

American Pro Wind LLC
195 Libbey Parkway, Unit Two
Weymouth, MA 02189

Mr. Dan Heney, Chairman
Zoning Board of Appeals
Douglas Town Hall
29 Depot Street
Douglas, MA 01516



July 7, 2010

SUB: Exercise of Variance (Decision Cases No. 2009-04 and 2010-01)

Dear Mr. Heney:

American Pro Wind LLC (APW) respectfully requests to be put on the agenda of your next ZBA Meeting on July 14, 2010.

Request

The purpose is to seek approval by the Zoning Board of Appeals that the aggregate of actions by the Applicant listed below "demonstrates both deliberate and expeditious pursuit of the wind turbine facility" and, therefore, constitutes an exercise of the Variances (Decision Case No. 2009-04 and 2010-01) that APW currently has on the eight parcels that comprise the Douglas Woods Wind Farm project site:

Aggregate of Actions

1. Complete the installation of the 60-meter Meteorological Tower on the project site
2. Collect and report 12 months of actual wind data recorded on-site by the Meteorological Tower
3. Conduct SODAR equipment testing to verify Met Tower wind speeds, to measure wind shear, and to measure wind speeds at different turbine locations on the site
4. Secure approval by the Conservation Commission of the Final Determination of Wetlands
5. Submit Interconnection Request Application and a non-refundable \$50,000 deposit (to fund studies) to ISO - New England
6. Execute a System Impact Study Agreement with ISO-New England and National Grid and submit an additional \$50,000 deposit to fund the System Impact Study
7. Complete an Archaeological Survey on the project site by a Licensed Archaeological Consultant
8. Sign Purchase and Sale Agreements with all three landowners for a total of 298 acres
9. Secure Town and State Approval for a Tax Increment Financing Agreement for the project
10. Submit Site Plan Review Application
11. Execute a long-term Power Purchase Agreement Contract with NSTAR Electric Company to sell all the energy from the Project
12. Secure "Determination of No Hazard" approvals for the preliminary 13 turbine locations by the Federal Aviation Administration
13. Complete clearing of trees for 5,000 linear feet of roadway

Evidence of Actions

American Pro Wind will submit evidence to the ZBA in the form of reports, permits, signed Agreements, P&S Agreements, Certified Approvals, Site Plan Application, affidavit, or demonstration of payment as appropriate and applicable for each Action Item.

Project Timing and Request to Expedite

As has been communicated to the ZBA and the Board of Selectmen since early in 2009, the Douglas Woods Wind Farm project is on a very tight timetable to qualify for the 30% federal grant that requires construction to start by December 31, 2010. The grant is critical and is a requirement in order for the project to be constructed. In order to meet the timetable, the Applicant must secure long-term financing. American Pro Wind is meeting with banks this month to initiate the due diligence required to secure long-term financing by the end of October. A key part of due diligence will be to ascertain that the Variances have been exercised and are in effect. That is why it is critical that the exercise of the Variance be acknowledged by a vote of the ZBA at the meeting of July 14, 2010.

Rationale for Action Items Proposed

The key litmus test to be satisfied for exercise of the Variances is that the aggregate of actions by the Applicant "demonstrates both deliberate and expeditious pursuit of the wind turbine facility." There can be no question that the aggregate of the 13 actions listed above demonstrate deliberate and expeditious pursuit. Not only are the listed actions required in order to develop a wind turbine facility, but they were achieved through a considerable investment of time, energy, and expense by APW. Although an example of actions are given in the Variance Agreement, it is only an example of one way in which the variance could be exercised. It is not a requirement. The actions in that example include construction of roadways and foundations which require Site plan approval and/or Building Permits which could put the project perilously close to November 13, 2010 end date for the exercise period. Even more importantly, the actions that we have proposed are far more critical to the advancement of a wind turbine facility than the actions included in the example and, therefore, do an even a better job of "demonstrating both deliberate and expeditious pursuit of the wind turbine facility." For example, the securing of a Power Purchase Agreement and the actions pursuant to an Interconnection Agreement (Items 5 and 6) are far more critical to the advancement of a wind turbine facility and more expensive than items like the recording of the plan, 1000 feet of gravel roadway, or a slab foundation for a small controls building. We therefore request that the ZBA approve the proposed actions listed above as adequate to exercise the Variance.

Please confirm that the requested action item has been placed on the July 14, 2010 ZBA Agenda. Thank you for your consideration of our request.

Respectfully submitted,



Rod Jane
On behalf American Pro Wind, LLC

cc: Adelle Reynolds, Bill Cundiff, Mike Guzinski, Maurizio Caparrotta