

MEMO

FROM: Joe Shanahan, Senior Project Developer, Con Edison Clean Energy Businesses

TO: Michael King, Chairman, Planning Board, Town of Wareham

SUBJECT: Proposed Solar Facility, 91 & 101 Fearing Hill Road

DATE: July 5, 2022

At the Planning Board meeting on June 13, 2022, Wareham resident Nancy McHale made comments with regard to her concerns about the possible impact the subject solar project at 91 and 101 Fearing Hill Road may have upon the abutting Fearing Hill Conservation Area (FHCA).

And she followed up with a Memo to the Board on June 15, 2022 reiterating those same concerns.

Specifically, Ms. McHale stated that “... the supportive studies (hydrogeologic, noise, and sight lines) that were done by Atlantic Design and Mr. Shanahan do not consider the FHCA. All of the commissioned studies neglect to consider the Town owned conservation land as a valuable asset that will be impacted by any project.”

In response, I would like to correct the many misrepresentations which Ms. McHale submitted to the Planning Board as matters of fact and set the record straight with regard the line-of-sight diagrams, the noise assessment, and the hydrogeologic and hydrologic study to which she makes reference.

First, it is most important to remember that the 23-acre solar project site is NOT conservation land. It is located in a Residential 60 (R-60) Zoning District and NOT located in any overlay protection district. Further, the proposed solar project is an allowed use at that location under Section 590 of the Zoning Bylaw, which provides, in part, “The purpose of this by-law is to encourage the use of solar energy generation facilities and provide for the construction and operation of ground-mounted solar energy facilities” Finally, contrary to Ms. McHale’s assertion that “The entire east side of the project **has been largely ignored** (emphasis added) when considering short and long term impacts of the proposal,” Section 590 and the Planning Board have actually added extra protections for abutting properties by increasing the usual front, side and rear yard setback requirements of 20, 10 and 10 feet, respectively, to 50-foot setbacks around the entire site because it is to be developed as a solar facility. And the setback along the easterly boundary line between the solar project and the FHCA is even greater than that because of the wetlands between the two properties.

With regard to Ms. McHale’s comments about the line-of-sight diagrams requested by the Planning Board and provided by the Applicant months ago ...

Members of the Planning Board and Mr. Buckland of the Planning Department, on behalf of the Town, and representatives of the Applicant met at the site back on July 21, 2021. At that time, **the Town** directed all of the locations from which line-of-sight diagrams should be prepared and the Applicant prepared and submitted those line-of-sight diagrams, all as had been requested by the Town. The Applicant did NOT ignore the FCCA land to the east as Ms. McHale has asserted.

With regard to Ms. McHale's comments in connection with the noise study ...

The Planning Board required that the Applicant prepare such a study to ensure that the solar project would operate in compliance with the Massachusetts Department of Environmental Protection (MassDEP) Noise Policy. The Applicant engaged HMMH, an internationally recognized authority in the subject matter, (not Atlantic as Ms. McHale represented) and a Sound Level Assessment was issued on December 13, 2021. As recommended in the Study, the Applicant incorporated sound barrier walls along the south and west side of the northern equipment pad, as well as along the east, south and west sides of the southern equipment pad on its revised Site Plan. As a result, the proposed project will operate in compliance with the MassDEP Noise Policy at ALL of its property boundaries, including that which abuts the FHCA. Accordingly, Ms. McHale's unsubstantiated assertion that "residents peacefully walking the trails and the animals that live in the woods and wetlands will most certainly hear the excessive noise generated by the project" is just blatantly false.

Finally, with regard to Ms. McHale's comments in connection with the hydrogeologic study ...

It was **the Planning Board** that engaged the Horsley Witten Group (not Atlantic as Ms. McHale represented) to perform the Hydrogeologic and Hydrologic Study on behalf of the Town of Wareham ... although the Applicant did reimburse the Town for the \$33,000 paid for the Study. And it was the Town which developed the Scope of Work for the Study. As a result, ALL of the subsurface investigations, including, but not limited to soil borings and test pits, done in connection with the Study were at the locations required by the Town and directed by its consultant.

In summary, during the last year, this proposed solar project and the site on which it is to be located may have already been studied more than any other project ever proposed in the Town of Wareham. That having been said, Ms. McHale's suggestion that we now "revisit" and "re-evaluate" those studies is simply a thinly disguised attempt to further delay the path to permitting for this project.

If you have any questions with regard to this matter, please do not hesitate to contact me.

As always, your consideration is appreciated.

As promised attached is the packet of photos that I distributed at the Planning Board Meeting on Monday 6/13/22. These photos were taken on the Fearing Hill Conservation Area (FHCA) property which abuts the proposed solar project. These photos give a brief glimpse into the biological diversity of the FHCA and its location relative to the proposed project. Also attached is an old survey that shows the historic stone wall boundary with Land Court markers between the properties and a current FHCA trails map. My point in sharing these documents is that the supportive studies (hydrogeologic, noise, and sight lines) that were done by Atlantic Design and Mr. Shanahan do not consider the FHCA. All of the commissioned studies neglect to consider the Town owned conservation land as a valuable asset that

will be impacted by any project. It should have been considered in much the same way as the rest of the neighborhood was considered. The entire east side of the project has been largely ignored when considering short and long term impacts of the proposal. For example, the hydrogeologist's report completely ignored not only the FHCA but also any impact to wells and septic systems of the 8 residences on the easterly slope of Fearing Hill. Also, the sight line study measured sight lines from homes on Island Brook Road which is about twice the distance from the project as are the trails. And the noise study failed to address anything on the easterly side although residents peacefully walking the trails and the animals that live in the woods and wetlands will most certainly hear the excessive noise generated by the project. This letter is a 50,000 foot assessment of a major flaw with this proposal - There has been absolutely no consideration given by Mr. Shanahan for this valuable Town owned property. I ask that you have Mr. Shanahan revisit these issues and re-evaluate the impacts on the properties on the easterly side of Fearing Hill. Please add this e-mail and the attached documents to the project folder so that t

possible "cultural, historical and archaeological resources" at the project property known and numbered 91 and 101 Fearing Hill Road. Mr. Lintala also submitted a letter to the Board reiterating those concerns.

In response, I reported to the Board, as I had done when Mr. Lintala first expressed these concerns at a meeting back on November 22, 2021, that there is absolutely NO evidence of any cultural, historical or archaeological resource at the project property. To the contrary, all of the credible evidence makes it clear that there are NO cultural, historical or archaeological resources at the project property.

I ask that the Board consider the attached letter from Atlantic which addresses the matter and should put it to rest once and for all.

If the Planning Board has any questions with regard to this matter, please do not hesitate to contact me.