



## Town of Fairhaven Board of Health

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June 4, 2025

PRESENT: Justine Frezza, Brian Meneses (via zoom), Barbara Acksen, David Flaherty

**1. Call to Order**

- a. Chair Frezza called the Public Hearing to order at 5:00pm. Chair Frezza welcomed everyone.

**2. Pledge of Allegiance**

**3. Welcome and Media Notification**

- a. Chair Frezza read the media and recording notifications.

**4. Public Hearing to Discuss and Possibly Vote on a Remediation Plan for the Wind Turbines Managed by Fairhaven Wind, located off Arsene Street – Motion:** Member Acksen motioned to open the Public Hearing to discuss and possibly vote on remediation plan for the wind turbines managed by Fairhaven Wind, located off Arsene Street and to not return to the regular Board of Health Meeting. Chair Frezza seconded. The vote passed unanimously (3-0-0). Chair Frezza set ground rules for the public comment as following: do not talk over each other; one person at a time; come to the podium and state your name and address as well as the sign-up sheet on the podium; there is no time limit, but Chair Frezza will stop the comment if too long. Agent Flaherty reviewed that the Wind Turbine Comment Form is on the website and summarized a few of the common issues: noise, flicker, the whooshing sound. A remediation is trying to be determined and input from the public is welcomed. Agent Flaherty also noted that the Mass DEP will not be able to do any testing, but can help review any that may be done. Member Acksen encouraged everyone to speak. Member Acksen asked Agent Flaherty how complaints or comments can be submitted regarding the Wind Turbines. Agent Flaherty reviewed through the website, in person, email or phone are all acceptable ways to provide feedback. Chair Frezza opened the floor for comment.

**5. Public Comment –**

Zachary Aubut of Mill Rd – reviewed the issue was sleep deprivation and had to abandon their master bedroom and move to another room on the other side of the house. Zachary Aubut reviewed some of the historical background on the wind turbines as well as the state setbacks implemented after the construction of the ones in Fairhaven.

Holger Dipple of Mill Rd – reviewed their observation is that the noise is dominant when its high wind and high moisture in the air. The whooshing sound is worse at night. Holger Dipple notes that the wind turbines seem to be in need of repair and this may be contributing to the noise levels.

Henry Ferreira of Weeden Rd – reviewed the history regarding the lack of complaints after the initial complaint form. Henry Ferreira summarized his experience with the Board of Health members when the wind turbines were first approved. Henry Ferreira encouraged the Board to do the right thing and take the turbines down.

Grant Menard of Weeden Rd – reviewed the personal issues from the turbines are the flicker, sleep disturbance, noise which can be made worse by the weather. Grant Menard thanked the Board of Health and Select Board for listening.

Jennifer Moura of Hathaway St – reviewed old address was on Day St and the noise was so loud that it created sleep disturbance. Jennifer Moura also noted that the weather has an effect on the levels.

Zachary Aubut of Mill Rd – noted the meetings with the Select Board questioned the mitigation plan and documentation whether it is being adhered to.

Daniel DeNardis of Mark Dr – asked who is responsible to monitor the mitigation plan and the duration of the mitigation plan. Chair Frezza notes that this will need to be determined. Daniel DeNardis asked that this be done to ensure the health and safety of the residents. Daniel DeNardis also offered to help collect complaints from residents and bring them to the Board of Health. Chair Frezza notes that residents can call or mail any complaint to the Health Department.

Bob Espindola of John St – reviewed residence is about 2,000 ft from the turbines so most of the time the turbines are not a huge issue, but there are times that the turbines are so loud the windows need to be closed. The noise is also affected by the moisture in the air. There are also times when the flicker affects them. Bob Espindola thanked the Board members for listening and asked that the mitigation plan be reviewed. Bob Espindola also asked for documentation of the mitigation plan and every time the mitigation plan is followed as it is public information.

