

**QUESTIONS AND COMMENTS FOR 1/8/2013 TISBURY CONSERVATION COMMISSION (TCC) HEARING
AND MARTHA'S VINEYARD COMMISSION (MVC) REVIEW OF DEVELOPMENT OF REGIONAL IMPACT**

ITEM	COMM	QUESTION/CONCERN	NOTES AND RECORD OF RESPONSES
1.	TCC & MVC	NOTICE AND AVAILABILITY OF MATERIALS. Can we get better notice than posting at town hall two days before a hearing and be able to access the materials submitted by Proponents online? How about requiring such notice by the applicant or an email notice with sign up list - at least post the full notice on the commission's web site - i.e., at least an agenda that informs the public that the project is on the agenda.	
2.	TCC & MVC	PROACTIVE MONITORING BY COMMISSIONS. Will the Commission monitor the project and employ inspections without prior notice?	
3.	TCC & MVC	SIMILAR PAST NSTAR/COMCAST PROJECTS. Nstar/Comcast: What experience with similar projects has Nstar or Comcast (or their proposed contractors) had - when and where?	
4.	TCC & MVC	SUBMARINE CABLE EXPERIENCE. Have Nstar/Comcast or their proposed contractors ever executed a submarine cable and horizontal directional drilling (HDD) for the conduit?	
5.	TCC & MVC	CONTRACTOR: Has a contract for the project been bid and awarded to a particular contractor? If so, please identify that contractor.	

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6.	TCC & MVC	<p>HEAVY EQUIPMENT CONCERNS. The Environmental Plan Table 4-1, P 12 - attached to both MVC and TCC submissions) suggests typical equipment for land based construction.</p> <p>A. Exactly what temporary equipment, infrastructure, fuel storage trucks, holding tanks and intrusions of such nature will be necessary on the MV end of the project - which will have activities both undersea and under and on the land?</p> <p>B. Please describe the measures NStar and Comcast will take to reduce noise, dust, vibration and leakage during construction?</p> <p>C. Will there be generators, fuel storage tanks, high voltage lines?</p> <p>D. How will Nstar provide for security of the site against vandalism or accident during the construction period - especially at night and during periods when no active work is being performed?</p>	
7.	TCC & MVC	<p>HDD RIG AND APPROACH PIT: Please describe in plain English what a “10 foot by 10 foot” rig and an “approach pit” (Narrative, P. 3) is and how it will be constructed and sealed against leakage.</p> <p>A. Where exactly does Nstar contemplate placing the pit and the rig?</p> <p>B. What safeguards to secure the pit and rig from leakage of the Slurry and tampering are contemplated?</p> <p>C. Pit and rig in place for how long?</p>	
8.	TCC & MVC	<p>“SLURRY” - RISKS TO ENVIRONMENT: The slurry will consist in part of drilling fluids containing or consisting of bentonite - what is bentonite and what are the potential hazards of the substance to flora, fauna and water? (Narrative, p. 4)</p>	

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9.	TCC & MVC	What restrictions or conditions will the TCC/MVC place on the project to insure the restoration of all areas - will the TCC/MVC require posting of a bond to insure the work is done, without the need of court actions by the affected private and public interest parties?	
10.	TCC & MVC	<p>SORTING & SEPARATION OF TOXIC MATERIALS FROM HDD.</p> <p>A. How will the toxic materials be sorted or separated “on site”</p> <p>B. What equipment will be necessary and where will it be located and for how long? (Narrative, P. 4 and Environmental Plan __).</p> <p>C. How close will trucks need to get to load the residue and materials - how many loads and what will be the effect on the natural areas that have taken over all but a narrow foot path (6 to 8 feet) of Squantum Avenue?</p>	
11.	TCC & MVC	<p>PERMANENT EQUIPMENT AND INFRASTRUCTURE:</p> <p>A. Exactly what permanent equipment, infrastructure, fuel storage trucks, holding tanks and intrusions of such nature will be necessary on the MV end of the project?</p> <p>B. Please describe the measures NSTar and Comcast will take to reduce noise, dust, vibration and leakage during operation?</p>	

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12.	TCC & MVC	<p>NOISE & VIBRATION CONCERNS:</p> <p>A. What parts of the new above ground infrastructure will generate noise and vibration?</p> <p>B. What has Nstar and Comcast done to measure the impact?</p> <p>C. What effect will the noise have on flora, fauna and humans?</p> <p>D. What measures do Nstar and Comcast plan to take to reduce or buffer noise and vibration to ameliorate the negative effect on neighbors, human and animal?</p>	
13.	TCC & MVC	<p>SCHEDULE CONCERNS:</p> <p>The proposal suggests a schedule that will begin in “Winter/Spring” (Narrative, p. 7) and take an estimated five to eight months!! Nstar and Comcast claim the “field operation” will occur between “December and May” (Narrative, p.2).</p> <p>A. As we are already a week into January and the permitting and approvals are not complete, can Nstar please update and provide a realistic schedule for the work which does not interfere with Plover and marine species breeding or Spring and Summer use of the twenty or more residences affected by the project?</p> <p>B. The Proponent suggests that “installation will occur outside of the busy recreational season” (Narrative, P. 12) - shouldn't the TCC/MVC require a schedule that does not interfere with animal breeding or recreational season use by humans and excludes activity during these periods?</p>	

