



CAPE COD COMMISSION

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E-mail: frontdesk@capecodcommission.org

DATE: January 24, 2008

TO: Lorraine Cottle and Robert Falanga, Co-Applicants
Cape Flight Instruction/Nantucket Shuttle Hangar

FROM: Cape Cod Commission

RE: Development of Regional Impact
Cape Cod Commission Act, Sections 12(k), 13(a) and 23

APPLICANTS: Lorraine Cottle and Robert Falanga
7 Curlew Way
Cotuit, MA 02635

PROPERTY OWNER: (Of Barnstable Municipal Airport) Town of Barnstable,
Massachusetts

COMMISSION PROJECT #: DRI/DRI EX/HDEX – TR07017

PROJECT and LOCATION: Cape Flight Instruction/Nantucket Shuttle Hangar
East Ramp Area
Barnstable Municipal Airport
480 Barnstable Road
Hyannis, MA 02601

BOOK: PAGE:

CERTIFICATE OF TITLE:

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Lorraine Cottle and Robert R. Falanga as a Development of Regional Impact Hardship Exemption (HDEX) pursuant to Section 23 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the Cape Flight Instruction/Nantucket Shuttle airplane hangar on the East Ramp of the Barnstable



Exhibit One

PROPERTY ADDRESS: 480 Barnstable Road, Hyannis MA 02601.

REGISTERED PARCELS:

Inhabitants of the Town of Barnstable
Lot 6 on Land Court Plan 25266-C
Certificate of Title No. 32836

Town of Barnstable
"Land" shown on Land Court Plan 29160-A
Certificate of Title No. 160981

UNREGISTERED PARCELS:

<u>Book</u>	<u>Page</u>	<u>Book</u>	<u>Page</u>
589	136	3536	336
690	389	3567	94
690	390	3625	314
697	292	3999	91
972	313	4040	96
987	464	5319	173
1039	180	5320	276
1176	103	5444	317
1184	494	5782	102
1282	29	6329	90
1661	211	6517	239
2212	74	6579	234
3047	336	7121	239
3270	267	7121	241
3329	105	7121	243
3400	225	7291	189
3441	4	10537	203
3510	331	14353	76

Municipal Airport. This decision is rendered pursuant to a vote of the Commission on January 24, 2008.

PROJECT DESCRIPTION

The project consists of a built metal airplane hangar building on the East Ramp area of the Barnstable Municipal Airport. The single-bay building is approximately 7,480 square feet in size, located on 0.44 of an acre. The area leased from the Barnstable Municipal Airport for the project encompasses approximately 19,238 square feet. The hangar is "for storage and maintenance of [the] Nantucket Shuttle fleet." (*Application cover sheet*)

PROCEDURAL HISTORY

The Town of Barnstable reviewed and permitted the development in 2006 without referring it to the Commission for a Development of Regional Impact (DRI) review while the Commission was in the process of conducting a DRI review of the Barnstable Municipal Airport Improvements projects. On July 30, 2007, the Commission received a mandatory DRI referral of the project from the Barnstable Building Commissioner.

On November 16, 2007, the Commission received a DRI/DRI Exemption/DRI Hardship Exemption application from the co-applicants, Ms. Lorraine Cottle and Mr. Robert R. Falanga. The co-applicants also filed a fee waiver request with the Commission on November 16, 2007. At a regularly scheduled meeting on November 26, 2007, the Commission's Executive Committee granted the co-applicants a full waiver of all project-related review fees. The combined application was deemed complete on November 28, 2007.

A duly noticed public hearing was conducted by a Commission Subcommittee pursuant to Section 5 of the Act on December 19, 2007. At the December 19, 2007 public hearing, the Subcommittee voted unanimously to recommend to the full Commission that the Hardship Exemption be approved with conditions. The public hearing was also continued to the January 10, 2008 Cape Cod Commission meeting at the Assembly of Delegates chambers in the First District Courthouse in Barnstable, Massachusetts. At this hearing, the Commission voted to grant the Hardship Exemption.

