

## Shellfish Committee Minutes of the Meeting

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**DATE:** April 16, 2014  
**TIME:** 7:30 P.M. to 9:30 P.M.  
**LOCATION:** MEAD Building

**Shellfish Committee Members present:** Stuart Rapp, Kevin Flaherty, Linda Romano, Les Hemmila, Gerard Ganey, Andre Sampou, Richard Haskell

**General Public present:** Chris Freeman, Ann Canedy, Jennifer Mullin, Jennifer Bunnell, Matthew Bunnell, Scott Mullin, Joan Cross

**Town Council Liaison:** Phil Wallace

**Town Staff present:** Doug Kalweit, Tom Marcotti

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### Chairman's Report:

Stuart Rapp chaired the April 16th, 2014 meeting of the Shellfish Committee.

Stuart Rapp took a roll call of members present at the meeting.

Stuart Rapp 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."*

The Shellfish Committee unanimously approved a motion and adopted the minutes of the March 19th, 2014 meeting of the Shellfish Committee.

Stuart Rapp informed the committee of a 1967 trust fund for the acquisition of "Scudder Lane Land" in the amount of \$2,569.

Stuart reminded the committee members to renew their terms of membership as necessary.

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### Natural Resources Report

#### Division of Marine Fisheries and Town of Barnstable Shellfish Relay Area Definitions for 2014

#### Out - of - Town Contaminated Quahog Relays:

**Cotuit Bay Relay Area DMF/SC 21.22  
2014\***

**Close April 16, 2014**

**Open Sept.**

The Cotuit Bay Relay Area is defined as: the waters, flats and shoreline of that portion of Cotuit Bay between the "No Shellfishing" sign / posts located along the shoreline at 884 Main Street extending to the "NR" sign / buoys located offshore.

**Cordwood Lane Relay Area  
(Northern Portion) DMF/SC 21.21  
2014\***

**Close April 16, 2014**

**Open Sept.**

The northern portion of the Cordwood Lane Relay Area is defined as: the waters, flats and shoreline of that portion of Cotuit Bay located within the area defined by the "No Shellfishing" sign / post located on the shore at 721 Old Post Road to the NR "No Shellfishing" sign/buoy located offshore to the green navigational buoy at the southern end of the Cotuit Narrows to the "No Shellfishing" sign / post located on the shore at 797 Old Post Road.

**North Bay Relay Area DMF/SC23.22  
2014\***

**Close May 1, 2014**

**Open Nov.**

The North Bay Relay Area is defined as: the waters, flats and shoreline of that portion of North Bay from the pier at 79 Sand Point Road to the pier at 86 Sand Point Road extending to the navigational channel at the northern entrance to Cotuit Bay and to the offshore sign / buoys in North Bay. 2

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(pending opening date authorization by the Division of Marine Fisheries and Town of Barnstable.)

- **DMF Shellfish Area Management Closures:**

- **North Bay Closure:**

**North Bay:** The waters, flats and all tributaries of that portion of North Bay, northeasterly of a line drawn from Point Isabella to the north tip of Grand Island; north of the Bridge Street Bridge and south of a line drawn across the mouth of the Marstons Mills River (DMF/SC:23.2; classified as conditionally approved; **status: Closed to shellfishing May 1 through October 31, all dates inclusive. The area shall not automatically reopen to shellfishing on November 1 and will remain closed until examined and shellfishing is allowed by DMF.**).

- **Pirate's Cove / Seapuit River (located at Sampson's Island) Closure:**

**Pirate's Cove, Seapuit River:** The waters and flats and all tributaries thereto of that portion of Seapuit River and Pirates Cove in the Town of Barnstable, west of a line north from the "NO SHELLFISHING" sign at the westerly end of Dead Neck to the "NO SHELLFISHING" sign on Grand Island and east of a line drawn northeasterly from the northeast tip of Sampson's Island to the "NO SHELLFISHING" sign on the southwest end of Grand Island (DMF/SC:21.2; classified as conditionally approved; **status: Closed to shellfishing May 1 through October 31, all dates inclusive. The area shall not automatically reopen to shellfishing on November 1 and will remain closed until examined and shellfishing is allowed by DMF.**).

- **Marstons Mill River and Prince Cove Shellfish Area Closure:**

**Marstons Mills River:** The waters and flats and all tributaries thereto of Marstons Mills River in the Town of Barnstable, south of a line drawn across the mouth of Prince Cove, north of a line drawn across the mouth of the river and westerly of a line drawn northerly from the two "No Shellfishing" signs located at the mouth of Warren's Cove. (DMF/SC:23.1; classified as conditionally approved; **status: Closed to shellfishing May 1 through February 14, all dates inclusive. The area shall not automatically reopen to shellfishing on February 15 and will remain closed until examined and shellfishing is allowed by DMF.**).

