



## The TOWN OF NORWOOD

Commonwealth of Massachusetts

### NORWOOD AIRPORT COMMISSION

Mark P. Ryan, *Chairman*

Michael Sheehan, *Vice Chairman*

John J. Corcoran

## ***NORWOOD AIRPORT COMMISSION***

### **POSTING**

NOTICE IS HEREBY GIVEN THAT A PUBLIC MEETING OF THE NORWOOD AIRPORT COMMISSION WILL BE HELD:

**DATE:** Wednesday, October 18, 2023

**TIME:** 4:00 p.m.

**PLACE:** Norwood Airport Commission Meeting Room  
111 Access Road  
Mark C. Welch Administration Building (Building #9)  
Norwood, MA 02062

*The Chair reserves the right to call items on the agenda out of order. The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting at least forty-eight (48) hours prior to the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Items listed for executive session may be discussed in open session, in addition to or in lieu of discussion in executive session.*

## MEETING AGENDA

### 1. PROJECTS

AIP project update: *DuBois & King*

### 2. MINUTES

9/20/2023 regular business meeting

### 3. AIRPORT MANAGER'S REPORT

### 4. NEW BUSINESS

### 5. OLD BUSINESS

Aircraft overflights in the Winfield St. /Rock St. neighborhood.

### 6. CORRESPONDENCE

Email from Tony Mazzucco, town manager, to Mina S. Makarious, *Anderson & Kreiger LLP*, re: aircraft overflights over the Rock Street/ Winfield Street area.

Norwood Airport Curfew By-Law

### 7. EXECUTIVE SESSION

Purpose 3 for executive session (M.G.L. c. 30A, § 21(a)(3)) – To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the Norwood Airport Commission: *Boston Executive Helicopters, LLC* v. Town of Norwood et al., U.S. District Court-Massachusetts Civil Action No. 1:15-cv-13647-RGS and state court litigation involving BEH and FlightLevel.

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Windfield Street area.

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Norwood Airport Commission  
September 20, 2023  
Meeting Minutes

**PRESENT**

Mark Ryan, Chair  
Michael Sheehan, Vice Chair  
John Corcoran

Mark Raymond, Airport Manager

**CALL TO ORDER**

The meeting was called to order at 4:00 PM

**Meeting being recorded by NCM, Norwood Record (Matt MacDonald), Boston Executive Helicopters (Christopher Donovan Jr.)**

**PROJECTS**

*AIP Project Update: DuBois & King*

Mark Goodrich from DuBois & King provided updates on the ongoing projects on Taxiway C (soon to be Taxiway B), the airfield, and the parking lot. DuBois & King had a meeting discussing a future project to reconstruct Runway 1028, hoping to start the project at the beginning of October.

Mr. Ryan clarified with Mr. Goodrich on whether or not Runway 1028 would be closed for the duration of the reconstruction project. Mr. Goodrich stated that the runway would be closed. Mr. Corcoran wondered how many construction days the runway would be closed, which Mr. Goodrich stated would be 120. The goal was to complete the project by Thanksgiving. Mr. Goodrich stated if the contractor believed the project could not be completed by Thanksgiving, the project would be pushed back to Spring 2024, as they did not want to leave the airport without a runway for the winter.

Mr. Ryan and Mr. Raymond pointed out that the current Taxiway C project had required periodic closure of Runway 1028, and had not been used as much in the past few months.

**NEW BUSINESS**

*AIP No. 3-25-0037-47-2022, FAA Payment Request No. 5, Reconstruction and Relocation of Taxiway C, \$937,775.92*

Mr. Ryan stated 90% was paid by the FAA; 10% was paid by MassDOT, at no cost to the Town.

**MOTION** to pay Payment Voucher No. 5 made by Mr. Sheehan. Seconded by Mr. Corcoran.

Roll Call Vote:

Mr. Sheehan: **Yes**



Mr. Corcoran: Yes

Mr. Ryan: Yes

**Result: 3-0-0 (Approved)**

*AIP No. 3-25-0037-47-2022, FAA Payment Request No. 6, Reconstruction and Relocation of Taxiway C, \$2,501,060.78*

Mr. Ryan stated 90% was paid by the FAA; 10% was paid by MassDOT, at no cost to the Town.

