

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: April 20,2022

As I have mentioned in the past, I am the President of Bay Pointe Village Condominium (BPV). I am the representative of the owners of sixty-one units. Unfortunately, I will not be able to attend the special meeting scheduled for May 2nd. I have been prepared for every meeting since December, but now when this very important meeting is scheduled for a special session, I will be in an airport about to fly home. I even scheduled my trip purposely between Planning Board meetings so as not to miss any of them. However, our attorney and some of our board members will be present to represent us. And if possible, I will attend by Zoom. ***Please let this letter serve as my contribution to the May 2nd special meeting.***

I would like to mention a couple of points with regard to comments made at the April 11th meeting. We totally agree that BPV should have shown up at the meetings regarding the modification of permit for Phases 2 and 3, but we simply did not imagine that our 2014 Sewer Agreement between us and The Bay Pointe Club would be breached in multiple ways. We thought this recorded Agreement protected us. We also thought a reputable developer would make the Planning Board members aware of the existence of this 2014 Sewer Agreement when seeking sewage modifications and would have informed the Planning Board members that the pump station was privately owned. In December, former chair Richard Swenson was very honest in admitting he thought our pump station was Town owned.

With regard to the additional Phase 2 pump station, BPV believes that with the current plan, this additional pump station will also be servicing BPV. We will now be dependent on how this additional pump station functions and is maintained. Our sewage

cannot get out to the Town Municipal sewage system without passing through this new additional pump station. That is exactly why the clause -- *written consent from BPV is needed in this case* -- is in the 2014 Sewer Agreement between Bay Pointe Village Condominium and The Bay Pointe Club.

Having said all that, Bay Pointe Village does not want to be a burden on the Town of Wareham or the Planning Board. We are trying to preemptively avoid holding up this project. The Bay Pointe Club has cost BPV a lot of money (\$12,766.30) in damages from the construction of Phase 1 that Mr. Fay did not repair according to the special conditions (#6 on page 8) in the August 14, 2017 Site Plan Approval and Special Permit he received from the Planning Board (copy attached). He made a profit when selling these homes, but he left BPV with a cost burden. Mr. Fay also owes BPV a lot of money (currently about \$9,000.00) from the conditions set forth in our 2014 Sewer Agreement. Despite initiating a recent conference call on April 11, 2022 to resolve our differences, Mr. Fay refuses to negotiate these matters. Therefore, Bay Pointe Village is formally requesting reimbursement for damages (\$12,766.30) done to our property during Phase 1 construction from any bond money being held from The Bay Pointe Club, LLC by the Town of Wareham. We will try to resolve the rest of these matters through the court system and seek clarification from the courts as to the rightful owner of the pump station instead of addressing them through the Planning Board.

BPV could live with the current sewage plan on the April 6, 2022 Revision *provided the following conditions are met:*

- 1) BPV is not responsible for the sewer system in any way from the equilibrium tank to Onset Avenue;
- 2) BPV is still responsible to where our force main line meets the equilibrium tank;
- 3) The corrected path of the existing force main line and the future location of the equilibrium tank is spelled out and mapped as described in the Principe letter mis-dated 3/21/21 (3/21/22?) and BPV is given a visual inspection of that location; and
- 4) BPV receives written assurance that we will still be in full control of all operational and maintenance decisions regarding the existing pump station.

If Mr. Fay is willing to agree to these four provisions, then we will not oppose this plan.

This plan is not as good as our pump station being totally independent because now we are dependent on another party doing their due diligence in operating

and maintaining the Phase 2 pump station properly and optimally for our sewage to get out to the Town Municipal System. But in the spirit of compromise, we will not oppose it.

Although BPV is not advocating for it, we could also live with Phase 4 being approved. We would sincerely hope the Planning Board reduces the density of Phase 4, increases the parking area and holds The Bay Pointe Club to their original design of sidewalks (from Phase 1 to Onset Avenue), the new grand entrance, and installation of real street lights. While we could live with the proposed sewage design and Phase 4 being permitted, you can only imagine how painful it is for us to say that considering our current relationship with The Bay Pointe Club. However, if it helps the Town of Wareham and the Planning Board, then so be it.

We also want to advocate that the developer **not** be allowed to break ground on Phase 4 construction until Phase 1 is finished, the cost of BPV's damaged property is reimbursed, and Phases 2 and 3 are well under way. We have a lot of sympathy for our neighbors in Phase 1 of Windward Pines, and we ask that the Planning Board make sure the Phase 1 homeowners are protected as they must live every day with the problems they inherited and have been experiencing for over two years.

Thank you for your time and attention. Please enter this letter as part of the record in File #36-21.

Very sincerely,

George Salem, President
Bay Pointe Village Homeowners Association