

From: [Libby Gibson](#)
To: [Jeff Carlson](#); [Peter L Kellner](#); [Bob DeCosta](#); [Bruce D. Miller \(midasack1@comcast.net\)](#); [Rick Atherton \(rickatherton@comcast.net\)](#); [snatural@nantucket.net](#); [Tobias Glidden \(integrity11@gmail.com\)](#)
Cc: [Erika Mooney](#)
Subject: FW: Quidnet Squam Association Ad , your July 31 letter to the Editor in the Inquirer & Mirror, SBPF Information Meeting and and your request for "correction"
Date: Wednesday, August 06, 2014 9:10:47 AM
Attachments: [PLK response to Amos Hostetter Letter.docx](#)
Importance: High

Peter: rec'd and forwarded to the BOS. We will also put it in our Baxter Road on-line file of public information pertaining to the project. JEFF: please forward to the ConCom members.

C. Elizabeth Gibson
Town Manager
Town of Nantucket
(508) 228-7255

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

From: Peter L Kellner [<mailto:peter@peterlkellner.com>]
Sent: Tuesday, August 05, 2014 9:42 AM
To: Libby Gibson
Subject: FW: Quidnet Squam Association Ad , your July 31 letter to the Editor in the Inquirer & Mirror, SBPF Information Meeting and and your request for "correction"
Importance: High

Dear Libby,

I have copied you on this exchange regarding my August 3 letter to Amos Hostetter in response to his letter in the July 31 Inquirer and Mirror (and subsequent exchange of emails). I would appreciate it if you could forward a copy of my August 3 letter to Amos (and other emails as you deem appropriate) to each member of the Board of Selectmen and the ConCom so that it can be part of the public record.

Could you kindly confirm receipt of this email and please let me know if you have any questions or desire clarifications?

With kind regards,

Peter L. Kellner

Peter L. Kellner
39 Quidnet Road
Nantucket, MA 02554
1 508 228 3898

peter@peterlkellner.com

On 05/08/2014 09:29, "Peter L Kellner" <peter@peterlkellner.com> wrote:

>Dear Amos,

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>The ³several attendees² referred to in your August 4 email, apparently
>misinterpreted what I said at Monday's Quidnet-Squam Association
>annual meeting. It should be obvious to everyone that your letter had
>to have been submitted in advance of the SBPF information meeting in
>Sconset on Wednesday evening since the I & M was already being printed.

>

>It is a fact that during the meeting and in other discussions with our
>neighbours, I expressed concern that, when we greeted each other
>prior to the start of the meeting at the Matteson's, you did not take
>the opportunity to give me a ³heads up². I arrived at the information
>meeting well in advance of the start, so there would have been ample
>time while people were socialising. Josh Posner put the QSA's Inky
>Mirror ad up on the screen during his presentation and complained about
>it, but he did not say that a letter had been submitted to the I & M
>regarding what your letter labeled as ³Misinformation from Opposition
>to SBPF². Instead you sent your ³heads-up² email to me the next
>morning. To the best of my knowledge, there was only one other QSA
>member at the Sconset meeting and, according to your email you did
>inform him, albeit apparently after the meeting.

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>You have asked that I point out this ³correction² to ³Richard Peterson
>[in his role as president of the Quidnet-Squam Association and
>signatory to the ad] and some of your colleagues². I do not agree that
>a ³correction² is required, but at your request I am copying this
>letter to Richard with a request that he forward your email, this
>response and a copy of my August letter to the entire QSA membership
>as a ³clarification². I also would appreciate it if you would suggest
>to your ³several attendees² that they should feel free to call me and
>express their concerns. However I must say that I sense that SBPF is
>trying provoke dissension amongst our membership, whereas we welcome a
>candid and open discussion with our members and with SBPF. I hope that
>your sources also mentioned that QSA made copies of SBPF's ³Update to
>the Community² (Summer 2014-Volume 1) available at the meeting so that
>QSA members could read SBPF's side of the story. Feel free to
>distribute a copy of my letter (and all related emails) to your
>membership, although with the explicit understanding that my letter and
>our subsequent exchange of emails was not written in my capacity as a
>member of QSA's 25 person board.

