Minutes

Meeting
Cape Cod Commission
First District Courthouse • Assembly of Delegates Chambers
3195 Main Street, Barnstable, MA 02630

December 1, 2016

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

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<thead>
<tr>
<th>Town</th>
<th>Member</th>
<th>Present</th>
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<tr>
<td>Barnstable</td>
<td>Royden Richardson</td>
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<td>Bourne</td>
<td>Richard Conron</td>
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<td>Brewster</td>
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<td>Chatham</td>
<td>Michael Skelley</td>
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<td>Dennis</td>
<td>Richard Roy</td>
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<td>Eastham</td>
<td>Joy Brookshire</td>
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<td>Falmouth</td>
<td>Charles McCaffrey</td>
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<td>Harwich</td>
<td>Jacqueline Etsten</td>
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<td>Mashpee</td>
<td>Ernest Virgilio</td>
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<td>Orleans</td>
<td>Len Short</td>
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<td>Provincetown</td>
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<td>Sandwich</td>
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<td>Truro</td>
<td>Kevin Grunwald</td>
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<td>Wellfleet</td>
<td>Roger Putnam</td>
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<td>Yarmouth</td>
<td>John McCormack, Jr.</td>
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<td>County Commissioner</td>
<td>Mary Pat Flynn</td>
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<td>Minority Representative</td>
<td>John Harris</td>
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<td>Native American Rep.</td>
<td>David Weeden</td>
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<td>Governor's Appointee</td>
<td>Vacant</td>
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The meeting of the Cape Cod Commission was called to order on Thursday, December 1, 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 November 10, 2016 Commission Meeting were approved with a unanimous vote of the Commission.

**Public Hearing: Canal Unit 3 (CCC Project #15016)**
The Canal Unit 3 project proposes the construction of a new, high-efficiency, fast-starting approximately 350-megawatt peak electric generating unit and related site improvements on an approximate 12-acre site at the existing 52-acre Canal Generating Station site located at 9 Freezer Road in Sandwich, MA. Following presentations, testimony and discussion the Commission voted unanimously to close the Development of Regional Impact (DRI) public hearing period on the project. Following the close of the public hearing period, the Commission voted unanimously to adopt the draft DRI decision and approve the project, subject to the findings and conditions in the DRI decision.

**Executive Director’s Report**
The Cape Cod Commission Executive Director had no new business to report.

Attached is the transcript of the December 1, 2016 Cape Cod Commission Meeting and Canal Unit 3 public hearing prepared by Linda L. Wesson, Professional Court Reporter.

A motion was made to adjourn at 4:39 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Roger Putnam, Secretary

**List of Documents Used/Presented at the December 1, 2016 Commission Meeting**

- Minutes of the November 10, 2016 Commission Meeting.
- Handout material: December 1, 2016 Commission meeting agenda.
- Handout material: Canal Unit 3 draft Development of Regional Impact Decision.
- Material presented: Canal 3 Development PowerPoint presentation prepared by NRG.
- Material presented: Canal Unit 3 DRI Review PowerPoint presentation prepared by Commission Staff.
APPEARANCES

Cape Cod Commission Staff

Barnstable, Royden Richardson
Bourne, Richard Conron
Brewster, Elizabeth Taylor
Dennis, Richard Roy
Falmouth, Charles McCaffrey
Harwich, Jacqueline Etsten
Orleans, Leonard Short
Provincetown, John Krajovic
Sandwich, Harold Mitchell, Chair
Truro, Kevin Grunwald
Wellfleet, Roger Putnam
Yarmouth, John McCormack, Jr.
County Commissioner Mary Pat Flynn
Minority Rep., John Harris
Native American Rep., David Weeden

Mr. Paul Niedzwiecki, Executive Director
Ms. Kristy Senatori, Deputy Director
Mr. Jonathon Idman, Chief Regulatory Officer
Ms. Cally Harper, Coastal Resiliency Specialist
Mr. Jeffrey Ribeiro, Regulatory Officer

Mr. Michael Ford, Counsel
Mr. Tom Atkinson, NRG Energy
Mr. Fred Sellers, Tetra Tech, Inc.
Mr. Rich Tabaczynski, Atlantic Design Engineers
Mr. Shawn Konary, NRG Energy
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PUBLIC HEARING – CANAL UNIT 3

(On the record at 3:00 p.m.)

CHAIR HAROLD MITCHELL: We’re going to go ahead and get started. I’d like to welcome everybody to the Cape Cod Commission for Thursday, December 1, our 3 o'clock meeting.

At this time, we’re going to start with rollcall. Before we do that, I’d just like to let everyone know we are recording today’s meeting and it will be available, so thank you.

Rollcall, please.

ROLLCALL

MR. ROGER PUTNAM: Barnstable, Royden Richardson.

MR. ROYDEN RICHARDSON: Present.

MR. ROGER PUTNAM: Bourne, Richard Conron.

MR. RICHARD CONRON: Here.

MR. ROGER PUTNAM: Brewster, Elizabeth Taylor.

MS. ELIZABETH TAYLOR: Here.

MR. ROGER PUTNAM: Chatham, Michael Skelley.

MR. MICHAEL SKELLEY: (Not present.)
MR. ROGER PUTNAM: Dennis, Richard Roy.

MR. RICHARD ROY: Present.

MR. ROGER PUTNAM: Eastham, Joyce Brookshire.

MS. JOYCE BROOKSHIRE: (Not present.)

MR. ROGER PUTNAM: Falmouth, Charles McCaffrey.

MR. CHARLES MCCAFFREY: Present.

MR. ROGER PUTNAM: Town of Harwich, Jacqueline Etsten.

MS. JACQUELINE ETSTEN: Present.

MR. ROGER PUTNAM: Mashpee, Ernest Virgilio.

MR. ERNEST VIRGILIO: (Not present.)

MR. ROGER PUTNAM: Orleans, Leonard Short.

MR. LEONARD SHORT: Here.

MR. ROGER PUTNAM: Provincetown, John Krajovic.

MR. JOHN KRAJOVIC: Here.

MR. ROGER PUTNAM: Sandwich, Harold Mitchell.

CHAIRMAN HAROLD MITCHELL: Here.

MR. ROGER PUTNAM: Truro, Kevin
Grunwald.

MR. KEVIN GRUNWALD: Here.


MR. JOHN MCCORMACK: Here.

MR. ROGER PUTNAM: County Commissioner, Mary Pat Flynn.

COMMISSIONER MARY PAT FLYNN: Here.

MR. ROGER PUTNAM: Minority Rep., John Harris.

MR. JOHN HARRIS: Here.


MR. DAVID WEEDEN: (Not present.)

MR. ROGER PUTNAM: Thank you, Mr. Chairman; we have a quorum.

PUBLIC COMMENT

CHAIR HAROLD MITCHELL: Thank you, very much. At this time, if anyone would like to make a public comment for the Commission, we invite you to step up to the podium. Anyone like to make a public comment?

EXECUTIVE DIRECTOR’S REPORT

CHAIR HAROLD MITCHELL: At this time we
were going to have an Executive Director's report from Paul.

Mr. PAUL NIEDZWIECKI: I have no report today.

CHAIR HAROLD MITCHELL: No report.

APPROVAL OF MINUTES

MR. JOHN MCCORMACK: Just the minutes.

CHAIR HAROLD MITCHELL: And we’ll look at the potential of the minutes for November 10. Everyone received a copy of those. Everyone have a chance to read those? Any amendments or changes to those minutes?

MR. JOHN MCCORMACK: I’ll move minutes as presented.

MALE VOICE: Second.

CHAIR HAROLD MITCHELL: I have a motion and a second. All in favor?

COMMISSION MEMBERS: Aye.

CHAIR HAROLD MITCHELL: Any opposed?

Any abstentions?

(Minutes approved.)

PUBLIC HEARING: CANAL UNIT 3 (CCC PROJECT #15016)

CHAIR HAROLD MITCHELL: So we're now
going to move to the -- so at this time we’ll move to the Canal Unit 3 Public Hearing, Cape Cod Commission AOD motion. This is a hearing continued from November 2, 2016, on the following project.

At this hearing, the Cape Cod Commission will review the project and consider whether to approve the project and adopt the draft written DRI decision for the project.

The project has been referred to the Cape Cod Commission as a mandatory Development of Regional Impact, a DRI, pursuant to Sections 12(i) and 13(b) of the Cape Cod Commission Act, and Sections 2(d) and (i) of the Commission’s Enabling Regulations governing review of Developments of Regional Impact.

Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs has issued a certificate on the project’s final environmental impact report determining that the project adequately and properly complies with the Massachusetts Environmental Policy Act.

The project is also subject to review by the Commonwealth's Energy Facilities Siting
Board. The project name is Canal Unit 3, Commission File No. 15016. The applicant is the NRG Canal 3 Development, LLC. The project location is 9 Freezer Road in Sandwich.

A description of the project is proposed construction of a new high-efficient, fast-starting approximately 350-megawatt peak electric generating unit and related site improvements on an approximate 12-acre site at the existing 52-acre Canal Generating Station site.

The unit includes one simple-cycle combustible turbine that will be equipped with state-of-the-art emissions control technologies, including selective catalytic reduction and oxidation catalyst systems, a near-zero liquid discharge designed to reduce water demand, and a comprehensive set of noise measures.

Anyone wishing to testify orally will be welcomed to do so. Written comments may also be submitted at the hearing. Public application plan and relevant documents may be reviewed at the Cape Cod Commission office located at 3225 Main Street, Route 6A, Barnstable, 02630, between
the hours of 8:30 and 4:30.

For further information or to schedule an appointment, please contact the Commission Office at 362-3828.

That all being said, at this time we’ll open up and have a presentation by the applicant.

