

**WARRANT
FOR THE SPECIAL TOWN MEETING
MAY 13, 2008
THE COMMONWEALTH OF MASSACHUSETTS**

County of Dukes County, ss
To either of the Constables of the Town of Aquinnah,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Aquinnah who are qualified to vote in elections and town affairs to meet in the **Aquinnah Old Town Hall in said Town, on the Thirteenth day of May at 7:00 PM**, then and there to act upon the articles of this warrant.

**ARTICLE ONE
Board of Selectmen**

To see if the Town will vote to appropriate from the Stabilization Fund the sum of \$15,000 (Fifteen thousand dollars) for a Contingency Account to hire substitutes for Town employees (either as employees or contracted labor) in the event of protracted, legally-approved absences, or take any other action relative thereto. **Two-thirds vote required for passage.**

The Finance Committee _____ passage of the article.

**ARTICLE TWO
Board of Selectmen**

To see if the Town will vote to transfer the sum of \$900 (Nine hundred dollars) from the unexpended balance of STM 8-22-06, Article 2, of the fiscal year beginning July 1, 2005 Town Audit, to pay for additional Distributed Antenna System (DAS) engineering services at the Aquinnah Landfill.

The Finance Committee _____ passage of the article.

**ARTICLE THREE
Community Preservation Committee**

To see if the Town will vote to allocate the sum of \$20,300 (Twenty thousand three hundred dollars) from the Community Preservation fiscal year beginning July 1, 2007 Budgeted Reserve for the pre-development and subsidy expenses for the creation of affordable rental housing opportunities in Aquinnah, or take any other action relative thereto.

The Finance Committee _____ passage of the article.

ARTICLE FOUR
Community Preservation Committee

To see if the Town will vote to allocate the sum of \$1,900 (One thousand nine hundred dollars) from the Community Preservation fiscal year beginning July 1, 2007 (and prior) Open Space Reserve for landscaping and pond edge clearing at the Aquinnah Library, or take any other action relative thereto.

The Finance Committee _____ passage of the article.

ARTICLE FIVE
Community Preservation Committee

To see if the Town will vote to allocate the sum of \$10,000 (Ten thousand dollars) from the Community Preservation fiscal year beginning July 1, 2007 (and prior) Open Space and Recreation Reserve for the construction of brick walkways at the Aquinnah Cliffs, or take any other action relative thereto.

The Finance Committee _____ passage of the article.

ARTICLE SIX
Community Preservation Committee

To see if the Town will vote to allocate the sum of \$15,200 (Fifteen thousand two hundred dollars) from the Community Preservation fiscal year beginning July 1, 2007 (and prior) Open Space and Recreation Reserve for the burying of approximately 400 feet of overhead wires along the south side of the Aquinnah Circle, along with the upgrade of electrical service to the Aquinnah Circle and restrooms, or take any other action relative thereto.

The Finance Committee _____ passage of the article.

ARTICLE SEVEN
Fire Department

To see if the Town will vote to appropriate from the Stabilization Fund the sum of \$2,500 (Two thousand five hundred dollars) as the Town's share along with other island communities, to pay for public safety communication improvements, or to take any other action relative thereto. **Two-thirds vote required for passage.**

The Finance Committee _____ passage of the article.

ARTICLE EIGHT
Board of Selectmen

To see if the Town will vote to appropriate from the Stabilization Fund the sum of \$15,000 (Fifteen thousand dollars) to pay for the re-shingling of the Old Town Hall and Police Station, or to take any other action relative thereto. **Two-thirds vote required for passage.**

The Finance Committee _____ passage of the article.

ARTICLE NINE
Board of Selectmen

To see if the Town will vote to approve the following amendment to the Town Bylaws by adding Chapter XXX (Thirty) regarding the consumption alcoholic beverages in public places or Town property,

It shall be unlawful for any person to consume and/or transport an open container of alcoholic beverage on public highways or in public places, including vehicles thereon, within the Town of Aquinnah. Any person violating this chapter shall be punished by a fine of not more than \$50 (Fifty dollars).

(Arrestable offense under M.G.L. Chapter 272 Sec. 59 6/91)

or take any other action relative thereto.

ARTICLE TEN
Board of Selectmen

To see if the Town will vote to appropriate the sum of \$84 (Eighty-four dollars) from the unexpended balance of STM 8-22-06, Article 2, of the fiscal year beginning July 1, 2005 Town Audit, to pay for a prior year bill from Electronic Security Services for the Vanderhoop Homestead, or take any other action relative thereto.

The Finance Committee _____ passage of the article.

**ARTICLE ELEVEN
Community Preservation Committee**

To see if the Town will vote to allocate the sum of \$2,000 (Two thousand dollars) from the Community Preservation fiscal year beginning July 1, 2007 (and prior) Open Space and Recreation Reserve for creation of a community garden on town-owned land, or take any other action relative thereto.

The Finance Committee _____ passage of the article.

And you are hereby directed to serve this warrant by posting up attested copies at the Schoolhouse and Town Hall in said Town, at least fourteen days prior to time of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of said meeting. Given under our hands this Twenty-ninth day of April in the year of our Lord Two Thousand and Eight.

Camille Rose, Chairman

James Newman, Vice Chairman

Spencer Booker

Aquinnah Board of Selectmen

Betty Joslow
Aquinnah Constable

Posted Date _____

**WARRANT
FOR THE ANNUAL TOWN MEETING
MAY 13, 2008
COMMONWEALTH OF MASSACHUSETTS**

County of Dukes County, ss
To either of the Constables of the Town of Aquinnah:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Aquinnah who are qualified to vote in elections and town affairs to meet at the **Aquinnah Old Town Hall in said Town on the Thirteenth day of May 2008, at 7:30 PM**, then and there to act upon the articles of this warrant, with the exception of Article One. And to meet **again at the Aquinnah Town Hall on the Fourteenth day of May 2008, at twelve noon**, then and there to act on Article One on the Official Ballot.

The polls for voting on the Official Ballot will open at twelve noon on Wednesday, May 14, 2008, and will close at 7 PM.

ARTICLE ONE
Town Clerk

To elect the following officers on the Official Ballot:

- One Selectman for Three Years
- One Library Trustee for Three Years
- Two Planning Board Member for Three Years
- One Board of Health Member for Three Years
- One Assessor for Three Years
- One Town Clerk for Three Years

ANSWER YES OR NO to the following questions:

QUESTION ONE: Shall an act passed by the General Court in the year 2007 entitled 'An Act Authorizing the Town of Aquinnah to issue licenses for the sale of wine and malt beverages to be drunk on the premises in restaurants' be accepted?

QUESTION TWO: Shall the Town vote to pass the Resolution on Iraq whereupon such resolution would be sent to U.S. Senator Edward Kennedy, U.S. Senator John Kerry, U.S. Representative William Delahunt, Senate Majority Leader Harry Reid, House Speaker Nancy Pelosi, President George W. Bush by the Town Clerk:

Whereas, Congress has the sole responsibility to allocate national funds, and;

Whereas, roughly \$200 million of taxpayer's money is being spent each day for the occupation of Iraq, and;

Whereas, this expenditure is depriving Americans of necessary funds

for education, housing, health care, environmental preservation, and support for returning veterans, and;

Whereas, a majority of American citizens are calling for the withdrawal of U.S. forces from Iraq,

Therefore, we (Citizens of Aquinnah) call upon our Congressional representatives to vote against additional Iraq-occupation funds, and to approve only those funds necessary for the safe and rapid withdrawal of all our troops from Iraq.

