



# Town of Chatham

Office of the Selectmen  
Town Manager  
549 Main Street  
Chatham, MA 02633



Jill R. Goldsmith  
TOWN MANAGER  
[jgoldsmith@chatham-ma.gov](mailto:jgoldsmith@chatham-ma.gov)

## Board of Selectmen ENCROACHMENT ON TOWN PROPERTY POLICY

Tel: (508) 945-5105  
Fax: (508) 945-3550  
[www.chatham-ma.gov](http://www.chatham-ma.gov)

Approval Date: June 24, 2019

### Definitions

**Encroachment** - a wide variety of unauthorized incursions, intrusions, and alterations of Town-owned property which include, but are not limited to, the extension of lawns or gardens; girdling/clearing/cutting/trimming of any vegetation including brush and trees; erection or placement of any permanent or temporary structures including fences; dumping of household trash, yard waste, or any material of any kind; grading, excavating, or in any way destabilizing; diverting existing water body/system or drainage, or discharging or draining onto; defacing, damaging or mutilating any existing hardscape/landscape/structure; and taking any actions that limit access to the property.

**Public Land** – Any property owned by the Town of Chatham including airport, beaches, conservation lands, cemeteries, golf course, parks, landfill, public rights-of-way, town landings, public easements, and all municipal facilities.

### Policy

It is policy of the Town of Chatham that no person shall make unauthorized encroachment onto any public land. An encroaching party will be required to restore the land to its original condition prior to any encroachment. The encroaching party will be required to pay for all expenses related to correcting the encroachment including but not limited to having the land surveyed and marked as may be required for the development and implementation of a restoration plan. In the absence of the cooperation of the encroaching party, the Town may develop and implement such restoration plans and/or seek restitution or other legal remedies from the encroaching party.

### Classification

Given the variety of encroachments possible on public land, the Town recognizes the need to assess and classify the encroachment to determine the severity of the action and appropriate remedy.

- Level III – encroachments that pose potential or immediate safety, health, or other hazardous condition, or permanent environmental damage.
- Level II – encroachments which pose significant incursion, intrusion, alteration of public land, or environmental damage, repetitive actions, and/or any in which the actions demonstrate planned, purposeful intent.

- Level I – encroachments which do not reach Level II or Level III criteria.

### Procedure

Upon discovery that an unauthorized encroachment has occurred, the Department Head who has jurisdiction over the public land being encroached upon shall notify the Town Manager to review the nature, location, and severity of the encroachment for possible referral to the Police Department for investigation. In all cases of Level III encroachments, the Police and Fire Departments will be immediately notified by the Town Manager for mitigating action.

The Town Manager shall notify the Board of Selectmen of the encroachment in a manner fitting the severity of the encroachment.

The Department Head shall notify in writing via certified and regular US Postal Mail the person or property owner responsible for the encroachment on public land. Such notification shall include a copy of this policy, identify the encroachment circumstances, provide instructions to remedy the situation and restore public land, and a deadline by which restoration must occur. The Town Manager shall be copied on such correspondence.

If the restoration of Town property does not occur by the noticed deadline, Town Counsel will be consulted for recommendations on further actions.

### Appeal

The person or property owner deemed responsible for the encroachment may appeal the restoration plan proposed by the Town and/or the deadline for restoration to the Board of Selectmen within thirty (30) days of the certified mailing of notice. Appeals must be in writing and addressed to the Board of Selectmen, 549 Main Street, Chatham, MA 02633.

### Costs

All costs to resolve or correct unauthorized encroachments will be charged to the party encroaching upon public lands. Such costs may include but are not limited to boundary surveys, permit fees, engineering or architectural fees, contracts, demolition, removal, disposal fees, restoration, insurance, and legal fees. Additionally, any fees or damages specified in existing Massachusetts General Laws are applicable.