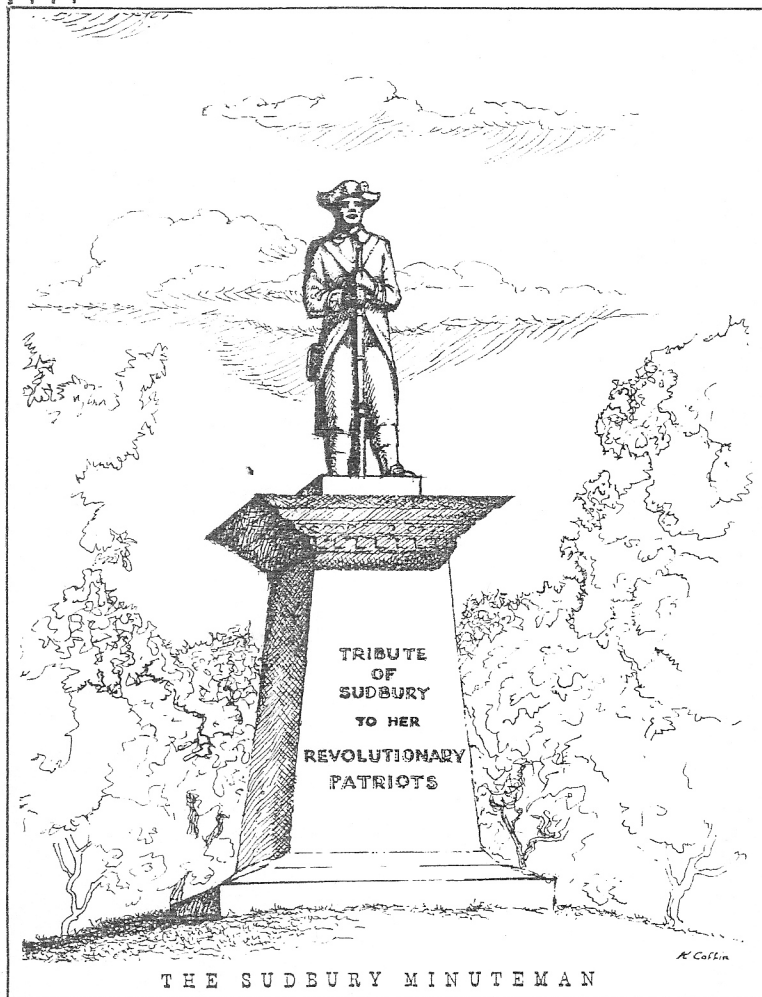


Town Report

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REPORT OF THE COMMITTEE OPPOSING OVERHEAD HIGH TENSION LINES

During the year 1961, there was considerable legislative activity directly or indirectly affecting Sudbury's fight to have the proposed high tension lines placed underground. Space does not permit review of or comments on all of the bills considered by the Legislature but two of the bills that were passed are of significance to Sudbury.

[Under the so-called wetlands bills the Commonwealth consented to acquisition by the Federal Government of Sudbury River valley land for conservation purposes by gift, purchase or otherwise.] Survey of the area within Sudbury is in progress and it is reasonably certain that some of the land included in Boston Edison Company's proposed route for the high tension lines will be acquired by the Federal Government in 1962. In this case permission of the Federal Government will have to be obtained by the Boston Edison Company for construction of its lines over Federal lands. This will constitute another hurdle that the Company must overcome as Sudbury continues its fight against overhead high tension lines; permission must be obtained also from the Division of Fisheries and Game of the Massachusetts Department of Natural Resources, the Sudbury Selectmen and, ultimately, the Department of Public Utilities.

A bill amending Section 28 of Chapter 166 of the General Laws was passed by the Legislature. As amended, the law provides that if a *majority* of municipalities agree to and grant permission for the construction of transmission lines through their territories, the minority are denied the right to oppose the passage of such lines through their territories. At a

special Town Meeting held May 15, 1961, Sudbury voters approved unanimously the following resolution with respect to this bill:

WHEREAS House Bill 2938 has been passed by the House of Representatives and by the Senate and is now on Governor Volpe's desk awaiting signature,

WHEREAS House Bill 2938 is an unfair bill which would allow the DPU to usurp the established powers of towns and of duly constituted Boards of Selectmen, and

WHEREAS House Bill 2938 would permit a number of localities which would suffer little damage from high tension lines to over-ride a minority of towns which would be badly hurt by any proposed line.

