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December 3, 2019

Ms. Gail Lattrell, Director
Airports Division, ANE-600
New England Region
Federal Aviation Administration
1200 District Avenue
Burlington, MA 01803

RE: Norwood Memorial Airport – Technical Master Plan Update –
Opposition to Petition of Boston Executive Helicopters, Inc.,
for Removal of Taxilane 3 Object Free Area at Gate 3

Dear Ms. Lattrell,

I am writing today on behalf of FlightLevel Norwood, LLC ("FlightLevel"), to voice FlightLevel's strenuous objection to the petition advanced by Boston Executive Helicopters, LLC ("BEH"), for the removal of the Object Free Area at the westerly portion of Taxilane 3 at the Norwood Memorial Airport (the "Airport"). I understand that the Airport Sponsor, the Town of Norwood (the "Town") through its Norwood Airport Commission (the "NAC"), has entered into an a *General Release & Settlement Agreement* with BEH (the "Settlement Agreement"), in which it has obligated itself to support BEH's petition, and that the Chairman of the NAC has dutifully written a letter in furtherance of that obligation, but the removal of the Taxilane 3 Object Free Area ("TOFA" or "OFA") is an extremely bad idea, so I respectfully appeal to your office, as the final arbitrator of airport and aviation safety, to deny BEH's petition and preserve the Taxilane 3 OFA as currently configured.

As the operator of Building 15, situated immediately across Taxilane 3 from BEH's hangar; as the employer and colleague of operators of aircraft based in Building 15; as the operator of buildings 16, 17 and 18 with frontage on Taxilane 3; as the operator of fueling and maintenance companies that rely on Gate 3 and the unobstructed access to the Airport that the OFA ensures; and as a victim of trespass, vandalism, and frivolous litigation initiated by BEH, I cannot think of a more, dangerous, short-sighted, or transparently partisan proposition than removal of the OFA at the western end of Taxilane 3.

I. BACKGROUND & MOTIVES.

A. WHY BEH IS PETITIONING FOR REMOVAL OF THE TOFA.

In 2013 BEH presented the NAC with a plan for the construction of a hangar and fuel system on Lot F at the Airport (see BEH Site Drawing at [Exhibit A](#)). The plan called for the hangar to be sited approximately 75 feet from the centerline of the Airport's Gate 3 Taxilane, and approximately 25 feet from the boundary of FlightLevel's Lot G. However, with the application of the NFPA 407 Aircraft Fueling Standard setbacks, and the 57.5' OFA setback from the centerline of the Taxilane 3, BEH's site design left insufficient room to conduct compliant aircraft fueling on Lot F (See OWD Site Drawing at [Exhibit B](#)).

BEH was repeatedly questioned and warned by the NAC about this defect, but manager Christopher Donovan insisted that neither NFPA 407 nor the Gate 3 Taxi Lane OFA would be a problem for BEH because it had the right conduct its FBO operations on FlightLevel's neighboring Lot G. When Mr. Donovan threatened to sue, the NAC approved its plan subject to the requirement that BEH comply with applicable setbacks, and agree to a fueling restriction east of its hangar (i.e., on FlightLevel's Lot G) until it could demonstrate to the NAC that the property rights of others would not be violated (See: July 19, 2013 Memorandum at [Exhibit C](#)). BEH's election to disregard the many prior warnings about its defective site design, and contest the application of NFPA 407, the Taxilane 3 OFA, and FlightLevel's Lot G property rights, lie at the heart of the litigation that has surrounded the Airport since 2014.

Although BEH's petition makes only passing mention of aircraft parking, marshalling and fueling, or its commercial FBO operations, BEH seeks removal of the Taxilane 3 OFA because (1) its building on Lot F is improperly sized, located, or suited for an FBO operation, (2) its claim to be able to use FlightLevel's Lot G for its FBO was defeated in court; and (3) if the TOFA is removed as requested, it can operate its commercial fueling business in front of its hangar, control who can and cannot use Gate 3; and displace, disrupt and interdict FlightLevel's commercial operations including access to FlightLevel's Building 15.

B. WHY THE AIRPORT SPONSOR IS SUPPORTING BEH'S PETITION.

A November 2, 2018 Director's Determination concluded that the NAC discriminated against BEH in delaying the issuance of its FBO permit, and directed the Town to cooperate with BEH in approving its permit application. The NAC's good faith efforts to help BEH secure its FBO permit had been thwarted by BEH for years. The NAC disagreed with Director's Determination and sought an appeal, but in private meetings, BEH convinced a new Town Manager, without the benefit of aviation counsel, to overrule the NAC and enter into the Settlement Agreement, which, among other things, mandated that the NAC's appeal be withdrawn with prejudice, and that the NAC be required to support BEH's petition. See Endnote for additional details.ⁱ

C. WHY THE FAA SHOULD DECLINE BEH'S PETITION.

If the TOFA is removed as requested, it will effectively close the Airport's widest and best access point to fire rescue, emergency medical transport, fuel transports, commercial freight, construction equipment, and the like. It will convert Gate 3 and the westerly portion of Taxilane 3 (each extremely important public Airport resources) into private ramp for the exclusive use of BEH and its transient fuel and tie-down tenants. It will block egress to and from FlightLevel's Building 15, clog Taxilane 3 with transient aircraft seeking fuel, and greatly increase emergency response times to the north end of the Airport, including much of runway 17/35, and the entirety of Runway 10/28. It will also run contrary to the Airport's plan for self-sustainability, and violate Grant Assurance 5, Preserving Right and Powers; Grant Assurance 2, Economic Nondiscrimination, subsections h., and i.; Grant Assurance 24, Fee and Rental Structure; Grant Assurance 29, Airport Layout Plan, subsections a., and b.; and Grant Assurance 34, Policies, Standards and Specifications.

II. ARGUMENT.

A. THE TAXILANE 3 OFA SHOULD REMAIN IN PLACE AND BEH'S PETITION SHOULD BE DENIED.

In its petition, BEH enumerates five propositions in support of TOFA removal. The propositions are (1) the taxilane at the south/west end of Taxilane 3 serves no purpose for aircraft separation; (2) a taxilane is not justified under FAA standards for the purpose of vehicle separation; (3) the Gate 3 taxilane and TOFA are highly detrimental to the use of the BEH hangar; (4) there will be no impact from the proposed change; and (5) the FAA should approve the petition outside of the Technical Masterplan Update.

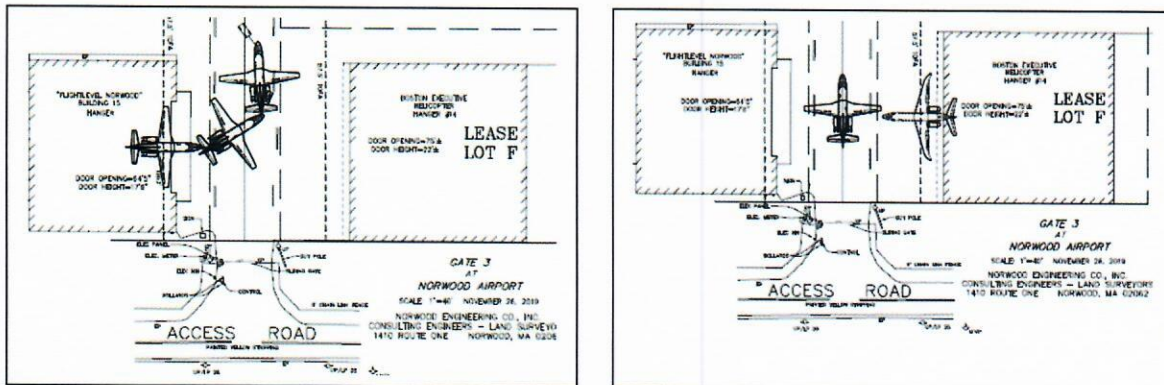
However, as set forth below, the TOFA at Gate 3 is necessary for aircraft separation; it is justified for vehicle access; the fact that its inconvenient to BEH is not sufficient grounds for its removal; removing the TOFA at Gate 3 will dramatically change the character of the Airport and interfere with its plan for future sustainability; and, bifurcating the Technical Masterplan Update process for the benefit of BEH, and to the detriment of the taxpayer, the public, the Airport and the Airports its other users, violates numerous Grant Assurances. Further the Town can fully comply with the November 2, 2018 Director's Determination without eliminating the TOFA at Gate 3.

1. THE TAXILANE 3 OFA AT GATE 3 IS NECESSARY FOR AIRCRAFT SEPARATION.

At item (1) of its Petition, BEH argues that the Gate 3 Taxilane serves no purpose for aircraft separation. Nothing could be farther from the truth. FlightLevel's Building 15 is positioned immediately across Taxilane 3 from BEH's Building 14. Only 123 feet separate the two buildings. Of this 115 feet is designated OFA.

(a) FlightLevel's Building 15.

FlightLevel's Building 15 is a 12,500 sf aircraft storage hangar with frontage on the north side of Taxilane 3. As currently configured, with its 64'5" wide and 17'6" tall hangar door, Building 15 can accommodate aircraft up to the size of the Citation XLS currently hangared there, and depicted in the inset site plans.¹ Under tow, the Citation XLS extends 68' from tug to tail² but requires considerably more than 68' of maneuvering room to access Building 15.³ However, Building 15 is positioned 48 feet from the centerline of Taxilane 3, and because a portion of the hangar and the ramp in front of its main door is already within the TOFA, of the 115' OFA at Gate 3, only 105'6" is usable. As such, in order to pull the XLS straight out of the hangar, more than half of the distance between the two buildings, and about 80% of the TOFA is required. Once lined up, the XLS extends 28.2' on each side of the centerline, leaving only 30' of wingtip clearance to the edge of the TOFA on BEH's side, and just 20' of wingtip clearance from Building 15 on FlightLevel's side.⁴



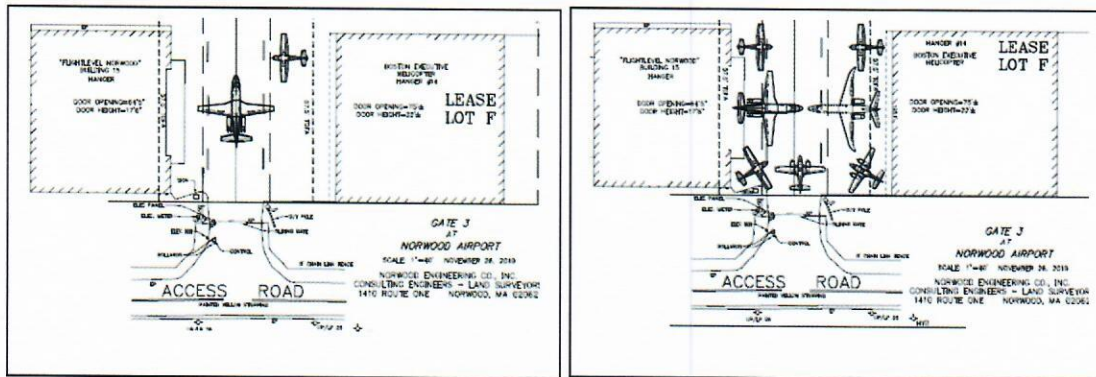
¹ With modification, the hangar door could be increased in width and/or height to accommodate even larger aircraft.

² Citation XLS: Length: 52.5', Wingspan: 56.33', Tail Height 17.1'. Tronair 01-1291-001 XLS Towbar 11.5' adding 6' of length in XLS operation. Eagle TT8 Tug: 9'6".

³ Tail-first and perpendicular to the hangar door as is often required.

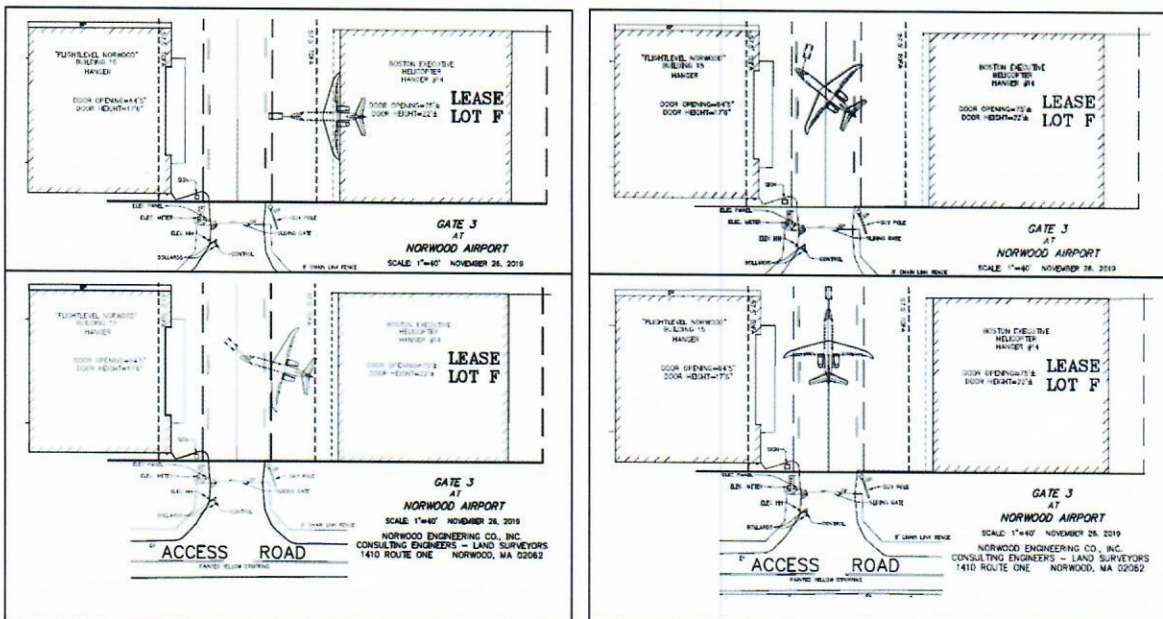
⁴ The included simulations are based on aircraft templates provided in the software programs "AviPlan" and "Smart Draw." All aircraft dimensions were confirmed using FAA Airport Engineering Division, AAS-100 Characteristics Database (October 2018). Aircraft positioning was provided by FlightLevel, for demonstration purposes and are to be considered as reasonably approximate.

Even a Cessna 172⁵ parked in the TOFA at the terminal end of Taxilane 3 will deprive FlightLevel of the wingtip clearance it needs to safely store and tow and operate the largest aircraft its Building 15 can accommodate.



