

William Cundiff

From: jay@bbmatlaw.com
Sent: Wednesday, October 20, 2010 12:55 PM
To: Bill Cundiff
Subject: Re: Turbine Setbacks

While there is some ambiguity, I would take position that the set back would be from the widest/closest point of the structure. If the foundation is underground, that may not be a measuring stick. My position is based upon the purpose of setbacks in general - ie, relief from the closest point. I could envision an argument that the tips should not be used but based on the current language, I can't accept that, absent some evidence (plans, memoranda) to the contrary.

Sent via BlackBerry by AT&T

From: "William Cundiff" <wcundiff@douglasma.org>
Date: Wed, 20 Oct 2010 12:19:00 -0400
To: 'Jay Talerman' <jay@bbmatlaw.com>
Subject: RE: Turbine Setbacks

Hi Jay –

Any input on this?

-Bill

From: William Cundiff [<mailto:wcundiff@douglasma.org>]
Sent: Tuesday, October 12, 2010 10:34 AM
To: 'Jay Talerman'
Cc: 'Steve Zisk'; 'Dan Heney'; 'Adelle Reynolds'
Subject: Turbine Setbacks

Hi Jay –

The ZBA Variance Decision for the Wind Farm Project states in relevant part: *“The wind turbines shall be set back one thousand (1,000) feet, or more, ... from any residential structure ...”* and further says: *“No turbine shall be located closer than 150 feet to any property line ...”* and has other similar setback language throughout the variance decision. The question is where is this setback measured to on the wind turbine itself? The foundation, the monopole, the tip of the blade? Please let me know your thoughts on this.

Thanks,

Bill

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