

CAPE COD COMMISSION

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DATE: April 27, 1995 #TR95006

TO: Mr. Benjamin Jones
Airport Manager
Barnstable Municipal Airport
480 Barnstable Road
Hyannis, MA 02601

FROM: Cape Cod Commission

RE: Development of Regional Impact Application
Barnstable County Ordinance 94-10, Chapter A, Section 3G

APPLICANT: Mr. Benjamin Jones, Airport Manager

PROJECT: Rescue, Fire-fighting and maintenance facility
Barnstable Municipal Airport
Hyannis, MA 02601

BOOK/PAGE: Book 697, Page 294

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves with conditions the application of Mr. Benjamin Jones, Barnstable Airport Manager, for a Development of Regional Impact under Barnstable County Ordinance 94-10, Chapter A, Section 3G, for the construction of a 15,000 square foot two-story building to house all of the Airport's existing rescue, fire-fighting and snow removal equipment. The decision is rendered pursuant to the vote of the Commission on April 27, 1995.

PROJECT DESCRIPTION

The project consists of a proposed 15,000 square foot, two-story building to house all of the Airport's existing rescue, fire-fighting and snow removal equipment, which is currently stored and serviced at various sites within the Airport boundaries.

#TR 95006

Barnstable Airport Equipment Building

DRI Decision

April 27, 1995

The Airport property is located within a Wellhead Protection Area for the Town of Barnstable. The facility will be located within the confines of the existing 448-acre Airport property, between Taxiway B and Airport Road on a parcel under two acres in size. The facility will include duty quarters for the emergency response crew, a small public lounge area, office, locker room, break room and toilet facilities. Storage will be provided for maintenance supplies and sand, but no salt. The project will incorporate a truck washing facility using a recycling water system. The facility is proposed to be sewerred, and will provide a total of 15 additional parking spaces for employees.

PROCEDURAL HISTORY

The project was referred by Mr. Ralph Crossen, the Barnstable Building Commissioner, on February 2, 1995. The referral was received by the Cape Cod Commission on February 6, 1995. A site visit was conducted by the Subcommittee on February 21, 1995. Pursuant to Section 5 of the Act, a duly noticed public hearing was held on the project on April 4, 1995 and continued to April 27, 1995. Two public meetings were held on April 4, 1995 and April 10, 1995. On April 10, 1995, the Subcommittee voted to recommend to the full Commission that the proposed Airport Equipment Building be approved as a DRI, with conditions. A draft decision was presented to the full Commission on April 27, 1995. At this meeting the Commission voted unanimously to approve the project as a DRI subject to conditions. The public record was closed on April 27, 1995.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

Letter from Mass. Historical Commission	2/10/95
DRI Application which includes a project plan, development plans, a letter from Mass. Natural Heritage, MEPA project change notice (9/8/94), a list of vehicles used in Airport maintenance and a list of hazardous materials	2/15/95
Letter modifying DRI Application concerning hazardous waste storage tank and replacement fuel tanks	2/27/95
Letter and attachments describing Deed Book and Page number, Abutters List, acknowledgement of DRI filing with Town agencies	3/10/95
Report of sewer line inspection	4/3/95
Letter and attachments: pages from FAA Advisory about safety restrictions on use of property	4/3/95

B. Materials submitted by the State:

Letters from Massachusetts Historical Commission and Natural Heritage Program were submitted by the Applicant. No other materials were submitted by the State.

C. Materials submitted by the Town:

DRI Referral Form and cover letter 2/6/95

D. Materials submitted by the public:

Oral testimony only at the public hearing. No written materials submitted.

E. Materials submitted by Cape Cod Commission:

Staff Project Referral Form and site map	2/13/95
Traffic comments on Staff Project Referral Form indicating no impacts	2/13/95
FAX-Letter to David Fisher about Hearing	2/16/95
Reminder to Subcommittee of Site Visit	2/17/95
Copy of Deed and Map showing Airport parcels	3/7/95
Staff Report	3/24/95
FAX-to David Fisher-Draft Findings and Conditions	4/7/95
FAX-to Ben Jones-Draft Findings and Conditions	4/7/95
FAX-to Ralph Crossen-Draft Findings and Conditions	4/7/95
Maps delineating area of critical habitat	No date

The Application and notice of the public hearing relative thereto, the Commission's staff reports, exhibits, minutes of all hearings and all submissions received in the course of the proceedings, including materials submitted on file #TR95006 are incorporated into the record by reference.

TESTIMONY

The Commission's Subcommittee received testimony at the April 4, 1995 public hearing on this project at the Selectmen's Conference Room at Barnstable Town Hall in Hyannis, MA.

