

EXHIBIT 3

EXECUTIVE SUMMARY¹

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Invenergy Thermal Development, LLC (hereafter “Invenergy”) has retained my professional land use planning and zoning consulting services, in order to evaluate and render an opinion regarding the appropriateness of constructing and operating the proposed Clear River Energy Center combined-cycle approximately 850 - 1,000 megawatts electric generating facility (hereinafter “CREC”) in light of the regulatory review standards established by the State of Rhode Island and Providence Plantations Energy Facility Siting Board (hereinafter “RI EFSB”). In light of the specified regulatory charge, I have conducted a thorough analysis of the following

1. The proposed development, including associated production plan(s) and map(s);
2. The RI EFSB Application prepared by ESS Group, Inc. (hereinafter “Invenergy Application”), including referenced reports;
3. The following state and local regulatory documents: Town of Burrillville Comprehensive Plan 5-Year Update - Update Adopted 14 December 2011 (hereinafter “Comprehensive Plan”); Town of Burrillville Zoning Ordinance (hereinafter “Ordinance”); State Guide Plan Element Energy 2035 - Rhode Island State Energy Plan (hereinafter “State Energy Plan”); and RI Comprehensive Planning Standards Guidance Handbook Series - Guidance Handbook No. 9 - Planning for Energy - Approved 14 January 2016 (hereinafter “Energy Guidance Handbook”);
4. Materials submitted by Invenergy to the Town of Burrillville Planning Board; and
5. The subject development site and immediate neighborhood.

The purpose for the subject report is to evaluate and render a professional opinion on the “**consistency**” of the proposed development with the applicable siting guideline goals and objectives of the Comprehensive Plan and Ordinance and to evaluate neighborhood land use.

After reviewing all the relevant information and documents, it is the professional opinion of this land use consultant that CREC will be consistent with the relevant siting guideline goals and objectives in the Comprehensive Plan and Ordinance as discussed more thoroughly below.

I. SUMMARY OF CREC PROPOSAL

The proposed CREC development will be in proximity to the Spectra / Algonquin operation, having direct access to Wallum Lake Road. Although CREC will own in excess of 67-acres, less than one-half or approximately 29.44-acres will be dedicated to the operation proper. The operation will be aligned along the rear (westerly) portion of the property, thereby maintaining in excess of 37.6-acres in a naturally vegetated state consisting of approximately 26 acres, and a cleared portion in the center that consists of approximately 9 acres that will be used for parking and equipment laydown. The site will have a naturally vegetated frontage which will provide screening from the residences situated along Wallum Lake Road. The operation proper will be situated in excess of one-third of a mile (1,900-feet) from the nearest residences off of Wallum Lake Road and almost four-tenths of a mile (2,100-feet) from the residences on Jackson School

¹ This document, titled “Executive Summary,” is a summary of the relevant findings. A full report will be supplemented.

House Road. Finally, the operation will be well in excess of one-half mile from the residences to the west.

II. STATE ENERGY PLAN

State Energy Plan Directional Objectives

Security:

- **Adequacy.** “Plan to meet overall energy supply needs.”
- **Safety.** *“Increase the safety of energy conversion and use.”*
- **Reliability.** “Increase the system’s ability to withstand disturbances.”
- **Resiliency.** “Increase the system’s ability to rebound from disturbances.”

Cost-Effectiveness:

- **Affordability.** “Lower overall energy bills.”
- **Stability.** “Reduce the impacts of energy price volatility on consumers.”
- **Economic Growth.** *“Grow and maintain a healthy state economy.”*
- **Employment.** “Increase employment.”

Sustainability

- **Climate.** *“Reduce greenhouse gas emissions from energy consumption.”*
- **Air Quality.** “Reduce criteria pollution from energy consumption.”
- **Water Use & Quality.** *“Reduce the water impacts of energy consumption.”*
- **Land and Habitat.** *“Reduce the impacts of energy projects on ecosystems.”*

Inenergy conducted a comprehensive assessment of renewable options as both required and evidenced in the submitted application to the EFSB. Renewable sources such as solar and wind do not present a feasible source because the State of Rhode Island is a poor locale to accommodate systems on the requisite magnitude. Given the anticipated production shortages and charge by ISO to realize replacement sources that are capable of generating cleaner and more cost efficient energy, a comprehensive approach necessitates the usage of gas in generating electricity. The subject proposal, besides meeting the specific energy needs outlined by the ISO, will also satisfy, and in most instances, exceed both state and local regulatory standards and performance measures.

