

**Bay Pointe Village Homeowners Association**  
**Mailing Address**  
**46 Bay Pointe Drive Extension**  
**Buzzards Bay, MA 02532**

To: Town of Wareham Planning Board

From: Bay Pointe Village Homeowners Association  
George Salem - President

Re: File # 36-21 Bay Pointe Club

Date: May 19, ,2022

Dear Planning Board Members,

On behalf of the Bay Pointe Village Homeowners Association, I would like to submit the following as part of the record.

At the May 9th, 2022, Planning Board meeting, Mr. Fay made a statement that under the new sewer plans for Phase 2 & 3 and Phase 4, the existing Pump Station Sewer System will end where the Force Main Line meets the proposed Equilibrium Tank. The sewer system from and including the Equilibrium Tank to Onset Ave will be the responsibility of the Phase 2 & 3 and Phase 4 owners. Yet the very next day, Attorney Rosa informed us that Mr. Fay will not be putting this in writing.

This is unfortunate. A written document is necessary for not only BPV's perspective, but also for future clarification for the Phase 2, 3, and 4 homeowners. It is very conceivable that in future years, the Phase 2, 3, and 4 homeowners will not understand why, and therefore expect BPV, Phase 1 and the Golf Course to share in the cost of the equilibrium tank and the new additional pump station(s). A written signed Agreement needs to be in place to avoid this.

BPV offered our written consent to divert our force main line in exchange for this document. Without this written consent, Mr. Fay would be breaching our 2014 Sewer Agreement.

BPV has agreed to the current plan. We have agreed to give our consent to divert the FML as is needed if responsibilities are spelled out in writing, We have even agreed to cede ownership of the pump station if Mr. Fay shows us his insurance for the past three years and abides by the 2014 Agreement.

We disagree when Mr. Fay is supposed to supply BPV with materials concerning his projects - before or after permitting. But the Phase 2/3 project was permitted by the planning board in the summer of 2021. Mr. Fay did not give us notification or supply us any plans. We found out accidentally by attending a December 2021 planning Board meeting on Phase 4. So, that argument is all hat and no cattle.

In light of the above, BPV respectfully requests that as a condition of approval, the Planning Board instruct Bay Pointe Club, LLC to include a reference in all future unit deeds that makes reference to all agreements, orders of conditions, amendments and the like to inform homeowners of their rights and obligations.

Thank you,

BPVHA  
George Salem,  
President