



Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: August 8, 2023 @ 6:30 PM

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2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom link or telephone number and access code for remote access below.

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<https://townofbarnstable-us.zoom.us/j/83471734269>

Meeting ID: 834 7173 4269

US Toll-free 888 475 4499

3. Applicants, their representatives and individuals required or entitled to appear before the Conservation Commission may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Darcy.Karle@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing Darcy.Karle@town.barnstable.ma.us. Comments should be submitted at least 8hrs prior to the hearing.

REMINDER TO APPLICANTS:

FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 230 SOUTH STREET, HYANNIS, 02601

The meeting was called to order at 6:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, Sampou and Tangney.

Conservation Administrator, Darcy Karle was present along with Administrative Assistant, Kim Cavanaugh.

I. REQUESTS FOR DETERMINATION

- A. **Richard F and Jennifer B. Gallagher.** To rebuild existing fixed pier and embankment stairs and reconstruct in kind with new materials at 611 Santuit Road, Cotuit as shown on Assessor's Map 007 Parcel 005. **DA-23044**

Commissioner Gillmore recused himself from the hearing.

The applicant was represented by Chris Hagerty of Beacon Marine Construction.

Issues discussed:

- The materials used in the reconstruction will be in compliance with current standards.
- There are some large trees very close to the steps. They will not be removed.
- A construction protocol was submitted.

There was no public comment.

A motion was made to approve the project as a negative determination.

Seconded and voted by roll call.

Aye –Abodeely, Foster, Hearn, Lee, Sampou, Tangney

Nay -

II. CONTINUANCES

- A. Babcock Holdings, LLC and Cape Beach House, LLC.** Proposed revetment connection between existing adjacent structures, and to replace stairway and platform at 11 and 27 Marchant Avenue, Hyannisport as shown on Assessor’s Map 286 Parcels 026 and 025. **SE3-6097 Continued from July 11, 2023. Form WC received.**

The applicant was represented by John O’Dea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- The NHESP letter has still not been received.
- There was some question on the reconfiguration of the revetment at the last meeting.
- Some of the Commissioners were looking for a third opinion of the layout.
- NHESP was looking for a more thorough alternatives analysis.
- It was sent to them in a letter which was also provided to the Commission.
- A peer review was also provided from Sustainable Coastal Solutions.
- NHESP was also looking for some sand mitigation. It will go over the stone and is about 1 foot of sand fill. It is not intended or required to be maintained in perpetuity.
- The area at the top of the coastal bank will be re-landscaped.
- There should be a planting plan for that area.
- They will incorporate it into a complete revised plan.
- A draft of the planting plan should be submitted for the next hearing.
- A request was made to continue the project to August 22, 2023.

There was no public comment.

A motion was made to approve the continuance request to August 22, 2023.

Seconded and voted by roll call.

Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Sampou

Nay -

Commissioner Tangney was not eligible to vote.

- B. George Haseotes.** Proposed landscape improvements including resource area enhancements, deck and patio reconstruction and reconfiguration, driveway improvements, and fencing at 309 Long Beach Road, Centerville as shown on Assessor’s Map 185 Parcel 035. **SE3-6112. Continued from 8/01/23 for NHESP comment only.**

The NHESP letter has not been received.

A continuance without testimony was requested to August 22, 2023.

A motion was made to approve the continuance request to August 22, 2023 for the sole purpose of receiving the NHESP letter.

Seconded and voted by roll call.

Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney

Nay -

C. Park City Wind, LLC. Proposed installation of two 275-kV submarine electric transmission cables in Nantucket Sound, and onshore duct bank system at Craigville Beach and 2 Short Beach Road, Centerville as shown on Assessor’s Map 206, Parcel 013 and Assessor’s Map 206 Parcel 044. **SE3-5992 Continued from July 11, 2023. WC Form received.**

Chairman Lee acknowledged receipt of 14 comment letters received, ten against and four in support of the project.

Chairman Lee stated the application can only be reviewed under the State Wetland Protection Act and the Town of Barnstable Conservation Protection Ordinances on the portions of the project that are within Conservation jurisdiction.

Chairman Lee explained that any continuance of the hearing has to be requested by the applicant under the State Wetlands Protection Act.

The applicant was represented by Patrick Johnson of Avangrid Renewables, Holly Johnston of Epsilon, and Jack Vaccaro of Epsilon.

Ken Kimmel, Hans van Lingen and Ken Fitzgerald from Avangrid as well as Chris Long of Gradient were available to respond to questions.

