



Stantec Consulting Services Inc.  
2211 Congress Street Suite 380, Portland ME 04102-1955

January 22, 2021  
File: 179450322

**Attention: Mr. Scott Bickford, CEO**

Town of Owls Head  
224 Ash Point Drive  
Owls Head Maine

Dear Mr. Bickford,

**Reference: Knox County Regional Airport Shoreland Zone Map Revision**

In July 2020, The Knox County Regional Airport sought Owls Head Planning Board site plan approval for the construction of a taxi lane and aircraft hangars to be located east of the terminal building. Though the project is an allowable land use proposed within the Commercial District of the town's Shoreland Zone, the site plan was not approved because the proposed development occurred within 250 feet of forested wetlands identified as Resource Protection District as shown on the town's Shoreland Zone Map (and as described in the Shoreland Zoning Ordinance).

The airport presented to the Planning Board in a subsequent meeting a letter (dated July 24, 2020) indicating that the language in the zoning ordinance may not be in agreement with the Resource Protection District shown on the Shoreland Zone Map. Specifically, Section 13.1(b) of the Ordinance states "The Resource Protection District also includes the area contained within all freshwater wetlands as delineated on the Shoreland Zoning Map." This citation was the principal grounds for not approving the proposed site plan. However, Section 17 of the Ordinance (page 35) provides the following definition for Freshwater Wetlands: "freshwater swamps, marshes, bogs and similar areas other than forested wetlands which are:

- A. of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres adjacent to a surface water body, excluding any stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
- B. inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils."

This definition, as well as the definition included in the Ordinance for Forested wetland, mirror the State of Maine definitions provided in the Department of Environmental Protection's Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances (Section 17 *Definitions*).

The Planning Board recognized the apparent conflict between the definition of freshwater wetlands (to be exclusive of forested wetlands) in the Ordinance and the Resource Protection District (comprised of forested wetlands) illustrated on the Town's Shoreland Zoning Map and the site plan was conditionally approved pending approval of a change to the Shoreland Zoning Map as voted on by the residents of Owls Head. The Planning Board stated the proposed site plan would be approved provided the airport's wetlands were redelineated, a proposed Shoreland Zone Map for the airport was prepared based on the new

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delineation, and the Shoreland Zone Map was submitted to the Maine Department of Environmental Protection.

Stantec completed a wetland delineation in November 2020. The delineation established wetland boundaries based on wetland type and identified forested wetlands, scrub-shrub wetlands, emergent wetlands, and coastal wetlands located on airport property (see *Shoreland Zone Map* included with this letter). The town's Shoreland Zoning Ordinance definition of freshwater wetland was used to establish the Shoreland Zone depicted on the proposed map update. Forested wetlands, which comprise approximately 65% of the on-airport wetlands, by definition were not included in the proposed Shoreland Zone. The remaining wetland types were then evaluated based on area (acreage). In accordance with the definition of freshwater wetlands provided in the Ordinance, those wetlands including 10 or more acres of scrub-shrub and/or emergent wetland types were designated as Shoreland Zone. The areas of wetlands comprised of multiple wetland types were combined when considering whether or not they met the definition of freshwater wetlands. (there are no on-airport freshwater wetlands associated with surface water bodies therefore no scrub-shrub or emergent wetlands less than 10 acres in size were included in the proposed Shoreland Zone). Two freshwater wetlands met the criteria of 10 or more contiguous acres for inclusion within the Shoreland Zone. One of these wetlands is a scrub-shrub wetland located on the west side of Weskeag Road/Route 73. The second wetland is located to the west of the Runway 21 end and is comprised of scrub-shrub and emergent wetland types. The proposed Airport Shoreland Zone Map has been provided to the Maine DEP Shoreland Unit.

Based on the results of the recent delineation, with respect to the definition of freshwater wetlands used in the Ordinance, it is our recommendation that the Planning Board forward the updated map to the Owls Head Selectmen for their consideration as an article for inclusion on a warrant for vote at a town meeting. Your attention to this matter is greatly appreciated and we look forward to the opportunity to present our findings to the Planning Board at the February meeting.

