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CAPE COD  
COMMISSION

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## Minutes

### Meeting

#### Cape Cod Commission

First District Courthouse • Assembly of Delegates Chambers  
3195 Main Street, Barnstable, MA 02630

November 10, 2016

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

Town	Member	Present
Barnstable	Royden Richardson	Absent
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	Absent
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓
Provincetown	John Krajovic	✓
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	Absent
Native American Rep.	David Weeden	Absent
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, November 10, 2016 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chambers, 3195 Main Street, Barnstable, MA. Roll was called and a quorum established.

#### ■ **SUMMARY OF ACTIONS TAKEN/VOTES:**

**Approval of Minutes:** The minutes of the October 13, 2016 Commission Meeting were approved with 12 votes in favor and one abstention (Charles McCaffrey).

#### **Old Falmouth Road Solar Public Hearing**

Following presentations, testimony and discussion the Commission voted unanimously to adopt the draft written Development of Regional Impact (DRI) Scoping decision for the project recommended by the Commission's Committee on Planning and Regulation allowing the applicant to proceed with local permitting for the project without further DRI review, subject to the findings and conditions in the DRI Scoping Decision.

#### **Presentation on Eversource's Grid Modernization Plan: Does it Lay the Foundation We Need for Our Communities' Energy Future?**

With the use of PowerPoint slides Maggie Downey, Cape Light Compact Administrator, and Austin Brandt, Power Supply Planner, provided a brief overview of the Eversource Grid Modernization Plan that will be submitted to the Massachusetts Department of Public Utilities for review.

#### ■ **MINUTES**

The minutes of the October 13, 2016 Commission Meeting were reviewed. Roger Putnam moved to approve the minutes. Jack McCormack seconded the motion. A vote called on the motion to approve the minutes passed with 12 votes in favor and one abstention (Charles McCaffrey).

#### ■ **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Paul Niedzwiecki said work is ongoing on several plans and presentations will be made directly to the Commission throughout the rest of the calendar year. Mr. Niedzwiecki said he and County Administrator Jack Yunits have been meeting with Boards of Selectmen—they have met with 11 towns, they will be meeting with Barnstable and Yarmouth next week, and they will have Dennis and Bourne as the two towns remaining to be scheduled. He said it has been good getting out and talking to selectmen about what the Commission has been doing, plans to do, and how the Commission has been working with the County and new Administrator in this calendar year.

#### ■ **OLD FALMOUTH ROAD SOLAR #LR16020**

Chair Harold Mitchell read the hearing notice and opened the hearing at 3:08 p.m.

Brian Madden, of LEC Environmental Consultants representing the applicant, said the proposed project is a 4.5 megawatt ground-mounted photovoltaic installation on 38 acres in Marstons Mills located east of Cotuit Road and Route 149 and North of Route 28. He described the project site and said the site is currently being used for yard waste and there are maintenance garages located on the site which will be abandoned to allow construction of the proposed solar installation. He said the project site is within Barnstable's photovoltaic overlay district and is subject to site plan review only. He said the solar project will propose a more passive use, the property is being leased, it's under separate ownership, and said the applicant does not own the property. He said the project includes a gravel access driveway to the site. He said the proposed project complies with the Commission's Regional Policy Plan and the project will have a more passive use.

Michele White, Regulatory Officer at the Commission, referred to PowerPoint slides and described the project site and said the current site use is allowed by variance, the proposed project is a redevelopment project and the site has already been disturbed, it connects to existing infrastructure, and the proposed project is more passive and has a less impactful use. She said the draft Development of Regional Impact (DRI) Scoping decision with conditions recommends no further DRI review. She said the proposed project was before the Committee on Planning and Regulation (CPR) on October 27, 2016 and the committee voted to recommend that no further DRI review is required. Ms. White discussed the findings and conditions in the draft decision regarding Regional Policy Plan issue areas for water resources, wildlife

and plant habitat, open space and recreation, community character, and transportation. Ms. White said as conditioned in the DRI Scoping decision the applicant shall remove and legally dispose of existing fill materials, vegetation at the site entrance shall maintain safe sight distance for egress, the applicant shall coordinate with staff prior to the use of any herbicides for review and approval of type and quantity, and the applicant shall provide a Stormwater Pollution Prevention Plan for staff review and approval and provide an open space mitigation payment. She said Commission staff recommends that no further DRI review is required.

