



Martha's Vineyard Boards of Selectmen, Planning Boards, and Members of the Wind Energy Plan for Dukes County Work Group

October 20, 2011

**Re: Island Wind DCPC Regulations**

Dear Selectmen and members of Planning Boards and the Wind Energy Plan Work Group,

In late 2009 the Martha's Vineyard Commission, at the request of the towns, designated the Island Wind District of Critical Planning Concern. The Ocean Zone of the DCPC is for the airspace above elevation 220' in all Island towns and the Land Zone is the airspace above elevation 150' in the Towns of Aquinnah, Chilmark, Oak Bluffs, Tisbury and West Tisbury, with a few exceptions. Since designation, there has been significant progress in development of regulatory strategies. The Wind Energy Siting Plan referenced in the decision has been drafted. The draft plan was released for review in June. Model regulations have been drafted, in a coordinated effort for the towns to produce regulations to govern the District. However, timing did not allow for consideration of wind energy DCPC regulations at the 2010 or 2011 Annual Town Meetings.

In 2010, the Martha's Vineyard Commission adopted interim regulations defined to expire ("sunset") after EITHER a year OR after adoption of town regulations. This action was taken in coordination with the towns and upon recommendation of MVC Counsel, indicating that the adoption of interim regulations was the only effective way to extend the life of the Island Wind District, and suggesting the "sunset" clause. Six separate interim regulations were voted, in order to allow for each town's regulation to expire with adoption of its own town regulations.

Unless further action is taken, the interim regulations from 2010 will expire on November 3, 2011. Without regulations, the DCPC will be void, and may not be considered for nomination for at least one year (unless by 2/3 vote of the Martha's Vineyard Commission.)

The protection of the DCPC can be extended by extension of the interim DCPC regulations adopted a year ago. The Martha's Vineyard Commission has scheduled a public hearing on November 3, 2011 to consider extending the interim regulations. The regulations simply state "No wind energy facility may be permitted which extends within the Land Zone or Ocean Zone of the Island Wind District of Critical Planning Concern unless approved by the Martha's Vineyard Commission as a Development of Regional Impact." As noted above, the interim regulations only apply to the airspace above 220 feet in the Ocean Zone and the airspace above 150 feet in the Land Zone.

Many of you have been personally contacted by your town appointees and by MVC staff DCPC Coordinator Jo-Ann Taylor. Your feedback so far indicates that the towns do not want to lose the DCPC protection, even though October 2011 economics indicate that large-scale wind development does not appear to be imminent. The Martha's Vineyard Commission and its planners believe that this relatively relaxed time is the best time to set up regulatory protection, as well as to plan for potential appropriate development. We trust that you will find that this approach is an effective way to protect the Island's interests in the short term and to allow the Work Group and the towns to consider a set of permanent DCPC regulations that best serve the needs of the Vineyard community. Please call our staff or either of us if you have any comments, suggestions or concerns about extension of the interim DCPC regulations.

Sincerely yours,



Chris Murphy, Chairman,  
Martha's Vineyard Commission  
Group.



Doug Sederholm, Chairman,  
Wind Energy Plan for Dukes County Work

