

OHAC - Owls Head Airport Committee - Meeting Minutes 01/19/23.

Members present:

Carson Courchaine  
Mike Keating  
Jeremy Shaw  
Lauren Swartzbaugh

1 Member of the public in attendance

**1711:** Meeting Called to Order

12/15 Minutes - Unanimous approved

Old Business:

- Utilizing the town's Comprehensive Plan as a guide for alignment of new / redrafted ordinances
- Discussion of Owls Head ordinances and where aspects could be improved as they pertain to the airport.

LS - read an excerpt from the 2014 OH Comprehensive Plan vision statement: An attribute cited as a priority to residents was "Controlled airport usage not exceeding its present size noise and traffic levels".

Other priorities and concerns expressed in the community surveys from 2014 and 2022 remained largely unchanged.

Jeremy asked how OHAC could utilize the comprehensive plan in the ordinances to meet the requests of the Moratorium Ordinance. He thought we should follow the comprehensive plan but felt we'd have to defer to what the town's attorney advised.

LS suggested a way to strike that balance would be to look at the FAA's own language indicating what they can and cannot do as far as regulating and requiring the town to do anything, citing the FAA's 'Land Use and Compatability' segment.

Jeremy stated he doesn't think anyone is saying that the Town doesn't have the authority to change its ordinances. He mentioned that the County has never tried to circumvent the Town's land use authority and that the Airport hasn't done anything without the approval of the Town.

He commented there has been no direct guidance from the comp plan to deal with these issues and that he thinks what OHAC is tasked to do is to "translate the comp plan and propose things that will better protect the Town."

Lauren mentioned that the Airport Master Plan, as it was presented to the FAA, is something the town should have been presented with and discussed as a whole, but there was no record of this or any town vote on that plan.

Jeremy said that public comments and letters were submitted and that there was significant public input. He mentioned everything had been achieved on the Master Plan and now they (the airport / County) had to plan for the future.

LS commented that the Comp Plan and the Master Plan absolutely should have been more integrated. She said she does not want to prohibit the airport from being the airport but that the concern was of it functioning very differently given the added infrastructure and how it could become a very different version of what it was, in the future.

Mike commented that he didn't recall seeing the need for an airport ordinance in the comp plan. He asked if we were to be suggesting ordinance changes or putting an airport ordinance in specific to the airport.

It was determined, with ordinance guidance from Town Counsel, Lynn Chaplin, that the Moratorium verbiage specified OHAC was to amend the existing Land Use ordinances, not to add an ordinance specific to the airport. Adding Airport to the Land Use chart would be considered an amendment to the existing ordinances.

LS distributes draft copies of a proposed amendment to the committee. She mentions it was drafted utilizing numerous resources including federal and municipal legal guidance.

There was discussion on the Airport being entered into the Land Use Chart as a 'No' in all categories, including Resource Protection and Commercial areas, as well as how a notation / reference with specific definitions or explanations of use could be used in place of 'No' on the chart.

Jeremy commented listing the airport as a 'No' in all districts would be counter-intuitive because this would be saying the airport "doesn't have a right to exist" and it should have a right to exist in a commercial district.

LS said her concern is the infrastructure that's been implemented in the last few years and that has laid groundwork for things to happen in the future that otherwise would not have. She commented that the wording in the proposed amendment was included to prevent further development of infrastructure to ensure the airport functions as it does presently.

Jeremy said the FAA doesn't control land use and that no one is questioning that, but that they have some control how the County operates through grant assurances. They operate that way because of the tie to federal funding. He stated "preserving rights and powers - grant assurance #5 - is crucial to the County because they need that funding right now."

Lauren commented that they keep coming back to the issue not just of airport size or size of aircraft but of the frequency of flights that is of concern and that the more attractive the airport is to owners and operators, that would only increase.

Carson made the example that towns don't build more parking garages to get more cars to come to town and similarly, that hangars aren't being built to bring more planes to the airport.

Jeremy mentioned that hangar demand has been for private use and not for charter operations. He stated Cape Air and PIA's emplacements have dropped off, that the dynamics are changing and that the volume isn't there to support those kind of operations.

He commented that "growth happens, even if slow and over a long time, it turns out to be real growth." He felt therefore OHAC should "draft what it can to keep a handle on that."

Carson mentioned lacking an aircraft maintenance facility at the airport and if the wording of the proposed ordinance would prevent a facility from opening on the airfield.

It was discussed that the person would need to go before the Planning Board as anyone would have to for a commercial purpose and as it is written currently.

Discussion comes up again about the addition of or an amendment to the ordinances.

Jeremy asked Lynn Chaplin if 'aeronautical use' or 'airport' were put under Land Uses in the chart would make it become a conforming use, and if it is only non-conforming now because its not identified as a land use.

Lynn said the airport was there prior to Owls Head zoning and there is nothing in the zoning that allows in that land use to allow for an airport. It would have to be voted upon by the Town. By adding 'Airport' in the chart with 'No' in all districts, it is declaring that no, airports aren't allowed in Owls Head but, that KRKD is a legally existing non-conforming use and that it can continue as it functioned prior (reads from the proposed draft and article 1.5D)

LS asked Jeremy what he felt the benefit was to making the Airport a conforming use.

He felt that keeping it a non-conforming use is not acknowledging that the airport is there and following by the rules. That there is one point in town where (air) traffic is going to come and go within these boundaries.

He said that to "move forward with creating ordinances to protect the rest of the community, we need to make the airport a conforming use to come up with better protections for the surrounding communities."

LS stated that what they keep coming back to is what is occurring now, how things are operating currently, within the existing boundaries and that it can change there are no restrictions placed on expanding and infrastructure.

LS made a motion to create a stand alone ordinance for the airport, the motion is seconded by Mike.'

Mike states he believes we are only being asked to amend the current ordinances.

Vote called: LS, in favor / MK, CC, against / JS abstaining.

Discussion re: Jeremy abstaining, or not, for votes.

He stated he didn't want to vote on something thats going to effect what he does for a day job.

LS said she felt thats something that should have been considered prior and commented on the potential pushback on future voting outcomes.

Jeremy said he was aware and that he was cautious on what he votes on. He stated that if this were a stand alone ordinance or an amendment it was zero impact for him.

LS made a motion to add 'Airport' to the Land Use Chart  
Vote was taken and unanimous in favor.

Jeremy commented on the dwindling time remaining before the Moratorium expired (at the end of February) and that he felt it would take the committee longer than the time remaining. He asked what the thoughts were of the committee on its next update to the Selectboard.

Lauren stated that many things should be taken into consideration...the community survey responses, the comp plan, referenced info from the FAA, and what it can and can't do. She mentioned, they had been put in the position to address those things and to find a way to restrict expansion.

Lauren makes a motion to suggest to the SB to extend the moratorium for an additional 180 days.

The motion was seconded.

Mike commented that the extension could only benefit the town and the people.

Vote taken:

LS, MK - for / CC - against / JS - abstained

Discussion re: next meeting - would be 02/02 or 02/09 depending on office availability.

1842 Meeting adjourned.