

DECOULOS & COMPANY

ENVIRONMENTAL ENGINEERING & LAND PLANNING

VIA USPS PRIORITY MAIL

DELIVERY CONFIRMATION # 0303 3430 0002 8073 2426

Tuesday, November 22, 2005

Jerry A. Wiener, Chairman
Aquinnah Board of Health
65 State Road
Aquinnah, MA 02535

RE: *Disposal System Construction Permit No. 441 (the Permit)*
Aquinnah Assessor Map 12, Parcel 38; Set-Off Lot 232

Dear Chairman Wiener and members of the Board:

On behalf of Gorda Realty Trust, we respectfully request that you toll the expiration time for the above referenced Permit issued by the Board of Health on December 6, 2002 until all state and local permits are finalized. A copy of the permit is attached as Exhibit A.

The reason for the request is that the permittee could not construct the system during a pending state wetland appeal of a Superseding Order of Conditions issued from the Massachusetts Department of Environmental Protection (DEP) on July 12, 2001.

A decision on the appeal was released from the Massachusetts Division of Administrative Law Appeals on August 23, 2005. See Exhibit B. Administrative Magistrate Francis X. Nee described the reason for the delayed decision as a medical leave "after suffering further deterioration of my vision". See footnote 3 at page 5. DEP Commissioner Robert W. Golledge, Jr. adopted the DALA decision on November 10, 2005. See Exhibit C.

Gorda requires additional local permits before proceeding with the construction of the disposal system. At this time, we are in an appeals process for a permit under the Aquinnah Wetland By-Law.

If you do not believe that the tolling request is proper, we respectfully request that you grant a one-year extension to the Permit pursuant to the provisions of 310 CMR 15.020(3).

Please feel free to contact me if you have any questions or need additional information.
Thank you.

Very truly yours,

James J. Decoulos, PE, LSP
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