NOW THEREFORE BE IT RESOLVED:

1. That the Town of Sudbury in Town Meeting assembled herewith records its opposition to House Bill 2938.
2. That the Town of Sudbury urges the Governor to veto House Bill 2938,
3. That the Town Clerk be instructed to telegraph the full text of this resolution and the recorded vote taken hereunder to Governor Volpe at once.

The Governor signed the bill into law. The law as amended did not apply to Sudbury pending the outcome of its appeal to the Supreme Judicial Court.

The petition of the Boston Edison Company requested the DPU for a determination that public convenience and necessity required the construction and use of a line for the transmission of electricity in the towns of Wayland, Sudbury, Concord, Acton, and Maynard, or some of them. Thus, a majority would consist of three of these towns. Wayland is actively supporting Sudbury in its opposition to overhead construction of the proposed high tension lines; it is imperative that the other towns be persuaded to support this fight. Of these, Concord is the only town with high tension lines placed underground and it is the Committee's hope and expectation that Concord's support may be forthcoming, thus assuring a majority against the proposed overhead lines.

On or about December 6, 1961, Wayland filed a bill in the Legislature providing incentives for power companies that place high tension lines underground. This bill will be sponsored by Representative DeNormandie and hearings probably will be scheduled within the next few weeks. A draft of this bill and of a related amendment is included herein as Exhibit C. Should this bill be approved by the Legislature, it may

provide the means by which Sudbury's fight with the Boston Edison Company may be compromised on a mutually satisfactory basis.

On November 10, 1961, the Supreme Judicial Court heard arguments by parties to Sudbury's appeal and on January 4, 1962, the Court upheld the Department of Public Utilities' decision that construction of the proposed high tension lines "is necessary for the purposes alleged, will serve the public convenience and is consistent with the public interest." Sudbury has never opposed this decision per se. However, the Court confirmed Sudbury's contention that this did not grant Boston Edison Company the right to construct and use the proposed lines without step by step proceedings, with respect to each of which the Town has the right of appeal. Thus, before the proposed lines can be constructed and used, it will be necessary for Boston Edison Company to petition the DPU to hold hearings under eminent domain proceedings. Sudbury will have an opportunity to be heard at these proceedings and to appeal any adverse decision. It also will be necessary for the Company to obtain the consent of the Director of Fisheries and Game, who has promised to hold public hearings before granting an easement over state-owned lands; and the Governor and his Council must approve the Director's decision. If this decision is adverse, the Town again must be heard. Finally, upon refusal by the Selectmen to grant Boston Edison Company the right to cross public ways, the Company must then file a petition for relief with the DPU; thus, Sudbury will have a further opportunity to be heard and to appeal any adverse decision.

The Chairmen of the Sudbury and Wayland Committees met on January 8 with the City Manager for the Town of Concord in a preliminary discussion for the purpose of ascertaining the attitude of Concord in regard to the subject of overhead high tension lines in general, and in particular with respect to the relatively limited area of Concord that is involved in the proposed high tension lines which Sudbury is opposing. Concord has not granted permission for crossing of one public way that is involved in the section of Concord over which the lines will pass, pending the final outcome of Sudbury's appeal to the Supreme Judicial Court. The decision that was handed down by the Court upholding Sudbury's contentions was reviewed and the effect on the Sudbury Valley and on related property values that would result from failure by Concord to support Sudbury and Wayland, was discussed. A meeting was scheduled for January 15 with the Concord Board of Selectmen. The Committee is confident that as a result of the information that it will present to the Concord Selectmen and in view of anticipated support by civic groups within the Town, Concord will support Sudbury and Wayland.