PRESENTATION BY THE APPLICANT

ATTY. MICHAEL FORD: Good afternoon, Mr. Chairman/members of the Commission, staff, ladies and gentlemen; my name is Mike Ford. I’m local permitting counsel for NRG.

What we’d like to do this afternoon is to give you a presentation of the project. We would like to start by saying that we have had a good working relationship with the Commission and staff. And I think that’s assisted the applicant in getting to this point and we appreciate that.

The first speaker for NRG will be Mr. Tom Atkins, who’s a Vice President of Development in charge of this project at NRG.

You’ll also hear from Fred Sellers of TRC, who’s in charge of environmental permitting for the project.

Rich Tabaczynski, who’s with Atlantic
Design, many of you know here locally in Bourne, and Rich’s office was the site engineer for portions of the project. And we also have other members of NRG staff here available for questions.

So, with that, I’ll turn it over to Mr. Atkins.

MR. TOM ATKINS: Thank you, Mike. It's a pleasure to be here before you today. Commissioners, thank you for taking the time to look at our project. We’re here to explain it to you, answer any questions you may have, such as why we propose this now and what exactly it is that we’re intending to do here. So, again, thank you for your attention.

Before you on the board is an overview of the project site. And some of you may recall we were in here earlier this year with the Edmund Freeman Solar Farm. We proposed this project as a modernization of the Canal facility. And, again, for the record, my name is Tom Atkins, and I’m the Program Manager for this modernization program.

And we lump these projects together, a
conventional project that we’ll talk about, Canal 3, and a renewable project, the Edmund Freeman Solar Farm. The Secretary of Energy was kind enough to allow us to segregate the projects because they move at a different timeline. And we were before this board in early 2016 to get the DRI approved for the solar project, which I’m pleased to say is not only under construction today but is nearing completion and should be online producing clean renewable power in January of 2017. So that first phase of the project is nearing completion.

And now we’re before you to discuss Unit 3, which I have a pointer here, takes place right here on the site. So just to orient everybody; this is the East end of the Cape Cod Canal. So the Canal is here and we’re on the southern shore of that water body.

And then the existing facilities are right here and here; that’s Unit 1 and Unit 2’s main boiler house. The large stack that people can see is located right here. These are the liquid fuel storage tanks that exist today. And the site of the new unit would be right here in
this area here, which is just currently undeveloped and available for expansion.

It was when the project was initially constructed by Commonwealth Electric back in the 1960s and 1970s. There was a room left for two additional units here that were never actually constructed. So this unit will go where the expansion of the plant was always intended to go.

So I’ll talk a little bit about what exactly it is we’re proposing. And right now, again, I won’t spend a lot of time on the solar project which, again, a 1.5 megawatt photovoltaic ground-mount solar, you know, facility that has been developed as a community solar project, meaning the output from the facility is sold to local businesses and residents who want to take advantage of clean solar power but don’t have the ability to put panels on their roofs perhaps. So like a community garden, people are able to sign up for the output of that facility. I’m pleased to say it’s fully subscribed and moving forward and we’re quite pleased with that.

But the conventional unit is part of a grid modernization program. You may have heard
there’s lots of things that the grid is being improved for, principally to accommodate more renewable, both wind and solar, hydropower, things of that nature, clean carbon-free emission generating units.

But as part of that process, the grid also needs conventional units that are there for when the sun isn’t shining, when the wind isn't blowing, or when there are contingencies on the system, whether that be a transmission line that has suddenly failed or another local power plant that for some reason is no longer functioning, we need units that can quickly come on line and pick up the slack, if you will. And that's exactly what this unit is designed to do.

So what you’re look at here is a picture of the new technology. It's General Electric’s latest gas turbine technology. It's called a Frame 7HA.02 machine. It's essentially a very large jet engine that instead of hanging on an airplane wing is stationary and we use the exhaust from it. The air goes in here and exhausts out this end. The exhaust comes out and spins a turbine which spins a generator and
creates electricity. So instead of creating thrust for an airplane to fly, in this case it’s spinning a generator that creates electricity.

And we’re able to do that very efficiently and quickly with this new unit. This is a large unit, 350 megawatts out of this one particular unit. And it can go from sitting cold to full load in 10 minutes time.

So that’s one of the new improvements that General Electric has made in its technology, and we’re taking advantage of that because we need and the grid needs, as you’ll see in a moment, these kinds of units that can be just standing by. But when something happens, something on the Cape, somehow the Cape needs more support, something happens on the grid, you know, we’re losing units now; Brayton Point is retiring; Pilgrim is retiring. If we need more power for some reason, this unit is standing by and ready to produce power at a moment’s notice.

Okay. So the system benefits from this, I think, are multi-fold, and I’ll talk a little bit about why we’re proposing it now. The way the electric grid in New England is
administered, there is an annual auction for capacity, meaning that the grid operator, ISO New England, who’s responsible for making sure that the lights stay on at all times makes sure there’s enough power plants in the region to support the load. They look at how much load we have. Is it growing? Is it shrinking? And how many power plants do we need to meet that load? And then they have an auction which actually sets a clearing price for new capacity. And when you don’t need new capacity, the price is quite low. And for many years, the price has been low in this area.

But back in 2015, we actually saw a significant price signal in the area. And so there was a price of $17.73 a kilowatt month that was generated from an auction in February of 2015, and we looked at that and said to ourselves there’s a shortage of electricity in southeastern Massachusetts and now is a good time to expand the Canal facility.

So when you look into the details of what happened at that auction, the price went to a cap. So this was as high at it could go and
that’s because there was a shortage of 238 megawatts of electricity-producing capability in this area.

So as a result of that, we started to develop the Canal 3 project and we bid it into the subsequent auction, which was in February of this year. And as a result of that auction, we cleared that auction but one of the results of our coming online is that that $17.73 price for capacity, which is passed on to all electric ratepayers in the area, was cut by more than half to $7.03.

So this is the amount of money that the current -- that the new unit will earn if and when it comes online. And you can see that effectively by adding this new capacity, and there were a number of other developments in the grid; we weren’t the only new unit to come on, but certainly Canal 3 had a significant impact in dropping this price by more than half.

So the first benefit I can suggest to you from this facility is that it will lower local electric costs.

The next thing is it improves system
reliability. Very important, you know, the grid sort of supports our whole economy. And with today's day and age, we would just need reliable power and that's what this unit is intended to provide.

One of the features of it that's important is that it's a dual fuel unit so it uses natural gas most of the time. But it does have the capability to burn liquid fuel as a backup. And most of you are aware that Cape Cod is a very difficult place to get natural gas to.

And as recently as the winter of 2014, we had significant disruptions in natural gas. And when that happens, there's not enough gas to go around, so the gas company has to decide whether to allocate that gas to homes that need heating or to electric generating plants, and that's a very difficult choice to make. Should we heat homes? Should we keep the power on?

So a plant like Canal 3 is designed to not operate on gas on those kinds of days. We can switch over to liquid fuel. And as I showed you previously, there are significant amounts of existing fuel storage capacity on-site that this
plant will take advantage of.

So as a dual fuel unit, it produces -- it provides a great deal of reliability to the grid. So if something happens to the natural gas supply system, it gets curtailed, and we come online and we operate on our backup fuel. So that's an important element of it.

A couple other important elements I’ll speak to. There are no off-site improvements required for the project. Being located at an existing infrastructure site is important. The substation that we tie into is right here. So the electric line runs right across the railroad tracks and ties into the substation there. So we don’t need to do any new powerlines anywhere. There’s no new rights-of-way or new transmission towers off-site that have to be developed. They’re all right in this area.

And then the other thing I’ll point out is the natural gas supply comes in right here. That's where we get our natural gas already. So there’s no new pipeline needed for this for facility. It’s already everything in place. We’re taking advantage of existing
infrastructure.

Finally, we have an unloading dock right here that we’ll use to unload the liquid fuel. That exists today too. It will come in by barge just like it does now. So nothing really is changing. And putting this facility at an existing site has tremendous benefits from not having to do any off-site improvements.

Okay. Back to -- I’ll speak a little bit about how this participates in a modern grid. So our electric grid is evolving and we’ve all seen development of significant amounts of solar and wind resources, and we expect that there will be quite a bit more going forward. And this plant as we’re proposing, Canal 3, is perfectly situated to fit into a modern grid. And this is a depiction of a daily load profile, and I’ll give you a little example of how things work.

So you see it at midnight and then sort of midnight the next day. So this is 24 hours going across the bottom starting at midnight, noon, midnight again. And you can see this is the load, okay, it comes down during the night and then it starts to build up in the morning.
when people get up and start to take their showers, get ready to go to work, kind of comes down in the afternoon.

And then when people come home, everybody's home for the evening, turn on all their appliances, we get this ramp up at the end of the day. So that's what sort of happens. This is in 2012.

Now what happens in a modern grid if we look forward 10-15 years, we’re going to have significant amounts of solar that are contributing to the supply. And we take advantage of that electricity anytime we can because anything that the sun in making has no cost associated with it, so we want to use as much of that as we can. And when that happens, so it’s 6:00 a.m. or thereabouts, the generation starts to go up. So we start to see solar power go up. And what you’re seeing is all these -- all these curves starting to dip down here, that’s because the sun’s come up and now the solar plants are providing the power, and we don’t need the conventional plants anymore; okay?

But as the sun goes down towards 3-4
o’clock in the afternoon, you see this huge ramp
requirement there to go back up and meet the
load. Now the solar projects are coming off but
you still need to satisfy the load.

So we need quick-starting units that
can shut off in the middle of the day over
generation risk, meaning there’s too much power
being provided, and you don’t want to turn off
the solar plant. You don’t want the solar plant
to be turned off because it’s producing carbon-
free emissions at no cost. So you have to turn
off other plants. Many of the facilities, Canal
Unit 1 and 2 are an example, they can’t turn off
in the middle of the day. It takes them 12 hours
to start up and shut down.

