



**Meeting Minutes
Cape Cod Commission
May 14, 2020**

ROLL CALL

The Chair, Harold Mitchell, called the Virtual Cape Cod Commission meeting to order on Thursday, May 14, 2020, at 3:00 p.m. The chair announced that, on account of the novel coronavirus, the meeting was being held virtually using the “Zoom” virtual meeting platform, with all members participating remotely pursuant to Governor Baker’s March 12, 2020 order suspending certain provisions of the Open Meeting Law. He added that all votes and actions at the virtual meeting would be taken by roll call and that the names of the members participating remotely would be announced as the roll was called. The Clerk called the roll and a quorum of members was established as follows:

| Town | Member | Attendance |
|-------------------------|---------------------|------------------------------|
| Barnstable | Fred Chirigotis | Present |
| Bourne | Stephen Mealy | Absent |
| Brewster | Elizabeth Taylor | Present |
| Chatham | Tom Wilson | Present |
| Dennis | Richard Roy | Present |
| Eastham | Joy Brookshire | Present |
| Falmouth | Charles McCaffrey | Present |
| Harwich | Jacqueline Etsten | Awaiting swearing in/Present |
| Mashpee | Ernest Virgilio | Present |
| Orleans | Doug Fromm | Present |
| Provincetown | Cheryl Andrews | Present |
| Sandwich | Harold Mitchell | Present |
| Truro | Kevin Grunwald | Present |
| Wellfleet | Richard Elkin | Present |
| Yarmouth | John McCormack, Jr. | Present |
| County Commissioner | Ronald Bergstrom | Present (arrived at 3:15) |
| Minority Representative | John Harris | Present |
| Native American Rep. | David Weeden | Present |
| Governor's Appointee | Michael Maxim | Present |

Summary of Actions Taken/Votes at Meeting:

- **Approval of Minutes:** The minutes of the April 16, 2020 meeting were approved.
- **AMP Energy Sandwich:** The AMP Energy Sandwich Development of Regional Impact was approved with conditions.



Public Comment:

The Chairman offered an opportunity for public comment on matters not otherwise on the agenda.

There was no public comment.

Minutes of the April 16, 2020 meeting

Upon a motion to approve the minutes of the April 16, 2020 meeting made by John McCormack, Jr., seconded by Ernest Virgilio, the motion carried. The Roll Call vote was as follows: Fred Chirigotis, Yes; Elizabeth Taylor, Yes; Tom Wilson, Yes; Richard Roy, Yes; Joy Brookshire, Yes; Charles McCaffrey, Yes; Ernest Virgilio, yes; Douglas Fromm, Abstain; Yes; Cheryl Andrews, Yes; Harold Mitchell, Yes; Kevin Grunwald, Yes; Richard Elkin, Yes; Jack McCormack, Jr., Yes; John Harris, Yes; David Weeden, Abstain

Executive Director's Report – Kristy Senatori

- Ms. Senatori introduced the new Orleans Cape Cod Commission Member, Douglas Fromm and thanked Len Short for his years of service as the Orleans Representative.
- The Assembly of Delegates approved the Commission's Fiscal year 2021 budget and the revisions to the Enabling regulations on May 6, 2020. The revisions to the Enabling Regulations were also approved by the County Commissioners on May 13, 2020
- Ms. Senatori is participating in weekly Covid-19 Department Managers Conference Calls, Barnstable County Regional Emergency Planning Committee calls, and as a member of the Cape and Islands Re-opening Task Force
- Staff is continuing to work with Cape Cod Healthcare and the County on the COVID-19 community alert application and continuing to update our COVID-19 webpage with additional resources as they become available
- The CCC is pursuing Economic Development Administration funding on behalf of the County made available by the CARES Act, as well as supporting others in the region seeking funds
- Staff is working with the Arts Foundation on an Arts Impact Survey, as well as with the Chamber and others on a business impacts survey
- The Barnstable County Economic Development Council will be meeting tomorrow, on May 15 with the agenda focused primarily on COVID-19 impacts
- Ms. Senatori's Board of Selectmen Tour is on hold until further notice
- CCC staff is continuing to support the Cape Cod & Island Water Protection Funds Bylaws & Regs committee, which met on May 1, 2020. Working with the Clean Water Trust to provide additional information and revise draft regulations for the committee's review
- CCC hosted the Association of Realtors Leadership Academy on May 13, 2020
- CCC management is developing return to office protocols and will continue with virtual meetings in the meantime
- Ms. Senatori reminded CCC Members to submit any travel reimbursement requests or fiscal year 2020 now.

Staff Updates: CCC is currently advertising for a Geospatial Developer, Regulatory Planner, Community Development Planner, and Special Projects Coordinator. Elisabeth Kellam joins our staff



part time beginning on May 19th as a Community Design Planner; she will earn a Master of Arts in Urban and Environmental Policy and Planning from Tufts University this month.

