



Town of Chatham

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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 6, 2023 Annual Town Meeting:

Article 44 – General Bylaw Amendment – Chapter 100 - Airport Approach Protection

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

To see if the Town will vote to amend General Bylaw Chapter 100 Airport Approach Protection Section 4 No obstructions permitted, as follows:

§ 100-4 **No obstructions permitted.**

A.

Except as otherwise provided in this chapter no structure may be erected or altered or any tree permitted to grow or be maintained to a height which would exceed the elevation of the end of the runway by a vertical distance hereby established for each of the following areas, as shown and indicated on the map referred to in the definition of "airport approach zone" in § 100-2 above.

(1)

Area 'A' -- 1/20 of the shortest horizontal distance from the structure or tree (or any part thereof) to a line 200 feet outward from and parallel to the end of the runway within the approach zone in which the structure or tree is located.

B.

The limitations prescribed in this chapter shall be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to these regulations as of the effective date thereof or otherwise interfere with the continuance of any nonconforming use.

C.

Nothing herein contained shall be construed to permit any nonconforming structure or tree to be substantially altered or repaired, rebuilt, allowed to grow or replanted so as to become a greater hazard to air navigation than it was on the effective date of this chapter.

D.

The Airport Commission, in its sole and absolute discretion and in the exercise of its administrative and enforcement authority hereunder, may, upon consideration of relevant hardships and practical necessities, utilize its own staff and/or agents to survey and identify trees or other vegetation located on properties in the vicinity of the Chatham Airport which have been determined to constitute an airport hazard and to remove, lower or otherwise change the same, as the Airport Commission shall deem necessary and appropriate; and, further in pursuance thereof, the Airport Commission may expend Town or Airport funds legally appropriated and authorized for this purpose to cover the cost of any such survey, identification and removal, lowering or other change with respect to such trees and vegetation.

(Select Board)

Motion: Mike Schell, Select Board, moved that the Town vote to amend General Bylaw Chapter 100 Airport Approach Protection, Section 100-4 - No obstructions permitted, to add subsection D, as follows:

D.

The Airport Commission, in its sole and absolute discretion and in the exercise of its administrative and enforcement authority hereunder, may, upon consideration of relevant hardships and practical difficulties, utilize its own staff and/or agents to survey and identify trees or other vegetation which constitute an airport hazard (as herein defined) and to remove, lower or otherwise change the same, as the Airport Commission shall deem necessary and appropriate; and, further in pursuance thereof, the Airport Commission may expend Town or Airport funds legally appropriated and authorized for this purpose to cover the cost of any such survey, identification and removal, lowering or other change with respect to such trees and vegetation.

Explanation: This amendment was prompted by the submission of the Petitioned Article [43 – Reimbursement of Property Owners For Vegetation Obstruction Removal From Airport Approach Zones. Recognizing that, if approved by Annual Town Meeting, the petitioned article requires an administrative mechanism to accomplish the purpose of the Article and to administer the project activities contemplated by the Obstruction Removal Program, the Select Board developed, approved and recommended the proposed Amendment to General Bylaw Section 100-4 to add paragraph D. The proposed amendment was the subject of a Public Hearing at the Select Board meeting on April 25, 2023, in accordance with M.G.L. c. 90 § 40C. That proposed new paragraph provides the option, but not the mandate, for the Airport Commission to undertake the obstruction removal activities and to pay for them out of legally available funds. This amendment is intended as an enabling administrative mechanism for the proposed Petitioned Article.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 5-2-0

VOTE - YES: 167. NO: 132.

“Article 44 is passed,” declared the Moderator.