PROPOSED TOWN OF AQUINNAH ENERGY DISTRICT
(ENERGY CONSERVATION AND GENERATION)
TOWN OF AQUINNAH

Public Hearing December 6, 2007 staff notes (Jo-Ann Taylor, DCPC Coordinator)
(November 30 edition – watch for possible updates)

1. PROCEDURAL NOTES

Purpose of hearing:

To consider designation of the proposed Town of Aquinnah Energy District (Energy Conservation and Generation), in the Town of Aquinnah, as nominated by the Board of Selectmen. The Commission considers nominations in accordance with Chapter 831 of the Acts of 1977, as amended ("the Act") and with the Critical Planning District Qualifications (the "Qualifications", sometimes known as the "Criteria"). Guidance on designation of DCPCs is available on the Commission's website at http://www.mvcommission.org/dcpcs/index.html. **Should designation be voted, the vote will include Goals and Guidelines for the new district**. Draft Goals and Guidelines are included here for convenience only, in the event that the Commission chooses to make the designation.

Timeline: Definitive time limits are defined in the Act. Within those limits, the Commission should close the hearing and vote no later than December 20.

2. PROPOSED DISTRICT

Area to be considered for designation: (excerpts from the nomination are included here; full nomination was presented November 1; nomination document is available on the Commission's website).

Area under consideration: That portion of the air space over all lands and waters within the Town of Aquinnah, except the Indian Common Lands (generally known as the Cranberry Bogs, the Clay Cliffs and Herring Creek) and the Settlement Lands, which exceeds 32 feet in height above mean natural grade and/or mean sea level. (map for illustration purposes appended to this document)

3. DESIGNATION CRITERIA

In making its designation decision, the Commission will hear testimony from the public and will be guided by its "Critical Planning District Qualifications". The "Qualifications" (sometimes known as the "Criteria"), which are excerpted in boxes below, are based very closely on the specifics of Section 8 of Chapter 831. The full "Qualifications" document is available at on the Commission's website.

3.1 GENERAL QUALIFICATIONS

3.1a 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 the 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."

Regarding adequacy of existing regulations, the nomination states "…*For example, our current regulations do not address the siting or height of wind turbine towers….*"

Regarding Damage to the District, the nomination states "….*Given the sensitivity of our landscape, we recognize a need to manage our resources. Without a comprehensive plan or policy, we may find that uncontrolled development, although well-intentioned, might create havoc. With carefully considered guidelines, it is possible to encourage efficient responsible building construction. Regulations designed to optimize alternative energy uses in new construction can educate property owners while benefiting the Island community. This DCPC could encompass optimum placement of wind turbines, solar panels and geothermal systems as well as revolutionary design.*"

Regarding Regional Impact, the nomination states "… *The residents of Aquinnah are eager to respond to a moral mandate to both conserve energy and create alternative energy sources…. Thousands of visitors marvel at Aquinnah's quiet beauty while Island residents treasure this unique ambience….*"

The nomination appears to adequately make a case for the need for designation, citing the outstanding natural beauty and associated public vistas, that there are presently no regulations specific to wind facilities, and that the residents are eager to respond to regional, even global, responsibilities regarding consumption and generation of energy. Note that the "grid", by its nature, reaches across town boundaries.

3.1b 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 that 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."

Regarding Size and Shape of the proposed District, the nomination states "*Recognizing the small size and character of the Town of Aquinnah, the Martha's Vineyard Commission has already allowed the designation of the entire town as a DCPC. The currently requested designation would protect further the landscape while managing energy resources effectively.*"

Should the Commission vote to designate the proposed District, the Commission will also

vote the name and boundary. Should the Commission find that the area under consideration does warrant designation, the proposed boundary and boundary description would appear to be adequate. The nomination appears to adequately make a case for town-wide designation, as the Commission has already found appropriate for the Town of Aquinnah District. It is possible that the present designation, beginning at a height of 32′, may ultimately prove to be inadequate to fully regulate a town-wide energy district. Should the designation proceed, it would be important for the Town to review the adequacy of the height coverage, after proceeding to fully evaluate its needs. Should the Town find that the height limitation restricts functionality of the District, the Commission may find it necessary to expand the District, possibly to reach to the ground and below. There is a procedure for such amendment.

3.2 SPECIFIC QUALIFICATIONS

The Specific Qualifications define resources that may be considered valid for designation of a District of Critical Planning Concern:

3.2a 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."

The nomination states, *"Extensive pristine conservation lands contain globally rare flora and fauna; extraordinary geological formations are everywhere from the National Landmark clay cliffs to the monumental boulders so significant in Indian traditions".*

The nomination appears to adequately make a case for this Qualification.

3.2 b 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."

