



**Town of Barnstable**  
**Marine and Environmental Affairs Department**  
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**SHELLFISH COMMITTEE**  
**MINUTES OF THE MEETING**  
**DATE: May 11, 2022**  
**TIME: 6:32 PM to 8:05 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, Rick Gallagher, Bill Cherepon

**Town Council Liaison absent:** Kristine Clark

**Town Staff present:** Amy Croteau, Senior Natural Resource Officer/Shellfish Constable, Tyler Ranauro, Office Manager

**Stuart Rapp called the meeting to order on May 11, 2022 meeting of the Shellfish Committee.**

**Amy Croteau 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 March 23, 2022.

***A motion was made by Hagenstein and seconded by Crook; all in favor by unanimous roll call vote.***

## **II. Chairman's Comments:**

The Committee will be transitioning to the Selectman's Conference room at Town Hall starting June 8th; meetings will be in person until the last meeting in December.

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

## **III. Natural Resources Report / Correspondence:**

1. May and June Closures: Constable Croteau displays the totals of shellfish permits purchased through 2021-2022 per month comparison in addition to year to date. Constable Croteau states that the past 21-22 oyster season had a lot of oysters harvested. The department used the full \$15,000 in grant money to purchase seeds from local growers to bolster the harvest effort. The numbers are slightly down this year from last year, which is attributed to the popularity of the oyster contest, and to the added additional month to the oyster season.

2. Constable Croteau identifies the following closure areas in the Town:

May 1<sup>st</sup>: Marston's Mills River, North Bay, Pirate's Cove, Hyannis Harbor.

May 1<sup>st</sup>- Dec 1<sup>st</sup> (depending on water quality): Mill Creek, East Bay

May 15<sup>th</sup> pushed to take effect on June 1<sup>st</sup> (due to lack of volume of boats): Cotuit Town Dock, Cotuit Oyster Co, Bridge St.

June 1<sup>st</sup>: Lewis Bay

3. Constable Croteau delivers a memo received from the Town DPW:

“The Town of Barnstable's contractor Robert B. Our will be performing dune nourishment at Millway Beach/Blish Point in Barnstable Village starting May 16th through May 18th. The project includes delivery and placement of approximately 1,500 cubic yards of sand material to the Blish Point and Millway Beach Parking Areas where it will be conveyed over the dune using a conveyor belt. Once placed on the ocean side of the dune, the sand will be moved and graded along the Blish Point dune. Large construction equipment will be onsite for the duration of construction. All of the Millway Beach Parking Lot will be closed during this timeframe. A portion of the Blish Point boat ramp parking lot will be closed as well. Access to the boat ramp will remain open and approximately half of the parking spaces will remain available throughout the construction.

We recommend using alternate boat ramps at Millway and Scudder Lane during this time period. The beach will be closed during the day while construction is ongoing. Construction equipment will periodically use the boat ramp to access the beach. Boat ramp and parking lot users should exercise caution during this time.”

Mr. Crook expresses his displeasure with the project.

4. Constable Croteau announces to the Aquaculture grant holders that the Vibrio books are available to be picked up.

**IV. New Business:** None.

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

A. Hearing for aquaculture renewal of the aquaculture license #17-03 (site ng058) in Barnstable Harbor for Scott Mullin, 90 Alderbrook Lane, West Barnstable, MA 02668 for a period of 10 years. Public Hearing TBA

B. Hearing for aquaculture renewal of the aquaculture license #17-04 (site ng004) in Barnstable Harbor for Jennifer Mullin, 90 Alderbrook Lane, West Barnstable, MA 02668 for a period of 10 years. Public Hearing TBA

C. Hearing for aquaculture renewal of the aquaculture license #18-02 (site ng059) in Barnstable Harbor for Jennifer Mullin, 90 Alderbrook Lane, West Barnstable, MA 02668 for a period of 10 years. Public Hearing TBA

Constable Croteau states that the applicants have no clear violation and have good standing with the Department.

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

**VI. Upcoming (and old) Proposed Coastal Projects:**

1. Applicant: Tobias Welo

Project Location: 25 & 35 Cove Lane, Osterville, MA 02655

Representative: Arlene M. Wilson, Arlene M. Wilson Associates, Inc.

Proposed Project: Construction of wave break and plantings

Conservation Hearing Date: 04/05/2022 6:30PM via Zoom

Constable Corteau informs the Committee this project has been continued to June 7<sup>th</sup> Conservation hearing. Mrs. Wilson of Arlene M. Wilson Associates, Inc. spoke on behalf of Mr. Welo about the proposed project. The project is above the high water mark and just below the toe of the bay. The project is for construction of the wave break and plantings. The area gets some erosion during storms. The project is to ensure the toe of the bay where there has been sand bag wall projects that are starting to break down, and to stabilize and cover the area. Mrs. Wilson states that the site is located above the soft shell resource.

Mr. Angelo suggests replanting the salt marsh to correct the erosion; Mrs. Wilson states that is the next phase is addressing the living shoreline. Mr. Angelo states his concern that there is not a positive environmental impact in the proposed project and there is no guarantee that the next project will restore the mean high water line.

Mrs. Farinha asks about the research the Town's Biologist has done with the area. Constable Croteau states that Biologist Lewis comments applied to the 25 Cove lane project, that the pier movement is above mean high water mark, there would be comments made to barge and construction protocol. Constable Croteau confirms that she will attend the Conservation hearing on 6/7/22.

2. Applicant: Tobias Welo

Project Location: 25 Cove Lane, Osterville, MA 02655

Representative: Arlene M. Wilson, Arlene M. Wilson Associates, Inc.