QUESTION THREE: Shall the Town of Aquinnah be allowed to assess an additional \$15,000 (Fifteen thousand dollars) in real estate and personal property taxes for the purpose of funding a Capital Buildings and Grounds Stabilization Fund for major improvements to Town-owned properties, for the fiscal year beginning July 1, 2008?

QUESTION FOUR: Shall the Town of Aquinnah be allowed to assess an additional \$10,000 (Ten thousand dollars) in real estate and personal property taxes for the purpose of funding a Capital Equipment and Vehicles Stabilization Fund for major vehicle and equipment acquisitions, for the fiscal year beginning July 1, 2008?

QUESTION FIVE: Shall the Town of Aquinnah be allowed to assess an additional \$10,000 (Ten thousand dollars) in real estate and personal property taxes for the purpose of funding a Labor Contingency Stabilization Fund to hire substitute labor in the event of protracted, legally-approved, Town employee absences, for the fiscal year beginning July 1, 2008?

QUESTION SIX: Shall the Town of Aquinnah be allowed to exempt from the provisions of Proposition 2 ½, so-called, the amounts required to pay for the bond issue to construct a new addition on the Fire House?

QUESTION SEVEN: Shall the Town of Aquinnah be allowed to exempt from the provisions of Proposition 2 ½, so-called, the amounts required from the general fund to pay for the debt previously issued to purchase the Edwin DeVries Vanderhoop Homestead?

ARTICLE TWO

Moderator

To hear the reports of the Town Officers and Committees and act thereon.

ARTICLE THREE

Board of Selectmen

To see if the Town will vote to raise and appropriate the sums of money required to defray the general expenses of the Town as itemized in the budget and to fix the salaries and compensation of all elected officers and employees of the Town as itemized therein, and to fund said appropriations through the tax levy, or take any other action relative thereto.

The Finance Committee will present an addendum on the meeting floor.

ARTICLE FOUR Board of Selectmen

To see if the Town will vote to accept the Up-Island Regional School District Regional Agreement assessment.

The Finance Committee recommends passage of this article.

ARTICLE FIVE Board of Selectmen

To see if the Town will vote to take from the Stabilization Fund the amount of \$27,228.29 (Twenty-seven thousand two hundred twenty-eight dollars and twenty-nine cents) to fund payment for the Up-Island Regional School District Regional Agreement assessment. **Two-thirds vote required for passage.**

The Finance Committee will present an addendum on the meeting floor.

ARTICLE SIX Board of Selectmen

To see if the Town will vote to establish a Capital Buildings and Grounds Stabilization Fund for major improvements to Town-owned properties, and to raise and appropriate the sum of \$15,000 (Fifteen thousand dollars) to this fund for the fiscal year beginning July 1, 2008; provided that the amount set forth shall be raised and appropriated only if a majority of voters casting ballots at a Town Election vote in the affirmative to override Proposition 2 ½, so called, or take any other action relative thereto.

If approved, the additional levy capacity will be earmarked for the same stabilization fund every year and may not be used for another purpose unless altered by a majority

vote of a referendum ballot and appropriated by a two-thirds vote of Town Meeting.

Two-thirds vote required for passage.

The Finance Committee does not recommend passage of this article.

ARTICLE SEVEN Board of Selectmen

To see if the Town will vote to establish a Capital Equipment and Vehicles Stabilization Fund for major vehicle and equipment acquisitions, and to raise and appropriate the sum of \$10,000 (Ten thousand dollars) to this fund for the fiscal year beginning July 1, 2008; provided that the amount set forth shall be raised and appropriated only if a majority of voters casting ballots at a Town Election vote in the affirmative to override Proposition 2 ½, so called, or take any other action relative thereto.

If approved, the additional levy capacity will be earmarked for the same stabilization fund every year and may not be used for another purpose unless altered by a majority vote of a referendum ballot and appropriated by a two-thirds vote of Town Meeting.

Two-thirds vote required for passage.

The Finance Committee does not recommend passage of this article.

ARTICLE EIGHT Board of Selectmen

To see if the Town will vote to establish a Capital Labor Contingency Stabilization Fund to hire substitute labor in the event of protracted, legally-approved, Town employee absences, and to raise and appropriate the sum of \$10,000 (Ten thousand dollars) to this fund for the fiscal year beginning July 1, 2008; provided that the amount set forth shall be raised and appropriated only if a majority of voters casting ballots at a Town Election vote in the affirmative to override Proposition 2 ½, so called, or take any other action relative thereto.

If approved, the additional levy capacity will be earmarked for the same stabilization fund every year and may not be used for another purpose unless altered by a majority vote of a referendum ballot and appropriated by a two-thirds vote of Town Meeting.

Two-thirds vote required for passage.

The Finance Committee does not recommend passage of this article.

ARTICLE NINE Fire Department

To see if the Town will vote to appropriate the sum of \$50,000 (Fifty thousand dollars) to construct a new addition on the Fire House and furthermore, to authorize the Treasurer, with the approval of the Selectmen, to borrow the sum of \$50,000 (Fifty thousand dollars) under and pursuant to M.G.L. Chapter 44, Section 7, Paragraph 3; provided, however, that the entire vote shall not take effect unless the Town votes in the affirmative at the Annual Town Election, May 14, 2008, to exempt from the limitations imposed by

Proposition 2 ½, so called, all amounts required to pay the debt service on the borrowing authorized by the vote, or take any other action relative thereto.

Two-thirds vote required for passage.

The Finance Committee does not recommend passage of this article.

ARTICLE TEN Fire Department

To see if the Town will vote to transfer the unexpended balance of Annual Town Meeting May 10, 2005, Article. 16 “Purchase Fire Department Tanker” in the sum of \$1,146 (One thousand one hundred forty-six dollars) for the fiscal year beginning July 1, 2008 operating line, for long-term debt interest payments on the dump truck purchase, or take any other action relative thereto.

The Finance Committee recommends passage of this article.

ARTICLE ELEVEN Citizen Petition

To see if the Town will vote to communicate to all Island school administrations, school committees and town governments that they see significant value in providing education in the performing arts in Island schools, or take any other action relative thereto.

The Finance Committee recommends passage of this article.

ARTICLE TWELVE Board of Assessors

To see if the Town will vote to take from the Stabilization Fund the sum of \$12,000 (Twelve thousand dollars) to digitize the town’s maps, or take any other action relative thereto. **Two-thirds vote required for passage.**

The Finance Committee recommends passage of this article.

ARTICLE THIRTEEN Board of Assessors

To see if the Town will vote to take from the Stabilization Fund the sum of \$5,400 (Five thousand four hundred dollars) to contract with Vision Appraisal Company for the fiscal year beginning July 1, 2008 interim update program of residential and commercial/industrial/exempt real property, or take any action relative thereto.

