



CAPE COD COMMISSION

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DATE: January 18, 1996

TO: J. Richard Fennell, Trustee
Snow Inn Realty Trust

FROM: Cape Cod Commission

RE: Modification to Development of Regional Impact Decision #TRMOD92023
Development of Regional Impact Enabling Regulations, Section 9(n)

APPLICANT: J. Richard Fennell, Trustee
Snow Inn Realty Trust

PROJECT: Snow Inn Complex
Snow Inn Road
Harwichport, MA

PROJECT #: MOD95028

BOOK/PAGE: Book 6643, Page 14

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions a modification to the Development of Regional Impact (DRI) decision of Snow Inn Realty Trust under Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended and Section 9(n) of the DRI Enabling Regulations, Barnstable County Ordinance 90-12, for a proposed interim use of the Snow Inn Complex in Harwichport, MA. The modification to the decision is rendered pursuant to a vote of the Commission on January 4, 1996. All findings and conditions attached to the decision for #TRMOD92023 for a proposed 64-unit condominium complex continue to apply. In addition, this decision does not extend the seven-year timeframe for construction of the condominium project approved on June 25, 1992.

PROJECT DESCRIPTION

The proposed interim use of the Snow Inn Complex consists of the construction of two outdoor swimming pools with a one-story, approximately 900 s.f. building containing restrooms,

Snow Inn Complex Modification - Harwich, MA - #MOD95028
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mechanical and maintenance facilities. The proposed facilities are for use by up to 600 beach club members which was allowed under the Commission's previous approval for the project. The site is served by a wastewater treatment plant with sufficient capacity for the interim use. All proposed construction is within the footprint of previously permitted construction or previously altered areas.

PROCEDURAL HISTORY

On November 20, 1995, A. M. Wilson Associates Inc., representing the applicant on the above project, requested a modification to the Development of Regional Impact decision dated June 25, 1992 (#TRMOD92023) to allow an interim use of the Snow Inn property. The request for modification was received pursuant to Section 9(n) of the Cape Cod Commission's Enabling Regulations. On November 27, 1995, the Regulatory Committee of the Commission determined that the request was a modification requiring Commission approval based on an October 15, 1992 policy which sets out procedures for review of modification requests.

The Commission held a public hearing on January 4, 1996 in the Chamber of the Assembly of Delegates, First District Courthouse, Barnstable, MA to consider the modification request. The public hearing and record were closed on this date. As a result of testimony received at the public hearing, application materials submitted by the applicant and technical information provided by staff, the Commission voted unanimously to approve the modification request, with the stipulation that approval of the modification does not extend the seven-year timeframe for construction of the condominium project #TRMOD92023 approved on June 25, 1992.

Materials submitted for the record

The following materials were received as part of the written record on the Snow Inn Complex modification request:

From the applicant:

- Conceptual Site Plan at Snow Inn, Harwichport, MA dated November 14, 1995 by A.M. Wilson Associates, Inc./Land Planning, Inc., 1 sheet
- Snow Inn Complex Groundwater Discharge Permit #1-324 Monitor Well Locations, prepared by A.M. Wilson Associates, Inc. dated April 17, 1992, 1 sheet
- letter from A.M. Wilson Associates, Inc. to Commission staff dated November 20, 1995
- letter from A.M. Wilson Associates, Inc. to Commission staff dated December 13, 1995

Cape Cod Commission staff:

- letter from Sharon Rooney, Commission staff to Arlene Wilson, A.M. Wilson Associates, Inc. dated December 1, 1995
- Commission staff report dated December 29, 1995
- 1992 approved site plan overlay with plan for interim use, January 4, 1996

The application and notices of public hearings relative thereto, the Commission's staff notes, exhibits and correspondence, the transcript and minutes of the hearings and all written submissions received in the course of our proceedings are incorporated into the record by reference.

TESTIMONY

At the January 4, 1996 public hearing, the Commission received testimony from Ms. Arlene Wilson, A.M. Wilson Associates, Inc. who described the proposed interim use. Sharon Rooney, Commission staff recommended approval of the modification request provided that all findings and conditions attached to the previously approved project remain, and recommended that approval of the interim use not extend the seven-year timeframe for construction of the condominium project #TRMOD92023 approved on June 25, 1992. Alix Ritchie asked if staff had reviewed the layout of the interim use as compared to the previously approved site plan. Sharon Rooney submitted an overlay of the two plans for Commission review and replied that all proposed construction lies within the layout of the previously approved plan or previously altered areas. Vicky Bebout asked the applicant if the Thompson's Clam Bar was closing and how that impacted the project. Arlene Wilson replied that Thompson's Clam Bar would remain open only for use by beach club members.

JURISDICTION

The Snow Inn Complex qualifies as a DRI under Section 12(c)(7) of the Cape Cod Commission Act and Section 3(f) of the DRI Enabling Regulations as "any proposed development, including the expansion of existing developments, that is planned to create or accommodate more than thirty dwelling units."

FINDINGS

The Commission has considered the modification request of Snow Inn Realty Trust for the proposed interim use and based on consideration of such application, the information presented at the public hearing and submitted for the record, the Commission makes the following findings subject to Sections 12 and 13 of the Act. All findings of the June 25, 1992 decision for #TRMOD92023 remain as stated:

- 1). The proposed interim use does not present any significant impacts to the resources protected by the Cape Cod Commission Act and the Regional Policy Plan as compared to the former use of the site as a hotel, as well as the previously approved condominium project.

CONCLUSION

The Commission hereby grants Snow Inn Realty Trust a modification to a Development of Regional Impact approval with conditions, pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended and Section 9(n) of the DRI Enabling Regulations, Barnstable County Ordinance 90-12, for a proposed interim use of the Snow Inn Complex in Harwichport, MA. All conditions attached to the decision dated June 25, 1992 #TRMOD92023 remain as listed in that decision. Approval of the modification for the interim use does not extend the seven-year timeframe for construction of the condominium project #TRMOD92023 approved on June 25, 1992.

Sumner Kaufman
Sumner Kaufman, Chairman

1/18/96
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 18th day of January 1996

Katharine L Peters
Name, Notary Public

My commission expires: April 1, 1997