

**TOWN OF AQUINNAH DCPC (DISTRICT OF CRITICAL PLANNING CONCERN)  
VOTE TO ACCEPT PROPOSED BOUNDARY AMENDMENT FOR CONSIDERATION**

April 4, 2019

Staff notes, March 26, 2019 Jo-Ann Taylor, DCPC Coordinator

Summary:

The Planning Board is asking to remove an area from the Town of Aquinnah DCPC, in order to remove the special permit requirement for solar at the old landfill. This would allow the Town to seek Green Community status.

This is a 2-step process for MVC. A boundary amendment is treated the same as a new nomination. An agenda item asks MVC to consider the nomination. An affirmative vote commits MVC to a public hearing and vote within 60 days. The Planning Board has also asked MVC to hear amendments to the regulations. If MVC votes affirmatively to accept the nomination for consideration, all the amendments will be heard together in May. An affirmative vote should include reasons for acceptance. (A negative vote should include reasons for denial).

Area to be considered for a boundary amendment:

Amend the coverage area of the Aquinnah DCPC by changing Section 13.2-1 to read:

SECTION 13.2 BOUNDARY DESCRIPTION

13.21 All lands and waters within the corporate bounds of the Town of Aquinnah, except:

- A. The Indian Common Lands (generally known as the Cranberry Bogs, the Clay Cliffs and the Herring Creek) and Settlement Lands
- B. *The Designated Area for Large-Scale Ground-Mounted Solar Photovoltaic Installations, Town of Aquinnah Map 8, Lot 31.*

Nomination: The nomination was made by the Aquinnah Planning Board, voted March 13, 2019, received March 26, 2019. (Nomination attached)

MVC response to nomination:

MVC has been asked to **ACCEPT THE PROPOSED DCPC BOUNDARY NOMINATION FOR CONSIDERATION. THIS IS NOT THE VOTE TO DESIGNATE THE BOUNDARY.** Should the MVC vote **to accept the nomination for consideration**, the MVC would **then** schedule a Public Hearing and **subsequently vote to designate or not designate** the district. The vote **to accept the nominations for consideration** commits the MVC to hearing and making a decision on the boundary amendment designation.

Should the MVC vote **to accept the boundary amendment nomination for consideration, such vote must include the reasons why the nomination has been accepted, or rejected.**

Timeline:

MVC has 45 days from March 26, 2019 **to accept or to reject the nominations for consideration.** An affirmative vote would commit the MVC to hold a public hearing and vote on designation within 60 days from the consideration vote. The Town has also asked MVC to hear proposed amendments to the regulations, which proposal may be heard and voted the same night as the boundary amendment, prior to the May 14 ATM.

Attachment: Nomination

Correspondence: None as of March 26, 2019



## DISTRICT OF CRITICAL PLANNING CONCERN NOMINATION

### Instructions:

Please review Appendix "Critical Planning District Qualifications" prior to completion of the nomination. Only nominations in accordance with the "Critical Planning District Qualifications" will be considered.

Sponsors are encouraged to contact the Commission's DCPC Coordinator (Jo-Ann Taylor, 505-693-3453, Extension 119) prior to completing and submitting the nomination.

Please answer all questions as completely and concisely as possible, using additional sheets as necessary.

Include a locus map with proposed boundaries shown on an appropriate base, such as the town assessors' maps or a section of the most recent U.S.G.S. 1:25,000-scale topographic map.

If the sponsor is a town board or the Commission, include signature below and a copy of the vote.

If a taxpayer petition is included, include tax collector(s) verification for 75 signatures.

Submit the signed nomination, in person or by certified mail, to Martha's Vineyard Commission, Olde Stone Building, New York Avenue, P.O. Box 1447, Oak Bluffs, MA 02557.

**SIGNATURES:** If the sponsor is a town Board of Selectmen, Planning Board, Conservation Commission or Board of Health, or the Martha's Vineyard Commission, the appropriate officer of such board shall sign his or her name below. Attach a copy of the vote.