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14.	TCC & MVC	<p>LEGAL RIGHTS OF THIRD PARTIES:</p> <p>Nstar and Comcast acknowledge (Narrative, P. 2) that “the portion of Main Street that runs to Squantum Avenue is listed as a private road, meaning that special approvals and easements will be necessary”. THE FOLLOWING QUESTIONS ALSO APPLY FOR ABUTTERS TO THE POWER LINE CORRIDOR:</p> <p>A. What specific easement or other written instruments or statutes do Nstar and Comcast claim grant any rights?</p> <p>B. How and When has Nstar or Comcast communicated with abutters along Squantum Avenue and Main Street concerning the running of fiber-optic cable along Main Street from Squantum to Iroquois Avenue?</p> <p>C. When can we Main Street abutters expect to hear from Comcast regarding easements for the fiber-optic cables?</p> <p>D. Do Nstar and Comcast contemplate communicating directly with the many additional home owners who abut the Nstar Corridor running from Squantum toward Franklin Street, and if so when?</p> <p>E. Why should the TCC/MVC act before these easements are secured - particularly when the time necessary to secure the rights will materially affect the schedule for the project asserted by the Proponents?</p>	
15.	TCC & MVC	<p>GOVERNMENTAL PERMITS AND APPROVALS:</p> <p>A. What approvals and permits have Nstar and Comcast obtained?</p> <p>B. Which reviews, permits and approvals are still needed?</p> <p>C. What is the current status of each necessary application?</p>	

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16.	TCC & MVC	<p>DIRT ROAD AND BORDER AND TREE CANOPY PRESERVATION: The dirt road portion of Main Street Southerly to Squantum is a popular pedestrian strolling area, with a lovely canopy of trees that are home to many birds and which contribute to the natural ambience of the road.</p> <p>What measures do Nstar and Comcast plan to minimize the effect on the dirt road and its tree canopy?</p>	
17.	TCC & MVC	<p>UNDERGROUND FIBER-OPTIC CABLE INSTALLATION - STUDY AND ANALYSIS:</p> <p>Noting that utilities have just been compelled to pay significant fines for failure to plan for and remedy storm damage and service interruptions (resulting from Super-storm Sandy):</p> <p>A. Have Nstar and Comcast considered putting the 5.5 diameter inch (Narrative, p. 3) fiber-optic cables underground at least from Squantum Avenue and the Nstar corridor Northerly on Main Street and around to Franklin Street?</p> <p>B. Wouldn't this help reduce the impact on flora and fauna in the woodlands along the road and also reduce the likelihood that these areas will have to be disturbed again for repairs (note the increasing frequency and power of storms we are experiencing and expect in the future)?</p>	

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18.	TCC & MVC	<p>CONCERNS WITH PLAN TO MOUNT FIBER-OPTIC CABLE ON EXISTING UTILITY POLES ON MAIN STREET, ETC.:</p> <p>The Proposal asserts that the Comcast line will be installed on “existing utility poles” (MVC Application - Environmental Plan Attachment, P.11) - failures of such installations will require repairs which may also interfere with flora and fauna as well as abutters’ use of their land and the dirt road:</p> <p>A. What analysis of the existing thin wood poles along the dirt road portion of Main Street have been done to test whether these thin poles can support the contemplated cable at a height of 25 to 40 feet - commensurate with existing cables</p> <p>B. What analysis and testing of the effects of anticipated high wind has been done and with what results?</p>	
19.	TCC & MVC	<p>RESORATION SAFEGUARDS:</p> <p>A. What safeguards will the TCC require to insure that natural habitats and the dirt road and shoulder areas are restored to their prior state?</p>	
20.	TCC & MVC	<p>NEW UTILITY POLES AND RISERS IN NSTAR CORRIDOR:</p> <p>A. Please describe in detail the “15 new poles” contemplated for installation in the Nstar corridor running Southerly from Main Street toward Franklin and beyond?</p> <p>B. What analysis of the impact on flora, fauna and neighbors has Nstar performed, and with what results?</p> <p>C. What measures (such as noise barriers and sight barriers) are planned to reduce the effects of noise and the expansion of unsightly activities?</p>	