Sumul Shah of Fairhaven Wind – noted that they are sympathetic to the residents and their concerns. Sumul Shah reviewed the Town of Fairhaven asked the community to bid on the wind turbines and that Fairhaven Wind submitted a bid and was selected. There were also rules set up through the contract and that they are not opposed to making changes. Sumul Shah does not want this to be Fairhaven Wind vs. the Town, but that everyone work collectively. Sumul Shah also notes that complaints at the beginning were sent to them, which was valuable and requested current complaints be forwarded. The software from Fairhaven Wind is automated and there are intermittent times the data is checked. Fairhaven Wind was at one point submitting data when the turbines were shut down by the mitigation plan. This data is still being collected and Fairhaven Wind can share this data. Chair Frezza asked that this data be forwarded to Agent Flaherty so the Board of Health can review and would like this as a standing monthly request.

Ann Ponichtera DeNardis of Mark Dr – reviewed the history of the lawsuit that was taken against Fairhaven Wind and the issues experienced by the residents. Ann Ponichtera DeNardis commented that the residents have had no compensation for the health issues from the wind turbines. Ann Ponichtera DeNardis thanked the Board for listening now and that the turbines need to be shut down.

Gordon Deane of Fairhaven Wind – reviewed that the turbines were built and in the location they were built was at the request of the Town of Fairhaven. Fairhaven Wind is under contract with the Town to operate. Gordon Deane noted that Fairhaven Wind has worked within the contract and regulations set by the Select Board, Board of Health and Mass DEP. Gordon Deane commented that this is a surprise since the last Town Administrator asked if they could put up more turbines for more revenue. Eversource is shutting down the turbines for a few weeks and this will provide an opportunity to work collaboratively on the turbines.

Daniel DeNardis of Mark Dr – noted there is a letter from Eversource to shut down the turbines. Chair Frezza affirmed Eversource sent a letter that the turbines will be shut down from 6/9-6/27 for upgrades to its system. Fairhaven Wind affirmed the turbine shutdown is required by Eversource not Fairhaven Wind.

Bob Espindola of John St – noted that at the Select Board meetings that Fairhaven Wind has limited capacity due to the infrastructure and Eversource would not allow more power to be generated. These updates by Eversource are due to renewable energy projects in the area.

Grant Menard of Weeden Rd – commented that Gordon Deane of Fairhaven Wind is also involved in another company. Grant Menard asked if there are other venture projects. Agent Flaherty advised that all questions need to be directed to the Board of Health members. Grant Menard noted that the effects of the turbines are greatly affecting him. Chair Frezza commented that if this is moving in the direction of solar this is not the correct platform for those questions. Grant Menard noted that this is to determine potential remediation plans and further removal of the effects of the turbines on his family. Grant Menard asked if solar could be a potential remediation as this will generate revenue and not impact the health of the residents. Chair Frezza commented that this conversation has started at the Select Board meetings.

John Methia of Shawmut St – thanked Fairhaven Wind for confirming that the mitigation plan has been in place and commented that it does not work. John Methia asked what the amount of complaints are needed. Chair Frezza commented that this is a multifactor situation and there is not a specific number of complaints. There is more to consider and cannot speak to the complaints that came in the years before, but can speak to the current complaints. John Methia noted the only issue is the health concern for the Board of Health. Chair Frezza would like to try to work collaboratively and see how the Town can move forward. John Methia asked of each Board of Health member if residents have been affected by the turbines; Member Acksen agreed, Chair Frezza agreed and commented that it affects residents differently and some not at all, Agent Flaherty agreed, Vice Chair Meneses agreed. John Methia asked the turbines be shut down at night while a solution is being worked on.

