CAPE COD COMMISSION

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

Minutes | June 12, 2025 at 5:00 p.m.

Virtual via Zoom

APPROVED 09/08/2025

Summary of Actions Taken

- The subcommittee continued the hearing on the Cape Cod Country Club Solar Project to July 10, 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.

John Druly stated that in his capacity as a private citizen he is a member of the Cape Cod Country Club in Falmouth. He said that in an abundance of caution he filed disclosures pursuant to MGL Chapter 268A Sub. Chapter 23 with his appointing authority and the Chief Regulatory Officer of the Commission regarding his club membership. He said that he believes that, notwithstanding his club membership, he is able to be fair and impartial in reviewing the Development of Regional Impact (DRI) and that there is no need for him to recuse himself.

Applicant Presentation

The Chair asked Manjoor Vahora to present.

Mr. Vahora presented with the assistance of a slide presentation. He introduced the project team. He discussed the existing conditions, including the current uses, existing structures, the underlying zoning, and adjacent resources including conservation land and Coonamessett Pond.

He said that the existing golf course does not generally have stormwater management and fertilizer use contributes nitrogen to groundwater. He said the site abuts Round Pond and Coonamessett Pond as well as containing three bordering vegetated wetlands and a large vernal pool. He showed images of existing trees, showing that many did not have natural understories and were in highly maintained areas.

Atty. Matthew Terry introduced himself and provided a history of the project. He said that the owner began outreach to the Town of Falmouth in 2020. He said the land was considered for housing, but discussions resulted in the property being incorporated into the Town's Large Scale Ground Mounted Solar Overlay District. The zoning change was made in 2021 by a vote of Town Meeting. He said that the applicant has executed Memorandums of Understanding with the Coonamessett Pond Association and with the Town of Falmouth Select Board. He said the project has received letters of support from town boards and local organizations.

Mr. Vahora described the project, including the amount of energy to be generated, the size of the site, and acreage of land to be preserved as Open Space. He said the project would plant significantly more trees than are proposed to be cut down. He said there will be significant habitat restoration in current areas used as golf course. He said the project will result in a reduction of carbon emissions.

Mr. Vahora showed the overall site layout plan, showing areas to be developed, areas to be cleared, and areas to be restored. Atty. Terry noted that the areas shown in green are to be restored. Mr. Vahora said restoration areas would be shown in more detail later in the presentation. He showed the configuration of equipment areas and the access drives. He then showed the site grading plan, which he said was necessary for installation of panels but would also slow and reduce stormwater runoff, including to the nearby ponds.

Mr. Vahora showed the plan denoting the Regional Policy Plan (RPP) Placetypes. He showed detailed plans showing existing vegetation to be protected and areas that are to be restored to natural habitat. He discussed the energy storage strategy for the project, specifically through the use of batteries.

Lawrence Cook described the construction activities in the phases that they will occur. He said that there would be three months of site preparation, five months of solar panel and battery installation, and three months of final vegetation and closeout. He gave examples of the activities to occur in each phase.

Mr. Vahora described the operation and maintenance of the facility, including vegetation management, stormwater management, and actions to occur outside of the solar arrays on land to be transferred to the Town of Falmouth. He described the interconnection process for the project, including coordination with Eversource.

Atty. Terry described the process proposed for the donation and transfer of land to the Town. He described the areas of be donated. He said that there will be a deed that will be approved by the Town and filed with the Land Court. He said the Open Space would be subject to permanent protection as Article 97 land. He said the project will significantly reduce nitrogen to groundwater through the elimination of fertilizer use.

Mr. Vahora said that the project is aligned with the Regional Climate Strategy, including the provision of emission reduction through renewable energy, providing habitat and ecosystem enhancement, providing protections for visual screening, and being the adaptive re-use of land.

Mr. Vahora described the details of grading and stormwater management for each of the three solar arrays. He showed high areas and lower areas, describing how the grading would reduce the flow of stormwater to sensitive water bodies. He showed the location of stormwater management structures. He showed a detailed analysis of the reductions in the rate of stormwater.

Mr. Vahora said that a waiver is being requested related to work within the vernal pool buffer. He said that to reduce impacts they moved a significant number of panels from the west array to the south array. He said that the limited impacts would be offset through habitat restoration efforts that are significantly greater than the amount of impacted area. He said that the project size could not be further reduced while maintaining financial viability. He proposed benefits and detriments of the project. He said the benefits significantly outweigh any detriments.

