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September 7, 2011

**By E-mail aquinnahboardofhealth@comcast.net,
Facsimile 508-645-2310, and First Class Mail**

Aquinnah Planning Board Plan Review Committee
65 State Road
Aquinnah, MA 02535

Re: Special Permit Application Under Zoning By-law Section 13 and Section 3
Owners: Maria A. Kitras and James J. Decoulos, Trustees
of the Gorda Realty Trust
Property: Off Moshup Trail, Assessor Map 12, Parcel 38 (Set-Off Lot 232)

Dear Members of the Planning Board Plan Review Committee:

This firm represents Maria A. Kitras and James J. Decoulos, Trustees of the Gorda Realty Trust ("Trust"), who are the owners of the above-referenced Property located off Moshup Trail, Assessor Map 12, Parcel 38 (Set-Off Lot 232). The Trust's Special Permit Application has been advertised and noticed for a site view and hearing next Tuesday, September 13.

In preparing for the hearing, we realized that an insufficient number of abutters may have received the mailed notice of the hearing. Although the Application indicated that the project is proposed on Set-Off Lot 232 (aka Map 12, Parcel 38, for the house and septic system) and an easement area on Set-Off Lot 708 (aka Map 12, Parcel 41, for the access driveway), the Application inadvertently provided abutter information only for Lot 232.

Thus, in order to ensure that parties in interest receive proper notice, we respectfully request that the Committee reschedule the view and hearing on September 13 to the next available hearing of the Committee for which new legal advertisements and mailed notice can be provided. We understand the next available date would be October 4. The Trust hereby agrees to extend any applicable time frames by a commensurate number of days.

As a courtesy, the Trust is mailing a letter today to the abutters who received the original notice, to inform them of our request to reschedule the hearing on September 13 and that the Committee will soon mail new notices for the new hearing date. The Trust will provide the Committee with a copy of that letter.

Attached hereto is a copy of the revised list of abutters (and abutters to abutters within 300 feet pursuant to G.L. c. 40A, §11) to both Set-Off Lot 232 (Parcel 38) and Set-Off Lot 708 (Parcel 41) along with the plan showing the properties. (The Trust prepared the list and plan from the web tools offered by Sustainable Map Solutions.) The Trust has requested the Town's Assessors to certify the revised list of abutters for Lots 232 and 708. Please mail the required notice to the parties shown on the revised list along with the additional Zoning By-law reference as discussed below.

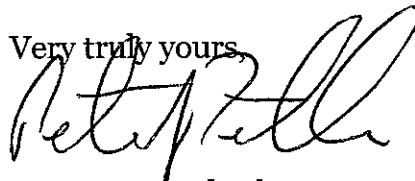
In addition, we noticed that, although the Application was filed under Section 13 of the Zoning By-law, a new version of the By-law was subsequently posted on the Town's website containing a revised Section 3. Substantive subsections of Section 3 are identical to subsections that are contained in Section 13. Thus, in order to clarify the appropriate relief for the Trust's project, the Application should be considered under both Section 3 and Section 13. As a result, the new legal advertisements and mailed notice should reference both Section 3 and Section 13.

Please contact me to confirm that the view and hearing on September 13 will be rescheduled to October 4, and that no one from the Trust is required to attend the Committee's meeting on September 13. Please also confirm that the Committee is prepared to publish new legal advertisements and mail new notices to the revised list of abutters, both referencing Section 3 and Section 13 of the Zoning By-law.

The Trust apologizes for any inconvenience and agrees to pay the cost of the new advertisements and mailed notices. Please let me know your arrangements for this.

Please contact me if you have any questions regarding this letter. Thank you for your assistance and consideration.

