December 11, 2019

Rhode Island Airport Corporation

Town of Westerly
Ms. Nancy Letendre
Planning Office
45 Broad Street
Westerly, RI 02891

Re: Comments on Town of Westerly (Town) Draft Comprehensive Community Plan 2020-2040

Dear Ms. Letendre:

Thank you for reaching out to the Rhode Island Airport Corporation (RIAC) and providing us an opportunity to submit comments on the Draft Town of Westerly Comprehensive Community Plan 2020-2040 (Plan). RIAC has reviewed the Plan and we offer the following comments for consideration:

1. Pg. 34, Subsection 2.7.2 – Zoning Inconsistencies, 2nd bullet states: “An Airport Overlay District has been developed as required in RIGL §1-3-5(1), which states that municipalities shall establish an airport hazard area to specify appropriate land uses with restricted heights for buildings and trees. This Overlay is now included on the Official Zoning Map."

RIAC Comment: Thank you for establishing the Airport Overlay District. This is an important achievement. It is equally important to enforce the overlay zoning to ensure safe operation of the Westerly State Airport (WST) as well as maintain the current utility of the airport. For example, in August and September, RIAC provided comments regarding a proposed development within the Runway 14 Runway Protection Zone (RPZ) and reminded the Town, per Federal Aviation Administration (FAA) guidance, that activities within the RPZ are to be controlled. Incompatible land use would require an alternatives analysis process with the FAA. It is unknown if this process is occurring, and yet Town Planning has approved the development. RIAC further provided the Town with a letter on November 1, 2019 that outlines current challenges associated with obstructions and associated ongoing litigation at WST. This lawsuit pertains to trees that have grown to a height whereby they are now obstructions. Should an overlay district have been prepared and enforced in previous years, prior correction and mitigation may have prevented the magnitude of the subject obstructions.

2. Pg. 38, Subsection 2.7.10 – Transportation, Infrastructure and Services

RIAC Comment: The WST is also a transportation hub and it would seem that relevant language should be added regarding the future of the airport.
3. Pg. 52, GOAL TRANS-2: Transportation in and around Westerly will ensure safe, efficient and equitable travel which enhances the quality of life for both residents and visitors.

Policy TRANS-2.2: Ensure that the municipal transportation system, including, but not limited to roads, bridges, and culverts, effectively and resiliently meets the community’s needs.

RIAC Comment: Consider adding the airport to the TRANS-2.2 Policy so it is clear that WST is considered a transportation system. Adding an action item to address the enforcement of compatible land use and protection of airspace may be applicable.

4. Pg. 53, Policy TRANS-2.3: Employ best practices to maintain a balance between WST’s activities and quality of service and the quality of life in surrounding neighborhoods.

Action TRAN-2.3.A: Work with the Federal Aviation Administration (FAA), RIAC, and elected State officials to ensure adequate and appropriate public involvement takes place as part of future planning for WST.

RIAC Comment: With the recent launch of the General Aviation Strategic Business Plan initiative, RIAC looks forward to working with the Town including public involvement. The Action however is specific to “ensure appropriate public involvement”. This Action may be more beneficial if stated to “Develop a long term plan that defines the future of WST and surrounding property, including economic benefit and intent, while ensuring appropriate public involvement throughout the process”.

5. Pg. 158 and 159, Subsection 5.2.3 – Westerly Airport and the Airport Industrial Park, 1st paragraph, 3rd sentence states: “The most recent economic impact study update for the airport from 2006, estimated that the airport generated economic activities of approximately $8.4 million.

RIAC Comment: RIAC completed an update to the economic impact in 2016, and the updated estimated economic impact is $16 million.

6. Pg. 209, Section 8.8 – Air Service, paragraph 3 states: While now a decade old, the most recent economic impact for the airport was $8.4 million in 2006.

RIAC Comment: RIAC completed an update to the economic impact in 2016, and the updated estimated economic impact is $16 million.
7. Pg. 209, Section 8.8 – Air Service, paragraph 5 states: “Between 2016 and 2018, residents living near the airport expressed significant concern about the installation of new lighting and the perceived increase in operations at the airport. Residents’ concerns were communicated through letters to the local newspaper and public comments before the Town Council and other official Town meetings. The residents believe that their quality of life and property values are being negatively affected by airport operations at present and are concerned about potential intensification and eminent domain in future use. It is unclear what the Town of Westerly might be able to do about the impact of airport operations on private land uses surrounding the airport, should it choose to do anything, given that WST is owned and operated by a quasi-state agency. These issues are currently under consideration by the courts. The entire dispute is complicated by the fact that there are no authoritative data on historic or recent changes to airport infrastructure and use.”

RIAC Comment: The ongoing litigation pertains to trees located within or near airport runway approaches in the Town of Westerly that have grown to a height where they are now obstructions to the air space surrounding WST. These trees are within private property boundaries and the associated property owners are arguing that removal of these trees or the ability to obtain avigation easements is unwarranted and unlawful. While RIAC denies the allegations in the lawsuit and continues to assert its rights to take these easements, litigation to resolve this matter has been ongoing since 2016, with no near term resolution in sight.

To comply with Federal Aviation Administration (FAA) regulations and grant assurances associated with receipt of federal funding, RIAC is required to mitigate hazards to protect aircraft operations. If hazards cannot be physically removed, RIAC must address by other means such as runway shortening. At WST, the usable runway lengths have already been reduced by more than 900 feet. With runway shortening, we can also lose the benefits of navigational aids, further limiting utility to visual approaches only. In addition, federal grant opportunities are lost due to our inability to resolve these issues. In fact, for the first time ever, RIAC recently had to return federal dollars received from the FAA as we were unable to clear obstructions as intended for WST.

Property owners with known obstructions in WST were offered fair market value for easements through a system delineated by the FAA. In total, five plaintiffs at WST are currently preventing the implementation of obstruction removal. An ongoing airspace analysis is currently underway to identify current obstructions present within the airspace surrounding WST. If additional obstructions are identified, RIAC may be forced to further reduce runway lengths to mitigate. The utility of WST is in jeopardy and will continue to diminish without course correction.
The effects of this lawsuit induced delay are sprawling and now beginning to impact additional airports. Block Island State Airport (BID) will likely be impacted as the type and number of aircraft operations able to operate out of WST will reduce as the available runway length and instrument landing capabilities continues to be reduced.

The Town has an opportunity to discuss these challenges and potentially define supporting roles and actions within the Comprehensive Plan to address.

Once again, thank you for the opportunity to provide our comments on the Town of Westerly Draft Comprehensive Community Plan 2020-2040. We look forward to working with you and should you have any questions or concerns, please feel free to contact me at 401-691-2419 or dporter@pvdairport.com.

Sincerely,

Daniel Porter
Vice President, Planning

Cc: Christine Vitt, Senior Vice President and Chief Infrastructure Officer – RIAC