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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

March 17, 2016

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

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	Absent
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Charles McCaffrey	✓ ( <i>arrived at 3:07 pm</i> )
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓ ( <i>arrived at 3:05 pm</i> )
Provincetown	Vacant	Vacant
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	✓
Native American Rep.	Danielle Hill	Absent
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, March 17, 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:**

##### **Continued Public Hearing: Canal Community Solar #TR-LR15020**

Following presentations, public testimony, discussion and deliberation on the Limited Development of Regional Impact (DRI) application by NRG Renew Canal 1 LLC for construction of a 10.6-acre, 1.5-MW ground-mounted solar photovoltaic facility on a 20.6-acre site accessed via an existing gravel drive extending from Tupper Road in Sandwich, MA, the Commission voted unanimously to close the public hearing, approve the project as a Limited DRI and adopt the draft written decision for the project, as amended.

##### **National Oceanic and Atmospheric Administration (NOAA) Coastal Resiliency Grant**

Cape Cod Commission staff with the use of PowerPoint slides presented and answered questions regarding the three-year Regional Coastal Resiliency Grant that was recently awarded to the Commission and its partners to investigate the environmental and socio-economic effects of local and regional coastal resiliency strategies.

##### **Request for Nominating Committee**

A request was made by the Commission Chair for members to volunteer to serve on the Nominating Committee for the purpose of nominating a Slate of Commission Officers for Chair, Vice-Chair and Secretary for the term beginning July 1, 2016 through June 30, 2017.

#### ■ **MINUTES**

The minutes of the March 3, 2016 Commission Workshop/Meeting were reviewed. Jack McCormack moved to approve the minutes. Joy Brookshire seconded the motion. A vote called on the motion to approve the minutes passed with a unanimous vote of the Commission.

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

Deputy Director Kristy Senatori said on Monday Executive Director Paul Niedzwiecki and Commission staff provided an update to the Town of Barnstable on its Downtown Hyannis Growth Incentive Zone. Ms. Senatori said tomorrow the Commission and its partners would be having a kick-off meeting for the National Oceanic and Atmospheric Administration (NOAA) Coastal Resiliency Grant. She said Commission staff will be presenting the NOAA grant to the full Commission today.

#### ■ **CANAL COMMUNITY SOLAR — #TR-LR15020**

Chair Richard Roy read the continued hearing notice and opened the continued hearing at 3:05 p.m.

Attorney Michael Ford, representing the applicant NRG Renew Canal 1 LLC, introduced the NRG project team and said members of the team would be providing an overview of the project.

Tom Atkins, in charge of new project development at NRG, said NRG has two projects—a Conventional Gas-Fired Combustion Turbine Base together with Canal Community Solar. He said the two projects have been separated to be developed in phases. He said the Canal Solar project which is before the Commission today is on a fast track for the state's net metering program and he thanked the Commission for moving this along to accommodate the schedule of the project.

Brian McCabe, Director of NRG Business Development Group, said they have been working on this project for 1 ½ years, a similar project was developed in Freetown, the Canal Solar project will support about 300 community homes, and customers who sign-up will receive a credit on their utility bill.

Attorney Ford said the project started about a year ago, the property is zoned business but was not zoned for solar arrays. He said they worked with the town to draft an amendment to the town's zoning and this was thought to be a good site for the project. He said the applicant filed a Limited DRI Scoping application with the Commission in

December 2015 and a Limited DRI Scoping decision was issued by the Commission for Limited DRI review of the project. Attorney Ford provided an overview of the proposed project and the existing site. He said they still need to go to the Old Kings Highway Historic District and they are looking forward to receiving a Certificate of Appropriateness. He said they need a special permit for one portion of the site, Sandwich has a provision in their zoning bylaw for projects in the flood zone and they will be filing with the Zoning Board of Appeals for that permit. He said they also need an Order of Conditions.

Jeff Ribeiro, Regulatory Officer at the Commission, said the project first came to the Commission as an Environmental Notification Form (ENF), the applicant requested a Phase 1 waiver for this project, and the waiver was received as part of the certificate issued by the Secretary of the Executive Office of Energy and Environmental Affairs (EOEEA). The applicant applied for Limited DRI Scoping, a Limited DRI Scoping decision was adopted by the Commission's Committee on Planning and Regulation on December 21, 2015, and the Commission received an application from NRG for Limited DRI review. Mr. Ribeiro provided an overview of the project and explained the Limited DRI review of the project in the Regional Policy Plan (RPP) issue areas for water resources Goal WR1 and Goal WR7; wildlife and plant habitat, and open space and recreation. He explained the conditions in the draft decision regarding maintenance of a vegetated buffer; nitrogen loading; stormwater; invasive species; specimen trees; site disturbance; open space/area mapped as an economic center and the applicant's open space proposal under a Conservation Restriction. He said Commission staff suggests that the project meets the standards for DRI approval and said the project's benefits and detriments are outlined in the draft decision.