Materials Submitted for the Record

From the Applicants

Town of Barnstable Toxic & Hazardous Materials Onsite Inventory Form	3/22/06
Newspaper article, <i>Cape Cod Times</i>	2/24/06
Letter, to Robert Falanga, site plan meeting	8/9/07
Letter, from Lorraine Cottle and Robert Falanga, application materials	11/16/07
- Fee waiver form	
- Statement in support of Exemption applications	
- Folder with nine exhibits, including site plans	

Town of Barnstable Toxic & Hazardous Materials Onsite Inventory Form	11/26/07
Fax, from Lorraine Cottle, application provided to Town of Barnstable	11/29/07
Color chips sheet	12/6/07
E-mail, from Lorraine Cottle, withdrawal of DRI Exemption request	1/3/08
Letter, from Lorraine Cottle, withdrawal of DRI Exemption request	1/7/08
Card, from Lorraine Cottle, to Executive Committee	Undated

From the Commission

Letter, to Lorraine Cottle, referral	8/9/07
Hearing Notice	9/26/07
Hearing Officer Minutes	9/26/07
Phone Notes, Martha Hevenor	10/4/07
Phone Notes, Martha Hevenor	10/22/07
Copy of Executive Committee agenda, fee waiver	11/26/07
Letter, to Lorraine Cottle and Robert Falanga, application complete	11/28/07
E-mail, to group, hearing date (later changed)	11/28/07
Phone Notes, Andrea Adams	11/29/07
E-mail, to group, hearing date changed	11/29/07
Phone Notes, Andrea Adams	11/30/07
Staff Report and four color pictures of hangar and site	12/12/07
Memorandum, to Subcommittee, staff report, hearing, site visit	12/12/07
E-mail, to group, staff report and hearing date	12/12/07
E-mail, to group, staff report and hearing date	12/12/07
Letter, to Lorraine Cottle, staff report	12/12/07
E-mail, to staff group, staff report	12/12/07
Hearing Notice	12/17/07
Hearing Notice	12/19/07
Hearing Sign-in Sheet	12/19/07
Minutes, public hearing	12/19/07
E-mail, to Nancy Hossfeld, summary of hearing	12/21/07
E-mail, to Anna Brigham, Nutter, McClennen & Fish, staff report	12/31/07
Fax cover sheet, to Anna Brigham, Nutter, McClennen & Fish, staff report	12/31/07
Memo, to Commission members, acceptance of DRI Exemption withdrawal and procedural matters	1/9/08
E-mail, to Lorraine Cottle, project update	1/11/08
E-mail, to Subcommittee, draft decision	1/15/08
E-mail, to Anna Brigham, Nutter, McClennen & Fish, procedural matters	1/16/08
Memo, to Subcommittee, draft decision, draft Minutes	1/16/08
E-mail, to Lorraine Cottle, draft decision	1/17/08
E-mail, to Anna Brigham, draft decision	1/17/08
Memo, to Commission members, draft decision, application materials	1/17/08
E-mail, to Patty Daley, Town of Barnstable, draft decision	1/23/08
Hearing Notice	1/24/08

From Federal, State or Local Officials

Copy of Letter, Eric Johnson, Massachusetts Historical Commission	5/5/05
Site Plan Review Minutes	3/16/06
Town of Barnstable Toxic & Hazardous Materials Onsite Inventory Form	3/22/06
Town of Barnstable Building Permit Application	11/1/06
DRI Referral Form and Narrative	7/25/07
Fax, from Laura Patriarca, Department of Environmental Protection	11/26/07
Fax, from Patty Daley, Interim Director, Growth Management	12/19/07

From the Public

None

The application and notices of public hearings relative thereto, the Commission staff's notes, exhibits and correspondence, the transcript and minutes of meetings and hearings and all written submissions received in the course of the Commission's proceedings are incorporated into the record by reference.

