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May 18, 2022

Michael King, Chairman
Wareham Planning Board
54 Marion Rd
Wareham, MA 02571

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RE: 12-22 Wareham MA 3, LLC - Site Plan Review - 91 & 101 Fearing Hill Road

Dear Mr. King,

The Wareham Land Trust (WLT) would like to express our concerns regarding the application “12-22 Wareham MA 3, LLC - Site Plan Review - 91 & 101 Fearing Hill Road” currently before the Planning Board. The property at 101 Fearing Hill Road directly abuts the Town-owned Fearing Hill Conservation Area (FHCA). The WLT holds the Conservation Restriction on the FHCA, and it is our responsibility to ensure the conservation values of the property are preserved in perpetuity for the benefit of the general public.

The proposed project, under file number 12-22, involves building a large-scale solar installation. This project was previously before the Planning Board under file number 21-21 and has been before the Conservation Commission under file number SE76-2684 since June 2, 2021, when the hearing was first opened.

The WLT has the following concerns with the current application (#12-22):

1. The current application packet for #12-22, as presented on the Planning Board Projects webpage, is incomplete. As this is intended to be a standalone filing (i.e., separate from the earlier filing, #21-21, which was withdrawn), the application material submitted under and associated with this project number should be complete before the Planning Board begins its review of the project. As currently presented, the application lacks a project narrative, site photos, and an impact statement, as well as a number of other components. Although the May 3, 2022 cover letter for the #12-22 application states, “As outlined in the Applicant’s April 11, 2022 letter to the Board, ...this Application is in the exact same form as the previous Application (#21-21) and the contents of Planning Board’s current file for the project will be transferred to this new Application’s files,” this has not been done. We request that a complete application packet be assembled under #12-22 prior to the Planning Board opening the hearing for this filing.
2. The #12-22 filing is still requesting a waiver from documenting individual trees 18” DBH or over, as noted on the Site Plan Review Checklist. We urge the Planning Board to deny this waiver request and instead require that the applicant present the information from the tree survey that was described in the report by Jeffery Golay dated 11/7/2021,

which was submitted as part of the #21-21 filing. In addition to the summary and table provided by Golay, we also request that all 430 trees >18" DBH be shown on the plans, as would normally be required by the Planning Board. We believe this will better illustrate the true magnitude of the environmental impact that would result from clear-cutting this lot.

3. Assuming all contents of the #21-21 file will be transferred to this new 12-22 file, as stated at the start of the application packet, we also request that the Planning Board deny the request for a waiver "to allow clearing and grading within the 50' setback along the northeasterly property line that abuts vacant wooded conservation land and wetlands." That vacant conservation land is the FHCA, and there are wetlands immediately on the other side of the property boundary. Maintaining a 50-foot natural buffer at the edge of the 101 Fearing Hill lot is critical to protecting these wetland resources. In fact, we ask that the Planning Board request an increased setback on that side of the property (e.g., 75 or 100 feet) to further protect the adjacent wetlands and FHCA, an important Town asset.
4. Again, assuming the contents of Planning Board's #21-21 file will be transferred to this new #12-22 file, the Impact Statement provided with that original application is insufficient. The line that reads "Analysis of site in regards to wetlands, coastal wetlands, slopes, soil conditions, 100 year flood plain, and other natural features as Planning Board may requested" is checked, but an associated narrative is not provided. Furthermore, the response to Part Two, which requests a "description of actions that have been taken to mitigate the impacts described in Part One" is provided as "N/A". Given the proposed loss of 430 trees over 18" DBH (as documented by Golay), the associated loss of 24 acres of mature woodland habitat, and the currently unknown impacts on site hydrology, adjacent wetlands, and water quality, we request that the Planning Board require the applicant to provide a detailed Impact Statement narrative, including a thorough response to Part Two.
5. As part of the original Planning Board filing (#21-21), the applicant was required to contract with an outside expert, Horsley Witten Group (HWG), to evaluate the potential hydrological impacts of the project. To date, only the field work summary memo has been released. However, HWG was also contracted to conduct a preliminary analysis of the hydrogeologic, hydrologic, water quality, and related impacts from the proposed facility, and to prepare a summary letter report. We request that the Planning Board request the full analysis and summary report and wait to make any determination regarding this application until the results can be thoroughly reviewed and understood.

We ask that the Planning Board, the Conservation Commission and the Board of Selectmen work together to ensure that any proposal for this property, should it come to fruition, be conditioned as necessary to ensure that there are no adverse impacts to the surrounding properties and valuable habitats. This will ensure that the long-term health of the nearby ecosystems, including those within the Town-managed FHCA, is conserved. It will also convey a clear message to the citizens of Wareham that you understand the value of Wareham's rich environmental resources, including intact forested hills, wildlife and riparian corridors, intermittent streams, and freshwater rivers, and that these areas require active, protective involvement by the Town so as not to be destroyed forever.

Sincerely,



Elise Leduc-Fleming
Wareham Land Trust Executive Director

Cc: Board of Selectmen
Ken Buckland, Town Planner
David Pichette, Conservation Administrator
Sandy Slavin, Conservation Commission
Kathleen Pappalardo, Wareham Land Trust President