

Meeting Minutes - Edgartown

Conservation Commission

February 21, 2024 (4 pm)

Commissioners present (5): Peter Vincent (Chair), Lil Province, Max Gibbs, Geoff Kontje, Jeff Carlson

Commissioners Absent (2): Christina Brown, Robert Avakian

Staff (2): Jane Varkonda (Agent), Kara Shemeth (Assistant)

Public in attendance (66): Alexis Colantonio, Ann Floyd, Anne Smith-White, Becky Ross, Bill Brine, Bo Reily, Brad, Brad Holley, Brad, Brooke Kushwaha, Bruce Dew ,Cb, Chris Kennedy, Cynthia Hubbard, Darci Schofield (TTOR), David Faber, David R. Foster, David Tyler, Debbie Cron, Dylan Sanders (TTOR), Elizabeth McDonough (TTOR), Erin M, FJWGXFC60Q-iPhone, George, Donald, Jay Hunter, J Mclaughlin, Joe Delory, John Piekos, Jojo, Jonathan Herman, Jonathan Phinney, Joseph Susienka, Judy Murphy, Karen Osler, Leslie Self, Lindsay Allison, Lisa Belacastro, Lisa T, Mark Carlson, Mary Dettloff, Matt Dyroff, Mike Thompson, Morgan Herman, Mr p, Daniel Greenman, Patricia Hyde, Pete Taft, Peter Sliwkowski, Phil Horton, R. Andrew Robertson, Rachel Self, Rob Ianelli, Roger Becker, Ron Domurat, Ross Kessler (DMF), Russ Hopping (TTOR), Sean Francis, Solomon Watson, Superman, Ted Roosevelt, Thomas Ross, Timothy Moriarty, Victor Colantonio, William Gazaille,Win

**Rachel Self - SE20-1722**

Location: 30 Lighthouse Road (AP 3 – 13.2)

Project: Application for limited recreational Over Sand Vehicle (OSV) access during the 2024 Martha's Vineyard Striped Bass & Bluefish Derby.

Document Shared: PowerPoint Presentation

Rachel Self discussed her application for limited recreational over-sand vehicle access during the 2024 Martha’s Vineyard Striped Bass and Bluefish Derby and explained her deeded rights to use the parcel in question for recreational purposes.

The applicant explained her motivation for the NOI, emphasizing her love for the community and her concern for the protection of the land. She addressed the backlash and threats she received after filing the application, attributing it to fear and misunderstanding rather than genuine issues with her proposal. She implored the Conservation Commission to uphold their responsibility to protect the land and to ensure that her proposal, and those of other applicants, does not adversely affect the resource.

Rachel discussed the environmental impact of losing 180 feet of beach over the years, and the need to be realistic about what the remaining beach can sustain. She criticized a conservation organization for changing its stance and ignoring the impact of recreational OSVs on the beach. Rachel explained that her application seeks to allow up to five recreational OSVs on the specified plot of land during the Derby. She also referenced the deed that grants her rights to use the beach for recreational purposes. Rachel noted that if the proposal was approved it would require permission from the town of Edgartown to cross the town owned land known as *the jetties*.

The challenges of establishing a safe and legal off-road vehicle (OSV) corridor on the beach while adhering to the 1994 guidelines were discussed and Rachel emphasized the importance of maintaining a safe distance from the dune toe and the high tide line, as well as considering the limited space available due to sea level rise and erosion. She proposed a one-lane corridor with an 18-foot parking zone and suggested that people park perpendicular to the beach for safety. She also highlighted the need for further discussions and suggestions to ensure the corridor is both safe and lawful.

Rachel discussed the current state of the beaches and the potential challenges that could affect their use. She highlighted the problems with regular flooding and overwash, which have led to the closure of certain areas. Rachel also emphasized the importance of addressing the issue and suggested that the condition of the beaches could improve by the time the Derby begins. She mentioned that her proposal is subject to restrictions and conditions related to endangered species and tides. Rachel concluded by mentioning the support her application has received and the need for a site inspection before the OSV activity commences.

The importance of compliance with regulations and the need for balance between OSV access and conservation in fragile ecosystems was stressed. Rachel defended her application amidst opposition to another application, arguing that maintaining the status quo would not address current problems and regulations needed to be enforced for the common good.

Rachel felt that this was a plan for responsible recreational access to the beach, which she believes is achievable with community effort and proper management. She explained that the Conservation Agent could assess the beach conditions a week before the Derby and make a determination based on the dynamic changes. There was a discussion about access points and road safety, with Rachel suggesting that she and other locals could assess the conditions and communicate their findings to the public.

Questions were raised regarding the implementation of the plan since the Derby Committee had written a letter stating that they could not take on the role the applicant proposed they fill in regards to managing the access.

Commissioner Comment: Commissioners raised concerns about potential conflicts and the roles of different stakeholders in managing the beach. Rachel emphasized that the plan is for a limited six-week period and is contingent on the cooperation of the community.

Public Comment:

John Piekos, Executive Director of the Martha’s Vineyard Striped Bass and Bluefish Derby: Expressed his organization's appreciation for Rachel's efforts to open up a portion of Cape Pogue to public access. However, he clarified that their organization is not equipped to handle the responsibilities outlined in the NOI, such as beach monitoring and handling passes. He emphasized the importance of access to Chappaquiddick beaches for the Derby and the community at large. The Applicant responded, emphasizing the importance of collaboration and openness to solutions. Ted Roosevelt echoed these sentiments, encouraging collaboration to find solutions to manage the barrier beach area amidst climate change.

Peter Slikowski, President MVBAG: Voiced his concerns about the application, which he felt was not inclusive enough and lacked proper discussion with affected organizations.

Dylan Sanders, TTOR Attorney: Expressed opposition to the application. He noted that the Trustees own the parcel in question and have managed it since 1978. He argued that the proposed order was not suitable as it only allowed limited access for a select group of individuals and discriminated against others. He also highlighted the lack of a management plan for other areas that would be affected by the proposal such as the route to access the parcel in question. Atty Sanders also pointed out that the applicant, an attorney with no experience in managing coastal resources, relied on a third party to manage the proposed activity without prior consultation.

**Action:** A motion was made, and seconded, to continue the hearing to 3/13/24 to allow for a site visit.

Passed unanimously via roll call vote

**SE20-1702 & 1703** - Trustee of Reservations

Commissioner Kontje was unable to stay for the rest of the meeting, leaving only 4 Commissioners.

Darci Schofield agreed to a continuance of the TTOR hearings to 3/20/24, which would be a TTOR only meeting.

**Action**: A motion was made, and seconded, to continue the hearing to 3/20/24.

Passed unanimously via roll call vote of Commissioners present

Darci introduced TTORs new beach operations manager, Joseph Spalding, who will be moving to Chappy soon.

**Action**: A motion was made, and seconded, to extend TTORs Local Order (SE20-1672) to 3/20/24.

Passed unanimously via roll call vote of Commissioners present

**Action:** A motion was made, and seconded, to ratify an emergency Order to create dunes at the left fork.

Passed unanimously via roll call vote

A motion was made to adjourn the meeting at approximately 6:36 PM

Passed unanimously via roll call vote