The nomination states *"The landscape of Aquinnah is both spectacular and serene, offering views of the Ocean, cliff land and moors from virtually every part of town. Extensive pristine conservation lands contain globally rare flora and fauna; extraordinary geological formations are everywhere from the National Landmark clay cliffs to the monumental boulders so significant in Indian traditions…Here we can sense what life was like in the times of the early Wampanoags and the unspoiled beauty they saw…."*

The area under consideration may meet the first part of the standard **"***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*".

The nomination appears to adequately make a case for meeting this part of the standard.

The second part of the standard says that the area ALSO fits into one or more of three categories: *"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".*

The nomination appears to adequately make a case for meeting this part of the standard.

Draft GOALS and GUIDELINES

Should the Commission vote for designation, such vote must include Goals and Guidelines for the District. These draft Goals and Guidelines have been prepared for convenience only. Should the Commission vote not to designate the District, Goals and Guidelines will not be needed.

4 draft GOALS and GUIDELINES for the proposed TOWN OF AQUINNAH ENERGY DISTRICT (CONSERVATION AND GENERATION)

GOALS:

To facilitate local generation of energy from renewable sources – solar, geothermal and wind - by allowing various technologies to be utilized while minimizing impacts on rural character and natural resources; to encourage efficient, responsible building construction and adaptation, optimizing renewable energy for power needs and maximizing energy conservation.

GUIDELINES for ALL ENERGY GENERATION FACILITIES:

The Town shall adopt regulations which include or adequately consider the following:

That the Town shall undertake a comprehensive study of its energy needs, opportunities for generation and conservation, and sources, including renewable energy facilities, identifying their benefits and their impacts on rural character, natural resources, and the health, safety and welfare of the inhabitants, including but not limited to the impacts of wind energy facilities:

- Impacts to vistas
- Impacts such as noise, ice throw, collapse impacts, etc.

The study will serve as the basis for development of a Comprehensive Energy Plan for the Town of Aquinnah;

That the Town shall adopt (through its Board of Selectmen) a Comprehensive Energy Plan for the Town of Aquinnah, based on the aforesaid study and balancing the needs for energy efficiency with the needs to protect the rural character of the Town of Aquinnah and its natural resources;

That appropriate regulations be developed to facilitate efficient and responsible energy accommodations in keeping with the Comprehensive Energy Plan for the Town of Aquinnah; for any proposed energy-generation facility or energy retrofit, to ensure the best possible design and siting of energy generation facilities; and for any new construction or substantial improvement, including accessory, the maintenance or use of which will consume power, to ensure that conservation measures and renewable energy sources are incorporated in the optimum manner.

That the appropriate administration of energy regulations, through a procedure to include site plan review to determine the best possible siting of energy generation facilities, be developed; and that

the site plan review procedure include clear and objective criteria for review. The Commission recommends administration in conjunction with the existing regulations for the Town of Aquinnah District.

That the Town shall, after its comprehensive study, re-evaluate the height coverage of the District as originally designated and may, in conjunction with proposal of regulations, request amendment which the Commission would consider in accordance with Section 8 of Chapter 831 of the Acts of 1977 as amended.

GUIDELINES SPECIFIC TO WIND GENERATION FACILITIES:

The Town shall adopt regulations which include or adequately consider the following:

