

APPROVED
Town of Owls Head
Planning Board Meeting Minutes
(Wednesday, April 19, 2017)

Board Present: Chair Robert Pratt, Marc McNeilly, Dale Martin, Larry Choate, Ken Wexler and William Leppanen

Staff Present: CEO Scott Bickford and Recording Secretary Pro-tem Melody Sainio

Others Present: Andrew Hedrich, Beth Birmingham, Gordon Jackson, Shane McDougall, P.E. (Stantec Consulting Services), Jeff Northgrave, Wayne Meserve (pilot)

Chair Pratt opened the meeting at 7:30 p.m. He explained to those present, the manner in which the Planning Board will conduct the meeting.

I. Approve Minutes: 2-15-17

ACTION: Larry Choate made a motion, seconded by Marc McNeilly, to approve the minutes of the February 15, 2017 meeting as presented. Carried 6-0.

II. New Business – Gordon Jackson – Name Change for Pier Approval – Map 7 Lot 202

- A. Gordon Jackson, the new owner of 5 Castlewood Lane, Map 7 Lot 202 is requesting a renewal for Dock Permit #5096 and a transfer of the permit into her name instead of the previous owner, Doug Johnson. The Owls Head Planning Board approved the pier, ramp and seasonal float on March 19, 2014. Chairman Pratt was the consultant for Doug Johnson.

The Department of Environmental Protection permit for the site remains active. The DEP has approved the name change.

ACTION: William Leppanen made a motion, seconded by Dale Martin to accept the name change from Doug Johnson's previous application to Gordon Jackson. Carried 6-0.

III. Knox County Commission – Shane McDougall, P.E. – Map 5 Lot1

- B. Shane McDougall (Stantec Consulting Services) represented the Knox County Regional Airport in requesting a Runway 13-31 400' expansion. The additional length in runway would allow aircraft to carry a larger quantity of fuel and allow larger aircraft to use the airport. It would also improve operations safety during landing and periods of inclement weather. A swale for stormwater quality. Existing fencing will be relocated.

Fencing on the Ash Point Drive end will be replaced in the same area with 8' chain link. The Rt 73 end of the runway will have an 8' chain link fence installed. The gate and as much vegetation as possible will remain.

The blast pad on the Rt. 73 end will be removed, 200' added and the area repaved. The anticipated cost for the project is \$1,800,000. Mr. Northgrave noted the presentation was being done as a courtesy to the Board.

The purpose of the meadow buffer is for stormwater runoff. Pavement will be pitched for better runoff. DEP rules require 75% of impervious area and 50% of the developed area be treated.

Mr. McDougall said that no mitigation is planned for the project since wetlands are not being impacted. Stantec did a wetlands survey of entire airport in 2013 or 2014. All wetlands were established and noted on the map. According to Mr. McDougall the extension would add safety as well as "shrink the noise" to the airport.

It was Ken Wexler's opinion the Planning Board is entitled to see the drawings and DEP approval. He said previous applications provided better information to the Board. The application should meet the Town's requirements according to Mr. Wexler. Advice should be sought from Town Council.

An environmental assessment was done for this project. DEP has the documents and is preparing to amend the existing permit. Copies of all documents are available for residents' review

Jeff Northgrave stated that Mr. Wexler is on record, as a resident, for being against this project. He added Mr. Wexler met with the County Commissioners as being against the runway expansion. Jeff Northgrave requested Ken Wexler recuse himself from the review because he could not make 'an objective opinion' of the presentation. Mr. Wexler refused to recuse himself. Chair Robert Pratt 'will not' ask Ken Wexler to recuse himself.

Mr. McDougall said over 100 letters were written supporting the proposal while only four (4) letters were against the project. Mr. Wexler is in receipt of a letter from the FAA which states the primary reason for the addition is to "sell more fuel."

An Interlocal Agreement was signed between the County Commissioners and the Town of Owls Head in April of 2001. Under 2b of the Agreement, the County and Town agreed they 'will not seek to, or allow the expansion of the area of the Airport beyond the present boundaries of the Airport.'

Mr. McDougall pointed out that the blast pad on the Ash Point Drive end; the fence; the obstruction lights; the proposed hanger development were presented and approved by the Board in 2012. A 100' x 200' piece of pavement plus additional taxiway was approved and is now requested to be completed.

Mr. Bickford asked if the fence would be green. Mr. McDougall answered 'yes.' Mr. Bickford referred to Section 3 - Applicability of the Site Plan Review. It was his opinion that under 3.1, the lot would be altered more than 10,000 sf and under 3.4, the proposal is amending a plan because of the fence.

Mr. Northgrave said the CEO recommended using the Site Plan Review Ordinance. Mr. McDougall said a site plan was not amended because a site plan was not required 'until 2012, 2013.' A permit for the fence is the only requirement. The boundaries of the airport will not be exceeded.

Site Plan Review Ordinance, Section 2. Administration, 2.2 states: “An applicant shall request a pre-application meeting with the Planning Board prior to formal submission of a site plan.” Chair Pratt asked if the proposal is being submitted under Site Plan Review as the pre-application. Mr. McDougall answered he is applying for a Site Plan Review “if the CEO and Planning Board determine we are required to.” Chair Pratt cited Section 3. Applicability, 3.1 which considers a commercial use of 10,000 square feet or more, or a lot’s alteration of more than 10,000 square feet to be commercial. A runway is considered a ‘structure.’ The Planning Board has 60 days to review a proposal after it has been presented.