Mr. David Fisher of Keyes Associates described the project and presented the site plan. He described the location of the proposed equipment building and surrounding land uses. He indicated the project was located in the watershed to Upper Gate Pond. The existing maintenance building located near the project site would be closed as a result of constructing the new facility. The proposed new facility would tie into the Barnstable wastewater treatment plant via an existing sewer line. Storm water detention would be handled by an on-site infiltration basin. He described the exterior and proposed cladding of

the building. He said that no additional vehicles or other maintenance facilities were being proposed other than this project. He also said that no additional usage of hazardous materials was proposed for the project. He said the project will also involve the removal of two existing underground fuel storage tanks and the installation of two new above-ground tanks of the same capacity as those being removed.

Andrea Adams, a planner with the Cape Cod Commission gave an overview of the Staff Report. She indicated that there were four issues of concern for the project's review: historic preservation and community character, water resources, hazardous materials/wastes and natural resources. She described the project as a consolidation of fire-rescue and vehicle maintenance activities currently taking place on the Airport property. Tom Cambareri of the Cape Cod Commission's water resources office provided an overview of the important regional water resources in the project area.

Ben Jones, the Airport manager, said the existing maintenance building was scheduled for closure and that the Airport would take all measures necessary to remediate any hazardous materials/waste releases. Greg Silverman, subcommittee chair, noted that a spill response plan should be developed to address emergencies.

Andrea Adams also noted that the Regional Policy Plan requires that commercial development provide 40% of the lot area, excluding wetlands, as permanent open space. The Staff Report had recommended a conservation restriction be provided for a portion of the Airport's open space to protect the Hyannis Ponds Complex, which contains globally significant rare species. Ms. Adams said that Commission's legal counsel had reviewed the project and determined that this standard would not apply to a municipal airport. Ms. Adams noted, however, that a 100-foot buffer to wetlands would be required to prevent adverse environmental impacts from the clearing of vegetation adjacent to runways proposed to maintain site distance to the maintenance building.

Mr. Jones said that initial surveys show there may need to be some limited clearing and topping of trees along the southwestern side of Upper Gate Pond to provide a sight line for the proposed project. He said the Airport does not have a problem with retaining a 100-foot buffer to Upper Gate Pond, Lewis Pond, Mary Dunn Pond and Lamson's Pond which are also all or partly on Airport property. He was also willing to limit clearing of a sight line for the proposed project along Upper Gate Pond to topping of trees rather than complete removal of vegetation.

Mr. Daniel Hanley of West Yarmouth was concerned that upgrading the Airport facilities would result in an increase in airplane traffic and noise levels. He also expressed concern about the wetlands and guarantees by the Airport that trees would be topped and/or left standing to protect the ponds. He felt the Commission should protect the ponds by establishing a set buffer area, restrictions on the topping of trees and how much vegetation could be removed.

Richard Andres of Barnstable questioned the usefulness of a buffer area to the ponds for habitat protection if the soil and understory vegetation could be disturbed. He felt it was important for buffer vegetation to be maintained in an undisturbed state.

The Public Hearing was continued to Thursday, April 27, 1995 at 3:00 p.m. at the Assembly of Delegates Chamber at the

Barnstable District Courthouse. At this hearing, Greg Silverman presented the draft Decision to the full Cape Cod Commission. He described the project as a reconfiguration and consolidation of existing services. He indicated the Airport was a relatively developed site already and that the project will provide a new facility to house the Airport's fire-fighting, rescue and maintenance equipment. He said the project had a number of benefits including better storage and management of hazardous materials and wastes, removal and replacement of underground fuel storage tanks, installation of a vehicle washing machine which will capture and process wastewater and provision of buffers around the coastal plain ponds which are areas of critical habitat located on the Airport property. He said the Subcommittee found that the project, with application of the conditions included in the draft Decision, is in conformance with the Minimum Performance Standards of the RPP. Sumner Kaufman asked if the Airport had considered methods to process waste de-icing fluid resulting from de-icing operations as part of the proposed facility. Mr. Ben Jones, Manager of Barnstable Municipal Airport, responded that the private airlines and not the Airport itself control the de-icing of planes. He added the Airport requires airlines use propylene glycol to de-ice planes, an additive found in many consumer products. He said the Airport has also done tests to analyze run-off from the taxiways and runways and found the only problem was one of high pH. Andrea Adams noted that Condition #8 had been slightly modified to reflect the Airport's desire that it be allowed to clean all vehicles under its control, and not just those connected to the fire-rescue and maintenance building, at the vehicle washing facility.

Sumner Kaufman moved to close the Public Hearing. Don LeBlanc seconded the motion. The Commission voted all in favor of the motion to close the Public Hearing.

Greg Silverman moved adoption of the draft Decision, approving the proposed fire-fighting, rescue and maintenance equipment facility with conditions, amended to reflect the testimony given at the Public Hearing. Herb Olsen seconded the motion. The Commission voted all in favor of adopting the draft Decision, approving the proposed project with conditions, as amended to reflect the testimony given at the Public Hearing.