So a plant like the new Canal 3 fits in
perfectly because it operates and then it shuts
down during the middle of the day as we go
through the belly of the duck we call it. And
then in the afternoon when we really need ramping
capability to keep the lights on as people come
home and the sun goes down, Unit 3 comes on, and
then it shuts back off again.

So it actually can provide a
significant amount of electricity at exactly the
time you need it to do so. So that's how it fits
into the future grid.

So I’ll go through a little bit of the
visuals for the facility so you get a sense of
how the views -- the visuals will change, the
view shed will change as a result of adding the
new project.

Here you see a view from Merchant
Square which is the Stop & Shop parking lot
directly south of the facility. This is the
existing view. And as I click forward, we can
see the plant pop-up. So what you see from here
is essentially just the new stack. That’s the
new exhaust stack from the unit. You can see
it’s slightly taller than the existing boiler
house but significantly shorter than the existing
stack. So that's the view from the south.

So if we look from the west -- here,
we’re on the middle of the Sagamore Bridge. This
is a zoomed-in view so it should be something
that many of us have seen many times driving
across the bridge but it’s blown up here. So
that’s what it looks like now, and that’s what it
looks like afterwards.

And, again, the thing I’ll mention you can see is a stack pop up a little bit up here. So I’ll go back and forth again. That’s without and there it is that the new stack pops up. So the view doesn’t change dramatically with the new unit from the Sagamore Bridge.

So we’ll take a look at the facility.

This is from the new restaurant if any of you actually had an opportunity to go near the marina in Sandwich. There’s a new restaurant called “Fishermen’s View.” We took some photos of the facility from that parking lot.

Now in this case, the new unit is already here. So there’s the stack of the new unit, and this is part of the unit right here. It’s behind these trees. And what you’ll see as we go forward is that there’s a new landscaping that we’ve added. So if you look carefully, you can see that our landscape plan fills in some of the holes where you can see the plant more clearly, before, after we filled it in.

And then our final view is along the bike path and the walkway along the Canal. This
is the Army Corps’ path. Again, now you get a good view of the new facility. So here’s the stack of the new facility. Here’s the pollution control equipment for it. This is the gas turbine right here. That unit I showed you before fits inside that little box. Air comes in through there, gets burned in the gas turbine, and then exhausts through the pollution control equipment up out the stack.

That’s before the landscaping and here’s a view of it after the landscaping. Again, this is mature and this is 5 to 10 years afterwards. We replant this and we get some growth from it, but that’s essentially the new landscape view that we’re proposing to install with the facility.

With that, I’m going to turn this over to Fred Sellers with Tetra Tech who’s going to walk you through some of the performance standards and other measures we’ve done to meet the Commission’s requirements.

Thank you.

MR. FRED SELLERS: Thank you, Tom. Mr. Chairman/Commissioners, my name is Fred Sellers.
I’m with Tetra Tech. We’re the lead environmental consultant for the Canal 3 Project, and I thank you for the opportunity to be here.

I’d like to talk just a little bit about the environmental impact analyses that we completed for the project, and I’ll sort of go through it discipline by discipline.

As Tom mentioned, there are a number of significant benefits for using an existing developed site. We start with land alteration; one of the most important benefits right off the bat is the site’s already been prior disturbed in the construction of the first two units and the clearing of that area associated with that construction in anticipation of the future.

So even with construction of all of this new equipment, we actually result in a reduction in the amount of impervious area on the site. So we’re already benefiting as far as things like stormwater.

Because the hundred year flood elevation was recently changed by the Federal Emergency Management Agency in 2014 plus in consideration of future sea-level rise, we are
going to elevate the base elevation in the area
of the new units by 6 feet above the existing
grade. That will put us 2.3 feet above the
current hundred year floodplain. And I’ll come
back to that when we talk about climate change
resiliency in a bit.

From an air quality standpoint, the
facility will be among the cleanest of its type
anywhere in the world. It's going to be equipped
with the most advanced admission controls ever
put on a facility like this, and it will meet the
state’s requirements for application of the Best
Available Control Technology and Most Achievable
Admission Rate.

In that big box that Tom showed you
outside of the turbine, that houses something
called, “Selective Catalytic Reduction,” device
that greatly reduces the nitrogen oxide emissions
plus an oxidation catalyst that reduces any
organics or carbon monoxide admissions. So it
will be extremely clean from that standpoint.

As part of the licensing of the
project, we completed a comprehensive Air Quality
Impact analyses subject to the Department of
Environmental Protection's review, and those analyses demonstrate that we fully comply with all of the health-based National Ambient Air Quality Standards.

And then beyond that, since the air quality for a number of elements in this area is better than the Air Quality Standards, we also meet compliance of something called, “Prevention of Significant and Deterioration Increments.” Basically, what that means is we will not significantly change the air quality in the region.

In addition, the facility, as part of its air permitting process, has to demonstrate that we fully comply with all of the Greenhouse Gas regulations and we’re consistent with the state's new Global Warming Solutions Act. We've made those demonstrations. We expect our draft Air Permit fairly soon.

The facility will continue to participate on the Regional Greenhouse Gas Initiative as well as other new requirements associated with the Global Warming Solutions Act.

We also did a Comprehensive Noise
Analyses, and the facility will fully comply with Mass. DEP Noise Policy and the town of Sandwich's Noise Bylaws. Our analyses conservatively assumed the simultaneous operation of both the existing two units as well as the new unit. Together even though that's a scenario that would practically never, if ever, occur.

And we do that by meeting an extensive noise mitigation on not only the new unit but also some additional noise mitigation on existing units that fully meet the Department of Environmental Protection's Best Available Noise Control Technology.

From a water standpoint, the simple cycle turbine that Tom described to you inherently uses very, very little water. There's no steam cycle so there's no steam electricity that's being made so no cooling tower for condensing steam-packed water. The maximum average daily demand for this facility would be 78,000 gallons per day. The expected operation would be closer to about 20-22,000 gallons a day.

The facility will get its processed water from the existing wells that are on the
site within the registered volumes because the
operation of the existing two units has declined
so much over time. There's ample capacity in
those wells to stay within the current registered
volumes. And these are rates that have occurred
for about 30 years without any observable impact.
It's a very, very lush aquifer under the site.

Further, it has a near-zero liquid
discharge design so there will be no new
wastewater discharged into the Canal.

The project site itself has no
Bordering Vegetative Wetlands on the site.
Because it is in the hundred year floodplain,
most of the site is regulated as a wetland as
Land Subject to Coastal Storm Flowage.

The transmission interconnect, that
short line that Tom showed you, will traverse
over about 170 linear feet of an off-site
wetland, but we won't be required to do any new
poles in that wetland or any fill in that
wetland.

We've routed the line very, very
carefully to avoid any very, very large mature
trees. We will have to continue to monitor to
make sure that none of the vegetation there grows tall enough to get in the way of the wires.

If we have to cut any of the trees to maintain the heights of the tops of those trees, we will do so purely by hand, hand-clearing. There won't be any equipment that goes into doing any mechanical cutting at all.

Over by the Eversource switchyard where the facility will interconnect into the grid, two new transmission poles will need to be constructed. They are technically within the buffer zone of that wetland that we have traversed. However, both of those poles will be within the existing disturbed areas within the existing switchyard property. A Notice of Intent will, of course, be filed with the Sandwich Conservation Commission.

And finally, we'll be adding a new discharge pipe to the existing fuel unloading dock parallel to the existing pipe. All of that work will be completely on the dock. There won't be any new in-water work there at all. It will constitute a minor modification to the facility's existing Chapter 91 license, and we'll be filing
that application with the state very, very shortly.

From a historic standpoint, the project site where we’re building of course was previously disturbed in association with constructing the existing station. So the Mass. Historical Commission has concluded that any work on the site is very unlikely to affect any intact archaeological resources. And we received basically a sign-off from MHC for that.

The facility has been designed to be as aesthetically compatible with the existing station elements as possible. And as such, it's consistent with the objectives of the Sandwich Local Comprehensive Plan and the Old Kings Highway Act in that it preserves economic contributions of historic sites. The existing facility itself is considered a historic site for its economic contributions. A certificate of appropriateness will be sought from the Old King’s Highway Historic District Committee. The project has had some initial meetings with them and we'll be making formal applications.

The facility does have some chemicals
that are stored on the site but nothing that is not currently stored on the site from the existing units. All of the chemical storage will be, of course, within a secondary containment using Best Management Practices. And the existing facility Spill Prevention Control and Countermeasure Plan will be modified to reflect the new storage.

The backup fuel, liquid fuel for the project, Ultra-Low Sulfur Distillate, will be transported to the facility by barge to that existing unloading dock following the same delivery practices that have been practiced at the station for decades.

Two of the existing fuel tanks, one of the main storage tanks and the day tank will be repurposed from their current storage of the fuel oil for the number -- for the Units 1 and 2 to this new Ultra-Low Sulfur Distillate. So there won’t be any new storage tanks that need to be constructed.

Similarly, ammonia which is the reagent in our admissions control system is already currently stored on the site. It is the reagent
for the admissions control of one of the existing
two units. No new ammonia storage. We
necessarily use the same tanks, but we will take
the opportunity to enclose those tanks. They’re
currently surrounded by secondary containment.
We’ll put a structure on top of them to provide
some additional containment.

And then from a Transportation
standpoint, there are a couple of inactive and
one active rail spur on the site. We’ll be
removing the inactive rail spurs, but one of the
rail spurs will continue in active operation and
that's how the ammonia is currently delivered to
the facility and will continue to be delivered in
that fashion.

There’s not going to be a significant
change in operational staff. So once
constructed, there won't be any operational
changes in traffic volumes. So we don't expect
this development to have any change on traffic
conditions in the area.