Elizabeth Taylor inquired about condition C11 regarding the use of herbicides in managing existing invasive species.

Michele White said the applicant's preferred method is to maintain and manage with removal by hand and the second option is with the use of herbicides. She said should they choose to maintain by herbicide use, the applicant will need to come back to the Commission providing the type and quantity of herbicide to be used for Commission staff review and approval.

John Krajovic inquired about the fencing around the site and said he would suggest black coated vinyl panel and asked why a stockade fence.

Michele White said the fencing would be stockade. She said after a site visit Commission staff recommends that it maintains a good buffer and plantings are proposed along the fence as well.

John Krajovic questioned the aesthetics of a stockade fence and said black coated vinyl panel would be his recommendation. He asked if the project is in the flight path to Barnstable Airport and, if so, has this been discussed and approved by the FAA.

Adam Christy, project engineer with Meridian Associates, said he worked on this and the airport has black vinyl fencing as well. He said the project does not require FAA approval as it's farther from the flight path.

John Krajovic said black vinyl would look better completely encircling the site as it is cleaner and looks more attractive. He asked if connectivity to the grid would be done with overhead wires.

Martin Lebowitz, project engineer with Meridian Associates, said they would be connecting to the grid off Old Falmouth Road with overhead wires.

Jackie Etsten inquired about the surface of site and how it will be maintained. She said she has concerns about hazardous waste and would like to see no herbicide use. She inquired about the placement of the fence.

Michele White said it will be a grass area.

Brian Madden said the grass area will be mowed and minimal maintenance will be required as the seed mix is suited for this type of area. He said maintenance will be more hand maintenance and they will come back to the Commission for review and approval should they need to use herbicides. Mr. Madden said there is a large berm in the back, there will be a buffer strip and the fence will be interior to the project.

Chair Harold Mitchell called for testimony from federal, state, and municipal entities—no testimony was given; Chair Mitchell called for testimony from the general public.

Rob Wilson, resides across the street on Old Falmouth Road, referred to fencing and said he is concerned that a chain link fence might go in and he would ask that the stockade fence continue. He asked when construction would start and asked if the applicant has considered adding a windmill. Mr. Wilson said he supports the project.

Martin Lebowitz said they are looking to start construction over the summer. He said they need to go through the permitting process and they are looking at May or June 2017 to begin construction.

Brian Madden referred to Mr. Wilson's question regarding a windmill and said nothing is being proposed for that and the applicant would come back to the Commission should that change.

Jack McCormack moved that the Commission adopt the draft DRI Scoping decision for the project recommended by the Committee on Planning and Regulation and the Executive Director, allowing the applicant to proceed with local permitting for the project without further DRI review, subject to the findings and conditions in the DRI Scoping decision. Len Short seconded the motion. A vote call on the motion passed with a unanimous vote to approve the project.

### ■ EVERSOURCES' GRID MODERNIZATION PLAN: DOES IT LAY THE FOUNDATION WE NEED FOR OUR COMMUNITIES' ENERGY FUTURE?

Maggie Downey, Cape Light Compact Administrator, with the use of PowerPoint slides said that both she and Austin Brandt would be providing an overview of the Plan and said the Compact's Governing Board asked that they meet with all Boards of Selectmen regarding the Plan. She said the electric grid is an infrastructure network designed to deliver electricity from suppliers to end users. She said the grid was designed and built in an era when it simply meant delivering power from large, centralized generating plants to customers' homes and businesses. She said grid modernization is the process by which digital intelligence is incorporated into our electric power grid to allow power to flow in two directions, to and from the consumer, transforming it into an interactive delivery network. She said this is being done in all states and noted that this is the first time that the Department of Public Utilities (DPU) has mandated that the electric distribution companies like Eversource modernize their antiquated grid. She said the Plan would provide greater system stability and resiliency; expand renewable energy integration; provide more opportunities for energy efficiency and demand management and encourage development of microgrids.

