

Town of Edgartown  
**Cape Pogue DCPC**

Minutes of Meeting  
July 27, 2023 5:00 P.M.

In Attendance (virtual):

The Trustees of Reservations Membership (Bob Hayman)  
The Trustees of Reservations Staff (Darci Schofield)  
Cape Pogue Property Owner appointed by the Edgartown Board of Selectmen (Rachel Self)  
Massachusetts Environmental Police (Matthew Bass)  
Edgartown Board of Health (Chris Edwards)  
Edgartown Marine Advisory Committee (Ed Handy)  
Conservation/Wildlife Specialist (appointed jointly by Sheriffs' Meadow Foundation, Vineyard  
Conservation Society, and Vineyard Open Land Foundation) (Matt Pelikan)  
County of Dukes County (Martina Thornton)  
Edgartown Conservation Commission (Jane Varkonda)  
Edgartown Police Department (Sgt. Ryan Ruly)

Meeting called to order.

Minutes from the last meeting were submitted for acceptance. Chris Edwards moved to accept them minutes; Bob Hayman seconded. Minutes were recorded after a roll call vote.

Update regarding CIA Meeting 7/22/23

Rachel Self reported that she had attended this Chappaquiddick Island Association (CIA) meeting, and had advised attendees on what the Committee is and what it does, and advertised the fact that meetings were open to the public and the Committee always welcomed input. Darci Schofield inquired about an agenda item at this meeting having to do with research happening at Cape Pogue; Rachel Self explained that the Roosevelts and CIA through Pete Taft were looking to perform research on human and environmental impacts at Cape Pogue. Further questions should be directed to them.

Water Issues

*Harbormaster Update re: Gut Signage*

No update had been received as of yet from the Harbormaster.

*Update from Edgartown Police and Harbormaster regarding enforcement*

Lt. Bass had no calls or incidents to report from the past weekend. Sgt. Ruly also had no calls or incidents to report; the police boat had been out on patrol twice in the past four weeks, for four-hour periods on Saturdays. 40 – 60 boats had been observed on Saturdays.

*Request for input on any regulations we may want to revisit in the Cape Pogue DCPC*

Rachel Self reminded the Committee that any proposed changes would need to be submitted by December; she invited Committee members to start thinking about changes they might wish to propose.

Land Issues

*Beach updates*

Darci Schofield wished to discuss the port-a-potties at the Dyke Bridge. Jane Varkonda indicated that the instrument allowing them was an order of conditions from 1995; she had sent everyone the relevant cover letter that had come from Chris Kennedy at that time, indicating they would be screened from visibility and would be present from June to October. Rachel Self shared an image of the port-a-potties as they currently appeared, and expressed that she did not believe it was compliant to be acting on an order of conditions from 1995. She expressed concerns about what happened when they toppled.

Darci Schofield explained that in beach management orders of conditions generally either were closed out with a certificate of compliance and then renewed, or they have ongoing orders of conditions. The Committee could decide how it wanted to proceed. She indicated that she believed the two portable toilets now at the bridge were a part of TTOR's order of conditions and were included in their NOI. In the past they had been visually shielded, but they were no longer because in strong wind the fencing had lifted out and threatened to hit pedestrians. She suggested that placing that type of fencing again was not safe. Screening with vegetation was one option; lattice fencing was another. Any screening option should keep in mind that the toilets would only be present from May to October. She understood concerns that these were not visually pleasing, but expressed that restrooms were critical for the enjoyment of the land. She explained how she would proceed in obtaining permits, etc. for various screening options.

Lt. Bass wondered whether the toilets could be placed on the other side of the bridge for more stability; Darci Schofield explained it would require approval from the town, and Jane Varkonda suggested it would take away from the parking area. Chris Edwards approved of the idea of vegetation screening; he wondered whether vegetation and a post and railing would allow for the toilets to keep from tipping over. Rachel Self expressed that she was concerned about waste contaminating the ecosystem when the toilets fell, and that perhaps putting them further from the beach would be better. Chris Edwards expressed concerns that people would simply not use the portable toilets if they were not close enough, and would simply go to the restroom in the water, which would create the same waste contamination issue.