Regards,

**Stantec Consulting Services Inc.**

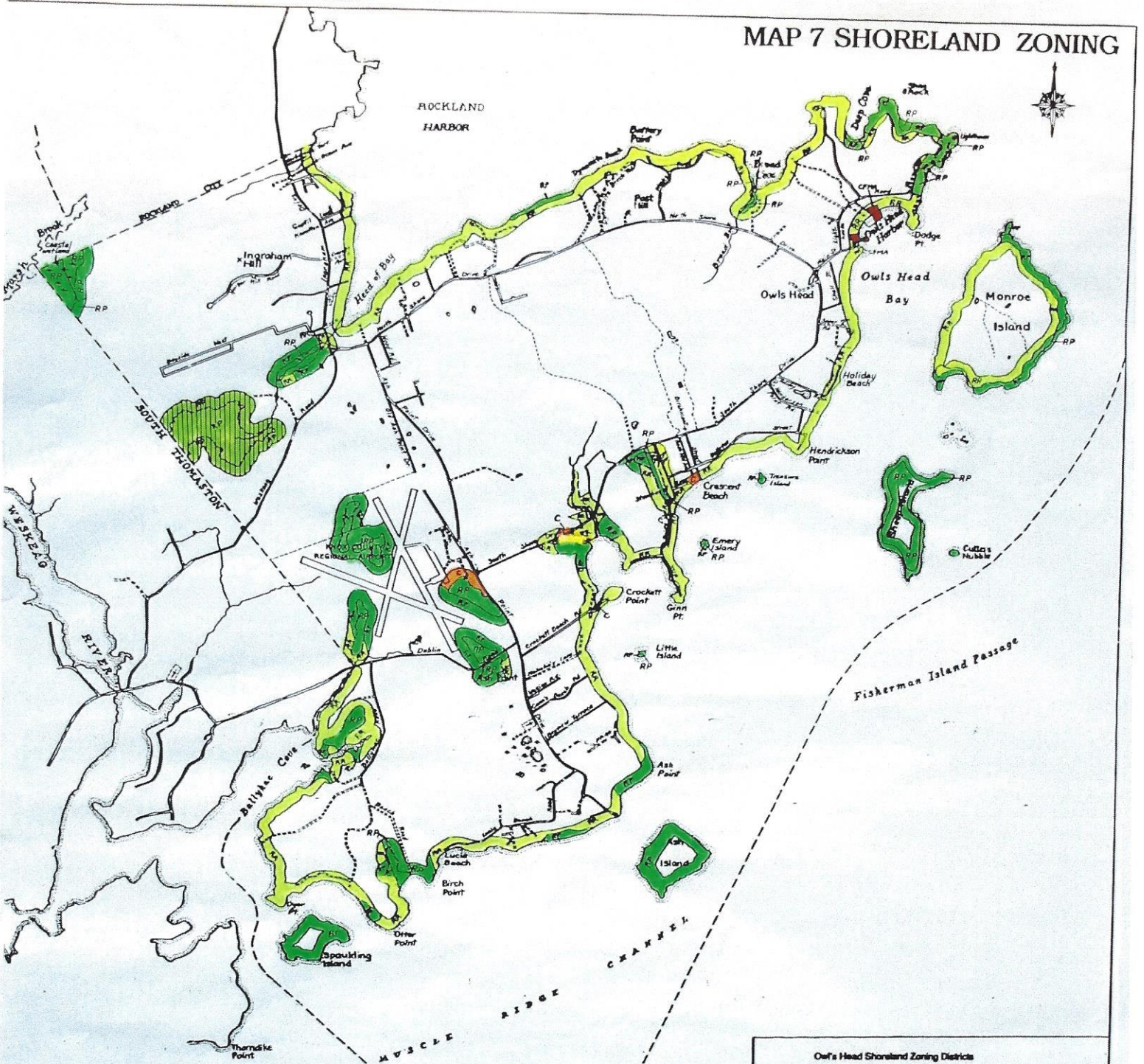


**Gregg Cohen**  
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Attachment: As stated  
c. Jeremy Shaw, Knox County Regional Airport Manager  
Bill Gerrish, Stantec Consulting Services Inc.



MAP 7 SHORELAND ZONING



TOWN OF OWLS HEAD  
KNOX COUNTY, MAINE

Owls Head Shoreland Zoning Districts

- Resource Protection
- Resource Protection for Moderate and High Value Freshwater Wetlands as noted by 1760 7/14/08
- Rural Residential
- Commercial
- Commercial Fisheries/Marine Activities

LEGEND

- BOUNDARY LINES
  - town
  - precinct
  - water
  - other
- BOUNDARY SURFACES
  - road
  - driveway
  - fence
  - other
- FENCES
  - wood
  - concrete
  - other
- OTHER
  - utility
  - other

CERTIFICATION OF ADOPTION

I hereby certify that this is a true copy of the Shoreland Zoning Map of the Town of Owls Head, Maine, duly adopted at a Town Meeting held on \_\_\_\_\_, 1991, at \_\_\_\_\_.

*[Signature]*  
Town Clerk

*[Signature]*  
Alderman

PRODUCED BY:  
EASTERN MID-COAST  
REGIONAL  
PLANNING COMMISSION  
100 Main Street, Rockland, Maine 05866  
207-586-2279

DATE: October 16, 1991  
SOURCE: Owls Head Shoreland Zoning Ordinance, 1991  
U.S.G.S. Digital Data  
Rockland, Maine  
U.S.G.S. Bathymetry Data  
Computerized Survey Data  
Owls Head Planning Board

THE SITES ON THIS MAP ARE NOT SITE SPECIFIC. FOR DETAILED INFORMATION PLEASE CONSULT WITH THE TOWN OFFICIALS.