

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING - MASSACHUSETTS

GPH Cohasset, LLC v. Trustees of Reservations

Appeals Court of Massachusetts, Suffolk - June 25, 2014 - N.E.3d - 85 Mass.App.Ct. 555

Neighbor brought action challenging decision of town planning board, approving application for special permit and site plan approval to erect a wind turbine on landowner's property. The Land Court Department issued a decision upholding the approval.

The Appeals Court held that:

- Board made sufficient findings to support approval of application;
- Board sufficiently ensured compliance with noise level standards;
- Board sufficiently ensured that turbine would not produce excessive shadow flicker;
- Board sufficiently addressed safety concerns;
- Trial court could exclude neighbor's expert witnesses; and
- Trial court was not required to compel turbine manufacturer to produce turbine operator's manual.