

Peter Johnson-Staub

From: Todd Drummey <todd.drummey@verizon.net>
Sent: Sunday, January 13, 2019 3:17 PM
To: Doug Brown; doug.jones@falmouthmass.us; Megan English Braga; samuel.patterson@falmouthmass.us; susan.moran@falmouthmass.us
Cc: Falmouth Selectman; Julian Suso
Subject: 1/14/2019 Wind Turbine discussion

Dear Chairman Moran and Members of the Board of Selectmen,

First, let me begin by saying how pleasant life has been over the last two months without having to think about turbines and lawsuits. I assume this has been true for the Board, as well as the neighbors. The last 8 years brought nothing but heartache and misery to all involved. That being said, I also understand that this discussion had to occur at some point in the future.

It appears that the time has come. Just to be clear, I believe trying to relocate Wind 2 to another site at the WWTP is a horrendous idea. I considered writing a long letter explaining all the reasons why I believe relocating Wind 2 is a bad idea, but I decided that would only raise my blood pressure and ruin the beautiful winter weekend. Instead, I decided that I would try to look at the situation from the Board's perspective. What would I be thinking if I were a member of the Board of Selectmen?

Here are some of my thoughts.

I have a report from Weston & Sampson that says this is a great idea. The town will invest \$3 million dollars to relocate Wind 2, and if all goes well, the town will net almost 3 times as much over the life of the project. I also remember a very similar report for Wind 1 from 10 years ago. Obviously, that plan did not go as expected. What went wrong the first time? Permit issues and noise violations.

What will it take to obtain a Special Permit to relocate Wind 2? We will need to apply to the Planning Board for a special permit under a bylaw that clearly prohibits a turbine over 250 KW. Wind 2 is 1,650 KW, six times greater than allowed in the bylaw, but there is an exception for "Any WES lawfully in existence". So, was Wind 2 "lawfully in existence" when constructed? That seems to be a gray area. The Appeals Court ruled that Wind 1 was not lawfully in existence when built, because it needed a Special Permit. The Town applied for a Special Permit for Wind 1, and was denied. Wind 1 is clearly an illegal structure not eligible for the "exception". Why would Wind 2 be any different? The courts have not ruled on this issue regarding Wind 2. When the neighbors brought it to court, Wind 2 was already ordered shut down, and the Appeals Court ruled that the question was "moot", and vacated the lower court decisions. That leaves Wind 2 in this grey area, which is the only reason we are even considering relocating it at the WWTP. This seems to be the first hurdle that must be addressed, but do we even want to go down this road? Whatever decision is made in Town Hall (Building Commissioner, Zoning Board, Planning Board) about the legality of Wind 2, it is likely to be appealed to court by the BOS, the neighbors, or another group of citizens. More time, more money, more division. The bottom line is the answer to this question will likely take several years to resolve in court. All the while, Wind 2 ages in place and becomes less and less valuable to a 3rd party if we try to sell it 5 years from now. Who would want to buy a 15 year old turbine that is only designed to last 20 years? Do we even want to invest \$3 million in a project that is more than halfway through its designed lifespan?

Even if Wind 2 is eligible for the exception, it would still need to meet the noise regulations of the new bylaw in order to obtain a Special Permit from the Planning Board. I believe the State noise regulation has a 10 decibel limit, but the town bylaw is significantly lower. It sets a limit of 6 decibels, which will be even harder to meet. What did Weston & Sampson say about sound levels? On page 3-1 there is a table of sound measurements from the HMMH, 2010

study. That says the highest sound level at LT-1 (Andersen's home) was 3.9 decibels. But that doesn't make any sense. The MassDEP May 2012 report measured a maximum noise level of 11.9 decibels at the Andersen's house. That's why we had to shut down Wind 1 in the first place. Why did W & S say the level at Andersen's was only 3.9 decibels? Something is very wrong with these numbers.

(Note from Todd as a neighbor who is now very familiar with turbine noise and these studies: While W&S mentions "the abundance of available data collected", they completely ignored all of the actual measurements taken. Table 2 of the W&S report appears to be based on Table 7 of the HMMH 2010 report which lists "Computed Turbine Noise Levels". These values represent the results of a computer model, under very specific conditions. They are not the actual measurements taken at the site. For a variety of reasons, the computer model is just plain wrong. If it was correct, there would not have been any complaints. To be blunt, the noise section of the current W&S report isn't worth the paper it's printed on. It's totally inaccurate, and extremely misleading. Maybe you should ask W&S if they will take financial responsibility for the project if noise becomes an issue.)

I also remember reading some other information about wind turbine setbacks. I think the Cape Cod Commission has a setback regulation of 10 times the rotor diameter of a turbine. Wind 2 has a diameter of 269 feet, so that would be a setback of 2,690 feet. There was also Finding #32 in the Moriarty court decision that mentions a 2,625 foot setback to achieve a 40 decibel noise level. According to W&S, the closest house would be 2147 feet. How are we ever going to get that passed by the Planning Board, or upheld by the court? Even worse. those setbacks were both based on the State 10 decibel increase limit. The Town Bylaw now has a 6 decibel limit. That makes these setbacks even harder to meet.

Yes, if everything goes as planned, relocating Wind 2 could be a good plan. But, there are so many ways this can go wrong. Even if we can eventually get the permits, this whole project depends on the turbine being able to operate 24/7, for 20 years. Wind 2 is already 10 years old. There's no guarantee it will operate for another 10 years without significant maintenance and repairs. 20 additional years seems very optimistic. What if noise becomes an issue again, and we have to shut it down at night? Will W&S take responsibility for the legal morass, and the loss of revenue? Do we really want to go down this road again?

If we are going to spend \$3 million on an energy project, maybe we should think about another solar project. That seems to be working so well at the landfill. No complaints, no lawsuits, no problems.

If I were a member of the Board of Selectmen, trying to relocate Wind 2 in town would be the last thing I wanted to do.

Sincerely,

Todd Drummey

Todd A. Drummey
508-548-2344 (home)
508-457-0669 (office)
508-648-4073 (cell)
508-457-0621 (fax)
todd.drummey@verizon.net

Peter Johnson-Staub

From: Kathryn Elder <kathrynelder292@gmail.com>
Sent: Sunday, January 13, 2019 11:43 AM
To: selectmen@falmouthmass.us
Subject: Moving Wind 2

Dear Select board members,

I'm writing to express my strongest hope that you will see the merit in deciding to move both turbines out of Falmouth for use elsewhere once and for all, rather than dismantle and move Wind 1 and then site Wind 2 to a different location within the Wastewater Treatment Plant property.

I have enjoyed the natural level of noise that was restored to my neighborhood more than you could possibly know. It has been a very difficult number of years for us. Now, when it's dark I often hear the calls of great horned owls from inside my home and the soothing sougning of the wind in the trees. I do not take this for granted. When the wind is strong and coming from the direction of the Webb turbine I can occasionally hear that too. It's far enough away and not often so that it's not a problem for me but when there were three turbines operating in a northeast wind it was a spectral experience to be at my property. Sleep was impossible. Anger and depression. Sometimes nausea.

The choice before you now is whether to renew the town's journey on almost the same path taken ten years ago or to finally make an honest end of it and let the town move towards resolution. There are financial differences and there are differences in our understanding of the downsides of operating a megawatt-scale turbine. Prudence has dictated that a turbine this size does not belong anywhere in Falmouth, as our Bylaws stipulate. It would be ethically wrong and financially irresponsible to commit millions more dollars to move an aging machine to a location that does not provide a safe or proper setback.

The WTOP report which summarized a tremendous amount of effort, time and resources (both professional and from all stakeholders) provided your board with fully vetted options for the turbines several years ago. The bottom line was that there was no site in the entire town suitable for a turbine of this scale. Solar is the way forward for our densely populated community.

The report prepared by Mr. Weihe is similar to the report prepared for Wind 1 many years ago. Look where that led us. If you wanted someone to tell you that yes, you could just move Wind 2 and run it 24/7 at the WWTP you picked the right man for the job. So much is wrong with the proposal and so much has been omitted that I cannot bring myself to list and describe all the problems with that report. Do we really need to go there again?

\$3 M to start down a litigious, divisive, unethical and financially risky path, for what? This is the real question, if you are going to begin another renewable energy project, let's do so without hurting anyone, without the collateral damage that moving Wind 2 would assuredly bring. Let's begin with ideas for a project that benefits all residents. Let's see what we can do with \$3M to achieve our goals of cutting CO₂ emissions and saving the town money by decreasing the use of fossil fuels through solar and efficiencies. I doubt that moving Wind 2 would be on the top of the list if a true analysis of options was conducted.

