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September 14, 2017

Boothbay Board of Appeals
Town of Boothbay
P.O. Box 106
1011 Wiscasset Road
Boothbay, Maine 04537

RE: Appeal of Coastal Maine Botanical Gardens' Development Permit

Dear Chair Perkins and Board Members:

I am writing on behalf of Coastal Maine Botanical Gardens ("CMBG") regarding Wolfeboro v. Wright Pierce (the "Wolfeboro Case"). At its last meeting, the Board requested that the parties review the public court documents in the Wolfeboro Case and provide a written submission regarding the case. As set forth in more detail below, the Wolfeboro Case has no bearing on CMBG's application that is being reviewed by the Board.

The Wolfeboro Case involved the capacity of a rapid infiltration basin (RIB) system designed for the Town of Wolfeboro. The Town brought several claims against Wright Pierce regarding the projected capacity of the system. The parties ultimately settled the case and stipulated to a dismissal of the case in October of 2014 (See attached Stipulation of Dismissal With Prejudice).

The Wolfeboro Case is not pertinent to the Board's review of CMBG's application. First, the system in Wolfeboro was a 400,000-600,000 gallon per day RIB system. The system designed for CMBG is a 10,000 gallon per day conventional wastewater treatment system. It is a system that has been approved by the Department of Environmental Protection and the Department of Health and Human Services. Second, the claims in the Wolfeboro Case were based upon certain representations made by a certain individual who is no longer employed by Wright Pierce. Third, the case ultimately settled. Thus, even if the case were somehow relevant to the Board's review, there is no final resolution by the Court upon which the Board could rely.

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CMBG is fully confident in the wastewater system designed by Wright Pierce for this project. Wright-Pierce is a firm that specializes in wastewater infrastructure, and has been providing services to Maine communities and business for over 70 years. The majority of Wright-Pierce's work is on municipal wastewater collection and treatment facilities. Wright-Pierce has designed countless projects, including award winning upgrades to the Manchester, NH and Falmouth, ME wastewater treatment facilities.

Thank you for your time and consideration.

Sincerely,

Mary E. Costigan

A handwritten signature in black ink, appearing to read 'Mary E. Costigan', with a long, sweeping horizontal line extending to the right.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPHIRE**

Town of Wolfeboro,)	
)	
Plaintiff,)	
)	Case No. 12-cv-130-JD
v.)	
)	
Wright-Pierce)	
)	
Defendant.)	
_____)	

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(1) and Local Rule 41.1, the parties in the above-captioned action, by and through their undersigned counsel, hereby agree and stipulate that this action be and hereby is dismissed, with prejudice, each party to bear its own costs and that all rights of appeal and attorneys' fees have been waived.

Respectfully submitted,

TOWN OF WOLFEBORO

By its attorneys,

Hinckley, Allen & Snyder LLP

Date: October 9, 2014

By: /s/ Rhian MJ Cull
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WRIGHT-PIERCE

By Its Attorneys

Sheehan Phinney Bass + Green PA

Dated: October 9, 2014

By: /s/ Peter S. Cowan

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CERTIFICATION

I hereby certify that on October 9, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

/s/ Peter S. Cowan

Peter S. Cowan