

**TOWN OF WAREHAM
PLANNING BOARD
DECISION
MODIFICATION OF SPECIAL PERMIT AND SITE PLAN REVIEW
ADDITION OF BAY POINTE MIXED USE DEVELOPMENT
PHASE IV TOWNHOUSES AND CLUB HOUSE
CASE NO.36-21**

LANDOWNER: Wareham Redevelopment Authority
PETITIONER: Bay Pointe Club LLC
SUBJECT PROPERTY: Assessor's Map 9, Lots 1004B, 1004A-1
REFERENCE: Book 12524, Page 0032
ADDRESS: 19 Bay Pointe Drive, Wareham, MA 02532

Following a public hearing opened on November 22, 2021 and continued, December 13, 2021, January 10, 2022, January 24, 2022, February 14, 2022, February 22, 2022, March 14, 2022, May 2, 2022, May 9, 2022, and May 23, 2022, the Wareham Planning Board ("Planning Board") (Members Michael King, Michael Baptiste, Carl Schulz, Sam Corbitt, Jane Gleason) voted - - on May 23, 2022, in exercise of its discretionary powers, to approve the Petition of the above Petitioner for Site Plan Review Approval and Modification to the existing Special Permit to construct seven new townhouse buildings with 52 units, off-street parking, with a new parking area and garage spaces for certain units combining for a total of 229 parking spaces, attendant site utilities, pedestrian and vehicular circulation and site landscaping, under conditions memorialized in this Decision. Also modified is the existing Subdivision with the addition of land adjacent to the previously approved Subdivision.

The site is located at 19 Bay Pointe Drive and in the Conference Recreation / CR Zoning District, with a portion in the MR-30 Zoning District. The project is depicted on plans entitled "Modification to Special Permit & Site Plan Approval, Bay Pointe Mixed Use Development Phase IV" prepared for Bay Pointe Club, LLC., by Principe Company LLC. P.O. Box 298, Tiverton, RI 02878 dated November 4, 2021 with latest revision date of May 5, 2022.

This approval is a Major Modification of the Special Permit, Site Plan Review and a schedule for completion of the Definitive Subdivision approved on August 14, 2017.

A. THE BOARD FINDS THE FOLLOWING FACTS:

The proposed project lies within a site containing existing paved parking areas, a portion of a hole on the golf course, and an existing golf pro shop and club house.

The site is approximately 7.49 acres with about 5,400 s.f. of existing club house space and associated parking. The parcel has frontage on Bay Pointe Drive and Onset Avenue.

The Property is located within the Conference Recreational (CR) District, which is intended to

promote conference and recreational uses that will contribute to the town's economic development and preservation of open space. Currently, the Wareham Redevelopment Authority owns the land and has a Land Disposition Agreement with the developer, Stonestreet. A portion of the land fronting on Onset Avenue is zoned Multi-Residence / MR-30.

Bay Pointe Drive borders the Property to the north and west and residential houses and a golf course to the south and east. The golf course is required as a use in the district for issuance of a Special Permit.

The club house is currently leased by the Redevelopment Authority to the Bay Pointe G.C. and a parking easement covers the existing parking lot in favor of the event center on the other side of Bay Pointe Drive.

The Wareham Building Commissioner made a determination that the Mixed Use development in the Conference Recreational District is allowable with the issuance of a Site Plan Approval under Article 15 of the Wareham Zoning By-Laws by the Wareham Planning Board in accordance with the Table of Principal Use Regulations in Article 3 of the Wareham Zoning By-Laws (the By-Law), and a Modification of the Special Permit issued for the Project's first three phases.

The modification of the Subdivision does not change the approved Right of Way. The modification ensures the completion of Bay Pointe Drive in accordance with the Wareham Subdivision Rules & Regulations, under any pertinent waivers previously granted.

The wastewater system will include offsite improvements as directed by the WPCF Department. The wastewater facilities plan includes a minor modification of the existing force main, to run through the right of way to the town system connection. This will service Phases 1, II, and III. A new pump station will be installed for Phase IV. This new pump station will only be servicing the Phase IV residential units but will connect to the town system at the same point as the other phases. Inflow/Infiltration mitigation has been requested by the WPCF before connecting the new project.