The Chairman of the Sudbury Committee, accompanied by a member of the Wayland Committee, also met with the Selectmen of Acton on January 9, 1962, and reviewed the Edison matter with them. Though land takings in Acton do not seem to be indicated in the present petition of Boston Edison Company, the Selectmen of Acton readily perceived the possibility of a future threat to their town, in view of the close proximity of the new substation that Boston Edison Company plans to build on the Maynard-Sudbury line. Therefore, the Acton Selectmen have instituted action to create a study committee similar to Sudbury's, and to submit a resolution at their forthcoming town meeting expressing opposition to overhead construction of high tension lines and directing Acton's town officials and its state representatives to support House Bill 3034 (see Exhibit C).

It is our intention to contact the Maynard Selectmen and to enlist their participation with the other four towns in a united effort against the overhead construction of the proposed high tension lines.

The Town of Wayland, though slightly affected by the lines, has included in its Warrant and will consider at the annual town meeting in March an article requesting an appropriation to assist in this fight. Sudbury has appropriated a total of \$10,000 for this purpose to date and of this amount \$5,000 was approved at a Special Town Meeting held on November 28, 1961. The report that was read at this special meeting by the Chairman of the Committee is included herein by reference together with certain financial data relative to the Boston Edison Company that was distributed to those attending this special meeting. The Chairman's report and this financial data are included herein as Exhibit A and B, respectively. The Committee hopes to enlist the support of all civic groups within the five towns, to mobilize attendance at hearings to be held at each step of the proceedings that shall take place as a result of the Supreme Court decision, and to provide information for the guidance of those attending these hearings.

The Committee believes that Sudbury has an unparalleled opportunity to upset the arbitrary and often destructive application of laws by those entrusted with the protection of the citizens of the Commonwealth; and to take a major step forward in preserving a priceless heritage. In view of our auspicious beginning, it is hoped that there will be a closing of ranks within the Town and that unified support will be accorded to the selectmen, special counsel, and engineering consultants in their continuing efforts on behalf of the Town.

MICHAEL G. STRATTON, Chairman
ROBERT C. WELLMAN
DAVID L. BOBROFF
CAROLYN S. PETTET

REPORT TO SPECIAL TOWN MEETING

Nov. 28, 1961

The Boston Edison Study Committee, better known as the Committee Opposing Overhead High Tension Lines, was appointed by the Moderator pursuant to a UNANIMOUS vote of the town in March of this year. During the interim, we have worked closely with the Selectmen, Town Counsel E. T. Simoneau, Special Counsel Philip B. Buzzell, and Engineering Consultant Earl H. Barber. All have been most cooperative for which we thank them on behalf of the town. This cooperative effort was and is directed to the objective of obtaining ultimately a hearing before the Department of Public Utilities under circumstances more favorable to the long-term interests of Sudbury than was possible at the "quickie" hearings held in June 1960 at the Town Hall. These hearings were held before an examiner of the DPU to determine whether the proposed line is necessary and serves the public interest. On August 3, 1960, the DPU granted Boston Edison a Certificate of Necessity; but authority to construct and use the line was not expressly granted and this constitutes the basis for Sudbury's appeal to the Massachusetts Supreme Judicial Court. On November 10, 1961 the full bench heard arguments by counsel for Sudbury, the Department of Public Utilities and Boston Edison Company, and took the case under advisement.

In view of the consequences to the town in terms of its natural beauty, rural character and related financial considerations, we believe it fitting to review the background of this matter and present information for your guidance in considering our request for additional funds.

The problem we have today with the Boston Edison Company has its genesis in events that occurred over ten years ago, when Sudbury, Wayland, and Weston were the protagonists in the fight to direct Boston Edison to place underground the high tension lines stretching from Framingham through Sudbury, Wayland and Weston to Waltham. Ultimately the lines were erected on steel towers along the Boston and Maine Railroad's right of way through these towns. In March 1950 Sudbury's citizens voted to oppose overhead construction of the lines and directed the Selectmen to take effective action to have the lines placed underground. Notwithstanding this vote, Sudbury withdrew from the fight in 1952 and thus fatally undermined the position of Weston and Wayland. Thus exposed and divided, these towns were defeated. The law was such in those days that had Sudbury stood fast the transmission lines may not have been erected. Moreover, Boston Edison's decision to build a substation in South Sudbury seems to have been taken after our Selectmen

considered the case closed. In this connection we quote from the published Town Report for 1952, in which the Selectmen concluded their remarks on the Boston Edison case by stating:

“Since all but one property owner, over which this line is to go, have made satisfactory settlements for damages and it will follow the railroad tracks where few houses exist, and no substation is to be erected in Sudbury, it would seem that this case will close with a minimum of damage and dissatisfaction to Sudbury.”

