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CAPE COD COMMISSION

Cape Cod Commission Staff Memo

DATE: May 15, 2026

TO: Cape Cod Commission

RE: Development of Regional Impact Exemption
Sand Pit Road ANR (CCC File No. 26006)

Project Description

Next Grid Pecan, LLC, together with the Trustees of the Donald W. Noons Trust, (the Applicant) proposes a division of land to accommodate a +/- 8MW DC ground-mounted solar photovoltaic array and battery energy storage system (BESS) on two contiguous parcels located at 2 Sand Pit Road and 9 Noons Drive in Truro (collectively, the "Project"). Together, the parcels comprise +/- 55.9 acres ("Project Site"; "Site").

The Project Site is largely developed with an active sand and gravel pit recognized by MassDEP as a Brownfield associated with PFAS contamination. The Site is surrounded by residential development to the north and south with commercial development along Route 6 to the east. The proposed solar array and BESS would cover +/- 24.72 acres and would be sited entirely within the existing sand and gravel pit, which would cease operations upon Project development.

To accommodate the proposed solar array and BESS, the Project proposes to adjust the interior lot line on the +/- 55.9-acre Project Site. The purpose of the lot line adjustment is to allow the solar array and BESS to be sited within the boundaries of a single parcel, 9 Noons Drive. The lot line adjustment would create a 16.7-acre parcel (2 Sandpit Rd) and a 39.2-acre parcel (9 Noons Dr), as shown on the plan titled "Approval Not Required Plan on Land of the Estate of Donald W. Noons, Noons Drive, Truro, Barnstable County, Massachusetts," dated 12/10/2025 and revised 12/19/2025.

Procedural History

The Cape Cod Commission received a mandatory Development of Regional Impact (DRI) referral from the Town of Truro Planning Board on February 20, 2026. The Applicant previously submitted a DRI Exemption Application for the Project on February 2, 2026. Additional materials

were submitted on May 5, 2026. The Application was determined to be complete on May 15, 2026. The Project will require review by the Town of Truro Planning Board and Zoning Board of Appeals following DRI exemption approval by the Commission.

The Applicant has submitted a request for Commercial Site Plan approval and a Special Permit for the solar project to the Truro Planning Board. The Applicant plans to submit an Approval Not Required (ANR) Plan to the same body to adjust the interior lot line between the existing parcels.

Commission Jurisdiction

The Project literally qualifies as a DRI as it meets or exceeds the DRI review threshold appearing in Section 3(c) of the Enabling Regulations Governing Review of Developments of Regional Impact, as amended November 17, 2021 ("Enabling Regulations"). Said Section 3(c) provides: *"Any development that proposes to divide parcel(s) of land totaling 30 acres or more in common ownership or control on or after September 30, 1994, including assembly and recombination of lots…"* The Project exceeds this threshold because the Applicant proposes to adjust the interior lot line of two contiguous parcels totaling +/-55.9 acres. The parcels are in common ownership by the Donald W. Noons Trust.

Section 3(c) further requires that "*This threshold shall include any development activity in conjunction with any land division of 30 acres or more not otherwise exempted from review under Section 22(e) of the Act.*"

Where proposed development literally qualifies as a DRI, Section 12(k) of the Cape Cod Commission Act and Section 7 of the Enabling Regulations allow the Applicant to apply to the Commission for an exemption from Commission review *"because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipality in which the development is to be located."*

Review of Exemption Request

To grant an Exemption from DRI Review, the Commission must find that the location, character, and environmental effects of the development will prevent its having any significant impacts on the resources, values, and purposes protected by the Act outside of the municipality in which the development is to be located. The burden is on the Applicant to show that the Project is exempt.

Commission staff suggest that as proposed, the Applicant has adequately demonstrated that the Project is unlikely to result in any adverse impact to the resources, values, and purposes protected by the Act. Thus, staff suggest that the Commission could properly find that location, character, and environmental effects of the development will prevent its having any significant impacts on the resources, values and purposes protected by the Act outside of the Town of Truro. In making this recommendation, Commission staff considered the following:

- 2 Sand Pit Road currently contains approximately 38.7 acres, while 9 Noons Drive contains approximately 17.2 acres. The proposed lot line adjustment will result in 2 Sand Pit Road becoming a 16.7-acre parcel and 9 Noons Drive becoming a 39.2-acre parcel.

- The proposed Project proposes replacement of an existing sand and gravel pit operation with a +/- 8MW DC ground-mounted solar photovoltaic array and BESS, encompassing 24.72 acres of the approximately 39.2-acre site at 9 Noons Drive.
- The land subject to the proposed subdivision and solar development is a mostly disturbed sand and gravel pit except for a wooded area to the south of the sand pit access road. As noted in the application materials, portions of the site are utilized for various commercial/industrial uses, including the storage/stockpile and/or sale of yard (organic) waste, soils, stone, shells, mulch, etc.
- The site is surrounded by residential development to the north and south with commercial development along Route 6 abutting the project site to the east.
- The site includes a MassDEP-listed Brownfield associated with PFAS contamination. There are currently seven (7) groundwater monitoring wells documented on the property. Continued monitoring of the groundwater wells on a quarterly basis is required as part of the Immediate Response Action (IRA) Plan to assess seasonal trends to groundwater elevations, flow, and groundwater quality at the site, pursuant to Massachusetts Contingency Plan (310 CMR 40.0000).
- The applicant, upon taking ownership of the subject property, will assume responsibility for ongoing compliance and remediation under the MassDEP Release Tracking Number (RTN) program. To meet their obligations with DEP, the applicant has contracted with Weston & Sampson to conduct the monitoring and submit the required reports to DEP.
- The current site does not include any stormwater management infrastructure. The proposed project will introduce stormwater management features, including two vegetated infiltration basins with pretreatment sediment forebays, that would improve water quality and drainage conditions.
- Staff notes the site is mapped BioMap Core Habitat and recommends the wooded area to the south of the sand pit access road as currently proposed be maintained in its wooded state and protected as a natural wooded buffer and wildlife corridor. Any additional development within this area may be subject to additional DRI review.
- The Applicant proposes to vegetate the area under and around the solar development with a seed mix comprised of species native to Cape Cod.
- According to the Wetland Resource Area Analysis, there are several invasive species present. The Applicant has submitted documentation of an Invasives Species Management Plan to manage and prevent the spread of these invasive species.