Staff Presentation

The Chair then asked Mr. Ribeiro for staff comments. Mr. Ribeiro presented with the assistance of a slide presentation. He said his comments would mirror the comments provided in the Staff Report. He provided an overview of the review threshold and showed the project site. He went over the DRI review criteria. He said Commission staff worked closely with the applicant to identify the placetypes for the various portions of the site.

Mr. Ribeiro discussed the relevant issues areas of the RPP, noting that his comments mirrored those in the Staff Report. He said that for Water Resources, the project would reduce nitrogen, but information on potential hazardous materials was needed from the applicant. He said the project would improve fresh water and marine water quality. He said the project is generally consistent with Wildlife and Plant Habitat, with the exception of the required waiver discussed by the applicant. He described the area affected, and he went

over the reasons that staff supports the waiver. He said further detail was in the Staff Report. He then discussed the project's consistency with the issue areas of Wetlands, Open Space, Community Design, Capital Facilities and Infrastructure, Energy, Climate Mitigation, and Cultural Heritage. He said that staff was further verifying mappings for archaeological sensitivity.

Mr. Ribeiro discussed the other DRI review criteria, including consistency with local zoning and the Local Comprehensive Plan. He noted an error in the Staff Report, which incorrectly stated that a Special Permit was needed from the Zoning Board of Appeals. He said there are no applicable District of Critical Planning Concern Implementing Regulations. He said the subcommittee could discuss potential benefits and detriments of the project.

Mr. Ribeiro closed his comments by providing an outline of the rest of the hearing. He said that the recommendation of staff was for the hearing to be continued to a future time, date, and place certain for further consideration by the subcommittee.

Subcommittee Discussion

The Chair then asked for initial questions from the Subcommittee.

Mr. Okun asked whether the existing structures had septic systems. Brian Madden, project environmental consultant, said that each structure was on an individual Title V septic system.

Mr. Okun asked to see a graphic of the impacts within the vernal pool buffer. He asked what would be in the location of the trees to be cleared within the buffer. Mr. Vahora said that solar arrays would be in the location of those trees. Mr. Okun noted that the aerial image showed the extent of the golf course's interaction with the vernal pool. He said the reduction in fertilizer use would be a benefit.

Mr. Okun asked if the materials in the transformers and batteries would contain hazardous materials. Mr. Vahora said further information would be forthcoming. He described the transformers and the batteries. Mr. Okun said he looked forward to reviewing additional information related to the matter.

Mr. Okun asked what the visual impacts would be from the pond. Mr. Vahora said that the majority of the area between the arrays and ponds would be revegetated. He said there was not a visual impact study conducted for the pond, but there could be some visibility of panels.

Mr. Druly asked if the panels would release panels. Mr. Vahora said the panels did not contain hazardous materials.

Mr. Druly asked if glare from the panels could impact Joint Base Cape Cod. Mr. Vahora said that the Federal Aviation Administration had been consulted.

Mr. Druly asked if there would be commitments to the Town for the removal of the panels. Mr. Vahora said that those discussions would be finalized in later discussions, but a bond would typically be provided. Atty. Terry said that a decommissioning agreement would be executed that would be for the term of the ground lease from the Town. He said the applicant would also establish a Payment in Lieu of Taxes agreement.

Mr. Druly asked how the power would leave the site. Mr. Vahora said that the power would exit via the existing overhead lines to interconnect to the grid. He said that the interconnection plans and diagrams were included as Exhibit 14 of the DRI application.

Mr. Druly asked if there was consideration of the provision of housing at the parcel currently occupied by the fourth hole of the golf course. Atty. Terry said that housing had not been discussed in recent discussions, but unrestricted acreage to be transferred to the Town could be used for housing at the discretion of the Select Board.

Mr. Druly asked if the project would affect energy costs. Mr. Ribeiro said energy pricing was not within the purview of the Cape Cod Commission and was under State jurisdiction. Mr. Ribeiro also said that the project was being reviewed as proposed, and the Commission did not have jurisdiction to require housing or require the continued operation of the golf course.

Ms. Ledec asked about the timing of an interconnection agreement with Eversource. Mr. Vahora said that they are part of a study by Eversource, and it is common practice for local permitting to be completed prior to getting an interconnection process. Mr. Ribeiro said that there will be compliance phases, and the project would not begin construction until sign off from the Commission. Atty. Terry said that the agreement would be in place prior to the start of construction.

Ms. Ledec asked if there was the ability to provide electric vehicle charging facilities. Mr. Vahora said existing parking areas were to be removed, and there have been no requests to have electric vehicle charging in the area.

