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CAPE COD COMMISSION

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DEVELOPMENT OF REGIONAL IMPACT DECISION

DATE:	September __, 2025
PROJECT:	Cape Cod Country Club Solar (CCC File No: 25009)
Project Applicant:	ASD Cape Cod Holdings, LLC
Property Owner:	New Cape Cod Country Club, Inc.
Project Location:	41, 42, 48, 59 Theatre Drive and 0 Boxberry Hill Road, Falmouth MA
Map/Parcel:	10-04-007-035; 10-03-001-163; 17-01-028-039; 17-01-028A-015; 17-01-031-037

SUMMARY

The Cape Cod Commission ("Commission") hereby grants Development of Regional Impact ("DRI") approval, with Conditions, for "Cape Cod Country Club Solar," to construct a ground mounted solar photovoltaic array with associated improvements at 41, 42, 48, 59 Theatre Drive and 0 Boxberry Hill Road in Falmouth, pursuant to a vote of the Commission at its meeting on September 11, 2025.

FINDINGS

The Cape Cod Commission hereby finds and determines as follows:

F1. The proposed development consists of:

- clearing of 10.5 acres +/- of existing naturally vegetated land;
- installation of a 23.3 MW DC/13.5 MW AC ground-mounted solar photovoltaic ("PV") array over 56.8 acres +/- of land with associated site improvements resulting in a total Project Area of 102 acres +/-;

- associated site improvements include a Battery Energy Storage System ("BESS"), transformers, electrical cabinets, conduit, wires, a stormwater management system with three bioretention areas, and other associated equipment; and
- the permanent protection of 54.9 acres +/- of land, including currently developed areas of golf course to be restored as natural habitat, (collectively, the "Project").

F2. Ongoing operations and activity associated with the Project will be minimal as the proposed PV system is operated and monitored remotely without on-site personnel. According to the Applicant's Operation and Maintenance Plan, limited trips will be made to the site for preventative maintenance, vegetation management, and equipment inspections. The Project is not expected to generate substantial new vehicle trips and therefore does not involve regionally significant or sustained effects on the transportation network.

F3. The development context is as follows:

- The Project is proposed on five parcels of land comprising approximately 137 acres +/- that currently operate as the Cape Cod Country Club ("Project Site", "Site").
- The Project Site is located within the Town of Falmouth's Large-Scale Ground Mounted Solar Overlay District.
- The Site has been significantly disturbed by the development of the golf course, but areas of vegetation remain between some fairways that may have not experienced disturbance.
- The Site is bisected by Boxberry Hill Road, with Coonamessett Pond to the west and Town-owned conservation land to the north, south, and east. Additionally, there is some existing residential development toward the center of the golf course along Theater Drive, Ashumet Road, and Boxberry Hill Road.

F4. The Site is split between the Suburban Development Area, Rural Development Area, and Natural Area Placetypes, which has been shown on the plan titled, "Proposed Development by Cape Cod Commission Placetype," prepared by Cape and Islands Engineering, dated November 27, 2023, last revised February 19, 2025.

Jurisdiction and Procedural History

F5. The Cape Cod Commission Act ("the Act") charges the Commission with reviewing certain proposed developments which, due to their size or other characteristics, are presumed to have impacts beyond their local communities. Section 3 of the Commission's Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact ("Enabling Regulations") (revised November 2021) sets forth certain thresholds, which, if met or exceeded, require the Commission to review such project as a Development of Regional Impact ("DRI"). The Cape Cod Country Club Solar Project, as described in the application materials, is subject to mandatory DRI

review pursuant to Section 3(e)(iii) of the Enabling Regulations because it proposes new commercial development of an Outdoor Use with a Total Project Area greater than 40,000 square feet.

F6. The Project was referred to the Commission by the Town of Falmouth Planning Board on April 14, 2025. The Applicant submitted a DRI application in March 2025 which was supplemented in April, May, and July of 2025. The first hearing on the Project was held by a DRI Subcommittee ("Subcommittee") on June 12, 2025. Additional Subcommittee hearings were held on July 10, 2025 and August 4, 2025. The Subcommittee held a public meeting to further discuss the Project on September 8, 2025. At this meeting, the Subcommittee voted 3 in favor, 1 opposed to recommend to the full Commission that it grant DRI approval for the Project, with conditions, as set out in the draft written DRI decision reviewed by the Subcommittee. A final public hearing was conducted by the full Cape Cod Commission at its meeting on September 11, 2025. The Commission considered the recommendation of the Subcommittee, including the draft written DRI decision. At the hearing on September 11, 2025, the Commission voted to adopt the draft written DRI decision, and approve the Project, with the Conditions set out in said draft decision.

F7. The Project is subject to the following DRI Review Standards

- Section 13(d) of the Act and Section 6(c)(viii) of the Commission's Enabling Regulations contain the standards of review for DRI approval, which include, as applicable, consistency with the Cape Cod Commission Act and its Regional Policy Plan, consistency with municipal development bylaws, or, if inconsistent, that the inconsistency is necessary to enable a substantial segment of the population to secure adequate opportunities for housing, conservation, environmental protection, education, recreation or balanced economic growth, if within a District of Critical Planning Concern ("DCPC"), its implementing regulations, and if Commission-certified, the town's Local Comprehensive Plan ("LCP").
- DRI review of the Project is subject to the 2018 RPP, amended in March 2021, which is the version of the RPP in effect at the time of the Commission's first substantive public hearing on the Project. The Commission assesses the Project's consistency with the RPP by determining whether the Project is consistent with the Goals and Objectives in Section 6 of the RPP, as particular goals and objectives are deemed applicable and material to the Project.
- The Commission must also find that the probable benefit from the Project is greater than the probable detriment. Though a determination that the Project is consistent with the RPP does not in itself determine that the probable benefit outweighs the probable detriment, the Commission may factor into its benefits/detriments determination: those considerations identified through its RPP review; and any other benefits, detriments, concerns or impacts within the broad purview of the Act.

