



Town of Barnstable
Marine and Environmental Affairs Department
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SHELLFISH COMMITTEE
MINUTES OF THE MEETING

DATE: March 8, 2023

TIME: 6:00-8:00 PM

Shellfish Committee Members present: Stuart Rapp, Bill Cherepon, Al Suprenant, Jacob Angelo, Doug Crook, Patricia Farinha

Shellfish Committee Members absent: Tyler Hagenstein, Robert Lancaster

General Public present: Arlene M. Wilson, Chloe Starr, Mark Begley, Matt Bunnell, Jill Nawoichik, Sue Nickerson, Tucker Tatro, Paul Hamblin, Timothy Hamel, Lynn Kraus, Robyn Peterson, Rick Ankell, Corey Hendricks, Jared Hemmila, Jonathan Martin, Rob Delaney

Town Council Liaison present: Paul Cusack

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

Stuart Rapp called the meeting to order at 6:00pm, as March 8, 2023 meeting of the Shellfish Committee. Stuart 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 February 8, 2023.

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

II. Chairman's Comments: None.

III. Natural Resources Report / Correspondence:

1. Shellfish permit sales: Constable Croteau discusses the recent expiration change for recreational Shellfish permits converting to calendar year, as a result, a prorated rate for the permits was offered for current permit holders. This has created an influx in sales that have skewed the YTD sales.

2. Shellfish Growing Area Updates: As of April 1st, shellfish closure at Shoestring Bay and Scudder Ln recreational area closes.

3. Oyster Season Change- Scudder Lane Recreational Area ONLY: Closed March 8th.

4. Constable Croteau states that she attended a State Shellfish Advisory Panel meeting and addressed the current grassy knoll issue at Barnstable Harbor. Last year during the audit, the FDA found the activity at the grassy knoll was out of compliance with DPH and DMF regulations. This issue has not reached a solution for this upcoming season, and as a result, Croteau had to bring it up during this Advisory meeting. The DPH stated that there is a favorable pathway and is drafting something for their Legal team to review to move forward with continuing to be able to do the transactions on the grassy knoll area without issue.

5- Constable Croteau states that the Centerville River relays will be conducted out of the Centerville River to East Bay between May 1st and June 15th.

6- Constable Croteau states that the herring run set ups are being completed. With a lot of ponds reaching 44 degrees, herring will begin running closer to 48 degrees. Maintenance in the following runs have been completed: Centerville River > Wequaquet Lake, Marston's Mills River > Middle Pond, Red Lily Pond & Lake Elizabeth and about 1/3 of the Santuit River run is completed. Mill Creek will be restocked again this season with DMF assistance.

IV. New Business: None.

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

1. Hearing for the renewal of aquaculture licensed siteng015 in Barnstable Harbor for Jonathan Martin, 14 Locust Ln, Barnstable, MA 02630 for a period of 10 years. Public hearing to be held via Zoom, 03/15/2023 at 9:00AM via Zoom.

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

VI. Upcoming (and old) Proposed Coastal Projects:

1. Applicant: Angela Y. Hahn
Project Location: 150 Bay Rd, Cotuit, MA 02635 (map 007 parcel 018)
Representative: Arlene M. Wilson, A.M. Wilson Associates, Inc.
Proposed Project: To construct and maintain 4' wide brushed footpath through 50' buffer; bank access stairs; pile supported dinghy dock with 3' X 12' float, 8' X 12' float and kayak racks; vegetative maintenance and understory planting.
Conservation Hearing Date: CONTINUED from 2/28/2023 to 3/28/2023 at 6:30PM via Zoom

Mrs. Wilson of Arlene M. Wilson Associates, Inc. spoke on behalf of Mrs. Hahn about the proposed project. The project is to construct and maintain 4' wide brushed footpath through 50' buffer; bank access stairs; pile supported dinghy dock with 3' X 12' float, 8' X 12' float and kayak racks; vegetative maintenance and understory planting. The area around the dock is surrounded by little water but anoxic mud sediment that won't support a walkway. Pile supported ramp/float that will come out seasonally, including kayak racks. Mrs. Wilson states the Conservation Commission will provide 'no motor' signage. A shellfish study was conducted by Pam Newbert, who concluded that there was no quahog habitat found, and there were some rib mussels at the edge of the salt marsh that will not be disturbed. Mr. Rapp asked the length of the pier, to which Mrs. Wilson replied it was '50' out of mean low water, 83' overall from bottom of the bank.' Mr. Rapp asked about a Town shellfish survey, which Croteau replied has not been conducted because the area had not been properly staked and there was to be a continuance of the Conservation hearing.