**MOTION** to pay Payment Voucher No. 6 made by Mr. Sheehan. Seconded by Mr. Corcoran.

Roll Call Vote:

Mr. Sheehan: Yes

Mr. Corcoran: Yes

Mr. Ryan: Yes

**Result: 3-0-0 (Approved)**

*AIP No. 3-25-0037-048-2023, FAA Payment Request No. 1, Reconstruction of Runway 1028, \$166,097.37*

Mr. Ryan stated 90% was paid by the FAA; 10% was paid by the Town of Norwood

**MOTION** to pay Payment Voucher No. 1 made by Mr. Sheehan. Seconded by Mr. Corcoran.

Roll Call Vote:

Mr. Sheehan: Yes

Mr. Corcoran: Yes

Mr. Ryan: Yes

**Result: 3-0-0 (Approved)**

### **MINUTES**

**MOTION** to approve the minutes of the July 19, 2023 regular business meeting made by Mr. Corcoran. Seconded by Mr. Sheehan.

Roll Call Vote:

Mr. Sheehan: Yes

Mr. Corcoran: Yes

Mr. Ryan: Yes

**Result: 3-0-0 (Approved)**

## **OLD BUSINESS**

### *Aircraft overflights in the Winfield St./Rock St. neighborhood*

Ms. Whiffin, 30 Winfield Street, stated that she counted 120 overflights on Sunday, September 17th, and 60 overflights on Monday. She wondered if flights over the neighborhood would continue until reconstruction of Runway 1028 began.

Mr. Ryan explained that use of the runways was dictated by the wind, and for safety reasons, pilots take off against the wind. He stressed the efforts of the airport to get pilots to abide by the noise abatement, but it was only a suggestion and not mandated. Mr. Ryan also stated that the Norwood Airport was a public use airport, and the stormy weather on Saturday, September 16th prevented pilots from flying, making Sunday and Monday busy days. Mr. Ryan also pointed out that numbers at the airport have dropped over the years, with Runway 1028 historically having 35% of use throughout the year. Mr. Corcoran added that Runway 1028 was only to be used during the day.

Ms. Folan, 74 Winfield Street, noted her correspondence with an FAA employee, and stated that she was told through email correspondence with the FAA employee that flight numbers were to be controlled by the airport.

Mr. Corcoran stated that the control factor was in regards to the noise abatement, which he stressed was only a suggestion. Ms. Folan wondered if Norwood had any control over the number of flights coming in and out of the airport. Mr. Corcoran stated that the airport was a public, 24/7 year-round operation, and as long as the airport was able to handle the aircraft, the Town could not control the amount of aircraft taking off and landing. In regards to a further question from Ms. Folan regarding airport volume, Mr. Corcoran added that controlling the volume would be controlling interstate commerce. He stressed that they could only suggest a noise abatement not to fly over certain neighborhoods.

Mina Makarious, airport counsel who was present at the meeting via speakerphone, confirmed the fact that airports of any size cannot control the number of flights coming in and out of the airport. He stated that since 1992, there had been an act of Congress permitting the FAA in some circumstances to allow flight rules on the local level, but in the 30 years the act had been in place, they had approved 0 local flight rules.

Mr. Ryan stressed again that the airport could not place any restrictions on the local level, but were doing their best to work with the neighbors and pilots.

Ms. Folan wondered if the airport was aware of where the high volume of flights was coming from. Mr. Ryan stated that a combination of construction shutting down the runway periodically, bad weather at the end of the week, and winds over Runway 1028 had led to the high volume of flights on Sunday and Monday. Ms. Folan wondered what exactly the flights were doing, whether they were flight schools or commerce. Mr. Raymond stated that they did not track exactly what the purpose of flights were. Mr. Corcoran explained exactly who controlled what factors of the airport, and ultimately the FAA controlled the airspace.

Vincent Amato, 80 Oliver Street, stated that private jets were flying and landing right over his house. Mr. Corcoran explained that jets needed to come into a stabilized approach when landing, which required them to start miles out. He also stated that jets did not need to follow the noise abatement. Mr. Ryan added that many corporate aircraft land at the airport before Patriots games.

Mr. Costello, 152 Rock Street, wondered if the flight schools ran full days on Saturday and Sunday. Mr. Raymond stated that the flight schools ran seven days a week. Mr. Corcoran stressed that when there is a period of multiple rainy days, it was typical to have an uptick in volume over the following nice day. Mr. Costello added that he had noticed an uptick in flights over the Rock Street neighborhood. Mr. Ryan and Mr. Raymond agreed that Mr. Raymond would reach out to tenants again in regards to the noise abatement.

