CAPE COD COMMISSION

Cape Cod Country Club Solar (CCC File No. 25009)
Development of Regional Impact Review
Subcommittee Hearing

Minutes | July 10, 2025 at 5:00 p.m.

Virtual via Zoom

APPROVED 10/16/2025

Summary of Actions Taken

- The subcommittee continued the hearing on the Cape Cod Country Club Solar Project to August 4, 2025 at 5:00pm.

Hearing Open

Thomas Wilson, as Chair, called the meeting to order at 5:00pm. He began by reading opening announcements and asked Jeffrey Ribeiro, Regulatory Planner, to call roll.

Roll Call:

- Thomas Wilson, Chair, Present
- John Druly, Present
- Catherine Ledec, Present
- Peter Okun, Present
- Ernest Virgilio, Present
- Kevin Grunwald, Alternate, Present

With all members present, a quorum of the subcommittee was present.

Staff Presentation

The Chair asked Mr. Ribeiro for staff comments. Mr. Ribeiro presented with the assistance of a slide presentation. He said that the applicant is continuing to work with Commission staff on a supplemental filing that will address outstanding concerns. He provided an overview of the issues awaiting a response from the Applicant.

Mr. Ribeiro said that an issue that was raised by the public was the RPP issue area of Housing. He said that one of the Housing Objectives of the RPP is to protect and improve the existing housing stock. He noted that as part of the Project there will be the demolition of at least one habitable dwelling and one dwelling that may or may not be habitable. He said that while the Methods of the Technical Bulletin requires that there be no decrease in

the net number of housing units in the region. He then provided an overview of the way RPP issue areas are determined to be material, relevant, or regionally significant and thus included in review. He said that the Subcommittee should discuss whether the loss of the housing units on the site is regionally significant. He then provided an overview of the agenda for the hearing. He stated that it would be useful for staff to poll the members on whether the issue area of Housing is regionally significant.

Applicant Presentation

The Chair asked Manjoor Vahora to present.

Mr. Vahora presented with the assistance of a slide presentation. He provided an overview of energy generation from the Project relative to the existing demand from Barnstable County. He presented the process and timeline on how interconnection agreements are finalized with Eversource. He said the Project is applying under the Community Solar program.

Mr. Vahora described the battery packs and estimated potential for hazardous materials in each system. He said that transformers would use biodegradable fluids. He said the Project does not come under state hazardous materials standards and there is limited environmental risk, even during battery fires. He said the local fire department can use nearby hydrants and portable water tanks.

Project Environmental Consultant Brian Madden provided an overview of the expanded Invasive Species Management Plan. He said that no invasives have been inventoried, but protocols would be in place should they be found. He provided an overview of the Restoration Plan for the Project. He described clearing, which would entail the cutting of about 200 trees. He said that the Project would plant 650 trees and plant approximately 29,800 shrubs. He said that Staghorn Sumac provides habitat value.

Atty. Matthew Terry described the existing housing units. He said that there are 5 structures to be demolished, 2 of which are housing units. He said that one is inhabited but is near Coonamessett Pond and the vernal pool. He said the other has been neglected and has not been inhabited in decades. He said that the loss of the two units is not of regional significance. He said that public comments on the Project included reference to 83 Boxberry Hill Road, which he said is not part of the Project.

Manjoor described the waiver request for tree clearing within the 350 ft buffer to the vernal pool. He said that the majority of existing trees would not be disturbed, and a significant area of the buffer would be restored from golf course to valuable habitat.

Mr. Ribeiro stated that the Project is only requesting a partial waiver from Objective WPH3. He said that Objective WET1 does not apply as the clearing needing a waiver is outside of the 100 ft buffer to wetlands.

Mr. Vahora said that the relief required has been minimized through changes to the Project requested by Staff. He said that the Project will have benefits to the vernal pool through restoration and protection of significantly more area that is to be disturbed. He proposed benefits and detriments of the Project.

Subcommittee Discussion

The Chair then asked for initial questions from the Subcommittee.

Mr. Druly asked if the golf course was using nitrogen-based fertilizers. Mr. Ribeiro said that as practice nitrogen is imputed to managed turf. He said that he had not heard of golf courses that do not fertilize. He said that he would confirm.

Mr. Druly asked if power connections would be overhead. Mr. Vahora said that power would travel underground to the existing utility poles on the street. Mr. Druly asked if the pads were shown on the site plan. Mr. Vahora said that the areas represented by Mr. Druly are gravel and there are three smaller concrete equipment pads in the area. Mr. Druly asked for the number of panels on the site. Mr. Vahora confirmed the number.

Mr. Druly said that he is concerned about wildfires. Mr. Druly asked if the Project would be reviewed by the Town. Mr. Druly asked if there are concerns about funding. Mr. Ribeiro said that funding of Projects is not within the purview of the Commission.

Mr. Druly said that the 7-acre property that is not included in the Project should be included.

Mr. Okun asked if there was a plan showing the location of the inhabited house on the property and whether it has a Title V septic system. Mr. Ribeiro showed the location using the Falmouth GIS viewer. Raul Lizardi-Rivera confirmed that all structures on the Property have individual septic systems. Mr. Okun asked for the size of the inhabited house. Atty. Terry confirmed it is a 2-bedroom home.

Mr. Grunwald asked if the owner was under any obligation to relocate the inhabitants of the house. Mr. Vahora said he did not know. Mr. Grunwald said the answer was not needed at this time but should be provided at the next hearing.

