

Horsley Witten Group

Sustainable Environmental Solutions

90 Route 6A • Sandwich, MA • 02563
Phone - 508-833-6600 • Fax - 508-833-3150 • www.horsleywitten.com



July 28, 2015

Mr. Jonathan Idman, Chief Regulatory Officer
Cape Cod Commission
3225 Main Street
P.O. Box 226
Barnstable, MA 02630-0226

Re: Development of Regional Impact Application and Request for Hardship Exemption
Provincetown Municipal Airport Capital Improvements Plan Project
Provincetown, Massachusetts

Dear Mr. Idman and Members of the Cape Cod Commission and Staff:

On behalf of the Provincetown Airport Commission, the Horsley Witten Group, Inc. (HW), as a subconsultant to Jacobs Engineering, Inc., has prepared the following Development of Regional Impact (DRI) application and request for Hardship Exemption along with associated documentation to address the elements of a DRI for the proposed Capital Improvements Program (CIP) Project for the Provincetown Municipal Airport (PVC).

The CIP Project consists of 12 project elements designed to improve safety and security at the Airport, as well as improve airport efficiency. The 12 project elements as presented in the Final Environmental Impact Report (FEIR)/Environmental Assessment (EA) are as follows:

1. Construct Westerly Taxiway System Improvements;
2. Relocate East End Taxiway;
3. Reconstruct Terminal Apron;
4. Reconstruct Easterly End of Taxiway;
5. Install Taxiway Lighting and Construct Electric Vault;
6. Repair Sightseeing Shack;
7. Improve Access Road to Approach Light System;
8. Construct Service Access Roads to Localizer Equipment Shelter (LES) and to the Automated Weather Observation Station (AWOS);
9. Install a Perimeter Safety/Security Fence;
10. Expand Auto Parking;
11. Expand Terminal Building; and
12. Expand Turf Apron.



Mr. Jonathan Idman

July 28, 2015

Page 2 of 4

Please note the following:

- Two of the project elements were footprint reconstruction projects and have already been permitted and constructed:
 3. Reconstruct Terminal Apron; and
 4. Reconstruct Easterly End of Taxiway.
- One of the project elements will be deferred for future permitting. Upon regulatory input, the Airport Commission has decided to defer the terminal building expansion (project element #11), as well as Phase 2 of the parking lot expansion (#10) to a future review and permitting process. Recent changes to the floodzone elevations coupled with the Federal Aviation Administration (FAA) policy regarding new construction within the Airport's secure airspace have resulted in the need for the project team to reevaluate and/or redesign the elevation of the terminal building. Further, the Airport Commission has committed to conducting traffic and parking analyses prior to proposing the second phase of the parking lot expansion. The Airport will permit the terminal building and parking lot modifications as either a permit amendment or a separate permit process, as resource agencies deem appropriate, once these design issues have been resolved.

The Provincetown Municipal Airport is an important transportation component of the Town of Provincetown and the outer Cape Cod region. By implementing safety and facility improvements at the Airport, the CIP project supports the Regional Policy Plan goals to foster a sustainable economy, protect natural resources, and provide transportation options.

The proposed CIP Project will result in unavoidable impacts to wetland resource areas, including freshwater wetlands, and coastal dunes, as well as the 100-foot buffer zone to each. The entire Airport is also located within the coastal floodzone (Land Subject to Coastal Storm Flowage). In addition, the entire Airport is located in mapped areas of Estimated Habitat of Rare Wildlife and Priority Habitat of Rare Species, and is therefore subject to Massachusetts Endangered Species Act (M.G.L. Ch. 131A; MESA).

Proposed mitigation includes wetland restoration; invasive species management; implementation of rare species protection plans; construction timing; and implementation of a sedimentation and erosion control plan. The project will manage stormwater runoff in accordance with the Massachusetts Stormwater Management Standards for both redevelopment and new development, and ultimately, the Project will result in a net reduction in impervious cover.

