CAPE COD COMMISSION
SUBCOMMITTEE HEARING

New England Wind 1 Connector
CCC No. 22005

DATE: MONDAY, APRIL 24, 2023

TIME: 5:00 P.M

The meeting will be held virtually, with members of the subcommittee participating remotely, pursuant to Chapter 20 of the Acts of 2021

CAPE COD COMMISSION

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HEARING AGENDA

- **Announcements**
- Attendance – Roll Call
- Approval of Minutes
- Staff Comments
- Applicant Comments
- Subcommittee Discussion
- Public Comment
- Further Subcommittee Discussion/Actions

OPENING ANNOUNCEMENTS

- This meeting is being held virtually as allowed pursuant to Chapter 20 of the Acts of 2021
- Because there are members remotely participating, we will be taking a roll call vote on any action.
- This meeting is being recorded for the purposes of creating minutes.

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SUBCOMMITTEE MEMBERS:

- Fred Chirigotis, Chair
- Kevin Grunwald
- Harold Mitchell
- Richard Roy
- Thomas Wilson

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APPROVAL OF MINUTES:

- March 7, 2023

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COMMENTS FROM COMMISSION STAFF

- Staff Comments (Jeffrey Ribeiro)

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Findings

- F1. Park City Wind, LLC ("Applicant") proposes development of the substation and transmission infrastructure necessary to deliver approximately 800 MW of offshore wind power generated in federal waters to the ISO-New England regional power grid.
- F10. Section 7(c)(viii) of the Commission's Enabling Regulations contains the standards to be met for DRI approval, which include, as applicable, consistency with the Cape Cod Regional Policy Plan, municipal development bylaws, District of Critical Planning Concern ("DCPC") implementing regulations and Commission-certified Local Comprehensive Plans ("LCP"). The Commission must also find that the probable benefit from the Project is greater than its probable detriment.

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Findings

- F12. The following RPP Goals are applicable, material, and regionally significant and are thus subject to RPP consistency review: Community Design, Cultural Heritage, Transportation, Water Resources, Ocean Resources, Wetland Resources, Wildlife and Plant Habitat, Open Space, Coastal Resiliency, Capital Facilities and Infrastructure, and Energy.
- F97. The Applicant is seeking a comprehensive zoning exemption from the Massachusetts Department of Public Utilities (DPU) pursuant to MGL c. 40A Section 3 for the entirety of the Project, including the onshore export cable and the substation. Under the Host Community Agreement, the Town of Barnstable has agreed to publicly support this request. An Order of Conditions from the Barnstable Conservation Commission will be required.

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Findings

- F98. The only DCPC implementing regulations applicable to the project are the Centerville Village zoning district (zoning code §240-130) and the Craigville Beach zoning district (zoning code §240-131), which will be included under the comprehensive exemption from the DPU.
- F99. The Project broadly supports renewable energy, economic growth and diversification, and infrastructure investment consistent with the Town's Commission-certified Local Comprehensive Plan.

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Benefits

- The Project provides over 800 Megawatts of clean, energy brought to the New England grid, powering approximately 400,000 homes and businesses.
- The Project reduces greenhouse gas emissions by 159 million US tons per year.
- The Applicant has signed a Host Community Agreement with the Town, providing significant benefits to the Town, financial and otherwise.
- The Applicant has committed to fund a large portion of any town led streetscape improvement projects post construction on Centerville Main Street.
- On-shore cable installation along the preferred route will be coordinated with sewer installation by the Town, reducing the Town's costs, speeding the environmental benefits of sewer installation, and minimizing disruption to residents by limiting construction to two seasons.

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Detriments

- The Project is likely to result in disruption of businesses and residents during construction period, with acute impacts in the village of Centerville.
- Construction of the substation and other interconnection infrastructure requires approximately 6.39 acres of tree clearing.
- The Project may negatively impact historic structures.
- The Project may result in damage to trees along the cable on-shore route.

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Conditions

- C4. The Applicant shall obtain all required federal, state, and local permits, licenses, and approvals. The Project's consistency with required Municipal Development Bylaws shall be ratified and confirmed by the Applicant obtaining the required municipal development permits and the appropriate zoning waivers from the DPU/EFSB.
- C10. The Applicant shall continue to pursue and meet its obligations under the HCA with the Town, including making all payments to the Town required under said HCA.

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Conditions

- C13. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide a landscaping plan for the substation site which includes vegetative buffering along Shootflying Hill Road and along the 30' buffer on the western edge of the substation site for review and approval by Commission staff …
- C14. The Applicant shall provide final architectural/elevation plans for the substation. In developing the final design for the substation site (including final substation site plan, security fence and visual and acoustic buffer design, and landscaping plan), the Applicant shall work, in consultation with the Town, to minimize, to the maximum extent practicable given site constraints, visual impacts from the project …

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Conditions

- C16. The Applicant shall perform all work within the Centerville National Register Historic District in conformance with the protocols set out in the Construction Impact and Mitigation Plan … If the alternate cable route is selected, the protocols shall be applied to work proximate to the Richardson House at 242 Phinneys Lane. This includes but is not limited to the Applicant …
  - conducting pre- and post-construction surveys of the structure by a qualified architect or structural engineer to determine baseline conditions;
  - providing a damage assessment if any changes occur during construction; and
  - committing to repairing any damage found in the post-construction survey

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Conditions

- C19. Where the Town of Barnstable and/or the state identify a planned infrastructure project, such as installation of a sidewalk or multi-use path, that overlaps with the proposed onshore export cable installation work, all reasonable efforts shall be made to come to a mutually beneficial work approach that supports the interests of the Applicant and the Town and/or state. … The Applicant shall coordinate with the Town and state agencies prior to the initiation of onshore export cable installation activities to determine if opportunities for infrastructure efficiencies exist.

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Conditions

- C22. Prior to final building permit close-out for the substation site, the Applicant shall provide an executed and recorded Conservation Restriction for 14.79 acres of high value (e.g., forested land in a Wellhead Protection Area) protected open space offsite. Alternately, evidence may be provided that such land was purchased by the Applicant and conveyed in fee at a cost not greater than $1.00 to a qualified conservation entity to be approved by Commission staff.
  - Up to 2.19 acres of this requirement may be met through a payment in lieu as calculated under the Open Space Technical Bulletin.

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Conditions

- C25. Construction activities within the 350' buffer to the vernal pool in the utility right of way shall not occur at night and trenching shall be backfilled and covered at the end of each workday.
- C26. Construction activities within the 350' vernal pool buffer shall not occur during the spring breeding period when vernal pool species move through the utility right of way between the adjacent forested areas and the vernal pool.
- C27. Work within the utility right of way should be planned to avoid excess vehicle and equipment trips through the 350' vernal pool buffer to the greatest extent practicable.
- C29. The invasive species protocols outlined in the August 5, 2022 memorandum shall be undertaken at the substation site, including but not limited to in the vicinity of the leaching field for the existing motel's on-site septic system …

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Conditions

Proposed Condition:

- If the currently contemplated extension of the Cape Cod Rail Trail must be placed on a certain portion of the substation site situated along Shootflying Hill Road, which extension includes the Trail itself, any vegetative screening, and/or retaining wall, the Applicant will work with the Town of Barnstable to convey an easement to the Town for such use. Said easement will be on terms mutually acceptable to Applicant and the Town.

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Next Steps

- Subcommittee discussion/questions
- Public comment
- Subcommittee discussion
- Motion to recommend draft DRI decision
  - Full Commission hearing noticed for May 11, 2023 at 3:00pm
- Motion to Adjourn

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COMMENTS FROM APPLICANT

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SUBCOMMITTEE QUESTIONS

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FURTHER SUBCOMMITTEE DISCUSSION/ACTIONS

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FURTHER SUBCOMMITTEE DISCUSSION/ACTIONS

Recommended Motions:

- Move to recommend the draft written decision [*with amendments as discussed*] for adoption by the full Cape Cod Commission and approval of the project.
- Move to adjourn.

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THANK YOU FOR ATTENDING

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