

Town of Edgartown
Cape Pogue DCPC

Minutes of Meeting
February 25, 2024 5:00 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

Update from Harbormaster and Shellfish Warden

Rob Morrison reported a total shellfish harvest of 558 bushels from Cape Pogue in February, bringing the total since November to around 5,200 bushels. He noted a decline in scallop landings, attributing it to typical seasonal trends and weather conditions. Darci Schofield inquired whether the storms and the scallop seed that had washed up on the bay shores might have affected the harvest. Rob Morrison indicated most of the seed that had washed up had been placed back in the water, and would hopefully not affect the harvest.

Land Issues

Rachel Self asked each Committee member to suggest places in the language of the regulation where changes or clearer definitions might be required due to changes in circumstance between the drafting of that language and the present day.

How is use different now than it was back in 1990?

Rob Morrison recounted that he had previously questioned prohibiting the use of vehicles on certain areas; it was important to him that it was not prohibited to use vehicles on the shores of

Cape Pogue Bay and Poucha Pond. He indicated that concern had been addressed for him at a previous meeting. Rachel Self suggested allowing for the possibility of access during low tide, particularly during scallop season, and proposed a change in the language to allow for this. She and Rob Morrison agreed on the need for cooperation between TTOR and the shellfish constable or department. Rob Morrison noted that access predominantly affected recreational scallopers; commercial activity was done almost entirely by boat. His feeling was that there was less participation this year because there was less OSV access this year. Darci Schofield noted that TTOR had met with Jane Varkonda and Rob Morrison before the season began, and opened areas based on their recommendations, although some areas had to be closed because they were not passable. She noted the lesser quantity of beach available now as opposed to 1990, and that that would necessarily have an effect on open areas.

Chris Edwards noted that the landscape itself had changed a great deal in the past thirty years, and that would have to be kept in mind. Matt Pelikan noted the increased volatility in weather, with a trend toward more high-intensity and high-erosion events. He felt this meant the Committee would need to be more conservative than not in terms of prioritizing conserving the beach. He emphasized minimizing traffic on the inside trail. He believed the plover and oyster catcher populations had grown because of management, but populations of migratory birds that fed along the beaches had been greatly reduced; any kind of human access but particularly OSVs in those areas displaced birds meant to be putting on fat for migration and reduced their chances of survival. These were all reasons to be serious about preservation and scrutinizing OSV use on the insides of the beach systems.

Darci Schofield noted two of the most critical pieces regulation were instituted in the last thirty years: the 1993 guidelines for managing the recreational use of beaches to protect piping plovers, turns and their habitats; and the 1994 guidelines for barrier beach management. These regulations were instrumental in laying out how the WPA could be better adhered to, and how to have responsible protection of these areas. Bob Hayman noted that back in 1990, just like today, the people out on the beaches are islanders, families and fisherman enjoying the area, and his hope was that that could continue. He understood changes might have to be made because of erosion issues, but he was concerned that if beach access was lost, as it would be due to natural causes, tourism revenue would also decrease because people would not be able to get to the beaches anymore.

Jane Varkonda declined to comment due to her role in reviewing applications, but did note that people were more accepting now of restrictions than they had been in the past, as long as they were given the proper information. Ed Handy noted the increase in population and decrease in resource. Tourism to the island is largely based on natural resources, and finding a way to preserve access to those while also conserving the resources was very important. Matt Bass indicated the bayside by the cedars had changed over time; the lighthouse had been moved several times due to diminishing land; but otherwise he felt much of the area remained unchanged. Things did get crowded in August, but lack of parking was a natural limit on how many people were able to go out on the beaches.

Rachel Self reported the biggest difference from her perspective was that most people used to access the beach via Wasque. Now that there was no ability to access the resource from Wasque,

it had increased intensity of use on the bridge as the only point of access. The other issue she noted was that the middle road used to be very rarely used, mostly during storms. Now it was the only viable way to get out, and there were simply fewer places to go.

