CAPE COD
COMMISSION

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

DRAFT Minutes | April 24, 2023 at 5:00p.m.

Held virtually via Zoom

Summary of Actions Taken/Votes at Meeting

- Vote to close the public hearing.

List of Materials Used/Presented

- Draft DRI Decision
- 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 asked for a motion to approve the minutes from the March 7, 2023 meeting. Mr. Mitchell made the motion and Mr. Grunwald seconded. He then called roll, with himself, Kevin Grunwald, Harold Mitchell, Richard Roy, and Thomas Wilson in favor.

The Chair then asked for comments from Commission staff.

Jeffrey Ribeiro, Cape Cod Commission Regulatory Planner, provided brief comments on the draft DRI decision distributed prior to the meeting. With the assistance of a PowerPoint presentation he presented multiple findings and conditions found in the decision. He closed with an overview of the rest of the night's hearing and noted that a hearing before the full Commission has been noticed for May 11, 2023. He said that the hearing period continues until that time and written comments can still be submitted. Oral testimony will also be taken on May 11th.

The Chair then asked for comment from the Applicant.

Pat Johnson of Avangrid said they have reviewed the draft decision and were amenable to the conditions therein. He thanked staff. He said they are happy to answer any questions.

The Chair asked for public comment, starting with Barnstable Director of Planning and Development Elizabeth Jenkins.

Ms. Jenkins noticed that she was joined by Town Attorney Charlie McLoughlin. She said that her comments would be provided in writing.

The Chair noted that he had skipped questions from subcommittee members, and he called on Mr. Grunwald. Mr. Grunwald asked how the electricity provided would benefit residents on Cape Cod and if it would affect rates.

Mr. Ribeiro said that the applicant may also want to address the issue. He said that no findings related to the cost of electricity were included in the findings or project benefits or detriments as rates are outside the jurisdiction of the Commission and would be set by the Department of Public Utilities (DPU).

Mr. Johnson said that the power will enter the grid at the West Barnstable substation and be used in southeastern Massachusetts despite being technically purchased by Connecticut. He called on Justice Ansah Nyarko from his team to provide further comment, who said that the project alone would be able to serve all of Cape Cod. He said that the project will increase reliability. He said that the Canal Generating Plant is planned to go offline.

Mr. Grunwald asked staff what the criteria are for the high value open space required for the project. Mr. Ribeiro said that the 12 acres is computed based on the clearing within the Natural Areas Placetype as mapped by the Regional Policy Plan (RPP). He noted that the site is mapped due to the presence of a Wellhead Protection Area, so a similar area would be ideal but other land such as endangered species habitat could also be considered. He said that the number in the decision includes the provision allowing for a payment for the portion of the requirement not based on Natural Area. He noted that the requirement could also be met through multiple smaller parcels contiguous with other conservation land.

Hearing no further questions from the members, the Chair returned to Ms. Jenkins.

Ms. Jenkins said that she is happy to see the inclusion of the requirement for an easement for the potential Rail Trail extension. She said that the certificates of compliance included in the decision may have more effective triggers. She suggested Condition C18 be modified to include a reference to an enhanced condition for street improvements and that the applicant has agreed to full-width road resurfacing.

She said Condition 19 should be amended to require the preparation of a communications plan and designate a single point of contact for issues. She noted there are two Finding 97s, and she proposed revised language in the second stating that Town boards will retain the ability to review the project. She asked that the decision reflect the Applicant's commitment in the HCA to provide containment at the West Barnstable substation. She requested Condition 10 be reworded relating to the requirement that the applicant comply with the HCA. She requested a statement be added

relating to electromagnetic emissions. She noted that Finding 21 references vibration levels but does not have a source cited. The Chair asked if Atty. McLoughlin had anything to add, and he did not.

Hearing no additional public officials the Chair asked Mr. Ribeiro if they should respond to the comments from the Town at that time. Mr. Ribeiro suggested moving on to general public comment to allow him time to formulate responses. The Chair then began public comment.

Cliff Carol asked what cable route was currently being reviewed. The Chair clarified that the project would land at Craigville Beach, continue to the substation on Shootflying Hill Road and then connect to the grid at the substation on Oak Street. Mr. Carol asked if comment would be allowed until May 11th, and the Chair confirmed that was correct. Mr. Carol said that the project should not be sent to the full Commission. He said there would be significant visual impacts associated with the substation, including from lighting. He said there are outstanding concerns related to hazardous materials.

Larry Hurwitz said he supports renewable energy. He asked if the project would be built if contracts are not renegotiated. He asked for a plan that requires the applicant to pay for damage to any homes along the route and business disruption. He asked if the applicant can appeal if they are denied by a local boards. He said some applicant responses have been vague, and requested no action until an in-person meeting can be held.

Bob Schulte asked the subcommittee to not vote to recommend the project for approval by the full Commission until the applicant proves the financial viability of the project. He said that if that is not required, the applicant should be forced to use the alternative route that avoids the Centerville historic district.

Mary Chalk said that there had not been discussion of the environmental impact from the cables. She said that the Edgartown Conservation Commission denied a separate permit request from the applicant. She said that the Vineyard Wind Environmental Impact Report states there is no impact to global warming from that project.

Suzanne Conley said that the substation site is close to native land conservancy. She asked if Native Americans have been consulted as part of the project.

