

VINEYARD GAZETTE

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Aquinnah Rejects Energy Bylaw

By JACK SHEA

Aquinnah voters rejected a bylaw for the Island's first energy district of critical planning concern (DCPC) last week, leaving a townwide building moratorium in place and selectmen unsure of their next move.

Passage of the energy district bylaw would have allowed construction of windmills by homeowners and the town and would have ended a building moratorium that has been in place since last month.

Following an hour of debate on Thursday evening, at a continued and final session of the annual town meeting, the bylaw passed 23-17 but fell four votes short of a needed two-thirds majority.

Now the town has two choices: ask the Martha's Vineyard Commission to rescind the energy DCPC, or live with the building moratorium and resubmit the bylaw to voters at a special town meeting this summer.

Selectman Camille Rose, who led the move to create the special energy district, said yesterday that she planned to talk to her fellow selectmen about the idea of calling another special town meeting.

"I am not going to give up on wind power," she said, adding:

"I am disappointed that most of the voters against the bylaw had not taken advantage of informational meetings and public hearing before the annual town meeting. I think many of their questions would have been answered before they got to town meeting."

The commission voted to designate the energy DCPC last December, triggering a limited building moratorium and a yearlong process for developing regulations that are put in the form of a town bylaw.

The bylaw was ready to go for the annual town meeting last month, but the meeting went to a second and third night and failed to achieved a quorum.

The result was the continued session last week.

Meanwhile, because the commission had approved the bylaw, a complete building moratorium — intended to be in effect for only a few days — has been in effect for more than a month.

The commission voted on May 8 to approve guidelines prepared by the town before annual town meeting on May 13.

“That would have meant a moratorium would have been in effect for only a weekend,” said Jo-Ann Taylor, a coastal planner for the commission, yesterday. She continued:

“However, they didn’t get to it at town meeting. As a result of the failed vote, the moratorium remains in effect until voters either pass a bylaw or the town asks us to vote to remove the energy DCPC designation after a public hearing.”

If the DCPC designation is rescinded, the town must wait a full year before it can nominate a new district.

On Thursday town moderator Walter E. Delaney presided over the reconvened annual town meeting at the old town hall. Voters took up 16 articles, including several new articles.

Peter Temple, a planning board member, was the chief presenter for the 16-page energy district bylaw, which focuses mainly on wind turbines.

“This is a complex and complicated document. The goal was to find a balance between energy costs and aesthetics. The [bylaw] includes a lot of public comment. For example, we knew you didn’t want windmills at the Aquinnah cliffs but that small wind power generators could be located anywhere in town,” Mr. Temple said.

“Aquinnah has some of the best wind in the region. It would be shameful not to use it,” he added.

But voter reaction was mixed.

“I’m a huge alternative energy fan but I cannot support this plan,” said Allen Razdow. He called language in the bylaw that allowed public benefit to outweigh environmental concerns dangerous. “What does public benefit mean. Are we going to mine the cliffs next?” he asked.

He also said he was troubled by what he called loopholes, including the number and height of windmills allowed, the financial viability of windmill companies and whether lights could be required.

Mr. Temple replied that the bylaw intentionally does not require specific heights and that siting requirements would limit the number of windmills and encourage sharing of a single windmill by groups of neighbors.

“The technology is evolving so quickly, we simply don’t know what we’ll be regulating two, three or five years from now,” he said. “The spirit of the proposal is balance between energy and our environment,” he said.

Much of the critical discussion focused on smaller, backyard wind turbines, while the sentiment about a town-operated wind turbine was far more positive.

“We’re small enough that we could plug the entire town into a single [windmill] and make our electric meters run backward,” said Hugh Taylor. He suggested the town examine windmills much smaller than the ten-kilowatt size currently under discussion.

Mr. Taylor said the bylaw was too regulation-heavy.

Jeffrey Madison agreed, taking aim at a paragraph that would require an energy audit for new houses and for remodeling interiors of existing homes.

“We keep making things more expensive and difficult. Some people can’t afford it, it’s an unacceptable financial burden,” Mr. Madison said.

“It can be free,” countered Mr. Temple, referring to the free energy audits performed by the Cape Light Compact. “You can’t get more inexpensive than that.”

Proponents of windmills included Peggy Steinberg. “We have a windmill in Brookline where I also live and it is quiet and not offensive. I’ve seen hundreds of them in California and Europe. They are very quiet,” she said.

Wendy Slowinzky urged voters to approve the bylaw and fine-tune it later. “If it passes, we have a law on the books. If we defeat it, are we going to wait for them to come back with something that will satisfy all of us?” she asked.

Mr. Temple said: “I’d like to take a different role here and see if I can broker something that will work for everyone.” He proposed three amendments, which were approved, including one to eliminate the mandatory energy audit.

But in the end not enough voters were convinced, and the bylaw failed to muster a two-thirds majority by the slimmest of margins.

In other business Thursday, despite the recent track record for failing to achieve quorums, voters defeated a request to reduce the quorum requirement.

“We defeated this last year. We should have a rule that a defeated article cannot be brought up again the following year,” said Barbara Bassett.

“Put an article in there banning nude bathing. That’ll get them here,” suggested Mr. Taylor.

Voters also defeated an article asking selectmen to explore a possible rental tax on homes. Mr. Madison challenged the legality of the article. “I share the skepticism that a tax on private home rental is legal,” he said.

But they readily approved \$100,000 for repairs to the sagging town library floor. “The library was designed to hold 200 pounds of kids, not thousands of pounds of books,” said Derrill Bazy. The money is expected to be offset by a \$50,000 grant from the Massachusetts Historical Commission.

Voters also:

- Reversed a vote from the May 13 annual town meeting and authorized selectmen to sell 3.6 acres of town land for a minimum price of \$600,000, without coming back to town meeting for final approval.
- Agreed to establish a capital building and grounds stabilization fund, to set aside \$15,000 to improve town-owned properties and to create revolving funds that would simplify disbursements of inspection fees to building and fire inspectors.
- Agreed to pay a share of the county health care access and rodent control programs at a total cost of about \$2,300 per year.
- Approved three articles that allow use of \$254,000 in Community Preservation Act funds for future affordable housing projects in town and to pay for landscaping on Moshup Trail, and improvements to the Gay Head lighthouse, the old town hall and the Edwin Vanderhoop homestead.