

MOUNTAIN, DEARBORN & WHITING LLP
COUNSELORS AT LAW

370 MAIN STREET
WORCESTER, MASSACHUSETTS 01608-1778
TELEPHONE 508-756-2423
FAX 508-755-6640

THOMAS R. MOUNTAIN
RICHARD W. DEARBORN
HENRY W. BETH
STUART A. HAMMER
JAMES D. O'BRIEN, JR.
FRANCIS J. RUSSELL
DALE R. HARGER
ANN K. MOLLOY
PATRICIA FINNEGAN GATES
PAUL C. FOLEY
SHERRI SACKS-MARTIN*
*ADMITTED ONLY IN CONN.

JOSEPH LIAN, JR.
CHARLES B. SWARTWOOD, III
ARTHUR J. GIACOMARRA
OF COUNSEL

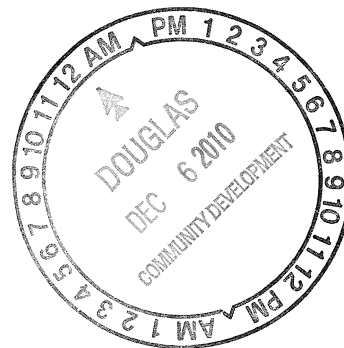
ALFRED N. WHITING
1953-1989

SAMUEL R. DESIMONE
1983-2008

December 3, 2010

Ms. Adelle Reynolds
Town of Douglas
Building Commissioner/Zoning Enforcement Officer
29 Depot Road
Douglas, MA 01516

Re: Zoning Board of Appeals Variance Decisions
2009-04 and 2010-01
American Pro Wind, LLC



Dear Commissioner Reynolds:

Please be advised that I represent Robert Anders and Chad Pepin, individuals who live in Webster but whose residential homes are in the immediate vicinity of the Wind Farm Project proposed by American Pro Wind, LLC and who are parties in interest pursuant to M. G. L. ch. 40A.

It has come to my client's attention that at least some of the wind turbines proposed in the Variances and subsequently filed Site Plan Application are located in a Residential District as set forth in the Zoning By-Law of the Town of Douglas.

The Variance Decisions both state that the Locus which is the subject of the Variance is located in "the Industry "I" Zoning District." Section 9.2 2.2 specifically states that the Board of Appeals "may grant use variances in Commercial and Industrial Districts." The wind farm use is not a use set forth in Section 3.1.3 Appendix A of the Zoning By-Law, and therefore required a use variance in the Commercial and Industrial Districts.

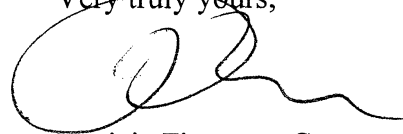
However, Section 9.2.2.2 also states "no use Variance shall be granted by the Board of Appeals in any Residential District ..." As such, to the extent the Variance Decision allows for wind turbines in a Residential District, the Variance Decisions are invalid. Further, the Variances require a minimum number of turbines, and any reduction in the number will indicate a failure to comply with the Variance Decisions

Pursuant to M. G. L. ch 40A §7, I am requesting your determination that Variance 2009-04 and Variance 2010-01 are invalid. I am also requesting your determination that, should American Pro Wind, LLC seek a building permit of any type pursuant to the Variance Decisions, including a building permit for a wind turbine, you will deny such building permit application. If you determine that the Variances are only partially invalid, as they allow turbines in a Residential District, I request your determination that you shall not issue a building permit for any wind turbines sited in a Residential District.

Kindly respond within the fourteen days specified by M. G. L. ch 40A §7.

Please also feel free to call me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Patricia Finnegan Gates', written over a large, stylized circular flourish.

Patricia Finnegan Gates

Cc: Robert Anders

Cc: Pamela J. Brown, Esquire

Cc: Jason R. Talerman, Esquire

Cc: William J. Candiff, P.E.

Cc: American ProWind, LLC

mcs