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## Minutes of the Commission Meeting Held on November 30, 2017 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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Commissioners: (P= Present; A= Appointed; E= Elected)

P Gail Barmakian (A-Oak Bluffs)	- Michael Kim (A-Governor)
P Trip Barnes (E-Tisbury)	P Joan Malkin (A-Chilmark)
- Christina Brown (E-Edgartown)	- Katherine Newman (A-Aquinnah)
- Peter Connell (A-Governor; non-voting)	P Ben Robinson (A-Tisbury)
P Robert Doyle (E-Chilmark)	P Doug Sederholm (E-West Tisbury)
P Josh Goldstein (E-Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (E-Oak Bluffs)	P Ernie Thomas (A-West Tisbury)
- Leonard Jason (A-County)	P Richard Toole (E-Oak Bluffs)
P James Joyce (A-Edgartown)	P James Vercruysse (E-Aquinnah)

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing Planner).

**Chairman James Vercruysse** called the meeting to order at 7:00 p.m.

### 1. BAY STATE WIND PRESENTATION

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Commissioners Present: G. Barmakian, T. Barnes, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

#### 1.1 Presentation

**Lauren Burm** presented the following:

- Bay State Wind is a 50/50 joint venture between Orsted and Eversource.
- Orsted is a global leader of offshore wind with a 20 plus year record of success. Eversource is the premier transmission builder in New England.
- She is the head of Public Affairs for Orsted, **Adam Wilson** has worked on the product for over two years and is the Community Liaison for Martha's Vineyard, **Pernille Hermansen** is the Permitting Project Manager for Orsted and **Jerry McDermott** works with Eversource and is part of the Community Outreach team.
- Orsted was previously known as DONG Industries and is a Danish company that is a global leader in offshore wind development. The US headquarters are located in Boston. DONG was renamed to honor the man that discovered electromagnetism.
- Orsted operates one third of the world's wind farms. In addition, there are other projects in the US, such as Ocean Wind in New Jersey and a project in Virginia.
- Last December, the partnership with Bay State Wind was announced.
- Orsted has installed over 1,000 wind turbines and is the first in the world to reach that target.
- Orsted has built the world's largest wind farm in the United Kingdom.
- Orsted decommissioned the Vindeby Offshore Wind Farm.

- All projects are financed by the company. There are 6,000 total people that work for Orsted, and 2,000 that work for wind farms.
- Orsted has a successful track record for projects. They are finished on time and within budget.

**Jerry McDermott** presented the following:

- Eversource is the number one energy development resource in the country.
- Eversource services New Hampshire, Connecticut and all of Massachusetts.
- Eversource is New England's largest energy provider with 3.6 million customers in 525 cities and towns.
- Eversource is the number one efficiency provider in the nation.

**Pernille Hermansen** presented the following:

- Bay State Wind Progress Update:
  - Holds a lease in the Massachusetts wind energy area, which is 15 miles south of the Vineyard.
  - It is a 300 square mile lease.
  - It is the first project to receive site assessment approval from Bureau of Ocean Energy Management (BOEM).
  - It has the capacity to develop 2000 MW, but would be built in phases.
- Timeline for Bay State Wind:
  - 2015 Acquired lease rights.
  - 2016 Massachusetts legislature finalized the energy bill and started the RFP process. The first physical and geotechnical survey was launched.
  - 2017 Announced the partnership with Eversource and received BOEM approval. The RFP proposals are due.
  - 2018 Will move forward with development.

## 1.2 Commissioners' Questions

**Fred Hancock** asked what the cable route is to the mainland. **Lauren Burm** said it is in Somerset, MA.

**Robert Doyle** asked where the company would be staged from. **Lauren Burm** said the plan is to locate the operations and maintenance facility in New Bedford, MA; but sites on the Cape and the south coast are also being considered.

**Robert Doyle** asked where the fulltime employees would be based. **Lauren Burm** said most of the full time employees would be in New Bedford. Additional jobs could be based out of Martha's Vineyard, as well as indirect jobs over the 25 year lifespan of the project.

**Robert Doyle** asked for clarification that Eversource is a partner with Orsted, but a buyer with the other developers. **Jerry McDermott** said there is a wall dividing employees at Eversource to segregate them. Eversource will work with the winners of the RFP. There is a code of conduct that is taken very seriously.

There was a discussion about Community Outreach and benefits to the Island.

- **Joan Malkin** said Commissioners are interested to know what Bay State Wind could do for Martha's Vineyard in the long range, and how the Island could benefit from the project.
- **Lauren Burm** said through a good community partnership. Orsted was the only developer who held an open house meeting on the Island to answer questions from the community, and to provide community outreach. The project lifespan is 25 years, and Orsted is committed to being a very good community partner by looking at training programs in the schools, as well as getting the community involved in offshore wind.



