



# CAPE COD COMMISSION

3225 MAIN STREET  
P.O. BOX 226  
BARNSTABLE, MA 02630  
(508) 362-3828  
FAX (508) 362-3136

E-mail: [frontdesk@capecodcommission.org](mailto:frontdesk@capecodcommission.org)

DATE: October 16, 2000 TR-99024 (Modification/Type 2)

TO: Attorney Andrew Singer  
26 Upper County Road  
P.O. Box 67  
Dennisport, MA 02639

RE: Modification of an Approved DRI Decision  
Section 9(n) of Enabling Regulations

APPLICANT: Sid Snow of H.H. Snow & Sons, Inc

PROJECT: H.H. Snow & Sons, Inc  
Orleans, MA

BOOK/PAGE: Book 9300, Page 269 Cert # 85571  
Book 12700, Page 296 Plan 40135A

William C. Snow, Stanley H. Snow and Robert W. Snow, Trustees of the Snow Realty Trust dated March 29, 2000 and registered as Document No. 795,962

---

## DECISION OF THE CAPE COD COMMISSION

The Cape Cod Commission (Commission), through its Regulatory Committee, hereby approves the application of Mr. Sid Snow of H.H. Snow & Sons, Inc. for two Modifications to an Approved Development of Regional Impact. The Modifications are approved under Section 7 of the Administrative Regulations (as revised). This Decision is rendered pursuant to a vote of the Commission's Regulatory Committee on October 16, 2000.

### PROCEDURAL HISTORY

In a decision dated October 7, 1999, the Commission approved with conditions a 12,000 square foot addition to the existing H.H. Snows Home and Garden Center at Main Street in Orleans. Subsequent to this approval, the Commission issued a Preliminary Certificate of Compliance dated November 29, 1999 so that the applicant could apply for a building permit. The applicant then requested that the Commission's Regulatory Committee consider a Minor Modification #2 to allow issuance of a temporary Final Certificate of Compliance because of a concern that the new roof façade would not be completed. The Regulatory Committee approved this as Minor Modification #2 in a decision dated February 28, 2000 with the requirement that all other aspects of the project would be completed. A Phase Two Final Certificate of Compliance was also required for the new roof façade once it was finished.

In a letter dated October 16, 2000, Attorney Andrew Singer representing H. H. Snow & Sons, Inc. requested further modifications to the Commission's DRI decision (as modified). The request included four different items. One related to removing a 436 +/- square foot area from the four areas designated by the original decision to be onsite open space through either a Conservation or Agricultural Preservation Restriction. Another related to modifying condition NR3 to allow the applicant to restrict Area C as open space with either

a Conservation Restriction or Agricultural Preservation Restriction.

### COMMENTS/DISCUSSION AT THE REGULATORY COMMITTEE MEETING

On October 16, 2000, the Commission's Regulatory Committee considered Attorney Singer's request to modify the October 7, 1999 DRI decision. Staff explained the applicant's request and recommended that only the modifications dealing with removing the 436 square foot area from the on-site open space and the change to condition NR3 be considered. Planner Andrea Adams suggested that the applicant's other requests dealing with changes to other conditions be tabled to give staff a chance to review them.

The Regulatory Committee voted unanimously to consider **only** the modifications dealing with removing the 436 square foot area from the on-site open space and the wording change to condition NR3. It voted to deem these to be Minor Modifications Type #2. The Committee also voted to table consideration of the applicant's other modification requests.

### MATERIALS SUBMITTED FOR THE RECORD

#### A. Materials submitted by the Applicant:

Letter, requesting modification 10/16/00  
 -attachments include a revised site plan showing onsite open space areas and results of sampling for nitrogen loading

**Note:** Only oral comments were provided by Commission staff on the modification requests. No written materials or verbal comments were submitted on this modification request by the State, Town officials or the Public.

The application and notice of the public hearing relative thereto, the Commission's staff reports, exhibits, minutes of all hearings and all submissions received in the course of the proceedings, including materials submitted on file TR-99024 and MOD-TR99024 are incorporated into the record by reference.

### SUMMARY

The Commission's Regulatory Committee hereby approves as Minor Modifications #2 under Section 7 of the Administrative Regulations (as revised) the request of H.H. Snow & Sons, Inc. for two modifications to an approved Development of Regional Impact decision relating to removing a 436+/- square foot area from the onsite open space area, and a language change in condition NR3 allowing Area C to be included in the onsite area protected by a Conservation Restriction.

The Modifications as approved are:

1. To revise the Area Plan (SD-4) to remove a 436+/- square foot area from inclusion in the areas designated as onsite open space. The area to be removed is shown as Area OO on a September 18, 2000 revision to Plan SD-4. It allows access to the propane tank storage area and is used for oil truck parking. As such, Conditions NR2 and NR3 are revised as follows:

"...as shown on the plan entitled Area Plan, HH Snow & Sons Home & Garden Showplace," Sheet 4 of 5, **as revised September 18, 2000...**"

2. To revise Condition NR3 to allow the applicant to use either an Agricultural Preservation Restriction or a Conservation Restriction for Area C of the onsite open space. As such,

H.H. Snows – Modification Type #2 – Plan and Language of NR3 – October 16, 2000

Condition NR3 is revised as follows:

"NR3. Prior to granting of a preliminary Certificate of Compliance, the applicant shall provide the Cape Cod Commission with **either** a draft agricultural **restriction** or a **conservation restriction** consistent with Massachusetts General Laws Chapter 184."

David J. Ansel  
David J. Ansel, Regulatory Committee Chair

10/30/00  
Date

**Commonwealth of Massachusetts**

**Barnstable, ss.**

Subscribed and sworn to before me this 30<sup>th</sup> day of October 2000.

Katharine L. Peters  
Name, Notary Public

My Commission expires:

