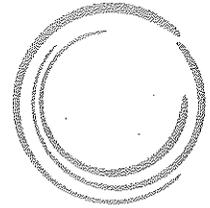


3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

CAPE COD
COMMISSION

Minutes
Meeting of
Cape Cod Commission

February 2, 2012

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Michael Blanton	✓
Brewster	Elizabeth Taylor	✓
Chatham	Lynne Pleffner	Absent
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Vacant	Vacant
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	✓
Orleans	Leonard Short	✓
Provincetown	Austin Knight	✓
Sandwich	Joanne O'Keefe	Absent
Truro	Peter Graham	✓
Wellfleet	Roger Putnam	(Recused)
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	✓
Native American Rep.	Mark Harding	Absent
Governor's Appointee	Herb Olsen	✓ (left the meeting at 5:00 pm)

The meeting of the Cape Cod Commission was called to order on Thursday, February 2, 2012 at 3:05 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

Chair Peter Graham expressed the need for decorum throughout today's hearing.

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Paul Niedzwiecki said because of the number of people attending today's hearing he will pass on his Executive Director's report. He also echoed Mr. Graham's request for decorum. Mr. Niedzwiecki noted that because of the nature of the DRI before the Commission today it may require more than one meeting. He said the need for a quorum is important going forward not only for this meeting but also for the next meeting and next meeting after that.

■ NEW GENERATION WIND JOINT VENTURE

Elizabeth Taylor read the continued hearing notice and opened the hearing at 3:10 p.m. She said this is a continued hearing from January 5, 2012.

Roger Putnam said that counsel informs him that statements made by Attorney Tillotson are without merit. He said the law is clear that anyone can hold an opinion based on fact whether that view is commonly held or not. He said given the fact that he supports the Staff Report but has no wish to risk the action of the Commission, he will recuse himself.

Chair Peter Graham moved to approve the minutes of May 17, 2011. Roy Richardson seconded the motion. The motion passed with a unanimous vote of the subcommittee.

Chair Peter Graham moved to approve the minutes of the June 16, 2011 public hearing. Roy Richardson seconded the motion. The motion passed with a unanimous vote of the subcommittee.

Chair Peter Graham moved to approve the minutes of the October 13, 2011 subcommittee meeting. Roy Richardson seconded the motion. The motion passed with a unanimous vote of the subcommittee.

Chair Peter Graham moved to approve the minutes of the October 20, 2011 subcommittee meeting. Roy Richardson seconded the motion. The motion passed with a unanimous vote of the subcommittee.

Chair Peter Graham moved to approve the minutes of the October 27, 2011 subcommittee meeting. Roy Richardson seconded the motion. The motion passed with a unanimous vote of the subcommittee.

Chair Peter Graham moved to approve the minutes of the November 2, 2011 subcommittee meeting. Roy Richardson seconded the motion. The motion passed with a unanimous vote of the subcommittee.

Chair Peter Graham said the purpose of today's hearing is to accept written and oral comment on the New Generation Wind project and to consider the subcommittee's draft written decision recommending denial of the project. He outlined the process for today's hearing. He said all Commission members have received a packet from the Applicant of their presentation. He said he would move that this information be considered by the Commission even in light of the Commission's 14-day rule. He said it is within the Commission's discretion to decide whether to accept information that was not filed timely. Mr. Graham said in the interest of allowing everyone an opportunity to be heard, he would suggest at the conclusion of today's hearing that the Commission close the hearing but leave the record open for a period of seven days to allow everyone an opportunity to respond in writing to information in the record. He said the deadline for written comments is by Thursday, February 9, 2012 at 4:30 p.m. He said the point of keeping the record open for written comments really is to allow for comments on new material.

Kristy Senatori, chief regulatory officer at the Commission, using PowerPoint slides said she would be providing an overview of the procedural history, project description, Cape Cod Commission jurisdiction, subcommittee findings and subcommittee recommendations. She said the Commission received a Development of Regional Impact (DRI) referral for the New Generation Wind project on July 2, 2010 from the Bourne Planning Board. She said the proposal consisted of the construction of seven (7) wind turbines expected to generate approximately 17 MW of power on 403.5 acres in the Town of Bourne located west of the Cape Cod Canal. She said the application was withdrawn by the applicant on March 1, 2011 and the withdrawal was accepted by the Commission on March