The Town of Burrillville (“Town”) has been well ahead of the state energy mandates due to its long experience with energy production and associated facilities. The Town has therefore already deemed “Electric Generating Facilities” appropriately permissible land uses by allowing their introduction via the granting of a special use permit in the F-5 District where the CREC is proposed to be located. A land use permitted by special use permit, in accordance with state and case law, is a conditionally permitted land use. In other words, a land use that is permissible subject to reasonable conditions of approval, if necessary. This determination results from the Town’s understanding of the importance of energy production as it pertains to economic development and provision of affordable energy.

In addition to acknowledging the presence and importance of energy production, the Town likewise imparts the necessity of properly siting such facilities. Siting guidelines are generally outlined in the Comprehensive Plan - Section IX “Land Use Goals, Policies and Implementation Actions.”

III. COMPREHENSIVE PLAN CONSISTENCY ANALYSIS

The Comprehensive Plan provides a broad-based outline for siting energy facilities, crafting both the manner in which they will be regulated and detailing those features that necessitate scrutiny. The guidelines in question are individually addressed below by means of a combination of the express support documented within the Comprehensive Plan and the individual studies / assessments prepared by Invenenergy's experts.

Policy IX.5.a *“Develop adequate location and siting criteria within the Town's land use policies for power generating plants. These criteria shall be used to negotiate with power plant developers and State Energy Facility Siting Council.”*
[Page IX-27]

Implementation Action IX.5.a.1 *“Amend the Zoning Ordinance to adequately address power generating plants, including consideration of a floating zone, performance standards, and site plan review.”*

The Town carefully considered the presence and potential future introduction of “Electric Generating Facilities” and amended the Ordinance to expressly permit them by special use permit within the F-5 District, deeming them “conditionally” permissible land uses. It must be emphasized that the Town could have concluded otherwise, either deeming such land uses prohibited or imposing additional express standards of review within the Ordinance. Standards of review are therefore entirely regulated by the goals and objectives outlined in the Comprehensive Plan. The conducted Comprehensive Plan Citizens Survey reinforces present regulatory applications. The zoning standards reflect the needs of the community and should therefore be enforced as adopted - reemphasizing the Town's recognition and importance of ‘Electric Generating Facilities’.

A. Air Quality

Goal II.6 *“To ensure that air quality in the Town meets national ambient air quality standards and maintain air quality levels in the Town higher than these standards.”*

Policy II.6.a *“Encourage measures which reduce air pollution levels.”*

Implementation Action II.6.a.2 *“Require that all new commercial and industrial developments meet or exceed national clean air standards.”*

An air quality impact analysis has been prepared to determine what, if any, potential off-site emission impacts may result from the CREC operation. The completed Air Dispersion Modeling Report, prepared by ESS Group, Inc., dated October 30, 2015, has clearly concluded that air emissions will be entirely regulatory compliant. From a planning perspective, air quality, as regulated by both federal and state agencies, is based on regional, rather than very localized, standards, because air knows no boundaries. There are no obstructions to air flow or quality - air traverses both municipal as well as state jurisdictional boundaries. Therefore, when evidencing that emissions are well below established health guidelines, this is not merely introducing technical data, but providing actual scientific assurance that the public health, safety and welfare has been carefully considered. Consideration must also be given to the numerous

coal- and oil-fired generators that presently represent approximately 28% capacity of the overall region. Per the Invenergy Application, were the emissions associated with said plants, in conjunction with all other operating resources, sampled over a period of time, the results would evidence a distinctive difference in localized air quality. The Town recognizes the impact of air quality across jurisdictional boundaries, as evidenced by Natural and Cultural Resource Implementation Action II.6.a.3 of the Comprehensive Plan.

Implementation Action II.6.a.3 “Lobby adjacent communities to quickly address potential air quality problems within their boundaries.”

The much cleaner and more efficient CREC operation will factor in the decommissioning and elimination of these aged plants that rely on sources of fuel that are far less clean than natural gas. Therefore, based on Invenergy’s Application and the Air Dispersion Modeling Report, it can be scientifically proven that approval of the referenced proposal will result in improved air emissions compliant with current regulations.