TESTIMONYDecember 19, 2007 Public Hearing

Below is a summary of the December 19, 2007 Public Hearing. Please see the record for the full Hearing Minutes.

Ms. Taylor opened the public hearing at 7:00 PM. Mr. Richardson read the hearing notice.

Ms. Cottle described the project using site plans mounted on foam core. She noted the size of the hangar, and that it was substantially complete. She noted that the project had gone through local permitting. Ms. Cottle noted the drainage structure shown on the site plan was to be part of a larger drainage structure planned by the Barnstable Municipal Airport.

Ms. Adams presented the staff report. She said staff recommended granting the project a Hardship Exemption with conditions in the area of hazardous materials and waste management.

Ms. Taylor asked staff to comment on the Lease Amendment included with the Applicants' materials.

Ms. Adams said she had discussed the language shown in the Lease Amendment with Mr. Sanchez, the Assistant Airport Manager. She noted that this Lease Amendment allowed a relatively large amount of hazardous materials to be used and stored at the Cape Flight Instruction/Nantucket Shuttle (Cape Flight) hangar. Ms. Adams said this amount was larger than what Regional Policy Plan Minimum Performance Standard 4.3.1.3 would allow for projects located in Wellhead Protection

Districts. Ms. Adams said this was one reason why the Commission staff was recommending placing conditions on the Cape Flight project.

Mr. Richardson noted that a Memorandum concerning the Cape Flight project had been received from Patty Daley, Interim Director of Barnstable's Growth Management Department. Mr. Richardson read Ms. Daley's Memo into the record.

The Memo from Ms. Daley noted the development of the site was important to ground and drinking water protection in the Town. It noted Ms. Daley's agreement with the Commission staff report, and the recommendation of a Hardship Exemption with conditions protective of groundwater. It supported the proposal to condition the project to restrict hazardous materials and wastes.

Ms. Taylor asked Mr. Michaud to discuss the drainage issues covered in the staff report.

Mr. Michaud, using the site plan, discussed the drainage issues. He noted the site plan showed areas to be covered with crushed stone/gravel or grass. Mr. Michaud said these areas would directly infiltrate stormwater and roof runoff. He said the staff's main concern related to spill response and containment on the aircraft apron; the paved area in front of the hangar where planes enter and exit. Mr. Michaud said staff recommended that these issues be addressed by the Applicants creating a spill prevention, countermeasures and containment plan (SPCC plan). He said would be willing to work with the Applicants to create such a plan.

Ms. Taylor noted asked where vehicles and cars for hangar staff and visitors would be parked.

Mr. Falanga said there are very few vehicles that visit the hangar. He said there might be as many as three or as few as one vehicle parked in front of and next to the hangar door at any time.

Ms. Hamman asked where the aircraft undergo the "heavy" maintenance and refueling.

Ms. Cottle said "heavy" maintenance might take place at other facilities on the Airport, and that refueling takes place on a separate area on the Airport. She said the Cape Flight hangar does not conduct fueling or refueling activities.

Ms. Taylor asked if there were any other questions for the Applicants or Commission staff. Hearing none, she asked Commission staff for their recommendation on the project.

Ms. Adams said staff recommended that the Subcommittee vote to recommend to the full Commission that the Cape Flight project be granted a Hardship Exemption

approval with conditions in the area of hazardous materials and wastes management.

Ms. Kadar moved to recommend to the full Commission that the Cape Flight project be granted a Hardship Exemption approval with conditions in the area of hazardous materials and wastes management, and to direct staff to draft a decision reflecting this motion. Mr. Richardson seconded the motion. The Subcommittee voted unanimously for the motion.

Ms. Adams recommended the Subcommittee continue the hearing on the DRI Exemption and Hardship Exemption to the January 10, 2008 full Commission meeting.