3, 2011. On March 14, 2011 the Commission received a DRI referral from the Bourne Planning Board and a DRI application from New Generation Wind LLC for the same project that was previously withdrawn in March 2011. She provided a procedural history for the project and said the project was deemed complete on April 27, 2011. She said on May 12, 2011 the DRI hearing period was opened by a Hearing Officer and the first substantive hearing was held on May 17, 2011. She said there were four substantive public hearings and the subcommittee held seven public meetings to deliberate on the project. She said at the meeting on October 27, 2011 the subcommittee voted to recommend denial of the project to the Commission and on November 2, 2011 the subcommittee voted to forward the draft written decision that is before the Commission today. She said an extension agreement has been executed by the Commission and the Applicant extending the decision period on the project through March 31, 2012. Ms. Senatori said the project as originally submitted and referred on March 14 2011 consisted of six (6) 2.5 MW wind turbines and one (1) 2.0 MW wind turbine each with a height of 492 feet. She said three (3) of the seven (7) turbines were proposed to have been located within the portion of the site currently occupied by Cape Cod Aggregates Sand and Gravel Mining operation. She said the other 4 turbines were proposed in undeveloped wooded areas. She said on June 2, 2011 the Applicant eliminated turbines #3 and #6 from the proposal. She said on July 6, 2011 the Applicant relocated turbines #2 and #4 and on July 13, 2011 the Applicant eliminated turbine #4 from the proposal. Ms. Senatori said the current project proposal that is before the Commission today consists of three (3) 2.5 MW wind turbines (turbines #1, 2 and 5) and one 2.0 MW wind turbine (turbine #7) for a total output of 9.5 MW. She said all turbines are proposed to be located in undeveloped woodland areas. She explained the Commission's jurisdiction pursuant to the Commission's *DRI Enabling Regulations* and said the proposed development was referred to the Commission by the Town of Bourne and qualifies as a DRI as a proposed commercial outdoor development with a total project area greater than 40,000 square feet. Ms. Senatori explained the Commission's criteria for an approval/denial of a DRI and said pursuant to the Commission's 2009 Regional Policy Plan (RPP), as amended March 2011, the project was reviewed in issue areas for land use, economic development, water resources, waste management, coastal resources, natural resources/open space, transportation, energy, affordable housing, and heritage preservation and community character. Ms. Senatori noted that there are almost 20 pages of findings on the RPP issue areas in the draft decision therefore she would highlight key findings recommended by the subcommittee in issue areas for natural resources/open space, economic development, water resources, hazardous materials and wastes and heritage preservation and community character. Ms. Senatori said one of the DRI approval criteria is consistency with the Local Comprehensive Plan (LCP). She said written testimony dated July 28, 2011 provided by Coreen Moore, Bourne Town Planner states that the current New Generation Wind project will be reviewed under the pre-May 9, 2011 Special Town Meeting wind turbine bylaw and therefore would be considered consistent with the LCP which calls for the Town to adopt bylaws and guidelines that promote alternative energy, specifically wind turbines. Ms. Senatori said the subcommittee recommends the Commission adopt the testimony of Coreen Moore and find that the proposed development is consistent with Bourne's LCP. She said another approval criteria is consistency with local development bylaws and the subcommittee recommends the Commission adopt the July 28, 2011 written testimony of Coreen Moore and find that the proposed development as it relates to Turbines 1, 2, and 5 is consistent with municipal development bylaws provided that the project be required to fulfill a condition requiring the Applicant to seek and obtain a special permit from the Town of Bourne for Turbines 1, 2, and 5 in order to comply with local development bylaws. She said the subcommittee recommends that Turbine 7 is not a Neighborhood Wind Energy System (NWES) as it is not owned by, and will not serve the energy needs of, a group of 10 or more residential customers that reside in a single neighborhood. She said based on this, the subcommittee recommends the Commission find that Turbine 7 is inconsistent with municipal development bylaws. Ms. Senatori said an additional approval criteria is consistency with applicable Districts of Critical Planning Concern (DCPCs). She said the proposed project is situated within the Bournedale DCPC. She said in written testimony dated July 28, 2011 Coreen Moore states that the DCPC nomination was made to include protection of the following resources: Water Resource District; Wildlife, Natural, Scientific, or Ecological Resource District; Cultural, Historic, Architectural, or Archaeological Resource District; Economic or Development Resource District; and Transportation Management District. Ms. Senatori said Ms. Moore further stated that the New Generation Wind project is consistent with the DCPC and as such the subcommittee recommends the Commission adopt the testimony of Coreen Moore and find that the proposed development is consistent with the regulations approved or adopted by the Commission pursuant to Section 11 of the Cape Cod Commission Act or the Bournedale DCPC. Ms. Senatori described the subcommittee's analysis for probable benefits/detriments for the project. She said the subcommittee's findings of project probable benefits are: the project helps meet the state mandate for renewable energy; tax benefits to the municipality; that the project could be an economic stimulator; the green energy rebate program being offered by the project's proponents; the long term evaluation and validation of fitness of purpose that the project would provide; the contribution to lessening dependence on fossil fuels; the contribution to renewable energy; permanent protection of approximately 20 acres

of open space in a Significant Natural Resources Area (SNRA) as further defined in Best Development Practice (BDP) OS1.10; and the contribution this project would provide to the grid. She described the subcommittee's findings of project probable detriments as: probable negative effects on Bourne's water supply; probable diminishment of property values; probable negative impacts on the local Native American tribe; the proximity of the proposed project to the nearby elementary school; the possibility that this project could detract from tourism; that the proposed project would dilute efforts to pursue alternate sources of renewable energy; probable health effects of the project; the effect of the project on community morale; and the probable negative effect on wildlife, including birds and bats. Ms. Senatori said the subcommittee recommends the Commission find the probable benefit from the proposed development is not greater than the probable detriment and the subcommittee recommends the Commission deny without prejudice the DRI application of New Generation Wind, LLC.

Attorney Diane Tillotson, representing New Generation Wind LLC, said today they have three presenters of their project: Carlos Pineda from Clear Planet Energy who has presented in the past, herself and David Peterson. She then introduced the members of her team to the Commission. Using PowerPoint slides she identified the project site and said it's largely located between Route 25 and Route 6 on the landward side of the Cape Cod Canal in the Town of Bourne. She said it consists of approximately 240 acres and 133 of those acres are within the existing sand and gravel pit operated by Cape Cod Aggregates. She said they are here today to make an unusual request of the Commission. She said that request is that the Commission not adopt the recommended decision of the subcommittee dated November 10, 2011. She said to the best of their knowledge the Commission has never voted in favor of a project with a negative recommendation from the subcommittee. She said, nevertheless, they are asking the Commission to do this today because the evidence in the record she would suggest overwhelmingly substantiates the project's benefits. She said she would also suggest that federal, state, regional policy, state law and the goals and performance standards of the Commission's RPP require the Commission to approve this project. She said, finally, they urge the Commission to do this because it's the right thing to do for Cape Cod. She said she will have more to say about the specific findings that were made in the subcommittee's report but at this time she will turn the presentation over to Carlos Pineda.

Carlos Pineda said he is with Clear Planet Energy and is the development consultant for the project. He said he would provide a brief overview of New Generation Wind and a summary of its benefits. He said the project as it has been well described is a four-turbine project with 9.5 MW of power production that is enough to power 3,000 homes. He said the project was reduced from a seven-turbine project. He said over the course of permitting with the Cape Cod Commission they have listened to concerns and analysis from the Commission as well as the public and they were responsive to those concerns and reduced the scope of their project. He said the project owners are long-standing community members and businesses who are committed to renewable energy on their property. He said they have an experienced local team that has done this before and has done a great job with the development of this project. He said they have a project that is about renewable energy leadership. He said Cape Cod is a coastal zone that is heavily impacted by sea-level rise and climate change and they believe New Generation Wind is part of the solution. He said this is a project where the landowners themselves are the sponsors. He said they are proposing a private project on private property. He said they have been responsive to public comment over the course of the permitting process and said they have appreciated working with the Commission and said he believes they have been responsive to public comment and to the issues that have been raised. He said their project meets all laws and he feels that they meet all of the MPSs of the Commission. He said not only have they been responsive at this level they have been responsive to the Commission's RPP and to the Commission itself which asks for more renewable energy to be developed and to the renewable portfolio standards of Massachusetts which legally mandates that renewable energy be developed in the state. He said the landowners and community members before the Commission have invested on that basis. He referred to PowerPoint slides showing the four turbines and the location of the gravel pit and said the circles around turbines are distances of 1,000, 1,500 and 2,000 feet. He said those are for criteria eligibility for the rebate plan and said to his knowledge he has never known a project such as this that gives back the value of fixed-priced renewable energy to neighbors. He said it's a great program. He showed the high voltage lines from the gravel pit crossing the canal and said they are 345 kV and 115 kV trunk line transmission lines and said this is the right place to put an energy project. He said it's being developed on an existing business and they are doing it where there are undeveloped woodlands. He said wind projects are an excellent way to help maintain open space and said it's a well-sited project. He said regarding the benefits their team and the sponsors designed a project that not only is a private project that needs to function privately but also has maximum public benefit. He said other alternatives had been considered but they did not go forward because they didn't think they had the right mix of public and private benefit. He said local ownership, local development, permanently protected open space, \$120,000 a year plus \$3 million over 25 years in property taxes, a lot of construction related employment, and over \$20 million invested into the regional economy. He