The definition of a structure is located on page 39 in the Zoning Board Ordinance.

Wayne Meserve, a Zoning Board of Appeals member, spoke next as a pilot. He said the added safety area and runway extension will have “some impact on more of the airplanes.” Mr. Meserve noted that some airplanes are not able to take on additional fuel and will be using the Owls Head airport for refueling.

Mr. Wexler suggested the Airport submit drainage drawings and a set of detailed site plan drawings. He added the Planning Board should not act until DEP approval is received. Mr. Bickford said the Board could not waive a pre-application.

ACTION: Chair Pratt motioned to accept the proposal as a pre-application. The Planning Board will review the full application at the May meeting. The motion was seconded by Dale Martin and passed 6-0.

IV. The Owls Head Baptist Church – Andrew Hedrich (Gartley & Dorsky) – Map 7 Lot 187

- C. Andrew Hedrich represented the Owls Head Baptist Church on South Shore Drive. He said the church is proposing to increase the existing +/- 9,000 sf to +/- 10,400 sf with a mixture of gravel and asphalt. The banks will be stabilized.

A reconfiguration of the lot would ‘improve traffic circulation; provide additional off-street parking spaces and adequate ADA parking stalls.’ Attendees of the church currently use the parking lot and park along the road. The abutter, Ruth Ross, granted an easement to allow vehicular access on to her property.

The proposal would add 12 to 23 additional parking spaces. Two (2) ADA spaces will be added as well. The church intends to pave the parking area as funds become available. Approximately 1,000 of impervious area will be added. Mr. Hedrich has applied for a DOT permit.

Mr. Hedrich citing the same Site Plan sections as the previous application was unclear if the proposal would be considered a pre-application. He did not interpret the Site Plan Ordinance as requiring Site Plan Review although he did prepare a complete submission. The requirements under a minor revision of site plan, preempts the need for a pre-application. CEO Bickford could not locate a plan to amend. Mr. Hedrich answered the historic plan of existence was dated 1887.

Land for the upper parking area has been purchased by the church. Plans for the proposal will be reviewed by the State.

Chair Pratt pointed out that Section 5 of the Ordinance was addressed in the submission but sections one (1) through four (4) were not answered. He discussed these sections with Mr. Hedrich. The lot coverage, with both parcels considered, is 6.8%.

CEO Bickford recommended not crossing a lot when doing the septic system, even if both lots were owned by the church. He added there might be bearings with the setbacks. The CEO asked if there is a deeded easement for the boundary. Mr. Hedrich answered “yes.” It is unclear if the church lots have been merged.

CEO Bickford read the last sentence in Article 3 in the stand-alone Land Use Ordinance 3.1 General. “All other land uses and activities shall conform to applicable general performance standards of the ordinance and site plan review is applicable.” The following table lists churches as commercial requiring Planning Board review. Mr. Hedrich answered that the plan revises the parking lot and not the church.

Chair Pratt said that all activities must take place on the proposed site. The boundary line is listed as a “potential” and not a “lasting” boundary. The gravel parking lot shown is in the right-of-way outside of the property. A variance may be required to use a parking lot located in a right-of-way.

Mr. McNeilly asked to see both easements. They will be provided by Mr. Hedrich.

Mr. Hedrich said there will be three (3) clean spaces when complete. He explained how parishioners currently park on the church property and in the road.

Mr. Hedrich asked the Board to explain “what triggers Site Plan Review?” CEO Bickford recommended a determination be made by the Board. A discussion was held between the Board and Mr. Hedrich. The CEO cannot issue a commercial permit without Planning Board approval.

ACTION: Larry Choate motioned to accept the proposal as a Site Plan Review pre-application. The motion was seconded by Ken Wexler and passed 3-2 with 1 abstention (Chair Pratt). Mr. Hedrich asked the Board to consider the proposal a revision to an existing site plan. The request was withdrawn.

The discussion continued between Mr. Hedrich and the Board. Points covered were: soil; erosion; screening, signage; commercial use on a private lot; impervious area; paving; boundary lines, etc.

CEO Bickford recommended the proposal be tabled to allow all involved the chance to read the ordinances “closely.”

Mr. Wexler pointed out the consensus of the board was for Mr. Hedrich to come back to the Planning Board with another submittal.

Mr. Hedrich said he will return to the (church) Board, tell them they were misadvised and the church cannot do what the Board wanted to do. He added “this is the result of requiring this to go this way.” Mr. Hedrich noted he was not advised he needed any information in addition to the Site Plan Ordinance.

This matter will be placed on the May agenda. Mr. Hedrich asked if there “a way” he could find out about setbacks and landscaping. It was Chair Pratt’s opinion the Board should meet

and determine answers to some of the questions raised at this meeting. A waiver may be needed from the Appeals Board.

V. Other

- D. For the record, Chair Pratt commended Mr. & Mrs. Choates for their “excellent job putting the ordinances on CDs.” The ordinances are also on the web site. Chair Pratt requested the Town Office provide updated Ordinance manuals to all Planning Board members. Mr. Bickford believed the Board received copies when he received his. The Planning Board did not have the current ordinances to work with.

IV. Adjourn

ACTION: Marc McNeilly made a motion to adjourn at 9:13 p.m. The motion was seconded by Larry Choate and passed 6-0.

Respectfully submitted,

Melody V. Sainio
Recording Secretary Pro-Tem