Austin Brandt, Power Supply Planner, said the DPU has set four primary goals in its order for all Massachusetts utilities to submit plans for grid modernization. He said the four goals are: 1) reducing effects of outages; 2) optimizing demand, including reducing system and customer costs; 3) integrating distributed energy resources and 4) improving workforce and asset management. He said in its order on grid modernization, the DPU mandated that utilities achieve Advanced Metering Functionality (AMF) within five years of plan approval or demonstrate that a longer timeframe is a superior approach. Mr. Brandt discussed Eversource's proposal/spending proposal for its Grid Modernization Plan (GMP), the installation of smart meters, the potential benefits and issues of concern, and explained the comparison between Eversource's GMP and National Grid's GMP. He said across the U.S. smart meters have already been installed and he gave examples of installations for Baltimore Gas & Electric and Commonwealth Edison in Chicago. He said as consumers the Plan would provide a more thorough understanding of our individual energy usage and be able to interact with our grid in real-time.

Maggie Downey provided a timeline snapshot and said the next steps are to continue to get information from Eversource through information requests; continue to inform and engage consumers and communities on issues of concern; develop positions based on information received and consumer input; and communicate consumer and community concerns to DPU. She said they are seeking public input and encouraged everyone to fill out the survey on the Grid Modernization/Smart Grid at [www.surveymonkey.com/r/gridmodsurvey](http://www.surveymonkey.com/r/gridmodsurvey).

Jackie Etsten questioned reliability and said she has concerns about clearance of trees.

Elizabeth Taylor thanked Ms. Downey and Mr. Brandt for their presentation. She asked if smart meters are available at this time. Maggie Downey said not yet as we don't have the infrastructure yet to deploy smart meters.

Ernest Virgilio questioned whether a smart meter would control consumption. Maggie Downey said the smart meter would provide real-time use incrementally; depending on what use is in your home a participant can opt to have it. She said a smart meter is the heart that helps other tools connect remotely.

Kevin Grunwald thanked Ms. Downey and Mr. Brandt for their presentation. He asked if there are cyber-related issues. Austin Brandt said that comes under the Enabling Investment Category. He said they are proposing that a significant amount of money be devoted to cyber security and protection. He said the Attorney General's office is taking a good look at this and asking the appropriate questions.

Roger Putnam inquired about the cost to consumers. Maggie Downey said she can't answer that right now, they are trying to get that information, and they expect to have that information in the spring. She said the DPU will make a decision on the Plan, they are hoping that they will have consistency throughout Massachusetts, and a policy decision will be made this spring. Roger Putnam said he has concerns that the different Plans—Eversource's proposed \$500 million Plan and National Grid's \$1 billion Plan—won't be consistent throughout the Cape.

Len Short said the Town of Orleans is experimenting with smart water meters. He said they have 10 meters right now in use to find out how effective it's going to be.

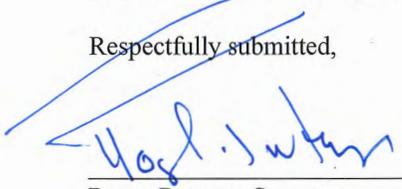
■ **NEW BUSINESS**

*Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.*

No topics were presented or taken up.

A motion was made to adjourn at 4:30 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,



Roger Putnam, Secretary

**List of Documents Used/Presented at the November 10, 2016 Commission Meeting**

- Minutes of the October 13, 2016 Commission Meeting.
- Handout material: November 10, 2016 Commission meeting agenda.
- Handout material: Old Falmouth Road Solar draft Development of Regional Impact Scoping Decision.
- Material presented: Old Falmouth Road Solar PowerPoint presentation prepared by Brian Madden of LEC Environmental Consultants.
- Material presented: Old Falmouth Road Solar PowerPoint presentation prepared by Commission staff.
- Material presented: Eversource's Grid Modernization Plan: Does it Lay the Foundation We Need for Our Communities' Energy Future? PowerPoint presentation prepared by Cape Light Compact.