While the Airport is able to comply with the majority of the Minimum Performance Standards (MPSs) within the Regional Policy Plan (RPP), the Airport cannot comply with all of the MPSs because of the unique location of the airport infrastructure within environmentally sensitive



Mr. Jonathan Idman

July 28, 2015

Page 3 of 4

resource areas and rare species habitat. The Airport Commission is seeking a Hardship Exemption for certain MPSs directly related to wetland and buffer zone alteration that otherwise cannot be met as a result of the environmental constraints of the site. Further, the Airport Commission is requesting that the Cape Cod Commission invoke its Flexibility Clause to allow for flexibility with respect to the MPSs directly related to groundwater separation with the proposed stormwater management BMPs that meet and/or exceed the Massachusetts Stormwater Management Standards, but cannot meet the more stringent design MPSs to the fullest extent.

Implementation of the proposed CIP will not be more detrimental to the protected resources than would be allowable under the applicable MPS because of proposed mitigation that includes wetland and coastal dune restoration and enhancement, protection of rare species habitat, project design and construction measures, and long-term monitoring. The Airport Commission believes that this approach is at least as protective of the natural resource as full compliance with the MPS, and that the CIP meets the spirit of the RPP.

A Notice of Intent (NOI) application has been approved by the Provincetown Conservation Commission under the Massachusetts Wetlands Protection Act only and an Order of Conditions (OOC) is pending. A separate NOI application will be submitted under the Town of Provincetown Wetlands Protection Bylaw (Chapter 12 of the Provincetown General Bylaws) following DRI review.

Enclosed for your review and consideration, please find three copies of the completed DRI application package (one bound original and two copies) along with supporting materials, and one full-sized copy of the project plans. HW will send copies of this filing to the required Town Boards, and will provide certification of mailing to CCC once received.

This filing is divided into five parts:

Part 1 Required Application Forms and Attachments

Part 2 The DRI Overview and Design Narrative provides an overview of the CIP Project and a summary of the applicable MPSs to and how these are addressed by the project design.

Part 3 The Project Narrative provides a discussion of existing site conditions, proposed conditions, mitigation measures, and a discussion of how the proposed CIP projects intend to meet the MPSs. We have also provided a summary table (Table 6) of all MPSs within the RPP within the Attachments (Part 5).

Part 4 Project Plans and Graphics includes copies of all locus maps and 11 x 17 format of the project plans. Full sized plans are enclosed.



Mr. Jonathan Idman

July 28, 2015

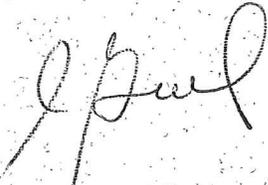
Page 4 of 4

Part 5 The Attachments consist of natural resources studies and other documents, including a copy of the FEIR/EA, copies of stormwater management plans, and draft mitigation plans

Thank you in advance for your review of this DRI. Should you have any questions or require additional information, please do not hesitate to contact me at (508) 833-6600.

Sincerely,

HORSLEY WITTEN GROUP, INC.



Amy M. Ball, PWS, CWS
Project Manager – Senior Ecologist

Enclosures

cc: Provincetown Town Clerk
Provincetown Building Inspector
Provincetown DRI Liaison
Provincetown Planning Board
Provincetown Conservation Commission
Arthur Lisenby, Manager, Provincetown Airport
Richard Doucette, FAA, New England Division
Nathan Rawding, MassDOT – Aeronautics Division
George Price, National Park Service
Bill Richardson, Jacobs Engineering, Inc.





Application Cover Sheet

Cape Cod Commission
 3225 Main Street, PO Box 226
 Barnstable, MA 02630
 Tel: (508) 362-3828 • Fax: (508) 362-3136

For Commission Use Only	
Date Received:	
Fee (\$):	
Check No:	
File No:	

A Type of Application (check all that apply)

Development of Regional Impact (DRI)
 Hardship Exemption
 Limited DRI Review
 Jurisdictional Determination
 DRI Exemption
 Request for Joint MEPA/DRI Review

B Project Information

Project Name: Provincetown Municipal Airport CIP Total Site Acreage: 331 ac
 Project/Property Location: 176 Race Point Rd Zoning: S State Class 9310

Brief Project Description:
 Include total square footage of proposed and existing development, gross floor area, number of lots existing or to be created, specific uses, description of existing conditions, as applicable (attach additional sheets if necessary).

