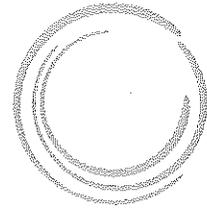


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CAPE COD
COMMISSION

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

Date: June 24, 2010

To: Daniel W. Santos, Chairman
Barnstable Municipal Airport Commission

From: Cape Cod Commission

Re: Major Modification of a Development of Regional Impact
*(Barnstable Municipal Airport Improvements Project – ENF 20009 &
DRI/EIR 06011, as modified July 6, 2009, March 16, 2010, April 12, 2010,
and May 24, 2010)*

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

Project: Barnstable Municipal Airport Major Modification

Project #: MOD 10001

Book/Page: See attached Exhibit A for recording information
Lot/Plan:

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of the Barnstable Municipal Airport Commission (Applicant) as represented by Daniel W. Santos, for a Major Modification (Modification) to the Development of Regional Impact (DRI) decision for the Barnstable Municipal Airport (BMA) Improvements project dated January 25, 2007 as amended on July 6, 2009, March 16, 2010, April 12, 2010, and May 24, 2010.

The original decision allowed for the construction of a new passenger terminal with a 42,000 s.f. footprint, construction of two new entrances to the airport (one on Route 28 eastbound and one on Route 132 across from Nightingale Lane), construction of a new signalized entrance from the Airport to Route 132, closure of the two existing Airport entrances from the Airport Rotary, construction of a new access road connecting the

terminal to Attucks Way and construction of parking lots, a fuel storage facility and ramp, and relocation of two Taxiways.

A July 6, 2009 modification decision reduced the size of the terminal to 28,000 s.f., approved a change in exterior building materials, and gave the Applicant the option to remove the raised roof elements over the two ends of the terminal building.

A March 16, 2010 modification decision extended the amount of time the Applicant has to enter into a Development Agreement with the Commission.

An April 12, 2010 modification decision allowed for the demolition of the existing Air Traffic Control Tower and the construction of a new tower with a building footprint of 608 square feet.

Two modification decisions were approved on May 24, 2010. One modification decision approved the construction of a two-sided cover on the rear side of the Air Traffic Control Tower to house a generator and two HVAC units. The other modification decision modified the language of condition G7 of the original DRI decision.

The original DRI decision contained a description of parcels to be acquired by the airport for construction of the proposed new access road. This Major Modification proposal reduces the number of parcels to be acquired and the number of businesses that would otherwise have to be relocated. The land and Airport is currently owned by the Town of Barnstable and is operated through the Barnstable Municipal Airport Commission.

For the subject modification request, the Applicant proposes to eliminate the previously approved signalized entrance to Route 132 near the Airport Rotary (across from Nightingale Lane), construct a raised median on Route 132 from the Rotary to past Hinckley Road, maintain a 'exit-only' branch from the Airport to the Airport Rotary, and to realign the Access Road. Rather than constructing a new road link from Airport property to the intersection of Attucks Lane and Independence Drive, the Applicant is proposing to connect the Access Road to Airport Road. The proposed plan is entitled "*Barnstable Municipal Airport Improvement Project, Hyannis, Massachusetts*" dated March 2, 2010, prepared by AECOM and submitted by Horsley Witten Group and is attached to this decision as Exhibit B and is incorporated by reference.

PROCEDURAL HISTORY

On January 25, 2007, the Commission approved the Barnstable Municipal Airport Improvements Project DRI, which allowed for a series of construction projects on their 623-acre campus.

On March 8, 2010, Mark Nelson of the Horsley Witten Group submitted a DRI modification request to the Commission on behalf of the Barnstable Municipal Airport Commission. The modification request consisted of three parts: 1) the removal of the previously approved signalized entrance from Route 132, 2) the addition of an 'exit-only' leg from the Airport to the Airport Rotary, and 3) a realignment of the Airport Access Road.

On March 15, 2010, the Regulatory Committee determined that the proposed changes to the access/egress scheme constituted a Major Modification pursuant to Section 13(c)(iii) of the Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact (Enabling Regulations). The Regulatory Committee limited the scope of review to the Regional Policy Plan (RPP) issue area of transportation only.

The Major Modification application was deemed complete on March 30, 2010 and a duly noticed public hearing was held to consider this request on May 5, 2010 at the Cape Cod Commission. The Public Hearing was continued to May 20, 2010 to give the Applicant, Commission, and interested members of the public more time to discuss the proposed plans. At the May 20, 2010 public hearing, the public hearing was continued to the full Commission meeting on June 10, 2010.

The Subcommittee held a public meeting on May 20, 2010 after the Public Hearing to deliberate on the project, reviewing it for transportation issues only under the 2009 RPP and voted unanimously to recommend approval with conditions to the full Commission and to direct staff to draft a decision.

On June 10, 2010 the public hearing was continued by a hearing officer to the full Cape Cod Commission meeting on June 24, 2010 at 3:00 pm at the First District Courthouse in Barnstable, MA.

The Subcommittee held another public meeting on June 14, 2010 to review and amend the draft decision, and voted unanimously to forward the draft decision, as amended, to the full Cape Cod Commission for consideration at the June 24, 2010 Commission meeting.

The final public hearing was held before the full Commission on June 24, 2010. At the close of this hearing, the Commission voted eleven to two to approve the project as a Major Modification, subject to conditions.

MATERIALS SUBMITTED FOR THE RECORD

In addition to the list of materials submitted for the record (see Table 1 below), the application and notices of public hearing relative thereto, Commission staff's notes and correspondence, the minutes of public meetings and hearings, and all other written submissions received in the course of the proceedings are hereby incorporated into the record by reference.

TABLE 1: Materials Submitted for the Record	
<i>Materials from Cape Cod Commission</i>	<i>Date Sent</i>
E-mail, Page Czepiga (PC), to Robert Lawton and Karen Greene, Town of Yarmouth, about pending modification requests	3/3/10
E-mail, PC, to Elizabeth Hartsgrove, Town of Yarmouth, about pending modifications	3/3/10

E-mail, to Robert Lawton, Karen Green, access/egress modifications	3/3/10
Staff Report with the following Attachments: <ul style="list-style-type: none"> • Letter from Mark Nelson (Horsley Witten Group) to the Regulatory Committee dated March 8, 2010 • Attached site plan showing the project, as approved in 2007 • Attached site plan showing proposed project changes • Collision Diagram of the Airport Rotary prepared January 23, 2007 by Vanasse Hangen Brustlin • Crash Diagram of Route 132 from January 1, 2007 to October 24, 2009, Source: Barnstable Police Department, Compiled by: Cape Cod Commission • Road Safety Audit for Route 28 in Barnstable, Massachusetts, Prepared by Cape Cod Commission and University of Massachusetts Traffic Safety Research Program • Letter dated March 2, 2010 from Eliza Cox to the Barnstable Municipal Airport Commission • Letter dated March 15, 2010 from Eliza Cox to the Regulatory Committee 	3/8/10
E-mail, PC to Mark Nelson, Horsley Witten Group (MN HWG), abutters list	3/29/10
E-mail, PC to MN HWG, application	3/29/10
Letter, PC to Daniel Santos, Chair, Airport Commission, application	4/7/10
Letter, PC to Daniel Santos, application	4/13/10
E-mail, PC to Jim Kinsella, information on project, figures	4/16/10
E-mail, Glenn Cannon (GC) to Bud Breault, Airport, crash diagrams	4/23/10
Staff Report with attached 3/8/10 letter from HWG	4/30/10
E-mail, PC to MN HWG, copy of Staff Report	4/30/10
E-mail, PC to Subcommittee members, staff report	4/30/10
E-mail, PC to JoAnne Miller Buntich (JMB), Barnstable and Robert Lawton, Karen Greene, and Elizabeth Hartsgrove, Yarmouth; copy of staff report	4/30/10
E-mail, PC to Attorney Cox, Nutter (Cox), attached offset trip calculation table submitted by Applicant	5/5/10
Hearing Notice	5/5/10
Sign In Sheet from Hearing	5/5/10
E-mail, Gail Hanley to Town Clerks	5/10/10
E-mail, GC to Joseph Longo, HWG (JL HWG), median	5/12/10
E-mail, Kristy Senatori (KS), to Attorney Cox, information from Airport	5/18/10
E-mail, KS to JL HWG, Nitsch Engineering information	5/18/10

