



# CAPE COD COMMISSION

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**Date:** September 11, 2003

**Applicant:** Rectrix Aerodrome Centers Inc.

**Re:** Development of Regional Impact Exemption Request  
Section 12(k) of the Cape Cod Commission Act

**Project:** Rectrix Aerodrome

**Project #:** TR-03007 and EX-03007

**Book/Page:** Airport Property      Book 697      Page 294

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby grants the Development of Regional Impact (DRI) Exemption request of Rectrix Aerodrome Centers, Inc. for the proposed Rectrix Aerodrome pursuant to Section 12(k) of the Cape Cod Commission Act (Act), c.716 of the Acts of 1989, as amended. This Decision is rendered pursuant to a vote of the Commission on September 11, 2003.

### PROJECT DESCRIPTION

The proposed project is for construction and operation of a 43,752 square foot structure together with associated parking, infrastructure, landscaping, drainage and driveway access. The project includes a 22,180 square foot airplane hangar to accommodate 5 or 6 jets. The remaining 21,572 square feet of space will be over two levels, and will be used for ancillary support space, a pilot lounge, passenger waiting area, chart room, weather de-briefing space, office space and storage.

The proposed project is located on and within the Barnstable Municipal Airport (Airport) in Hyannis, MA. The proposed hangar is to be located near the existing Cape Air Aviation hangar, on an area of existing tarmac and short grass (subject to on-going mowing) and trees, just off of the North Ramp Taxiway. The site itself is not visible from public roads, including Route 132, or from abutting properties off the Airport site. It is set behind the Airport terminal building, in an area of the runways and taxiways approximately behind the K-Mart/Cape Town Plaza.

According to the Town referral form, the Airport, including the project site, is zoned Business (B). The Airport is also in Barnstable's WP/GP Overlay District.



### PROCEDURAL HISTORY

The Town of Barnstable, through the Town Manager and Building Commissioner, referred this project to the Commission on April 2, 2003. The Commission received the referral on April 8, 2003. On March 18, 2003, the applicant's attorney, Patrick Butler of Nutter, McClennen & Fish, also filed a DRI Exemption application with the Commission.

A DRI hearing for this project was opened by Hearing Officer on June 5, 2003. The DRI and DRI Exemption applications for this project were deemed to be substantially complete on July 28, 2003 to proceed to a public hearing.

A duly noticed Public Hearing pursuant to Section 5 of the Act was held by an authorized Subcommittee of the Commission on the DRI Exemption request and the DRI Application on Tuesday, August 5, 2003 at 7:00 PM at the Assembly of Delegates Chamber, First District Courthouse, Barnstable, MA. At this hearing the Subcommittee voted unanimously to recommend to the full Commission the granting of the DRI Exemption for the proposed project and to continue the Exemption public hearing to September 8, 2003 at 10:00 AM at the Commission office in Barnstable for a Hearing Officer to close the Exemption hearing. The Subcommittee also voted on August 5, 2003 to place the Rectrix Aerodrome project on the September 11, 2003 Commission meeting agenda for the purpose of considering the DRI Exemption.

On September 11, 2003, the full Commission voted six in favor and four against to grant a DRI Exemption to Rectrix Aerodrome Centers, Inc. for the proposed Rectrix Aerodrome project.

#### Materials Submitted for the Record

##### ***Applicant***

DRI Exemption application and supporting documents	3/18/03
-DRI Exemption application form	
-DRI application form	
-Letters to MHC, Barnstable DRI Liaison, Town Clerk, Building Commissioner and Cape Cod Commission (3/10/03)	
-Copy of Exemption fee check	
-Copies of 2 leases	
-Locus Map	
-USGS Quad Map (partial)	
-Site Plan, 11x17 inches (2/27/03)	
-Grading Plan, 11x17 inches (2/27/03)	
-Letter, to Horsley & Witten, from Mass Aeronautics, Determination of Airspace Review	
-Interior floor plans and schematics, 11x17 inches (3/3/03)	
-Narrative addressing the exemption	
-Mass Historical Commission (MHC) notification form	
-Letter, Barnstable Airport to FAA, no impact on the potential development of the South West Terminal Relocation Alternative (2/28/03)	

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***Applicant (Continued)******DRI Exemption application (continued)***

- Letter, from FAA to Barnstable Airport, concerning a 2/5/03 letter from Horsley & Witten
- Letter, from FAA to Barnstable Airport, posing questions about the impact of the Rectrix project on the Airport layout and possible Terminal relocation alternatives
- Letter, from Mass Aeronautics to Horsely & Witten (12/24/02)
- Letter, from Nutter, transmitting DRI Exemption application to Commission 3/18/03
- Interior Schematics & Floor Plans, Akro Associates Architects, interior floor plans and exterior elevations of facades, six sheets (large size) 3/18/03
- Location Plan and Site Grading Plan, Horsely & Witten, stamped John Riordan, Civil Engineer, dated 2/27/03 (received) 3/18/03
- List of attendance at a meeting 3/27/03
- Fax, Nutter, green card for MHC 3/31/03
- Letters, to Town, requesting DRI referral (2) 4/2/03
- Site Plans, large size, stamped "Site Plan Review" 4/8/03
- Location Plan (large size and 11x17 inches) 5/14/03
- Site Grading Plan (large size and 11x17 inches) 5/14/03
- Stormwater Management narrative and appendices 5/14/03
- Drainage Area Plan (11x17 inches) 5/14/03
- Nitrogen Loading calculations and proposed wastewater flows - (tables) - from Horsely & Witten 5/14/03
- Site Aerial Photos 5/14/03
- Letter, Nutter, list of supplemental materials 5/14/03
- Proposed light fixtures, catalog cuts (Akro) 5/14/03
- Copy, Barnstable Municipal Airport SPCC Plan (by Horsley & Witten) 5/14/03
- Akro Associates Architects, Schematic Designs - Floor Plans, plan set, large size
  - Floor Plans for First Floor, Second Floor (3/3/03)
  - Elevations, North & West (3/3/03)
  - Elevations, East & South (3/3/03)
  - Floor Plan, First Floor Part A (5/1/03)
  - Floor Plan, First Floor Part B (5/1/03)
  - Floor Plan, First Floor Part C (5/1/03)
  - Floor Plan, Second Floor Part A (5/1/03)
  - Floor Plan, Second Floor Part B (5/1/03)
  - Floor Plan, Second Floor Part C (5/1/03)
  - Roof Plan (5/1/03)
  - Details Plan, Stair and Stair Section (5/1/03)
  - Electrical Legend and Light Fixture Schedule, Plan E-1 (2/21/02 - progress 3/20/03)
  - First Floor Plan, Partial A, Electrical Lighting Plan, E-2 (2/21/03 - progress 3/20/03)
  - First Floor Plan, Partial B, Electrical Lighting Plan, E-3 (2/21/03 - progress 3/20/03)
  - Second Floor Plan, Partial A, Electrical Lighting Plan, E-4 (2/21/03 - progress 3/20/03)
  - Second Floor Plan, Partial B, Electrical Lighting Plan, E-5 (2/21/03 - progress 3/20/03)
  - First Floor Plan, Partial A, Electrical Power Plan, E-6 (2/21/03 - progress 3/20/03)
  - First Floor Plan, Partial B, Electrical Power Plan, E-7 (2/21/03 - progress 3/20/03)
  - Second Floor Plan, Partial A, Electrical Power Plan, E-8 (2/21/03 - progress 3/20/03)