In our DRI application, we went through
the town of Sandwich Local Comprehensive Plan as
well as the Cape Cod Commission's Regional Policy
Plans, Minimum Performance Standards, and Best Development Practices.

The facility is located in the designated Industrial District within Sandwich, and Sandwich’s Local Comprehensive Plan identifies this area as providing good opportunities for mixed-use and in-fill development. So we think it's very consistent with what the town has in mind for this property.

The project is considered a redevelopment project, and our application addressed and assessed the project’s applicability to each Minimum Performance Standard and Best Development Practice. We think we’ve fully complied with all of those.

From a climate change adaptation and resiliency standpoint, something we take very, very seriously, the minimum floor elevation of all of the critical components of the new facility will be raised to 16 feet above mean sea level. That's an increase of 6 feet above the current grade and a little over 2 feet above the current 100-year floodplain. This accounts for future sea-level rise through 2060 based on an
average of the United States Army Corps of Engineers and the National Oceanic and Atmospheric Administration's high projections. We took the average of those two projections and we actually rounded it up to 16 feet to ensure we’ve adequately protected the facility against future sea-level rise.

And from the Stormwater standpoint, I'll turn it over to Rich to talk about the stormwater plan.

MR. RICH TABACZYNSKI: Good afternoon. Rich Tabaczynski with Atlantic Design Engineers. I just wanted to briefly touch on the stormwater design for the project. As you can see on the first bullet point, there was a lot of guidelines that this project needed to comply with in terms of the stormwater standards due to its location and adjacent to wetlands and being in the floodplain areas.

We have to comply with basically federal standards for U.S. EPA, some state standards, Stormwater Management Standards from the Mass. DEP. Also, your Cape Cod Commission Regional Policy Plan standards are also applied,
as well as the town of Sandwich Local Design Standards. So those were all taken into account in the design of the system.

And, basically, it's a Low-Impact Development system, or LID system, which incorporates a number of Best Management Practices as well as a series of stormwater basins that would act as infiltration and detention basins on the site. All of these measures would be combined with BMPs such as vegetative swales, filter strips, sediment forebays. These are all pretreatment devices that would enhance the water quality of the stormwater on the site.

The system’s design basically with the three basins on the site, that would reduce the flows off-site also. Presently, there’s the stormwater from the facility going in a northerly direction towards the Canal and then a portion of the site is discharging in a southerly direction towards wetlands south of the site. We'd be improving the water quality of all those discharges by the use of these LID measures and BMP measures.
So we feel that, again, our goal was to comply with these standards which we feel we’ve met and also to improve the water quality that's leaving the site.

Just one more item I wanted to mention. I know it was brought up at the first Public Hearing regarding potential use of turf in lawn areas on the property as part of the design. But I just wanted to clarify, I guess, the point that there really will be no turf lawn areas, manicured lawn areas on the site. Essentially, it's not a residential or retail development where we need to keep manicured lawns on the property.

So, basically, any disturbed area that's not going to be covered by pavement or buildings or anything are going to be basically just seeded for stabilization measures and for erosion control. They'll be seeded with a native seed mix, watered initially to get the growth, and then, essentially, left natural at that point. So the areas that are in between buildings adjacent to roadways will just be a natural field as opposed to a lawn. It will
require minimum maintenance, minimal mowing, and, again, it will provide stabilization only. So I just wanted to clarify that point while I had the chance.

And I guess I’m turning it over to Tom.

MR. TOM ATKINS: Thank you, Rich. We’re going to conclude with some of the local benefits. I talked earlier about some of the system benefits from an electrical standpoint and carbon emission future benefits that we’ll get from this facility.

But there’s also significant local economic impacts. The first of which I’ll talk about, the maintenance of a critical infrastructure site for Cape Cod. It’s a site that, in my opinion, can’t be replicated on the Cape. And the Cape in order to support its future economic development needs these kinds of services and where a better place to do it than at the existing Canal station.

And then in addition to that, the project offers a significant amount of local tax revenue. So we recently signed a PILOT Agreement with the town of Sandwich, which I’m pleased to
say was approved at the special town meeting that was held last week with the unanimous vote of the town. And that particular agreement provides for over $57 million of revenues to the town of Sandwich over the next 21 years. And a significant amount of that goes to the tax coffers.

But there are also two other funds that I’ll mention quickly in our Host Community Agreement which is, in fact, a separate agreement, but we’re providing $150,000 a year during the operation of the facility to support the school system. So there’s an Innovative Curriculum Fund that’s targeted to the STEM Program; Science, Technology, Engineering, and Math. So we’re providing funding for the schools.

And then there’s $100,000 a year which goes into an Emergency Preparedness Fund, which is just a continuation of an existing program that the station has with the town of Sandwich to make sure that first responders to any kind of emergency would be well-trained and well-prepared to respond.
So we’re happy to do that and we will continue the practice of having regular training exercises on the site to help make sure that fire and police are prepared to address anything that may happen.

There’s significant construction jobs and we've submitted to the Commission a full economic analysis of both the direct and indirect benefits of the project but, clearly, this will not necessarily create new jobs but it will certainly provide job security for people who are existing employees of the site. These are high-wage jobs and require people with significant technical backgrounds. So this facility will continue the need for those employees and, of course, all of the indirect benefits that flow from that.

The one that I'll point out is the last one that we estimate over $400,000 a year in local purchases just by having the facility there.

So that's my concluding remarks. I'm going to turn it over to Attorney Ford to just wrap up the proponents presentation.
MR. MICHAEL FORD: Thank you, Tom. So, where we go from here assuming that you see fit to grant the Development of Regional Impact as Fred indicated. We’ve got two local permits that we still need to apply for. First, an Order of Conditions with the Conservation Commission because of the location of the property with respect to wetlands.

And then secondly, an application for Certificate of Appropriateness to the Old King’s Highway Regional Historic District. And as Fred mentioned, we’ve met with that committee already informally so that they’ve started to have some input into the project at this point from a Community Character situation.

We do have other staff here to answer questions beyond those that have made the presentation. And I think at this point, Mr. Chairman, what we'd like to do is rest; that's our presentation but be available for comments with respect to this presentation or any questions that may arise in the course of your review of the draft decision.

CHAIR HAROLD MITCHELL: Thank you,
Attorney Ford. At this time, we’ll open up for
comments by the Hearing Officer Jon Idman.

MR. JONATHON IDMAN: Thank you, Mr.
Chair, Members of the Commission. Jon Idman,
Chief Regulatory Officer with the Commission.
The project is a mandatory Development of
Regional Impact. It's an energy infrastructure
project that’s subject to review in the
jurisdiction of the Commonwealth's Energy
Facilities Siting Board. Because of that, it’s
subject to some special procedures under the
Commission’s Enabling Regulations governing
Developments of Regional Impact.

Under those special regulations and
procedures, it provides the opportunity for a
hearing officer to hold substantive hearings on
the project. It also allows for the initial
hearings on the project to be held at Commission
offices. There was a hearing held on the
project. I think it was November 2. I served as
hearing officer.

The procedures also -- and let me just
point out too that the choice of a hearing
officer was done after consultation with the
Commission Chair.

Because no person sought to intervene pursuant to some of those special procedures under the Enabling Regulations, this hearing process operates, for all intents and purposes, as a typical Development of Regional Impact process would.

Under those special adjudicatory procedures, persons who are not applicants are otherwise entitled to seek status as parties. That is not -- that’s not the case here. So, it's basically a typical DRI process.

At the hearing, the applicant gave substantially the same presentation that the Commission heard today detailing the project, the project site, operations, environmental controls, and the relationship of the project to overall energy goals in the region including to the broader Northeast region.

At that point at the hearing, Commission staff presented comments on the project in terms of the project’s consistency with the Commission's regulations and concluded in its comments that the project, subject to
receipt and review of some details about the proposed stormwater management system, would comply with the Commission's regulations and meet the standards for a project DRI approval.

No public written comments have been received to date, though some oral comments were submitted at the November 2 hearing.

State Representative Randy Hunt attended. He provided comments in support of the project including the project’s consistency with local and state energy policy. He serves -- he submitted that he serves on state and local committees that deal with energy policy.

Sandwich Town Manager Bud Dunham spoke in support of the project discussing primarily the importance of the Canal plant to the town and a region in general in terms of a fiscal and economic development, and the importance of the future viability and evolution of the plant operations.

He discussed the agreements you heard discussed today that were reached with NRG regarding PILOT payments, Host Community Agreements, and other benefits associated with
the project.

At that point, general public comments were received. One neighbor of the property raised a number of questions about the project to which the applicant responded after taking a recess of that hearing.

Don Keeran, Assistant Director with the Association to Preserve Cape Cod attended and spoke to a number of issues including some hazardous materials and stormwater management issues that he asked the Commission to take a careful look at as part of the project.

Having heard all that comment and presentation, I directed staff to prepare a draft DRI decision for the full Commission's consideration subject to the receipt of additional stormwater materials requested and recommended by staff.

I continued the hearing to today's meeting agenda for a presentation of the project to the full Commission, and for the Commission's review of that draft decision that was ultimately prepared by staff after staff had received and analyzed additional stormwater materials.
The draft decision prepared and recommended by staff concludes that the project meets the Commission standards for project approval and would, if adopted and approved by the Commission, approve the project subject to the conditions in the decision.

Jeffrey Ribeiro, who is managing the project here for Commission staff, will speak in more detail about the decision following my report.

Thank you.

CHAIR HAROLD MITCHELL: Thank you, Jon. At this time, Jeffrey, if you would like to come up and give us some comments by the Commission staff. At this time, Jeffrey, if you'd like to come up and give us some comments about the Commission staff.

