



CAPE COD COMMISSION

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E-mail: frontdesk@capecodcommission.org

DATE: January 25, 2007

TO: Arthur Kimber, Chairman
Barnstable Municipal Airport Commission

FROM: Cape Cod Commission

RE: Development of Regional Impact
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Barnstable Municipal Airport Commission
480 Barnstable Road
Hyannis, MA 02601

PROPERTY OWNER: Town of Barnstable, Massachusetts

COMMISSION PROJECT #: ENF-20009 and DRI/EIR-06011

PROJECT and LOCATION:

Barnstable Municipal Airport Improvements Projects
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 the Barnstable Municipal Airport Commission, as represented by Arthur Kimber, Airport Commission Chairman, as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for proposed Barnstable Municipal Airport Improvements

projects. This decision is rendered pursuant to a vote of the Commission on January 25, 2007.

PROJECT DESCRIPTION

The proposed project, as described in the Development of Regional Impact (DRI) application, consists of 623 acres of land, of which 587 acres are in Barnstable and 14 acres are in Yarmouth, with the existing main access point off of the Airport Rotary. The land and Airport is now owned by the town of Barnstable and is operated through the Barnstable Municipal Airport Commission (Airport Commission). The Airport began as a private facility in the 1930s. The U.S. Navy used it in the 1940s and expanded the airfield to include three runways. According to Section 1.0 of the application, in 1946, the Airport was returned to use as a two-runway municipal airport. In their present configuration, the runways are designated by dual-digit call numbers: 15-33 and 6-24.

The facility includes approximately 140 impervious acres out of the total 623, consisting of parking lots, runways, aircraft taxiways, concrete walkways, and building roofs. Airport structures include the existing main terminal, Air Traffic Control Tower, several hangars, and the old Continental Terminal building. The Airport provides general aviation facilities, as well as scheduled commercial air passenger service. Other existing businesses located on Airport property that are not directly involved in aircraft-related activities include the in-terminal gift shop, restaurant and four car rental agencies.

The existing main terminal is described in the DRI application as approximately 22,930 square feet in size with office space for Airport Operations personnel, ticketing counters for airlines, counters for automobile rental companies, a restaurant, retail store/gift shop, space for the Federal Transportation Safety Administration (TSA), a lobby and passenger waiting areas.

The DRI application describes a new terminal with a 42,000 square foot foot-print (within 52,000 total square feet) to be constructed immediately adjacent to the existing terminal. Figure 1-8, *Layout Plan*, in the DRI application, provides a color rendering of the proposed projects. These include:

- construction of a new passenger terminal for the Airport,
- construction of two new entrances – one on Route 28 (eastbound) and one on Route 132, across from Nightingale Lane,
- closing of the two existing Airport entrances from the Airport Rotary,
- new paved parking areas for 801 cars immediately adjacent to the terminal,
- construction of a new access road connecting the terminal to Attucks Way,
- construction of remote grassed and paved parking lots along the new access road from Attucks Way, providing a total of 1,669 parking spaces,
- construction of a new apron/ramp adjacent to the new terminal,
- creation of a new, larger fuel storage facility,
- relocation of Taxiway A along Runway 15-33 to comply with Federal Aviation Administration (FAA) separation criteria, and to improve aircraft safety, and
- relocation of Taxiway B along Runway 6-24 to comply with Federal Aviation Administration (FAA) separation criteria, and to improve aircraft safety.

The DRI application also provides a description of parcels to be acquired for construction of the proposed new access road, as well as parcels recently acquired for previous improvements to the Runway 33 safety area.

In terms of local permits, the proposed Project will require Site Plan Review, a Building Permit, a sewer connection permit, water-related permits, and a Certificate of Use/Occupancy.

PROCEDURAL HISTORY

The project was subject to MEPA review based on meeting or exceeding several mandatory EIR thresholds. Applicants required to file an EIR may elect to participate in a joint MEPA/Commission review process. In this case, the Barnstable Municipal Airport Commission elected not to participate in joint review. Instead, the Airport Commission used the MEPA process as a way of selecting a preferred site for the proposed new terminal and its associated infrastructure.

Commission staff submitted comment letters to MEPA as part of this review, beginning in September 2000 when an Expanded Environmental Notification Form was filed. Staff also submitted letters to MEPA dated September 8, 2003 on the Draft EIR, and June 25, 2004 on the Final EIR.

The proposed project changed during the MEPA process. The Draft EIR describes it as the construction and operation of a terminal of varying potential footprints of 41,100, 45,900 or 46,000 square feet. All three configurations were to include 200,000 square feet of apron space and 2,050 parking spaces. The DEIR also provided an overview of four alternative terminal locations known as the Existing Location, the East Ramp Alternative, the Southwest Alternative and the North Central Alternative.

In the Final EIR, the Airport Commission makes a commitment to the Existing Location Alternative as its preferred project. The Final EIR describes the proposed terminal layout as having a ground floor of approximately 45,900 square feet, with a second floor of 5,000 square feet containing offices for airport staff, a conference room and potentially, limited office space for non-profit economic development programs. A 5,000 square foot basement for mechanical systems was also noted in the Final EIR. The Final EIR discussed other project infrastructure, including three proposed parking areas to be directly associated with the terminal. Satellite parking areas were also proposed, with the total number of proposed parking spaces listed at 2,050.

The MEPA process concluded with the issuance by the EOEI Secretary of a Certificate dated July 2, 2004, which states that the Final EIR adequately and properly complies with MEPA and its implementing regulations. The Commission entered into an extension agreement with the Airport in August 2004.

The Commission received a DRI application for the project on April 19, 2006. In a letter dated July 16, 2004 the Applicant was informed that the Commission had received a DRI referral, and that the project qualified as a Development of Regional Impact. The DRI application was deemed to be substantially complete to proceed to a public hearing in a letter dated May 4, 2006. The Applicant's consultants filed application materials with the Commission on various dates as noted in the *Materials Submitted for the Record*.

A duly noticed Public Hearing pursuant to Section 5 of the Act was held on the DRI application by an authorized Subcommittee of the Commission on May 31, 2006 at 7:00 PM at First District Courthouse, Assembly of Delegates Chambers, Barnstable, MA. At this hearing, the Subcommittee voted to close the hearing and leave the record open.

A final public hearing was held before the full Cape Cod Commission on January 25, 2007. At the close of this hearing, the Commission voted to approve with conditions the Barnstable Municipal Airport Improvement Projects as a Development of Regional Impact.

Materials Submitted for the Record

From the Applicant and Applicant's Consultants

Spiral bound document, <i>SPCC Plan</i> , from Horsley/Witten	5/14/03
Letter, from Q. Mosby	7/16/04
Letter, from Q. Mosby	7/22/04
E-mail, from B. Richardson, Edwards/Kelcey (E/K)	7/26/06
E-mail, from J. Longo, Horsley/Witten (H/W)	7/26/04
Fax cover sheet, from J. Longo H/W	7/27/04
Letter, from Q. Mosby	7/27/04
Letter, from Q. Mosby	7/27/04
Fax, with attachments, from Q. Mosby	8/9/04
Letter, from Q. Mosby	8/12/04
E-mail, from J. Longo H/W	6/1/05
E-mail, from J. Longo H/W	6/1/05
E-mail, from M. Nelson H/W	6/16/05
E-mail, from J. Longo H/W	6/30/05
E-mail, from J. Longo H/W	7/7/05
E-mail, from J. Longo H/W	7/13/05
E-mail, from J. Longo H/W	7/15/05
E-mail, from J. Longo H/W	7/20/05
Sign in sheet and Meeting Minutes from H/W	7/26/05
E-mail, from J. Longo H/W	7/28/05
E-mail, from J. Longo H/W	7/29/05
Agenda for meeting, from H/W	8/4/05
E-mail, from J. Longo H/W	8/15/05
E-mail, from J. Longo H/W	9/8/05
E-mail, from J. Longo H/W	9/15/05
E-mail, from J. Longo H/W	10/31/05
E-mail, from J. Longo H/W	11/7/05
E-mail, from J. Longo H/W	11/9/05
E-mail, from J. Longo H/W	11/10/05
Draft plan, large size, <i>Airport Terminal & Attucks Lane Extension</i> , from E/K	11/20/05
E-mail, from M. Nelson H/W	1/6/06

E-mail, from M. Nelson H/W	1/9/06
E-mail, from M. Nelson H/W	1/10/06
E-mail, from J. Longo H/W	1/17/06
E-mail, from J. Longo H/W	2/20/06
E-mail, from J. Longo H/W	3/2/06
E-mail, from J. Longo H/W	3/8/06
Development of Regional Impact application, two volumes	4/10/06
E-mail, from M. Nelson H/W	4/19/06
Development of Regional Impact application, 7 copies for Subcommittee	5/19/06
E-mail, from J. Longo H/W	6/19/06
Memo, with attachments, from H/W	6/20/06
Large size plan, <i>Airport Layout</i> , from E/K	6/20/06
Handouts, with text, maps and photos, from H/W	6/29/06
C/D, <i>Blackburn's Auto Salvage Subsurface Investigation</i> , from H/W	6/29/06
Draft plan, large size, <i>Airport Terminal & Attucks Lane Extension</i> , from E/K	7/10/06
Letter, with attachments, from Q. Mosby	7/11/06
Memo, from H/W	7/25/06
Memo, with attachments, from H/W	7/25/06
Excel table, revision to Table 5.1 of DRI application, from H/W	7/25/06
Copies of letters to Yarmouth, dated 1/24/06, from H/W	8/4/06
Spiral bound document, <i>Phase V Remedial Operations Status and Inspection Report Number 11</i> , from Horsley/Witten	8/7/06
Memo, from M. Nelson and J. Longo H/W	8/15/06
Memo, from M. Nelson and J. Longo H/W	8/18/06
Packet of information on property takings and businesses, from H/W	8/24/06
Letter, from E/K	8/30/06
E-mail, from J. Longo H/W	9/5/06
Memo, via E-mail, information on exterior lighting	9/6/06
Exterior lighting fixture cuts	9/7/06
E-mail, from J. Longo H/W	9/7/06
Color renderings, text, pictures of proposed exterior materials for terminal	9/21/06
Memo, with attachments, from H/W	9/22/06
Letter, from Q. Mosby	9/28/06
E-mail, from M. Nelson H/W	9/28/06
E-mail, with attachments, from J. Longo H/W	9/28/06
Memo, with attachments, from J. Longo H/W	10/4/06
E-mail, from J. Longo H/W	10/5/06
E-mail, from M. Nelson H/W	10/5/06
Copy of a table, and waste manifests from Blackburn's Auto Salvage	10/10/06
E-mail, with attachments, from J. Longo H/W	10/11/06
E-mail, with attachments, from J. Longo H/W	10/18/06
E-mail, from J. Longo H/W	10/19/06
Memo, with attachments, from F. Hussein E/K	10/25/06
Memo, with attachments, from F. Hussein E/K	11/2/06
E-mail, from F. Hussein E/K	11/6/06
E-mail, from F. Hussein E/K	11/17/06
E-mail, with attachments, from F. Hussein E/K	11/17/06
E-mail, with attachments, from F. Hussein E/K	11/20/06
E-mail, with attachments, from F. Hussein E/K	11/21/06
E-mail, from F. Hussein E/K	11/21/06
E-mail, with attachments, from J. Longo H/W	11/21/06
E-mail, from F. Hussein E/K	11/22/06
E-mail, to S. Michaud from J. Longo H/W	12/8/06
E-mail, from J. Longo H/W	12/12/06
E-mail, from J. Longo H/W	12/12/06
Letter, from S. Kennedy, Barnstable Municipal Airport	12/26/06
E-mail, from M. Nelson H/W	1/5/07
E-mail, from J. Longo H/W	1/11/07

E-mail, from M. Nelson H/W	1/18/07
E-mail, from M. Nelson with PDF attachment	1/19/07
E-mail, from J. Longo, with PDF attachment	1/19/07
E-mail, from M. Nelson	1/23/07
<u>From the Commission</u>	
Memo, to G. Coyne and J. McCarty, from A. Adams	7/15/04
Letter, to Q. Mosby	7/16/04
Return receipt green cards	7/16/04
E-mail, to W. Scully, from C. Schofield	7/21/04
Memo, to Commission's Regulatory Committee, from A. Adams	7/27/04
E-mail, to J. Longo, from A. Adams	7/26/04
E-mail, to J. Longo, from A. Adams	7/29/04
Agenda, from Commission's Regulatory Committee	8/2/04
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E-mail, to J. Stoia, from A. Adams	4/11/05
E-mail, to J. Stoia, from A. Adams	4/11/05
E-mail, to J. Longo, from A. Adams	4/19/05
Conference call summary, done by C. Schofield	4/19/05
E-mail, to F. Hussein, from C. Schofield	4/21/05
E-mail, to group, from A. Adams	6/10/05
E-mail, to M. Fenn, D. Fox, R. Mumford and C. Schofield, from A. Adams	6/14/05
E-mail, to F. Hussein, from C. Schofield	7/5/05
E-mail, to F. Hussein, from C. Schofield	7/5/05
E-mail, to group/Commission staff, from A. Adams	7/12/05
E-mail, to J. Stoia, from A. Adams	7/18/05
E-mail, to group/Commission staff, from S. Rooney	8/15/05
E-mail, to group/Commission staff, from A. Adams	9/13/05
E-mail, to group/Commission staff, from A. Adams	9/15/05
E-mail, to group/Commission staff, from A. Adams	11/1/05
E-mail, to group/Commission staff, from C. Schofield	11/2/05
E-mail, to J. Longo and others, from C. Schofield	11/2/05
E-mail, to J. Longo, from C. Schofield	11/6/05
E-mail, to J. Longo, from C. Schofield	11/7/05
E-mail, to J. Longo, from A. Adams	11/7/05
E-mail, to C. White, from A. Adams	11/29/05
E-mail, to G. Lopez, from A. Adams	1/11/06
Meeting summary, by C. Schofield and R. Mumford	1/13/06
E-mail, to G. Lopez, from A. Adams	2/8/06
Letter, to F. Hussein, from C. Schofield	2/10/06
E-mail, to J. Longo, from H. McElroy	2/21/06
Letter, to S. Seymour, from T. Boesch	3/1/06
E-mail, to J. Longo, from A. Adams	3/30/06
Commission staff information distribution cover sheet, by A. Adams	4/19/06
Letter, to Q. Mosby, application complete	5/4/06
Return receipt green cards	5/5/06
Fax, to P. Daley, from A. Adams	5/9/06
E-mail, to P. Daley, from A. Adams	5/11/06
E-mail, to J. Longo and M. Nelson, from A. Adams	5/17/06
E-mail, to J. Longo, from A. Adams	5/17/06
Memo, to file, from L. Richardson	5/23/06
E-mail, to group, from A. Adams	5/24/06
E-mail, to group, from A. Adams	5/24/06
Memo, to Subcommittee, from A. Adams	5/24/06
Staff Report	5/24/06
E-mail, to C. Shuster, from A. Adams	5/30/06

