

287 Airport Road
Middlebury, VT 05753

Dear Chairman Carpenter and Town of Middlebury Selectboard

Our names are Andrew and Andrea Sambrook residing at 287 Airport Road, Middlebury. We would like to make some broad comments about the Airport Master Plan and the Act 250 Master Permitting that we hope you will consider when responding to either.

Thanks for adding the important matters to the Agenda.

In Summary:

- VTrans has shown its desire to gradually expand the development at the Airport contrary to the understanding of existing and future neighbors that the 1986 Planned Urban Development Permit (PUD) would likely reflect the full extent of future growth.
- VTrans' "dripping tap" approach to development is hard to stop and hard to reverse. It's unfair to the Town and the neighbors by keeping development options open without the need to be explicit or set out the full plan so that these can be adequately debated and understood as is shown by VTrans misuse of the Act 250 proceedings "partial findings" mechanism.
- There are strong economic, environmental, safety, and quality of life arguments to consider an alternative location for this airport.
- The Town could take a bold first step at promoting a better alternative use for the site in its comments to the Airport Master Plan and Act 250 Hangar plans.
- VTrans' has shown a negligent approach to its stewardship of the Airport assets that is neither serving the residents nor as importantly the pilots well.

The following expands on this summary:

Initially, we would like to add into the Selectboard record the comments in a recent editorial by Angelo Lynn, the Publisher of the Addison Independent of September 1, 2022 entitled "Middlebury Airport – How big is too big? Are there options?" (<https://www.addisonindependent.com/2022/09/01/editorial-middlebury-airport-how-big-is-too-big/>)

In this [article](#), after reviewing the economic case generally set out by VTrans for the continuation of the airport, Mr Lynn concludes that it's time to take a fresh look at the location of the airport and the relationship to Middlebury and Addison County. He concludes: "What the town and state should want to avoid is building more infrastructure at a site that 20 years from now might be maxed out, more of a headache to airport neighbors and even more costly to relocate." We agree with that conclusion.

Most everybody – pilots and neighbors – agrees that the Middlebury Airport would never be built where it is today. It is an historical anomaly that flies against all rational decision making. The State Airport was set atop aquifers that feed two Town water systems (Middlebury and East Middlebury); is within the foothills of the Green Mountains with oftentimes difficult wind shear to the east; it is near a large residential population center of East Middlebury with both a nursery school, library and a recreational park directly in the flight path of the planes; it is proximate to an ecologically important area for threatened bat species and important wetland areas.

As stated in Mr Lynn's editorial, this airfield was built in the 1950s to support a small family crop spraying operation. How on earth did it then become what it is today?. The answer is, we fear, a slow developmental creep driven by the *healthy* accessibility of Federal funding. This pattern will continue if the latest draft Master Plan is adopted (from the plan excerpts we've seen to date). We've also witnessed VTrans' intent to continue to drive development creep via the recent Act 250 Master Permitting filing relating to Hangars. The theory adopted by VTrans seems to be "Do it slowly enough and nobody really notices". Better yet, do it via the mechanism of a "paperwork" exercise in the ACT 250 *partial* Master Permitting – we will not need to provide detailed plans or justifications – and we can get a placeholder for development without disclosing the detailed plan or its medium or long term implications. VTrans sees tremendous "option value" in doing it this way. If the money comes along to fund it – we are good to go and it's in the Master Plan and the neighbors are on notice. This is not fair to the Town nor the neighbors.

It's stealth development and at some point it becomes irreversible.

Over the past year or so while my wife and I have been discussing the plans at the airport, some, including members on the Town selectboard, have responded that "*well you knew there was an airport there when you purchased your home*" Mr Lynn himself advanced that argument in order, it seems, to minimize neighbors' legitimate concerns when he said the growth "should be expected by homeowners".

There are several things wrong with that point of view.