referred to ED1 MPS regarding availability, reliability and quality of cost of services and said they think that the My Generation Solar project that was recently approved by the Commission is a great project and should have been approved and applauds the Commission on that. He said on all the criteria they are the same issues as their project and they received a negative recommendation on those. He said they actually do better; they produce 14 times the energy, have higher capacity factors, and are 5 times less expensive. He said solar is 5 times the retail cost of wind. He said there are a lot of other benefits but for the sake of time he said he would not go into them. He said in terms of environmentally there would be 614 GW hours of energy over 25 years and said this is equivalent to removing 14,000 Goodyear Blimps of natural gas and over 400 million pounds of carbon dioxide. He said the Wind Turbine Health Impact study which was recently released by the Department of Environmental Protection and the Department of Public Health found that there are no direct health impacts from wind turbines. He said this is a blue ribbon independent panel that made these findings. He said they also made a few recommendations on issues like noise, shadow flicker and ice throw. He said New Generation Wind complies with all of those recommendations. He said they are using new technology and they are proud to bring it to the area. He said their project goes over and beyond when it comes to development.

Attorney Tillotson said she would cover three points today. She said they have submitted a vast amount of written material and she hopes the Commission takes the opportunity to review the materials. She said she appreciates the Chair's acceptance of the materials submitted yesterday. She referred to a chart that she put together for requested revised findings. She said she felt it would be a helpful tool for the Commission in reviewing exactly what it is that they are asking the Commission to do. She said for each of the findings they are suggesting are an error. She said they are suggesting that a number of the Commission's findings are an error. She said they have listed a summary of what that finding is, their proposed requested finding (a finding that they are actually asking the Commission to make) and the finding that they suggest that state law, the RPP and the evidence in the record would require the Commission to find. She said in the right hand column she has listed a reference back to the evidence in the record or the particular portion of the RPP that supports their request for that finding. She said in order to be consistent with the RPP, the Commission is essentially required by its charge to revise some of its findings. She said she knows the subcommittee worked hard and it is not often that she would suggest to a deliberative body that some of these findings were made in error. However, the law is clear and the RPP requirements are clear. She said she would also like to point out that the Commission members themselves adopted findings recently in the My Generation Energy decision which was December 15, 2011 that on the same facts are in diametric opposition to the findings that have been made on their project. She said she would urge that those findings were accurate findings and that the Commission reconsider on that basis among others the Commission's findings for their project. She said she would quickly cover some of the specific findings and said the first is the finding on consistency with municipal bylaws. She said today Coreen Moore, the Bourne Town Planner, submitted another letter into the record again stating that in her view Turbine #7 is a Neighborhood Wind Energy Turbine that complies with the local development and local zoning bylaws of the Town of Bourne. She said Ms. Moore outlines the reason for that in her letter. She said she would suggest to the Commission that with respect to every other finding related to consistency with municipal bylaws that the Commission adopt Coreen Moore's testimony. She said that is in the record. She said she cannot understand and it's perplexing why with respect to this one particular turbine the Commission determined to substitute essentially the Commission's own judgment for that of the Town Planner who deals with these bylaws day after day. She said she would also point out that in the My Generation Energy decision with respect to consistency with local bylaws the Commission found clearly and adopted the consistency with local bylaws and the Commission made that determination based on the recommendation of the person who had the equivalent function in the Town of Barnstable that Coreen Moore does in the Town of Bourne. She said the second finding is that with respect to Turbine #7. She said they did and it was read into the record by Ms. Senatori that they did offer to the subcommittee a condition that they be required to provide offset for that turbine. She said it is true that the person that they were not able to identify did not want to be identified in the public forum and on the public record until the permits were obtained. She said she would respectfully suggest to the Commission that they would have to be living under a rock to recognize that this project is not controversial and while they understand that their opposition is well-intentioned they do feel that they have been intimidating in some circumstances and for a person who stands ready to provide them with an offset to ask that their name not be made part of the public record is entirely reasonable. She said she would suggest to the Commission that the condition that they have suggested with respect to Turbine #7 which places the burden entirely on them to meet that offset. She said if they don't provide the offset, if they don't give the Commission the evidence that it needs that they've met that condition that turbine will not move ahead and they understand that. She said they respectfully ask that the Commission grant conditional approval to Turbine #7. She said she wants to make a very brief comment about the evidence that is in the record. She said when reviewing evidence a quasi judicial body such as the Commission has to apply both a qualitative and a quantitative

analysis to the evidence that they have before them. She said she knows both the opponents and the applicants have provided volumes and volumes of material in this case. She said the Commission needs to weigh the evidence that comes in and this is the function of the quasi judicial body. She said she would respectfully suggest to the Commission that the subcommittee failed to recognize many of the project benefits which David Peterson is going to talk about. She said many of the project detriments that were focused on were in fact not fully substantiated in the record. She said there is no evidence that the project is going to have impacts on tourism, no evidence that it's going to have any negative impact on Native American traditions and religious observances. She said there is no evidence of so many things that were made negative determinations. She said on the positive side, and that which was never mentioned, is the New Generation Wind Complaint Protocol and Mitigation Plan. She said from day one of this project that plan has been part of their record. She said it is their commitment as local owners to be staying with this project long after it's constructed. She said this is not a situation where a developer comes in and then leaves after the project is constructed and said she just wanted to highlight a few aspects of that. She said the independent panel put together by the Department of Public Health and the Department of Environmental Protection when it released its report approximately two weeks ago finding no adverse health effects or insufficient evidence of adverse health effects recommended among other things that there be monitoring post construction of these turbines so that they could provide more data. She said they had that submitted from the very outset of their project. She said it requires five years of monitoring for sound and flicker, it sets up an escrow account to fund a Complaint Protocol. She said this is a developer that is committed to the citizens of Cape Cod, committed to this project and committed to the overall goal of providing renewable energy on the Cape. She said she would now turn the presentation over to David Peterson.

