

CAPE COD TIMES

No town has the right to inflict harm on citizens

August 12, 2013

As Falmouth's litigation process for its wind turbine nuisance appeal in Barnstable Superior Court moves forward, I wonder whether due consideration was given to the town's "by right" authority to construct and operate wind turbines that pose possible health risks to neighboring residents.

The argument cited by town officials is that the wind turbines, located on land zoned for public use, serve municipal "public good" and are a protected "by right" use. Does this "by right" caveat, therefore, permit Falmouth to renounce its responsibility to protect a small minority of adversely affected neighbors?

In the special permit case, the court determined that the plaintiffs "have given credible testimony that they have suffered health impacts since the operation of Wind 1 not experienced by residents located further away."

No one, and no entity, is legally, socially or morally afforded the protection or "right" to inflict harm on citizens. The town's suit against its own zoning board's "nuisance" determination strikes me as being totally indefensible, as well as being absolutely absurd!

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Falmouth

<http://www.capecodonline.com/apps/pbcs.dll/article?AID=/20130812/OPINION/308120302>