First, it shows an incredible lack of empathy for neighbors living in the area by not acknowledging that everyone, irrespective of their choice of housing, should reasonably expect to be unencumbered by high levels of noise, maintain the aesthetics surrounding them and maintain a reasonable quality of life. We should all want the best for all our citizens no matter their choice of housing – whether a homeowner or a renter. **Neighbors did not give up all these rights in perpetuity when they chose to purchase homes close to the Airport.**

Second, it values the choice of some to engage in a niche pastime – aviation – over those who have worked hard to be able to afford to put down roots via homeownership in a beautiful part of Vermont.

Third, it also blatantly ignores the lack of affordable housing in the Town of Middlebury and that the freedom to choose where you can live is not always a realistic expectation.

Fourth, it ignores the fact that the Town of Middlebury has benefited its tax base tremendously from permitting homes in and around the airport since the 1950s. There was a social contract between the Town and the new residents and it was this – we'll allow the airport community to grow (and grow the property tax base) but essentially we will freeze the airport in its current size. This was set out in a 1986 Planned Urban Development (PUD) permit which was put in place at the Airport. The benefit of this is that any prospective homeowner after 1986 could look at that plan and, with some degree of confidence, believe that PUD was what the airport will become and only that. But that social contract has been gradually whittled away by VTrans with the acceptance of the Town of Middlebury, who to its shame has not stood by this social contract as it gradually got whittled away by VTrans. This PUD has already been extended once, by the extension of the airport runway, which allowed, either by luck or design, larger aircraft to land at Middlebury. And now will need to be revised again via the Town of Middlebury Development Review Board, if the plans for more Hangars – and more and larger planes are fulfilled. It will need to be revised still further if VTrans stated long term desire to extend the runway to 5000'. (This runway extension is still contained in both the 2021 VASP -Vermont Aviation System Plan- despite many assurances from VTrans and its proxy spokespersons to the contrary – it's also contained in the current Master plan draft.)

Finally, this view that homeowners had notice of all past **and future** airport development merely by choosing to purchase homes nearby, turns history on its head. The Town of East Middlebury was in existence long before the Airport existed either in its original or its current iteration. Residents could, with some justification, point out to VTrans that *“well, VTrans, you knew the Town was there when you built the airport, you shouldn't really be surprised that the Town wants to control your development”*

Instead of new development, why not focus on what the pilots actually want in a Master Plan? In a VTrans sponsored survey published in 2021 as part of the Vermont Economic Impact Assessment – the items on the Middlebury pilots' wishlist were for public transportation/car rentals, restaurant, runway repair, plane wash, fuel discount, and a grass strip - not Hangars or more infrastructure. But, it seems, VTrans ignores the pilots wishes. Here's another more recent example: there is currently no workable aviation fuel access at Middlebury since the underground tank (UST) had to be closed. Pilots are being told to go to Rutland or Knapp airports for fuel. This is a sad indictment of how VTrans has taken care of the airport. They seem very adept at getting Federal funding for the runway extension or from the State of Vermont to pay for consultants to undertake a “paperwork” Act 250 process – but sadly they lack effective stewardship of the airport or the facility. The recent fuel tank inspection makes for some scary reading. According to Andy Shively, Hazardous Materials Unit Manager at AOT in an email of 8/5/2022 - *“We just completed entry, cleaning and inspection on the Avgas tank. The good news is there is no lining. The bad news is there is so much aggravated corrosion along the sidewalks and bottom of the tank that I cannot condone returning the tank the service. There*

will continue to be enough corrosion pitting, flaking and that cannot be removed by scraping that any fuel put in the tank will be heavily contaminated by sediment.

*There were also several areas along the tank bottom that exhibited significant pitting that cannot be repaired and **is a clear indication that tank (sic) is past retirement.** (emphasis added). I have instructed the contractor to close the tank back up and we can begin to talk about removal. I feel it is appropriate to deem (sic) the tank out of service and notify DEC”.*

As to timing of a replacement, Dan Delabruere (Rail and Aviation Bureau Director at AOT) has stated in an email to one of the business owners at Middlebury that “*We are now forced to look at putting in a new fuel system in Middlebury. This will not be a quick solution due to the time it will take to get permits. We will have to also find available funding but I would suspect the permits and then the lead time on the new system will be the limiting factor on the time. (this will take many months)*”

We can legitimately question why the tank was allowed to get into such a state without earlier inspections since everybody knew it was approaching its end life. The FAA states in its order 1050.15B - Fuel Storage Tank Systems at FAA Facilities, “UST’s pose unique environmental risks, and federal requirements mandate inspections at least once every 30 days.”

