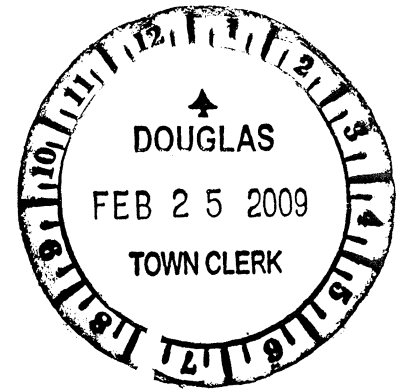




# Town of Douglas

Zoning Board of Appeals  
29 Depot Street ~ Douglas, MA 01516  
508-476-4000 ~ Fax: 508-476-4012  
TTY: 508-476-1619



## DECISION CASE NO. 2009-04 AMERICAN PRO WIND, LLC

Decision of the Douglas Zoning Board of Appeals (the "ZBA"), upon the Application and Appeal of American Pro Wind, LLC, with an address of 195 Libbey Parkway, Unit Two, Weymouth, MA 02189, (the "Applicant") for a use Variance pursuant to Section 3.1.3, Appendix A and Section 9.2.2 (2) of the Douglas Zoning Bylaws (the "Bylaw"), and a height Variance pursuant to Section 4.1.3 and Appendix B of the Bylaws for property located on the south side of Route 16, Douglas, MA 01516 at the Webster Town line (the "Locus") and zoned Industrial. A Public Hearing was held on February 19, 2009 at the Douglas Municipal Center, pursuant to notice thereof published once in two successive weeks in a newspaper of general circulation in Douglas, the first publication of which was not less than fourteen days before the day of the Public Hearing, by posting such notice at the Town Hall at least fourteen days prior to the day of the Public Hearing and by mailing a copy of said notice to all parties in interest.

### FINDINGS:

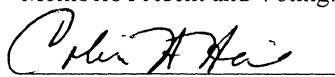
1. The Application has been presented to the Douglas Planning Board, which had no objection to the request for a use Variance and a height Variance for a test tower only.
2. The Locus is located in an Industrial Zoned District, with approximately 274 +/- acres of land and 350' +/- road frontage.
3. Existing topography of the land (high elevation) makes the provision of infrastructure (sewer and/or water) to the site problematic.
4. The Locus is surrounded by state owned land, including the Douglas State Forest and other small landlocked parcels.
5. The Locus is located miles from any infrastructure (sewer and/or water), which could only be extended to the Locus at a grossly prohibitive cost.
6. Without municipal water and sewer, the existing allowed uses in the industrial zone are extremely limited.
7. The isolation of the Locus caused by the surrounding State Forest and landlocked parcels greatly minimizes any adverse impact of the proposed use on the surrounding area.
8. Approval of the request of the Applicant would not substantially be to the detriment of the public good and would not substantially nullify or substantially derogate from the intent and purpose of the Bylaws.

### CONDITIONS:

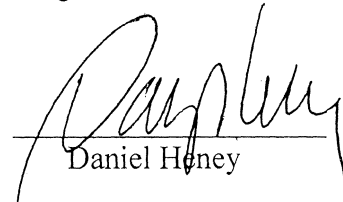
1. Approval is for a use Variance and a height Variance for a temporary meteorological tower not to exceed 200 feet in height extending for a fifteen (15) month period to begin upon installation of the tower.

Therefore, the ZBA, three members being present and voting at a duly called meeting held on February 19, 2009, by vote of three (3) in favor to none (0) against, grants the petition for a use Variance and a height Variance for the temporary meteorological tower with the Findings and Conditions listed above.

Members Present and Voting:

  
Colin H. Haire

  
Harold Davis

  
Daniel Honey

**NOTE:** Any person aggrieved by this decision may appeal to the Worcester Superior Court within 20 days of the date the decision is filed with the Douglas Town Clerk. No variance or special permit issued by the ZBA shall take effect until it has been filed in the Worcester County Registry of Deeds with certification from the Town Clerk that 20 days have elapsed since the decision was filed with the Town Clerk and that no appeal has been filed or if such appeal has been filed, it has been dismissed or denied.

Douglas is an Equal Opportunity Employer