Sincerely,

Kathryn Elder

161 Blacksmith Shop Rd.

Peter Johnson-Staub

From: Linda Davis <spiker383@gmail.com>
Sent: Sunday, January 13, 2019 11:03 PM
To: selectmen@falmouthmass.us
Subject: Re: Wind Turbines

On Jan 13, 2019, at 10:56 PM, Linda Davis <spiker383@gmail.com> wrote:

Dear Board of Selectmen,

As a former member of the WTOP(Wind Turbine Option Process), I have continued to be vigilant to the unfolding of Town board hearings, meetings, court cases, legal decisions, State findings, noise research and the like on industrial-sized wind turbines. I can see how difficult it is for the average citizen to be informed and up to date on this issue. But clearly the data shows that removal of Wind I and the relocation of Wind II onto waste water treatment property that involves the spending of \$3,000,000 is not only costly but fundamentally a violation of Judge Moriarty setback of 2,625 feet. Wouldn't it be prudent and practical to leave the turbines in place or sell them for scrap and invest the \$3,000,000 in solar? **I DO NOT support Wind II being relocated and the spending of \$3 million of taxpayer money.**

Linda Davis, Precinct 8, Member WTOP
383 Boxberry Hill Road, East Falmouth

Peter Johnson-Staub

From: Robert Skilton <bobskilton@gmail.com>
Sent: Sunday, January 13, 2019 9:54 PM
To: selectmen@falmouthmass.us
Subject: turbines

Please abandon once and for all the idea of these turbines operating anywhere in the town of Falmouth. Enough damage to our fellow citizens has already been done.

Respectfully,

Bob Skilton

Peter Johnson-Staub

From: TED &MEG FITZELLE <fitsea@comcast.net>
Sent: Sunday, January 13, 2019 8:59 PM
To: selectmen@falmouthmass.us
Subject: What to do with Wind 2

Dear Falmouth Selectmen,

As long time residents of Falmouth ,we are disheartened to find the town is even considering keeping Wind 2 and creating another fiasco of proper placement. Haven't we learned our lesson?At this point ,wouldn't solar be less contentious and certainly less complicated?

Thank you for your consideration,
Margaret & Albert Fitzelle
Penzance Road
Woods Hole

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Penzance Road
Woods Hole

Peter Johnson-Staub

From: Loretta O'Brien <zydesail@hotmail.com>
Sent: Sunday, January 13, 2019 5:06 PM
To: selectmen@falmouthmass.us
Subject: Wind turbines

Dear Selectman,

I am opposed to spending any more of Falmouth tax revenues on the industrial wind turbines at the wastewater treatment plant.

In particular, I am in opposed to moving Wind 2 eastward of its current location. Such a move would position the turbine closer to my home, where I am already subjected to the Webb turbine, which is a nuisance that generates noise, 24/7, unbearable at times, and also negatively affects the equity of my property.

Moving Wind 2 eastward would exacerbate the current problems created by the Webb turbine for myself and my neighbors.

Sincerely,
Loretta O'Brien
462 Blacksmith Shop Road
East Falmouth, MA 02536

Sent from my iPhone

Peter Johnson-Staub

From: Linda Davis <spiker383@gmail.com>
Sent: Sunday, January 13, 2019 11:08 PM
To: selectmen@falmouthmass.us
Subject: Wind Turbines

Dear Board of Selectmen,

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383 Boxberry Hill Road, East Falmouth

Peter Johnson-Staub

From: Kathryn Elder <kathrynelder292@gmail.com>
Sent: Sunday, January 13, 2019 11:43 AM
To: selectmen@falmouthmass.us
Subject: Moving Wind 2

Dear Select board members,

I'm writing to express my strongest hope that you will see the merit in deciding to move both turbines out of Falmouth for use elsewhere once and for all, rather than dismantle and move Wind 1 and then site Wind 2 to a different location within the Wastewater Treatment Plant property.

I have enjoyed the natural level of noise that was restored to my neighborhood more than you could possibly know. It has been a very difficult number of years for us. Now, when it's dark I often hear the calls of great horned owls from inside my home and the soothing sougning of the wind in the trees. I do not take this for granted. When the wind is strong and coming from the direction of the Webb turbine I can occasionally hear that too. It's far enough away and not often so that it's not a problem for me but when there were three turbines operating in a northeast wind it was a spectral experience to be at my property. Sleep was impossible. Anger and depression. Sometimes nausea.

The choice before you now is whether to renew the town's journey on almost the same path taken ten years ago or to finally make an honest end of it and let the town move towards resolution. There are financial differences and there are differences in our understanding of the downsides of operating a megawatt-scale turbine. Prudence has dictated that a turbine this size does not belong anywhere in Falmouth, as our Bylaws stipulate. It would be ethically wrong and financially irresponsible to commit millions more dollars to move an aging machine to a location that does not provide a safe or proper setback.

The WTOP report which summarized a tremendous amount of effort, time and resources (both professional and from all stakeholders) provided your board with fully vetted options for the turbines several years ago. The bottom line was that there was no site in the entire town suitable for a turbine of this scale. Solar is the way forward for our densely populated community.

The report prepared by Mr. Weihe is similar to the report prepared for Wind 1 many years ago. Look where that led us. If you wanted someone to tell you that yes, you could just move Wind 2 and run it 24/7 at the WWTP you picked the right man for the job. So much is wrong with the proposal and so much has been omitted that I cannot bring myself to list and describe all the problems with that report. Do we really need to go there again?

\$3 M to start down a litigious, divisive, unethical and financially risky path, for what? This is the real question, if you are going to begin another renewable energy project, let's do so without hurting anyone, without the collateral damage that moving Wind 2 would assuredly bring. Let's begin with ideas for a project that benefits all residents. Let's see what we can do with \$3M to achieve our goals of cutting CO₂ emissions and saving the town money by decreasing the use of fossil fuels through solar and efficiencies. I doubt that moving Wind 2 would be on the top of the list if a true analysis of options was conducted.

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Sincerely,

Kathryn Elder

161 Blacksmith Shop Rd.

Peter Johnson-Staub

From: James Rodenhizer <jsrodenhizer@yahoo.com>
Sent: Sunday, January 13, 2019 9:38 AM
To: selectmen@falmouthmass.us
Subject: Wind 2 relocation

Falmouth Selectmen,

It's incredibly hard for me to understand how you all would consider entering into another round of legal wrangling... and at the same time, spend \$3mm + dollars on a high risk alternative energy project. I think you have spent enough on this dead horse. Clean it up and move on... Please.

Thanks,
James S Rodenhizer
12 Willow Nest Ln
North Falmouth, MA

Sent from my iPhone

Peter Johnson-Staub

From: Jill Vail Worthington <jvlvworthington@comcast.net>
Sent: Saturday, January 12, 2019 10:47 PM
To: selectmen@falmouthmass.us
Subject: Opposed to repositioning industrial turbine

Dear selectmen

Please seriously consider the families and home owners that endure the environment changed by the legally placed privately owned turbine . (Check out Brush Hill Circle) Go there regularly, and feel what they feel. Some of us still live in earshot of one turbine One is enough!!!!
I have felt blessed with the silencing of wind I and II.

Please don't make us go back to when we were unhappy being in our own home and back yard.
That last sentence reads pretty childish, but it is that basic.
Thank you for your serious consideration .
Jill Vail Worthington
337 Blacksmithshop Road

Sent from my iPhone

Peter Johnson-Staub

From: barry funfar <bfunusa@yahoo.com>
Sent: Saturday, January 12, 2019 10:18 PM
To: selectmen@falmouthmass.us
Subject: Wind II discussion at Jan 14, 2019 BOD meeting.
Attachments: my June 25 complaint.pages

Jan 12, 2019

Town of Falmouth
Board of Selectmen,

Again, concerning your Jan 14, 2019 scheduled meeting:

The length of time this issue has been dragged on and litigated to death at great expense to we WWTP/wind turbine neighbors should show you the tenacity and persistence of what people (Falmouth citizens) will endure to protect their health and property. We live in Falmouth for the quality of life it offers, though that quality has been severely diminished for we wind turbine neighbors for nearly a decade. There is also the psychological impact of being degraded into 2nd class citizenship by one's own elected officials.

Your agenda for Jan 14 states: "2. Discussion and vote on moving, repurposing or dismantling wind turbines. Options to include:

- a. Wind 2 to alternative Falmouth wastewater site or a site outside of Falmouth
- b. Wind 1 to a site outside of Falmouth"

Hopefully you have studied the issue in much more depth than offered by the W&S Report. To have hired the same firm that made so many errors on the initial Wind I and Wind II project was, I consider, yet another mistake. The lengthy and in depth WTOP seems to have been completely ignored by our Town Officials, that committee finding there was NO PLACE in Falmouth where a 1.65 MWatt 397 foot tall wind turbine could be sited without being a nuisance to someone. Furthermore the Judge Moriarity June 20, 2017 decision finding of nuisance states that 2625 feet is the closest a turbine of this size can be sited to a resident. A giant commercial wind turbine is an absolute stress generator when sited too close to a person's home.