- **Adam Wilson** said the Bay State group developed a short term plan for community benefit during the RFP process. Bay State supports the Gay Head Lighthouse 10K run and is aware of the many nonprofits on the Island, such as Betty Burnett's Family to Family meal program. Orsted will be active in outreach to the community.
- **Joan Malkin** asked if there are any long term benefits.
- **Adam Wilson** said there have been talks about an O&M facility.
- **Jerry McDermott** said through the community outreach, it was determined that there is a great need on the Island for jobs. With the two companies together, there would be a bigger bandwidth that could make a more sizable impact. There are a lot of commuters on the ferries. The greatest regional impact would be the creation of 1,000 construction jobs.
- **Gail Barmakian** asked if the community has any leverage to bargain for what it needs, such as providing housing.
- **Lauren Burm** said the deadline for bids makes it difficult to commit to things now, but once finalized, the open house meetings would continue where feedback would be accepted. Orsted would love to hear what the community and the Commission would like for the future.

**Gail Barmakian** asked if there was any ongoing testing and assessments for environmental impacts, and if the Commission would receive those reports. **Pernille Hermansen** said an engineering plan would be submitted to BOEM, and there would most likely be conditions in the plan to monitor the environmental impacts. She imagined most reports would be available publicly once approved by BOEM.

**Doug Sederholm** said it was mentioned that Orsted was the largest offshore wind developer in Great Britain, and asked what ongoing environmental surveys had been done there. **Pernille Hermansen** said projects in Great Britain are still being built; but on other projects, birds and marine mammals have been monitored. There have been technical surveys to discover uncovered cables.

**Doug Sederholm** asked if they have engaged in any mitigation activities. **Pernille Hermansen** said the monitoring has been done to prove that mitigation is not necessary.

**James Vercruysse** asked to be refreshed on what would happen on December 20, 2017. **Lauren Burm** said on December 20, 2017, the bids are submitted to the Department of Energy Resources. 75% of the bid is based strictly on cost and 25% on non-price factors, including local benefits and community outreach. We hope to hear by April 23, 2017.

**James Vercruysse** asked if April 23, 2017 would be when the cost per kWh would be disclosed. **Lauren Burm** said it is, and the confidential information would be redacted.

**Fred Hancock** asked how many turbines there would be, in terms of density and height. **Lauren Burm** said there is not an exact number of turbines yet, because the size of the project is still unknown. The most recent project in the UK uses the largest turbines which are 8kW and are 600 feet tall. **Pernille Hermansen** said the density is about 200 meters (0.6 miles) between the turbines.

There was a discussion about decommissioning.

- **James Joyce** said it was mentioned that Orsted decommissioned a windfarm, and asked if it was re-established.
- **Lauren Burm** said it was not because it was built in 1991 and the technology was outdated. It didn't make financial sense to rebuild there. It was very small compared to what is being built now.
- **Pernille Hermansen** said before the decommission process, an environmental impact survey needs to be completed.
- **James Joyce** asked what would happen in 25 years when this project ends, and if it would be rebuilt.

- **Lauren Burm** said it would depend how the technology continues to develop.
- **Doug Sederholm** asked if every part of the turbine would be removed, including the base.
- **Lauren Burm** said it would. On their website, [www.Orsted.com](http://www.Orsted.com), there is a video of a time lapse of the decommissioning in 2017, which was the first time that was ever done.

**James Vercruysse** asked if there was anything else Bay State Wind would like from the MVC. **Lauren Burm** said they would like to hear any input and suggestions. It is the first time this has been done in New England, especially near the Vineyard. They really want input from the community.

**Jerry McDermott** said with regards to housing, Governor Baker has also hit on workforce and affordable housing and it is something to be examined.

## **2. CHAPPAQUIDDICK PERMANENT TOWER-EDGARTOWN DRI 662-M CONTINUED PUBLIC HEARING**

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*Richard Toole excused himself from the meeting.*

*Commissioners Present: G. Barmakian, T. Barnes, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.*

*For the Applicant: Brian Grossman, Dan Goulet*

**James Vercruysse**, Public Hearing Officer, opened the Continued Public Hearing.

### **2.1 Staff Report**

**Paul Foley** presented the following:

- New information in the Staff Report is in bold print.
- The draft minutes of November 2, 2017 have been included, so the information from the last hearing was available.
- Since the last public hearing, the MVC has received eight additional pieces of correspondence.
- At the last public hearing, it was determined that the applicant would build a monopine tower.
- The two options for the tower are a monopole with appurtenances, or a monopine.
- A second issue is which site to utilize; and which site provides the best RF frequency? The applicant has said that the current site is the best site because it reaches the majority of the year-round Chappaquiddick population.
- Correspondence was received regarding the Connect America Fund.
- Specifications of the Temporary Tower and the WISP tower were shown.

