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January 22, 2004

Timothy Bates, Esquire
Mitchell & Bates P.A.
25 Beacon Street
Laconia, NH 03246

Re: **Application of J & B Marina**

Dear Tim:

Following up on our conversation of yesterday morning, my client agrees that the withdrawal of it's applications shall be deemed "with prejudice" and subject to limitations upon any future submission to those principles set forth in ***Fisher v. Dover***, 120 NH 187 (1980). Specifically, J & B Marina agrees that any subsequent application should not be considered by the Board unless it differs materially from the application being withdrawn. The Applicant recognizes that any subsequent Site Review proposed would have to describe winter storage buildings which differ materially in such things as dimension, location or configuration from the two proposed in the above referenced Application. The Applicant further confirms its understanding and agreement that it would have the burden of establishing a material change for a subsequent application to go forward.

As a practical matter, the Applicant and Mr. Littlefield recognize the futility of submitting a proposal similar to the one which Board members found so unsatisfactory at the January 13th hearing. However, they also appreciate the Board's wish for some documented assurance that it will not have to revisit these same issues and give the assurance freely.

Please let me know if there is anything further you require.

Very truly yours,

Robert C. Varney

RCV/dj

cc: Jed Callen, Esquire
William Littlefield

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