It is noteworthy that during the course of these proceedings Boston Edison is alleged to have stated its intention to extend its lines from South Sudbury to the Concord-Acton area. (The lesson that these antecedent proceedings hold for us is that a determined and ruthless utility cannot be opposed successfully with divided ranks, feeble effort or defeatist counsel.)

Today, we hear opponents of our efforts accuse us of being “anti-electricity” and heedless of the need for more power to promote Sudbury’s industrialization plans. We remind these critics that the proposed lines do not bring power TO Sudbury; the lines go THROUGH Sudbury to bring power to an area that can be and is now supplied from another Boston Edison station. If placed underground we have no objection to these or any other power lines. In view of our experience with the South Sudbury substation we are not reassured by the transcript of the 1960 DPU hearings in Sudbury which indicates that Boston Edison expects the Sudbury station to become one of their principal switching and distribution stations.

“It will probably be larger than Waltham.”

We must hold fast NOW if we are to succeed in protecting Sudbury from defacement later.

We have been accused also of placing aesthetics above economics. We believe both are important; indeed, we do not see how one can be separated from the other in this case. The preservation of the unique residential character and rural beauty of Sudbury is a major concern of its townspeople. Business and industry have been carefully restricted; minimum residential zoning has been adopted, and elaborate safeguards have been built into the zoning laws. The 250-foot swath required for the proposed lines, extending from one end of Sudbury to the other, would destroy some of the town’s most cherished views and choicest residential land and would be a lasting blight to Sudbury. We do not think that such considerations can be ignored. We are joined in this by many individual citizens and groups who are keenly interested in Sudbury’s welfare and concerned by any proposal that threatens the town’s natural beauty and rural character. None would object to the proposed lines provided they are placed

underground. Finally, and in reply to those critics who consider our position impractical and unrealistic, we quote verbatim the following editorial of September 19, 1960 from the Boston Herald, a publication we regard as economically responsible, practical and realistic:

POWER LINE BLIGHT

"Boston Edison reports 160,000 customers lost power to Hurricane Donna. The New England Electric System adds 85,000 more to a staggering statistic of inconvenience, waste and occasional hardship.

"It is time the utilities gave more serious consideration to placing power lines underground.

"In the past, the utilities have rejected the suggestion as prohibitively expensive.

"Maybe so. However, it doesn't make sense that a nation capable of producing Polaris submarines, polio vaccine and Henry David Thoreau has to rely on overhead power lines for its energy.

"The utilities are asking for the right to scar the broad meadows between Sudbury and Wayland and the Ipswich-Essex marshes with towering poles, wires and 250-foot swaths of chemically blighted vegetation.

"For decades, electric companies have been thus desecrating the irreplaceable landscapes of New England, the landscape of an idealized rural America, evoking national memories of flintlock, sachem and patriot. It is a blessing and a heritage — and a kind of regional seed corn wasted with every square inch abandoned to the bulldozer and the power line. Its face is beloved by those who have homes in it and by those who travel thousands of miles to look at and revere it.

"More "practically," it attracts and holds the scientists, engineers and managers of industry upon whom our economic resurgence depends.

"In 1960, the utilities might consider the value of these customers for current."

Aesthetics aside, let us consider some economic factors. The utilities are urging greater use of appliances and energy by residents and industry; but they show reluctance to place lines underground and thus assure reliable service, free from interruption due to storms and other causes. Is this reluctance due to cost factors as claimed?