E-mail, KS to JL HWG and MN HWG, letter from Nutter	5/18/10
E-mail, KS to Cox, additional submittals	5/19/10
E-mail, KS to Cox, E-mail from abutter	5/19/10
Hearing Notice for continued hearing	5/20/10
Meeting Notice	5/20/10
E-mail, KS to JL HWG, 29 Old Mary Dunn Rd & 24 Mary Dunn Way	5/20/10
E-mail, KS to JL HWG, information on 3 parcels	5/20/10
E-mail, KS to Cox, additional information	5/20/10
E-mail, KS to Cox, additional information	5/20/10
E-mail, Gail Hanley to Town Clerk	5/21/10
E-mail, KS to Airport, HWG, Town of Barnstable, continued hearing to June 10, 2010 Commission meeting & June 3, 2010 Subcommittee meeting	5/21/10
E-mail, GC to Fayssal Hussein, McGregor property	5/24/10
E-mail, GC to JMB, raised median	5/24/10
E-mail, PC to Cox, draft decision	5/25/10
E-mail, PC to MN HWG, JL HWG with attached memo from Fire Chief dated 5/27/10	5/27/10
E-mail, GC to MN HWG, attached median plans marked up to reflect requirements of Barnstable DWP & CCC staff	5/26/10
E-mail, PC to JL HWG, additional condition	5/28/10
E-mail, PC to JMB and Dean Melanson (Town of Barnstable), Elizabeth Hartsgrove and Robert Lawton (Town of Yarmouth), public hearing information and attached draft decision	5/28/10
E-mail, PC to E. Cox and Maurie Molod, attached draft decision	5/28/10
E-mail, PC to E. Cox and Maurie Molod, cancelled meeting, continuance of public hearing by hearing officer	6/2/10
E-mail, PC to JMB (Barnstable), Robert Lawton, Karen Greene, and Elizabeth Hartsgrove, Yarmouth; cancelled meeting, continuance of public hearing by hearing officer	6/2/10
E-mail, Gail Hanley to Linda Hutchenrider (Barnstable Town Clerk) and Jane Hibbert (Yarmouth Town Clerk), attached subcommittee meeting cancellation notice	6/2/10
E-mail, PC to E. Cox, forwarded request for cancellation of meeting and continuance of hearing and reasons	6/2/10
E-mail, PC to JMB (Barnstable), Robert Lawton, Karen Greene, and Elizabeth Hartsgrove (Yarmouth); new subcomm. mtng date	6/7/10
E-mail, PC to E. Cox, Maurie Molod, Edward Lambert; new subcomm mtng date	6/7/10
E-mail, Gail Hanley to Linda Hutchenrider (Barnstable Town Clerk) and Jane Hibbert (Yarmouth Town Clerk), attached subcommittee meeting notices	6/7/10
E-mail, PC to Subcommittee members, attached revised median plan	6/8/10

E-mail, PC to E. Cox, Maurie Molod, Ed Lambert, attached revised median plan	6/8/10
E-mail, PC to Subcommittee members and JMB, E. Hartsgrove, R. Lawton, K. Greene, attached requested revisions to draft decision from Applicant	6/9/10
E-mail, PC to E. Cox, Maurie Molod, Ed Lambert, attached requested revisions to draft decision from Applicant	6/9/10
E-mail, PC to E. Cox, Maurie Molod, Ed Lambert, E. Hartsgrove, R. Lawton, JMB, Dean Melanson, K. Greene, possible second subcommittee meeting on Tuesday, if needed	6/11/10
E-mail, Kristy Senatori to JMB, clarification on local zoning	6/14/10
E-mail, PC to JMB, Dean Melanson (Barnstable), K. Greene, E. Hartsgrove, R. Lawton, attached revised draft decision and CCC meeting information	6/17/10
E-mail, PC to E. Cox, Ed Lambert, Maurie Molod, attached revised draft decision and CCC meeting information	6/17/10
E-mail, PC to R. Breault, JL HWG, MN HWG, attached revised draft decision	6/17/10
Materials from Applicant	Date Received
MN HWG, Request for modification with attached site plans showing previously approved project, attached site plan showing the proposed project, Technical Memorandum from Fayssal Hussein (Nitsch Engineering) to GC dated March 1, 2010	3/8/10
MN HWG, letter, to PC, Modification Application with attachments: Traffic Assessment (Revision 10/08) prepared by Nitsch Engineering, July 24, 2009 Letter of Agreement Regarding the New Airport Access Road from Mark Ells (Barnstable DPW) to R.W. Breault, JR (Manager, BMA), Route 28 driveway plan entitled "Proposed Entrance" dated June 24, 2009 prepared by AECOM, sign plan entitled "Signing Plan" (blocks of text under signs are not legible) dated 3/24/10 and prepared by Nitsch Engineering	3/25/10
E-mail, from Katie Resnick, HWG, about revised abutters list	3/29/10
E-mail, from MN HW to PC, table- trips reduced by takings	5/3/10
Letter, by hand from HWG, from FAA to John Klimm, FAA exclusivity requirements	5/5/10
E-mail, MN HWG, to PC and GC, concept plan for median	5/11/10
E-mail, JL HWG, to KS, information on interconnect, Route 132 median, traffic offset parcels, and sign plan	5/18/10
E-mail, JL HWG, to KS, Nitsch Engineering Memo on trip generation	5/18/10
E-mail, Fayssal Hussein, Nitsch Engineering, to KS, Synchro analysis and SIDRA files related to transportation issues and one-way egress onto Airport Rotary	5/19/10
E-mail, Birenda Gurung, Nitsch Engineering, to KS, capacity	5/19/10

analysis	
E-mail, Silpa Munukutla, Nitsch Engineering, to KS, SIDRA analysis	5/19/10
E-mail, Fayssal Hussein, Nitsch Engineering, to KS, SIDRA analysis	5/19/10
E-mail, JL HWG, to KS, Airport land takings	5/19/10
E-mail, JL HWG, to KS, Airport land takings	5/19/10
E-mail, JL HWG, to KS, Airport land takings	5/20/10
E-mail, JL HWG, to KS, Airport land takings	5/20/10
Copy, submitted by hand, by MN HWG, of Certificate from State Corporations Division for American Cabinetry and Millwork	5/20/10
Copy, submitted by hand, by MN HWG, of Certificate from State Corporations Division for Whiskers Pet Grooming, LLC	5/20/10
E-mail, JL HWG to PC, additional information and attached median plan	5/27/10
E-mail, JL HWG to PC, attached revised sign plan	5/27/10
E-mail, JL HWG to PC, clarification of parking spaces	5/27/10
E-mail, JL HWG to PC, clarification of financial information	5/27/10
E-mail, JL HWG to PC, requesting cancellation of meeting and continuance of hearing by hearing officer	6/2/10
E-mail, JL HWG to PC, attached revised median plan	6/8/10
E-mail, MN HGW to PC, attached requested revisions to draft dec.	6/8/10
Materials from Public Agencies/Towns/State/Federal	Date Received
Abutters List	3/24/10
Assessor's Certification concerning 4 properties	3/30/10
Certificate, Secretary of Energy & Environmental Affairs, 2 nd NPC – Does not require further MEPA review	3/25/10
Letter of Agreement between the Town & the Airport regarding the "Sullivan Property", attached to a Routing slip from the Town of Barnstable dated 3/29/10	4/5/10
Abutters List/Labels	4/14/10
E-mail, JMB, excerpts from 1997 & 2010 Barnstable Comprehensive Plans	5/3/10
JMB, information related to UNO's and Wendy's properties <ul style="list-style-type: none"> This information consists of nine (9) E-mails, each multiple pages and dealing with ZBA decisions and other permits 	5/24/10
E-mail with attached Memorandum from Barnstable's Deputy Fire Chief Dean Melanson to GC	5/27/10
E-mail from Roger Parsons to GC, PC, others, hydrant relocation	6/8/10
E-mail from JBM to Kristy Senatori, zoning clarification	6/14/10
Materials from General Public or Other	Date Received
Cox, Nutter, letter on behalf of Botsini-Prime	3/2/10
Cox, Nutter, letter on behalf of Botsini-Prime	3/15/10
E-mail, Cox, Nutter, to PC	3/15/10
E-mail, Cox, Nutter, to PC, Memorandum of Understanding	5/3/10

E-mail, Cox, Nutter, to PC, seeking new information	5/5/10
Photograph, Cox, Nutter, parcels with lot lines and parcel numbers	5/5/10
Cox, Nutter, letter with attachments, to PC	5/7/10
E-mail, Maurie Molod, to PC	5/14/10
E-mail, Cox, to KS	5/17/10
Cox, Nutter, letter to GC on modification (2 copies)	5/18/10
Cox, Nutter, letter to Subcommittee Chair (submitted by Ed Lambert)	5/20/10
E-mail, Cox, Nutter, to PC seeking draft decision	5/24/10
E-mail, Cox, Nutter, to PC, question re: why cancellation of meeting & continuance of hearing by hearing officer	6/2/10
E-mail, Cox, Nutter, to PC, seeking recent additional submittals	6/7/10

TESTIMONY

Public hearing – May 5, 2010

A public hearing was held at 5:30 pm on May 5, 2010 at the Cape Cod Commission in Barnstable, MA.

Ms. Page Czepiga, Regulatory Officer for the Cape Cod Commission, presented the staff report. She gave a brief overview of what was approved as part of the 2007 DRI decision and what the Applicant is proposing to change, the Cape Cod Commission's jurisdiction, the purpose of the hearing, staff analysis regarding transportation issues only, the findings of approval and conclusions. During her presentation, Ms. Czepiga noted that twenty-four crashes occurred at Hinckley Road & Route 132 intersection and Route 132 & the Unnamed Roadway intersection from 2007 to 2009. She said that of the twenty-four crashes, thirteen were angle type or T-bone crashes, which are of particular concern due to the higher rate of injury related to these types of crashes.

Mr. Daniel Santos, chair of the Barnstable Municipal Airport Commission said that the few outstanding issues could be resolved quickly. He noted that the Airport has expended eleven million dollars on the project to date and would like to move forward. He said the Airport has met with abutters and has revised the overall plan to address their concerns. He said he feels the abutters want the Airport to provide the best solution for them down the road. He noted the Airport can not solve the abutters future concerns and urged the Subcommittee to approve the modification as presented.

Mr. Mark Nelson of the Horsley Witten Group presented the proposed modification plans on behalf of the Barnstable Municipal Airport Commission, explaining the reasons for the modification and noting that interconnections to adjacent parcels is not possible as the FAA will not fund anything which is not used for exclusive airport use.

Mr. Bruce Gilmore, counsel for the Barnstable Municipal Airport Commission reiterated that due to FAA exclusivity requirements, interconnects are not an option. He said that he researched the UNO's restaurant property at the Zoning Board of Appeals and Licensing and said that the Town has previously mandated that no patron/employee could exit the UNO's property via Route 132 and stated they had to exit via Barnstable Road. He suggested a median strip from the rotary up to the intersection of Hinckley Road to make Hinckley Road and the Unnamed Roadway right-turn-in only.

