

Town of Edgartown
Cape Pogue DCPC

Minutes of Meeting
January 25, 2024 5:30 P.M.

In Attendance (virtual):

Town Administrator (James Hagerty)

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)

Conservation/Wildlife Specialist (appointed jointly by Sheriffs' Meadow Foundation, Vineyard Conservation Society, and Vineyard Open Land Foundation) (Matt Pelikan)

Edgartown Board of Health (Chris Edwards)

Edgartown Marine Advisory Committee (Ed Handy)

The Trustees of Reservations Staff (Darci Schofield)

Edgartown Shellfish Constable (Rob Morrison)

Massachusetts Environmental Police (Matthew Bass)

County of Dukes County (Martina Thornton)

Edgartown Harbormaster (Charlie Blair)

Edgartown Police Department (Sgt. Ryan Ruley)

Meeting called to order.

Water Issues

Dredge

Ed Handy reported that the dredge project was completed. He believed it had gone well. Rachel Self agreed that it had made a big difference. Darci Schofield expressed that the dune looked amazing, and the team had done a wonderful job.

Land Issues

Storm Damage and State of Emergency Declaration for Town of Edgartown

Jane Varkonda indicated the emergency certification was being signed, which would provide the ability to remediate areas and infrastructure impacted by the flooding. James Hagerty explained the process behind acquiring the emergency declaration and the spending powers it provided. He reported that the road was still in disrepair, and fixing the sinkhole on Atlantic Drive was the priority at present.

Current Pending Applications for OSV access on Chappaquiddick Beaches

Rachel Self reported that having been a member of stakeholder groups concerning TTOR's NOI application for over a year, in her opinion it did not seem that there was consensus on those

applications, and there was concern that some of these applications might fail or be appealed. In an effort to help ensure access should other alternatives fail, she had filed her own NOI and Special Permit application for limited OSV access during the Derby.

She also believed it was important for the Committee to come up with an idea of what it wanted to see in the future as far as use of the resource, and develop some definitions, specifications etc., that could be used as yardsticks in assessing future proposals, for example defining an OSV corridor, or vehicle numbers.

Darci Schofield wanted to note for the record that TTOR objected to the NOI filed by Rachel Self. She stated that TTOR was working diligently to protect the resource and create access in a way that honored the history that people have enjoyed on the island, given the climate/storm conditions. TTOR was in the difficult position of having to balance everyone's positions or ideas about how the beaches should be protected and used. She stated that no matter the outcome of the NOI process, TTOR would continue to protect and provide access to the resource. She stated for the record that the level of scrutiny being applied, and any effort of the Committee to generate definitions, might be above and beyond what the 1994 Guidelines and the Wetland Protection Act required. She pointed out that none of this was raised when Norton Point was going through its process last year. She believed there were discrepancies between how DCPC viewed implementation of the district at Norton Point versus other locations.

Ryan Ruley clarified that the NOI was filed by Rachel Self as a private citizen and not as a Committee member or member of any other group.

Rachel Self reiterated that the DCPC had the authority to start to set some rules in its by-laws, and believed this was important for the Committee to fulfil its obligations to make recommendations regarding what it believes would be appropriate.

Ed Handy inquired as to whether there was any more current information the Committee could see about beach management, beach access, beach erosion, etc. The studies available for the Massachusetts area seemed very old, and he wondered if there were other areas that had more recent materials. Rachel Self agreed that science was important and having measurements and specifics available for what DCPC wants to see was important to go forward. She could provide other beach management plans for other areas that she had found, but she felt this area was unique and those plans would not necessarily apply directly.

Edgartown Planning Board

Charlie Blair inquired what was going on with the Planning Board, as the Committee had not heard about when the Planning Board would get them on its agenda. Rachel Self reported that that meeting had been continued from last week, and that action was being taken. The Committee should continue to think of recommendations to make because the Planning Board would want their input. Charlie Blair indicated that the planning board needs to be involved and there was discussion that the planning board will have special permit applications in front of it for the relocation of trail at Tom's neck or stairs at Wasque so they will be looking for our recommendations.

Matt Pelikan indicated that the reason OSV use was deemed a form of development is because it is increased. Rachel Self pointed out that since there was no recreational OSV access north of the jetties now, any recreational OSV access is an increase, which requires a special permit. Matt Pelikan explained that that was his point: you have to choose what you are defining an increase relative to. Rachel Self agreed that that is something that needs to be defined, and that was part of why it was so important to have data and reliable vehicle numbers. Matt Pelikan believed this definitional issue was having a serious effect on things now. Rachel Self agreed that was why the Committee needed to have a clear idea of what it wanted to see in terms of future use and preservation of the area. What does the Committee feel is appropriate for a definition of width of OSV corridor? Jane Varkonda did not believe that width was an appropriate thing to define, because all beaches are different, and traffic patterns, staffing, and available area would not always be the same. Matt Bass agreed that these definitions were usually dynamic based on the beach in question, and it was not usually strictly defined. Rachel Self noted that while beaches are changing the width of cars is pretty much the same no matter the beach and that having definitions of certain things was important so that assessments could be made and enforcement actions could be taken when necessary.

Darci Schofield believed TTOR was very clear in its beach management plan and the 1994 Guidelines were also clear on that point; she indicated Massachusetts tended to have much stricter beach regulations than other areas. She inquired whether Rachel Self was suggesting changing the language of the DCPC, or just having this discussion in order to facilitate the Committee being able to make recommendations to other bodies. She wondered how the public would have the opportunity to weigh in on either of those. Rachel Self indicated she was suggesting the latter – having ideas in mind so that recommendations could be made based on criteria the Committee had decided upon. The public could weigh in as it always did, by attending meetings, etc. Jane Varkonda suggested that public comment could occur at other bodies' meetings, too, when those bodies considered DCPC recommendations. She suggested going through the Guidelines, making notes about what people thought was unclear in the Guidelines, and work on those specific topics to come up with clearer definitions.

Charlie Blair expressed that he recently read the supplemental information sent out and saw what the beaches looked like and it was pretty interesting. Any hope that the beach was “coming back” was not realistic, aside from a few feet of gain. When he was a kid the bunker was 200 feet from the water and now it is 1600 feet into the ocean. They don't move lighthouses back when everything is fine. Cape Pogue got moved and will need to be moved again. We are losing the resource. These aren't abnormal storms, these are winter gales. As far as the beach coming back you might gain a few feet in the springtime, but in the long run, erosion was the pattern that would continue, Atlantic Drive isn't going to be there and mother nature is eroding that beach. Man-made efforts could not compete with the pace of natural erosion at this point. A million cubic yards moved in the last gale. We can keep putting dunes up and planting them, but in the long run mother nature is going to win. East Beach is the most stable beach we have right now but once you get down past the Jetties it is super vulnerable down there. I don't think the beach ever comes back and you have to make plans for the future and I like the idea of having some guidelines.

Ryan Ruley wondered whether someone could take drone footage of the beach at regular intervals to better see current conditions. Rachel Self noted that Bill Brine often took aerial photos from his plane, and also offered to meet people at the ferry and take them around. Darci Schofield noted that TTOR did not normally permit drones, but would consider allowing it for research purposes, as long as it was outside shorebird season.

The next meeting was scheduled for February 29 at 5:00 P.M.

Darci Schofield moved to adjourn. The motion was seconded.

Meeting adjourned.