Hearing sequence sheet for Subcommittee Chair	5/31/06
Hearing Notice	5/31/06
Hearing sign in sheet (2 pages)	5/31/06
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Memo, to Subcommittee, from A. Adams	6/21/06
Outline by S. Michaud of issues for meeting	6/29/06
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E-mail, to P. Daley and R. Weil, from L. Richardson	6/30/06
E-mail, to Subcommittee, from A. Adams	7/12/06
Memo, to Subcommittee, from A. Adams	7/12/06
E-mail, to T. Sullivan, from A. Adams	7/12/06
E-mail, to J. Longo, M. Nelson, P. Daley, T. Broadrick, and T. Sullivan, from A. Adams	7/12/06
E-mail, to K. Greene, from A. Adams	7/13/06
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E-mail, to Subcommittee, from A. Adams	7/26/06
E-mail, to group/Commission staff, from A. Adams	7/26/06
E-mail, to G. Lopez, from A. Adams	7/26/06
E-mail, to G. Lopez, from A. Adams	7/26/06
E-mail, to group, from A. Adams	7/26/06
E-mail to S. Michaud, R. Mumford and C. Schofield, from A. Adams	7/26/06
E-mail, to R. Lawton, from A. Adams	8/1/06
E-mail, to B. Brack, from A. Adams	8/3/06
E-mail, to J. Longo, from S. Michaud	8/14/06
Notes, by A. Adams, meeting with Yarmouth Selectmen	8/15/06
Memo, by S. Michaud, water issues	8/16/06
Memo, to Subcommittee, from A. Adams	8/16/06
Memo, to E. Virgilio, from A. Adams	8/16/06
Fax cover sheets, to various people	8/21/06
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Memo, to C. Lockhart, from A. Adams	8/24/06
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Memo, to C. Lockhart, from A. Adams	8/29/06
Meeting Notice	9/7/06
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E-mail, to J. Longo, from S. Michaud	9/19/06
Memo, to J. Longo, C. Shuster, M. Nelson, F. Sanchez, from C. Schofield	9/21/06
Memo, to Subcommittee, from A. Adams	9/22/06
Phone call summary, by C. Schofield	9/24/06
E-mail, to group, from A. Adams	9/27/06
E-mail, to P. Daley, T. Broadrick, and K. Greene, from A. Adams	9/27/06
E-mail, to C. Lockhart, from A. Adams	9/27/06
E-mail, to D. Keeran, from A. Adams	9/27/06
Letter, to J. McHale, from M. Fenn	9/28/06
E-mail, to J. Stoia, from A. Adams	9/28/06
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Memo, to M. Nelson, J. Longo, P. Daley and K. Greene, from A. Adams	10/12/06
Memo, to Subcommittee and C. Lockhart, from A. Adams	10/12/06
Memo, to Commission staff, from A. Adams	10/16/06

E-mail, to F. Hussein and C. Shuster, from C. Schofield	10/18/06
Meeting Notice	10/19/06
Meeting sign in sheet	10/19/06
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E-mail, to P. Daley, from A. Adams	10/19/06
E-mail, to R. Lawton, from A. Adams	10/23/06
Return receipt green card	10/25/06
E-mail, to F. Hussein, from C. Schofield	10/25/06
Letter, to M. Nelson, from A. Adams	10/25/06
E-mail, to A. Adams, from S. Michaud	11/2/06
E-mail, to F. Hussein, from C. Schofield	11/3/06
E-mail, to R. Mumford, from M. Fenn	11/3/06
E-mail, to A. Adams, from C. Schofield	11/3/06
E-mail, to F. Hussein, from C. Schofield	11/6/06
E-mail, to group, from A. Adams	11/9/06
E-mail, to group, from A. Adams	11/9/06
E-mail, to F. Hussein, from C. Schofield	11/15/06
E-mail, to F. Hussein, from C. Schofield	11/17/06
E-mail, to F. Hussein, from C. Schofield	11/17/06
E-mail, to F. Hussein, from C. Schofield	11/20/06
Memo, to Subcommittee, from A. Adams	11/20/06
Memo, to M. Nelson, J. Longo, P. Daley and K. Greene, from A. Adams	11/20/06
E-mail, to F. Hussein, from C. Schofield	11/21/06
E-mail with attachment, to F. Hussein, from C. Schofield	11/22/06
E-mail, to F. Hussein, from C. Schofield	11/22/06
E-mail with attachment, to F. Hussein, from C. Schofield	11/26/06
Letter, to Q. Mosby, from A. Adams	11/29/06
E-mail, to group, from A. Adams	11/29/06
E-mail, to T. Sullivan, from A. Adams	11/29/06
E-mail, to T. Sullivan, from A. Adams	12/1/06
Memo, to Subcommittee Members, from A. Adams	12/7/06
Memo, to Cape Cod Commission Members, from A. Adams	12/7/06
Letter, to Attorney B. Peltz, from A. Adams	12/7/06
E-mail, to P. Daley and T. Broadrick, from A. Adams	12/8/06
Memo, to K. Greene, from A. Adams	12/8/06
E-mail, to G. Cannon, from A. Adams	12/12/06
Memo, to A. Adams, from G. Cannon	12/12/06
E-mail, to group of Commission staff, from A. Adams	12/19/06
E-mail, to M. Nelson and J. Longo, from A. Adams	12/13/06
E-mail, to M. Nelson, J. Longo and P. Daley, from A. Adams	12/13/06
Hearing Notice/Full Cape Cod Commission Meeting	12/14/06
Meeting Notice	12/14/06
Minutes	12/14/06
E-mail, to J. Cox, from A. Adams	12/15/06
E-mail, to M. Nelson, J. Longo and P. Daley, from A. Adams	1/19/06
E-mail, to K. Greene, from A. Adams	1/19/06
Letter, to Q. Mosby, from A. Adams	12/20/06
Extension Agreement	12/20/06
Return receipt green card	12/22/06
Memo, to A. Adams, from G. Cannon	12/29/06
Memo, to Subcommittee members, from A. Adams	1/3/07
E-mail, to M. Nelson, J. Longo, P. Daley and K. Greene, from A. Adams	1/3/07
E-mail, to R. Lawton and K. Greene, from A. Adams	1/5/07
E-mail, to M. Nelson, from A. Adams	1/5/07
Meeting Notice	1/8/07
Meeting sign in sheet	1/8/07
Minutes	1/8/07
Memo, to Subcommittee members, from A. Adams	1/10/07

E-mail, to J. Longo, from A. Adams	1/11/07
E-mail, to M. Nelson and J. Longo, from A. Adams	1/12/07
E-mail, to a group of Commission staff, from A. Adams	1/12/07
E-mail, to M. Nelson, J. Longo, P. Daley and K. Greene, from A. Adams	1/12/07
Meeting Notice	1/18/07
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Memo, to Subcommittee members, from A. Adams	1/19/07
E-mail, to M. Nelson, from A. Adams	1/19/07
E-mail, to M. Nelson and J. Longo, from A. Adams	1/19/07
E-mail, to P. Daley, T. Broadrick and K. Greene, from A. Adams	1/19/07
Fax and attachment, to M. Nelson, from A. Adams	1/22/07
Meeting Notice	1/25/07
Agenda, Cape Cod Commission meeting	1/25/07
Minutes	1/25/07
Copy of PowerPoint presentation by A. Adams	1/25/07

From Federal, State or Local Officials

E-mail, from S. Risi, Department of Environmental Protection (provided to member of public)	8/27/03
Executive Office of Environmental Affairs, FEIR Certificate	7/2/04
Letter, from E. Johnson, Massachusetts Historical Commission	5/5/05
Copy, Abutters List	4/11/06
Letter, from R. Lawton, Yarmouth Town Administrator	5/10/06
Letter, from H. Farnham, Barnstable Town Council	5/22/06
Letter, from R. Lawton, Yarmouth Town Administrator	5/30/06
E-mail, w/attachments, from R. Doucette, Federal Aviation Admin.	6/13/06
E-mail w/attachments, from R. Doucette, Federal Aviation Admin.	6/22/06
Letter, from R. Lawton, Yarmouth Town Administrator	7/26/06
E-mail, from R. Lawton, Yarmouth Town Administrator	10/19/06
E-mail, from R. Doucette, Federal Aviation Administration	12/15/06
E-mail, from P. Daley, Barnstable Growth Management Department	12/13/06
Fax, Letter, from R. Lawton, Yarmouth Town Administrator	12/13/06
Letter, from R. Lawton, Yarmouth Town Administrator	12/13/06
E-mail, from P. Daley, Barnstable Growth Management Department	1/5/07
Fax, Letter, from J. Saben, Chair, Yarmouth Board of Selectmen	1/5/07
E-mail, from T. Broadrick, Barnstable Growth Management Department	1/8/07
Fax, Letter, from J. Saben, Chair, Yarmouth Board of Selectmen	1/8/07
Original, Letter, from J. Saben, Chair, Yarmouth Board of Selectmen	1/8/07

From the Public

E-mail, from J. Stoia, noise information	7/20/04
E-mail, from J. Stoia, concerns	4/10/05
E-mail, from J. Stoia, concerns	4/11/05
E-mail, from G. Lopez, concerns	2/6/06
E-mail, from G. Lopez, concerns	2/8/06
E-mail, from T. Sullivan, concerns	3/29/06
Letter w/attachments, from Pain D'Avignon Bakery, concerns	5/24/06
Copies of signature sheets, concerns about impacts to Bakery	5/31/06
Letter, M. Philbrick, concerns	6/2/06
Letter, APCC, concerns	6/5/06
Copy of <i>New York Review of Books</i> article, from P. Doiron	6/29/06
Letter, w/attachments, from Pain D'Avignon Bakery, concerns	6/29/06
Copy, public hearing comments, from P. Doiron	7/11/06
E-mail, from B. Brack, concerns	7/17/06
E-mail, from T. Sullivan, concerns	7/12/06
Letter w/attachments, from P. Doiron, concerns	7/24/06
E-mail, from G. Lopez, concerns	7/26/06

E-mail, from G. Lopez, concerns	8/1/06
E-mail, from G. Lopez, concerns	8/7/06
E-mail, from B. Brack, concerns	9/1/06
E-mail, from J. Stoia, concerns	9/1/06
E-mail, from J. Stoia, concerns	9/19/06
E-mail, from J. Stoia, concerns	9/28/06
E-mail, from T. Sullivan, concerns	10/27/06
E-mail, from J. Stoia, concerns	11/20/06
E-mail, from T. Sullivan, cancellation of meeting	11/29/06
E-mail, from J. Cox, copies from the record	12/15/06
E-mail, from Attorney J. Maciolek, project status	12/21/06
Letter, from J. McHale, concerns	1/3/07
Two tables and narrative, Town of Barnstable Statement of Revenues, Expenses and Changes in Fund Equity, from R. Andres	1/8/07
E-mail, from D. Still II, <i>Barnstable Patriot</i>	1/23/07
E-mail, to Q. Mosby from T. Shepley, Shepley Wood Projects, in support	1/25/07

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.

TESTIMONY

May 31, 2006 Public Hearing

Below is a summary of the May 31, 2006 Public Hearing. Please see the record for the full Hearing Minutes, and Minutes of any Subcommittee meetings.

Ms. Taylor opened the hearing at 7:00 PM. Mr. Marasco read the hearing notice. Ms. Taylor described the process by which the hearing would be run.

Mr. Mark Nelson, Horsley/Witten Group, gave an overview of the proposed projects using PowerPoint. He described how the Applicant believed the proposed projects were consistent with the RPP.

Ms. Adams summarized the May 24, 2006 staff report. She described the Massachusetts Environmental Policy Act (MEPA) review of the project. Ms. Adams noted the projects were subject to Commission review due to MEPA and other Commission thresholds. Ms. Adams touched on each of the topics discussed in the staff report. Overall, Ms. Adams noted the staff report and review to date had consisted of comments on conceptual-level plans. She noted the Commission review was likely to need more detailed construction-level plans. Ms. Adams concluded the staff report summary by noting important procedural issues concerning the existing extension agreement, which was scheduled to end on August 25, 2006.

Ms. Taylor asked for comments from members of the public, with federal, state and local officials going first, and then proceeding to use a sign-up sheet.

Ms. Suzanne McAuliffe, Yarmouth Board of Selectmen, read a letter into the record and submitted a copy for the record. Ms. McAuliffe said the town of Yarmouth was a

stakeholder in the project, and expressed concern relative to increase traffic impacts to the town, impacts to nearby Yarmouth drinking water wells, and air traffic flight paths and over-flights of Yarmouth. She said the Board agreed with many of the points brought out in the Cape Cod Commission staff report regarding nitrogen loading, impacts to the ponds, and hazardous materials/waste concerns. The Board is concerned that the impacts to the town of Yarmouth be addressed and mitigated. The traffic study needed to be re-done. A monitoring program was crucial to ensuring improved pond water quality.

Mr. Greg Milne, Barnstable Town Council Liaison to the Airport Commission, expressed dismay that the application did not mention the town of Yarmouth as a stakeholder. He said the 1989 Town Charter gave the Airport Commission complete autonomy, and as such, the Airport Commission did not report to Barnstable town government.

