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April 19, 2001

BY FAX AND MAIL

Madelyn Morris, Esq.
Deputy Regional Engineer
DEP
Northeast Region
205A Lowell Street
Wilmington, MA 01887

Re: Feoffees; Request for Extension of Consent Order; Groundwater Discharge Permit

Dear Attorney Morris:

This office represents the Feoffees of the Grammar School (the "Feoffees"), owners of land otherwise known as Little Neck in Ipswich, Massachusetts. As a follow up to our prior discussions we are hereby requesting a modification of the Administrative Consent Order ("ACO") that established time frames for upgrading its septic systems and securing a groundwater discharge permit for the Property from the Department. As you recall, the ACO included a one year grace period to determine whether the Town of Ipswich intends sewer the two portions of Ipswich known as Great Neck and Little Neck.

The Town appropriated monies last fall (FY 2001) to study bringing sewer to Great Neck and Little Neck and the feasibility study was completed prior to the end of the calendar year 2000. The study was followed by public forums to discuss environmental, social and developmental impacts of the Project. Agreement was reached that the cost of bringing sewer to Great Neck and Little Neck would be borne by the residents of these two areas. However, the Town's growth management committee raised questions relative to infrastructure costs, traffic impacts, deferments for properties with complying systems, and long-range betterment questions.

The Selectmen determined that it was premature to place sewer construction on the 2001 spring town meeting warrant and instead sponsored an article to appropriate monies for the environmental review of the Project. Last Monday evening the Town Meeting voted to

EXHIBIT

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appropriate \$300,000 for environmental review of the sewer process and to answer a number of the above development questions. The consultant will be selected through a public review process and we believe that the process will take approximately one year. We believe that the special town meeting in October 2002 will bring closure to the path that the town will take.

We propose the following new paragraphs be added to the Consent Order to modify the agreement:

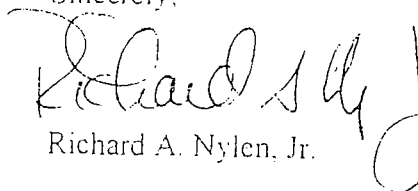
56. The parties acknowledge that the Town's feasibility study recommended to extend the municipal sewer system to Great Neck and that \$300,000 has been appropriated for further environmental review. The parties hereby agree to suspend the time for performance in paragraphs 19-33 with the following conditions:

- a. The town or its consultant select a consultant to review impacts of bringing sewer to Little Neck during FY 2001.
- b. A Town Meeting vote be taken not later than October 31, 2002 to further the design or construction of the sewer system to Little Neck.
- c. Cottage owners will be required to conduct an inspection of their properties' septic systems prior to the sale of their property in accordance with Title 5. In the event that the inspection demonstrates a failure which is an imminent public health threat (such as physical evidence of a breakout), cottage owners shall be required to correct the problem and bring their system into conformance with this agreement within ninety (90) days. This may require the cottage owner to install a tight tank if there are no other remedies.
- d. In the event that the town does not pursue sewerage Little Neck, the provisions of paragraphs 9-33 shall be adjusted by adding one year to the agreed upon dates if the town's decision is made on or before January 1, 2002 and by adding two years to the agreed upon dates if the town's decision is made after January 1, 2002.

Please let me know if these are appropriate revisions to the ACO so that we can execute it. We remain available to answer any questions you may have.

Thank you.

Sincerely,



Richard A. Nylan, Jr.

cc: Don Whiston
Don Greenough, Esq.
Larry Graham