Given the report by Mr Shively that we obtained via a public record request, it acknowledges that the tank is seriously corroded. It’s hard to understand given the FAA inspection mandate, how this was not caught sooner. The good news is that there appears to have been no major fuel leak – but contaminated fuel itself is not to be taken lightly. The tank was taken out of commission immediately with an estimate that just to close it will cost \$10k with another \$10k for remediation “*if the tank or system is found to have leaked*” (there still seems to be some chance it could have). That price includes just closure and does NOT include the cost of replacement– you can make your own judgment on what that might be. There seems to be no money in the VTrans budget for replacement so it will need to wait for the FAA funding. The Selectboard may legitimately ask “**Why is this improvement not in the Master Plan instead of more Hangars?**”

In addition to corroded tanks, anybody who walks past the airport can also see the 40-50 year old hangers that are no longer fit for purpose – indeed one it seems is suitable only for storage of concrete blocks. Pilots have confirmed that these are no longer serviceable and could be replaced by new hangars in the same footprint instead of the new North Hangar site.

Why not take care of what you have rather than chase Federal funds to increase the footprint?

Given this, what can the Selectboard do? Can we respectfully suggest that now – during the Master Plan – is a great time for the Town to formulate and put forward its vision of the Airport in its comments to the Master Plan. We urge you to be expansive and brave. Don’t worry – there are plenty of supporters and spokespeople for the pilots and aviation businesses – FAA, VTrans, the Chamber of Commerce, the Addison Economic Development Corporation – so now is an opportunity for the Town of Middlebury to advocate for its main constituents – its residents

first and foremost and reinstate its original view set out in the 1985 PUD that that is the limit of the development of the airport.

As the Selectboard often says – the two key issues for the Town are affordable housing and affordable high quality childcare. The airport Master Plan does little to push that agenda forward. Put forward an alternative vision for the airport that does – There are 136 acres of prime real estate at the airport and “the skies the limit” – imagine a new parkland, recreation parks, significant affordable and mixed housing, new childcare facilities – all within 4 miles of downtown Middlebury. It could be a glorious legacy for the Airport. And there is a precedent. Colchester Airport Park which had some of the same difficulties and has since 1983 been transformed into a gem of that area mixing residential and parkland. See <https://vermonthistory.org/airport-park> for more information. Also see “When Colchester had an airport” , Burlington Free Press (2016) <https://www.burlingtonfreepress.com/story/news/2016/03/11/colchester-airport/81609042/>

Let's take this great opportunity of the Master Plan – to do this planning properly and benefit the Town, the State, the Pilots, the aviation businesses, the residents of East Middlebury, the new families attracted to the area, the wildlife, the aquifer protection zone. All it needs is some courage by the Selectboard, VTrans and the Executive.

I set out in an Appendix 1 some earlier comments we made at the Selectboard concerning Act 250 and The Airport Master Plan. I also set out a broad analysis in Appendix 2 of a contrarian view of the Airport in terms of economic development to the Town of Middlebury.

Respectfully submitted:

Andrew & Andrea Sambrook

Appendix 1 – Comments made by Andrew and Andrea Sambrook to Selectboard

The Act250 Hearing:

Concerns expressed at the Act250 Hearing were:

