



# The Commonwealth of Massachusetts

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December 9, 2002

## DRAFT RECORD OF DECISION

PROJECT NAME : Pittsfield Municipal Airport  
PROJECT MUNICIPALITY : Pittsfield  
PROJECT WATERSHED : Housatonic River  
EOEA NUMBER : 12480  
PROJECT PROPONENT : Pittsfield Municipal Airport Commission  
DATE NOTICED IN MONITOR : November 9, 2002

Pursuant to the Massachusetts Environmental Policy Act (M.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 hereby **propose to grant a waiver** from the categorical requirement to prepare an Environmental Impact Report (EIR).

### Project Description

This project involves the proposed improvement and expansion of facilities at the Pittsfield Municipal Airport, for which a scope for an Environmental Impact Report was issued in May of 2001. One of the projects described in the Environmental Notification Form (ENF) was the construction of a 6,000 square foot corporate jet hangar. In a Notice of Project Change (NPC) submitted to the MEPA Office on October 18, 2002, the Pittsfield Airport Commission requested a Phase 1 waiver that would authorize construction of the hangar before completion of the EIR for the other, larger projects. The NPC also noted that the size of the hangar would be 11,664 square feet rather than 6,000 square feet. The hangar would accommodate two airplanes that have been purchased by Lyon Aviation, and that require inside storage.

### Mandatory EIR

The Pittsfield Municipal Airport project is subject to review and a Mandatory EIR pursuant to Section 11.03 (3) (a) 2 of the MEPA Regulations since it would require a variance from the Wetlands Protection Act.



### Jurisdiction

MEPA jurisdiction over this project derives from the need for approvals from the Department of Environmental Protection. It may involve funding from the Massachusetts Aeronautical Commissions, and may need an approval for a transfer of Article 97 land.

### Waiver Request

In a Notice of Project Change submitted to the MEPA Office on October 18, 2002, the project proponent requested a waiver from the Mandatory EIR provisions of the MEPA Regulations for Phase 1 of the project: construction of an 11,664 square foot corporate jet hangar. Notice of the NPC filing was published in the November 9, 2002 issue of *The Environmental Monitor*, opening a 20-day public comment period. Four letters of comment were received on the NPC.

### Criteria for Waiver

Section 11.11 of the MEPA Regulations provides that a waiver may be granted upon a finding that strict compliance with the regulations will result in undue hardship and will not serve to minimize or avoid damage to the environment. These findings shall be based on one or more of the following circumstances: 1) the potential environmental impacts of Phase 1, taken alone, are insignificant; 2) ample and unconstrained infrastructure exists to support Phase 1; 3) the project is severable, such that Phase 1 does not require the implementation of any other future phase of the project or restrict the means by which the potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated; and 4) the agency action on Phase 1 will contain terms satisfactory to the Secretary to ensure due compliance with MEPA prior to commencement of any other phase of the project.

### Findings

1. The potential environmental impacts of Phase 1 are insignificant. No state permits, funding or land transfers are required for Phase 1. The hangar will be privately funded by Lyon Aviation, and it will be located in a previously disturbed area (a paved turn-around, parking area and landscaped traffic island) outside of any wetland resource areas or buffer zones.
2. The corporate hangar will be served by existing airport infrastructure.
3. Construction of the hangar is severable from the larger airport expansion/improvement project. It would have utility independent of the remainder of the project, and would not restrict the selection of alternatives.

4. The proponent has provided evidence that there is continuing progress on the EIR. Because of the variety of state agency actions that will be required for the additional phases of the project, compliance with MEPA will be necessary before those phases can commence. I am requiring the proponent to respond to the comment letters received on the NPC in the EIR.

Based on these findings, it is my judgment that the waiver request has merit, meets the tests established in Section 11.11 of the MEPA Regulations, and will serve to advance the interests of the Massachusetts Environmental Policy Act. Therefore, I hereby propose to grant the waiver for Phase 1 of the Pittsfield Municipal Airport project: construction of an 11,664 square foot corporate hangar. This Draft Record of Decision will appear in the next issue of *The Environmental Monitor* for a 14-day public comment period, after which time I will reconsider, modify or confirm the waiver.

December 9, 2002

DATE

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Bob Durand

Comments received on the NPC: BRPC, 11/20/02  
MHC, 11/20/02  
MHD, 11/27/02  
DEP, 11/29/02

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