



Massachusetts Land Trust Coalition, Inc.  
18 Wolbach Road, Sudbury, MA 01776  
978.443.2233 – fax: 978.443.2333  
email: [Info@MassLand.org](mailto:Info@MassLand.org)

2015 – 2016  
BOARD OF  
TRUSTEES

Rich Hubbard, President  
Franklin Land Trust

Karen Grey,  
Vice President  
Wildlands Trust

Loring Schwarz,  
Vice President  
NewPrimavera Consulting

Jocelyn Forbush  
The Trustees of Reservation

Rita Grossman, Clerk  
Boxborough Conservation  
Trust

John Page, Treasurer  
Arlington Land Trust

Ed Becker  
Essex County Greenbelt

Whit Beals  
New England Forestry  
Foundation

Cynthia Henshaw  
East Quabbin Land Trust

Andrew Magee  
Acton Conservation Trust

Kathleen O'Donnell  
Cohasset Land Foundation

Mark Robinson  
The Compact of Cape Cod  
Conservation Trusts

Bob Wilber  
Mass Audubon

Henry Woolsey  
Petersham Open Space  
Committee

STEERING COMMITTEE  
OFFICERS

Kathy Orlando, Chair  
Sheffield Land Trust

Lisa Vernegaard, Vice Chair  
Sudbury Valley Trustees

STAFF

Marylynn Gentry  
Executive Director

Kathy McGrath  
Coordinator

Kara Campbell  
Outreach Coordinator

November 1, 2016

Mr. Paul V. Foley, AICP

DRI Coordinator/Planner

Martha's Vineyard Commission

Re: BWC Wankinco River LLC – application for installation of solar farm

Dear Mr. Foley:

We understand that BWC Wankinco River LLC is requesting permission to install a solar array on property owned by the Oak Bluffs Water District located at 4 Alwardt Way, Oak Bluffs. We have been advised that the applicant believes that the disposition of the land for this purpose does not violate the provisions of Article 97 of the Massachusetts Constitution. We respectfully disagree.

The Massachusetts Land Trust Coalition (MLTC) is a non-profit organization that represents the interest of over 120 land conservation trusts in the Commonwealth. These land trusts have protected thousands of acres for public benefit, often in partnership with state and local government. Land trusts have been pioneers in developing state-of-the-art legal tools to safeguard our natural resources. MLTC has an interest in making sure that lands acquired for open space and for water resources are protected from proposals that conflict with these purposes.

Under Article 97, land taken or acquired for the “conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources” shall not be used for other purposes or “otherwise disposed of” without the two thirds vote of the General Court. The applicant proposes to

install a solar array on land taken in 1990 by the Town of Oak Bluffs “for the protection of the town water supply and the establishment of a well”. This is clearly a change in use from well protection to land being used for a commercial solar array. The Town transferred the land to the care and custody of the Board of Water Commissioners. There is no question that the land was taken or acquired for water protection purposes. No further recorded restriction is necessary or required.

Conversion of the property to a solar farm represents a change of use subject to the Article 97 requirement of a legislative release. In addition, any long-term ground lease for this solar array would constitute a “disposition” of land that would similarly require legislative approval.

MLTC is well aware of the often competing interests of open space protection and the production of clean energy. Article 97 establishes a process for balancing these interests which should be closely followed for this proposed project.

MLTC Board of Trustees

By Richard K Hubbard

Richard K. Hubbard, President

---