Mr. Henry Farnham, Barnstable Town Council President, submitted written comments for the record. He noted that although Mr. Milne desired the Airport Commission to come under the purview of the Town Council, that view was not supported by a majority of the Council. He said the application had not meant to exclude Yarmouth, and welcomed Yarmouth's involvement in the process.

Mr. Vujosevic, Pan d'Avignon, described his bakery business. He also submitted a letter and signature sheets from customers. He said the bakery had clients all over New England, and was one of the largest employers on Cape Cod. He said the bakery would be removed to provide space for over-flow parking. He described the impact that the displacement of the bakery would have on Pan d'Avignon's 60 employees and their families. He said the bakery had \$1.3 million in payroll, and would suffer a significant financial loss from displacement. He expressed concern that the bakery would not be able to successfully re-locate, in that it had taken him two years to find the present location, and that the bakery was a very specialized business that could not shut down to re-locate.

Ms. Helen Shaw, Hyannis Park in West Yarmouth, expressed concern about over-flights and noise, as she said her home was in the regular flight path between the airport and Nantucket. She said flights out and into the airport have been increasing, and occurring earlier in the day and later into the night. Ms. Shaw said she understood that the facility had to expand to meet new regulations, but requested that it be remodeled, and that certain parameters be set, particularly with regard to flight times and flight paths.

Mr. Richard Hallet, Yarmouthport, spoke against the proposed new terminal. He said it was too costly a project. He said the existing terminal was adequate, and could last several more years. Mr. Hallet said the airport should discontinue using outdated aircraft, in that with more modern aircraft, capable of carrying more passengers, there would be reduced impacts to surrounding neighborhoods. He said Hyannis was the wrong place for a large airport.

Mr. Bob Howard, Yarmouth Liaison to the Airport Commission, expressed concern that the application materials did not mention Yarmouth as a stakeholder in the projects. He expressed concern about noise issues, particularly from the proposed new airline or airlines. He urged the Commission members to seek second opinions concerning the information in the application.

Mr. Tom Sullivan, a former member of the Yarmouth Airport Advisory Committee, expressed concern with the airport's existing stormwater management system. He said it was in significant disrepair and should be completely removed. He said there should be a comprehensive program to clean up existing pollution to and in the sediments of Upper Gate and Lewis Ponds. He noted the Federal Aviation Administration regulations governing an exclusion zone around the airport in effect prohibited wind turbines and other tall structures in flight paths, most of which were over Yarmouth. Mr. Sullivan expressed concern over airport noise, and that the airport did not conduct a proper noise study. He said this was particularly important, given the proposal to add new airlines to the facility. He said the terminal was too large, and improperly sized, given the impacts to enplanements after the attacks on the World Trade Center.

Mr. Peter Dorian, Barnstable, said he was against the airport expansion. He said the Cape was a unique place, and expressed concern that the airport projects would have a negative impact on its uniqueness. He expressed concern about pollution to Upper Gate and Lewis Ponds, the effect of this on drinking water, and concern about noise impacts. He said that increase jet travel, and production of aircraft contrails, was implicated in global climate change. He said the airport should be moved to Otis in Bourne, and that the site in Barnstable should be made instead into public gardens.

Mr. Roy Folgren, Hyannis, expressed concern that the application materials did not deal with airport noise issues. He expressed concern that the Commission staff report said the proposed terminal building met the Commission's design standards. He questioned whether the proposed terminal met the design standards for the Hyannis GIZ. He said the airport should look more like Cape Cod, and that it should be re-designed. He expressed concerns about impacts to development on Route 132, particularly in terms of traffic circulation relative to a proposed new access road into the airport near the site of the former Starbuck's/Star City Grill restaurant.

Mr. Bob Lawrence said he had worked at the airport in 1983. He expressed concern about noise and safety issues. He said planes were leaving the airport earlier in the day than in the 1980's.

Ms. Roberta Murphy said she worked at the Pan d'Avignon bakery. She said the business had a significant local and regional impact. Ms. Murphy said it had growth potential, and as such, the town of Barnstable should protect this business. She expressed concern about traffic impacts from the airport projects.

Ms. Taylor asked for closing comments by the Applicant and Commission staff.

Mr. Nelson said the proposed access road from Attucks Lane to the new airport entrance had to go forward, and that there was no other option. He said the Airport Commission had hired a firm that specialized in relocating businesses to help the Pan d'Avignon bakery and other businesses that would be displaced. He said a study had been done of the Blackburns site, but that the Airport Commission did not control the property, so it could not do a full 21-E assessment. Mr. Nelson said monitoring has shown that hydrocarbons in the ponds have been seen to decrease, and that a risk assessment for the ponds was still underway, but was approximately 2/3rds done.

Ms. Kadar moved to close the hearing and leave the record open. Mr. Platt seconded the motion. The Subcommittee voted unanimously for the motion.

JURISDICTION

The proposed Barnstable Municipal Airport Improvements Project qualifies as a Development of Regional Impact under Section 3(h) of the *Enabling Regulations Governing Developments of Regional Impact, Barnstable County Ordinance 90-12 (Enabling Regulations)* as amended, as “[a]ny development providing facilities for transportation to or from Barnstable County, including but not limited to...air transportation and/or auxiliary uses and accessory parking or storage facilities, so long as such auxiliary or accessory uses are greater than 10,000 square feet of Gross Floor Area or 40,000 square feet of outdoor area.” It also qualifies as a DRI under Sections 12(i) and 13(b) of the Cape Cod Commission Act, as amended, as a project for which the Secretary of the Executive Office of Environmental Affairs (EOEA) required the preparation of an Environmental Impact Report (EIR) under Massachusetts Environmental Policy Act (MEPA) regulations.

FINDINGS

The Commission has considered the application of the Barnstable Municipal Airport Commission for the proposed Barnstable Municipal Improvements Project, 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 Sections 12 and 13 of the Act:

General

G1. As the date of the first substantive public hearing was May 31, 2006, this project was reviewed subject to the 2002 (revised) Regional Policy Plan (RPP).

G2. As of the date of this decision, the Town of Barnstable had a Cape Cod Commission certified Local Comprehensive Plan (LCP).

G3. As proposed, the Project is consistent with the 1997 Barnstable Local Comprehensive Plan (BLCP) as testified to by Patty Daley, Director of Barnstable Growth Management, and considered by the Commission Subcommittee at its

meeting on January 8, 2007. The Commission adopts the oral testimony of Attorney Daley, and finds that Project is consistent with the following policies and strategies of the BLCP:

BLCP - Policy 4.1.3.1 Barnstable Municipal Airport - Integrate the facilities and operations of the Barnstable Municipal Airport with the multi-modal facilities and operations to provide a smooth transition and enjoyable experience for the traveler.

Strategy 4.1.3.1.1 Provide a direct link for passengers between the proposed Regional Transportation Center, the hospital, shopping areas, etc. and the airport via shuttle route or passageway. *This strategy is met by the development of the Regional Transportation Center and by existing service to the airport by the Breeze bus. The Airport Commission is encouraged to establish regular, fixed bus service between the airport and the RTA.*

Strategy 4.1.3.1.2 Provide a new entrance to the airport via a connection from Route 132 to Old Route 132 to Attucks Way. Plan for future direct access via a new Exit 6 1/2 off Route 6 to this link and an eastern access road paralleling the Old Colony Railroad line, or appropriate alternate access. *This strategy is met by the proposal to construct an alternative access roadway off of Route 132 and to close the airport access off of the airport rotary.*

Strategy 4.1.3.1.3 Finalize the hazardous materials management emergency response plan, and continue the water quality monitoring, to address the use, storage and disposal of all hazardous materials by the airport employees and businesses mandated by the EPA (Environmental Protection Agency) as part of the RCRA (Resource Conservation and Recovery Act) permit process. This plan is to be coordinated with the Town of Barnstable Health Department, the Hyannis Fire Department and the Barnstable Water Company. *This strategy is met by the ongoing efforts of the Town of Barnstable and the Airport Commission, and by the conditions attached to this Decision.*

Strategy 4.1.3.1.4 Identify and implement noise buffer zones that respond to increasingly restrictive noise levels, such as indigenous aesthetic landscaping. Incorporate the FAA model zoning ordinance as a guide to implementation of this plan. *This strategy is met because the proposed airport terminal expansion will not result in the expansion of airport runways or runway safety areas beyond expansions required by the FAA.*

G4. As provided in written testimony dated January 8, 2007 from Thomas A. Broadrick, Barnstable's Director of Regulatory Review, which was presented to and considered by the Commission Subcommittee at its meeting on January 8, 2007, the Commission adopts the written testimony of Mr. Broadrick, and finds the Project is consistent with local ordinances as outlined below:

The Project is consistent with the Town of Barnstable Code of General Ordinances: Specifically Chapter 13, Section 13-2, height is consistent with the requirements of the Airport Approach Zone Map dated 2/1/57; Chapter 80 the Project is consistent with requirements for fire lanes; Chapter 104 the Project is consistent with requirements for handicapped parking.

The Project is consistent with the Town of Barnstable Zoning Ordinances under Chapter 240: Section 240-2 the purpose of the zoning ordinance is "...to increase the amenities of the Town..." while regulating such uses for the benefit of the inhabitants; the Project is consistent with Section 240-8 Exempt Use as it meets the exempt use requirement as a municipal project while subject to bulk regulations of the underlying zoning districts, i.e. in Section 240-21 B, BA, UB Non-residential zoning districts there are requirements of zero minimum lot area, 20 foot frontage, zero lot width, 100 foot front setback off Route 132, and zero side and rear yard setbacks all of which the Project is consistent with; also in Section 240-33, the Industrial zoning district there are minimum requirements of 90,000 square feet of lot area, 20 foot frontage, 200 foot width, 60 foot front yard setback, 30 foot side and rear yards all of which the Project is consistent with. In Section 240-35, the Wellhead Protection Overlay District the terminal use is allowed and so consistent with the requirements. Finally, the Project is consistent with both Sections 240-54 and 56 of the Parking requirements as to location of parking spaces and to the number of spaces.

G5. As provided by oral testimony to the Commission by Patty Daley, Director of Barnstable Growth Management, considered by the Commission Subcommittee at its meeting on January 8, 2007, the Town-wide District of Critical Planning Concern (DCPC) in Barnstable is only for and related to residential development matters, and therefore the Project is consistent with this DCPC.

G6. On September 28, 2006, the Airport Commission submitted a letter committing to *"work with the Cape Cod Commission towards the creation of a Development Agreement to govern future projects on the Airport property."*

G7. As provided by the letter to the Commission dated January 5, 2007 from James K. Saben, Chair, Yarmouth Board of Selectmen, which was presented by Suzanne McAuliffe, a member of the Yarmouth Selectmen to the Commission Subcommittee at its meeting on January 8, 2007, the Town desires to receive from the Applicant on-going groundwater monitoring reports, reports of the evaluation of the Blackburn's Auto Salvage site for possible contamination, and a copy of the final new fuel farm design. The letter also requests that Yarmouth receive a copy of the final stormwater operation and maintenance plan, the final engineered plans for the proposed stormwater improvements, and the proposed water quality-sampling program for Upper Gate and Lewis Ponds.

G8. For the purposes of the Commission's review, the Barnstable Municipal Improvements Project contains the following subparts:

1. Construction of a new access road connecting the terminal to Attucks Way,
2. Closing of the two existing Airport entrances from the Airport Rotary,
3. Construction of two new entrances – one on Route 28 (eastbound) and one on Route 132, across from Nightingale Lane,
4. Construction of a new passenger terminal for the Airport,
5. Construction of new paved parking areas for 801 cars immediately adjacent to the terminal (Figure 1-8 of DRI application),
6. Construction of remote grassed and paved parking lots along the new access road from Attucks Way, providing a total of 1,669 parking spaces,
7. Construction of a new apron/ramp adjacent to the new terminal,
8. Construction of a new, larger Airport-controlled fuel storage facility,
9. Relocation of Taxiway A along Runway 15-33 to comply with Federal Aviation Administration (FAA) separation criteria, and to improve aircraft safety, and
10. Relocation of Taxiway B along Runway 6-24 to comply with FAA separation criteria, and to improve aircraft safety.

Community Character

Heritage Preservation/Archaeological Resources

HPA1. An historic and archeological survey of the Airport property was conducted by PAL, Inc. While some archeological resources were identified in the proximity of Upper Gate and Lewis Ponds, none were identified in the vicinity of the existing terminal. The Massachusetts Historical Commission confirmed in a letter dated September 2, 2003 that if the project is sited in the area of the existing terminal, the project is unlikely to affect significant historic or archeological resources. Work areas for proposed parking lots are also unlikely to affect significant historic or archeological resources. As such, the Commission finds the proposed Barnstable Municipal Improvements Project is consistent with Regional Policy Plan Minimum Performance Standards (MPS) related to historical and archeological resource protection.

Architecture

CC1. For redevelopment projects, the RPP allows the expansion of buildings up to an individual footprint of 50,000 square feet without any requirement for full screening (MPS 6.2.5). The proposed airport building will have a building footprint of 42,000 square feet and therefore, as a redevelopment project, full screening of the new airport terminal building is not required under MPS 6.2.5.

CC2. MPS 6.2.5 also requires that the design of all structures that exceed a building footprint of 10,000 square feet incorporate variation into the massing, façade, and roof configuration in order to reduce the apparent mass of the building and “shall include a minimum of 10 feet of set-back or projection in the façade footprint for every 50 feet of façade length.” The Commission’s *Design Guidelines* (Technical Bulletin 96-001 - *Designing the Future to Honor the Past: Design Guidelines for Cape Cod*) also recommend a variety of additional design approaches that are aimed at guiding the mass and scale of development on the Cape and encouraging best practices in design. The building will serve as an important civic facility at a gateway to the Town of Barnstable. From a design perspective, the site is relatively open with limited urban context that does not provide a strong architectural character to reflect in the airport building’s design. The proposed design incorporates a central vaulted roof over the center of the structure and a second vaulted roof over the northern end of the terminal with flat roofs in between. The double-vaulted roof design was derived from local historic examples (particularly the airport and seaplane hangers at the Chatham Naval Air Station and Coonamessett-Falmouth airport), which is an appropriate design response given the absence of a well-defined character in the vicinity. The proposed building fulfills the dimensional requirements of MPS 6.2.5 to incorporate 10 feet of variation for every 50 feet of façade. The design is also consistent with the Commission’s *Design Guidelines* as the building will incorporate variation in the roof lines, wall heights and façade line and include energy efficient design, pedestrian scaled features and breaks up the mass of the structure into smaller sub-masses. Therefore, the Commission finds that the proposed design is appropriate for a building of this type at the gateway to the Town of Barnstable and is also consistent with the requirements of MPS 6.2.5 and the Commission’s *Design Guidelines*.