I am miffed over the disregard our Town Officials have shown for the Town's own ByLaws. The one year statue (240-166k) for removal of a non-operating wind turbine has gone by the wayside. Everyday when I look into my back yard and even when I am in bed from where I can see their flashing red lights, the mammoth turbines remind me of the turbulent years they have caused my neighbors, my family, and myself.

My official complaint regarding Wind II to Falmouth's Building Commissioner dated June 25, 2018 is attached. I also filed an official complaint with Mr. Palmer regarding Wind I dated Dec 11, 2017.

Please remove both municipal wind turbines and put an end to this divisive issue once and for all.
Thank you.

Barry and Diane Funfar
27 Ridgeview Drive
Falmouth
508 548-0068
bfunUSA@yahoo.com

Oct 17, 2018

Dear Board of Selectmen,

Your latest meeting on the Falmouth wind turbines with the presentation by Weston and Sampson was a real blow to my wife and I and many neighbors with whom I have communicated. The Town continues to spend money on an issue that most all of us thought had been put to rest. The \$14,000 paid for this W & S report is totally worthless until some zoning questions are answered? In the meantime we suffer stress and anxiety waiting for the day when these turbines are moved and we once again can find peace in our own home. It will be very difficult for Wind II to be determined a non-conforming legal structure with the Town facing some major obstacles on this front. Yet another lawsuit? Or is this simply a continuation of the confounding legal quagmire for which Falmouth is noted? I held back on appealing the Sept 12, 2018 non-answer I received from Falmouth Building Commissioner Rod Palmer because I thought the Town was headed on a better path. Now you turn around and backstab we abutters to the WWTP who spent over seven years attempting to reclaim our lives. Mammoth wind turbines are absolute stress generators. Time spent living too near a too large wind turbine sensitizes a person to those detrimental effects. I sometimes can hear the Webb turbine 4878 feet distant from the back of my home. Did not anyone read the June 20, 2017 Judge Moriarty nuisance decision? His finding #32 determined that a turbine of this size must be set back 2625'. I think the Town needs to obtain a Special Permit. How? Also, the lengthy Falmouth WTOP came to the conclusion that there is no place in this Town where these turbines could be located without being a nuisance to some residents. Doug Jones was one selectmen who attended these sessions. Does he forget? Is there a reason that you seem so intent on heaping distress on we WWTP abutters? It seems to me that your board and the Town Manager continue to waste substantial time and money on this issue.

Sincerely,

Barry Funfar

508 294-2375

bfunUSA@yahoo.com

cc. Falmouth Town Manager

Re: TOWN BY-LAW 240-166 K (5) (A) [4]

Yahoo

/

Inbox

Susan Moran, Falmouth Selectman <smoran@falmouthmass.us>

To:

BARRY FUNFAR

Cc:

selectmen@falmouthmass.us

,
Doug Jones

,
Megan English-Braga

,
Doug Brown

,
Sam Patterson

and 1 more...

Dec 11, 2017 at 9:24 AM

Dear Mr. Funfar:

Thank you for your question. By this email, I am requesting that the Town Manager provide a response to you.

Sincerely, Susan
Susan Moran, Chair
Falmouth Selectman
smoran@falmouthmass.us

On Dec 11, 2017, at 9:33 AM, BARRY FUNFAR <b.funusa@yahoo.com> wrote:

December 11, 2017

Falmouth Board of Selectmen,

Will you please inform me as to why the Falmouth wind turbine known as Wind I has to date not been removed. It is well past the one year mark that I understand the Town By-Law requires.

I have heard nothing about any movement in a direction to do so.

Please respond.

Thank you.

Sincerely,
Barry Funfar
27 Ridgeview Drive
Falmouth, MA 02540
508 294-2375
bfunUSA@yahoo.com

NOTE: I received NO response from Town Manager Mr. Suso as per your message.

Peter Johnson-Staub

From: Todd Drummey <todd.drummey@verizon.net>
Sent: Sunday, January 13, 2019 3:17 PM
To: Doug Brown; doug.jones@falmouthmass.us; Megan English Braga; samuel.patterson@falmouthmass.us; susan.moran@falmouthmass.us
Cc: Falmouth Selectman; Julian Suso
Subject: 1/14/2019 Wind Turbine discussion

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What will it take to obtain a Special Permit to relocate Wind 2? We will need to apply to the Planning Board for a special permit under a bylaw that clearly prohibits a turbine over 250 KW. Wind 2 is 1,650 KW, six times greater than allowed in the bylaw, but there is an exception for "Any WES lawfully in existence". So, was Wind 2 "lawfully in existence" when constructed? That seems to be a gray area. The Appeals Court ruled that Wind 1 was not lawfully in existence when built, because it needed a Special Permit. The Town applied for a Special Permit for Wind 1, and was denied. Wind 1 is clearly an illegal structure not eligible for the "exception". Why would Wind 2 be any different? The courts have not ruled on this issue regarding Wind 2. When the neighbors brought it to court, Wind 2 was already ordered shut down, and the Appeals Court ruled that the question was "moot", and vacated the lower court decisions. That leaves Wind 2 in this grey area, which is the only reason we are even considering relocating it at the WWTP. This seems to be the first hurdle that must be addressed, but do we even want to go down this road? Whatever decision is made in Town Hall (Building Commissioner, Zoning Board, Planning Board) about the legality of Wind 2, it is likely to be appealed to court by the BOS, the neighbors, or another group of citizens. More time, more money, more division. The bottom line is the answer to this question will likely take several years to resolve in court. All the while, Wind 2 ages in place and becomes less and less valuable to a 3rd party if we try to sell it 5 years from now. Who would want to buy a 15 year old turbine that is only designed to last 20 years? Do we even want to invest \$3 million in a project that is more than halfway through its designed lifespan?

Even if Wind 2 is eligible for the exception, it would still need to meet the noise regulations of the new bylaw in order to obtain a Special Permit from the Planning Board. I believe the State noise regulation has a 10 decibel limit, but the town bylaw is significantly lower. It sets a limit of 6 decibels, which will be even harder to meet. What did Weston & Sampson say about sound levels? On page 3-1 there is a table of sound measurements from the HMMH, 2010

study. That says the highest sound level at LT-1 (Andersen's home) was 3.9 decibels. But that doesn't make any sense. The MassDEP May 2012 report measured a maximum noise level of 11.9 decibels at the Andersen's house. That's why we had to shut down Wind 1 in the first place. Why did W & S say the level at Andersen's was only 3.9 decibels? Something is very wrong with these numbers.

(Note from Todd as a neighbor who is now very familiar with turbine noise and these studies: While W&S mentions "the abundance of available data collected", they completely ignored all of the actual measurements taken. Table 2 of the W&S report appears to be based on Table 7 of the HMMH 2010 report which lists "Computed Turbine Noise Levels". These values represent the results of a computer model, under very specific conditions. They are not the actual measurements taken at the site. For a variety of reasons, the computer model is just plain wrong. If it was correct, there would not have been any complaints. To be blunt, the noise section of the current W&S report isn't worth the paper it's printed on. It's totally inaccurate, and extremely misleading. Maybe you should ask W&S if they will take financial responsibility for the project if noise becomes an issue.)

I also remember reading some other information about wind turbine setbacks. I think the Cape Cod Commission has a setback regulation of 10 times the rotor diameter of a turbine. Wind 2 has a diameter of 269 feet, so that would be a setback of 2,690 feet. There was also Finding #32 in the Moriarty court decision that mentions a 2,625 foot setback to achieve a 40 decibel noise level. According to W&S, the closest house would be 2147 feet. How are we ever going to get that passed by the Planning Board, or upheld by the court? Even worse. those setbacks were both based on the State 10 decibel increase limit. The Town Bylaw now has a 6 decibel limit. That makes these setbacks even harder to meet.

Yes, if everything goes as planned, relocating Wind 2 could be a good plan. But, there are so many ways this can go wrong. Even if we can eventually get the permits, this whole project depends on the turbine being able to operate 24/7, for 20 years. Wind 2 is already 10 years old. There's no guarantee it will operate for another 10 years without significant maintenance and repairs. 20 additional years seems very optimistic. What if noise becomes an issue again, and we have to shut it down at night? Will W&S take responsibility for the legal morass, and the loss of revenue? Do we really want to go down this road again?

If we are going to spend \$3 million on an energy project, maybe we should think about another solar project. That seems to be working so well at the landfill. No complaints, no lawsuits, no problems.

