

# VERMONT TRANSPORTATION BOARD MEETING JUNE 6, 2018

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## **Board Members Present:**

David Coen, term expires 2/28/21  
T. Faith Terry, term expires 2/28/19  
Tim Hayward, term expires 2/28/2020  
David Markowski, term expires 2/28/21  
Richard Bailey, term expires 2/28/21

## **Board Members Absent:**

Vanessa Kittell, term expires 2/28/19  
Wendy Harrison, term expires 2/28/19

## **Others Present:**

John Zicconi, Board Executive Secretary  
Scott Fortney, VTrans Aviation Operations Specialist  
Rollin Tebbetts, VTrans Aviation Operations Manager  
Charles Mather, applicant  
James Breur, Vergennes Fire Chief  
Steve Weber, Panton Resident  
Paul Tippett, Panton Resident  
Other Panton residents who did not speak or give their names

## **Call to Order:**

Chair David Coen called the Wednesday, June 6, 2018 meeting to order at 10:45 a.m., which was held in the Panton Community Baptist Church, 49 Adams Ferry Road, Panton, VT.

## **1. NEW BUSINESS**

### ***1.1 TB-462 Site Visit at 490 Shadow Glen Road***

Prior to the meeting, the Board conducted a site visit to a proposed airstrip at 490 Shadow Glen Road in Panton

### ***1.2 TB-462 Mather Airstrip Hearing for 490 Shadow Glen Road***

Mr. Mather introduced himself as a retired member of the Airforce, with roots in Vermont who recently purchased property in Panton at 490 Shadow Glen Road that contained an historic grass airstrip that was never permitted by the state. He said records indicate that a previous property owner applied for a zoning permit in 1991 and the town's response was that no zoning permit was needed so the owner went ahead and built and used the airstrip.

Mr. Mather said he purchased the property in 2016 and that the airstrip was clearly shown on the plat plan. After doing some research, he learned that the airstrip had not received all its necessary permits. He first went to the town and got a building permit – the town ruled the airstrip was an auxiliary use to his property – so now it is approved by the town. He is now before the Board for a state permit.

The airplane that Mr. Mather plans to personally operate at the airstrip is a single engine Carbon Cub PA-18.

Mr. Mather requests that the airstrip be permitted as a restricted private use airport that can be used by others only with permission and only if they have proper insurance. If approved, he would file the airstrip's location with the Federal Aviation Administration (FAA) along with his contact information. Anyone who then wishes to use the airstrip would have to contact him to receive his permission to use the facility.

Mr. Mather is asking that the airstrip be permitted for visual flight rules only, so it can only be used in good weather. It will have no night operations. He is requesting a maximum of 35 takeoffs and landings within a calendar month, including winter operations as some planes can be equipped with skis and land on the snow. However he expects limited winter use.

Mr. Fortney said he saw no issues with winter operations. Such operations would be restricted by the guidelines of the federal pilot operating handbook. The aircraft is capable of winter performance, and the airstrip, which is 1,700 feet long, contains adequate distance for winter operations. He said there is a comparable grass airstrip in Island Pond that conducts winter operations, and that such operations are compatible with an airstrip of this size.

Mr. Mather said he has been told his airstrip has been used during past winters while under prior ownership.

Mr. Mather said there is a club of Carbon Cub owners of which there are about seven members that live in the general area, which includes other New England states and New York. This regional group gets together occasionally and he seeks the ability to have all regional members use the property at the same time. This type of gathering would not happen frequently, but he seeks permission to have this happen. He said he wishes to limit the use of others to two takeoffs and landings per day per plane. Any additional takeoffs or landings by guest users would be conducted elsewhere, such as nearby Basin Harbor, which has a public use grass airfield.

As for his personal use, Mr. Mather requested a maximum of three takeoffs and landings per day.

Mr. Mather seeks permission to allow his airfield to be used by permission but also when he is not present. He asked how the Board would police potential overuse of his airstrip if he was not at home. Mr. Coen said if the Board received a report of overuse it would investigate. Mr. Zicconi said the responsibility of preventing overuse of the airstrip would lay with Mr. Mather, who would have to keep track of its monthly usage even if he were not present.

Ms. Terry asked about the nature of the planes using the airstrip. What kinds would they be? Mr. Mather said they would be single engine, general aviation small planes. He would not anticipate anything larger than a four seat 182 Cessna.

Mr. Fortney said a four seat 182 Cessna would be pushing the limits of the airfield. He said the law makes it a pilot's responsibility to evaluate the field conditions of an airstrip he or she intends to use, as well as understand weather conditions and prevailing winds. So a pilot has to make an evaluation as to whether he or she can safely use any particular airport or runway.