Cape Cod Regional Policy Plan

RPP Goals and Objectives

F8. Based on the location and nature of the Project, the following RPP goals are applicable, material, and regionally significant and thus subject to RPP consistency review: *Water Resources, Wildlife & Plant Habitat, Open Space, Community Design, Capital Facilities & Infrastructure, Energy, Climate Mitigation, and Cultural Heritage*.

Water Resources

F9. The Water Resources Goal of the RPP is to *maintain a sustainable supply of high-quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources*.

F10. The following Objectives are applicable and material to the Project:

- WR1 - Protect and preserve groundwater quality
- WR2 – Protect, preserve and restore freshwater resources
- WR3 – Protect, preserve and restore marine water resources
- WR4 - Manage and treat stormwater to protect and preserve water quality.

F11. The project is located within areas mapped for:

- MWRA – Great Pond Embayment
- FWRA to Coonamessett and Round Pond
- Potential Public Water Supply Areas (PPWSA) – FSW-18, FSW-22
- Water Resource Protection District of Falmouth
- Solar overlay district of Falmouth

F12. Portions of the Project are located within Potential Public Water Supply Areas (PPWSA) FSW-18 and FSW-22. To preserve the suitability of PPWSAs for future water supplies, projects within PPWSA are limited to a sitewide nitrogen loading concentration of 1 mg/L (ppm). The Project will not generate wastewater and does not include fertilized turf, so the only source of project nitrogen loading is runoff from impervious surfaces. The Nitrogen Loading Analysis, dated May 5, 2022 as revised March 17, 2025, shows site-wide nitrogen loading of 0.05 mg/L, which is below the 1mg/L maximum in PPWSA and a significant reduction from current conditions of 2.9 mg/L. The Project is consistent with Objective WR1.

F13. Portions of the Project are located within Potential Public Water Supply Areas (PPWSA) FSW-18 and FSW-22. Due to this mapping, the Water Resources Technical Bulletin identifies the need to provide an inventory with the identity and quantity of expected and potentially hazardous

materials/waste that will be generated, used, or stored on site during and after construction, or, in the alternative, a submission demonstrating that none with be present. The Applicant provided an inventory in the supplemental filing dated July 16, 2025, which identified that proposed systems will contain greater than household quantities of ethylene glycol, therefore a containment system is required. The Applicant has proposed sealed containment for 110% of potentially hazardous fluid and constructing roofs over the equipment pads to negate the need for accounting for the rainfall event as well as negating the need for a flow arresting device. The Applicant also provided an Energy Storage System Risk Mitigation Strategy. The Applicant's approach complies with the requirements of the Technical Bulletin and Objective WR1.

F14. The Project is located adjacent to Coonamessett and Round Ponds. The Applicant has demonstrated a reduction in nutrient loading, as well as other contaminants, to the adjacent ponds, consistent with the Water Resources Technical Bulletin. Additionally, the Applicant proposes to maintain and enhance the buffer zones with additional native plantings. There will be no wastewater disposal associated with this project. The Project is consistent with Objective WR2.

F15. The Project is located within the Marine Water Recharge Area to Great Pond, which has a TMDL and is nitrogen impaired. As noted above, the Project does not propose to generate any wastewater or to fertilize turf areas, therefore nitrogen loading will only be from stormwater runoff during and after construction. The redevelopment of this site from a golf course to solar array development will reduce impervious cover (168,947 sf to 101,550 sf) and reduce nitrogen loading concentration (2.9 ppm to 0.05 ppm) providing an improvement over the existing conditions; thus, the Project is consistent with Objective WR3.

F16. Due to the existing hilly topography created for the existing golf course, the Project will require extensive grading. A large array of solar panels alters the natural hydrologic patterns of an area. To counter the change in hydrologic patterns, it is important to adequately size and vegetate spaces between solar panel rows, ensure vegetation is planted and maintained under the panels, and in some cases additional structural stormwater management treatments may be needed to help mitigate the hydrologic changes.

F17. The Applicant indicates that the stormwater drainage patterns will largely resemble the existing drainage patterns. The stormwater management will consist of fourteen constructed dry detention basins and six existing low point areas. Additional leaching trenches will be designed for nine dry basins and one low point that cannot manage the surface volumes by themselves.

F18. Erosion control will be important during the construction phase and until planted and seeded vegetation has established. The exposed soil will be prone to erosion by wind and water

during construction. An erosion and sedimentation control (ESC) plan is detailed in the application and will need to be adhered to during construction and before the seed mixes are established to minimize erosion and sedimentation. Appropriate project management during and after construction will mitigate potential impacts.

F19. Prior to construction, a Stormwater Pollution Prevention Plan (SWPPP) and a Spill Prevention Control and Countermeasures plan (SPCC) will be developed to identify activities and conditions that could cause water pollution and the steps that will be taken to prevent discharge of any pollutant to local water resources. The SPCC plan will address how contaminated water will be removed from the containment area in the event of a spill. Subject to the provision of these measures, the Project is consistent with Objective WR4.

Wildlife & Plant Habitat

F20. The Wildlife and Plant Habitat Goal of the RPP is to *protect, preserve, or restore wildlife and plant habitat to maintain the region's natural diversity*.

F21. The following Objectives are applicable and material to the Project:

- WPH1—Maintain existing plant and wildlife populations and species diversity
- WPH2—Restore degraded habitats through use of native plant communities
- WPH3—Protect and preserve rare species habitat, vernal pools, 350-foot buffers to vernal pools
- WPH4—Manage invasive species
- WPH5—Promote best management practices to protect wildlife and plant habitat from the adverse impacts of development

F22. Projects that propose to alter undeveloped areas should prepare a Natural Resources Inventory ("NRI") consistent with the guidance contained in the Wildlife and Plant Habitat Technical Bulletin. The NRI should identify the presence and location of wildlife and plant habitat, including vernal pools, and serve as a guide for the layout of the development. The Applicant's consultant, Brian Madden of LEC Environmental Consultants, Inc., prepared an appropriate NRI, entitled "Natural Resources Inventory" dated February 21, 2025.