JURISDICTION

The proposed project qualifies as a DRI under Chapter A, Section 3G, Barnstable County Ordinance 94-10 as a facility which is "any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry ships, bus, rail, trucking terminals, transfer stations, air transportation and/or auxiliary uses and accessory parking or storage facilities so long as such auxiliary or accessory uses meet the criteria of Section 3(e)" of the Cape Cod Commission's Enabling Regulations. The proposal exceeds the Section 3(e) threshold for auxiliary uses greater than 10,000 square feet.

FINDINGS

The Commission has considered the application of Mr. Benjamin Jones for the proposed 15,000 square foot rescue, fire-fighting and snow removal equipment building to serve the municipal Airport in Barnstable, MA, and based on consideration of such application, the information presented at the public hearing and submitted for the record, the Commission makes the following findings:

1. The proposed development is located in a Wellhead Protection Area to the Barnstable Fire District and Barnstable Water Company public supply wells, and is in a Marine Recharge Area to Lewis Bay. It is also located 2,000 feet directly upgradient of the Mahar Wellfield which is the primary water source of drinking water for Hyannis.
2. Construction of the proposed project will replace an existing Airport rescue, fire-fighting and snow removal equipment building and will consolidate maintenance activities for this equipment which are already occurring on the Airport property.
3. The proposed project is intended to be serviced by the Hyannis municipal sewage treatment plant. This will result in the closure of an existing septic system and will satisfactorily address the 5 ppm standard in the RPP limiting non-point source nitrogen loading. A sewer connection permit will be required. The Applicant has submitted the results of an inspection of the existing line along old Mary Dunn Road which reveals it is intact and suitable for use.
4. The Applicant has submitted information indicating the amount of hazardous materials currently used and hazardous waste currently generated from rescue, fire-fighting and snow removal activities, which will not increase as a result of this project.
5. The DRI application indicates there will be two new bulk storage tanks for gasoline and diesel fuel. These new tanks will replace two existing fuel tanks located on the Airport fuel farm which can currently store 8,000 gallons. A letter submitted by the Applicant on February 27, 1995 to amend the DRI Application indicates the two new fuel tanks will have a combined maximum replacement capacity of 8,000 gallons.
6. Information submitted in the DRI Application indicates that there will be no major vehicle repairs undertaken at this facility. Vehicle maintenance will be limited to oil changes and tune-ups. The types of hazardous wastes generated by these activities will include oil and antifreeze, to be stored in an above-ground, double-walled two-chambered tank. Discussions with the Applicant indicate the Airport currently generates no more than 27 liquid gallons of hazardous waste a month.
7. The Applicant has stated that any buildings closed as a result of the development of the proposed Equipment Building will be subject to environmental investigations to determine the nature and extent of any existing contamination. The Applicant has also stated that any such contamination will be fully remediated according to applicable laws and regulations.
8. The Airport currently washes vehicles at various locations on the property without containment or other environmental safeguards. The proposed development will include a vehicle washing machine which has technologies designed to remove solids, oil, grease, fuels and heavy metals from wash water. The machine will generate approximately 93 gallons of oily waste at any one time.

9. The Applicant indicated that some of the private companies on the Airport property (Hertz, Budget Rent-A-Car) have their own specialized vehicle washing facilities. The Applicant agrees to restrict the use of the vehicle washing machine to only vehicles used by the Airport.
10. The proposed building will be a 15,000 square foot, two-story gray split face masonry structure with black smooth face masonry trim. Other buildings on and surrounding the Airport include brick, concrete masonry and metal structures of a similar size and scale.
11. The Massachusetts Historical Commission has determined the project is unlikely to affect significant historical or archeological resources.
12. The proposed facility will be located on an existing Airport runway apron in a previously developed portion of the site. A wildlife and plant habitat assessment under Section 2.4.1.1.B.1 of the RPP was not required for this project due to this location. In addition, the Massachusetts Division of Fisheries and Wildlife has indicated that rare and endangered species will not be adversely affected by the proposed project.
13. Section 6.1.4 of the RPP requires in part that commercial development which qualifies as a Development of Regional Impact provide 40% of the lot area excluding wetlands, as permanent open space. It has been determined that the Airport in question is a municipal use, the maintenance facility is in a pre-existing developed area, and construction on certain areas of the Airport property is restricted by the FAA for safety reasons. Therefore, Section 6.1.4 of the RPP is inapplicable to this project.
14. The Airport property is located adjacent to the Hyannis Ponds complex, an area of coastal plain ponds which supports an unusual concentration of globally significant rare species. The proposed project is likely to include limited clearing of vegetation adjacent to Upper Gate Pond, which is within this ponds complex. Section 2.3 of the RPP requires that a natural, undisturbed buffer of at least 100 feet width be maintained from the edge of coastal and inland wetlands including isolated wetlands to protect their natural functions.