Ms. Folan expressed concern for the amount of flights taking off, and stated she believed it was unreasonable to have 120 overflights because of good weather. Mr. Corcoran pointed out that there was currently a pilot shortage, adding to the number of classes at flight schools. Mr. Ryan added that mostly all local airports were facing the same issues as Norwood. Ms. Folan wished to see a breakdown of exactly what the flights taking off and landing at the airport were doing. Mr. Ryan stated that Mr. Raymond would reach out to the control tower to see if they were able to gather that information.

### **CORRESPONDENCE**

*Letter from Mark Raymond, airport manager, to Christopher Donovan, Boston Executive Helicopters*

*Re: Airport regulation violations- August 3, 2023*

*Email from David Groh to Mark Raymond, airport manager, re: MassDOT Airport Economic Impact Study- August 15, 2023*

*Email from Denise Garcia, Assistant Director, MassDOT Aeronautics Division to David Groh re: MassDOT Airport Economic Impact Study- August 16, 2023*

**MOTION** to place the correspondence on file made by Mr. Sheehan. Seconded by Mr. Corcoran.

Roll Call Vote:

Mr. Sheehan: Yes

Mr. Corcoran: Yes

Mr. Ryan: Yes

**Result: 3-0-0 (Approved)**



### **EXECUTIVE SESSION**

*Purpose 3 for executive session (M.G.L. c. 30A, §21 (a) (3)) - To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigation position of the Norwood Airport Commission: Boston Executive Helicopters, LLC v. Town of Norwood et al., U.S. District Court- Massachusetts Civil Action No. 1:15-cv-13647-RGS and state court litigation involving BEH and FlightLevel.*

**MOTION** to enter executive session made by Mr. Sheehan. Seconded by Mr. Corcoran.

Roll Call Vote:

Mr. Sheehan: Yes

Mr. Corcoran: Yes

Mr. Ryan: Yes

**Result: 3-0-0 (Approved)**

*The Executive Session was entered at 4:35 PM. Both the public meeting and executive session were to be adjourned at the end of the Executive Session.*

Minutes respectfully submitted by Emily Manning.



TO: NORWOOD AIRPORT COMMISSION  
FROM: MARK RAYMOND, AIRPORT MANAGER  
RE: MANAGER'S REPORT: 9/20/23—10/17/23

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— Major Projects/Issues—

### **Airport Parking Lot Project**

*J&J Contractors* continued to work on the airport parking lot project to include final paving and striping. Construction in the main airport parking lot was substantially complete and was re-opened as of October 4<sup>th</sup>.

### **Taxiway "C" Project**

*J&J Contractors* continued to work on the taxiway "C" project. This included striping and electrical/lighting work. Construction on the taxiway "C" reconstruction/realignment project was substantially complete as of September 15<sup>th</sup>. The new airport diagram showing the changes to the taxiway was submitted to the FAA and should be published sometime in November 2023.

### **Runway 10/28 Project**

This project, originally scheduled to start in October 2023, has been rescheduled to start in March 2024.

### **Monthly Revenues**

For the month of September one deposit was posted to the Treasurer's office. This totaled \$18,748.22 in payments.

### **Monthly Fuel Flowage**

For the month of September, *Flight Level's* bills of lading for fuel totaled 28,253 gallons. At \$.07/gallon, the Town received \$1,977.71 in flowage fees.

For the month of September, *Boston Executive Helicopter's* bills of lading for fuel totaled 19,889 gallons. At \$.07/gallon, the Town received \$1,392.23 in flowage fees.

**ARTICLE XXXII.**  
**Norwood Airport Curfew By-Law**

Whereas the Town of Norwood, as sole owner and proprietor of the Norwood Municipal Airport, mindful of its rights, obligations and responsibility to protect the Town's population from excessive airport noise by the adoption and enforcement of uniform and reasonable rules, while placing no more than an incidental burden on interstate commerce, in consonance with the recommendations of the consultant, Bolt, Beranek and Newman, in its Noise Abatement Study, Report No. 3345, dated September 1976 concerning Norwood Airport, and under the authority granted by the Legislature of the Commonwealth of Massachusetts in its Acts of 1986, Chapter 372, do hereby enact a By-Law prohibiting aircraft operations at the Norwood Airport between the hours of eleven o'clock postmeridian and seven o'clock antemeridian, except in case of emergency use. (Special Town Meeting, November 13, 1986, Article 3.)