B. Groundwater Resources

Goal II.2 Natural Resource Issues - *“The following issues relating to natural resources have been identified through the planning process, and are the focus of the goals, policies and recommendations of this element.”* [Page II-22]

CREC uses far less water than present power plants, upwards of 90% less water consumption. Water is proposed to be provided via a dedicated line from Well No. 3A, which was contaminated several years ago, and therefore deactivated.

Comprehensive Plan - Supply Source(s)

“The need for this permanent interconnection was due to a contamination event that occurred within the District’s system in late summer of 2001 that directly impacted the District’s primary supply wells number 3 and 3A.... Due however to the incidence of groundwater contamination of the aquifer in which these three wells are located any such efforts to reactivate these wells is on hold for an indefinite time period. It is likely that any efforts for well reactivation will be dependent upon remediation efforts within the aquifer that are ongoing by State regulatory agencies.” [Pages III-17 - III-18]

The present proposal is to introduce an activated carbon treatment system to improve the water quality for industrial operational purposes. Invenergy proposes to purify the water extracted from Well No. 3A, eventually realizing residential drinking standards. This is a considerably positive by-product of the proposed development that could never have been anticipated, a consideration that all reviewing agencies must take into account in their advisory role. Present water supply demand has been negatively impacted by the deactivation of the referenced well(s); as such, future need may necessitate their reactivation - expense being the limiting factor.

Goal II.3 To ensure that current and future development does not adversely affect . . . environmentally sensitive areas are protected, especially water supply and quality. [Pg II-45]

Used water will be directed to the Burrillville Waste Water Treatment Facility (hereinafter "WWTF"). It is anticipated that greater than fifty-percent of the water withdrawn from the groundwater will be returned via the WWTF. Therefore, in order to assure the community that there will be no impact on groundwater supply - resulting in depletion for future land uses - a conservative peak approach was applied, resulting in the conclusion that there is more than sufficient water supply.

C. Visual

Comprehensive Plan [Pages II-19 - II-21]

"Too often, concern for the visual environment has been dismissed as being a nonessential appurtenance to land use decision-making. Such an attitude is both archaic and unresponsive to public need. This fact is clearly demonstrated by citizen outcry against development projects that fail to fit into the character of the Burrillville landscape. The citizen survey indicated that the characteristics of Burrillville which people liked best were visual qualities: its small town character and natural beauty."

"Protection of these visually important spaces may be achieved through a variety of techniques, including:"

o *"Revise zoning and subdivision regulations to include scenic criteria and design guidelines such as the following:"*

- *"Structures should not be placed in open fields."*

- *"Buildings should be located adjacent to tree lines and wooded field edges so as to blend with the natural landscape."*

- *"Existing farm and logging roads should be incorporated into subdivision design, linkages to open spaces, etc."*

- *"Naturally vegetated areas between the new buildings and roads should be preserved and their alteration restricted."*

- *"Building setback lines should be located to encourage development in the most suitable areas for development."*

Visual

o *"Replacement of existing vegetation with development can destroy the natural rural character and spatial definition of Burrillville."*

o *"Excessive scale, mass and glaring color of structures, or vegetational clearing and infrastructure construction that does not conform to the form and contour of the terrain can have a substantial negative impact upon the visual character of Burrillville."*

There are extensive surrounding land resources that serve as permanent buffers, due to their current ownership and long-term, non-residential usage. The State of Rhode Island owns two

(2) such distinct parcels that immediately abut and surround AGT property to both the southwest and entire south. The referenced property is the “Casimir-Pulaski Memorial State Forest” and occupies in excess of 2,905-acres. Furthermore, the Narragansett Electric Company owns two (2) parcels to the immediate southeast of AGT property, occupying in excess of 37-acres.

Another pertinent factor is proximity to residential land resources, whether improved or unimproved. The Spectra operation is situated approximately one-third of a mile (or 1,800-feet) from the nearest residences lining both sides of Wallum Lake Road to the east. The nearest residences to the west along Doe Crossing Drive are upwards of two-thirds of a mile (or 3,400-feet) distance. Distance and vast vegetative growth, even when disturbed by introduction of man-made features such as Algonquin Lane, provide abundant screening. This is evidenced by the following photograph illustrating the residential view due west down Algonquin Lane.