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***Applicant (Continued)***

*Akro Associates Architects, Schematic Designs - Floor Plans, plan set, large size (continued)*

- Second Floor Plan, Partial B, Electrical Power Plan, E-9 (2/21/03 - progress 3/20/03)
- Roof, Partial A, Electrical Power Plan, E-10 (2/21/03 - progress 3/20/03)
- Roof, Partial B, Electrical Power Plan, E-11 (2/21/03 - progress 3/20/03)
- Electrical Details Plan, E-12 (2/21/03 - progress 3/20/03)
- Electrical Distribution, Riser Diagram & Panel Schedules, E-13  
(2/21/03 - progress 3/20/03)

Catalog cut, ExceLine fixture, "Silhouette Façade Luminaire," proposed alternative fixture for exterior wall-packs 5/29/03

Memo, Nutter, supplemental information 6/27/03

Akro Associates Architects, Schematic Designs, First Floor Plan, large size, dated 3/3/03, received 6/27/03

Location Plan, large size, by Horsley & Witten, revision 5/5/03 6/27/03

Letter, Nutter, discusses building materials 7/2/03

Letter, Nutter, discusses revegetation plan, includes appendix by Horsely & Witten 7/10/03

Kirby Building Systems, sample sheet of color premium finishes, includes specific notations by Sarah Korjeff concerning colors for parts of the building Undated

Letter, Nutter, description of information included in packets for Subcommittee members for the public hearing 7/24/03

Fax, Nutter, concerning notice to MHC with attachments 7/28/03

Letter, Nutter, copy of their letter to MHC stamped "no impact" by MHC 7/29/03

Memo, Nutter, proposed conditions for Barnstable Site Plan Review 7/31/03

Fax, Nutter, copy of SPCC Plan for Rectrix, by Horsely & Witten 8/5/03

E-mail, Nutter, concerning SPCC Plan 8/5/03

Fax, Memo, Nutter, concerning consistency with Article 39 8/5/03

Memo, Nutter, copy of 7/31/03 Memo on yellow paper 8/5/03

Horsley & Witten, conceptual bio-retention facility and stormwater design, narrative and schematic drawings, received by Commission by fax 8/4/03

Narrative with plans, Horsely & Witten, bioretention system 8/5/03

PDF Files, Site Plan and Grading Plan 9/11/03

***Cape Cod Commission***

DRI Review Timeline Form Undated

DRI Staff Routing Form 3/20/03

DRI Staff Routing Form - no Economic Development comments Undated

Letter, to Nutter, DRI Exemption incomplete; intent to review 3/27/03

Fax cover sheet 3/27/03

Letter, to Nutter, followup to April 8, 2003 meeting 4/9/03

DRI Staff Routing Form 5/20/03

Notice, Hearing Officer 6/5/03

Minutes, Hearing Officer 6/5/03

Letter, to Nutter, DRI and DRI Exemptions applications complete 7/28/03

Staff Report 7/29/03

Fax cover sheet, transmittal of Staff Report to Nutter, Town, Newspaper 7/29/03

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***Cape Cod Commission (continued)***

Fax cover sheet, transmittal of Staff Report to APCC	7/30/03
Fax, to Nutter, transmittal of comment letter from APCC	8/5/03
E-mail, to Nutter, question about exterior lights for parking area	8/5/03
E-mail, to Tom Broadrick, Town of Barnstable, question on zoning	8/5/03
Notice, Public Hearing	8/5/03
Hearing sign-in sheet	8/5/03
Minutes, Public Hearing	8/5/03

***Town of Barnstable and Other Public Entities***

DRI Referral Form	4/8/03
-Site Plan Review Form (2/17/03)	
-Site Plan showing map and parcel	
-Color copy of aerial photo	
-Locus map as color copy of USGS Quad	
Section 4-2.9 of Barnstable Zoning Ordinance, parking requirements	7/24/03
E-mail, from Tom Broadrick to Liza Cox, about Site Plan review	8/5/03
Association for Preservation of Cape Cod (APCC), letter expressing concerns, and recommending that the project be reviewed as a DRI (fax)	8/4/03
APCC, original comment letter as above	8/5/03

***General Public***

Hyannis Area Chamber of Commerce, Lynne M. Poyant, Executive Director, fax in support of the project, and DRI Exemption	8/5/03
Cape Cod Technology Council, Inc., Spyro Mitrokostas, Executive Director, fax in support of the project, and DRI Exemption	8/5/03
Cape Cod Technology Council, Inc., original comment letter as above	8/6/03
Letter, Peter and Sylvia Doiron, concerns about Airport and Rectrix	8/5/03

The application and notices of public hearings relative thereto, the Commission's staff reports, exhibits and correspondence, the transcript and minutes of hearings, and all written submissions received in the course of our proceedings including materials submitted with files TR-03007 and EX-03007 are incorporated into the record by reference.

