

September 22, 2014

Town Committee on Squibnocket - Town Hall
POB 119, 401 Middle Road
Chilmark, MA 02535-0119
Attn: James Malkin

Re: Town Committee on Squibnocket

Dear Jim:

I am submitting this letter to the Committee in my capacity as the President of the Squibnocket Farm Homeowners Association, and to offer an initial response to the materials that the Friends of Squibnocket (FOS) submitted and presented to your Committee at your meeting on September 16, 2014.

The FOS submittal entitled "Presentation to Squibnocket Committee, Friends of Squibnocket, September 16, 2014" is technically dense and presents the "Dune Alternative" in more substantive terms than at any point to date. It now falls to the Committee to evaluate the merits. I understand, however, that the Committee still does not have access to technical experts of its own, making it difficult for the Committee to deal with a situation of "dueling experts." The Association has asked its experts to review the FOS submissions and prepare a formal response, but not in isolation. We have also instructed them to confer with FOS's experts in an effort to minimize areas of disagreement.

It will take a few weeks for our technical team to prepare a written response to FOS's submission. We anticipate submitting that response to the Committee by mid-October. In the meantime, our experts have offered preliminary thoughts. In summary, they are telling us that the Dune Alternative will not satisfy the Association's criteria for an acceptable solution to the joint private/public access problem. To remind the Committee, those criteria are that the solution to the Association's problem must provide long-term, reliable access in a manner that is affordable, permissible, sited on land that the Association controls, and is acceptable to the public.

The problems with the Dune Alternative can be summarized as follows:

- The alternative relies on the construction of a "megadune" that would be built and maintained to prevent overwash and migration of dune onto the new roadbed on its landward side. FOS does not explain the level of effort and cost required to hold the dune in place to this impregnable standard in this high-energy wind and wave environment. FOS does not explain how a dune and barrier beach constructed and maintained to be immovable – a sandy revetment, in effect – would comport with MassDEP's regulations, which provide that dunes and barrier beaches function as such only if they are allowed to migrate landward in a natural way.

- The FOS materials concede that at some point, because of inexorable erosion on the ocean-facing side of the megadune, the entire system (dune and road) will have to be picked up and moved landward – right into Squibnocket Pond. Given the erosion rates forecast in the FOS submittal, this day of reckoning would probably occur within a decade. FOS does not explain who would pay for this, and how the filling of a substantial portion of the Pond and its associated wetlands and salt marsh could be accomplished consistent with regulations in effect now or in the future. FOS does not explain how the necessary consents would be obtained from landowners affected by the periodic relocation of the dune and road.
- The proposal requires “only” 4,964 square feet of wetland fills, conveniently just 36 s.f. shy of MassDEP’s regulatory limit of 5,000 s.f. This is hopeful news, if true. But FOS does not explain how and where an equal amount of replacement wetlands are to be constructed to satisfy MassDEP’s mitigation requirements, and at whose expense.
- The FOS report says that public parking could be provided at some upland locations along Squibnocket Road. FOS does not explain how this land is to be acquired, at whose expense, whether the affected owners would cooperate, whether permits could be obtained for the construction of these parking facilities, or what beach resources these parking areas would serve.

The dune alternative fails the Association’s criterion of longevity, because it will last at most ten years. In his February 2014 report to the Town, Jim O’Connell questioned whether dune nourishment and beach nourishment would have longevity at Squibnocket due to the “high energy nature of the site.” Jim compared the potential plan at Squibnocket to other similar schemes implemented along the Southern shore of Cape Cod and noted that these sites have “a much lower storm wave environment than Squibnocket Beach... and initial beach nourishment lasted, as predicted, <10 years.” It also fails our criterion of permissibility, because it involves wetland fills for which no mitigation is provided in the first instance, and then requires the filling of a significant portion of the Great Pond and other wetlands in the relatively near future. It fails our criterion of site control, because the inevitable relocation of the roadway will require the consent of third parties who own the areas to which the dune and road would be relocated. It fails the public acceptance criterion because it offers no tangible benefits to the public. These are essentially the same reasons why the Association rejected the dune concept (“soft solution”) when we asked our experts to evaluate it two years ago. As noted above, the Town’s expert also raised concerns regarding the longevity of any dune nourishment plan.

This letter provides only a high-level summary of flaws that are immediately apparent. As mentioned, the Association will submit a detailed, technical response within the next few weeks, in time to inform the report that the Committee submits to the Special Town Meeting scheduled for October 20th.

Regards,

Larry Lasser