### **2.2 Applicants' Presentation**

**Brian Grossman** presented the following:

- Every part of the application was presented and discussed at the last Public Hearing.
- Paul Foley has provided a thorough recap of the proposal.
- The 14 Sampson Ave site makes the most sense in terms of design and accomplishing the coverage objectives.
- Alternative technologies have been reviewed.
- The necessary infrastructure already exists at the current site.
- The facility meets the DRI regulations for alternative sites.
- Any tower would be visible from various locations around Chappaquiddick, but the applicants have done their best to minimize and mitigate the appearance.
- Verizon has indicated their approval of the tower, and desire to co-locate.
- The existing tower would be removed.
- He asked the MVC to approve the project.



**Fred Hancock** said the neighbors and residents have expressed concerns regarding the possibility of radiation exposure. **Brian Grossman** said the project will comply with FCC regulations and the facility is low power and well within the FCC guidelines for exposure.

**Josh Goldstein** said that Chief Rossi was not present tonight due to a recent illness (a heart attack) and offered a speedy recovery to him.

### **2.3 Public Testimony**

**James Vercruysse**, Public Hearing Officer, asked that only new information be presented.

**John Dropick** asked that the MVC move expeditiously on the proposal. The service is really needed, and there is only one proposal. He would not like to see it get lost.

**Woody Filley** was previously the Chairman of the Chappy Tower committee, who worked on cell coverage on Chappy for over seven years. In 2011, there were a number of residents that asked the Board of Selectmen if a Chappy cell committee could be developed. There was little interest in the project, but Grain Communications did express some interest, so the RFP was issued again. Unfortunately Grain Communications did not obtain a provider to move forward with the project. In mid-2013, two new companies showed interest. The Board of Selectmen held a hearing in April 2015 and heard from the residents and a new committee was formed. That committee was charged to determine if a DAS (Distributed Antenna System) had potential. Verizon was interested, but deadlines passed, and it appeared that Verizon could not financially commit. The committee heard from Grain Communications again with some interest to build a tower on Robert Fynbo's property. There was a strong move not to build on Town property. There has been a lot of work on this project over time by a lot of people. The temporary tower is up and functional. The Fire and Police Chiefs have provided testimony describing the need for service. The Conservation Commission was consulted on environmental issues, and an alternative site analysis has been provided. Chappaquiddick is lucky that AT&T came forward with a proposal. Most people are comfortable with the current tower, but in his opinion, the options are to have what the applicant is proposing or to have nothing. He supported the proposal.

**Dana Strayton** said with all due respect to everyone who has put in time on the Fynbo property, no one has gone to the Connect America Fund. There is money available. There is a Universal Access Fee attached to every bill for every month, and so money is available in the Fund. There could be multiple opportunities for other options. An environmental study was never conducted for the Sampson Ave site, and she sure was unsure about whether or not a study had been done for Majane Lane. The lack of coverage for Majane Lane has been discussed, but what about the 30 people that don't receive coverage from the Sampson Ave location? There has to be a better location that is not in a neighborhood. These are our homes and our lives and there are detriments. There is the Connect America Fund and Chappaquiddick meets the criteria to receive funding. These are our homes and our lives and this is not the right place.

**Roger Becker** said he was not at the last public hearing.

- **Adam Turner** noted that Mr. Becker's issue was about the appearance of the cell tower. The service provided by the temporary tower is sufficient. This is the first time he has heard that the antennas cannot be concealed. He did listen to the last public hearing. It could be done if the tower was taller and with a larger coax cable, but the decision is easier and less expensive to have the equipment on the outside. He believes that the slide that was shown at the October 5, 2017 Public Hearing showed a different configuration. It showed where the Chappy WISP antennas would be located on the tower. Two different versions have been provided, and it is important to evaluate what is being proposed.

- **Paul Foley** showed the elevation from October 5, 2017. It appeared to be the same as what was shown tonight.



- **Brian Grossman** said that AT&T is willing to build either the monopole with appurtenances or the monopine, whichever is approved. The WISP antenna would be below Verizon.
- **Adam Turner** said the September 21, 2017 elevation is the one that AT&T is presenting and it is the official version.
- **Doug Sederholm** asked if the proposed pole was designed to handle three carriers.
- **Brian Grossman** said the pole would have AT&T, Verizon, the Chappy WISP and an open, unaccounted space for a co-locator. The only thing that has changed is the location of the Chappy WISP antenna.