If I were a member of the Board of Selectmen, trying to relocate Wind 2 in town would be the last thing I wanted to do.

Sincerely,

Todd Drummey

Todd A. Drummey
508-548-2344 (home)
508-457-0669 (office)
508-648-4073 (cell)
508-457-0621 (fax)
todd.drummey@verizon.net

Peter Johnson-Staub

From: mark cool <markjcool@yahoo.com>
Sent: Sunday, January 13, 2019 12:05 PM
To: selectmen@falmouthmass.us
Cc: bhough@capenews.net; clegere@capecodonline.com
Subject: Agenda discussion and vote on moving Wind 2

Dear Chairman Moran and Board Members,

Happy New Year! I hope this note finds you all well.

Unfortunately, I never received a response to my November 4, 2018 e-mail question regarding Wind 2's official "zoning classification." As you may recall at the October 15, 2018 selectmen's meeting, my public comment urged the board to obtain certainty of Wind 2's zoning classification since establishing that bit of information is critical to whether Wind 2 should even be considered for relocation at the Waste Water Treatment Plant property.

As I made clear in my public comment, Building Commissioner Palmer determined from my Zoning Enforcement Request that Wind 1's zoning classification was a non-complying structure. Without explanation, the building commissioner's response to a Zoning Enforcement Request for Wind 2 neither addressed nor determined that structure's zoning classification. To date, Wind 2's zoning classification has not been established.

Yet, on Monday night, the Board of Selectmen intends to consider a vote relocate a structure, at an upfront taxpayer cost of \$3 million, having an undetermined zoning classification.

Wind 2's zoning classification is either a non-conforming structure or a non-complying structure. It's pretty simple. As part of the board's discussion, I request the board to provide an answer to my extremely important question.

In the event the board does not identify Wind 2's official "zoning classification" and continues with the consideration of moving the wind turbine to the new site suggested by Westin and Sampson, I urge the board's discussion to include:

- the testimony of Dr. Robert McCunney, an expert witness for Falmouth during Wind 1's special permit hearings. As the board may recall, Dr. McCunney presented a formula, in terms of a setback distance of 2625 feet between residential properties and a wind turbine the size and capacity of Wind 1, to appropriately mitigate wind turbine noise nuisance.

- Barnstable Superior Court Judge Moriarty's nuisance determination finding #32 (Town of Falmouth vs Falmouth Zoning Board of Appeals et al - docket no. 1472CV00003) that incorporated the 2625 foot setback formula developed by the town's own expert witness (Dr. Robert McCunney).

- a review of the nearest residence north (2147 feet) and nearest resident south (2244 feet) of Wind 2's proposed relocation site.

- a review of Chairman Moran's statement ... "We would never put the town in the situation again where we would, you know, to the best of our ability, be subject to any anticipated litigation." ~ FCTV - Board of Selectmen Update - 8/24/2018

I urge the Falmouth Board of Selectmen to vote not to relocate Wind 2 to any site in the Town of Falmouth and dismantle both wind turbines.

Thank you for both your attention to this matter and an answer to my November 4, 2018 e-mail question.

Respectfully in a unity of community purpose,

Mark Cool
Precinct 6

Peter Johnson-Staub

From: VIRGINIA <vmcardle@comcast.net>
Sent: Sunday, January 13, 2019 1:01 PM
To: selectmen@falmouthmass.us
Subject: Turbines

I am opposed to moving Wind2.
Virginia McArdle
75 Chester St
N Falmouth

Sent from XFINITY Connect App

Peter Johnson-Staub

From: Doris <deebeatty@aol.com>
Sent: Sunday, January 13, 2019 8:27 AM
To: selectmen@falmouthmass.us
Subject: Turbines

\$3 million dollars to make another mistake?????

If it was coming out of your pocket, what would you do? My pockets are now so shallow, there is barely room for me to pay my sewer betterment, after I paid upfront for the sewer connection. And I have no say in the matter, as in the past.

*Doris Beatty
26 Young Rod
Falmouth Heights*

Peter Johnson-Staub

From: Anne Halpin <halpin319@gmail.com>
Sent: Sunday, January 13, 2019 7:26 AM
To: selectmen@falmouthmass.us
Subject: RE: Wind Turbines

Please end the controversy and the inappropriate location of the wind turbines in West Falmouth. The court has made their judgment and there is no place within the Waste Water Treatment area where Wind 2 could be moved. This was a poorly conceived and poorly administered plan very the beginning. Please put this in the past and let us move on to comprehensive energy plan for the town.

Anne Halpin
319 Woods Hole Road

Peter Johnson-Staub

From: LAWRENCE WORTHINGTON <jvlvworthington@comcast.net>
Sent: Saturday, January 12, 2019 9:05 PM
To: selectmen@falmouthmass.us
Subject: Wind Turbines

Dear Falmouth Selectmen, As lifelong resident of Falmouth it is hard for me to believe that the selectmen would vote in favor of moving Wind 2 to a new location within the Waste Water Treatment Plant. If you actually look at the setbacks, the town's new bylaws and legal ruling, how can we repeat the same mistake. Perhaps we could look at an alternative source of energy such as solar as opposed to the cost of moving a large industrial turbine that has such a negative impact on the neighborhood residents. Respectfully, Lawrence V. Worthington

337 Blacksmith Shop Rd

Peter Johnson-Staub

From: JAYNE B ABBOTT <jabbott207@comcast.net>
Sent: Saturday, January 12, 2019 8:35 PM
To: selectmen@falmouthmass.us
Subject: wind turbines

I do not believe it possible to move Winds 1 and 2 where your engineers have suggested (not far enough away). Perhaps some other community would buy them at a bargain price or perhaps Dr. Woodwell and the Green Center have a site in mind.

I continue to say that Falmouth should stick with solar.

Jayne Abbott

207 Metoxit Road

Waquoit

Peter Johnson-Staub

From: Paul <paulpcsma@aol.com>
Sent: Saturday, January 12, 2019 7:30 PM
To: selectmen@falmouthmass.us
Subject: turbines

Hi

I respectfully ask that you vote against attempting to reauthorize the use of turbines within the town, especially where it could negatively impact any of our town residents. For the record, I live on Mill Road, and would not be affected, so this is not a "Not in My Back Yard" (NIMBY) matter for me; instead it is a matter of fairness to other residents.

The turbine issue was not a good chapter in Falmouth's history; let's put it to rest and move on.

Thank you for considering this email; I know that you want to do the right thing; and my recommendation above is to put this whole matter to bed.

I hope to be able to be there on Monday night, but that will depend on whether I can complete my other commitment that evening.

Thank you.

Best

Paul Smith

Paul Smith
PaulPCSMA@aol.com
508-566-5662 cell

Peter Johnson-Staub

From: Bob Johnson <bjtamkim@comcast.net>
Sent: Saturday, January 12, 2019 12:23 PM
To: selectmen@falmouthmass.us
Subject: Wind Turbines Vote

Please vote for. A. to move both turbines out of Falmouth for use elsewhere.

We cannot afford to move WT#2 for \$3mm. It has a useful life of 12 years and to pay back the \$3mm it would take 20 years. How could you vote for this.

There is potential set back issue if moved and it will create the Noise Issue AGAIN etc.

Please vote A.

So that we do not have to go through the years of legal issues again that was caused by mis-management on this whole issue.

Sincerely,

Bob Johnson

Peter Johnson-Staub

From: John J. Ford <jjtf127@aol.com>
Sent: Saturday, January 12, 2019 7:28 PM
To: selectmen@falmouthmass.us
Subject: Falmouth's Misplaced Wind Turbines

Dear Selectmen,

Please note that I continue to oppose the Town's placement of industrial sized wind turbines at the Wastewater Treatment Facility and will continue such opposition. We have already been through an eight year nightmare together.

I strongly urge that you either dismantle Wind 2 along with Wind 1 and relocate these nuisances outside the Town of Falmouth or entertain selling these systems or scrapping them altogether.

To quote the Chair of the Selectmen when discussing the wind turbine nuisances, "We would never put the town in the situation again where we would to the best of our ability be subject to any anticipated litigation."

Respectfully,

John J. Ford
372 Blacksmith Shop Road
Falmouth

Peter Johnson-Staub

From: David Martin <dhmartineng@gmail.com>
Sent: Saturday, January 12, 2019 6:24 PM
To: selectmen@falmouthmass.us
Subject: Relocation of Wind 2

Please do not support the relocation of Wind 2 to anywhere in Falmouth. If it is a financial decision, I would much prefer a tax increase.