**Prince Cove:** The waters and flats and all tributaries thereto of Prince Cove in the Town of Barnstable, north of a line drawn across the mouth of Prince Cove (DMF/SC:23.1; classified as conditionally approved; **status: Closed to shellfishing May 1 through February 14, all dates inclusive. The area shall not automatically reopen to shellfishing on February 15 and will remain closed until examined and shellfishing is allowed by DMF.**).

- **Barnstable Harbor Closure:**

**Mill Creek, Hallet's Pond, Short Wharf Creek:** The waters, flats and all tributaries of Mill Creek, Hallet's Pond and Short Wharf Creek in the Towns of Barnstable and Yarmouth, south of a line drawn across the mouth of Mill Creek (DMF/CCB:29.0; classified as conditionally approved; **status: Closed to shellfishing May 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.**).

- Doug Kalweit informed the Shellfish Committee that the number of resident and non-resident recreational shellfishing licenses issued (to date) is 106 and 47 more than issued last year at this time.
- Doug Kalweit informed the committee that five (5) new commercial shellfishing permits have been issued from a 2014 waiting list lottery pool of eleven (11) applicants.
- Doug informed the committee that, in court, the clerk magistrate found two Wampanoag tribal members each responsible for 28 shellfishing citations issued by the Natural Resources Office. The violations were civil infractions with monetary fines.
- Doug informed the Shellfish Committee of the Town Manager's forfeiture of Richard Kraus' shellfish aquaculture license #10-05 for a 2 acre site located in Barnstable Harbor for non-compliance with Town shellfish aquaculture regulations 407-58 and 407-60. Doug informed the committee of shellfish aquaculture regulation 407-64 which the

committee reviewed and discussed. Les Hemmila suggested that the aquaculture sub-committee review the issue<sup>2</sup> of shellstock removal, as well as gear removal, from a forfeited site.

- Doug informed the committee that a new seasonal regulatory enforcement personnel will be hired and assigned to enforce the shellfish, eel, herring and aquaculture regulations during 2014.

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### Piers, Dredging and Shellfish Habitat Issues:

The Shellfish Committee reviewed the following coastal development project proposal:

**Applicant:** Mary C. Kariotis

**Project**

**Location:** 67 Pirates Cove, Osterville, MA 02655, Map 051 / Parcel 007002

**Proposed**

**Project:** Proposed maintenance dredging with dune nourishment and to add three pilings to the existing licensed pier.

**Applicant's**

**Agent:** Sullivan Engineering Inc.  
P.O. Box 659 / 7 Parker Road  
Osterville, MA 02655  
phone: 508-428-3344

**Public Hearing:** Date: April 29, 2014  
Time: 6:30 P.M.  
Place: Barnstable Town Hall,  
367 Main Street, Hyannis MA  
Town Council Hearing Room, 2nd floor

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### Old Business

The Aquaculture Sub-Committee is in the process of formulating proposed amendments to the Town of Barnstable Aquaculture License Regulations (Article IX) for submittal to Shellfish Committee for review. Les Hemmila informed the Shellfish Committee that the Natural Resources Office has commenced surveying the Shellfish Committee's proposed shellfish aquaculture licensed site expansion area located in Barnstable Harbor.

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### New Business

#### A. Shellfish Aquaculture License Transfer Applications:

The Shellfish Committee reviewed, discussed and unanimously approved a motion recommending that the following shellfish aquaculture license application of Matthew Bunnell be approved by the Town Manager. Matthew Bunnell was present to answer any questions from the committee regarding the application.

**Applicant:** **Matthew Bunnell**

**Application:** The transfer of Scott Mullin's licensed shellfish aquaculture site to Matthew Bunnell, and the issuance of a new license to Matthew Bunnell for a period of five years.

**Location:** Barnstable Harbor, site ng012: A designated portion (2.00 acres) of intertidal flat in the mid-Barnstable Harbor north of Duck Island as recorded on a map at the G.I.S. Unit.

**Public Hearing:** Date: April 22, 2014  
Time: 9:00 A.M.  
Place: Barnstable Town Hall,

The Shellfish Committee reviewed, discussed and unanimously approved a motion recommending that the following shellfish aquaculture license application of Jennifer Bunnell be approved by the Town Manager. Jennifer Bunnell was present to answer any questions from the committee regarding the application.