CC3. In industrial parks or areas not visible from scenic or regional roadways or other distinctive areas, MPS 6.2.6 states that “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 exterior materials proposed will be different, depending on which side of the terminal is being viewed. The “landside” elements (i.e. those visible from Route 28 and the rotary) are proposed to be clad with terra cotta panels with a granite base with the departures hall consisting of glass and steel. The “airside” elements are proposed to be clad with predominantly metal panels and a CMU base with limited terra cotta accents, the passenger gate and lounge is again proposed to be glass and steel. The use of traditional materials on the “landside” of the building is consistent with the RPP

standards and Design Guidelines. The use of non-traditional materials on the “airside” is also consistent with MPS 6.2.6 as those portions of the terminal are not visible from the regional roadways. Further, the proposed landscape plan entitled “80% Planting Plan,” Figure 6-23, done by Brown, Richardson and Rowe, Landscape Architects & Planners, Plan Sheets L-1 to L-10, dated March 2006, as received by the Cape Cod Commission on August 4, 2006 provides adequate buffers on the subject property, given the constraints imposed by the existing site. Therefore, the Commission finds that the proposed materials are consistent with MPS 6.2.6.

Landscaping and Signage

CC4. MPS 6.2.7 requires that *parking be located to the rear or the side of a building or commercial complex in order to promote traditional village design in commercial areas unless such location would have an adverse or detrimental impact on environmental or visual features on the site, or is infeasible. Parking structures shall be provided where feasible to reduce the amount of paved parking areas supporting a proposed development, provided the structure still meets the Design Manual goals.*

The siting of the proposed terminal building is governed by the FAA and Massachusetts Aeronautics Commission regulations, which require the building to be set further back from Runway 15-33. These requirements make it infeasible to locate parking to the rear or side of the terminal building. The Applicant has also indicated that the economics of the proposed project, and the FAA regulatory/height constraints, preclude construction of a parking garage on the site. Given the constraints of the existing site, the Applicant has provided the maximum area possible for a landscaped berm to screen the parking from the Airport Rotary and Route 28. Therefore, the proposed project is consistent with MPS 6.2.7.

CC5. MPS 6.2.8 requires that *redevelopment of existing strip development provide adequate buffers between parking areas and the street, and significant improvement to interior parking lot landscaping, as well as façade improvements and frontage buildings, as necessary, to improve the visual character of the site.* While the proposed terminal is not considered “strip commercial development”, the Applicant has met the intent of MPS 6.2.8 by providing adequate buffers between parking areas and the street as noted above, as well as significant improvements to interior parking lot landscaping and façade improvements through an attractive new terminal design. Proposed landscape plans also incorporate planted bio-retention swales and other passive stormwater techniques. The proposed project, therefore, is consistent with MPS 6.2.8. Final landscape plans should be submitted which include plant quantities and sizes prior to a final decision on the proposed project.

CC6. MPS 6.2.9 requires all development to implement a landscape plan that *addresses the functional aspects of landscaping, and requires all development to provide a maintenance agreement for all proposed landscaping.* The proposed landscape plan provides adequate buffers and parking lot landscaping. The plan also incorporates plant materials appropriate to the site and bio-retention swales and other passive stormwater techniques. Therefore, the landscape plan is consistent with MPS 6.2.9. The Applicant has agreed to but has not yet submitted a draft

maintenance agreement for all proposed landscaping for three years, as required by this MPS.

CC7. MPS 6.2.11 prohibits the installation of internally illuminated signs. The Applicant submitted conceptual drawings for proposed site signage as shown on a wall-sized color rendering entitled “*Signage Program/Barnstable Airport,*” dated September 8, 2006. The Applicant has agreed to provide externally illuminated signage. The conceptual plans referenced above do not include information on proposed materials or lighting of proposed signage to determine consistency with MPS 6.2.11.

Exterior Lighting

EXL1. MPS 6.2.10 states that *exterior lighting in new development or redevelopment shall comply with standards including design, light source, total light cutoff, and foot-candle levels defined in the Exterior Lighting Design Standards, Technical Bulletin 95-001.* According to the DRI application, two different pole-mounts will be used, the *Concept 10*, made by LUMCA Incorporated, and the *Gullwing Area Luminaire*, manufactured by Gardco Lighting. Both kinds of lights are to have either a single or double head, mounted on 25 foot poles, and sitting on a 30-inch base. These fixtures will use 250 watt metal halide, fully shielded, full-cutoff lamps. Tables 6-2 and 6-3 in the DRI application indicates these lights should not exceed approximately 4.5 foot-candles, which is consistent with Technical Bulletin 95-001 standard 2.6. Based on information obtained from the manufacturers’ websites, the parking lot and roadway fixtures selected should conform to Technical Bulletin standards 2.1 to 2.4. According to information provided on September 7 and September 28, 2006 from Horsley/Witten recessed fixtures from Lithonia Lighting will also be mounted in the ceiling, along the proposed terminal building’s “landside” entrances. These recessed fixtures are consistent with Technical Bulletin standards 2.1 to 2.4. The exterior lighting design’s conformance with Technical Bulletin standard 2.6, which sets a maximum foot-candle level of 8.0 must still be determined.

EXL2. The DRI application states the parking lot and roadway fixtures will be mounted at a height of “*25 feet from final pavement grade.*” While Technical Bulletin standard 2.5 recommends 20 feet, 0 inches as the maximum height of pole-mount lights (other than those for walkways) for developments such as the proposed new terminal that abut regional vistas or are visible from public roadways, the Commission finds that the use of 25 foot poles for parking lot and roadway lighting is acceptable in this case in part because the taller light poles reduce the number of poles required, and may result in an energy savings versus shorter poles.

Economic Development

ED1. *Construction Phase Employment:* The construction of the terminal building, as a public project, will be subject to the Davis-Bacon Fair Labor Standards Act. According to the Applicant, the average wage for all construction services will be approximately \$45 per hour. The average wage for the design related component is

expected to be approximately \$75 per hour. The proportion of construction phase employment that will be provided by local businesses is unknown.

ED2. *Total Direct Investment and Financing:* The total investment estimated for the project is \$43.6 million; \$35.6 million will cover the construction of the new terminal and the access road while \$8 million will cover the land acquisition needed to complete the project. The FAA will provide approximately 17.2% of the funding, the State will provide approximately 35.6% and the Airport Commission will provide approximately 47.2% of the funding through financing approved by the Barnstable Town Council detailing the repayment of any general obligation bonds of the Town from the Airport Enterprise Fund. The Airport Enterprise Fund earns revenue from user fees, including lease payments, fuel, parking, and other fees based on services provided to the users and tenants of the Airport.

ED3. *Business Diversity:* The terminal expansion will not result in any new uses. It will accommodate one additional airline, one additional car rental company, and better accommodate current peak passenger traffic, averaging 2,000 passengers per day. The mix of business activities occurring in the terminal itself will not detract from commercial activities outside the airport. Increased capacity to handle and process passengers should have a positive impact on the regional economic activity.

ED4. *Direct Long-term Employment:* The terminal expansion project is estimated to add thirty-one full-time equivalent positions (31 FTE) and increase payroll by \$862,600 per year. These positions may be full-time, part-time, or seasonal and the availability and quality of benefits will vary by employer. The distribution of these positions and their associated wage rates are as follows:

Employment Breakdown			
Type	Net New FTE	Avg. Annual Wage	Net New Payroll
Airport Operations	5	\$44,041	\$220,205
Rental Car Co.	3	\$34,833	\$104,499
Airline Co.	22	\$23,568	\$518,496
Concessions	1	\$19,400	\$19,400
TOTAL	31	\$26,340	\$862,600

Overall, the employment, wage, and payroll information provided suggest that the impact of the terminal expansion will not be significant in positive terms. The net increase in employment is not large and the wages are low relative to the area cost of living. It is unclear how much of the employment generated would be eligible for benefits and what opportunities they would generate for future career development.

ED5. *Indirect Business & Employment Impacts:* The airport terminal expansion project will require that a number of businesses be relocated as they are either situated too close to the proposed runway safety area or are in the path of the proposed by-pass road and parking areas. As part of this project, the airport will permanently remove 9.69 acres and 43,100 square feet of commercial space from

the market as part of their expansion project. Previous takings removed 24,179 square feet of commercial space surrounding the airport. Together the Airport will have permanently removed just over 67,000 square feet of commercial space from the market.

TAKINGS PROPOSED AS PART OF THE TERMINAL EXPANSION PROJECT							
Address	Owner	Leaseholder	Use	Acres	Sq. Footage	2006 AV	2006 Tax Paid
211 Airport Road	Raymond & Eleanor Blackburn	Ray Blackburn's Auto Salvage	Auto Salvage Yard	6.06	800	987,500	9,121
191 Airport Road	Bruce MacGregor	Whiskers Pet Grooming	Pet Grooming	1.51	25,500	1,474,000	13,614
		American Millwork/ Northern Heritage	Cabinet Making				
		Shoreline News Builders	Boston Globe Distr Ctr				
		Sentinel Products					
174 Airport Road	William Scott	Pain D'Avignon	Bakery	2.12	16,800	992,600	8,499
		Ricciardi Marble & Granite	Countertop supplier				
		Cape Cod Winwater Works	Wastewater equip				
TOTAL				9.69	43,100	3,454,100	31,234

TAKINGS ALREADY COMPLETED BY THE AIRPORT					
Address	Owner	General Use	Sq. Footage	Relocated or Closed	Relocated in Barnstable County
19 Mary Dunn Rd	SV Raleigh Corp	Office	876	Relocated	yes
21 Mary Dunn Way	Donald Brown	Contractor Shop	1,170	Relocated	yes
51 Mary Dunn Rd	Rusty's Plumbing	Warehouse	3,512	Relocated	yes
14 Brooks Road	Skanye/Overhead Door	Warehouse	1,400	Relocated	yes
		Commercial	960	Relocated	yes
42 Mary Dunn	R&P Realty	Office	4428	Relocated	yes
18 Old Mary Dunn	Rusty's Plumbing	Warehouse	2,552	Relocated	yes
24 Old Mary Dunn	Cape Cod Mechanical	Warehouse/Office	1,440	Relocated	yes
Iyannough Rd	Mildred's Restaurant	restaurant	5,005	Closed	
32 Mary Dunn	Principe	Office	2,836	Relocated	yes
TOTAL			24,179		

The regional economic impact of these takings depends on the outcome of the relocation process. Assuming all the business are or have been successfully relocated within Barnstable County the impact on regional employment and business diversity would be neutral. If the affected businesses close or relocate outside the county as a result of this project, it would have a negative impact on the regional economy.

In order to estimate the potential impact, the Commission requested information on employment, payroll, and wages for each of the businesses to be relocated as a

result of this project (not for those takings already completed). The Applicant provided the property information for these businesses (see tables above) and some information regarding their relocation (see project file), also requested in the same letter dated July 18, 2006. The Applicant did not provide the requested employment information even though the FAA also suggests this information be gathered as part of the relocation planning process (See FAA Advisory Circular 150/5100-17 Section 2:4-13c). The limited information available on employment and wages is as follows:

- Pain D'Avignon states that they currently employ 60 people with a payroll of \$1.3 million (June 27, 2006 letter from Pain D'Avignon to the Cape Cod Commission)
- Blackburn Auto Salvage's only employee is the owner (Edwards & Kelcey submittal to Cape Cod Commission dated July 18, 2006)
- American Millwork/Northern Heritage employs four skilled cabinetmakers (ibid)
- Shoreline News Builders business office has five employees (ibid)

ED6. *Project Location:* The project, while not located in a certified growth center, is located adjacent to one and to the recently approved Growth Incentive Zone. Given its proximity to the GIZ, staff feels that the project, while not eligible for growth center incentives, is consistent with goal of MPS 3.2.1 as well as DRP 3.2.3 & 3.2.5 (Development should be concentrated in growth centers).

ED7. *Project Consistency with Other Development Review Policies:* The project is consistent with the following economic development Other Development Review Policies:

- *DRP 3.1.6: Encourage tourism and other activities that enhance the natural and cultural qualities of Cape Cod*
- *DRP 3.1.8: Encourage the reuse and rehabilitation of existing buildings*
- *DRP 3.2.6: Concentrate manufacturing and warehousing activities in industrial areas*

ED8. *Project Benefits/Detriments:* Based on findings ED1-ED7, the Commission finds that on balance, the economic impacts of the proposed Project are neutral. The economic development benefits found include the creation of 31 jobs (ED4), the location adjacent to the Hyannis Growth Incentive Zone and Commission-certified growth center (ED6), the possible short-term benefit of design and construction employment to the extent that local businesses and residents are used (ED1, ED2), and the generally understood economic benefit of regional airports on business activity and tourism (ED3, ED7). The economic detriments found include the low average annual wages of the jobs created (ED4), the business disruptions and potential loss of business resulting from the takings required to complete the runway upgrades, by-pass road, and parking expansion (ED5), and the unknown impact of increases in user fees needed to finance the Project on price and thus demand for air service (ED2). Based on the information provided, the Commission concludes that the economic development impacts of the Project are neutral.

Affordable Housing

AH1. In accordance with MPS 5.3.1 the Applicant submitted an analysis of the affordable housing needs that will be generated by the project. The Applicant projected that there will be an increase in employment of thirty-one (31) full time equivalent positions over the current employment level at the Airport and that the average wage of those new positions would be \$26,340. While the Applicant used \$34,008 as the most current average wage for the region, the Massachusetts Department of Workforce Development's most current (2005) published average wage for the region is \$35,100. Therefore, the average wages of the projected new employment of the project will be 75% of the regional average, and the project shall be considered to have a high impact on the affordable housing needs in the region.

