



# CAPE COD COMMISSION

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Date: September 29, 2009

To: Donald and Ralph Angus  
C/o Nancy Angus  
3220 Cranberry Highway  
P.O. Box 270  
Buzzards Bay, MA 02532

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact  
Cape Sagamore Highlands, Bourne, MA

Applicant: Donald and Ralph Angus  
C/o Nancy Angus

Project and Location: Cape Sagamore Highlands/Highland Village Realty Trust  
Clustered subdivision of 33 single-family homes on 15,000 square foot lots on a 31.2-acre parcel of land in the Sagamore Highlands village of Bourne, along Old Plymouth Road in Bourne, MA

Project #: TR-20007

Book/Page: 11352-022 11352-031

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## Background

The above referenced project, Cape Sagamore Highlands, was approved, with conditions, by a vote of the Cape Cod Commission (Commission) on January 18, 2001. The Commission Regulatory Committee granted a modification to the original Commission decision on February 19, 2002. The Applicants were also granted an extension of the seven-year Development of Regional Impact (DRI) timeframe on January 7, 2008 to January 7, 2013.

In a letter received by the Commission on September 28, 2009, Nancy Angus, representing Donald and Ralph Angus, requests that conditions T2 and OS2 of Commission's January 18, 2001 DRI decision, as amended, be changed to allow donation of the required off-site open space to the Bourne Conservation Trust instead of the Bourne Conservation Commission.



### **Determination**

The Executive Director of the Cape Cod Commission has determined that the requested revisions to conditions T2 and OS2 of the January 18, 2001 DRI decision, as amended, so as to allow either the Town of Bourne Conservation Commission or the Bourne Conservation Trust to be the recipient of a donation of the off-site open space or to be the holder of a conservation restriction on the off-site open space as described in Ms. Angus' September 28, 2009 letter constitute *de minimus* changes and are approved as a Type 1 Minor Modifications. The following changes shall be made to the conditions of the January 18, 2009 DRI decision, as amended, reflect this change.

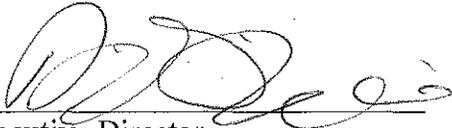
### **Changes to Original Decision** (Changes are shown in **bold** and strikeout text)

T2. Prior to receiving the third Certificate of Compliance or release or conveyance of any lots within the Cape Sagamore Highlands residential subdivision, the applicant shall permanently protect the 14.66-acre parcel (Bourne Assessors Map 28, Lot 18; Registry Book 2118, page 270) including frontage on General MacArthur Boulevard. The applicant shall either donate the parcel to the Town of Bourne Conservation Commission **or to the Bourne Conservation Trust**, or place a conservation restriction on the parcel, consistent with Massachusetts General Laws Chapter 184, Section 31-33, to be held by **either** the Town of Bourne Conservation Commission **or the Bourne Conservation Trust**. The form and content of the conservation restriction or donation shall be approved by Cape Cod Commission counsel. The donation or conservation restriction and accompanying plan of land shall be executed and recorded; a proof of recording shall be provided to the Commission prior to the receipt of the third Certificate of Compliance. This parcel provides vacant developable land to meet the traffic trip-reduction requirement (MPS 4.1.2.1), and with its donation to **either** the town **or the Bourne Conservation Trust**, shall be permanently restricted to prohibit all development on the parcel.

OS2. Prior to the issuance of the third Certificate of Compliance or release or conveyance of any lots within the Cape Sagamore Highlands residential subdivision, the proponent shall permanently protect the 5-acre off-site open space parcel identified as Bourne Assessors Map 28, Lot 1 (Registry Book 2023, page 90). The applicant shall either donate the parcel to **either** the Town of Bourne Conservation Commission **or the Bourne Conservation Trust**, or place a conservation restriction on the parcel, consistent with Massachusetts General Laws Chapter 184, Section 31-33, to be held by **either** the Town of Bourne Conservation Commission **or the Bourne Conservation Trust**. The form and content of the conservation restriction or donation shall be approved by Cape Cod Commission counsel. The donation or conservation restriction and accompanying plan of land shall be executed and recorded; a proof of recording shall be provided to the Commission prior to the receipt of the third Certificate of Compliance.

**SEE NEXT PAGE FOR SIGNATURES**

SIGNATURE PAGE

  
Executive Director

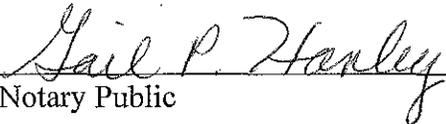
9/29/09  
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

9/29, 2009

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki in his 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 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.

  
Notary Public

My Commission Expires:

10.13.11