(b) BEH's Building 14 –

BEH's building 14 is a 15,000 sf aircraft storage hangar and office structure with frontage on the south side Taxilane 3. With its 64'5" wide and at least 22' tall hangar door, Building 14 is capable of accommodating aircraft up to the size of a Citation Sovereign, as depicted in the inset site plans, and in BEH's Facebook photo gallery.⁶ Under tow, a Citation Sovereign extends 78' feet from tug to tail.⁷ Building 14 is positioned 75 feet from the centerline of Taxilane 3, so there is currently 17'6" of ramp in front of Building 14 that is outside of the TOFA. Yet in order to pull the Sovereign straight out of BEH's hangar, more than three quarters of the distance between the two buildings, and about 73% of the

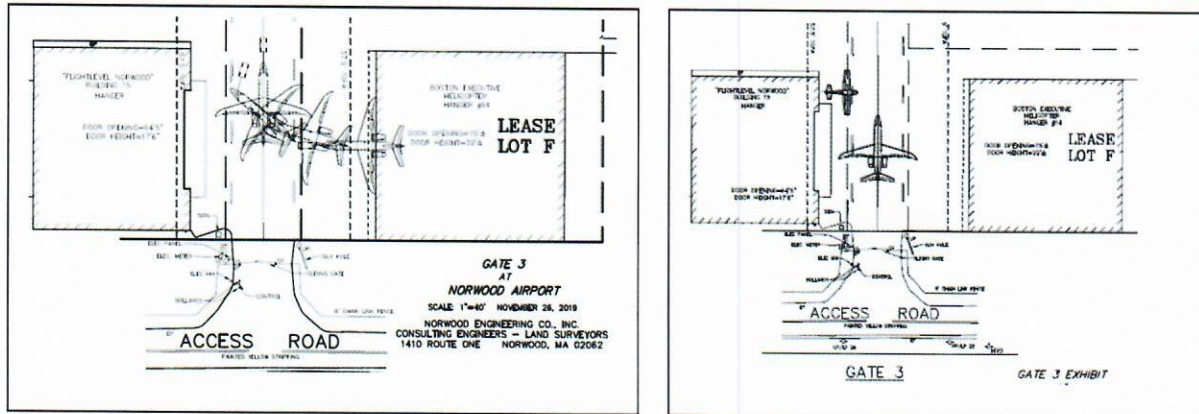


⁵ Cessna 172 Skyhawk: Length: 27.17', Wingspan: 36.08', Tail Height: 8.92'.

⁶ <https://www.facebook.com/FLYBostonExecutiveHelicopters/photos/a.1174828275947396/1587685594661660/?type=3&theater>. The photo depicts Citation Sovereign N900EB in BEH's hangar. It is anticipated that BEH will remove this image upon learning of this letter.

⁷ Citation Sovereign: Length: 63.5', Wingspan: 63.33', Tail Height 20.33'. Tronair 01-1291-001 Sovereign Towbar 11.5' adding 6' of length in Sovereign operation. Eagle TT8 Tug: 9'6".

TOFA is required. Once lined up, the Sovereign extends 31.66' on each side of the centerline, leaving only 25' of wingtip clearance to the edge of the TOFA on BEH's side, and just 16.3' of wingtip clearance from Building 15 on FlightLevel's side. Likewise, if even a Cessna 172 is parked in the TOFA, it, alone, will deprive BEH (or the future owner of Building 14) of the wingtip clearance it needs to safely store and move the largest aircraft its Building 14 can accommodate.



(c) BEH Fails To State How The Interest Of Aircraft Safety Will Be Served By The Removal Of The OFA At Gate 3

Citing AC/150-5300-13A, BEH suggest that the definitions of “Taxilane”⁸ and “Hangar Apron”⁹ should be used to reclassify the terminal end of Taxilane 3, in order to justify removing the OFA. However, BEH fails to include the definition of “Object Free Area”¹⁰ in its petition, or address the most important question ... how in the absence of Taxilane markings that extend all the way to Gate 3 and the corresponding OFA, sufficient clearances can be achieved to “enhance the safety of aircraft operations” other than “by remaining clear of objects, except for objects that need to be located in the [area between Building 14 and 15 ...] for air navigation or aircraft ground maneuvering purposes.” Unless and until that question is resolved, the FAA should reject BEH’s (and any other) petition for removal or reduction of Taxilane 3 or the Taxilane 3 OFA at Gate 3.

(d) BEH Misrepresents FlightLevel’s Use Of The Taxilane 3 OFA -

BEH next represents that both hangars (FlightLevel’s Building 15 and BEH’s Building 14) “use [the area between Buildings 14 and 15] for aircraft parking, marshalling and fueling.” While it is true that both entities utilize the area for aircraft ground maneuvering purposes, only BEH uses it for aircraft parking and fueling, and only in defiance of Airport regulations. The fact that an entity intentionally and consistently violates airport safety regulations should not provide that entity, or any regulator, or any other person or entity with justification for its removal.

⁸ AC/150-5300-13A Chapter 1, Sec. 102. cccc. states: “**Taxilane (TL)**. A taxiway designed for low speed and precise taxiing. Taxilanes are usually, but not always, located outside the movement area, providing access from taxiways (usually an apron taxiway) to aircraft parking positions and other terminal areas.”

⁹ AC/150-5300-13A Chapter 1, Sec. 502.c. sates “**Hangar apron**. This is an area on which aircraft move into and out of a storage hangar. The surface of such an apron is usually paved.”

¹⁰ AC/150-5300-13A Chapter 1, Sec. 102. kkk. states: “**Object Free Area (OFA)**. An area centered on the ground on a runway, taxiway, or taxilane centerline provided to enhance the safety of aircraft operations by remaining clear of objects, except for objects that need to be located in the OFA for air navigation or aircraft ground maneuvering purposes.”

2. THE TAXILANE 3 OFA AT GATE 3 IS NECESSARY FOR AIRPORT SELF-SUSTAINABILITY.

Grant Assurance 24 provides that the Airport Sponsor will “maintain a fee and rental structure for the facilities and services at the Airport which will make the Airport as self-sustaining as possible [...]”.

(a) Airport Self-Sufficiency Depends On Large Aircraft.

Attached as Exhibit D is a copy of a Position Paper presented to the Norwood Airport Commission, making the case for extending Runway 17/35. In short, through the Great Recession and its aftermath, corporate flight departments sold-off their “embarrassing” corporate aircraft, and outsourced their aviation needs to charter and fractional companies. This trend, known as “Charter Shift,” combined with the non-proliferation of the micro-jet market, changed general and corporate aviation from primarily Part 91, to primarily Part 135. In the new Part 135 world, airports with runways shorter than 5,000 feet are disregarded, and airports with runways longer than 5,000 feet receive the lion’s share of the private and commercial GA uplift.

(b) The OWD Master Plan Recognizes The Importance Of Large Aircraft.

The OWD Airport Master Plan recognizes this trend, and appropriately includes an option to extend Runway 17/35 to greater than 5,000 feet. The Master Plan Update, currently in process, goes a step further, specifying as a first phase, the paving of the Runway 17/35 safety areas, which will take the Airport’s main runway from 4,000 to 4,600 feet. Second only to safety, the purpose for this investment will be to attract larger and more profitable charter and fractional fleet aircraft, since larger aircraft require more fuel and services, and pay higher rents than smaller aircraft. It is these additional services, fuel sales and rents that the Airport Sponsor will need to achieve and maintain financial self-sustainability. However, runway length, is only part of it.

(c) Large Aircraft Require Large Taxiways and Large Hangars.

The Airport must have the ability to safely taxi, tow and store large aircraft. Of the Airport’s two east/west Taxilanes, the distance between the buildings at Taxilane 3 is wider by approximately 36 feet¹¹, making it the more desirable Taxilane for the erection of large hangars and the storage of large aircraft. Although Buildings 15, 16 and 18 are non-conforming, in the sense that they currently encroach into the Taxilane 3 OFA, they are reaching the end of their useful lives, and rather than reducing or removing the TOFA designation, they should be replaced with structures sited outside the TOFA, so the full length of Taxilane 3 can accommodate the largest aircraft design group (Currently Group B-II) capable of being hangared at OWD.

(d) Summary -

There no circumstance in which the Airport’s self-sustainability will be served by the shortening, narrowing, or obstructing of any Taxilane, and especially not Taxilane 3. Further, surrendering the future profitability of Airport to improve the immediate competitive advantage of a single Airport operator would violate Grant Assurance 5, Preserving Right and Powers; Grant Assurance 2, Economic Nondiscrimination, subsections h., and i.; Grant Assurance 24, Fee and Rental Structure; Grant Assurance 29, Airport Layout Plan, subsections a., and b.; and Grant Assurance 34, Policies, Standards and Specifications.

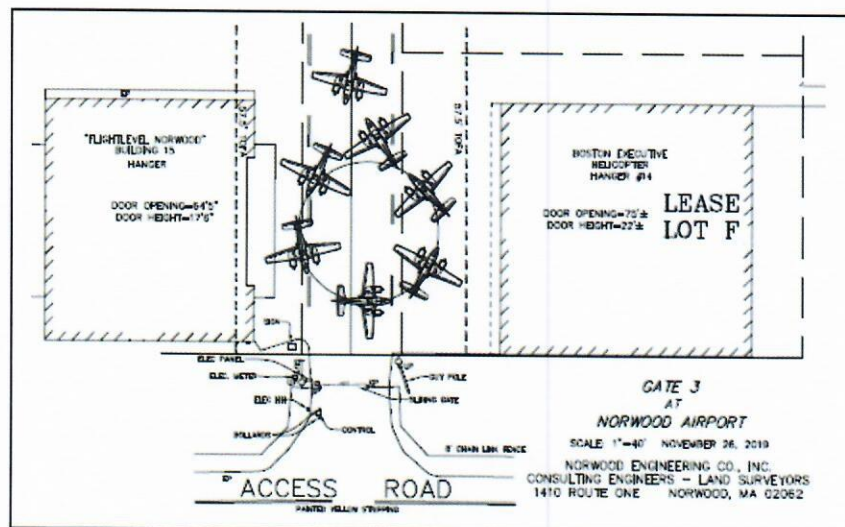
3. TAXILANE 3 AND CORRESPONDING OFA ARE JUSTIFIED FOR VEICLHE ACCESS IN THE INTEREST OF AIRCRAFT AND AVIATION SAFETY.

¹¹ 123 feet +/- at Taxilane 3, compared to 87 feet +/- at Taxilane 2.

**(a) The Area Between Building 14 And Building 15 Should Not Be
Reclassified As A Service Road To Justify Removing The TOFA.**

At item (2) of its Petition, BEH argues that the Taxilane 3 is essentially a service road, and as such the regulations applicable to service roads should apply to area between Building 14 and Building 15. Since AC/150-5300-13A Chapter 5, Section 514¹² counsels that service roads “should be clear of the OFAs for the runways and taxiways/taxilanes,” BEH concludes that Taxilane 3 and OFA at Gate 3 are inappropriate. While creative, this second proposition is equally flawed.

To begin with, BEH fails to prioritize the operation of aircraft in the area between Buildings 14 and 15, offering the “service road option” more as an excuse for the change than a sound plan for why removing or relocating the Taxilane 3 TOFA makes sense. As discussed in detail above, the Taxilane 3 OFA is necessary to enhance the safety of aircraft operations, ensure proper clearances, and preserve the Airports ability to achieve and maintain financial self-sufficiency. It is also necessary to ensure proper clearances for transient aircraft that may taxi to the terminal end of Lane 3 after hours in search of fuel. The underlying image depicts a properly scaled Beech 55 entering and exiting the terminal end of Taxilane 3.



While it is true that vehicles gain access to the Airport through Gate 3, and that Gate 3 is the largest and best point of egress for emergency and commercial vehicles, it is ONLY the OFA designation that ensures that Gate 3 remains usable. Once the OFA is removed, and BEH converts the area to parking for its tenants, customers, fuel trucks and ground support equipment, Gate 3 and Taxilane 3 will be inaccessible (even as a service road) to all but BEH’s preferred users.

¹² AC/150-5300-13A, Chapter 5, Section 514. Apron service roads.

Designated service roads should be provided on aprons because they restrict service vehicle movements to a confined area(s) where the pilot is familiar with seeing vehicle activity. Proper layout of service roads on an airfield contributes to airport safety and the reduction in runway incursions. Factors to consider when designing service roads include items such as current/future vehicle and ground-service equipment movement, space, bearing strength, height clearance, separation standards from runways/taxiways, and access. The width of service roads depends on the projected traffic levels, widest equipment expected to use the service road, etc. There are typically two locations for apron service roads: (1) behind the aircraft or (2) between the front of the aircraft stand and the terminal building. At commercial service and busy general aviation airports, service roads may also run between the apron and the taxiway/taxilane for authorized vehicle access to parked aircraft. These roads should be clear of the OFAs for the runways and taxiways/taxilanes. Facilities should be designed to avoid service roads crossing runways and taxiways/taxilanes to the extent possible. However, when a crossing is necessary, proper marking must be in place to ensure vehicles stop or yield to aircraft. The service road should be defined with centerline and edge striping. See AC 150/5340-1 for marking design information.

BEH next argues that there would be no prohibition on the marking of a service road across open ramp, but fails to propose the installation of a service road over its own existing open ramp at Gate 3, which would at the same time preserve the TOFA for aircraft safety, and meet BEH's desire to separate vehicle traffic. Since Taxilane 3 and its corresponding OFA terminate approximately 25 feet east of Gate 3, and more-or-less proximate to the northwesterly corner of Buildings 14, and since BEH maintains 17'6" of Hangar apron outside of the OFA, if a service road is indicated, the Airport would be far better served by its installation to the south of the Taxilane 3 OFA, over BEH's existing open ramp.

Lastly, BEH asserts that its aviation consultant inquired with AAS-100, and reported back that the Taxilane 3 OFA "was not prohibited by standards but did see that the Taxilane served little if any purpose at the end of the lane, and thought that substituting a vehicle service road would be a safety improvement by providing a clearly protected rout for vehicles." In addition to being partisan hearsay, this purported encounter between BEH's paid expert and an un-named federal employee is too speculative to deserve credit. If a proper analysis had been undertaken and completed, a written report would have issued, and BEH's expert would have provided that report to BEH to assist BEH with its petition. In the absence of a proper analysis and written report, the representation of BEH about the purported representation of BEH's expert, about the purported representation of an un-named federal employee should be stricken from consideration.

