



Town of Barnstable
Marine and Environmental Affairs Department
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SHELLFISH COMMITTEE
MINUTES OF THE MEETING
DATE: March 23, 2022
TIME: 6:03 PM to 7:58 P.M.
This meeting was held via ZOOM

Shellfish Committee Members present: Stuart Rapp, Robert Lancaster, Tyler Hagenstein, Jacob Angelo, Doug Crook, Patricia Farinha

Shellfish Committee Members absent: Al Surprenant

General Public present: Arlene M. Wilson, John O’Dea, Brad Saunders, Laura Ludwig

Town Council Liaison absent: Kristine Clark

Town Staff present: Amy Croteau, Senior Natural Resource Officer/Shellfish Constable, Nina Coleman, Director of Natural Resources

Robert Lancaster called the meeting to order on behalf of Stuart Rapp, as March, 23 2022 meeting of the Shellfish Committee.

Robert Lancaster read a notice at the beginning of the meeting:

NOTICE OF RECORDING "Please note that tonight’s meeting is recorded and broadcast on Channel 18 and, in accordance with MGL Chapter 30A, s. 20, I must inquire whether anyone is taping this meeting and to please make their presence known."

I. Meeting Minutes

1. Meetings minutes of November 20, 2021; December 8, 2021; January 11, 2021 are approved.

II. Chairman’s comments: None.

III. Natural Resources Report / Correspondence:

1. Constable Croteau states that the Herring Run maintenance is finishing up around the Town. The Santuit River, Marston's Mills River, Centerville River and Lake Elizabeth/Red Lily Pond runs are complete. Mill Pond in West Barnstable which is slated almost complete. Natural Resources are working with DMF for Year 2 of re-stocking the Mill Pond West Barnstable with herring borrowed from the Monument Beach run in Bourne.
2. Plovers have had sightings at Sandy Neck and Kalmus with track seen at Dowses.
3. Director Coleman proposes that Recreational Shellfish permits will be moved to renew each calendar year instead of the current expiration of March 1st. When the transition is implemented, customers will receive a prorated credit balance towards their next permit.
4. Director Coleman proposes a hire of an additional year-round Shellfish Technician that will replace one of the seasonal Technician hires, in order to support the MEA department and keep up with the demand of the shellfish propagation interest.
5. Timothy Hamel, who was picked #1 in the commercial shellfish permit lottery, has taken over the Commercial permit that was previously held by Norman L White.
6. End of oyster season is Wednesday March 30th. The last day to harvest oysters in the entirety of the Town of Barnstable until next season as the season closes April 1st. Scallop season, recreationally and commercially closes April 1st.
7. Commercial renewals must be paid by March 31st with the proper documentation for wild harvesters that want to fish in April. Otherwise current permits are invalid April 1st until the required documentation and payment is collected. Anyone caught in violation will have their catch confiscated. Hard deadline for renewals is the end of the business day May 2nd.
8. Shellfish Advisory Panel met-Constable Croteau is assigned to a sub-committee that will be putting together the questions for a survey to Towns requesting information on how each location handles transfers of aquaculture licenses.

IV. New Business:

1. Laura Ludwig on behalf of the Center for Coastal Studies expresses the interest in working with the Town of Barnstable to remove debris from the waterways that may hinder aquaculture areas. With resources and volunteers to assist, the Center for Coastal Studies is looking to gather numbers and data in effort to remove pollution from local waterways.

2. Between Dec 1st - April 31st, Mr. Hagenstein proposes to use the grassy lawn behind the Barnstable Harbor Marina near the Pumpout station to store aquaculture gear. The spots would be paid for by local farmers to fund the aquaculture program and would help combat lost equipment. He states that it would enable quick unloading, especially in an emergency situation. Director Coleman states that the Harbormaster would have the final decision. Mr. Hagenstein will put together a proposal to present to the Harbormaster division.

Mr. Angelo addresses the committee with photos of the gear that he has removed from the water that have drifted away from farms. Aside from the current rules and regulations, he suggests a probation system for offenders who do not take their gear off their farm during weather events, notably when ice forms around January. With plenty of awareness, some farmers are negligent and accountability should be addressed. Director Coleman acknowledges and thanks Mr. Angelo for his efforts. She states that due to the departure of the previous NRO and the Covid-19 period, there has been a lack of tagging of equipment. With the recently hired NRO Carpenter, gear tagging and subsequent paperwork is the top priority. Constable Croteau states staff will discuss probationary period.

3. Mr. Angelo requested a discussion about the process of the Aquaculture waitlists, but as part of the committee, it is a conflict of special interest. Constable Croteau explains the current format, in which one must apply to be on the waitlist, and renew every year. The order begins with the top of the list. When available, the first person at the top of the list is offered the open location, but if declined, the offer goes to the next person on the list. With approval of the State's Attorney of the Day, Mr. Angelo may be able to continue the discussion in a future meeting.

Constable Croteau notifies that Jill Nawoichik's daughter is going to participate in the Shellfish Apprenticeship program. The previous apprentice of the program was not properly documented. As a result, she requests the committee to work with her on the framework for the program so it will be in place if someone wanted or was interested in the future.

V. Upcoming (and Old) Renewal & Transfer Hearings:

1. Hearing for issuance of new aquaculture license (site ng052) in Barnstable Harbor for Deborah Hill, 70 Fernbrook Lane, Centerville, MA 02632 for a period of 5 years. Public hearing to be held via Zoom, 04/05/2022 at 12:00PM.

Constable Croteau introduces Ms. Hill who was 3rd on the Aquaculture wait list. Ms. Hill shares her excitement for the opportunity. She references her family and friends as being the primary help on the grant. Mr. Rapp recommends that the Town approve the issuance of a new aquaculture license to Deb Hill.

A motion was made by Lancaster and seconded by Farinha; all in favor by unanimous roll call vote.

VI. Upcoming (and Old) Proposed Coastal Projects:

1. Applicant: EBB Tide, LLC.

Project Location: 28 Bay Shore Rd, Hyannis, MA 02601

Representative: Charles Rowland, Sullivan Engineering & Consulting, Inc.

Proposed Project: To construct and maintain a stone revetment

Conservation Hearing Date: 03/08/2022 after 4:30PM via Zoom

Mr. O'Dea of Sullivan Engineering & Consulting, Inc. spoke on behalf of EBB Tide, LLC. about the proposed project. The project is to construct and maintain a stone revetment where the timber bulkhead has been eroded. The project is above mean high water. Conservation passed the project on 3/8/22. Constable Croteau has no issues with the project, but states that the work zone must be staked, and no storage of any materials/equipment be in the intertidal area.

2. Applicant: Philip Scudder, Hyline Cruises

Project Location: 138 Ocean St, Hyannis, MA 02601 (map 326 parcel 067)

Representative: Brad Saunders, GEI Consultants, Inc.

Proposed Project: Bulkhead Replacement and Pier Deck Repairs

Conservation Hearing: 03/29/2022 6:30PM via Zoom

Mr. Saunders on behalf of GEI Consultants, Inc. spoke on behalf of Mr. Scudder about the proposed project. The project is to replace the deteriorating bulkhead that exists under the 'Spanky's Clam Shack' with a steel sheet pile bulkhead. The bulkhead would match existing conditions to either side of the property. Approximately 75' of bulkhead that will get placed in there. In addition, the project will replace 5 existing timber piles in kind as part of restoring and maintaining the existing pier facility. Replacing the deck boards on the wharf is also a part of the project. Mr. Saunders states that 4 additional wooden piles would be added to ensure the bulkhead. This will provide industrial support for the building

Ms. Farinha asks about the chemicals that the wooden materials are treated with. Mr. Saunders will come to the next hearing with additional information. Mr. Rapp asks about the oyster beds that are documented on the property. Constable Croteau states the natural oyster beds are plentiful and her staff is talking to ARC into examining and spawning these oysters. Mr. Rapp asks about relocation of the beds, Mr. Saunders states GEI has no intention of doing anything with the oysters, as the bulkhead will be going up in shore area and against the furthest in shore bed. The construction will be using a barge for equipment. They plan to reach out to Conservation to request a continuance in order to conduct a shellfish survey that was not part of the initial filing. Once the shellfish survey is complete, in addition to a continuance with the Shellfish Committee, there will be a separate Conservation hearing.