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21.	TCC & MVC	<p>ENVIRONMENTAL FIELD SUPERVISOR AND NEED FOR COMMISSION OVERSIGHT: The Environmental Plan (Attachment to both MVC and TCC submissions) speaks of an “Environmental Field Supervisor” who reports to the “Proponent” - who is the proponent and what supervision of the EFS does the commission contemplate?</p>	
22.	TCC	<p>SAFEGUARDING MARINE ANIMALS AND FLORA: Please describe in plain English the potential negative effects and possible countering Safeguards for fish and marine life at middle ground and in to the beach?</p>	
23.	TCC & MVC	<p>“CABLE RISERS” AND OTHER INFRASTRUCTURE” - A. Please describe in plain English the “proposed cable risers” (Narrative, p. 6) on the Tisbury end, giving size and specific planned location. B. Please describe any and all “above ground infrastructure necessary to improve or add in the Nstar corridor South of Main Street and within 300 feet of Squantum Aveue? C. Please describe any active aspects of such risers and infrastructure, with particular attention to describing noise, vibration and emissions of any kind.</p>	

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24.	TCC & MVC	<p>EFFECTS ON MAIN STREET NEIGHBORHOOD AND NSTAR CORRIDOR ABUTTERS:</p> <p>The Main Street - West Chop neighborhood has many children, particularly in the period from late April through Thanksgiving - the other affected areas have children in residence year round. What security and safety measures will be taken to insure that the installations are not a dangerous attraction or safety hazard to children and adults as well as animals?</p>	
25.	TCC & MVC	<p>LET’S GET REAL ON THE OBJECTIVES OF THE PROJECT:</p> <p>Despite the claim on Narrative P. 13 that Comcast and Nstar are “making this investment on a proactive basis not to expand the customer base but rather to provide existing customers on the island with the benefit of reliability . . .”</p> <p>A. Isn’t this begging the question?</p> <p>B. Won’t the project actually install the infrastructure for expansion of Nstar’s and Comcast’s commercial activities either by expanding its customer base or by enabling it to provide additional services to more of its existing customer base? Let’s not guild the lily!!</p>	

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26.	TCC & MVC	<p>THE EFFECT ON UPLANDS IS FAR GREATER THAN DESCRIBED IN THE SUBMISSIONS:</p> <p>The Proponents claim that the construction will impact “less than one acre of uplands during construction” - this seems incorrect, given the extensive planned routes and multiple above ground cable installations contemplated. The plan affects every abutter and also others. This contention is also incorrect given the plan to have a fueling of “heavy construction equipment . . .while at the landing site near the HDD drilling pit. And when the Proponent represents that “there will be no hazardous wastes stored in the Project area either during or after construction” (Narrative, p. 12), can we assume that all such refueling will be from a fuel truck that will not be parked at the site indefinitely but removed from the site on a daily basis?</p>	
27.	TCC & MVC	<p>PERMANENT EFFECTS ON LAND USE. See Narrative, P. 12 asserting the Project will have “no permanent adverse impacts to persons or property” - and goes on to reiterate the assertion regarding public property and conservation interests. The Proposal contemplates that “approximately 15 new utility poles” will be installed (Narrative, P.8) and with the new manholes will constitute the only “upland impacts” and that “The Project will have no permanent impacts on land use.” Please describe the size and composition of the poles and any infrastructure that will be required to utilize them. What maintenance activities will be required along the route and how will those impact the area and abutters? What noise and sight impositions will be permanent? The additional towers and equipment on the NSTAR corridor will certainly negatively affect the value of each abutter’s land - is this not a significant impact?</p>	

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28.		<p>SIGNIFICANT VISUAL IMPACTS. Proponent contends that the “Project will have no significant visual impacts” (Narrative, P. 13) - in representing a landowner on Main Street abutting the Nstar corridor on the northeasterly side and being the legal owner in trust of the next parcel over on Main Street, I can only say that it is cavalier to suggest that new transmission towers, risers in the corridor and new 5.5" cables all along the front of the property will have no visual impact - perhaps the TCC/MVC should consider a condition requiring Comcast and Nstar to install sight, fume, dust and noise barriers along the corridor to protect abutters and the flora and fauna in the woodlands that comprise much of their properties and require the Comcast cable to be installed underground. And can someone please tell me what the new “above-ground infrastructure” on the corridor will be - won't that also have a visual impact?</p>	
29.	TCC & MVC	<p>ZONING ORDINANCE REQUIREMENTS NOT DESCRIBED. The submissions to TCC/MVC do not describe in any detail the requirements of the Zoning Ordinance or demonstrate that the project as routed and described in fact complying with the ordinance (e.g., setback, safety and height requirements and limitations. The TCC/MVC should not approve the project unless and until this information is provided..</p>	

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