What's far more probative is your office's prior review of this issue, a record of which was memorialized in a June 24, 2013 email from Airport Manager, Russ Maguire directed to Mr. Donovan, copied to you, and circulated among all relevant FAA and MassDOT regulators. Specifically, "FAA policy does not allow new obstructions to be placed within any OFA areas regardless of existing obstructions." Further "per [... BEH's] commercial fueling operation, the concern expressed by the FAA is the use of the current taxi-lane (e.g., size and type of aircraft), and how that might change if possibly larger, itinerant aircraft were to begin operating on the gate 3 taxi-lane late at night looking for fuel." See June 24, 2013 Circularized Email at Exhibit E). The issue was concluded. The TOFA was preserved as currently configured, and the Airport Manager notified all Airport users, stating:

At this point, the taxi-lane object-free areas (TOFA) should no longer be an issue. [... B]y now, every airport business owner, every aircraft owner and/or chief pilot on this airport should be well aware that parking and leaving aircraft within the taxi-lanes (gate 2, gate 3 or north/south taxi-lane), whether for fuel or otherwise, is prohibited. Please reinforce this message with your staff and co-workers.

The Norwood Airport is, relatively speaking, small. Onto this footprint, we have 10 commercially permitted businesses, any number of corporate and business flight departments and 187 based aircraft. This doesn't include all of the transient aircraft and ground traffic including fuel trucks, maintenance and personal vehicles. So airport management fully understands our space constraints, which seem to be getting tighter and tighter. That said, we're asking everyone to honor these TOFAs for the benefit of all.

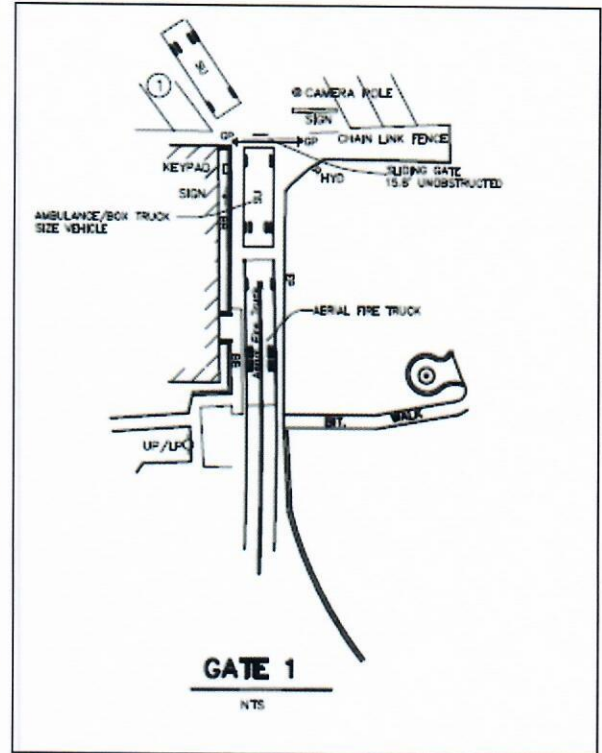
See: April 11, 2014 Email attached as Exhibit F. The FAA should not now disregard its previously identified and very real safety concerns, or undo the results of its prior investigation, solely to benefit a single Airport user by eliminating the OFA between Buildings 14 and 15.

(b) The Taxilane 3 OFA Should Continue To Gate 3 To Protect Unobstructed Access For Emergency Responders –

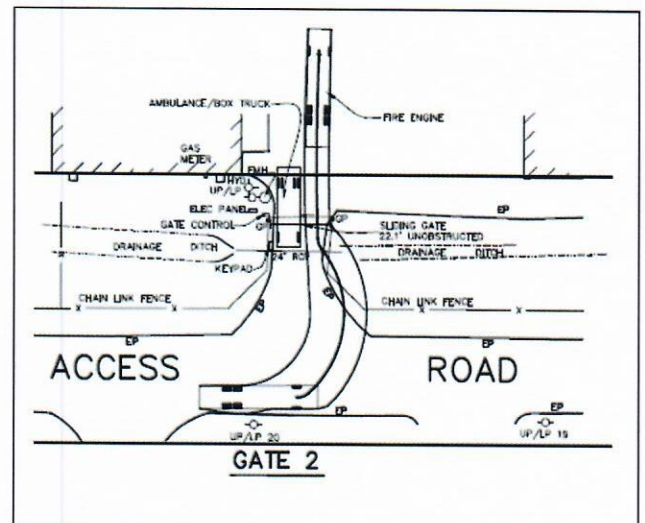
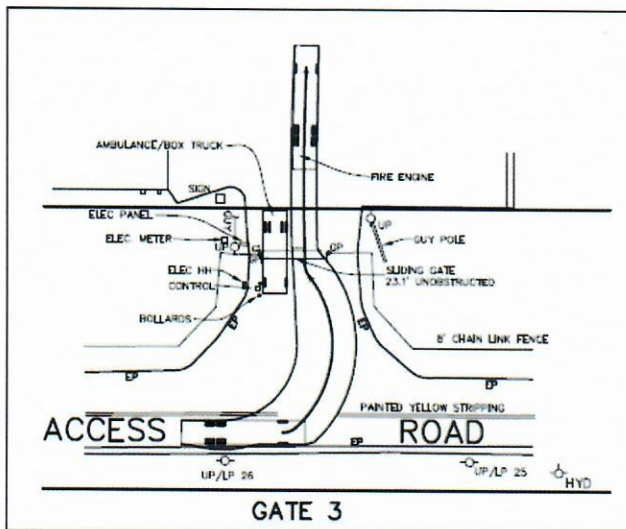
Of the Airport's three vehicle gates, Gate 3 provides the best over-all vehicle access for emergency response.

Unlike Gate 1, which is served by a narrow vehicle lane that passes by a restaurant and rental car concession, each with corresponding amounts of vehicle and foot traffic; and unlike Gate 2, which is served by a comparatively narrow ground-side access driveway, and which requires careful maneuvering at the vehicle gate; Gate 3 has a comparatively wide ground-side access driveway, and direct, line-of-sight, air-side ingress and egress to the Airport's taxilanes, taxiways and runways.

Additionally, only one emergency vehicle at a time can pass through the 15.8' unobstructed opening afforded by the slide gate at Gate 1. And while the 22.1' unobstructed opening afforded by the slide gate at Gate 2 could permit multiple vehicle access, the narrow paved entrance creates a choke point that renders it less than ideal in the event of an emergency. By contrast, the 23.1' unobstructed opening afforded by the slide gate at Gate 3, combined with the large radius paved driveway to and from Access Road, permits simultaneous use of Gate 3 by multiple vehicles, such that a fire engine can freely enter and an ambulance can freely exit the Airport at the same time.



Note below that the fire truck entering at Gate 2 passes through the drainage ditch, while the fire truck entering Gate 3 remains on the paved driveway.



More important still is the proximity of Gate 3 to the northern side of the Airport, making it the most direct emergency route to the approach end of Runway 17/35, and ALL of Runway 10/28.



If the TOFA is removed as requested, it will effectively close the Airport's widest and best access point to fire rescue, emergency medical transport, as well as fuel transports, commercial freight, construction equipment, and the like. It will convert Gate 3 and the westerly portion of Taxilane 3 (each extremely important public Airport resources) into private ramp for the exclusive use of BEH and its transient fuel and tie-down tenants, greatly extending emergency response time to the farthest north and east sections of the Airport, including much of Runway 17/35 and all or Runway 10/28.

4. THE FACT THAT THE GATE 3 TAXILANE OFA IS INCONVENIENT FOR BEH DOES NOT JUSTIFY ITS REDUCTION OR REMOVAL.

At Section 3 of its petition, BEH asserts that the Taxilane 3 OFA at Gate 3 is highly detrimental to the use of its hangar, and re-offers the "service road" argument in support of its removal.

(a) BEH Knowingly Elected Not To Re-Position Its Hangar On Lot F To Gain Additional Ramp Outside The Gate 3 OFA.

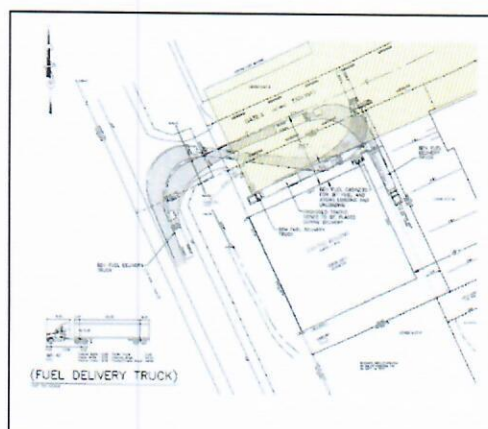
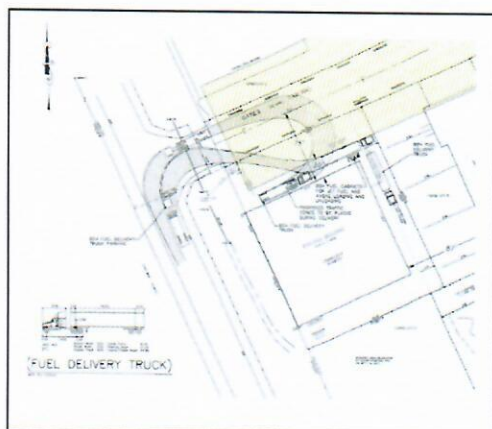
As detailed above at Section 1.A., dating back to 2013, and well before breaking ground, BEH was repeatedly cautioned by the NAC and Airport Manager about the limitations of its site design, given the application of NFPA 407 aircraft fueling setbacks, and the proximity of its hangar to the Gate 3 TOFA. Yet with full knowledge of those limitations, BEH elected not to alter its site plan, and demanded under threat of litigation that the NAC approve its plan as proposed. BEH did this because it believed that once its hangar had been built, it could bully the NAC into giving it additional land, using the argument that it was being penalized, and the regulations were therefore being disparately applied. This strategy worked,¹³ and it's exactly what BEH is attempting to do with its petition. However, the "Clean Hands Doctrine" is a rule of law that a person coming to court with a lawsuit or petition for a court order must be free from unfair conduct (have "clean hands" or not have done anything wrong) in regard to the subject matter of his/her claim.¹⁴ This is clearly not the case with BEH, and although review by your office is not a court proceeding, the principle should apply equally, and BEH's petition should be denied.

¹³ The NAC evicted the prior tenants of Lot A, Lot B and the CD-3 Apron and offered the land to BEH.

¹⁴ <https://dictionary.law.com/Default.aspx?selected=211>.

(b) BEH Can Operate Its Fueling System And FBO Compliantly Without Violating Or Removing Or Reducing The Taxilane 3 OFA.

BEH only mentions “fuel” briefly at Section 2 of its petition, but the transparent purpose behind the petition is the annexation of ramp so it can operate its FBO in front of its hangar. However, in the last several years, the NAC has required both FlightLevel and BEH to demonstrate that they could each compliantly operate their fueling systems without violating Airport safety regulations or the property rights of others. In 2018 BEH submitted the underlying scaled engineering plans prepared by the designer of Building 15 and its in-ground fuel system, as evidence that it can operate its fueling system without violating the OFA, and without going on FlightLevel’s Lot G. More complete copies of the plans are attached at Exhibit G.



Although BEH cannot fuel aircraft on Lot F due to NFPA 407 setbacks, it can fuel aircraft in designated areas on any public apron, and on any lot it leases from the Airport. However, the fact that the OFA at Gate 3 may be inconvenient for BEH, does not justify its removal or reduction to the detriment of the Airport and other Airport users. See, e.g., *Asheville Jet, Inc. v. Asheville Reg'l Airport Auth.* FAA Docket No. 16-08-02. — No. FAA-2008-1077. Director's Determination, at p. 21 (October 1, 2009) (“[C]onvenience is not the standard for evaluating whether an aeronautical tenant enjoys an exclusive right or not”). Moreover, while BEH has 17’6” of ramp outside of the OFA in front of Building 14, FlightLevel has none, and yet FlightLevel remains perfectly capable of operating Building 15 without reducing or removing the TOFA. The difference is that BEH intends to engage in activities other than hangar operation at the terminal end of Taxilane 3. Principally, the parking, marshalling and fueling of aircraft.

(b) BEH Does Not Play Fair -

BEH continues the “service road proposition” at Section 3 of its petition. However, it adds a new twist, arguing that “replacing the Taxilane with a vehicle service road in this location provides each of the adjacent hangar owners with an additional 45 feet of hangar apron in front of their hangars, making it far easier to position aircraft and move stored aircraft in and out of their hangars.” Do not be fooled. The inference that “each of the adjacent hangar owners” will benefit is a deception.

BEH (now entering its fifth year of serial litigation) has demonstrated itself to be a highly partisan and territorial entity, intent on flaunting regulations, pushing boundaries, and seeking every possible advantage over anyone or anything that stands in its way. If given an opportunity, it will quickly disavow the implied détente, and occupy the entire area between Buildings 14 and 15 to further its own interests,

and to disrupt, delay, and interdict FlightLevel's commercial undertakings, harass its tenants, and interfere with the quiet enjoyment of its leaseholds. Under the direction of Mr. Donovan, there is literally NO likelihood that BEH will "play fair" and peacefully co-exist with FlightLevel at Gate 3, or permit FlightLevel (or anyone else) equal access to Gate 3, or the enjoyment its purported share of any additional ramp access that might be gained through its petition.

5. BEH's REMAINING ARGUMENTS FAIL TO JUSTIFY REMOVAL OR REDUCTION OF THE TAXILANE 3 OFA.

(a) Removing Or Reducing the TOFA Will Convert Lane 3 From Public Asset To Private FBO Ramp.

At Section 4 of its petition, BEH attempts to anesthetize the FAA relative to the impact of removing the TOFA at Gate 3, arguing, in essence, that it's merely the removal and replacement paint, which "will have no effect on the number or types of aircraft or vehicles that use Lane 3, and make no change in the kinds of activit[ies engaged in by the entities] using the hangars on Lane 3."

However, as discussed above, BEH's primary objective is to acquire additional ramp so it can conduct commercial fueling and FBO operations in the OFA at Gate 3. In Section 2 of its petition, BEH stealthily mentions that "both hangars" use the area between Buildings 14 and 15 for "*aircraft parking, marshalling and fueling.*" This is a false statement, but it's foundation upon which BEH justifies its representation that there will be no change in activity when it starts fueling aircraft between Building 14 and 15.

The truth, of course, is just the opposite. Commencement of commercial *aircraft parking, marshalling and fueling* in the area between Building 14 and Building 15 will have a radically destabilizing impact, completely transformation Gate 3 from a valuable Airport asset, to BEH's private commercial fueling domain. It will effectively close the Airport's widest and best access point to fire rescue, emergency medical transport, fuel transports, commercial freight, construction equipment, and the like. It will convert Gate 3 and the westerly portion of Taxilane 3 (each extremely important public Airport resources) into private ramp for the exclusive use of BEH and its transient fuel and tie-down tenants. It will block egress to and from FlightLevel's Building 15, clog Taxilane 3 with transient aircraft seeking fuel, and greatly increase emergency response times to the north end of the Airport, including much of runway 17/35, and the entirety of Runway 10/28.