F23. The site is not in an Area of Critical Planning Concern, District of Critical Planning Concern, Important Bird Area, Key Site as defined in the State Wildlife Action Plan, or Natural Heritage and Endangered Species Program (NHESP) habitat for rare species or BioMap Core Habitat. There is BioMap Critical Natural Landscape on the site associated with buffers to the vernal pool and Round Pond.

F24. Development of the Project will result in alteration of approximately 10.5 acres of existing natural vegetation within the otherwise already developed golf course, converting a mix of managed and unmanaged wooded areas between golf course fairways and greens to developed grassland and meadow under proposed solar arrays.

F25. To meet Objective WPH1, the Applicant proposes to retain and restore wooded buffers surrounding the solar array, minimize cleared acreage by condensing the array as much as possible while still maintaining Project viability, plant native species of grasses and wildflowers within the solar array, and leave a 6-inch gap at the bottom of the fence to allow for wildlife movement. These methods are all consistent with WPH1.

F26. Clearing of vegetation has been minimized to and clustered within managed golf course areas and away from the most sensitive areas of the site. On this site, the most sensitive areas are the wetlands and their buffers, and the Project is avoiding work within these areas, with the exception of restoration to improve the function of these wetlands resources.

F27. After the solar array is installed, the Applicant proposes to revegetate the areas beneath the solar arrays with a native pollinator-friendly wildflower mix in accordance with the University of Massachusetts Clean Energy Extension Program's pollinator-friendly certification program for solar photovoltaic facilities and as described in the Restoration Plan Narrative. Vegetated areas on the site outside the proposed solar development will be maintained and existing developed (golf course) areas outside the solar footprint will be restored with native trees, shrubs, grasses, and wildflowers in accordance with the proposed Restoration Plan. Turtle nesting habitat areas will also be maintained outside the solar development. Both vegetated, restored, and turtle nesting habitat areas on the site outside the solar development will be permanently protected as open space (see also Open Space section), and this open space is contiguous with other large areas of permanently protected open space owned by the Town of Falmouth and managed by the Falmouth Conservation Commission. The Applicant also proposes to install osprey platforms, as well as bird and bat boxes.

F28. As noted in the NRI, there are over 200 trees of various species within the development footprint that meet the definition of specimen tree as described in the Wildlife and Plant Habitat Technical Bulletin. Protecting these trees is not possible with the proposed Project due to the disconnected nature of these patches of wooded areas between golf course features and the need to clear and grade these areas to cluster and accommodate the solar arrays away from other sensitive areas. While these trees will be removed as part of the development, there are likely many specimen trees outside the development footprint and within the proposed open space areas that will be permanently protected. For example, the NRI documented a large, 36-

inch diameter-at-breast-height (dbh), white oak tree immediately north of the proposed west solar array, representative of an older growth tree noteworthy of protection. This tree and any other specimen trees outside the solar array fence should be protected prior to and during work activities. In addition, according to the NRI, the Restoration Plan calls for 650 trees to be planted in the restoration areas and 232 trees to be planted within the proposed protected open space area, compensating to some extent for the loss of the specimen trees within the development footprint.

F29. As described in the Applicant's restoration plans, to meet Objective WPH2, the Applicant proposes to restore existing golf course areas within the development footprint with native grasses and wildflowers in accordance with the University of Massachusetts Clean Energy Extension Program's pollinator-friendly certification program for solar photovoltaic facilities, and existing golf course areas outside the development footprint with native trees, shrubs, grasses and wildflowers as described in the Restoration Plan Narrative and restoration and landscape plans. The Applicant's proposed restoration activities also include the removal of several existing structures including two residential structures, a pump house, clubhouse, maintenance building and ancillary structures, and portions of the existing paved parking lot, and cart paths, resulting in a significant reduction of impervious surfaces on the site. The Restoration Plan includes provisions for monitoring and management for at least the first three growing seasons (plant establishment period). With these restoration activities within existing golf course areas, the Project is consistent with WPH2.

F30. There are no mapped rare species habitats on the site. As noted in the NRI, there is a wetland on the site that includes the criteria for certification as a vernal pool and there are small areas of BioMap Critical Natural Landscape associated with buffers to ponds and other wetlands. The proposed limit of work for the solar development will extend into the BioMap area to the south of Round Pond but the Project will still provide an undisturbed buffer greater than 100-feet to the pond, and the solar array itself will be planted with native species providing wildlife and plant habitat value within this BioMap area. Otherwise, no work, except restoration, will occur within BioMap areas.

F31. Per the Wildlife and Plant Habitat Technical Bulletin, where a project site is located adjacent to a vernal pool, including pools that include the criteria for certification as a vernal pool, development must be located outside of a 350-foot undisturbed buffer around it to protect both the pool habitat as well as the important upland habitat around it. The vernal pool on the Project site is located between two managed fairways and is immediately surrounded by forested upland, before transitioning to managed golf course within the rest of its 350-foot buffer. Proposed development activities within the buffer include limited tree clearing and solar panel

installation, but these activities are confined to approximately 2.9 acres of existing managed fairways and involve cutting approximately 20 isolated or small stands of trees, minimizing disruption to the natural vernal pool buffer habitat.

F32. The Applicant has worked to remove as much of the development as possible from within the 350-foot vernal pool buffer while still maintaining Project viability, including reducing the development footprint within the buffer from 0.26 acres to 0.05 acres to maintain most of the existing intact and naturally wooded areas within the buffer that contain important upland habitat consisting of native groundcover, understory, and overstory, and limiting new disturbance to removal of individual trees or stands of trees within a managed area of the golf course. The closest stormwater management basin will be over 100-feet from the vernal pool and will be vegetated and left to naturalize, the closest solar panel will be over 200 feet from the pool and the area underneath the panels will be vegetated with native grasses and wildflowers, and the majority of the 350-foot buffer will be maintained, restored, and protected as part of the proposed open space. To mitigate for the new, 0.05 acres of impact within the vernal pool buffer, the Applicant proposes to restore and protect 6.55 acres within the buffer, transitioning these acres from managed golf course to a diverse habitat that will benefit vernal pool species. The Applicant will pursue certification of the vernal pool with NHESP as a condition of this decision.