In a preliminary report prepared last year for the Selectmen, Mr. Barber estimates that the cost of the line underground would be \$975,000 compared with \$517,000 to run it overhead.

The underground route selected for these tentative estimates would run along public ways from the South Sudbury substation to the site of the proposed new substation on the Sudbury-Maynard line. These estimates give consideration to the use of the latest and improved underground cables and techniques. If the higher cost of the underground installation were to be reflected in consumer bills, our best estimates indicate that the increase in cost would not exceed one-thirtieth of one cent per kilowatt hour. Other pertinent statistics are available and will be presented by David Bobroff, a member of our Committee.

The petition filed by Boston Edison stated that the purpose of the proposed lines is to supply additional power to North Sudbury, Maynard, Acton, Carlisle, Bedford, Lincoln and Concord. This area is NOW supplied by UNDERGROUND cables from the Lexington substation. By expansion of these facilities and underground lines, the Sudbury route could be avoided. However, if the route THROUGH Sudbury TO these other towns is preferred, then we should receive the same consideration accorded other towns and the lines should be placed underground. We would point out that underground cables long have been used in Concord, Wellesley, Winchester, Lexington, and, of course, in Metropolitan Boston. The lines to Sperry Rand in North Sudbury are underground in Concord but overhead in Sudbury. Why?

In order to sustain Sudbury's position in its opposition to overhead lines, it is necessary to present data and arguments on behalf of alternate means for giving Boston Edison the transit rights it requests. This work is time-consuming; it requires specialists experienced in this field and these specialists are relatively scarce. The data should be available as soon as possible so that it can be put to use immediately following the Supreme Judicial Court's decision. Hearings will be instituted thereafter on the initiative either of Sudbury or Boston Edison, depending on the nature of the court's decision. The additional funds we request are needed to prepare the data that will be required at these hearings. It is anticipated that these funds will suffice through a rehearing before the DPU. If the appeal is lost, the town still could use the data at the eminent domain proceedings and also at the hearings before the Massachusetts Division of Fisheries and Game. Furthermore, Boston Edison must secure permission of Sudbury's Selectmen to cross public ways; upon being refused permission, Boston Edison must then file another petition to the DPU under a different statute.

We have been informed that Wayland's citizens are opposed to the proposed overhead lines, even though a relatively small area of Wayland is effected by these lines. Last night we met

with Wayland's Selectmen who authorized us to state that they intend to support the fight against overhead lines and that they would submit to their voters an article providing funds to be utilized in common with Sudbury's to fight for underground construction of the proposed lines. Moreover, Wayland intends to file by December 6, 1961 a bill to be introduced at the next session of the legislature providing tax inducements for placing high tension lines underground.

We have come full circle since this fight started twelve years ago. Sudbury and Wayland again are involved, except that their positions have been reversed. Today it is Sudbury that is affected seriously; Wayland is not as seriously affected. However, Wayland displays a determination to fight with us to a successful conclusion; Sudbury can ill afford to be less determined.

We recommend favorable consideration of Article 5 of the Warrant.

