



CAPE COD COMMISSION

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DATE: December 15, 2008

TO: Richard Hunter, Chairman
Chatham Airport Commission

FROM: Cape Cod Commission

RE: Modification of a Development of Regional Impact Hardship Exemption

APPLICANT: Chatham Airport Commission
C/o Town of Chatham
549 Main Street
Chatham, MA 02633

PROJECT #: TR-04012

PROJECT: Chatham Airport Safety Improvements Projects
Chatham Municipal Airport
240 George Ryder Road
Chatham, MA 02633

BOOK: 731 PAGE: 188

The Cape Cod Commission (Commission), through its Regulatory Committee, hereby approves the application of Mr. Richard Hunter, Chairman of the Chatham Municipal Airport Commission, for a modification to an approved Development of Regional Impact (DRI) Hardship Exemption decision under Section 12 of the *Enabling Regulations* (revised March 2005). The approved modification is to allow the Airport the flexibility to use either a previously approved gabion style retaining wall at the Runway 6 safety area and the existing vernal pool, or to use a retaining wall made of precast concrete units. This modification to the DRI Hardship Exemption decision granted in June 2005 is hereby approved as a Minor Modification #2 under Section 12 of the *Enabling Regulations*. This decision is rendered pursuant to a vote of the Commission's Regulatory Committee on December 2, 2008.

The proposed modification is described in a letter with two plans attached from Barry



J. Hammer, PE, GALE Associates, Inc. to the Commission, dated October 16, 2008.

Approved Modifications to Natural Resources/Open Space Conditions

NR1. *Activities in the vernal pool buffer: Consistent with findings NR4 and NR5, following construction of the Runway Safety Area (RSA) at the Runway 6 end, according to either the Plan 4.2 entitled "Construct Runway 6 Runway Safety Area (RSA) (CIP-2005)", dated 8/2004, revised July 2005, or the Plan P.1.1 entitled "Runway 6 End Safety Area Retaining Wall Layout" dated October 2008, and the Plan P.1.2 entitled "Retaining Wall Alternatives" dated 10/08/08, both from GALE Associates, the 350 foot buffer to the vernal pool located on Airport property is to remain in its undisturbed, natural state. The following exceptions are permissible with written notification to the Cape Cod Commission and review and approval by Commission staff. No work shall proceed unless and until the Applicant receives written approval of such work. In conducting its review, the Commission staff will apply the requirements of MPS 2.3.1.2 and 2.4.1.5.*

- a.) *Maintenance of the Runway 6 end;*
- b.) *Maintenance and reconstruction of the gabion wall or precast concrete unit wall;*
- c.) *Maintenance of the fence located around the RSA at the Runway 6 end;*
- d.) *Topping of approximately 15 to 25 trees as shown on plan 4.2 entitled "Construct Runway 6 Runway Safety Area (RSA) (CIP-2005)", dated 8/2004, revised July 2005, and pruning of future tree growth to maintain the TERPS, Paragraph 251, Standard Visual Area Surface (VAR) free of tree obstructions;*
- e.) *Maintenance of areas revegetated with shrubs for removal of trees, as necessary.*

In addition, maintenance of grassed areas through mowing may occur without notification to the Cape Cod Commission.

Royden Richardson
Royden Richardson, Regulatory Committee Chair

December 15, 2008
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

12.15.08

Before me, the undersigned notary public, personally appeared Royden Richardson in his capacity as Chair of the Commission's Regulatory Committee, 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 photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.

Gail P. Hanley
Notary Public

My Commission Expires: 10.13.11

Chatham Municipal Airport Safety Improvements Projects – Natural Resources
Use of Precast Concrete Unit or Gabion Retaining Wall at Runway 6 End
Minor Modification #2 - 12/15/08