Mr. Zicconi asked Mr. Fortney if there was a specific class, make or model of airplane for which the Board could safely limit use of the airstrip? Mr. Fortney said an aircraft with an approach speed of less than 50 knots, which is a fairly small airplane. He said a Cessna 182 exceeds this threshold as its approach speed has a minimum of about 68 knots. Mr. Mather said he was OK with a permit condition limiting the airstrip's use to aircraft with an approach speed not to exceed 50 knots.

Mr. Coen pointed out that the guidelines VTrans submitted as part of its written recommendation also included a minimum approach speed of 30 knots, and asked if any limitation should include this minimum? Mr. Fortney said the FAA words its documents that way but that there is no need to include a minimum. The maximum is what is key.

Mr. Mather said if permitted he would allow the airstrip for emergency use. In fact, he has already contacted the State Police, the local fire depart and local rescue squad to alert them he was applying for a permit and that his intent was to allow them to use the airstrip whenever necessary.

Mr. Mather said one end of the airstrip is close to a neighboring property so aircraft would sometimes fly low over that neighbor's property. He said he has a written statement of support from that neighbor for the airstrip. Ms. Terry asked that Mr. Mather provide the Board with a copy of that agreement. Mr. Mather said he would.

Mr. Fortney said the airfield as proposed meets the design standards proposed by the FAA. As a next step, the FAA will also evaluate the field and make a determination and may put conditions in its approval. Mr. Fortney said the FAA's determination would be limited to just the type of aircraft using the airstrip and would not broach operations.

Mr. Zicconi reminded Mr. Mather that by statute the Board's approval process has two steps: the issuance of a Certificate of Approval followed later by the issuance of a Certificate of Operation. Certificates of Approval usually include conditions, one of which is that the airfield receive a determination letter from the FAA. To then receive a Certificate of Operation – takeoffs and landings cannot begin until a Certificate of Operation is issued – the applicant must show all conditions spelled out in the Certificate of Approval have been met.

Mr. Fortney said that the easterly end of the airstrip is close to a roadway which has powerlines running along it. The powerlines already contain orange aviation balls so they are easy to see, but the location of the powerlines dictate that for the design aircraft (one with an approach speed of less than 50 knots) the 450 feet of the airstrip closest to the road are unusable when either taking off in that direction or landing from that direction. This is because the aircraft requires a 15-to-1 approach and takeoff ratio. However,

when taking off to the west or landing from the west, the 450 feet of the airstrip closest to the road are usable.

Mr. Fortney said the airstrip, which is 1,700 feet long by 90 feet wide, contains adequate length that the design aircraft can safely operate without using the 450 feet closest to the road. Mr. Fortney also said that VTrans evaluated the trees that are west of the airstrip and that lie between the end of the runway and the lake. These trees are not a factor as they do not interfere with the 15-to-1 ratio required to safely operate the design aircraft, he said.

Mr. Markowski asked Mr. Fortney if 35 flights per month, all of which could take place in a single day, was an unusual amount of flights for this type of airstrip? Mr. Fortney said 35 is not a high amount of operations. While he does not monitor private airports, Mr. Fortney said the state's smallest airports averages between 4,000 and 5,000 operations per year. The comparable private public airport in Island Pond likely average between 2,000 and 3,000 per year, he said. Mr. Fortney said he does not view the request of 35 flights per month to be excessive. He called the request reasonable.

Mr. Zicconi asked Mr. Mather if he was requesting permission to store fuel on his property? Mr. Mather said he discussed fuel storage with the local fire chief and that as a result of those conversations he was requesting an external fuel tank of up to 50 gallons.

Mr. Tebbetts asked if there was a need to erect signage along the roadway warning motorists of low flying aircraft? Mr. Zicconi said the state abides by the national Manual for Uniform Traffic Control Devices and asked Mr. Fortney if the manual called for any type of roadway signage? Mr. Fortney said he did not know. The Board asked Mr. Fortney and Mr. Tebbetts to research if such signage was required, and get back to the Board with an answer.

Mr. Tebbetts said Mr. Mather should ensure that all users of the airstrip are aware prior to using the facility that there are powerlines near the airstrip's east end. Mr. Mather said he would do that as well as let pilots know that the preferred takeoff pattern was from east to west unless conditions (wind) warranted otherwise, while preferred landings were from west to east unless conditions warranted otherwise.

Mr. Zicconi asked Mr. Mather if he was requesting permission to conduct any commercial activity from the airstrip? Mr. Mather said he was not, and that he was OK with a permit condition that would prohibit commercial activity and use.

Panton resident Paul Tippet asked the Board if granting 420 takeoffs and landings per year would have an impact on neighboring property values? Mr. Coen said the Board does not have the expertise to offer an opinion, but that some people likely will see an airstrip as a positive and some will see it as a negative. Mr. Tippet said that he spoke to the local fire chief, and that he considers a condition requiring emergency use whenever needed to be a positive.