MR. JEFFREY RIBEIRO: Hello, everyone. For the record, Jeffrey Ribeiro, Regulatory Officer here at the Commission. I'm just going to provide you an overview of the way that the Commission staff reviewed the project for consistency with the Regional Policy Plan amongst the other concerns necessary to be addressed to
approve the project as a Development of Regional Impact. And also just a couple provisions of the draft decision that's before you today.

Here we go. So as many of you are aware, the project site is located on the Cape Cod Canal as was mentioned. This western portion of the site was reviewed as a Development of Regional Impact for the solar farm that was approved by this board about a year ago. And now the project is moving forward on the 350-megawatt power plant today.

One of the most important considerations from looking at all Developments of Regional Impact is whether they constitute new development or redevelopment in the parlance of a Regional Policy Plan. This clearly is redevelopment. The area is heavily disturbed.

And, also, one aspect of this project is that it utilizes a significant amount of existing site infrastructure, which means that the overall footprint of the project can be significantly reduced. So those include the oil storage tanks, the natural gas connection that's on-site, some other materials handling systems.
One very important consideration is the water supply wells. You know, previous plans to expand the plant would have required additional water withdrawals. This stays within the approved water withdrawal limits and doesn't require any additional withdrawals, and all of the administrations and operations buildings as well will stay.

Just again, zooming in. We already saw this but it is in this portion of the site where we’re talking about and as you can see from this aerial it is pretty much entirely disturbed. This is just another overview of the new project components. You can see they are relatively compact here compared to the existing Canal plant buildings.

With regard to the Land-Use and Economic Development issue areas of the Regional Policy Plan, the site is mapped as an economic center. This orange area is the economic center according to the Land-Use Vision Map. That Land-Use Vision Map was drafted by the town and then approved by this body and incorporated into the Regional Policy Plan. It encompasses the
majority of the marina area.

And as was also mentioned by the applicant, the area has been extensively planned for continued use by the town for industrial as well as other purposes.

Under the issue area of Water Resources, there are no mapped protection areas here. This isn’t any kind of water recharge area. It is not a well-head protection area. It's not a potential public water supply or etcetera. Thus, the applicable Nitrogen Loading standard here would be the 5 parts per million nitrogen loading standard.

As would be expected for a project that is decreasing the impervious on-site and also doesn't constitute any significant wastewater flows, this project has a very low nitrogen loading of only 1.3 PPM.

Also, the stormwater system is something that Commission staff looked very closely at. Given that this area is fill, it's adjacent to the Canal, which is, again, a natural water body in the traditional sense. You know, there really were some different conditions to
what we usually see on Cape Cod. And Commission staff, Monica Mejia, one of our staff hydrologists is here if you have any further questions on that, but she worked very closely with the applicants to make sure that we meet the 2 foot separation of groundwater for their infiltration and achieve appropriate levels of pretreatment and TSS removal.

And just one other note from Commission water staff is that, you know, this significantly improves the wastewater treatment on-site over current conditions. Again, just being a, you know --

AUDIENCE MEMBER: Stormwater.

MR. JEFFREY RIBEIRO: -- stormwater, sorry. I always do that. So it significantly improves the conditions over existing which encompass some sheet flow and we know other less advanced stormwater management techniques.

Under the issue of Coastal Resources, again as was mentioned, this is land subject to Coastal Storm Flowage. Under the RPP, this is considered a redevelopment of private infrastructure. It's not, you know, a public
But it is located in the FEMA A zone that is allowed but we do require that all structural members of a project be located outside of that floodplain.

Dr. Cally Harper is here as well. She's our Coastal Resiliency Specialist. She looked very closely at this project. And they, again, are locating -- they’re exceeding Commission requirements by elevating more than 2 feet above BFE. You can see here this is the extent of the A zone. It's actually quite a ways from this velocity zone here. The velocity zone doesn’t extend that far in to the Canal.

And then this map shows the grading. And as you can see, there's significant, the red is fill. So there will be significant fill to elevate this site up out of the floodplain. And Commission staff also looked closely at the impacts that that fill would have and is comfortable that it will not have negative impacts on surrounding properties.

As far as other issues related to Coastal Resources, we do have concerns about public access, maritime aesthetics, maritime
industries. And this project really doesn't affect any of those. There’s no effect to the public amenities along the marina and along the Canal. And as we’ll discuss more under the Community Character section, the project is really subordinate to what's already there. So aesthetically it doesn't compromise the area.

And as far as industries goes, again utilizes existing marine infrastructure that's already there and doesn't have any negative effects.

One other concern was with stormwater. This is the stormwater basin closest to the Canal. It is more than 200 feet from here. So our additional stormwater standards under Coastal Resources section don't apply to the project.

With regard to Natural Resources, again, the project is redevelopment. It is a previously disturbed site. There is very little impact to naturalized areas by the project. So there’s no open space required.

Under Wildlife and Plant Habitat, Natural Heritage determined that there are unlikely to be any impacts to rare species. The
site -- this portion of the site is not mapped for rare species, which is logical considering its disturbed nature and surrounding uses.

There are some invasive species on-site, and the draft decision does require that an Invasive Species Management Plan be provided by the applicant prior to the commencement of work of the project.

There are no direct impacts to wetlands. There is some tree topping required in a wetland buffer, and that is, as you can see here, to connect the site to the existing other electrical grid connections nearby.

As Mr. Sellers’ noted, the project did avoid specimen trees which you can see are dotted -- there’s one here, one here, one here, one here -- dotted throughout that area. So they worked hard to make sure that no tree topping would be required there. And Wetland Standard 1.3 does allow for utility line installation within wetland buffers when there's no other viable alternative. And given the site, Commission staff feels that that is the case and that the effects were minimized in avoiding those specimen
trees.

Under the issue area of Heritage Preservation and Community Character; first off Heritage Preservation. Again, there's a long history at this site. It’s significantly disturbed, thus, we can safely rely on the 1998 review by the Mass. Historical Commission of the project site and found no likely impacts, historical or ecological resources. Again, given that it's primarily fill and anything likely has been disturbed already. It's near the Canal, etcetera.

The existing plant structures have been inventoried by the Mass. Historic Commission of the town but no changes are planned to any of those structures. So it would not impact them. And then the Mass. Historical Commission has also issued correspondence that they feel that there are no historic structures approximate to the site. So, again, kind of the historical importance of those would be discussed more broadly if they were to be impacted. But Commission staff also agrees that there are no likely impacts.
Community Character is a big concern. You already saw some of the renderings provided by the applicant that Commission staff feels adequately represented the impacts that the project would create. The last things will really only be increased at lower levels. The existing plan is really the stack and the buildings of the existing plant really kind of define the skyline of this area and the new plant will not make it visible from any new areas.

The colors proposed are also consistent with Commission guidelines and general Best Practices. The gray best blends with the sky for taller elements. We also, obviously, do this for cell towers and things; you've heard this before, and then the green will blend with vegetation at the lower levels.

I think you already saw some of these but these are some of the vantage points that Commission staff felt most important. This is the visitor center without the new plant; this is with.

This is from the supermarket plaza which also is along Route 6A. In this area, Old
King’s Highway before and after; you can see the new stack popping up but, again, it’s significantly dominated by those existing structures. This is from Sandy Neck Beach and you can see, again, the existing structures really dominate. The Scusset Beach parking lot. The Sagamore Bridge. It just really pops up barely there. And there are some other issue areas that we looked at as well -- the -- sorry, I skipped over something here.

Yes, the landscaping provided by the applicant significantly approves the site for redevelopment projects, that is the standard to improve the site, and it definitely will do that and buffer both the existing plant in the new structures from the surrounding areas.

And the applicant has been working closely with Commission staff to make sure that their site lighting will meet our standards. They've expressed that they feel strongly that they can do that and that they should do that to make sure that, again, the visual impacts at night are minimized. We’re very close. They’ve submitted things as recently as today, but it was
a little too late to be incorporated into the
decision or reviewed even though there are
activities going on today. So, that will be
required prior to issuance of a Preliminary
Certificate.

Under the issue area of Transportation
as was referenced, there does not anticipate to
be any new jobs created by the project. They’ll
just maintain the existing jobs. Thus, there are
no new trips. There’s also no changes to access
points in the site drives, etcetera. The
construction period plan was reviewed by
Commission staff and found to be adequate.

Under Waste Management, we are not
located in any water protection areas as
previously referenced. Thus, you know, there are
no prohibitions on materials here. And again, as
referenced in the decision, the hazardous
materials on-site while marginally increased will
not be substantially different or more
detrimental than what’s already there. The
applicant, also as part of the project, is
improving their Spill Prevention Plan, and that
involves some of their refueling facilities,
etcetera, so that could be even viewed as a project benefit potentially.

The plant is already registered with Mass. DEP. We have a standard that requires that so there’s no change need there, and their classification will stay the same under this project.

The Energy issue area as we’ve seen before with power generation facilities really only applies to an energy conversion facilities and habitable buildings. So there’s limited applicability here. We do have a requirement that existing structures have an energy audit performed. The applicant did perform that on a small training building that they’re going to continue to use. But, again, the project largely is not subject to the performance standards under Energy because they’re not applicable.

And then under Affordable Housing, again, there are no new jobs proposed but even more importantly Commission staff did look at the wages expressed in the Economic Development report and found it to be true that according to the Bureau of Labor Statistics this is an
extremely high wage industry, and fewer than half of 1 percent of workers in this industry on average make below average wages. Thus, if we were to even apply, if there were going to be jobs created, there wouldn't be any payment under the Community Contribution standard because of the high wages.

There is some other standards of review that have to be determined by the Commission to approve a Development of Regional Impact. Those include consistency with the town of Sandwich’s Local Comprehensive Plan. The area has been planned for continued industrial use within the marina. And also, there has been expression about concerns over ozone, in particular emissions. As was referenced, this plant is significantly cleaner than Units 1 or 2 on-site. Thus, assuming that this, to some degree, replaces those and that it comes online before those others, it would potentially address some of those issues.