Natural Resources/Open Space

NR1. The Airport is located in a Significant Natural Resource Area due to the presence of public water supply wellhead protection areas, and the northern sections of the Airport are mapped rare species habitat. However, significant adverse impacts to resources of regional significance are not anticipated as most of the project area occurs in areas that were previously paved or significantly altered due to regular maintenance.

NR2. The proposed new access road will pass within 75 feet of a stormwater basin which functions as a wetland. Alteration of the previously disturbed, grassed and mowed buffer will have no impact on wetland resources or on wildlife or plant habitat at this location.

NR3. Open space is not required as this is a municipal project.

Water Resources

WR1. The project affects the following water resource areas delineated by the RPP:

- Wellhead Protection Area (MPS 2.1.1.2.A)
- Potential Public Water Supply Area (MPS 2.1.1.2.F)
- Fresh Water Recharge Areas (MPS 2.1.1.2.B)
- Marine Water Recharge Area (Lewis Bay watershed) (MPS 2.1.1.2.C)
- Water Quality Improvement Area (MPS 2.1.1.2.E)

WR2. Projects located in Wellhead Protection Areas (WHPA) are required by MPS 2.1.1.2.A.1 to meet a 5-ppm nitrogen-loading limit using methodology described in Technical Bulletin 91-001. The project meets the 5-ppm limit recognizing dilution afforded by groundwater recharge across the entire airport site.

Projects in WHPAs are required by MPS 2.1.1.2.A.5 to adopt a turf and landscape management plan that incorporates water conservation measures and minimizes the amount of pesticides and chemical fertilizers. Provisions that achieve water

conservation and pesticide and fertilizer use need to be included in the landscape maintenance agreement cited in finding CC6 and condition CC1 for staff approval.

Projects located in WHPAs are required by MPS 2.1.1.2.A.2 to meet limits on the use, storage and transport of *hazardous materials*. Findings regarding *hazardous materials* are located on pages 25 to 27 of this decision.

WR3. The project will result in an increase in terminal building Title-5 sanitary wastewater flows of 4,850 gallons per day (gpd) according to Table 2-9 of the DRI application, page 2-37, entitled "*Estimated Wastewater Flows for Existing and Projected Conditions*". The taking of a number of commercial properties adjacent to the Airport along the Attucks Lane Airport access road will reportedly provide capacity for 11,100 gpd of Title 5 flows.

The terminal and the Airport's airplane de-icing facilities are proposed to be connected to sewer. The Airport uses approximately 1,000 gallons of glycol-based de-icing solution each year to de-ice aircraft according to the DRI application. Untreated de-icing runoff currently discharges to the environment via the Airport's drainage system. The Applicant cites containment and off site disposal of de-icing waste as an alternative to sewerage of de-icing waste for treatment at the Barnstable municipal wastewater treatment facility. Based upon the oral testimony of Patty Daley, Barnstable Director of Growth Management given to the Commission Subcommittee at its meeting on January 8, 2007, the Town of Barnstable will require an engineering analysis prior to acting upon an application to discharge de-icing solution at the Barnstable municipal wastewater facility. Either alternative results in improved water quality at the Airport. The Project's ability to meet *hazardous materials* limits imposed by the RPP relative to management of de-icing solution is discussed in findings on pages 25 to 27 of this decision.

WR4. Projects in Potential Public Water Supply Areas (PPWSA) are required by MPS 2.1.1.2.F.2 to meet a 1-ppm nitrogen loading standard. Areas proposed to be disturbed are not directly located in a PPWSA, although drainage from Airport impervious surfaces currently outfall to Lewis Pond, a fresh water pond that overlaps a mapped PPWSA. An existing public water supply is in this area. Water quality information supplied to staff by the Barnstable Water Supply Division indicates that nitrogen concentrations in the water supply are below 1 ppm-N.

WR5. Areas proposed to be disturbed are not directly located in mapped Fresh Water Recharge Areas, although Upper Gate and Lewis Ponds receive drainage outfall from Airport impervious surfaces. The project is expected to reduce stormwater outfall to Upper Gate Pond.

Pursuant to MPS 2.1.1.2.B.2, projects in Fresh Water Recharge Areas may be required to contribute to nutrient assessment work for potentially impacted ponds. An August 10, 2006 memo received by the Commission from Horsley Witten, Inc. describes a general scope of work for the collection of pond water-quality information. The scope is further detailed in a September 28, 2006 letter from Horsley Witten, Inc.

to Commission staff. A refined scope of work is appended to this decision as the Airport Ponds Water Quality Monitoring Program (Program) to be completed as a condition of this decision. The Program will provide information useful to a future assessment of the eutrophic statuses of Lewis and Upper Gate Ponds.

WR6. The project is required to meet applicable stormwater management standards required under RPP section MPS 2.1.3. These include:

- 2.1.3.1 No new direct discharge to surface waters;
- 2.1.3.2 Designs capable of managing 25 year-24 hour storms;
- 2.1.3.3 Use of bio-filtration;
- 2.1.3.6 Approved stormwater operations and maintenance plan; and
- 2.1.3.7 Shut-off valves in areas where activities that are high-risk to drinking water contamination occur.

Project plans submitted for stormwater designs as of the date of this decision are at the 30% design level. Engineered plans will be reviewed by staff as a condition of this decision. Detailed Commission staff review of engineered stormwater plans as a condition of this decision will ensure that the stormwater infrastructure is designed to meet MPS 2.1.3.1, MPS 2.1.3.2, MPS 2.1.3.3, and MPS 2.1.3.7.

Stormwater management for the area proposed to be disturbed employs bio-filtration and Low Impact Development (LID) methods consistent with MPS 2.1.3.3 with the exception of relocation of the taxiway along the East Ramp. Creation of drainage depressions is restricted by FAA in specific areas used by aircraft. Treatment and infiltration of runoff close to stormwater sources at parking and access routes using LID methodology enable the project to reduce stormwater outfall to Upper Gate Pond consistent with MPS 2.1.3.1. The proposed grass overflow parking areas along the Attucks Way access route and coincident with the former Blackburn Auto Salvage yard will be pervious to minimize runoff and maximize groundwater recharge.

To meet MPS 2.1.3.7, the Applicant has agreed to install a shut-off valve at the existing culvert that collects drainage from along the East Ramp apron and discharges to a vegetated swale within the contributing area to the Maher Wellfield, a source of Hyannis' water supply. The Applicant has also agreed to pilot use of a catch basin insert design at two (2) existing catch basins draining catchment(s) at the East Ramp apron in which aircraft refueling takes place. Engineered plans for these improvements will be submitted to the Commission for staff approval as a condition of this decision.

Changes and modifications to the stormwater infrastructure and management that were required and agreed to during DRI review will need to be incorporated into the Stormwater Pollution Prevention Plan (SWPPP) in order to meet MPS 2.1.3.6. This plan will be submitted to the Commission for staff approval as a condition of this decision.

WR7. The project is located in a Water Quality Improvement Area, a designation given to the Airport pursuant to MPS 2.1.1.2.E because of existing impacts on water quality. Water quality improvement is a major goal in water-quality improvement areas. Projects located in these areas are required to improve water quality if existing water-quality impacts already exceed water-quality standards. Improvements in stormwater management are expected to reduce stormwater outfall to Upper Gate Pond as described in findings WR5 and WR6.

Hazardous Materials/Wastes

HMW1. The project site is located in a Wellhead Protection Area, so MPS 4.3.1.3 applies to this project, which limits the amount of *hazardous materials* and *hazardous wastes* to a *household quantity* as defined by the RPP, which is (a) 275 gallons or less of oil on site at any time to be used for heating of a structure or to supply an emergency generator; and (b) 25 gallons (or the dry weight equivalent) or less of other hazardous materials on site at any time, including oil not used for heating or to supply an emergency generator; and (c) a quantity of hazardous waste at the Very Small Quantity Generator level as defined in the Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.353. The DRI application, including Tables 5-1 and 5-2, provides an inventory of *hazardous materials* used and *hazardous wastes* generated by the Airport, which provides a “baseline” for the overall site. In a September 28, 2006 letter, Horsley/Witten submitted revised information on the Airport’s *hazardous materials/waste* baseline. To achieve consistency with MPS 4.3.1.3, the Airport is seeking to offset any increases with equal or greater proposed and prior reductions in *hazardous materials* and *hazardous wastes* across the entire airport property.

HMW2. The Regional Policy Plan’s *Flexibility Clause* states that the Commission may modify the application of Minimum Performance Standards (MPS) if it makes a finding “*that the proposed use will not be more detrimental to the protected resource than would be allowable under the applicable Minimum Performance Standard.*” The Commission finds that it is not more detrimental to the protected resource than would be allowable under Minimum Performance Standard 4.3.1.3 to allow the Applicant to take credit for the removal in June 1994 of 24,000 gallons of gasoline and diesel fuel attributable to a former Shell gasoline station at the Airport Rotary (which had been removed as of the date of this decision) as listed on Table 5-1 as included in Horsley/Witten’s letter of September 28, 2006.

HMW3. The Commission finds that the Applicant may not take credit for the two underground storage tanks removed in October 1998 as a result of the former Airport Operations building. This amount of *hazardous materials/waste* (listed in Table 5-1 of the September 28, 2006 Horsley/Witten letter) was part of and was taken credit for through a separate 1995 DRI review (TR-95006).

HMW4. The Barnstable Municipal Airport Commission and Airport staff will exercise oversight in how *hazardous materials* and *hazardous wastes* are used, treated, generated, handled or stored on the Airport site relative to findings HMW1, HMW2 and

HMW3 in accordance with Title 14, Code of Federal Regulations, Chapter 1, Section 139 (14 CFR 139), which are the Federal set of standards that airports serving particular types of air carriers must achieve. This system establishes “*certification requirements for airports serving scheduled air carrier operations in aircraft designed for more than 9 passenger seats, but less than 31 passenger seats.*” (*Part 139 Certification description, from FAA website, printed 10/11/06*). Part 139 topics that include activities dealing with *hazardous materials* and *hazardous wastes* include snow and ice control, aircraft rescue and firefighting, handling and storage of hazardous substances and materials (including fueling activities), and creation of an airport’s emergency plan.

HMW5. Barnstable Municipal Airport is a Part 139-certified airport, and as such, must maintain a Part 139 Airport Operating Certificate, and an Airport Certification Manual (Manual) (*Part 139 Certification process, from FAA website, printed 10/11/06*). This Manual describes how the Barnstable Municipal Airport operates in a manner consistent with 14 CFR 139 and all of its sub-parts, so as to maintain its Federal/FAA certification. FAA regional inspectors periodically review the Manual, the Airport’s operations and implementation of its Manual. The Spill Prevention, Control and Countermeasures (SPCC) Plan, Safety and Hazardous Communications Plan (SHCP), Emergency Response Action Plan (ERAP) and Stormwater Pollution Prevention Plan (SWPPP) were submitted as part of the DRI application are parts of the Airport’s Certification Manual.

HMW6. MPS 4.3.1.1 requires DRIs to make “*reasonable efforts to minimize their hazardous material use and/or waste generation through source reduction, reuse, material substitution, employee education, and recycling.*” The DRI application states the “Airport has documented all of the processes, actions and activities that involve [oil and hazardous materials]...” The kinds of activities on the Airport that use hazardous materials or generate hazardous wastes (for example, engine repairs, painting, body work) lend themselves to source reduction efforts, materials substitution and minimization techniques.

HMW7. MPS 4.3.1.2 requires DRIs to be “*in compliance with Massachusetts Hazardous Waste Regulations, 310 CMR 30.000.*” Table 5-2 (revised, as part of Horsley/Witten September 28, 2006 letter) lists the maximum available storage capacity for *hazardous waste*. The DRI application describes and provides copies of a number of plans and other documents (see finding HMW5) that deal with fuel transport, fuel transfer and emergency response procedures. The Applicant has submitted enough information to show its staff and facilities operate in a manner consistent with MPS 4.3.1.2.

HMW8. MPS 4.3.1.4 requires that DRIs “*prepare an emergency response plan that identifies potential threats to employee safety and health and threats of environmental releases.*” The DRI application describes and provides copies of a number of plans that deal with employee safety and emergency response (see finding HMW5), including a Spill Prevention, Control and Countermeasures Plan. These plans

address MPS 4.3.1.4, and represent a commitment to making the Airport a safe place to work, and to protect the water supply from spills and releases.

Solid Waste/Recycling

SW1. MPS 4.2.1.1 states that *development and redevelopment shall address both the construction and post-construction phases of development or redevelopment. A construction plan shall demonstrate how the applicant proposes to handle solid wastes, recyclables, and construction demolition wastes.* The Applicant presented information to staff dated August 30, 2006 from Earth Tech that identified the means by which the Applicant implement a construction plan to handle solid and construction demolition wastes from the construction phase of development. This general approach to solid construction waste management satisfies MPS 4.2.1.1.

SW2. MPS 4.2.1.2 states *if construction demolition debris is to be generated as part of a proposed development or redevelopment, written notification shall be required for the following:*

- *the types of materials that will be generated,*
- *the manner by which the recycled materials as part of the c and d waste stream will be separated and stored on site prior to disposal,*
- *the destination of all recycled materials separated out from the c and d waste stream, and*
- *the manner by which both c and d and recycled materials will be delivered to markets.*

The Applicant presented information dated August 30, 2006 from Earth Tech that identified the means by which the Applicant will implement a construction plan to handle solid and construction demolition wastes (C&D) from the construction phase of development. This plan specifically identifies the means by which the Applicant will meet the standards for handling construction demolition debris and satisfies MPS 4.2.1.2.

SW3. MPS 4.2.1.3 states *suitable locations for the collection, storage, and removal of recyclable materials and related equipment shall be provided. A post-construction management plan shall demonstrate how an applicant proposes to handle the following:*

- *recyclable and solid waste, including the manner by which they will be collected on site,*
- *for food-service business, the composting of food wastes,*
- *location and type of containers where the materials will be stored on site,*
- *how collection and holding facilities will be screened from abutting properties,*
- *the types of materials to be generated,*
- *the anticipated quantities of materials to be generated, and*
- *the destination of materials.*

As of the date of this decision, no information was provided by the Applicant to meet MPS 4.2.1.3. However, a memorandum submitted by Horsley Witten Group dated

September 28, 2006 states that the Applicant will provide information on recycling activities at the Airport upon completion of the new terminal's design.