F33. As not all the development is located outside the 350-foot undisturbed buffer to the vernal pool, the Project is not fully consistent with WPH3. The Applicant is requesting a partial waiver from the requirements of WPH3 due to the minimal proposed grading, tree clearing, and solar array installation within a portion of the 350-foot buffer to the vernal pool. The request meets the requirements of the Waiver and Flexibility clause of Section 9 of the RPP as the waiver will not result in substantial detriment to or substantial derogation from the purposes and values intended to be protected by Objective WPH3; the waiver meets the intent of Objective WPH3 through an alternate approach, including appropriate mitigation; and the waiver is necessary to fulfill the compelling regional goal of providing green, renewable energy sources. In this determination, the Commission considered the following:

- The area to be impacted is within an existing disturbed vernal pool buffer due to the golf course development;
- The solar footprint within the buffer will be planted with native grasses and wildflowers, will require minimal maintenance, and will allow for wildlife movement with a gap at the bottom of the surrounding fence, providing relatively undisturbed upland habitat for vernal pool species to utilize;
- Golf course areas outside the solar footprint and within the buffer will be restored with native trees, shrubs, grasses, and wildflowers;

- 6.55 acres of land will be restored within the vernal pool buffer, which is significantly more than the 0.05 acres that is being impacted, and
- The vernal pool and the restored buffer will become part of the permanently protected open space.

F34. No invasive species were identified in the NRI. The Applicant proposes to manage any invasive species that may be found using best management practices as detailed in the Invasive Species Management Plan, dated July 2, 2025 and included with the supplemental filing dated July 16, 2025. Thus, the Project is consistent with WPH4.

F35. The Applicant proposes to meet Objective WPH5 through the use of best management practices including: minimizing clearing, installing a limit of work and erosion and sediment controls, planting disturbed areas with native vegetation, raising the fence to allow for the passage of wildlife, and timing mowing and using mowing methods to avoid impacts to wildlife, all consistent with WPH5. In addition to these practices, tree removal should be avoided to the greatest extent practicable during the spring/summer seasons to avoid impacts to wildlife, including nesting birds and roosting bats.

Wetlands

F36. The Wetlands Resources Goal is to *protect, preserve, or restore the quality and natural values and functions of wetlands and their buffers*.

F37. The following Objectives are applicable and material to the Project:

- WET1—Protect wetlands and their buffers from vegetation and grade changes
- WET2—Protect wetlands from changes in hydrology
- WET3—Protect wetlands from stormwater discharges
- WET4—Promote the restoration of degraded wetland resource areas

F38. There are several wetlands on the site including Round Pond, a bordering vegetated wetland, and three isolated vegetated wetlands, one of which is a vernal pool.

F39. Due to the regional importance of protecting wetland resources, DRIs are not permitted to alter wetland resources and 100-foot buffer areas, except in limited circumstances such as where there is existing development. Some of the 100-foot buffers to wetlands onsite are already altered due to the existing golf course development and its operations.

F40. Consistent with Objective WET1, the Applicant sought a determination of the wetland resources present and their boundaries from the Falmouth Conservation Commission through an Order of Resource Area Delineation and has an Order of Conditions for the Project. The Applicant will avoid work within 100-foot wetland buffers, except for restoration of degraded

wetland buffers, consistent with WET1. While there will be significant grading of the upland golf course areas to reshape the site to accommodate the proposed solar arrays, proposed grading will restore the site to a more natural topography and result in gentler slopes than the existing golf course, slowing surface runoff and reducing runoff volume. In addition, proposed stormwater management features will not direct stormwater to wetlands and proposed restoration of golf course managed turf areas to meadow through seeding and planting with native plants will further help to capture stormwater and protect and restore wetlands resources.

F41. The Applicant provided plans for restoration, including types, quantities of trees and shrubs, and sizes of native plant species to be planted. According to the plans, no fertilizers or pesticides will be used, which will also help to protect and restore wetlands resources. Wetlands resources will also be protected in perpetuity within the proposed onsite open space.

F42. No new water withdrawals are proposed. In general, proposed site grade changes will continue to provide existing surface runoff patterns, and proposed stormwater management features will not direct stormwater to wetlands or within 100 feet of wetlands, consistent with Objective WET2. The proposed grading and seeding of the disturbed areas and conversion from managed turf to native meadow fields will slow down surface runoff, reduce runoff volume and enhance wetland resource functions.

F43. The Applicant proposes erosion and sediment controls during construction and placement of stormwater controls within watersheds where stormwater currently runs, uncontrolled, to wetlands, which should serve to improve the quality of the wetland resources. Proposed grading will shed surface runoff from the solar arrays into proposed stormwater basins or to existing land depressions, consistent with Objective WET3. Wetlands will also be protected from stormwater discharges with the proposed enhanced natural wetland buffers through planting native grass, wildflower, shrub and tree species, as described in the Restoration Plan.

F44. The Applicant proposes to restore wetland buffer areas that are currently altered by golf course development, in particular a large area of existing turfgrass around the vernal pool within the 18th fairway, as well as smaller areas around other wetlands resources. As specified in the Applicant's Restoration Plan Narrative, restoration plantings include native groundcovers, shrubs, and trees appropriate for wetland buffers. The Project meets Objective WET4.

Open Space

F45. The Open Space Goal of the RPP is *to conserve, preserve, or enhance a network of open space that contributes to the region's natural and community resources and systems*.

