

William Cundiff

From: Jay Talerman [jay@bbmatlaw.com]
Sent: Thursday, September 23, 2010 11:55 AM
To: pbrown@brown-brown-pc.com
Cc: William J. Cundiff, P.E.; 'Dan Heney'; 'Adelle Reynolds'; MGuzinski@douglasma.org
Subject: Wind Farm Variance - Douglas

Attorney Brown:

As you may know, my firm has represented the Town of Douglas with respect to matters pertaining to your client's proposed wind farm. In that capacity, I have had an opportunity to review your memo of September 1st, wherein you both assert that the certain variance issued by the Douglas ZBA has been duly exercised and request the ZBA's confirmation of your opinion in this regard.

As you know, this issue has been the subject of several meetings. To date, the ZBA has not concluded that your client has satisfied either the express conditions for exercise as included in the variance or the standards for exercise as contained within the evolving caselaw. Rather, this issue remains open and it is the ZBA's hope that your client will continue with its project in a manner that will enable it to conclude that the variance has, indeed, been exercised. In any event, as you note, the legislature and the governor have enacted a Special Act that may provide some relief with respect to expiring permits.

I hope this email is helpful,

Jay Talerman

PLEASE NOTE MY NEW ADDRESS

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