

Kathleen Ramsay

From: Boomhower, Michele <Michele.Boomhower@vermont.gov>
Sent: Wednesday, June 29, 2022 6:13 PM
To: brian@champlainvalleyequipment.com; lindseyfuentes@gmail.com; hseeley@nbnworks.net; seeleyhj@gmail.com; dbrown9926@gmail.com; farhadkhan1961@gmail.com; ahooper.vt@gmail.com; bethechangeestherthomas@gmail.com
Cc: ASheldon@leg.state.vt.us; RHardy@leg.state.vt.us; firesafe@gmavt.net; Prem Prakash; Kathleen Ramsay; Boomhower, Michele; Delabruere, Daniel; King, Bruce; Brassard, Trini
Subject: Additional Background Re: Middlebury Airport from the Agency
Attachments: Middlebury Airport Runway Extension Act 250 Exhibit 018 Noise Information_20150114.pdf

Good Evening Members of the Middlebury Selectboard,

With the Middlebury Airport Master Plan Update process about 2/3rds complete, the Agency is hosting a Public Meeting tomorrow evening to provide the opportunity for Agency staff and our project consultants to present information regarding the plan and feedback from the public. The meeting will be held at the Town Offices, as well as virtually, commencing at 6:00 p.m. You can find background information regarding the plan document, as well as information regarding the public meeting, at this location on the Town website: http://www.townofmiddlebury.org/living_and_working_in_middlebury/middlebury_airport.php.

Additionally, there will be an Act 250 hearing coming up in the near future regarding the Agency's efforts to "pre-permit" a design for future build out of additional hangars at the airport. Historically people who have wished to construct hangars have run into extensive delays and unpredictable costs due to the fact that there are various Agency of Natural Resources permits required in addition to the Act 250 permit. By creating the template for hangars that are anticipated to be needed at this airport based on our understanding of demand and future growth, we have secured all necessary ANR permits, with the exception of the Construction Stormwater Permit; at the time a person wishes to construct a hangar, they will take their design details, other required permits, and then apply for their specific Act 250 application for their project. You can find the Agency's Act 250 permit application at this link: <https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=9A0158-12>

As you know, last week I met with Senator Hardy and Representative Sheldon at the airport to answer questions they had regarding the planning and permitting processes outlined above. I wanted to take the opportunity to offer the Agency's perspective regarding the information provided by Senator Hardy, outlined below. My purpose in providing the additional Agency context is not to dispute or diminish Senator Hardy's concerns and perspective, but to simply to articulate the basis for the manner in which the Agency undertaking these efforts.

I have highlighted the Agency's input in dark blue below.

I would be happy to provide further information to you as needed.

Best,
Michele

Michele Boomhower | Division Director
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This is our shot, Vermont! Everyone age 5 and older can get their COVID-19 vaccine. Sign up for your shot today at healthvermont.gov/MyVaccine or call 855-722-7878. Stay informed on [Facebook](#) and [Twitter](#) @healthvermont. #OurShotVT



From: Ruth Hardy <RHardy@leg.state.vt.us>
Date: Tuesday, June 28, 2022 at 3:44 PM
To: Ruth Hardy <RHardy@leg.state.vt.us>
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Subject: Airport Thoughts after Site Visit

Dear MANA Members (sent as blind copy to full list),
Last week, Rep. Amy Sheldon and I had a meeting at the Middlebury Airport with Michele Boomhower, Aviation Division Director at VT Agency of Transportation. Michele went over some of the plans contemplated in both the Act 250 hanger development proposal and the 10-year master plan for the Airport. We discussed the physical layout of potential plans and were able to generally assess the current situation at the Airport, and the current and potential impact of activity and development on the neighborhood and surrounding area. I'm writing to share my thoughts after the meeting. While Amy and I share many of the same observations and concerns, I want to emphasize that this email comes from me alone and does not necessarily reflect her opinions. Here are my thoughts:

1. **No Compelling State or Local Reason for Airport Development.** In hearing more about the current uses and potential development at the Airport, I could find no compelling state or local interest for supporting the Airport development, and thus, no compelling reason for spending public resources in planning or permitting for development. The Airport seems to be used almost exclusively by hobbyists, with minimal business activity, and no actual public access or purpose. It appears that plans for development are based the desires of a relatively small group of private individuals for their own private business or recreational purposes. The small amount of tax revenue generated from current or potential activity would not likely even cover the cost of the airport operations, planning, and community impact. *In other words, as a public asset, the Middlebury Airport appears to have minimal, at best, public purpose.* There are many more pressing state and local projects to which to direct public funding and support.