3. Applicant: Carmella Kletjian & Yasmine Realty Unlimited
Project Location: 253 & 261 Seapuit River Rd, Osterville, MA 02655
Representative: John O'Dea, Sullivan Engineering & Consulting, Inc.
Proposed Project: The project as proposed is to construct and maintain a stone revetment extension.
Conservation Hearing Date: March 29, 2022 6:30 PM via zoom.

Mr. O'Dea of Sullivan Engineering & Consulting, Inc. spoke on behalf of Carmella Kletjian & Yasmine Realty Unlimited about the proposed project. The revetment project is above mean high water. The construction will be accessed through the private property. Constable Croteau has no issues with the project, but states that the work zone must be staked, and no storage of any materials/equipment be in the intertidal area.

4. Applicant: Corey A. Griffin, Trustee; Glen Nominee Trust, c/o Atlantic Management
Project Location: 49 Main St, Osterville
Representative: Arlene M. Wilson, A.M. Wilson Associates, Inc.
Proposed Project: Modification of existing pier by extending fixed section 24', reusing existing ramp and turning float parallel to the channel or, in the alternative, dredging +/- 95 cubic yards around the existing pier.
Conservation Hearing: March, 29, 2022 6:30PM via zoom.

Ms. Wilson of A.M. Wilson Associates, Inc. spoke on behalf of Corey A. Griffin, Trustee; Glen Nominee Trust, c/o Atlantic Management about the project. This project has been before the Committee prior. Ms. Wilson states that the site is a lot shallower than the original plans showed. The boat on the property has been grounding at every moon tide. The Conservation committee disproves of dredging the sediments. The Waterways Committee opposes a longer pier at this location. Ms. Wilson proposes a plan of dredging around the existing float to -4. Keeping the top of the dredge basin just 25 feet away from the salt marsh and less than 100 cubic yards of material would have to be removed.

Mr. Angelo states his displeasure and that the dredging would have a large anoxic sediment footprint and less area for shellfish. Ms. Wilson states that their private consultant Pam Newburt did a shellfish survey and states that the low shellfish count in the area of the proposed work is caused by the anoxic mud that is there and is not conducive to shellfish at this particular location. Ms. Farinha asks when the Town has done the dry drag of the river in the past, has that area been fished and what were the results. Public guest Conor Rogan states that at the last relay, he fished almost entirely north of the bridge, in the same flat and the quality of the shellfish was 'some of the best'. Mr. Rogan continues to state that it would be a tragedy to dredge that area.

Mr. Hagenstein states his lack of trust in Ms. Newburt's surveys. Constable Croteau responds to Mr. Rogan's question about the Town's responsibility to do a survey in the area. She states that the applicant must hire an independent consultant to survey the

area. Additionally, the Town will do their own survey to ensure the validity of the results and address any discrepancies. Constable Croteau references a comment letter with results from the first survey done by Shellfish Biologist Liz Lewis when the NOI first went before Conservation Committee on 12/07/2021, that the area was suitable for shellfish.

Mr. Rapp asked if the area would get surveyed again, and Constable Croteau indicated it potentially would, but the comments might not change too much. Mr. Hagenstein states that the number of shellfish caught does not determine the value of the habitat. He comments that the boat touching bottom is a Conservation violation. Ms. Wilson states that the owner currently buoys the boat beyond the float. Mr. Lancaster voices his opposition of the project. Mr. Rapp motions to send a letter to the Conservation Committee that the property should not be dredged as proposed due to loss of the habitat.

A motion for the rejection letter was made by Crook and seconded by Angelo; all in favor by unanimous roll call vote.

VII. Old Business: None.

VIII. Matters not reasonably anticipated by the Chair:

1. Mr. Crook proposes a discussion of resuming 'In-Person meetings' at the Senior Center. The discussion will be put on the next meeting's agenda.

Respectfully Submitted,
Tyler Ranauro, MEA Office Manager