Mr. Grunwald said further explanation of the waiver is needed and a clear visual representation of the request. He asked if the golf course was a protected resource under the RPP. Mr. Ribeiro replied that there were no applicable provisions of the RPP or Technical Bulletins that would consider the golf course as a protected resource.

The Chair said that better visuals of the waiver request should be presented at the next hearing.

Mr. Virgilio said that both Staff and the Applicant had provided detailed presentations and analysis. He said all his questions had been answered. He said that he does not like to see a golf course be lost, but he understands the requirements of review.

Ms. Ledec asked if the inhabited house was a rental and if it was year-round. David Friel, the owner of the golf course, said that it is a year-round rental and adequate notice would be given to the tenants.

Ms. Ledec asked about the installation of a limit of work. Mr. Ribeiro said that references a physical boundary to be installed as part of the erosion control plan. Mr. Lizardi-Rivera confirmed.

Ms. Ledec asked what species was targeted with the restoration of the sand traps. Project Environmental Consultant Brian Madden said that it was targeted toward turtles.

Ms. Ledec asked for the minimum and maximum heights of the panels. Mr. Vahora said the panels would be between 7 ft and 15 ft. Ms. Ledec asked if there would be public access to trails and the sledding hill. Mr. Vahora confirmed there would.

Public Comment

The Chair asked Mr. Ribeiro to begin public comment, and he did so starting with public officials. Hearing none, comment was taken from the general public.

William Connell said that there are birds nesting on the golf course. He said that salamanders in the vernal pool may be impacted by the removal of trees.

Laura Moynihan of the Falmouth Housing Trust said that she submitted letters for the record. She said that there is a housing emergency. She said that any loss of housing is regionally significant. She said housing should be incorporated into the Project. She said that the 7-acre parcel should be included in the Project.

Mark Factor said that he would like to know if there would be sound or light impacts to residents in the area.

Further Subcommittee Discussion

Hearing no more public comment, the Chair asked for discussion from the Subcommittee.

The Chair asked the Applicant if they would like to respond to questions. Mr. Madden said that there would be time-of-year restrictions on tree clearing to protect birds and bats. He said that the areas proposed to be cleared are not habit for salamanders. He said the habitat of salamander would be protected and augmented with restoration.

Atty. Terry said that there is nothing intended for the 7-acre parcel as there is nothing proposed there. He said there was no segmentation. He said that the removal of two homes is not regionally significant.

Mr. Vahora said that there is no permanent lighting and there is limited sound from transformers. He said it is unlikely to be heard from any other properties in the area.

Mr. Ribeiro presented additional detail on the areas subject to the waiver. He said that the trees are not contiguous with the vernal pool.

Mr. Virgilio said that the presentation was helpful and he has no additional questions.

Mr. Druly asked if the vernal pool would be reviewed by the Falmouth Conservation Commission. Mr. Ribeiro said that towns typically only review within a 100 ft buffer while the Commission uses a 350 ft buffer. Mr. Madden said the Conservation Commission reviewed the plans within the 100 ft buffer, which is the limit of their jurisdiction.

Mr. Druly said that housing should be provided or land should be provided to the Town for housing.

Ms. Ledec asked for confirmation of the area shown as a dry basin on the plan. Mr. Lizardi-Rivera said that the area was part of the area to be restored. Mr. Ribeiro said that the area is part of existing developed golf course.

Ms. Ledec said that trees provide habitat above the understory areas. She asked where time of year restrictions could be found. Mr. Madden said that restrictions were included in the Restoration Plan, with an exception for limited mowing in the first growing season necessary to establish the pollinator meadow. Ms. Ledec said that mowing should always be performed outside of nesting seasons.

The Chair asked for clarification on the photos previously shown of the buildings on the site. Mr. Vahora explained what each structure was. The Chair said that is was helpful to see the photo of the uninhabitable home.

Mr. Okun said that while he has concerns about housing, he does not feel the loss of the existing inhabitable home is regionally significant. He said that given its location and septic system, the removal could be of environmental benefit. He said that he agrees that the 7-acre parcel is not part of the Project.

Mr. Druly said the Property should include both housing and the Project. Mr. Ribeiro made clear for the record that the Project is being reviewed as proposed.

Mr. Grunwald said that he understands the 7-acre parcel is outside of the scope of the Project. He said he does not see the Housing Objective as relevant and regionally significant.

Mr. Ribeiro said that it would be useful to get an informal poll of the members of whether or not the Housing objective is applicable. He said a vote was not required,

but that such guidance would allow Staff to prepare later documents in accordance with the desires of the Subcommittee.

The Chair said the 7-acre parcel is not part of the Project and given the condition of the existing structures he agrees that the Housing Objectives are not regionally significant.

Mr. Virgilio says that he agrees with the Chair. Ms. Ledec also agreed.

Mr. Ribeiro thanked the Subcommittee and said Staff had adequate direction. Mr. Vahora said he has no further comments.

Motions

After discussion, Mr. Ribeiro suggested the hearing be continued to August 4, 2025 at 5:00pm to be held virtually via Zoom. All members and the Applicant were available.

The Chair asked for a motion to continue the public hearing on the project to August 4, 2025 at 5:00pm to be held virtually via Zoom.

Ms. Ledec made the motion and Mr. Virgilio seconded the motion.

Roll Call:

- Thomas Wilson, yes
- John Druly, yes
- Catherine Ledec, yes
- Peter Okun, yes
- Ernest Virgilio, yes

All members voting yes to continue the hearing, the motion carried and the hearing was continued at 6:59pm.

Materials Used

- Subcommittee Hearing Notice/Agenda
- Staff Presentation
- Applicant Presentation