Two-thirds vote required for passage.
The Finance Committee recommends passage of this article.

ARTICLE FOURTEEN
Board of Selectmen

To see if the Town will vote to rescind Article 6, Annual Town Meeting, May 11, 2004:
“To see if the Town will vote to authorize the exchange of a certain 3.6 acre landlocked parcel owned by the Town of Aquinnah and listed on assessors Map 5 as Lot 59, for a developable parcel of land capable of sustaining a minimum of two resident homesites, or to be used for the purpose of creating/developing affordable ownership and/or rental housing per the recommendations of the Aquinnah Housing Committee, or take any other action relative thereto.”

ARTICLE FIFTEEN
Board of Selectmen

To see if the Town will vote to allow the Board of Selectmen to sell a certain parcel of town-owned land, Map 5, Lot 59, consisting of 3.6 acres, in proximity of the Sand Castle Lane area, in accordance with M.G.L. Chapter 30B, or take any other action relative thereto. **Two-thirds vote required for passage.**
The Finance Committee recommends passage of this article.

ARTICLE SIXTEEN
Board of Selectmen

To see if the Town will vote to appropriate the sum of \$27,641 (Twenty-seven thousand six hundred forty-one dollars) from the fiscal year beginning July 1, 2008 Chapter 90 State apportionment for highway construction or improvements, and to authorize the Treasurer to borrow against all expenditures in anticipation of reimbursement from the State, or take any other action relative thereto.

The Finance Committee recommends passage of this article.

ARTICLE SEVENTEEN
Fire Department

To see if the Town will vote to authorize the establishment and use of the following revolving fund pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½ for the balance of the fiscal year beginning July 1, 2008:

Fire Department Inspector Fees-for the payment of the Fire Department Inspector or Assistant Inspector for inspection services rendered, from Fire Department inspection fees charged to homeowners and received by the Town. Revenues and expenditures in the above fund shall be administered by the Fire Chief with oversight from the Board of Selectmen. Expenditures shall not

exceed \$2,500 (Two thousand five hundred dollars) for the fiscal year beginning July 1, 2007. Balances remaining in the fund at year-end shall be carried forward to the next fiscal year if the Town votes to reauthorize the revolving account. Balances remaining in funds not so authorized shall be closed to the general fund or transferred to another departmental revolving account as Town Meeting directs,

or take any other action relative thereto.

The Finance Committee recommends passage of this article.

**ARTICLE EIGHTEEN
Board of Selectmen**

To see if the Town will vote to authorize the establishment and use of the following revolving funds pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½ for the balance of the fiscal year beginning July 1, 2008, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year, and the disposition of the balance of each fund at the end of the current fiscal year, as follows:

Revolving Disposition of Fund Limit	Authorized to Spend FY08 Fund Bal	Revenue Source	Use of Fund	FY09 Spending	
Wiring available Inspects. expenditure	Building Insp/ Selectmen	Wiring Insp. fees charged to homeowner	To pay wiring inspector	\$12,000	Bal for
Plumbing available Inspects. expenditure	Building Insp/ Selectmen	Plumbing Insp. fees charged to homeowner	To pay plumb- ing inspector	\$5,300	Bal for
Gas available Inspects. expenditure	Building Insp/ Selectmen	Gas Insp. fees charged to homeowner	To pay gas inspector	\$6,700	Bal for
TOTAL SPENDING				\$24,000	

or take any other action relative thereto.

The Finance Committee recommends passage of this article.

ARTICLE NINETEEN

Community Preservation Committee

To see if the Town will vote to borrow the sum of \$100,000 (One hundred thousand dollars) for the restoration of the Aquinnah Public Library in the Old Schoolhouse building, debt service payments to begin in fiscal year beginning July 1, 2009, and to be funded from Community Preservation Act Historic funds, or take any other action relative thereto.

Two-thirds vote required for passage.

The Finance Committee recommends passage of this article.

ARTICLE TWENTY

Community Preservation Committee

To see if the Town will vote to appropriate or reserve for later appropriation monies for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of Community Preservation projects and all other necessary and proper expenses for the year, from the projected fiscal year beginning July 1, 2008 Community Preservation revenues of \$120,000 (One hundred twenty thousand dollars). Thirty percent of those funds shall be allotted in the following amounts as required by Community Preservation Act legislation:

\$12,000 (Twelve thousand dollars) to the Community Preservation Open Space Reserve, and

\$12,000 (Twelve thousand dollars) to the Community Preservation Historic Reserve, and

\$12,000 (Twelve thousand dollars) to the Community Preservation Housing Reserve.

In addition, the remaining seventy percent of funds raised during the fiscal year beginning July 1, 2007, shall be reserved for appropriation in the following manner as recommended by the Aquinnah Community Preservation Committee:

\$39,000 (Thirty-nine thousand dollars) to the Community Preservation Historic Preservation Reserve, and

\$18,000 (Eighteen thousand dollars) to the Community Preservation Affordable Housing Reserve, and

\$27,000 (Twenty-seven thousand dollars) to the Community Preservation Budgeted Reserve,

or take any other action relative thereto.

The Finance Committee recommends passage of this article.

ARTICLE TWENTY-ONE
Community Preservation Committee

To see if the Town will vote to appropriate monies, from previously reserved Community Preservation revenues, for all necessary and proper expenses required for the undertaking of the following Historic Preservation projects, to be allotted in the following amounts as recommended by the Community Preservation Committee:

\$20,000 (Twenty thousand dollars) from the Community Preservation Historic Preservation Reserve for emergency restoration and extraordinary repair of the Gay Head Lighthouse, and

\$16,200 (Sixteen thousand two hundred dollars) from the Community Preservation Historic Preservation Reserve for the continued restoration and extraordinary repair of the Old Aquinnah Town Hall, and

\$12,000 (Twelve thousand dollars) from the Community Preservation Historic Preservation Reserve for the continued restoration of the Edwin Vanderhoop Homestead, and

\$1,760 (One thousand seven hundred sixty dollars) from the Community Preservation Historic Preservation Reserve for mortgage costs related to the Edwin Vanderhoop Homestead,

or take any other action relative thereto.

The Finance Committee recommends passage of this article.

ARTICLE TWENTY-TWO
Community Preservation Committee

To see if the Town will vote to appropriate monies, from previously reserved Community Preservation revenues, for all necessary and proper expenses required for the undertaking of the following Administrative, Housing, and Open Space Preservation projects, to be allotted in the following amounts as recommended by the Community Preservation Committee:

\$3,000 (Three thousand dollars) from the Community Preservation Budgeted Reserve for CPA administrative expenses, and

\$10,000 (Ten thousand dollars) from the Community Preservation Affordable Housing Reserve for Aquinnah's share in the Island Affordable Housing Fund's revolving loan program, and

\$20,000 (Twenty thousand dollars) from the Community Preservation Affordable Housing Reserve for pre-development expenses related to the creation of Resident Homesites in Aquinnah, and

\$9,000 (Nine thousand dollars) from the Community Preservation Open Space Reserve for the preservation of sandplain grassland habitat along the shoulders of Moshup Trail,

or take any other action relative thereto.

The Finance Committee recommends passage of this article.