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>Personally, I think that there is no further merit in our continuing a
>chain email dialogue trying to score debating points. This is becoming
>too personal for my taste. Let's see how this plays out with the DEP
>and, perhaps ultimately with the BOS, ConCom and the Town's voters. It
>is their Island too.

>

>Lastly, when the seawall issue is resolved with finality (which may
>take some time), I would hope that we could resume our friendship that
>goes back so many years. This is not a pleasant way to spend the summer
>on Nantucket.

>

>Sincerely,

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>Peter

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>Peter L. Kellner
>39 Quidnet Road
>Nantucket, MA 02554
>1 508 228 3898

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>peter@peterkellner.com

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>On 04/08/2014 15:55, "Hostetter, Amos" <AHostetter@pilothouse.com> wrote:

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>> I understand from several attendees at today's meeting that you
>>expressed considerable frustration that despite your attendance at the
>>Wednesday evening meeting at the Matteson's, I subsequently submitted
>>my letter about your ad to the I&M.
>> You know enough about the I&M's deadlines to know my letter was
>>submitted prior to your appearance at the Matteson's (Tuesday at 131pm
>>to be precise). If there is any question in your mind check with
>>Josh Balling at the paper or Bob Newhouse whom I advised at the Matteson's.
>> There are probably enough things to disagree about here without
>>allowing a misunderstanding to persist about possible "bad faith".
>>You might want to point this correction out to Richard Peterson and
>>some of your colleagues.

>>
>>Sent from my iPad

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>>This email has been scanned by the Symantec Email Security.cloud service.
>>For more information please visit <http://www.symanteccloud.com>

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August 3, 2014

Dear Amos,

I was disappointed to receive your email on Thursday morning and I was even more disturbed to read your Letter to the Editor in the July 31 Inky Mirror later the same day. It has taken me a few days to respond because I wanted a pause to reflect on my response.

I was invited to the SBPF information meeting on Wednesday as a guest. I listened to Josh Posner's presentation and did not question any of the statements that he presented as "facts", e.g., the thousands of truckloads of sand required annually can be trucked and dumped "exclusively" during the "off-season" (collateral damage to town roads, traffic, pollution etc. in the off-season is apparently not an issue); the vegetation to be planted on the Bluff above the geo-tubes will flourish despite the extreme angle of repose above the tubes; and that when the island sand pits are exhausted there will be a financial incentive to open new pits on the island or dredge sand from the ocean. All of these points and more are open to honest debate.

I made it clear that I was there in my individual capacity as a Quidnet neighbor and not in my capacity as a member of QSA's Board of Directors. I also stated that the ad that ran in last week's Inky was a QSA ad and was not part of a QSA-NCC conspiracy to thwart SBPF's efforts to hard-armor the Bluff. Members of the QSA board who have sat through many hours of ConCom testimony and who have long experience in the advertising industry wrote the ad. Furthermore the ad was vetted by the Board and by counsel prior to publication.

In the course of the meeting, I asked a few questions that I believed were worthy of informed discussion since we, as your neighbors, have legitimate concerns. I pointed out that collectively our members own substantially more ocean and pond frontage than the SBPF members. Accordingly we want to make sure that our properties and Sesachacha Pond are protected from potential adverse consequences arising from the geo-tube project or, even worse, SBPF's efforts to revisit the building of a rock revetment.

In particular we are concerned about the need for perpetual and timely mitigation. Josh was unable or unwilling to put a dollar figure on what this will cost each and every year into the future and what form of legally binding financial *guarantees* will be provided in the event hard-armor is permitted. Many of your members are very astute financially and I am sure that they could provide guidance to your experts in explaining how to calculate a discounted cash flow.

