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CAPE COD
COMMISSION

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DEVELOPMENT OF REGIONAL IMPACT DECISION

Project: Great Western Rd Solar, Dennis (Cape Cod Commission File No. 21007)
Project Applicant: VS Great Western Dennis SMART, LLC
c/o Ford & Ford Attorneys at Law
72 Main Street, P.O. Box 485, West Harwich, MA 02671
Property/Site: 131 Great Western Rd, Dennis, MA 02660 (Map 131 Parcel 5-0)
Title Reference: Deed Book 30166 Page 113
Property Owner: Dennis Development, LLC.
Date: _____

SUMMARY

The Cape Cod Commission (“Commission”) hereby grants Development of Regional Impact (“DRI”) approval, with Conditions, for Great Western Rd Solar, Dennis, a project to install a utility-scale, ground-mounted solar photovoltaic array and supporting improvements at 131 Great Western Road in Dennis, pursuant to a vote of the Commission at its meeting on _____.

FINDINGS

The Cape Cod Commission hereby finds and determines as follows:

EXISTING CONDITIONS/ PROPOSED PROJECT

- F1. The Applicant proposes to redevelop a 13.9-acre +/- lot (“Property” or “Site”) by installing an approximately 3.1 MW solar photovoltaic array with battery storage on 8.5 acres +/- of the lot (“Project”). The Applicant has legal standing to pursue the Project under a letter of authorization from the Property owner (Dennis Development, LLC).
- F2. The Project Site is located within the Industrial and Residential 40 zoning districts as defined in the Dennis Zoning By-Law. It is surrounded by primarily industrial uses to the north and east and residential development to the south and west.
- F3. The Project Site was previously developed. Former uses included a sand and gravel operation and a golf driving range. The Project Site is currently not in use but contains improvements associated with the former driving range, including a parking lot, a one-story building, a Title 5 septic system, a small shed, a concrete pad formally used as the driving range tee area, and a large open area.

- F4. As proposed, the development and installation of the solar photovoltaic array would consist of:
- a. Removing the existing structures associated with the former driving range, including the one-story wood frame building, septic system, shed, and concrete pad;
 - b. Enhancing the existing vegetated buffer along Great Western Road to provide screening from the roadway;
 - c. Constructing stormwater management improvements, including a water quality swale with a vegetated filter strip and stone check dams;
 - d. Installing piles, racks, solar modules, and concrete equipment pads;
 - e. Installing a chain-link fence and 15-foot-wide gravel driveway around the perimeter of the solar array; and
 - f. Revegetating the array area with native plant species and seed mix consistent with UMass Clean Energy Center Best Management Practices for Pollinator-Friendly Solar Arrays.
- F5. A Project Notification Form was submitted to Massachusetts Historical Commission on March 18, 2021. The Applicant did not receive a response. Given the Site's prior use as a sand and gravel operation and the lack of nearby historic or archaeological resources, there is no indication that the Project will impact cultural resources.
- F6. Given the surrounding uses and development patterns, the Site is best represented by the "Suburban Development Area" Placetype. Suburban Development Areas include automobile-oriented commercial and light industrial development. The Regional Policy Plan ("RPP") vision for these areas is to pursue redevelopment that better integrates commercial and industrial development into surrounding neighborhoods. The Applicant proposes redevelopment that will include Site improvements such as landscaping and stormwater management, consistent with the RPP strategies for Suburban Development Areas.
- F7. Required open space for projects in a Suburban Development Area is equal to the undeveloped area that will be impacted by the development. The Site is cleared, has been subject to previous disturbance and uses, and the redevelopment is proposed within the existing disturbed footprint and includes vegetation improvements. Therefore, under the RPP, open space is not required for the Project.
- F8. Ongoing operations and activity at the Property would be minimal as maintenance is infrequent and the proposed array and electrical components have a projected lifespan of 25 years. Due to the minimal ongoing operations, the Project does not involve sustained effects on employment or transportation.

