



CAPE COD COMMISSION

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DATE: September 3, 1996 MOD-TR95016(2)
(Change to Modification rendered in March, 1996)

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 - 2)
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, thereby extending the time allotted to obtain a Certificate of Compliance to April 19, 1997. The decision is rendered pursuant to the vote of the Commission's Regulatory Committee on August 19, 1996.

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

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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.

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.

Based on this decision, the timeframe allotted to obtain a Certificate of Compliance was extended to October 19, 1996.

PROCEDURAL HISTORY

In early August, 1996, Commission staff notified Mr. Ingersoll by phone that the end of the additional 6-month time period granted to obtain a Certificate of Compliance was October 19, 1996, but that information required by Conditions of the Decision had not yet been received. In the phone conversation, staff indicated Mr. Ingersoll could request a second modification to Condition #2 of the Decision and so gain more time to secure a Certificate of Compliance.

On August 19, 1996, staff received a letter from Mr. Ingersoll again requesting an extension to the time period allotted to obtain of a Certificate of Compliance (a modification to Condition #2). The letter noted also regarding Conditions #11 and #15 that Mr. Ingersoll anticipated the Plymouth County Wildlands Trust would vote acceptance of the proposed open space restriction at its regularly-scheduled meeting of September 12, 1996 and if this was the case, the restriction would hopefully be executed and recorded before the October 19, 1996 expiration date of the current six-

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month extension of the time allotted to obtain a Certificate of Compliance.

On August 19, 1996, the Commission's Regulatory Committee considered Mr. Ingersoll's request to again modify 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 to grant another six month extension (until April 19, 1997) to the time allotted to obtain a Certificate of Compliance. 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.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

Letter, requesting modification

8/19/96

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:

None

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, MOD-TR95016 and MOD-TR95016(2) are incorporated into the record by reference.

TESTIMONY

No testimony was received at the August 19, 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 again modify Condition #2 of the Grazing Fields Farm Decision. The purpose of Condition #2 as written in the original Decision 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 sought now would provide him with an additional six months (180 days) to obtain the Certificate of Compliance extending the time allotted to April 19, 1997. No

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other changes to the Decision were requested or approved. The Regulatory Committee also voted on August 19, 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~~ **eighteen (18) months** 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.”



Greg Silverman, Chairman
Cape Cod Commission

9/5/96
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 5th day of September 1996.



NAME, Notary

My Commission expires:

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