The Provincetown Airport Commission proposes to implement a Capital Improvements Plan consisting of eleven project elements. Please see attached for details.

C Owner(s) of Record

List the following information for all involved parcels. Provide copies of each Deed and Purchase and Sale Agreement and/or evidence of lease-hold interest, if applicable, for all involved parcels. Proof of ownership/legal rights for Applicant(s) to proceed with the proposed development must be documented prior to the Commission deeming any application complete (attach additional sheets if necessary).

Map/Parcel	Owner's Name	Lot & Plan	Land Court Certificate of Title #	Registry of Deeds Book/Page #
<u>1-8-631</u>	<u>Cape Cod National Seashore</u>			<u>1423/968</u>

There **ARE/ARE NOT** (circle one) court claims, pending or completed, involving this property (if yes, please attach relevant information).

D Certification

I hereby certify that all information provided on this application form and in the required attachments is true and accurate to the best of my knowledge. I agree to notify the Cape Cod Commission of any changes on the information provided in this application, in writing, as soon as is practicable. I understand failure to provide the required information and any fees may result in a procedural denial of my project.

NOTE: For wireless communication facilities, a licensed carrier should be either an applicant or a co-applicant.

APPLICANT	Applicant(s) Name: <u>Arthur Lisenby</u> Tel: <u>508-487-0240</u> Fax: _____
	Address: <u>PO Box 657, Provincetown MA 02657</u>
	Signature: <u>[Signature]</u> Date: <u>7/20/15</u>

CO-APPLICANT	Co-Applicant(s) Name: _____ Tel: _____ Fax: _____
	Address: _____
	Signature: _____ Date: _____

CONTACT	Contact: <u>Amy Ball Hershey Wotton group</u> Tel: <u>508/033-6600</u> Fax: _____
	Address: <u>90 Route 1A, Sandwich MA 02563</u>
	Signature: <u>[Signature]</u> Date: <u>24 July 2015</u>

PROPERTY OWNER	Property Owner: <u>George Price, Jr., Director</u> Tel: <u>508-349-3785</u> Fax: _____
	Address: <u>Cape Cod National Seashore, 99 Marconi Site Rd, Wellfleet MA 02667</u>
	Signature: _____ Date: _____

BILLABLE ENTITY	Name: _____ Tel: _____ Fax: _____
	Address: _____

REQUIRED FILING MATERIALS

The following must be attached to the Application Form at the time of its filing:

- Certified List of Abutters (required for all application types except Attachment 5, Jurisdictional Determination). A list of abutting property owners within 300 feet of the boundaries of the development site and their addresses. Include both local and off-Cape addresses when applicable.
 - This list **must** be formatted in three columns consistent with the Standard Label Format designed to print on Avery Labels #5160.
 - List must be certified by the Town Assessor's office. Note: Assessor's offices may take up to 10 days to certify an abutter's list.
 - If there are more than 50 abutters, applicants must provide **three sets** of the certified list on self-adhesive labels.

- Required Filing Fee. Please calculate according to the Schedule of Fees (see Enabling Regulations, Section 14). Please make check payable to **BARNSTABLE COUNTY TREASURER**.

- An 8 1/2"x 11" copy of the U.S.G.S. quadrangle map of the area, containing sufficient information for the Commission to locate the site of the proposed development.

- Development Plans. File as required for each application type you are making. See list of Attachment(s) below for specific instructions.

- Permits or Actions. List of local, state, or federal agencies or boards from which a permit or other actions have, will, or may need to be sought. Include agency/board name, type of permit, date filed, and file number. If one of the listed permits or actions requires the filing of an Environmental Notification Form under the Massachusetts Environmental Policy Act (MEPA), please contact the Commission's Chief Regulatory Officer to discuss the potential for joint Commission and MEPA review. For information on MEPA regulations contact the Executive Office of Energy and Environmental Affairs, MEPA Unit, at (617) 626-1020. Please attach all relevant MEPA documents and describe the status of the MEPA filing.

