**DRAFT** June 9, 2023

Wareham Planning Board

Town Hall

54 Marion Road

Wareham, MA 02571

Attn: Kenneth Buckland, Director of Planning and Community Development

Re: Town of Wareham Planning Board Decision

 Modification of Special Permit and Site Plan Review

 Addition of Bay Pointe Mixed Use Development Phase 4

 Townhouses and Clubhouse dated 5/24/2022 (Decision)

Dear Mr. Buckland:

 Please be advised that our office represents Bay Pointe Club, LLC.

 This letter is being sent to you to request a Minor Modification of the above-referenced Decision.

 Pursuant to the original Decision by the Town of Wareham for the Bay Pointe Development which includes Phases 1, 2, 3 and 4, a request for a minor modification may be submitted to you in writing and if in your opinion, find it is minor may be approved by you. The Decision indicates in Section 6, Paragraph 2 that this Minor Modification process which was contained in the original Decision is incorporated into this Decision.

 The Minor Modification we are requesting is that the parcel of land which is shown on a Plan of Land entitled “Approval Not Required Plan Assessors Plat 9 Lots 1004-B and 1004A-1B Onset Avenue Cahoon Street Wareham, Massachusetts” which is commonly referred to as the CEDA parcel would be divided into two parcels, Parcel 1 containing the commercial area is shown on the above-referenced plan as Parcel 1 and contains 2.1 acres and the residential area which is shown as Plat 9, Lot 1004-B contains 5.396 acres. In support of said request for this Minor Modification, the petitioner, Bay Pointe Club, LLC, provides the following:

 Section 21 of the Decision indicates that as part of the approval an Approval Not Required Plan be approved by the Board and once approved recorded at the Plymouth County Registry of Deeds. The attached ANR plan is in conformity with that requirement which was submitted to the Board on . The petitioner believes that segregation of the commercial parcel from the residential parcel will be of benefit to the subsequent owners of the residential component and at the same time will ensure that the entire golf course will be contained in a parcel under sole ownership.

 This phase and the phases prior to it were all approved with a contemplated use of residential condominiums. Phase 1 has been completed and all units having been sold and the ownership divided among the unit owners. Phase 3 and 4 which are under construction are also condominium units and the units being presently sold are being acquired by individuals for residential purposes.

 In each of the prior phases the residential portion of the land was deeded to a related entity of the Petitioner for purposes of forming the condominium, completing the construction of the improvements and the ultimate sale to the unit owners.

 This proposed Minor Modification would seek to do the same thing with the CEDA parcel and that once completed it would be identical to other phases in overall project.

 The construction of the units as well as the construction of the commercial phase in all respects would be in complete conformity with the provisions of the Decision and the approval of this modification to allow for the segregation of commercial vs. residential would be in the best interests of the residential unit buyers, the golf course and the Town of Wareham in that it would provide for a separation of commercial and residential use without any loss of control or change to any plans previously approved.

 The approval of this Minor Modification would be consistent with the treatment of Phases 1, 2 and 3 and in no way would negatively impact the development as contemplated in the Decision. For all of those reasons we believe that this is a Minor Modification and should be approved at this time to allow the project to proceed without further delay.

 Respectfully submitted,

 WYNN & WYNN, P.C.

 as Attorney for Bay Pointe Club, LLC

 William Rosa

WR/sac