Ms. Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable said the project complies with the LCP and noted that the Airport (as a municipal entity) is exempt from use regulations and complies with local regulations. She said the Town agrees that a median would solve safety concerns on the corridor.

Ms. Eliza Cox, representative of Botsini-Prime LLC said that she thought eliminating the signalized 'Sullivan Lot' entrance from the plans breaches a 2007 settlement agreement, which the Cape Cod Commission was a party to. She raised concerns about trip generation and traffic credit calculations and suggested that the project does not comply with MPS TR2.11.

Mr. Ed Lambert, Real Estate Advisor for Botsini-Prime LLC said he was working closely with the Airport Commission to find a solution that works for everyone and noted his concern that the Town was invited to meetings yet never attended.

Mr. Ronald Persuitte said he was a member of the Barnstable Municipal Airport Commission but was speaking in the capacity as an individual and not as a member of the Airport Commission. He voiced his support of the project and noted that the Barnstable Town Manager and Town Council, in a 12 to 1 vote also support the project.

The Subcommittee members asked questions of the Applicant and Commission staff regarding public safety on Route 132 near Hinckley Road and the Unnamed Roadway, the potential for a median, trip generation, the Hyannis Access Implementation Study, FAA exclusivity and interconnects.

The Subcommittee requested a plan from the Applicant illustrating a median on Route 132; a plan from the Applicant illustrating the previously enumerated offset parcels; and a revised signage plan.

Mr. Nelson said those would be provided.

Mr. Santos reiterated the need for the project to move forward.

A unanimous vote was made on the motion to continue the hearing to May 20, 2010 at 5:30 pm at the Cape Cod Commission.

Public hearing – May 20, 2010

A public hearing was held at 5:30 pm at the Cape Cod Commission.

Ms. Kristy Senatori, Chief Regulatory Officer for the Cape Cod Commission reviewed the plans approved by the Commission in 2007 and noted since the last public hearing Commission staff, the Applicant, a Town of Barnstable representative and the Hyannis Deputy Fire Chief have met. She noted the Applicant provided additional information and revised plans and discussed traffic credit for past uses. She said that the Applicant is proposing a median to address safety concerns and noted Staff recommends that the median be extended beyond Hinckley Road.

The Subcommittee members asked questions, clarifying Fire Department response time as it relates to the installation of a median on Route 132.

Mr. Cannon answered that the result of his discussions with the Fire Chief was that it would be better to extend the median and close off the access because if you try to make access available only for fire trucks that regular vehicles would pass through as well, creating a potentially unsafe situation.

Mr. Santos noted there was a considerable time restraint because of FAA funding.

Mr. Nelson stated there were three issues at stake: the question about interconnects, the configuration of the median and how the access was going to work, and the traffic offsets. Mr. Nelson disagreed with Mr. Cannon's previous comments and noted that based primarily on what he learned about the median from the conversation with the fire chief he felt that extending the median past Hinckley Road would be problematic. He suggested a compromise of making Hinckley road one-way access from Route 132.

Mr. Virgilio stated that with new information, some time would be needed to process it and referred to the 14-day rule per the Commission's *Enabling Regulations*.

Mr. Nelson stated that if the new proposal will procedurally hold things up, then he wanted to remove the suggestion of making Hinckley a one-way road and discuss the original median as proposed.

The Subcommittee asked questions regarding the potential for degradation of public safety as it relates to the raised median.

Mr. Nelson said there were questions previously raised about the parcels in the middle of the runway safety area and whether they were appropriate to generate traffic offsets for the project. He said that these parcels were approved in the 2007 decision and added that this was vetted by the transportation staff and that the Applicant was not proposing any changes to these parcels.

He added that the Applicant has been working to buy these parcels based on the 2007 decision and that the two most important parcels (in terms of traffic credit) are the TD Bank property and the McGregor property- both of which were purchased in 2009. He said he has information that shows that two of the businesses that were in the McGregor property support the ITE designation of 'specially retail'; one was a millwork property and the other was a pet grooming property. He added with those two parcels alone (the TD Bank and McGregors) the Applicant has met their trip reduction needs. He said it seems the only unresolved issue is how far the median goes and whether the one-way-in solution at Hinckley Road satisfies the public safety concerns of the fire chief.

Mr. Cannon said his understanding was the primary issue was the length of the median.

The subcommittee asked questions about breakaway bollards in the median to go past Hinckley Road, if there were any other possible solutions, and improvements in public safety as a result of the project.

Ms. Jo Anne Buntich, Director of Barnstable's Growth Management Department said she had communication from the Town Manager through the Town Attorney and that the Town acknowledged the discussion about the one way street and philosophically didn't have a problem with it and said the Town is also comfortable moving forward with the median proposal instead.

Mr. Maurie Molod (Vice President of UNO's restaurant) said he was very concerned that no one had reached out to the businesses and was surprised that a decision to make a street one-way-in could be made without more input from abutters. He voiced his concerns that Hinckley Road and the Unnamed Roadway will be heavily congested with people trying to get to the Airport, which wouldn't allow patrons to access his business.

Mr. Cannon clarified that the Cape Cod Commission is not proposing to make Hinckley Road a one-way road.

Mr. Bruce Gilmore, Counsel for the Barnstable Municipal Airport Commission, said that UNO's predecessor was Champions, and that in the early 1990's when Champions went to the Town for a liquor license the Town granted this condition on additional language to the 1987 Special Permit granted by the Zoning Board of Appeals, which he read into the record as "That Champions shall restrict the flow of traffic to exit at the rear of Champions onto Barnstable Road and the Airport Rotary and not directly onto Route 132." He said that the condition was that patrons went out the back way and no one is doing anything to the business that wasn't in place since 1990.

Mr. Ed Lambert, Real Estate Advisor for Botsini-Prime LLC said when the "credit parcels" are correctly assessed per the 2009 RPP, the Project results in a substantial increase in traffic of at least 70 new trips in the AM Peak Hour, thereby requiring additional study and compliance with additional MPSs (as detailed in correspondence from Attorney Cox dated May 18, 2010). He said people coming down Route 28 from the southwest areas of the Cape are unlikely to follow the Airport's circuitous route and will instead go down Route 132 and Hinckley Road or the Unnamed Roadway. He raised concerns about the proposed exit-only leg onto the rotary, the lack of clarity surrounding the length of the proposed median, and that the information was not being fully vetted.

Mr. Harry Botsivales (of Botsini-Prime LLC) noted that the Commission members need 14 days before a hearing to consider information so that it can be vetted. He said that his team was not invited to meetings and left out of the process.

Mr. Cannon said that the Airport had presented their Traffic Engineer's reports and that he concurred with them. He said the Airport's Traffic Engineer outlined the new trips from the Airport – 151 AM Peak Hour trips and 162 PM Peak Hour trips. He said the Airport only needs to look at two parcels to be taken out of development to offset these trips. He said these two parcels are the drive through bank by the Airport Rotary and the 'specialty retail' parcel at 191 Airport Road. He said these two properties, using ITE Land Use Code for drive through bank and 'specialty retail' offset 155 AM Peak Hour Trips and 208 PM Peak Hour Trips. He said this results in compliance with the Regional Policy Plan and is why the Airport does not have to offset its traffic generation with monetary contributions.

Mr. Richardson said the Airport is a regional facility, which serves all of Cape Cod, and that it is a significant part of the Cape's economy. He said the Airport is mitigating its traffic impacts and should not have to be required to solve all of the traffic problems.

The Subcommittee asked questions about the current legality of left-hand-turns at Hinckley Road.

Mr. Putnam said that improving the ability of passengers to access & exit the Airport is a benefit to the whole Cape. He said a raised median would make left-turns into Hinckley Road and the Unnamed Road more difficult, which would improve safety.

Ms. Jessica Wielgus, Commission Counsel said Section 7.0 of the Commission's *Enabling Regulations* states that the Commission shall receive information at least 14 days in advance of a meeting or a hearing, but it leaves to the Commission members' discretion whether or not to postpone consideration of this information. She said the Subcommittee had this median discussion at the last Public Hearing, and has requested more definitive information about the median. She said the median plan was dated May 11, 2010 and that questions about the offsets were submitted by Attorney Cox on behalf of Botsini-Prime LLC on May 18, 2010. She noted there had been some discussion at this hearing tonight which is in response to these questions that were raised. She said it was in the Subcommittee's discretion as to whether this was sufficient or if more time was needed.

Mr. Virgilio asked if the Subcommittee had a consensus as to whether they had enough information to make a decision or if they wanted more time to consider the issues.

Ms. Taylor said she felt the issues had been previously discussed.

Mr. Putnam and Mr. Richardson said the issues had been previously discussed before.

Ms. Senatori said the information received today was an additional plan related to the offset parcels.

Mr. Richardson and Ms. Taylor said the Subcommittee had already had this information; what had been submitted today was just a clarification/confirmation. The Subcommittee decided not to invoke the 14-day rule.

Mr. Putnam said the Subcommittee had discussed the concept of the median before. He said he had a sufficient level of information to make a decision.

A unanimous vote was made to continue the hearing and the record to the June 10, 2010 Commission meeting at 3:00 pm in the First District Courthouse in Barnstable, MA.

Subcommittee meeting – May 20, 2010

The Subcommittee discussed traffic impact offset parcels and made a motion that the two traffic impact offset parcels: at 480 Barnstable Road (the TD Bank property) and the 191 Airport Road ('specialty retail' property) were adequate in meeting the project's traffic offset requirements. The motion passed unanimously.

The Subcommittee discussed MPS TR2.3, which discusses interconnects and made a motion to require the Applicant to implement procedures to allow future connections if an interconnection agreement can be reached. The motion passed unanimously.