**Applicant: Jennifer Bunnell**

Application: The transfer of Joan Cross' licensed shellfish aquaculture site to Jennifer Bunnell, and the issuance of a new license to Jennifer Bunnell for a period of five years.

Location: Barnstable Harbor, site ng011: A designated portion (2.00 acres) of intertidal flat in the mid-Barnstable Harbor north of Duck Island as recorded on a map at the G.I.S. Unit.

Public Hearing: Date: April 22, 2014  
Time: 9:00 A.M.  
Place: Barnstable Town Hall,  
367 Main Street, Hyannis MA  
Town Council Hearing Room, 2nd floor

The Shellfish Committee reviewed, discussed and unanimously approved a motion recommending that the following shellfish aquaculture license application of Stephen Bunnell be approved by the Town Manager.

**Applicant: Stephen Bunnell**

Application: The transfer of Jennifer Mullin's licensed shellfish aquaculture site to Stephen Bunnell, and the issuance of a new license to Stephen Bunnell for a period of five years.

Location: Barnstable Harbor, site ng013: A designated portion (1.00 acre) of intertidal flat in the mid-Barnstable Harbor north of Duck Island as recorded on a map at the G.I.S. Unit.

Public Hearing: Date: April 22, 2014  
Time: 9:00 A.M.  
Place: Barnstable Town Hall,  
367 Main Street, Hyannis MA  
Town Council Hearing Room, 2nd floor

The Shellfish Committee reviewed, discussed and unanimously approved a motion recommending that the following shellfish aquaculture license application of Scott Mullin be approved by the Town Manager. Scott Mullin was present to answer any questions from the committee regarding the application.

**Applicant: Scott Mullin**

Application: The transfer of Peter Goode's licensed shellfish aquaculture site to Scott Mullin, and the issuance of a new license to Scott Mullin for a period of five years.

Location: Barnstable Harbor, site ng003: A designated portion (2.00 acres) of intertidal flat in the mid-Barnstable Harbor north of Duck Island as recorded on a map at the G.I.S. Unit.

Public Hearing: Date: April 22, 2014  
Time: 9:00 A.M.  
Place: Barnstable Town Hall,  
367 Main Street, Hyannis MA  
Town Council Hearing Room, 2nd floor

**A. Shellfish Aquaculture License Renewal Applications:**

The Shellfish Committee reviewed and discussed the shellfish aquaculture license renewal application of **Robert Ashworth** and unanimously passed a motion recommending that his license be renewed by the Town Manager. Robert

Ashworth's shellfish aquaculture site is located in Barnstable Harbor (Area 1; site ng005; license #99-01; 2.00 acres). A public hearing for the proposed renewal application will be held on Tuesday April 22, 2014 at 9:00 A.M. in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

The Shellfish Committee reviewed and discussed the shellfish aquaculture license renewal application of **Robert Ashworth** and unanimously passed a motion recommending that his license be renewed by the Town Manager. Robert Ashworth's shellfish aquaculture site is located in West Bay (site sg017; license #94-149; 0.77 acre). A public hearing for the proposed renewal application will be held on Tuesday, April 22, 2014 at 9:00 A.M. in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

The Shellfish Committee reviewed and discussed the shellfish aquaculture license renewal and site reconfiguration application of **Les Hemmila** and unanimously passed a motion recommending that his license be renewed by the Town Manager and that Les be granted a reconfigured site as best determined by the G.I.S. Dept. and recorded on a map at the G.I.S. Dept.. Les Hemmila's shellfish aquaculture site is located in West Bay (site sg011; license #93-01; 3.17 acres). A public hearing for the proposed renewal application will be held on Tuesday, April 22, 2014 at 9:00 A.M. in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

Les Hemmila was present to inform the committee of his application and answer any questions from the committee regarding his application. Les was recused from the committee's vote on the renewal of his license and the reconfiguration of his site.

#### **B. Commercial License Deferred Payment Request**

Doug Kalweit informed the Shellfish Committee of commercial shellfisherman Randy Emmons request to defer payment of his commercial shellfish license. Doug supported Randy's request and informed the committee that Randy would be issued a new license for 2014 in order to pay off the balance of his license fee in the amount of \$495 by August 2014.

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#### **Other Business**

The Shellfish Committee reviewed public access to the waters in Barnstable Harbor. Increased traffic at landings due to more shellfish aquaculturists and recreational shellfishermen was a concern discussed.

Ann Canedy reviewed her letter concerning shellfish aquaculture in Barnstable Harbor that she submitted to the Shellfish Committee (Ann's letter is included in the minutes of the March 2014 Meeting of the Shellfish Committee). Ann and the committee discussed many and various aspects of shellfish aquaculture in the public domain.