

**Town of Haverhill
Dean Memorial Airport Zoning Commission
MEETING MINUTES
Dean Memorial Airport
393 Airport Road
North Haverhill, NH 03774**

Wednesday, February 24, 2021

7:00 PM

(The meeting was held via ZOOM.)

CALL TO ORDER: The meeting was called to order at 7:00 PM by Susie Tann, Chair.

Members of the Commission

Chair: Susie Tann

Vice Chair: Cliff Batchelder

Airport Manager: Ralph Crosswell

Airport Technician: Dan Freeto

Select Board ex officio: Matthew Bjelobrk

Visitors: Guy Rouelle (Dubois & King)

Susie Tann, Chair: Per Gov. Sununu Meeting Compliance CHECKLIST to Ensure Meetings are Compliant with the Right to Know Law During the State of Emergency (abbreviated)

- **February 24, 2021**, Airport Zoning Commission Meeting
- Executive Order—This public body is authorized to meet electronically.
- Confirming a) providing public access by telephone, with additional access by video or other electronic means, ZOOM conferencing is being used. All members of the Board, Commission, or Committee have the ability to communicate contemporaneously, the public has the ability to contemporaneously listen and, if necessary, participate in this meeting by dialing the following number: 1-312-262-6799 (US) or the website <https://ZOOM.US/meeting> (ID# 95860923510; passcode: none required); b) public notice has been provided of the necessary information for accessing the meeting though ZOOM or telephonically, instructions have also been provided on the website of the Town of Haverhill at www.haverhill-nh.com, and c) providing a mechanism for the public to alert the public body if there a problems with access (call 802-793-0535 or email at townmanager@haverhill-nh.com); d) adjourning if the public is unable to access the meeting. In the event that the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes taken during this meeting will be taken by ROLL CALL vote.

ROLL CALL ATTENDANCE

Susie Tann (Here), Cliff Batchelder (Here), Mathew Bjelobrk (Here), Dan Freeto (present), Ralph Crosswell (absent). A quorum was met.

Members of the public present: Doug Henson.

AGENDA MODIFICATIONS: None.

MINUTES REVIEW

MOTION #1: Tann made a motion to approve the Minutes from **February 10, 2021**, as amended. Bjelobrk seconded the motion.

Roll Call Vote: Susie Tann (Yes), Cliff Batchelder (Yes), Mathew Bjelobrk (Yes). The motion passed unanimously.

AIRPORT TECHNICIAN'S REPORT

- Dan Freeto stated that there was no report from the airport.

PENDING ISSUES

Zoning Regulations / Draft Review

Section VI, 1. Regulations Not Retroactive.

Tann asked Rouelle about grant assurances and where they should be inserted. Rouelle read the section and stated that way it is written looks good, but the airport should have a process in place so that any future construction should be reviewed by the Zoning Commission for comment before the permits to build are issued by the Town. Rouelle noted that the regulation cannot be retroactive.

2. Marking and Lighting

Tann requested Rouelle to review additional wording relating to the FAA's obstruction analysis. Rouelle stated that when trees are in the airport obstruction zone, the Town needs to have the trees removed, lowered, relocated, or marked through navigation easements. Rouelle stated that the nonconforming issues are related to buildings. Bjelobrk offered revisions.

Rouelle noted that currently there are no easements around the airport and our study will offer ways to protect the runway protection zone.

Tann confirmed that the study will identify the zones and the dimensions around the airport. Rouelle agreed.

Tann asked if a stack on an industrial building can be greater than 35 feet high if approved by the FAA because the biodiesel plant in the Industrial Park near the airport is requesting an addition. The Commission should ask if an additional stack is planned. Rouelle stated that the FAA permit on the existing construction required lights on the stack and building.