ARTICLE TWENTY-THREE Board of Selectmen

To see if the Town will vote to be recorded on the following non-binding resolution dealing with the installation of a wind turbine at the West Tisbury School,

“Be it resolved that the voters of the Town of Aquinnah support efforts by the Up-Island Regional School District to determine the feasibility of installing a wind turbine at the West Tisbury School; the purpose of which is to utilize available renewable energy to offset a substantial portion of the annual cost of electricity at the school, which at current rates is approximately \$70,000, and to provide the students with an educational experience in renewable energy.”

or take any other action relative thereto.

ARTICLE TWENTY-FOUR Planning Board

To see if the town will vote to approve the following amendment to the Aquinnah Zoning Bylaw:

ARTICLE XVI: – AQUINNAH ENERGY DCPC

SECTION 16.1 GOALS AND PRIORITIES

16.1-1 The goal of this bylaw is to reduce the overall consumption of fossil fuels through energy conservation and the local generation of energy from renewable sources while minimizing any negative impact on residents and visitors and while preserving and protecting the cultural and natural environment of the town as delineated in the Goals of the Town of Aquinnah District of Critical Planning Concern (Section 13.1). This includes the unique natural beauty and the rural and visual character of the landscape, the significance of the land for the people of Gay Head/Aquinnah, historical values and reverence of the coastline.

16.1-2 The first priority is to reduce the overall consumption of fossil fuels by:

- a) Improving efficiencies and reducing wasteful practices, especially by using building construction and renovation practices that optimize energy efficiency, and
- b) Facilitating use of energy from local renewable sources such as wind, solar and geothermal by allowing various technologies to be utilized in ways **that do not impact** the cultural and natural environment of the Town.

When these priorities have been addressed, energy generation facilities that may impact the cultural and natural environment of the Town will be considered. These projects will only be approved if the **public benefit** of the facility outweighs the degree to which the goals of the Town of Aquinnah DCPC are not met.

16.1-3 To ensure that the goals and priorities of this bylaw are being met in the face of evolving technology and changing energy prices, the Planning Board Plan Review Committee will review and update this bylaw every five years at a minimum.

SECTION 16.2 BOUNDARY DESCRIPTION

All lands and waters within the corporate bounds of 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.

SECTION 16.3 USE

16.3-1 Except in the Large Wind Facility Overlay District and in the ocean waters within the corporate bounds of the Town of Aquinnah, use of an energy generating facility of any kind must be accessory to a primary use on the lot. A communal energy generating facility may by special permit be located on a neighboring lot without a primary use. Municipal Wind Facilities are exempt from this provision.

SECTION 16.4 ENERGY AUDITS

16.4-1 No special permit or building permit will be issued for work inside the weather walls of an existing structure that uses energy until the applicant submits and the Planning Board Plan Review Committee approves the work to be done as the result of a professionally conducted energy audit that is not more than 5 years old. The energy audit should address electrical usage, heating, windows and insulation and include a blower test or other tests to identify heat loss or air infiltration. The audit should include the estimated cost of the improvements and the annual savings attained. A list of companies that perform professional audits is available at Town Hall. If there is more than one structure using energy on the lot, the applicant must submit energy audits for all energy using structures on the lot. In addition to the audit, applicant should indicate which items have been implemented or will be implemented by a target date. Justification must be submitted for any item not implemented.

SECTION 16.5 SPECIAL PERMITS

16.5-1 All Renewable Energy facilities require a Special Permit. The Planning Board Plan Review Committee shall be the special permit granting authority for permits required under this bylaw.

SECTION 16.6 LAND-BASED WIND ENERGY FACILITIES

16.6-1 CATEGORIES

Wind Energy Facilities shall be divided into the following three categories for location and permitting requirements:

- a) Systems less than 30 kW Rated Nameplate Capacity – herein referred to as a Small Wind Facility,
- b) Systems of between 30kW but less than 500 kW Rated Nameplate Capacity – herein referred to as a Medium Wind Facility,
- c) Systems of 500kW Rated Nameplate Capacity and larger – herein referred to as a Large Wind Facility.

16.6-2 WIND FACILITY ASSOCIATIONS

For purposes of accommodating Wind Facilities owners may form associations, like road associations, or other legally binding forms of cooperative ownership, where deeded easements and restrictions can be put on portions of abutting pieces of land to create a common area that can be used for a Wind Facility and where the financial and other responsibilities of the owners are contained in a legally binding agreement. The association will bear all the responsibilities of an owner under this bylaw and the cooperative agreement shall reflect such.

16.6-3 DEFINITIONS

Blade – Extensions from the hub which are designed to catch the wind and turn the rotor to generate electricity.

Blade-Tip Height - The height as measured from the grade of the land below to the highest extension of the blade.

Cut-out Wind Speed – The high wind speed at which the Wind Facility must shut-down and/or turn perpendicular to the wind to protect itself from being overpowered, typically 56 mph.

Ground Blade Clearance - The height as measured from the grade of the land below the Wind Facility to lowest extension of the blade.

Hub – The center of the rotor to which the blades are attached.

Hub Height – The height as measured from the grade of the land below the Wind Facility to the center of the rotor or hub.

Nacelle – The frame and housing at the top of the tower. It protects the gear box and generator from weather and helps control the mechanical noise level.

Rated Nameplate Capacity – The rated output of electric power producing equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

Rotor – A Wind Facility’s blades and the hub to which they are attached.

Rotor Diameter – The diameter of a Wind Facility’s rotor measured as twice the length of the longest blade plus the hub width (or equal to the diameter of the cylinder).

Tree Line Blade Clearance – The height as measured from top of the tallest object within 300 feet to the South and West of the base of the tower to the lowest extension of the blade.

Viewscape - All of the land, water and sky seen from a point or along a series of points (a road or trail).

Wind Facility - All equipment, machinery and structures utilized in connection with wind-generated energy production, generation and sale, including related transmission, distribution, collection, storage or supply systems whether underground, on the surface, or overhead and other equipment or byproducts in connection therewith, including but not limited to, rotor, electrical generator and tower, anemometers (wind measuring equipment), transformers, substation, power lines, control and maintenance facilities, site access and service roads.

Wind Facility, Commercial – A Wind Facility, which is designed to generally supply less than fifty percent (50%) of its electrical output for use on site.

Wind Facility, Communal – A single Wind Facility, which is designed to supply electricity to more than one site or home-owner. It may be Commercial or Non-Commercial.

Wind Facility, Municipal (Community) – A publicly-owned Wind Facility, for the benefit of the Town of Aquinnah, the Island of Martha’s Vineyard or the Cape Light Co-op. It may be Commercial or Non-Commercial.

Wind Facility, Non-Commercial – A Wind Facility, which is designed to generally supply fifty percent (50%) or more of its electrical output for use on site.