The Chair thanked Ms. Senatori for her updates.

The Chair read the hearing notice from the meeting agenda for the AMP Energy Sandwich Development of Regional Impact (DRI), which hearing was continued from the DRI subcommittee.

The Chair instructed those in attendance how to provide testimony at the appropriate juncture of the virtual hearing.

Matthew Terry attorney with Ament Klauer, LLP for the applicant, ASD Cotuit MA Solar LLC introduced the members of the project team in attendance (Lee Morrison, Lawrence Cook, Brendan Mooney and Raul Lizardi-Rivera), and noted that several town officials were in attendance as well: Sandwich Town Manager, Bud Dunham; Sandwich Town Planner; Ralph Vitacco; Sandwich Conservation Agent, David DeConto.

Attorney Terry gave a project overview. He stated that the project has been a collaborative effort over the past year with town officials, Commission staff and neighbors. He said that through this input and collaboration, the applicant has gone to great lengths to minimize the project detriments and maximize the benefits for the region. The project location is 180 Cotuit Rd, Sandwich, MA and is an 18.8-acre site, privately owned and the applicant has an option to purchase from the current owner. This project is a ground mounted solar array and will be in the interior of the site and gave details as outlined in the applicant's PowerPoint presentation. He described the Memorandum of Understanding (MOU) with the town under which the project site would be deeded to the town and leased back to the applicant for the life of the project. Once the lease is over and equipment is removed, the 18.8 acres will be permanently conserved as open space and managed by the Town of Sandwich. He also discussed lease and other revenues to the town under the MOU and lease, including PILOT payments, as well as an agreement to restrict town owned land off site as restricted open space. He discussed the DRI subcommittee hearings and meetings on the Project, and the Subcommittee's recommendation to approve the project. He concluded by discussing the context in which the Project is located as a Rural Development Placetype under the Regional Policy Plan. He turned the presentation over to Project representative Evan Turner.

Mr. Turner stated that he is a local developer specializing in acquiring sites for solar development and bringing them through the permitting and connection process, in this case, for AMP, a Canadian company. He said that AMP is especially concerned with developing and owning projects with community benefits. He outlined the project specifics and technical details assisted by the PowerPoint, including installation and construction methods; permitting under the state's SMART program; site planting and pollinator certification; driveway access; site operations; the battery storage component; fencing; utility interconnection; and the retention of a wooded perimeter site buffer.

Attorney Terry continued and reviewed the identified project benefits and detriments and how the project meets the applicable goals and objectives of the 2018 Regional Policy Plan. He discussed that the Town of Sandwich Local Comprehensive Plan encourages the development of solar power,



and discussed the local zoning bylaws that allow for large scale ground mounted solar installations. He added that there are no State or Federal subsidies involved in the project.

In conclusion he stated that the site will be developed and trees cleared one way or the other; he said it is a question of how the land will be developed, and for what use. He said the current owners didn't want the site to be used as intensely for residential use; the property has been in the family for a long time and was once used for farming. The family decided it was more responsible to sell it to a solar developer, and the owners support renewable energy. He said that solar is not an intense use of the land. He said that the benefits include a sustainable amount of energy production, the resiliency of the local energy grid will be significantly increased, the community solar plan will increase energy on Cape Cod and offer clean energy purchase to local residence and businesses. Regional and open space goals are advanced in an innovative way, and the project includes long and short-term growth management. The lease payments will provide long term revenue to the town. He said that the project benefits significantly outweigh the detriments to the Region, and that his clients were making a significant contribution to the region by giving up future development rights in the property through a deed donation of the site.

The Chair thanked the applicant for their presentation and asked for Commission staff comments.

Jordan Velozo discussed the subcommittee review of the project which included a high level of public engagement, testimony and comprehensive presentations and supplemental filings by the applicant. She discussed the subcommittee's recommended approval of the project, subject to conditions. She discussed the draft DRI decision which reflects this recommendation and contains the findings and conditions identified by the subcommittee sufficient to approve the project and to meet the concerns of the RPP. During the review process, the subcommittee considered the regional impacts and how those impacts could be mitigated by the applicant, which are reflected in the conditions of the decision and include among other things on- and off-site open space mitigation. The subcommittee also discussed the probable detriments and benefits of the project at their proceedings and concluded that the probable benefits outweigh the probable detriments; these appear on page 8 of the draft decision.

The Chair thanked Ms. Velozo for her comments and asked for comments from the DRI Subcommittee members.

The Chair stated that he also chaired the subcommittee for AMP Energy Sandwich and commented that he was impressed with how the AMP Energy team was willing to work with the Subcommittee especially with regard to additional off-site open space mitigation. He felt that this was an indication of their collaborative spirit.