David Peterson, member of the Lorusso family and owner of Cape Cod Aggregates and partner in the New Generation Wind project, said as well as being an active participant in this project he is a native; the son of a fourth generation Cape Codder himself making his children the sixth generation of this very special place. He said as a Cape Codder he has a real stake in protecting what he loves. He said as a business owner and a project developer who lives and works here on the Cape and someone who respects the process he is deeply concerned that this permitting process has allowed for some striking inconsistencies and some inflexible findings that does not support the evidence and testimony that they have presented. He said his hope is that the Commission, too, will be concerned about this and that the Commission will take action to remedy the inconsistencies. He said the Commission recently approved the My Generation Energy (MGE) project and as was stated before they think it's a great project. He said with regard to economic development, specifically, ED4.1, the Commission found that the MGE project meets the standard of ED4.1 of improving availability, reliability, quality and cost of service based upon their determined rationale. He said they outlined similar benefits in their presentations. He said their findings fail to acknowledge that their rationale met the standard. He said they improved availability of renewable energy here on the Cape that has the potential to benefit local businesses such as Cape Cod Aggregates to meet their high demands of electricity for the facilities and plants that they run in Hyannis, Falmouth, Sandwich, and Bourne. He said they improve reliability not only in the upgrades to various distribution lines around the projects but also as they have demonstrated with hard numbers their renewable energy project would have a positive impact on the high demand days in the peak summer months when the transmission lines are straining to pull power from distant sources and the bid prices are sky high. He said the MGE project was also found to improve quality by reducing consumption of additional sources of energy generation by eliminating requirements for natural gas, coal, crude and even uranium. He said what was more interesting and more impressive is that while that project was deemed completely environmental beneficial because of those reductions their project reduces those same traditional sources of energy by over 10 times than the MGE project does. He said they have cited reductions in noxious oxides and carbon dioxide as examples of the many environmental benefits renewable energy reduces vital in the struggle to both eliminate the need for traditional fuel sources and reduce hazardous solid waste and atmospheric contamination. He said those positive results deem to be significant, local, regional and global benefits. He said the MGE project found that since ownership of the project was local, as is their project, the renewable energy it will create will offset local electricity expenses, as will their project, with one huge and glaring difference there project will only produce 7.5 percent of the energy that their project will generate enabling them to supplement the energy needs of their neighbors, for a green energy rebate program, and provide the opportunity to enter into power purchase agreements with other local businesses and local energy users thereby reduces the need of costly transmission of power to the Cape from distant locations. He said another area of concern is hazardous materials. He said the Commission's decision in MGE found that the vegetable-based FR3 fluid used in the project transformers to be environmentally friendly and 98.5 percent nonhazardous. He said yet the finding in their draft decision finds the exact same fluid to be 100 percent hazardous. He said they submitted reports from the EPA, DEP, and MSDS sheets from the manufacturer all confirming that this food-based material has undergone extensive testing and has even won awards for ultimate biodegradability. He said

yet armed with all of that information the subcommittee still found this material to be 100 percent hazardous. He said they ask that the Commission take up and reverse findings on WRF18 and WRF20 in the draft decision to reflect the same findings as the MGE project that this product is 98.5 nonhazardous and as such only needs to be partially mitigated. He said even with that potential correction their project still needs to provide hazardous materials offsets. He said as was detailed in their April 2011 DRI application they proposed to permanently eliminate 8,000 gallons of diesel and gasoline from another facility, the Cape Cod Aggregates (CCA) gravel pit within the same Wellhead Protection Area. He referred to PowerPoint slides showing a 4,000 gallon diesel tank that was previously offered as part of their hazardous materials mitigation and mentioned by Ms. Senatori. He said that particular tank was purchased and has been onsite since 2009 and supporting documentation was provided to the staff. He said CCA obtained installation permits for both tanks prior to their April 2011 DRI application but neither tank had been fully installed so New Generation Wind offered both permits a total of 8,000 gallons as their hazardous materials offset even though with regard to hazardous materials and the FR3 fluid they felt that they only needed to offset 1,494 gallons of hazardous materials. He said that offer did include permit elimination and no additions to the hazardous materials inventory for the duration of the Cape Cod Aggregates operation. He said the subcommittee and staff considered the installation permits and offsets to be theoretical in nature and denied their use as mitigation. He said those permitted tanks are part of Cape Cod Aggregates gravel operation and not part of the MGE project and as such constitutes a completely different facility than the MGE project and therefore does comply with WM1.3. He said, in fact, there are no turbines located on the 126 acres that comprises the Cape Cod Aggregates gravel pit land. He said the 4,000 gallon diesel tank purchased by and onsite of the CCA facility since 2009, permitted for installation in September 2010, and now as of December 2011 this tank has been fully installed, inspected, permitted, and operational and is no longer being offered as mitigation. He said the proposed mitigation offset now is the installation of remaining 4,000 gallon gasoline tank. A tank that will be installed and sit right next to the tank as shown on the slide if this project is not permitted. He said they ask that the Commission revisit the finding of WRF36 through WRF44 and apply flexibility in interpreting the performance standards of Regional Policy Plan in light of two very important articulated goals. He said one is the protection of groundwater and the commitment of renewable energy. The installation permit for the gasoline tank represents a very real quantity of hazardous material to be permanently eliminated from another facility not under the control of New Generation Wind. He said the findings in the MGE decision allowed for nearly \$700,000 worth of hardship relief because that project could not provide the required open space. He said instead of condemning the project and losing the clear community benefits the decision was made to work and reflected the intent of the standards in the Regional Policy Plan. He said he would assert that this is a similar scenario and that flexibility in this case is not only appropriate but, in fact, allows for greater protection for the potential water supply, a greater reduction in hazardous materials and significantly greater community benefits in size and scope than the MGE project, in fact, 13 times greater. He said Ms. Tillotson outlined several instances in which they felt the findings of the benefits/detriments analysis were deficient. He said as she spent some of her time on the detriments, he would briefly mention a few of the benefits that they think the subcommittee failed to recognize with regard to their project. He said their project had the same economic and environmental benefits covered in the My Generation Solar project but to a much greater extent. He said they, too, have the use of local residents; contractors; consultants to permit, design, manage and construct their project. He said they have local ownership, there creating a local generator of electricity, they are providing local energy to local businesses, they are creating a local green energy source, a lack of impervious surfaces, a reduction in nitrogen loading, and enhancement of wildlife as a result of reducing future development at the site. He said listening and discussing the benefits is great. He said many of them were recognized in the MGE project and not in their project and these benefits are certainly significant. He said to put it in a more appropriate context; in that of the Regional Policy Plan and its stated goals. He said in the Regional Policy Plan the energy goal clearly states to promote a sustainable economic natural built and social environment by reducing greenhouse gas emissions and energy consumption through design and construction practices that increase energy conservation, promote energy efficiency, and promote self-sufficiency through the use of locally distributed renewable energy. He said it is their expectation that the Commission will follow its charge and put political and personal agendas aside and make findings and issue a decision that will honor the intent and purpose of the goals and standards of the Regional Policy Plan. He said if the Commission recognizes the clear, stated goals of the Regional Policy Plan and utilizes all the tools at its disposal then the ultimate finding can only be that they do meet the Minimum Performance Standards and the benefits of their project clearly outweigh the detriments because the benefits are real and the detriments are speculative. He said the Commission's duty is to fairly and impartially apply the requirements of the Regional Policy Plan to the facts and evidence presented for this project. He asked that the Commission apply these facts fairly to them and that they be given the same opportunity to create a renewable energy source on the Cape; the same opportunity that was given to My Generation Energy. He said they are aware that they have raised many points concerning the application, the Regional Policy Plan and