1. Lack of data or the little data provided had no backup in fact or reality e.g. estimate of the traffic to and from the hangars. How can this be provided without some basis of what will be housed in each hangar?. Frankly the 70 trips in the application was provided without any basis in fact.
2. No noise evaluation or data was provided because well they couldn't since they don't know what the hangars will be used for
3. No source material on implications for wildlife was presented
4. Lack of a coherent plan by VTrans as to the what, the why and the how of the new hangar spaces – industrial vs plane storage vs manufacturing. A 120' x 120' hangar could be housing for 36 planes or a Fedex distribution center or a manufacturing plant or an avionics business etc. etc. etc. Each will have its own unique profile and environmental impact and yet the District Commissioners are being asked to approve some of the Act 250 criteria without full information. This is impossible.
5. The current hangar configuration being reviewed is not in any current Airport Master Plan past or present so has not been scrutinized nor has there been adequate notice to homeowners who have recently purchased homes in that area. The “*you bought a home near the airport so what did you expect?*” argument.
6. The scale and size of the development is out of character with the current airport and represents a considerable 2X increase in hangars and extends the footprint of the airport by 1500' NORTH. There is concern that it builds a later rationale for the extension of the runway.
7. The *partial findings* Act250 mechanism that VTrans asked for makes it impossible for the public, the Town or the Commissioners to realistically “litigate” (in broad terms) the pros and cons of the proposal and is being misused. As Brian can attest, the primary use of *partial findings* is when a developer wishes to get an early read on one or two of the more controversial issues before they spend further money on the development. In this case, it is being used in the opposite manner, to avoid the very controversial criteria in the hopes that by piecemealing these they can get through the Act250 proceedings step by step until before we know it we have a full hangar development.

What would we ask the town to do?

- Review the Act250 materials.
- We believe and hope that the Town would support a request that VTrans should stop this costly exercise and submit at the appropriate time a full application in order that it can be honestly adjudicated on its merits OR wait until they are able to submit that application with a developer in hand willing to do this. Then we can all judge fairly what the proposal is.

- Fear is that of development creep. That one hanger turns into two turns into three – on their own they are acceptable and get Act250 approval but the grouping as a whole should be adjudicated under Act250 for its impact . The current piecemeal approach is unfair to the public and undermines effective development oversight.
- The Town Planning through the DRB should review the development at this stage since it will be an amendment to an existing Planned Urban Development

The Airport Master Plan

We have submitted individual questions about the Master Plan with no answers being provided to date after the initial meeting meaning we cannot yet form an opinion based on data and responses. We still have very real concerns that have not been addressed.

Key issues and questions concerning the Master Plan (pending answers) - non exhaustive list

1. Lack of sourced and accurate data about such basic metrics as “aircraft based” at the airport
2. Data presented has no sourcing or is inconsistent
3. Hangar plan has been *cut and paste* from the Master Permitting meaning that no separate business case in the Master Plan has been built for its need, its location or its size
4. Lighting plan is not developed nor the implications on number of flights, timing of flights etc
5. Runway extension to 5000' is still referenced in the plan. If this is NOT on the current agenda then specifically state that. It is also still in the
6. Impact on the aquifer and the environmental impact statement has not been forthcoming.

Appendix 2 – Impact on Property valuations and Taxes by airport expansion.

Contrary to the belief that the airport as it currently is is a net contributor to the Middlebury economy – I'd like to present a more nuanced view of the economic development that is put forward by the proponents of the airport.

There are several academic studies (reference below) that show the impact of the presence of an airport on home prices. Research shows that there is a 9-12% reduction in property values within a 4 mile radius of expanded small airports. Let's be conservative and look at 2 miles in the case of East Middlebury – specifically census tracts 9607 Block Group 4 and Block Group 1. There are 785 homes in the two census tracts close to the airport. The average price of middle tier homes in these areas is \$355k according to Zillow as of July 2022.

If the studies are correct, these homes will be 9-12% of market value if they were not encumbered by the airport. That equates to a loss in tax revenue to the town of \$600K-800K per year (at current tax rates).

Over the 20 years of the plan that equates to around \$10-15M in lost property taxes for the Town of Middlebury. In addition, as you know VTrans does not pay property taxes on its property at the airport.

The Impact of Airport Noise on Residential Real Estate The Appraisal Journal (2001) : Bell, R
(<https://nqsc.org/downloads/REALESTATE.pdf>)

The Announcement effect of an airport expansion on Housing Prices Journal of Real Estate Finance and Economics (2006) GD Jud and DT Winkler
(https://libres.uncg.edu/ir/uncg/f/D_Winkler_Announcement_2006.pdf)