  
Name

Planning Board Chairman  
Title

March 12, 2019  
Date

*If the nomination is by petition, contact the MVC for the required petition signature page.*

## NOMINATION INFORMATION

NAME AND ADDRESS of the nominating board (Board of Selectmen, Planning Board, Conservation Commission, Board of Health, Martha's Vineyard Commission) or a signatory of the taxpayers' petition. All correspondence will be directed to the sponsor whose name and address appears here:

Name: Aquinnah Planning Board (Plan Review Committee)

Address: 955 State Road Aquinnah MA 02535

Phone: 508-645-2300

Fax: 508-645-7884

e-mail: adminassistant@aquinnah-ma.gov

NAME AND LOCATION (TOWN OR TOWNS) OF PROPOSED DISTRICT:

Town of Aquinnah DCPC Boundary Amendment

AREA PROPOSED FOR DESIGNATION:

Describe the location of the proposed district, referencing any distinguishable landmarks, structures, roads, assessors' map and parcel numbers, etc. which may act as boundary limits. If appropriate, give measurements in feet. Attach a locus map with proposed boundaries shown on an appropriate base, such as the town assessors' maps or a section of the most recent U.S.G.S. 1:25,000-scale topographic map. The proposed boundaries should be delineated as accurately as possible, both on the attached locus maps and in the narrative.

The proposed boundary amendment is to remove the Town Local Drop Off, located at 694 State Road Map 8 Lot 31, from the Aquinnah DCPC. The lot comprises of 6.189 acres of which most is undeveloped and wet.

## NEED FOR DESIGNATION

Please review Appendix "Critical Planning District Qualifications" before continuing. The Martha's Vineyard Commission will only consider proposals warranting designation in accordance with the "Qualifications".

A. Indicate the type of district that is proposed (See Appendix "Critical Planning District Qualifications"). Nominations may include more than one category:

- 1. Drinking Water Resource District
- 2. Fishing Resource District
- 3. Farming Resource District
- 4. Wildlife, Natural, Scientific or Ecological Resource District
- 5. Cultural or Historic Resource District
- 6. Economic or Development Resource District
- 7. Major Public Investment District
- 8. Hazardous District

B. Referring to the SPECIFIC QUALIFICATIONS (See Appendix "Critical Planning District Qualifications"), explain why you feel that this area would warrant designation. Use additional sheets as necessary.

The Town is seeking to remove Map 8 Lot 31 (Local Drop Off) from the Town Wide DCPC to allow as of right large-scale ground-mounted solar photovoltaic installations there so the Town can qualify as a Green Community per the State Green Community Division guidelines. Per the current local zoning bylaws, all ground mounted solar panels within Aquinnah DCPC's require a special permit. In removing Map 8 Lot 31 from the Town Wide DCPC, the development of solar panels will be subject to an expedited permitting process but still subject to siting and design guidelines set by the Town of Aquinnah.

MVC - District of Critical Planning Concern Nomination

C. Referring to the GENERAL QUALIFICATIONS (See Appendix "Critical Planning District Qualifications"), please answer as simply as possible the following: (Use additional sheets as necessary)

1. Why is this resource or area important to more than one town or to the Island as a whole?
2. What are the problems associated with the uncontrolled or inappropriate development of the area?
3. What kind of development would be advantageous within the proposed district?

In excluding Map 8 Lot 31 from the Town Wide DCPC and designating it as an as of right designated area for the development of large-scale ground-mounted solar photovoltaic installations, the Town will be able to qualify as a Green Community and would gain support in seeking clean energy initiatives. Such development in this area will include the expansion of solar panels to enhance the Town's goals in increasing clean energy use and reducing long term energy costs. Development will be limited to necessary equipment for the large-scale ground-mounted solar photovoltaic installations.

APPENDIX  
CRITICAL PLANNING DISTRICT QUALIFICATIONS

**GENERAL QUALIFICATIONS FOR ALL DISTRICTS**

NEED FOR DESIGNATION

There must be a regional need for special regulations or planning to protect the district from damage or losses by inappropriate development. The Commission shall find:

- that present public or private regulations in a substantial part of the district cannot assure protection; and
- that damage to the district or impediments to proper development will be a substantial loss to the region or to two or more towns.

SIZE AND SHAPE OF DISTRICT

The district shall consist of the land and water which reasonably belong in the district for the three following reasons:

- It is the critical area or critical resource which is in need of protection.
- It is the logical planning area which should be considered in adopting a coordinated system of regulations to protect the critical resource or critical area.
- The dimensions or landmarks which form the boundary of the district are convenient and recognizable.