Recommendations to Planning Board

Rachel Self stressed the importance of team members formulating their recommendations for the special permit application from 1990 and the current special permit application for her NOI application. She emphasized the need to define the necessary space for a viable corridor. She hoped the Committee members would formulate some ideas and forward them to her so substantive discussion could be had at the next meeting. Darci Schofield suggested it would be helpful for everyone to have a strong understanding of the 1994 guidelines in having that discussion.

Future Plans for Cape Pogue

Alejandra Narvaez, TTOR's ecology project manager, provided updates on two projects at Cape Pogue, one involving trail modification and the other focusing on planting to enhance habitat resilience. OSV trail modification would occur across from Tom's Neck, to allow the OSV corridor to stay open for longer during the summer despite tides and flooding. A consultant had been engaged to carry out a survey and create a design plan. The planting project would involve planting American beachgrass along the bayside trail, which would be closed to OSV's as part of the trail modification. The planting project was scheduled for mid to late March, before shorebird season. Review would be sought before the Conservation Commission. Jane Varkonda indicated that for the new trail and trail relocation a Special Permit would be required for that. She asked if they want to get it done by June whether they have submitted a special permit application yet? Alexandra indicated that they have not submitted it yet and were waiting on plans from Woods Hole Group and stamped topographical surveys and wetlands delineations to be done. Jane also reminded TTOR that they need a special permit application approved to re-install the stairs at Fisherman's Parking Lot. Darci replied in the affirmative. Jane inquired what source the beach grass was coming from and it was coming from Cape Cod nursery in Dennis. TTOR was confident they would have enough volunteers and funding to complete the work. Alejandra Naves also reported that the Poucha Pond Resilience Project was still in its beginning phases, and was focused on enhancing barrier and salt marsh resilience on Martha's Vineyard and Nantucket. The project advisory team was currently being identified, and the project was in its preliminary design phase.

Darci Schofield added that a lot of flooding had been seen in the bayside trail area, resulting in grass migrating across the trail. This indicated the development of salt marsh, which meant the area was not an appropriate area for OSV access. Retiring that trail and developing the new one was very important in light of these facts. Rachel Self asked what number of OSV's would be allowed in that area; Darci Schofield indicated they were trying to accommodate as much access along the bayside as possible. Jane Varkonda asked whether a ten-foot setback from the toe of the dune would be required; Darci Schofield indicated that it would not, because that would eliminate access to the bayside in some areas and that if they follow the guidelines they could not honor the public's desire to access the beach with vehicles. Jane asked whether this went against

the barrier beach guidelines and Darci replied one could argue yes and no. The guidelines are clear on what is required but the guidelines do not have a diagram for bayside travel only beach side travel. Jane indicated the bayside was the beach. Darci indicated that she could talk to Jane about this offline. Jane indicated that the committee was present now and that to not have 10 feet from the toe of the dune would be a violation of the guidelines whether on the bayside or the beach side. Rachel indicated she would send the guidelines to the Committee. Rachel indicated that at this point the biggest issue is there simply isn't any room for what everyone is talking about at this point. In some places you don't even have eight feet from the toe of the dune let alone room for an OSV corridor on top of that.

The meeting was opened to the public.

Bill Brine noted that the biggest change he had seen in the past thirty years was that the dunes were gone. He referenced the Wax house and dunes so big you could get lost in them going out to Wasque. Rick Schifter has moved his house back 300 or something feet and his house originally was 200 feet away from the cliff. Something like 25 football fields worth of land had been lost since 1990. The change along East Beach has been less dramatic. He recommended the bayside be open to OSVs for active fin or shell fishing, as long as they were ten feet from the toe of the dune. They could drive in the water if needed.

Rachel showed photos of the chimneys on the Northeast Tip of Cape Pogue and how little beach is left out there.

Rachel suggested a site visit may be good for the committee to see what it looks like from the ground.

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

Matt Pelikan moved to adjourn. Bob Hayman seconded.

Meeting adjourned.