(b) BEH's Petition Seeks Blatant Derailment Of Public Process.

Although a Technical Master Plan Update, funded by hundreds of thousands of taxpayer dollars, had already progressed through the vetting of options and solutions – including those applicable to Taxilane 3, BEH describes an August 21, 2019 meeting in which he and his aviation consultant attempted to convince the FAA personnel to authorize or direct the NAC to remove the Taxilane markings and OFA at Gate 3, and replace the same with vehicle service road markings. While properly advised by Michelle Ricci and Lisa Lesperance that the issue would have to be considered as part of the Technical Master Plan Update, BEH, through its petition, is nonetheless seeking to bifurcate and subvert the Technical Master Plan Update process, to achieve its partisan objectives.

At Section 5 of its petition, BEH blatantly requests that the FAA "approve a NAC [sic] request to alter the markings on this short section of ramp and/or find that it is an action that could be done without further FAA review and noted on the next update of the Airport Layout Plan." If BEH's petition is granted, it will have succeeded in derailing the Master Plan Update, and changing the entire character and future of the Airport without due process of law. Alternatively, if BEH's petition is to be considered in connection with


the current Master Plan Update, the project will have to be reversed, re-cued and re-bid. In either case, it would lay waste to a considerable body of engineering work, at great cost to the taxpayers.

III CONCLUSION

For all of the foregoing reasons, BEH's petition should be denied.

Respectfully submitted,

FlightLevel Norwood, LLC

By: 

Nicholas W. Burlingham
General Counsel
FlightLevel Norwood, LLC
125 Access Road
Norwood, MA 02062
860-941-1129

Endnote ⁱ As an observer who attended nearly every NAC public meeting since 2014, I personally witnessed the NAC's many, many good faith attempts to help BEH become an FBO, while at the same time, BEH toyed with the NAC, artfully maneuvering, litigating, filing ethics complaints, records requests and appeals, publishing articles, sowing confusion and chaos, and intentionally sabotaging every opportunity that it had to become an FBO – all to mask its defective site design and bolster its claim for damages - including repeatedly refusing to execute any of the NAC's lease offers, or meet the NAC's simple and reasonable permitting requirements (like providing pollution insurance), all of which had been asked of and easily satisfied by FlightLevel.

So how could the Town have been found to have discriminated against BEH? There are two reasons. First, the Town failed to report its good-faith efforts or BEH's intentionally evasive behavior to the Airport Compliance Office for most of the pendency of the Part 16 proceeding. The procedural history (found at Section III.A. of the Director's Determination), shows no attempt on the part of the Town or its attorneys to update the Airport Compliance Office during the 13 months between January 3, 2016 and February 7, 2017, and/or the 19 months between February 7, 2017 and the November 2, 2018 Determination. Given the absolute dearth of evidence of the Town's good faith efforts and BEH's evasive behavior during these 32 months, and BEH's representation that the town still hadn't issued its FBO Permit, it is entirely understandable that the Director would conclude that the Town, rather than BEH, was at fault. The second reason is that the FAA Airport Compliance Office took far too long to render its decision. The Complaint was filed March 11, 2015. The briefing was concluded January 3, 2016, just 10 months later. Yet the Compliance Office waited an additional 2 years and 10 months to issue its determination, and when it did, it rushed it out so quickly that its first edition had to be retracted to correct numerous typographical errors. Both the Town and BEH had been anticipating prompt resolution and orders to guide them in their next steps. Had

the FAA issued a prompt determination, the 34 month delay would not have figured into the calculus that ultimately penalized the Town and increased BEH's claim for damages.

The November 2, 2018 Director's Determination came as shock to those of us who witnessed the dynamic between the Town and BEH. However, what has been difficult to justify, is why, when confronted with the patently incorrect Director's findings, the Town would fail to set the record straight by prosecuting the NAC's appeal, and stunningly, would instead allow it to become the final, unappealable, law of the land. The answer is that BEH was able to convince a member of the Town's Board of Selectmen, and a newly appointed Town Manager, with no aviation background or experience, and mere cursory understanding of the facts, law, history or circumstances, and without any investigation of their own, that the NAC was incompetent, and that by cutting the NAC out of the conversation, all of BEH's claims could be quickly resolved without further litigation. The quid pro quo was that the Town would agree to 100% of BEH's demands, one of which was removal of the TOFA at Taxilane 3; another was the withdrawal, with prejudice, of the NAC's Part 16 Appeal. So, over the objection of the NAC's sitting members, two of whom electing to resign on principal, the new Town Manager acceded to all of BEH's demands, as set forth in the Settlement Agreement, and then forced the NAC's remaining members to do the same, irrespective of the harm it would cause to the Airport, or the impact that it would have on the Airport's other tenants and users. This is why the Town is backing BEH's petition for removal of the Taxilane 3 OFA, and FlightLevel Norwood, rather than the Chairman of the Norwood Airport Commission, the Airport Manager, or the Town's aviation counsel, must write this letter.

EXHIBIT A

CEG
113 STATE ROAD, RT. 9
NORTH DARTMOUTH, MA 02747
TEL: (508) 884-9988 FAX: (508) 884-9941
www.celestialdesign.com

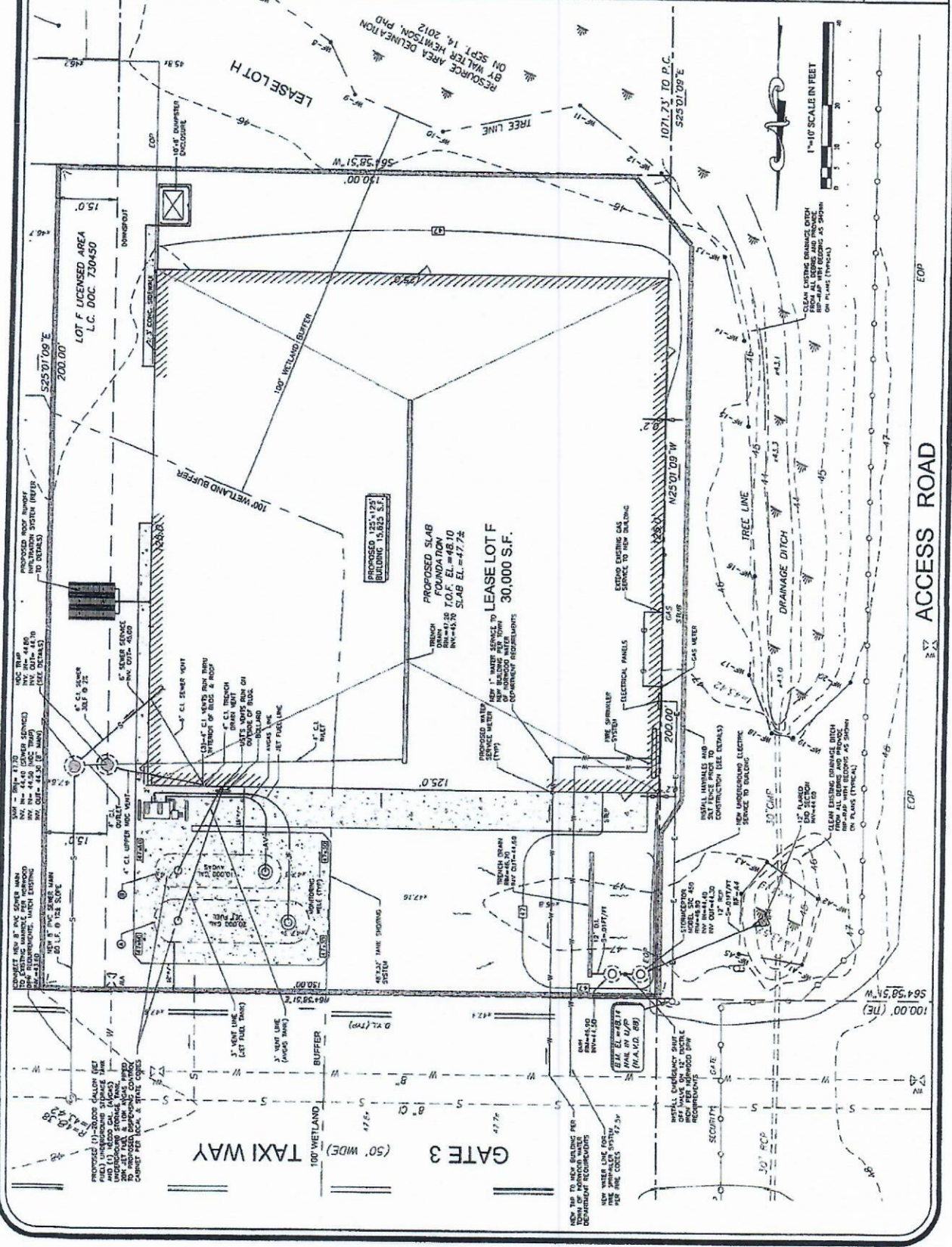
Project:
PROPOSED STEEL HANGAR
LEASE LOT F 189 ACCESS
ROAD NORWOOD
MA 02062

Prepared For:
BOSTON EXECUTIVE
AIRPORT
209 ACCESS ROAD,
NORWOOD AIRPORT
NORWOOD, MA 02062

Issue Date: 07/20/11	Revision:
No. 1	Date: 07/20/11
Excavation	
Foundation	
Grading	
Drainage	
Utilities	
Access	
Security	
Other	
Project Number: 12446	
Scale: AS SHOWN	
Designed By: HES	
Drawn By: HES	
Checked By: HC	

Sheet Title:
PROPOSED DRAINAGE
GRADING & UTILITIES
LAYOUT PLAN

Sheet Number: 5 OF 20

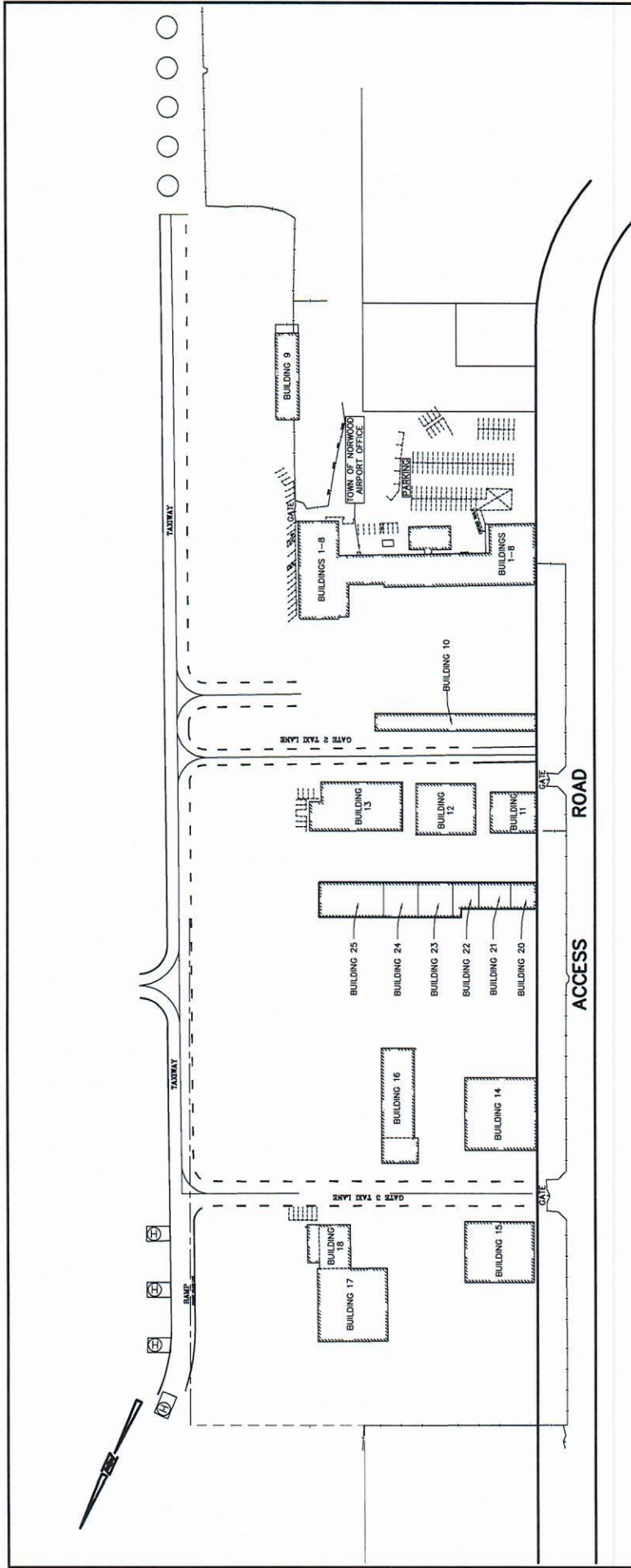


ACCESS ROAD

GATE 3

TAXI WAY (50' WIDE)

EXHIBIT B



NORWOOD AIRPORT
NORWOOD, MASSACHUSETTS
 PREPARED FOR
FLIGHTLEVEL NORWOOD LLC

NORWOOD ENGINEERING CO., INC.
 CONSULTING ENGINEERS - LAND SURVEYORS
 1410 ROUTE ONE NORWOOD, MA 02062



FUELING RESTRICTION PLAN
AT
NORWOOD AIRPORT
NORWOOD, MASSACHUSETTS
PREPARED FOR
FLIGHTLEVEL NORWOOD LLC

SHEET 1 OF 1

SCALE: 1"=80'
NORWOOD ENGINEERING CO., INC.
CONSULTING ENGINEERS - LAND SURVEYORS
1410 ROUTE ONE NORWOOD, MA 02062

Age Group	Male (Meters)	Female (Meters)
0-10	40	40
11-20	20	20
21-30	10	10
31-40	10	10
41-50	10	10
51-60	10	10
61-70	10	10
71-80	10	10
81-90	10	10
90+	10	10

9588-02

LEASE LOTS

LOT 5-57,600 S.F.	LOT H-105,000 S.F. (AREA INCREASED)
LOT 6-210,180 S.F.	LEASE LOT TANK FARM LEASE
LOT 7-135,360 S.F.	LOT W-22,940 S.F.
LOTS 8, 9 & 10-12,000 S.F.	LOT X-73,940 S.F.
LOT B-25,759 S.F.	LOT Y-36,003 S.F.
LOT C-30,000 S.F.	LOT Z-112,470 S.F.
LOT D-24,000 S.F.	