B. THE GRANTING OF SITE PLAN APPROVAL AND MODIFICATION OF THE SPECIAL PERMIT IS BASED ON THE FOLLOWING CONSIDERATIONS:

1. Protection of adjacent areas against detrimental or offensive uses on the site by provisions of adequate surface water drainage, buffers against lighting, sight, sound, dust, and vibration.
2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas.
3. Adequacy of facilities of handling and disposal of refuse and other production by-products.
4. Protection of environmental features on the site and in adjacent area.
5. Promotion of appropriate arrangement of structures within the site and in relation to existing structures within the district and neighborhood.
6. Design of building, lighting, landscaping, wetlands, water courses, buildings and signs.
7. The addition of this parcel to the overall Project will make a compatible and complementary mixed use development.
8. The density of units is considered in the whole of the development project in all its phases

and associated land uses, and is found acceptable. The proposed density is approximately 0.91 units per acre. The proposed dimensions for the Site Plan are found acceptable. The proposed mix of uses, including the golf course are found acceptable.

9. In conformance with Section 590.2 and Section 1510, the Board finds that the proposal provides for a mixture of residential, open space, retail, office and other compatible uses with the Conference Recreational District; improves the physical and aesthetic qualities of the Conference Recreational District; provides protection of adjacent areas against detrimental or offensive uses on the site by provisions of adequate surface water drainage, buffers against lighting, sight, sound, duct, vibration and the allowance of sun, light, and air; provides convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; provides adequacy of facilities of handling and disposal of refuse and other production byproducts; provides protection of environmental features on the site and in adjacent areas; promotes an appropriate arrangement of structures within the site and in relation to existing structures within the district and neighborhood and complies with all applicable sections of the Zoning By-Laws.

C. THE GRANTING OF SITE PLAN APPROVAL AND MODIFICATION OF THE SPECIAL PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. The proposed Mixed Use development that includes seven new multi town house buildings with 52 units, 229 parking spaces, improvements to the 5,400sf existing pro shop, attendant site utilities, pedestrian and vehicular circulation and site landscaping, which is to be constructed per the Site Plans titled "Modification to Special Permit & Site Plan Approval, Bay Pointe Mixed Use Development Phase IV" prepared for Bay Pointe Club, LLC., by Principe Company LLC. P.O. Box 298, Tiverton, RI 02878 dated November 4, 2021 with latest revision date of May 5, 2022.
2. The project shall comply with the pertinent conditions of the previously approved Special Permit and Site Plan Review, approved on August 14, 2017.
3. The approval of the WPCF Director for the new pump station, and agreement on the mitigation proposed to reduce inflow and infiltration will be necessary before a Building Permit may be issued. Documentation of that approval must be submitted to the Board.
4. The project shall comply with all requirements necessary for obtaining road opening permits for driveways and utilities per standards of the Municipal Maintenance Director.
5. The Planning Board and its Staff shall have access to the project site to ensure that these conditions are complied with.
6. Any plan revisions shall be submitted to and approved by the Planning Board and construction shall conform to those final plans so approved. The Planning Board reserves the right to approve, without the need for a new noticed public hearing, any minor modifications.
7. During construction, debris shall be removed and disposed of properly, portable toilets shall be provided, work shall be performed between the hours of 7:00am to 5:00pm, and no work shall be done on Sundays or holidays unless approved by the Building Inspector. No stumps or other debris shall be disposed of on site.
8. Applicant shall comply with all bylaws of the Town of Wareham and the approvals and conditions of all Town Boards and Commissions and the Onset Water District.
9. Changes in sewage flow and consequent changes in wastewater disposal required by the

Wastewater Treatment Facility must be submitted for consideration for site plan modification.

10. Inspections shall be required for all major site work as noted on the approved plans and the road opening and closing. Adequate notice, in no case less than 24 hours, shall be given to the Planning Board or its designee to make inspections of the work. A schedule of inspections shall be agreed upon the petitioner, the petitioner's contractor and the Planning Board or its designee prior to the commencement of any work on the site, including the clearing of trees.
11. Inspections of site construction should include but not be limited to the following:
 - a. After limits of work and the hay bale line have been set but before site clearing commences,
 - b. After clearing is complete and high ground water elevations have been confirmed,
 - c. After storm drainage facilities are installed but prior to backfilling,
 - d. The gravel base shown on the pavement cross section shall be fine graded and compacted to a point 8 inches below finish grade prior to placing the 4 inches of dense grade base material.
 - e. After binder course of paving has been placed and before wearing surface is applied,
 - f. Paving of the wearing surface should include a complete cleaning and sweeping of the binder surface and with a complete tack coat of asphalt emulsion is applied to the binder surface by tack equipment. Hand application of emulsion will not be allowed except at joints where old and new pavements abut.
 - g. After final striping of the wearing surface and after landscaping has been completed along with loam and seeding of all disturbed surfaces.
12. No occupancy permit shall be granted until a final site construction inspection has been made with a report to the Planning Board or its designee and Director of Inspectional Services that all work has been completed in accordance with the approved plan and Modification to Special Permit.
13. If an occupancy permit is requested prior to the completion of all site work, the Planning Board may allow that, if proper security is posted in an amount and form satisfactory to the Planning Board.
14. The Planning Board's designee will witness the final design of the storm water system including groundwater elevations with test pits prior to determine that proper separation from groundwater levels is achieved.
15. Prior to constructing any of the infiltration systems shown on the plan additional exploratory testing should be done to determine if unsuitable soil is present and to what extent.
16. The landscape plantings will be maintained for 2 years in accordance with section 1071 of the Zoning By-Laws.
17. Lighting will be limited to onsite-directed, shielded, 'night sky compliant' fixtures.
18. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Planning Board.
19. If substantial use or construction permitted by this Site Plan Review and Special Permit has not commenced within two years from the date of which a copy of this decision is filed with the Town Clerk, excluding the amount of time required for an appeal period to expire and the amount of time required to pursue and await the determination of any such appeal, then this Site Plan Review and Special Permit shall expire in so far as the foregoing

statement is modified by Chapter 195 of the Acts of 1984. Any person exercising rights under a duly appealed Special Permit does so at the risk that a court may reverse the permit and any construction performed under the permit may be ordered undone.

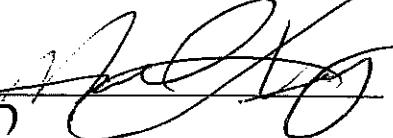
20. All other conditions of the original Special Permit shall remain in full force and effect and be binding not only upon the applicant but also on all successors-in-interest and assigns of the applicant.
21. This decision shall take effect only after Planning Board endorsement of an Approval Not Required and the recording of that plan with Plymouth County Registry of Deeds, with notice as to the book and page at which it was recorded. In addition, within 60 days of the approval of this decision, the applicant shall provide to the Board a copy of this decision as recorded with the Plymouth County Registry of Deeds, including notice as to the book and page at which it was recorded. Any person aggrieved by this decision of the Planning Board may file an appeal pursuant to the provisions of M.G.L. Chapter 40A, section 17 within twenty (20) days of the filing of this decision in the office of the Town Clerk. If no appeal is taken within the allotted time, the Clerk may so certify.
22. For this decision to become effective, a copy of said decision and notice thereof must be filed at the Plymouth County Registry of Deeds and must bear the certification of the Town Clerk that twenty (20) days have elapsed and no appeals have been filed, or that if such appeal has been filed, that it has been dismissed or denied. A certified copy of said recording must be thereafter filed with the Board.
23. All garage spaces shall be 8.5' x 19' feet to conform with the Wareham Zoning By-laws.

D. THE GRANTING OF THE MODIFICATIONS TO THE SUBDIVISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. Bay Pointe Drive is to be completed in accordance with the approved Plans and the Subdivision Rules and Regulations including waivers granted from the Certificate of Approval of a Definitive Subdivision plan dated September 21, 201, book 48972 page 137.
2. Street lights shall be placed at the signed/named intersections.
3. A sidewalk shall run on one side of Bay Pointe Drive continuously from Onset Avenue to the property boundary on Cahoon Street.
4. For this decision to become effective, a copy of said decision and notice thereof must be filed at the Plymouth County Registry of Deeds.

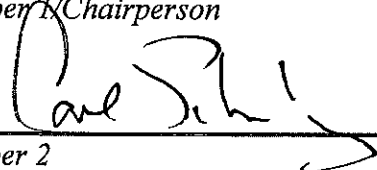

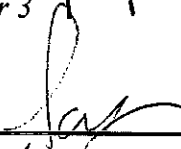
E. **PLANNING BOARD DECISION:** (yes or no or abstention) if abstaining, appropriate recusal form should accompany decision.

- Final Overall Approval: Compliance with Wareham Town Zoning By-Laws
- Motion: Motion to Approve the Site Plan Review, Modification to Special Permit, and Modification to Subdivision, with Conditions herein:

Member 1/Chairperson		Vote:	<input checked="" type="radio"/> Aye <input type="radio"/> Nay
Member 2	<u>Core Sewle</u>	Vote:	<input checked="" type="radio"/> Aye <input type="radio"/> Nay
Member 3	<u>Jane Edcason</u>	Vote:	<input checked="" type="radio"/> Aye <input type="radio"/> Nay
Member 4	<u>Sam Corsi TT</u>	Vote:	<input checked="" type="radio"/> Aye <input type="radio"/> Nay
Member 5	_____	Vote:	<input checked="" type="radio"/> Aye <input type="radio"/> Nay

SIGNATURES:

Submitted By the Wareham Planning Board:

Member 1/Chairperson	_____	Date
		5/26/2022
Member 2	_____	Date
		5/24/2022
Member 3	_____	Date
		5-24-22
Member 4	_____	Date
Member 5	_____	Date