Proposed Project: Modifications to existing pier by extending its total length +/-41', relocating it +/-3' north and substituting piles for post supports

Conservation Hearing Date: 04/12/2022 6:30PM via Zoom

Mr. Rapp informs the Committee this project has been continued to the May 24th Conservation hearing. Mrs. Wilson of Arlene M. Wilson Associates, Inc. spoke on behalf of Mr. Welo about the proposed project. Mrs. Wilson explains that the redesign will run out in the same footprint as the existing pier. The engineer is looking at the use of steel H piles, supported by single piles that run in a middle of the structure. The footprint will be a 1/3 of 10' diameter pile. Mr. Hagenstein expresses his concern with the lack of prior knowledge of what boat will be docked. He states the addition of structures to the harbor creates sedimentation. The goal is to preserve the shellfish bottom that is still left, and ideally reverse the effect- which this design does not indicate. Without the knowledge of the boat permitted to the dock is a concern for the Committee. Mr. Angelo states a motion to decline the project and suggest the construct remains as is, and Mr. Rapp to write a letter to the Conservation Department the Commission is not in favor of the project.

***A motion was made by Hagenstein and seconded by Crook; all in favor by unanimous roll call vote.***

3. Applicant: Philip Scudder, Hyline Cruises

Project Location: 138 Ocean St, Hyannis, MA 02601

Representative: Brad Saunders, GEI Consultants, Inc.

Proposed Project: Bulkhead replacement and pier deck repairs

Conservation Hearing Date: 04/26/2022 6:30PM via Zoom

Constable Croteau went before the Conservation Commission who approved the request of proof of work to assess the damages to the stock that was at the location.

After the work is complete, the area will be surveyed to assess the damage to the current shellfish propagation. The department will make a request for the amount of money to be sent back to the propagation program. That money could be used to fund a Barnstable Clean Water Collation project, in addition to future relays.

4. Applicant: Dean R. & Andrea B. McWilliams  
Project Location: 153 Seaview Ave, Osterville, MA 02655  
Representative: Charles Rowland, Sullivan Engineering & Consulting, Inc.  
Proposed Project: To reconstruct the existing stone revetment, proposed beach nourishment and replace beach access stairs with proposed landing  
Conservation Hearing Date: 04/26/2022 6:30PM via Zoom

Constable Croteau went before the Conservation Commission who approved the preconstruction site visits, which will follow standard protocol and will be going to be completed in order of compliance.

5. Applicant: Richard F. and Jennifer B. Gallagher  
Project Location: 611 Santuit Rd, Cotuit, MA 02635  
Representative: Jean E. Duff-Still, Cape and Islands Engineering  
Proposed Project: Modifying existing structure by adding a 3'X32' ramp and an 8'X16' float to the end of the existing licensed (#1718) dock structure and to retain, license and maintain the complete structure, in and over the waters of Shoestring Bay. Also proposed is elimination of the seasonal stairs and pulley pile currently approved under DEQE license #1718.  
Conservation Hearing Date: 05/10/2022 6:30PM via Zoom

Mr. Gallagher details the project to remove the seasonal stairs and pulley system. Mr. Gallagher was approved by the Conservation Commission on 5/10/22 with the recommendation of the float stops at 18". Any consideration for concern about the shellfish area, the studies done indicate it is a '3' which indicates the lowest concern for shellfish habitat. He continues to state that the kayak dock will be in the water at all times and will not disrupt the seabed like it current design is. Constable Croteau states Tom Lee of the Conservation Commission, approved that there will only be non-motorized vessels. Mr. Hagenstein suggested painting the pilings with cement to potentially catch spat.

6. Applicant: Kevin McShea  
Project Location: 116 Bay Rd, Cotuit, MA 02635  
Representative: Arelene M. Wilson, A.M. Wilson Associates, Inc.  
Proposed Project: Construction of pier, ramp, and float for non-motorized use.  
Conservation Hearing Date: 05/24/22 6:30PM via Zoom

Mrs. Wilson of Arlene M. Wilson Associates, Inc. spoke on behalf of Mr. Welo about the proposed project. The project is designed for a permanent dingy dock and is designed to use grated or slotted decking over the salt marsh. The kayaks racks beyond edge of the salt mash so they do not shave the salt marsh. The ramp and float will be removed seasonally. There is 1 1/2' underneath the floats and 18" float stops above the grade. Project is for non-motorized use and is scheduled to go in front of the Conservation Commission 5/24/22.

## **VII. Old Business:**

### **1. Continued Discussion- responsibility for gear and tackle, aquaculture waitlist.**

Constable Croteau reads a letter written by Dave Ryan who comments on the continued gear and tackle discussion, who states he agrees with the regulation of spot checking of gear and tackle, as it will help identify those who are responsible. Croteau states in the previous discussion, Natural Resource Director Nina Coleman intent of filling the Aquaculture Specialist Position will bring this request to fruition. The Department is confident that the employee in this position is dedicated to this project. Constable Croteau states she is open to discuss probationary rules that could be written into the regulations. Constable Croteau continues to state that she is interested in focusing on a case by case basis rather than a formal rule that could negatively affect the industry. The goal of this discussion is to take the notes back to the Natural Resource department for discussion. Tagging will be a positive way to keep grant holders accountable.

### **2. A general discussion of the possible use of part of 110 Freezer Rd, Barnstable by licensed grant holders in Barnstable Harbor for the storage of gear during the time of December 15th through April 1st.**

Mr. Rapp offers to write a formal letter to the Harbormaster Department for opportunity to discuss collaboration on this discussion.

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

### **8. Matters not reasonably anticipated by the Chair:**

Mr. Crook suggested a future discussion about the closed Commercial Shellfish areas in Town.

**The list of matters, are those reasonably anticipated by the president/chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the committee may go into executive session.**

Respectfully Submitted,  
Tyler Ranauro, MEA Office Manager