The Local Development Bylaw’s applicable to the project in accordance with the Zoning Act. This kind of project can be granted
what's called a “Zoning Exemption” by the Department of Public Utilities. The town has -- the Board of Selectmen voted to support having the DPU handle this. They really look at the zoning consistency and the appropriateness of the project. It's not a true exemption in that respect but that's what it's called.

The project will still require review by the Old King’s Highway Historic District Commission and the Conservation Commission, and that will occur after Commission permitting.

There are no DCPC, District of Critical Planning Concern, implementing regulations that apply to the project. And, you know, last, obviously, the board must determine the project benefits outweigh the project detriments.

Commission staff based on the materials provided and comment heard at the Public Hearing held on November 2 proposed the project benefits you can find in the draft decision. Those include that it will provide additional capacity for the Southeastern Mass. and Rhode Island area.

It facilitates integration of renewable energy into our energy grid, and that it
modernizes a piece of regional infrastructure
which is important in that it continues to
provide well-paying jobs as well as local
revenues to the town.

So, with that, I will turn it back over
to the Chair for further discussion by the board,
public comment, and potential vote on the
project.

CHAIR HAROLD MITCHELL: Thank you,
Jeffrey. At this time, we’ll take some initial
questions from the Commissioners if anyone has
any. Let me see. We’ll start right over here
with Richard.

MR. RICHARD CONRON: Dick Conron from
the town of Bourne. I know you mentioned that
there were no more storage tanks, but what about
the frequency of fuel deliveries? Will the
frequency of the fuel deliveries increase because
of this project?

MR. TOM ATKINS: Thank you for your
question. Now there will be two different kinds
of fuel delivered to the site. There will be the
fuel that's been delivered there historically,
which is Number 6 Fuel Oil, and now there will be
the new Ultra-Low Sulfur Distillate fuel, which will be used in Unit Number 3.

I would suggest that if you look at the historic deliveries at the site going back to the days when the plant was a baseload plant, there will be far, far less deliveries going forward then there have been historically.

The unit is a backup unit. It's a peaking unit so it is not expected to operate for more than 20 or 30 percent of the year. So we do not expect that there will be significant increases in storage at all, excuse me, in deliveries. In fact, it will go down from what it historically has been from when the plant was originally constructed.

MR. RICHARD CONRON: So compared to last -- this year, you're going to have lower deliveries?

MR. TOM ATKINS: If you looked at this year, I would say that the deliveries may go up slightly from that because the existing facilities have not operated a significant amount over the last couple of years. So, I think you may see additional barge deliveries, but we're
only talking about a couple barges a year. We’re not talking about significant amounts.

MR. RICHARD CONRON: Do you know what the percent increase of power generation is?

MR. TOM ATKINS: Roughly I can tell you the existing plants are roughly 1100 megawatts and we’re adding 350. So if I had my calculator on me, I could do that for you but 30 percent.

MR. RICHARD CONRON: Okay. And the last question I have is I was a little confused about the floodplain or the flood considerations.

MR. TOM ATKINS: Sure.

MR. RICHARD CONRON: Are the equipment going to be raised up or how -- is the plant in a floodplain?

MR. TOM ATKINS: Fred, do you want to answer? I can speak to the elevation being raised. All the elevation for the turbine itself will be raised to 16 feet above --

MR. RICHARD CONRON: Okay. So it's going to be at least 16 feet?

MR. TOM ATKINS: Correct. It will be at least 16 feet and that puts it above -- that puts it over two feet above the hundred year
flood storm level.

MR. RICHARD CONRON: Okay. That's the number I was looking for. Thank you.

MR. TOM ATKINS: Okay.

CHAIR HAROLD MITCHELL: Thank you.

Charles.

MR. CHARLES MCCAFFREY: For Commission staff, the applicant talked about consideration of accommodating sea-level rise by the high estimates for 2060. But your review didn't comment on their approach to sea-level rise consideration. What is -- I didn't --

MR. JEFFREY RIBEIRO: This is Jeffrey Ribeiro. I'm just going to call up Cally Harper. She is our Coastal Resiliency Specialist and she is here. So she can much more adequately address your question than me.

MS. CALLY HARPER: Hi, Cally Harper. I'm not quite sure I understand the question.

MR. CHARLES MCCAFFREY: The applicant talked about accommodating for substantial increase in sea-level rise, and you referenced high estimates for 2060 are considered. But the staff review did not mention sea-level rise and
whether it did not assess the adequacy or the
reasonableness of what the applicant mentioned.

In other words, the presentation talked
about a lot of things. I didn't see sea-level
rise as one evaluation of the project.

MR. JEFFREY RIBEIRO: Sorry. I think I
see now. The standard itself that deals with
this, only Land Subject to Coastal Storm Flowage
requires this added elevation above base flood
elevation. So through the fill, they are going
to elevate all structural components of this
facility more than two feet, which I think Cally
can speak more about maybe.

MR. CHARLES MCCAFFREY: But flood
elevation has little to do with sea-level rise.

MS. CALLY HARPER: So, you're right.
They're different but you can have sea-level rise
on top of flooding from a storm event.

MR. CHARLES MCCAFFREY: Uh-huh.

MS. CALLY HARPER: So this particular
project is elevating the infrastructure above the
projected flooding scenario that's mandated by
FEMA. And so by doing so, by elevating above,
you’re also --
MR. CHARLES MCCAFFREY: Yeah, but how does that relate to the sea-level rise projection for 2060? They seem to be saying that they were addressing that. I’m looking for the Commission’s staff's evaluation of how well they addressed that sea-level rise by 2060 will be a few feet higher than it is today? And that is not accounted for in flooding elevation. It could be even more than two feet above.

MR. PAUL NIEDZIEWIECKI: If I could just weigh in on that. The applicant can look at sea level projections and incorporate them into their presentation. The Commission has no Minimum Performance Standards that would have us look at sea-level rise, and we don't have any one model that we endorse in order to predict a certain level of sea-level rise at any time.

MR. CHARLES MCCAFFREY: But since -- I assume they said they were addressing it. I was just curious if you had an opinion on what they proposed, if you know, (Inaudible) for 2060 standards?

MR. JEFFREY RIBEIRO: Sorry. The relevant standard is CR 2.2 Accommodating
Relative Sea-Level Rise. So it says, “All new buildings including replacements or substantial improvements to existing structures shall be designed to accommodate documented relative sea-level rise rates in Massachusetts and for within A zones that requires the lowest horizontal structural member shall be a minimum of 1 foot above base flood elevation.” So, again, that is our requirement within the RPP and that may be adjusted during the RPP update.

But that is our requirement to address sea-level rise is to locate 1 foot above and they've elevated 2 feet above, so they've actually exceeded our requirement for accommodating for sea-level rise; is that clear?

MR. CHARLES MCCAFFREY: Okay. And that was the applicant? The 16 feet was your recognizing sea-level rise above minimum flood elevation?

MR. FRED SELLERS: We spent a lot of time on this issue. As part of the design of where we arrived at 16 feet above mean sea level, we exceeded the requirement by taking into account both the Army Corps of Engineers and the
National Oceanic and Atmospheric Administration's projections of sea-level rise through 2060. So we added that basically to what the hundred year flood elevation is right now and that's why we're raising the elevation of the site to 16 above its current grade.

CHAIR HAROLD MITCHELL: Okay. Thank you. Liz.

MS. ELIZABETH TAYLOR: I see other things to change in our RPP as we update it. You've elevated the building but I read somewhere that there were issues with access during storms. And if you have to evacuate the building because you don't have access during the storms, it's sort of counterproductive since this appears to be a critical energy source when other sources aren't working. So are you going to improve access so it isn't negatively impacted during storms?

MR. TOM ATKINS: Thank you for that question. And I'll just, as a general comment, I'll say that our hearings at the Energy Facilities Siting Board, and there were eight days of hearings there, there was an enormous
amount of time spent on what was the proper
elevation to raise the site to, and what would
sea level look like in the year 2060?
   So we went through a lot of different
things, and I would suggest that we’ve been quite
conservative in our estimations, which is why
we’ve taken the average of the high models.
There’s models that are low, medium, and high; we
took the highs.
   But you are correct in the sense that
we did not raise the elevation of everything on
the site to 16 feet because it would have been
dramatically expensive to raise everything.
   So what we did raise was all the
critical infrastructure that would allow this
plant to operate even if we had flooding
conditions in 2060 at a significantly higher sea
level going in.
   And so there may be circumstances where
certain portions of the site may flood, but it
would not preclude the facility from running at
any time. And we’ll have provisions to have
people there and be able to run this plant if the
sea-level rises to those levels and we have that
situation.

So the 16 feet is specifically designed to allow this plant to operate in those conditions.

MS. ELIZABETH TAYLOR: Oh, okay. So you wouldn't be closing during storms?

MR. TOM ATKINS: We would not be.

MS. ELIZABETH TAYLOR: Oh, okay. I just had one other question. You mentioned that you would be not using turf or anything. You'd just let whatever was there grow and you'd mow it. I would just request, as I always do, that you only mow in the fall because it will become habitat since you're not mowing it normally and you're not putting in turfgrass.

And I always request you not use pesticides during removal of the invasives; you do it by hand, because most of these, I think, are in wetland areas and there are no pesticides out there that are really safe.

MR. TOM ATKINS: Understood. I understand that's a concern of the Commission’s and we're happy to work with that and make sure we do that in accordance with your requirements.
MS. ELIZABETH TAYLOR: Thank you, very much.

CHAIR HAROLD MITCHELL: Thank you.

John.

MR. JOHN KRAJOVIC: I have some questions about design. I wonder if you can pull up slide 13.