Sue Powers of Little Bay Rd – commented that Fairhaven Wind has received complaints previously and they have shared all the data. Then the Board of Health has all the data needed. Sue Powers noted that from all the complaints there has been no response in the past, so why continue to file complaints. All of the information needed has been filed. Ted Silva of Dartmouth St – noted that the turbines do not affect him, but he was a member of the Finance Committee when the turbines went up. Ted Silva reviewed the history of how the turbines were approved at Town Meeting. Ted Silva noted that he spent time down at Teal Circle and Timothy Street on multiple days to observe the noise. Ted Silva commented that he is glad it is not in his backyard and it was a mistake to vote for them.

Mike Power of Bayview Ave – commented that his residence is just over a half mile away from the turbines. The turbines only affect him when the wind comes from the Northeast there is a noise like a jet.

Curt Devlin of Elmview Ave – reviewed a slide presentation for the Board of Health. Curt Devlin reviewed weather pattern, sound, how individuals are affected differently, the current mitigation plan, and the testing performed by the Mass DEP. Curt Devlin read the Mass DPH M.G.L. c. 111 s. 122, s. 125, s. 131. Curt Devlin reviewed the references to his slide presentation and the Bradford Hill Criteria. Curt Devlin closed by noting the Board of Health has scientific information to mitigate the wind turbines.

John Methia of Shawmut St – noted that Eversource is shutting down the turbines for 3 weeks and residents should use this time to submit the Wind Turbine Impact Form and assess the symptoms being experienced.

Curt Devlin of Elmview Ave – commented that the data can be shared with Fairhaven Wind by creating Zones to redact the personal information.

Hoiger Dipple of Mill St – commented that the data is great, but just because there is not enough residents living near the turbines there is still an impact.

Chair Frezza asked the Board if there are any comments on the Information heard. Member Acksen notes a mitigation at night should be considered. Vice Chair Meneses asked why the turbines are not already being shut down at night since the Board voted to send a letter to the Select Board to request this. Chair Frezza noted the Select Board recommended the Board of Health to hold a Public Hearing first. Vice Chair Meneses requested Fairhaven Wind to comment on the overnight shutdown. Sumul Shah noted that Eversource is shutting the turbines down and this will allow a time to work together on this. John Methia of Shawmut St asked if the Board of Health were to implement a shutdown of the turbines overnight would there be any litigation from Fairhaven Wind. Sumul Shah commented that there is a contract with the Town, but they are open to making changes that work for everyone. Member Acksen asked why at the mitigation is not being followed. Gordon Deane of Fairhaven Wind commented that the contract has the requirements for the turbines to operate and to their knowledge they are doing that. Gordon Deane commented that there are no legal grounds to shut down the turbines. There needs to be data to show that the turbines are not working within the limits of the contract.

Chair Frezza closed public comment at this time. The Board of Health had questions for Fairhaven Wind and this is the time for the Board to obtain information they need to make any decisions. Chair Frezza discussed that at this point the Board of Health needs to have a meeting with Fairhaven Wind and Town Counsel. Further discussion ensued by the Board of Health to explore making changes to the contract. **Motion:** Member Acksen made a motion to have the turbines shut down at night from 10:00pm to 6:00am due to health concerns starting June 9<sup>th</sup>. Discussion ensued regarding the shutdown already occurring by Eversource. Member Acksen retracted her motion. Further discussion ensued by the Board as to the meeting with Town Counsel. Agent Flaherty commented in regards to M.G.L. c. 111 that the Board of Health is required to examine a nuisance and that is what they are doing. All of the facts and data need to be looked at before making a decision. Chair Frezza summarized that the next step is to obtain a meeting with Town Counsel and that they are listening to what the residents are saying and need to do their due diligence to review all of the information and make an informed decision. **Motion:** Member Acksen made a motion to continue this Public Hearing to a date to be determined. Vice Chair Meneses seconded. The vote passed unanimously (3-0-0).

6. **Public Hearing Adjourned – Motion:** Member Acksen motioned to adjourn the Public Hearing. Vice Chair Meneses seconded. The vote passed unanimously (3-0-0).

7. **Next Meeting Date – TBD**