Ms. Kadar moved to continue the hearing on the Hardship Exemption and DRI Exemption to the January 10, 2008 full Commission meeting. Mr. Richardson seconded the motion. The Subcommittee voted unanimously for the motion.

Ms. Adams recommended the Subcommittee close the hearing on the DRI portion of the review.

Ms. Kadar moved to close the hearing on the DRI. Mr. Richardson seconded the motion. The Subcommittee voted unanimously for the motion.

Ms. Kadar moved to authorize the Subcommittee Chair, Ms. Taylor, to review the draft decision. Mr. Richardson seconded the motion. The Subcommittee voted unanimously for the motion.

Ms. Kadar moved to adjourn. Ms. Taylor seconded the motion. The Subcommittee voted unanimously for the motion. Adjourned at 7:45 PM.

JURISDICTION

The Cape Flight Instruction/Nantucket Shuttle project was reviewed by the Commission as a Development of Regional Impact pursuant to Sections 3(h), 3(e)(i), and 2(d)(i) of the Cape Cod Commission's *Enabling Regulations* Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, as amended.

FINDINGS

The Commission has considered the combined applications of Lorraine Cottle and Robert Falanga for the Cape Flight Instruction/Nantucket Shuttle airplane hangar, and based on consideration of such application and upon the information presented at the public hearing(s) and submitted for the record, makes the following Findings pursuant to Section 23 of the Act:

General

G1. The date of the first substantive public hearing for this project was December 19, 2007. As such, this project was reviewed subject to the 2002 (revised) Regional Policy Plan (RPP).

G2. In 2006, the Town of Barnstable issued a building permit for construction of a 7,480 square foot hangar on a 19,238 square foot leased area on the East Ramp of the Barnstable Municipal Airport.

G3. While this hangar was under review by the Town of Barnstable, the Commission was in the process of reviewing activities on the Barnstable Municipal Airport as a Development of Regional Impact.

G4. The Commission may grant a hardship exemption, in whole or in part, where it specifically finds that a literal enforcement of the provisions of the Act would involve substantial hardship, financial or otherwise, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or derogating from the intent and purpose of the Act.

G5. The co-Applicants have met their burden to show that a hardship exists.

G6. The Commission finds that the co-Applicants would suffer substantial hardship if required to revise the project to meet all of the Minimum Performance Standards of the RPP, given that that construction was substantially complete when the project was referred to the Commission, and that granting this relief may be done without substantial detriment to the public good and without nullifying or derogating from the intent and purpose of the Act. Full compliance with the RPP could require revised site design, possible removal of work already completed, provision of additional site improvements, and additional expenses not budgeted for by the co-applicants. The additional work would further delay full occupancy of the project. To support the co-applicants' claim of a hardship, a time-line of the project's review and permitting history in the Town of Barnstable was provided to demonstrate that the project completed the majority of local permitting process before it was referred to the Commission as a DRI.

Community Character

CC1. In industrial parks or areas not visible from scenic or regional roadways or other distinctive areas, MPS 6.2.6 states, *"the use of nontraditional materials and forms may be appropriate. In such areas, maintenance of adequate buffers on the subject property is required to ensure that the proposed development will not be visible from scenic or regional roadways such as Route 6A."* The proposed building is a 7,480 square foot metal building constructed on a leased area of the Barnstable Municipal Airport. The leased area where the building is constructed is in between other airport buildings and hangars, with airport ramps on one side and the airport service road on the other. The project is located in the part of the airport nearest to Willow Street, with the building located approximately 250 feet from the roadway. The

building has a painted matte finish with the body of the building painted "Ash Gray", with "Polar White" trim. The existing buildings along Willow Street and the nearby airport structures act as frontage buildings to the development and screen the new building from views from Willow Street. Considering the distance of the development from Willow Street and the presence of "frontage" buildings and landscaping between the regional roadway and the development, the Commission finds that the project will not be visible from the regional roadway and that non-traditional materials are appropriate. The project is therefore consistent with MPS 6.2.6.