Respectfully,
David Martin
TMM Pct 1
14 Quissett Ave.
Woods Hole

Peter Johnson-Staub

From: Deborah Siegal <dgal4@comcast.net>
Sent: Saturday, January 12, 2019 5:04 PM
To: selectmen@falmouthmass.us
Subject: Moving Wind II

Dear Selectboard:

I strongly urge you not to move Wind II to another site in Falmouth, particularly not the Wastewater Treatment Facility property.

Based on the formula developed by the Town's expert witness, Judge Moriarty calculated a required setback of 2,625 ft. The proposed site would situate the turbine much closer than that to the nearest residences. There is no location on this site that can provide a setback of 2,625 feet AND the Town's new bylaw prohibits siting industrial turbines anywhere in Falmouth.

Not to belabor the obvious, but starting a new permit process would mean another divisive, drawn-out and expensive legal battle. Wouldn't it make much more sense to spend the estimated \$3 million on a solar energy project?

Respectfully,
Deborah Siegal
50 Friends Way
W. Falmouth

Peter Johnson-Staub

From: Bill Hallstein <billhallstein@gmail.com>
Sent: Saturday, January 12, 2019 3:49 PM
To: selectmen@falmouthmass.us
Subject: Fwd: Wind I and Wind II removal

From: **Bill Hallstein** <billhallstein@gmail.com>
Date: Sat, Jan 12, 2019 at 3:12 PM
Subject: Wind I and Wind II removal
To: <selectmen@falmouthmass.us>

To: Board of Selectmen, Falmouth, MA
From: William Hallstein, MD
Subject: Falmouth wind turbines I and II removal.

I am writing to strongly support removing both turbines. Relocating Wind II will predictably plunge the Falmouth community back into prolonged litigation. Town leadership needs to avoid leading the community back into court over the turbines.

The prolonged litigation to date has been extremely destructive for the Falmouth Community. Experience and wisdom would not take that road again.

Sincerely,

William Hallstein

Peter Johnson-Staub

From: JUDITH STETSON <juds3@comcast.net>
Sent: Saturday, January 12, 2019 2:05 PM
To: Board of Selectmen Falmouth MA
Subject: Wind Turbine discussion

To the Board of Selectmen,

I urge you to deny the relocation of Wind 2 to any other place in the town of Falmouth. Both of those aging, obsolete wind turbines should be banished forever!

Now that solar technology has improved, and the economics of solar energy have improved even more, we should rely on solar instead of wind. (Except for far offshore wind farms.)

Thank you for your earlier decision to refuse continued litigation on behalf of the turbines.

Sincerely, Judith G. Stetson

(508)548-2768

261 Quissett Ave.

Woos Hole, MA 02543

Peter Johnson-Staub

From: Priscilla Ruegg <rueggnh@gmail.com>
Sent: Saturday, January 12, 2019 1:44 PM
To: selectmen@falmouthmass.us
Subject: Vote on the wind turbines

I live and vote in Falmouth and respectfully ask you to vote to remove BOTH turbines OUT of Falmouth for use elsewhere. Thank you, Priscilla J. Ruegg

Peter Johnson-Staub

From: barry funfar <bfunusa@yahoo.com>
Sent: Friday, January 11, 2019 8:21 PM
To: selectmen@falmouthmass.us
Subject: discussion on future of Wind II turbine

Jan 11, 2019

Town of Falmouth Selectmen,
Concerning your scheduled Jan 14 meeting dealing with the removal/moving of Falmouth's Wind II wind turbine on the Wastewater Treatment Facility property:

At this late date in the history of Falmouth's (misguided) foray into wind power (somewhere around 2004) I would hope that at least one or two of the selectmen would have educated themselves to the facts of the adverse effects of too close too big commercial wind turbines. During the WTOP it was telling that Selectman Doug Jones did not submit the 110db noise level letter the Town had received from Vestas. It has appeared that over the years the financial elements have ruled the decisions of our Town Officials. So much for government, especially this our local government, looking out for the well being of its citizens. It would be very gratifying if at some point in time we can once again have reason to have trust and hope in at least our local government. It has been a long long time. In the beginning of this Falmouth wind turbine ordeal, for myself 2004 through perhaps 2011, I did in fact believe what the Town Officials had to say. It was misplaced trust. I was beguiled by those Falmouth Officials. In short order we will know the next step in Falmouth's wind turbine saga. A step forward or two steps back.

Sincerely,
Barry Funfar
27 Ridgeview Drive
Falmouth
508 548-0068
bfunUSA@yahoo.com

Peter Johnson-Staub

From: Bill Carson <georgesimpson12222222222222222222@gmail.com>
Sent: Friday, January 11, 2019 6:48 PM
To: selectmen@falmouthmass.us; doug.jones@falmouthmass.us;
susan.moran@falmouthmass.us; samuel.patterson@falmouthmass.us;
townmanager@falmouthmass.us; towncounsel@falmouthmass.us;
susos@falmouthmass.us; megan.english_braga@falmouthmass.us;
douglas.brown@falmouthmass.us; fduffy@falmouthmass.us
Cc: CapeCodWave Online Magazine; Brian@capecodwave.com;
kgallerani@wickedlocal.com; kgalleranih@wickedlocal.com; John Paradise;
kinsella@capenews.net; carter@capenews.net; gentile@capenews.net;
rausch@capenews.net; Nancy Bennett; mlist@capecodonline.com; MaryAnn Bragg;
Christine Legere; sdriscoll@capecodonline.com; sean@sfdcommunications.com;
sean.f.driscoll@gmail.com; Patrick Cassidy; spotlight@globe.com;
globeopinion@globe.com; globesouth@globe.com; gbrennan@capecodonline.com;
Ethan Genter
Subject: Falmouth Select Board Discuss 110 DB Wind Turbines Move 1/14/19

Falmouth Select Board Discuss 110 DB Wind Turbines Move 1/14/19

Select Board Has 110 Decibel Noise Warning Letter Received From Vestas August 2010. Turbines were installed in disregard for public safety.

Falmouth Massachusetts USA 1/11/19

<https://patch.com/massachusetts/falmouth/falmouth-select-board-discuss-110-db-wind-turbines-move-1-14-19>



Massachusetts 1/11/19

TOWN OF FALMOUTH BOARD OF SELECTMEN AGENDA

MONDAY, JANUARY 14, 2019 – 7:00 P.M. SELECTMEN’S MEETING ROOM TOWN HALL

7:45 p.m. BUSINESS

- 1. Vote to adopt FY2020 budget and submit it to the Finance Committee**
- 2. Discussion and vote on moving, repurposing or dismantling wind turbines.**

Options to include:

- a. Wind 2 to alternative Falmouth wastewater site or a site outside of Falmouth**
- b. Wind 1 to a site outside of Falmouth**

<http://www.falmouthmass.us/AgendaCenter/ViewFile/Agenda/ 01142019-10922> -----

Note # Massachusetts Courts Shut Down Wind Turbines Based On Nuisance Bylaw June 20, 2017

Town of Falmouth, Massachusetts Chapter 240 Section 110

Nuisances: These are 110 Decibel Megawatt Wind Turbine Problems :

No use shall be permitted which would be offensive because of injurious or obnoxious

A. Noise: a Vestas V-82 type 1.65 megawatt wind turbine generating 110 decibels of noise requiring a setback of 2923 feet from residential property. The distance to meet 40 dBA for Wind II, a Vestas V82 with sound power level of 110 dBA, is approximately 891 meters or 2923 feet. Letter to Town of Falmouth October 26, 2018, Robert W. Rand, ASA, INCE Rand Acoustics re Wind Turbine Relocation Study, Weston & Sampson Report October 12, 2018

B. Vibration: Infrasound --Chief Executive Officer of Vestas wind company CEO Engel Ditlev wrote a letter to Karen Ellemann about low-frequency noise. The CEO responded that Vestas does not have the technology to stop the noise. The CEO of Vestas wind company in 2010 admitted their turbines do generate low-frequency noise.

C. Hazardous to the community on account of fire or explosion: Gearbox fires in older gear driven wind turbines.

D. Other Cause:

1. Shadow flicker is the Sunlight flickering effect caused when rotating wind turbine blades periodically cast shadows through constrained openings such as the windows of neighboring properties

2. Blade Throw "This is evidenced by the Vestas Confidential Health and safety Instruction manual for a Falmouth MA wind farm. Page 10 of this manual addresses the situation of a free spinning "runaway turbine". In that manual, instructions are for no one to be allowed within a 1640 feet (500 m) radius. (See Exhibit 2)"

3. Ice Throw

No permit shall be granted for any use which would prove injurious to the safety or welfare of the neighborhood into which it proposes to go, and destructive of property values, because of any excessive nuisance qualities.

Town of Falmouth has no noise model or acoustic noise prediction of the total amount of decibels produced by two Vestas V-82 type 1.65 megawatt wind turbines producing 110 decibels each. This would include the new proposed location of Falmouth Wind II combined with the privately owned Notus wind turbine both Vestas V-82 turbines producing 110 decibels of noise each.