Mr. Becker stated that it would be appropriate for the Commission to request exactly what would be on the tower for Verizon. He knows that Verizon would have to come for an application, but not to the MVC. He did not understand why the two other carrier's equipment was different from AT&T's.

- **James Vercruysse** said if any changes are made to the proposal, the applicant would have to come back to the MVC.

Mr. Becker would like the Commission to consider that this is significantly different. Residents are relying on the Commission to say is this going to impact Chappaquiddick and provide the coverage when the coverage from the temporary pole already exists. He asked for an accurate drawing to know specifically what would be put on the pole or the antennas. This is a legitimate concern for residents, the Commission is our protector.

There was a discussion about the antennas.

- **Doug Sederholm** asked if it would be fair to say the arrays for the other two carriers would be as complex as AT&T's.
- **Dan Goulet** said the AT&T array is nine feet, and Verizon antennas are smaller. AT&T would use seven to ten foot antennas. Verizon could use four foot antennas. The applicants don't know what they will design.
- **Carl Gehring** of Verizon Wireless said they typically use 12 antennas that are eight feet.
- **Doug Sederholm** said Commissioners have to consider that it will be the worst case scenario and it will be very ugly.
- **Brian Grossman** said Verizon is not an approved applicant, which is why AT&T can't state what their equipment would be.
- **James Vercruysse** said Commissioners hope the final submission will be an accurate depiction.
- **Brian Grossman** said what has been provided is accurate.

**Robert Strayton** said he is pretty knowledgeable about wireless communications. There is a pending action with the Edgartown Zoning Board of Appeals against the WiFi tower. It is believed to be an illegal tower. He asked the Commission not to vote until the ZBA has made a determination. There are disingenuous issues. There were questions asked of the petitioners, such as how high the tower would be at an alternative location. The coverage maps from 2011 versus 2015 show significant differences. The map shows the populated areas of Chappaquiddick that do not receive service from the Sampson Avenue site. The sites are never approved until the radio frequency is determined. With all due respect, to state that coverage is effected by leaves on the trees is disingenuous. People are along the edge of the island and not in the center of Chappaquiddick. The analysis has to list every nut and bolt. AT&T is trying to pull the wool over the MVC's eyes. The Sampson Ave site doesn't work, it just doesn't.

**Chris Kennedy** is the Steward for the Trustees of Reservations. He needs cell phones for emergency communications. There are 200,000 summer visitors on the Chappaquiddick beaches from June 1 to Columbus Day. Until the temporary tower, there was no communication. The Trustees are concerned about the impact of cell towers on the environment and the neighborhoods, but with regards to safety they are absolutely necessary. The current location works. There was a student on a school trip who overdosed and the emergency system for cell phones worked. It is important. The Trustees are far more

concerned with emergency communication and the need for cell phone service on remote parts of the property.

- **Doug Sederholm** asked if he was saying that the current tower provides the emergency communication.
- **Chris Kennedy** said yes it does.

**Dana Strayton** said moving the tower a half mile to a better location wouldn't negate safety. If the monopole works, then why hasn't the Connect America Fund been contacted to build a permanent tower in another location, rather than what AT&T is proposing. If the cell phone tower won't work a half mile away what difference is it making?

**Paul Foley** showed the Majane Lane site and said it there is National Heritage priority habitat on the site, and they now only look at sites over three acres. He showed the site locations.

**Claire Thatcher** said there was discussion about having a fake tree and it would look a lot worse than another tower. If the tower was moved to the Majane Lane site, or any other site higher in elevation, she was worried about the impact with regards to visibility from the water, such as from the harbor as boats sail in or across Katama Bay. All of the monopines she has seen don't look much like trees. She thinks they are worse.

#### **2.4 Applicant's Closing Statement**

**Brian Grossman** presented the following:

- A monopine alternative has been presented.
- AT&T cannot unilaterally leave the temporary tower. There is a lease with the landlord that they are not permitted to leave.
- AT&T was clear that the temporary tower was a temporary fix; it does not provide and utilize all of the licenses that AT&T has from the FCC, and they are needed to provide the full spectrum of service.
- The homework has been done and the proposed site is the best site. It fills the need and complies with DRI requirements and Town Zoning Bylaws, and he asked the MVC to approve.

**Doug Sederholm** said assuming the landowner would continue the lease for the temporary tower with the same payment, would AT&T consider extending the life of the temporary tower, if approved. **Brian Grossman** said no, it would not continue. It has guy wires and the landowner has said he would not continue. It was just that, a temporary tower that was not meant to continue in perpetuity. It does not meet AT&T's needs to provide service for all purposes.