Ms. Ledec said she had a hard time hearing the comments from Atty. Terry, and she would appreciate his comments be compiled onto a slide to be presented at the next public hearing.

Ms. Ledec asked about proposed vegetation management practices, which could occur during nesting and migration seasons. She asked how it was determined to provide a 6-inch gap beneath the fence. Mr. Madden said that mowing activity would be outside of the nesting schedule. He said some more extensive management is required during the first few season to provide for establishment of the pollinator meadow. He said that 6-inches was the standard gap generally used, but it would be taller or shorter in some areas. He said that turtles are able to dig under fences if necessary, but their primary habitat would be in the restoration areas adjacent to the ponds.

Ms. Ledec said that she appreciated the reduction of impacts to the vernal pool buffer and the removal of impervious surfaces. She said that she agrees with the staff request to provide numbers of plants to be included in restoration areas. She said she shares concerns about hazardous materials.

Ms. Ledec asked if there was information about the habitat that existed prior to the golf course and whether that could be recreated. Mr. Madden said that golf course is quite old, but it likely would have had some agricultural use. He said the pollinator meadow mix would provide beneficial habitat. Ms. Ledec said that also would like to see the expanded invasive species management plan. Mr. Ribeiro said that he referenced the Commission's Chronology Viewer, and the golf course was in existence at least as far back as 1938, but they could conduct more research.

Mr. Virgilio said he has concerns about the lifespan of the solar panels. He asked what the depth of the utility lines would be and whether they would be in concrete. He said he is concerned about the movement of wildlife through the site. Mr. Cook said that the electric lines would be at least two feet below grade and would meet electrical code. He said concrete ducts would be required for any lines running under roadways. He said the panels are guaranteed for greater than 25 years. He said preventative maintenance is taken care of with manual inspections and inspections via drones. Mr. Virgilio said he was concerned about compliance with Dig Safe procedures. Mr. Cook said the lines would not be hit since outside work would not occur within the solar field without their knowledge. Mr. Ribeiro noted that it had been stated the work would comply with the electrical code. He said that the Commission is pre-empted from regulating the electrical code, but staff would look into the issue further.

Mr. Grunwald asked if there were estimates of how this project would impact the energy needs of Cape Cod. Mr. Vahora said that the site could power 2,278 homes per year. Mr. Grunwald asked if there was an estimate about the current energy generation on Cape Cod. Mr. Vahora said they did not have an estimate. Mr. Grunwald asked about what uses would be on the 82 acres to be deeded to the Town. Mr. Vahora said that the 82 acres was inclusive of the solar arrays. Mr. Ribeiro said that the 82 acres would be fully available to the Town upon the decommissioning of the solar arrays.

Mr. Grunwald asked for further clarification on the waiver request. The Chair asked that a clear graphic be presented at the next hearing. Mr. Ribeiro said that staff would work with the applicant on that.

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.

Robert Young said that the golf course was built in 1928. He said the project would be the loss of a beautiful piece of property. He said there are many other solar arrays in the area. He said solar arrays should be located on sites such as landfills and brownfields. He said nearby homes would be devalued. He said that deer would be affected.

Hank McCartin said that he is opposed to the project. He said that the golf course is of historic importance. He said he questions the environmental benefits of the project. He said that the project would negatively affect wildlife. He said the golf course offers opportunities for community engagement.

William Connell said that recreational space is valuable to the region. He said the project would negatively affect the economy through the loss of jobs. He said climate goals can be met without negatively impacting recreational opportunities.

Kenneth Peters said he is an employee of the golf course. He said the golf course is of historic importance. He said the golf course provides recreational opportunities, and the project would negatively affect wildlife.

Further Subcommittee Discussion and Actions

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

Ms. Ledec said that she is concerned about the use of staghorn sumac as part of the restoration plan due to its aggressive growth, which could crowd out other native species.

Hearing no further discussion, he asked Mr. Ribeiro about continuing the hearing.

Motions

Mr. Ribeiro suggested the hearing be continued to July 10, 2025 at 5:00pm to be held virtually via Zoom. The members and the applicant said that they were available.

The Chair asked for a motion to continue the public hearing on the project to July 10, 2025 at 5:00pm to be held virtually via Zoom.

Mr. Okun made the motion and Ms. Ledec 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 7:38 p.m.

Materials Used

- Subcommittee Hearing Notice/Agenda
- Staff Report, dated 6/6/2025
- Staff Presentation
- Applicant Presentation