Mr. Cannon said that moving the Barnstable Road leg of the rotary further away from the Route 132 leg is just a recommendation and was not required by an MPS. He noted the Applicant had demonstrated this would be a hindrance.

Mr. Harris said it should not be recommended if it was a hindrance.

The Subcommittee discussed the length of the median and whether it should be extended to Hinckley Road and moved that to assure there will not be a degradation to safety, that the median on Route 132 be extended from its present position on the proposed plan far enough to prevent left-turns into Hinckley Road. The motion passed unanimously.

The Subcommittee moved that the Airport was exempt from use regulations and that it complies with applicable local bylaws and Barnstable's Local Comprehensive Plan based on testimony from Ms. Jo Anne Miller Buntich. The motion passed unanimously.

The Subcommittee discussed numerous benefits of the project including that a median would decrease the potential for T-bone accidents and improve traffic safety, the parcels being taken out of development but not used for traffic credit provide an ancillary additional advantage, and taking eastbound Airport traffic off of Route 132 before the rotary and noted that a signage plan would be in place to help guide vehicle traffic decisions. The Subcommittee moved that an entrance from Route 28 to the Airport would reduce the flow of traffic on Route 132. The motion passed unanimously.

The Subcommittee moved that the probable benefits of the project exceed the probable detriments and the motion passed unanimously.

The Subcommittee moved to recommend approval of the project to the full Commission for action by the Commission on June 10, 2010 and the motion passed unanimously.

The Subcommittee moved to direct staff to draft a decision, and the motion passed unanimously.

Public Hearing – June 10, 2010

The Hearing was continued by hearing officer to June 24, 2010 at 3:00 pm at the Assembly of Delegates Chamber in the First District Courthouse on Route 6A in Barnstable, Massachusetts.

Subcommittee meeting – June 14, 2010

The Subcommittee met on June 14, 2010 at 11:00 pm to review the draft decision and vote on proposed revisions. They confirmed with Deputy Fire Chief Dean Melanson that a four-foot wide shoulder on the south side of Route 132 and a fire hydrant on the north side of Route 132 would address his concerns. They voted unanimously to forward the draft decision, as amended, to the full Commission for a vote at their June 24, 2010 meeting.

JURISDICTION

The development, as proposed by Barnstable Municipal Airport's project description qualifies as a Major Modification to the *Barnstable Municipal Airport Improvements Projects 2007* DRI approval decision (ENF#20009, DRI/EIR 06001) under Section 13(c)(iii) of the DRI *Enabling Regulations* as "a similar proposal to the original project but involves a major Change of Use or changes to the site plan, findings, or conditions of the original approval, any of which would result in different or increased impacts to the resources protected by the Act and/or the RPP."

FINDINGS

The Commission has considered the application of the Barnstable Municipal Airport Commission for the proposed Major Modification, and based on consideration of such application and upon the information presented at the public hearings and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act. All findings and conditions within the original decision and subsequent modifications continue to apply except as modified herein.

General Findings

- GF1. The Applicant proposes to eliminate from the plans a previously permitted signalized entrance from the Airport Access Road to Route 132, maintain the Barnstable Road leg to the Rotary as 'exit-only' from the Airport, construct a raised median on Route 132 from the rotary past Hinckley Road, construct the Airport Access Road so it terminates at Airport Road instead of connecting to Independence Drive via Attucks Lane, install a fire hydrant on the north side of Route 132, and construct a four-foot wide shoulder on the south side of Route 132 along the proposed median. The revised access/egress proposal shown on a plan entitled "*Barnstable Municipal Airport Improvements Project, Hyannis, Massachusetts*" dated March 2, 2010 by AECOM and submitted by the Horsley Witten Group is attached to this decision as Exhibit B and is incorporated by reference. The proposed median, four-foot shoulder, and fire hydrant are shown on a plan entitled "*Conceptual Median Route 132*" dated June 8, 2010 by Horsley Witten Group and is attached to this decision as Exhibit D and is incorporated by reference.
- GF2. As the first substantive Public Hearing for this Major Modification was held on May 5, 2010, the Major Modification project was reviewed subject to the 2009 RPP (effective January 16, 2009).
- GF3. On March 15, 2010, the Regulatory Committee voted to review the proposed modification to the Barnstable Municipal Airport Improvements Project as a Major Modification pursuant to Section 13(c)(iii) of the Cape Cod Commission *Enabling Regulations*. The Regulatory Committee limited the scope of the review to transportation issues only.
- GF4. **Finding G8 of the 2007 DRI decision, as amended, is modified as follows (bold type indicates added text, deleted text is shown as struck-out):**
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 Lane, **via Airport Road Way,**
 2. Closing of the two existing Airport entrances **the existing access** from the Airport Rotary **to the Barnstable Road northbound lane and leaving the existing Barnstable Road southbound lane open into the Airport Rotary,**

3. ~~Construction of two new entrances—one on Route 28 (eastbound) and one on Route 132, across from Nightingale Lane, **Modifying the existing Route 28 full access driveway to right-turn-in only,**~~
4. Construction of a new passenger terminal for the Airport,
5. Construction of new paved parking areas for ~~80±~~ **814** 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 ~~Lane~~ **Way**, providing a total of ~~±,669~~ **1,561** 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,-,
11. Demolition of the existing Air Traffic Control Tower and the construction of a new Tower, and
- 12. Construction of a raised median on Route 132 from the Airport Rotary past Hinckley Road**

- GF5. The Commission finds that the project will be constructed in accordance with the following plans: (These plans are attached to this decision and are incorporated by reference)
- Plan showing the route of the new access road and modified Barnstable Road access, entitled "*Barnstable Municipal Airport Improvement Project, Hyannis, Massachusetts*" dated March 2, 2010, prepared by AECOM and Submitted by Horsley Witten Group and attached as Exhibit B
 - Plan showing the right-turn-in entrance to the Airport off of Route 28 entitled "*Proposed Entrance*" dated June 24, 2009, prepared by AECOM, and submitted by Horsley Witten Group and attached as Exhibit C
 - Plan showing the location of the new median, four-foot shoulder, and fire hydrant, entitled "*Conceptual Median Route 132*" dated June 8, 2010, prepared by Horsley Witten Group and attached as Exhibit D
 - Sign plan entitled "*Figure 4-19, Signing Plan*" dated March 24/2010, prepared by Nitsch Engineering and attached as Exhibit E
- GF6. As of the date of this decision, the Town of Barnstable had a Cape Cod Commission certified Local Comprehensive Plan (LCP).
- GF7. The Commission finds, based on written testimony dated May 3, 2010 and verbal testimony presented at the May 5, 2010 public hearing from Jo Anne

Miller Buntich, Barnstable's Director of Growth Management, that the project is consistent with the Commission-certified Barnstable Local Comprehensive Plan and is exempt from zoning as a municipal entity and therefore the development is consistent with municipal development bylaws.

- GF8. The Commission finds that the proposed development is consistent with the Barnstable District of Critical Planning Concern.
- GF9. The Commission finds that the project complies with the Minimum Performance Standards (MPS) of the RPP as set forth in TF1-TF59.
- GF10. The Commission finds that the modified plans reduce the need for land acquisitions and the costs associated with them, will decrease congestion around the rotary, increase public safety in the region and improve overall traffic flow patterns. The Commission also finds the elimination of the Sullivan Lot entrance and signalized light will reduce potential limitations for improving the Hyannis Rotary with respect to improvements identified in the Massachusetts Executive Office of Transportation's Hyannis Access Study, and other potential rotary and roadway improvements that may be developed over time and further finds that the implementation of the raised median will virtually eliminate the likelihood of angle or T-Bone crashes at the intersections of Route 132 and Hinckley Road and Route 132 and the Airport's easement from Route 132 to the Airport.
- GF11. The Commission finds based on Findings GF10 and TF14, that the probable benefits of the project outweigh the probable detriments.

Transportation

- TF1. Pursuant to MPS TRO.1 (Source(s) of Trip-generation Data), the existing Airport does not fit within the Land Use Categories outlined in the Institute of Transportation Engineer (ITE) *Trip Generation* manual. The ITE *Trip Generation* manual lists Commercial Airports and General Aviation Airports; however the BMA is a cross between both of those categories. The ITE calculations for a Commercial Airport are too high and the calculations for the General Aviation Airport are too low compared to existing traffic at the BMA. The Commission finds that a project specific trip generation study for the facility is appropriate and therefore complies with MPS TRO.1.
- TF2. Pursuant to MPS TRO.1 (Source(s) of Trip-generation Data), when conducting a project specific trip generation study, the ITE guidelines call for a study to utilize three (3) existing locations similar to the project. The Commission finds that there are no other Airports on Cape Cod or in Massachusetts that reflect the type of aviation occurring at the BMA, the size of the BMA, the population density of Cape Cod, the seasonal change in population that occurs on Cape Cod, and the diverse destination of the flights (island flights, Boston, New York,

etc). The *ITE Trip Generation Handbook*, which outlines procedures for conducting a project specific trip generation study states: “However, it is recognized that local jurisdictions may need to tailor the process to meet the specific needs of the community and the characteristics of the sites being studies.” The Commission finds that a study of only the existing facility complies with MPS TR0.1.

