

Chapter 100

AIRPORT APPROACH PROTECTION

[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 13 of the 1997 Bylaws. Amendments noted where applicable.]

§ 100-1. Authority and purpose.

- A. This chapter is adopted pursuant to the authority conferred by MGL c. 90, §§ 40A through 40I.
- B. It regulates and restricts the height of structures and objects of natural growth in the vicinity of the Chatham Airport by the creation of airport approach protection regulations and establishing the boundaries therefor.
- C. Its purpose is to promote the health, safety and general welfare of the public by preventing the creation, establishment and maintenance of airport hazards, thereby protecting the lives and property of users of the Chatham Airport and of the occupants of land in its vicinity and preventing destruction or impairment of the airport and the public investment therein.

§ 100-2. Definitions.

The following words, for the purposes of this chapter of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

AIRPORT — Means the Chatham Airport.

AIRPORT APPROACH ZONE — Means any airspace above the areas defined and shown on a map titled "Map of Approach Zones Chatham Airport, Chatham, Massachusetts," dated February 1958 and which is on file in the Town Clerk's office and made a part of this chapter.

AIRPORT HAZARD — Means any structure or tree which extends into any airport approach zone.

PERSON — Means any individual, firm, partnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee or other similar representative thereof.

STRUCTURE — Means any object or structure installed by man, including any object regulated or licensed under any other provision of law.

TREE — Means a tree or other object of natural growth.

§ 100-3. Declaration of airport hazards.

- A. It is hereby declared that the existence of any airport hazard endangers the lives and property of the users of the Chatham Airport and the occupants of the land in its vicinity, and effects a reduction of the area available for the landing, taking off and maneuvering of aircraft, thus tending to impair the utility of the airport and the public investment therein.

- B. Accordingly, it is necessary in the interest of the public health, safety and general welfare that the creation, establishment or maintenance of airport hazards be prevented by exercise of police power, without compensation to any person, except as herein specifically provided.

§ 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.

§ 100-5. Administration and appeals.

The Chatham Airport Commission is designated as the administrative agency charged with the duty of administering and enforcing the regulations herein prescribed.

§ 100-6. Variances and permits.

- A. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, in a manner not conforming to this chapter or to establish the right so to do may apply to the Airport Commission for a variance from the regulations applicable to his property.
- B. Such variance may be allowed where a literal application or enforcement of such application would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest.
- C. Any permit or variance granted under this section shall be conditioned to require the owner of the structure or tree to permit the Town at its own expense to install, operate and maintain suitable obstruction markings or obstruction lights thereon.
- D. Any variance granted by the Airport Commission shall be filed with the Town Clerk and recorded at the Registry of Deeds.