**James Vercruysse** said AT&T does not care if the proposed monopole versus the monopine is approved, and asked if there was a cost difference. **Brian Grossman** said the monopine is more expensive, but AT&T would build either.

**Roger Becker** said if they can't get approval from Fynbo to retain the temporary tower, couldn't it be moved to another site and enhanced with what is needed. The Commission should consider what is needed and what could be done. AT&T has agreements with two other properties, so why not use a similar structure?

**Dan Bilezikian** said the lease is for one tower not two.

**Brian Grossman** said the concealed antenna is not a Sampson Ave issue. AT&T will not be proposing a concealed antenna at any of the locations, including Majane Lane.

**James Vercruysse**, Public Hearing Officer, closed the Public Hearing with Post Public Hearing LUPC to be scheduled as soon as possible, with Deliberation and Decision to follow.



Paul Foley noted that Deliberation and Decision could be on December 14, 2017.

### 3. NEW BUSINESS

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*Joan Malkin excused herself from the meeting.*

*Commissioners Present: G. Barmakian, T. Barnes, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.*

#### **3.1 Executive Director Report**

Adam Turner presented the following:

- The land use bills are in the Senate and the House. He passed out a handout with details regarding the Senate Bill and the House Bill and the provisions.
  - **Gail Barmakian** said this will promote more concentrated development, so how would the MVC consider it?
  - **Adam Turner** said if there are concerns and issues to let Staff know. It could be handled similarly to how the MVC took a position on the Air BnB bills.
  - **Linda Sibley** said this would not affect the Commission powers of the Town Boards, so it needs to be viewed that way. The MVC can be more stringent than local boards. It doesn't directly apply.
  - **Bill Veno** said it is important to make sure these new regulations have provisions for the MVC, so it doesn't affect the enabling power.
- He read a statement regarding preserving water quality. There is a new Director of Southeast Coastal Grant program, and a seat has been provided. A lot of water quality testing was done, and Staff is working on the Open Space plans for Edgartown and West Tisbury.
- Transportation: There will be permanent count stations in six to seven sites.
- The website is being re-vamped to be more user friendly.
- On December 6, 2017, there is a budget meeting; there has been a 15% increase in medical costs.
- Santander Bank has said in writing they want to settle, but nothing has been received yet, so he has contacted the attorneys.

**James Joyce** asked what MARPA is. **Adam Turner** said it is the Massachusetts Association of Regional Planning Associations.

#### **3.2 Correspondence**

**Fred Hancock** suggested that perhaps the Commission write a letter in support of either both or one of the wind power developers. He noted that Richard Andre has asked the MVC to do so.

**Josh Goldstein moved and it was duly seconded to write a letter in support of Richard Andre's development for wind power, Vineyard Wind.**

- **Robert Doyle** said he gave a better presentation and he was more committed to the Island.
- **James Vercruysse** said he was very specific to support employment on the Island.
- **Fred Hancock** suggested the letter should state because of his commitment to supporting the Island and the employment of Islanders.
- **Gail Barmakian** said the letter should be very specific.

**Voice vote. In favor: 10. Opposed: 0. Abstentions: 1. The motion passed.**

**Trip Barnes** said the Danish organization invented the process and are better equipped.



**Fred Hancock** said there would probably be more than one winner in this process and the Orsted people probably don't need the support as much as Vineyard Wind. Also, Orsted did not ask for a letter of support.

**James Vercruysse** said Vineyard Power is a cooperative on the Island and would benefit the Island and Vineyard Wind.

#### 4. MINUTES


*Commissioners Present: G. Barmakian, T. Barnes, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.*

*Josh Goldstein moved and it was duly seconded to approve the minutes of October 5, 2017 as amended by Doug Sederholm on line 302 to revise "Doug Sederholm said although..." and to delete the word "but" after "would like to use them". Voice vote. In favor: 10. Opposed: 0. Abstentions: 1. The motion passed.*

The meeting was adjourned at 8:55 p.m.

#### DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, October 5, 2017
- Martha's Vineyard Commission DRI # 662-M Chappaquiddick Permanent Wireless Tower MVC Staff Report – 2017-11-30
- DRI 662-M Chappy Permanent Tower Correspondence as of November 30<sup>th</sup> at 4:00 PM
- Draft Minutes 662-M 2<sup>nd</sup> Public Hearing, Minutes of Martha's Vineyard Commission November 2, 2017

  
Chairman

12.14.17  
Date

  
Clerk-Treasurer

7/12/17  
Date