



December 31, 2010

Aquinnah, Chilmark, Edgartown, Gosnold, Oak Bluffs, Tisbury, and West Tisbury Planning Boards,

Re: **Island Wind DCPC Model Regulations**

Dear members of Planning Boards,

Enclosed are model regulations prepared for the Island Wind District of Critical Planning Concern.

On November 5 and December 17, 2009, at the request of the towns, the MVC designated the Ocean Zone and Land Zones respectively of the Island Wind District of Critical Planning Concern. The District includes the airspace above elevation 220' in the Ocean Zone and above 150' in the Land Zone. After being informed that most towns consider zoning amendments only at their spring annual town meetings, the MVC adopted interim DCPC regulations November 3, 2010, requiring all applications for wind turbines in the District be referred to the MVC as Developments of Regional Impact until the towns are able to adopt District regulations in conformance to the District Guidelines. The MVC's interim regulations will expire November 3, 2011, unless earlier superseded by a town's adoption of District regulations.

The model regulations were prepared by MVC staff in collaboration with the Wind Energy Plan for Dukes County Work Group, made up of representatives of Boards of Selectmen, Planning Boards, and/or Energy Committees from all towns in Dukes County, as well as representatives of the Tribe, the MVC, the County and some non-profit organizations. The model regulations were approved by consensus by the Work Group on December 21, 2010. The members of the Work Group were not unanimous on a number of issues addressed by the model regulations; however, after working on these regulations for several months, the consensus of the Work Group was that the model regulations reflected a sincere effort to address the pertinent issues and that the model regulations should be submitted to the planning boards for their consideration in drafting the towns' Island Wind DCPC regulations

The preparation of these model regulations involved an intensive effort that involved considerable research and participation by the Work Group to draft a by-law that meets the District Guidelines, especially the balance implicit in the overall goal, namely "To protect the natural, cultural and economic resources in the County of Dukes County, while allowing for development of wind energy facilities consistent with the enabling legislation of the Martha's Vineyard Commission (MVC), Chapter 831 of the Acts of 1977 as amended." The MVC hired an acoustical engineer to advise on the Sound section, and the entire model regulation has been reviewed by Commission counsel.

These regulations assume that the MVC will extend the District dimensions down to the ground and seabed, in order to deal with all components of a wind energy facility. The regulations also deal with proposals less than 150 feet high located in areas of critical regional impact identified as Areas of Special Concern. This will mirror proposed changes to the MVC's DRI Checklist that the Work Group suggests the Commission adopt in the coming year.

The Work Group felt that there would be many advantages to having all towns use the same regulations, at least for the Ocean Zone. However, each town may modify these model regulations, or prepare its own regulations, consistent with the District Guidelines. Each town must have its draft regulations reviewed for conformance with District Guidelines before adopting them at Town Meeting.

Towns might also find these draft regulations useful as a basis for their regulations of wind energy facilities other than those covered by the Island Wind DCPC (in most towns, this is for turbines under 150' not located in Areas of Special Concern).

Given the complexity of the regulations, the issues involved, and the remaining interactive review process, we suggest that it would be useful that the two of us meet each planning board at your earliest possible convenience to answer any questions that you may have regarding the regulations and the coordination of the next steps in the review and adoption process. We look forward to these meetings and moving this effort to completion.

Sincerely yours,



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



Mark London
Executive Director, MVC

cc. Martha's Vineyard Boards of Selectmen
Energy Committees
County Commission
Wind Energy Plan for Dukes County Work Group
MVC Commissioners