

## Shellfish Committee Minutes of the Meeting

---

**DATE:** November 19, 2008  
**TIME:** 7:30 P.M. to 9:30 P.M.  
**LOCATION:** MEAD Building

### **Shellfish Committee Members present:**

Stuart Rapp, Robert Lancaster, Matt Ostrowski, Gerard Ganey, Richard Haskell, Les Hemmila, Andre Sampou

### **General Public present:**

Jean Crocker, Ken Ward, Norman White, Jackie Barton

### **NR Staff present:**

Tom Marcotti

---

### **Chairman's Report:**

Stuart Rapp chaired the November 19th, 2008 meeting of the Shellfish Committee.

The Shellfish Committee adopted the minutes of the October 15th, 2008 meeting of the Shellfish Committee and the revised minutes of the September 17<sup>th</sup>, 2008 meeting of the Shellfish Committee to include the names of the general public in attendance and the comments they made regarding the issue of shellfish propagation and the prohibition of access to the Crocker's Neck Road area of Popponesset Bay.

---

### **Natural Resources Report:**

Upcoming MA Division of Marine Fisheries Shellfishing Area Openings:

2.12 **Shoestring Bay:** The waters, flats and all tributaries of Shoestring Bay in the Towns of Mashpee and Barnstable, easterly of a line drawn south from the southernmost point of Mashpee Neck to Punkhorn Point; northerly of a line drawn from Punkhorn Point to Ryefield Point and southerly of a line drawn from Simons Narrows Road in the Town of Mashpee to the "Public Way to Water" in the Town of Barnstable. (DMF/SC20.3; classified as conditionally approved; **status: Closed to shellfishing April 1 through November 30, all dates inclusive. The area shall not automatically reopen to shellfishing on December 1 and will remain closed until examined and shellfishing is allowed by DMF.**

---

### **Piers, Dredging and Shellfish Habitat Issues:**

The Shellfish Committee reviewed and discussed the following proposed pier applications:

Applicant: **Marlu LLC**

Application: (N.O.I.) Proposed re-build of licensed platforms, ramps and floats.

Location: 243 Millway Road, Barnstable, MA. 02630

(as shown on Assessors Map 300-025).

Applicant: **William and Mary L. Guarente**

Application: (N.O.I.) Removal of existing pier, ramp and float and replacement with new 40 ft. X 4 ft. pier, 12 ft. X 4 ft. ramp and 8 ft. X 16 ft. float..

Location: 101 Carriage Road, Oyster Harbors, 02655 (as shown on Assessors Map 011-012).

Applicant: **Richard M. & Anna Tocci**

Application: (N.O.I.) Construct and maintain a timber pier, ramp, and float in North Bay.

Location: 80 Great Bay Road, Osterville, MA. (as shown on Assessors Map 093-074)

At the October 15<sup>th</sup>, 2008 meeting of the Shellfish Committee the committee approved a motion to send a letter to the Conservation Commission stating that the value of the proposed project area (Tocci application) is so great (10) that the Shellfish Committee cannot support any structure(s) or boating activity in the area that would negatively affect the shellfish habitat. Andre Sampou suggested that concerned citizens attend the November 25<sup>th</sup>, 2008 public hearing on the proposal and voice their concerns.

---

### **The Conover Great Cove Conservation Restriction**

Jackie Barton, the Executive Director of the Barnstable Land Trust, made a presentation to the Shellfish Committee of a proposed conservation restriction to a Barnstable landowner's property:

Town Council Item: #2009-040, The Conover Conservation Restriction

Town Council Public Hearing: November 20, 2008

Grantor: Catherine M. Conover

Grantee: BARNSTABLE LAND TRUST, INC.

Property Location: #350 & #370 (at the end of Carriage Road)

Village: Grand Island, Osterville

Map/Parcel 070/017/003 and 070/022

Total Acreage: The entirety of the 26.97 acre property is covered by a conservation restriction approved and recorded in December 2000. The 0.92 acre "building envelope" and the 0.87 acre "managed landscaped area" included within that CR are both being retired.

Jackie made note that the proposed conservation restriction conforms to the Open Space Policy of the Town, adopted in 1981, which "encouraged...grants of conservation restrictions" which yielded "benefits to the Town". Specifically, the Conover Conservation Restriction offers the following public benefits and will:

- preserve a scenic view,
- prevent disturbance of wetlands,
- preserve open space,
- preserve important natural habitats of fish, wildlife or plants,
- protect marine water quality,
- preserve and protect a shoreline; and,
- limit or prevent construction on land of natural resource value

A general discussion of many details of the the proposal was undertaken by the committee. The Shellfish Committee approved a motion to write a letter to the Town Council in support of the approval of the proposed Conover Conservation Restriction.

---

### **Jean Crocker's Address to the Coastal Resources Management Committee**

Jean Crocker made a presentation to the Shellfish Committee that reiterated her recent address to the Town of Barnstable's Coastal Resources Management Committee (CRMC). Amongst many, Ms. Crocker's concerns and comments included the following items:

- Commendations to the Coastal Resources Management Committee for their hard work addressing natural resources,

- The goals of the 18 month CRMC,
- Issues of shared town committee resource interests and responsibilities,
- Multi-usage of town lands and waterways.

Ms. Crocker explained the details of Old Santuit Road in the Crocker's Neck portion of Popponneset as an important case for public access protection. She is concerned with the impediment to access due to the Conservation Commission access restriction due to a locked gate.

---

### **Proposed Popponneset Bay Shellfish Relay Areas**

Gerard Ganey proposed that a number of shellfish relay areas be created in mapped areas PB1, PB3 and PB4 of Popponneset Bay (as mapped by the Natural Resources sub-committee to the Year 2000 Pier Committee). Stuart Rapp suggested that the committee put on the agenda for the next meeting of the Shellfish Committee the discussion and vote of a mapped shellfish relay area(s) in Popponneset Bay. The proposal would be submitted to Natural Resources for its consideration as an area for shellfish propagation enhancement projects.

---

### **Shellfish Aquaculture License Transfer Application**

The Shellfish Committee reviewed and discussed the shellfish aquaculture license site(s) transfer application of Richard C. Nelson, President of the Cotuit Oyster Company, to Christopher J. Gargiulo. The applicant requests the shellfish aquaculture sites #2, 3, 4, 6 and 7 totalling 33.83 acres in Cotuit Bay originally licensed to Richard C. Nelson, President of the Cotuit Oyster Company be transferred to the applicant. A public hearing time will be scheduled for the proposed transfer application. The Shellfish Committee tabled further discussion on the transfer application to the next meeting of the Shellfish Committee.

---

### **Other Business**

Norman White addressed the Shellfish Committee and requested that the Town commercial shellfishing permits use the six-digit I.D. number issued on the State commercial shellfish permits. The Shellfish Committee forwarded Norman's request to the MEAD.