Airports across Vermont provide a variety of functions that support the Vermont economy. At the Middlebury Airport we have businesses that operate daily including J&M Aviation which paints aircraft brought in from all over the world and Green Mountain Avionics which retrofits aircraft with precision electronic flight control systems. Green Mountain Avionics has received multiple national awards for their

work and customer service. These two businesses employ a combined 30 people in highly technical jobs. Another group of users including Middlebury College and Lemon Fair District use the airport to support their missions. The Middlebury College has a variety of airport users among their staff and students. The Lemon Fair District uses the airport for their operations to help with insect control. There are other users of the airport that transport freight to the airport as needed for a variety of parties, individuals that utilize the airport to fly corporate or personal aircraft for work related trips, and some for pleasure.

Vermont's airports also serve as an important resource during times of emergency. For example during COVID the airports (Middlebury included) were used to distribute food to those in need, during the IRENE flood recovery the airports were used as staging areas to drop supplies such as water to families that were cut off with washouts. Additionally, the airports are used to set up for rabies drops that are done with aircraft. All of these uses and more have a high public importance.

Middlebury State Airport is part of a national network plan of airports which pilots can use in case they experience mechanical failure or bad weather and need to make an emergency landing. Services offered on the airport make this a location a pilot could land and get the service needed to get back in the air (maybe a few days later depending on the repairs needed).

Current plans for a new terminal building will enhance space for pilots who are filing flight plans or stopping over between business flights, training areas for onsite pilots, as well as providing access to the public to participate in activities on site, watch planes on the airfield or to attend events to allow participants to explore the airport and what it has to offer.

- 2. Protect the Town Aquifer/Water Supply.** My understanding is the Airport lies directly over the aquifer for the Town of Middlebury's water supply. *A community's water supply is one of its most valuable public assets and should be protected above almost all else.* As we've seen with stories from communities across the country, including close to home in Bennington, when a community's water supply is contaminated, the health, environmental, and economic impacts are devastating. The two Act 250 development permit applications appear to substantially increase the current build-out and impervious surface area at the Airport, increasing potential runoff of toxic fuels and chemicals, directly proximate to wetlands and the community's water supply. Local elected officials, copied on this email, should take note and do everything in their power to protect the Town's water supply from any potential hazard, however minimal. Even if the potential for contamination is not large, the cost of a contaminated town water supply is far too great to justify any further development on this site.

Prior to any development or some major development or maintenance activities at the airport, the Agency must obtain the appropriate permits, including those that look at impacts to water supplies (Proposed Land Use Development is evaluated under Act 250 Criterion 1A (Headwaters (Groundwater) impacts and Criterion 3 (Impact of Water Supply)). The runway extension project Act 250 Permit issued 9/15/16 was found to comply with these Criterion and the Agency has filed information with the pending Act 250 application for the pre-permitting of hangar development which details how the current proposal will address these Criteria.

- 3. Proximity to Housing & Village Center.** The Airport is surrounded by residential homes, including the Village of East Middlebury. While much of the housing has been built after the existence of the Airport, the Village center pre-dates the Airport by over 150 years. This housing was built and purchased with the understanding that activity at the Airport would not increase. As most of us can attest, on many days, the noise from airplanes is noticeable (and annoying), and apparently unable to be regulated or

monitored by state or local officials. One can assume, with more development at the Airport, the noise and other impacts, would increase. Maintaining and developing affordable, quality housing, such as exists around the Airport, is a state and local priority. Should the Airport be further developed and thus impact the quality and value of area housing, it would certainly have a negative impact on the Town population and grand list.

When the airport was acquired by the State of Vermont in 1970 the General Assembly approved the purchase as a critical part of transportation infrastructure that the State should preserve and manage as a major asset. The Legislature further directed the Agency to advance efforts to support economic development at the State's 10 airports through two actions: Act 108, of 2018 which required the Agency of Commerce and the Agency of Transportation to details specifics related to airport economic development; the resulting report delivered during the 2019 legislative session included recommendations related to airport facilities development, including master permitting for aircraft hangar to enable pre-permitting of various elements.

In 2020 the Legislature enacted Act 78, which forms the basis for the statewide airport master permitting process the Agency is currently engaged in. The purpose of completing master permitting at the state airports is to make it easier for developers to invest in the airports, whether it is an individual wanting to build a personal hangar or a business looking to locate at a State Airport. During the Act 250 process the Agency will address Criterion 9(A) (Impact on Growth).

