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## Aquinnah gets up-in-the air energy DCPC

By Janet Hefler - December 20, 2007

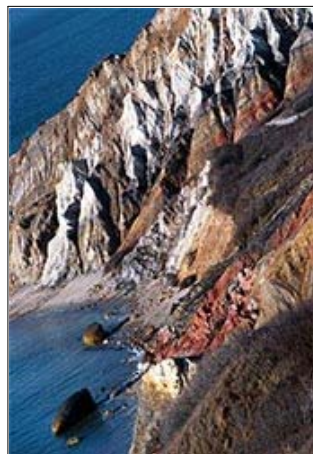
The Martha's Vineyard Commission (MVC) approved the designation of a town-wide energy district of critical planning concern (DCPC) in Aquinnah at a meeting Monday night, rescheduled from last Thursday because of bad weather.



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Twelve commissioners voted to approve the designation, while Chilmark commissioner Chris Murphy and Tisbury commissioner Andrew Woodruff abstained. With the approval of the DCPC designation, the MVC is required to provide goals and guidelines with which Aquinnah must conform in crafting the district's regulations.

The town now has one year from the date of designation to come up with regulations, have them approved at another public hearing, and then vote on them at town meeting, where approval requires a two-thirds majority. During that year, there is a limited moratorium on structures exceeding 32 feet in height.



Gay Head Cliffs are a possible site for a wind turbine. Photo by Ralph Stewart. Click photo for larger version.

"We're the overseers, but it's up to Aquinnah to try to facilitate the use of alternative energy while balancing the protection of natural resources," said MVC chairman Douglas Sederholm of Chilmark.

Although the idea of Aquinnah's energy DCPC is ground-breaking, the area it covers is up in the air. The energy district includes the portion of air space over all lands and waters within the town of Aquinnah - including Indian Common Lands (generally known as the Clay Cliffs, the Cranberry Bogs, and the Herring Creek) Settlement Lands - which exceed 32 feet in height above mean natural grade over land areas and/or mean high water over water areas.

Although the entire town of Aquinnah already is designated a DCPC, the selectmen said they sought the

designation from the MVC to further protect Aquinnah's landscape and manage its energy resources efficiently. In addition, they hoped the DCPC would encompass regulations to address the optimum placement of wind turbines, solar panels, and geothermal systems.

According to Aquinnah selectman chairman Camille Rose, the town's interest in creating an energy district dovetails with an interest in creating a municipally-owned wind energy system, and also was in response to town residents who expressed interest in wind turbines. However, Aquinnah's current zoning regulations do not allow them. That is why the current focus is on wind turbines, although the energy district will encompass all types of renewable energy-generating facilities.

Ordinarily, DCPC nominations trigger an automatic building moratorium, which Aquinnah underwent during the MVC process to designate the whole town as a DCPC. The unusual up-in-the-air boundary designation for the energy district was a means for Aquinnah to avoid another town-wide building moratorium.

At the selectmen's recommendation, when the MVC accepted the DCPC application for consideration, the commissioners allowed a limited moratorium on the district pertaining only to structures exceeding 32 feet in height, which would ensure no wind turbine towers could be constructed while the town is formulating regulations for them.

The limited moratorium went into effect on Nov. 1, and with the MVC's vote on Dec. 17 to designate the DCPC, it remains in effect for up to a year from that date. The Aquinnah selectmen, however, have vowed to fast-track the process for completion in six months. At Monday's meeting, a few of the commissioners had concerns about timing, wondering if the town would be able to formulate regulations pertaining to all of the energy district's aspects, not just wind energy, in a year. However, the MVC's guidelines do allow leeway for the town to request an amendment to the energy district's regulations, including the height coverage as designated.

Prior to Monday's meeting, a committee of seven commissioners appointed by Mr. Sederholm at the close a public hearing on the DCPC met with MVC staff, selectmen chairman Camille Rose, and members of Aquinnah's wind energy committee. After considerable discussion, the MVC committee voted unanimously in favor of recommending the DCPC designation as presented and continued working on draft goals and guidelines, in preparation for the possibility the commission would approve the designation. Up until this week's meeting, they sent a flurry of e-mails and revised drafts back and forth between them.

The resulting document sets two goals, the first focusing on energy efficiency, particularly through building construction and renovation practices, and the second on facilitating local generation of energy from renewable sources such as wind, solar, and geothermal. The guidelines also address the need to minimize the impact of renewable energy-generation facilities on views, vistas, and other natural resources.

Although Oak Bluffs commissioner Paul Strauss made a motion early in Monday night's meeting to make the DCPC designation, the commissioners' deliberations lasted about an hour. "This is different from any other DCPC," West Tisbury commissioner Linda Sibley reminded everyone.

Discussion ranged from the philosophical to the grammatical. Oak Bluffs commissioner Mimi Davisson said she thought the guidelines should include words encouraging Aquinnah to "think outside the box" when creating their regulations. No one took up her suggestion.

In discussion about the impacts of wind turbine towers, West Tisbury commissioner Jim Powell expressed concern about whether the sight of them would be detrimental to the ceremonial life of the Wampanoag tribe. "Are any considerations to be given to the tribe, including spiritual considerations?" he asked.

Edgartown commissioner Christina Brown helpfully suggested adding a guideline to address the impact of renewable energy-generating facilities on cultural and historic resources.

Edgartown commissioner Jim Athearn, a farmer who owns Morning Glory Farm, said he thought that a section about noise from renewable energy-generating facilities also should include something about vibration. Although vibration may be a noise outside the range of human hearing, Mr. Athearn reminded the commissioners it can affect animals and livestock.

Under "responsible use of energy," one guideline calls for establishing measures to ensure that any new construction or substantial improvement, including accessory structures, minimizes the use of energy from fossil fuels. Ms. Sibley said she advocated for that section in the guidelines, which also includes a suggestion that Aquinnah might require houses of a certain size to meet an energy target or allotment. However, she added, "I was concerned that small houses not be required to meet those same stringent requirements, unless there was some mechanism to make it affordable."

Consequently, the MVC guidelines suggest that certain provisions, particularly for smaller houses, "are subject to the availability of a low- or no-cost loan program for energy efficiency that allows for repayment over the period of energy savings payback."

Aquinnah's move to create a town-wide energy DCPC stemmed from efforts last spring by selectman Jim Newman to create an Island-wide DCPC. Voters in Aquinnah, Chilmark, West Tisbury, and Oak Bluffs approved the idea, while those in Edgartown and Tisbury rejected it.

In a phone call on Tuesday, Mr. Newman said he was very pleased with the outcome of the MVC's decision. Last week, the Aquinnah selectmen invited the public to an energy policy forum they hosted in conjunction with the town's wind energy committee. Mr. Newman said the planning board will continue to hold public meetings while formulating the energy DCPC regulations, in which he hopes many town residents will participate.

"Our first item will be wind turbines, and then we'll try to come up with building codes that will lower the carbon footprint but at same time will not make it difficult for contractors," Mr. Newman said. "We need to be sensitive to the building public, as well." The true test of the new energy DCPC regulations will come when the first application for a permit is processed, he added.

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