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December 14, 2021

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

Attn: Planning Board Chairman

**Re: Maritime Haven 7 Lot Definitive Subdivision Plan
Map 4, Lot A, B, C, 36, 42, 48 Robin Wood Road**

Dear Mr. Chairman and Members of the Planning Board:

At your most recent Planning Board Meeting of December 13, 2021, I attempted, by Zoom, to speak with you, but due to computer difficulties, was unable to have you hear what I was saying. My comments were related to the Application of RESI, LLC relative to the above-captioned Project.

First, I wanted in to inquire of the Board of the status of the Application pursuant to Chapter 41, Section 81BB. As I am sure you are aware, within 90 days of the Definitive Site Plan being submitted, a decision must be made by the Board. The failure of the Board to make a decision would constitute "Constructive Approval" of the Definitive Plan. It appears that the Applicant has agreed to the extension of the 90-day period for consideration of the proposed Subdivision Plan. Please let us know how much time is left on the 90-day period, so that a Constructive Approval does not occur.

Second, I wanted to draw your attention to M.G.L. c. 41, Section 81M entitled, "Purpose of Law," a copy of which is attached hereto for your edification. As you will note, this section sets forth the powers of the Planning Board relative to the protection of the safety convenience and welfare of the inhabitants for the cities and towns of the Commonwealth, including Wareham. Of particular note is the language near the end of Section 81M which states "such powers may also be exercised with due regard for the policy of the Commonwealth to encourage the use of solar energy and protect the access to direct sunlight of solar energy systems."

At the time of your most recent hearing, it was suggested by the Applicant that the issue of sunlight and solar panels, particularly those that lie on the Property of my clients, the Arons, is something that should be considered as part of zoning. Contrary of this statement, the law, Chapter 41, Section 81M specifically provides for you, as the Planning Board, to assist the Commonwealth in its policy of encouraging the use of solar energy and protecting the access to direct sunlight of solar energy systems.

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As you are aware, my clients, the Arons, have a significant solar array that is located on their property which property is immediately adjacent to the subject Subdivision. As such, we are hopeful that you will exercise your power with regard to this policy in considering the proposal and its negative attributes. This is not to mean that we agree with any of the other attributes of the Proposal. In fact, just the Opposition is true. We believe that the Applicant has not demonstrated adequate access to the Subdivision by Ways that will be safe and convenient for travel. Further, we believe that Applicant has not undertaken programmatic relief that will lessen congestion in the Ways and in the adjacent public ways or for reducing danger to life and limb in the operation of motor vehicles, particularly those located on the roads adjacent to the Project. The Property also has significant flood and other emergency issues that have not been met. Based on all of these problems with the Subdivision as proposed request that Subdivision approval be denied.

Based on all of the foregoing, we are requesting that you reject the Subdivision as not meeting the requirements of M.G.L. c. 41, Section 81M.

If we can be of further assistance to you with regard to this matter, please feel free to contact me.

Very truly yours,

Jonathon D. Friedmann

JDF/avb
Enclosure
cc: Robert and Marlene Aron