

**Motion**

**Falmouth Board of Selectmen**

**May 14, 2012**

WHEREAS, The Massachusetts Department of Environmental Protection (DEP) has informed the town that night time sound monitoring of Wind 1 in February and March of 2012 detected sound levels in excess of the DEP 10 db regulatory threshold; and

WHEREAS, DEP has no data on the sound levels of Wind 1 during daytime operation and is unable to determine the extent to which the sound levels may exceed the regulatory threshold during a 24 hour cycle; and

WHEREAS, DEP has notified the town that it wants the opportunity to conduct additional sound monitoring of Wind 1 before it determines what response to take with respect to Wind 1 and, exercising abundant caution, it has requested that the town facilitate the additional sound monitoring it intends to complete; and

WHEREAS, the town has determined that it is a reasonable response to facilitate the sound monitoring as proposed;

NOW THEREFORE, I, move that the town temporarily cease operations of Wind 1 for a period of 30 days, effective May 15, 2012, to enable the Massachusetts Department of Environmental Protection to conduct sound monitoring of Wind 1 and of Wind 1 and Wind 2 operating concurrently. Wind 1 shall be operated at such times as the DEP requests for the sound monitoring and Wind 2 shall be shut down at such times as the DEP informs the town that this is necessary for monitoring purposes. The previous vote of this board curtailing Wind 1 during the hours of 7 PM to 7 AM remains unchanged. This motion does not apply to Wind 2. At the end of the 30 day period, Wind 1 will resume operation during the hours of 7 AM to 7 PM. The board undertakes this action voluntarily and without admission of responsibility for nuisance or violation of any regulation.