EXHIBIT C



The TOWN OF NORWOOD

Commonwealth of Massachusetts

Norwood Memorial Airport

Russ Maguire, A.A.E., ACE, Airport Manager

OFFICE ADDRESS

125 Access Road
Norwood, MA 02062

MAILING ADDRESS

125 Access Road
Norwood, MA 02062

HAND DELIVERED AND BY ELECTRONIC MAIL

July 19, 2013

Boston Executive Helicopters
Attn: Chris Donovan, President
125 Access Road
Norwood, MA 02062

RE: *Boston Executive Helicopters' Fuel Farm*

Dear Chris:

As a matter of record: During its monthly public meeting held Wednesday, July 17, 2013, the Norwood Airport Commission (NAC) met with your company, *Boston Executive Helicopters* (BEH), to specifically resolve two outstanding matters. These involved:

1. FAA's design standard relative to the Norwood Airport's gate 3 taxi-lane object free area (TOFA), as it applies to your company's construction and operational plans;
2. BEH's fueling plans and procedures with respect to the TOFA, and the abutting property interests of others

Regarding the NAC's first concern, as indicated in Wednesday's meeting, the board considers this matter resolved. As for the second concern, at Wednesday's meeting, your company delivered to the Airport Commission documents that now more comprehensively address BEH's fueling plans and procedures, especially with respect to the TOFA and the abutting property interests of others.

Following your company's presentation Wednesday, the NAC approved the continuation of your company's hangar construction and fuel farm installation.

However, as noted in the meeting, BEH still needs to deliver to the NAC additional documents and revised plans, which your company has agreed to. These documents would include:

1. A revised fuel storage drawing(s), which you've indicated has already been approved by the Norwood Fire Department and Board of Selectmen;
2. A foundation plan;
3. A shoring plan;
4. A copy of BEH's filing to the Norwood Conservation Commission (Con Com) showing the spill containment properties of your fuel farm, which you've indicated as having met the approval of the Norwood Con Com;
5. An updated construction schedule

Per Wednesday's meeting, BEH has furthermore agreed to an aircraft fueling restriction east of its leasehold since this involves abutting leaseholds; and this restriction will remain in place until such time that BEH can demonstrate to the Airport Commission that the property rights of others will not be violated.

Finally, on behalf of the board, thanks very much for taking the time at Wednesday's meeting to more fully explain BEH's plans. Good luck as your company moves forward with construction.

Sincerely,



Russ Maguire, Manager
Norwood Memorial Airport

Cc: *Norwood Airport Commission; Norwood Board of Selectmen; John Carroll, Norwood Town Manager; Chief Tony Greeley, Norwood Fire Department; Al Goetz, Agent, Norwood Conservation Commission*

EXHIBIT D

Norwood Memorial Airport Runway Extension Analysis

February 2018

Prepared by:



Prepared for:



Norwood Airport
Commission
(NAC)

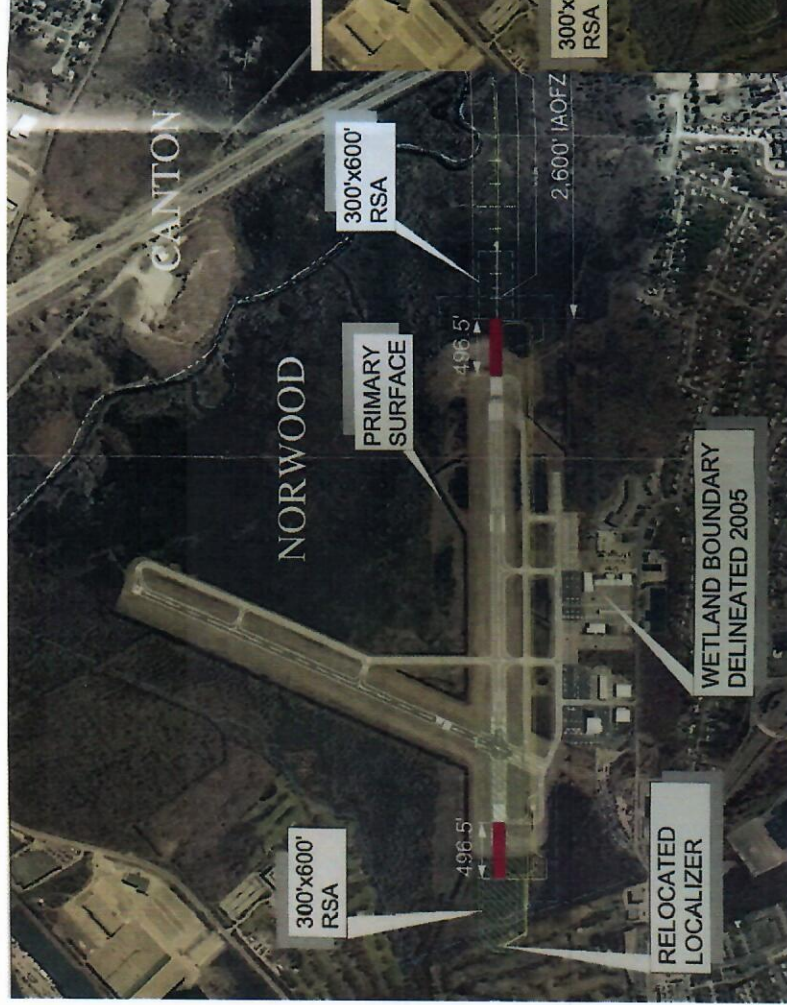
This Presentation summarizes the massive economic benefits the Airport and Town would enjoy from extending Runway 17-35 to a minimum of 5,001 feet (it's currently 4,008 feet). It also debunks the commonly perceived drawbacks.

Contents

A. General Background	2
B. Charter Shift and its Effects	4
C. Industry Data	5
D. Competitor Airport Comparison	7
E. Economic Impact	10
F. Conclusion / Contact	11



The 2007 Airport Master Plan Update identifies “Runway Extensions” first on its list of “Facility Needs.” It also provides the alternatives analysis to accomplish the extension objective with minimal impact.



Adding 993 feet of length to Runway 17-35 would do more to boost direct and indirect economic contribution than any other measure – it would effectively transform the Airport from a “GA Airport” to a true “Corporate Reliever Airport” .

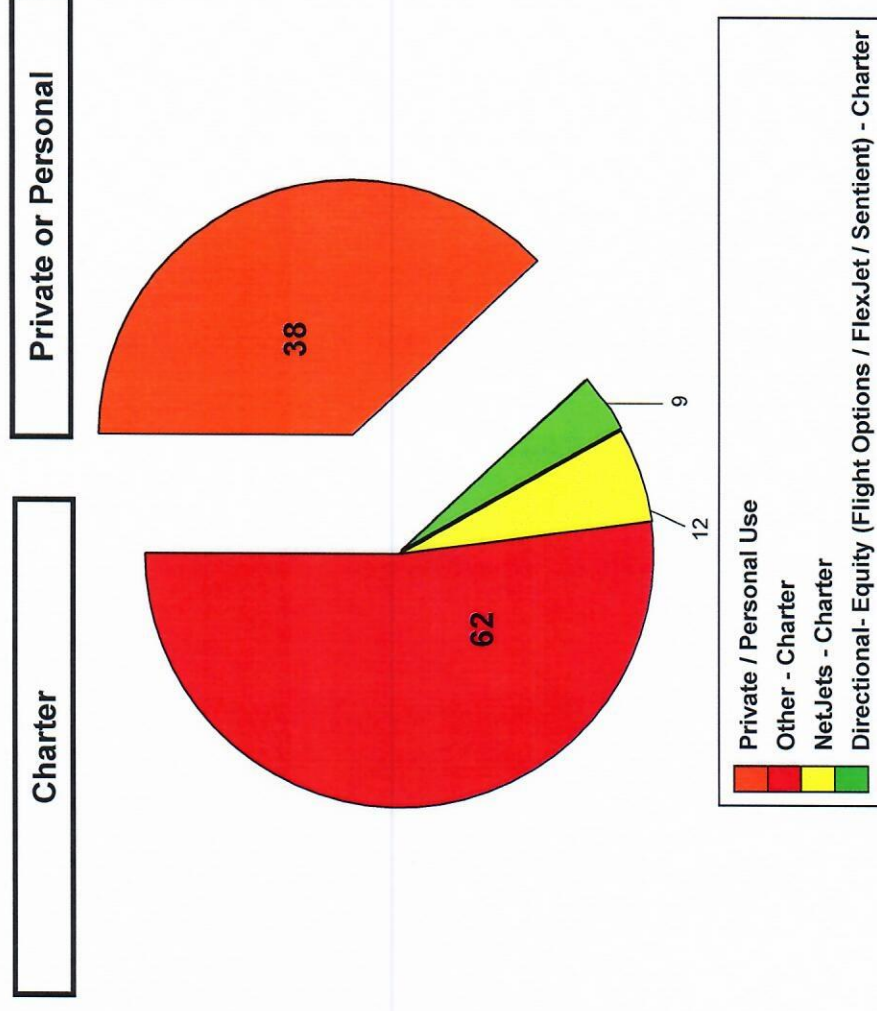
BACKGROUND:

- Currently only the smallest jets can operate at OWD due to its insufficient runway length (some of these jets are limited to dry runway conditions only).
- Starting in early 2009, corporate aviation was pilloried in Washington and in the media as the apex of financial irresponsibility. Against the backdrop of the “Great Recession,” corporations acted in large numbers to outsource their private aviation requirements. They sold their jets, dissolved their in-house flight departments, and bought large blocks of charter jet hours in their stead. With the “embarrassing assets” off their books, they were then free to enjoy the same private aviation benefits in comparative anonymity. This phenomenon, known as “Charter Shift,” has been a boon to general aviation, both domestically and internationally, but it has left airports like OWD on the sidelines for the following reasons:
- Charter companies are held to stricter operational standards by the FAA and their insurance companies than private operators. They require additional takeoff and landing length buffers for safety that render airports such as OWD inaccessible even to some of the smallest jets.
- The biggest Charter companies in fact have dispatch software that won’t even recognize an airport as an option if its max runway length is 5,000 feet or less, which is why you’ve seen a flurry of airports extending runways to 5,001 feet or more over the past several years.
- To make matters worse, with the stock market at an all-time high, and oil prices at a comparatively stable low, jet operators are upgrading their fleets to larger and more advanced aircraft, resulting in boom conditions at airports that can accommodate them, and bust conditions at those, such as OWD, that were dependent on smaller jets.
- These factors are in large part responsible for the decline in jet fuel sales, aircraft movements, and business development that OWD has experienced since 2009. Because the airport is not equipped to capture it, **OWD is literally missing out on the most unprecedented growth that general aviation has experienced since the 1990s. This trend can be reversed with 993 feet of additional runway, and the time to act is now.**

The “Charter Shift” phenomenon flipped the business jet usage ratio (Charter to Private) going from 40/60 pre 2008 to 60/40 by 2012. NetJets and the Directional Equity Charter companies are by far the biggest and fastest growing players.

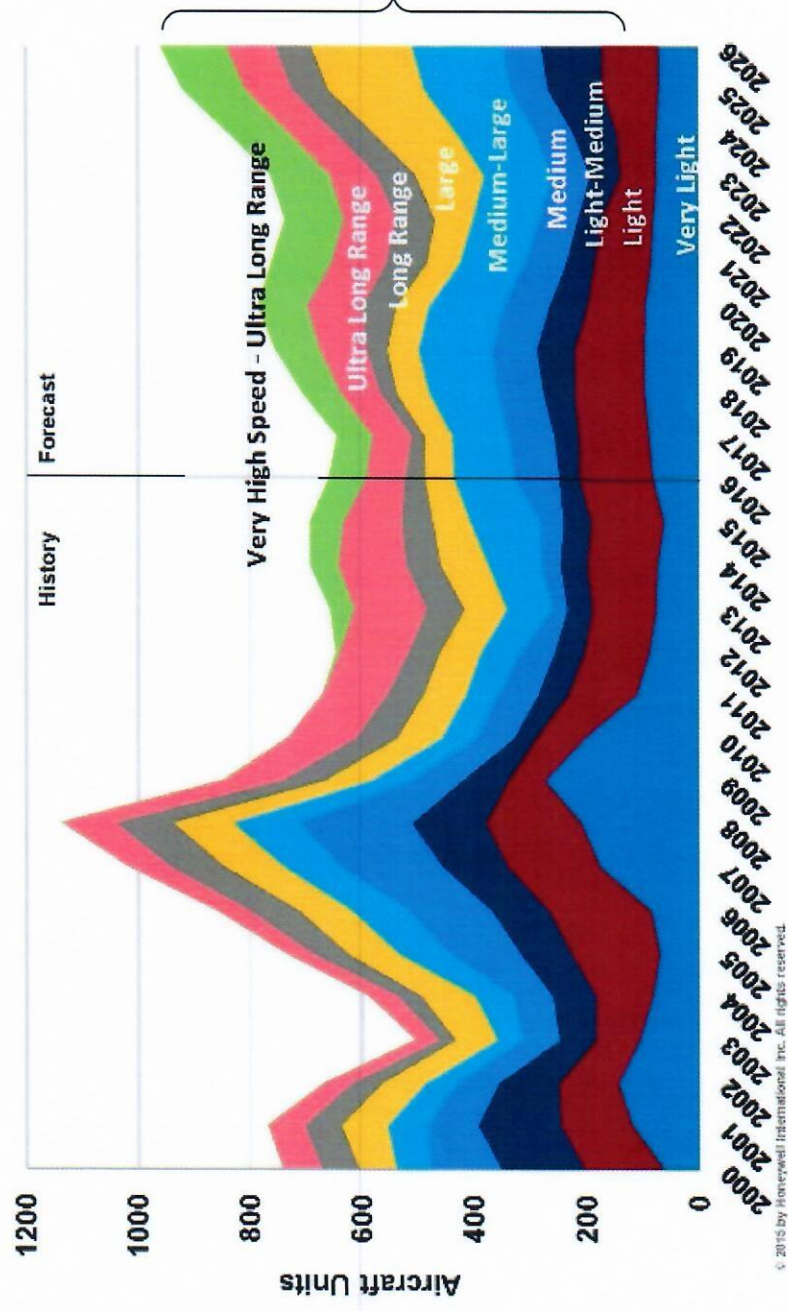
- Only 15% of the NetJets fleet (shown in yellow) is capable of using OWD. If, however, the runway surface is anything but 100% dry and clear of snowbanks, they go elsewhere.
- As a result, many NetJets flights scheduled for OWD divert to Hanscom, Beverly, Logan or one of the several Providence-area airports in the event of inclement weather, leaving customers stranded – such customers rarely give OWD another chance, even in the snow-free months.
- Most other jet charter companies including the Directional Equity – Owned Companies (shown in green) have altogether eliminated OWD from their airport options lists.