**JURISDICTION**

The proposed Rectrix Aerodrome project qualifies as a DRI under Section 3(e) of the Code of Cape Cod Commission Regulations of General Application, Chapter A, as a "proposed commercial, service, retail or wholesale business, office or industrial development.... \*new construction with a gross floor area greater than 10,000 [square feet]."

**TESTIMONY**

A Subcommittee of the Cape Cod Commission held a public hearing at 7:00 PM on Tuesday, August 5, 2003 at the Assembly of Delegates Chamber, First District Courthouse, Barnstable, MA. The following is a summary of the testimony given.

Attorney Patrick Butler of Nutter, McClennen & Fish described the standards for a Development of Regional Impact (DRI) Exemption, noting Section 12(k) of the Commission Act. His associate, Attorney Liza Cox described the project and the area around the project site.

Attorney Butler handed to Mr. Virgilio letters from Dan Wolfe, President of Cape Air and from the Cape Cod Technology Council in support of the project and brochures describing the types of aircraft to be housed at the facility.

Mr. Steve Shuman, Akro Associates, architects, described the proposed building, inside and outside, for the Subcommittee using floor and architectural plans mounted on foamcore.

Mr. Jones questioned whether the restrooms would be "public." He noted the building was a private building. Mr. Shuman said yes, the building was a private building.

Mr. Jones asked if there was any living or sleeping accommodations in the facility, or food service. Mr. Shuman said no.

Attorney Butler said the applicant has worked closely with Commission staff. He noted that any project in Barnstable must go through Site Plan Review according to Section 4-7 of Barnstable's Zoning Ordinance. He gave the Subcommittee a copy of a July 31, 2003 Memorandum (on yellow paper) that he had provided to Ms. Adams indicating that the applicant had agreed to incorporate certain conditions into Barnstable's site plan review process. He said this provides a mechanism whereby issues of concern to the Commission staff can be dealt with via conditions on the project through Barnstable Site Plan Review. Attorney Butler passed out a matrix of the project issues on blue colored paper. He said the project would help address stormwater drainage in the area, and that the drainage facility would be constructed to Regional Policy Plan standards. He noted all of the abutters affected by the project, and that the nitrogen loading would be below 5 parts per million. He said the project did not have impacts in the area of vehicle traffic, and natural resources, although Attorney Butler did note Commission staff did find a Box turtle during the staff's site visit. He said the applicant responded to this by moving the entrance road.

Mr. Deane asked whether Barnstable Airport currently provides for Angel or MedFlight services.

Mr. Mosby, the Airport Manager, said the Rectrix facility will not be providing a new service - he said MedFlight currently lands flights at the Airport by jet or helicopter. He said Rectrix could assist MedFlights by providing potential alternative support space and temporary aircraft lodging, such that MedFlight aircraft would be able to stay at Barnstable Airport overnight, rather than transiting to another facility and returning to Barnstable Airport the next day. He said such a service would be welcome, but that the Airport currently provides for landings by MedFlight.

Mr. Broidrick asked if the hangar would be equipped with sprinklers. He questioned what would occur if the sprinklers went off and chemicals were released. Mr. Shuman said the building would be equipped with sprinklers, but that they would be water only sprinklers. Attorney Butler noted the Airport had a staffed fire-fighting facility that would respond to the hangar in the event of a fire.

Mr. Broidrick asked what this might do to nitrogen loading. Attorney Butler said he believed this would have no effect on nitrogen loading.

Mr. Doherty asked if the facility would conduct airplane maintenance. If not, where would planes go for maintenance? Mr. Richard Cawley, Rectrix proponent, said that airplanes using the facility would, if maintenance was needed, take off and fly to the Bombardier service center in Hartford, CT. He said this is often possible because the planes are equipped with redundant, duplicate systems. He said if a situation arose where a plane using Rectrix could not be sent off the Airport site for major maintenance, it would be towed to Colgan Air, Griffin Avionics or another existing facility at Barnstable Airport. He said this is current standard practice for planes using the Airport now.

Mr. Cole asked about the economic implications of the project. He said he understood the project to be one for planes currently using the Airport. He asked Attorney Butler to address the project's economic impacts. Attorney Butler said the project may create opportunities for additional employment and increased activities in the area, because planes that may currently have to leave Barnstable Airport for "garaging." Mr. Cawley said he was looking to hire approximately 5 to 10 new employees. He said they could make approximately \$35,000 plus benefits to start. He said some staff would make more. He suggested the facility manager could make in excess of "six figures."

Mr. Cole asked about how de-icing chemicals are handled, and whether they are or can now legally be discharged to ground. Ms. Adams suggested that would depend on existing Federal and State regulations. She suggested it might be legal, but recommended against any discharge to ground or groundwater as a matter of course. Mr. Mosby said there were specific de-icing spots on the South Ramp and North Ramp. He said the DEP only allows bio-degradable materials for de-icing.

Ms. Andrea Adams, the Commission's project Planner for the Rectrix project, presented the Staff Report. Ms. Adams said in conclusion that there would be impacts of regional significance in the area of water resources unless the Commission create in its decision a mechanism to ensure that the project will be constructed in accordance with the plans and other documents submitted for review, or the deny the DRI Exemption and review the project as a Development of Regional Impact.