Wind Monitoring or Meteorological (“test” or “met”) Tower: A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

16.6-4 SMALL WIND OVERLAY DISTRICT

A. Small Wind Facilities may be allowed anywhere in Town subject to the following requirements:

- a) It is a Non-Commercial Wind Facility and will serve the needs of a single property or a group of adjoining properties (a Small Communal Wind Facility).
- b) It receives a special permit for siting from the Planning Board Plan Review Committee.
- c) Only one wind tower shall be allowed per lot.
- d) For the purposes of protecting against problems due to noise and collapse of the tower, freestanding Wind Facilities shall be located at least the blade tip height of the Wind Facility from the nearest residential or commercial structure and the nearest property line, except in the case of a Communal Wind

Facility or Wind Facility Association, the nearest property line of an owner who is not associated with the Wind Facility. (Note that Conservation Commission Regulations may impose other setback requirements).

- e) The Planning Board Plan Review Committee may reduce the above minimum setbacks as appropriate based on site specific considerations or if the nearest property line is a public right of way, if the project satisfies all other criteria for the granting of a special permit under the provisions of this section.
- f) Freestanding Wind Facilities shall be located where they will not create or be subject to turbulence for/from nearby Wind Facilities.
- g) For a Freestanding Wind Facility, the Tree Line Blade clearance shall be at least 30 feet.
- h) Rooftop Wind Facilities shall not extend more than ten feet above the ridgeline of the structure to which it is attached.
- i) No portion of the Wind Facility is located in the Special Places District except utility connections from the wind facility to the existing grid that can be buried in an existing public or private way without permanently changing the character of the Special Place.
- j) Wind Facilities or portions thereof may, by special permit, be located in the Island Road District if done in a way that meets the goals of the District.
- k) The Moshup Trail and Cliff DCPC's, the viewsapes identified in Map A and land within 1,000 feet of the coast line are areas preserved and protected by the Aquinnah Town-wide DCPC bylaw and Wind Facilities in these areas may be permitted if all of the following conditions are met:
 - I. The applicant is maximizing the reduction of fossil fuels on the property by improving efficiencies and reducing wasteful practices and there is still significant use of fossil fuels due to the unique nature of the property.
 - II. The applicant has explored or implemented other reasonable renewable energy technologies (solar or geothermal).
 - III. The applicant has explored the use of a Communal Wind Facility with inland or upland neighbors which would allow the Wind Facility to be sited outside the protected area or as far away as possible from important views in order to diminish the visual impact of the structure.
 - IV. A migratory bird impact assessment and/or a habitat evaluation, if required by the Planning Board Plan Review Committee, shows the facility has no significant impact. In these protected areas, and in particular the Cliff DCPC, the Planning Board Plan Review Committee may require these studies be performed by a qualified agent at the expense of the applicant.
 - V. The **public benefit** of the facility outweighs the degree to which the goals of the Town of Aquinnah DCPC are not met.

These conditions apply to Wind Facilities that are visible in a primary viewscape shown on Map A or, in or visible from an open portion of a protected area (see

siting guidelines). The Planning Board Plan Review Committee may waive any or all of conditions I through III for Wind Facilities located in a secondary viewscape shown in Map A or in the upland or heavily wooded portions of a protected area if the visual impact is not significant due to the siting and size of the facility, or if condition V is otherwise met.

B. Medium Municipal and Medium Non-Commercial Communal Wind Facilities may by special permit be located in this District if they meet the requirements listed in A above except they shall be located at least the blade tip height of the Wind Facility plus 20 feet from the nearest dwelling or commercial structure and nearest property line, except in the case of a Communal Wind Facility or Wind Facility Association, the nearest property line of an owner not associated with the Wind Facility. The Planning Board Plan Review Committee may reduce these minimum setbacks as appropriate based on site specific considerations or if the nearest property line is a public right of way, if the project satisfies all other criteria for the granting of a special permit under the provisions of this section.

C. Met Towers shall be permitted in this district subject to issuance of a special permit for a temporary structure and shall be located at least the blade tip height of the Wind Facility from the nearest dwelling or commercial structure and nearest property line, except in the case of a Communal Wind Facility or Wind Facility Association, the nearest property line of an owner not associated with the Met Tower. Guy wires and anchors shall not be located closer than 20 feet to a property line. The Planning Board Plan Review Committee may reduce these minimum setbacks as appropriate based on site specific considerations or if the nearest property line is a public right of way, if the project satisfies all other criteria for the granting of a special permit under the provisions of this section. Due to the temporary status of these facilities and the long term benefit of the information they provide, siting guidelines may be applied less rigorously to Met Towers. (Note that Conservation Commission Regulations may impose other setback requirements).

16.6-5 LARGE AND MEDIUM WIND OVERLAY DISTRICT

16.6-5.1 Purpose I

Aquinnah, because of its location relative to the prevailing wind, is one of only two places on island that is windy enough to be an excellent location for Large Wind Facilities. Unfortunately, due to the setback requirements for Large Wind Facilities most lots in town cannot accommodate them. The purpose of this District is to create incentives for development of Large Wind Facilities that will utilize this unique resource to provide renewable energy to the Town of Aquinnah, the Island of Martha's Vineyard and the Cape Light Co-op. The establishment of the District:

- a) Alerts interested parties that there is an area where the town allows these Large Wind Facilities, and
- b) Provides a means for dealing with small lots by allowing multiple owners to pool lots or portions thereof through an association or other legal means.

16.6-5.2 Boundary Description

Medium and Large Wind Facilities may be allowed on properties shown on Map A subject to the requirements in 16.6-5.3. (This district is generally the upland, inland part of town, above 125 feet above sea level and close to the main power lines along State and Lobsterville Roads.) Since the town has no experience with Wind Facilities, the boundary of this district should be reviewed at a minimum of every 5 years to ensure it is consistent with the goals of this by-law.

Applicants who believe they have sites that are suitable for Medium and Large Wind Facilities that are outside this district are encouraged to ask the Planning Board Plan Review Committee to consider if their site is consistent with the goals of this bylaw and should be included in the District.

16.6-5.3 Requirements

A Medium or Large Non-Commercial Communal or Municipal Wind Facility may be allowed in this district if it meets the following requirements:

- a) It receives a special permit for siting from the Planning Board Plan Review Committee.
- b) For the purposes of protecting against problems due to noise and collapse of the tower, Large Wind Facilities shall be set back a distance equal to 1.5 times the overall blade tip height from the nearest existing residential or commercial structure and nearest property line, except in the case of a Communal Wind Facility or Wind Facility Association, the nearest property line of an owner not associated with the Wind Facility. (Note that Conservation Commission Regulations may impose other setback requirements).
- c) For the purposes of protecting against problems due to noise and collapse of the tower, Medium Wind Facilities shall be located at least the blade tip height of the Wind Facility plus 20 feet from the nearest dwelling or commercial structure and nearest property line, except in the case of a Communal Wind Facility or Wind Facility Association, the nearest property line of an owner not associated with the Wind Facility. (Note that Conservation Commission Regulations may impose other setback requirements).
- d) The Planning Board Plan Review Committee may reduce the above minimum setbacks as appropriate based on site-specific considerations, or if the nearest property line is a public way, if the project satisfies all other criteria for the granting of a special permit under the provisions of this section.
- e) Medium and Large Wind Facility towers shall be located where they will not create or be subject to turbulence for/from nearby Wind Facilities.
- f) Tree Line Blade clearance shall be at least 30 feet.
- g) No portion of the Wind Facility is located in the Special Places District except utility connections from the Wind Facility to the existing grid that can be buried in an existing public or private way without permanently changing the character of the Special Place.
- h) Wind Facilities or portions thereof may, by special permit, be located in the Island Road District if done in a way that meets the goals of the District.
- i) A migratory bird impact assessment and/or a habitat evaluation, if required by the Planning Board Plan Review Committee, shows the facility has no

significant impact. The Planning Board Plan Review Committee depending on the location of the facility may require these studies be performed by a qualified agent at the expense of the applicant.