Applicants must also submit the necessary attachment(s) based on the type of application(s) being made:

- Attachment 1: DRI Application Filing Procedures & Requirements
- Attachment 2: DRI Exemption Application Filing Procedures & Requirements
- Attachment 3: Hardship Exemption Application Filing Procedures & Requirements
- Attachment 4: Limited DRI Review Application Filing Procedures & Requirements
- Attachment 5: Jurisdictional Determination Application Filing Procedures & Requirements
- Attachment 6: Joint MEPA/DRI Review Application



TOWN OF PROVINCETOWN
DEPARTMENT OF MUNICIPAL FINANCE - ASSESSORS' OFFICE

260 Commercial Street, Provincetown, MA 02657
Telephone (508) 487-7017 Fax (508) 487-9560

April 9, 2015

Horsley Witten Group
Attn: Amy Ball
90 Rte 6-A
Sandwich, MA 02563

Re: Request for Abutters List for property at 176 Race Point Road

Dear Amy:

In answer to your inquiry concerning the above, that property's only Abutter is the National Seashore.

If I can be of further assistance to you, please feel free to call.

Best Wishes,

Richard Faust

Richard Faust
Assistant Assessor

Cc: Board of Assessors

LIST OF ABUTTERS TO PROVINCETOWN AIRPORT 1-8-631

CAPE COD NATIONAL SEASHORE
US DEPT OF INTERIOR,
99 MARCONI SITE RD
S WELLFLEET, MA 02663

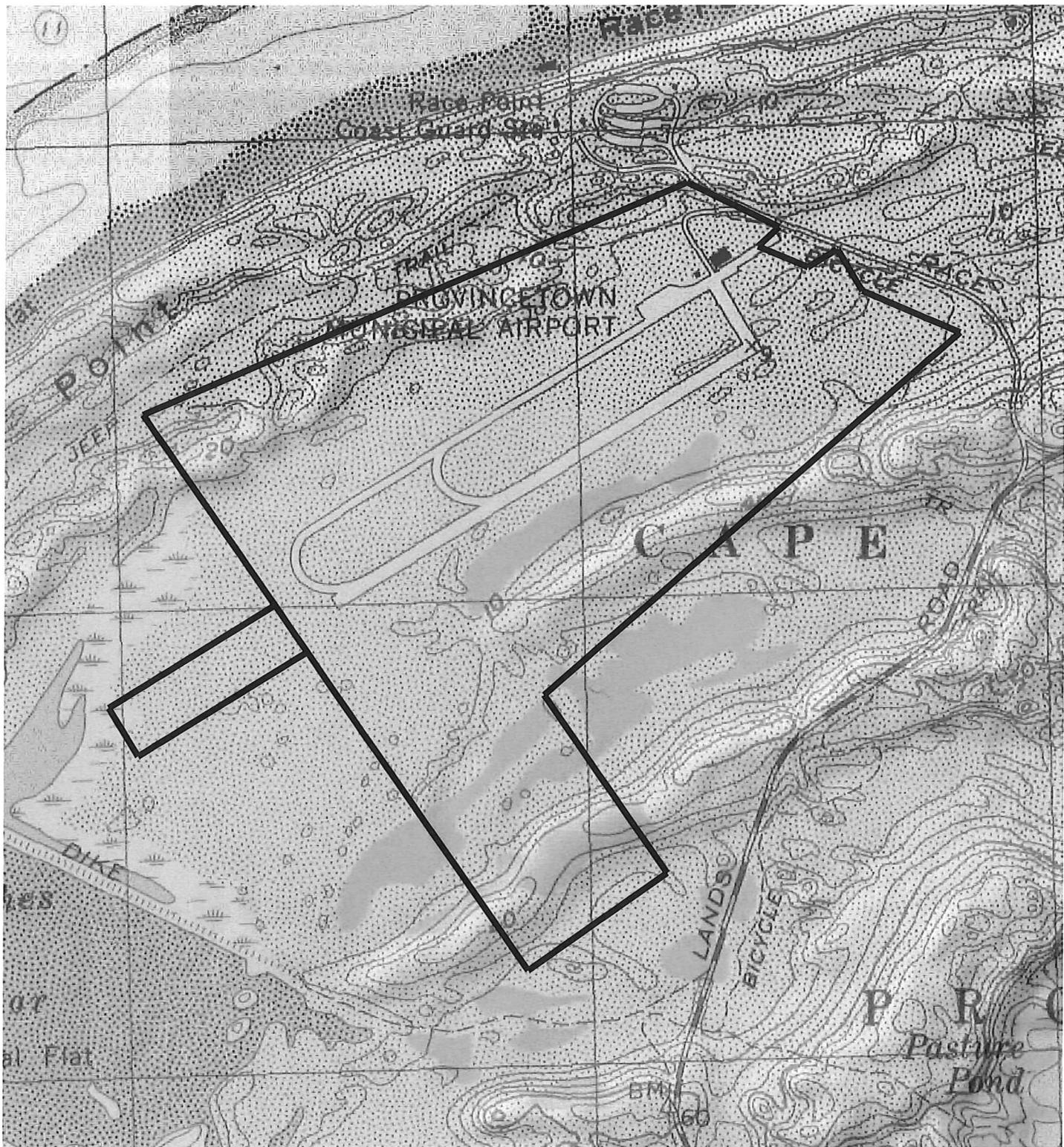
DRI Filing Fee Exemption Statement

Provincetown Municipal Airport Capital Improvements Plan

July 2015

The Provincetown Airport Commission is requesting exemption from the Development of Regional Impact (DRI) filing fees as the proposed Capital Improvements Plan (CIP) Project is proposed by a municipality, the Town of Provincetown. According to the Cape Cod Commission, Chapter A, Enabling Regulations, Section 16(a)(viii)(b) Municipalities within Barnstable County shall be exempt from the fees charged by the Commission.

In addition, per Section 12(a)(iv), a Municipality is not required to bear the cost of providing notice of the Cape Cod Commission public hearing.