- TF3. Pursuant to MPS TR0.1 (Source(s) of Trip-generation Data), trip generation for the project was calculated by counting the existing vehicle trips at the existing airport and counting the number of passengers using the airport; then calculating the rate of vehicle trips per passenger and using that rate of vehicle trips per passenger to calculate the increase in vehicle trips for the terminal expansion. The Commission finds that this method complies with MPS TR0.1.
- TF4. Based on the Transportation Findings (TF) TF1, TF2 and TF3, the Commission finds that the terminal building will generate 151 new morning peak hour trips and 162 new afternoon peak hour trips.
- TF5. Pursuant to MPS TR0.2 (Traffic Credit for Past Uses), the Commission finds that a traffic credit will be allowed for the immediate previous use of 191 Airport Road in Hyannis, MA (the McGregor property). The property was previously occupied by Whiskers Pet Grooming, LLC, and American Cabinetry and Millwork, Inc.
- TF6. According to the Secretary of the Commonwealth of Massachusetts, Whiskers Pet Grooming, LLC, was organized as a company on March 11, 2007 and the location of its principal office is 191 Airport Road. The Commission adopts this evidence and finds this previous use is eligible for traffic credit. The Commission further finds that the trip generation of Whiskers Pet Grooming, LLC may be used as a credit because the previous use has not been discontinued or vacant for five or more consecutive years. Therefore use of this on-site property as traffic credit conforms to MPS TR0.2.
- TF7. According to the Secretary of the Commonwealth, American Cabinetry and Millwork, Inc. had its principal office at 191 Airport Road and was in existence until May 31, 2007. The Commission adopts this evidence and finds the immediate prior use eligible for traffic credit and that the trip generation of American Cabinetry and Millwork, Inc may be used as a credit because the previous use has not been discontinued or vacant for five or more consecutive years. Therefore, the use of this on-site property as traffic credit conforms to MPS TR0.2.
- TF8. Pursuant to MPS TR0.2 (Traffic Credit for Past Uses), both the Whiskers Pet Grooming, LLC and American Cabinetry and Millwork, Inc. businesses were located at 191 Airport Road (the McGregor property). This property is being incorporated into the BMA project. Specifically, this property will be utilized

for the new BMA western access road and BMA parking. Based on the Institute of Transportation Engineers (ITE) Land Use Code 814, (Specialty Retail Center) description, service industries and hard goods shops are typical of specialty retail centers. The Commission finds that the services and shops formerly located at 191 Airport Road conform to the uses indicated by ITE Land Use Code 814 (Specialty Retail Center) and qualify for use as traffic credits in accordance with MPS TR0.2.

- TF9. Pursuant to MPS TR0.2 (Traffic Credit for Past Uses), the Commission finds that traffic credit may be allowed for the past use of 480 Barnstable Road in Hyannis (the former TD Banknorth property). This property was formerly occupied by TD Banknorth. This property is under ownership of the BMA. The Commission finds that the TD Banknorth business conforms to the ITE Land Use Code 912, (Drive-in Bank) description and that TD Banknorth occupied this property until at least 2008 and conforms to MPS TR0.2. The Commission adopts this evidence and finds the immediate previous use may be used as a credit because the previous use has not been discontinued or vacant for five or more consecutive years.
- TF10. Based on the trip generation calculation outlined in a technical memorandum from Fayssal Hussein, P.E. (of Nitsch Engineering) to Glenn Cannon, P.E. dated May 18, 2010, the Commission adopts the above referenced written testimony of Fayssal Hussein, P.E., and finds that the property located at 191 Airport Road has the potential to generate 123 AM Peak Hour Trips and 90 PM Peak Hour Trips.
- TF11. Based on the trip generation calculation outlined in a technical memorandum from Fayssal Hussein, P.E. to Glenn Cannon, P.E., dated May 18, 2010, the Commission adopts the written testimony of Fayssal Hussein, P.E. and finds that the TD Banknorth property located on BMA property at 480 Barnstable Road in Hyannis, MA has the potential to generate 32 AM Peak Hour Trips and 118 PM Peak Hour Trips.
- TF12. Pursuant to MPS TR0.2 (Traffic Credit for Past Uses), the Commission adopts the testimony of Glenn Cannon, and further finds the traffic credit for on-site past uses can be applied to the project. Applying the traffic credit (as outlined in findings TF 10 and TR11), to the project impacts (as outlined in TF4) results in a net decrease in traffic impacts for the project. The project impacts are summarized in Table 2 on the following page. As allowed by MPS TR0.2, the Commission further finds that the project will have a net decrease in site traffic.

TABLE 2

	New Project Trips	Trips Removed	Net Change in Trips
AM Peak Hour	151	155	-4
PM Peak Hour	162	208	-46

- TF13. MPS TR2.11 (Other Trip-reduction Strategies) and MPS TR2.12 (Trip-generation Credit)- Commission staff previously referenced trip reduction MPSs (TR2.11 and TR2.12) to allow for the traffic credits of previously developed parcels to offset the estimated traffic of this project. Since the parcels required for offsetting the estimated traffic for this project are being incorporated into the new project site, Commission staff determined that MPS TR0.2 (Traffic Credits for Past Uses) is appropriate. The Commission adopts the testimony of Glenn Cannon and finds that the BMA has offset all estimated site traffic as outlined in TF12, and that trip reduction requirements of the RPP are not necessary, as outlined in TF14 and further finds that MPS TR0.2 is appropriate to address traffic credits for past uses on the site.
- TF14. The creation of the new access roadways, safety landing zone and development of the parking lots will require a number of property takings. The parcels are shown in Table 3 on the following page. This table is part of a table entitled “Barnstable Municipal Airport – Offset Parcels Taken by Barnstable Airport”, which was submitted via email by Joseph Longo of the Horsley Witten Group, Inc on May 19, 2010 and the “List of Properties which have been removed in the past five years, based on having the Bakery & Mildred’s restaurant to remain” table, Section 4-F, Revised 11/08.”

TABLE 3

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
24 Mary Dunn Way	Campbell
32 Mary Dunn Way	Principe
211 Airport Road	Blackburn Auto Salvage

As indicated in a “Barnstable Municipal Airport – Offset Parcels Taken by Barnstable Airport” table, which was submitted via email by the Horsley Witten Group, Inc on May 19, 2010, the Applicant has proffered these properties as potential offset parcels. The potential traffic from these properties is not required to offset the traffic from the BMA project. However, based on the trip generation calculation outlined in a May 18, 2010 technical memorandum from Fayssal Hussein, P.E. to Glenn Cannon, P.E., the 19 properties listed above have the potential to generate 32 AM Peak Hour Trips and 38 PM Peak Hour Trips. The Commission finds that the trip generation potential of these parcels is not necessary for trip reduction requirements and further finds that taking these parcels out of circulation to be a benefit of the project as they are taking additional traffic off of the road.

TF15. Pursuant to MPS TR0.3 (Permits for Roadwork prior to Construction), the BMA has committed to:

- Constructing the new western access road,
- constructing a right-turn-only driveway on Route 28 (east of the Airport Rotary) which will require a Massachusetts Department of Transportation (MassDOT) District 5 permit,
- closing a portion of Barnstable Road at the Airport Rotary, which will require a MassDOT, District 5 permit, and
- constructing a raised median on Route 132.

The BMA shall submit all necessary permits and plans to Cape Cod Commission staff for review and approval (as outlined in TC1) before a Preliminary Certificate of Compliance is issued by the Cape Cod Commission for project subpart #4. The Commission finds the BMA complies with MPS TR0.3.

TF16. The Commission finds that MPS TR0.4 (Alternative Method for Compliance with Economic Centers) and MPS TR0.5 (Incentive for Mixed Use in Economic Centers) do not apply to this project, as the project is not located in an Economic Center.

TF17. Pursuant to MPS TR1.1 (No Degradation in Safety), the BMA has proposed a right-turn-in-only driveway on Route 28 (east of the Airport Rotary). This driveway is shown in a plan Titled “*Proposed Entrance*” dated June 24, 2009 by AECOM and submitted by Horsley Witten Group and is attached as Exhibit C. Based on the restrictions of left turns into the proposed driveway and left turns out of the proposed driveway, the Commission finds that this proposed driveway conforms to MPS TR1.1.

TF18. Pursuant to MPS TR1.1 (No Degradation in Safety), the BMA is proposing that the Barnstable Road northern entrance into Airport Rotary be partially closed as shown on the site plan titled “*Barnstable Municipal Airport Improvement Project, Hyannis, Massachusetts*” and dated March 2, 2010 and attached as Exhibit B. The BMA is recommending closing the existing access from the

Airport Rotary to Barnstable Road northbound and leaving the existing Barnstable Road southbound lane open into the Airport Rotary. This movement would allow traffic from the BMA, Wendy's Restaurant, Uno's Chicago Grill, and other properties along Barnstable Road, to enter the Airport Rotary from Barnstable Road and utilize the Airport Rotary to travel east. A crash diagram showing the Airport Rotary by Vanasse Hangen Brustlin dated January 23, 2007 was submitted by Commission staff to demonstrate the occurrence of crashes at this location. The Commission finds no crashes at the northern Barnstable Road entrance/exit into the Airport Rotary as demonstrated on the diagram. The Commission adopts this testimony and further finds that closing the Barnstable Road northbound lane and leaving this existing Barnstable Road southbound lane open complies with MPS TR1.1.

- TF19. Commission transportation staff submitted a Route 132 crash diagram, which depicts the crashes on Route 132 from the Airport's easement from Route 132 to the Airport (next to Wendy's) to the raised median at the Cape Cod Mall driveway. The diagram shows numerous crashes at the Airport's easement from Route 132 to the Airport, Hinckley Road and Nightingale Road intersections. Over a three (3) year period (2007 to 2009), nine (9) crashes occurred on Route 132 and the Airport's easement from Route 132 to the Airport, and fifteen (15) crashes occurred on Route 132 and Hinckley Road. The RPP standard for determining high crash locations is three (3) crashes per year for a three year period. As shown twenty-four (24) crashes occurred on Route 132 between the Airport Rotary and Nightingale Lane; thirteen (13) of these crashes were angle type crashes. The Cape Cod Commission adopts the testimony of Glenn Cannon at the May 5, 2010 Public Hearing and finds that the type and number of automobile accidents at the Hinckley Road and Route 132 intersection and Airport's easement from Route 132 to the Airport and Route 132 intersection are a significant safety concern.