Elizabeth Taylor referred to correspondence received by the Mashpee Wampanoag Tribe and asked if a study had been done by the Mass Historic Commission (MHC). Attorney Ford said the site was studied by the MHC and noted that both canal projects were studied together. He said the correspondence from the Wampanoag Tribe may pertain to the Phase 3 canal project. He said they will be reaching out to the Wampanoag Tribe regarding their correspondence.

Jackie Etsten noted an error on page 2, second to last paragraph of the draft decision and said March 27, 2016 should be March 17, 2016. She referred to a wetland in the area and inquired about the use of pesticides. Attorney Ford said there is no plan for pesticide use at this time.

Ms. Etsten asked that an amendment be made to the draft decision prohibiting pesticide use. Attorney Ford explained that there are easement holders in this area and they have no control over those easements. He said the applicant has no problem with adding that as a condition.

Jackie Etsten moved that an amendment be made in the draft decision that pesticide use be prohibited. Elizabeth Taylor seconded the motion.

Jon Idman, Chief Regulatory Officer, said an Invasive Species Management Plan may come up with that.

Attorney Ford suggested language be added to say pesticide use as approved by Commission staff.

Jackie Etsten amended her motion. Elizabeth Taylor seconded the amendment. A vote called on the motion to amend the draft decision to require consultation with staff on the use of pesticides passed with 14 votes in favor and one vote opposed.

Kevin Grunwald inquired about how it works with customers and asked what the portion would be for 300 individual homes. He inquired about affordable rates and asked if there was a lock-in period. Brian McCabe said customers would still get a local utility bill and customers would receive a credit on their bill. He said the portion for the 300 individual homes would be about 5 megawatts. Mr. McCabe said customers sign up for a 20-year contract. He said if customers move, they can take it with them when they move. He said the rates would be better than EverSource rates. He said regarding a lock-in period it's a 20-year agreement.

Len Short questioned whether this is an investment which provides shares to customers; will customers be getting a dividend. He asked if EverSource rates would go up. Tom Atkins said that is correct; credits earned will be applied to a utility bill. He said credit from solar would not change but EverSource rates would change.

Joy Brookshire asked if all the credits are not used each month do the credits roll over and not expire. Tom Atkins said credits do not expire.

Charles McCaffrey asked how customers are selected. Brian McCabe said several months before construction they will have a marketing campaign regarding this.

Chair Richard Roy said it's on a first come/first serve basis and asked if there were any restrictions. Brian McCabe said the only restrictions would be credit customers have.

John Harris asked what happens if no one signs up or only half of the 300 sign up who assumes the cost and can people opt out. Brian McCabe said on average they anticipate about 300 customers before construction starts. Tom Atkins said a contract doesn't go into effect until they have 300. He said in Freetown customers signed up in 30 days. He said the metering program is set up for people to opt out and if they do choose to opt out, then it would be offered to other customers. He said the DPU allows people to come in and out of a contract.

Royden Richardson said the project would provide good benefits.

Joy Brookshire asked how this fits into the decommissioning of the power plant. She inquired about the average cost and benefit to customers in Freetown. Tom Atkins said this project is not connected to the power plant; this is a separate site from the power plant. He said it's not an investment other than to sign up to buy electricity.

Frank Pannorfi, Chairman Sandwich Board of Selectmen, thanked the Commission for holding the hearing today. He said six articles were on the Sandwich warrant, there were 360 voters in attendance, the zoning article was written in conjunction with the Planning Board and others, the vote was unanimous, and the zoning change that was sent to the state was approved. He said the town is supportive of this project, it gives additional tax revenues to the town, and they are working on a shared host agreement. He asked for approval by the Commission and said it's good for Barnstable County and Southeast Massachusetts.

John Harris asked if this is successful would they be looking to expand this with more projects in the future. Tom Atkins said there are some issues at the state level with the net metering cap and he hopes changes are made at the state level.

Harold Mitchell said this is a great benefit to the town and the town is trying to keep what's special in that area special. He hopes for approval of the project today.

Len Short moved to close the hearing. Elizabeth Taylor seconded the motion. A vote called on the motion passed with a unanimous vote.

Harold Mitchell moved to approve the project and adopt the draft written Limited DRI decision for the project as amended. Elizabeth Taylor seconded the motion. A voted called on the motion passed with a unanimous vote.

