

# VINEYARD GAZETTE

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## **Aquinnah Voters Reject Energy Bylaw Calling for Additional Public Hearing**

By SAM BUNGEY

At an occasionally raucous Aquinnah special town meeting last Thursday, voters made at least two things clear: that there is support for town action on wind energy, and that they view a proposed energy bylaw as a rush job prepared without nearly enough community involvement.

The bylaw was postponed indefinitely at a meeting attended by 42 voters. But a second, more conceptual article supporting the ongoing investigation of community wind was resoundingly approved.

In response, yesterday plans were under way at the town level to resurrect the pioneering energy bylaw. A special meeting of the selectmen is scheduled for 9 a.m. Thursday. At the meeting, chairman Jim Newman will propose a committee be formed to look over the language and content of the bylaw.

“Right now I’m attempting to put a group together to help revise the bylaw and make something clear that we can wrap our arms round,” said Mr. Newman, “We want to make sure it’s available to all the town and that there’s total transparency.”

The bylaw focuses purely on wind turbines and would accompany an energy district of critical planning concern for Aquinnah, the only Island town with its own townwide district of critical planning concern. The bylaw includes regulation on both communal wind energy development and for residential turbine construction. State law requires that the two be enacted together.

Discussion in the old town hall Thursday focused on the process by which the bylaw had reappeared on a town meeting warrant, and rarely extended to the actual substance of the bylaw.

Selectman Camille Rose who is also chairman of the planning board spearheaded the community wind project together with Carlos Montoya, also a member of the planning board.

In response to the concerns voiced by voters at the annual town meeting in June, Ms. Rose and Mr. Montoya published a list of six proposed amendments in an e-mail sent to several dozen residents last Tuesday. The amendments were available as a printout at the meeting.

“I haven’t even read the amendments, I’m not on the mailing list,” said former selectman Jeffrey Madison. “If the changes [in these amendments] are substantive I don’t know that the town residents have been sufficiently informed. And [if they haven’t] then the wishes expressed at the annual town meeting have not been addressed. Either way I there’s a failure here.”

Ms. Rose responded to the complaints. “This process started nine months ago,” she said. “We’ve had nine public hearings, with lots of publicity. And basically, no one came. There was no citizen participation. It became clear at a certain point that people expect you to do something and present them with the finished product. The idea of more public hearings becomes absurd. I think we should use the democratic process tonight regardless of procedure.”

Mr. Madison again pointed out that no public hearings were held following the annual town meeting.

“With all due respect for what is, overwhelmingly, good work you do for this town,” he said, “there have been no meetings where the public can give input. How is it fair to ask people to vote on it?”

During one of the few discussions on the content of the bylaw voter James Vercruysse spoke against an amendment that would remove an obligation for homeowners to have an energy audit on their home before applying for a wind turbine permit.

“For me this is the most important part of the bylaw. Some people treat windmills like a toy. This makes people look at what they’re building and makes them aware of what they’re doing,” he said.

The amendment, the second on a list of six amendments proposed by Ms. Rose and Mr. Montoya, never made it to a vote. Most discussion after this point was confined to language in the amendments, to the mounting disquiet of the voters.

“We’re trying to engineer this bylaw on the town floor,” said Derrill Bazy, who is on the housing and preservation committees. “Some of these things are subtle,” he said.

A ripple of applause followed and voters began to talk among themselves. Wendy Swolinzky spoke over the knock of Walter Delaney’s gavel as he tried to bring the meeting back to order. “This is ridiculous,” she said, speaking from the back of

the hall. "Give me this in language that I can read and vote on. It's just not fair to us."

A motion to table the article made by former Aquinnah tribal chairman Beverly Wright and seconded by Mr. Madison failed to receive a needed two-thirds majority vote. But after some explanation of the options available to voters from town counsel Ronald H. Rappaport, Ms. Wright made a second motion to indefinitely postpone the article. Though there is little practical difference in the result of the two actions, the latter requires only a majority vote and is debatable (a motion to table is not). In the end the motion carried with just a few no votes.

Also at the meeting, voters approved an extension to Aquinnah's new alcohol rule, which allows restaurants with 30 or more seats to sell beer and wine. The vote would extend the rule to cover one-day permits for nonprofits and civic groups.

A final article dealing with the proposed sale of a piece of town-owned land could not be voted after it was discovered that there was no longer a quorum.

At the meeting this Thursday, selectmen will also discuss how best to move forward with the Martha's Vineyard Commission. Last December the commission voted to designate the energy district of critical planning concern, which allows Aquinnah to establish its own energy regulations.

After Thursday's vote, the town now has two options. If selectmen ask the commission to rescind the district and the commission approves the request after a public hearing, it would prevent the town from reapplying to the commission for a full year, unless the commission votes by a two-thirds majority to waive the delay.

If, on the other hand, Aquinnah does nothing, a moratorium on any building requiring a special permit will stay in effect until a bylaw is passed or the twelve-month time limit expires on the district.

Either way, said Mr. Newman, time is of the essence. While he did not give names for the members of the proposed committee he confirmed that several were likely to be summer residents, adding an extra incentive to work at speed.

"The preference is definitely to move forward quickly," he said.