The Commission is concerned with the type of crash that occurs at these locations and the speed at the time of the crash. Crashes along Route 132 are predominately angle or rear-end. Angle crashes (sometimes referred to as T-Bone crashes) are of concern due to the higher rate of injury related to these types of crashes. The Commission is also concerned with the potential of higher speed crashes along Route 132 and the resulting injuries.

The Commission adopts the testimony of Glenn Cannon and finds that a local example of this type of roadway configuration (four lane roadway without a raised median or protected turns) exists on Route 28 in Barnstable between Phinneys Lane and Old Stage Road. Route 28 between Phinneys Lane and Old Stage Road was the subject of a Road Safety Audit due to two (2) fatal crashes along this section of roadway.

- TF20. The Commission finds that Champions was a former occupant of the Uno's restaurant property at 574 Iyannough Road (Route 132) in Hyannis, Massachusetts.
- TF21. The Commission finds that Special Permit 1987-107 granted by the Barnstable Zoning Board of Appeals (ZBA) on March 2, 1988 was amended by vote of the ZBA on July 26, 1990 to add additional condition language as follows, "That Champions shall restrict the flow of traffic to exit at the rear of Champions onto Barnstable Road and the Airport Rotary and not directly onto Route 132."
- TF22. The Commission finds that Hinckley Road has the potential to be a main access for the BMA project and the use of Hinckley Road would increase the number of left turns into Hinckley Road from Route 132, the number of left turns out of Hinckley Road onto Route 132 and Hinckley Road through traffic across Route 132. The Commission finds that these movements have the potential to cause a degradation in safety at this location.
- TF23. The Commission finds that the BMA access plan could lead to an increase in left turns at the intersection of Route 132 and the Airport's easement from Route 132 to the Airport (next to the Wendy's Restaurant). The Commission finds that these potential left turns would contribute to a degradation in safety at this location.
- TF24. Pursuant to MPS TR1.1 (No Degradation in Safety), the BMA has proposed to install a fire hydrant on the north side of Route 132 (outlined in TC 9), construct a raised median on Route 132 from the existing divisional island at the Airport Rotary north along Route 132 past Hinckley Road (outlined in TC10), and construct a four-foot wide shoulder on the south side of Route 132 (as outlined in TC11) as depicted on the attached plan "*Conceptual Median, Route 132*" dated June 8, 2010, prepared by Horsley Witten Group and attached as Exhibit D. The Commission finds that this raised median will address concerns raised during the public hearing process relative to left turns at the Airport's easement from Route 132 to the Airport (next to the Wendy's Restaurant) and left turns at Hinckley Road. The Commission finds that with the installation of the raised median on Route 132 and fire hydrant on the north side of Route 132, the project complies with MPS TR1.1.
- TF25. The Commission finds, based on verbal testimony from Jo Anne Miller Buntich (Director of Barnstable's Growth Management Department) presented at the May 5, 2010 Public Hearing, that the Town of Barnstable concurs that the construction of a raised median on Route 132 would address the safety issues in this area.
- TF26. Commission staff discussed with Dean Melanson (Deputy Fire Chief at Hyannis Fire Department), the potential installation of a raised median along Route 132 with the design allowing fire apparatus to negotiate the turn at Hinckley Road.

Commission staff and the Hyannis Fire Department Deputy Chief agreed that designing the raised median to allow fire apparatus to take left turns at Hinckley Road would allow passenger vehicles to also make left turns, thus reducing the effectiveness of the raised median.

The Deputy Chief has submitted a memorandum dated May 27, 2010, which addresses the proposed median on Route 132 in front of the Airport's easement from Route 132 to the Airport near Wendy's Restaurant and Hinckley Road. The Commission finds adding a median will improve overall safety in that area and adopts the testimony of Deputy Chief Melanson and further finds in order for the median to be both safe and effective, a fire hydrant needs to be installed on the north side of Route 132 approximately 140 feet west of the Airport rotary and within the Route 132 right-of-way, and traffic must be able to pull into the shoulder of the road in order for eastbound fire apparatuses to pass through in the event of an emergency response.

The Commission adopts the testimony of Dean Melanson (presented to and considered by the Subcommittee at their June 14, 2010 meeting) and finds that a four-foot shoulder on the south side of Route 132 along the proposed median would allow eastbound traffic to pull into the shoulder of the road in order for fire apparatuses to pass through.

The Commission finds that the raised median shall be constructed with sloped granite curbing which enables the raised median to be driven over or "mountable". The Commission finds that in an emergency situation, emergency apparatus will be able to access the area without a significant delay in response time. The Commission finds that the proposed fire hydrant, the four (4) foot paved shoulder on the south side of Route 132, and sloped granite curbing shall be constructed in accordance with TC9-TC11.

- TF27. The BMA has proposed to construct a new western access road connecting the BMA to Airport Road. This access road would connect the BMA to Route 6 via Airport Road, Attucks Lane and Route 132. This new western access road would allow travelers from Route 6 to access the BMA without having to traverse the Airport Rotary and will reduce traffic on Route 132. The Commission finds that the new western access road complies with MPS TR1.1 (No Degradation in Safety).

The western access plan will require the upgrade of the existing Airport Road (from the airport property to Attucks Lane) and improvements at the Attucks Lane/Airport Road intersection. As outlined in a Letter of Agreement dated July 24, 2009 from Mark Ells (Director of Barnstable's Department of Public Works) and Roland "Bud" Breault (BMA Manager), the upgrade of Airport Road and improvements at the Attucks Lane/Airport Road intersection will be bid and constructed by the Town of Barnstable and the BMA will design the

roadway and intersection improvements in consultation with the Town of Barnstable's Department of Public Works.

- TF28. To assist travelers in locating the new access road, the Applicant has developed a regional sign plan, entitled "*Figure 4-19, Signing Plan*" and attached as Exhibit E and shall implement the signage plan as outlined in TC2. The Commission finds that the regional sign plan will guide travelers to the new access road and take eastbound traffic to the Airport off of Route 132 before the Hyannis Rotary.
- TF29. As part of the revised access plan for the BMA, the BMA is requesting the removal of the proposed traffic signal on Route 132 at the Sullivan Lot. This proposed traffic signal was originally opposed by Cape Cod Commission staff due to potential queuing back-ups into the Airport Rotary. The Commission finds that the removal of this proposed traffic signal will change the potential travel patterns of patrons of the airport. The Cape Cod Commission finds that the concern with removing the proposed traffic signal is the potential increase in left turning traffic at the Route 132/Hinckley Road and Route 132/Airport's easement from Route 132 to the Airport intersections. The Cape Cod Commission further finds that this concern has been addressed by the proposal for a raised median at this location.
- TF30. The Cape Cod Commission is about to undertake the Hyannis Access Implementation Study, which is expected to be completed in the spring of 2011. This study will determine the long-term solution for the Airport Rotary from the Cape Cod Mall traffic signal to the Yarmouth Town Line, as well as future access into the BMA. Based on this, the Commission finds the installation of any traffic signal on Route 132 should be delayed until the Hyannis Access Implementation Study has had time to review the area and make recommendations.
- TF31. To assist the Town of Barnstable and the Cape Cod region with transportation improvements along Route 132 and implementation of the Hyannis Access Study, the Commission finds, pursuant to TC3, the BMA has committed to maintaining what is currently an overflow parking lot on Airport property (the "Sullivan Lot") across from Nightingale Lane on Route 132 (as shown as an overflow parking lot on the plan entitled "*Barnstable Municipal Airport Improvement Project, Hyannis, Massachusetts*" and attached as Exhibit B). If, through the Hyannis Access Study Implementation, it is determined that it is appropriate to develop an Airport access road through the Sullivan lot, it is understood that the Airport will commit to creating the road construction, subject to available funds from the Federal Aviation Administration or others.
- TF32. MPS TR1.2 (Crash frequency at Key Locations)- The Commission finds that the BMA has offset all estimated site traffic (as outlined in TF12) and conforms to MPS TR1.2.

- TF33. MPS TR1.3 (Identification of Safety Impacts)- The Commission finds that the BMA has offset all estimated site traffic (as outlined in TF12) and therefore conforms to MPS TR1.3.
- TF34. MPS TR1.4 (Standards for Driveway Construction)- The BMA shall construct all site driveways to industry standards as outlined in TC1. The Commission finds that the project complies with MPS TR1.4.
- TF35. The Commission finds that MPS TR1.5 (Route 6 Access/Egress) does not apply as the project does not create direct access/egress onto Route 6.
- TF36. Pursuant to MPS TR1.6 (Sight Distance Obstructions), the BMA shall not install any objects that would impede safe driver sight distance along any roadway or at any intersection. The Commission finds the proposed site plans do not show any objects that would impede safe driver sight distance along any internal roadway or internal intersection. All internal roadway and intersection sight distances shall be confirmed by Commission staff during an in-the-field verification as outlined in TC4. The Commission finds that the BMA conforms to MPS TR1.6.
- TF37. MPS TR1.7 (Bicyclists and Pedestrian Safety and Access/Egress Requirements)- The BMA shall provide safe and adequate pedestrian and bicycle accommodations along the new western access road on a multi-use path. The multi-use path construction shall be confirmed by Commission staff as outlined in TC5. With the construction of a multi-use path, the Commission finds that the BMA conforms to MPS TR1.7.
- TF38. MPS TR1.8 (Sight-distance Requirements)- the BMA has provided acceptable sight distance at all access and/or egress locations based on a review of the site plans. As outlined in TC6, Commission staff shall confirm that all access and/or egress locations shall have acceptable sight distance. The Commission finds that the BMA plans conform to MPS TR1.8.
- TF39. Pursuant to MPS TR1.9 (Mitigation Timing), the BMA shall complete all safety requirements in accordance with TC9, TC10, TC11 and TC12 prior to issuing a Final Certificate of Compliance. The Commission finds that the BMA conforms to MPS TR1.9.
- TF40. MPS TR2.1 (Trip Reduction Outside Growth Incentive Zones or Economic Centers)- The Commission finds that the BMA has offset all estimated site traffic (as outlined in TF12) and therefore a reduction in site traffic is not required of this project. The Commission finds that the BMA project conforms to MPS TR2.1.