Invenenergy has heeded each and every one of the design objectives outlined for averting or at least, minimizing visual intrusion. The proposed operation will be situated such that it aligns itself with the rear property boundary, maintaining greater than one-half the property in a naturally vegetated state. The referenced portion will be sandwiched between the operation and Wallum Lake Road to the east, thereby screening the plant from the closest pocket of residential dwellings. The proposed operation will be situated upwards of two-thirds of a mile (3,600-feet) from the residences off of Buck Hill Road to the north and residences along Doe Hill Road to the west. Given the vast land resources associated with the Casimir-Pulaski Memorial State Forest to the south, there are no associated visual concerns.

The plant itself mirrors the adjacent Spectra / Algonquin Compressor Station operation in regard to overall height and massing, and therefore has limited visibility. Once again, this can be substantiated by the following photograph taken from the perspective of the nearest residence looking due west, down Algonquin Lane. The Spectra / Algonquin Compressor Station operation is not even remotely visible.



The component of the operation that will be most visible, and therefore, requires the greatest scrutiny are the accessory facility stacks that will be 200-feet in height. Although they cannot be rendered invisible, their sleek flag-like stature are readily merged and lost into their respective backgrounds. Therefore, the stacks will likewise be non-intrusive. Given the vast distances and excessive mature vegetative growth, the facility is rendered almost invisible, as evidenced by the photographic simulations submitted by ESS Group, Inc.

D. Noise

Outside of concern for impact on the ambient air quality and visual serenity, is concern regarding potential noise disturbances, both during construction and on-going with the operation. The Town's regulatory noise level standard at the respective residential property boundaries is 43 decibels. The applicant has perhaps expended more time and effort in satisfying this requirement - sole exception being provision of the cleanest possible energy source using a fossil fuel. Compliance has resulted from both researching and pursuing the most noise reducing mechanical components to encapsulating (sound-proofing) vast portions of the overall system. See "Noise Level Evaluation for the CREC," dated October 2015; "Transient Operation Noise Level Evaluation for the CREC," dated March 2016. A mandatory maximum 43-decibel level will be achieved during standard CREC operation.

E. Economic Development

Existing Economic Development - *"The following types of economic development currently exist in Burrillville."* [Page VII-9]

"Large private utilities, including gas and electric companies and associated distribution and transmission lines."

Economic Development Strengths - *"Burrillville has certain characteristics which should be considered advantages in promoting economic development, among others, as follows."* [Pages VII-17 - VII-18]

o "Presence of large utility companies, and electric, and associated distribution and transmission lines."

VII.3 Goals, Policies and Implementation Actions

VII.1 *"To broaden the sources of Town revenue through development in the industrial and commercial sectors in order to ensure a sound financial future and assist in funding the achievement of Town goals."* [Page VII-26]

VII.1.a *"Maintain industrial and commercial sector growth at a rate adequate to support the Town's population in a manner consistent with the Town's labor characteristics, land capabilities and environmental objectives."*

The proposed CREC will have profound impact on the State and Local Economies - resulting in both direct and indirect benefits. Direct benefits include major reduction in energy production thereby realizing the following:

ESS Group Application [Page 22] - *“From 2019 - 2022, cumulative savings to the Rhode Island customer are projected to be greater than \$280 million, or approximately \$70m annually.”*

Further direct benefits include the numerous jobs to be created during construction, and to a lesser degree, on-going operational employment. Indirect benefits include the long-term on-going energy cost savings that are passed onto both residential and commercial consumers. These savings, in part, are then expended within the general economy. Additional indirect benefits include what is known as the multiplier effect - for example, establishing “...*Indirect jobs include the jobs created to provide the materials, goods, and services paid for with the wages from the direct jobs.*” [Invenergy Application - Page 22]

The referenced analysis not only evidences Comprehensive Plan consistency, but substantiates the need for both business retention and expansion, given the vast limited industrial and commercial land resources and heavy reliance on a residential tax base.

IV. CONCLUSION

The Town not only acknowledges the importance of the energy industry, but details the guidelines by which they can be sited and supported. This report has carefully reviewed and addressed each and every applicable Comprehensive Plan Goal and Objective and relevant sections of the Ordinance, noting how they in fact support the proposed development. It is therefore the professional opinion of this land use consultant that the proposed CREC development will meet, and in most instances, exceed all regulatory standards. It will also realize improvements that presently appear insurmountable, such as the remediation of contaminated Well No. 3A.