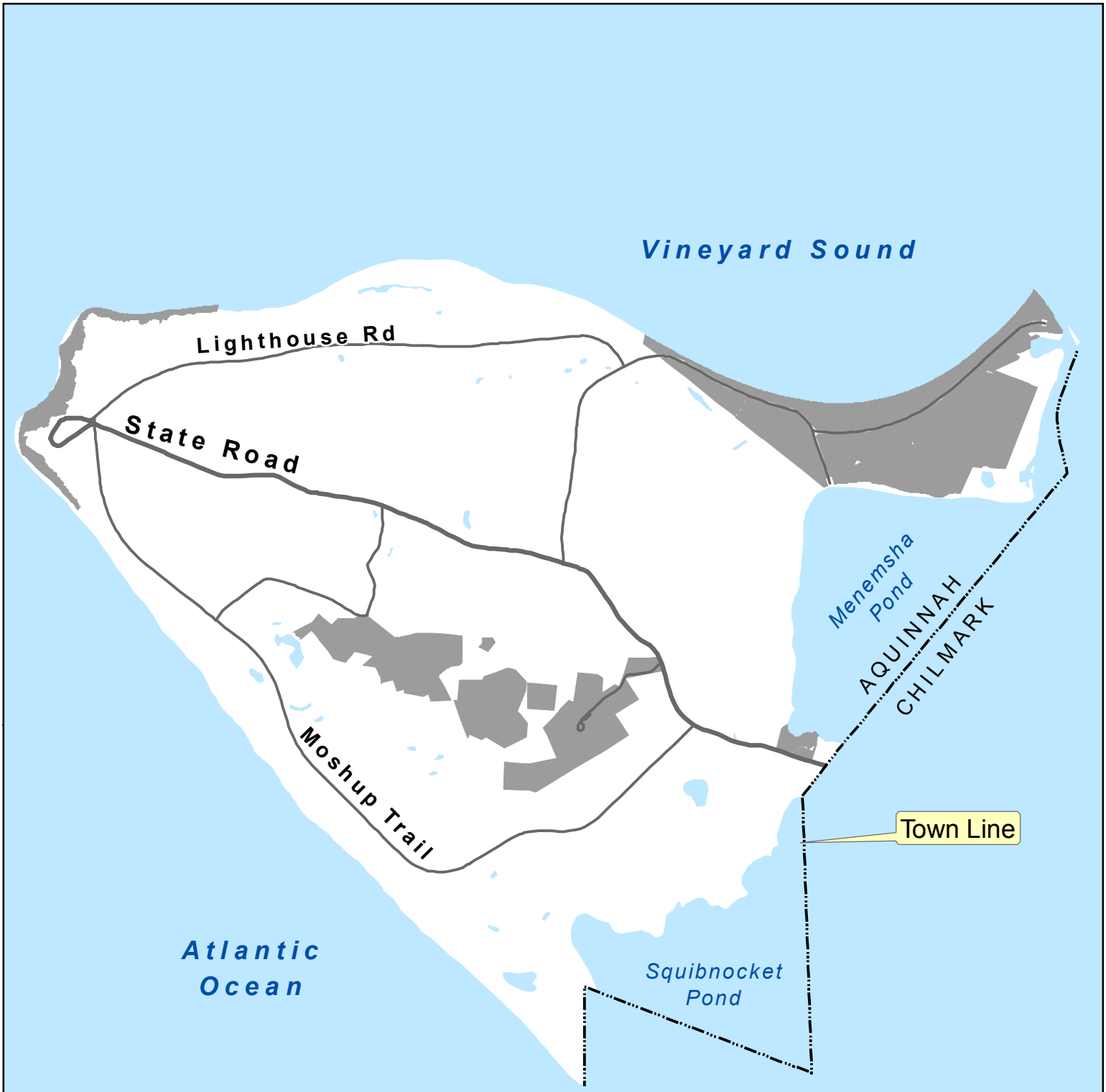
That the Town shall adopt explicit and easily understandable definitions for relevant components and terminology in order to describe facilities for wind generation, coordinated with the Town's related definitions such as "building height" and "structure", including but not limited to:

Wind Facility
Small Scale Wind Facility
Medium Scale Wind Facility
Large Scale Wind Facility
Offshore Wind Facility (to the 3-mile limit)
Commercial Wind Facility
Non-commercial Wind Facility

That the Town shall consider establishing Zones for Small Scale, Medium Scale, Large Scale and Offshore Wind Facilities, incorporating those distinctions separately or in combination as prudent.

That appropriate design, height and/or siting regulations be developed and adopted for any new wind facility proposed for construction within the District; to ensure that any and all new construction shall be consistent with the rural character of the Town of Aquinnah and shall not radically alter or interrupt the existing skyline of the Town as viewed from any public way including any public water body and including the lookout at the Gay Head Cliffs; and to ensure that impacts such as noise, ice throw and collapse impacts are adequately addressed.

That the appropriate administration of design, height and/or siting guidelines, through a procedure to include site plan review, be developed; and that the site plan review procedure include clear and objective criteria for review. The Commission recommends administration in conjunction with the existing regulations for the Town of Aquinnah District.



The proposed District is that portion of the air space over all lands and waters within the Town of Aquinnah, except the Indian Common Lands (generally known as the Cranberry Bogs, the Clay Cliffs, and Herring Creek) and the Settlement Lands, which exceeds 32 feet in height above mean natural grade (for land areas) and/or mean sea level (for water areas).

Proposed Town of Aquinnah Energy District (Conservation & Generation) Area Under Consideration

MARTHA'S VINEYARD COMMISSION

Disclaimer: Data are provided for planning purposes only & the MVC can not be responsible for how these data are used or interpreted by the end user. Property boundaries should be verified in the field by a licensed land surveyor.

Indian Common/Settlement Lands

0 0.25 0.5 0.75 1
Miles

N

MASS GIS Massachusetts Geographic Information System
Massachusetts Executive Office of Environmental Affairs - EOEA

Compiled by: MVC, CL Seidel, 11/2/07
Data: Town - MassGIS 2002; Town Line - MassGIS & MVC 2006; Settlement Lands - MVC 2004 (from TNC parcel boundaries 1999)
Projection: Stateplane, MassMainland, NAD83, m
File: requests; aqu_energy_dcpc.mxd