Mr. Doherty asked if Commission staff had discussed compliance assurance mechanisms with Town of Barnstable officials. Ms. Adams said Commission staff had discussed the compliance issues with Commission Staff Counsel, Attorney Callanan, and had raised the idea of a "Certificate of Consistency" in an E-mail to Mr. Broadrick. Attorney Butler said that the applicant was amenable to a Certificate of Consistency.

Mr. Cole asked for clarification of the applicant's point. He posed a scenario whereby if the Commission found that something was not consistent with the Commission's decision, in this case, including an Exemption decision, the Commission had the Town's prior understanding that Barnstable would not issue a Certificate of Use and Occupancy, and the applicant understands and agrees to this? Attorney Butler said that prior to a Certificate of Use and Occupancy from

the Town of Barnstable, a Certificate of Consistency must be received from the Cape Cod Commission.

Mr. Cole questioned what an "as built" plan was. Would it be consistent with the documents and plans submitted during Commission review? Attorney Butler said an "as built" plan was an engineered plan, signed and stamped by a registered professional engineer.

Mr. Broadrick, Barnstable Planning Director, said that Site Plan Review would work to incorporate conditions into the project that addressed the Commission's concerns, and any that the Town had. He said he had been in contact with both Attorney Butler and Ms. Adams. He said having the project applicant and Commission staff work with the Town to incorporate conditions into Site Plan Review is what the Town would like to see on all projects. He said there are things that should be discussed, but noted that the Cape towns serve as the primary enforcement mechanism for all the Commission's decisions.

Mr. Broidrick questioned whether the Rectrix project would foreclose the Southwest or other potential Airport terminal site alternatives. Mr. Mosby said he was not concerned that Rectrix would negatively impact any of the proposed alternate sites for the Airport terminal. Attorney Butler noted the DRI/DRI Exemption application included correspondence between the FAA and the Airport Manager concerning Rectrix and the alternative sites for the terminal.

Mr. Tom Sullivan, of Yarmouth, spoke against granting the project a DRI Exemption. He said the project should be reviewed as a DRI. He noted it met the thresholds for DRI review, and said it had regional impacts, including on water resources, stormwater and safety issues. He noted the presence of public drinking water wells for the Towns of Barnstable and Yarmouth, and said it was important for the Commission to protect these resources. He spoke at length about safety issues at the Airport, and felt that this project was a step towards Barnstable Municipal Airport becoming a facility for larger aircraft. He discussed the incident where a plane left the Airport property, crossed Route 28 and ended up in the Ocean State Job Lot/Staples Plaza. He expressed concerns about the Airport for noise impacts, especially at night. He said the development of the Rectrix facility had larger regional implications. He urged the Commission to review the project as a DRI.

Mr. Richard Hallett of Yarmouth expressed concerns about pollution to the surrounding drinking water wells. He said the development of the Rectrix facility and the increasing development of the Airport as a whole would increase noise impacts. He said the existing runways at the Airport were too small to accommodate larger aircraft, and to prevent accidents, including from jets. He stressed that the Airport was "maxed out," and believed that it would better serve the region by returning to a smaller facility without jet service.

Mr. Mosby said he would like to address the points raised by Mr. Sullivan and Mr. Hallett related to Airport safety. He noted that no airport could be made "totally safe." He said each facility had to deal with unusual situations, and said the corporate jet that ended up in the Ocean State Job Lot/Staples Plaza was just such an unusual situation. He said noise was an unfortunate but inherent part of airport operations. He understood it was a nuisance, and said the Airport had an individual on staff to deal with it. Mr. Mosby said the Rectrix facility would be a good thing for the Airport, and that it would be an economic benefit to Barnstable.



Mr. Cole asked for clarification about the stormwater management system. He asked whether some of the stormwater that generated by the tarmac in front of Cape Air would be handled by Rectrix's system. Mr. Richard Clater, Horsley & Witten, said yes, this was the case. He described the proposed stormwater management system. He said 1.25 to 1.50 acres of existing tarmac would be treated by the proposed Rectrix system.

#### **Subcommittee Meeting - August 5, 2003**

Mr. Virgilo said he thought the project was straightforward. He felt it was important that the stormwater system was a critical component of the project, and that it had to be developed to accommodate the runoff from existing areas of the Airport tarmac.

Mr. Cole said there did not seem to be a lot of issues of concern, except for stormwater management. He said the DRI review guarantees the Commission, through conditions in its decision, that the plans that were submitted will be the ones to which the project is built. At the same time, if this can be accomplished by another mechanism, this means the applicant and Commission concerns can be accomplished without this additional delay to the applicant. He said he thought Commission staff review of the project was complete and thorough. Mr. Cole said the site visit was helpful, particularly to address questions on stormwater management. He said tying the Certificate of Use and Occupancy to a Certificate of Consistency in the context of a DRI Exemption was vital - the Commission needed assurances that the project would be built as proposed.

Ms. Adams said the key issue was stormwater management. She stressed, however, if it was the recommendation of the Subcommittee that a DRI Exemption be granted, that she recommended that the draft decision reflect all the materials submitted for review because the Staff Report was based on a particular project being built in terms of all the issues, not just stormwater. The use of a Certificate of Consistency is also a critical part of insuring that the project be built as proposed. Other important issues include using an on-site environmental monitor during construction, and that the interior space not be used by outside groups to insure that the transportation impacts are as was analyzed by the Commission.

Mr. Doherty noted that the Town also had a vested interest in insuring that the project was built as proposed.

Attorney Butler said the applicant understood that a Certificate of Use and Occupancy could and would not be issued by the Town until a Certificate of Consistency had been issued by the Commission.

Mr. Cole said the draft decision should address all issues relevant to the Commission's review.

Mr. Broidrick was concerned that the "as built" plan would be problematic - what if the project changed during construction? Attorney Butler said the applicant clearly understood that a Certificate of Use and Occupancy could and would not be issued by the Town until a Certificate of Consistency had been issued by the Commission, and that the "as built" plan had to conform to the project as reviewed by the Commission.