MR. TOM ATKINS: I'd be happy to.

MR. JOHN KRAJOVIC: So what's the approximate square footage of the new development in terms of structures?

MR. TOM ATKINS: Well, if you're talking about acres of sort of new development --

MR. JOHN KRAJOVIC: I'm not talking about the drainage pools but of the structures themselves; do you know?

MR. MICHAEL FORD: We can have it looked up.

MR. TOM ATKINS: I don't know the exact square footage but we can look it up. I know that, you know, roughly 5 acres is what is being developed. So it's --

MR. JOHN KRAJOVIC: I'm just looking for the square footage of the actual structures?
MR. TOM ATKINS: Square footage.

MR. JOHN KRAJOVIC: Slide 13.

MR. JEFFREY RIBEIRO: Of the Atkins presentation?

MR. JOHN KRAJOVIC: Of their -- exactly.

MR. TOM ATKINS: If I may, my colleague Shawn Konary handed me a figure from the application. “Impervious building and structures include 54,664 square feet”; 54,664.

MR. JOHN KRAJOVIC: So that's the total.

MR. TOM ATKINS: A little over an acre.

MR. JOHN KRAJOVIC: Okay, structural development. And I’d like to learn a little bit more about the skin of these boxes which is why I’d like to see the image from the --

MR. JEFFREY RIBEIRO: Sorry.

MR. JOHN KRAJOVIC: Sure.

MR. JEFFREY RIBEIRO: We’re having a little technical glitch here.

MR. JOHN KRAJOVIC: The materials, if you know.

CHAIR HAROLD MITCHELL: You know, while
Jeffery’s pulling that up, anyone else have a question and we’ll come back? Any other questions?

MR. JEFFREY RIBEIRO: My apologies. I’m attempting to reboot the computer there. The building materials are in the application materials. So in Section 4 of the Application materials, there are details on the various -- they are metal structures primarily. And there’s the plans actually for each of the individual structures in those plans.

MR. JOHN KRAJOVIC: Are they metal panels or -- just from the image, it looks like its one great big slab of metal.

MR. JEFFREY RIBEIRO: So I mean every -- there’s buildings of various sizes. They’re all individual structures.

MR. JOHN KRAJOVIC: Well, if everybody looks at Slide 13 on their computer, to me it looks like -- they’re quite large structures. And what’s the approximate height of these boxes?

MR. TOM ATKINS: That’s a good question. Let me grab some more information and I’ll be able to answer those questions for you.
MR. JOHN KRAJOVIC: Does anyone know the approximate height of the trees in the images?

MALE VOICE: The height of the trees?

MR. JOHN KRAJOVIC: Well, I'm just trying to gauge the height. I just want substantial height.

MR. JEFFREY RIBEIRO: Oh, sorry. We can go analog here, and I can bring this over to you.

MR. JOHN KRAJOVIC: I don't -- you don't need to. Let me get to my point here. The Cape Cod station is --

MR. JEFFREY RIBEIRO: (Handing over binder.)

MR. JOHN KRAJOVIC: That's all right.

MR. JEFFREY RIBEIRO: Sorry. This has all the elevations on it.

MR. JOHN KRAJOVIC: Tell us so everyone understands what the height is and --

CHAIR HAROLD MITCHELL: Go ahead, John.

MR. JOHN KRAJOVIC: So my question is what are the various heights of the boxes that we see in the image on slide 13?
MR. JEFFREY RIBEIRO: So the proposed steel stack is at 236 feet. The next tallest member -- there is an air inlet structure over -- I believe is the turbine enclosure that's approximately 100 feet tall. There's another structure kind of directly next to the stack that's 94 feet tall. And then the other structures are probably about 50 to 60 feet tall.

MR. JOHN KRAJOVIC: So the point is these are significant structures. And the Cape Cod station is an iconic -- is industrial architecture. And the stack itself is one of the Cape's most iconic structures. I mean in Provincetown, we judge the day by whether or not we can see the stack from our houses and our beaches.

And just from what I see here, I think you really missed this great opportunity to -- because when you look at these images, and all I know is from what I'm seeing here, it's very visible from the Canal walkway from the marina, from the restaurant, and industrial architecture does not have to be pedestrian. And this, to me, is exceedingly pedestrian.
I mean that's why I'm interested. It looks like they're just metal panels, singular metal panels without any type of animation or lining in them.

I also beg to disagree with the excellent Cape Cod staff that the color is the preferred color. Because when you have structures this large, you want them this beautiful color; a light gray, a taupe, or something like that.

And my sense is, and I’ll pose this as a question, did you engage an architect or an urban designer in this project?

MR. TOM ATKINS: No, we did not engage an urban designer in this project. We don't consider this an urban setting so.

MR. JOHN KRAJOVIC: Well urban -- what about an architect?

MR. TOM ATKINS: Well, we have architect engineers that work on the projects so.

MR. JOHN KRAJOVIC: No. What I'm getting at is this is a huge impact on the public view corridor. And, you know, that's why one wants an architect or an urban designer. An
urban designer doesn't mean it's just related to
the city.

CHAIR HAROLD MITCHELL: Turn your mic
on or talk into the mic, please.

MR. JOHN KRAJOVIC: Sorry. I'm very
disappointed. This is a very profitable business
venture. And I’m very disappointed that the
services of an architect or an urban designer was
not engaged in this because it has a huge impact
on the public view corridor from one of the most
iconic sites on the entire Cape.

So I'm hoping that the materials
haven’t been ordered. And I really would
encourage you to engage a good creative architect
to really help improve what the public is going
to see here because it's an iconic station.

On a positive note, I really like what
you’re doing with the landscape. I agree with
everything that's Elizabeth said in terms of the
treatment and management of it. But you’re
choosing indigenous species, that's great. I
like the fact you’re not having a lawn.

But I really wish I could see kind of
some exciting industrial architecture. And I
hope some of the Historic Commissions which still have review kind of weigh in on this. And I'm hoping you haven't ordered the materials yet. So that's really kind of my main point.

CHAIR HAROLD MITCHELL: At this time, we’re going to close for the initial questions.

COMMENTS FROM FEDERAL OFFICIALS

CHAIR HAROLD MITCHELL: And I’m going to ask for public comments from any federal officials that might be in the audience. Seeing none.

COMMENTS FROM STATE OFFICIALS

CHAIR HAROLD MITCHELL: I'll go to state officials; any state officials? Going, going, gone.

COMMENTS FROM LOCAL OFFICIALS

CHAIR HAROLD MITCHELL: So then I will go to the local officials. If any local officials would like to speak, if you would step up to the podium. I see several so I'm sure that we'll be hearing from some.

MS. SUSAN JAMES: Good afternoon. My name is Susan James, and I am the Chair of the Sandwich Board of Selectmen. And I'm really
delighted to be here to talk to you all about this project.

We’re very excited in Sandwich and have been since we first heard about this project and have been very involved right along with the process of development of the project.

Our Town Manager, Bud Dunham, has worked very, very closely with Tom Atkins and the others representing NRG, and it’s been quite an interesting series of negotiations that really brings a lot of benefit to both the town and to NRG.

The project appears to be an environmentally friendly project that will not only accommodate increasing energy needs here on the Cape and in the area but also be an economic driver for Sandwich, and this is really important to us.

Both the PILOT and the Host Community Agreement are favorable to the town in multiple ways, and, of course, especially in the local revenue aspect of the plan, which is a very welcome addition to Sandwich.

In 1978 when I moved here to town, the
Canal Electric subsidized the whole tax rate and that has, obviously, changed over the many years we've been here. So the infusion to local revenue is it's just so positive for our town.

As Mr. Atkins pointed out, the PILOT Agreement was approved unanimously without -- essentially without any discussion on Monday evening's town meeting. The townspeople are very much in favor of this project.

The Board of Selectmen encourages you to vote positively to approve the DRI so that we can move ahead with the project.

Thank you, very much.

CHAIR HAROLD MITCHELL: Thank you. Anyone else?

MR. BUD DUNHAM: Hi. Good afternoon, everyone. My name is Bud Dunham; I'm the Town Manager in Sandwich. And in addition to Chairman James, Selectman Frank Pannorfi is here, and Blair Haney, Director of Planning and Development.

As I was sitting here, I thought this was comical, but there was a time not too long ago there was a hearing in Sandwich on a
subcommittee. I think the last time a large
project was in our town and Woody at the time was
on the ZBA, Frank was the Chair of the Selectman.
So the three of us went and it was like Frank,
Woody, and Bud sounded like the three replacement
bears for the Country Bear Jamboree at Walt
Disney World. But what can we do about our
names? (Laughter.)

MR. BUD DUNHAM: So there's a couple
things I wanted to say about our support for the
project. It’s really important to note that the
town also in addition to participating in the
Commission’s review process filed as a formal
intervener in the state’s Energy Facilities
Siting Board process. And as anyone who's
familiar with that, it's extremely technical and
a lot of high-level things on environmental
issues. So during that process, we submitted
appropriate briefs and comments whenever the EFSB
had questions on what the town's beliefs were.

And then, also, after that, as has been
talked a couple times, we negotiated two separate
agreements with NRG as part of the Canal Unit 3
project. A Host Community Agreement, or HCA, and
a Payment In Lieu Of Tax Agreement, or PILOT Agreement, both of which were 21 years in duration.

So it's important to remember that these types of agreements are common for municipalities across the Commonwealth that have large-scale power generation facilities within their borders.

And while a lot of public attention has been given to all the economic benefits that are spelled out in the PILOT Agreement, it's really the Host Community Agreement, or HCA, that holds NRG's feet to the fire in terms of environmental and performance standards for Sandwich and for our region.

