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CAPE COD COMMISSION

DEVELOPMENT OF REGIONAL IMPACT EXEMPTION DECISION

DATE:	June 11, 2026
PROJECT:	Sand Pit Road ANR (File No. 26006)
APPLICANT:	Next Grid Pecan, LLC (Next Grid), c/o Daniel Serber 68 Harrison Avenue, Suite 605, PMB 73069, Boston, MA 02111-1929
PROPERTY OWNER:	The Donald W. Noons Trust Paula A. Noons and Jeffrey W. Rose, Trustees
PROPERTY/SITE:	2 Sand Pit Road and 9 Noons Drive, Truro
Assessor's ID:	Map 39 Parcel 107 (2 Sand Pit Road) Map 39 Parcel 108 (9 Noons Drive)
TITLE REFERENCE:	BCRD Book 279 Page 034 BCRD Book 10833 Page307

SUMMARY

The Cape Cod Commission ("Commission") hereby grants Development of Regional Impact ("DRI") Exemption, with Conditions, to the Next Grid Pecan, LLC for the Sand Pit Road ANR, located on +/- 55.9 acres at 2 Sand Pit Road and 9 Noons Drive in Truro, MA ("Property"; "Project Site") pursuant to a vote of the Commission at its meeting on June 11, 2026.

FINDINGS

The Cape Cod Commission hereby finds and determines as follows:

F1. The Applicant, Next Grid Pecan, LLC, together with the Trustees of the Donald W. Noons Trust, proposes to adjust the interior lot line of two adjacent parcels located at 2 Sand Pit Road (Map 39, Lot 107) and 9 Noons Drive (Map 39, Lot 108) in the town of Truro, Massachusetts. The parcels are currently in common ownership by the Donald W. Noons Trust and together contain approximately 55.9 acres of land.

F2. Under existing conditions, 2 Sand Pit Road contains approximately 38.7 acres and 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.

F3. The purpose of this lot line adjustment is to allow 9 Noons Drive to fully encompass a proposed ground-mounted solar photovoltaic array and battery energy storage system (BESS). The proposed solar photovoltaic array and BESS are proposed on 24.72 acres of the approximately 39.2 acre site and which is planned entirely within the floor of an existing sand and gravel pit that will cease operations.

F4. The Project literally qualifies as a DRI because 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*..."

F5. Section 3(c) further notes 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.*"

F6. Where a proposed development literally qualifies as a DRI, Section 12(k) of the Cape Cod Commission Act and Section 7 of the Enabling Regulations state:
"Any applicant may apply to the Commission for an exemption from Commission review... where 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."

F7. The Applicant submitted a DRI Exemption application for the Project to the Commission on February 2, 2026. The Cape Cod Commission received a mandatory Development of Regional Impact (DRI) referral from the Town of Truro Planning Board on February 20,2026. Additional materials were submitted on May 5, 2026. The application was determined to be complete on May 15, 2026.

F8. A hearing to consider the DRI Exemption request was held at the meeting of the full Cape Cod Commission on June 11, 2026. At that meeting, the Commission voted to approve the DRI Exemption, finding that the Applicant adequately demonstrated 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.

F9. The proposed Project proposes the replacement of an existing sand and gravel pit operation at 9 Noons Drive with a ground-mounted solar photovoltaic array of approximately 8 megawatts DC and battery energy storage system (BESS), encompassing 24.72 acres of the approximately 39.2 acre site and which is planned entirely within the floor of an existing sand and gravel pit.

F10. The proposed solar facility is located exclusively on previously disturbed land and within an area that includes a MassDEP-recognized Brownfield associated with PFAS contamination. 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.

F11. The land subject to the proposed land division 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.

F12. The proposed project is located within the Residential zoning district, in which large-scale ground-mounted solar photovoltaic installations require a Special Permit from the town. The site is surrounded by residential development to the north and south with commercial development along Route 6 abutting to the east.

F13. 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.

F14. 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.

F15. Staff supports the use of a seed mix comprised of species native to Cape Cod. Staff also notes, according to the Wetland Resource Area Analysis, there are several invasive species present, therefore a plan to manage and prevent the spread of these invasive species is recommended.

F16. The applicant has provided documentation of proposed native seed mixes and an Invasive Species Management Plan.

F17. The Applicant has committed to maintaining and protecting the groundwater monitoring wells on the project site. The Applicant made said commitments in narrative form in their response to staff comments dated 03/20/2026 as revised on consultation with Commission staff. These commitments include but are not limited to:

- All existing groundwater monitoring wells shall be protected and shall remain accessible at all times. A minimum horizontal clearance of five (5) feet shall be maintained between any monitoring well and any solar array, racking system, or associated structure.
- No groundwater monitoring well shall be relocated, modified, or decommissioned without prior written approval from the Massachusetts Department of Environmental Protection (MassDEP).

- Prior to the issuance of a Building Permit, the Applicant shall submit to the Truro Planning Board and Building Commissioner: (1) a plan, signed off by the project's Licensed Site Professional (LSP), demonstrating location of and access to all groundwater monitoring wells; and (2) written documentation from MassDEP confirming approval of any proposed well relocation, if applicable.
- Compliance with all applicable requirements of the Massachusetts Contingency Plan (310 CMR 40.0000) shall be maintained for the duration of the project.