**SPECIFIC QUALIFICATIONS**

DRINKING WATER RESOURCE DISTRICT

The district is important to the protection of a regional aquifer, watershed, aquifer recharge zone or surface water supply with the following considerations:

- Development or waste disposal without special regulations in the district could endanger the quality or quantity of the water.
- Studies or expert advice indicate that the designation and regulation of the district could be effective in protecting the quality or quantity of water, and that, since public health, safety and welfare are paramount, special precaution should be taken.

FISHING RESOURCE DISTRICT

The water body in the district is particularly well suited for the production of shell or fin fish or can be made productive through good management and improvements.

FARMING RESOURCE DISTRICT

The district includes areas particularly suited now and in the future for sustaining or augmenting the Island's food supply or other agriculture. The district must have one or more of the following characteristics:

- The district is generally being farmed or can be converted to farming conveniently relative to other areas on the Island.
- Land ownerships within the district are generally of adequate size to support farming. Soil, climate and topography are well suited for farming.

WILDLIFE, NATURAL, SCIENTIFIC OR ECOLOGICAL RESOURCE DISTRICT

The district contains an important and identifiable wildlife, natural, scientific or ecological resource. This would include but not be limited to special plant and animal life and their habitats, as well as unusual geological features, and is critical because development may disrupt the ecological balance.

## MVC - District of Critical Planning Concern Nomination

### CULTURAL OR HISTORIC RESOURCE DISTRICT

The district contains a place, landscape, way or view which is in some special way expressive of the character of the Island, traditions of the Island residents, and of special interest to Island visitors. The maintenance and protection of those values is essential to a sound local economy. The district also:

- is of exceptional symbolic or recreational importance to the residents of more than one town and is either visible or accessible to them or can reasonably be made so; or
- is rare, unique, or makes an unusual contribution to the diversity of the Island character; or
- is irreplaceable, or replaceable only with extraordinary effort or expense.

Subject to the above general tests, designations may be considered for areas which are important for their connection with the history of the region-including its geological history or the history of its Indian settlement-or which symbolize and support the traditional activities and ways of Island life, or which give us a particular understanding of the Vineyard lands and their setting in the sea. These include places which present opportunities for hunting and fishing and the enjoyment of wildlife.

### ECONOMIC OR DEVELOPMENT RESOURCE DISTRICT

The district will include areas which have special potential for providing employment or housing for Island residents, or for accepting necessary development which might be detrimental in other locations. The district must also:

- require special regulations to create, preserve or enhance that potential, and
- be better suited or more readily available for the facility or development than other areas of the Island, considering topography, utilities, costs and environmental and social impact; and
- have adequate access, preferably from a regional feeder road.

### MAJOR PUBLIC INVESTMENT DISTRICT

The district will include areas which have a significant impact on an existing or possible future major public investment or areas which are significantly affected by such an investment. In addition, the district must qualify as follows:

- The district pertains to a major public investment as defined in Chapter 831 as amended<sup>1</sup>, and may include airports, highways, schools, parks, beaches, preserves, public utilities and medical facilities owned or operated by a Federal, state or county agency, or by a quasi-public or charitable non-profit agency; and
- the intended use or operation of the public investment or the health, safety and welfare of the public could be impaired by improper development in the district.

### HAZARDOUS DISTRICT

It is an area which possesses hazards due to marginal soil or topographic conditions which render it unsuitable for intense development. Factors to be considered include: Flooding, waste treatment, groundwater, erosion, construction problems, salt water intrusion and pollution.

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<sup>1</sup>"A major public facility is any publicly owned facility of regional importance except:

(1) any public facility operated by a municipality primarily for the benefit of the residents of that municipality, or by any agency serving primarily the residents of one municipality;

(2) any street or highway which is not recognized as or maintained as a part of the state or federal highway system; or

(3) any educational institution serving primarily the residents of one municipality."





# TOWN OF AQUINNAH

## Aquinnah Planning Board

955 State Road, Aquinnah, Massachusetts 02535

Tel. (508) 645-2300 - Fax (508) 645-7884

[www.aquinnah-ma.gov](http://www.aquinnah-ma.gov)

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March 13, 2019

Martha's Vineyard Commission  
Olde Stone Building  
New York Avenue  
PO Box 1447  
Oak Bluffs, MA 02557

RE: Town of Aquinnah DCPC Nomination

At the March 12<sup>th</sup>, 2019 Planning Board meeting the Aquinnah Planning Board voted unanimously to nominate Map 8 Lot 31 for a boundary amendment and exclude it from the Aquinnah Town Wide DCPC for the development of as-of-right ground mounted solar panels.

