

HOUSE No. 2888

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Madden

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Edgartown to use a certain parcel of conservation land for grass field airport purposes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel A. Wolf</i>		<i>1/20/2011</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/20/2011</i>

HOUSE No. 2888

By Mr. Madden of Nantucket, a petition (accompanied by bill, House, No. 2888) of Timothy R. Madden and Daniel Wolf (by vote of the town) relative to authorizing the town of Edgartown to use a certain parcel of conservation land for grass field airport purposes. [Local Approval Received.] [Municipalities and Regional Government].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act authorizing the town of Edgartown to use a certain parcel of conservation land for grass field airport purposes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The Town of Edgartown, acting by and through its conservation
2 commission may transfer to its board of selectmen the care, custody and control of a portion of a
3 certain portion of a parcel of land acquired for conservation purposes, containing 87,791+ sf
4 (2.02+ acres), to be used for grass field airport purposes, on such terms and conditions as the
5 conservation commission considers will be in the best interests of the town. Said parcel is shown
6 as the “Airfield Operations Area” on a plan on file in the office of the Conservation Commission
7 entitled “Site Plan A, the Town of Edgartown” by Schofield, Barbini & Hoehn, Inc. dated
8 September 20, 2010. The parcel is a portion of the Katama Airfield and Nature Preserve,
9 Edgartown Self-Help #5, conveyed to the town of Edgartown in a deed recorded in the Dukes
10 county registry of deeds in book 487 page 620, and subject to the Self-Help Program Project
11 Agreement recorded in book 429 page 537, amended in Book 431 Page 292.

SECTION 2. The Town of Edgartown, acting through its board of selectmen and conservation commission, may amend a Conservation Restriction granted by the Town of Edgartown to The Nature Conservancy, dated February 2, 1988 and recorded in the Dukes County Registry of Deeds in Book 497, Page 148 (the “Conservation Restriction”), and associated Self-Help Agreement and Management Plan, on land known as the Katama Airfield and Nature Preserve (the “Airfield”), which land is more particularly described in the Conservation Restriction. This amendment shall:

1) allow for the renovation and expansion of the existing hanger at the Airfield, from a 50’x 53’ structure to a 60’ x 100’ structure;

2) add 62.5+ acres of land known as the Nickerson Parcel and the Atwood Realty Trust Parcel to the land protected under the Conservation Restriction;

3) convert 6,700 square feet of land at the Airfield, currently mowed and used for Airfield operations, to be maintained in natural state;

4) remove the area shown as “Airfield Operations Area 2.02 acres+, 87,791 s.f.+” on a plan of land entitled “Site Plan A the Town of Edgartown, Scale: 1”=40’ November 2, 2010,” which plan is on file with the Town Clerk, from the control of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts;

5) include the approval by The Nature Conservancy, as the holder of the Conservation Restriction, of the hanger expansion as contemplated above; and

6) designate a zone for airport operations as described in Section 1, and limit uses within that zone to the construction, maintenance, repair, demolition, or replacement of the expanded

hanger and other facilities currently located within said zone, or necessary for or appurtenant to the operation of a grass-runway airfield substantially as it has been operated historically and is currently operated, subject to the approval of the Grantee of the Conservation Restriction, which approval shall not be unreasonably withheld.

SECTION 3. In consideration and as a condition of the transfer authorized in section 1, the Town of Edgartown shall transfer to the care and control of its conservation commission a parcel of land 21.2+ acres in size owned by the Town and located off Pennywise Path, being a portion of the land described in an Order of Taking, dated August 3, 1999 and recorded with the Dukes County Registry of Deeds in Book 772, Page 875. The Town shall also convey a Conservation Restriction to the Martha's Vineyard Land Bank Commission on the entire 21.2+ acre parcel, restricting use to the following purposes: (i) 5+ acres shall be restricted for conservation purposes; and (ii) the remaining 16.2+ acres shall be restricted for conservation, parks and recreation, water supply, installation of a solar array not to exceed 6 acres and to be located in the 12.95 acre lot on the site plan for the town of Edgartown by Schofield, Barbini & Hoehn dated December 2, 2010, on file with the Conservation Commission, specific siting of said solar array to be reviewed by the Mass. Natural Heritage and Endangered Species Program, and wastewater discharge as indicated at the 3.1 acre parcel on said site plan for the Town of Edgartown by Schofield, Barbini & Hoehn, Inc, dated December 2, 2010.

The plan showing the area is on file with the Town Clerk.

SECTION 3. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert back to the Edgartown conservation commission for conservation and passive recreation purposes.

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SECTION 4. This act shall take effect upon its passage.