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NEWS

Town-Tribe Pact on Land Use Comes to Vote Next Thursday

By IAN FEIN

A much-debated land use agreement between the town and Wampanoag Tribe of Gay Head (Aquinnah) will come back before Aquinnah voters at a special town meeting next week.

The intergovernmental agreement will top the list of a number of hot-ticket items on the 27-article town meeting warrant, which includes consideration of progressive energy regulations, changes to regional school district finances, the sale of beer and wine in restaurants, and a reduction in the quorum requirement for future town meetings. Voters will also take up some 18 spending requests, which seek roughly \$65,000 from free cash for a variety of expenses, and another \$31,000 in Community Preservation Act funds for the Edwin Vanderhoop Homestead restoration project.

Town moderator Walter E. Delaney is scheduled to call the meeting to order at 7 p.m. on Thursday in the old town hall.

At issue in the land use agreement is compliance by the federally recognized tribe with local zoning laws for development projects on its roughly 500 acres of tribal lands. Voter endorsement of the agreement is expected next week, but not guaranteed.

An earlier version of the document, which aims to resolve the longstanding jurisdictional dispute between the two governments, was tabled at a town meeting six months ago after some tribal members said they needed more time to consider its consequences. The tribal council in January approved the document with some minor revisions, but a number of individuals within the tribe are still unhappy with the agreement and believe that it would further erode their ancestral rights. The agreement would create a parallel permitting process for projects on tribal lands, and lay out a lengthy path of mediation to resolve potential disputes.

With climate change now much in the national news, Aquinnah voters next week will also decide whether to take the lead on a

A vertical advertisement for Rooney & Company of Martha's Vineyard Inc. The top part features the company name in a serif font. Below is a photograph of two sailboats on the water at dusk. At the bottom, the text reads 'REAL ESTATE SALES & RENTALS', '508-696-3293', and 'www.rooneyandcompany.com'.

A vertical advertisement for The Vineyard Gazette. It features a photograph of a stack of newspapers. The text reads 'SUBSCRIBE TO THE VINEYARD GAZETTE - CLICK -' and 'Gift Subscriptions Available' in a red starburst shape at the bottom.

A vertical advertisement for Split Rock Real Estate LLC. The top part features the company name in a stylized font. Below is a photograph of a person walking on a beach at sunset. The text reads '100% EXCLUSIVE Buyer Representation 100% of the Time! Martha's Vineyard www.SplitRockRE.com' and '508.696.9009' at the bottom.

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proposed nomination of an Islandwide energy district of critical planning concern (DCPC). Endorsed by town selectmen and planning board members, the goals of the energy overlay district would include lowering Vineyard carbon emissions and foster energy independence by regulating consumption and promoting sources of renewable energy.

The DCPC designation allows Island towns - through the enabling legislation of the Martha's Vineyard Commission - to adopt land use regulations that otherwise would not be permitted under state law. Though no regulations are on the table at this time, some examples of possible steps that could be adopted under the energy district include a more efficient building code and requiring solar panels or wind turbines on homes over a certain size. Any proposed regulations would be subject to public hearings at the commission, and another vote of support at a future town meeting.

The proposal will be on annual town meeting warrants in at least three other Island towns this spring, though it originated in Aquinnah, where town voters have long been at the front of the pack in adopting progressive land use regulations.

Aquinnah voters next week will also take up a selectmen-sponsored initiative to allow the sale of beer and wine with meals in restaurants. The proposal comes after a surprise ballot question last November fell just two votes shy of making the historically dry town wet.

According to the provisions of the article, which was borrowed from a parallel proposal in Tisbury, the beer or wine would have to be served by a waiter or waitress to a dining table, and the drinks would have to be consumed with a meal. The bylaw would only apply to restaurants with seating capacity of 30 persons or more - which, in Aquinnah, means the Outermost Inn and Aquinnah Shop.

If approved at town meeting, the request would then face another vote on the annual town election ballot in May before it is filed in the Massachusetts state legislature as a home rule petition. If approved by state lawmakers, the initiative would then come back to the town for one more vote. Selectmen at that point could issue rates and regulations for the granting of such licenses.

Two articles on the warrant next week deal with possible changes to regional school funding on the Vineyard, and another two address the concept of a fiber optic network that could improve cellular telephone reception up-Island.

The first of the two school articles calls for the use of the state wealth-based formula to determine Aquinnah's share for the two Vineyard regional school district budgets. School officials



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estimate that switching to the state formula from the existing enrollment agreement could save Aquinnah more than \$100,000, with the difference to be made up by taxpayers in other Island towns.

Although the language of the article implies that it would require the switch to the state formula, in fact the article is nonbinding, albeit symbolic. A decision on the formula will be determined first by the regional school committees, who will decide which formula to recommend, and finally at annual town meetings when voters take action on their respective town budgets later this spring. School assessments are part of the town budgets.

But the Up-Island and Martha's Vineyard Regional High School district committees are facing a bit of a gamble. If they decide to recommend the existing enrollment formula, they will need approval on school assessments from all district member towns at annual town meetings this spring. Assessments based on the state formula, however, would only require approval from two-thirds of member towns. In the end Aquinnah voters at their annual town meeting in May could force a switch to the state formula if the enrollment formula is recommended and they turn it down.

The regional high school committee meets Monday to decide which course to recommend.

Also on the Aquinnah warrant next week is a proposed amendment to the Up-Island Regional School District agreement that would change the formula that divides capital costs for the Chilmark and West Tisbury schools. Instead of dividing the costs among all three towns based on how many students each town has enrolled in the school, the proposed changes would require the town that owns the school to pay 80 per cent of the capital costs, with the remaining 20 per cent divided among the other two towns based on enrollment. The idea, which will also go before Chilmark and West Tisbury voters later this spring, grew out of discussions within the regional district that Chilmark taxpayers should shoulder a larger share of their school costs. If adopted, changes would likely reduce annual assessments to Aquinnah taxpayers by a relatively small amount.

As far as the proposed fiber optic network, the two articles next week would authorize selectmen to join with nearby towns in the effort and to lease part of the Aquinnah town landfill property for a future network base station. No actual network proposal is on the table at this point, though the articles will help determine whether voters still want selectmen to pursue the distributed antenna system that they first supported more than a year ago.

The special town meeting warrant is long, in part because a number of the proposals have been awaiting votes since last fall,

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when voters failed on three occasions to reach a quorum for a special town meeting. In response, selectmen are now proposing to reduce the quorum requirement from ten per cent of registered voters to seven per cent. With roughly 400 registered voters in town, the proposed change would lower the requirement from 40 voters to 28.

With so many weighty items on the warrant next week, achieving a quorum of 40 voters is not expected to be a problem. However, in Aquinnah, the smallest town on the Vineyard, nothing is ever certain.

Originally published in The Vineyard Gazette
edition of Friday, March 2, 2007

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