Mr. Broidrick asked if this could be incorporated into conditions. Attorney Butler said the Commission could include findings to this effect in its decision. The Commission would look to the Town to enforce them. That would be a "leap of faith," but the applicant understood its obligations.

Ms. Adams said Attorney Callanan, Commission Counsel, was comfortable with the idea of a Certificate of Consistency and that if this was not adequate to address concerns, the Subcommittee could always vote to recommend that the project be approved as a DRI with conditions.

Mr. Jones said it seemed to be the consensus of the Subcommittee that the project was eligible for a DRI Exemption, subject to the project being built consistent with the information submitted during the Commission's review, and that conditions to this effect would be included in the Site Plan Review decision, and that the project would be subject to a Certificate of Use and Occupancy that would not be issued by the Town until a Certificate of Consistency had been issued by the Commission.

Mr. Fox said if the Subcommittee was inclined to grant the applicant's request for a DRI Exemption, the concept of a Certificate of Consistency and the other items mentioned in the course of the hearing and this meeting would be included in the Commission's decision as findings and in the conclusion section.

Mr. Broidrick moved that the Subcommittee vote to recommend to the full Commission that the Rectrix Aerodrome project be approved as a Development of Regional Impact Exemption and to direct Commission staff to draft a decision to this effect. Mr. Cole seconded the motion. The Subcommittee voted all in favor of the motion.

Mr. Broidrick moved to authorize the Chair of the Subcommittee to review and approve a draft Development of Regional Impact Exemption decision. Mr. Deane seconded the motion. The Subcommittee voted all in favor of the motion.

Mr. Broidrick moved to continue the DRI Exemption hearing for procedural purposes to September 8, 2003 at 10:00 AM at the Commission office, and that the project be placed on the full Commission agenda for September 11, 2003 for consideration of a DRI Exemption. Mr. Deane seconded the motion. The Subcommittee voted all in favor of the motion.

### **FINDINGS**

The Commission has considered the application of Rectrix Aerodrome Centers, Inc. for a DRI Exemption regarding the proposed Rectrix Aerodrome project. Based upon consideration of such application, and information presented at the public hearing and submitted for the record, the Commission makes the following Findings pursuant to Section 12(k) of the Act:

#### ***General***

**G1.** The proposed project involves the construction and operation of a 43,752 square foot structure together with associated parking, infrastructure, landscaping, drainage and driveway access. The project includes a 22,180 square foot airplane hangar to accommodate 5 or 6 jets. The remaining 21,572 square feet of space will be over two levels, and will be used for ancillary

support space, a pilot lounge, passenger waiting area, chart room, weather de-briefing space, office space and storage. The hangar will be located on existing airport property on the "North Ramp." The access for the facility will be through the extension of an existing airport-owned roadway which joins the public roadway system at the intersection of Hinckley Road and Barnstable Road, north of the Airport Rotary. The applicant agreed that the facility will be constructed in conformance with the exterior and interior site plans and schematic floor plans submitted during Commission review and as described below and in this decision.

Akro Associates Architects, Schematic Designs - Floor Plans and other related interior plans, plan set, large size, dated February, March and May, 2003.

Akro Associates Architects, Schematic Designs, First Floor Plan, large size, dated 3/3/03, received by the Commission on 6/27/03

Location Plan, large size, by Horsley & Witten, revision 5/5/03, received by the Commission on 6/27/03

Site Grading Plan, large size, by Horsley & Witten, revision 5/5/03, received by the Commission on 6/27/03

Horsley & Witten, conceptual bio-retention facility and stormwater design, narrative and schematic drawings, received by Commission by fax on 8/4/03 and by hand at public hearing on 8/5/03

**G2.** The proposed project qualifies as a DRI under Section 3(e) of the Code of Cape Cod Commission Regulations of General Application, Chapter A, as a "proposed commercial, service, retail or wholesale business, office or industrial development... \*new construction with a gross floor area greater than 10,000 [square feet]."

**G3.** The applicant has agreed to submit an "as built" plan for stormwater infrastructure to the Commission and the Barnstable Engineering Department which is consistent with the conceptual stormwater management design indicated by the *Location Plan* by Horsley & Witten, revision 5/5/03, received by the Commission on 6/27/03 and the *Site Grading Plan* by Horsley & Witten, revision 5/5/03, received by the Commission on 6/27/03. The applicant agreed that the stormwater infrastructure will also be consistent with the narrative and plans from Horsely & Witten that describes the proposed stormwater bioretention system (submitted to the Commission on 8/5/03). The proposed stormwater management system for the Rectrix Aerodrome described in this Finding will include and treat runoff from 1.25 to 1.50 acres of existing tarmac.

**G4.** The applicant has agreed to submit an affidavit to the Commission and Town of Barnstable attesting that the project has been constructed consistent with the Water Resources information provided in the DRI/DRI Exemption application materials submitted to the Commission and described in this decision.

**G5.** The applicant has agreed to insure that an environmental monitor is on site during clearing and grading of the construction site to insure that impacts are avoided to the areas where a box turtle was seen during the site visit with Commission staff as described in Findings NR2 and NR3, below.

**G6.** The Commission shall issue a Certificate of Consistency prior to issuance of a Certificate of Use and Occupancy by the Town of Barnstable in order to confirm that the project has been constructed in accordance with the information submitted to the Commission during the DRI/DRI Exemption review, and the Findings of this decision.

**G7.** The applicant has agreed to submit to the Town of Barnstable Site Plan Review Committee and to the Building Commissioner various conditions for inclusion in any Site Plan Review approval of the project by the Town of Barnstable. Site Plan Review approval is required prior to issuance of a Building Permit pursuant to Section 4-7 of the Barnstable Zoning Ordinances. These agreed-upon conditions are described in a Memo from Nutter, McClennen & Fish dated 7/31/03.