16.6-5.4 Commercial Wind Facilities

The primary goal of this District is to create publicly-owned Municipal Wind Facilities that provide renewable energy to the Town of Aquinnah, the Island of Martha's Vineyard and the Cape Light Co-op. Applications for privately owned Commercial Large and Medium Wind Facilities will be considered only when the Planning Board Plan Review Committee declares Public and/or Municipal Facilities have reached their maximum potential, or if an applicant for a private Commercial Facility presents a plan that the Planning Board Plan Review Committee determines is of significant public benefit to the Town of Aquinnah, the Island of Martha's Vineyard and the Cape Light Co-op. These Municipal Wind Facilities must also meet the requirements of section 16.6-5.3.

16.6-6 GENERAL REQUIREMENTS FOR THE INSTALLATION OF ANY WIND FACILITY.

16.6-6.1 Compliance with Laws, Ordinances and Regulations. The construction and operation of all such proposed Wind Facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements. The safety of the design and construction of any Wind Facility, including towers and associated equipment and the compatibility of the tower structure with the rotors and other components shall be certified by the manufacturer or by an engineer licensed by the State of Massachusetts.

16.6-6.2 A Wind Facility must meet the minimum technical requirements for renewable energy installations funded by the Massachusetts Small Renewables Initiative to the extent they apply (copies are available at Town Hall),

16.6-6.3 Safety wires shall be installed on the turnbuckles on guy wires of Met Towers and guyed Wind Facility towers.

16.6-6.4 All Wind Facilities shall be equipped with manual and automatic cut-out wind speed controls. The rotor and cut-out wind speed control shall be certified by the manufacturer or by an engineer licensed by the State of Massachusetts.

16.6-6.5 All towers shall be monopole, guyed poles or guyed tilt ups and if they require external climbing apparatus, they shall have either tower climbing apparatus located not closer than twelve (12) feet to the ground or be un-climbable by design for the first twelve (12) feet.

16.6-6.6 Wind Facilities sited on top of, or attached to and extending above the ridge line of, an existing structure shall comply with all applicable provisions of the latest version of the Uniform Building Code. Certification by an engineer licensed by the State of Massachusetts shall be required.

16.6-6.7 The owner/applicant of any Wind Facility shall provide, as part of the submissions for review by the Planning Board for a Special Permit, proof of liability insurance that specifically addresses the installation, use and maintenance of the Wind

Facility.

16.6-6.8 Any ground level equipment associated with the Wind Facility shall be camouflaged or screened. Buildings shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Trees and vegetation may be existing on the property or installed as part of the proposed Wind Facility or a combination of both. The Planning Board Plan Review Committee shall approve the types of trees and plant materials and depth of the needed buffer based on site conditions. Equipment shelters for Wind Facilities shall be designed to be consistent with the traditional architecture of the Town.

16.6-6.9 All utility connections from the Wind Facility to the existing grid shall be underground.

16.6-6.10 Clearing of natural vegetation shall be limited to that which is necessary for the construction and maintenance of the Wind Facility.

16.6-6.11 Night lighting shall be prohibited unless required by state or federal law and shall be the minimum necessary. There shall be total cutoff of all light at the property lines of the parcel to be developed, and foot-candle measurements at the property line shall be 0.0 initial foot-candles when measured at grade. For communal Wind Facilities and associations the cut off shall be at the property line of an owner not in the association or tied to the communal system.

16.6-6.12 Wind Facilities shall be painted a neutral, non-reflective blue or grey color designed to blend with the sky and clouds.

16.6-6.13 Signage at the Wind Facility is limited to no trespassing, danger and emergency contact information signs. All signs shall comply with the requirements of the Town's sign regulations. Wind Facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Facility which shall not be displayed above the tree line

16.6-6.14 A public safety plan with emergency procedures and a contact person is to be filed with police and fire department before the Wind Facility is erected.

16.6-6.15

A. Wind Facilities and associated equipment shall conform to the following provisions. A source of sound will be considered to be violating these regulations if the source:

(a) Increases the broadband sound level by more than 10 dB(A) above ambient,

or

(b) Produces a “pure tone” condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.

B. The Planning Board Plan Review Committee, shall determine whether such measurements shall be made at the property line or at the nearest inhabited residence.

16.6-6.16 Wind Facilities shall be sited in a manner that does not result in significant

shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

16.6-6.17 The applicant shall present the financing plan/cash flow model for the Wind Facility and its expected energy/carbon savings under expected case, best case and worst case conditions.

16.6-6.18 A Wind Facility shall create no TV interference or derogation of public good.

16.6-6.19 A Wind Facility shall be operated and maintained in sound working order in conformance with the manufacturer's specifications at all times. This maintenance shall include the physical appearance so that the facility does not become unsightly.

A copy of the manufacturer's specifications and instructions must be submitted with any application for review by the Planning Board Plan Review Committee and the Building Inspector.

16.6-6.20 Nothing may be attached to the exterior of the tower or nacelle (e.g. a personal wireless service or radio antenna) without a special permit unless it directly relates to the basic operation or maintenance of the Wind Facility.

16.6-7 APPLICATION REQUIREMENTS

16.6-7.1 Pre-Application Conference

Prior to the submission of an application for a Special Permit under this regulation, the applicant is strongly encouraged to meet with the SPGA at a public meeting to discuss the proposed wind energy conversion facility in general terms and to clarify the filing requirements. The SPGA shall meet with an applicant under this regulation within twenty-one (21) days following a written request submitted to the SPGA and the Town Clerk. If the SPGA fails to meet with an applicant who has requested such a meeting within twenty-one (21) days of said request and said meeting has not been postponed due to mutual agreement, the applicant may proceed with a Special Permit application under this regulation without need for a pre-application conference.

16.6-7.2 Pre-Application Filing Requirements

The purpose of the conference is to inform the Planning Board Plan Review Committee as to the preliminary nature of the proposed Wind Facility. As such, no formal filings are required for the pre-application conference. However, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board Plan Review Committee of the location of the proposed Wind Facility, as well as its scale and overall design.

16.6-7.3 Filing Requirements.

In addition to the standard filing requirements for Special Permits, the following information must be submitted:

.01 LOCATION MAP

A copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles of the Wind Facility. An assessors map of the site

should be included.

.02 SITE PLAN

A 1 inch equals 200 feet plan of the proposed Wind Facility site, with contour intervals of no more than 10 feet, showing the following:

- a) Property lines for the site parcel and adjacent parcels within 300 feet. Include the distance from base of the Wind Facility tower to the nearest property line.
- b) Outline of all existing buildings, including purpose identification, on site parcel and all adjacent parcels within 500 feet. Include distances from Wind Facility base of tower to each building shown.
- c) Location of all public and private roads on site parcel and parcels within 300 feet.
- d) Existing areas of tree cover, including average height of trees, on the site parcel and parcels within 300 feet.
- e) Proposed location and design of Wind Facility, including turbines, ground equipment, accessory structures, transmission infrastructure, access, fencing, exterior lighting, etc.
- f) Location of viewpoints reference to below in next section.

