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CAPE COD  
COMMISSION

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SECTION 14 CERTIFICATE

Owner/Applicant: Openfield Development Trust  
c/o Michael D. Ford, Esq.  
72 Main Street, P.O. Box 485  
W. Harwich, MA 02671

Project/  
Project Site: Longest Drive fka Crowell Golf Driving Range (CCC No. 90037)  
131 Great Western Road, So. Dennis, MA 02660

Assessors Parcel ID: Map 131 Parcel 5

Title Reference: Deed Book 20748 Page 172, Plan Book 476 Page 93  
Deed Book 27333 Page 172, Plan Book 649 Page 17  
Project DRI Decision recorded in Deed Book 7358 Page 334

Pursuant to the Committee on Planning and Regulation's Findings below, the Executive Director of the Cape Cod Commission hereby issues this Certificate under Section 14 of the Commission's *Enabling Regulations Governing Developments of Regional Impact* (Enabling Regulations), determining that there is no continuing Development of Regional Impact (DRI) jurisdiction under the Crowell Golf Driving Range DRI Decision (90037) over the Project or Project Site.

The use and development rights authorized under the DRI decision and Dennis Board of Appeals variance decision for the 18.51 ac. +/- Project Site have been abandoned and can no longer be exercised. The DRI Decision in Commission file no. 90037 is of no further force and effect as to the Project Site. Any future development proposed on the Project Site that meets or exceeds a mandatory DRI review threshold under Sections 2 and 3 of the Enabling Regulations shall be subject to new DRI review by the Commission.

At its meeting October 27, 2016, the Committee on Planning and Regulation made the following Findings:

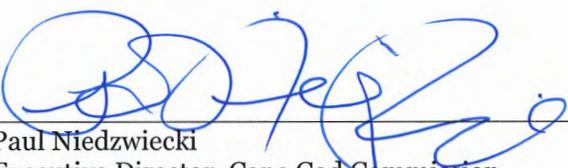
- The Project/ Project Site is subject to a prior Cape Cod Commission Development of Regional Impact decision in Commission file no. TR90037 (DRI Decision).
- The 18.51 +/- ac. Project Site is shown on a perimeter plan prepared pursuant to GL Ch. 41 Sec. 81X by down cape engineering, inc., 939 Rte 6A, Yarmouth Port, MA 02675, said plan entitled, "PERIMETER PLAN OF LAND AT #131 GREAT WESTERN ROAD IN SOUTH DENNIS, MA PREPARED FOR OPENFIELD DEVELOPMENT TRUST," date: October 3, 2016.
- The Applicant is the successor in title to the original DRI permittee.
- The Applicant has requested a Certificate pursuant to Section 14 of the Enabling Regulations that the Project/ Project Site is no longer subject to the Commission's jurisdiction under the DRI Decision because the use authorized under the DRI Decision has been abandoned.

- The Town of Dennis Building Commissioner/ Chief Zoning Officer has issued a written determination, dated August 24, 2016, that the Applicant's driving range use and development rights authorized under a variance issued by the Dennis Board of Appeals in 1990 BOA file no. A-261A have been abandoned and are no longer of any force or effect.
- The Applicant has not proposed any project or development as part of its Section 14 Certificate request, and accordingly, the request does not have significant adverse impacts upon the goals, purposes and values identified in Section One of the Cape Cod Commission Act or in the Barnstable County Regional Policy Plan (RPP), and the request does not meet or exceed a mandatory DRI threshold contained in Section 2 or 3 of the Enabling Regulations.
- The time period to obtain local permits pursuant to said DRI Decision has expired.
- All conditions in the DRI Decision have been satisfied, including the required provision for mitigation. No conditions in the DRI Decision are ongoing and effectively prohibit issuance of this Certificate.
- The Project was subject to mandatory DRI review because it was an Outdoor Use of at least 40,000 sq ft of Total Project Area; it was not a building project *per se*. Buildings that were associated with the use have been removed.
- The Project Site is in a better condition than prior to the Project Site's development as a driving range under the DRI Decision. The Site was revegetated for the use and converted from a sand and gravel operation that existed prior to exercise of development rights authorized under the DRI Decision.
- Given the particular use and rights authorized under the DRI Decision, there are no ongoing conditions of the DRI Decision, such as conditions relating to building or site design, necessary to continue or extend in order to prevent detrimental impacts to regional values and interests protected under Section One of the Cape Cod Commission Act, in the event that any proposed future development of the Site may be undertaken without DRI review.
- Certain circumstances have changed with respect to the Project Site since the DRI Decision was issued, which support granting this Certificate. The Project Site is split zoned commercial along Great Western Road and residential to the rear of the Site. The zoning line was changed by zoning map amendment to extend the commercial zoning area deeper on the Site, which will better define the types of commercial and residential uses that might be permitted on respective portions the Site with future development on the Site. In addition, the Project Site is no longer a zone of contribution to a public water well, as public water well #13 referenced in the DRI Decision has now been removed.
- The driving range use approved under the DRI decision exists by zoning variance on the Project Site; this Certificate effectively eliminates such a use on the Project Site that does not comply with local zoning. A portion of the Site on which the non-complying use was undertaken is also located in proximity to a wetland.

**(Signature page follows)**

**Issuance of Section 14 Certificate  
Longest Drive fka Crowell Golf Driving Range  
131 Great Western Road, So. Dennis  
CCC File No. 90037**

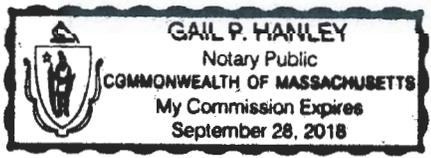
Executed this 28<sup>th</sup> day of October 2016.

  
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Paul Niedzwiecki  
Executive Director, Cape Cod Commission

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss October 28, 2016

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/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

SEAL