

The Martha's Vineyard Times

Aquinnah rejects energy DCPC - again

By Nelson Sigelman

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The fifth try, in the form of a special town meeting, was not the charm. A bare quorum of Aquinnah voters last week rejected a revised slate of regulations designed to implement an energy district of critical planning concern (DCPC).

This morning at 9 am, Aquinnah selectmen are scheduled to meet and discuss what to do next. The choices include scheduling another special town meeting or dropping the quest, at least for now, for a DCPC designation.

A DCPC designation provides for special regulations that are enforceable by the town and backstopped by the powerful super-regulatory authority of the Martha's Vineyard Commission (MVC).

A development moratorium put in place by the Martha's Vineyard Commission, when the regional agency approved the regulations on May 8, remains in effect. Proponents of the energy DCPC said the moratorium would be short-lived, but it continues in force until the DCPC is approved, rescinded by the Martha's Vineyard Commission, or expires in December.

Because the Martha's Vineyard Commission would need to schedule a public hearing, no action that would rescind the DCPC and end the moratorium is likely before sometime in September, according to Jo-Ann Taylor, MVC DCPC co-coordinator.

Jerry Wiener, the Aquinnah building inspector, said that at this point he does not know of anyone affected by the moratorium.

A total of 43 voters, slightly more than 10 percent of the town's 397 registered voters, attended last Thursday night's meeting.

The first order of business on the four-article warrant was a vote to establish an Aquinnah energy DCPC. The article was presented with a slate of amendments sponsored by selectman Camille Rose and Carlos Montoya, strong supporters of the DCPC.

Debate was lively and focused for the most part on the complexity of the regulations and the opportunity for voters to review and understand what they were being asked to approve.

A vote to table the measure, which requires approval by two-thirds of the voters, failed on a standing vote of 19-17. A voice vote to indefinitely postpone, which requires a simple

majority, passed.

Taking up article two, voters said yes to the possibility of the development of a municipal renewable wind energy program and the possible construction of a wind turbine on town-owned land.

And they cleared the way for the selectmen to petition the state legislature for authority to issue one-day licenses to nonprofit and civic groups to serve and sell beer and wine on town-owned property.

But voters took no action on a policy that would require the town to sell surplus landlocked property only to an abutting property owner who has legal access. When it came time to deal with that question, the number of voters had dwindled below the 39 needed for a quorum.

Stepping back

Ms. Rose, planning board chairman, selectman, and chief proponent of the energy DCPC measure, said yesterday that after working very hard for many months, she would step back. "Naturally, after all the work that we did, I was very disappointed that people hadn't taken advantage of the process and attended meetings and asked the questions that they probably should not have been asking on the town meeting floor," she said. "But people don't."

Ms. Rose said she hopes that the most important regulations survive, but for now, she plans to let Jim Newman, chairman of the three-member board of selectmen, take the lead.

She said Mr. Newman is proposing to create a committee that would in effect rewrite the regulations so that they are easier to grasp and understand. Ms. Rose cautioned that the degree to which the regulations can protect the town is anchored in the language.

Asked if she was stepping back, Ms. Rose said, "I am. I really did the best that I could possibly do, and I spent nine months working on it, did a lot of research and talked to a lot of people and thought we came up with a really good document. If I couldn't deliver what the people wanted, I will let somebody else take a try at it."

On Thursday, Mr. Newman spoke against passage of the DCPC article. In a telephone conversation Monday, Mr. Newman, who has pushed for new energy regulations across the Island, told The Times that the entire community needs to embrace the amendments and the new regulations.

"It can't just pass by a small majority," said Mr. Newman. "It needs to pass by a large majority, so people are behind it."

Mr. Newman said he thinks people support the sentiment of the proposal. "They just don't like the form and the language," he said.

Asked if it is fair to keep in place a moratorium that was expected to last only several weeks, Mr. Newman said, "No. We are going to discuss that at the selectmen's meeting. One of the options is to go and ask the Martha's Vineyard Commission to lift it and then when we are ready, we can come back and start over again."

He said if the Martha's Vineyard Commission consents by a two-thirds vote, the town could begin the DCPC process over again despite the required one-year waiting period to reapply.

The entire town of Aquinnah is already designated a DCPC, the only town-wide designation on the Island. Why apply for another DCPC as opposed to creating zoning bylaws that fall under the existing DCPC designation?

Mr. Newman said he asked that question early on in the process but deferred to Ms. Rose. He said at this point the DCPC moratorium needs to be lifted, and he favors a route that focuses on changes to the zoning bylaws.

For her part, Ms. Rose said the purpose of creating an energy DCPC is that it provides another level of protection backed up by the Martha's Vineyard Commission.

The selectmen will be busy today. In addition to their meeting at 9 am, they are scheduled to hold a forum for summer residents at 7 pm in town hall.

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