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April 30, 2003

DRAFT RECORD OF DECISION

PROJECT NAME : TI Logistics
PROJECT MUNICIPALITY : Oxford
PROJECT WATERSHED : French
EOEA NUMBER : 12977
PROJECT PROPONENT : TI Logistics
DATE NOTICED IN MONITOR : February 26, 2003

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I have reviewed this project and **propose to grant a waiver from the mandatory requirement to prepare an Environmental Impact Report (EIR).**

Project Description

As described in the Environmental Notification Form (ENF), the project consists of demolition of existing structures, relocation and reconstruction of an existing rail spur, construction of a 407,500 square foot (SF) wholesale distribution building, a semi trailer parking area, and associated infrastructure on a 36 acre site zoned for industrial use. Currently, the site contains a 70,000 SF industrial building with associated parking, loading areas, utilities and a single family home. The remainder of the parcel consists of forested areas, ledge outcropping and wetlands. The project will create 11.4 acres of impervious surfaces, result in the alteration of approximately 3,762 feet of wetlands under state

jurisdiction and 20,288 square feet of wetlands under federal jurisdiction, and generate 236 vehicle trips per day. The project includes a stormwater management system and a wetlands replication program.

The proponent has proposed to mitigate wetland impacts by replicating both federal and state wetlands at a ratio of 1.5:1. The replication plan is designed to create a contiguous area of low-land wetlands by placing replication areas adjacent to the existing Bordering Vegetated Wetlands (BVW). In addition, the proponent has proposed to install erosion control fencing and haybales prior to construction. Rip rap swales and erosion control fabric will be used to direct stormwater and maintain the construction of the access road after construction.

Jurisdiction

The project is undergoing MEPA review and requires the preparation of a mandatory EIR pursuant to Section 11.03 (1)(a)(2) because it requires a state permit and will create 10 or more acres of impervious area. The project will require a 401 Water Quality Certification from the Department of Environmental Protection (DEP), an Indirect Highway Access permit from the Massachusetts Highway Department (MHD), a National Pollutant Discharge Elimination System (NPDES) permit from the US Environmental Protection Agency (EPA), a 404 Permit from the US Army Corps of Engineers (ACOE), and an Order of Conditions from the Oxford Conservation Commission.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. These include stormwater, wetlands and traffic.

Waiver Request

As noted above, this project is subject to a mandatory EIR. The proponent has requested a waiver of this requirement in accordance with Section 11.11 of the MEPA regulations. Consistent with this request, the ENF was subject to an extended comment period pursuant to Section 11.06 (8) of the MEPA regulations and extended an additional two weeks at the request of the proponent.

Criteria for Waiver

The MEPA Regulations (301 CMR 11.11) provide that a waiver may be granted upon a finding that strict compliance with the regulations will result in an undue hardship and will not serve to minimize or avoid damage to the environment. This finding shall be based on one or more of the following circumstances: 1) the project is likely to cause no damage to the environment, and 2) ample and unconstrained infrastructure facilities and services exist to support the project.

Findings

Based upon the record before me, including the supplemental information submitted by the proponent, and after consultation with relevant state agencies, I find that:

- 1) The impacts of the project are likely to be insignificant. The proponent has examined alternatives to reduce impacts to wetland resource areas.
- 2) Both state and federal wetlands will be replicated at a ratio of 1.5:1 consistent with the plans provided in the ENF.
- 3) The proponent has proposed an effective system to manage stormwater on the site and it is consistent with DEP Stormwater Management guidelines. The project will represent an improvement over current conditions.
- 4) The proponent will reassess truck movements at the Dana Road/Route 12 intersection and implement any necessary mitigation, as requested by MHD.
- 5) The proponent will provide current, original photographs of the building to be demolished to MHC so that MHC can determine the impact, if any, of this project on historic properties.

Based on these findings, it is my judgment that the waiver request has merit, meets the tests established in 301 CMR 11.18. Therefore, I propose to grant the Phase I waiver request. 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.

April 30, 2003

Date

Ellen Roy Herzfelder

Comments received:

03/25/03 Department of Environmental Protection

03/18/03 Massachusetts Highway Department

03/10/03 Massachusetts Historical Commission

ERH/CDB/cdb