Issues discussed:

- A question was raised on how deep the micro-tunnel under the Centerville River will be. The minimum depth of cover will be ten feet.
- There was discussion on if ten feet is enough.
- The spoils may be temporarily stored at the Craigville Beach parking lot.
- A question was asked how much experience the project team has with micro tunneling. It is used in a lot of applications. For this project it will be a short distance. It has been used for much longer runs. A contractor with demonstrated experience will be hired to do the work.
- There are currently no utilities that go under water at the Centerville River. Some go along the bridge.
- Several options were considered for crossing the river. Some of the reasons for doing micro tunneling are because of space constraints and reliability. The bridge is within the flood plain elevation and could possibly put the cables into flood water.
- There will be no ability for dredging in this section of the Centerville River. That section of the river has never been dredged and shouldn’t need to be.
- There is no maintenance anticipated within the tunnel or anything below the river directly.
- They will provide specifics on locations where micro tunneling has been done previously.
- The receiving shaft will be on the other side of the bridge on the road right of way. The location of the receiving pit has been communicated with the DPW.
- They are working with the gas company and other utilities to identify and locate other utilities in the area.
- There is a design effort between Avangrid and the Towns sewer system. The DPW should sign off on the location.
- There will be no road closure during the project. One lane may be closed but the road will remain open.
- The effects of electro magnetic fields was reviewed by Chris Long.

- The micro tunnel is a minimum of 10 feet below the river bottom and up to 24 feet in some areas. Magnetic fields drop off significantly outside the micro tunnel. The impacts will be very small and there will be low exposure for wildlife species.
- The temporary impacts to the sea floor coming in from Nantucket Sound were reviewed.
- Sand wave dredging may need to be performed to insure the cables stay buried. They will reform after installation.
- Passes through hard bottom are more detrimental to species that use the sea floor. It takes longer for the sea floor to recolonize. No actual direct impact to hard bottom is anticipated.
- There was discussion on if dredging is needed, should there be monitoring activity and replenishment of shellfish.
- The area is not high in shellfish.
- Monitoring reports for the different areas should be submitted.
- Survey reports to inspect the cable depth should be done every three years.
- A plan has been developed to document the recovery of habitat after the installation.
- A question was raised, where there is disturbance of shell fish would there be replacement. None is proposed because there are not any shellfish suitability areas.
- There was discussion on if Natural Resources has evaluated the project. Staff will look into if MEA has been notified and/or consulted.
- A question was raised if there has been any EMF (electric and magnetic field) monitoring of impacts associated with the tunneling procedure. There has not been magnetic field monitoring for other projects, but there has been magnetic field modeling. The modeling has been well validated as being able to predict magnetic fields. The modeling that has been done has demonstrated that magnetic fields from micro tunneling will be low.
- A question was raised if there was a leakage of the magnetic field would it be harmful to the resource area.
- The available science does not demonstrate that time varying magnetic fields would be detectable or potentially harmful to wildlife species.
- Conclusions from a 2022 report from the US Offshore Winds - Synthesis of Environmental Effects research program were reviewed. A copy of the report will be provided to the Commission.
- Barnstable should get the same monitoring reports as state and federal agencies.
- Restoration of Short Beach Road should be monitored and reports submitted by a CERP.
- The project was reviewed by the Cape Cod Commission. It received approval in late May. The approval should be submitted for the file.
- Any revised plans since the NOI was initially filed should be submitted.
- Some conditions from the Covell's Beach project will be incorporated into these special conditions.
- Special condition #16 (protection during a storm) needs to be put into Special Conditions.

Public comment:

Cliff Carrol – 135 Minton Lane, West Barnstable. He would like Avangrid to agree to continue the meeting for additional public comment if not all received tonight. He is concerned with protection of public and private water supplies. Conservation has not asked about well head protection zones. 100' below the site which would include well water. Asked how many gallons of transformer oil is contained in the transformer at Craigville Beach and is there PFAs in the fire protection system that protects the transformer. He also asked if the micro tunnel will affect the structure of the bridge itself.

Shelly Sterling – 11 Naushon Circle, Centerville

She is a biologist and is concerned about the detrimental effects on whales. They are susceptible to noise. No impact study has been done. She asked what happens with the windmills when they break down.

