

Town of Edgartown  
**Cape Pogue DCPC**

Minutes of Meeting  
December 28, 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)  
Planning Board (Scott Morgan)  
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)  
Edgartown Harbormaster (Charlie Blair)

Meeting called to order.

Ed Handy moved to approve the minutes for the November meeting as submitted. Chris Edwards seconded. The minutes were accepted.

Rachel Self indicated that a vote on final language regarding a pesticide exception to the DCPC would hopefully take place at next month's meeting in January. Jane indicated she had her end of it done and would send it along so that we could distribute it and send it along.

Water Issues

Charlie Blair reported that bay scalloping had been going very well; prices had remained over \$20. The construction project at North Wharf was well underway and going well. He expected it would stay on schedule.

*Dredge*

Ed Handy reported the project was three or four days from completion. TTOR ran out of money and had to stop their work, but Greg Bettencourt was trying to fill in and finish up the portions that had not been completed every time he left the beach in his loader and finish what didn't get done. There will be a lot of sand left over on East Beach if TTOR were able to find some money and use all of the sand. There was a recent article in the paper about funds TTOR had for Tom's neck, but it was unclear whether those funds could be used toward this project. Bob Hayman indicated that he read the article but that he was not sure what the money was going to be used for. Jane indicated that her best guess is the money mentioned in the article had already been used and Ed indicated that on the Cape radio station that work out there was being done with a grant from Marine Fisheries. The money was used for John Keane and then the town was helping out as best we can and the town provided the sand for free. Rachel Self reported that the work done was making a major difference already on the trail. Charlie Blair added that it had

also improved the flow of water for the pond. It is a win win. Any time you can take impediments to the current out and get better flow of water that is a real win. Then you have sand left over you can use. Ed Handy said he is grateful to the Shellfish department because they really spearhead the dredge efforts and we are very lucky over the years the town has voted to keep the dredge funded. Thanks to everyone in Edgartown for saying this is worth doing and for everyone for keeping the permitting up to date. Ed reported the dredge would be leaving for the Edgartown Great Pond, hopefully getting sand to help repair South Beach. He pointed out that it doesn't really take a lot of money to make a large difference, so it would be a good idea to plan ahead and save some money for when there is sand available next time. Jane Varkonda encouraged TTOR to find more money to make use of sand when it is available. She indicated it is a waste to leave 3000 cubic yards of sand on East Beach and not take advantage of the sand when you have it. We are just so desperate for sand right now and 3000 cubic yards is a lot of sand to not use. Ed Handy suggested pursuing funding for maintaining access to town and private property in the area, so this opportunity is not missed. If the dredge is there already why wouldn't we do it? Rachel Self indicated if entities are profiting off the access then some of that money should go toward funding remediation efforts.

Edward Self of the public inquired of Ed Handy what percentage of the sand had been used and how much still remained on East Beach. Ed Handy guessed that it was about fifty percent, but underscored that it was only a guess. He added that with the permission of the land owners, he could ask one of the workers to move some sand and fill in some additional areas during the remaining days of the project. Rachel Self and Jane Varkonda agreed. Jane, Rachel and Ed agreed to get together while the dredge is out there to make sure in the remaining days sand gets where it needs to go.

## Land Issues

### *Beach Management Plan – Special Permit*

The plan had been referred to the Planning Board. Scott Morgan reported that he was in the process of putting reading materials for the Planning Board on this topic. Scott has been in touch with Reade Milne and is putting packets together for the planning board. The Board hoped to set up some meetings with Committee members and get started. There was never a formal permit issued or recorded. The Planning Board now has a dropbox with all the materials digitized. This is an opportunity and the Planning Board wants to set up some meetings with us and it sounds like it is going to be a do-over. The permit was never registered. Things have changed a lot since 1990. Sounds like a good opportunity for the DCPC to have some say and input and it will be helpful to have good records going forward. The Martha's Vineyard Commission Report that recently came out shows how much more demand there is for our limited resources and we are an island of limited resources and need to start paying attention and adapting. Charlie Blair expressed that he intended to oppose any special permit for use of pesticides, fungicides, herbicides, fertilizer...etc. We don't want any of it in our pond. Our island is sand and it gets in our pond. We have a clean pond and it won't be clean for long if people are spraying for ticks and whatever else. Scott said that he has been working on the commission on this issue for Great Pond. Bob Hayman inquired of Jane Varkonda if we are going back to square one on the special permit which quite possibly is going to happen, how long it would take for TTOR to obtain this

new special permit; she did not know, but expected several months at least depending on the scope of what the planning board decides are the most critical issues for them. Rachel Self and Jane Varkonda agreed that it would depend on when the Planning Board was provided with all of the information and materials it required. Rachel Self indicated that in 1990 there were five years of research studies done, and budgets and how all the money was going to go back to the resource and that there were actions that damaged the resource and now there is a lot more ambiguity in the TTOR's ability to answer what appear to be direct questions. Scott Morgan indicated the Martha's Vineyard Commission should most likely be involved as well. Bob Hayman noted that this might prevent TTOR from being able to get their NOI for the upcoming season if the Planning Board determined they do need a new special permit. Jane indicated that they would have their NOI but if the planning board determines they need a special permit they will still need a special permit. Ed asked whether or not it was already approved at Con Comm and Jane indicated they were no where near ready to issue the Order of Conditions because there is still a list of 23 outstanding questions TTOR has not adequately addressed. Their responses to our questions are due on January 17 so we aren't done here yet. Scott indicated that Planning Board lets Con Comm go first generally and then Planning Board goes after the Con Comm when the applicant comes before them. Rachel Self indicated The Con Comm can't create additional strictures above and beyond what WPA requires, but the Planning Board can set additional conditions regarding selling stickers and where the money goes. So if the Planning Board and Con Comm works together they can adequately address the issues such as concerns about financial resources to put back toward the resource. Jane indicated that was exactly correct and that the Planning Board and Con Comm work together because the Planning Board has other authorities that the Con Comm does not have. Jane indicated she would send the questions out to the Planning Board and to the Committee.

Rachel Self indicated it is important for us under the 1977 Act that created the DCPC a special permit is something that is going to be needed and that will be a good tool to motivate any applicant to comply and do what is necessary to operate on the resource while also protecting it and that from her perspective anything that gets TTOR where they need to be is a good thing for everyone. If we continue to all work together to work toward a solution for this we should be able to get there.

The next meeting was scheduled for January 25 at 5:00 P.M.

Jane Varkonda moved to adjourn. The motion was seconded.

Meeting adjourned