

September 2026

Dear Select Board Members,

The Atlas Tack Corporation site is currently zoned Wetland Resource Protection District (WRP). The 21.8 acre parcel, comprised of Map 27 Lots 15, 15D, 16, 17 and Map 8 Lot 94 , has 473.07 feet of frontage on Pleasant Street and has access from both Tripp Street and Adams Street. The highly stigmatized property has been dormant and in decay for the last 19 years, following EPA Superfund cleanup completion in 2007.

Commercial large-scale solar photovoltaic installations are allowable by Planning Board Special Permit Application in the WRP zone, since May 4, 2013. Figure(1)

§198-29.6 Solar photovoltaic energy facilities (SPEF).

Use Regulation Schedule									
Activity or Use	District								
	RR & RA	RB	RC	P	B	I	AG	MU ¹⁴	WRP ¹⁶
Adult bookstore ^{xxx}	N	N	N	N	A	A	N	N	N
Adult paraphernalia store ^{xxx}	N	N	N	N	N	A	N	N	N
Adult video store ^{xxx}									
With preview booths ^{xxx}	N	N	N	N	N	A	N	N	N
Without preview booths ^{xxx}	N	N	N	N	A	A	N	N	N
Adult motion-picture theater ^{xxx}	N	N	N	N	N	A	N	N	N
Adult motion-picture arcade ^{xxx}	N	N	N	N	N	A	N	N	N
Adult cabaret ^{xxx}	N	N	N	N	N	A	N	N	N
Adult motel ^{xxx}	N	N	N	N	N	A	N	N	N
Adult theater ^{xxx}	N	N	N	N	N	A	N	N	N
Nude model studio ^{xxx}	N	N	N	N	N	A	N	N	N
Sexual encounter center ^{xxx}	N	N	N	N	N	A	N	N	N
Museum	A	A	A	A	A	A	A	A	A
Conference meeting/facility	N	N	N	N	Y	Y	N	A	A
Body art establishment	N	N	N	N	A ¹⁹	A ¹⁹	N	Y	N
Large-scale ground-mounted SPEF	A ²⁰	N	N	N	A	A	A	N	A
Wind facility - utility-scale	A	A	A	A	A	A	A	N	A
Marijuana establishment (except social consumption)	N	N	N	N	N	A ²¹	N	N	N
Marijuana retailer social consumption	N	N	N	N	N	N	N	N	N
Recreational marijuana establishments and marijuana retailers ²²	N	N	N	N	N	N	N	N	N
INDUSTRIAL USES									
Manufacturing, processing, research	N	N	N	N	N	Y	N	N	N
Bulk storage	N	N	N	N	N	Y	N	N	N
Contractor's yard	N	N	N	N	A	Y	N	N	N
Earth removal	A	A	A	A	A	A	N	N	N
Junkyard	N	N	N	N	N	A	N	N	N
Transportation terminal	N	N	N	N	A	Y	N	N	N

Figure 1. Fairhaven Zoning Bylaw §198-16 Use Regulation Schedule

Chapter 198-29.6 G.(1)(a). Be located on a parcel of land that contains a minimum of 10 acres when in the RR, B, I, AG or WRP district.

The Atlas Tack Corporation lot Map 8 Lot 94 is 13 acres, thus meeting this zoning requirement. The lot also enjoys upwards of 10 acres of uplands for the construction of a ~1.5 MW Solar Energy facility.

Chapter 198-29.6 G. (8). Clear cutting of trees and natural vegetation, within five years, shall be prohibited for the construction, operation and maintenance of the solar photovoltaic facility.

The Atlas Tack Corporation site is predominantly devoid of mature trees, thus meeting this zoning requirement. There is no potential for major tree loss at this site.

Chapter 198-29.6 G. (14). No ground mounted SPEF shall be approved or constructed until evidence has been given to the SPGA that the utility company that operated the electrical grid where the installation is to be located has been informed of the SPEF owner or operator's intent to install an interconnected customer-owned generator.

Eversource Energy has existing electric utility easements across the Atlas Tack Map 27 Lot 15D. Currently, those electric utility poles connect customers on Abby Street and Cedar Street with medium-voltage grid wires. Figure (2). A Solar/Eversource interconnection agreement to enter the large, reinforced grid poles at this location appears possible. The utility poles are located on the seaward-side of the hurricane dike and are thus upgraded. This location in the past was identified, with engineered plans, requesting a landfall of new possible offshore underground medium-voltage cables. This grid location is close to the substation on Arsene Street, which is why it was selected, but the offshore wind developer later chose another coastal community. The Town of Fairhaven also has an easement for the hurricane barrier at this property.



Figure 2. Cedar Street

The Atlas Tack Record of Decision makes it risky for normal foundation construction. Given the two foot ground water separation issue, normal solar racking installation of pile-driven support structures, is not allowable. Instead, a surface ballast support system is the recommended remedy. The heavy ballast is composed of pre-cast, concrete footings that lay on the surface and do not penetrate the soils. This is especially critical on this site and other superfund cleanup sites.

The Sullivans Ledge former industrial, hazardous waste storage site and EPA Superfund site in New Bedford, MA, today contains a solar photovoltaic facility. It is built on an EPA superfund site requiring a concrete ballast system. See Figure (3).



Figure 3. Sullivans Ledge

Sullivans Ledge Key facts:

- **Reuse:** A solar array was installed on roughly 10–12 acres of the capped landfill.
- **Capacity:** Sources describe the project as approximately **1.5–2 megawatts**, with more than 5,000 panels.
- **Partners:** The City of New Bedford worked with BlueWave Capital, SunEdison, Beaumont Solar, EPA, and the Massachusetts Department of Environmental Protection.
- **Environmental safeguards:** The project was designed around the existing landfill cap. Construction planning, permitting, surveys, and oversight were used to avoid damaging the cap or interfering with the Superfund remedy.
- **Benefits:** The facility generates renewable electricity, reduces municipal energy costs and emissions, and provides lease-related economic benefits to the city.
- **EPA recognition:** EPA Region 1 gave the Sullivan’s Ledge project team an **Excellence in Site Reuse Award in 2014** for converting an underused contaminated property into a clean-energy resource.

The Atlas Tack site is protected by the levee (hurricane barrier). Figure(4)



Figure 4. FEMA FIRM Panel

The siting of an SPEF at Atlas Tack could be by ground lease with a fixed rent and production royalty payments. This would remove some of the difficulties of an actual sale of land by fee ownership, on restricted land. The contract lease payments to the property owner would become a reoccurring, reliable revenue source. The Power Purchase Agreement with the property owner/solar operator can be structured as a source of steady reliable revenues.

MassDEP encourages superfund reuse sites and assists. The Healy Administration encourages solar field development. These and other agencies can provide funding and engineering.

- US EPA Brownfields
- MassDevelopment Grants
- DOER Solar (SMART) Program
- DOR Brownfields Tax Credit (BTC)

Sincerely, *Wayne Hayward*