

Community Land and Water Coalition
A Project of Save the Pine Barrens, Inc.
P.O. Box 1699
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August 24, 2023

Michael King
Chair, Planning Board
Town of Wareham
Marion Road
Wareham MA

Kenneth Buckland
Planner
Town of Wareham
Marion Road
Wareham MA

By email August 24, 2023

Re: Planning Board Cases 7-20 and 9-20: Extension requests from New Leaf/Borrego Solar for 2020 Site Plan Review and Special Permits

Dear Chair King, Members of the Board, and Mr. Buckland,

I am writing today to ask the Board to deny the extension requests of the Site Plan Review and Special Permits (SPR) issued in 2020 for two large ground mounted solar projects, (Cases No. 7-20, 27 Charge Pond Road and 9-20, 150 Tihonet Road) by New Leaf/Borrego Solar (Applicant).

I ask the Board to deny the extension requests for several reasons:

1. The Site Plans as originally submitted are expired; therefore the Board should not consider any new information from the Applicant without a public review process.

The Site Plan Approvals and Special Permits for 27 Charge Pond Road and 150 Tihonet Road expired on October 20, 2022 and December 29, 2022, respectively. To allow the Applicant to continue to submit information to the Board is essentially allowing them to modify their original plans. This is unprecedented and sets a bad standard for future projects in Wareham, indicating to other applicants that they will not be held to the standards of the Town's bylaws in regard to site plan review. Furthermore, allowing the Applicant to communicate with the Board and modify their Site Plans without opening up the Public Hearing undermines the public process for Site Plan review. Therefore we ask the Board to move forward to a vote on the extension requests and not allow the Applicant to submit any further information.

2. The Planning Board should vote No on the extension requests.

It is within the scope of the Wareham Planning Board's authority to deny the extension requests and allow the Applicant to reapply for a Site Plan review. In light of the new information that has come to pass since the original approvals, a new Site Plan review process would be in the best interests of the residents and the Town of Wareham.

3. New information has surfaced regarding solar installations and the Town of Wareham's renewable energy landscape.
 - a. The review process for the original approvals was less extensive than the process to which solar projects are subject in 2023. Since the approvals are expired with no work conducted, the Applicant should have to go through the same review process for their proposed project as other similar proposed projects. This is only fair to other solar applicants and the solar permitting process in Wareham in general.
 - b. Town voters have approved a new Solar Bylaw since the original application. This alone is grounds for denial of an extension of the old application. Since the voters of Wareham have committed to rigorous standards for solar projects, and the current plans are expired, the Applicant should have to reapply and be evaluated subject to the requirements of the new standard.

- c. New information regarding the consequences of battery fires has emerged.
 - i. The Wareham Fire Department does not have a comprehensive plan for fighting battery fires, as each fire is unique and requires the First Responder to make a decision regarding the safest way to fight the fire.
 1. However either option for fighting a battery fire is bad for Wareham Residents - either put it out with water or allow it to burn.
 2. If the fire is allowed to burn, it could emit toxic gasses and threaten the health of residents.
 3. If the fire is put out with water, the potentially toxic run off threatens critical water resources of the Town.
- d. These two sites sit in too close proximity to critical water resources of the Town to not undergo a more thorough site plan review.
 - i. In light of new information regarding chemical composition of solar panels, potential hazards of battery fires, and removal of the protective filtration layer of the trees and sand on the sites, not to mention the cumulative impact of over 300 acres of land already committed to solar in Wareham, the two sites' proximity to Tihonet Pond and the Wankincko River, and their position on top of the Town's water supply, require a more thorough site plan review than the application received in 2020. This is good reason alone to deny the extension requests and review the projects again.

To summarize, because the Site Plan Approvals and Special Permits are expired for these projects, the Planning Board should not receive any further information from the Applicant, rather use this opportunity to review these projects more thoroughly in the best interests of Wareham residents.

We hope this information is helpful to the Board.

These comments are submitted by Community Land & Water Coalition ("CLWC"), a project of Save the Pine Barrens, Inc., a non-profit group whose mission is to protect, preserve and steward the land and water resources of Southeastern Massachusetts, including the Plymouth Carver Sole Source Aquifer. CLWC

members live, work and recreate in Wareham and are specifically impacted by decisions made regarding land and water management in this area.

We welcome the opportunity to answer any questions the Board or staff may have. Feel free to call Katherine Harrelson at 339 205 5412.

Very truly yours,

Katherine B. Harrelson

Katherine Harrelson