A handwritten signature in black ink, appearing to read "Peter Temple". The signature is fluid and cursive, with a large initial "P" and "T".

Peter Temple, Aquinnah Planning Board Chairman



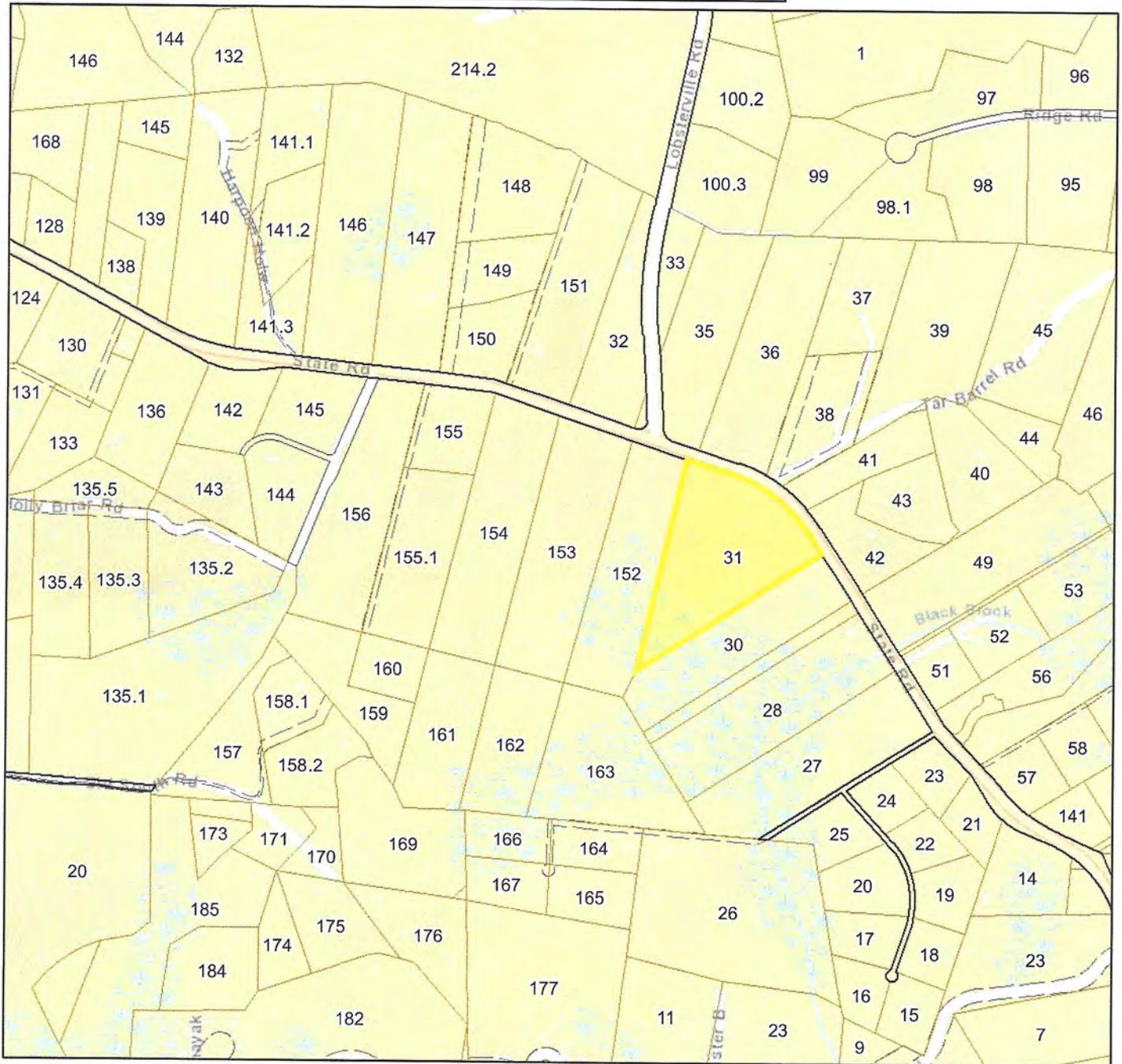
Aquinnah, MA



March 7, 2019

1 inch = 537 Feet

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	Private Road		Right of Way
	Property Line		RoadNotPar
	Public Road		
	Private Road ROW		