Chuck Tuttle said the construction of the duct bank would be destructive, including damage to trees. He said there should be a landscaping plan for cable route. He requested the board require the use of the alternative route. He said the project may be unviable. He said the benefits of the project do not outweigh the benefits. He said there are too many unanswered questions to move forward until the project is proved economically viable.

The Chair asked for any additional comment and recognized Cliff Carol again. He said that impacts of the project should be considered for both the West Barnstable and Shootflying Hill Road substations.

Seeing no further comment, the Chair asked for subcommittee discussion.

Mr. Mitchell asked staff to reply to the items from Ms. Jenkins.

Mr. Ribeiro said that he did not see any immediate objections to the proposed Condition 10. He said that electromagnetic emissions are outside of the jurisdiction of the Commission. Mr. Mitchell asked where the reference was in the draft decision. Mr. Ribeiro said that the electromagnetic emissions would be a new addition. He said that the request for Condition 21 is not recommended by staff as the West Barnstable substation is outside of any mapped water resource protection area and therefore the Commission does not have requirements for that in the RPP. He said that given the role of the Energy Facilities Siting Board, staff doesn't recommend proposing any new requirements not included in the regulations. He then asked Jordan Velozo, Chief Regulatory Officer, to address the other comments.

Ms. Velozo said that any changes with direct reference to the HCA would have to be carefully reviewed by staff as they relate to a contractual agreement that the Commission is not a party to.

Mr. Mitchell said that given the Town comments he does not support making a recommendation on the draft decision until staff can carefully review the requests.

The Chair recognized Atty. McLoughlin.

Atty. McLoughlin said that groundwater protection is a serious concern and the expanded containment requirements from the HCA should be incorporated into the DRI decision.

The Chair said he needed more detailed analysis of the Town's concerns, and Mr. Mitchell concurred. Mr. Mitchell said that he also would like to discuss the proposed project benefits and detriments.

Mr. Wilson supported waiting for responses to Town concerns. He asked if the discussion of benefits and detriments would be discussed at the hearing or at a subsequent meeting. The Chair said he felt there were not yet ready to do so.

Mr. Roy said he also wanted further information. He said that the condition related to development of traffic management plans was vague.

Mr. Mitchell said that he felt the benefits and detriments should be discussed so the document would be complete at the next proceeding. He said the first benefit should include that the energy would be used in southeastern Massachusetts. He said he had previously provided staff with some proposed benefits and detriments and they had done a good job presenting them. He said that

there should be a detriment related to the clearing of the Shootflying Hill Road substation. Mr. Ribeiro asked for the detriments slide to be put on the screen and asked if the proposed detriment related to overall project clearing addressed his concern, and Mr. Mitchell replied that it did.

Mr. Wilson said there needs to be a rapid transition to clean energy. He said that the project being able to meet the energy needs to Cape Cod is a significant benefit. He said that there was significant benefit to the preferred cable route as it only requires two years of construction as opposed to three for the alternative route.

Mr. Grunwald said that the detriment related to historic structures make clear reference to the mitigation measures required under the decision.

Mr. Roy asked for the unit of measurement for the vibrations referenced in Finding 21. Mr. Ribeiro said that Historic Preservation Specialist Sarah Korjeff was away, but he would confirm with her the source and unit of measurement when she returned to the office the following week.

Mr. Mitchell said that the benefits should include that work would not occur during the summer months. He said that he finds the proposed additions from other members excellent.

The Chair asked for any staff response. Ms. Velozo asked if the members would like further comment on the requests from the Town. The Chair said that he would prefer to wait until they have the requests from the Town in writing to have further discussion or take action. Ms. Velozo said that they would put together a document for their review. She asked Mr. Ribeiro to discuss next steps.

Mr. Ribeiro said that staff has adequate direction from the members. He said that the full Commission hearing is being separately noticed, and he suggested the members could close the subcommittee hearing and hold a meeting the following week to finalize the draft decision.

The Chair agreed with the proposal. Mr. Grunwald made a motion to close the public hearing. Mr. Wilson asked for clarification on whether the motion would preclude the subcommittee from holding an additional meeting. Mr. Grunwald said that he supported having another meeting but his motion was solely to close the hearing. Mr. Wilson asked if those should be done separately. Ms. Velozo replied that they were separate steps and clarified that the subcommittee could hold another meeting prior to the full Commission hearing on May 11th. Mr. Wilson seconded the motion.

Mr. Mitchell said that he would like to finalize a draft before referring the project to the full Commission. Ms. Velozo replied that they could finalize the draft and make a recommendation at the subsequent meeting proposed. Mr. Ribeiro said the changes to the draft could be turned around quickly.

The Chair took the vote on Mr. Grunwald's motion by roll call with himself, Mr. Grunwald, Mr. Mitchell, Mr. Roy, and Mr. Wilson all in favor.

Mr. Ribeiro said that there were questions from the public, and he confirmed that the vote was to close the subcommittee hearing. The hearing period remains open until at least May 11th, and oral testimony will be taken there. Written comment can be submitted at any time. He said the subcommittee meeting with be posted and the public may attend, but there will not be oral testimony taken.

Mr. Mitchell asked if they needed a motion to continue. Mr. Ribeiro said no motion was needed but it would be good to discuss a time with everyone present. Mr. Mitchell suggested May 1, 2023 for a subcommittee meeting. The members confirmed that the date worked for them. The applicant also confirmed that they could attend.

Mr. Mitchell made a motion to adjourn and Mr. Roy 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 6:26pm.