Regarding noise analysis, the FAA recommends noise analysis only when there are high levels of operations. Currently Middlebury is less than 8,000 operations per year and is considered a low level of operations by the FAA. Airport noise was a matter of record in documents submitted to the District Commission for the runway expansion project which included a report entitled *Middlebury Airport Environmental Sound Modeling and Monitoring* (Exhibit attached).

4. **Current Hanger Use & Maintenance at Airport is Questionable.** There are currently about a dozen hanger buildings at the Airport, of varying sizes. Several of them are not well maintained and appear to be state-subsidized private storage facilities rather than business or airport facilities. There are also several ill-maintained smaller structures, as well as piles of debris, including junked planes and other vehicles. In other words, the current maintenance of structures at the Airport leaves much to be desired, particularly for an allegedly public facility. This calls into question both the necessity of new structures, considering current structures are not necessarily appropriately utilized, and the ability to ensure that future structures are well-maintained. In addition, the recent clear-cutting of nearly six acres of trees at the north end of the Airport appears to provide no obvious purpose, despite the contention that such work was required by the FAA for sight-line safety. This activity, along with the pesticide use around the fenced perimeter of the Airport, serve to underscore the environmental and aesthetic impact of the facility on the area.

The Agency placed aircraft hangar inspections on hold statewide for the past two years due to the pandemic. Inspections will resume this summer; Agency Property Management staff will be conducting on site inspections of hangars, including evaluation of the contents of each hangar as well as the area surrounding hangars, for compliance with the lease terms. Tenants are allowed to have nominal non-aviation items in leased hangars but these items cannot interfere with the structure's use for aviation purposes. During these inspections staff will also identify maintenance matters the tenant needs to address for their building to remain in compliance with their lease.

Vegetation removal (including trees) is necessary to assure the runway approach surfaces are free of obstructions. In accordance with [49 CFR 77](#), maintaining safe, navigable airspace is a federal requirement which the Agency must meet as the airport sponsor. Airport fence lines must be maintained clear of any vegetative growth to allow for daily fence condition inspections. The purpose of the fencing is to ensure that entrance to the airfield is precluded, including wildlife, to prevent safety and security issues.

5. **Permitting & Planning Not Community-Specific or Data-Driven.** Both the master planning and development permitting work appear to be based on consultant-driven, cookie-cutter work that is not community-specific. The airport use data appears to be based on the assumption that the development permits will be approved and drive up use at the Airport and therefore further justify more development, such as potential runway lighting. The Master Plan makes no case for any current or future public purpose for the Airport, nor does it assess any impact on the neighboring community and residents. Both processes seem to be based on the premise that generic airport development is inherently both desirable and beneficial, without making a case for either. While there is likely, indeed almost certainly, a desire and benefit for development at other state airports that are more appropriately sited, utilized, and maintained, a similar case has not, and I would contend, cannot be made for the Middlebury Airport.

The Agency is required to complete Master Plans for each of the state owned airport on a periodic basis (typically every 10-15 years based on airport activity) according to FAA guidelines. The process includes requirements for public participation. Any future development recommendations included in the plan are the result of input from a variety of sources including the local community, airport users, military users, and federal guidance on items we need to include. The public input process for the hangar master permitting effort has followed statutory requirements for public notification. Additionally, any airport investments which include federal fund must comply with the National Environmental Policy Act public engagement processes.

The Airport is located on a gorgeous piece of property that, because of its proximity to the mountains, wetlands, town aquifer, and a village center, would not likely be developed as an airport today. Since the facility does exist, an argument can be made for maintaining the current airport facility for potential public emergency or training purposes, with an emphasis on keeping its usage as minimal as possible. I do not think it should be further expanded or utilized as an economic development or aviation recreation hub. The community and environmental impact are simply too great, particularly given the overlay with the Town's water supply. Again, there are other airport facilities in the state that are more appropriate for these purposes, and there are other sites in Middlebury that are more appropriate for economic development.

Given that VTrans has a general reputation for poor communication and an inability to collaborate with local communities, it's important that both local residents and local officials are clear in their advocacy in support of the best interests of the Town and the neighborhood. I know there are efforts underway for such communication and community input. I hope to see many of you at the MANA meeting tomorrow and the public hearing on Thursday. Thanks for your engagement on this issue.

My best,
Ruth

[Ruth Hardy \(she/her\)](#)

Vermont State Senator, Addison District

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Blog: <https://ruthforvermont.com/updates/>