F46. The following Objectives are applicable and material to the Project:

- OS1—Protect and preserve natural, cultural, and recreational resources
- OS2—Maintain or increase the connectivity of open space
- OS3—Protect or provide open space appropriate to context

F47. The Applicant proposes to meet Objective OS1 by protecting and restoring high value resources on the site, minimizing the development footprint, preserving wildlife habitat and unfragmented blocks of open space, preserving agricultural lands and scenic vistas, and providing and enhancing recreational opportunities and access to open space, consistent with OS1.

F48. The Applicant intends to donate approximately 42 acres of upland on the site to the Town of Falmouth as open space. These proposed open space areas on the site abut existing Town conservation lands, adding to these large, unfragmented blocks of open space, and will consist of a combination of intact wooded areas and restored areas as described in the Applicant's restoration and landscape plans. The proposed open space overlaps to some extent with Potential Public Water Supply Areas, BioMap Core Habitat and Critical Natural Landscape, and agricultural soils, adding to their resource value. Scenic vistas along Boxberry Hill Road will be preserved through screening the solar development with existing vegetation and raised berms vegetated with native plant species.

F49. Wildlife habitat will be preserved through the protection of existing habitat within the proposed open space as well as the restoration of degraded golf course areas within and outside the solar development footprint, improving the wildlife habitat function of these areas. As noted elsewhere, the Applicant has worked to minimize the development footprint as much as possible to avoid and restore the most sensitive areas of the site, notably the vernal pool buffer, while maintaining Project viability.

F50. The Applicant proposes to preserve recreational resources by leaving a portion of the site that has been used historically by members of the community as a sledding hill available for continued used by the community.

F51. The Applicant proposes to reduce impervious surfaces by removing paved cart paths within the solar development and reducing the size of the existing parking lot by approximately 3 acres while still maintaining access to cart paths and adding new paths around the solar development within the proposed open space that are connected to offsite open space trails for the public to use. Pavement will be removed from most of the cart paths within the proposed open space, except for those with steep slopes where erosion is a concern. New paths will be pervious.

F52. The Applicant proposes to meet Objective OS2 through the protection of open space contiguous to existing protected open space, preservation of wildlife corridors and opportunities for the movement of wildlife, and establishing, enhancing, and connecting recreational trails, consistent with OS2. The site abuts land that is owned by the Town of Falmouth and managed by the Falmouth Conservation Commission for conservation purposes. The proposed site design protects open space contiguous with these Town conservation lands, and these open spaces will be connected with new and existing recreational trails. The proposed open space and the gap in the fence surrounding the solar development will also protect corridors of connected open space for the movement of wildlife across the landscape.

F53. Due to the size and varied characteristics of the site, the Project is in three Placetypes: Rural Development Areas, Suburban Development Areas, and Natural Areas. The Applicant provided a "Proposed Development by Cape Cod Commission Placetype" plan that calculates the Areas of Development Impact within each Placetype as well as a calculation of the required open space by Placetype.

F54. Most of the site (approximately 81.9 acres) is within the Rural Development Areas Placetype due to agricultural zoning and soils, large open spaces, connections to adjacent open space, wooded buffers, sparse development, and scenic character. Approximately 9 acres of vegetation will be cleared in this area. At a 2:1 open space to development ratio as specified for Rural Areas, this amount of clearing requires 18 acres of open space as mitigation.

F55. The Suburban Development Areas Placetype encompasses the approximately 4.9-acre portion of the site that is currently developed with existing structures and roads associated with the golf course and its operations. Less than 0.1 acres of vegetation will be cleared in this area. At a 1:1 ratio for Suburban Areas, 0.1 acres of open space is required.

F56. A small area of the site is in the Natural Areas Placetype due mainly to the presence of wetlands and wetland buffers, some of which are also captured within a BioMap Critical Natural Landscape. This area totals approximately 4 acres, and the Applicant proposes to clear approximately 1.4 acres of vegetation here. At a 3:1 ratio, this amount of clearing in a Natural Area requires 4.2 acres of open space as mitigation.

F57. Adding the proposed clearing acreages together, a total of approximately 10.5 acres will be cleared of existing vegetation to accommodate the proposed installation of a 23.3 MW DC/13.5 MW AC solar photovoltaic array over approximately 56.8 acres, representing approximately one-fifth (18%) of the site. Most of the development (approximately 78%) will occur where there is already existing golf course development (e.g., structures, cart paths, fairways, greens, and tees),

minimizing the amount of vegetation clearing required for the proposed large-scale ground-mounted solar array.

F58. Adding the proposed open space acreages together, a total of approximately 22.3 acres of open space is required to mitigate for the impact of the development on otherwise vegetated portions of the site. The Applicant proposes to meet its open space requirement onsite with the permanent protection of approximately 41.8 upland acres of land. The proposed open space also contains 1.1 acres of wetland, and Round Pond (12 acres). At a total of almost 55 acres, the proposed open space far exceeds the open space required. The proposed onsite open space has high resource value due to the following:

- It is contiguous with Town of Falmouth conservation lands,
- It is either naturally forested or will be restored with native plants as part of the Applicant's proposed Restoration Plan,
- It contains important wetlands and buffers to wetlands and a vernal pool,
- It intersects with BioMap Core Habitat and Critical Natural Landscape and abuts NHESP rare species habitat,
- It retains agricultural soils,
- It protects a Potential Public Water Supply, and
- Public access will be allowed on paths around the site that connect with offsite open space trails, and public access to the sledding hill will be maintained.

F59. The Applicant proposes to donate the entire site to the Town of Falmouth Select Board via a Quitclaim Deed. The Applicant's proposed mechanism for permanent protection of the open space is to transfer the designated open space acreage to the Town via the same Deed, identifying the conserved acreage through a land plan exhibit requiring approval by the Town and the Land Court to ensure its perpetual conservation in accordance with Massachusetts General Laws. According to the Applicant, the Deed to the Town will specifically identify the acreage to be conserved by reference to an attached land plan and impose a perpetual restriction in compliance with and as permitted by Massachusetts General Laws Chapter 184, Sections 31-33 and Massachusetts General Laws Chapter 40, Section 8C.