Peter Johnson-Staub

From: Steve Sayers <ssayers@steamshipauthority.com>
Sent: Friday, January 11, 2019 12:27 PM
To: Nathaniel Trumbull; Catherine Bumpus; junker@thoughtballoon.org; selectmen@falmouthmass.us; vinny.demacedo@masenate.gov; dylan1fernandes@gmail.com; Eric t. Turkington; David Martin; david.vieira@mahouse.gov; julian.cyr@masenate.gov; Corey Pacheco; Laurie
Cc: Robert Davis
Subject: RE: Question about when this 2014 slide presentation with visual renderings of new Woods Hole Terminal building was shown to Falmouth residents?
Attachments: Falmouth Enterprise - 2014-06-20.pdf

The Cape Cod Times article that was attached to my email was apparently too large for some of the recipients' mailboxes, so I am sending this email (below) again with only the Falmouth Enterprise article attached. My apologies.

From: Steve Sayers
Sent: Friday, January 11, 2019 12:08 PM
To: 'Nathaniel Trumbull' <nat@teia.org>; Catherine Bumpus <catherinebumpus@gmail.com>; junker@thoughtballoon.org; selectmen@falmouthmass.us; vinny.demacedo@masenate.gov; dylan1fernandes@gmail.com; Eric t. Turkington <eric.t.turkington@gmail.com>; David Martin <dhmartinwh@gmail.com>; david.vieira@mahouse.gov; julian.cyr@masenate.gov; Corey Pacheco <cpacheco@falmouthmass.us>; Laurie <lauray230@gmail.com>
Cc: Robert Davis <rdavis@steamshipauthority.com>
Subject: RE: Question about when this 2014 slide presentation with visual renderings of new Woods Hole Terminal building was shown to Falmouth residents?

Dear Nat,

Actually, the file's name is June 9, 2014, which was the date that the presentation was given to the public at the Woods Hole Community Center. For your convenience, copies of the [Falmouth Enterprise](#) and [Cape Cod Times](#) articles that reported on the presentation are attached. The reason some of the slides have different dates (i.e., November 12, 2013 and April 16, 2014) is that I used slides from previous public presentations to prepare the June 9, 2014 presentation, principally as a means to review what had gone on before.

Perhaps not coincidentally, I already have made copies of all of the visual renderings in the presentation for everyone who will be at our meeting Tuesday afternoon, and was hoping that we could spend part of the meeting reviewing those renderings together with the results of last month's "bucket truck" tests. (I have made copies of those test results for the meeting as well.)

I also notice that you have copied several public officials on your email, and I have "replied all" to them as well. They are more than welcome to attend the meeting we are having with you and the other SMART group representatives Tuesday afternoon (at 1:00 p.m. at our administrative offices) about the terminal project, but I leave it up to you and them to decide whom you would like to be there. I only ask that you let us know if you are planning to have more than ten people attend so that we can make more copies of the various documents and, if necessary, make arrangements for a larger meeting room.

All the best,
Steve

Steven M. Sayers, Counsel
Woods Hole, Martha's Vineyard and Nantucket Steamship Authority
228 Palmer Avenue
Falmouth, Massachusetts 02540

Email: ssayers@steamshipauthority.com
Mobile: (508) 493-5987

From: Nathaniel Trumbull [<mailto:nat@teia.org>]

Sent: Friday, January 11, 2019 11:04 AM

To: Steve Sayers <ssayers@steamshipauthority.com>; Catherine Bumpus <catherinebumpus@gmail.com>; junker@thoughtballoon.org; selectmen@falmouthmass.us; vinny.demacedo@masenate.gov; dylan1fernandes@gmail.com; Eric t. Turkington <eric.t.turkington@gmail.com>; David Martin <dhmartinwh@gmail.com>; david.vieira@mahouse.gov; julian.cyr@masenate.gov; Corey Pacheco <cpacheco@falmouthmass.us>; Laurie <lauray230@gmail.com>

Subject: Question about when this 2014 slide presentation with visual renderings of new Woods Hole Terminal building was shown to Falmouth residents?

Good morning Steve,

Could you write us please about the date when these presentation slides* of the Steamship Authority terminal building and included visual renderings were shown to Falmouth residents?

<https://drive.google.com/file/d/1wWGUHXL62HEs9Aw7W2UXkuySwrkymeeH/view?usp=sharing>

*the actual presentation date of these slides is confusing to us; the slides indicate April 16, 2014 on the top, whereas the file's name is June 19, 2014

Many of us only became aware of these presentation slides, and especially the visual renderings on slides 24-25, only two weeks ago.

The presentation slides appear never to have been posted on the Steamship Authority website.

Thank you.

Nat
nat@teia.org
Cell 508 540 0308

Peter Johnson-Staub

From: Bill Carson <georgesimpson12222222222222222222@gmail.com>
Sent: Friday, January 4, 2019 5:36 PM
To: Bill Hough; news@capecodonline.com; editor@capecodtoday.com; ed@95wxtk.com
Cc: pmeyer@capecodonline.com; ppronovost@capecodonline.com; Patrick Cassidy; Christine Legere; towncounsel@falmouthmass.us; fduffy@falmouthmass.us; smoran@falmouthmass.us; megan.english_braga@falmouthmass.us; selectmen@falmouthmass.us; jsuso@falmouthmass.us; dougjones@falmouthmass.us; spatterson@falmouthmass.us; dougbrown@falmouthmass.us
Subject: Falmouth Wind Turbine II -- Status Report January 31,2019

Falmouth Wind Turbine II -- Status Report Due January 31, 2019

Falmouth Lacks Wind Turbine Park - Farm Noise Zoning Bylaw

Massachusetts January 4, 2019

A wind turbine park or farm is defined as a group of wind turbines in the same location to produce electricity.

The Town of Falmouth is proposing moving its legally shut down Falmouth Wind II turbine closer to the identical privately owned NOTUS wind turbine.

Falmouth Select Board Chair Susan Moran has said: "We would never put the town in the situation again where we would, you know, to the best of our ability be subject to any anticipated litigation."

When it comes to commercial wind turbine installations in Massachusetts you have to look for what has been omitted from state and town regulations. Falmouth has no regulations for the spacing of commercial wind turbines to prevent additional noise. Falmouth is considering moving its Falmouth Wind II turbine. The definition of insanity is doing the same thing over and over again and expecting different results. The only result here is more litigation.

When you have two noise sources it will be louder. It is essential for example its the same thing as having two light bulbs next to each other. It is a fact that if you have two noise sources with a sound level of 100 decibels each the total will be about a total of about 103 decibels. If you had, for example, five wind turbines in the same location it would become even louder

The Falmouth wind turbines including the third privately owned wind turbine are all Vestas V-82 type turbines generating up to 110 decibels each. The Town of Falmouth has the documentation the turbines generate 110 decibels of noise.

Falmouth zoning bylaw Chapter 240 Article 166 defines a wind turbine: "A single device that converts wind energy to rotational energy that drives an electrical generator, typically consisting of a rotor and blade assembly, nacelle body and tower." There is no definition for multiple wind turbines located near each other.

Wind turbine noise and shadow flicker studies where done for the first town-owned wind turbine called Falmouth Wind I. The town-owned second wind turbine was installed based on the study done on the first turbine both Vestas V-82 turbines. There is no noise study done for both wind turbines operating at the same time except that they do break state noise regulations in surrounding neighborhoods

The Town of Falmouth does not appear to have zoning bylaw regulations for the installations of multiple

commercial megawatt wind turbines. These zoning regulations would set spacing requirements between commercial wind turbines that would prevent noise increases between poorly sited locations.

Under the current Special Permit rules, the Falmouth Zoning Board of Appeals would have to be able to determine the noise level in decibels created by the Notus private turbine operating in close proximity to the new proposed location of Falmouth Wind II. The zoning board could only make that decision based on a study of both turbines operating at the same time.

There is no current noise study of the location of the Notus wind turbine and proposed location of Falmouth Wind II.

Falmouth homeowners have been complaining bitterly about state regulatory noise measured in decibels and low-frequency noise and infrasound from the moment the turbines commenced operation in 2010.

Wind turbine litigation is where the rubber hits the road. The courts get to hear the real evidence and facts.

The Town of Falmouth has never won a court case demonstrating that wind turbines do not cause noise nuisance or shadow flicker.

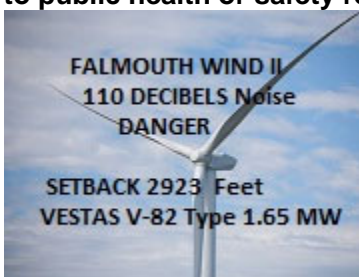
In June of 2017 Massachusetts courts, all the way to the Massachusetts Appeals Court have shut down both Falmouth town-owned nuisance wind turbines.

