



CAPE COD COMMISSION

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DATE: March 28, 1996 MOD-TR95016

TO: Mr. Tudor G. Ingersoll
for Hope Ingersoll, Trustee
120 Lakeview Avenue
Cambridge, MA 02138

FROM: Cape Cod Commission

RE: Modification of Approved Development
of Regional Impact Decision
Section 9(n) of DRI Enabling Regulations

APPLICANT: Mr. Tudor G. Ingersoll

PROJECT: Grazing Fields Farms (Modification)
Bourne, MA

BOOK/PAGE: Book 606, Page 404
Book 8376, Page 137
Book 505, Page 315
Book 275, Page 249

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves the application of Mr. Tudor G. Ingersoll for a Modification to an Approved Development of Regional Impact Decision under Section 9(n) of the DRI Enabling Regulations for the sole purpose of having an additional 180 days to obtain a Certificate of Compliance. The decision is rendered pursuant to the vote of the Commission's Regulatory Committee on March 25, 1996.

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PROJECT DESCRIPTION

On October 19, 1995, the Cape Cod Commission approved, with conditions, the application of Mr. Tudor G. Ingersoll for a DRI for the Grazing Fields Farm project.

The Grazing Fields Farm project consists of the subdivision of a 120+ acre parcel located off Head of the Bay and Bournedale Roads in Bourne into four additional lots. The DRI decision placed several Conditions on the project, including ones related to open space, preservation of on-site historic structures and creation of a bicycle/pedestrian path easement. Condition #2 of the Decision states:

"[t]he applicant shall obtain a Certificate of Compliance from the Cape Cod Commission within six months of the filing of the final Decision on this project with the Clerk of the Commission, except as otherwise provided in this Decision" (page 9)

The original six-month time frame was granted in part to allow Mr. Ingersoll to finalize the donation of 5.03 acres of land as off-site open space to the Department of Fisheries and Wildlife, a procedure which had to be ratified by the state Legislature.

PROCEDURAL HISTORY

In late February, 1996, Commission staff sent a letter to the Ingersolls indicating the end of the 6-month time period to obtain a Certificate of Compliance was April 19, 1996, but that information required by Conditions of the Decision had not yet been received. The February 28, 1996 letter also indicated Mr. Ingersoll could request a modification to Condition #2 of the Decision and so gain more time to secure a Certificate of Compliance.

On March 14, 1996, staff received a letter from Mr. Ingersoll requesting an extension to the time period allotted for receipt of a Certificate of Compliance (a modification to Condition #2) and a fee waiver.

On March 25, 1996, the Commission's Regulatory Committee considered Mr. Ingersoll's request for a modification to Condition #2 of the Grazing Fields Farm Decision. At this meeting, the Regulatory Committee voted unanimously to approve the modification to Condition #2 of the Grazing Fields Farms Decision. The Regulatory Committee also voted to consider the request a minor modification without public hearing, a project review fee, or further action by the Commission.

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MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

Letter, requesting modification 3/14/96

B. Materials submitted by the State:

None

C. Materials submitted by the Town:

None

D. Materials submitted by the Public:

None

E. Materials submitted by Cape Cod Commission:

Letter, to Mr. Ingersoll, information needed 2/1/96

Letter, to Mr. Ingersoll, possibility of modification 2/28/96

Memorandum to Regulatory Committee 3/20/96

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-95016 and MOD-TR95016 are incorporated into the record by reference.

TESTIMONY

No testimony was received at the March 25, 1996 Regulatory Committee meeting on this project.

JURISDICTION

The proposed project qualifies as a modification to an approved DRI Decision under Section 9(n) of the DRI Enabling Regulations.

FINDINGS

The Commission's Regulatory Committee has considered the application of Mr. Tudor Ingersoll to modify Condition #2 of the Grazing Fields Farm Decision. The purpose of Condition #2 as written was in part to allow Mr. Ingersoll six months to finalize the donation of 5.03 acres of land as off-site open space to the Department of Fisheries and Wildlife, a procedure which had to be ratified by the state Legislature. The modification of Condition #2 would provide him with an additional six months (180 days) to obtain the Certificate of Compliance. No other changes to the Decision was requested or approved. The Regulatory Committee also voted on

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March 25, 1996 to deem the request a minor modification which does not require a public hearing, a project fee or other action by the full Cape Cod Commission.

CONDITIONS

The Cape Cod Commission hereby modifies Condition #2 of the Grazing Fields Farm Decision (TR-95016) to:

"[t]he applicant shall obtain a Certificate of Compliance from the Cape Cod Commission within ~~six months~~ **one year** of the filing of the final Decision on this project with the Clerk of the Cape Cod Commission except as otherwise provided in this Decision."



Sumner Kaufman, Chairman
Cape Cod Commission

3-28-96

Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 28th day of Mar 1996



NAME, Notary

My Commission expires: Notary Public

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