Jane Varkonda described the portable toilet situation at South Beach, and expressed that there simply was not a good place for portable toilets at this site. She suggested that maybe TTOR could apply to install a temporary platform and secure the toilets and fencing to the platform, which could be removed in the off-season. Ed Handy expressed that if the toilets were necessary, they needed to be anchored, perhaps with screw anchors. Darci Schofield suggested relocating

them so that they were immediately at Swimming Beach. Jane Varkonda raised the concern that that would place them closer to the surf zone, without solving issues of anchoring. Sgt. Ruly suggested a structure like a wooden bus shelter containing two portable toilets; Darci Schofield explained that structures needed to be non-permanent and removable. She expressed that the issue was complicated and without perfect solutions, but very important. Rachel Self expressed the concern that the same ownership concerns that made repairing the bulkhead complex might also impede building any structures for portable toilets. Darci Schofield disagreed with her assessment of the ownership situation as complex.

Ed Handy agreed that any permanent structure was a non-starter, and moving the toilets closer to the beach was not a good solution. He suggested temporary screw anchors could be used to hold both the toilets and the fences in place. He indicated they are easily available online and not at all hard to put in. Bob Hayman thought a sand-colored portable toilet would be a good idea; putting them on a removable skid would allow them to be stable and easily moved. Darci Schofield suggested she could bring a plan forward to the Committee for a vote in the next meeting, but emphasized that the work was not likely to get done quickly because they are very busy with all of their visitors and she doesn't have staff to assign to this. Jane Varkonda and Ed Handy expressed that the idea of screw anchors was not rocket science and that the work should not take very long and was fairly straightforward.

Ed Handy moved that the portable toilets be securely anchored and screened moving forward, assuming that was in compliance with the Conservation Commission's wishes. Chris Edwards seconded and inquired about a reasonable timeline. Darci Schofield committed to seeking fencing and a contractor and an anchoring system ready for installation by the Committee's next meeting. The motion was amended to say that anchoring must be in place by the next meeting, screening must be in process by that time, and if possible the toilets should be changed to a sand/tan color if possible. The motion passed on a roll call vote.

*Request for input on any regulations we may want to revisit in the Cape Pogue DCPC*

Committee members would provide language for proposed changes to evaluate at the next meeting, particularly with regard to creating a process for applying for an exception to the herbicide ban.

Meeting was opened to public.

Morgan Herman, a member of the public, requested an update on what TTOR and the Cape Pogue landowners were doing to find common ground and restore public access. Darci Schofield indicated TTOR had completed its draft beach management plan, and submitted it to its executive team. It intended to submit a new NOI by the end of August including historic trails, hoping to restore as much access as possible. Rachel Self reported that she had had conversations with various land owners on Cape Pogue as well as with the working group; she had heard TTOR planned to file a single NOI including all the beaches again, and it was unclear whether the residents' concerns with that approach had been addressed such as compliance with 1993 guidelines for OSV access and management they can have confidence in. Management, enforcement of current regulations and limitations on numbers were sticking issues. She

reported land owners hoped to see changes in the new draft beach management plan that would address concerns. The landowners all expressed a desire to keep access for shellfishers and fishermen during the derby period, and continued dialogue would hopefully begin to address all of these concerns. It does not appear it is going to be a quick fix. If the new beach management plan that is put out addresses the concerns, it might be a non-issue. But management of the resource, protection of the resource, conservation of the resource, utilization of the regulations already in place and following those regulations (which would require limitations on numbers) is something that landowners feel strongly about. Ms. Herman expressed that it was extremely important to restore public access and hopes that TTOR and all parties can find common ground as soon as possible.

The next meeting was scheduled for August 31 at 5:00 P.M.

Meeting adjourned.