Falmouth, Building Commissioner Rodman L. Palmer now almost two years later claims the Falmouth Wind II turbine has not been abandoned. The turbines will have been shut down for two years in June of this year. Interesting enough the same Rod Palmer classified Wind 1 as a non-complying structure and ordered it dismantled and removed.

The Town of Falmouth has received notification from an acoustic expert that the town-owned 110-decibel wind turbine Falmouth Wind II needs a setback of 2923 feet from residential property locations.

Town Manager Julian M. Suso agreed to provide the Building Commissioner Rodman Palmer with a status report on Falmouth Wind II by January 31, 2019.

Julian Suso has been corresponding with Susan Perez, Executive Director of the Massachusetts Clean Water Trust over a Project Regulatory Agreement loan/grant that was used to finance Falmouth Wind II with American Recovery & Reinvestment Act of 2009 funds. ARRA funds cannot be used if they present a danger to public health or safety related to the implementation or use of recovery funds.



Peter Johnson-Staub

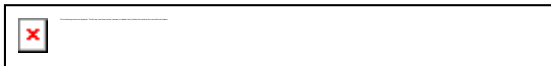
From: Bill Carson <georgesimpson12222222222222222222@gmail.com>
Sent: Friday, December 28, 2018 11:19 AM
To: miiclaims@mma.org; gbeckwith@mma.org; scorcoran@mma.org;
mobrien@pierceatwood.com; towncounsel@falmouthmass.us;
fduffy@falmouthmass.us; smoran@falmouthmass.us;
megan.english_braga@falmouthmass.us; selectmen@falmouthmass.us;
jsuso@falmouthmass.us; dougjones@falmouthmass.us; spatterson@falmouthmass.us;
dougbrown@falmouthmass.us
Subject: Falmouth's wind turbine debacle: 2018 ups & downs recap'

Massachusetts USA

Falmouth's wind debacle: 2018 ups & downs recap'

Vestas disclosure letter expressed noise issues, yet residents of Town of Falmouth were denied this information at Town Meeting where they voted to install the later identified "nuisance" wind turbines.

<https://www.wind-watch.org/news/2018/12/26/falmouths-wind-debacle-2018-ups-downs-recap/>



filed: December 26, 2018 • [Blogs](#), [Massachusetts](#)

Falmouth's wind debacle: 2018 ups & downs recap

| Credit: Firetower Wind | December 24, 2018 | mjoecool.wordpress.com ~~

The year began with a collective Community sigh of relief – Falmouth's Board of Selectmen planned to hire a consultant to help determine how to comply with the building commissioner's December 2017 dismantling and removal order for Wind 1 (Jan. 8). That good news was quickly followed by the Selectmen announcing that Falmouth received a break on the \$1.5 million debt owed the Massachusetts Clean Energy Center (MCEC). The debt was negotiated down to the sum of \$178,000 (Jan. 12).

Selectmen later unanimously voted to remove Wind 1 from its current location with no option considered to relocate it within Falmouth (May 21).

Unfortunately, Selectman "re-neged" on its commitment to the community to end Falmouth's wind project fiasco. Town staff, the same administrative officials acting to negotiate the loan debt reduction with MCEC, somehow (???) convinced Selectmen that it was still possible Wind 2 could be relocated on the Waste Water Treatment Plant property by special permit under a new zoning bylaw.

***Backstory—Mixing a agency's 'mission' with a municipality's 'promise to its people' –
The Massachusetts Clean Energy Center (MCEC) is a state economic development***

agency dedicated to accelerating the growth of the clean energy sector, including onshore wind energy, across the Commonwealth. Falmouth officials, as representatives of the Board of Selectmen, could only muster a position predicated on a request for financial forgiveness.

Falmouth emerged from negotiations with Wind 1's debt nearly totally forgiven. MCEC emerged without any compensation at all it would appear. Or did they? Perhaps something happened between town and MCEC officials away from prying public eyes? Something that involves Wind 2, something that compromises the 'word' of Selectmen to residents? Something that fosters the very mission of MCEC? Shockingly telling, something that continues to cost Falmouth Selectmen dearly – trust & respect?

It's suspicious or, at the very least, ironic that the recommendation by the negotiation team of town staff (Jan. 8) to Selectmen ...should then be so quickly followed by the MCEC debt reduction announcement 4 days later. Hmmm !;

The Town of Falmouth settled 10 nuisance complaints with turbine project neighbors (June 1). In total, the town paid \$255,000 to the 10 complainants without 'officially' (per the requirement of the Town's insurer) admitting any violation, liability or fault. Official or not, the legacy of Falmouth's wind project will be one of misrepresentations, mistrust and a misguided prioritization of community values. All of which to date, have a lingering and endemic effect upon the governance of the Town.

After a request was filed (June 25) for zoning enforcement alleging that Wind 2 is a non-complying structure with Falmouth Zoning Code [exactly similar zoning classification as Wind 1], Falmouth's building commissioner denied the zoning enforcement action request (Sept. 12). A determination certain to entertain pending legal challenge if the Town should make application for Wind 2's relocation and special permit. And – providing further argument supporting Wind 1's debt forgiveness 'compromise' perhaps has extended influence upon local government positions otherwise legally required to be independent and objective.

The Falmouth "Greenie Society" appeal to intervene into the Falmouth Wind Turbine Nuisance Ruling (Nov. 2017) was denial by the State Appeals Court. Thus putting an end, at least to that chapter, of Falmouth's wind turbine debacle.

December 12 the MASSACHUSETTS COMPREHENSIVE ENERGY PLAN was released. Of particular note in the 212 pg report is the absence of any strategy, vision or forecasted plan concerning future "*onshore wind energy development*". It's worth further noting that report authors claimed no consideration was given to ill-sited onshore wind comments. Yet, the absence of anything about onshore wind in the 212 pages is clearly indicative that through comments, convictions and the calamity of a few WIND WARRIORS – 2018 culminated in a state energy report (whether they admit it or not) recognizing the fatal flaws of land-based wind projects and our voice forced all future wind energy resources in Massachusetts ~ ***into the sea.***

The best of Christmas spirit and New Year blessings to All !;!!

Your Obedient Servant

MC

| *Source:* Firetower Wind | December 24, 2018 | mjoecool.wordpress.com

Peter Johnson-Staub

From: Bill Carson <georgesimpson12222222222222222222@gmail.com>
Sent: Friday, December 21, 2018 5:32 PM
To: miiclaims@mma.org; gbeckwith@mma.org; scorcoran@mma.org;
mobrien@pierceatwood.com; towncounsel@falmouthmass.us;
fduffy@falmouthmass.us; smoran@falmouthmass.us;
megan.english_braga@falmouthmass.us; selectmen@falmouthmass.us;
jsuso@falmouthmass.us; dougjones@falmouthmass.us; spatterson@falmouthmass.us;
dougbrown@falmouthmass.us
Subject: Falmouth Wind Turbine- 5 Doctors Letter -Nuremberg Code

Massachusetts December 21, 2018

Nuremberg Code - Health effects of wind turbines in Falmouth

Five Falmouth Physicians

Town of Falmouth hid and is hiding the 110-decibel noise warnings prior to the construction of the wind turbines.

1. The voluntary consent of the human subject is absolutely essential.

2 The Town of Falmouth hid the 110-decibel warnings and had reasonable expectations of physical and mental suffering and injury.

3. The turbines were installed knowing prior to August 2010 a disabling injury could occur from the two types of noise.

4. No experiments should take place unless the physicians also serve as subjects.

Five Falmouth physicians wrote a letter to the Falmouth Board of Health March 19, 2013, in an effort to keep the wind turbines operational just before a townwide vote to take down the wind turbines.

The highest degree of skill and care was not taken by the doctors as they never served as subjects living under the wind turbines. The Town of Falmouth hid the 110-decibel noise warning letters, emails, maps, and memos

The Massachusetts court system on June 20, 2017, shut down the turbines as they are a nuisance

Doctors letter :

March 19, 2013

***Dr. Gail Harkness, Chairperson Falmouth Board of Health 59 Town Hall Square Falmouth, MA 02540
Re: Health effects of wind turbines in Falmouth***

Dear Dr. Harkness,

As physicians and residents of Falmouth, we are contacting you regarding the allegations of health impacts from wind turbines. While we do not claim to have expertise in wind energy or acoustics, as a group we have decades of experience in medicine and health.

Given Cape Cod's formidable wind resource, the large wind turbines located in Falmouth can generate substantial amounts of energy. This not only provides revenue for the Town but also reduces air pollution and climate change. The proven risks of climate change are all too clear -, especially for Coastal

Communities.

