



CAPE COD COMMISSION

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DATE: October 28, 1996 #TR-95006
Modification

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

FROM: Cape Cod Commission

RE: Development of Regional Impact **Modification**
Section 9(n) of the Development of Regional Impact Enabling Regulations

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 the application of Mr. Benjamin Jones, Barnstable Airport Manager, for a Modification to an Approved Development of Regional Impact (DRI) Decision under Section 9(n) of the DRI Enabling Regulations modifying Conditions #2 and #3 to allow certain State or local permits be obtained and information to be provided to the Commission after issuance of a Certificate of Compliance. This Modification Decision is rendered pursuant to the vote of the Commission's Regulatory Committee on October 28, 1996.

PROJECT DESCRIPTION

On April 27, 1995, the Cape Cod Commission approved, with Conditions, the application of Mr. Benjamin Jones, Airport Manager, for a DRI for the Barnstable Municipal Airport Equipment Building project.

The Barnstable Municipal Airport Equipment Building project consisted of a proposed 15,000 square foot, two-story building to house all of the Airport's existing rescue, fire-fighting and snow

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removal equipment, which is currently stored and serviced at various sites within the Airport boundaries.

As of the date of this Modification Decision, the facility was largely finished and ready for occupancy, except for the sewer connection and some post-construction finish-work. The facility is 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 includes duty quarters for the emergency response crew, a small public lounge area, office, locker room, break room and toilet facilities. Storage has been provided for maintenance supplies and sand, but no salt. The project incorporates a truck washing facility using a recycling water system.

As part of the development of this new facility, the Airport was also beginning the removal of the old maintenance facility and remediating any contamination discovered during that process. The Airport had not yet started to remove some underground fuel storage tanks.

The DRI decision placed several Conditions on the project, including ones related to obtaining the Certificate of Compliance, completing the State and local permitting processes and providing the Commission with copies of test results related to any contamination discovered at the old maintenance facility and during tank-removal work.

More specifically Conditions #2, #3 and #7 of the Decision stated:

- Condition #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.* (Emphasis added)

- Condition #3: The Applicant shall obtain all necessary State and local permits for the project.

- Condition #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.

PROCEDURAL HISTORY

On October 17, 1996, Commission staff spoke with Mr. Jones in a meeting regarding the status of this project and the Certificate of Compliance. Mr. Jones indicated the Airport hoped to occupy the new Equipment Building by mid-November of 1996, but that removal of the fuel tanks would take place after the desired occupancy date. Based on this, staff indicated that Mr. Jones could request a modification to Conditions of the Decision and so gain more time to complete the fuel tank removal and obtain all necessary State and local permits.

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On October 17, 1996, Commission staff received a letter from Mr. Jones requesting a modification to the Decision.

On October 28, 1996, the Commission's Regulatory Committee considered Mr. Jones' request to modify the Barnstable Airport Equipment Building Decision. At this meeting, Mr. Jones briefly explained the status of the project and the reasons for the modification request. The Committee suggested additional changes to the Conditions based on Mr. Jones' information. Mr. Prince moved the Regulatory Committee grant Mr. Jones' request, and furthermore consider it to be a Minor Modification #2 as described in the Commission's Revisions to Approved DRIs, DRI Exemptions and Hardship Exemptions policy dated 10/17/96. Ms. Ritchie seconded the motion. The Committee voted all in favor of the motion.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

Letter, requesting modification

10/17/96

B. Materials submitted by the State:

None

C. Materials submitted by the Town:

None

D. Materials submitted by the public:

None

E. Materials submitted by Cape Cod Commission:

Memorandum, to Regulatory Committee

10/22/96

Commission's policy on Modifications to Approved DRIs

10/17/96

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 and #TR95006 (Modification) are incorporated into the record by reference.

TESTIMONY

No public testimony was received at the October 28, 1996 Regulatory Committee meeting relative to this project. However, Mr. Jones briefly explained the status of the project and the reasons for the modification request. Commission staff also described the original project and the proposed changes.

JURISDICTION

The request qualifies as a modification to an approved DRI Decision under Section 9(n) of the DRI Enabling Regulations.

FINDINGS

The Commission's Regulatory Committee has considered the application of Mr. Benjamin Jones, Airport Manager, to modify the Barnstable Airport Equipment Building Decision. Conditions #2

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and #3 specified that certain actions be completed prior to the Certificate of Compliance. Condition #7 would allow Commission staff to comment on the nature of and remediation method for any contamination discovered at the old maintenance facility and/or during tank removal operations. No other modifications to the Decision were requested or approved by the Regulatory Committee.

For clarification, it should also be noted that based on the changes to Condition #2 as described below, the language of Condition #7 of the April 27, 1995 DRI Decision has **not** been changed.

The Committee also voted to grant the request and to deem it to be a Minor Modification #2 as described in the Revisions to Approved DRIs, DRI Exemptions and Hardship Exemptions policy dated 10/17/96.

CONDITIONS

The Cape Cod Commission hereby modifies Condition #2 of the April 27, 1995 DRI Decision to the following:

“[t]he 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 **with the exception of Conditions #3 and #7.**”

The Commission hereby modifies Condition #3 of the April 27, 1995 DRI Decision to the following:

“[t]he Applicant shall obtain all necessary State and local permits for the project. **State permits shall be obtained by the Applicant for remediation activities related to any maintenance facility which is closed or the functions of which are transferred to the new building as part of this project.**”

FOR: Madeline A. Bebo VICE-CHAIR
Greg Silverman, Chairman

10-31-96
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 31st day of October 1996.

Katharine J. Peters
Name (Notary)

My Commission expires:

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