CAPE COD
COMMISSION

New England Wind 1 Connector (CCC. File No. 22005) Development of Regional Impact Subcommittee Meeting

APPROVED Minutes | March 7, 2023 at 5:00p.m.

Held virtually via Zoom

Summary of Actions Taken/Votes at Meeting

- Vote to continue the public hearing to March 27, 2023 at 5:00pm to be held virtually.

List of Materials Used/Presented

- DRI Staff Report
- PowerPoint Presentation

Fred Chirigotis, as Chair, called the meeting to order at 5:00pm. He read the hearing notice and provided instructions on how to use the Zoom platform. He then called roll, with himself, Kevin Grunwald, Harold Mitchell, Richard Roy, and Thomas Wilson in attendance.

The Chair then asked for the Applicant presentation.

Pat Johnson of Avangrid began the presentation with the assistance of a PowerPoint presentation. He introduced the project team. He provided an overview of the project components and public benefits. He also outlined project benefits in the Host Community Agreement (HCA) with the Town of Barnstable. He provided an overview of the route selection process, analysis, and final selected routes. He stated that the preferred route could be built within 2 years of construction, but the variant route would require 3 years of construction. Last he provided an overview of commitments made to the village of Centerville.

Holly Carlson Johnston of Epsilon Associates, on behalf of the Applicant, provided an overview of the project's consistency with the requirements of Development of Regional Impact (DRI), including consistency with the Regional Policy Plan (RPP). She then provided a detailed technical overview of the project components and the methods of construction for the cable routes, both offshore and onshore. She noted that all of the cable route will be below grade.

Hans van Lingen of Avangrid provided an overview of work within the Centerville National Register Historic District. He said that they do not expect impacts to historic structures as all work will be in

the roadway. He then provided an overview of mitigation methods proposed to prevent any damage to structures within the historic district, which are outlined in submittals by the applicant.

Ms. Johnston then presented an overview of the proposed substation site and design. She said the site has been designed to prevent impacts to groundwater and was developed in consultation with the Town. She showed plans and said the substation will require roughly 4 acres of tree clearing.

Mr. van Lingen presented an overview of the grid interconnection route from the applicant's substation to the Eversource interconnection site in West Barnstable on Oak Street. He described mitigation methods for installation within the buffer to a vernal pool adjacent to the existing right of way. He then concluded his comments by discussing the Open Space mitigation required by the RPP and Open Space Technical Bulletin.

The Chair then asked for comments from Commission staff.

Jeffrey Ribeiro, Cape Cod Commission Regulatory Planner, provided brief comments on the general project components, jurisdiction, procedural history, and RPP consistency with the assistance of a PowerPoint presentation. He briefly described the project and showed the cable route. He noted that the turbines are within federal waters and outside of Commission jurisdiction. He also noted that state energy contracts or other similar issues are also outside the purview of the Commission. The review is focused solely on land use impacts from the cable routes and substation.

Mr. Ribeiro then provided an overview of Commission staff analysis for each applicable RPP issue area as presented in the Staff Report distributed ahead of the hearing. He then said that the project will seek a comprehensive zoning exemption from the Department of Public Utilities, which has been supported by the Town through the HCA. He also noted that the project is generally consistent with the Town's Local Comprehensive Plan. He concluded his comments by providing an overview of the remaining matters to be discussed at the evening's hearing, noting that Commission staff was present to answer any technical questions.

The Chair asked for subcommittee questions.

Mr. Grunwald asked if the HCA has been finalized. Mr. Johnson replied that it was finalized in May 2022. Mr. Grunwald asked about the process to the negotiation of the HCA. Mr. Johnson described the public meetings that took place. Ken Kimmel of Avangrid noted the HCA is not a permitting document but details mitigation and benefits to be provided to the Town. He said the document was finalized with the Town Manager and the Town Council. Mr. Grunwald asked for clarification on the statement that the project will limit the impacts to trees. Mr. Johnson said that he was referring specifically to trying to protect older street trees in the Centerville Main Street area. Mr. Grunwald asked for information about impacts at Craigville Beach, and if there could be any impacts to residents' use or species such as the piping plover.

Ms. Johnston said that the drill will only occur within the parking lot and will only occupy a portion of it. They have been working with the Natural Heritage program who were concerned about noise impacts to piping plovers, which resulted in a piping plover plan that places time of year restrictions on the start of drilling noise. Mr. Johnson said that the parking lot will be fully repaved by Memorial Day and the lot will be fully available to the public.

The Chair asked for further subcommittee questions, and hearing none, he proceeded to public comment. He also noted that all communication to members may only occur through the public hearing process. He then called for comment.

Robert Winger asked if horizontal directional drilling could be used in the historic district. He said that most of Main Street was roughly 18' of pavement width. He asked if the Massachusetts Historical Commission had weighed in on the project. He said he had concerns about the archaeological survey. He said that businesses and institutions along Main Street would be negatively impacted.

Bob Schulte said that the HCA negotiation was confidential and not a public process. He said he submitted written comments. He said the subcommittee should pause review until the project's economic viability is proven. He said the preferred route would negatively impact the village and the alternate route should be used.

Elizabeth Jenkins, Director of Planning and Community Development for the Town of Barnstable, acknowledged the statement that the project supports renewable energy and infrastructure in the town, and noted the benefits in the HCA. She said the HCA adequately addresses the concerns of the Town. She noted the zoning exemptions to be requested from the DPU for the project and that the Town has agreed to support those requests. She also noted that Town Attorney Charlie McLoughlin was present with his hand raised.

Betty Ludtke, Barnstable Town Councillor Precinct 3, said that benefits to electrical rates should be substantiated by the Applicant.

Charlie McLoughlin, Barnstable Town Attorney, said the HCA provided significant benefits and should be referenced in any approval. He said the substations involved substantial mitigation for toxic materials that will be used on the site.

