



April 27, 2023

Via Email to kbuckland@wareham.ma.us

Members of the Wareham Planning Board
c/o Kenneth Buckland
Director of Planning and Community Development
Memorial Town Hall
54 Marion Road
Wareham, MA 02571

Re: Site Plan Review Application, 0 Rt. 25, Parcel ID 115-1000

Dear Members of the Wareham Planning Board:

On behalf of Longroad Development Company, LLC (“Longroad”), I am writing to express our surprise and disappointment with the Wareham Planning Board’s sudden vote last Thursday, April 20, 2023, to reject the site plan review application entirely for our Wareham large ground-mounted solar energy project, which includes a battery energy storage component (our “Project”). Longroad has worked for many months to respond to a wide range of questions and concerns raised by the Board, peer reviewers and the public. In good faith we diligently provided reliable information to the Board to support its decision making. Indeed, a core element of our business practices as a renewable energy developer is our commitment to avoiding and resolving project siting issues. We are approaching \$1 million in development spending on this Project in reliance on the local process because we firmly believe that this well-sited Project is in compliance with the Town’s Zoning By-laws.

We respectfully ask that the Board rescind the vote to disapprove the site plan review application and instead vote to reopen the public hearing to allow the Board to receive additional information relating to battery energy storage safety matters.

Rescission of the disapproval and a vote to reopen the public hearing is warranted because we did not have a reasonable opportunity to support the move to reopen the public hearing.

We were told that last Thursday’s meeting was an “organizational meeting” at which the Board would be discussing administrative matters relating to its decision making process over the coming weeks. As a result, we asked our counsel to monitor the meeting remotely and report back on the expected process. Our counsel accurately and appropriately told the Board that at that point we hadn’t formally requested or opposed the idea of reopening the public hearing – he just needed a chance to communicate with us. Had the Longroad team been present, we would have absolutely supported the notion of reopening the public hearing so that the Board could obtain the additional information regarding battery energy storage matters. After we had devoted so much effort over many months to providing information to the Board, we do not believe it



was reasonable for the Board to demand that our counsel respond on the spot and without consulting us to the idea of reopening the public hearing and then immediately rush ahead to reject the application entirely.

It is also important for the Board to know that we only asked for the public hearing to be closed at the March 27, 2023 meeting because it was our understanding that the Board had adequate information to make an informed decision. We were repeatedly told that Longroad was an exemplary applicant in terms of our dedication to providing information responsive to the Board's concerns. Over the course of the 18 months from the filing of our site plan review application in September 2021 to the close of the public hearing on March 27, 2023, we responded diligently to the various concerns raised by the Board as the proceeding unfolded. Among other things:

- Our initial application represented a rigorous effort to demonstrate that the Project had been designed in compliance with the Zoning By-laws.
- We provided painstaking, line by line responses to peer reviewer comments.
- When the Board raised concerns about whether certain materials were or were not contained in the solar panels and whether there might be a significant threat of contaminating groundwater, we provided information in response, including information from the panel manufacturer, third party studies, and experts in hydrogeology and site contamination.
- When the Board raised concerns about the accuracy of the decommissioning cost estimate, we revised the cost estimate, made our decommissioning cost expert available to the Board, and ultimately agreed to an initial decommissioning financial assurance amount significantly in excess of the cost estimate.
- When in January 2023 the Board raised questions about the zoning implications of our plan for the battery energy storage equipment (typically charged from the solar arrays and only occasionally charged from the grid), we did our very best to provide information on that issue.
- While there were a few Board comments regarding battery energy storage safety matters, Board members seemed to indicate that they could address those concerns by using the permit conditions the Board had already developed for the Fearing Hill project, another large ground-mounted solar energy project with a battery energy storage component.

After many months of providing a great deal of information, our understanding was that the Board was ready to close the public hearing. Some additional concerns about battery energy storage safety were raised during the March 27 meeting, but it appeared that those concerns could be adequately addressed through appropriate permit conditions to be crafted by the Board in the course of drafting a decision following the close of the public hearing.

We believe we have already proposed permit conditions relating to battery energy storage safety matters that would be far more expansive and protective than any conditions the Board has previously imposed on other solar energy projects with a battery energy storage component. We believe those conditions would ensure use of safe battery energy storage equipment with

minimal risk of an accident, robust hazard assessment and mitigation and response planning, appropriate training of and communication with fire safety officials, and no significant health or safety risk. Still, we understand that the Board believes more information is necessary on those matters, not just for the Board's decision on our proposed Project but also for its review of other solar projects with battery energy storage equipment in Wareham. Indeed, we had encouraged the Board to engage a qualified expert in battery energy storage safety matters and are so supportive of the Board's obtaining such expert assistance that we are willing to contribute up to \$5,000 toward the cost of a qualified expert's services. And regardless of the conditions the Board wishes to impose, Longroad is absolutely committed to designing, constructing, operating and maintaining a safe project.

As the Board has noted multiple times, our proposed Project is well sited. The Project would have little or no visual impact, would be on a site that is already largely cleared, and would sit among neighboring cranberry farming operations, another solar energy facility, and the Town's municipal maintenance facility.

We would also be excited to incorporate the Board's recent ideas to employ a pollinator-friendly seed mix at the site. Longroad's Foxhound Solar project recently earned certified Pollinator-Smart certification for its proposed 83-megawatt solar installation on 600 acres in Halifax County, Virginia. The company is planting native grasses, such as Southeastern wildrye, and native Oxeye sunflower and other wildflowers in areas surrounding the solar arrays to support pollinators. That project earned special praise from the Virginia Department of Conservation and Recreation:

“Planting species native to Virginia – whether at our state parks, on a solar energy facility, or in your backyard – helps to preserve the commonwealth's special natural heritage and biodiversity,” said DCR Director Matthew Wells. “The benefits of Foxhound's pollinator habit – both around the array and under the panels – will have a positive impact both on the project and the surrounding area. We commend Longroad Energy's commitment to supporting biodiversity by being the first utility-scale solar project to achieve Virginia Pollinator-Smart certification.”¹

We remain hopeful that we can work constructively toward an informed decision on this project. It is well established that the Board's decision is not final unless and until it is filed with the Town Clerk. *See, e.g., Board of Alderman of Newton v. Maniace*, 429 Mass. 726, 731 (1999). This means that there is still an opportunity for the Board to rescind last Thursday's vote and take a different path.²

¹ <https://www.prnewswire.com/news-releases/longroad-energys-108-mwdc-foxhound-solar-project-to-be-acquired-by-dominion-energy-301793790.html>.

² It may also be helpful to note that, under Robert's Rules of Order, widely followed in letter or in spirit by many municipal boards, a vote may be rescinded prior to an action's becoming final (and where nothing has been done as a result of the vote that cannot be undone), which is the case here. *See Robert's Rules of Order*, 12th Ed. §35.



For these reasons, we respectfully ask that the Board rescind its vote on April 20, 2023 and instead vote to reopen the public hearing to allow the Board to receive additional information relating to battery energy storage matters.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Kearns", written in a cursive style.

Matt Kearns
Chief Development Officer

cc: Richard P. Bowen, Esq., Law Office of Richard P. Bowen
David Fletcher
Robert W. Galvin, Esq., Galvin & Galvin, PC
Matthew Thornton, Longroad
Lindsey Kester, Longroad
Vanessa Kwong, Esq., Longroad
Sarah Ebaugh, VHB