

**Public Informational Session**  
**Airport Protection Overlay District Ordinance**  
**Town of Westerly - Council Chambers, Town Hall, 45 Broad Street - 6:00 p.m.**

**I. 6:04 P.M. CALL TO ORDER**

The meeting was called to order by Jason Parker, Zoning Official.

**Staff Present:** Jason Parker, Zoning Official  
Benjamin Delaney, Recording Secretary

**Also Present:** Dan Porter, Vice President of Planning and Environment, Rhode Island Airport Corporation (RIAC)

**II. PRESENTATION**

Mr. Parker stated sign-up sheets for public comments were available and would be heard following the presentation.

Hatsy Moore stated notice for the meeting had not been provided within the minimum forty-eight hours required by RIGL §46-2-6.

Mr. Parker clarified this was a public informational session and no decisions were being made at the session.

Ms. Moore stated no government meetings could take place without a minimum forty-eight hour notice.

Mr. Parker clarified the session was not a meeting of a public body and introduced himself to attendants.

Members of the public stated concerns regarding public notice.

Mr. Parker presented an overview of the draft Airport Protection Overlay District Ordinance. [See *“Appendix I – Presentation”*]

Mr. Parker clarified Drawing Number 5 “Airport Part 77 Surface Drawing” [See *“Appendix II – Drawing No. 5”*] depicted the imaginary surfaces and specifications extending from the perimeters of the airport in the *Airport Layout Plan* (April 24, 2009) and it would be made accessible on the Town of Westerly website.

Mr. Parker, referring to the “Proposed Airport Protection Overlay District Map,” [See *“Appendix III – Proposed APOD Map”*] stated Zone A runway protection zones were at the ends of each runway, Zone B approach zones extended 200 feet above each runway at varying lengths based on the runway type and Zone C was transitional and surrounded the airport at certain elevations. Zones D and E were located at high elevations.

Mr. Parker stated fourteen (14) parcels were located completely or partially within Zone A and five hundred sixtyseven (567) parcels were located completely or partially within Zone B. He stated for

members of the public the Town was only identifying parcels.

Members of the public recommended property owners of identified parcels be notified.

Mr. Parker confirmed another public informational session would be held following an assessment of public comments for inclusion in a new draft ordinance. He clarified the ten (10) day period for an owner of a nonconforming structure or tree to comply with a notice from the Town was established by the state. He also clarified potential future expansion of the airport was not the focus of the session.

Mr. Porter stated the articulated zones were already existing and had existed for several decades. He stated expansion of the airport would require a detailed review process and no expansion to the airport was planned at that time.

Paula Ruisi, 3 Shepherds Run, stated her concern of air traffic increasing in intensity due to helicopters and larger aircraft.

Mr. Porter stated there was no plan to expand the airport and the airport was for public use.

Ms. Ruisi stated public use of the airport should not outweigh the residents whose property was within Zone A.

Mr. Porter stated Westerly State Airport was a Category B2 airport due to aircraft wing widths and approach speeds and nighttime air traffic was limited.

### **III. PUBLIC COMMENT**

John Formica, 17 Andersen Court, stated the runway protection zone was changed in the early 2000s.

Philo Willetts, 5 Yarmouth Drive, recommended another session be scheduled and stated he personally observed RIAC's philosophy as supporting expanding the intensity of use and, when possible, the geographical area used. He cited failure to cut trees and conflicts of tree clearing and communication with residents as additional concerns to be considered in drafting the ordinance. He stated any restriction on the building or use of property required compensation or would violate the fifth amendment of the United States Constitution. He also stated the ordinance should include regulations on the use of drones. He recommended the Town should work to prevent any intensity of use at the airport.

Mr. Parker stated any additional ideas or concerns were welcome and the Town website would have an area for general comment submissions and maps referenced in the presentation.

Sally Lawlor, 8 Bucks Trail, stated her disappointment regarding past tree clearing and noted her husband previously wrote a letter to the Town Council regarding an airport on Long Island seeking to expand. She cited the respective town provided a model for regulating the airport and stated Town staff was responsible to Town citizens. She stated her concern regarding noise disturbances and cited the expansion of T. F. Green Airport in the City of Warwick could similarly occur in the Town.

Chris Lawlor, 8 Bucks Trail, stated the Town's current efforts were belated. He stated RIAC had cut down trees in his previous neighborhood to use the runway before reviewing the topography to ensure the runway could be used. He noted the Ocean Community Chamber of Commerce (the Chamber)'s interest in picnic tables on its property would not be possible due to its location in Zone A. He stated the Town needed to be involved regarding tree clearing. He noted he personally observed a greater amount of nighttime air traffic and stated helicopters needed to be addressed.

Pat Rutter, 41 Seabury Drive, stated her property was one of thirteen (13) taken by eminent domain and she later learned her property was not included in the zone as stated by RIAC and the Rhode Island Department of Transportation (RIDOT). She stated any tree clearing between the airport and her property would take away her property's protection from an aircraft collision and decrease its value. She stated her concern regarding noise disturbances.

Susan Champouillon, 17 Crestview Drive, stated there was a short notice and lack of information prior to the session. She cited the petition by Carpionato Group to the Town Council to rezone a parcel at Westerly Crossings and questioned why the Town was not informed or its legal staff not apprised of information if mandates were established sixteen (16) years previously. She stated her concern regarding negligence and stated development needed to be controlled and meet the needs of the community.

Ms. Ruisi cited runway fourteen (14) and noted the legal representative for the Carpionato Group was present at the session. She stated the rezone petition was presented without the terms of the ordinance the property was subject to. She stated the location was changed after the rezone was approved and a HomeGoods was planned to be built within Zone A and construction had begun without any presentation to the Planning Board or Town Council. She questioned Mr. Porter how the new location was being allowed to be developed.

Mr. Porter stated for Ms. Ruisi he had not had a conversation with Carpionato Group and understood the building location was outside Zone A. He requested Ms. Ruisi identify the location in question on a map. He clarified the Chamber's proposal of picnic tables was an existing and passive use within Zone A. He stated for Ms. Ruisi he had previously offered his advisory to the Town regarding the proposal by Carpionato Group.

Ms. Ruisi stated her concern RIAC was being duplicitous and stated Town residents were concerned regarding RIAC, the Planning Board, the Zoning Board of Review, the Town Council and land use attorneys due to a lack of following ordinances. She cited for Mr. Porter the location in question on a map.

Mr. Formica stated he formerly resided on Links Passage and cited the property was taken by eminent domain due to it having been within Zone A. He stated his concern regarding RIAC.

Mr. Lawlor stated he was told several years ago groupings of people were not allowed within Zone A and questioned how picnic tables could be grandfathered from eight (8) years ago.

Lisa Konicki, Executive Director, Ocean Community Chamber of Commerce, stated the picnic tables were proposed as a project to work with University of Rhode Island (URI) students to improve the appearance of the previously forested area on Chamber Way cleared by RIAC. She stated seventeen (17) plants were selected by URI students and were being discussed. She clarified two picnic tables in poor condition currently existed onsite and it was proposed the two tables be replaced and two additional tables be added. She stated there were portions of the four (4) acre parcel outside Zone A and noted the picnic tables were confirmed by RIAC as a passive use. She confirmed the Chamber was not seeking enhance risk. She stated the tables would be put out to bid and would be made of a recycled material. She clarified she had not stated RIAC had made a commitment to beautifying the cleared area and confirmed she was happy with communication from RIAC. She welcomed attendants to schedule an appointment with her to discuss the project further.

Attorney William Nardon stated he represented Westerly Ventures, Carpionato Group and

others in Westerly and the six (6) acre parcel rezone was properly advertised with public hearings and was not where the HomeGoods store would be constructed. He confirmed the HomeGoods store would be located clearly outside the 6 acre parcel. He stated it was part of the second phase of development for Westerly Crossings previously approved. He confirmed a Federal Aviation Administration (FAA) Form 7460-1 was filed and all structures, including lamp posts, and trees within the development received approval from the FAA. He noted documentation was public record.

Ms. Lawlor cited she had previously spoken with Ms. Konicki regarding the \$12,500 to be received by the Town from RIAC for new trees at the Chamber and had noted her personal experience seeing cleared land and being offered \$100,000 by RIAC to remove five trees on her previous property. She stated property owners could reject RIAC's offers and cited Ms. Konicki had stated plantings and walking trails would be used to beautify the cleared land on Chamber Way.

Attorney Robert Lombardo stated attendants should focus their concerns to their elected officials. He noted tree clearing had not yet taken place as a ruling on the lawsuit brought by Ms. Moore and other property owners against RIAC had not yet been made.

Mr. Willetts stated his support for the Chamber's work in the community and its interest in beautifying the cleared area on Chamber Way. He suggested picnic tables be constructed by Westerly High School students if there was a concern regarding costs.

Ms. Ruisi cited an attendant at a past public hearing regarding the Chamber and Zone A lived behind the Chamber and experienced an aircraft dumping fuel on his property. She recommended the picnic tables be removed from the Chamber as air traffic volumes had grown in recent years. She stated elected officials appointed officials who were also responsible for following ordinances. She stated her concern the Zoning Official and Town Planner were not responding to ordinance violations.

Mr. Parker confirmed the Town was seeking to correct noted discrepancies and adopt an ordinance which would follow state law and RIAC guidelines and respect existing land uses and residents' concerns. He confirmed Town staff performed their duties and would work to produce an effective ordinance. He stated a notification of Airport Protection Overlay District ordinance information would be placed on the front webpage of the Town's website.

Ms. Lawlor and Ms. Ruisi recommended property owners in Zones A, B and C be notified about the Airport Protection Overlay District ordinance information in some way.

Mr. Parker confirmed he would look into producing a list and noted the parcel counts were first conducted only as a means to quantify parcels affected.

#### **IV. 7:14 P.M. ADJOURNMENT**

The meeting was adjourned by Mr. Parker.

Minutes for the June 28, 2016 public informational session submitted by:

Benjamin Delaney