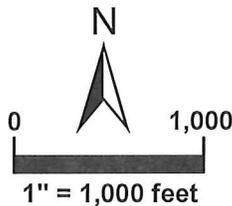
Document Path: H:\Projects\2004\4027 E&K-PTown Airport\GIS\Maps\150429_Maps\150430_USGS\Locus.mxd

*Provincetown Topographic Quadrangle

Legend

 Lease Line

Horsley Witten Group
 Sustainable Environmental Solutions
 90 Rte 6A • Sandwich, MA • 02563
 Tel: 508-833-6000 • Fax: 508-833-3150 • www.horsleywitten.com

USGS Topographic Quadrangles
 Provincetown Municipal Airport
 Provincetown, MA

Date: 4/30/2015

Figure 1

Provincetown Municipal Airport
Provincetown, MA

Status of Project Permitting and Actions

Review / Permit	Issuing Authority / Reviewing Agency	Status
Massachusetts Environmental Policy Act (MEPA)	MEPA Unit, Executive Office of Energy and Environmental Affairs (EEA No. 13789)	FEIR Certificate issued 02/17/12
National Environmental Policy Act	FAA and NPS	FAA FONSI issued 05/24/12 NPS FONSI issued 04/09/14
National Historic Preservation Act, Section 106	Massachusetts Historical Commission (MHC RC.9962)	Completed 04/02/07
Section 404 Clean Water Act Permit	U.S. Army Corps of Engineers (NAE-2006-4281)	Application pending
CZM Federal Consistency Certification	MA Office of Coastal Zone Management	Application pending
Section 401 Water Quality Certification (with Variance)	MassDEP (Trans. X266607)	Application pending
Development of Regional Impact	Cape Cod Commission	Application submitted
Order of Conditions pursuant to Massachusetts Wetlands Protection Act	Provincetown Conservation Commission (DEP File No. 058-0535)	Public Hearing closed; Order of Conditions pending
Order of Conditions pursuant to Provincetown Wetlands Bylaw	Provincetown Conservation Commission	Application pending
National Pollutant Discharge Elimination System General Permit for Construction (NPDES)	U.S. Environmental Protection Agency	Application by contractor prior to construction

THIS INDENTURE made this *Second* day of *January* in the year of Our Lord One Thousand Nine Hundred and Sixty-One.