2017 Business Jet Fleet Usage Distribution:
Percentage



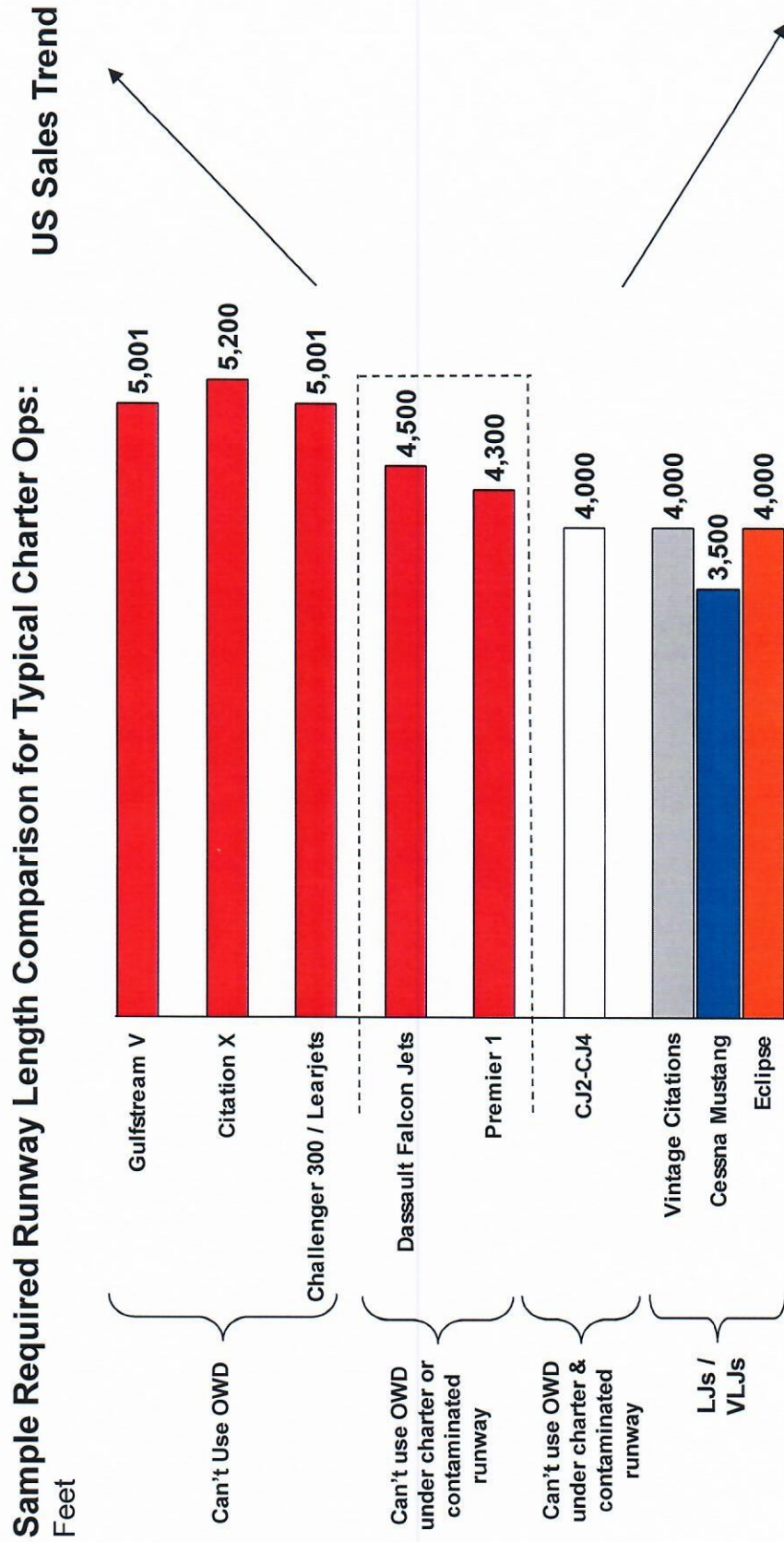
Sales of Light and Very Light jets have been in steady decline since 2008 and are the only categories of jets whose decline is projected to continue over the next 10 years. All other jet categories (those which cannot access OWD) will continue to see robust growth.

Jet Aircraft Sales by Category



These jet categories (Light-Medium to Ultra Long Range) account for more than 90% of sales over the past 5 years and projected sales over the next 10 years. Virtually none of them can use OWD.

Below is a sample of the runway lengths required for some of today's best selling and most popular business jets – OWD's current runway can't accommodate any of them. It's also worth noting that the bigger jets are actually quieter and climb faster than the older Citation Jets based at OWD leaving a smaller noise footprint.



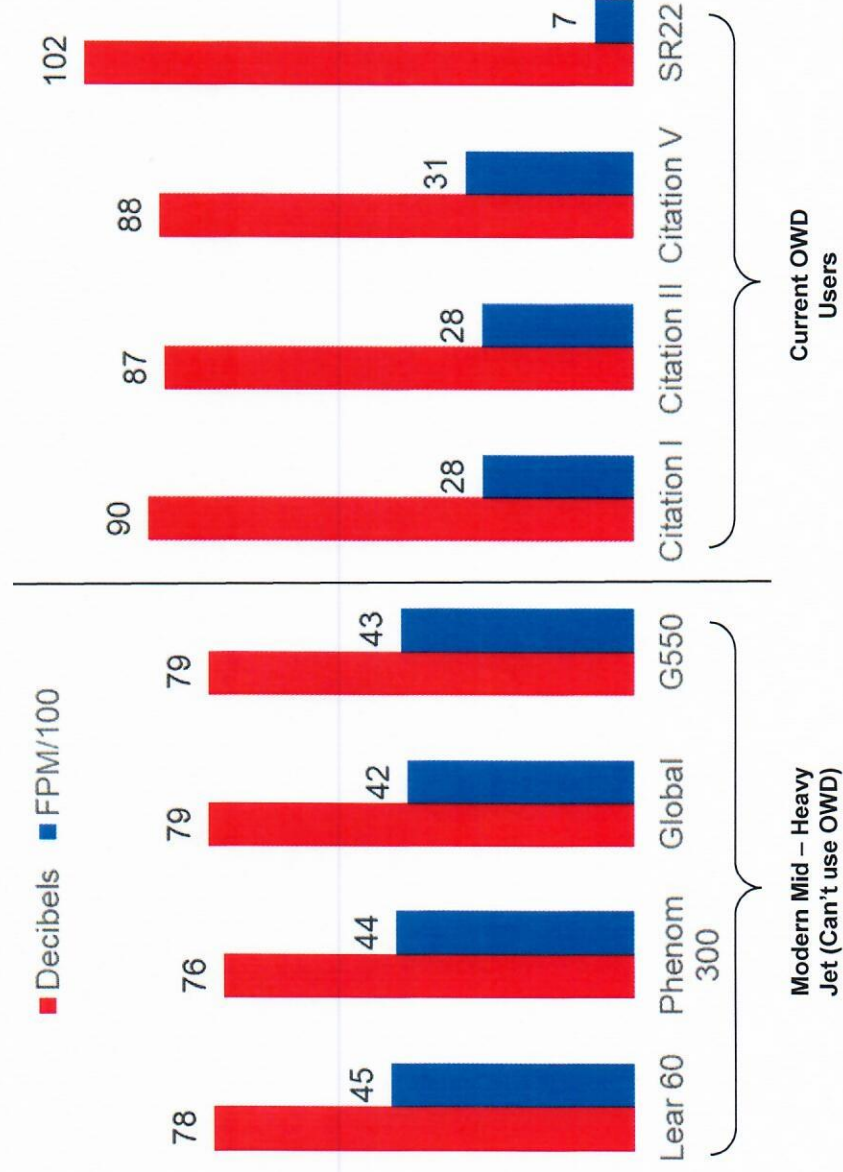
Note Required Runway Length per Federal Aviation Regulation assuming each aircraft is operating at 90% maximum takeoff weight under international standard atmospheric conditions at sea level. The resultant distance is rounded up to the nearest 100 foot increment

Source: Aircraft Manufacturer Websites

The chart below shows the takeoff decibel level and initial rate of climb of the new larger Jets that OWD can't accommodate compared to the older Citation Jets that account for the vast majority of OWD's jet business and single-engine piston propeller planes which are 90% of OWD's takeoffs and landings.

Takeoff Noise Level and Initial Climb Comparison:

Decibels at Takeoff Power and Feet per Minute / 100

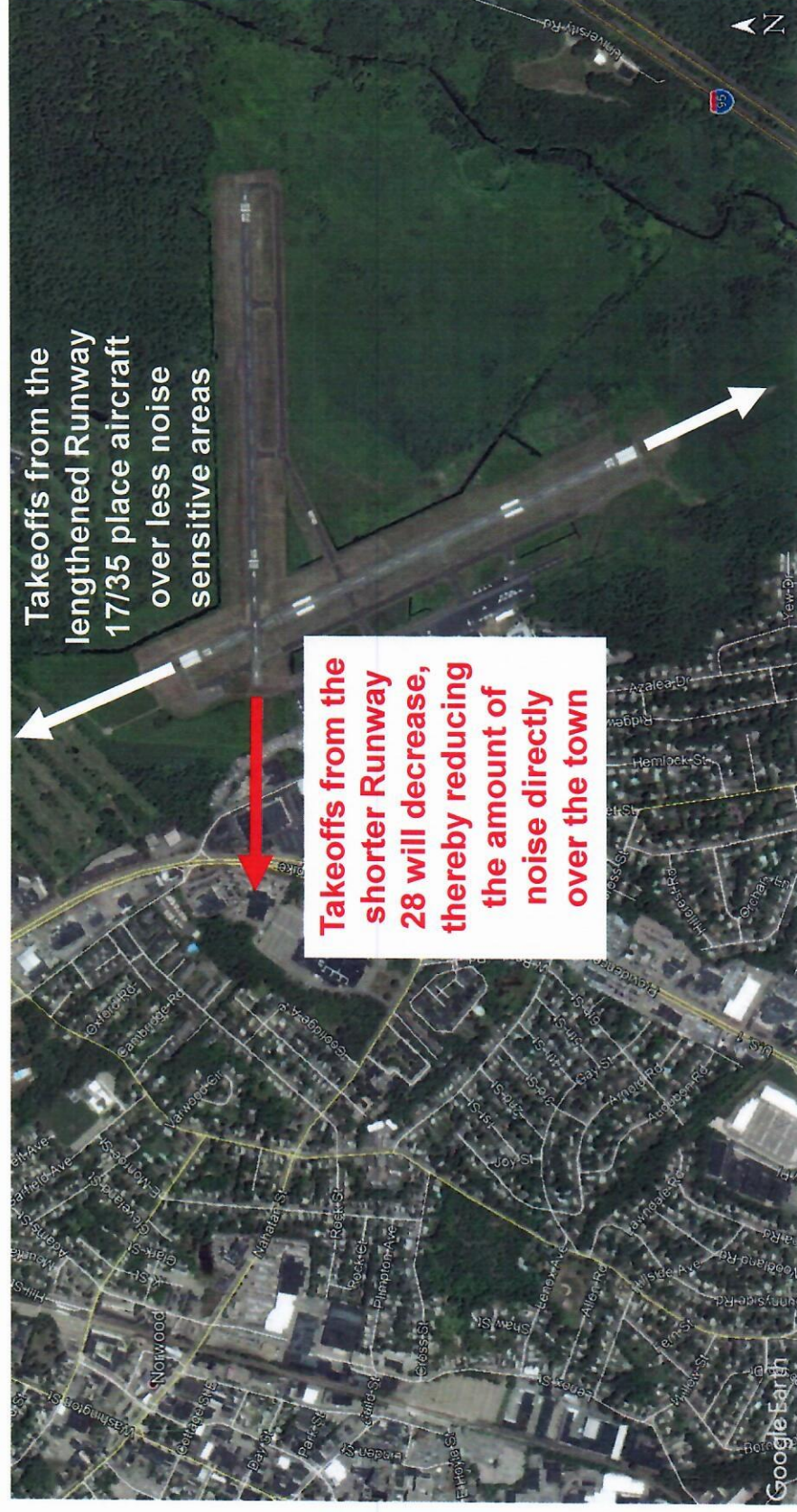


Source: FAA, Aircraft Manufacturers Website

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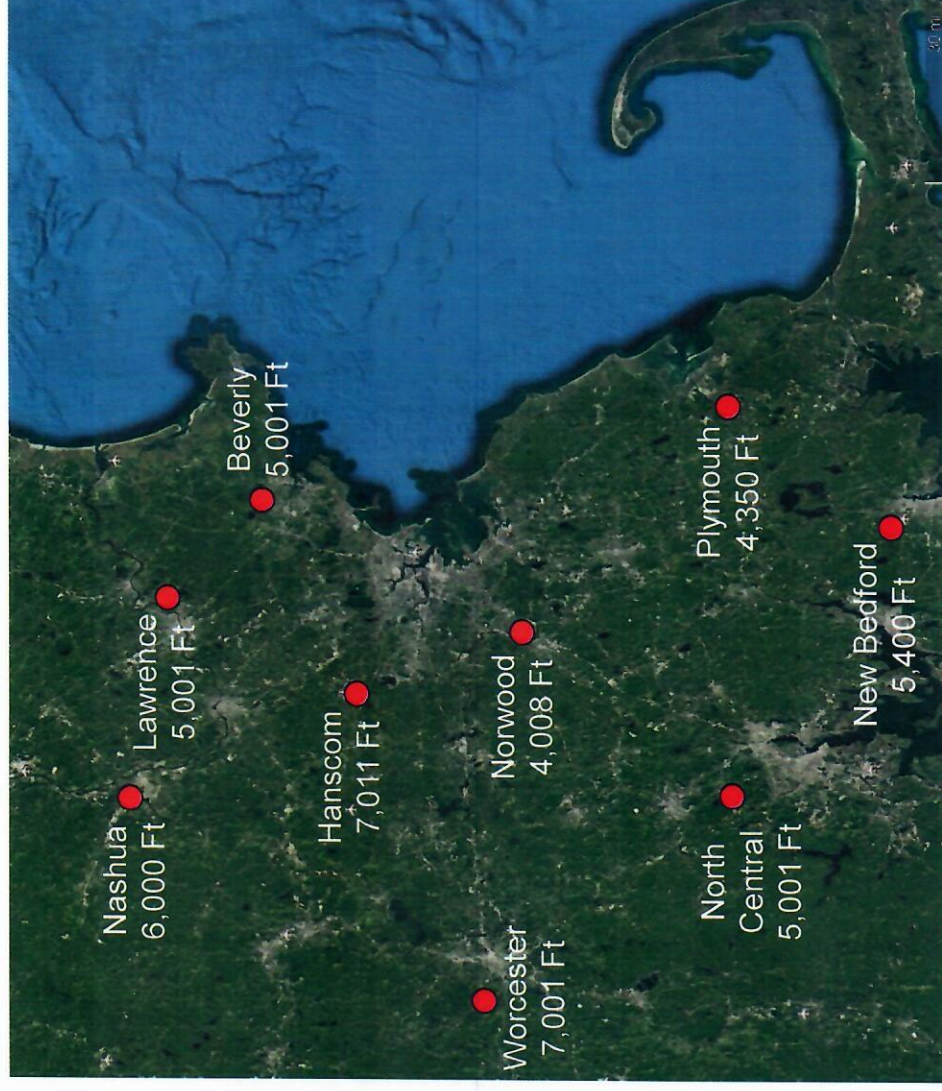
Furthermore, a 5,001 foot runway will discourage use of the shorter cross-wind runway, 10/28, putting fewer departing aircraft directly over the town. Noise levels will therefore decrease.