.03 VISUALIZATIONS

The Planning Board Plan Review Committee will determine various sight lines, including from the nearest building with a view of the facility, for pre- and post- construction view representations. Sites for these shall be from public road and waterways within a two-mile radius of the Wind Facility.

- a) View representations shall be in color and shall include actual preconstruction photographs and post construction simulations of the height and breadth of the Wind Facility superimposed on photographs of existing views.
- b) All view representations will include existing, or proposed, buildings or tree coverage.
- c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

.04 LANDSCAPE PLAN

A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. Lighting shall conform to the Aquinnah lighting bylaw as well as the provisions of the Aquinnah Energy DCPC section 16.6-6.11.

.05 OPERATION AND MAINTENANCE PLAN

The applicant shall submit a plan for maintenance of access roads and drainage as well as general procedures for the operational maintenance of the Wind

Facility.

.06 COMPLIANCE DOCUMENTS

The applicant will provide with the application:

- a) A description of the financial surety required herein.
- b) Proof of liability insurance.
- c) A statement listing existing and maximum projected noise levels from the Wind Facility as measured per section 16.6-615.
- d) Documentation of compliance with the MTC Minimum Technical Requirements for Wind Installations if applicable.
- e) The financing plan/cash flow model for the Wind Facility, and its estimated energy/carbon savings, under expected case, best case and worst case conditions.
- f) The manufacturer's maintenance instructions and specifications for the Wind Facility.

16.6-7.4 Professional Fees

The Town may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a technical expert/consultant will be at the expense of the applicant in accordance with M.G.L. Chapter 44, Section G.

16.6-8 DECOMMISSIONING

16.6-8.1 Condemnation

A. Upon a finding by the Building Inspector that the Wind Facility has been abandoned or has been left in disrepair or has not been maintained in accordance with its approved maintenance plan, the owner of the Wind Facility or land on which it is located, shall be notified in writing by certified mail that the Wind Facility must be brought up to standard.

B. If required repairs or maintenance are not accomplished within 45 days, the Wind Facility may be deemed condemned and may be removed from the site by the Town within 90 days at the expense of the property owner. At the request of the property owner, the Planning Board Plan Review Committee, with the concurrence of the Building Inspector, may allow extensions of these time periods.

16.6-8.2 Removal Requirements

A. Any Wind Facility which has reached at the end of its useful life or has been abandoned must be removed. When the Wind Facility is scheduled to be decommissioned, the applicant will notify the Town by certified mail of the proposed date of discontinued operations and plans for removal.

B. Prior to any removal activities a Request for Determination of Applicability must be made to the Aquinnah Conservation Commission, which will review the proposed plan and may make conditions or recommendations or require the filing of a Notice of Intent

C. Decommissioning shall consist of:

- 1) Physical removal of all wind turbines, towers, machinery, equipment, structures, security barriers, transmission lines, and accessory structures from the site.
- 2) Disposal of all solid and hazardous waste in accordance with all local and state waste disposal regulations.
- 3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board Plan Review Committee may allow the owner to leave existing landscaping or below grade foundations in order to minimize erosion and disruption to vegetation.

16.6-8.3 Abandonment

A Wind Facility shall be considered abandoned if it fails to operate for 12 months without the written consent of the Planning Board Plan Review Committee.

If the owner fails to remove the Wind Facility within ninety days of a finding of abandonment by the Town, the Town shall have the authority to enter the property and physically remove the Wind Facility at the **expense of the property owner**.

16.6-8.4 Surety

The Planning Board Plan Review Committee may require the applicant to post a bond at the time of construction to cover costs for removal in the event that the Town must remove the Wind Facility. The value of the bond will be determined by the Board, taking into consideration all of the requirements of section 16. The applicant shall submit a fully inclusive estimate of the costs associated with removal prepared by qualified engineer. The amount shall include a mechanism for cost of living adjustment. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the Town's removal of the Wind Facility at prevailing wages.

16.6-9 SITING GUIDELINES

16.6-9.1 Overview

A. Traditional siting guidelines in Aquinnah have aimed to minimize the visibility of manmade structures as viewed from the water and any public way by controlling their height, screening and keeping them within the treeline so their mass won't be starkly silhouetted against the sky. Obviously, a different set of guidelines must be used for Wind Facilities because, in the interest of reducing consumption of fossil fuels, they will be quite visible from the water and some public ways. These guidelines are designed to minimize **the intrusion** of their visibility on the enjoyment of our open spaces and scenic areas.

B. Just like the guidelines for buildings, the strategy is to keep development away from the coast and open and highly visible areas and put it inland and upland in heavily wooded areas which provide a vegetated buffer from public ways. The natural dense tree canopy will make it difficult to see Wind Facilities from many parts of our public ways. They will be visible from the water, and some open and highly visible areas, but small Wind Facilities should be back far enough and painted so that they don't dominate the skyline or loom overhead and large Wind Facilities will be concentrated even further

back along State Road to achieve the same objective.

C. These guidelines also introduce the concept of a protected viewscape. When protecting views by limiting the height and location of buildings, a special overlay district or an open and highly visible designation was sufficient, but because Wind Facilities can be hundreds of feet tall, they could be outside an overlay district or in a heavily wooded area and still fragment or dominate a view we are trying to protect. Consequently, this bylaw protects specific views of land, water and sky from specific locations; viewscales.

D. Finally, these guidelines are also designed to see that Wind Facilities are sited to maximize their energy generating capacity or economic efficiency as long as they don't impact the cultural and natural environment of the Town.

16.6-9.2 Siting Guidelines

A. Wind Facilities shall be sited to minimize their intrusion on the enjoyment of the Town's open spaces as viewed from any public way and to not interrupt or fragment important views including the viewscales on Map A and the lookout at the Gay Head Cliffs. Views from public water bodies are not to be considered unless the Wind Facility is within 1,000 feet of the shoreline. Before granting a special permit for a Wind Facility the Planning Board Plan Review Committee must consider the following guidelines:

Wind Facilities shall not be located in open and highly visible areas unless the **public benefit** of the facility outweighs the degree to which the goals of the Town of Aquinnah DCPC are not met.

Wind Facilities shall not intrude on views from public ways in open areas unless the **public benefit** of the facility outweighs the degree to which the goals of the Town of Aquinnah DCPC are not met. Wind Facilities shall be located far enough away from the public way that they don't dominate, interrupt or fragment the view or loom over the public way. Instead, they should blend in with the background and not immediately draw the eye to them

Wind Facilities shall not be located in the Moshup Trail and Cliff DCPC's, the viewscales identified in Map A and land within 1,000 feet of the coast line without meeting the additional requirements of section 16.6-4Ak.

Views from the water shall be considered when evaluating the visual impact of Wind Facilities within 1,000 of the shoreline. The views of East Pasture from Menemsha Pond and the views of the cliffs and lighthouse from the near shore waters off the head should not be interrupted or disturbed by Wind Facilities unless the **public benefit** of the facility outweighs the degree to which the goals of the Town of Aquinnah DCPC are not met.

