Mr. Kenneth Buckland, Director of Planning and Community Development

Mr. Michael King, Chairman Wareham Planning Board

Members of the Planning Board

RE: (12-22) SPR - 91 & 101 Fearing Hill Road

Ninety Six Realty, LLC

Wareham MA 3 LLC November 21, 2022

Dear Ken, Mike and members of the Planning Board,

In reviewing the “working draft” decision that was handed out to the Planning Board September 26, 2022, I would bring to your attention a few errors **(bold red)** and add a few comments **(bold black)**.

Page 5, third paragraph down:

“Rare species such as the Eastern Box Turtle have been observed **and documented on Fearing Hill and in** Wareham, but the State{NHESP} has not mapped the Site as priority or rare species habitat.”

Also page 5, under A., third paragraph:

“The surrounding properties include residential dwellings to the south and west **and east,** with Town-owned conservation land to the north and **east** of the site**.**

Page 6, fourth paragraph, last sentence:

“There may be an indigenous trail located on the site, but it has not been proven as such, so no consideration is given to preserving it.”

**Every single survey map that was presented show this path. Old maps of Wareham show this path. Fearing Hill Road was itself a Native American path. At 94 feet tall, the top of Fearing Hill would make a great lookout location.**

Also page 6, eighth paragraph:

“Noise will be generated by the transformers, inverters and battery storage systems. A concrete wall partially surrounding the equipment pads is proposed to attenuate the noise that would be otherwise directed towards existing homes adjacent to the south and west. There is no attenuation towards the public open space on the north and east.”

**That “public open space” is Town-owned conservation land. That land is legally protected by a Conservation Restriction. The conservation values of the Fearing Hill Conservation Area must be protected. Equipment noise will certainly take away from a peaceful quiet walk on the trails there. Also there are numerous residences (myself included) on the east side.**

Page 8, under 2a.:

“Noise and vibration; i.e. not detectable without instruments at more than 200 feet from the boundaries of the property and not detectable after 10:00 PM.

*Walls used to reduce impact. Not determined whether detectable after 10:PM.”*

**The walls are only partial walls; they are not on the east or north sides. Did they do a noise study in the middle of the night? Like 2 AM?**

Page 8, under 2b.:

“Stormwater Retention; meeting the State’s stormwater pollution prevention guidelines.

*Stormwater management system reviewed and found acceptable by the town’s consulting engineers.”*

**Shunting the water from the west side of the top of the hill to the east side, leaves many of us doubtful that any consideration was given to the effects this will have on the east side. They are altering the entire hydrology of Fearing Hill and two watersheds – the Weweantic and the Sippican.**

Page 8, under 8.:

“Notic to energy utility company of proposed interconnection.

*Interconnection agreement was submitted with the proposal.”*

**As there have been numerous changes to the proposal, the owners and the developer, are those interconnection agreements still valid?**

Page 10, (a):

“Protection of adjacent areas against detrimental or offensive uses on the Site by provisions of adequate surface water drainage, buffers against lighting, sight, sound, dust, vibration, and the allowance of sun, light, and air.”

**No one is quite sure that “adequate” water drainage and buffers for sight, sound and vibration are really going to function as they have planned/calculated.**

Page 11, (d), fourth paragraph:

“The project will produce noise or vibration that could impact the surrounding area. Proposed mitigation includes the construction of partial walls around equipment pads to block sound transmission towards adjacent residential properties. This does not include walls toward the adjacent public open space.”

**The Fearing Hill Conservation Area is not even taken into consideration. Noise and vibration will disturb the animals and the people who frequent the trails. The conservation values of the protected conservation land are clearly threatened.**

Page 12 , (f):

“Issues of concern include: visual impact, noise, stormwater runoff, and groundwater impacts. These have been addressed in a variety of ways in the proposal.”

“The structures are spread out over 18 acres and are unusual for a residential neighborhood.”

**Repeating once again, the east side of this project has been ignored from the start. No walls are planned to shield the sound. No plantings along the fence on the east side to shield the site from hikers. No respect is given to Town-owned property.**

Page 15, under (c), second paragraph:

“The materials within the solar arrays are inert and, therefore are not potential pollutants. Inverters are solid state with no internal fluids and will be properly housed per electric code standards so as to avoid potential pollution.”

**Are the panels certified PFA-free? What about the battery storage systems? Those batteries are lithium and they can leak. They are not inert. Most of the residents surrounding this proposed project are on private wells.**

Page 16, under Subsection 1542, second sentence:

“However, the Project will not be generally visible from public ways.”

**Town-owned Fearing Hill Conservation Area has public trails throughout its 66 acres. No one wants to walk trails looking uphill at solar panels. The landscape buffer needs to go all along the east side of the Project.**

Page 17, under Subsection 1546, second paragraph:

“Vegetative plantings are shown on Sheet 4. A separate landscape plan was not included. A Landscape Architect did not prepare the plan as required by Section 1031.”

**Why not a Landscape Architect?**

Page 20, under 9.:

“Provide mutually agreed upon funding to the fire department to provide training and equipment on emergency response to solar arrays and energy storage facilities.”

**Has this conversation started?**

All throughout this draft decision, there are references to the NOI with the Conservation Commission. You can now update this draft to include the Conservation Commission’s unanimous vote to deny the project.

The Planning Board Mission:

The Wareham Planning Board is a land use board whose primary purpose is to provide for and guide the orderly growth and development of the Town of Wareham.

The WPB will oversee and administer the land use projects that fall under the jurisdiction of the WPB with 3 primary objectives:

• Ensuring the public safety, interest and welfare of the citizens of Wareham.

• Proper application of state and local laws, regulations and procedures regarding land use

• Safeguard the land use rights of Wareham property owners

The Planning Board has spent numerous hours, days, weeks and months reviewing this project. It has been a long arduous journey for all. I thank you for all your efforts and patience. I see this project as a threat to public safety, to Town-owned conservation land, to two watersheds and not in the best interest and welfare of the citizens of Wareham.

Sincerely yours,

Kathleen M. Pappalardo

87 Fearing Hill Road

West Wareham, MA 02576