F60. This mechanism will result in the permanent protection of the open space for conservation purposes, as is required to meet OS3. A final legal Deed or Conservation Restriction will be reviewed and approved by Commission staff and counsel and physical metes and bounds will be installed on site to delineate these areas.

Community Design

F61. The Community Design Goal of the RPP is *to protect and enhance the unique character of the region's built and natural environment based on the local context*.

F62. The following Objectives are applicable and material to the Project:

- CD1—promote context sensitive building and site design
- CD2—minimize the amount of newly disturbed land and impervious surfaces
- CD3—avoid adverse visual impacts from infrastructure to scenic resources

F63. Objectives CD1 and CD3 require projects to follow the regional and local scale of development and limit visual impacts. Within Rural Development Areas, projects should limit development to areas that can be screened from view by locating new development away from scenic vistas and siting behind or near woodland edges. The Project incorporates 100-foot setbacks along Boxberry Hill Road, as well as numerous curvilinear 6-foot-high berms with landscape plantings to help screen the large expanses of solar panels from the roadway. Due to large areas of protected forested land around the project periphery, the proposed development should not be visible from any regional roadways.

F64. Based on the visual simulations (Viewshed analysis exhibit 10.3) provided by the Applicant, the proposed berms and plantings will screen the majority of the proposed development. The greatest visibility is expected to be where access roads intersect with Boxberry Hill Road and allow views into the site. The two equipment pads closest to Boxberry Hill Road and adjacent to access roads appear most likely to be partially visible. The proposed panels and equipment will be primarily shielded from view by the height of the proposed 6-foot-high berms, which will limit visual impacts to the area surrounding the Project. With these measures, the Project is consistent with Objectives CD1 and CD3.

F65. Objective CD2 may be met by clustering development, incorporating permeable or pervious materials, and maintaining existing vegetation or revegetating disturbed areas as feasible. The solar arrays are proposed mostly on land that was previously cleared areas of the golf course, though 7.6 acres of wooded areas within the golf course property are also proposed to be cleared. All proposed areas of the solar farm will be replanted with pollinator meadow plantings, with new impervious areas limited to new access roads and the three equipment pads. The Project has limited new disturbed areas as practical and will have very little new impervious surface area, thus the Project is consistent with Objective CD2.

Capital Facilities & Infrastructure

F66. The Capital Facilities and Infrastructure Goal of the RPP is *to guide the development of capital facilities and infrastructure necessary to meet the region's needs while protecting regional resources*.

F67. The following Objectives are applicable and material to the Project:

- CAP1—ensure capital facilities and infrastructure promote long-term sustainability and resiliency
- CAP2—coordinate the siting of capital facilities and infrastructure to enhance the efficient provision of services and facilities that respond to the needs of the region

F68. As described in the Capital Facilities and Infrastructure Technical Bulletin, infrastructure encompasses components of the human built system necessary to support communities, protect regional resources, and encourage sustainable economic development, which includes energy distribution and generation facilities. As a development whose primary purpose is renewable energy generation and storage, the Project fits within the Technical Bulletin's broad definition of infrastructure.

F69. Objective CAP1 seeks to promote long-term sustainability of the region by supporting the transition to carbon-free infrastructure, while promoting compact development patterns and limiting impacts to natural, historic, and cultural resources. Methods to demonstrate consistency with this Objective include locating infrastructure outside of flood-prone or high hazard areas and avoiding impacts to cultural or scenic resources through siting and design in Rural Development Areas. The Project Site is not within any flood-prone or high hazard areas and will not be visible from scenic resources. The proposed solar PV array and battery storage system will generate and contribute carbon-free energy to the electric grid, consistent with CAP1.

F70. Objective CAP2 encourages projects to coordinate capital facilities/infrastructure siting and construction with other planned projects and improve the quality or availability of services across the region. Projects should use existing utility easements and rights of way where possible, provide environmentally-sound services and encourage fossil fuel-free energy. The Project will interconnect with existing electric infrastructure and does not require the construction of additional transmission facilities. Consistent with Objective CAP2—and discussed further below under Energy and Climate Mitigation—the Project will provide renewable, carbon-free energy to the electric grid.

Energy

F71. The Energy Goal of the RPP is *to ensure an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod*.

F72. The following Objectives are applicable and material to the Project:

- EN1—support renewable energy development that is context-sensitive
- EN2—increase resiliency of energy generation and delivery

F73. Objective EN1 may be met when a Project incorporates on-site renewable energy generation or alternative energy use, including, but not limited to: solar photovoltaic (PV), wind, solar thermal, geothermal, solar carport, fuel cells, or biofuels. Projects with energy generation, distribution, or storage as a primary purpose should support the Commonwealth of Massachusetts' broader climate renewable energy goals. Applicants for energy projects should make the following considerations for siting and design: minimize tree clearing, screen equipment from public view, use non-toxic transformers and other fluids, and locate in areas of similar and compatible types of use and development.

F74. Consistent with Objective EN1, the Project will generate renewable energy to the electric grid, contributing to the Commonwealth's renewable energy and net-zero carbon goals. The Project Site is within the Town of Falmouth's Large Scale Ground Mounted Solar Overlay District, where solar facilities are allowed by right. As noted above with respect to Wildlife and Plant Habitat and Community Design goals, the Project incorporates measures to minimize tree clearing and screen the solar arrays from public view.

F75. Objective EN2 supports an adequate and diverse supply of energy on Cape Cod by increasing the energy resiliency of development which should result in long-term energy savings, reduced environmental impacts, and less strain on the energy grid. Methods for supporting this goal include locating utilities underground and managing for peak demand. Supply-side demand management may be achieved through on-site energy storage technologies such as batteries, fuel cells, and emergency back-up generators. Consistent with Objective EN2, the Project will locate on-site utilities underground, and the system will incorporate battery storage.