CC2. MPS 6.2.9 states, "*all development shall implement a landscape plan that addresses the functional aspects of landscaping*". The plans submitted for the project do not include any landscaping. However, the installation of landscaping at airports is problematic as any landscaping on the airside of operations has the potential to attract birds and impact flight operations and safety. In addition, because of the location of the building among other industrial buildings and its location a significant distance from any public views, the Commission finds that a literal enforcement of the provisions of MPS 6.2.9 and the Act would involve substantial hardship and that relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Act.

CC3. Based on a December 7, 2007 staff site visit, there are no exterior fixtures on the hangar or on the site area. This includes on or at the rear of the hangar, closest to Willow Street, a regional roadway. Based on this, the Commission found that the project did not warrant further review for exterior lighting, and that granting relief could be done without substantial detriment to the public good or substantially derogating from the intent or purpose of the Act.

CC4. The proposed project will not impact historic or archaeological resources. No historic structures are located in the project's vicinity, and an archaeological survey of the entire Airport property did not identify any archaeologically sensitive areas in the project site.

Natural Resources/Open Space

NROS1. The project site is located within a Significant Natural Resources Area due to its location within a public wellhead protection area. The site is not mapped for rare species habitat, nor does it contain wetlands.

NROS2. In accordance with MPS 2.5.1.3, Developments of Regional Impact are required to provide permanently protected open space in an amount proportional to the development area. Based on a disturbed area of 0.44 acre, the open space requirement for the project would be approximately 0.88 acre. Compliance with this requirement would entail substantial hardship due to the co-Applicants' inability to provide open space on the site, which is entirely developed and owned by the Town of Barnstable, and the financial hardship that purchasing off-site open space would entail. As such, the Commission grants relief from this requirement. Given the existing conditions on the site and the surrounding area at the Barnstable Airport,

such relief does not result in substantial detriment to the public good or nullify or substantially derogate from the intent or purpose of the Act.

Transportation

T1. Cape Flight Instruction has constructed an aircraft hanger of approximately 7,480 square feet on the East Ramp of the Barnstable Municipal Airport in Hyannis, MA. The East Ramp of the municipal airport has full access on Mary Dunn Way north of Iyanough Road (Route 28) in Hyannis. Iyanough Road is a regional road as defined in the Regional Policy Plan.

T2. Commission transportation staff calculated the expected trip generation of this project based on information contained in the *Institute of Transportation Engineers Trip Generation* manual 7th Edition. As shown in Table 1, the net increase in vehicle trips is not significant during the morning or afternoon peak hours.

Table 1 – Trip Generation Estimates (vehicles per hour)

Time Period	Vehicle Trips
Average Daily Traffic	25
Morning Peak Hour	2
Afternoon Peak Hour	3

Based on ITE Trip generation manual, 7th Edition, LUC 022.

T3. The standard of review for transportation safety impacts is 25 or more new peak hour trips through a high crash location. As stated above, this project is not expected to generate more than 25 new peak hour trips; therefore no regional intersection would be impacted by 25 or more new peak hour trips.

T4. Currently, the site has access off Mary Dunn Road and the co-Applicants have stated that this driveway would be retained. Due to the limited exiting traffic from the existing driveway, the Cape Cod Commission finds that this access should be retained.

Water Resources

WR1. The project consists of an existing hangar building on a 19,234 square foot leased area on the East Ramp at Barnstable Municipal Airport. The apron at the entrance to the hangar is the only pavement that has been constructed as of this decision. The remainder of the site is shown on site plans as gravel driveway and parking area that will drain into a vegetated detention basin, none of which have been constructed.

One of the co-Applicants testified at the December 20, 2007 hearing that no maintenance will occur on the apron and that no aircraft fueling will take place on the leased area. Maintenance involving hazardous materials will be limited to engine-oil replacement and topping-off of fluids.