As you know, the existing escrow fund is designated for the *removal* of the geo-tubes should SBPF be ordered to do so. Furthermore when questioned about the

dollar impact on SBPF's members in terms of increased taxes from the proposed Betterment District, all that I heard was that perpetual mitigation will "...cost millions but will protect \$300 million of properties" on the Bluff. As your experts acknowledge, mitigation will be needed in perpetuity in order to protect down-drift beaches to the north and south from potential adverse effects from the geo-tubes and this is very costly.

Another question that went unanswered: has SBPF obtained from SBPF's homeowners all of the necessary "...release and indemnification agreements.... consents to easements and waivers of damages in the case of any taking by the Town which is necessary for the relocation and/or reconstruction of Baxter Road, or any other portion of the Project, and consents to betterment assessments..."? There was further silence regarding beach access (although to be fair Josh did explain that you can walk on top of the geo-tubes at high tide if a walk on the beach in front of the geo-tubes is difficult or impossible).

But to cut to the core of your email and letter, if you and your colleagues wanted to attack the QSA in an intemperate manner, accusing the QSA and its advisors of *misinformation*, I must respectfully differ and ask why did you not raise your issues when I was present at the meeting?

I tried to address some of the concerns that our members have as property owners. Are QSA property owners not allowed to express concerns about the protection of *our* properties? Is it the case that *only* SBPF's property owners have "hundreds of millions of dollars" worth of property to protect, not our members starting at Hoicks Hollow Road and running all the way to Wauwinet? We also pay taxes and use our beaches on a daily basis to swim, walk and/or fish.

Incidentally, it would be interesting to learn when the last time was that each of your members actually used the beach to walk, swim and/or fish. Moreover I would be interested in learning how many of your members actually set foot on the beach on a *frequent* basis. I got the impression at the meeting that many of the attendees had not actually walked the beach since the geo-tubes were installed (although this may be an incorrect impression).

Now with regard to what you regard as "misinformation". Yes, as SBPF's highly paid lawyers from on and off the Island have repeatedly stated, Massachusetts state law says *properly permitted* (emphasis mine) seawalls are legal to protect pre-1978 buildings. I agree. But your lawyers continually ignore the fact that they are *not* permitted for other purposes, such as protecting empty lots or roadways. The DEP issued a temporary emergency permit to protect Baxter Road while it was being relocated, which was the representation to the Town. As you know, the "Emergency" that was the immediate and primary concern of the BOS was saving Baxter Road until other access could be provided to the Baxter Road houses. The ConCom subsequently determined that there were reasonable

alternatives to keeping the *temporary emergency* geo-tubes in place permanently. This is what the debate is all about.

You state that there are "hundreds of *properly permitted* seawalls (italics mine) in Massachusetts and new ones are added every year". It should be pointed out that many of these seawalls pre-date the existing law. Also I have not seen evidence of seawalls being constructed in Massachusetts that are of a scale similar to your proposal. Also I find the implication that Nantucket's jetties are analogues to the geo-tubes as rather disingenuous.

Apparently SBPF thinks that the ConCom is incapable of making an independent decision after listening to dozens of hours of testimony and reviewing hundreds of pages of filings in their determination that the geo-tubes should be removed. ConCom members are appointed by the BOS and it insults their integrity to challenge their abilities as was implicit in Josh Posner's remarks at the meeting.

You question QSA's choice of advisors and their veracity. In contrast to the highly paid teams of lawyers, consultants and engineers SBPF has retained to present SBPF's case, QSA is a neighborhood association. To date we have engaged one lawyer, Dirk Roggeveen, (a respected local lawyer and former ConCom administrator) to attend the hearings on our behalf and to raise legal issues as appropriate based on his knowledge and opinion of the law and in particular, environmental regulatory law. In addition, QSA asked Jim O'Connell, an expert on coastal processes, to present his views to the ConCom.