Section VII, Permits, 2. Existing Uses

Tann requested clarification of this section. Rouelle commented that the next step in his study is a public participation plan and getting the study findings to date posted so residents can review the information. Rouelle stated that the 49 CFR, part 77, states when an FAA form 7460-1 [Notification of Proposed Construction] should be filed. Tann suggested revisions. Rouelle stated that "...the applicant is responsible for the submission of a 7460 with the FAA, and to provide the Board confirmation that the obstruction will not be an obstruction to air navigation." Bjelobrk offered revisions as "...and provide FAA determination to the Town of Haverhill."

Rouelle provided a completed 7460 Determination of No Hazard form as sample for explanation and he noted that this form has to be submitted to the planning or zoning boards of the town. Rouelle will submit this form to the FAA for the airport hangers as part of the study.

Doug Henson asked how the electric utility comes into the discussion of nonconforming uses. Rouelle stated that the power poles are lighted, and balls are on the wires. This is part of the runway reconstruction project with the wires going underground and the poles removed.

3. Nonconforming Uses / Abandoned or Destroyed

Rouelle stated that before reconstruction takes place, the owner will have to follow the 7460 process with the FAA and town zoning.

4. Variances

Tann read the section to the members and discussed changes. Rouelle noted wording changes, as follows: "...such variances shall be allowed," should be "...a variance may be allowed."

Bjelobrk noted that regulations have less subjective wording. Rouelle stated that any construction should not impact the airspace.

5. Obstruction Marking and Lighting

Tann read the section to the members. Rouelle noted that this paragraph is related to new construction, and Rouelle stated that it should not be at the town's expense, but marking and lighting should be the responsibility of the owner of the building.

Section VIII, Enforcement

Tann read this section to the members about application for permits and variances. Bjelobrk suggested that the plans go to the Planning Board with the FAA form already filled out. Tann suggested separating the permitting and enforcement. Tann asked if the Planning Board passes the application on to the Zoning Board of Adjustment. Rouelle suggested that the airport zoning boards precede the planning boards because of their expertise. Bjelobrk suggested a sign off by the Airport Zoning Commission on the application form.

MISSION AND VISION STATEMENTS

Tann thanked Bjelobrk for his input.

NEW BUSINESS

Expansion of the Biodiesel Plant in the Industrial Park

Tann plans to attend the public hearing when notified. Tann encouraged the other members to attend, as well. Tann informed the members that in the original documents relating to the biodiesel plant it was advertised that it will be the largest biodiesel plant in the Northeast.

Rouelle noted that the zoning regulations could identify special circumstances, such as exhaust fumes from smokestacks, which would require studies to ensure that airport safety will not be impacted.

COMMENTS

Henson added comments about enforcement in that the Town does not enforce the covenants in the Industrial Park or flood ordinance regulations. Rouelle stated that the Airport Zoning Commission can build into the regulations that the permit applications must be reviewed by the

Commission, which may include a study. Henson stated that his property is impacted by the smoke from the stack, and he was told that if the stack were higher, there would be less impact. Rouelle stated that the zoning was not in place and the building and stack were allowed. Rouelle stated that the whole building already penetrates the transitional air space of the airport. The Town could file a form with the FAA and get an opinion.

Tann introduced discussion about other land uses near the airport, such as community use. Rouelle stated that is called compatible land use, and location and height are at issue, as well as what activities can be done and allow for safety. Rouelle will share a list of the FAA's compatible land uses.

Tann asked the members for additional comments.

Rouelle closed noting that he will present as an initial public meeting a White Board session relating to the Safety Study followed by additional public meetings.

Next Meeting: March 17, 2021, at 7:00 PM.

ADJOURNMENT

MOTION #2: Bjelobrk made the Motion to adjourn the meeting due to technical difficulties at 8:21 PM. Tann seconded the motion.

Roll Call Vote: Susie Tann (Aye), Mathew Bjelobrk (Aye), Cliff Batchelder (Aye). The motion passed unanimously.

Meeting Adjourned at 8:21 PM.

Joanna Bligh, Transcriptionist