Joanne O'Connor – 555 Main Street Centerville – Hoping for a continuation of the meeting. The NOI discusses the importance of rapidly changing technology in a dynamic marine environment. It also states that the proponents state that the survey work is based on work done by Vineyard Wind. The work was performed from 2018 to 2020. Current data should be used not data that is 3-5 years old. The Commission should require current data. Thanked Commissioners for questions during the meeting. The words “we don't anticipate” and “we don't know” have been used several times in the discussion.

Sandy Jones - 98 Park Avenue, Centerville – Shellfish have been removed and replaced in a prior project. Asked what the ramifications are if any damage is done from drilling. She requested studies done to see what kind of damage could be done. She does not understand why the project is not going over the bridge. Feels they could contribute to a new and better bridge and not drill under the river.

Ann Salas – 145 Mocking Bird Lane, Marstons Mills – The components of the substation at Craigville Beach require coolant and hazardous materials. Asked how many gallons of oil and coolant are required. She would like to see a list of hazardous materials contained in the transformers. There is a high risk of explosion. Asked if the plans comply with the National Safety Recommendations for oil containment, and methods to contain projectiles resulting from explosions. Detailed plans should be required. A bond should be required if there is an environmental disaster. The new owners of the Pilgrim power plant want to become a center for grid connectivity for large projects of this kind which would make connection along cape shores unnecessary. Until more is known about their plans, no permitting should go forward. She asked if the power is not intended for Cape Cod, why the project should not be done in New Bedford where infrastructure already exists. She feels it may be because the costs of going via New Bedford would be more expensive.

Ann Schulte – 50 Fox Run, Centerville – Asks that hearing be continued to September. There was a mountain Plover spotted in the area where the project is being proposed. She asked if this will be reported to the Mass. Division of Fisheries and Wildlife and if an updated MESA review and determination will be done. She asked if a site visit was done by the Division of Fisheries and Wildlife.

Bob Schulte – Requests the hearing be kept open and continued to a later time for more public input. The NOI was submitted over 15 months ago. The Community Host Agreement was signed in May of 2022. The NOI has numerous out of date sections. Given the risks associated with the project the Conservation Commission should require an updated NOI.

Sean Fitzgerald – 98 Park Avenue, Centerville – His concerns are mostly about the cabling. OECC depth is 5-8 feet. He asked why it is not deeper in the ocean. Block Island cables resurfaced and had to be reburied when buried at only five feet deep. Nothing has been received from Army Corps of Engineers. He feels this is a done deal already.

Kathleen O'Connor - 555 Main Street Centerville – would like a continuance because more input is needed from residents. On page 6 of the NOI states the project “could” reduce winter energy price spikes. Would like an explanation of what is meant by “could”. Also how and why the project would reduce the need to run the canal units, and why or in what circumstances would the project not reduce the need to run the canal units.

Lauren Catipon – 50 Pheasant Way, Centerville resident asks for continuance. Has not seen anything that describes the research into potential impacts of construction and the operation of the health of the river, including upstream of the project rather than looking at the impacts of the landfall site. Has not seen anything about planned monitoring of the condition of the river. The eco-system is dependent on the health of the river. The eco-system is already in a very delicate condition. There is more wetland area at stake than what is stated by the proponent. She asked if Mass. Fisheries and Wildlife looked at the entire river. In the NOI regarding the Centerville River crossing it states the contractor will be required to develop a contingency plan for leakage during work. Asked if the plan has been developed

and submitted to the Commission and if it is available to the public. Asked how she can find out if the proponent has evaluated the impact of the project and construction on the area herring runs.

Chuck Tuttle – 8 Wilton Drive - Centerville - Asks Commissioners to remember this is the first proposed project of its kind in the United States. The project is an experiment that could significantly, negatively impact the town, aquifer, and residents. The use of the word anticipated, is not a guarantee. Asked what the dollar amount should be of a bond for repair and remediation. Asked what amount of oil is needed for lubrication at drill site and substation. What is the containment plan?

Eldon Ziegler – 1378 Bumps River Road, Centerville - He is concerned about the effect of inflation and cost increases and how they could adversely affect the plans that are proposed to protect the environment.

Janet Davis - 268 Main Street, Centerville – On 8/4 Avangrid filed a supplement to it's draft environmental impact report for the proposed New England Wind Connector project. The supplement describes a minor engineering modification that it plans to make regarding the burial of depth of one of that projects transition joint bays. She asked if the proposed changes will be implemented in Park City Wind project.