Minimum Performance Standards both today and before November 10 when this draft decision was voted upon. He respectfully asked the Commission to consider reversing many of the specific findings that were made with respect to the Minimum Performance Standards and suggest that the Commission take whatever time is necessary to do so. He said they think it's important that the Commission completely understand arguments and taking a vote on this matter they would urge the Commission to take more time if time is needed. He said although a public hearing may be closed today, the Commission is certainly able to take more time in deliberating its decision on this matter. He said he and his colleagues have worked on this project for three and a half years and the Commission's vote is far too important to them and to the community to enter into the future with renewable energy on Cape Cod to be rushed.

Kristy Senatori, chief regulatory officer, said she had a couple of points to make and clarification for Commission members. She said it's in response to the applicant's materials and presentation. She said as it relates to the My Generation Solar Energy project that was approved by the Commission as a solar project in Barnstable and said the project involved the use of Envirotamp vegetable fluid, the subcommittee and Commission found in that instance that the 1.5 percent of the fluid additives was considered hazardous. She said here the subcommittee's recommendation to the full Commission has deemed the entire amount hazardous. She said as it relates to the probable benefits of the project the applicant is suggesting that additional potential probable benefits are similar to those identified in the My Generation Solar Energy approval decision and said they are providing a local green energy resource and meeting several Best Development Practices (BDPs) including BDP ED3.2 Local Ownership. She said staff is suggesting that the Commission may want to consider whether those should also be considered as potential probable benefits of the project. She said the applicant has suggested that a table that they submitted illustrating a reduction of greenhouse gas emissions from the project should be included in the probable benefits of the project. She said a similar list was included in the My Generation Solar Energy decision. She said as a point of clarification that was evidence supporting the finding of compliance with MPS ED4.1 and not in the benefits/detriment analysis. She said as it relates to economic development standard ED4.1 this requires development of infrastructure of capital facilities to be in response to existing regional demand and shall improve the availability, reliability, quality, and cost of services. She said in regard to the recent My Generation Solar Energy decision the Commission did find that the project met that standard as it is a net-metered project that would improve the availability of renewable solar energy on Cape Cod and they found that it would directly serve Cape Cod businesses, improve reliability in two ways as a solar energy the plants peak generation would exactly coincide with peak demand in the summer months on Cape Cod and the plant would be located approximate to a feeder substation and supply power to the Cape's commercial hub in Hyannis reducing the demand on transmission system to pull power from significant resources. She said the Commission further found in the decision that as it relates to quality the list of environmental benefits of renewable energy and the reduction in sources of greenhouse gas emissions the Commission also found that as a net-metered project it would directly offset the cost of energy for developers that would own the project. She said the applicant has submitted information and evidence for the record as it relates to existing regional demand for renewable energy, here wind energy, and how the project would improve the availability, reliability, quality and cost of services and said this is also something that the Commission could consider in its deliberation on consistency with MPS ED4.1. She said regarding the tank offset piece that was mentioned MPS WM1.3 allows the household quantity of hazardous materials limit to be exceeded providing that the applicant permanently eliminates hazardous materials at another facility project or site within the same Wellhead Protection Area and provided adequate documentation of the volume eliminated as approved by the Commission. She said we heard that one of the 4,000 gallon tanks that the applicant previously proposed not to install is no longer being proposed as an offset and is part of the current proposal that the applicant is proposing to not install one 4,000 gallon tank. She said a point of clarification as Mr. Peterson indicated that that 4,000 gallon tank would be installed on the portion of the property that is the 126 acre Cape Cod Aggregates facility, the entire DRI project site that has been submitted as part of their application materials would include that portion of the site and said they encompassed it as 403 acres. She said the Commission also heard, and is now in the record, that the applicant has committed to delivering a restrictive covenant ensuring the permanent removal of hazardous materials as the offset if accepted.

Elizabeth Taylor apologized for taking a break and asked whether the Envirotamp issue with My Generation Solar Energy was just discussed when she was out of the room. She asked about the vegetable oil being ok in one DRI and not another.

Kristy Senatori said in the My Generation Solar Energy project both the subcommittee and the Commission found that 1.5 percent of the fluid was considered hazardous material and here the subcommittee's recommendation to the Commission is that 100 percent of the fluid is considered hazardous.

Elizabeth Taylor said her question is how do we do that. She said there's totally an inconsistency between one DRI and another. She said she doesn't know how she is going to vote on this yet. She said she knows when the Commission makes decisions they need to retain a certain amount of consistency. She said the Commission needs to base their decisions on fact and she is curious how it was weighed in being totally different in one DRI from another.

Paul Niedzwiecki said the Commission has different people populating different subcommittees to assign Minimum Performance Standards to projects that may or may not be alike and said it's not inconceivable that two different subcommittees could come to a different conclusion about one MPS. He said the MPS in question, though, and said the question is not whether the material is hazardous or not. He said in both instances they deemed that the material that was proprietary that the Commission didn't have information on was hazardous. He said the only discrepancy is that in one instance a subcommittee found that because one and a half percent of the total material (all the material) was deemed hazardous and the other subcommittee found that only that portion, that volume that was unidentified, was hazardous and should be offset. He said it's just a matter of two different subcommittees looking at the same pattern differently. He said he would advise the Commission that the subcommittee reports that come to the Commission, and to the extent that there are inconsistencies or perceived inconsistencies, is appropriate for the Commission to consider them as inconsistencies. He said Ms. Taylor's question is a valid question.

Joy Brookshire said after reading all the emails and reports she said there is some confusion as to whether we deny this project entirely or that it be denied without prejudice. She said the project is being denied without prejudice and asked what deny without prejudice means and why the subcommittee chose those words to deny the project.

