

Town of Edgartown  
**Cape Pogue DCPC**

Minutes of Meeting  
August 31, 2023 5:00 P.M.

In Attendance (virtual):

Cape Pogue Property Owner appointed by the Edgartown Board of Selectmen (Rachel Self)  
Edgartown Conservation Commission (Jane Varkonda)  
The Trustees of Reservations Membership (Bob Hayman)  
The Trustees of Reservations Staff (Darci Schofield)  
Edgartown Shellfish Constable (Rob Morrison)  
Edgartown Board of Health (Chris Edwards)  
Edgartown Police Department (Sgt. Ryan Ruley)  
Edgartown Marine Advisory Committee (Ed Handy)  
Edgartown Harbormaster (Charlie Blair)

Meeting called to order.

The minutes from the July 27, 2023 meeting were submitted for approval. Chris Edwards moved to accept the minutes. Jane Varkonda seconded. The minutes were admitted.

Water Issues

*Harbormaster Update re: Gut*

The Harbormaster reported that it had been a very good summer. Patrols by the Environmental Police and the Edgartown Police had been occurring; he would add the patrol schedules and boat counts to the webpage log. On the whole, things went smoothly. There were fewer visitors than the summer before. He thanked TTOR for opening the beach to the boats, which made a huge difference. There were a few emergencies to respond to, but that was not out of the ordinary.

Rob Morrison echoed that it had been a low-key summer. People anchored on the beach, which kept them off the eel-grass. He had called into the Harbormaster's office to help log boats when he was in the area, and he never saw more than 8 or 10. It had been a good summer.

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

Charlie Blair expressed that making people aware that Cape Pogue is a special place, the cleanest pond and nicest eel grass sanctuary in the area, is important. Education was important. Rob Morrison agreed that there were no glaring deficiencies in the current regulations. Recognizing how unique and fragile this place is, and doing our best to protect it, is important.

Land Issues

*Beach updates*

Darci Schofield reported that all the materials to anchor the portapotties had just arrived, so that work would begin this week; she had submitted a building permit for the fencing, and had a contractor ready to go as soon as the permit went through.

### *Dyke Bridge*

Darci Schofield reported that TTOR's senior leaders had been working internally on putting together a more definitive plan about repairs to the causeway to put to the town.

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

Rachel Self had not received any sample language for a potential herbicide exception to add to the DCPC, but had drafted some language herself; she proposed:

“The use of herbicides, pesticides, fungicides, and chemical fertilizers is prohibited on any private property outside of dwellings without the prior approval of the Cape Pogue DCPC Committee (“Committee”).”

She would send the language to Committee members for comment. She felt it would be beneficial to have a possibility for an exception written into the language so that if there was an appropriate use, it could be approved. She felt it was important to ensure that any use was a use of last resort, and that there be checks and balances in place.

Darci Schofield indicated she had just sent some language via email. The floor was opened to Russell Hopping of TTOR, who had drafted the language. He suggested that pesticides might be used in situations where ecological or public health issues arise where pesticide usage would be helpful in maintaining the resource or in the interests of public safety. He provided concerns about mosquito-borne disease as one potential example. Anyone who wanted to use pesticides would produce a management plan, which would then get some form of approval first by the Conservation Commission, then perhaps by the DCPC Committee – although this could be structured differently if the Committee preferred.

Rachel Self thanked Russell Hopping for his language, and expressed that it was very important to establish a process for applying to use pesticides as an appropriate tool, but that should be heavily regulated.

Jane Varkonda indicated that the Conservation Commission would probably want the recommendation of the DCPC committee as to whether applications should be approved. The DCPC has no real regulatory authority, but has broad expertise and a range of interests, and so the Commission would likely look to the Committee for recommendations.

Ryan Ruley indicated that Russ Hopping's language looked good, and maybe just needed to be changed to indicate the order in which the Committee and the Conservation Commission would address exceptions. Charlie Blair expressed that absolutely any herbicide or fungicide use needed to be a very rare exception – he did not want any kind of pesticide in the pond.

### *Update on Beach Management Plans*

Darci Schofield reported that TTOR had submitted a plan to its beach management working group, and had received some substantive feedback. They had just today submitted their two new notices of intent; the plans were now officially public and she would be happy to send it to Committee members. The plan addressed changes to OSV access, management practices, dogs on the beach, and other topics. Dogs on leash would be allowed throughout the year on Leland; dogs on leash would be allowed from October 1 to March 31 on Cape Pogue and Wasque. They would seek to restore access to the Gut and keep the bayside trail open. They would take an adaptive management approach, responding to dynamic conditions of the environment in delineating OSV corridors. Restoration priorities had been identified. The plan also addressed vehicle capacity limits, looking at historic traffic data and calculating available area for vehicles, proposing a capacity limit of 300.

Rachel Self indicated that it might be a good idea to openly break down TTOR's vehicle capacity calculation process in the plan.

James Hagerty expressed that the plan on TTOR's website did a good job of highlighting the changes between the old plan and the new one. He asked Darci Schofield whether there were two NOI's or one NOI; she replied that there were two.

#### The meeting was opened to public comment.

David Tyler seconded the Harbormaster's assessment of the summer: it was low-key and largely quiet. The maximum number of boats he had counted was 50 in the anchorage area, and up to 20 beached on the Gut. He suggested that TTOR have a sign somewhere visible to boaters saying that all dogs should be leashed, because dogs do come in on boats and seem to run around. Darci Schofield indicated that the rules would be changed to say that there are no dogs allowed during the summer. Charlie Blair agreed that a sign with dog rules visible to boaters would be a good idea.

Leslie Self inquired as to whether there was anything that could be done about the derelict boat near the Dyke Bridge – it had been floating around for years. Charlie Blair indicated that he removed derelict boats from town-owned properties; this boat was not on town-owned property. He had been trying to track down the boat's owner. If he got orders to do so, he would pay to have it removed. He indicated that whoever's property it was would need to pay to have it removed.

Karen Osler asked about the status of repairs to the causeway at the Dyke. Darci Schofield reiterated that this was a project at the level of senior leadership; she would need to check in with her supervisor, but she believed a decision was supposed to be made today so that they could get back to the town with next steps.

The next meeting was scheduled for September 28 at 5:00 P.M.

Charlie Blair moved to adjourn. Chris Edwards seconded.

Meeting adjourned