■ **NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COASTAL RESILIENCY GRANT**  
Cally Harper, Planner at the Commission, said the Commission recently received a three-year grant from the National Oceanic and Atmospheric Administration (NOAA) on regional coastal resiliency. She said the primary role is to draft hazard plans and climate adaptation plans with town officials on the Cape. Cape Cod is a peninsula and therefore completely surrounded by water making the Cape vulnerable to hazards such as erosion, sea level rise, severe storms and hurricanes and these types of extreme weather events cause damage. She said one way to prepare for severe weather and a changing climate is to develop an online tool to be used in decision making and project development and said that is what the NOAA grant is. She said the Commission applied for and received money to advance coastal resilience through activities such as land use planning, environmental restoration and hazard mitigation planning. She said the NOAA grant was extremely competitive, 132 communities applied and six received money. She said to successfully build a resilient community we have to collaborate with regional experts and the Commission has many partners in this project most of which are located on the Cape and some in the Boston area. She said resilience also requires a commitment to public outreach and engagement and this project will involve stakeholders and the general public across the Cape. She said the project involves data collection and an adaptation strategies database; public

engagement and socio-economic analysis; and development of the communication and a decision-support tool. She said it's a three-year project and there will be a kick-off meeting tomorrow with Commission staff and the partners.

Mahesh Ramachandran, Environmental Economist at the Commission, said the goal and purpose of analysis is to estimate how residents value coastal adaptation including protecting infrastructure, personal homes, and natural systems and what policies and resiliency strategies they are willing to financially support. He discussed the data collection process and said it will involve a survey of Cape Cod residents, analyzing survey results, and recommended policy options. He discussed natural hazards on Cape Cod and showed figures for property damage from 1960-2014, and he discussed coastal homes at risk and estimated economic loss.

Heather McElroy, Natural Resources Specialist at the Commission, talked about tools on Cape Cod that help our resiliency. She said the goal of a strategies database is to collect and organize information on the spectrum of resiliency strategies available, including where they may be used and the advantages or disadvantages of each. She said the database will inform the public and coastal managers of options, identify benefits and costs, and improve our coastal management decision-making. She said the Association to Preserve Cape Cod and MA Coastal Zone Management partners will be responsible for data collection, the information will live at the Cape Cod Commission and it will be shareable and exportable for use by policy makers and stakeholders, and the database will be linked to a new GIS tool; geo-referenced data and a tool that will allow users to test resiliency scenarios risk-free.

Cally Harper talked about tools that are already available to us and said the tool being developed through this grant will include data and take it one step further. She said it will provide a path forward and options that are a good fit for Cape Cod and the tool will be developed in four steps: identify the vulnerabilities, investigate options, evaluate risks and costs and take action.

Charles McCaffrey said there are existing policies that are well established and approved by NOAA. He said he believes there needs to be an understanding of the existing policies.

Elizabeth Taylor asked how this is going to mesh with what is ongoing in towns and asked if this would be providing technical assistance. She said Brewster has a lot of stone groins that are private and questioned whether there would be removal of them and what will happen with existing structures.

Heather McElroy said she is familiar with the grant that Brewster received. She said Brewster is trying to work out a coastal management plan and the hope is that this tool will help communities work out those difficult decisions. She said through the public process they will first be going out to communities and exploring impacts affecting us and then provide options to address those impacts and the values. Ms. McElroy said the project won't be targeting specific structures to be removed but how they impact.

Mary Pat Flynn asked if abandonment of resource areas would be involved. Ms. McElroy said abandonment or do nothing will be part of the discussion.

Ernest Virgilio said he appreciates the project and looks forward to seeing how it continues. He said he has travelled the coastlines and has seen the improvements.

John Harris said it's important to get people involved and he is happy the project is happening. Mahesh Ramachandran said they will be expanding on outreach and working with the public and partners to educate the public and hear what they have to say.

Royden Richardson questioned whether the program will reach out to people who are actively working on this. He said he would be happy to help with this effort.

## ■ REQUEST FOR NOMINATING COMMITTEE

Chair Richard Roy said the Commission is asking for members to volunteer to serve on the Nominating Committee for the purpose of nominating a slate of Commission officers for Chair, Vice-chair and Secretary for the term beginning July 1, 2016 through June 30, 2017. He said the Nominating Committee should consist of three members one each from the Lower Cape, Mid-Cape and Upper-Cape regions. He said members who are interested in being on the Nominating Committee should contact Mr. Roy or Gail Hanley at the Cape Cod Commission. He said once the Nominating Committee has been established, he will announce the members of the Committee.

A motion was made to adjourn at 4:43 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

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Jack McCormack, Secretary

## **List of Documents Used/Presented at the March 17, 2016 Commission Meeting**

- Minutes of the March 3, 2016 Commission Workshop/Meeting.
- Handout material: March 17, 2016 Commission meeting agenda.
- Handout material: Draft Limited DRI decision for the Canal Community Solar project.
- Material presented: PowerPoint presentation on the Canal Community Solar project prepared and presented by Commission staff.
- Material submitted: PowerPoint presentation on the National Oceanic and Atmospheric Administration Coastal Resiliency Grant prepared and presented by Commission staff.