To disparage Mr. Roggeveen's legal opinions or the views of *other* experts in coastal processes (i.e., experts not hired by SBPF) is entirely inappropriate. I guess this means that *only* SBPF's lawyers and hired guns are correct and that any experts who have a differing opinion are not to be heard. This is not the way the system is supposed to work.

And what about SBPF's "information", e.g., the Bluff was hit with "...98 mph wind" during recent storms. Unfortunately sustained winds during Hurricane Arthur were only 47 mph, and gusts only reached 63 mph, a bit short of 98 mph. Jute bags don't work? Other experts would say that they worked as designed. They offered temporary protection, and yes they have to be refilled after storms because the sand is sacrificial by design and this is expensive, but so is mitigation. Also jute bags are bio-degradable (whereas geo-tubes apparently are not) and I seen no hard evidence that jute-bags -a "soft solution" - cause serious harm to the fishery.

Perhaps the most disturbing aspect of the meeting and your letter was the tacit acknowledgement that, in essence, SBPF believes hard armoring is the *only* way to go and that if the current project is approved the plan is to extend the hard

armoring to a total of 4,000 feet. My question regarding the impact of end scouring impacting the bluff in front of the lighthouse was also met with near silence, but it seems apparent that SBPF feels that hard-armoring is the wave of the future (a beggar thy neighbor policy, especially for those homeowners who cannot afford to hard-armor their own property).

I doubt that Islanders, if put to a vote, will agree to provide Town taxpayer support for the current or expanded project, although they would probably vote in favor of a Betterment District. In any event, if SBPF is allowed to proceed with hard-armoring it is essential that legally binding, fully financed guarantees are in place to protect down-drift properties to the north and south from potential adverse consequences.

Amos, as you well know, I have been a strong and long-term supporter of many of the Nantucket's conservation efforts (NCF, Sconset Trust etc.) I am also extremely concerned about climate change. But to imply that other Islanders don't care what happens to Sconset Bluff and that they think that the only solution erosion is to do nothing is incorrect. It just happens that other Islanders favor exploring soft-solutions because we do not want to foresee a future Nantucket surrounded by seawalls. I realize that SBPF and its experts do not believe that softer options are viable, but *other* experts take the opposite view.

As a reminder, SBPF has proposed other projects to protect the Bluff. Each of the previous proposals was, at the time, deemed by SBPF's experts to be state of the art and best practice. They have either not been permitted or failed. For example, has everyone forgotten the "success" of SBPF's highly touted dewatering project?

Lastly I think that you are insulting not only QSA and its members, but also the ConCom and the BOS by stating that "we are attempting to influence our elected officials using information that QSA "... knows to be false". This is verging on defamation. Josh's letters to the editor (which seem to be published with great frequency in the Inky Mirror) and your ads are not attempting to influence Islanders? Are our elected and appointed officials, who have access to hours of testimony from environmental experts, lawyers, and engineers, really incapable of making up their own mind as to the "facts"?

Staying within the bounds of truthfulness is something I believe strongly in. But just because certain opinions of independent experts disagree with the opinion of SBPF's experts means that QSA is "...using information that [they] know to be false"? This is beyond the bounds of a fair and reasoned dialogue.

Worthy of note is the fact that Josh did not respond to one of your member's questions as to why the ConCom ordered the removal of the geo-tubes. And apparently SBPF thinks that the DEP is highly likely to overturn ConCom (appointed by Nantucket's elected officials), but Josh did not explain why the

Town is not joining SBPF in the appeal to the DEP. Perhaps your members need to start asking some more probing questions.

In closing, I am saddened that you have decided to attack the QSA and its advisors. We are your neighbors and we love Nantucket just as much as you do. To think otherwise is to do us a disservice. I would sincerely hope that you would consider sending a letter of retraction to the Inky Mirror and an apology to the QSA membership. Your letter certainly does not advance your expressed desire of "working together" to address the issues.

Yours,

Peter L. Kellner

39 Quidnet Road
Nantucket, MA 02554

(As sent by email attachment on August 3, 2014)