

Re: Lagoon Ridge Condition 7.8

Eric Peters <ericlpetersesq@aol.com>

Wed 5/25/2022 3:12 PM

To: Adam Turner <turner@mvcommission.org>;

Cc: Alex Elvin <elvin@mvcommission.org>; rob@capebuilt.com <rob@capebuilt.com>; ryan@capebuilt.com <ryan@capebuilt.com>;

Adam,

As part of the modification requests to be filed by CapeBuilt regarding Lagoon Ridge, there will be a request to remove the requirement for a performance bond in Condition 7.8.

Have you had a chance to review the material I attached in my email of May 4 concerning the Amphidrome system?

Thank you.

Eric L. Peters Law Office
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Edgartown, MA 02539
phone & fax: (508) 693-8830
EricLPetersEsq@aol.com

-----Original Message-----

From: Eric Peters <ericlpetersesq@aol.com>

To: turner@mvcommission.org <turner@mvcommission.org>

Cc: elvin@mvcommission.org <elvin@mvcommission.org>; rob@capebuilt.com <rob@capebuilt.com>; ryan@capebuilt.com <ryan@capebuilt.com>

Sent: Wed, May 4, 2022 1:28 pm

Subject: Lagoon Ridge Condition 7.8

Adam:

I am following up on my voice message yesterday regarding Condition 7.8 and the Amphidrome system.

CapeBuilt has consulted with its insurance broker and been advised that there is no such product available in Massachusetts for the type of surety bond referred to in Condition 7.8. The requirement is essentially requesting some form of warranty.

We have discussed the Amphidrome system at length with Andrew McBrearty at F. R. Mahony.

I refer you in general to their website.

<https://www.cummins-wagner.com/state/new-england/about-frmahony-associates/>

I am attaching a number of documents pertaining to the Amphidrome system available from their website and others provided to me. These include:

1. A brochure and PowerPoint presentation from their website;

2. DEP General Use Certification concerning the Amphidrome system issued in 2013. This indicates that the Amphidrome passed the rigorous DEP approval process. I would point out that DEP has only given a "Provisional" approval for the Nitro system;
3. Amphidrome Installation List spreadsheet showing 150 systems installed since 1996 and their location and Design Flow (GPD);
4. A Partial Installation List Residential Larger Systems from 2002 to 2020;
5. Four project descriptions of a variety of systems, including the "Bridges at Mashpee" long term care facility I mentioned to you the other day.

We are advised there is a one year warranty by F.R. Mahony. I will get that specifically from them.

I asked Mr McBrearty as to the GDP designed flow for the Lagoon Ridge system for comparison to some of the larger systems outlined in the attachments. He replied:

"Designed for 6,100 gpd. Conservatively sized – System could handle 6,600 gpd (winter flow) or around 8,000 gpd in summertime because this is a biological system and effectiveness is reduced by colder temperatures, so that is what we design to."

Please give me a call to discuss scheduling a modification request and our request for four foundation permits.

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