We have listened to the wind turbines and find there is little to hear. The measured decibel levels are modest. We are skeptical that any actual health hazard is created by their operation. Credible public health research indicates that psychogenic nocebo effects may be largely responsible for the controversy, as well as NIMBYism.

***Our Society needs to transition from fossil fuels to renewable sources. We urge you to not support curtailment or removal of wind turbines, which would be a regressive step, not a sensible use of taxpayer dollars, and unsubstantiated by a medical or Scientific basis,
Sincerely,***

Nathaniel Clark, MD -- James Liljestrand, MD-- Robert Reece, MD--Thomas Sbarra,MD-- John Tudor, MD

***CC: Mr. Kevin Murphy, Chairman, Falmouth Board of Selectmen
Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540***

Peter Johnson-Staub

From: Bill Carson <georgesimpson122222222222222222@gmail.com>
Sent: Sunday, December 16, 2018 8:16 AM
To: miiclaims@mma.org; mobrien@pierceatwood.com; towncounsel@falmouthmass.us; fduffy@falmouthmass.us; smoran@falmouthmass.us; megan.english_braga@falmouthmass.us; selectmen@falmouthmass.us; jsuso@falmouthmass.us; dougjones@falmouthmass.us; spatterson@falmouthmass.us; dougbrown@falmouthmass.us
Subject: Falmouth Wind Turbine II- Gov Charlie Baker In A Cesspool

The Massachusetts Executive Office of Energy and Environmental Affairs is a cesspool.

<https://patch.com/massachusetts/falmouth/gov-charlie-baker-falmouth-wind-ii-another-environmental-scandal>

Gov Charlie Baker Falmouth Wind II Another Environmental Scandal

MassDEP Participating in Regulatory Capture Using ARRA Funds Cannot Be Used For A Substantial and Specific Danger to Public Health or Safety

Falmouth Massachusetts USA Dec 15, 2018

Barnstable Superior Court Judge Cornelius Moriarty issued the order to shut down Falmouth's two chests pounding 110 decibel Wind 1 and Wind 2 on June 21, 2017.

The Town of Falmouth plans to move Falmouth Wind 2 which began spinning in 2012 to a new location a few hundred feet away from its current location.

The town used the federal American Recovery and Reinvestment Act of 2009 funds to build the turbine despite written warnings prior to construction in 2010 the turbine generates 110 decibels of noise. The town continues to hide the letter

The Town of Falmouth plans to move Falmouth Wind 2 which began spinning in 2012 to a new location a few hundred feet away from its current location.

The Town of Falmouth is corresponding back and forth to Susan Perez the Executive Director of the Massachusetts Clean Water Trust to reuse ARRA funds from the SRF, state revolving funds, to help in the rebuilding of Falmouth Wind 2.

The Massachusetts Department of Environmental Protection brokered a Project Regulatory Agreement between the Town of Falmouth and the Massachusetts Clean Water Trust for a loan/grant on Falmouth Wind 2. The Massachusetts Department of Environmental Protection brokered a Project

Regulatory Agreement which meant they could not enforce the state noise regulations. The MassDEP is participating in Regulatory Capture. This is a form of government failure which occurs when a regulatory agency, created to act in the public interest, instead advances the commercial or political concerns of special interest groups that dominate the industry or sector it is charged with regulating.

The MassDEP is pushing a commercial wind turbine agenda while ignoring the health and property of the people who pay taxes. The Massachusetts Department of Environmental Protection or the Massachusetts Department of Health have never interviewed a single wind turbine victim from anyone of twenty-one Massachusetts communities with wind turbines taking health and property rights. The only logical conclusion is the state knew prior to construction of the noise and shadow flicker.

A Massachusetts state agency was the first to buy a megawatt wind turbine today that agency is the Massachusetts Energy Center.

Since 2016 there has been a history of scandals at Massachusetts environmental agencies. The ouster of the top Environmental Police official and all the way up to the cabinet-level Executive Office of Energy and Environmental Affairs. There have been many officials dismissed.

Republican Massachusetts Governor Charlie Baker is hoping to cast the state as a national leader in the race to develop offshore wind. Baker is also looking at Falmouth, Massachusetts ground zero for poorly placed wind turbines in the United States taking health and property rights.

The issue is the Town of Falmouth misled the federal EPA to obtain a waiver to build a foreign made Vesta V-82 commercial 1.65-megawatt wind turbine after - General Electric a domestic wind company refused to build a wind turbine because of residential setbacks and ice throw.

ARRA funds cannot be used if a substantial and specific danger to public health or safety exists - Falmouth wind turbines are 110 decibels each needing a 2923 foot setback from neighbors.

EPA Waiver To Buy A Foreign Wind Turbine: Publication Date: 04/27/2010 Agency: Environmental Protection Agency Document Citation: 75 FR 22129 Page: 22129-22131 (3 pages) Agency/Docket Number: FRL-9142-5 Document Number: 2010-9751

A . General Electric a domestic wind turbine company refused to build a single wind turbine at the Falmouth wastewater treatment facility because of residential home setbacks and ice throw.

"The EPA is hereby granting a waiver of the Buy America requirements of ARRA Section 1605 under the authority of Section 1605(b)(2) [manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality] to the Town of Falmouth, Massachusetts for the purchase of a foreign manufactured wind turbine to be installed at its existing wastewater treatment facility site."

B. The Town of Falmouth never filed Special Permit 240 -166

"The Town of Falmouth, Massachusetts (MA) is proposing to construct a foreign manufactured Vestas model V82, 1.65 megawatt (MW) wind turbine generator at the Town's wastewater treatment facility located at 154 Blacksmith Shop Road, a 314 acre town owned site in Falmouth, MA. This proposed wind turbine would be the second one installed and commissioned at the site although the existing wind turbine was not funded through the ARRA."

"Based on information provided to the EPA, the Town of Falmouth has taken the necessary steps to obtain all required local, state, and federal approvals to move forward with the proposed project. The Town of Falmouth has adopted a local ordinance regulating large scale wind turbines. According to the submittal, Zoning Article XXXIV, Chapter 240, Section 240-166 requires a Special Permit for windmills with minimum setback from property lines."

C. General Electric refused to build a single wind turbine. The town misled the EPA technical review team

"Based on the evaluation of all of the submitted documentation by EPA's technical review team, the Town of Falmouth's statement that no U.S. manufacturer is willing to provide a 1.5 MW-2.0 MW wind turbine generator that meets project performance specifications is supported by the available evidence."

"Town of Falmouth has agreed to implement a mitigation plan to minimize the likelihood of any potential ice throws to ensure public safety, and that this manufactured good was not available from a producer in the United States. The information provided is sufficient to meet the following criteria

listed under Section 1605(b) of the ARRA and in the April 28, 2009 Memorandum: Iron, steel, and the manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality."

"Having established both a proper basis to specify the particular good required for this project and that this manufactured good is not available from a producer in the United States, the Town of Falmouth is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5. "

Gov. Charlie Baker on Scandal at Environmental Agency Starting 2016 Youtube

<https://www.youtube.com/watch?v=p1uzL07Kwpk>



Published on Oct 5, 2016

Gov. Charlie Baker discussed the results of an internal investigation into his energy and environmental agency.

Peter Johnson-Staub

From: Donald McInnes <dgmcin10@gmail.com>
Sent: Saturday, January 12, 2019 10:17 AM
To: selectmen@falmouthmass.us
Cc: Carol Anne McInnes
Subject: Windmill I and II

Dear Board of Selectmen, My wife Carol and I hope in your deliberations regarding Windmill I and II that you vote to remove these two very contentious objects from our community. Thanks for your consideration and service to our community. Sincerely, Donald G McInnes, 597 W Falmouth Hwy, W Falmouth, MA 02540

Peter Johnson-Staub

From: captdon40sail@comcast.net
Sent: Friday, January 11, 2019 8:44 PM
To: falmouth selectman
Subject: Fwd: Falmouth Turbine Friends File NO Appeal To SJC

<https://patch.com/massachusetts/falmouth/falmouth-turbine-friends-file-no-appeal-sjc>

Sent from my Samsung Galaxy smartphone.

Peter Johnson-Staub

From: JAY SMITH <jamescsmith@hotmail.com>
Sent: Saturday, January 12, 2019 11:39 AM
To: selectmen@falmouthmass.us
Subject: wind turbines

I live in North Falmouth at 40 Abbies Lane. I urge the Selectmen to move both turbines out of Falmouth for use elsewhere, and not move Wind 2 elsewhere in Falmouth. Thank you for your consideration. J C Smith, MD
Sent from [Mail](#) for Windows 10