Panton resident Steve Weber said he likes Mr. Mather's plan to have the preferred flight patterns occur over the lake, but that he has concern about the airstrip potentially being used by ultralight aircraft, which he considers to be noisy and potentially disruptive to the neighborhood. Mr. Mather said he had no plans for ultralight use, and that he was OK with a permit condition that forbids them.

Mr. Weber also asked about flight patterns over his property. Mr. Mather said depending on from which direction the aircraft was landing, it would fly over a corner Mr. Weber's property but that due to the power lines any aircraft flying over his property would have to be higher than 500 feet while doing so.

James Breur, chief of the Vergennes Fire Department which also covers Panton, said he met with Mr. Mather and that he has no issues with the airstrip. He likes the ability to use the airstrip whenever emergency personnel may need it. Chief Breur also said he had no issues with storing 50 gallons of fuel on the property. Mr. Zicconi asked if there was a specific way in which the chief would like the fuel to be stored? Chief Breur said the fuel should be stored in a safety canister. Mr. Zicconi asked that Mr. Mather following the hearing provide the Board with a description of the type of safety canister he proposes to use.

Ms. Terry asked Mr. Mather if he is requesting that a permit be exclusive to him, or if he wishes a permit to run with his land? Mr. Mather said he is requesting a permit that runs with the land.

***1.3 Review/Approve Minutes of the May 3, 2018 Meeting***

**On a motion by Ms. Terry seconded by Mr. Hayward, the Board voted to approve the minutes of the May 3, 2018 Board meeting with corrections. Mr. Bailey abstained.**

***1.4 Executive Secretary's Report***

Mr. Zicconi informed the Board that on June 11-13 that he would be attending the 2018 Northeast Autonomous and Connected Vehicles Summit in Windsor, CT.

***1.5 TB-443 Schultz & TB-457 Roback – Appeal Updates***

Mr. Zicconi informed the Board that he attended court hearings in both the Schultz and Roback cases, which are on appeal. Roback was held in Woodstock Superior Court, while Schultz was argued before the Vermont Supreme Court.

***1.6 Executive Secretary's Job Description.***

**On a motion by Mr. Hayward seconded by Mr. Markowski, the Board unanimously voted to approve the draft job description that was presented by the Job Description Subcommittee.**

***1.7 Swanton Bridge Naming***

WCAX- TV recently ran a story that a bridge in Swanton Village along Route 78 recently was named in memory of veterans of the Vietnam War. The Board, by statute, is the sole entity charged with naming transportation infrastructure that is owned, maintained or controlled by the state. The Board instructed Mr. Zicconi to contact the town to learn more about the naming and if need be work with the municipality to submit the proper paperwork so that the naming is official.

## **2. OLD BUSINESS**

### ***2.1 State Transportation Rule Review***

The Agency of Transportation during the spring contacted the Board and asked that all administrative rules be reviewed to make a determination of whether the rule should be retained, modified or repealed. The Agency's goal is to modernize all rules so that anything remaining in place is both necessary and functional in today's society. The first phase of the initiative is to identify rules that are outdated and can be repealed. Mr. Zicconi said he identified 10 rules that require Agency input as they were promulgated years ago by the Board when it had authority to make policy for VTrans. Since these 10 rules actually apply to VTrans and not the Board, only the Agency can determine if these rules are outdated, germane or require modification. Although Mr. Zicconi requested Agency input more than a month ago, he has yet to receive feedback. The Board instructed Mr. Zicconi to remind the Agency that it needs input before it can make a decision and to place further discussion on the Board's agenda in July.

### ***2.2 TB-464 Kendall Station Road Southern RR Crossing***

### ***2.3 TB-457 Kendall Station Road Northern Crossing Closure Plan***

### ***2.4 TB-463 Proctor Train Overpass – Request for Clearance Variance***

**At 12:30 p.m. the Board on a motion by Mr. Bailey, seconded by Ms. Terry and approved unanimously entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-463 Proctor Variance Request, TB-458 Kendall Station Road Northern Railroad Crossing Closure Plan, and TB-464, Kendall Station Road Southern Railroad Crossing.**

Mr. Zicconi was invited to join the deliberative session.

**The Board exited deliberative session at 1:20 p.m.**

### ***2.5 Fall Public Forums***

The Board held a brief discussion regarding where to hold this year's public forums. The Board identified Burlington, Rutland, Bennington, Brattleboro, Barre, St. Johnsbury, and White River Junction as possibilities.

## **3. OTHER BUSINESS**

*3.1 Round Table*

No one had anything to discuss.

**4. ADJOURN**

**On a motion by Mr. Markowski seconded by Mr. Bailey, the Board unanimously voted to adjourn at 1:35 p.m.**

Respectfully submitted,

John Zicconi  
Executive Secretary

**Next Board Meeting: July 26**