



The Commonwealth of Massachusetts

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May 10, 2002

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DRAFT RECORD OF DECISION

PROJECT NAME : Mansfield Municipal Airport
 Airport Master Plan Improvements

PROJECT MUNICIPALITY : Mansfield/Norton

PROJECT WATERSHED : Taunton River

EOEA NUMBER : 12749

PROJECT PROPONENT : Town of Mansfield

DATE NOTICED IN MONITOR : April 10, 2002

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed this project and propose to grant a Phase I Waiver (as defined below), allowing the commencement of the first phase of the project prior to completion of the Environmental Impact Report (EIR) for the entire project. I will be issuing a separate Certificate with the Scope for the EIR.

Project Description

This project will be divided into two phases. Phase 1 consists of construction of a new 1200 linear foot (lf) roadway, 25 parking spaces, new apron and taxiway areas measuring 173,650 square feet (sf), 33,640 sf of aircraft hanger space, and 1240 lf of water and sewer mains. The work will be undertaken in the north central portion of the site, known as Quadrant 4. Phase 2 involves enlarging the runway safety areas (RSAs) at the 14/32 runway-ends (west/east direction), and installing additional aircraft parking in the northeast portion of the airport, Quadrant 1.

The first phase of this project will result in the creation of 5.25 acres of new impervious area and alteration of 12.8 acres. Approximately 13,450 sf of land within the 100-foot buffer zone of bordering vegetated wetlands will be altered during Phase 1 of the project. According to the Environmental Notification Form (ENF), the proposed Phase 2 runway-end safety improvements will result in the alteration of 640 lf of bank, 22,000 sf of bordering vegetated wetlands, 1600 sf of land under water, and 54,320 sf of riverfront adjacent to the Back Bay Brook. Expansion of the aircraft parking apron, taxiway and T-hangar apron reconstruction will create new impervious area and result in land alteration.

Jurisdiction

Phase 1 of the project is subject to environmental review through an ENF since the proponent is seeking funding from the Massachusetts Aeronautics Commission, and pursuant to 301 CMR 11.03(1)(b)(2) of the MEPA regulations because it creates more than 5 acres of new impervious area, and (6)(b)(4) since it includes construction of new airport taxiways.

A mandatory EIR is required for Phase 2 of the project since it involves wetlands alteration in excess of 5000 sf, which requires a Variance from the Department of Environmental Protection (DEP) in accordance with the Wetlands Protection Act. Phase 2 also requires a Section 401 Water Quality Certificate from DEP. The project must comply with the U.S. Environmental Protection Agency's National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges. It will need a Programmatic General Permit from the U.S. Army Corps of Engineers. The Mansfield Conservation Commission will review Phase 1 work within the wetlands buffer zones and issue an Order of Conditions.

Because the proponent is seeking funding from the Commonwealth, MEPA jurisdiction extends to all aspects of the project that have the potential to cause significant Damage to the Environment.

Waiver Request

On March 30, 2002, the proponent requested that I grant a waiver to allow Phase I of the project to proceed prior to completion of the EIR. The waiver request was submitted with the ENF, and it was discussed at the consultation/scoping session that was held on April 23, 2002.

Criteria for a Phase I Waiver

Section 11.11 of the MEPA Regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment.

In the case of a partial waiver of a mandatory EIR review threshold that would allow the proponent to proceed to Phase I of the project prior to preparing an EIR, this finding shall be based on one or more of the following circumstances: 1) the potential environmental impacts of Phase I are insignificant; 2) ample and unconstrained infrastructure and services exist to support Phase I; 3) the project is severable, such that Phase I does not require the implementation of any other future phases; and 4) the agency action on Phase I will contain conditions that ensure due

compliance with MEPA.

Findings:

Based upon the information submitted by the proponent and after consultation with the relevant state agencies, I find that:

1. The potential impacts of the project (land, wetlands, and stormwater) for Phase I are insignificant (except as noted below regarding potential impacts to archaeological resources). According to the ENF, no work will occur in the bordering vegetated wetlands. The Phase I portion of the project would affect wetlands to the extent that work occurs within the 100-foot buffer zone. The proponent must undertake the best available measures to minimize impacts to the adjacent wetlands during Phase 1 construction.
2. The proponent has submitted a Stormwater Pollution Prevention Plan for management of stormwater runoff and minimization of erosion. According to the plan, stormwater runoff from new impervious areas will be directed towards airport infield areas. Detention ponds and infiltration basins will also be employed for groundwater recharge. The proponent is responsible for operation and maintenance of these facilities. I recommend that the proponent consult with DEP to ascertain whether additional measures are warranted to avoid or minimize impacts to the adjacent wetlands and the Back Bay Brook.
3. Ample and unconstrained infrastructure currently exist. The site contains an access road that can be used by construction vehicles, and it is serviced with water and sewer. Construction staging areas can be located onsite.
4. The project is severable. Construction of Phase 1 does not require completion of Phase 2.
5. A preliminary reconnaissance survey submitted by the proponent indicates that highly significant archaeological resources, specifically ancient Native American artifacts, may be present in Quadrant 4, which contains an area that has been designated as #19-BR-1 by the Massachusetts Historical Commission (MHC). MHC has reviewed the survey and will condition its approval for Phase 1 on a finding that archaeological resources would not be adversely impacted as a result of construction. The intensive (locational) survey will be completed by June 2002, at which time it should be forwarded to MHC and the MEPA Office.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section 11.11. Therefore, I propose to grant the waiver for Phase 1 of this airport improvement project, subject to the above findings. This Draft Record of Decision shall be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

May 10, 2002

DATE

Bob Durand

Comments Received:

4/24/02	Massachusetts Aeronautical Commission
4/29/02	Massachusetts Historical Commission
4/29/02	Massachusetts Audubon Society
4/30/02	Town of Mansfield
5/1/02	Department of Environmental Protection – Southeast Region

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