

Town of Edgartown  
**Cape Pogue DCPC**

Minutes of Meeting  
September 29, 2022 5:00 P.M.

In Attendance (virtual):

Town Administrator (James Hagerty)  
Edgartown Conservation Commission (Jane Varkonda)  
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)  
Conservation/Wildlife Specialist (appointed jointly by Sheriffs' Meadow Foundation, Vineyard Conservation Society, and Vineyard Open Land Foundation) (Matt Pelikan)  
Edgartown Harbormaster (Charlie Blair)  
Edgartown Shellfish Constable (Rob Morrison)  
Massachusetts Environmental Police (Matthew Bass)

Meeting called to order.

Minutes from the prior meeting were accepted and recorded.

Water Issues

*Gut Update*

Charlie Blair reported that the Gut had been very quiet, as had the harbor in general. He estimated this month had been roughly half as busy as September of last year. Rob Morrison reported the same, and noted he expected business to increase during scallop season.

Land Issues

*NOI filed by TTOR*

The TTOR had filed a Notice of Intent. Rachel Self requested that Jane Varkonda explain the process behind the approval of a Notice of Intent. She explained that a Notice of Intent is filed with the local conservation commission; in 2016, the TTOR wished to renew their order of conditions, but it was expired, and there was no regulatory mechanism for renewing that which had already expired. The Conservation Commission directed the TTOR to file a new management plan by fall, which did not happen. Now the TTOR is filing a completely new Notice of Intent with a new management plan. There was a technical error in the paperwork, so the paperwork needed to be resubmitted which would reflect that this was a new notice, not an attempt to renew an older order of conditions.

Jane Varkonda explained the process after an order of conditions was proposed: prior to that, the Commission would do site visits to view existing conditions; during that process, the Commission would hold public hearings. The Commission would then write a permit detailing the parameters of how vehicles should access the beach, how bird monitoring should occur, etc. Once the order was ultimately issued, certain parties could appeal it to DEP if desired.

Darci Schofield noted that Jane Varkonda had requested bird data from the past three years, which she would provide soon.

### *End of Season Beach Report*

Darci Schofield presented the Trustees' end of season summary, giving an overview of successes and modifications made as a result of feedback.

Visitation: She noted that portions of all of the beaches were open to OSV's all season, although there were some significant closures, which she detailed. The Trustees implemented a COI permit for the first time at Norton Beach this summer, which allowed adopting particular procedures for public OSV access (timed, escorted exits and entries) from July 4 – Aug. 11. This was staff intensive, but, because Cape Pogue was largely closed during this time, it was possible. She reported specific numbers of vehicles and visitors. She was pleased to report a largely positive response, but was taking feedback into account as well. She detailed data available from vehicle counters at Norton Point, the Dyke Bridge, and Wasque covering the season.

Shorebird report: She reported a record number of piping plover mating pairs this year, and detailed the numbers of nests, fledglings, productivity targets, etc., for piping plovers and American oystercatchers. She provided an overview of populations and percentages thereof on land managed statewide by the Trustees for other shorebirds nesting and staging and numbers for Martha's Vineyard as well.

Programs and engagement: She provided an overview of other activities run by the Trustees, including an island education program – consisting of weekly snorkeling programs, documenting of species, beach monitoring volunteering, a partnership with Big Brothers Big Sisters for kayaking and other activities, and other tours with interest groups. There was an environmental training internship program with high schoolers, who assisted in a full range of Trustees work and completed final projects. Other programs open to the public included point to point tours – there fewer tours this year due to impact, and there was now only one tour truck instead of two – discovery tours, nature yoga, and kayak rentals.

Sate of the coast: She provided an overview of intermittent flooding; of dune restoration work at Norton and the significant erosion that ad been been occurring in that area; and of flooding at the Cape Pogue Wildlife Refuge. She was looking forward to working with community to try to solve these problems and to discuss remediation options.

Trustees staffing: the Trustees were fully staffed for the most part, except for at Wasque. There were not as many tour guides this season. She provided an overview of new and incoming staff,

including an Island Steward, an Education and Operations Assistant, and an Engagement Coordinator.

### *Other proposed beach management plans*

Another management plan was in development, worked on by Victor Colantonio and the MV Beachgoers Access Group.

Victor Colantonio presented the plan, explaining that it applied to land north of Dyke Bridge to the Gut; all but four acres of the land were privately owned. His family felt that professional and active management of the land had not been forthcoming. This is why he filed a lawsuit. He believed he had the makings of a plan that could work for everyone, and was hoping the plan would be complete by Thanksgiving.

The basics of the five-point plan were as follows: it would balance the interests of the public, the landowners, and governance. (1) It would create a permanent access corridor, from the bathing beach to jetties – this would be open year round to the public. (2) Seasonal access from the jetties to the Gut would be open to the public from after Labor Day to March 31. (3) Cape Pogue bayside access would be available at some points year-round, dependent on tides and wildlife, and seasonally at other points. (4) Management: adaptive management would be required for the roughly 80 acres open year round; minimum management would be required for the remaining 437 acres, which would be closed to the public to undergo a ten year restoration/remediation program. (5) Remediation: about 80% of the land was in dire need of remediation.

Specific access points and beach usages of the plan were detailed. He noted these were contingent upon special conditions for endangered species; the plan would encourage species to live on the 437 acres thus reserved in ways compliant with law; and would require closing the internal trail system to all but essential vehicles, which would negate the need for stakes, signs, ropes, etc. The plan envisioned TTOR's role as management of the access corridor, providing bird monitors, managing daily reports of bird activity, and trail grooming and maintenance. Proposed OSV restrictions, a potential reservation system, and usages for sticker sale revenues were detailed, along with other details and outreach efforts that had gone into developing the plan.

### *Working group*

TTOR had sent out an invitation for participation in a working group for developing their management plan. Rachel Self inquired whether someone from the Committee who was not otherwise a stakeholder wished to be a part of the group, in order to give the Committee a seat at the table. Some Committee members were already on the group in other capacities. Jane Varkonda thought it would be important for the Committee's role in advising on any future plans. Rob Morrison recommended that someone who was not already on group should represent the DCPC. Charlie Blair nominated Rachel Self, and Bob Hayman seconded. Darci Schofield nominated Bob Hayman, and Rob Morrison seconded. James Hagerty clarified the process and how the vote and future motions needed to progress, indicating the initial nomination needed to be voted on first.

A vote was taken on whether Rachel Self's nomination to sit on the working group should be approved. Darci Schofield abstained; all other Committee members present voted in the affirmative. Rachel Self will represent the DCPC in the working group the TTOR have put together to work on a future beach management plan.

Meeting opened to public comment

Peter Slikowski asked for clarity regarding OSV access reported in Darci Schofield's presentation; and corrected some data she presented in plover production reporting. He indicated shorebird populations on the Trustees' island properties over the past five years represented about 1.125% of total fledged chicks in state of MA. He thanked Victor Colantonio for presenting his plan.

Charlie Blair reported that the patrol schedule from last summer had been posted on the web page.

Rachel Self had requested the Environmental Police's reports regarding Chappaquiddick and Cape Pogue from the communications center, but had not heard back. Matt Bass indicated he would check on that request.

Meeting adjourned.