Rev. John Terry said he is the pastor at South Congregational Church in Centerville. He said the community is concerned about the financial impact the construction will have on for-profit and non-profit entities. He asked what the financial mitigation would be. He said the heavy equipment would damage buildings.

Eugene Curry said he supports the Project and it has been well researched. He said environmental concerns necessitate the project to move forward and that he is confident the Commission will fully review the Project.

Richard Delaney spoke on behalf of the Cape Cod Climate Change Collaborative. He said the Project was necessary to deal with climate change and that the project properly mitigates any temporary benefits. He said he already submitted written comments.

Joanne O'Connor said that she lives in Centerville and owns the Country Store. She said that she has met with the Applicant regarding mitigation, but has no final agreement in place. She said the Project is proposed by a series of LLCs and liability should be a concern. She said funding is a problem for Avangrid.

Don Keeran spoke on behalf of the Association to Preserve Cape Cod. He said he does not forsee any significant impacts from the project that cannot be mitigated. He said the preferred route is preferential with regard for natural resources. He said the contributions to the Town's sewering were a significant benefit to the Project.

Rosemary Carey spoke on behalf of 350 Cape Cod. She said the climate crisis needs urgent action. She said the project will make the Cape more resilient and provide financial benefits. She said the environmental reviews have been rigorous.

Laura Lerner said that her husband stepped away and wanted to know more about protections for underground cables.

Matt Brodeur spoke in support of the Project. He said climate change is an urgent issue and the Project has been properly reviewed. He said the Cape can become a leader in offshore wind. He said that the Project should be approved quickly.

Craig Valenti said that he supports the Project but the alternate route should be approved due to potential impacts to the historic district. He thinks the alternate route should be strongly considered by the subcommittee.

Susan Rohrbach said that she supports the Project but the cables should not go through the historic district. He said the economic viability should also be considered. She said there may be tunnels underground that were used as part of the Underground Railroad. She said trees may be negative impacted. She said traffic route be an issue. She said the alternate route should be used.

Chuck Tuttle said he supports green energy but the project will have negative impacts to the historic district. He said the alternate route should be used instead. He said the applicant may be banned from doing business in the state. He said the benefits do not outweigh the detriments of the preferred route.

Daniel Gautreau said that the preferred route would cause disruptions to the village and negatively impact trees.

Carol Chandler Rourke said that the preferred route will do damage to historic structures and the street. She said negative impacts to structures may not be apparent until after the project is constructed. She said she is in favor of green energy.

David Jackson said that the finances of Avangrid and potential liabilities should be considered. He asked if telephone and power distribution lines should be undergrounded as the export cables are installed.

Mary Linn said she is upset about what is going on and thinks the project is a done deal. She said that the project will damage the environment and asked why the project must use the preferred route.

Mr. Wilson suggested that the subcommittee take a break at 7:14pm and the Chair recessed until 7:25pm.

At 7:25pm the Chair resumed the hearing and asked for subcommittee discussion.

Mr. Wilson said the climate crisis should be addressed quickly, but said that there were concerns stated by the public that should be answered before the subcommittee moves on. Mr. Roy said he would like further detail about construction methods during roadwork. He said answers from the public must be addressed in an expeditious manner.

Mr. Grunwald said he would like to continue the hearing given the late hour. He said a break would also allow the Applicant time to prepare a response to the comments.

Mr. Ribeiro said that he had been taking notes and had that the concerns of the subcommittee were a more detailed route comparison, a review of the late submittal on open space requirements, landscape and fence details, description of construction techniques. He said that because of the potential lapse of the dispensation allowing meetings to be held virtually. He proposed a date for a continuance to Tuesday, March 28, 2023 at 5:00pm to be held virtually via Zoom. After discussion the subcommittee decided the date for continuance would be Monday, March 27, 2023 at 5:00pm to be held virtually.

Prior to continuance, Mr. Roy asked if the Applicant would like to reply at this time. Pat Johnson said that he could provide a quick response. The Chair allowed him to do so.

Mr. Johnson asked Ken Fitzgerald, the project engineer, to address why horizontal directional drilling can't be used through the historic district. Mr. Fitzgerald said there was not enough room in the historic district to fit the required equipment. Mr. Johnson asked Mr. Fitzgerald to address questions

about the cables and their installation. Mr. Fitzgerald said that the cables were solid and did not contain any fluids and would be encased in concrete duct banks.

Mr. Johnson clarified that the burying of cables did not include local power distribution lines or cable lines. He said he would provide Councilor Ludtke with information to address her concerns. He then asked Ken Kimmel to address questions from the public regarding questions about power contracts.

Mr. Kimmel said noted that the contracts were outside of the scope of Commission review and briefly discussed the public reports regarding project costs. He said there was no basis to pause the proceeding based on these issues. He said that the contracts were for 25 years with long term revenue. He said that liability insurance would be purchased, and the Town is designated as a beneficiary under the HCA.

Mr. Johnson said that public comments about the Applicant meeting with local businesses to discuss mitigation were correct, and that the Applicant intends to continue those discussions.

Mr. Wilson stated that he wanted further discussion about road construction.

After further discussion regarding the date for continuance, the Chair made a motion to continue the hearing to March 27, 2023 at 5:00pm to be held virtually and Mr. Wilson seconded. The Chair took a vote by roll call with himself, Mr. Grunwald, Mr. Mitchell, Mr. Roy, and Mr. Wilson all in favor.

Mr. Grunwald made a motion to adjourn and Mr. Wilson seconded. The Chair took a vote by roll call with himself, Mr. Grunwald, Mr. Mitchell, Mr. Roy, and Mr. Wilson all in favor. The meeting was adjourned at 7:44pm.