Very truly yours,



Peter J. Feuerbach

PJF/ees
Encl.

cc: Client (w/encl)
Peter Temple, Chairman (w/encl, by email peter@mvdonors.org)

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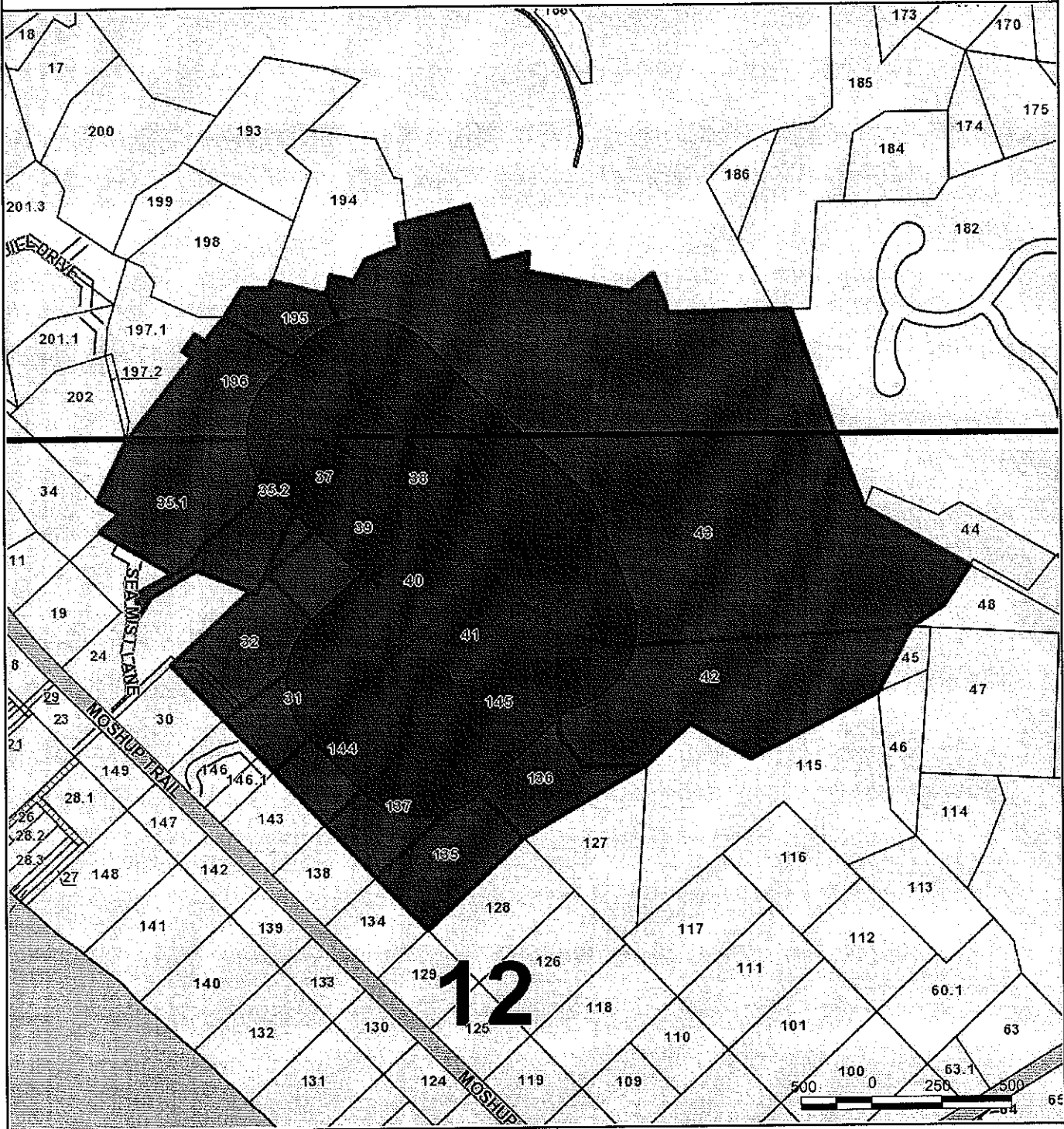
WAMSLEY HEBRON ETAL
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Town of Aquinnah, MA

Sustainable
Map Solutions
CARTOGRAPHIC ASSOCIATES, INC.



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