WR2. The project is also located in a Wellhead Protection Area (WHPA, as defined by MPS 2.1.1.2.A) for the Hyannis water supply. The project will dispose of sanitary

wastewater using a standard Title-5 septic system. Title-5 sanitary wastewater flows for the project are 225 gallons per day, comparable to a 2-bedroom home on 1/2 acre.

The project does not significantly increase the nitrogen concentration in groundwater measured across the entire airport - currently well below 5 ppm-N, the nitrogen-loading limit in WHPAs. The project nitrogen loading concentration is between 6.0 and 7.1 ppm-N across the 19,234 square foot lease area.

Projects in WHPAs are required to meet a 25-gallon limit on hazardous materials and waste stored and handled at the site. Implementation of an engineer-certified spill-prevention and contingency program at the site is appropriate to safe guard drinking water supplies. The program should detail:

1. Personnel training,
2. Procedures for hazardous-materials and -waste handling,
3. Spill containment & clean-up procedures,
4. Procedures for notifying emergency responders, and
5. Measures to compliment and which integrate with the Airport's Spill Prevention, Control and Countermeasures (SPCC) Plan, Safety and Hazardous Communications Plan (SHCP), Emergency Response Action Plan (ERAP) and Stormwater Pollution Prevention Plan (SWPPP).

Hazardous Materials/Wastes

HAZ1. The project is located within one or more existing Wellhead Protection/Zone II Areas. Minimum Performance Standard (MPS) 4.3.1.3 applies to this project, and limits use, treatment, generation, storage or disposal of hazardous materials and hazardous wastes to a *household quantity*. The Regional Policy Plan also has three other Minimum Performance Standards, which deal with other aspects of hazardous materials/waste management, including promoting source reduction, proper management of hazardous wastes, and creation of an emergency response plan.

HAZ2. The application materials provide the following information pertaining to the Regional Policy Plan's hazardous materials/waste Minimum Performance Standards:

- The project narrative recognizes that the project site is located within a Wellhead Protection Area/Zone II.
- On 11/26/07, Ms. Cottle, a co-applicant filed a revised *Town of Barnstable Toxic and Hazardous Materials On Site Inventory* form with the Town of Barnstable Health Department. This form indicates an intent to use, handle, and/or store not more than 10.37 total gallons of hazardous materials on the site.
- A Generator Registration form has also been filed with the Massachusetts Department of Environmental Protection, which indicates the site is a Very Small Quantity Generator (VSQG) of hazardous waste and of waste oil. VSQG is the smallest category of hazardous waste generator in Massachusetts, and it means the site will generate not more than 27 liquid gallons a month each of hazardous waste and waste oil.

- The site plans do not show any areas inside or outside the hangar for chemicals handling or storage.
- The hangar schematics, which indicate it will have an in-floor radiant heat system, eliminating the need for de-icing of planes garaged in the hangar.
- A natural gas line runs to the hangars, eliminating the need to store and handle liquid petroleum fuel for building heating or emergency power generation.
- A December 13, 2006 letter from Robin Giangregorio, Barnstable Zoning Enforcement Officer, which states that “the hangar is limited to routine maintenance and repairs as required by the FAA...typically including *wiping down of aircraft, inflating tires, replacing fluids (approximately 1 quart)*. This letter also states “floor drains, deicing, refueling and major aircraft maintenance (engine overhauls) are prohibited.” (*Italics in original*)

In addition to these pieces of information, a site visit conducted by Commission members and staff on December 19, 2007 confirmed the hangar’s construction, as one large single bay, and this may also serve to limit the number of airplanes that can undergo maintenance at any given time.

CONCLUSION

Based on the Findings above, the Cape Cod Commission hereby concludes that the co-Applicants have demonstrated that literal compliance with the Act and the RPP would involve substantial hardship, as noted in Findings G4, G5, G6, CC2, CC3 and NROS2.

