



September 21, 2022

Town of Wareham Planning Board
c/o Kenneth Buckland, Dir. of Planning and Community Development
54 Marion Road
Wareham, MA 02571

Re: Special Permit and Site Plan Approval
Case No. 9-20
150 Tihonet Road
(Assessors Map 111, Lot 1000-C)

Dear Planning Board Members:

I am writing to request clarification regarding the expiration of the above referenced Special Permit and Site Plan Approval. The decision regarding the case was filed with the Town Clerk on December 29, 2020. As the Board is aware, that approval was during the period in which Governor Baker's Emergency Covid Order was in effect. The Emergency Order was issued on March 10, 2020 and was lifted on June 15, 2021.

The decision states that the Approval shall expire two years from the date on which a copy of the decision was filed with the Town Clerk, if substantial use or construction has not started. The request for clarification is regarding whether the Town of Wareham interprets that the period in which the Emergency Order was in effect after the date of the Special Permit and Site Plan Approval results in tolling of the expiration date.

If it is the Board's position that the expiration should toll through the effective period of the Emergency Order, that would result in a new expiration date of 6/15/2023 – or 2 years after the Order was lifted.

If that is not the Board's position, we respectfully request that the Board consider an extension of the expiration date by 2 years to December 29, 2024 for good cause. The project's interconnection approvals have been delayed by its inclusion in a group study that is awaiting an order from the Massachusetts Department of Public Utilities (DPU). Until the DPU order has been issued, Eversource can not issue an Interconnection Service Agreement (ISA) for the project. The ISA is the final utility approval, and without it the project cannot interconnect to the electric distribution system. Our interconnection applications were well underway at the time of Special Permit application with the Town of Wareham. The project permitting was pursued in good faith based on the anticipated interconnection review and approval schedules known at the time. We are committed to applying for building permit and beginning construction as efficiently as possible once final utility approvals are obtained.

55 Technology Drive, Suite 102
Lowell, MA 01851
newleafenergy.com



Please let me know if additional information is needed for the Planning Board to make an informed decision, or if our attendance at a future Board meeting is necessary.

Finally, you have likely noticed our new name. We are New Leaf Energy, Inc. (New Leaf), formerly the development business unit under the Borrego Solar Systems, Inc (Borrego) umbrella. We have the same history, experience, knowledge base, people, and the same executive team that you have come to know over the course of our association. All Borrego's rights and obligations under this Special Permit and Site Plan Approval have been transferred to New Leaf. For more information about the transition, please feel free to read this press release found at the following link. <https://www.newleafenergy.com/press/borrego-completes-sale-of-development-business-to-ecp>

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "C. Dean Smith". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

C. Dean Smith, P.E.
Civil Engineering Lead