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September 2, 1987

Board of Appeals
Town of Billerica
250 Boston Road
North Billerica, Massachusetts 01862

Attn: Jane Nolan, Clerk

Re: Special Permit Granted to Graypond Realty Trust on
August 17, 1987

Dear Board Members:

Please be advised that this office represents Graypond Realty Trust ("Graypond"). Pursuant to a telephone conversation with Donald Flynn on August 28, 1987, Graypond requests that it be placed on the agenda of Board of Appeals meeting on September 9, 1987.

Graypond seeks clarification of the Special Permit dated August 17, 1987. Specifically, clarification is requested for the following language in Paragraph B of the Special Conditions Effecting the Special Permit: "The covering cap for the entire commercial dump must be 2 feet thick. . . ."

The application filed on July 16, 1987 described work to be done on only the southerly and westerly slopes of the commercial landfill. The condition quoted exceeds the scope of the application and is ultra vires.

By way of background, ninety percent of the commercial landfill is capped in accordance with DEQE regulations and contains permissible cover varying from one and one half to two feet. Graypond will comply with the condition imposed in Paragraph B and cover the slopes described in the application with two feet of material. It does not, however, intend to disturb the capped portions of the landfill to assure compliance with the Special Permit as presently drafted.

Based on my conversation with Mr. Flynn, it is my understanding that the Board intended to impose conditions for that portion of the landfill described in the application. In reliance on Mr. Flynn's assurances, Graypond has decided not to exercise its right pursuant to G.L. c. 40A, §17 and file an appeal. Instead, it relies on the Boards' representations and indications of willingness to cooperate. I have enclosed a proposed statement of clarification for your consideration.

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Please call to confirm that Graypond will be on the September 9th agenda. Because this matter should require only a brief discussion, Graypond requests that it be heard at the beginning of the meeting.

Very truly yours,

Rebecca A. Backman

Rebecca A. Backman

RAB:clc
Enclosure
cc: Jack Dugan, DEQE ✓
Kenneth Tarbell

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