CONCLUSION

Based on the above findings, the Cape Cod Commission hereby concludes:

1. The benefits of the project outweigh the detriments. This conclusion is supported by the findings that the project will allow for the consolidation of the management of hazardous materials and wastes currently used on the Airport property, the installation of improved containment systems for these materials and wastes, improved employee training programs in emergency response, the remediation of existing old equipment buildings on the Airport property, replacement of underground fuel tanks with modern, above-ground tanks, the use of sewer as opposed to a septic system, use of a vehicle washing machine which provides processing and containment of wash waters and provision of an undisturbed buffer around coastal plain ponds located on the Airport property.

2. The proposed project is consistent with the relevant Minimum Performance Standards of the Regional Policy Plan, subject to the attached conditions.

3. The proposed project is consistent with the Town of Barnstable development bylaws.

The Cape Cod Commission hereby approves with conditions the proposed rescue, fire-fighting and maintenance facility for the Barnstable Municipal Airport in Hyannis, MA as a Development of Regional Impact, pursuant to Section 12 and 13 of the Act, provided the following conditions are met:

CONDITIONS

1. The plans as submitted and listed in this decision, as modified by the following conditions, shall become part of the written decision and any changes shall be approved by the Cape Cod Commission or its designee.

2. The Applicant shall obtain a Certificate of Compliance from the Cape Cod Commission or its designee before the local official responsible for issuing Certificates of Occupancy may issue a permanent or temporary Certificate of Occupancy for any portion of the proposed project. All conditions attached to this decision must be met prior to the issuance of a Certificate of Compliance from the Cape Cod Commission.

3. The Applicant shall obtain all necessary State and local permits for the project.

4. The amount of new hazardous materials used, generated, treated or stored on the Airport property in connection with this project shall be no more than 275 liquid gallons, or its equivalent, at any one time.

5. The Airport shall remain at Very Small Quantity Generator (VSQG) status for the purposes of any hazardous waste generated from this project. A VSQG may generate no more than 27 liquid gallons of hazardous waste per month.

6. Prior to receipt of a Certificate of Compliance from the Cape Cod Commission, the Airport shall develop and implement a plan designed to train employees about workplace safety and how to prevent releases of hazardous materials or wastes. A copy of the final plan shall be submitted to the Cape Cod Commission and the Hyannis Fire Department.

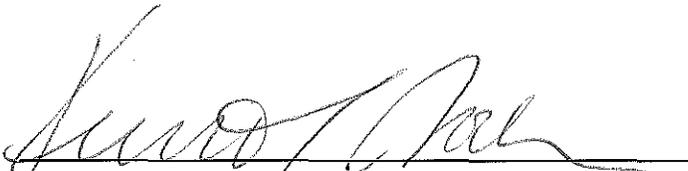
7. The Airport shall provide to the Cape Cod Commission copies of all test results and surface or subsurface investigations conducted to evaluate possible contamination at the site of any maintenance facility which is closed or the functions of which are transferred to the proposed new building as part of this project. This information shall also include the results of any similar investigations conducted during removal of the two existing underground fuel storage tanks. The Applicant shall provide written notice of the underground tank removal to the Commission upon completion.

8. Use of the vehicle washing machine shall be restricted to only those vehicles owned and operated by the Airport facility.

9. The Airport shall provide documentation of the results of bi-annual (every six months) inspections of the facility for proper storage and handling of hazardous materials and wastes to the Barnstable Board of Health, Hyannis Fire Department and Cape Cod Commission.

10. Prior to receipt of a Certificate of Compliance from the Cape Cod Commission, The Applicant shall submit to the Commission documentation of a Barnstable Department of Public Works sewer connection permit.

11. The Applicant shall maintain a natural, undisturbed buffer of at least 100 feet in width from the high water mark of the following ponds: Upper Gate Pond, Lewis Pond, Mary Dunn Pond, Lamson's Pond and the two unnamed small ponds near Lamson's and Mary Dunn Ponds shown on Sheet 1 of the abutting parcels (July 23, 1976/Folder 12-38/Book 308, pg. 76). No disturbance of the buffer area may occur, including but not limited to, tree and vegetative pruning, tree topping and any interference with the soil or subsurface layer. The Applicant shall maintain a natural buffer of at least 200 feet in width from the high water mark of these ponds, where the Applicant shall be restricted to topping of trees sufficient to provide a line of sight required for safety reasons connected to the Barnstable Airport equipment building. The 100 and 200-foot buffer areas shall be delineated on the final recorded site plan and attached to this decision.


Kenneth Brock, Chairman

5/27/95
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 2nd day of May 19 95


NAME, Notary

My Commission expires: