

Wind Turbines - Summary Status Update



1. Wind 1 denied an operating permit by Zoning Board of Appeals (ZBA).
 - Operational shutdown of that turbine.
2. Wind 1 and Wind 2 determined to be a nuisance by ZBA
 - appealed to the Superior Court.
3. Separate case, a Superior Court Jury determined Wind 1 did not constitute a nuisance to the Andersen property
 - Requested damages denied.
 - Court decision has no impact on the zoning/operating permit issue for Wind 1.

4. On appeal of ZBA nuisance decision (#2 above), Judge affirmed nuisance and ordered shutdown of both wind turbines.
 - Judge found there was no diminishment in property values.
 - Town declined to appeal further.
 5. Multiple additional court cases are continuing.
 4. Notification of Court-ordered shutdowns was provided to the Massachusetts Clean Water Trust and the Massachusetts Clean Energy Center
 - Town has financial obligation to both agencies.
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7. Negotiations underway with Clean Water Trust and the Clean Energy Center.
 - Attempting to minimize this portion of the cost-impact to taxpayers from the wind turbine shutdown.

8. The Town has had multiple contacts and discussions with representatives of Plymouth County regarding that County's possible interest in acquiring and relocating one of the Town wind turbines.
 - County completed review and financial projections and decided not to proceed with a potential acquisition.



9. The Town has been in periodic, regular contact with representatives of Vestas, the manufacturer of the 2 Vestas V83 turbines.
 - Contacts include providing for periodic maintenance of turbines, exploring potential interest in turbine disposition, and potential acquisition by a third party.

10. Building Commissioner letter to private complainant advising the Town is being requested to “prepare and submit to me a plan for its (Wind 1) dismantling and removal from its present location and request that the plan be submitted by May 31, 2018.”

11. Wind 1. The formal denial of an operating permit for Wind 1 has resulted in the Town being unable to place Wind 1 into operation under any circumstance.

- Does not have a special permit to operate under the “old” zoning bylaw;
- Does not meet the conditions required to apply for a special operating permit under the “new” zoning bylaw;
- Has been determined to be a nuisance and ordered shut-down by a Court. The Building Commissioner has directed the Town to submit a plan for its disposition by May 31.

12. Wind 2. The status of wind 2 is different. Given the circumstances, it will not operate again at its present location.

- **There is a possibility that it can be relocated by special permit from the Planning Board under the “new” zoning bylaw. It does not need to be considered for dismantling or disposition at this time until an appropriate plan for its disposition can be developed.**
- **Relocating Wind 2 is only an option. The Town must comprehensively assess the situation; any potential alternative location must address multiple issues including impact on nearby property and residents.**

13. The wind turbines represent a very significant capital investment by Falmouth taxpayers and retain considerable residual value which the Town must responsibly analyze and manage.

14. Proper review and analysis of multiple, complex alternatives and issues will necessarily require the professional assistance of a qualified engineering consultant(s). I recommend that the Board so authorize a qualified consultant(s) to be engaged.