Ellen Nosal - 73 White Oak Trail, Centerville – She is concerned about the intrusion of an additional 800 MHz of power being brought into the Town. It should be brought into an industrialized area where there is already the infrastructure. We are making electricity to send to Bridgeport CT. There should be concern for the Centerville water shed. The planned excavation presents a risk of contamination. Park City Wind is a new company that has never done this kind of project before. No state or local statute has been drafted to protect watersheds from high voltage cabling.

Mary Chalke - 7 D Street, Nantucket. A similar project by Cape Wind was denied in 2007. In 2008 the residents were concerned about lack of regulations with this development those concerns are being realized. There is still a lack of regulations. The project will put whales, plovers, etc. at risk. The final impact statement admits the offshore wind development will have no impact on global warming. There is no rational decision other than to deny this project. There are a number of east coast municipalities working to stop these projects.

Robert Berman - 1187 Craigville Beach Road. He feels ten feet is not deep enough to bury the cable. He asked how does micro tunneling affect foundations and homes in the area. He feels replacing the bridge is a better option.

Greg Gerdy – 19 Nutmeg Lane, Osterville – He feels the use of the Centerville bridge option is a better idea and would like a continuance to September. He asked if the off shore wind component can survive a category 2 or 3 hurricane. The Edgartown Conservation Commission denied the application in 2023 for lack of transparency. He asked what has changed in this application to address those concerns. He asked if there is an abandonment plan. Would like project put on pause, Park City Wind does not have a contract and does not have the money to complete the project.

End of Public Comment

Jack Vaccaro clarified to all present that the location of the substation is located four miles inland near Route 6 and Route 132. He and the project team will look over the list of questions and give responses at the next meeting.

Chairman Lee clarified that there are Town requirements for containment of any oil to minimize impacts to groundwater contamination.

Potential impacts to whale populations was addressed by Holly Johnston. In addition to State level reviews impacts to endangered species and marine mammals are reviewed at the Federal level. In 2019 there was an agreement associated with the Vineyard Wind project. The proponent assumes the conditions will be included in the conditions for this project. The threat from climate change to these animals is greater than the effects of this project, which will benefit them.

Pat Johnson of Avangrid spoke on some of the public comments relating to the experience of Park City Wind in developing a project of this kind. They are 50 percent owner and have developed the Vineyard Wind project. They have successfully navigated the installation of the duct bank system, and building of a substation. They are part of a larger corporation that has built a number of wind farms with the same components in other areas.

A continuance was requested to September 5, 2023.

Cliff Carrol addressed the Commission again. The Craigville Motel site is in a well protection zone. He would like to know why well water protection is not being included in the Commissions prevue. No one has answered questions about PFAS and/or oil if there is an accident. The containment system described in the host agreement was not drafted by experts on oil, it was done by the Barnstable Town Council. It does not take into effect an explosion, or the fire retardant that is used to put it out. No one has answered the question about how many thousand gallons of oil are in the system. The Conservation restriction of 100' should go downward into the aquifer. They will be clearing 6-7 acres of land and will be taking about 14,000 trees. The cumulative effect and the future well plans should be looked at.

A motion was made to approve the continuance to September 5, 2023.
Seconded and voted by roll call.

Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney
Nay -

A WC Form should be submitted. Many questions posed are outside Conservation jurisdiction. Only questions within Conservation jurisdiction will be addressed.

III. CERTIFICATES OF COMPLIANCE –

(ez = no deviations, staff recommends approval) (* = on-going conditions)

- | | | | | | | |
|-----------|-----------------------|-----------------|------------|---|-----------------------------------|---------------|
| A. | Dimitry Herman | SE3-5783 | (COC, ez*) | Permit 2 after-the-fact decks and a shed. Install new block foundation under dwelling. | 10 Nye’s Neck Rd. E., Centerville | Bearse Pond |
| B. | Olga Shemanyuk | SE3-5814 | (COC, ez*) | Build walkway, retaining walls, & patio. Replace railroad tie steps and retaining walls on beach area. Restore rip rap areas and mitigation plants. | 30 Lauren Drive, Marstons Mills | Hamblins Pond |

A motion was made to approve A. and B.
Seconded and voted by roll call.

Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney
Nay -

V. MINUTES

- A. July 18, 2023
- B. July 25, 2023

A motion was made to accept the minutes as submitted.
Seconded and voted by roll call.

Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney
Nay –

A motion was made to adjourn.

Seconded and voted by roll call.

Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney

Nay -

The time was 9:06 p.m.