Elizabeth Taylor was very impressed with the lease arrangement and MOU and appreciates the amount of open space that is proposed to be protected. She added that she hopes that chemical will never be used on the site for invasive species management, particularly glyphosate.

Tom Wilson said he is also impressed with the project and way in which it was crafted to cover so many bases. He asked about carbon offsets with the existing trees vs. the renewable energy generation. Evan Turner responded that the offset can be calculated and that the solar array offsets significantly more carbon than the existing trees on the site would.



Richard Elkin stated that he is happy to see that there is a significant battery component because of the advantages to grid reliability which will benefit all of Cape Cod.

The Chair asked for any comments from Public Officials.

Bud Dunham, Town Manager of Sandwich stated that there have been many discussions with the applicant. He said that it is most important is that the site will be town-owned and under control of the Conversation Commission, which is the primary reason the town supports the project. Also relative to incipient Town Wastewater Management Plan, Peters Pond is directly across the street is an area of concern and having open space across the street at the site will be helpful to the Plan.

Dave DeConto, Sandwich Conservation Agent, stated that the Conservation Commission unanimously supported the Project. Having opportunity for meadow habitat in town, under town ownership, is a major factor in that decision. He added that the applicants were great to work with and very responsive and had several meetings together. Overall, he thinks it is a great project.

Ralph Vitacco, Sandwich Town Planner, stated that communications with the applicant have been ongoing for over a year and through re-filing the application with the CCC the applicant has worked out previous issues with the Regional Policy Plan. Initial concerns by the neighbors have been addressed by the applicant, as well as the initial Town and CCC concerns. He discussed zoning provisions relative to the Project. If approved by the CCC, it will require Planning Board review and approval.

The Chair offered the opportunity for comment from the general public and there were no comments.

The Chair asked for further comments from Commission members. Richard Roy stated that he also served on the Subcommittee and was impressed with the applicant and was most impressed that this is a piece of land that will be used lightly for a period of time (20-40 years) then go back to a natural state and be held under town ownership.

Upon a motion to close the public hearing on the AMP Energy Sandwich DRI made by Elizabeth Taylor, seconded by John Mc McCormack, Jr. the motion carried. Roll Call vote was as follows: Fred Chirigotis, *Technical Difficulties/unable to respond or vote*; Elizabeth Taylor, Yes; Tom Wilson, Yes; Richard Roy, Yes; Joy Brookshire, Yes; Charles McCaffrey, Yes; Ernest Virgilio, yes, Douglas Fromm, Yes; Cheryl Andrews, Yes; Harold Mitchell, Yes; Kevin Grunwald, Yes; Richard Elkin, Yes; Jack McCormack, Jr., Yes; Ron Bergstrom, Yes; John Harris, Yes; David Weeden, Yes

Upon a motion to adopt the draft written DRI decision and grant DRI approval for the AMP Energy Sandwich project, subject to the Conditions in said decision as recommended by the DRI subcommittee made by Cheryl Andrews, seconded by John McCormack, Jr, the motion carried. The Roll Call vote was as follows: Fred Chirigotis, *Technical Difficulties/unable to respond or vote*; Elizabeth Taylor, Yes; Tom Wilson, Yes; Richard Roy, Yes; Joy Brookshire, Yes; Charles McCaffrey, Yes; Ernest Virgilio, Yes; Douglas Fromm, Abstain; Cheryl Andrews, Yes; Harold Mitchell, Yes; Kevin Grunwald, Yes; Richard Elkin, Yes; Jack McCormack, Jr., Yes; Ron Bergstrom, Yes; John Harris, Yes; David Weeden, Yes



NEW Business: Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.

There was no new business raised.

ADJOURN

Upon a motion to adjourn the meeting at 4:32 pm made by Elizabeth Taylor, seconded by Ernest Virgilio, the motion carried. The Roll Call vote was as follows: Fred Chirigotis, *Technical Difficulties/unable to respond or vote*; Elizabeth Taylor, Yes; Tom Wilson, Yes; Richard Roy, Yes; Joy Brookshire, Yes; Charles McCaffrey, Yes; Ernest Virgilio, Yes; Douglas Fromm, Yes; Cheryl Andrews, Yes; Harold Mitchell, Yes; Kevin Grunwald, Yes; Richard Elkin, Yes; Jack McCormack, Jr., Yes; Ron Bergstrom, Yes; John Harris, Yes; David Weeden, Yes

List of Documents Used/Presented at the May 14, 2020 Cape Cod Commission Meeting

May 14, 2020 Cape Cod Commission Meeting Agenda
Draft Minutes, April 16, 2020 Cape Cod Commission Meeting
Draft DRI Decision, AMP Energy, Sandwich
PowerPoint from applicant ASD Cotuit MA Solar LLC AMP Energy, Sandwich DRI

Respectfully submitted,

Elizabeth Taylor, Secretary

Date