Transportation

T1. The proposed new Airport access plan will include removal of direct automobile access to/from the Airport Rotary. This is accomplished by developing a new access road to the Airport. The new access road is an extension of the existing Attucks Lane from its current terminus (off Airport Road) to the new terminal building. This access road is expected to divert traffic from Rte. 132. Airport traffic directed east from the terminal will access a new connector road to Rte. 132 opposite Nightingale Lane. The new connector road/Route 132/Nightingale Road intersection will be signalized. In addition, the Applicant will add a right turn only driveway from Route 28 into the site. The new Airport terminal access road is designed with variable shoulder widths between 4' and 8' which is adequate for bicyclists as shown on the conceptual plans titled *Construction of Barnstable Municipal Airport Terminal Building and Attucks Lane Extension Progress Print* dated July 10, 2006 by Edwards and Kelsey. The new access road also indicates a "Multi Path" that is on one side of the roadway that would accommodate pedestrians. The access road lane widths are 12', which is appropriate for the proposed roadways and travel speeds. Pedestrian crosswalks are not indicated on the current plan except across the perimeter circulation road between the terminal and the terminal parking.

T2. Significant changes to the existing parking and circulation for access to the proposed terminal include adding 722 parking spaces to accommodate future demand for a total of 1669 spaces in the proposed build scenario. In addition, 888 remote parking spaces will be constructed, which are expected to be served by shuttle buses. Terminal parking includes 801 parking spaces and a perimeter road for circulation. The proposed parking is not currently necessary and will be phased in over the next nine years (until 2015). The Applicant shall submit a phased development plan for the parking as required in Transportation condition T4.

T3. Based on trip generation estimates submitted by the Applicant in the Development of Regional Impact (DRI) application dated April 7, 2006, at section 4.2.2, entitled "Alternative Trip Generation," this Project is expected to have a net decrease in trip generation after allowances for elimination of traffic from the businesses taken for construction of the access road and parking. Based upon the calculations provided by the Applicant in section 4.2.2 of the DRI application, there is a net decrease in traffic once a traffic credit is given for the acquisition of parcels along the access road and an estimate for the proposed facility based on the number of passengers. A comparison of the trip generation estimates is shown below in Table 1. The information in Table 1 below is provided in Table 4-11 of Section 4.2.5 of the DRI application entitled "Offsets From Property Takings." Existing trip generation rates were derived by the Applicant's representatives based on existing airplane passenger counts and vehicular traffic volume data collected specifically for this Project. The existing rates and future airplane passenger projections were then used to determine future vehicular traffic at the Airport. Traffic offsets from taken properties

were based on the Institute of Transportation Engineer's (ITE) *Trip Generation* manual, and are contained in a table entitled "List of Properties which have been removed in the past five years," which is part of the DRI application in Appendix 4-7 entitled "Miscellaneous Information."

Table 1 – Trip Generation Estimates (vehicles per hour)

	Vehicle Trips from Taken Parcels	Estimated Future Vehicle Trips	<u>Net Decrease</u>
Morning Peak Hour	193	151	-42
Afternoon Peak Hour	253	162	-91

T4. The creation of the new access roadways and development of the parking lots will require a number of property takings. The parcels include those described on the table shown below, which is part of a table entitled "List of Properties which have been removed in the past five years," which is part of the DRI application in Appendix 4-7 entitled "Miscellaneous Information."

(See Next Page for Table)

Address	Owner/Business
19 Mary Dunn Road	SV Raleigh Corp.
21 Mary Dunn Way	Donald Brown
	Donald Brown
39 Mary Dunn Road	Baxter, Inc.
51 Mary Dunn Way	Rusty's Plumbing
62 Mary Dunn Road	Hazel Gifford
74 Mary Dunn Road	Elizabeth Childs
78 Mary Dunn Road	John M Burns
9 Estella Road	Patricia Johnson
25 Brooks Road	Helen McGinn
14 Brooks Road	Skanye/Overhead Door
42 Mary Dunn Road	R&P Realty Trust
10 Brooks Road	Nancy Johnson
18 Old Mary Dunn Road	Rusty's Plumbing
16 Old Mary Dunn Road	Louis Frangione
24 Old Mary Dunn Way	Cape Cod Mechanical

29 Old Mary Dunn Road	Joan DeCoster
Hyannis Airport (Off Rte 28)	(On Airport Property)
Airport Road	Airport Rd Nominee Trust
Airport Road	Airport Rd Nominee Trust
	Airport Rd Nominee Trust
Iyannough Road (Rte 28)	"Mildred's Restaurant"
24 Mary Dunn Way	Campbell
32 Mary Dunn Way	Principe

T5. All DRIs are required to provide full mitigation of project impacts on all regional roadways and regional intersections (MPS 4.1.3.4). The taking of the parcels (for construction of the site access and parking), which results in an overall net decrease in trip generation, and construction of the new access is sufficient for the project to comply with MPS 4.1.3.4.

T6. All DRIs are required to reduce new vehicle trips in and out of the site by 25% over what is typically expected for the land use (MPS 4.1.2.1). Based on the net decrease in traffic as outlined in finding T3, the project complies with MPS 4.1.2.1.

T7. As stated in finding T3, it is anticipated that this Project will have a net decrease in new vehicle trips, and the access to the Airport will be changed significantly. This change will shift the existing travel patterns to different roads and intersections. The Applicant has reviewed the intersections affected by the change in travel patterns to determine if any high crash locations will be significantly impacted by the project. The threshold for reviewing high crash locations is 25 vehicles per hour on a regional roadway or at a regional intersection during the project's peak hour. The MPS also requires an analysis of intersections with an average of 3 or more crashes in the latest available 3 years of crash data or a higher than average crash rate. No intersections or roadway links exceed the crash frequency or crash rate thresholds for review; therefore this project complies with MPS 4.1.1.2.

T8. The proposed traffic signal on Rte 132 at the new connector road is located approximately 800' from the Airport Rotary. The Applicant's queuing analysis has indicated that the vehicle queues back up approximately 310 feet and therefore will not impact the rotary. However to alleviate concerns about vehicle back-ups into the rotary, the Applicant will design and install signal preemption loops that detect traffic queues before they reach the rotary and provide traffic monitoring devices that have remote access and are connected to the Cape Cod Commission office.

T9. The Applicant has agreed to develop and implement a Transportation Management Initiative (TMI). The purpose of the TMI is to consider and make recommendations, as necessary, on transportation issues such as bus service, signage, parking policies, parking fees, parking, alternative transportation modes and automobile access/egress to and from the Airport.

CONCLUSION

Based on the findings above, the Cape Cod Commission hereby concludes that the probable benefits of the proposed development are greater than the probable detriments. This conclusion is based on the Airport's anticipated remediation of contamination if found at the site of Blackburn's Auto Salvage yard, because the salvage yard is scheduled to be used for construction of new, remote grassed and paved parking areas; the new traffic flow patterns around the Airport Rotary as a result of anticipated roadwork projects; the improved terminal building and landscaping; the agreed-upon Pond Monitoring Program; and the anticipated improvements to Airport safety resulting from relocation of Taxiway A and B to comply with Federal Aviation Administration separation criteria. These benefits outweigh the detriment of the proposed development having a high impact on the region's affordable housing needs. The Commission also concludes that the proposed Barnstable Municipal Airport Improvements Projects are consistent with the 2002 Regional Policy Plan (RPP).

The Commission also finds the proposed Project is consistent with Barnstable's Certified Local Comprehensive Plan, its local ordinances, and with the town-wide District of Critical Planning Concern. These conclusions are supported by findings G3, G4 and G5.

The Commission hereby approves, with conditions, the application of the Barnstable Municipal Airport Commission for the proposed Barnstable Municipal Airport Improvements Project as a Development of Regional Impact (DRI), provided the following conditions are met:

CONDITIONS

General

G1. The Commission hereby approves, with conditions, the development of the Barnstable Municipal Airport Improvements Project. Each of the Project subparts listed below will require issuance of a Preliminary and a Final Certificate of Compliance from the Cape Cod Commission as provided by condition G2.

1. Construction of a new access road connecting the terminal to Attucks Way,
2. Closing of the two existing Airport entrances from the Airport Rotary,
3. Construction of two new entrances – one on Route 28 (eastbound) and one on Route 132, across from Nightingale Lane,
4. Construction of a new passenger terminal for the Airport,
5. Construction of new paved parking areas for 801 cars immediately adjacent to the terminal (Figure 1-8 of DRI application),

6. Construction of remote grassed and paved parking lots along the new access road from Attucks Way, providing a total of 1,669 parking spaces,
7. Construction of a new apron/ramp adjacent to the new terminal,
8. Construction of a new, larger Airport-controlled fuel storage facility,
9. Relocation of Taxiway A along Runway 15-33 to comply with Federal Aviation Administration (FAA) separation criteria, and to improve aircraft safety, and
10. Relocation of Taxiway B along Runway 6-24 to comply with FAA separation criteria, and to improve aircraft safety.

Construction of Project subparts 1, 2, and 3 as listed above shall be completed prior to the issuance of any Final Certificate by the Cape Cod Commission for the new terminal building (subpart 4) and prior to any Certificate of Use/Occupancy Permit by the Town of Barnstable for the new terminal building for the Airport.

G2. Prior to commencement of each subpart of “development” listed in condition G1 (subparts #1 – 10), the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission, which states that all conditions in this decision pertaining to the relevant project subpart have been met. The Preliminary Certificate of Compliance shall be obtained by the Applicant prior to any “development” of that Project subpart as “development” is defined by the Cape Cod Commission Act. After the completion of each Project subpart of “development” listed in condition G1, the Applicant shall obtain a Final Certificate of Compliance from the Commission, which states that all conditions in this decision pertaining to the relevant Project subpart have been met.

G3. The Applicant shall provide 30 days written notice to the Commission staff by certified, return receipt mail that work related to removal of existing fuel storage tanks is about to begin (subpart #8). The Applicant shall also provide the Commission written notice that the removal work has been completed, and that construction and installation of replacement fuel storage tank or tanks has been completed. At no time shall the amount of fuel attributable to this fuel storage facility be more than 60,000 gallons in total. The Applicant shall also provide to the Cape Cod Commission and to the Town of Yarmouth Town Administrator’s office a copy of the replacement fuel storage tank or tanks design plans as approved by the Massachusetts Fire Marshall’s office.

G4. This 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 this written decision.

G5. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, and remain in compliance herewith, shall be deemed cause to revoke or modify this decision.

G6. The Applicant shall obtain all state and local permits for each proposed project subpart prior to “development” of that subpart as the term “development” is defined in the Cape Cod Commission Act.

G7. No development work, as the term "development" is defined in the Cape Cod Commission 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.

G8. No development work, as the term "development" is defined in the Act, shall be undertaken for the Project as described in condition G1 until all funding necessary to complete the Project has been secured. This shall be demonstrated by the following: Prior to "development" as that term is defined by the Commission Act, and prior to issuance of a Building Permit by the Town of Barnstable for the terminal (subpart #4), the Applicant shall demonstrate to the Cape Cod Commission that funding for the Project is obligated for expenditure by the Airport Commission as evidenced through an appropriation by the Barnstable Town Council. The Applicant shall provide a copy of the certified Town Council minutes to both the Cape Cod Commission and Barnstable's Growth Management Department showing that said appropriation has been made prior to any "development," and prior to the Town's issuance of a Building Permit for the terminal (subpart #4).

G9. Prior to issuance of a Building Permit for any proposed "development" as approved herein, the Applicant shall submit final plans as approved by state, federal and local boards for review by Commission staff to determine their consistency with this decision and/or information submitted as part of the DRI review to obtain this decision. If the final plans approved by local boards are inconsistent with this decision and/or supporting information, then they shall be reviewed by the Cape Cod Commission Regulatory Committee subject to the Cape Cod Commission *Enabling Regulations*, as amended, and which are in effect at the time of the review. If the Commission staff determines that the final plans require a modification, the Applicant shall also as necessary seek a modification to this decision in accordance with the Commission's *Enabling Regulations* in effect at the time the modification is sought.

G10. The Applicant shall provide the Commission with an annual progress report to be submitted on or before the anniversary of the date of this decision. The annual progress report shall describe the status of local development permitting and project construction for each subpart as identified in condition G1, including the expected date of commencement of site preparation work. Annual reports shall be submitted by the Applicant until the Final Certificate of Compliance for each and every subpart listed by condition G1 has been issued.

G11. All work shall be constructed in a manner consistent with the following plans and other information:

- Plan entitled "*Proposed Design/Construction Packages, Construction of Barnstable Municipal Airport Terminal Building and Attucks Lane Extension, Hyannis, Massachusetts, dated July 10, 2006, by Edwards & Kelcey,*" received by the Commission as a PDF on January 19, 2007.

- Landscape plan entitled “*Landscape Plan, Barnstable Airport, Hyannis, Massachusetts,*” done by Brown, Richardson and Rowe, Inc. dated March 2006, hand colored, which shows the entire project layout on one large single roll of paper.
- Landscape plan entitled “*80% Planting Plan,*” Figure 6-23, done by Brown, Richardson and Rowe, Landscape Architects & Planners, Plan Sheets L-1 to L-10, dated March 2006, as received by the Cape Cod Commission on August 4, 2006.
- Exterior lighting information as described in Section 6.6 of the DRI application, Tables 6-2 and 6-3 of the DRI application, and as supplemented by September 5, 2006, September 6, 2006, September 7, 2006, and September 28, 2006 information received by the Commission from Horsley/Witten Inc.
- Terminal building design elements as described in Sections 6.3 and 6.4 of the DRI application, and as shown and described by Figures 6-10, 6-12, 6-13A and 6-13B of the DRI application.
- Stormwater management system 30% design concepts as described in Section 2.0 of the DRI application.