Jessica Wielgus, Commission counsel, said those words are used because an applicant always has the opportunity to re-apply their project at another time. She said that is why the decision is without prejudice.

Roy Richardson said he was on both subcommittees and said he has the same question in terms of the small percent additive as to whether it was or was not something that was harmful. He said when information on a particular subject is not known, does the Commission make the decision whether it's harmful or whether it isn't.

Paul Niedzwiecki said just to clarify because it's an important point. He said the decision about the material that we don't know about is hazardous was made the same way in both cases. It was both deemed to be hazardous. He said the only difference in the two different subcommittee reports was that in one the subcommittee considered that because a small amount was deemed hazardous that the entire volume of material was deemed hazardous. In said in the other subcommittee they deemed that only that volume associated with the material that they didn't know about was hazardous. He said in the My Generation Solar Energy instance the subcommittee found that only the percentage of the volume that was deemed hazardous needed to be offset and the full Commission confirmed that when they voted on the project. He said we are now at the point in this deliberation where the subcommittee has found differently in that they found that the entire amount should be offset, should be deemed hazardous and offset. He said now it's before the full Commission for consideration of the subcommittee's report on that matter.

Len Short said he had a question for Mr. Peterson who stated that the benefits are real and the detriments are speculative and asked that he expound on that.

David Peterson said he would address the benefits first and said Ms. Senatori explained the benefits that were recognized by the subcommittee. He said the benefits are all clear and definable things. He said regarding the detriments it was their opinion that the detriments were not clearly provable in the sense that the detriments have a probable diminishment of property values. He said they disagree with that. He said probable negative effect on Native American tribes and their religious observances and said they disagree with that. He said there was a detriment suggesting that the proximity of the project to a nearby elementary school would somehow be of detriment. He said they disagree with that. He said that this project could possibly detract from tourism. He said they do not believe that it will detract from tourism. He said the detriments that are listed they feel are speculative in nature and not clearly provable nor have they seen any evidence to the fact that they would be real and could be substantiated.

Steven Clark, Assistant Secretary for Energy at the Massachusetts Office of Energy and Environmental Affairs (EOEA) and Chairs the state's Energy Facilities Siting Board (EFSB), said as Assistant Secretary he focuses both on developing and implementing energy policy in Massachusetts and ensuring fuel diversity in the energy mix which is a significant priority for the Patrick Administration. He said as Chair of the EFSB he has gained a broad overview of the Commonwealth's energy resource needs and this project, while non-jurisdictional to the EFSB, serves as an example of how the market responds. He said Massachusetts is at the end of the energy pipeline and is heavily dependent on fossil fuels from other parts of the nation and the world for energy needs. He said this leaves us very vulnerable to price and supply volatility. He said Massachusetts sends upwards of 80 percent of the \$22 billion that is spent annually on energy out of the state. He said the independent system operator (ISO) for New England the regional grid operator responsible for the reliability of our electricity grid has also acknowledged on several occasions that there is a great need for fuel diversity in the region. He said ISO released a report last year that showed that wind energy in New England could help us achieve 24 percent of our energy on an annual basis. Renewable energy is one of the few indigenous resources of energy that the Commonwealth is rich in. He said the Patrick Administration has prioritized that the development of indigenous local renewable energy in order to spur local economic development and job creation, diversify our fuel mix and enhance reliability and reduce the negative environmental effects of fossil fuel generation. He said he also chairs the state's EFSB and said the siting board is a nine-member review board charged with ensuring a reliable energy supply for the Commonwealth with minimum impact on the environment at the lowest possible cost. He said the siting board's primary function is to license the construction of major energy infrastructure in Massachusetts including large power plants, electric transmission lines, natural gas pipelines, and natural gas storage facilities. He said the siting board review process is a legal proceeding where the board considers witnesses and evidence in order to determine whether a proposed project should be approved. He said local siting concerns including zoning are an important issue that the EFSB considers. He said prior to the 1997 Restructuring Act, the EFSB also considered need as criteria when deciding whether to approve a particular generation facility. He said as per the 1997 Restructuring Act the EFSB no longer considers this need because the Act created a free market system where supply and demand would determine the need for new electricity energy generation and not state or local agencies. He said this project is an example of a market process in operation. A project smaller than the EFSB review threshold which would contribute to the state's renewable energy requirement and goals while bringing benefits rate payers and customers both in the region and across New England. He thanked the Commission for the opportunity to speak today.

Gary Davis, General Counsel for the Executive Office of Energy and Environmental Affairs, said he appreciates the opportunity to speak today and share his remarks with the Commission. He said they recognize that the Commission has clear authority to oversee the implementation of its Regional Policy Plan for all of Cape Cod and to review and regulate developments of regional impact. He said they also recognize the Commission's ability to regulate the siting of a generation facility based on zoning, environmental concerns, and other impacts as specified in the Commission's Enabling Regulations. He said most importantly they recognize the Commission's role to determine the impact of development on existing capital facilities. He said it is equally important to note that no legislative body has unfettered discretion. He said while recognizing the importance of the Commission's legislatively prescribed charge they believe that the Commonwealth's consideration of need is beyond the list of reviewable criteria enumerated in the legislation. He said in this particular instance nowhere in the Commission's Enabling Regulations does it say that the Commission may consider need in approving the site of an energy generation facilities. He said Section 204 of Restructuring Act contains a clear and unequivocal legislative pronouncement that the Commonwealth's policy is to allow market forces to determine the need and cost of such facilities. He said they believe that the Commonwealth's authority to consider need is also constrained by the specific provisions contained within the Restructuring Act in relation to the promotion of the renewable energy portfolio standards. He said those standards require minimum purchase of renewable energy by both distribution companies and competitive suppliers. He said the RPS standard is currently established at 6 percent and will increase annually by 1 percent each year. He said by 2020 15 percent of all electricity generation would be derived renewable energy sources. He said with an escalating demand established by the legislature the Commonwealth has made the determination that there is a need for additional renewable energy generation on a statewide basis. He said given the clearly pronounced Commonwealth policy of required market forces to determine the need for such facilities combined with the legislatively established RPS standards that require minimum purchase of renewable energy, they urge the Commission to consider those legislative mandates when deliberating on its final decision. He thanked the Commission for giving them the opportunity to share his remarks with the Commission.

Nils Bolgen, Massachusetts Clean Energy Center, said he works in renewable energy at Massachusetts CEC. He said they have secured a loan with New Generation Wind. He discussed Minimum Performance Standard (MPS) ED4.1 and said no power plant provides all the benefits on their own. He said he believes there is ample evidence of benefits the New Generation Wind project will provide.