**G8.** Based on the information submitted for Commission review, the Findings of this decision, and the applicant's commitment to incorporate relevant conditions into the Town of Barnstable Site Plan Review process, the Commission finds that the proposed Rectrix Aerodrome project described in the DRI and DRI Exemption applications will not have significant regional impacts outside of the Town of Barnstable and, therefore, does not require DRI review of this project.

#### ***Natural Resources***

**NR1.** The site is located in a Significant Natural Resource Area (SNRA) due to the presence of public water supply wellhead protection area. The site is not mapped as rare species habitat.

**NR2.** A natural resources inventory was not required as much of the site development is proposed on an area of mowed field on the airport property. However, a portion of the project site drive will be located within a small patch of woodland adjacent to the airstrip and abutting commercial development to the west and north. A small wet area supporting some wetland species is located in a cleared and degraded area within this small woodland. This wet area is too small to be regulated as a wetland under the RPP definition for wetlands; in addition, the wet area has been degraded by past dumping and vehicle activity.

**NR3.** Commission staff noted the presence of an Eastern box turtle in this shallow wet area to the north of the project site. The small area of the wooded cover around the wet area, and the isolation of this woodland by commercial development and the airstrip from more viable habitat located to the north of the airport property, reduces its potential as meaningful turtle habitat. Given the small area of this isolated woodland, the poor quality of the turtle habitat that will be disturbed as part of this project, and the proximity of high quality habitat nearby, the Commission finds that the proposed alterations likely do not constitute a significant impact to rare species habitat.

**NR4.** Rectrix Aerodrome relocated the site drive to avoid disturbance of the small wet area and to minimize impacts to the woodland. Rectrix has also agreed to clean up the refuse that has been dumped in this area, and to revegetate the area with native grasses, shrubs, and trees. A proposed plant list was submitted on behalf of the applicant on July 10, 2003 by Horsley and Witten. Rectrix has agreed to retain an environmental monitor onsite during clearing and grading for the construction of the Aerodrome to ensure that impacts to box turtles are avoided.

**Water Resources**

**WR1.** The proposed project consists of construction of a 22,180 square foot airplane hangar and 21,572 square feet of associated support area, plus associated parking, roadway and ramp areas within a Zone II/Wellhead Protection Area (MPS 2.1.1.2.A) and the Marine Water Recharge Area (MPS 2.1.1.2.C) for Lewis Bay.

**WR2.** Impervious surfaces and Title-5 wastewater flows are proposed to increase by 2.2 acres and 1,455 gallons per day (gpd), respectively. Project wastewater will be conveyed to the Barnstable Water Pollution Control Facility.

**WR3.** The proposed project will result in increased nitrogen loading to Barnstable Zone II/Wellhead Protection Areas and the Lewis Bay Marine Water Recharge Area.

**WR4.** Lewis Bay is on the Massachusetts Estuaries Project priority list, and is the subject of ongoing study under this nutrient-loading program. Preliminary water-quality data are inconclusive at this time, with additional data scheduled for acquisition. Therefore, further nitrogen additions to the system are not prohibited by MPS 2.1.1.2.C.2 (*i.e.* zero net-nitrogen load provision) at this time.

**WR5.** Projects located in Wellhead Protection Areas and reviewed as Developments of Regional Impact are required to: (1) meet a 5-ppm nitrogen-loading standard (MPS 2.1.1.2.A.1); (2) limit hazardous materials to household quantities (MPS 2.1.1.2.A.2); (3) develop a turf and landscape management plan (MPS 2.1.1.2.A.5); and (4) be consistent with Massachusetts Stormwater Policy Guidelines, and install shut-off control valves between stormwater-capture and leaching structures (MPS 2.1.3).

**WR6.** The project, as proposed, meets the 5-ppm nitrogen loading limit pursuant to MPS 2.1.1.1 and MPS 2.1.1.2.A.1, in accordance with methodology prescribed by Technical Bulletin 91-001.

**WR7.** The applicant conceptually described stormwater-management strategies proposed for mitigating project impacts in a narrative dated May 5, 2003, and developed a conceptual illustration of proposed stormwater infrastructure (*Site Grading Plan*, revised May 5, 2003, received by Commission June 27, 2003). These conceptual plans describe treatment of stormwater runoff from proposed and existing impervious areas, and are conceptually consistent with MPS 2.1.3.

**WR8.** Further details of proposed stormwater bioretention areas were provided by the applicant (8/4/03, fax, Horsley & Witten) in support of previously-submitted stormwater-management materials referenced above.

**WR9.** The applicant has committed to implementing proposed strategies for stormwater management, as described by the applicant in Findings WR7 and WR8 (above), and has agreed to include these strategies as conditions of the Barnstable Site Plan Review process (7/31/03 Memo from Nutter, McClennen & Fish).

### ***Hazardous Materials/Waste***

**Haz-1.** According to maps created for the 2002 RPP, the project site is located in an existing Wellhead Protection Area/Zone II. As such, MPS 4.3.1.2 was considered during the review of this project.

**Haz-2.** The applicant stated that there will be no maintenance, refueling or de-icing of planes conducted at the facility, and because the hangar will be heated, de-icing of planes (an activity currently conducted on the Airport tarmac) will be reduced. A May 13, 2003 letter from Attorney Butler of Nutter, McClennen & Fish indicates that de-icing would decrease by an estimated 150 to 240 gallons per year. Information in the DRI/DRI Exemption also indicates that aircraft maintenance will continue to be done off-site.

**Haz-3.** There is no area designated for hazardous materials/waste storage on the June 27, 2003 interior floor plans, although one room is marked "*maintenance*." Planes to be housed in the hangar will have hazardous materials in them, however, in previous DRIs, the Commission has not counted the amount of gasoline, oil and other hazardous materials in the engines of the planes towards the RPP's hazardous material/waste limit. The site will be supplied by natural gas, and the emergency generator shown on the Akro Associates Architects, Schematic Designs - Floor Plans and other related interior plans, plan set, large size, dated February, March and May, 2003.