WITNESSETH: That the Commonwealth of Massachusetts through its Department of Public Works, hereinafter called the Lessor, subject to the approval of the Governor and Council, does hereby lease, demise and let unto the inhabitants of the Town of Provincetown, in the Commonwealth of Massachusetts, through its Airport Commission, hereinafter called the Lessee, the following described parcels of land of the Commonwealth of Massachusetts located in Provincetown and comprising a part of the property known as the Province Lands, and bounded and described as follows:

A parcel hereinafter designated as Parcel No. 1, beginning at a point S 85° 30' W and 435.00 feet from a Massachusetts Department of Public Works monument designated as M.G.S. (153Y); thence S 67° 00' E 2402.25 feet to a point; thence S 49° 00' W 3890.00 feet to a point; thence S 35° 00' E 1600.00 feet to a point; thence S 55° 00' W 1200.00 feet to a point; thence N 35° 00' W 4850.00 feet to a point; thence N 67° 00' E 3880.00 feet to the point of beginning containing in all 374 acres, more or less.

A parcel hereinafter designated as Parcel No. 6, beginning at a point which is the northeasterly end of the last described course of Parcel No. 1; thence N 67° 00' E 300 feet more or less to a point in the westerly side line of Race Point Road; thence in a general southeasterly direction in the said side line of Race Point Road 725 feet more or less to a point; thence S 50° 25' W 200 feet more or less, to a point in the first described course of Parcel No. 1; thence N 67° 00' W 850.00 feet in said course to the point of beginning. *Acres I*

For a more particular description of said leased property reference may be had to plan attached to this lease, and made a part hereof; entitled in part: "Provincetown Municipal Airport, Property Map, Scale 1 inch 1,100 feet, Burns & Kenerson, Inc., Consulting Engineers, April 19, 1947".

That the Lessor further covenants with the Lessee to grant and guarantee certain rights as hereinafter provided, in portions of said Province Lands designated as Parcels No. 2, No. 3, No. 4 and No. 5 on the aforementioned attached plan.

To have and to hold for the term of twenty (20) years from the 1st day of January nineteen hundred and sixty-one, in consideration of the sum of one (1) dollar by the Lessee to be paid the Lessor, subject to the following terms and conditions:

The Lessee will use the said Parcel No. 1 for public airport purposes only, and the said Parcel No. 6 for access to said Parcel No. 1 from Race Point Road, and will keep the premises available for use as a public airport at all times except when under construction or repairs, for the said term of twenty years and no use or occupancy will be made of said premises which will interfere or detract from its usefulness as a public airport.

Public use of said airport may be restricted only by such reasonable fees and regulations as may be established by the Lessee consistent with safety, services rendered, and accommodations provided.

The Lessee shall have the right to make necessary excavations, to place solid fill and to construct buildings, runways, taxiways and approach roads and such other structures on said premises as are pertinent to operation of a public airport and all such construction and operation shall be in conformity with State and Federal Laws and Regulations pertaining thereto.

The Lessee shall have the right to make necessary excavation and to trim and keep trimmed, tree and shrub growth within the aforesaid Parcels No. 2, No. 3, No. 4 and No. 5, to elevations consistent with a glide path on a slope of 40 feet horizontally to 1 foot vertically from the ends of the runway approached over Parcels No. 3 and No. 5, and 30 feet horizontally to 1 foot vertically from the ends of the runway approached over Parcel No. 2 and No. 4; the locations for said runways being indicated on the aforementioned attached plan.

The Lessee shall replant all excavated areas with the same kind of growth as that disturbed, or other suitable material, as soon as possible following said excavation or any other operation which disturbs or destroys such growth, and all replanting and trimming and cutting of trees or shrubs shall be subject to the approval of the Lessor but at the expense of said Lessee.

