

**Town of Owls Head
Planning Board Meeting Minutes
Monday, March 14, 2022, 6pm**

Board Present – William Leppanen, Dale Martin, Ken Wexler (Chair), Maria Devery (alt)

Board Absent – Russ Wolfertz, Marc McNeilly

Staff Present – Code Enforcement Officer, Scott Bickford

Meeting opened at 6:00pm

Quorum called: yes

Pledge of Alliance: 6:04

Approve Minutes – waived/postponed

OLD BUSINESS

- *F.E.M.A. Discussion of C.A.P. (F.E.M.A.) and a possible response (not numbered).*

Discussion ensued about the March 17, 2022, Zoom call with FEMA. Discussed violations alleged by FEMA. KW updated PB on next steps.

NEW CONTINUED BUSINESS

- *Michelle Baldwin & Tom Fina represented by Breakwater Design & Build request approval for renovation, lot coverage removal to allow some new expansion to the structure at 24 Winding Way Tax Map 016, Lot 119*

Motion 6:30pm by William Leppanen to approve as presented. Dale Martin seconds the motion.

Vote carries 3-0 (one abstention)

- *Knox County Regional Airport represented by Stantec requests Approval of Site Plan for a Building Permit for construction of eight hangers at Knox County Regional Airport on Terminal Lane, Tax Map 005, Lot 119. Phase I*

Attorney Joseph Siviski requests that the Planning Board Chair, Ken Wexler, remove himself from voting on this item. Planning Board makes motion to remove Ken Wexler from voting, as requested by attorney. Discussion among Planning Board members continues. Consensus reached that Ken Wexler will not remove himself from voting on the item.

Motion 6:51pm made for Ken Wexler to recuse himself from voting on new hangars. William Leppanen abstained from voting. Maria seconds the motion.

Vote fails 3-0

Amie Gray describes details of Phase I airport project. Planning Board continues discussion, public comments.

Attorney Siviski's concern is really the issue of Shoreland zone being mapped in certain locations in the airport incorrectly. At the PB's request the airport engaged their own wetlands scientist to do a wetland zone delineation.

The results of that delineation, the County believes were proof that the area in the location of this particular hangar project really has no basis for being in the RP district.

KW pointed out that this survey was done by Stantec, a direct beneficiary of this project going forward.

Bill Leppenan - question, this is on phase 1 that's already got the taxiway. Last time we were here, we were looking at who has the power to take land out of Resource Protection. You guys went to the Selectmen, I don't know where you got with it, I think I was there that day and I don't think you got anywhere. There must be somebody who can clarify that because I don't see where it is put to the board because if we can't take it out, we can't really hear it. So it's either up to the voters or up to the Selectmen to bring it to a vote. I understand only voters at the town meeting can change a zoning map.

AS - Well you're right, it's a legislative process that is required to amend the map and the ordinance which is why its frustrating to be in the position such as we're in. This can be approved under the current map and ordinance but we prefer to see it changed b/c it creates unnecessary ambiguity w/ respect to what we can or can't do on airport property

BL - So if we go ahead and approve it, it's just the case if somebody wants to challenge it and that'll sort it out later. I've argued I was on the board when that was put in RP and there was no science to it, it was just a drawing. But I understand that only town meeting can change it.

KW - It's been made clear that only the town meeting can change an ordinance, so how can this committee or the ordinance committee can change it just b/c you guys say so.

The phase 1 taxiway might be illegal and the FAAs already telling you that. I don't know if a septic tank or anything else or anything else gives you the right to put 8, 23 or whatever else hangars.

At the last meeting Jeremy Shaw told us there used to be hangars or buildings there - I read aloud that any nonconforming structure that's destroyed must be permitted within 1yr of construction in order to be considered valid nonconforming. Thus, the old military structures do not qualify as pre-existing development.

KW - Any questions from the people here about phase 1?

Lauren Dillard - asking how is it possible the additional hangars will not contribute to increase noise and aircraft activity.

JS - introduces Dan (Dufault?) - We have a current hangar owner here who pays top tax to the town. Dan's interested in one of those *big* hangars, the 80x80. I'll let you speak to what your intent is...so you're an *existing* hangar owner and you want to build *another* hangar?

Dan - I'd like to be in a newer hangar with modern utilities, a modern door. A place to put my piper cub, cubs don't create a lot of noise. I'm hoping you approve phase 1 so that I can start constructing my building in June.

KW - if these hangars attract 23 new planes, how is that not contributing to increase in noise.

Paul Rosen - {reminding Jeremy that on prior occasions he stated publicly that the only aircraft stored in the hangars would be those living here. Is that the case?}

JS - there would be no restriction but the majority of who I have on the list would be local with aircraft here. I cannot give you a 100% guarantee that there won't be any planes from away.