**Haz-4.** Horsely & Witten submitted a copy of a May, 2000 Spill Prevention Control and Countermeasures (SPCC) Plan for the Airport which will apply to the Rectrix Aerodrome. On August 5, 2003, Attorney Cox of Nutter, McClennen & Fish faxed the Commission an outline of a SPCC Plan for the Aerodrome. This facility SPCC Plan is consistent with the overall Airport SPCC Plan. Representatives of the applicant also testified at the August 5, 2003 public hearing that the airplane hangar (plane parking area) would be constructed without floor drains.

**Haz-5.** The site will generate a number of used fluorescent bulbs (a regulated waste in Massachusetts) based on the proposed interior light fixtures. As such, Rectrix Aerodrome will be responsible for proper management and disposal of fluorescent bulbs and any other hazardous wastes generated by the facility.

**Haz-6.** Based on the information submitted as part of the DRI/DRI Exemption review, the Commission finds that the project does not have regional impacts in the area of hazardous materials and wastes. This is based on the Findings above, including that the project will provide interior storage for planes already using the Airport, that the project will not use more hazardous materials than is attributable to aircraft at the Airport now, that use of de-icing chemicals will decrease, and because the emergency generator will be fueled by natural gas.

### ***Community Character***

**CC1.** The hangar building is designed as a large rectangular airplane storage area, constructed of industrial materials, with office and support areas stretching along its north and west sides. The building has a footprint of approximately 35,000 square feet. A number of parking spaces are located underneath the second floor support area on the north face of the building, providing for some variation in the building mass. The building materials are composed of glass curtain walls, brick and concrete, gray aluminum, and standing seam metal walls. The roof is dark blue

standing seam metal, though the roof pitch is shallow so there are no large expanses of roof material visible on any one facade. The metal siding and roof materials are proposed to have a matte finish which will reduce their reflectivity.

**CC2.** The proposed project is located in an area of the Airport where several other airplane hangars and industrially-designed structures are located. The project site is set back from Route 132 and screened by several commercial and industrial buildings, as well as some vegetation. The project site is not visible from other roadways except for internal airport circulation roads and runways. As such, it was appropriate to consider the project design relative to MPS 6.2.6 of the 2002 RPP which states that in industrial parks or areas not visible from scenic or regional roadways and other distinctive areas, use of non-traditional building materials and forms may be appropriate as long as an adequate buffer is maintained on the project site. While the proposed building materials are not traditional in nature, given the building's location, specialized use, the lack of visibility from roads other than those internal to the Airport, the project is consistent with RPP MPS 6.2.6 and does not have regional impacts.

**CC3.** The *Rosa rugosa* as shown on the revegetation plan plant list will be replaced with a native, non-invasive plant species. (See narrative, letter from Nutter, McClennen & Fish, received by the Commission on 7/10/03.)

**CC4.** The DRI/DRI Exemption application included catalog fixture cuts for proposed interior and exterior fixtures, but not foot-candle plans. MPS 6.2.10 requires that "exterior lighting in new development or redevelopment shall comply with... Technical Bulletin 95-001." The exterior fixtures in the application materials are to be mounted on the outside of the hangar, and are unshielded wall-packs are not consistent with Technical Bulletin 95-001. In a July 31, 2003 Memorandum from Attorney Butler of Nutter, McClennen & Fish, the applicant committed to using a Silhouette Façade Luminaire (SAL) Series arm mount full cutoff wall mount for on-building mounted exterior light fixtures,

**CC5.** No information was provided during the Commission's review of the project concerning proposed parking lot or pedestrian-scale pole mounted lights that may be associated with the project. The Commission recommends that if any such lights are used as part of the project, the fixtures that are consistent with MPS 6.2.10 and Technical Bulletin 95-001, including ones that produce 8.0 foot-candles or less. In a July 31, 2003 Memorandum, the applicant agreed to use full cutoff pole-mounted light fixtures not in excess of 20 feet in total height for any pole-mounted exterior fixtures over 42 inches in height.

**CC6.** On July 29, 2003, the Commission received a faxed a copy of a letter stamped and signed by the Massachusetts Historical Commission indicating the project was unlikely to affect significant historical or archeological resources.

### **Transportation**

**T1.** The applicant proposes to build a private airplane hangar with capacity to house up to six jet aircraft with ancillary support areas including aircraft offices and waiting areas. The hangar will be located on existing Airport property on the North Ramp. Access for the facility will be through the extension of an existing airport-owned roadway which joins the public roadway system at the intersection of Hinckley Road and Barnstable Road, north of the Airport Rotary.

Area Regional Roadways include: Route 28, Route 132, Barnstable Road, Yarmouth Road (Willow Street), Bearses Way, Enterprise Road, Airport Road, and Independence Drive.

**T2.** Institute of Transportation Engineers *Trip Generation* manual (6<sup>th</sup> ed.) information shows that the facility would generate 30 weekday trips and 3 weekday afternoon peak hour trips on average, based on six new general aviation aircraft being based at the Airport. Because of the nature of the use, the location of the facility, and the access to the facility, the trip generation is not expected to have regional transportation impacts.

**T3.** The nearest high crash frequency location is the Airport Rotary which is the junction of Route 132 (Iyanough Road), Route 28 (Iyanough Road), Route 28 (Yarmouth Road), and Barnstable Road. Other area high crash locations are Route 132 at Independence Drive / Enterprise Road, Route 28 at Yarmouth Road, and Route 28 at Corporation Road. Since the facility is not expected to generate 25 or more new peak hour vehicular trips on Regional Roadways or at connections to Regional Roadways, safety mitigation is not required by MPS 4.1.1.2.