"Attention: The Town of Norwood is enjoined from taking any action to enforce this by-law by order of John J. McNaught, United States District Judge dated April 28, 1987 in the case of E.W. Wiggins Airways, Inc. et al vs. Town of Norwood, Civil Action No. 87-0636-MC in the United States District Court for the District of Massachusetts. Further attention is directed to current entries on the docket of said case."



Mark Raymond <mraymond@norwoodma.gov>

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**(no subject)**

2 messages

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Tony Mazzucco <tmazzucco@norwoodma.gov>

Tue, Oct 10, 2023 at 2:58 PM

To: "Ryan, Mark" <mryan@norwoodma.gov>, mraymond <mraymond@norwoodma.gov>, "Makarios, Mina" <mina@andersonkreiger.com>

Hi guys,

Here is the list of questions I got for tonight's meeting. I wish I had received this earlier, I suspect there has been communication going on between board members and the public on the matter that I have not been privy too.

NAC questions and possible suggestions

(These are from concerned neighbors, not necessarily the viewpoints of the BOS)

- Can construction updates be posted regularly again? (Last instruction update was posted August 16, 2023)
- Is it possible for the town to minimize the noise and/volume of the planes over Winfield/Rock Street?
- Is it possible to know the breakdown of airport usage causing the noise/volume? (For example, is it the /school students practicing their turnarounds?)
- Can the town limit the number of take-offs/landings?
  - Per plane?
  - Per school?
- Can the town work with the FAA to conduct noise assessments?
- When the pilots take off, is it possible to install signage requesting them to turn away from the neighborhoods once they are airborne?
- Can pilots be verbally reminded prior to takeoff of the noise abatement rules and avoid the neighborhoods? Due to wind conditions and other factors, including construction, this is not always possible.

Other information:

Sunday October 8, 2023 - over 100 overflights over the Winfield/Rock Streets neighborhood, which neighbors find especially disturbing after an NAC memo and supporting material was sent to airport pilots and student pilots that reiterated departure guidelines on runway 10/28 and asked for courtesy to the neighborhoods.

Representatives from the Winfield/Rock neighborhood have attended 9 Norwood Airport Commission meetings, going on 10. Because the NAC meetings are at 4pm, many in the neighborhood cannot attend--they're working at home or in the workplace. The small number of attendees does not reflect the increasing anger as these overflights continue.



**Tony Mazzucco***General Manager**Town of Norwood - General Manager's Office*

(781) 762-1240 x6003

**Direct** (781) 327-8534**Fax** (781) 934-4820**Web** [www.norwoodma.gov](http://www.norwoodma.gov)

566 Washington Street, Norwood, MA 02062



Please be aware that all electronic communication to and from the Town of Norwood is public record; and subject to public disclosure per

[Massachusetts General Law c.66, §.10.](#)

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**Mina Makarious** <[mina@andersonkreiger.com](mailto:mina@andersonkreiger.com)>

Tue, Oct 10, 2023 at 4:23 PM

To: Tony Mazzucco <[tmazzucco@norwoodma.gov](mailto:tmazzucco@norwoodma.gov)>, "Ryan, Mark" <[mryan@norwoodma.gov](mailto:mryan@norwoodma.gov)>, mraymond <[mraymond@norwoodma.gov](mailto:mraymond@norwoodma.gov)>

Hi Tony,

I can answer some of the legal issues: the short answer as to whether the Town can do anything to minimize noise and volume of planes is no. The Town cannot control aircraft while they are in the air, and cannot require them to use different procedures, engines, or flight paths. That is entirely up to FAA. This is true for take-offs/landings as well.

The most the Town can do is ask for based aircraft to voluntarily limit noise. The Town could, in theory, put up signage making this ask, but there would be no penalty for violating it, FAA would not enforce it, and you would run the risk of complaints from pilots that the Town is trying to regulate them in a backdoor way.

Unless the Town can point to legitimate *on the ground* safety issues at the airport to restrict aircraft movements, it cannot limit them.

The Town can work with FAA to conduct noise assessments, but once it does, it cannot provide noise mitigation outside of areas that meet the threshold for excessive noise as determined by FAA.

Mina

**ANDERSON**  
**KREIGER**

Mina S. Makarious (he/him)

T. 617.621.6525

Anderson & Kreiger LLP | 50 Milk Street | 21st Floor | Boston, MA 02109