Citizens Opposed to the 0 Route 25 Solar Siting

c/o Barry C. Cosgrove

49 Blackmore Pond Circle

West Wareham, Ma 02576

February 9, 2023

Michael King

Chair, Planning Board

Town of Wareham

Marion Road

Wareham MA.

Kenneth Buckland

Planner

Town of Wareham

Marion Road

Wareham MA.

**Sent via email February 9, 2023**

Re: 33-21 Wareham PV 1, LLC - SPR – 0 Route 25

Dear Chairman King, Members of the Planning Board, and Mr. Buckland:

The latest missive from Wareham PV 1, LLC - SPR – 0 Route 25 is yet another tired effort to twist our Town’s intelligent, common sense reasoning into – what else – more unfounded claims of the unreasonable regulation of Solar.

And while the applicant wasted too much ink in its most recent attempt to weaponize Chapter 40A Section 3, its reported position is to reject in full all of the bedrock protections reasonably identified by this body as imperative to protect our Town’s health, safety, and welfare.

Here’s the applicant’s bottom line:

***No cash decommissioning protection***

***No decommissioning deal without the applicant’s renegotiation gimmickry***

***No Ground Monitoring wells.***

***No Battery storage of power produced off-site – no deal; and***

***No Easement Conditions***

On this basis alone, the application warrants a denial without further delay. But the entire applicant message is even more disturbing.

**“Refined” Site Plans**

It was a - long road - to the truth, given the applicant’s deliberate efforts to exclude any reference whatsoever to a battery (bomb) on any of its multiple plan sets submitted to the Town over the past 18 months. But we got to the truth, nonetheless.

Knowing the battery would be controversial, the applicant incessantly rushed to close the public hearing without disclosing the battery’s location or size on any of its submitted plans. Indeed, it misled citizens and the Town by referencing only small concrete slabs for vague electrical purposes. Both slabs - the applicant now asserts – are dedicated to transformer and inverter devices – not the battery.

Only now are two additional and much larger slabs presented on the plans, accompanied by an undoubtedly painful admission that these new – first-time ever disclosed slab designations – are required for the formerly hidden battery purposes.

And the applicant’s dismissive – if not disgraceful - explanation of its hide-the-battery from the plans is – get this - “customary.”

Since when is it “customary” to show - for 18 months no less – just two pads equaling a total of just 264 sq feet without also disclosing two additional pads - in precisely the same vicinity - totaling 722.5 sq feet (almost three times more sq footage).

Just how stupid do they take us Wareham residents to be?

**Revised Hydro CAD Report**

This updated report - owing entirely to the forced disclosure of the battery (emphasis added) - requires a peer review by an outside expert on the Town’s behalf. Given the retirement of Mr. Rowley, an alternative reviewer should be promptly assigned at the applicant’s cost (if the application isn’t previously denied).

**Zero Surety Liquidity for Decommissioning**

The applicant refuses to agree to any cash component in its surety obligation. And in addition, it insists upon the ridiculous – laughable, really - early re-negotiation right via a concocted and self-serving re-negotiation process this body already sounded rejected.

Both points are non-starters as the Town has explicit legal discretion under the bylaw to compel cash as part of the surety as well as to set the amounts and review terms. (In this regard - the applicant – without merit - argues that the Planning Board is not the ‘Town’ under the governing decommissioning bylaw.)

**No Ground Monitoring wells.**

It is unreasonable for the town to monitor for pollution of its sole source of drinking water, says the applicant.

Groundwater testing is performed to verify reality before it is too late. Yet the applicant asserts that its economically motivated promises alone are sufficient assurance of the protection of our sole source aquifer. The applicant appears more concerned with the cost of the monitoring wells than the protective purpose they would serve, which position – by definition – is grossly unreasonable.

 **Battery Storage for Offsite-Produced Energy**

The Wareham bylaws are clear. Incidental use is defined as a use on the Premises **to which it pertains**. A battery **on the site** –used to store energy produced **off the site** - does not meet the pertain to the site requirement. Their legal argument on this topic is a bluff – at best.

And the applicant’s continuing claims that it is obligated to have a battery on the site is pure – unadulterated fiction. The applicant wants a battery on the site to be eligible for another SMART program “adder” (some might say serving of corporate welfare).

There is no legal obligation to have a battery on the site whatsoever other than as a term and condition of additional ‘SMART” program subsidies. Don’t be fooled.

**Easement Issue**

The applicant’s mounting angst about this issue is revealing.

First - the Town of Wareham is the direct abutter to the proposed site and the owner of the strip of land required by the applicant to achieve its desired end of transporting the generated power directly to Charge Pond Road – along the existing direct path. As a private landowner, however, the Town is not compelled under any Massachusetts law – including chapter 40A Section 3 – to grant an easement to anyone – for any reason. And this is especially true, whereas the applicant has repeatedly indicated it has an alternative route to transport power to the street.

Nonetheless, conditioning any permit granted to this site (a mistake in and of itself) without reference to the resolution of the easement matter could result in economic waste and the unnecessary destruction of acres upon acres of carbon sequestration forest land.

(And did you notice that the applicant claims that this body should be “free to state in its site plan approval decision that the Board’s grant of site plan approval does not constitute the Town’s consent to the installation of utilities in the existing easement area”? What happened to the Planning Board not qualifying as the Town for the purpose of the bylaw? Recall when it served its purposes, the applicant – ridiculously - asserted this body is not the Town.)

**Financial Viability**

Not a word – of course – from the applicant to assure the Town of its financial viability. After all, they have yet to find a way out of the – sand pit - they dug with their prior representations to the Town that the project would not be viable without relief from the fifty-foot setback rules.

For those who enjoy logic – please note that the applicant was compelled to **remove solar panels** to make room for the never-before disclosed – 772 sq feet of concrete pads – for the battery (bomb). If more panels have been removed for this purpose after the applicant had already declared that the project could not be viable without panels being allowed within the 50-foot setback, how can the remainder of the project be anything other than – even less viable?

The applicant has yet to earn the privilege of a permit of any nature from this body due to its pattern of prevarication. Please deny this application without further delay.

In closing, on Monday, February 13, 2023, we will present abundant **new** information resulting from our most recent interviews with:

DOE - NSTAR – EVERSOURCE - ISO - NREL – STANTEC -

THE MASS ‘SMART PROGRAM’ – THE MASS DPU - THE MASS ATTORNEY GENERAL’S OFFICE - A LEADING ENERGY ECONOMICS FIRM – TWO SOLAR SURETY BOND PROVIDERS - SOLAR INSURANCE PROVIDERS - THE WAREHAM FIRE DEPARTMENT – AND THE TOWNS OF WARREN, WEST BROOKFIELD, AND CHARLTON

For the Citizens Opposed to the 0 Route 25 solar Siting

BCC