G12. Any deviation during construction from the approved plans, including but not limited to changes to the building design, building location, lighting, landscaping or other site work, shall require approval by the Cape Cod Commission through its modification process, pursuant to the Commission’s *Enabling Regulations*. The Applicant shall submit to the Commission any additional information deemed necessary to evaluate any modifications to the approved plans.

G13. Any additional “development” as the term is defined by the Cape Cod Commission Act, beyond what is itemized in condition G1, and which is within the area shown on the plan entitled “*Proposed Design/Construction Packages, Construction of Barnstable Municipal Airport Terminal Building and Attucks Lane Extension, Hyannis, Massachusetts, dated July 10, 2006, by Edwards & Kelcey,*” received by the Commission as a PDF on January 19, 2007 shall be a modification of this decision subject to the Commission’s *Enabling Regulations* governing Developments of Regional Impact, unless said “development” is the subject of a Development Agreement (DA) endorsed by both the Applicant and the Cape Cod Commission as a DA is so defined by the Cape Cod Commission Act.

Said Development Agreement referred to above shall be completed within three (3) years of the issuance of this DRI decision, or within 12 months of the Federal Aviation Administration’s approval of the Barnstable Municipal Airport’s Master Plan, whichever is sooner.

G14. Any additional “development” as the term is defined by the Cape Cod Commission Act on the Airport site as shown on “*Exhibit A, Barnstable Municipal Airport, Barnstable, Massachusetts, Edwards & Kelcey, drawn by SA, dated 10/90*”

which is outside the areas shown on the plan identified in condition G13, shall be subject to Cape Cod Commission review if it (1) increases the amount of impervious cover on the Airport site, (2) increases the amount of sanitary wastewater discharge on the Airport site through an on-site septic system, (3) impacts the 100-foot buffer to a wetland, and/or (4) impacts the 350-foot buffer to a vernal pool. Said additional "development" shall not occur on the Airport site until and unless Commission staff has reviewed and approved said additional "development" as consistent with wetlands Minimum Performance Standards 2.3.1.1, 2.3.1.2, 2.3.1.4 and 2.4.1.5 and Water Resources Minimum Performance Standards of the 2002 (revised) Regional Policy Plan. If the additional "development" identified in this condition falls within any of the Development of Regional Impact thresholds provided by Section 3 of the Cape Cod Commission's *Enabling Regulations*, then it shall be subject to Cape Cod Commission review in accordance with the Commission Act and the *Enabling Regulations*. This condition shall not apply to "development" that is the subject of an existing Lease Agreement at the Barnstable Municipal Airport, which has been signed by both the Barnstable Municipal Airport Commission, the tenant and is in effect prior to the date of this Development of Regional Impact decision for the term of that original Lease Agreement.

G15. Fixture heads and poles for exterior lighting fixtures and plant materials as specified by this decision may be substituted with prior written approval of Commission staff, or may be deemed Minor Modifications Type #1 according to Section 12 of the Commission's *Enabling Regulations*.

G16. The Applicant shall be responsible for providing proof of recording of the DRI decision prior to issuance of the first Preliminary Certificate of Compliance issued by the Commission. If the Airport is on an assemblage of parcels, the Applicant shall record this decision as to each parcel or plan at the Barnstable Registry of Deeds and/or Land Court.

G17. The Applicant shall provide written proof to the Commission that a copy of this decision has been provided to the general contractor(s) at the Airport as well as to the general manager(s) 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.

G18. The Applicant shall notify Commission staff in writing at least thirty (30) calendar days prior to its intent to seek each Preliminary and each Final Certificate of Compliance for each project subpart listed in condition G1. Such notification shall include a list of key contact(s), along with their telephone numbers, for questions that may arise during the Commission's compliance review. Commission staff shall complete an inspection under this condition, if needed, within fourteen (14) business days of receipt of such notification and inform the Applicant in writing of any deficiencies and corrections needed. The Commission has no obligation to issue any Certificate of Compliance unless and until all conditions are complied with or secured consistent with this decision. The Applicant agrees to allow Commission

staff to enter onto the property, which is the subject of this decision for the purpose of determining whether the conditions contained in this decision, including those linked to each Certificate, have been met.

G19. If all required site work and/or landscape improvements are not complete at the time the Final Certificate of Compliance is sought from the Commission for Project subparts #4, #5, #6, #7, #8, #9 and #10, any landscape improvements or site work for these listed subparts which is incomplete may be subject to an escrow agreement of form and content satisfactory to Commission counsel provided the Cape Cod Commission's Regulatory Committee approves the use of an escrow agreement in lieu of completion of said work as a modification to this decision per the Commission's *Enabling Regulations*. If use of an escrow agreement is approved by the Regulatory Committee, the amount of the escrow agreement shall equal 150% of the cost of that portion of the incomplete work, including labor and materials, with the final determination of the cost of the required work to be approved by Commission staff. The escrow agreement may allow for partial release of escrow funds upon partial completion of work. The check shall be payable to the Barnstable County Treasurer. Prior to the release of the escrow funds, the work must be reviewed and approved by Commission staff as completed as required by either this decision, or the terms of the escrow agreement. Any escrow agreement shall provide that all site work and/or landscape improvements shall be completed within six months of issuance of the Final Certificate of Compliance from the Commission that relates to the site work and/or landscape improvements for that project subpart, with the work approved by Commission staff prior to release of the escrow funds.

Community Character

Landscaping

CC1. Prior to issuance of a Preliminary Certificate of Compliance from the Commission for the terminal building, the Applicant shall submit for Commission staff approval a draft landscape maintenance contract or maintenance plan for three full growing seasons based on guidelines for such maintenance contracts or plans as provided by Commission staff. A growing season is defined as the period between March 15th and October 31st. Prior to issuance of a Final Certificate of Compliance for any project subpart that involves landscaping (subparts #1 to #6), the Applicant shall provide to Commission staff for its review and approval either:

- a) provide a fully executed landscape maintenance contract, which is consistent with the draft landscape maintenance contract approved by staff as part of the Preliminary Certificate, or
- b) provide an equivalent maintenance plan, which includes the qualifications of the Airport staff assigned to maintain the installed landscaping.

The executed landscape maintenance contract or maintenance plan shall be for three full growing seasons starting from the date that the landscaping is installed.

CC2. Prior to issuance of the Preliminary Certificate of Compliance issued by the Cape Cod Commission for the terminal building (subpart #4), and prior to the Building Permit for the terminal building issued by the Town of Barnstable, the Applicant shall submit plans for any proposed signs for staff approval to ensure their consistency with MPS 6.2.11. Such plans shall include proposed materials, method of illumination and dimensions. Until and unless the Applicant submits said sign plans to staff, and receives written approval, no Preliminary Certificate of Compliance for the new terminal will be issued.

Exterior Lighting

EXL1. All exterior light fixtures for the proposed Barnstable Municipal Airport Improvements Projects subparts #1 to #6 shall conform to MPS 6.2.10 and Technical Bulletin 95-001 except for the parking lot and roadway pole-mounted lights. These may use 25-foot poles as allowed by finding EXL2.

EXL2. Prior to issuance of the Final Certificate of Compliance by the Cape Cod Commission for the terminal building (subpart #4), or any Certificate of Compliance that affects or includes parking lot, roadway or other project-related exterior lighting (subparts #1 to #6, excluding subpart #4), Commission staff will conduct a field site visit to ensure the work described in condition EXL1 has been completed, and that the exterior lighting is consistent with the materials submitted for the record, and Technical Bulletin 95-001. Until and unless Commission staff issues a written approval of the design as consistent with this decision and condition, no Final Certificate of Compliance will be issued.

Economic Development

ED1. Prior to issuance of the Preliminary Certificate of Compliance for the new terminal building (subpart #4), and prior to issuance of a Building Permit by the Town of Barnstable for the new terminal building, the Applicant shall provide the Commission with copies of the final and completed Tenant Relocation Eligibility Letter (as per FAA AC150/5100-17 Figure 4-4) for each business relocated.

ED2. Prior to issuance of the Final Certificate of Compliance for the new terminal building (subpart #4), and prior to issuance by the Town of Barnstable of a Certificate of Use/Occupancy for the new terminal, the Applicant shall provide the Commission with copies of the final and completed Federal Aid Compliance Review form for each relocated business, with an attachment certifying the new addresses to which each business was relocated. For any businesses relocated outside Barnstable County, the Applicant shall also provide the Commission with information on the estimated then-current full-time equivalent employment, and a range (*i.e.* \$100,000 to \$150,000) for the current estimated total payroll of each company.

Water Resources

WR1. Prior to issuance of the Preliminary Certificate of Compliance by the Cape Cod Commission for either the new access road (subpart #1), or for the new terminal building (subpart #4), whichever Certificate is sought first, and as required by MPS

2.1.1.2.A.5, the Applicant shall provide to the Commission staff for its review and approval the landscape maintenance contract or maintenance plan cited in findings WR2, CC6, and also required by condition CC1. This maintenance agreement shall detail water conservation measures and provisions for minimizing pesticide and chemical fertilizer use in perpetuity. Until and unless the Applicant submits the maintenance agreement to, and receives written approval from Commission staff, no Preliminary Certificate of Compliance shall be issued.

WR2. Prior to the First Preliminary Certificate of Compliance for either the new access road (subpart #1), or for the new terminal building (subpart #4), whichever is sought first, and to ensure compliance with MPS 2.1.1.2.A.1 and MPS 2.1.1.2.A.2 as described in findings WR1 and finding WR2 respectively, the Applicant shall provide the Commission with written documentation from the Town of Barnstable confirming sufficient wastewater capacity at the municipal wastewater treatment facility for sanitary wastewater flows described in finding WR3.

Prior to the First Preliminary Certificate of Compliance for either the new access road (subpart #1), or for the new terminal building (subpart #4), whichever is sought first, and prior to any application to discharge de-icing solution at the Barnstable municipal wastewater treatment facility, (to ensure compliance with MPS 2.1.1.2.A.2 as described in findings WR1 and finding WR2 respectively), the Applicant shall submit to the Town of Barnstable and the Cape Cod Commission an engineering analysis detailing the volume and type of de-icing solution sought to be used, and its potential impacts on the wastewater treatment facility. The Applicant shall also submit to the Commission a copy of the Town of Barnstable's determination with respect to whether the Town will accept or will not accept the de-icing solution at the municipal wastewater treatment plant.

In the event that airplane de-icing waste is accepted by the Town of Barnstable to be discharged to the municipal wastewater treatment plant, then, prior to the issuance by the Cape Cod Commission of the First Preliminary Certificate of Compliance for either the new access road (subpart #1), or for the new terminal building (subpart #4), whichever is sought first, the Applicant shall submit to and receive approval from Commission staff detailed plans for capture and sewerage of the de-icing waste, and the approved plans shall be incorporated into the Stormwater Pollution Prevention Plans as required by condition WR3.

In the event that airplane de-icing waste is not accepted by the Town of Barnstable to be discharged to the municipal wastewater treatment plant, then, prior to the issuance by the Cape Cod Commission of the First Preliminary Certificate of Compliance for either the new access road (subpart #1), or for the new terminal building (subpart #4), whichever is sought first, the Applicant shall submit to and receive approval from Commission staff for either 1) detailed plans for capture and containment of de-icing waste and an executed contract for disposal of de-icing waste or 2) a proposal for the onsite capture and treatment of de-icing waste. The selected option #1 or #2 shall

also be incorporated into the Stormwater Pollution Prevention Plan as required by condition WR3.

If, in the opinion of Commission staff, the submitted plans are not adequate to address the discharge of de-icing solution, the Commission staff shall notify the Applicant. The Applicant shall then submit to the Commission staff the detailed plans for capture and containment of de-icing waste and an executed contract for its disposal as required above, and this shall also be incorporated into the Stormwater Pollution Prevention Plan.

WR3. Prior to issuance of the Preliminary Certificate of Compliance by the Cape Cod Commission for the new access road (subpart #1), engineering-level construction plans shall be submitted to the Commission for review and written approval by staff to ensure compliance with MPS 2.1.3 as described in finding WR6. Prior to issuance of the Preliminary Certificate of Compliance for the new access road (subpart #1), the Applicant shall also submit to the Cape Cod Commission evidence that the following plans and other documents have been provided to the Yarmouth Town Administrator's office. The plans shall detail all utilities and their locations on a map, including:

- Drainage infrastructure, integrated landscaping and elevations;
- Proprietary stormwater devices, including oil-water separators, Vortech® and up-flow inserts, or a similar design as agreed upon by the Applicant and the Commission staff for catch basins at the East Ramp; and
- An updated Stormwater Pollution Prevention Plan (SWPPP) incorporating management provisions for stormwater infrastructure added to the design since the SWPPP dated February 2006 (Appendix 5-3 of the DRI application).

WR4. Prior to any "development" as that term is defined by the Cape Cod Commission Act, and pursuant to MPS 2.1.1.2.B.2 as described in finding WR5, the Airport shall submit bathymetry findings of the Airport Ponds Water Quality Monitoring Program as required by this Monitoring Program, a copy of which is attached to this decision, and is incorporated into it by reference.

WR5. Prior to any "development" as the term is defined by the Cape Cod Commission, and pursuant to MPS 2.1.1.2.B.2 as described in finding WR5, the Airport shall submit to the Cape Cod Commission and Town of Yarmouth Town Administrator's Office 2007 water quality findings pursuant to the Airport Ponds Water Quality Monitoring Program as required by this Monitoring Program, a copy of which is attached to this decision, and is incorporated into it by reference.

WR6. Prior to issuance of the Preliminary Certificate of Compliance from the Cape Cod Commission for the new terminal building (subpart #4), and prior to issuance of the Building Permit for the terminal building by the Town of Barnstable, the Applicant shall submit to the Commission for review and written approval by staff engineering-level construction plans for sewer and water supply. Prior to issuance of the Preliminary Certificate of Compliance from the Cape Cod Commission for the new

terminal building (subpart #4), and prior to issuance of the Building Permit for the terminal building by the Town of Barnstable, the Applicant shall also submit to the Commission documentation of an approved sewer connection permit issued by the Town of Barnstable documenting approved flows for the sanitary waste, and de-icing waste if applicable as required by condition WR2.