Climate Mitigation

F76. The Climate Mitigation Goal of the RPP is *to support, advance, and contribute as a region to the Commonwealth's interim and long-term greenhouse gas reduction goals and initiatives, including a state-wide net zero carbon target by 2050*.

F77. The following Objectives are applicable and material to the Project:

- CM3—promote carbon sequestration and other emissions removal practices and technologies as appropriate to context
- CM4—Promote low or no carbon energy generation technologies as appropriate to context

F78. The RPP Climate Mitigation goal aims to lower greenhouse gas ("GHG") emissions on Cape Cod consistent with the Commonwealth's overarching goals. Reducing the economy's reliance on fossil fuel use and transitioning to clean, renewable energy sources are critical components of lowering emissions to meet state carbon reduction targets. The primary drivers of GHG emissions on Cape Cod are the transportation and energy sectors. Because climate change concerns cut across many land-use issues, the methods intended to satisfy other RPP goals, particularly Energy, may satisfy Climate Mitigation goals, and vice versa.

F79. The Applicant provided a GHG Impact Analysis which estimated the annual carbon sequestration associated with the Project Site in its existing condition and with the proposed solar arrays in operation. The GHG analysis concludes that the existing forest holds approximately 1,568 tons of atmospheric carbon, and, including the release of that carbon, the proposed PV system will reduce net carbon emissions by an equivalent of 285,113 tons over the expected 25-year life of the Project.

F80. Objective CM3 seeks to advance the capture and storage of atmospheric carbon through natural carbon sequestration and other decarbonization technologies. Projects may demonstrate consistency with CM3 by permanently protecting forest or other naturally-vegetated areas which absorb and store carbon. As noted above for Open Space Objective OS3, the Project will remove 10.5 acres of wooded areas on-site and permanently protect 41.8 acres of land on-site, including both areas that are currently forested and existing golf course fairways that are to be restored as habitat. As such, the Project is consistent with Objective CM3.

F81. Objective CM4: Projects which include appropriate on-site renewable energy generation, the ability to install EV and/or PV infrastructure, and green power purchase agreements, among other strategies, may be consistent with this Objective. As noted above for EN1, the Project's primary purpose is renewable energy generation and storage, and it is consistent with Objective CM4.

Cultural Heritage

F82. The Cultural Heritage Goal of the RPP is *to protect and preserve the significant cultural, historic, and archaeological values and resources of Cape Cod*.

F83. The following Objectives are applicable and material to the Project:

- CH1—protect and preserve forms, layouts, scale, massing, and key character defining features of historic resources, including traditional development patterns of villages and neighborhoods.

- CH2—protect and preserve archaeological resources and assets from alteration or relocation.

F84. Objective CH1 encourages projects to preserve, renovate, re-use, and incorporate historic structures in new development, and site new development outside of cultural landscapes. The Applicant provided a Project Notification Form (PNF) submitted to the Massachusetts Historical Commission (MHC) and evidence that MHC did not choose to comment on the Project, which is common practice. The proposed project is within a large area of Hatchville described in an historic inventory form (Area Form FAL.C) in the State's MACRIS database, but the inventory does not identify any historic buildings within the proposed project area. While the proposed project involves demolition of several existing buildings, they do not appear to have historic significance as determined by Commission staff and by the Falmouth Historical Commission. The Project will not impact historic resources, consistent with Objective CH1.

F85. Much of the Project Area was disturbed in the golf course construction and thus is unlikely to yield archaeological resources. However, those areas that were not previously disturbed and in proximity to wetlands and water bodies may be archaeologically sensitive. To address this, the Applicant will provide an Unexpected Discoveries Plan to address construction protocol in the event an archaeological site is uncovered during construction. Thus, the Project is consistent with Objective CH2.

Other DRI Standards of Review

Municipal Development Bylaws, Local Comprehensive Plan, & District of Critical Planning Concern Implementing Regulations

F86. DRIs must evidence consistency with applicable Municipal Development Bylaws, the Town's Local Comprehensive Plan ("LCP"), and District of Critical Planning Concern ("DCPC") implementing regulations.

F87. The majority of the site is located within the Agricultural A zoning district, with the portion of the site containing the clubhouse in the Business Redevelopment zoning district. Additionally, the Project is located within the Town's Large-Scale Ground Mounted Solar Overlay District, which allows for the proposed use. The overlay district was established by a vote of Town Meeting in June 2021 with knowledge of the Project.

F88. The Project will require Site Plan Review by the Planning Board, Stormwater and Driveway Permits from the Department of Public Works, and a Building Permit from the Building Commissioner. The Project's consistency with municipal development bylaws will be evidenced upon the Applicant obtaining these permits.

F89. The Town of Falmouth's current LCP was adopted in 2016. Town's LCP Energy Policy #2 states:

> "Public policy will strongly support the use of appropriate renewable energy sources."

The LCP also states, in part:

> "… the local regulatory framework should be adapted to respond to the need for a dispersed network of power generation facilities utilizing solar panels, wind turbines, geothermal heat pumps and tidal energy, as well as exploring new and innovative energy technologies."

F90. There are no DCPC implementing regulations applicable to the Project.

Probable Project Benefit vs. Probable Project Detriment

F91. Probable benefits of the Project identified include:

- The Project is in an area prioritized for development of solar generating facilities (the Town of Falmouth's Large-Scale Ground Mounted Solar Overlay District).
- The Project will result in the permanent protection of approximately 42 acres of land contiguous to other conservation areas, significantly exceeding that required by the RPP.
- The Project will provide new native grassland habitat on site for pollinator species.
- The Project will reduce fertilizer use in multiple water protection areas and adjacent to Coonamessett Pond as compared to the current use of the Site.
- The Project will reduce impervious areas on site.
- The Project will provide high quality habitat within a buffer to a vernal pool through a restoration program.
- The Project will contribute a significant amount of new carbon-free energy to the electric grid over its lifetime.
- The Project will preserve the community sledding hill on the site for public use.

F92. Probable detriments of the Project identified include:

- The Project will clear approximately 10.5 acres of trees to accommodate the solar PV array and associated equipment.
- The Project may impede the movement of some animals through the site.

F93. The Commission finds that the Probable Benefit of the Project is greater than the Probable Detriment.

CONCLUSION

Based on the Findings above and subject to the Conditions set out herein, the Commission further determines, finds, and concludes that the Project is consistent with the 2018 Cape Cod

Regional Policy Plan, applicable provisions from the Falmouth Local Comprehensive Plan, and applicable municipal development bylaws; the probable benefit of the Project is greater than the probable detriment; and the Commission hereby grants DRI approval for the Cape Cod Country Club Solar Project described herein.

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, this Decision shall be valid and in effect, and local development permits may be issued pursuant hereto for a period of seven years from the date of this Decision, or for such extended period as may be permitted by the Commission pursuant to the *Enabling Regulation*s.

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

C3. This Decision shall be appurtenant to and run with the Property. The Decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.

C4. The Applicant shall obtain all required federal, state, and local permits, licenses, and approvals for the Project. Consistency with Municipal Development Bylaws shall be confirmed by the Applicant and provided to the Commission staff after obtaining all said required local permits, licenses, and approvals for the Project. Prior to commencement of the Project, the Applicant shall provide the Commission with copies of all required local permits, licenses, and approvals for the Project. Any changes to the Project resulting from the municipal review process may require modification of this Decision.

C5. The Project shall be constructed, operated, and maintained consistent with the following documents ("Approved Project Plans"). Plans, protocols, and other documents received or required to be submitted as Conditions of this Decision shall be treated as incorporated into the Approved Project Plans once received, reviewed, and approved for consistency with this Decision by Commission staff, and the Project shall thereafter be constructed, operated, and maintained consistent with the Approved Project Plans, as so supplemented:

- Development of Regional Impact Application Narrative, prepared by PureSky Energy, consisting of 66 pages, dated March 2025

- Supplemental Application Materials for Cape Cod Country Club Solar, prepared by PureSky Energy, consisting of 93 pages, dated July 16, 2025
- Site Layout Plans, prepared by Raul Lizardi-Rivera, P.E., Cape and Islands Engineering, consisting of 14 sheets, dated June 23, 2022, as revised January 30, 2025
- Demolition, Erosions, and Sedimentation Control Plans, prepared by Raul Lizardi-Rivera, P.E., Cape and Islands Engineering, consisting of 11 plan sheets, dated January 23, 2024, as revised December 10, 2024
- Site Grading Plans, prepared by Raul Lizardi-Rivera, P.E., Cape and Islands Engineering, consisting of 13 plan sheets, dated April 3, 2024, as revised February 6, 2025
- Stormwater Management Report, prepared by Raul Lizardi-Rivera, P.E., Cape and Islands Engineering, dated May 5, 2022, as revised February 18, 2025
- Open Space Plan, prepared by Raul Lizardi-River, P.E., Cape and Islands Engineering, dated July 26, 2025, as revised February 19, 2025
- Proposed Land Restoration Plan, prepared by Raul Lizardi-Rivera, P.E., Cape and Islands Engineering, dated April 1, 2024, as revised February 19, 2025
- Restoration Plan Narrative, prepared by LEC Environmental, dated February 20, 2025
- Landscape Plan, prepared by Landschop, consisting of 2 sheets, dated October 24, 2022, as revised January 30, 2025

C6. The Applicant shall provide a copy of this Decision and the Approved Project Plans to the Project's general contractor prior to commencement of the Project. The Applicant shall maintain a copy of this Decision and the Approved Project Plans on the Project Site throughout Project construction.

C7. Prior to and as a Condition to issuance of a building permit/s for the Project from the Town of Falmouth, the Applicant shall request and obtain from the Commission a Preliminary Certificate of Compliance; the issuance of such Preliminary Certificate of Compliance evidences that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local building permit/s.

C8. Prior to and as a Condition to issuance of a Certificate/s of Use and Occupancy or building permit sign-off/s for the Project from the Town of Falmouth Building Department, the Applicant shall request and obtain from the Commission a Final Certificate of Compliance; the issuance of such Final Certificate of Compliance evidences that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local Certificate/s of Use and Occupancy or building permits sign-off/s, and shall confirm that the Project was constructed or implemented in accordance with this Decision.

C9. The Applicant hereby authorizes Commission staff to make site visits as necessary, at reasonable times and upon reasonable notice to the Applicant, to confirm that the Project has been implemented in accordance with this Decision, including upon an Applicant's request for a Certificate of Compliance hereunder.

C10. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall provide a draft Deed or Conservation Restriction to permanently protect the Open Space consistent with the requirements of Findings F58 and F59 for review and approval by Commission staff and counsel.

C11. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide an executed Deed or Conservation Restriction to permanently protect the Open Space consistent with the requirements of Findings F58 and F59.

C12. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide a Stormwater Pollution Prevention Plan and a Spill Prevention Control and Countermeasures for review and approval by Commission staff.

C13. To the greatest extent practicable, tree removal shall be avoided during the spring/summer seasons to avoid impacts to wildlife, including nesting birds and roosting bats.

C14. The Applicant shall pursue certification of the vernal pool on site with NHESP.

C15. Prior to and as a condition to issuance of a Final Certificate of Compliance, physical metes and bounds shall be installed on site to delineate the Open Space areas.

C16. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide to Commission staff an executed agreement with an entity qualified to implement the Restoration Plan that includes provisions for monitoring and management for at least the first three growing seasons (plant establishment period).

C17. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide an Unexpected Discoveries Plan to address construction protocol in the event an archaeological site is uncovered during construction for review and approval by Commission staff.

SIGNATURE PAGE FOLLOWS

DRAFT