KW - In the towns comp plan and what keeps coming up for people time and time again is that they don't want to see expansion of use at the airport. More hangars = busier airport = more noise, that's the concern.

Lauren S - ...I am not anti-hangar. But I believe any process should be done thoroughly and properly and trying to bypass, override and squash a town's ordinances in order to try and accomplish something is not proper. If it's done right, I support it. If its not done properly, telling a town, when they had put something to a town vote which was then approved by the State that, that shouldn't matter, and then undoing it because someone says it should, that I have a problem with.

Dick Carver - would like to bring something to the PB to have a look at. If you could follow along in your ordinance book it would be helpful.

Article 3 land use p.12, d) commercial zones: "Commercial zone: to provide within the town of OH the location of business and service uses consistent with residential and rural character of OH". I don't think there's anyone that thinks the airport fits that description.

P.39 Non-conforming use: "the use of a premises that is not permitted in the zone in which it is located but which is allowed to remain solely b/c of its lawful existence at the time the ordinance or subsequent amendments took effect" - so the airport can be there.

p4 Expansion of Use: "a non conforming use of land shall not be extended or expanded in area or function."

This new construction, the taxiway and hangars - which is not a pre-existing condition, this is a gross expansion and extension of the function.

BL - so you're looking to get rid of every bit of commercial property in OH and put it rural residential.

DC - that is not what it said

BL - that's pretty much what it says

DC - it says if you continue using it you can use it. By putting the hangars in, its expanding its uses. The town has already said that the airport can function as it is, but now you're adding more to it and expanding it in function.

BL - so you're saying the airport shouldn't be there. That they can't expand within their own boundary.

DC - that's not what it says. It says it shouldn't expand inside or outside, it says *no expansion in area or function*. 23 hangars is big expansion in *both* area and function.

BL - well its within their rights.

DC - no its not, these are OH ordinances

Debates ensue about saying a commercial property can't expand in use, Dick specifies this a *non-conforming use issue*

DC - Rockland has various commercial districts and that's what you're supposed to have in a community

BL - and the airport is a commercial district

DC - the airport is a commercial *zone*.

BL - its just a title.

KW noted that the document presented by Dick Carver summarizing different aspects of the town ordinance would control what is built at the airport.

KW -to Mr. Cohen, this country is a rule of law. We're just trying to follow the ordinance.

KW question about how having different design firms for the hangars will work

KW also questioned approval process for storm system.

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LD - I'm confused about the decision in January having been tabled for the zoning question which could only be resolved by a town vote which could only be escalated by the Selectboard.

KW - at the meeting 2 months ago, it was clear that until the RP was resolved by the town. The PB is being asked to approve a project that is clearly in RP. That is what is wrong here.

BL - motion made to approve phase 1 as submitted without restrictions. 3:1 passes

Motion on the floor 7:51 pm by Maria Devery to table discussion on Phase 2 of Airport plans to wait on Department of Environmental Protection permit(s) to be issued on this phase of the project. Ken Wexler seconds the motion.

Vote fails (2-2) did not carry.

Presentation on Phase 2 of airport project continues. Stantec staff and other representatives from Knox County discuss issues and answer questions.

Conditions for Phase I & II

1. Excess fill removed
2. DEP approval required for Phase II before proceeding
3. Inspection required by DEP of storm water system to be clarified and resolved
4. No water and sewer work in Phase I or II without Planning Board approval
5. Issuance of Permit dependent on applicants for individual hangers meeting financial requirements of DEP and Town

Vote passes (3-1) Ken Wexler votes against.

MOTION 8:06 pm William Leppanen motion to accept Phase 2 of Airport Project and applicant agrees to haul off excess fill. Dale Martin seconds the motion.

Vote carries 3-1 (Ken Wexler votes No).

Vote carries 4-0

FINDING OF FACT

All requirements successfully met.

Section 4.2 Written Statement (yes submitted)

Items A through J (all submitted)

Section 5. Land Use (everything submitted)

5.2 A-T (yes complete)

Items 1-5 submitted (yes complete)

Use approval part of submission (yes complete)

- *Christina and Jeff Woodman represented by Gartley & Dorsky request Site Plan Review for the Event Center at 35 Ash Point Drive Tax Map 008, Lot 042*

MOTION 8:34PM Dale Martin motions to approve as presented. Bill Leppanen seconds.

Meeting is adjourned at 8:39PM by Bill Leppanen. Second by Maria Devery.

Approval 5-0 by
Planning Board
June 13 2022