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CAPE COD  
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

DATE: May 8, 2013

TO: Richard Hunter, Chairman  
Chatham Airport Commission  
C/o Town of Chatham  
549 Main Street  
Chatham, MA 02633

Liz Argo  
Argo Consulting  
7 Arena Drive  
Orleans, MA 02653

FROM: Cape Cod Commission

CO-APPLICANTS: Chatham Airport Commission  
Cape and Vineyard Electric Company, Inc. (CVEC)

PROJECT #: TR04012

PROJECT: Chatham Airport Solar Array

PROJECT LOCATION: Chatham Municipal Airport  
240 George Ryder Road  
Chatham, MA 02633

BOOK: 731

PAGE: 188

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## DECISION OF THE CAPE COD COMMISSION

### Background

In a decision dated June 23, 2005, the Cape Cod Commission (Commission) issued a Development of Regional Impact (DRI) Hardship Exemption decision (DRI/HDEX), with conditions, to the Chatham Airport Commission, as represented by Richard Hunter, Airport Commission Chairman, pursuant to Section 23 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for proposed Chatham Airport Safety Improvement projects which included:

- a.) Reconstruction of the runway safety areas to "standard" size and shape

- b.) Reconstruction of the existing, paved Main Apron
- c.) Conversion from turf to pavement of an existing 10,000 square yard turf apron
- d.) Replacement of the Airport Beacon
- e.) Reconstruction of Runway 6-24 with installation of Medium Intensity Runway Lighting System (MIRLS)
- f.) Reconstruction of the parallel taxiway with installation of Medium Intensity Taxiway Lighting System (MITLS)
- g.) Installation of Runway End Identification Lights at both runway ends
- h.) Reconstruction of the turf tie-down area
- i.) Installation of a Precision Approach Path Indicator for Runway 6
- j.) Construction of four T-hangar buildings (each 9,000 square feet) with associated taxi lanes and aprons
- k.) Construction of a new 5,280 square foot terminal building with associated parking
- l.) Construction of a new 3,600 square foot snow removal equipment building
- m.) Removal of the existing underground 20,000 gallon fuel storage facility and construction of a 10,000 gallon above-ground fuel storage facility and aircraft fueling area.

The original 2005 DRI HDEX decision has been modified several times to accommodate changes in various project elements, including the site drainage plans.

#### **Determination on Current Modification Request**

After consideration of the request by the Chatham Municipal Airport Commission, as represented by Richard Hunter, Chairman, and the Cape and Vineyard Electric Cooperative, Inc. as represented by Liz Argo, Argo Consulting, (Applicants) to install a 8.67.68 kilowatt (KW) photo-voltaic solar array on the Airport property, and to make changes to the vegetation in the area of the proposed solar array, the Commission's Executive Director has determined the requested change constitutes a *de minimus* change, and is approved as a Minor Modification Type #1.

#### **Changes to 2002 DRI Decision**

The DRI/HDEX decision is hereby modified as follows to accommodate the installation and operation of a solar photo-voltaic (solar PV) array on the Chatham Airport property in an area adjacent to the 24-end of the Airport's single runway. All findings and conditions attached to the original decision, as amended, continue to apply except as modified herein. The following findings and conditions shall be modified to read as follows (**bold** type indicates added text, deleted text is struck-out):

#### **FINDINGS**

##### **General**

**G8. The proposed solar array as shown on the plan entitled "20 George Ryder Road, Chatham, MA PV SOLAR LAYOUT, Sheet PV-1, drawn 12-07-11, latest revision #9 on 5/3/13", by Broadway Renewable Strategies, LLC, received by the Cape Cod Commission by Email on 5/6/13 consists the installation of 867.68 kilowatt installation of approximately 4.94 acres near the "24" end of the Chatham Municipal Airport's single runway. The proposal includes approximately 1.26 acres of tree/vegetation topping and removal to reduce shading to the solar panels.**

## CONDITIONS

### General

G11. The proposed list of projects described in condition G1 shall be constructed in accordance with the following plans submitted for Commission review:

- Cover sheet (F1.1) drawn 8/04, revised July 2005
- Existing conditions (F2.1) drawn 8/04, revised July 2005
- Proposed development plan (F2.2) drawn 8/04, revised July 2005
- Project abutters (F2.3) drawn 8/04, revised July 2005
- Reconstruct and expand main aircraft parking apron (F3.1), drawn 8/04, revised July 2005
- Reconstruct Runway 6-24 (F4.1) drawn 8/04, revised July 2005
- Construct Runway 6 Runway Safety Area (RSA) (F4.2), drawn 8/04, revised July 2005
- Construct Runway 24 Runway Safety Area (RSA) (F4.3), drawn 8/04
- Reconstruct Airports Electrical Vault & Install MIRLS, REILS, PAPIs & MITLS, drawn 8/04, revised July 2005
- Construct Terminal Building (F6.1), drawn 8/04, revised July 2005
- Terminal Building Floor Plans and Elevations (F6.2), drawn 8/04, revised July 2005
- Reconstruct Parallel Taxiway (F7.1), drawn 8/04, revised July 2005
- Install AST & Expand Turf Tie-Down Area (F8.1), drawn 8/04, revised July 2005
- Construct SRE Building with Storage Yard (F9.1), drawn 8/04, revised July 2005
- SRE Building Floor Plan and Elevations (F9.2), drawn 8/04, revised July 2005
- Construct 6-Unit T-Hangar/Construct 3 additional 6-Unit T-Hangars (F10.1), drawn 8/04, revised July 2005
- Drainage and Erosion Control Details (D1.1), drawn 8/04, revised July 2005
- Pre-Development Drainage and Watersheds (W1.1), drawn 8/04, revised July 2005
- Post-Development Drainage and Watersheds (W1.2), drawn 8/04, revised July 2005
- 20 George Ryder Road, Chatham, MA PV SOLAR LAYOUT, Sheet PV-1, drawn 12-07-11, latest revision #9 on 5/3/13, by Broadway Renewable Strategies, LLC, received by the Cape Cod Commission by Email on 5/6/13**

G13. The Applicant shall provide proof to the Commission that a copy of ~~this~~ **the DRI/HDEX decision, and all subsequent modification decisions, including the minor modification decision for the proposed solar PV project** has been provided to the general contractor at the Airport as well as to the general manager of all businesses at the Airport at least thirty (30) calendar days prior to commencement of construction, or within thirty (30) calendar days of the contractor's or manager's hire, whichever is sooner.

**G15. Prior to commencement of any site construction associated with the proposed solar PV project, the Applicants shall provide to Cape Cod Commission staff for their review and approval a copy of a Stormwater Pollution Prevention (SWPP) Plan which meets the requirements of Minimum Performance Standards 2.1.3.6 of the 2002 (revised) Regional Policy Plan as it existed on June 23, 2005, and which is consistent with the overall approved Airport SWPP Plans.**

**GC16. Prior to commencement of use or operation of the solar array, the Applicants shall obtain a Final Certificate of Compliance from the Commission that states that all conditions in the modification decision which authorizes development of the solar array that are required to have been satisfied prior to the**

issuance of a Final Certificate of Compliance have been satisfied. Such Certificate of Compliance shall not be issued unless and until all applicable, required conditions have been satisfied.

**GC18. Construction and operation of the proposed solar array as shown on the plan entitled "20 George Ryder Road, Chatham, MA PV SOLAR LAYOUT, Sheet PV-1, drawn 12-07-11, latest revision #9 on 5/3/13, by Broadway Renewable Strategies, LLC" received by the Cape Cod Commission by Email on 5/6/13 shall also include the following:**

- A. Ground cover under the solar modules shall include wood chips or low growing clover as a soil**
- B. No fence around the solar array**
- C. Topping or felling of trees of 8.0 feet and taller in height**
- D. Vegetation, including trees, which are less than 8.0 feet in height shall remain in place**
- E. Existing vegetated buffers, including along George Ryder Road, shall be retained.**
- F. Supports for the proposed PV solar arrays shall be pile-driven, and shall not be installed by clearing, grading, grubbing or trenching operations.**
- G. No new exterior lighting is proposed or shall be installed as part of the solar PV project.**
- H. The work area's topography shall remain largely unchanged.**

**GC19. Prior to issuance of a Final Certificate of Compliance by the Cape Cod Commission, the Applicants shall submit for Commission staff review and approval a decommissioning and site restoration plan.**

*See Signatures on the Next Page*

SIGNATURES

Executed this 8 day of May 2013.

*Paul Niedzwiecki*  
Signature

Paul Niedzwiecki, Exec Dir  
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

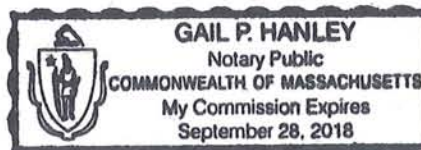
Barnstable, ss

May 8, 2013

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki,

in his/her capacity as Executive Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she 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: 9-28-18