

HOUSE No. 5210

The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT
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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

July 24, 2008.

To the Honorable Senate and House of Representatives:

Pursuant to Part the Second, Chapter I, Section I, Article II of the Constitution of the Commonwealth, I am returning unsigned House Bill No. 4636, "An Act Relative To The Leasing Of Certain Property In The City of Waltham."

This bill authorizes Waltham to enter into a lease for the operation of a 9-hole golf course. The land is protected by a conservation restriction, which allows for active recreational uses including golf. Because the land is covered by a conservation restriction, it is protected by Article 97 of the Constitution. Unfortunately, it appears that there was a failure to comply with the Constitutional requirement that the disposition of Article 97 lands must be approved by a two thirds roll call vote in the legislature. Moreover, the Department of Conservation and Recreation conducted an environmental site assessment of this land in 2006. The assessment concluded that a golf course on this site would jeopardize the land's fragile ecosystem, mature trees and wetlands. The Executive Office of Environmental and Energy Affairs and I are concerned that authorizing a golf course at this location would compromise precious open space and natural resources.

For these reasons, I return House Bill No. 4636 unsigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval L. Patrick", written over a white background.

DEVAL L. PATRICK,
Governor. □