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CAPE COD  
COMMISSION

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**MINOR MODIFICATION TYPE #1**

DATE: May 3, 2013

TO: David Michniewicz, PE  
Vice President  
Coastal Engineering Company, Inc.  
260 Cranberry Highway  
Orleans, MA 02653

RE: Modification of a Development of Regional Impact

PROJECT APPLICANT: The Cape Cod Five Cents Savings Bank  
19 West Road  
P.O. Box 10  
Orleans, MA 02653

PROPERTY OWNER: The Cape Cod Five Cents Savings Bank

PROJECT # TR-98019

PROJECT: Cape Cod Five Cents Savings Bank – Operations Center

LOCATION: 19 West Road, Orleans, MA

**RECORDING INFORMATION:**

Certificate of Title Number: 147139  
Land Court Plan: 31048-E Lot: 33

Deed Book: 11156 Page: 187  
Plan Book: 363 Page: 42 Lot: 7

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**Background**

In a decision dated August 13, 1998, the Cape Cod Commission (Commission) issued a Development of Regional Impact (DRI) decision, with conditions, to The Cape Cod Five Cents Savings Bank ("Cape Cod Five") which approved the construction of an addition on the Operations Center Office Building in Orleans, MA. To date, the 1998 DRI decision has been modified once, by a decision dated July 12, 1999.

### **Modification Request**

On April 27, 2012, Commission staff received a request from David Michniewicz, PE, Vice President of Coastal Engineering Company, Inc. representing Cape Cod Five, seeking to make physical modifications to the site parking. Mr. Michniewicz's request also included a plan entitled *Plan Showing Proposed Parking Modifications, Cape Cod Five Cents Saving Bank, 19 West Road, Orleans, MA, revised 4-27-12*.

On March 13, 2013, Mr. Michniewicz provided the Commission with a parking study conducted in consultation with Commission Transportation staff.

### **Commission Jurisdiction and Modification Types**

Section 13(c) of the Commission's *Enabling Regulations*, as amended March 2011, revised July 2012, sets out the types of DRI modifications. A Minor Modification Type #1 is defined as "revisions that are the result of more restrictive conditions imposed by a local board or technical corrections or changes that the Executive Director or his/her designee determine are *de minimus* changes to the project." The *Enabling Regulations* also state that Minor Modifications Type #1 "shall be approved by that the Executive Director or his/her designee and reported to the Regulatory Committee and do not require further review by the Commission."

### **Determination on Modification Request**

After consideration of the request by Cape Cod Five to make changes to the parking lot configuration at the company's Operation Center in Orleans, MA the Commission's Executive Director has determined the requested changes constitute *de minimus* changes and they are approved as a Minor Modification Type #1.

### **Changes to 1998 DRI Decision**

The 1998 DRI decision, as amended, is hereby modified as follows to accommodate the proposed parking lot changes.

All findings and conditions attached to the original decision, as amended, continue to apply except as modified herein.

The following conditions shall be modified to read as follows (**bold** type indicates added text, deleted text is struck-out):

#### General Conditions:

G1. The site shall be developed consistent with the site plan dated April 20, 1998, with the latest revision date of August 6, 1998 **and with the plan entitled *Plan Showing Proposed Parking Modifications, Cape Cod Five Cents Saving Bank, 19 West Road, Orleans, MA, revised 4-27-12***. All plans submitted shall become a part of the written decision and any changes to these plans shall be approved by the Cape Cod Commission.

*SEE NEXT PAGE FOR SIGNATURES*

**SIGNATURES**

Executed this 6<sup>th</sup> day of May 2013.

*[Signature]*  
Signature

Paul Niedzwiecki, Exec. Dir  
Print Name and Title

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss May 6, 2013

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki

in his/her capacity as Executive Director 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.

*Gail P. Hanley*  
Notary Public

My Commission Expires: 9-28-18

