

**Timothy E. Angley**

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Town of Wareham  
Planning Board  
54 Marion Road  
Wareham, MA 02571

**RE: Planning Board File #36-21**

Dear Distinguished Members of the Board,

My name is Timothy E. Angley, I am the attorney representing the Bay Pointe Village Homeowners Association (BPV). It is our understanding that when the Bay Pointe Club, LLC received permitting from the Wareham Planning Board for the construction of Phases 2 & 3, that permit included the allowance to divert the Force Main Line coming from an existing Sewage Pump Station into an additional pump station that was being constructed for Phases 2 & 3.

This existing Sewer Pump Station has been servicing the sixty-one units of BPV since their construction in 1988 (as well as three golf buildings and now very recently, 28 units of Windward Pines Phase 1). When the Bay Pointe Club requested permitting of Phases 2 & 3, whether intentionally or not, they did not provide the Planning Board with the 2014 Sewer Agreement between Bay Pointe Village and Bay Pointe Club that is recorded at the Plymouth Registry of Deeds in Book 44393, Page 183 and in Land Court Book 585, Page 66, Certificate #117066. They also, whether intentionally or not, did not notify Bay Pointe Village of the request for permit of Phases 2 & 3 including all engineering reports as is required by this Agreement.

The Agreement clearly states that BPV sewerage cannot be pumped into an additional pump station without my client's written consent. A copy of the Agreement is attached for your convenience. We respectfully ask the Planning Board to either make this portion of the Windward Pines Phases 2 & 3 permit conditional upon BPV's written consent or rescind this portion of the permit

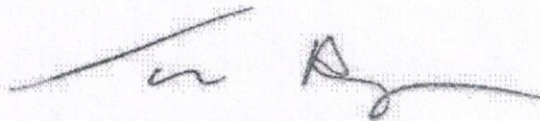
altogether at this time. All aspects of the operation and maintenance of this existing Pump Station are and have been the responsibility of BPV for over thirty years. This system currently runs autonomously. If the Force Main Line is diverted as proposed, it's function would now be dependent on the Phase 2/3 pump station and those in charge of maintaining it. This is why the written consent of BPV is included in the 2014 Agreement.

We want to assure you BPV only wants to make things easy for the Town of Wareham. BPV has the utmost respect for Engineer Charles Rowley and would welcome his opinion and suggestions. The reason for this letter is to make sure that the Bay Pointe Club does not divert the existing Force Main Line under the guise of the permit, despite the 2014 Agreement.

As of March 22, 2022, The Bay Pointe Club has indicated to BPV that they will be diverting the existing Force Main Line, despite the 2014 Agreement. Also, the location of the Force Main Line is drawn incorrectly on the engineering plan for Phases 2 & 3. We have been waiting for The Bay Pointe Club to disclose this to the Planning Board as they were the ones who discovered this around November 2021. The actual course of the Force Main Line is about 200-300 feet south, southeast of where it is shown on the plan.

Bay Pointe Village Homeowners Association respectfully requests that the Planning Board take action on this before the Bay Point Club, LLC diverts the existing Force Main Line as per their permit, despite the recorded 2014 Sewer Agreement between the Bay Pointe Club, LLC and BPV. If you have any questions, please feel free to call or email me, or George Salem, President of Bay Pointe Village, Phone: 413-364-2365; Email: gssalem@comcast.net

Very truly yours,,



Timothy E. Angley, Esq.

enclosure