Desirable relief may be granted to the co-Applicants without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Act, and the Commission grants the minimum relief necessary to address the hardship.

The Cape Cod Commission hereby approves with conditions the Hardship Exemption application of Lorraine Cottle and Robert Falanga pursuant to Section 23 of the Cape Cod Commission Act, c. 716 of the Acts of 1989, as amended, for the Cape Flight Instruction/Nantucket Shuttle hangar project located at the Barnstable Municipal Airport in Hyannis MA, provided the following conditions are met:

CONDITIONS

General

G1. This DRI Hardship Exemption decision is valid for 7 years and local development permits may be issued pursuant hereto for a period of 7 years from the date of the written decision.

G2. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this decision.

G3. The co-Applicants shall obtain all necessary state and local permits for the proposed project.

G4. No development work, as the term "development" is defined in the Act, shall be undertaken until all appeal periods have elapsed or, if such an appeal has been filed, until all judicial proceedings have been completed.

G5. Prior to issuance of a Certificate of Use/Occupancy, the co-Applicants shall obtain a Certificate of Compliance from the Cape Cod Commission that states that all conditions in this decision pertaining to issuance of a Certificate of Compliance have been met.

Transportation

T1. Currently, the site has access off Mary Dunn Road. Due to the limited exiting traffic from the existing driveway, this access shall be retained.

Hazardous Materials/Wastes

HAZ1. Cape Flight Instruction/Nantucket Shuttle, as well as any successors or assigns shall not use, treat, generate, handle or store more than 25 gallons or its dry weight equivalent in total of hazardous materials or hazardous wastes. There shall be no on-site disposal of hazardous materials or wastes. There shall be no aircraft maintenance at the facility that involves hazardous materials or hazardous wastes except for wiping down of aircraft, inflating tires, topping off of fluids and the draining of aircraft engine oil, where wiping down of aircraft is defined as the cleaning of exterior surface dirt from the aircraft with a towel and a bio-degradable and non-toxic detergent. There shall be no aircraft fueling/re-fueling at the facility and no aircraft de-icing of any kind at the facility. There shall be no floor drains in any part of the building, and natural gas shall be used for heating and emergency power generation.

HAZ2. Cape Flight Instruction/Nantucket Shuttle and any successors or assigns shall establish and maintain a program to properly handle, store and dispose of used fluorescent light bulbs and any other hazardous waste generated by the facility.

HAZ3. Cape Flight Instruction/Nantucket Shuttle and any successors or assigns shall establish and maintain an engineer-certified spill-prevention and contingency program, which details the following information. Prior to issuance of a Certificate of Use/Occupancy, and prior to issuance of a Certificate of Compliance, the co-Applicants shall also provide the Cape Cod Commission with a written report that outlines its program as described in this condition (HAZ3).

1. Personnel training,
2. Procedures for hazardous-materials and -waste handling,
3. Spill containment & clean-up procedures,
4. Procedures for notifying emergency responders, and

5. Procedures and measures that compliment and integrate with the Airport's Spill Prevention, Control and Countermeasures (SPCC) Plan, Safety and Hazardous Communications Plan (SHCP), Emergency Response Action Plan (ERAP) and Stormwater Pollution Prevention Plan (SWPPP).

SEE NEXT PAGE FOR SIGNATURE

SUMMARY

The Cape Cod Commission hereby approves with conditions the application of Lorraine Cottle and Robert Falanaga the Cape Flight Instruction/Nantucket Shuttle hangar as a Development of Regional Impact Hardship Exemption as outlined in this decision pursuant to Section 23 of the Act, c. 716 of the Acts of 1989, as amended.

Robert Jones

Robert Jones, Commission Chair

1-24-08

Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

1/24, 2008

Before me, the undersigned Notary Public, personally appeared

Robert Jones, in his capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned.

Gail P. Hanley

Notary Public

10/13/11