DRI JURISDICTION/ PROCEDURAL BACKGROUND

- F9. The subject Property was previously subject to a DRI Decision, Crowell Driving Range (CCC No. 90037). On October 28, 2016, the Committee on Planning and Regulation issued a Certificate under Section 14 of the Commission's *Enabling Regulations* determining that there is no continuing Development of Regional Impact (DRI) jurisdiction under the DRI Decision (CCC No. 90037) over the Project or Project Site. Under the Section 14 Certificate, any development proposed on the Project Site that meets or exceeds a mandatory DRI review threshold under Sections 2 and 3 of the *Enabling Regulations* shall be subject to new DRI review by the Commission.

- F10. The Project requires mandatory DRI review pursuant to Section 3 of the Commission's *Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact ("Enabling Regulations")* (revised May 2020) as an Outdoor Use with Total Project Area of 40,000 sq ft or greater.
- F11. The Commission received a mandatory Development of Regional Impact referral for the Project from the Town of Dennis ("Town") Building Commissioner on April 30, 2021.
- F12. The Applicant submitted a DRI application to the Commission on April 30, 2021. The Applicant submitted supplemental materials, a Vernal Pool Study and a Decommissioning Plan, on June 2, 2021 and August 26, 2021, respectively.
- F13. The DRI hearing period was opened procedurally by staff hearing officer on June 29, 2021. A DRI Subcommittee ("Subcommittee") held a substantive public hearing session on the Project on August 26, 2021. In advance of the hearing, Commission staff prepared a staff report on the Project, dated August 20, 2021. The Subcommittee continued the public hearing to September 1, 2021. At the September 1, 2021 Subcommittee hearing, the Subcommittee directed staff to draft a written DRI Decision for recommendation to the full Commission to consider in its review and decision-making.
- F14. The Commission received written testimony during the DRI hearing process. Written testimony included a request from an abutting resident to maintain the vegetative buffer to the nearby residences.
- F15. The Cape Cod Commission held a hearing on the Project at its meeting on 9/9/2021. It considered the recommendation of the Subcommittee as reflected in the draft DRI decision prepared by staff at the direction of the Subcommittee. At the hearing on 9/9/2021, the Commission _____

DRI REVIEW STANDARDS

- F16. Section 7(c)(viii) of the Commission's *Enabling Regulations* contains the standards to be met for DRI approval, which include, as applicable, consistency with the Cape Cod Regional Policy Plan, municipal development bylaws, District of Critical Planning Concern ("DCPC") implementing regulations and Commission-certified Local Comprehensive Plans ("LCP"). The Commission must also find that the probable benefit from the Project is greater than its probable detriment.
- F17. The Project is subject to review for consistency with the 2018 RPP, as amended in March 2021, which was the version of the RPP in effect at the time of the Commission's first substantive public hearing on the Project.

MUNICIPAL DEVELOPMENT BYLAWS, LCP, AND DCPC CONSISTENCY REVIEW

- F18. There are no DCPC implementing regulations applicable to the Project.
- F19. The Town of Dennis does not have a Commission-certified Local Comprehensive Plan.
- F20. The property is located within the Industrial and Residential 40 zoning districts as defined in the Dennis Zoning By-Law. The Project is a Commercial Scale Solar Energy Electrical Generator under the By-Law. In an email dated August 2, 2021, Dan Fortier, Dennis Town Planner, stated that the proposed use of the property is consistent with the Dennis Zoning By-law as the Industrial district is a permitted location for these large-scale facilities.
- F21. The Dennis Zoning By-law requires public utility facilities to be screened from an adjacent residential use or street by a solid stockade fence six feet in height, densely planted vegetation,

or be equivalently obscured by natural vegetation. The By-law also requires a 100-foot undisturbed buffer to be maintained adjacent to all wetland areas.

- F22. The Applicant anticipates the following local reviews, actions, permits, licenses, and/or approvals for the Project: Dennis Building Permit.

CAPE COD REGIONAL POLICY PLAN CONSISTENCY REVIEW

- F23. The Commission reviewed the Project relative to the 2018 RPP and companion Technical Bulletins, as amended in March 2021, which were those in effect at the time the Commission commenced substantive hearing on the Project. Under Section 9 of the 2018 RPP, the Commission determines the Project's consistency with the RPP by determining whether the Project is consistent with the goals and objectives in the RPP that are applicable, material and regionally significant with respect to the Project. The companion Technical Bulletins elaborate and interpret the RPP's goals and objectives.
- F24. To support areas with similar natural and built characteristics, the RPP recognizes a site's Placetype as a lens for regulatory review. This Site is best characterized as a Suburban Development Area Placetype due to its proximity to automobile-oriented commercial and light industrial development and the absence of sensitive resources on-Site. The Applicant proposes redevelopment that will include Site improvements such as landscaping and stormwater management, consistent with the RPP strategies for Suburban Development Areas.
- F25. The following goals and objectives from the RPP are those determined to be applicable, material, and regionally-significant with respect to the Project and are thus subject to RPP consistency review: Water Resources goal and objectives WR1, WR3, and WR4; Wetlands Goal and Objectives WET1, WET2, WET3, and WET4; Wildlife and Plant Habitat goal and objectives WPH1, WPH2, WPH4, and WPH5; Community Design goal and objectives CD1, CD2, and CD3; Energy goal and objectives EN1 and EN2; Capital Facilities & Infrastructure goal and objectives CAP1 and CAP2; Waste Management goal and objectives WM1 and WM2; and Climate Mitigation goal and objectives CM3 and CM4.
- F26. Subject to the Conditions set out in this Decision, the Project is consistent with the above-referenced RPP goals and objectives and with the corresponding provisions from the Technical Bulletins, as discussed in detail below.

Water Resources

- F27. 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. The following Water Resources Objectives are applicable and material to the Project: protect and preserve groundwater quality (WR1); protect, preserve, and restore marine water resources (WR3); and manage and treat stormwater to protect and preserve water quality (WR4).
- F28. The Site is within a Marine Water Recharge Area for Swan Pond and Swan Pond River. Impacts to marine water resources are expected to be minimal because the proposed Project will reduce site-wide nitrogen loading relative to the prior use.
- F29. The Project will require minimal grading and no clear-cutting of trees; the proposed stormwater drainage patterns will mimic the existing drainage patterns.
- F30. Stormwater will be managed consistent with the RPP and the Massachusetts Stormwater Handbook. The recharge volume for this Site will be increased due to a 0.24-acre increase in impervious area. The proposed gravel driveway and concrete equipment pads will be sloped to

direct runoff through a vegetated filter strip into a water quality swale before entering the infiltration area. Pretreatment of the runoff will remove 44% of TSS prior to the runoff entering the infiltration area with a total of 80% TSS removal including the infiltration process. The infiltration area has been designed to store and infiltrate stormwater runoff for all storm events up to and including the 100-year storm. There will be reductions in peak flow rates for the runoff at the discharge point to the wetland, which is an improvement in existing conditions.

- F31. The Project is consistent with the RPP requirements for site-wide Nitrogen loading concentrations. Nitrogen loading from the Project will be generated only by stormwater runoff from impervious areas; no wastewater generation or managed turf is proposed or anticipated. Because the Project is a redevelopment, nitrogen loading must not exceed the existing concentration. The anticipated nitrogen loading concentration from the Site is approximately 0.20 ppm, which is less than the existing concentration of 6.06 ppm.

Wetlands Resources

- F32. The Wetlands Resources Goal of the RPP is to protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers. The following Wetlands Resources Objectives are applicable and material to the Project: protect wetlands and their buffers from vegetation and grade changes (WET1); protect wetlands from changes in hydrology (WET2); protect wetlands from stormwater discharges (WET3); and promote the restoration of degraded wetland resource areas (WET4).
- F33. There are two wetlands described in the Natural Resources Inventory (“NRI”) and Vernal Pool Habitat Evaluation: an isolated vegetated wetland on the southern portion of the Property; and a vegetated wetland bordering a pond to the southwest of the Property. Based on the Vernal Pool Habitat Evaluation, both wetlands show little likelihood of functioning as vernal pools.
- F34. The Project does not propose alteration of the existing wetlands and will provide at least 100-foot undisturbed vegetated wetland buffers to the wetlands.
- F35. No stormwater discharges are proposed within 100 feet of the wetlands and the stormwater management plan maintains existing drainage patterns. Therefore, consistent with these Objectives, the wetlands would be protected from changes in hydrology and from stormwater discharge.
- F36. As conditioned, the Project will avoid impacts to wetlands through appropriate erosion and sediment controls, suitable vegetation of the Site post-construction, and an invasive species management plan.

Wildlife and Plant Habitat

- F37. 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. The following Wildlife and Plant Habitat Objectives are applicable and material to the Project: maintain existing plant and wildlife populations and species diversity (WPH1); restore degraded habitats through use of native plant communities (WPH2); manage invasive species (WPH4); and promote best management practices to protect wildlife and plant habitat from the adverse impacts of development (WPH5).
- F38. The NRI indicates that habitat quality of the Property is currently low; it is degraded from prior uses with numerous and abundant invasive plant species, poor soils, and abandoned infrastructure. The Project Site is not in Natural Heritage and Endangered Species Program priority habitat for rare species, BioMap2 core habitat, or critical natural landscapes. The entire parcel, except for the western and northern edges, is dominated by a mix of native and non-

native plants, seven of which are listed as invasive and prohibited by the Massachusetts Department of Agricultural Resources. There are also invasive Norway maples lining Great Western Road.

- F39. Large solar photovoltaic (PV) arrays can be planted with native vegetation to provide habitat for pollinators and other wildlife species. According to the NRI, the revegetation of the array area with a native seed mix will provide wildlife habitat value for various insects, grassland-dependent birds and small mammals. The Applicant proposes vegetation management practices consistent with the UMass Clean Energy Center Best Management Practices for Pollinator-Friendly Solar Arrays.
- F40. The Project would minimize impact on existing plant and wildlife populations and would not impact priority or rare species habitat. The Project proposes to remove abandoned infrastructure; minimize grading on the Site; seed the solar array area with a native seed mix; and enhance the vegetated buffers to the north and west with native plant species, consistent with established best management practices.
- F41. If unmanaged, the invasive species could proliferate throughout the Site. These invasive species' seeds will be present in the soils surrounding the infestations and, as invasive seeds do well in disturbed soils, particular caution must be exercised during construction and maintenance to prevent the spread of invasive species both on and off the Site.

Community Design

- F42. 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. The following Community Design Objectives are applicable and material to the Project: promote context sensitive building and site design (CD1); minimize the amount of newly disturbed land and impervious surfaces (CD2); and avoid adverse visual impacts from infrastructure on scenic resources (CD3).
- F43. The Project will redevelop 8.5 acres of the 13.9-acre Site, within previously disturbed land and will minimize impervious surfaces.
- F44. The Project is sited away from scenic resources and the vegetative buffers screen the Project from the roadway. Existing vegetated buffers along Great Western Road and abutting the residential properties to the west provide screening of the Site. The Project proposes to maintain or improve the existing woodland buffer to the residential properties to the west and enhance the vegetated buffer along Great Western Road to provide additional visual screening.

Energy

- F45. The Energy goal of the RPP is to provide an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod. The following Energy Objectives are applicable and material to the Project: support renewable energy development that is context-sensitive (EN1); and increase resiliency of energy generation and delivery (EN2).
- F46. This Project has energy generation, distribution, and storage as a primary purpose. The proposed solar array would have a generation capacity of approximately 3.1MW and would include a battery storage system. As part of the Solar Massachusetts Renewable Target (SMART) program, the Project will contribute to the statewide goal of reducing reliance on non-renewable energy sources.

- F47. The Project proposes context-sensitive renewable energy generation. The Site is adjacent to an industrial activity center and is zoned for industrial use. With vegetated buffers from residential parcels and along Great Western Road, the Project would avoid detrimental visual impacts. Further, the Project incorporates redevelopment of a previously disturbed site. The Project also adequately mitigates or avoids impacts to water resources by managing stormwater and utilizing non-toxic transformer fluid.
- F48. The Project would increase resiliency of the local electrical network by incorporating battery storage. Battery storage furthers Massachusetts Energy Storage Initiative, which aims to achieve the benefits of incorporating advanced storage technologies into Massachusetts' energy portfolio by establishing an energy storage market structure, and to support storage projects at the electric wholesale system, utility distribution system, and customer side scale.

Capital Facilities & Infrastructure

- F49. The Capital Facilities & 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. The following Capital Facilities & Infrastructure Objectives are applicable and material to the Project: ensure capital facilities and infrastructure promote long-term sustainability and resiliency (CAP1); and 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 (CAP2).
- F50. The Project will improve the quality and availability of electrical service. Equipped with a battery, the array is required to dispatch power at the times of higher system demand. The solar and battery together can handle both large and small output adjustments, helping to stabilize the local distribution network in the event of a spike or sudden dip in demand.
- F51. The Project promote long-term sustainability and resiliency of infrastructure as it is not proposed in a flood prone or high hazard area. The battery equipped array is designed to be sustainable in all weather conditions and would support grid resiliency.
- F52. The proposed point of interconnection is 400 yards +/- east of the Site, which would be connected via an overhead line running along the existing electrical infrastructure.

Waste Management

- F53. The Waste Management Goal of the RPP is to promote a sustainable solid waste management system for the region that protects public health, safety, and the environment and supports the economy. The following Waste Management Objective is applicable and material to the Project: support an integrated solid waste management system (WM2).
- F54. The proposed solar development will generate waste during the demolition of the existing structures on Site and during construction of the solar array. Typical building and Site demolition waste products will include wood, gypsum, glass, metals, brick, cement concrete, and asphalt concrete. Demolition debris will be sorted and recycled as appropriate. Debris not able to be recycled will be properly disposed of in conformance with all applicable regulations and requirements. Solar component packaging, including cardboard and wooden pallets, will be sorted and recycled as appropriate, in conformance with all applicable regulations and requirements.

Transportation

- F55. The Transportation Goal of the RPP is to provide and promote a safe, reliable, and multi-modal transportation system. The following Transportation Objective is applicable and material to the Project: improve safety and eliminate hazards for all users of Cape Cod's transportation system (TR1).
- F56. The Project Site is located on Great Western Road, which is classified as an urban minor arterial under Town jurisdiction with a posted speed limit of 40 miles per hour.
- F57. The Project is expected to be a low traffic generator and is also expected to generate fewer vehicle trips in comparison to its former use as a golf driving range.
- F58. The existing site driveway meets sight distance requirements, and the Project proposes improved access management. A sight distance assessment was performed for the existing site driveway; it was found to meet minimum sight distance requirements based on the posted speed limit and appropriate vehicle classifications. The Project proposes to improve access management by narrowing the existing site driveway from 30-feet to 16-feet, removing the existing median and installing a gate to control access.

Climate Mitigation

- F59. 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. The following Climate Mitigation Objectives are applicable and material to the Project: Promote carbon sequestration and other emissions removal practices and technologies as appropriate to context (CM3); and promote low or no carbon energy generation technologies as appropriate to context (CM4).
- F60. The Project proposes to maintain or restore native vegetation and avoid the use of supplemental fertilizer, which will contribute to carbon sequestration.
- F61. The Project is located on a previously disturbed site and has a primary purpose of low- or no-carbon energy generation on Cape Cod.

REGIONAL BENEFITS/DETRIMENTS

- F62. Probable benefits of the Project identified include the following:
- The Project proposes redevelopment.
 - The Project clusters the solar array on the portion of the site that is away from the residences and the wetlands on-site and will maintain the existing wooded buffers to abutting properties and along Great Western Road.
 - The Project will be part of the Solar Massachusetts Renewable Target (SMART) Program, a long-term, sustainable solar incentive program to promote cost-effective solar development in Massachusetts.
 - The photovoltaic arrays used as part of the Project have a life of at least 25-years.
 - The Project will increase resiliency of the electricity network.
 - The Project proposes minimal grading and earthwork.
 - The Project proposes revegetation of a currently degraded Site.
 - The Project would achieve a significant reduction in site-wide nitrogen loading concentration in a Marine Water Recharge Area.
 - Through its low- or no-carbon energy generation, the Applicant estimates that there will be 1,720 fewer tons of CO₂ emitted annually than if the energy were generated from nonrenewable sources.

F63. Probable detriments of the Project identified include the following:

- The Project’s Decommissioning Plan is not specific as to the recyclability of the photovoltaic modules and system components or the proposed methods for recycling or recovering component materials upon decommissioning.

CONCLUSION

Based on the Findings above and subject to the Conditions set out below, the Commission further determines, finds, and concludes that: the Project is consistent with the 2018 Cape Cod Regional Policy 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 Great Western Road 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.
- C2. A copy of the Decision, when final and prior to commencement of the Project, shall be filed 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 ratified and confirmed by the Applicant 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.
- C5. The Project shall be constructed, operated, and maintained consistent with the following documents (“Approved Project Plans”). Plans, protocols, and other documents required to be submitted as Conditions of this Decision shall be treated as incorporated into the Approved Project Plans once received, reviewed, and determined consistent with this Decision by Commission staff.
 - “Proposed Solar Installation, Great Western Road, Dennis, Massachusetts”, prepared by BSC Group, dated January 19, 2021;
 - Sheet T-1.0: Title Sheet
 - Sheet C-1.0: Site Preparation, Erosion, & Sedimentation Control Plan
 - Sheet C-2.0: Layout & Materials Plan
 - Sheet C-3.0: Grading & Drainage Plan
 - Sheet C-4.0: Details
 - Sheet C-4.1: Details
 - Sheet L-1.0: Landscape Planting Plan (Pollinator Protection Plan)
 - Sheet L-1.1: Landscape Planting Details & Schedule
 - “Proposed Solar Installation, Great Western Road, Dennis, Massachusetts”, prepared by BSC Group, dated October 9, 2020;
 - Figure 1: Existing Watershed Area Map

– Figure 2: Proposed Wastershed Area Map

- “131 Great Western Rd, South Dennis, MA 02660, Photovoltaic System (3,119.71 KWDC/ 2,150 KWAC), Energy Storage System (1,265 KWAC/ 2529 KWH)”, prepared by Scott W. Lindelow, PE;
 - Sheet SP-1.0: Site Plan, dated November 24, 2020
 - Sheet E-1.1: Single line Deagram, dated November 25, 2020
- “Existing Conditions Site Plan of 131 Great Western Road”, prepared by Down Cape Engineering, Inc., dated May 6, 2019
- “Topographic Site Plan of #131 Great Western Road in South Dennis, MA”, prepared by Down Cape Engineering, Inc., dated May 20, 2020
- “Invasive Species Management Plan”, Natural Resources Inventory, Section 6.0, prepared by BSC Group, dated October 2020
- “Decommissioning Plan, Great Western Road Solar Field, 131 Great Western Road Dennis, MA”, dated August 20, 2021

- 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 Dennis, 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 Dennis 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 to the Commission an updated invasive species management plan, for approval by Commission Staff.

C10A. The invasive species management plan must include the removal of the six Norway maples during construction, and monitoring for and removing seedlings during operations and maintenance. Where removal of invasive species requires removal of vegetation that contributes to the vegetative buffer along the perimeter of the property, the vegetation must be supplemented with additional plantings, subject to the review and approval of Commission staff.

C10B. The invasive species management plan must be revised to include the requirement that mechanical methods be implemented until proven ineffective. If, over time, any invasive species does not respond to mechanical controls, alternative methods to control invasive species could be pursued after consulting with and obtaining written approval from Commission staff, subject to Condition C11.

- C11. No use of herbicides or pesticides on-Site shall be permitted unless proposed for invasive species management where no feasible mechanical alternative exists, and then only with the prior written approval of Commission staff; provided, however, that under no circumstances may glyphosate-based herbicides be used on-Site.
- C12. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit the final Stormwater Pollution Protection Plan (SWPPP) for review and approval by Commission staff. The SWPPP shall identify activities and conditions that could cause pollution to water resources during construction and the steps that will be taken to prevent discharge of pollutants to water resources.
- C13. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, an erosion and sedimentation control plan, shall be submitted to Commission staff for review and approval.
- C14. The Applicant shall use native seed and plantings to establish the proposed meadow in the array area according to final specifications reviewed and approved by Commission staff. The Applicant shall establish, and update as necessary, a maintenance plan for the array area consistent with the UMass Clean Energy Extension Pollinator-Friendly PV Program.
- C15. The Applicant shall retain the wooded buffer along the perimeter and frontage of the Site as depicted in the Approved Project Plans. Where invasive species are removed from the buffer area, the Applicant shall supplement the buffer with plantings as required by the invasive species management plan under C10A.
- C16. The Applicant shall use only bio-degradable transformer fluid or dry-cooled transformers as part of the Project.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

Executed this _____ day of _____ 2020

For the Cape Cod Commission by:

Signature

Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss _____, 2020

Before me, the undersigned notary public, personally appeared _____,
in his/her capacity as _____ 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