All towers shall be monopole, guyed poles or guyed tilt ups.

Wind Facilities shall be painted a neutral, non-reflective blue or grey color designed to blend with the sky and clouds.

All equipment necessary for monitoring and operation of the Wind Facility shall be contained within the tower. If this is unfeasible, ancillary equipment may be located outside the tower or behind a year-round landscape or vegetated buffer. The Planning Board Plan Review Committee shall determine the appropriate

width and materials for this buffer.

Preferred sites are those that have existing roadways and/or transmission facilities in close proximity to avoid clearing of vegetation for these purposes.

Site should minimize, or require minimal clearing, especially of old growth trees for the facility including, roadways and power interconnects.

Roadways should be winding, not straight, to help minimize visibility of ground based portions of the facility. If the size of the Wind Facility requires a straighter road, vegetative or other screening must be employed.

Land clearing for the purposes of reducing wind turbulence in the vicinity of the Wind Facility is prohibited, unless the Planning Board Plan Review Committee finds it is essential to operational requirements, does not adversely affect the natural resources in the area and if adequate erosion controls are proposed.

Site should maximize screening capability of existing vegetation close to public ways.

To take advantage of higher winds with a shorter tower, Wind Facilities should be sited up the grade or at the top of a slope/ridge where possible.

Other considerations: Does the site provide adequate/efficient generating capacity?

Does the site rate high as a generating site compared to other areas of Town? Is the ability to reach optimal generating conditions impaired by setbacks and the nature of the lot?

16.6-10 TERM OF SPECIAL PERMIT

To ensure that the goals of this bylaw are met in the face of evolving technology, special permits for Wind Facilities will expire at the end of the useful life of the facility or 15 years, whichever is less. At that time, the Wind Facility shall be removed by the applicant or if the existing Wind Facility is still operable and efficient the special permit may be renewed by the Planning Board Plan Review Committee for a term of no more than 5 years at a time. A new permit is required to install a replacement system. Request for renewal must be submitted at least 180 days prior to expiration of the special permit. Submitting a renewal request shall allow for continued operation of the Wind Facility until the Planning Board Plan Review Committee acts. At the end of that period (including extensions and renewals), the Wind Facility shall be removed as required by this bylaw.

16.7 (RESERVED)

16.8 (RESERVED)

16.9 (RESERVED)

16.10 (RESERVED)

16.11 (RESERVED)

16.12 SWIMMING POOLS AND HOT TUBS

16.12-1 All heated swimming pools and hot tubs, including those indoors, shall have a

solar, geothermal or other non-fossil fuel consuming system as their primary energy source for heat. As of the effective date of this bylaw, all heated swimming pools and hot tubs, including those indoors, that do not have a solar, geothermal or other non-fossil fuel consuming system as their primary energy source for heat, are grandfathered until:

- a) For swimming pools, the heat generating part of the system needs to be replaced.
- b) For hot tubs, when the tub is replaced by a new tub or, when a tub has been installed for more than 15 years, the next time the heat generating part of the system needs to be replaced. **Two-thirds vote required for passage.**

ARTICLE TWENTY-FIVE Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to enter into an intermunicipal agreement with the other five towns on the Island or into an a contract with the County of Dukes County to provide a Vineyard Health Care Access Program. In the fiscal year beginning July 1, 2008, the County will pay fifty percent (\$45,000) of the total cost of the program (\$90,000) and the Towns will pay their proportionate share based on the Equalized Property Valuation as computed by the Massachusetts Department of Revenue for the fiscal year beginning July 1, 2007. And to further see if the Town will vote to transfer from the Stabilization Fund the sum of \$1,466.26 (One thousand four hundred sixty-six dollars and twenty-six cents) as its share of the program; provided however, that the other five island towns vote to appropriate and pay their respective sums, or take any other action relative thereto. **Two-thirds vote required for passage.**

The Finance Committee recommends passage of the article.

ARTICLE TWENTY-SIX Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to enter into an intermunicipal agreement with the other five towns on the Island or into an a contract with the County of Dukes County to provide an Integrated Pest Management Program, which will include Rodent Control. (said program total cost is \$70,000 less projected revenue of \$20,000 for a net cost of \$50,000). In the fiscal year beginning July 1, 2008, the County will pay fifty percent (\$25,000) of the net cost of the program (\$50,000) and the Towns will pay their proportionate share based on the Equalized Property Valuation as computed by the Massachusetts Department of Revenue for the fiscal year beginning July 1, 2007. And to further see if the Town will vote to transfer from the Stabilization Fund the sum of \$841.50 (Eight hundred forty-one dollars and fifty cents) as its share of the program; provided however, that the other five island towns vote to appropriate and pay their respective sums, or take any other action relative thereto. **Two-thirds vote required for passage.**

The Finance Committee recommends passage of the article.

ARTICLE TWENTY-SEVEN
Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to enter into an intermunicipal agreement with the other five towns on the Island or into an a contract with the County of Dukes County to provide an Engineering Program. In the fiscal year beginning July 1, 2008, the Towns will pay 100% percent (\$65,000) of the total cost of the program and will pay their proportionate share based on the Equalized Property Valuation as computed by the Massachusetts Department of Revenue for the fiscal year beginning July 1, 2007. And to further see if the Town will vote to transfer from the Stabilization Fund the sum of \$2,145 (Two thousand one hundred forty-five dollars) as its share of the program; provided however, that the other five island towns vote to appropriate and pay their respective sums. In the event the Town is unable to enter into an agreement or contract as described above, the Board of Selectmen may expend the \$2,145 (Two thousand one hundred forty-five dollars) to purchase engineering services for the Town, or take any other action relative thereto. **Two-thirds vote required for passage.**

The Finance Committee recommends passage of the article.

ARTICLE TWENTY-EIGHT
Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen in conjunction with the Board of Health to propose a Rental Registration Bylaw for purposes of, including but not limited to, establishing conditions and registration fees pertaining to any rental of private homes in the Town of Aquinnah, or take any action relative thereto.

ARTICLE TWENTY-NINE
Harbormaster

To see if the Town will vote to transfer from the waterways fund balance the sum of \$15,000 (Fifteen thousand dollars) for purposes of repairing the ramp at West Basin, or take any other action relative thereto.

The Finance Committee does not recommend passage of this article.

ARTICLE THIRTY
Board of Selectmen

To see if the Town will vote to apply for membership in the Cape & Vineyard Electric

Cooperative, Inc. (the “Cooperative”), or take any other action relative thereto.

ARTICLE THIRTY-ONE
Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to negotiate terms and conditions of the Town’s membership in the Cooperative or take any other action relative thereto.

And you are hereby directed to serve this warrant by posting up attested copies at the Schoolhouse and Town Hall in said Town, at least seven days prior to time of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this Fourteenth day of April in the year of our Lord Two Thousand and Eight.

Camille Rose, Chairman

James Newman, Vice Chairman

Spencer Booker

Aquinnah Board of Selectmen

Betty Joslow
Aquinnah Constable

Posted Date _____