Overview of Takeoff Patterns:



Our biggest competitor airports already have or recently extended their runways to at least 5,001 feet. They continue to thrive across all categories (such as traffic, new development and fuel sales), while OWD stagnates.

Map of Competitor Airports and Length of their Longest Runway

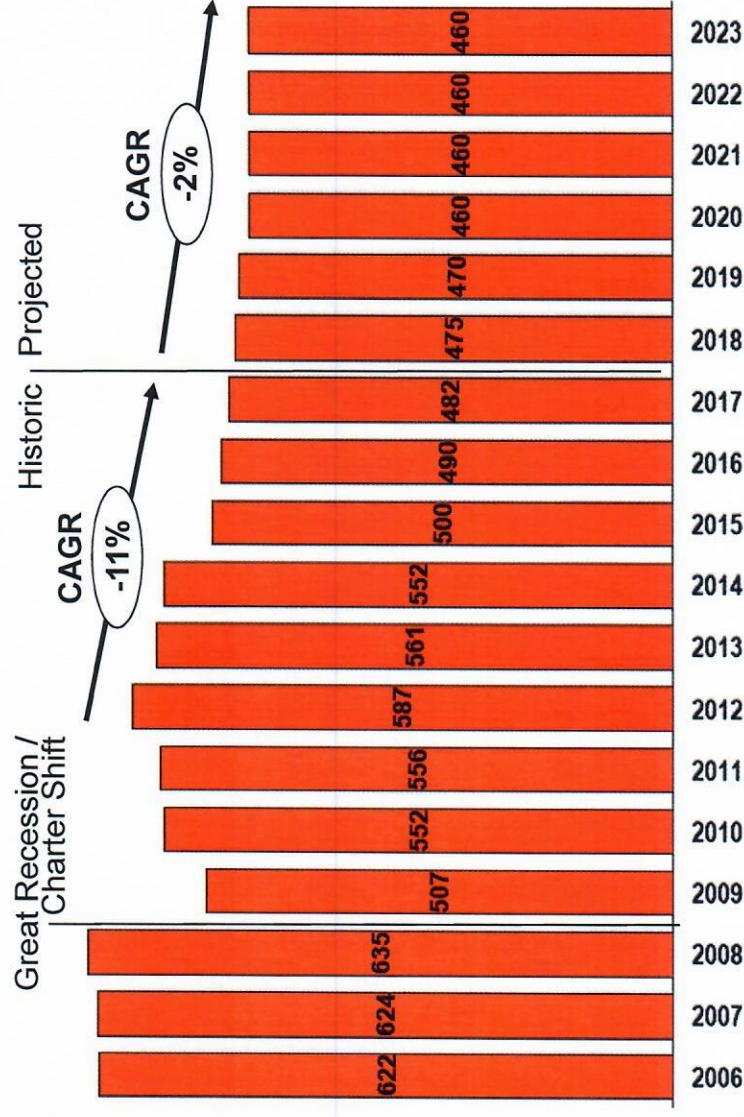


Source: Airnav.com

Our biggest Competitor Airports, Beverly and Hanscom, have averaged double digit annual fuel flowage growth as a result of charter shift. Business development and investment in their surrounding communities has commensurately flourished.

Competitor Airport Growth Comparison (Chart 1 of 2)

Norwood Memorial Airport Fuel Flow Assessment (Status Quo):
000s of Gallons



- Norwood Fuel Flow has decreased 11% annually since 2012 - US GA Airports as a whole enjoyed 3-5% growth during that same time.
- Flowage Fee Contributions to the town have declined nearly 20% from 2008 to 2017

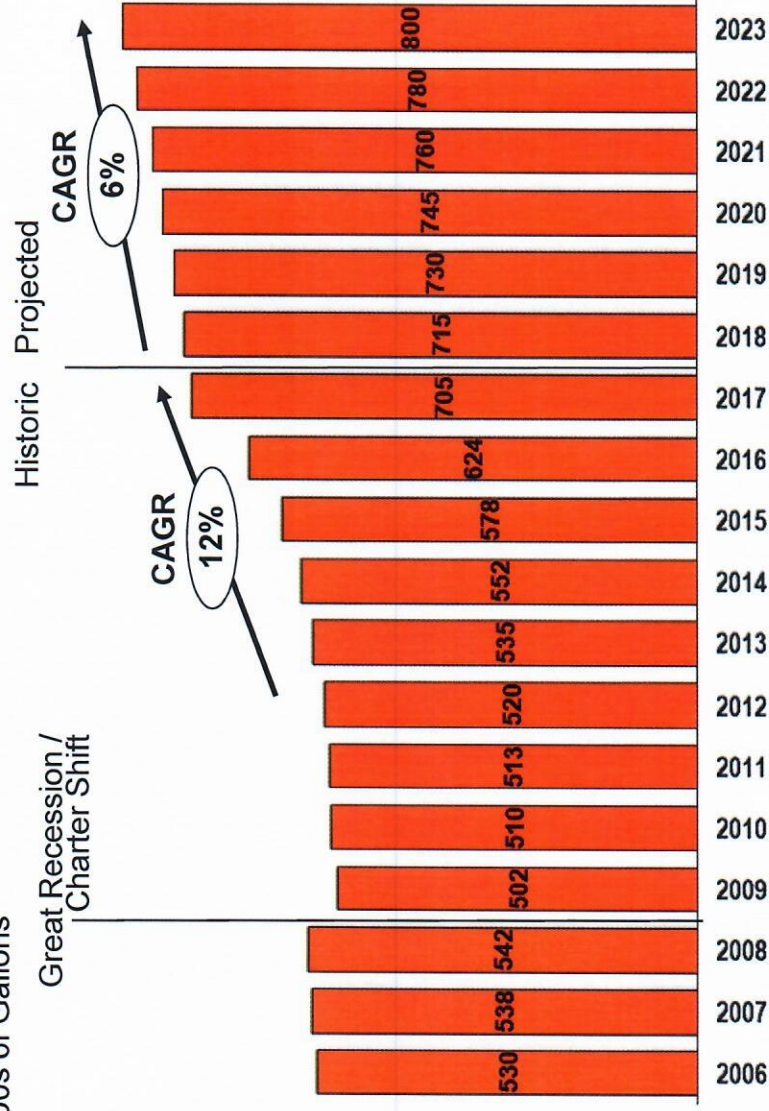
Source: Internal

...cont'd: Beverly and Hanscom have seen double-digit fuel flow growth since 2012 during which time Norwood saw a double-digit decline.

Competitor Airport Growth Comparison (Chart 2 of 2)

Beverly Airport Fuel Flow Assessment:

000s of Gallons

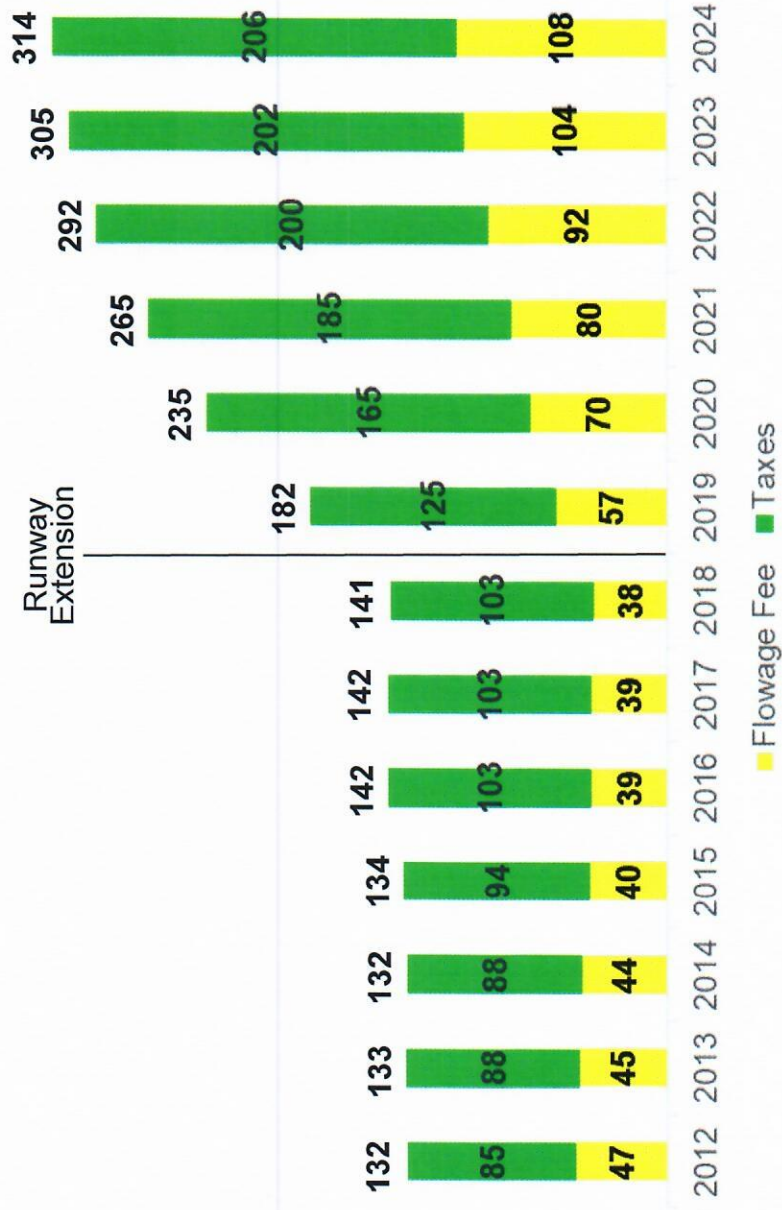


- The FAA projects an average of 6% annual growth for general aviation fuel consumption nationwide for the period 2018 -2023

The economic benefits to the town induced by the runway extension will be staggering. Fuel flowage will likely double within 5 years and new hangar and infrastructure development will be immediate – all delivering tens of thousands of new dollars directly to the town of Norwood through fees and taxes. Indirect benefits would likely come in the form of new hotels and restaurants for example.

Direct Cash Contribution to Town

Norwood Memorial Airport Flowage Fee and Property Tax Contribution (Historic and Projected):
000s of \$USD

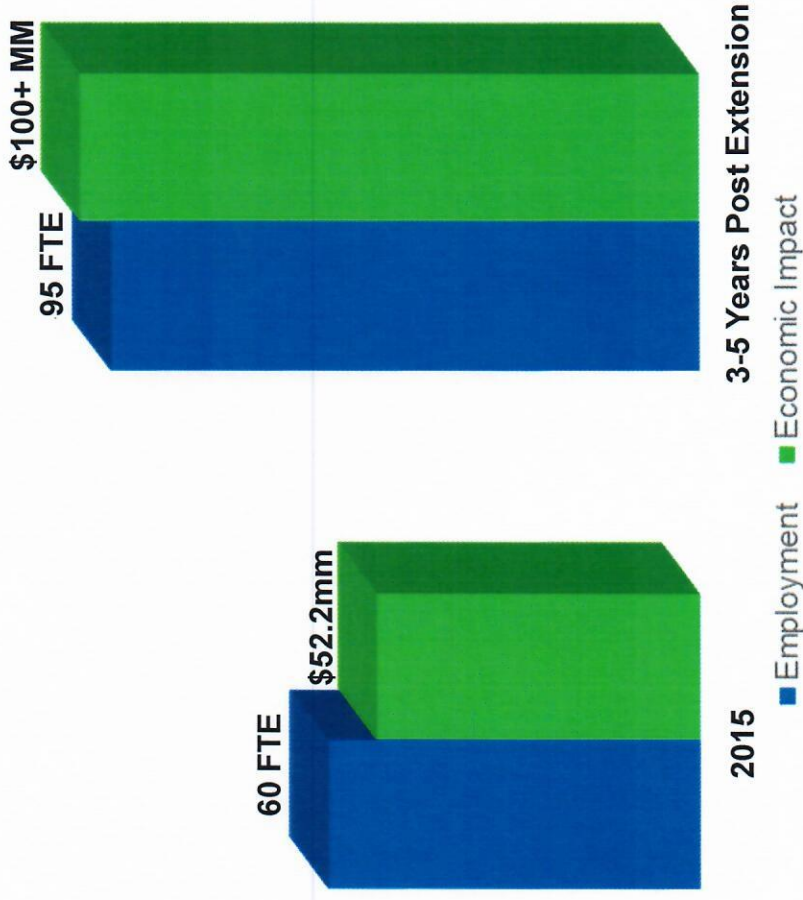


Source: Internal

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The 2015 Mass DOT Economic Impact Study ranks OWD 2nd among all GA Massachusetts airports in terms of economic output at \$52,232,000 annually. The runway extension would increase this number dramatically.

OWD Economic impact and employment pre and post Runway Extension:
 Airport Based FTE and Millions of \$USD



Source: MASS DOT 2015 Economic Impact Study; Internal

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A 5,001 foot runway would likely attract large employers and significant investment in addition to securing Norwood's staple businesses – similar to the 128 tech corridor near Hanscom field in Waltham.

- In addition to attracting new businesses, having an airport that can truly accommodate all corporate aircraft would do more to secure existing employers for the long term.
- Robert Kraft's corporate flight department has indicated that 5,000+ feet of runway would go a long way in effecting a fleet relocation from BED to OWD. They operate Challengers.
- It would also help make Gillette a viable Superbowl host at some point in the future.