Christopher Farrell, Chair of the Bourne Planning Board, said Coreen Moore, Bourne Town Planner, was unable to attend today's hearing and he is here today to read into the record Ms. Moore's letter to the Commission dated February 2, 2012. He said in the letter Ms. Moore notes that the Commission's General Findings GF6-G11 in the DRI decision addresses the project's consistency with local zoning bylaws. It says GF6 through GF8 adopts and agrees with the testimony of the Town Planner, however, GF9 maintains that Turbine #7 does not meet the local bylaw. Mr. Farrell said Ms. Moore states that in her letter to the subcommittee on July 28, 2011 she found that Turbines 1, 2, 5 and 7 were consistent with the Town's zoning bylaws. Mr. Farrell said it is Ms. Moore's opinion as Town Planner that Turbine #7 is consistent with Bourne's zoning bylaw.

Sally Riggs, Executive Director of Bourne Financial Development Corporation (BFDC), said part of the mission of BFDC is to improve the quality of life for Bourne residents. She said BFDC Directors welcome opportunities to increase the contribution of the commercial sector to the Town's revenues. She said Directors also support projects that have as a goal the reduction of the region's dependence on fossil fuels. She said after reviewing the proposed plan by New Generation Wind to construct and operate wind turbines in the Bournedale area, the BFDC Board of Directors enthusiastically endorses the project.

Chair Peter Graham called for a 9 minute break/recess at 5:00 p.m and the meeting reconvened at 5:09 p.m.

Herb Olsen left the meeting at 5:00 p.m.

Attorney Christopher Senie said he would be using the time of 13 individuals he is representing who signed up to speak today but have given Attorney Senie their time for him to speak. He entered into the record a letter and bound document that he would present to the Commission and said the individuals he is representing appears on Page 5 of his document. He said the draft decision of the subcommittee is very thorough and identifies the following well founded shortcomings of the application. He discussed GF9, EDF3, EDF4, EDF5, EDF6, EDF7, WRF39, WRF40, WRF44, and WRF45/46. He said the project fails the benefits/detriments test. He noted probable negative effects on the Bourne water supply, probable diminishment of property values, negative impacts on local Native American cultural locations, the project is too close to a nearby elementary school, it would detract from tourism, probable health effects of the project, negative effect on community morale and it would have negative effects on wildlife. He said the New Generation Wind application is incomplete, the findings of numerous failures to meet applicable MPSs as well as other criteria are well documented by the record and the conclusion is sound. He said while renewable energy is a priority for the Commonwealth, and wind energy plays a critical role in achieving the goals set by the government, such priorities and goals are not proof that any sized turbine can be located on any site. He said on behalf of the clients he represents, he would urge the Commission to affirm and adopt as its own the draft decision of the subcommittee.

Eric Ingersoll, CEO of a clean energy company in Massachusetts and a family member of the applicant, urged the Commission to support the project. He said the New Generation Wind project has strong support from the Community.

Carl Freeman, concerned citizen from the Town of Orleans, said politics is the art of delaying a decision without relevance. He said the subcommittee faults the applicant for not providing a document that says nothing will ever go wrong.

John Riha, resident of Bourne, said he fully supports the subcommittee's recommendation to not approve the project.

Attorney Michael Giaimo, with the law firm Robinson and Cole representing Grazing Fields Horse Farm, said the Grazing Fields property is close to Turbine 7. He said he supports the subcommittee's recommendation to not approve the project. He said sound impact studies do not include studies for Grazing Fields Farm and said it's a critical omission of data regarding noise impacts to Grazing Fields and the Fletchers. He asked the Commission to deny the project.

Linda Cook, customer at Grazing Fields Farm, said she stores her horse there. She said she is disturbed at the closeness of the farm to Turbine 7. She said it's a huge detriment and she worries about the noise impacts on her horse. She said the detriments are not speculative; they are real. She said Grazing Fields Farm is one of the most prestigious horse farms in New England.

Richard Elrick, resident of Mashpee and Energy Coordinator for Barnstable and Bourne, said he is speaking today as a resident. He said after what the state has said today, the Commission should put the subcommittee's recommendation aside. He said anti-wind bias has been expressed by the subcommittee and the Commission needs to reconsider. Mr. Elrick said Dan Webb of Notus Clean Energy in Falmouth signed up to speak today but he had to leave. He said Mr. Webb asked Mr. Elrick to report to the Commission in his absence that he is getting 29% capacity in Falmouth.

John Lipman said staff from U.S. Senator John Kerry's office and U.S. Congressman Keating's office could not be here today and Mr. Lipman said he is here today to read their letters of support of the project. He read the letters into the record and said the Commission is being asked to give all renewable energy projects fair consideration.

Joyce Lorman, resident of Bourne, said she has spoken to a number of people who have lived near turbines. She said she spoke to a superintendent of a high school that is located near turbines and the high school superintendent said the turbines have not posed adverse impacts to the school. She said she also spoke to the principal of the Hull High School and the principal has said there have been no negative impacts on the high school.

Jerry O'Brien, resident of Bourne, said he is aware of the issues of the New Generation Wind proposal. He said the applicant has made adjustments to their proposal and he believes the Commission should support the project.

David Moriarity, resident of Falmouth, thanked the subcommittee for denying the project and said he supports the Commission on their decision. He referred to some of the problems in the Town of Falmouth and, again, thanked the Commission for doing a great job.

Chris Kapsambelis, resident of Bourne, said the project will not provide any power to meet the demand. He said when you add wind you have to add expensive resources.

Malcolm Donald, resident of Falmouth, said he supports the Commission subcommittee's recommendation. He talked about adverse health impacts experienced by Falmouth residents living near the turbines in Falmouth.

Douglas Manter, resident of Bourne, re-affirms the decision that the subcommittee reached regarding the detriment the New Generation Wind turbine project will have on the local Herring Pond Wampanoag Tribe and to re-affirm the project's detriment to his free expression of religious beliefs as guaranteed by the first amendment and as a tribal member by the American Indian Religious Freedom Act. He said he is confident the Commission will understand their responsibility regarding federal and state policies that will interfere with his aboriginal rights on Herring Pond Lands and sacred sites and asked that the Commission deny the project.

Liz Argo, Cape and Islands Wind Information Network and a resident of Orleans, said she is here as the spokesperson for the wind energy network. She said she is concerned about the recommendations by the subcommittee. She said the inconsistencies and findings regarding detriments are unacceptable. She said people need to feel confident about the Commission and if the project is not approved, there would be no confidence in the Commission's ability to go forward.

Kathy Sherman, resident of Brewster, said she would be sending in her comments to the Commission. She talked about the problems in Falmouth. She said she would encourage the Commission to not take too much stake into considering the DEP's panel and said they never spoke to the residents in Falmouth. She said the subcommittee did a great job.