WR7. Prior to issuance of the Final Certificate of Compliance by the Cape Cod Commission for new terminal building (subpart #4), and prior to issuance of the Certificate of Use/Occupancy by the Town of Barnstable for the terminal building, engineering-level as-built plans shall be submitted to the Commission for staff review and written approval to ensure compliance with MPS 2.1.3 as described in finding WR6. The plans shall detail all utilities and their locations consistent with plans approved under condition WR3, including:

- Sewer and water supply;
- Drainage infrastructure, integrated landscaping and elevations; and
- Proprietary stormwater devices, including oil-water separators, Vortech® and up-flow inserts or a similar design as agreed upon by the Applicant and the Commission staff for catch basins at the East Ramp.

WR8. Prior to issuance of the Final Certificate of Compliance by the Cape Cod Commission for new terminal building (subpart #4), and prior to issuance of a Certificate of Use/Occupancy by the Town of Barnstable for the new terminal building, the Applicant shall submit to the Cape Cod Commission evidence that a copy of engineering-level as-built plans as described in condition WR7 have been submitted to the Town of Yarmouth Town Administrator's office.

WR9. Prior to issuance of the last Final Certificate of Compliance for the last Project subpart, whatever subpart that is, and pursuant to MPS 2.1.1.2.B.2 as described in finding WR5, the Applicant shall submit to the Cape Cod Commission and Town of Yarmouth Town Administrator's office 2012 water quality findings pursuant to the Airport Ponds Water Quality Monitoring Program which is appended to this decision.

WR10. The Applicant shall provide to the Town of Yarmouth Town Administrator's office copies of ground water quality sampling laboratory results conducted as part of Comprehensive Response Actions relative to the Massachusetts Contingency Plan, Title 310 of the Code of Massachusetts Regulations, Section 40.0000 (310 CMR 40.0000), and with copies of evaluations of the Blackburn's Auto Salvage yard for possible contamination.

Hazardous Materials/Wastes

HMW1. The total amount of all *hazardous materials* and *hazardous wastes* used, treated, generated, handled or stored on the entire 623-acre Barnstable Municipal Airport site as shown on *Exhibit A, Barnstable Municipal Airport, Barnstable, Massachusetts, Edwards & Kelcey, drawn by SA, dated 10/90* shall be limited to a maximum of 154,253 gallons. For the purposes of interpretation of this limit, fuel contained in mobile fueling trucks that are used to transfer fuel from the fuel storage

facilities into aircraft shall not be included in the maximum number of gallons noted above. There shall be no disposal of *hazardous materials* or *hazardous wastes* on the Airport site as shown on *Exhibit A*, referenced above.

HMW2. Every six (6) months from the date of commencement of construction of the new terminal building (subpart #4), and for a period of two consecutive calendar years from the date of commencement of construction of the new terminal building (subpart #4), the Applicant shall conduct an inventory of all tenants and facilities on the site to quantify the volumes of *hazardous materials* and *hazardous waste* relative to the limit imposed by condition HMW1. The Applicant shall provide in writing to the Commission a report containing the results of the inventory (Inventory Report) not less than 30 calendar days after completion of the inventory. The Inventory Report shall provide information in a format similar to that of Tables 5-1 and 5-2 of the DRI application for this Project.

HMW3. To address consistency with MPS 4.3.1.1, the Applicant shall provide at least annual workshops and training sessions to Airport staff and tenants on ways to minimize *hazardous material* use and/or *hazardous waste* generation through source reduction techniques, reuse, material substitution, employee education, and recycling. Prior to issuance of the Final Certificate of Compliance by the Cape Cod Commission for the terminal building, and prior to issuance of the Certificate of Use/Occupancy by the Town of Barnstable for the terminal building, the Applicant shall provide in writing to the Commission a report on the results of these workshops or training sessions. This report shall include but not necessarily be limited to a description of the workshops/training sessions, the topics covered, the parties invited, and list of those who actually attended.

HMW4. The Applicant shall, on an annual basis, provide to the Cape Cod Commission and to the Town of Yarmouth Town Administrator's office a copy of the Airport's current Spill Prevention, Control and Countermeasures Plan, Safety and Hazardous Communications Plan, and Emergency Response Action Plan.

Solid Waste/Recycling

SW1. Prior to the issuance of a Preliminary Certificate of Compliance by the Cape Cod Commission for the new terminal building (subpart #4), and prior to issuance of the Building Permit by the Town of Barnstable for the new terminal building, the Applicant shall submit to staff for review and approval a copy of design plans and a supporting narrative that describe the following in conformance to MPS 4.2.1.3:

- suitable locations for the collection, storage, and removal of recyclable materials and related equipment. The post-construction management plan of the Airport terminal shall demonstrate how an Applicant proposes to handle the following:
 - recyclables and solid wastes, including the manner by which they will be collected on site,
 - the types of recyclable materials that will be generated,

- the anticipated quantities of materials to be generated,
- the composting of food wastes generated by food-service businesses,
- location and type of containers where the materials will be stored on site,
- how collection and holding facilities will be screened from abutting properties, and
- the destination of these materials.

Transportation

T1. Before a Preliminary Certificate of Compliance is issued by the Cape Cod Commission for the proposed terminal building (subpart #4), and prior to issuance of the Building Permit for the terminal building by the Town of Barnstable, the Applicant shall provide to the Commission staff for review and approval (including 25%, 75% and 100% Plans, Specifications & Estimates submissions) all plans and local, state and federal permits for the Project including but not limited to a Town of Barnstable Request for Determination of Applicability, a Town of Barnstable Order of Conditions, a Town of Barnstable Road Opening Permit, a Town of Barnstable Traffic Signal Permit, a MassHighway Access Permit, a MassHighway Traffic Signal Permit, and a Massachusetts Department of Environmental Protection Superceding Order of Conditions so as to implement the mitigation in accordance with Transportation finding T1, including:

- Development of a new access road connecting the new terminal with Attucks Way, which has variable shoulder widths between 4 feet and 8 feet to accommodate bicyclists, as well as a “Multi Path” on one side of the roadway that would accommodate pedestrians,
- Development of a new connector road to Route 132, opposite Nightingale Lane,
- Signalization of the intersection of the new connector road/Route 132/Nightingale Lane,
- Addition of a right turn only driveway from Route 28 into the site, and
- Creation of pedestrian crosswalks.

T2. Prior to issuance of a Preliminary Certificate of Compliance by the Commission for the proposed terminal building (subpart #4), and prior to issuance of a Building Permit for the proposed terminal building by the Town of Barnstable, the Applicant shall demonstrate to the Cape Cod Commission that funding for the Project is obligated for expenditure by the Airport Commission as evidenced through an appropriation by the Barnstable Town Council. The Applicant shall provide a copy of the certified Town Council minutes to both the Cape Cod Commission and Barnstable’s Growth Management Department showing that said appropriation has been made prior to issuance of a Preliminary Certificate of Compliance by the Cape Cod Commission for the terminal (subpart #4), and prior to issuance by the Town of Barnstable of a Building Permit for the terminal building (subpart #4).

T3. Prior to issuance of a Final Certificate of Compliance by the Commission for the proposed terminal building (subpart #4), and prior to issuance of a Certificate of Use/Occupancy by the Town of Barnstable for the terminal building, the Applicant shall develop a Transportation Mitigation Initiative (TMI) for the Airport. This TMI shall include representatives of businesses located at or adjacent to the Airport, the local transportation providers (CCRTA, P&B, Bonanza/Peter Pan, SSA, HyLine), the towns of Barnstable and Yarmouth and the Airport Commission. The TMI shall be developed in consultation with the Cape Cod Commission staff and MassRIDES. A description of the participants and purpose shall be submitted to the Cape Cod Commission staff for its review and approval. The TMI shall include an evaluation of creation of a fixed transit route to and from the Airport and the CCRTA facility in Hyannis.

T4. Prior to issuance of a Preliminary Certificate of Compliance by the Commission for the proposed terminal building (subpart #4), and prior to issuance of a Building Permit by the Town of Barnstable for the terminal building, the Applicant shall submit for Cape Cod Commission staff review and approval a phased development plan for the parking as outlined in Transportation finding T2.

T5. Prior to issuance of a Preliminary Certificate of Compliance by the Commission for the proposed terminal building (subpart #4), and prior to issuance of a Building Permit by the Town of Barnstable for the terminal building, the Applicant shall provide documentation that the parcels identified by Transportation finding T3 have been acquired by the Barnstable Airport Commission. No "development" as the term is defined by the Cape Cod Commission Act, other than the Project as described in conditions G1 and T1, is allowed on any parcels taken as listed in Transportation finding T4 in perpetuity. The intent of this condition is to preserve the transportation credits attributable to the taken parcels as described in Transportation findings T3, T4 and T5 of this decision.

T6. Prior to issuance of a Final Certificate of Compliance by the Commission for the proposed terminal building (subpart #4), and prior to issuance of a Certificate of Use/Occupancy by the Town of Barnstable for the terminal building, the Applicant shall install signal preemption loops on Route 132, as part of the new connector road/Route 132/Nighingale Lane traffic signal that detect traffic queues before they reach the rotary, and provide traffic monitoring devices with remote access that are connected to the Cape Cod Commission office.

T7. Prior to issuance of a Final Certificate of Compliance by the Commission for the proposed terminal building (subpart #4), and prior to issuance of a Certificate of Use/Occupancy by the Town of Barnstable for the terminal building, the Applicant shall complete the construction of the roadway access improvements as outlined in Transportation finding T1 and conditions G1 and T1.

(See Next Page for Signature)

SUMMARY

The Cape Cod Commission hereby approves with conditions the application of the Barnstable Municipal Airport Commission for the sub-set of projects listed in condition G1 with the Developments of Regional Impact as outlined in this decision pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended for the proposed Barnstable Airport Improvements Projects located in Barnstable, MA.

W. Bradford Crowell, Commission Chair

Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

_____, 2007

Before me, the undersigned Notary Public, personally appeared

_____, 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.

Notary Public

**Appendix to DRI Decision
Barnstable Municipal Airport
ENF – 2009 and DEIR/DRI - 06011
Scope of Work**

Airport Ponds Water Quality Monitoring Program

Introduction

The Barnstable Airport Improvements Project is expected to reduce stormwater outfall to Upper Gate Pond. This pond-monitoring program will provide information useful to a future assessment of the eutrophic statuses of Lewis and Upper Gate Ponds and reflects the conceptual scope of work proposed by Barnstable Municipal Airport in an August 10, 2006 memo received by the Cape Cod Commission (Commission) from Horsley Witten, Inc. That scope is further detailed in a September 28, 2006 letter from Horsley Witten, Inc. to Commission staff, which describes bathymetry mapping, the collection and analyses of pre-construction pond water samples to establish baseline water quality, and follow-up sampling each year thereafter for a period of five years.

This monitoring program modifies the proposed timing of field measurements. The program will provide information useful to an assessment of the ponds' pre-construction eutrophic status and the ponds' eutrophic status five years later, post-construction. The program also adds provisions for the collection and analysis of sediment samples from the ponds' deepest portions to characterize sediments most likely to regenerate nutrients to the water column. Sediment analyses results detailed in the Development of Regional Impact (DRI) application materials are limited to shallow samples collected at stormwater outfalls.

Background

The Airport Ponds consist of Lewis and Upper Gate Ponds. These ponds are located along the northern margin of Barnstable Municipal Airport. The ponds are important because they are located adjacent to an existing drinking-water supply serving Hyannis and the ponds are mapped as Rare Wetlands Wildlife and Priority Sites for Rare Species and Natural Communities.

The ponds have historically received outfall of stormwater runoff from the airport. The ponds likely filter nutrients and other contaminants that become entrained in stormwater runoff. The airport has designed the terminal redevelopment and supporting transportation infrastructure in a way that treats and infiltrates stormwater runoff close to the source and reducing reliance on the ponds for managing stormwater runoff.

A limited amount of nutrient-related water quality and sediment information exists for Lewis and Upper Gate Ponds. These data have been tabulated in materials submitted with the DRI application. Sediment data are limited to locations near stormwater outfall. This plan sets out to collect and analyze a limited number of sediment samples from the deepest parts of each pond, requiring that pond bathymetries be mapped in advance to identify optimal sampling locations and future evaluations of pond volumes and residence times.

Scope

Bathymetry

Sufficient depth soundings will be made prior to the first round of water-quality sampling to adequately characterize pond morphology and determine the locations of the ponds' deepest points and sediment sample locations. Bathymetry data will be controlled by shoreline coordinates established during the measurement of depth soundings. The resulting data will be used to development bathymetry contour maps for Lewis and Upper Gate Ponds.

Schedule

Sediment and pond-water sampling and measurement series will take place at Lewis and Upper Gate Ponds during two chronological end points (pre- and post-construction) in accordance with the following schedule:

Baseline pre-construction (First Series):

Date	Analyses/Measurements ¹
May 2007	A,B,C
July 2007	B,C
Sept. 2007	B,C

Post-construction (Second Series):

Date	Analyses/Measurements ¹
May 2012	A,B,C
July 2012	B,C
Sept. 2012	B,C

¹Analyses/Measurements

A. Deepest bottom sediment samples:

TP	TN	% solids
Leachable phosphorus	TKN	

B. Minimum of three water-quality measurements at min. 1/2-meter depth intervals:

Temp.	pH	Secchi depths
DO	Spec.Cond.	

C. Pond surface, intermediate-depth² and deepest near-bottom water samples:

Ortho-phosphorus ³	TN ³	chlorophyll a ⁴
TP ³	TKN ³	alkalinity

² The intermediate-depth samples may be eliminated if total pond depth is deemed by Commission Staff to be shallow enough based on bathymetry mapping.

³ Min. detection limit for phosphorus and nitrogen in water: 0.05 μ M

⁴ Min. detection limit for Chlorophyll a: 0.1 μ g/L

Reporting

Contoured bathymetry maps for Lewis and Upper Gate Ponds will be submitted to the Commission for Staff approval prior to the collection of First Series samples. Laboratory water and sediment analytical results and measurements will be submitted to the Commission with field logs noting mapped sampling locations and depths within 30 days following each sampling event.