With Norwood's leadership, both at the airport and downtown, focused on and committed to economic growth, the time to act is now. Prioritize the runway extension to secure the Airport's role as a leading profit center and economic engine for the town of Norwood. Please contact us with questions and to learn more:



**It's about quality service.
Every time you land. Every time you take off.
And every moment in between.**

CONTACT:

Peter Eichleay
President - *FlightLevel* Aviation
125 Access Rd.
Terminal Building 2nd Floor
Norwood, MA 02062

Work: 781.769.8680 ext 128
Fax: 781.370.8680
Cell: 703.282.7853

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EXHIBIT E

Zimbra

rmaguire@norwoodma.gov

Norwood Airport; Tentative Meeting Scheduled Thursday at Noon: Gate 3 Taxi-Lane TOFA

From : Russ Maguire <rmaguire@norwoodma.gov> Mon, Jun 24, 2013 10:57 AM
Subject : Norwood Airport; Tentative Meeting Scheduled Thursday at Noon: Gate 3 Taxi-Lane TOFA
To : chris@bostonexecutivehelicopters.com
Bcc : cliff vacirca <cliff.vacirca@faa.gov>, lisa lesperance <lisa.lesperance@faa.gov>, andrew mihaley <andrew.mihaley@dot.state.ma.us>, Christopher Willenborg (DOT) <christopher.willenborg@state.ma.us>, Jeff Adler <jadler@dubois-king.com>, Mark Goodrich <mgoodrich@dubois-king.com>, Tony Greeley <tgreeley@norwoodma.gov>, aerial172@aol.com, kevin@norwoodlight.com, kshaughnessy@norwoodma.gov, mogolfpro@comcast.net, mryan@norwoodma.gov, tomwynnere@norwoodlight.com, John Carroll <jcarroll@norwoodma.gov>, Brandon H. Moss <bmooss@mhtl.com>

Good morning Chris:

Following last week's Norwood Airport Commission (NAC) meeting, the board expressed concern regarding the still unresolved gate 3 taxi-lane object-free area (OFA), and your proposed fuel farm within the OFA. As you recall, FAA's response--shared with you in December 2012--was that current FAA policy does not to allow new obstructions to be placed within any OFA areas regardless of existing obstructions.

That being said, there apparently are special circumstances where an exception (e.g., modification to standard) may be permitted. In this particular case, if the issue were only a hangar to be constructed in the OFA, it apparently may be allowed by FAA due to the existing obstructions. However, per your previously expressed interest in a commercial fueling operation, the concern expressed by FAA is the use of the current taxi-lane (e.g., size and type of aircraft), and how that might change if possibly larger, itinerant aircraft were to

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begin operating on the gate 3 taxi-lane late at night looking for commercial fuel. As FAA has noted, although there may not be any documented incidents along this taxi-lane, that could change with itinerant aircraft operating in this area, especially since the current taxi-lane does not meet current OFA standards.

In short, Chris, the non-standard taxi-lane OFA remains an outstanding issue that must be resolved in accordance with FAA's wishes, and an affirming review.

I've therefore scheduled a meeting at the site of your proposed hangar/fuel farm, adjacent to gate 3, at 12:30 p.m. this Thursday, June 27. In attendance will be Lisa Lesperance from FAA, MassDOT's Drew Mihaly, along with our engineers; hopefully, a representative from the Norwood Fire Department; and Mark Ryan, from the Norwood Airport Commission. Of course, we'd like to have you at the meeting as well.

As an aside: In a conversation with FAA earlier today, the agency did confirm that it has not yet received your company's FAA Form 7460 (Notice of Proposed Construction or Alteration) specific to the fuel farm. (FAA apparently has received the 7460 for the proposed hangar.) Notwithstanding an affirming review from FAA on the OFA issue, which is a separate issue, the fuel farm 7460--once filed--must also be satisfactorily reviewed by FAA prior to fuel farm construction. At your earliest convenience, I would urge you to send in that notification.

Along these lines, in my discussion with FAA, the agency asked whether the fuel farm would have any above-grade obstructions (i.e., fencing, vent pipes, etc.). From the set of plans you had provided to us, it appears that there are no above-ground obstructions. Please confirm this as soon as possible, as it will help FAA in its review.

Finally, as soon as possible, and as mentioned during previous meetings, the NAC would like to see some type of a written fueling plan from your company. Given the close proximity of your proposed fuel farm site to the gate 3 taxi-lane, the NAC wants to ensure that aircraft fueling and fuel delivery operations--pending a satisfactory review by FAA--don't impede or obstruct the public way.

Thank you.

Russ

--

3484

EXHIBIT F

Mike DeLaria

From: Russ Maguire <rmaguire@norwoodma.gov>
Sent: Friday, April 11, 2014 10:12 AM
To: Alfred CTR Burri
Cc: Mark Raymond
Subject: Norwood Airport; Taxi-Lane Object-Free Areas (Gate 2, Gate 3, North/South Taxi-Lane)

Good morning all,

At this point, the taxi-lane object-free areas (TOFA) should no longer be an issue.

Unfortunately, following any number of conversations by airport management, as well as public discussions, we still have issues. No one company (or aircraft owner) is exclusively guilty. But by now, every airport business owner, aircraft owner and/or chief pilot on this airport should be well aware that parking and leaving aircraft within the taxi-lanes (gate 2, gate 3 or north/south taxi-lane), whether for fuel or otherwise, is prohibited. Please reinforce this message with your staff and co-workers.

The Norwood Airport is, relatively speaking, small. Onto this footprint, we have 10 commercially permitted businesses, any number of corporate and business flight departments and 187 based aircraft. This doesn't include all of the transient aircraft and ground traffic involving fuel trucks, maintenance and personal vehicles. So airport management fully understands our space constraints, which seem to be getting tighter and tighter. That said, we're asking everyone to honor these TOFAs for the benefit of all. Thank you.

Russ

--

Russ Maguire, Manager
Norwood Memorial Airport

EXHIBIT G



Project 1

NEWBOLD MEMORIAL AIRPORT
ACCESS ROAD, NEWBOLD MEMORIAL AIRPORT
NEWBOLD, MA 02062

Prepared For

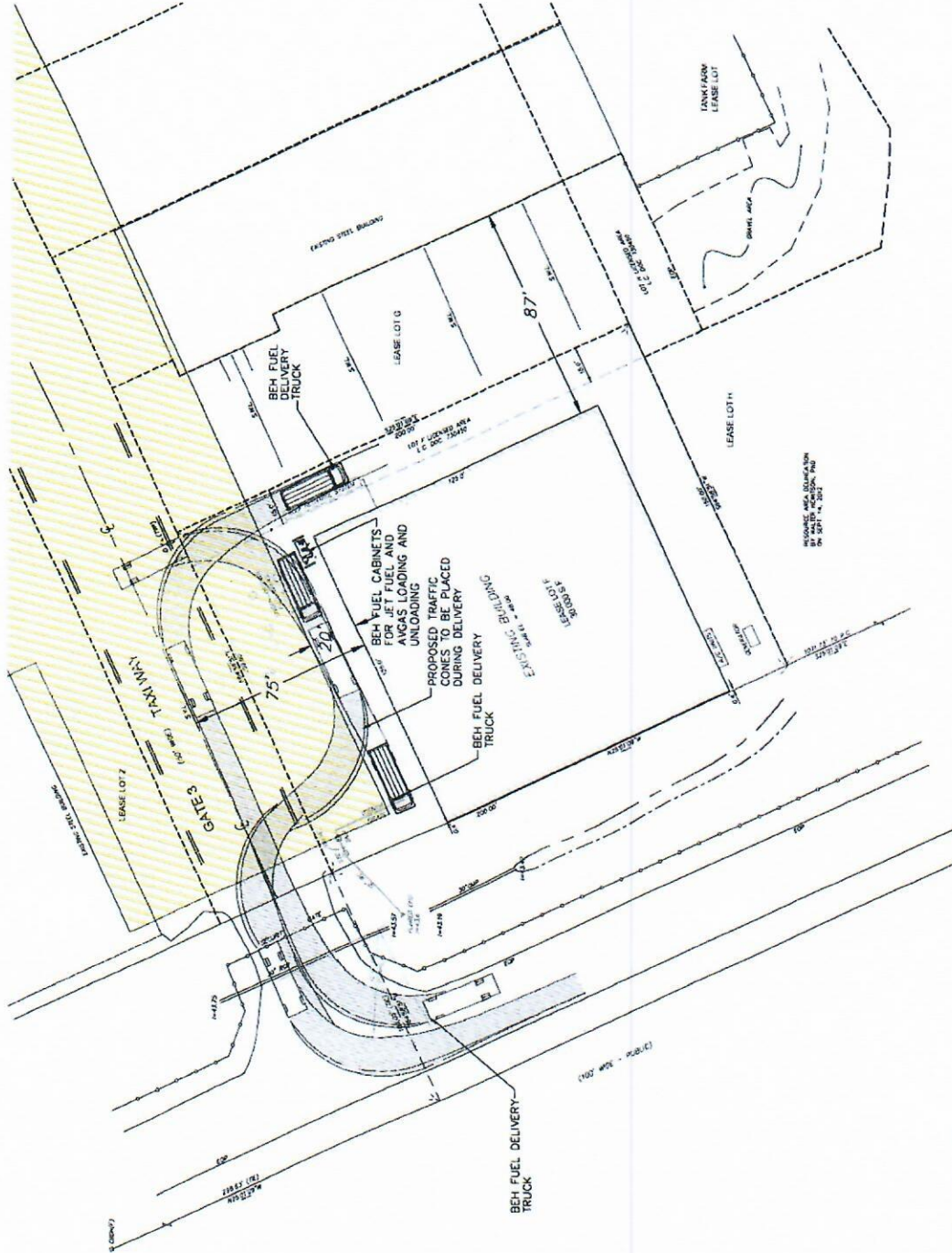
BOSTON EXHIBITIVE
HEALTHCARE,
200 ALLIANCE ROAD,
NEWBOLD AIRPORT
NEWBOLD, MA 02062



Issue Date: 07/07/18		Revision:	
No.	Date:	Description:	
Project Number: 1245			
Scale: AS 1/1000			
Designed By: CMAS		Checked By: H	

SLAVEY TALK
SMALL-FRUIT TRUCK
DELIVERY PATH FOR
BOSTON EXECUTIVE
HELICOPTERS

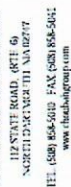
Journal Number



NORWOOD MEMORIAL AIRPORT (BEH FUEL DELIVERY ROUTE)

SCALE 1"=20'

TOFA/OFA AREA



Page 4

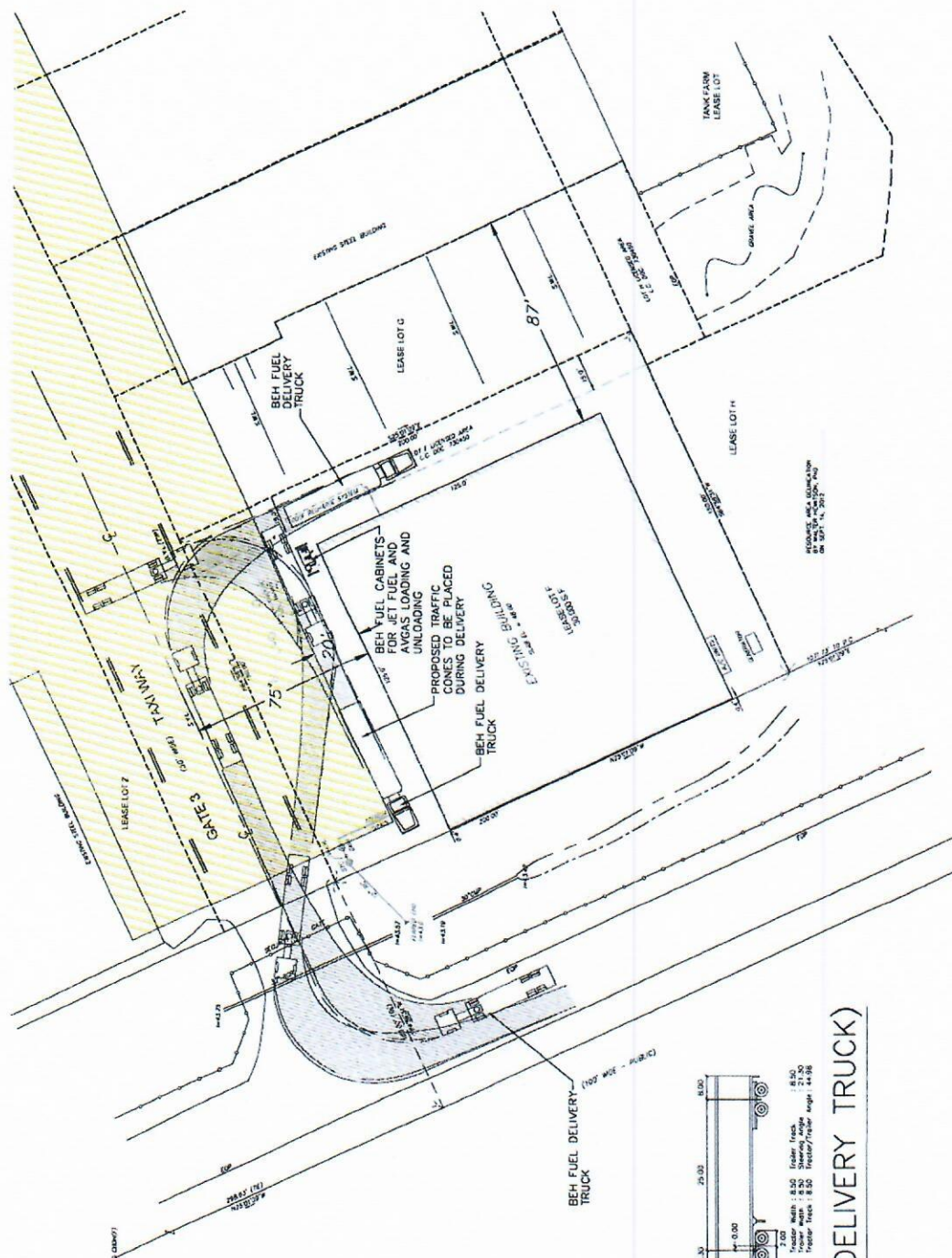
NORWICH MEMORIAL
AIRPORT
ACCESS ROAD NORWICH
MEMORIAL AIRPORT
NORWICH, MA 02062

**BOSTON EXECUTIVE
TELECOMPTERS**
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NEWTOND AINPORT
NEWTON, MA 02462

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Sharon Little
LARGE FUEL TRUCK
DELIVERY PATH FOR
BOSTON EXECUTIVE
HELICOPTERS

Sheet Number : 416-3



(FUEL DELIVERY TRUCK)

NOT TO SCALE

TOFA/OFA AREA

NORWOOD MEMORIAL AIRPORT (BEH FUEL DELIVERY ROUTE)

SCALE: 1"=20'

Sheet Number 3 of 1

TOFA/OFA AREA

SCALE: 1"=20'