

July 18, 2014

Dear Jim:

I write in my capacity as President of the Squibnocket Farm Homeowners Association and as its designated spokesperson.

We are impressed by the seriousness and discipline with which the Committee is approaching its work and we will participate in that spirit. That includes a determination to minimize speechmaking and lobbying in favor of facts. Our presentation July 29 will be consistent with that standard. I write now, in advance of that presentation, to correct some important factual errors and misrepresentations that have become part of the Committee's record.

Everyone seems familiar with the core issues, but there is a surprising amount of confusion (some genuine, some intended) about some of the basic facts related to how our Association determined that an elevated causeway was likely the best solution to its access problem, our Association's relationship with the Town, and the source and

purpose of the joint solution that Town Meeting considered for the private access and public beach threats.

A few words of clarification are appropriate for each topic:

In 2012 the Homeowners Association engaged the law firm Ropes & Gray and the engineering firms Haley & Aldrich and VHB to answer this: How can vehicular and utility access to Squibnocket Farm be secured for the long-term (defined as at least 50 years) on land we control, at reasonable cost, in a manner that complies with applicable regulations and which can be permitted? (Of course we understood that any access might be temporarily disrupted during a catastrophic storm. We asked the team to identify a solution which would minimize the duration and number of such disruptions, and the complexity and environmental impact of repairs.)

Our experts identified the elevated roadway as the only approach that would satisfy all of these criteria. (Indeed, the experts confirmed the same analysis and recommendation

which Chilmark engineer Kent Healy first proposed following the 1991 causeway break discussed by Tom Wallace and others at last week's meeting.)

At about the time we received their report, the Town, independent of the homeowners, had formed its own committee to address erosion issues which threatened and continue to threaten the future usefulness of Squibnocket Beach. The Town was aware of our access problem, and the loss of access which occurred during Hurricane Sandy and the nor'easter after Sandy, which dislodged pieces of the existing revetment.

There is a well-known history of public/private partnership between the Town and Squibnocket Farm. At the Town's initiative, the Homeowners paid for part of the costs of resurfacing the parking lot and a separate project for extending and rebuilding the revetment (which was done at a time when it was permissible to extend the revetment).

At the time, all who commented thought this was a model for public/private partnership.

So it wasn't a total surprise when the Town approached the Homeowners to consider expanding our contemplated access project to include a public component consisting of a larger beach and new public parking on land closer to our homes, which, in turn, would require a wider causeway. The suggestion was for the Homeowners to pay for this, partly offset by a nominal annual rental. The Town's suggestion had implications in terms of money, complexity and privacy. What we didn't imagine was the politics. The Selectmen believed the voters would embrace enthusiastically the expansion of the beach at very low cost and for the benefit of current and future generations of Chilmark residents.

We have never approached the Town to obtain consent to our causeway plan or to solicit Town funds. We did share with the Town our goals so that our problem and proposed solution would be transparent before we initiated permitting.

You have asked us to present in detail the methods and conclusions of our original analysis. To that end, our engineers will submit a comprehensive report to you next week

and will be before you to explain everything in detail and answer your questions on July 29.

At your July 8 meeting, Chris Murphy read a letter into the Committee's record. He suggested – and the suggestion was repeated in conversation at the meeting a week later – that the Committee's task is to solve the Association's access problem. That is not the way we see it. We have identified a solution to our access problem – a single-lane elevated causeway – which meets all of our criteria. When the Town Meeting rejected the public/private initiative, we were initially inclined to begin a formal design and permitting process for a single-lane causeway that would meet our needs, without the new beach or beach parking. But out of respect for the Committee's mandate, and seeing that you are running an efficient and diligent process that is mindful of the "urgency" discussed at Town Meeting, we agreed among ourselves that the Committee process should unfold.

We want it to be clear to everyone we are and remain completely open-minded. We are desperately concerned about our access and know that time is working against us. But if the Committee can use its diligent and efficient process to identify a different plan or a better plan, either one which focuses only on access or one which represents a version of joint solution to the public beach and private access questions, we are completely amenable, provided the final recommendation can be permitted, has the support of affected landowners and the community at large, and does not cost the Homeowners materially more than the prior proposal.

Two corrections of fact:

What Chris wrote in his letter (as reported in the Minutes), "People who live at Squibnocket Pond control the Town's relationship with the beach, so if we help solve the access issue they will be disposed to help solve the beach/parking issue," is not correct.

The Association does not control the Town's access to the beach. The Town's rights are established in an existing lease entered into between the Town and the Association's

predecessor, The Cape Cod Company, in the early 1950's. The Association cannot and is not trying to leverage the Town's existing right to Squibnocket Beach. The Town's rights are established in the existing lease. There is nothing the Association can do about that – or wants to do about it.

At one or two of the open meetings, at the Town Meeting and again in his presentation July 8, Charlie Parker argued in favor of a system of reconstructed dunes to provide long-term access in place of an elevated causeway. Among other things, he cited Duxbury Beach as a precedent for this approach. Charlie suggested the dune concept had not been explored.

In fact, Charlie presented it at prior Board of Selectmen meetings and it was discussed at the Town Meeting. Each time, the Town's coastal engineering expert, Jim O'Connell, rejected the idea as unworkable. (Coincidentally, Jim is a Director of the Duxbury Beach Reservation, so he is probably well-positioned to respond to the Duxbury argument.)

If there is doubt on this, we respectfully suggest the Committee may want to invite back the Town's expert to hear his views again and to take advantage of expertise the Town has already paid for.

I hope you can appreciate how frustrating it is to the Homeowners for Charlie's group to be allowed additional months to assemble experts to analyze an idea they first broached months ago. What are now the "Friends of Squibnocket Pond" engaged attorneys to find ways to challenge the public/private project at least as long ago as August 2013. All of us know they hired graphic artists to create detailed, but intentionally grotesque depictions of the project prior to the Town Meeting. Somehow, they had the ability and motivation to bring those resources together, and to file with various State agencies (now seemingly withdrawn), but not to meet the deadlines established by the Committee.

Everybody knows that time is our enemy. No one wants to rush into anything which is unworkable, or subject to charges of non-transparency. But there must be a balance between acting and permitting participants to indefinitely stretch out the process – maybe

until nature neutralizes the possibility of remediation. This seems to us to be the greatest challenge before the Committee. It may be good in the abstract to explore every option, to include every voice and to research every finding. But for the Association this is not a development plan to be pursued on a discretionary basis; it is a house on fire. I trust you will agree when you see our experts' report and hear their presentation on the 29<sup>th</sup> that the issues have in fact been comprehensively and carefully analyzed and that, with the benefit of that learning, this Committee can wrap up its work in a matter of a couple of months rather than many months.

Larry Lasser