The Lessee agrees that no signs, posters, billboards or other form of advertising will be conducted or allowed on the premises other than the posting of names and schedules of Carriers using said airport as a base or for scheduled flights,

The Lessee agrees that all lighting and warning signs and signals of any type, required for proper and safe operation of said airport shall be provided and maintained by and at the expense of said Lessee.

The Lessor agrees that no structures will be built by or under the authority of said Lessor within the areas designated as Parcels No. 2, No. 3, No. 4 or No. 5 above the slope of the previously described slide path approaches to the runways.

The Lessor further agrees that the leased premises described as Parcels No. 1 and No. 6 or portions thereof may be fenced off and guards provided in order to exclude the public from such portions of said premises as is found necessary in the interests of safety, but the said Lessor assumes no responsibility for fencing or guards or the expense connected therewith.

The Lessor assumes no responsibility for and makes no guarantee as to maintenance of roadways, dikes, tide gates, or other structures located on the Province Lands.

The Lessor shall have the privilege of entering upon said leased premises for the purpose of inspection or doing any lawful act thereon and whenever the said premises or any essential part thereof shall not be used by the Lessee for the purpose of a public airport, or the Lessee fails to comply with the conditions as provided herein, said lease shall immediately terminate and the said Town of Provincetown, Lessee herein named, shall

The Lessee agrees that said Lessee will not, without the consent of the Lessor first being obtained in writing assign this lease nor underlet the whole or any part of said premises.

The Lessee will quit and deliver up the premises to the Lessor peaceably and quietly at the termination of this lease in as good order and condition, reasonable use and wearing thereof, and other casualties excepted, as the same now are, but all good and valuable structures such as buildings, roads and runways located on said premises at that time shall become the property of the said Lessor.

The Lessee agrees to save harmless and indemnify the Lessor, the Commonwealth of Massachusetts and its officers from all legal claims, suits, damages, costs and expenses incurred by reason of use of the aforementioned premises or of construction, operation and maintenance of the said airport.

IN WITNESS WHEREOF, the said parties have hereunto interchangeably set our hands and seals the day and year first above written; The inhabitants of the Town of Provincetown acting through its Airport Commission hereto duly authorized and the Commonwealth of Massachusetts acting by a majority of its Department of Public Works.

Approved as to matters of form:

[Signature]
Assistant Attorney General

Approved in Council _____

[Signature]
Executive Secretary

Commonwealth of Massachusetts
Department of Public Works

[Signature]
Commissioner

[Signature]

[Signature]
Associate Commissioners

TOWN OF PROVINCETOWN
Airport Commission

[Signature]

The Commonwealth of Massachusetts

~~EDWARD J. CROGAN~~

Secretary of the Commonwealth

F N^o 4583

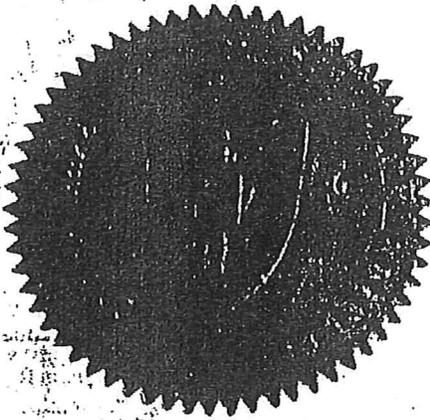
Boston, February 10, 1961..

I hereby certify, That at the date of the attestation hereunto annexed,

Jack P. Ricciardi, Fred B. Dole and George C. Toumpouras were the Commissioner and Associate Commissioners of the Department of Public Works, for and within this Commonwealth;

duly appointed and qualified and that to their acts and attestations, as such, full faith and credit are and ought to be given in and out of Court; and further, that ^{are} ~~his~~ signatures to the annexed instrument ~~is~~ genuine.

In testimony of which, I have hereunto affixed the Great Seal of the Commonwealth the date first above written.



Kevin H. White

KEVIN H. WHITE

~~EDWARD J. CROGAN~~

Secretary of the Commonwealth.

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Selectmen's Endorsement Letter pending
(approved at Board of Selectmen's Meeting July 27, 2015)