F18. The Applicant has committed to providing an as-built plan documenting the final locations of all groundwater monitoring wells following construction. The Applicant made said commitments in narrative form in their response to staff comments dated 03/20/2026.

F19. The location, character, and environmental effects of the Project will prevent it having any significant impacts on the values and purposes specified under the Act.

F20. The Project will not have significant impacts on the values and purposes specified in Section 1 of the Cape Cod Commission Act outside of Truro.

CONCLUSION

Based on the above Findings, the Commission hereby further finds and determines that, though the Project literally qualifies as a DRI, it may nonetheless be exempted from Commission DRI review because the Project will have no significant impacts on the values and purposes specified in Section 1 of the Cape Cod Commission Act outside of the municipality in which it is proposed due to the Project location, character, and environmental effects. As such, the Commission hereby grants the DRI Exemption requested by Next Grid Pecan, LLC for the Project described herein, subject to the Conditions, below.

CONDITIONS

C1. This Decision shall be final when the appeal period set out in Section 17 of the Cape Cod Commission Act has elapsed without appeal (or if such an appeal has been filed, when the appeal has been finally settled, dismissed, adjudicated, or otherwise disposed of in favor of the Applicant). Thereafter, pursuant to Section 12(k) of the Act, the Applicant has three (3) years from the date of this written decision to exercise the right granted hereunder.

C2. A copy of the Decision, when final and prior to commencement of the Project, shall be recorded with the Barnstable County Registry of Deeds.

C3. The Project shall be constructed according to the following Approved Project Plans and Reports:

- Site Plan set entitled "*Proposed Solar PV Development 7.68 MW (DC) Photovoltaic Solar Array with Battery Energy Storage System (BESS). 9 Noons Drive, Truro, Massachusetts*" prepared by Weston & Sampson Engineers, Inc. for Next Grid Pecan, LLC dated 12/31/2025 consisting of the following sheets:

  i. G001 Cover Sheet
  ii. G002 General Notes

iii. ---- Existing Conditions-Boundary Survey on Land of the Estate of Donald W. Noons, Prepared by SGC Engineering LLC for Weston & Sampson Engineers, Inc. Dated December 23, 2025
iv. C001 Notes and Specifications
v. C101 Soil Erosion and Sedimentation Control Plan
vi. C102 Overall Site Plan
vii. C103 Site Layout and Grading Plan (Detail)
viii. C104 Site Layout and Grading Plan (Detail)
ix. C105 Site Layout and Grading Plan (Detail)
x. C106 Site Layout and Grading Plan (Detail)
xi. C501 Soil Erosion and Sedimentation Control Details
xii. C502 Civil Details
xiii. C503 Civil Details

- Stormwater Report prepared by Weston & Sampson Engineers, Inc. and dated 12/31/2025, Revised 4/27/2026
- "Approval Not Required Plan on Land of the Estate of Donald W. Noons, Noons Drive, Truro, Barnstable County, Massachusetts", Prepared by SGC Engineering LLC for Weston & Sampson Engineers, Inc. dated 12/10/25, as revised on 12/19/25.
- Site Plan set entitled "*2 Sandpit Road Solar – 7,679.1-KW DC Photovoltaic Power System*" prepared by ARC Design for Next Grid Pecan, LLC dated 06/15/2020, Revised 06/11/2024 consisting of the following sheets:

i. C1 Cover Sheet
ii. Exhibit G Eversource Interconnection Service Agreement dated 7/30/2024
iii. E – 1.1 Electrical Line Diagram
iv. E – 1.2 Electrical Line Diagram
v. E – 2.1 Equipment Specifications
vi. E – 2.2 Equipment Specifications

- Solar and BESS Operation and Maintenance Plan dated January 3, 2026
- Certificate of Liability Insurance dated 10/15/2025 (expires 10/15/2026)
- Decommissioning Plan, Ground Mounted Solar and Battery Energy Storage System, 9 Noons Drive, Truro, Massachusetts
- "EXH7 Monitoring Well Location Plan" Prepared by Weston & Simpson Engineers, Inc. for Next Grid Pecan, LLC dated 4/17/2026

C4. Approved Project Plans may be supplemented or modified after review and approval of Commission staff for consistency with this Decision.

C5. This Decision applies only to the Project as described herein. If further development that meets or exceeds the mandatory DRI Review thresholds under Chapter A of the Code of

Cape Cod Commission Regulations of General Application is proposed on the Property, the development shall be referred to the Commission.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

Executed this _____ day of June 2026

For the Cape Cod Commission by:

_____

Thomas Wilson, Chair

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

June _____, 2026

Before me, the undersigned notary public, personally appeared Thomas Wilson in his capacity as Chair and on behalf of the Cape Cod Commission, whose name is signed on the preceding or attached document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [ ] photographic identification with signature issued by a federal or state governmental agency, [ ] oath or affirmation of a credible witness, or [**X**] personal knowledge of the undersigned.

_____

Notary Public

My Commission Expires: _____

SEAL