M. G. STRATTON, Chairman

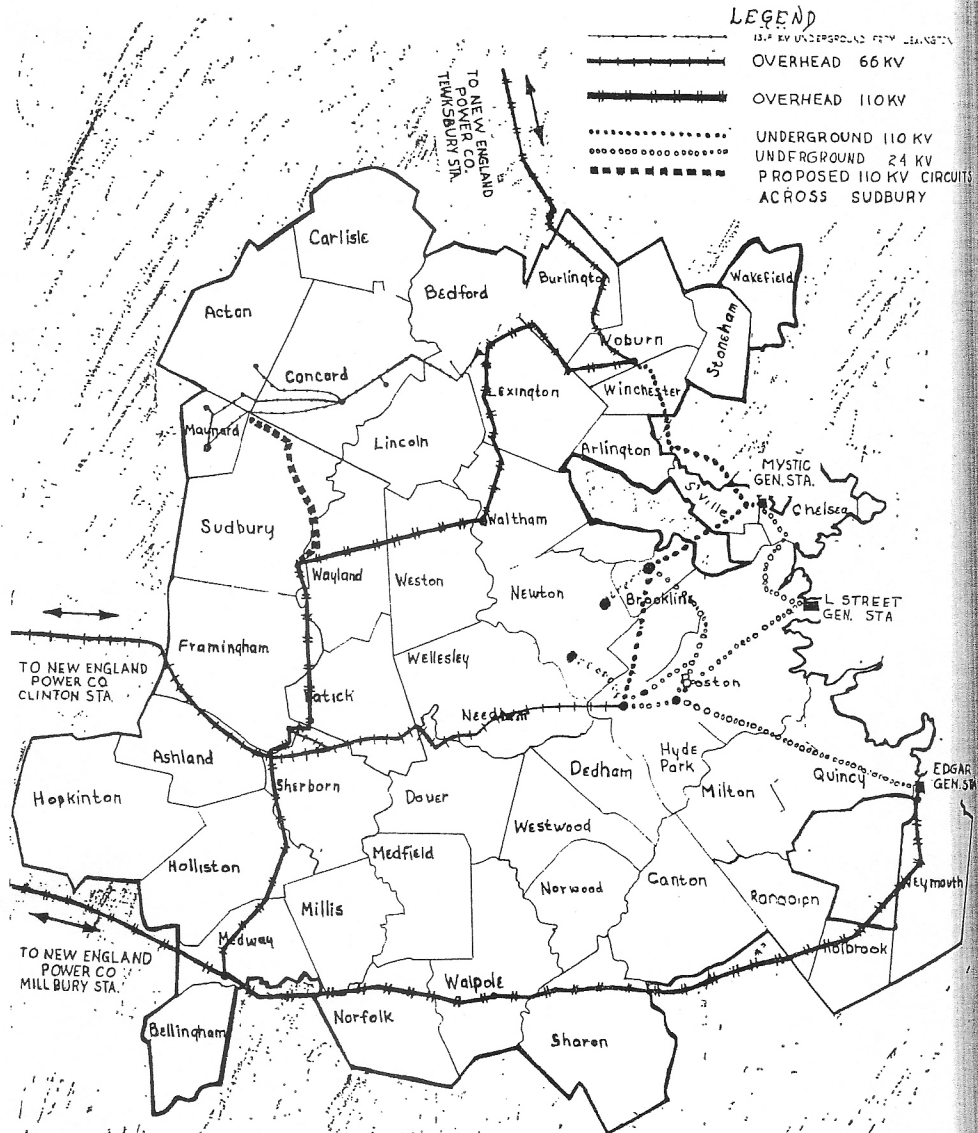
The Boston Edison Company System

EXHIBIT B

The attached map shows the towns served by the Boston Edison Company, the three generating stations of the company, and the high voltage transmission system of the company. Also shown are the 13.8 kv. underground cables from the Lexington substation to the northeast corner of the Boston Edison Franchise. Not shown are many other 13.8 kv. cables (mostly underground) which feed power from the high voltage transmission system to the various towns. Note the extensive underground cable in metropolitan Boston. Also note the 110 kv. transmission line extending around the company's franchise from the Edgar generating station to the Mystic generating station. This line is known as the "Ring."

Pertinent facts about the company are summarized below and show:

1. Placing the proposed high voltage line underground in Sudbury will have only a minute effect on the cost of electricity.
2. There are other possible alternatives to the high voltage transmission line across Sudbury.
3. The real estate tax paid by the Company to Sudbury is largely a hidden tax on ourselves.



TRANSMISSION SYSTEM OF THE
BOSTON EDISON COMPANY

The figures quoted below were obtained from the Boston Edison Company's 1960 Annual Report to the Federal Power Commission:

Power Generation

<i>Gen. Plant</i>	<i>Capacity in KW (1960)</i>	<i>KWH (1960)</i>	<i>Expense per KWH</i>
Mystic	400* thousand	2,385 million	.46¢
L Street	250** thousand	551 million	.98¢
Edgar	401 thousand	1,918 million	.57¢
TOTAL	1,051 thousand	4,854 million	

* 137 thousand KW addition completed in 1961

** 340 thousand KW addition to be completed in 1965

Capital Investment (End 1960)

Generation	\$168.8 million
Transmission (High Voltage)	
Station Equipment	19.5 million
Overhead lines and Underground Cables	22.7 million
Distribution (Low Voltage)	202.8 million
General Plant	13.6 million
TOTAL Electric Plant	\$427.4 million

Thus, only about 5% of total investment is high-voltage transmission lines, underground cables, and associated equipment.