- TF41. The Commission finds that MPS TR2.2 (Trip Reduction Inside Growth Incentive Zones or Economic Centers) does not apply as the project is not located inside a Growth Incentive Zone or Economic Center.
- TF42. MPS TR2.3 (Interconnections)- The Commission finds that the Federal Aviation Administration (FAA) funding of the Airport Access Road limits the use of the Access Road to Airport use only and inhibits interconnects between abutting properties. Based on verbal testimony presented by Mark Nelson at the May 20, 2010 Subcommittee meeting, the Applicant has agreed to implement procedures to allow future connections (vehicular and/or pedestrian) and connect to an adjacent property if the concerns of the Federal Aviation Administration can be met and an interconnect agreement can be reached with an adjacent property owner as outlined in TC7. The Commission finds that the project complies with MPS TR2.3.
- TF43. The Commission finds that MPS TR2.4 (Incentives for Connections between Adjacent Properties) does not apply as there are currently no interconnections being proposed.
- TF44. MPS TR2.5 (Estimating Trip Reduction)- The Commission finds that the BMA has offset all estimated site traffic (as outlined in TF12) and therefore estimating trip reduction credits are not required of this project. The Commission finds that the BMA project conforms to MPS TR2.5.
- TF45. MPS TR2.6 (Bus Stops, Turn-outs and Shelters)- The Commission finds that the BMA has offset all estimated site traffic (as outlined in TF12) and therefore bus stops, turn-outs and shelters are not required of this project. The Commission finds that the BMA project conforms to MPS TR2.6.
- TF46. MPS TR2.7 (Bicycle and Pedestrian Accommodations)- The Commission finds that the BMA has accommodated bicycle and pedestrian along the new access road by designing and constructing a multi-use path along the western access road. The multi-use path shall be constructed in accordance with TC1. The Commission finds that the BMA project conforms to MPS TR2.7.
- TF47. Pursuant to MPS TR 2.8 (Preservation of Frontage), the BMA is accommodating bicycle and pedestrian use along the new western access road through the design and construction of a multi-use path. The Commission finds that the multi-use path conforms to MPS TR 2.8. The multi-use path shall be constructed as required in TC1.
- TF48. Pursuant to MPS TR2.9 (Parking Spaces), the Town of Barnstable has determined that the BMA is exempt from zoning and therefore not bound by the parking bylaws of the Town of Barnstable. Significant changes to the existing parking and circulation for access to the terminal include the addition of parking spaces to accommodate future demand for a total of 1,561 parking

spaces. All of the proposed parking is not currently necessary and will be phased. The Applicant shall submit a phased development plan for the parking as required in TC8.

- TF49. The Commission finds that MPS TR2.13 (Inflation Factor) and MPS TR2.14 (Uses of Trip-reduction Funds) do not apply as the project results in a net decrease in trips the Applicant does not need to make payments for trip reduction purposes.
- TF50. Pursuant to MPS TR3.1 (Operational Requirements), the BMA has submitted all required Level of Service Analysis at access and/or egress points onto the road system. The Commission finds that the BMA project conforms to MPS TR3.1.
- TF51. Pursuant to MPS TR 3.3 (Traffic Studies), the BMA has submitted all appropriate traffic studies to address the area impacted by the development. The Commission finds that the BMA project conforms to MPS TR3.3.
- TF52. (Restrictions on Road Widening or New Signals)- The Commission finds that the proposed Route 132 roadway widening is not located within a local or regional historic district and conforms to MPS TR3.7.
- TF53. MPS TR3.8 (Year-round Structural Mitigation)- The Commission finds that the Route 132 roadway widening has a substantial benefit to the transportation system throughout most of the year and conforms to MPS TR3.8.
- TF54. The Commission finds that the addition of a shoulder on the southern (inbound) side of Route 132 can accommodate bicycle and pedestrian travel and conform to MPS TR3.9 (Bicycle and Pedestrian Accommodation).
- TF55. MPS TR3.12 (Consistency with Other Plans)- The Commission finds that the BMA Route 132 raised median plan is consistent with the Local Comprehensive Plan, the Cape Cod Metropolitan Planning Organization's Regional Transportation Plan and the Hyannis Access Study (completed in 2008) and therefore complies with MPS TR3.12.
- TF56. MPS TR3.14 (Traffic-monitoring Devices)- The Commission finds that traffic monitoring devices are not required of this project and therefore conforms to MPS TR3.14.
- TF57. The Commission finds that MPS TR3.2 (Credit for Trip-reduction Mitigation), TR3.4 (Mitigation of Congestion Impacts Required), TR3.5 (Mitigation Fee), TR3.6 ("Fair-share" Payments), MPS TR3.15 (Inflation Factor) and MPS TR3.16 (Use of Congestion Mitigation Funds) do not apply as the project results in a net decrease in trips (as outlined in TF12) and has offset all of their trips.

- TF58. The Commission finds MPS TR3.13 (Operation and Maintenance Costs) does not apply as there are no roadway infrastructure or operation and maintenance costs associated with DRI mitigation for this project.
- TF59. The Commission finds that MPS TR3.10 (Preserve Existing Rights-of-way), and MPS TR3.11 do not apply as the project is not located in a local or regional historic district and is not proposing to eliminate any rights-of-way or increase capacity on any controlled-access highway.

The following findings of the 2007 decision, as amended, have been deleted:
Transportation findings T1, T2, T3, T4, T5, T6, T7, and T8.

The Commission finds that the following additional findings from the 2007 DRI decision, as modified, shall be modified as follows:

GF12. Economic Development

Economic Development finding ED2 of the 2007 DRI decision, as amended, is modified as follows (bold type indicates added text, deleted text is shown as struck-out):

Total Direct Investment and Financing: The **Applicant has stated that the** total investment estimated for the **modified** project is **approximately** \$43.6 **\$30.3** million; \$35.6 **\$25.06** million will cover the construction of the new terminal and the access road while \$8 **\$5.3** million will cover the land acquisition needed to complete the project. **The Massachusetts Aeronautics Commission & Massachusetts Department of Transportation is providing 75% of the design and construction costs for the terminal and the BMA is paying the difference from reserves and thru a bond paid for by user fees. The Federal Aviation Administration is paying 95% of eligible road construction and design costs and the BMA is paying the difference.**

~~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.~~

Economic Development finding ED5 of the 2007 DRI decision, as amended, shall be modified to remove the parcel of land at 174 Airport Road and the 'Mildreds Restaurant' parcel on Iyannough Road.

GF13. WATER RESOURCES

Water Resources finding WRF3 of the 2007 DRI decision, as amended, is modified as follows (bold type indicates added text, deleted text is shown as struck-out):

The project will result in an increase in terminal building Title-5 sanitary wastewater flows of ~~4,850~~ 4,631 gallons per day (gpd) according to **information provided by the Applicant** ~~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~~ **16,974** 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 **the January 25, 2007** this decision.

CONCLUSION

Based on the findings of the original January 25, 2007 decision, (as modified July 6, 2009, March 16, 2010, April 12, 2010 and May 24, 2010) and on the above findings, the Commission hereby concludes:

That the probable benefits of the proposed Major Modification are greater than the probable detriments. This conclusion is based in part on the anticipated decrease in congestion around the rotary and improvement in overall traffic flow as a result of the access/egress design changes, an increase in public safety in the region, a decrease in overall project expenditures and the fact that the elimination of the Sullivan Lot entrance and signalized light will reduce potential limitations for improving the Hyannis Rotary with respect to improvements identified in the Massachusetts Executive Office of Transportation’s Hyannis Access Study, and other potential rotary and roadway improvements that may be developed over time. The Commission also concludes that the proposed Major Modification is consistent with the 2009 Regional Policy Plan.

The Commission finds the proposed project is consistent with Barnstable's Commission-certified Local Comprehensive Plan and that it is exempt from local zoning regulations as a municipal entity and therefore the development is consistent with municipal development bylaws. These conclusions are supported by findings GF6 and GF7.

CONDITIONS

The Commission hereby approves, with conditions, the application of the Barnstable Municipal Airport Commission for the proposed Major Modification to the 2007 Barnstable Municipal Airport Improvements Project DRI, as amended, provided the following conditions are met. All conditions attached to the original decision and subsequent modifications continue to apply except as modified herein.