**T4.** Since the facility will access the public roadway system through an existing airport roadway connection, the project will not be adding any new driveway curb cuts on public roadways. The location of the Airport roadway connection, at the intersection of Hinckley Road and Barnstable Road, showed no crashes in the crash database for 1999 - 2001. The location of the facility is not amenable to through pedestrian and bicycle traffic. Consequently, the project as proposed is consistent with MPS 4.1.1.1, 4.1.1.3, and 4.1.1.6.

**T5.** The project is expected to generate little new traffic on a daily basis. The applicant has agreed to have an on-site shuttle service to help reduce traffic to and from the facility. Consequently, the project does not have regional impacts under Goal 4.1.2 of the 2002 Regional Policy Plan and its supporting MPSs.

**T6.** The applicant has agreed to limit the number of parking spaces to the minimum number consistent with the zoning bylaws of Barnstable as determined by the Town's development review process and therefore, the project complies with MPS 4.1.2.6.

**T7.** The project will access the public roadway system through an existing Airport roadway and is expected to generate little new traffic on a peak hour basis. No other roadway modifications are proposed. Consequently, the project as proposed does not have regional impacts under Goal 4.1.3 of the 2002 Regional Policy Plan and its supporting MPSs.

**T8.** Given the expected limited trip generation, access through existing roadway intersections, no proposed roadway construction, limited parking, and limited viability for pedestrian and bicycle traffic through the project site, the project will not have regional transportation impacts.

## CONCLUSION

Based upon the above Findings, the Cape Cod Commission hereby concludes that as proposed, the location, character, and environmental effects of the Rectrix Aerodrome project, as described



in this decision, will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipality in which the development is located.

Based upon the above Findings, the Cape Cod Commission hereby grants Rectrix Aerodrome Centers, Inc. a DRI Exemption from the terms and provisions of the Act, pursuant to Section 12(k) of the Act for the proposed Rectrix Aerodrome in Barnstable, MA.

This Exemption decision shall be strictly construed, and is valid for three years from the date of issuance.

The Commission shall issue a Certificate of Consistency prior to issuance of a Certificate of Use and Occupancy by the Town of Barnstable in order to confirm that the Rectrix Aerodrome project has been constructed in accordance with the information submitted to the Commission during the DRI/DRI Exemption review, and the Findings of this decision.

Susan Kadar  
Susan Kadar, Chair, Cape Cod Commission

Sept 17, 2003  
Date

**Commonwealth of Massachusetts**  
**Barnstable, ss.**

On this 17<sup>th</sup> day of September 2003, before me personally appeared

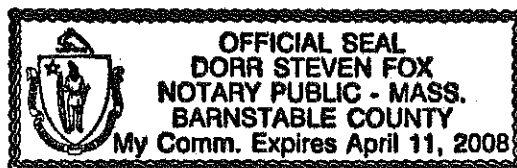
SUSAN KADAR, to me known to be the person described in and who

executed the foregoing instrument, and acknowledged that SHE executed the same as

HER free act and deed.

Dorr Steven Fox  
Notary Public  
Commonwealth of Massachusetts

My Commission expires:





1. ASSUMPTIONS MADE: THE PROPOSED CENTER OF BARNSTABLE CENTER OF RECTRIX AERODROME CENTER IS LOCATED IN A FLOOD ZONE C AREA OF MINOR FLOODING AS SHOWN ON THE FLOOD HAZARD ZONING MAP DATED 1997.
2. THE SITE IS LOCATED IN FLOOD ZONE C AREA OF MINOR FLOODING AS SHOWN ON THE FLOOD HAZARD ZONING MAP DATED 1997.
3. THE SITE IS LOCATED IN ZONE C AREA OF MINOR FLOODING AS SHOWN ON THE FLOOD HAZARD ZONING MAP DATED 1997.
4. UTILITIES:
  - WATER: 12" DIA.
  - SEWER: 12" DIA.
  - STORM: 18" DIA.
  - TELEPHONE: 12" DIA.
  - GAS: 12" DIA.
5. BUILDING SPECIFICATIONS:
  - WATER: 12" DIA.
  - SEWER: 12" DIA.
  - STORM: 18" DIA.
  - TELEPHONE: 12" DIA.
  - GAS: 12" DIA.
6. BUILDING SPECIFICATIONS:
  - WATER: 12" DIA.
  - SEWER: 12" DIA.
  - STORM: 18" DIA.
  - TELEPHONE: 12" DIA.
  - GAS: 12" DIA.
7. BUILDING SPECIFICATIONS:
  - WATER: 12" DIA.
  - SEWER: 12" DIA.
  - STORM: 18" DIA.
  - TELEPHONE: 12" DIA.
  - GAS: 12" DIA.
8. BUILDING SPECIFICATIONS:
  - WATER: 12" DIA.
  - SEWER: 12" DIA.
  - STORM: 18" DIA.
  - TELEPHONE: 12" DIA.
  - GAS: 12" DIA.

Topographic Survey and Base Plans Prepared By:

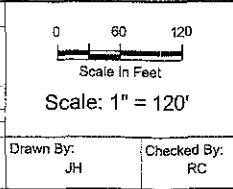
**Town of Barnstable GIS**  
 367 Main Street  
 Hyannis, Massachusetts

Prepared For:

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Site Plan Prepared By:

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 508-833-3150 fax



**Horsley & Witten, Inc.**  
 phone: 508-833-9800  
 www.horsleywitten.com

**Location Plan:**  
**Proposed Rectrix Aerodrome Center of Barnstable**  
**Barnstable Municipal Airport**

Date: 09-15-2003    Design By: JH    Drawn By: JH    Checked By: RC

09/15/03 JL 2123-Site-Plan-Presentation-rev6\_090203.dwg    Figure

09/15/03 JL 2123-Site-Plan-Presentation-rev6\_090203.dwg