Operating Expenses (1960)

Production	\$27.80 million
Transmission (High Voltage)	0.81 million
Distribution (Low Voltage)	12.03 million
Customer accounting and billing	5.37 million
Sales promotion	1.10 million
Administration and general expenses	10.14 million
TOTAL	\$57.25 million

Thus, only 1/70 of total operating expenses is high voltage transmission expense. If the entire high voltage transmission operating expense were doubled, the cost of electricity would increase by not more than 0.03 cents per KWH. (Present residence rate is greater or equal to 3.10 cents per KWH.)

Taxes

The real estate tax of the company in 1960 was \$17.4 million. Of the approximately 500,000 customers of the company, about 2,000 live in Sudbury. So, Sudbury's fair share is about \$70 thousand ($2/500 \times 17,400$). Actually Sudbury receives \$85 thousand. Thus, while the Boston Edison Company is said to be the town's largest taxpayer, we ourselves are paying the bulk of this tax in our light bill.

Transmission to the Northeast Corner of Company's Franchise

Where should the bulk of power for Concord, Lincoln, North Sudbury, Maynard, Acton and Carlisle come from? Look at the map. The distance along the ring from Edgar Generating Station to Sudbury Substation is 50 miles while the distance along the ring from the Mystic Generating Station to Lexington Substation is only 15 miles.

Disposition of Generated Power (1960)

	<i>KWH</i>
Transmitted and distributed to towns	3.39 billion
Transmitted and sold in bulk to towns	0.31 billion
Net sold to other utilities	0.74 billion
Used by company	0.02 billion
Lost in transmission and conversion	0.40 billion
TOTAL	4.86 billion

Almost 10% of total power generated is lost in transmission and conversion. If 1/10 of this or 1% of total power generated is lost in high voltage transmission, this is a sizeable quantity. Energy loss can be less with underground cable because the route can be shorter and conductors can be of larger size.

HOUSE BILL 3034

By Mr. DeNormandie of Lincoln, petition of James DeNormandie for legislation relative to the transmission of electricity. Power and Light.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Sixty-Two.
AN ACT RELATIVE TO THE TRANSMISSION OF ELECTRICITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 165 of the General Laws is hereby amended by inserting after section 42 the following section:—

Section 42A. If all or any part of any line for the transmission of electricity at high voltages is to be constructed other than underground, the department shall, before issuing orders authorizing the company to exercise any power of eminent domain, notify the board of aldermen or selectmen of each city or town in which a line for transmission of electricity at high voltages is or may be constructed other than underground. If the board of aldermen or selectmen of any such city or town shall, within twenty days after the receipt of such notice, advise the department in writing that they intend to submit to the governing body of their city or town, any proposal, authorized by law, to exempt from taxation underground lines for the transmission of electricity at high voltages, the department shall withhold the issuance of an order authorizing taking by eminent domain until each city and town has acted on such proposal, which action shall take place not later than three months after receipt of notice by the board of aldermen or selectmen from the department and after the further notice and public hearing in one or more of the towns affected. If a city or town shall vote to exempt from taxation within said city or town all underground lines for the transmission of electricity at high voltages described in the petition for a period of time sufficient to allow the abated taxes to amortize the difference between underground and overhead installation costs, the department shall not issue any order authorizing the company to exercise the power of eminent domain in regard thereto unless such order prescribes that said lines for transmission of electricity at high voltages within the limits of said city or town shall be underground.

SECTION 2. Section 5 of chapter 59 of the General Laws is hereby amended by adding at the end thereof the following clause:—

Thirty-ninth, Underground lines for the transmission of electricity to the extent and for the period of time exempted by any city or town.