Kim Gardner, resident of Buzzards Bay, said her name can be added to the list of 1500 people who support the project. She said she was happy to see the turbines go up at the Massachusetts Maritime Academy and the Massachusetts Military Reservation. She said students take field trips to the Maritime Academy to study their turbine. She said people have to start thinking differently. She said change is hard but we will all reap the benefits from this project.

Justin Cifello, from Buzzards Bay, said he has worked with the Ingersolls on the farm for several years. He said they are devoted to the ethic of stewardship that the Cape so needs and the ethic of stewardship that the Commission has been charged with. He said they are working toward restoring the stream for river run eels and herring and have put much of their land into conservation showing that they want to keep most of that land scenic. He said he supports the project.

Sheila Bowen, resident of Harwich and President of Wind Wise Cape Cod, said she is speaking as an individual. She said when looking at the list of the Commission's hearings and subcommittee deliberations, she believes she was in attendance at just about every event and said she is here today to support the decision of the subcommittee and to also thank every member of the Commission for their diligence and respect. She said she has been a democrat all of her life and aside from the pressures that have been born this evening by various state agencies because of the Duval Patrick Administration and said they can make mistakes. She said she believes they were here today for political purposes and the Commission was brought into being as a political and that is the wonderful service that the Commission gives to the Cape Cod residents and she thanks the Commission for it.

Annette Herbst, neighbor to the Ingersolls, said she supports the project. She said she is originally from Germany and is accustomed to turbines. She said she understands both sides and said the Commission has a tough job to do. She said there is no turning back and time is running out. She said Cape Cod is about nature and beauty so it's great to keep that land open. She said the Commission needs to look at the greater good and said we can't make everyone happy.

Monica Mann, resident of Buzzards Bay, said she has reviewed the decision of the subcommittee and she believes New Generation Wind has been compliant. She said the local development bylaw and regulations for Turbine 7 are in question. She said we heard today in a letter from Coreen Moore that the turbines are consistent with the town's zoning bylaw. She said the economic development conclusions by the subcommittee are inconsistent. She said the subcommittee's recommendation reflects emotion rather than science.

Keith Mann, resident of Head of the Bay Road, said he is a neighbor to the project. He talked about Cape Wind and the determination that was made that it offers benefits. He talked about the Commission's decision for Cape Wind and its appeal. He said the determinations made by the SJC were justified and said we heard it again today from the EOE and the EFSB. He said wind power can reduce electric rates. He said he supports the New Generation Wind project.

David Mann, resident of Head of the Bay Road, said he has a farm that abuts the Ingersoll property. He said the land is farmland and woodland. He said we need electricity and granted wind energy is not on 24 hours a day but it's a good supplement.

Neil Anderson, resident of Falmouth, said he lives 1,320 feet from the Wind I turbine. He talked about low frequency pressure pulse and said it goes everywhere. He said it cannot be stopped or mitigated. He said unregulated low frequency pulse is the culprit. He talked about adverse health effects he has experienced from the wind turbines in Falmouth. He said 500-foot wind turbines close to a neighborhood is disastrous. He asked that the Commission deny the project.

Tracy Bowman, resident of Buzzards Bay, said she is a neighbor to both wind farm people. She said the environment is in trouble. She said change is really hard but we need to protect ourselves; we are becoming detrimental.

Glen Berkowitz, resident of Boston, said Falmouth's single large turbine that has led to some complaints uses outdated technology and engineering techniques no longer in production today. He said that Vestas V-82 was engineered in the 1980s and deals with heavy winds by spilling excess unwanted wind energy by a process that creates lots of noise compared to the relatively quiet modern technologies manufactured today. He said the Falmouth turbine neighbors have a right to the tranquility they desire but it's misleading to argue that every wind turbine would have the same negative effect of that which is experienced in Falmouth. He said it paints a false picture. He said preliminary findings of the project are arbitrary and capricious.

Joanne Dolan Ingersoll, resident of Buzzards Bay and wife of Carl Ingersoll, said from their home they will see two of the turbines and that is fine with her. She said as a citizen she believes it is the responsibility of each individual

to do what is possible to make a positive impact on a looming energy and environmental crisis that our country will face. She said she lived in New York for 18 years so she knows what noise is and lights. She said she supports the project.

Linda Etson, resident of Marstons Mills, said she is in the real estate business and has yet to see property value reduced because of wind turbines. She read into the record a letter on behalf of a resident of Cataumet supporting the project. She said she supports the project.

Attorney Diane Tillotson reiterated the Complaint Protocol and Maintenance Plan and said they know there are concerns by individuals. She said her clients plan to be here for a long time. She said they would fix any problems that may arise and promise to do that.

Chair Peter Graham moved to close the hearing but leave the record open until Thursday, February 9, 2012 at 4:30 p.m. for the limited purpose of receiving written submissions. Ernest Virgilio seconded the motion. The motion passed with a unanimous vote.

Chair Peter Graham noted that the Cape Cod Commission will hold a public meeting on February 16, 2012 at 3:00 p.m. at the First District Courthouse in Barnstable, MA for the purposes of deliberating on the subcommittee's draft written recommendation. Mr. Graham reminded Commission members of the importance of their attendance at that public meeting to ensure that the Commission has a quorum for the meeting.

A motion was made to adjourn at 6:45 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Elizabeth Taylor, Secretary

LIST OF DOCUMENTS RECEIVED AND PRESENTED AT THE FEBRUARY 2, 2012 COMMISSION MEETING

- Handout material: February 2, 2012 meeting agenda.
- Handout material: New Generation Wind Joint Venture project draft written decision.
- PowerPoint slide presentation on the New Generation Wind Joint Venture project prepared by the CCC.
- PowerPoint slide presentation on the New Generation Wind Joint Venture project prepared by Attorney Diane Tillotson, Carlos Pineda, and David Peterson.
- Letter from Douglas Manter.
- Email from Joanne Dolan Ingersoll with testimony provided at the meeting.
- Testimony submitted by hand from Carl Ingersoll.
- Testimony submitted by hand from John Riha at CCC meeting including attached articles and documents.
- Testimony submitted by hand from Glen Berkowitz.
- Letter from William Rhatigan from Eco Tac.
- Testimony submitted by Edward Simpson.
- Letter from Assistant Town Planner from Portsmouth, RI.
- Letter from Keith Mann.
- Testimony submitted by Monica Mann.
- Testimony from Kim Gardner.
- Letter from Joan and Edward Simpson.
- Letter from Janice Rohif.
- Testimony submitted by Attorney Christopher Seine with letter and bound document.