

Town of Edgartown  
Cape Pogue DCPC

Minutes of Meeting  
August 9, 2022 5:00 P.M.

In Attendance (virtual):

Town Administrator (James Hagerty)  
Edgartown Board of Health (Chris Edwards)  
The Trustees of Reservations Membership (Bob Hayman)  
The Trustees of Reservations Staff (Darci Schofield)  
County of Dukes County (Martina Thornton)  
Cape Pogue Property Owner appointed by the Edgartown Board of Selectmen (Rachel Self)  
Edgartown Marine Advisory Committee (Ed Handy)

Meeting called to order.

Minutes from the prior meeting were discussed; Darci Schofield offered one clarification regarding available data about dog waste and water pollution. Revised minutes would be submitted to committee members.

Land Issues

*Chappaquiddick Island Association Meeting*

Rachel Self reported that she attended the Chappaquiddick Island Association (“CIA”) meeting on July 30, and spoke at that meeting to introduce the Committee and outline its role and goals. She received a positive response from attendees, who were pleased to hear about the Committee’s breadth of stakeholders, and wanted to learn more about where to find various Committee materials, which are now online at the Town of Edgartown website. At the meeting, the question was raised whether the Committee should work with the CIA, which is similarly concerned with use of and impact on Chappaquiddick, perhaps in conducting impact studies.

*Bulkhead at Dyke Bridge*

Rachel Self requested records pursuant to FOIA from the Commonwealth of Massachusetts regarding the history of assessment and maintenance of the Dyke Bridge, and received several reports dating to the 2000’s. She suggested that the Committee may wish to engage someone with appropriate knowledge to review these reports, or perhaps a Committee member with the relevant expertise could do so.

Rachel Self reported that the vehicle counter had been installed on the Dyke Bridge on July 5, but as of yet no one from the Town of Edgartown had taken a reading. She was hopeful numbers would be available by the Committee’s next meeting.

Ed Handy asked James Hagerty if the Dyke Bridge was currently slated for any repairs. James Hagerty indicated the state inspects bridges to predict how far in advance they will need to be repaired, and the Dyke has not yet hit the point where it is a priority. Darci Schofield expressed a willingness to work with the appropriate authorities on repairs at the appropriate time; about a month ago, she had reached out to see what permitting was required to fill in material around the exposed tie rods. Judy Murphy explained that previously when the tie rods were exposed, the town highway department would be called, and they would bring sand to fill in as necessary.

*Cape Pogue Property Owner's Report with regard to issues within the DCPC and concerns about any future Beach Management Plan*

Tom Ross and Becky Ross, landowners of a house adjacent to the lighthouse, requested that the Committee not approve any beach management plan that involved parking on Cape Pogue or a turn-around in a new area. They expressed that formalizing parking promotes erosion, is unsightly, and, without staffing to manage parking, people will simply park where they want, which will damage the resource and block access for other users. A new turnaround would also promote erosion, which is a serious issue – in 1994, their house was moved because the bluff was so eroded. They asked that the Committee not approve any plan including these aspects.

Rachel Self noted that there were many checks and balances in place before any beach management plan could be approved, for any entity that wished to manage any beach. James Hagerty further briefly explained the steps in the approval process, and all the various authorities and agencies who would be involved. He emphasized that there were many layers of bureaucracy involved in the approval process. He offered to reach out and find answers to any specific legal questions about that process.

Peter Sliwowski was concerned with how best to communicate that complex approval process to the community at large. He had received many questions and concerns from the public regarding the specifics of the process. James Hagerty suggested that perhaps something could be written to be posted on a website; Peter agreed that a clear, concise description of the process on a website would be a good option. Rachel Self noted that public meetings were a part of the process, all of which have minutes and other materials available, and suggested concerned parties could attend or review those as well.

Chris Kennedy further emphasized the many layers of bureaucracy involved in approving any potential plan. He had been in touch with the Chief of Places and Engagement of the Trustees to discuss where to go from here now that the previous draft plan had been pulled. He recommended stakeholder involvement – meetings with the county, town, property owners, the Committee, and other groups who need to be brought in – and Trustees senior management appeared to plan to do this, as well as public informational meetings. A new draft plan would not be compiled until after these meetings. Rachel Self noted that the Committee had an obligation to ensure the resource was protected while a management plan was not in place, and asked what solutions the Committee could propose in the interim period before a new plan could be taken up.

Victor Colantonio suggested that one of the major issues the Committee should deal with was that landowners north of the Dyke Bridge have no contractual relationship with the Trustees to manage the beach, unlike the relationships the county and state have for other beaches. This has left landowners in this area with no recourse to correct damage that has been done to property by vehicles. He asked the Committee to enforce the rules and regulations it had been charged to enforce.

Darci Schofield noted that the Trustees are conducting meetings to determine how best to move forward on a new plan. She expressed that the Trustees have received a great deal of feedback, and that they are in the process of absorbing that feedback, and developing next steps to ensure everyone would have a voice in the process. She reassured the Committee and the public that the Trustees were being very thoughtful in this process.

#### Water issues

Rob Morrison and Charlie Blair were not in attendance due to an emergency matter. Rachel Self understood that larger boats were now anchoring in the narrows, which was a concern; she reiterated that the no headway speed in all of Cape Pogue Bay should be considered as a solution. Bob Hayman indicated that markers had gone in at the Gut; he had witnessed issues with people anchoring in inappropriate areas, and believed it was difficult for laypeople to understand where they should anchor. The Rosses agreed that the anchoring signage was confusing. Rachel Self would seek an update from the Harbormaster after the meeting. Ed Handy suggested that perhaps a map of the anchoring rules could be posted on a website. James Hagerty would look into this.

#### Public Comment

Win Self expressed that he had not yet heard an answer regarding whether a formal application to repair the Dyke Bridge had been made in the past ten years. Chris Kennedy explained that he did approach DOT during his tenure with the Trustees, and they said there would need to be an assessment. The Department of Conservation and Recreation did an assessment, probably about ten years ago. The Dyke Bridge was not at that time considered a priority for repair. The Trustees also had an assessment done to see what it would cost to repair their portion. There were discussions about different materials that could be used to repair the causeway, including stone or fiberglass.

Rachel Self expressed that this issue needed to be actively pursued by the Trustees, because that bridge was the only access point onto the beaches. Chris Kennedy believed the starting point should be determining the cost.

Ed Handy thanked Chris Kennedy and Darci Schofield for their involvement in the process.

The meeting was adjourned at 6:07 P.M.