General Conditions

- GC1. **Condition G1 of the 2007 DRI decision, as amended, is modified as follows (bold type indicates added text, deleted text is shown as struck-out):**
- G1. The Commission hereby approves, with conditions, the development of the Barnstable Municipal Airport Improvements Project **and its Major Modification**. Each of the Project subparts listed below will require issuance of a Preliminary and Final Certificate of Compliance from the Cape Cod Commission as provided by condition G2 (**of the 2007 DRI decision**).
1. Construction of a new access road connecting the terminal to Attucks **Lane, via Airport Road Way**,
 2. Closing of the two existing Airport entrances **the existing access** from the Airport Rotary **to the Barnstable Road northbound lane and leaving the existing Barnstable Road southbound lane open into the Airport Rotary**,
 3. Construction of two new entrances — one on Route 28 (eastbound) and one on ~~Route 132~~, across from Nightingale Lane, **Modifying the existing Route 28 full access driveway to right-turn-in only**,
 4. Construction of a new passenger terminal for the Airport,
 5. Construction of new paved parking areas for ~~801~~ **814** 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 ~~Lane Way~~, providing a total of ~~1,669~~ **1,561** 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.,
 11. Demolition of the existing Air Traffic Control Tower and the construction of a new Tower, and

12. Construction of a raised median on Route 132 from the Airport Rotary past Hinckley Road

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.

GC2. Condition G2 of the 2007 DRI decision, as amended, is modified as follows (bold type indicates added text, deleted text is shown as struck-out):

G2. Prior to commencement of each subpart of "development" listed in condition G1 (subparts #1 – ~~12 +0~~), 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.

GC3. Condition G11 of the 2007 DRI decision, as amended, is modified as follows (bold type indicates added text, deleted text is shown as struck-out):

GC11. All work shall be constructed in **accordance** ~~manner consistent~~ with the following plans and other information:

- Plan **showing the route of the new access road and modified Barnstable Road access to the Airport Rotary**, entitled "***Barnstable Municipal Airport Improvement Project, Hyannis, Massachusetts***" dated March 2, 2010 by AECOM and Submitted by Horsley Witten Group. **This plan is attached to the decision as Exhibit B and is incorporated by reference.** *"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, **as amended by the above plan, revising the road layout.**
- **Plan entitled "Proposed Entrance" dated June 24, 2009 by AECOM, which shows the modified entrance to the Airport off**

of Route 28. This plan is attached to this decision as Exhibit C and is incorporated by reference. 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 shown and described by the plans entitled “*Exterior Elevations*” by AECOM dated June 11, 2009 or “*Alternate Exterior Elevations*” by AECOM dated June 11, 2009
- **Plan entitled “*Conceptual Median, Route 132*” dated June 8, 2010 by Horsley Witten Group, which depicts the raised median on Route 132, four-foot shoulder on the south side of Route 132 and a fire hydrant on the north side of Route 132. This plan is attached to this decision as Exhibit D and is incorporated by reference.**
- **Plan entitled “*Figure 4-19, Signing Plan*” dated March 24, 2010 by Nitsch Engineering, which depicts the sign plan for the area. This plan is attached to this decision as Exhibit E and is incorporated by reference.** Stormwater management system 30% design concepts as described in Section 2.0 of the DRI application.
- Plan entitled “*Barnstable Municipal Airport Improvement Project, Hyannis, Massachusetts*” (which depicts the proposed location of the new Tower) by AECOM and Horsley Witten Group dated March 2, 2010. This plan is attached to this decision as Exhibit B and is incorporated by reference.
- Air Traffic Control Tower design elements as shown on the plans entitled “*3-D Rendering of Revised Air Traffic Control Tower*” and “*Revised Air Traffic Control Tower Design-Option F*” dated 3/9/10 and received as e-mails from Mark Nelson of the Horsley Witten Group as amended by sheets A2.1 and A2.1 of the plans entitled “*Air Traffic Control Tower*” by CTBX Aviation Group dated 2/25/10.

GC4. Condition G17 of the 2007 DRI decision, as amended, is modified as follows (bold type indicates added text, deleted text is shown as struck-out):
G17. The Applicant shall provide written proof to the Commission that a copy of this **the 2007 DRI decision and all subsequent modifications**, 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

The following condition has been deleted from the 2007 decision, as amended:

~~GC16. 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.~~

Transportation Conditions

TC1. 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 BMA shall provide to the Commission staff for review and approval all applicable plans and local, state and federal permits for the Project including but not limited to final design plans, MassDOT 25%, 75% and 100% Plans, Specifications & Estimates submissions, 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 MassDOT Access Permit, a MassDOT Traffic Signal Permit, and a Massachusetts Department of Environmental Protection Superseding Order of Conditions so as to implement the mitigation in accordance with General Finding GF1. The roadway improvements as outlined in GF1 include:

- Development of a new access road connecting the new terminal with Attucks Lane via Airport Road, which has variable shoulder widths between 4 feet and 8 feet to accommodate bicyclists, as well as a "Multi Use Path" on one side of the roadway that would accommodate pedestrians,
- Changing the existing full access Route 28 driveway (located east of the Airport Rotary) to a right-turn-in-only driveway from Route 28 westbound into the site,
- Maintaining the Barnstable Road southbound lane as an 'entrance-only' into the Airport Rotary and closing the Barnstable Road northbound lane exiting the Airport Rotary
- Construction of a raised median on Route 132 from the Airport Rotary past Hinckley Road.

TC2. Before a Final Certificate of Compliance is issued by the Cape Cod Commission for the proposed terminal building, Commission staff shall confirm that the BMA has installed all advanced airport directions signs as shown on the plan

entitled "Figure 4-19, Signing Plan" dated March 24, 2010, submitted Horsley Witten Group as outlined in TF28.

- TC3. The BMA shall maintain the "Sullivan property" (as identified in TF31) as a parking field for twelve years from the date of this decision or until the implementation of the Hyannis Access Study. The BMA has agreed to convert the "Sullivan property" into an access road for the BMA if during the Hyannis Access Implementation Study, it is determined that a traffic signal needs to be installed on Route 132 at the "Sullivan property" as outlined in TF31, subject to available funds from the Federal Aviation Administration or other available funding.
- TC4. Before a Final Certificate of Compliance is issued by the Cape Cod Commission for the proposed terminal building (subpart #4), Commission staff shall confirm via an in-the-field verification, that no objects have been installed by the BMA that would impede safe driver sight distance along any roadway or at any intersection as outlined in TF36.
- TC5. Before a Final Certificate of Compliance is issued by the Cape Cod Commission for the proposed terminal building (subpart #4), the BMA shall provide safe and adequate pedestrian and bicycle accommodations along the new western access road as confirmed by Commission staff at an in-the-field verification. This western access road shall have a multi-use path to accommodate pedestrian and bicycle users as outlined in TF37.
- TC6. Before a Final Certificate of Compliance is issued by the Cape Cod Commission for the proposed terminal building (subpart #4), Commission staff shall confirm that the BMA has provided acceptable sight distance at all access and/or egress locations via an in-the-field verification as outlined in TF38.
- TC7. The BMA shall implement procedures to allow connections between parcels. The BMA has agreed to provide all safe and reasonable requests for future interconnects with adjacent properties for pedestrians and vehicles as outlined in TF42 provided the party which proposes the interconnect secures the funding to construct the interconnect.
- TC8. The proposed parking will be phased in as outlined in TF48. Before a Preliminary Certificate of Compliance is issued for the terminal building (subpart #4), the Applicant shall submit for Commission staff review and approval, a phased development plan for the parking. It is understood and approved that the two parking areas immediately north of the Airport Rotary and East of the proposed terminal building, and shown as Proposed Overflow Parking (dark green) on attached Exhibit B may be built at the outset, subject to available funds.

- TC9. Before a Final Certificate of Compliance is issued by the Cape Cod Commission for the terminal building (subpart #4), a fire hydrant on the northern side of Route 132, approximately 140 feet from the Airport Rotary and within the Route 132 right-of-way shall be installed in accordance with Exhibit D and as outlined in TF24 and TF26.
- TC10. Before a Final Certificate of Compliance is issued by the Cape Cod Commission for the terminal building (subpart #4), a raised median on Route 132 from the existing divisional island at the Airport Rotary north along Route 132 past Hinckley Road shall be constructed in accordance with Exhibit D and as outlined in TF24. Any proposed change to this condition involving the completion of the raised median shall require approval by the Commission as a minor modification of this decision pursuant to Section 13 of the Commission's Enabling Regulations.
- TC11. Before a Final Certificate of Compliance is issued by the Cape Cod Commission for the terminal building (subpart #4), a four-foot shoulder on the south side of Route 132 along the new median shall be constructed as shown on Exhibit D and as outlined in TF26.
- TC12. Before a Final Certificate of Compliance is issued by the Cape Cod Commission for the terminal building (subpart #4), the modified right-turn-in only driveway off of Route 28 shall be constructed, in accordance with attached Exhibit C.
- TC13. Before a Final Certificate of Compliance is issued by the Cape Cod Commission for the terminal building (subpart #4), the new access road to the Airport shall be constructed and the Barnstable Road northbound lane from the Airport Rotary to the Airport shall be closed to allow 'exit-only' traffic from the Airport to the Rotary in accordance with Exhibit B.

The following conditions of the 2007 decision, as amended, have been deleted from the 2007 DRI decision, as amended:

Transportation Conditions: T4 and T6.

SUMMARY

The Cape Cod Commission hereby approves with conditions the application of the Barnstable Municipal Airport Commission as a Major Modification pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended.

SEE NEXT PAGE FOR SIGNATURE LINE


John D. Harris, Chair

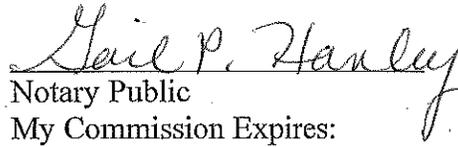
1 July 2010
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

July 1, 2010

Before me, the undersigned notary public, personally appeared John D. Harris, in his/her capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.


Notary Public
My Commission Expires:

10.13.11

EXHIBIT "A"

PROPERTY ADDRESS: 480 Barnstable Road, Hyannis MA 02601.

REGISTERED PARCELS:

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

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

UNREGISTERED PARCELS:

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