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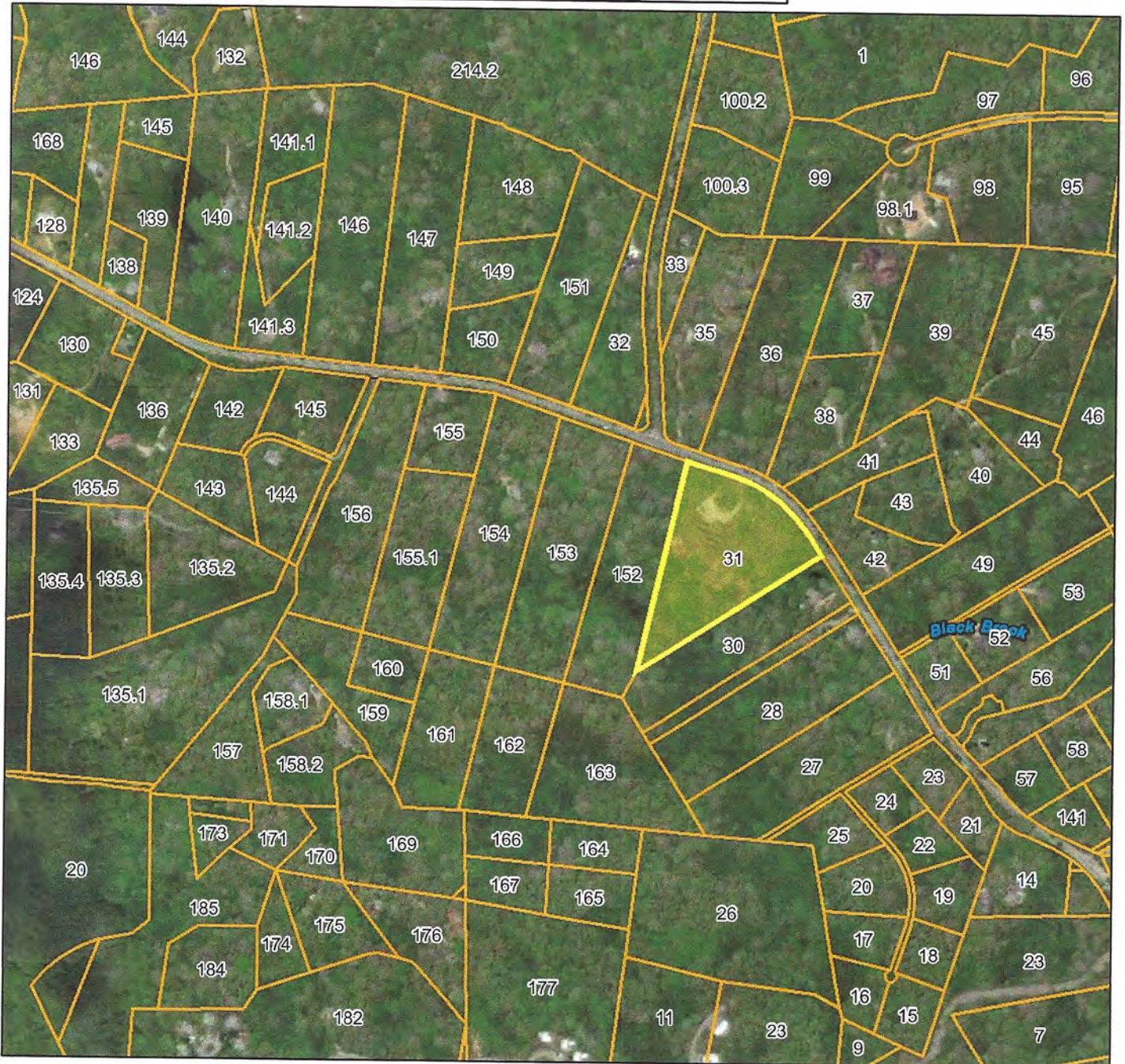
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