So if you ever took a look at that agreement, it addresses topics like air quality, noise and visual impacts, water usage, traffic impacts, and the general health and safety concerns of the town to protect not only our residents but also those of Cape Cod.

As was mentioned earlier, the proposed quick-start natural gas-fired unit will drastically improve air quality admissions for
the entire region, particularly as Units 1 and 2 become obsolete and are eventually taken off-line by NRG in the future. And so the state-of-the-art generation unit will also provide our region with much-needed power reliability.

The Unit 3 project is a huge plus environmentally. It has minimal visual impacts compared to what exists on site today. I think we actually hoped down the road if Units 1 and 2 become obsolete, maybe there will be talk about what happens to some of those existing structures and maybe what gets built will be the new large visible structure instead of what's there today.

It has no traffic impact once the construction phase of the project is complete. No water discharge impacts whatsoever. And it gives Sandwich hope for potential future development and redevelopment of the generation site with additional environmentally friendly power generation capabilities.

The HCA also recognizes the impact of the NRG Canal project on our emergency management departments by supporting annual payments of $100,000 for specialized training and equipment,
and also advances NRG's corporate education push by providing $50,000 a year for Innovative Curriculum Fund for the school department to oversee.

So all told between those two funding mechanisms about 3.25 million in payments are expected to be made to the town over that 21-year-period through the HCA.

I think it's also important to understand, for those who aren't familiar, that the town and whoever has owned the power plant, I think NRG's the seventh or eighth owner in my tenure in Sandwich; we've always had very positive working relationships with whomever's owned the facility.

So the HCA also spells out some future cooperative issues and efforts. We're going to jointly explore the potential for a new wastewater treatment plant and related grant opportunities which support both our Local Comprehensive Water Resources Management Plan and the Commission’s Section 208 Plan. Our three neighboring towns on the upper-Cape are familiar with those efforts and are actually working with
us on what might be able to be explored there in the future.

We have agreement to explore any future land compatibility issues surrounding the Sandwich Marina, and also the placement of compatible dredge spoils on Sandwich beaches anytime NRG needs to dredge the Canal for some of the fuel delivery that was mentioned earlier.

The PILOT Agreement which is separate from the Host Community Agreement was unanimously approved by Sandwich voters at last Monday night's special town meeting on November 21. Town meeting approval is required under the State Department of Revenue, or DOR, regulations for any type of PILOT Agreement that's agreed to by any taxpayer and a municipality.

So the 21-year agreement is also conditioned upon NRG successfully permitting and constructing the Unit 3 project, which is expected to become operational in mid-2019.

The total tax payments to the town over the 21-period will exceed $50 million with an initial payment of $3.55 million in year one, which will maximize the capture of new growth for
our tax levy purposes which is extremely important.

It's also important to note that these payments are only for Unit 3 and do not include the existing payments for Units 1 and 2 or the land on which Units 1, 2, and 3 will be built. All those are done.

And then, in addition, payments will be made to the Community Preservation Act, which is not required by law because under Mass. law power utility companies are classified as personal property so you’re not allowed or required to make Community Preservation Act payments. We negotiated with them payments in excess of $1.5 million, and also to the water district which is a separate municipal entity for 2.6 million.

So in total, more than 57 million in payments will be made through both the HCA and PILOT Agreements in addition to the improved environmental conditions -- and I'm almost done.

We feel we're unique compared to some of the other Cape Cod towns. If you look at our demographics and our financial constraints that we've had to operate under, they’re vastly
different from the challenges that most communities have had to face and manage for decades.

Demographically, we’re much more similar to a South Shore community than a Cape Cod one. We have the lowest percentage of second homes. We have the lowest average age. We have the highest percentage of year-round residents and the second highest taxes. We have the smallest number of year-round municipal staff per capita by far, and I can get you numbers on that.

We've not had an override approved in a dozen years, and we have the largest sending tuition assessments for Sandwich students to go to public educational opportunities of any town on Cape. Right now its $3.4 million even though we still have the third highest school population that we have to educate.

So these agreements that we negotiated will literally help our community for decades.

So in summary we hope that the Commission looks favorably upon the project. It will improve our reliability as a region. It will improve the long-term environmental impacts of the generation
site and assist us financially for many years.

And in our opinion, the comprehensive benefits of the project far outweigh any limited detriments to the Cape or to Sandwich.

So thank you, again, for your consideration of our comments and input.

CHAIR HAROLD MITCHELL: Thank you, very much. Any other local officials? Go Jeff.

MR. JEFFREY RIBEIRO: Jeffrey Ribeiro again. I'm just sorry we had technical difficulties. So this is the exhibit that was being discussed earlier. Let me turn this on.

So these are all the existing plant buildings, and then these are the new buildings, the new structures. Is that --

MR. JOHN KRAJOVIC: Yep.

MR. JEFFREY RIBEIRO: Okay.

CHAIR HAROLD MITCHELL: Okay. Let's go back to comments. Any local officials?

GENERAL PUBLIC

CHAIR HAROLD MITCHELL: Then I'll open it up for general public. Anyone from the general public that would like to speak on this? Would you please step up to the microphone and
identify yourself.

MR. TOM CAHIR: Thank you, Mr. Chairman and members of the Commission. Tom Cahir; I'm a resident of Bourne. I just very briefly want to indicate my strong support for NRG as they pursue the DRI.

Many years ago I had the privilege of representing Sandwich in the Massachusetts Legislature, and for over 14 years paid close attention to the activities surrounding the plant. There were issues in those days and we paid particular attention to those. We created a committee to monitor what was going on there.

So I've had a subsequent interest in what goes on with new ownership. And I've watched NRG over the last couple of years, and I've been really impressed with their accessibility, their responsiveness, and their interaction with municipalities.

And as Bud just indicated, the wonderful agreements that will help the education community in that town are all very positive.

So I'm very impressed at the hearing here today listening to the appropriate questions
being raised, but I'm yet to hear anything negative associated with the project. So I just wanted to go on record as being a strong supporter.

Thank you for allowing me to testify.

CHAIR HAROLD MITCHELL: Thank you. Anyone else? Seeing none. Any member of the Commission that has not had an opportunity to ask a question or speak?

MR. LEONARD SHORT: I would like to ask a question regarding the wastewater that will be used for the, I presume, the cooling of the turbines -- the turbine, and how is that -- is that going to be recycled?

MR. TOM ATKINS: Yes. Thank you for that question. I think it's important to note that because it's a simple-cycle facility, there's actually no cooling water. The turbine is cooled by air. Its air cooled so it has radiator fans that are air cooled. So there's no wastewater associated with the operation of the turbine for cooling purposes.

MR. LEONARD SHORT: What are the wells for then?
MR. TOM ATKINS: Yeah, the wells -- we need the well water for several things. Principally, when the facility operates on liquid fuel, it needs water injection which is a process that reduces the flame temperature and lowers the amount of nitrous oxides that come out of the facility. So that water is injected into the process but it goes up as water vapor up through the stack.

MR. LEONARD SHORT: Thank you.

MR. TOM ATKINS: You’re welcome.

CHAIR HAROLD MITCHELL: Anyone else? Last opportunity to ask a question.

MR. JOHN MCCORMACK: Mr. Chairman, if I may?

CHAIR HAROLD MITCHELL: Yes.

MR. JOHN MCCORMACK: I just want to remind my fellow Commissioners that criteria for approval or disapproval of a DRI is based on benefits versus detriments. Without enumerating, I think that the benefits far outweigh the detriments.

And having said that, at this time I would move that the Commission close the DRI
Public Hearing period on the project.

MALE VOICE: Second the motion.

CHAIR HAROLD MITCHELL: So I have a motion and a second to close the DRI Public Hearing. May I have a vote; all in favor?

COMMISSION MEMBERS: Aye.

CHAIR HAROLD MITCHELL: Any opposed?

(Motion passed.)

CHAIR HAROLD MITCHELL: That being said, we will -- any abstentions? That being said, we'll close the Public Hearing.

(Public Hearing closed.)

CHAIR HAROLD MITCHELL: And I'll take a motion now to adopt the decision.

MR. JOHN MCCORMACK: Mr. Chairman, I move that the Commission adopt the draft DRI decision and approve the project subject to the findings and conditions in the DRI decision.

MALE VOICE: Second.

CHAIR HAROLD MITCHELL: Thank you, Jack. I have a motion in a second. All in favor?

COMMISSION MEMBERS: Aye.

CHAIR HAROLD MITCHELL: Any opposed?
Any abstentions? So the DRI motion carries.

Thank you, very much.

(Motion carries.)

MR. TOM ATKINS: Thank you.

NEW BUSINESS

CHAIR HAROLD MITCHELL: At this time, I'm going to ask everyone to please stay seated briefly. We've just got one more item and then we'll all be able to depart together.

At this time, is there any new business or anything that any of the Commissioners would like to bring up? Seeing none.

I will take a motion to adjourn.

MS. ELIZABETH TAYLOR: So moved.

MR. RICHARD CONRON: So moved.

CHAIR HAROLD MITCHELL: I never have a negative on that one; never. So I've got a motion, got a second, all in favor?

COMMISSION MEMBERS: Aye.

(Motion carried.)

CHAIR HAROLD MITCHELL: We'll see you next time. Thank you.

MR. TOM ATKINS: Thank you.

(Whereupon, it was moved,
seconded, and voted to adjourn the Cape Cod Commission Public Hearing at 4:39 p.m.)
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BARNSTABLE, SS

I, Linda L. Wesson, a Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing volume is a true and accurate transcript, prepared to the best of my ability, of the Cape Cod Commission Public Hearing on Canal Unit 3, which was held on Thursday, December 1, 2016, at the First District Courthouse, Assembly of Delegates Chambers, 3195 Main Street, Barnstable, MA 02630.

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Date Linda L. Wesson, Notary Public
My Commission Expires: June 3, 2022
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