A motion was made all in favor by unanimous roll call vote.

2. Applicant: Lori Sidman Trustee, Bonnybrook Realty Trust
Project Location: 185 Ocean Avenue, Cotuit, MA 02635 (map 033 parcel 016)
Representative: John O'Dea, Sullivan Engineering and Consulting, Inc.
Proposed Project: To perform repairs and maintenance necessitated by accreted shoreline consisting in part of relocation of pier head and boat lifts.
Conservation Hearing Date: 3/7/2023 at 6:30PM via Zoom

A motion was made all in favor by unanimous roll call vote.

VII. Old Business:

1. Status of the repair of Scudder Lane Town landing: No updates are available.

2. Corporate Leasing of Aquaculture Licenses- originally brought to Committee by Al Surprenant **continued discussion:**

Mr. Rapp begins the discussion with a suggestion this topic gets reviewed by a subcommittee to discuss the topic of corporate leasing of aquaculture licenses. What comes out of that meeting will be brought back to the SFC to be reviewed and conduct a vote to see if it should be sent to Town Council.

Town Council Liaison Mr. Cusack states that the Town Attorney has been fully informed of the 5 point plan that has been proposed, which has gone to council leadership and Town Manager. These parties are up to date, but have not formed an opinion.

Mr. Surprenant states his displeasure with the subcommittee idea. Mr. Hamel asks the committee 'How a business would be entered to the list.' Mr. Rapp clarifies that the intent of the proposal would be to replace the person with an entity. Constable Croteau states that the individual acreage license that an individual holds will be consolidated into a single entity, and will remove the individual's name from the license.

Mr. Delaney states: 'those licenses will be consumed by one entity and never going to be release individually, or until they give it up- which is unlikely.' 'The wait lists will never move because the entities that hold the grant license will never move on from them.' Mr. Surprenant replies that there are current wait list patrons that have been offered and chose not to take the grant. Mr. Rob explains his statement, that once the property is converted to an entity, the likelihood of it becoming obtainable again compared to an individual owner, is unlikely.

Mr. Hendricks who is a wild fisherman and aquaculture grant holder asks: 'how many acres is there access to in the Town of Barnstable?' in which Croteau responds 155.58 acres across the Town. Constable Croteau continues to state the Aquaculture waitlist is similar to the Town mooring regulations, which if one pays to be on the waitlist annually, and is offered a mooring, the mooring(grant) may not be at the desired location within the field. The individual has the right to refuse the proposed offer. Croteau also states she does not see a lot of additional acreage site growth in the Town.

Mr. Hendricks raises the concern of taking public domain and allowing an entity to obtain it. 'Anyone with wealth can take over the public domain, that takes it away from the Barnstable Residents, individuals, families, who won't have the opportunity for their own acreage.' He continues to state that a monopoly will take the opportunity from small farmer: 'too much room for an entity not from the Town of Barnstable to take control of the Town resources.' Mr. Hammel states that any given corporation can buy large quantity of acreage that becomes available over an individual on the list.

Mr. Crook states that he is opposed to taking names off the grant license. While in favor of grouping grants for paperwork purpose, the proposal of corporate leasing of aquaculture licenses is not acceptable. Crook states that a subcommittee to create a formal proposal is necessary. Mr. Hendricks states that if a grant comes up, for any reason, and it's in a corporation's name which has millions of dollars, the turnover of that grant is very unlikely. He continues to say 'If a single entity of 14 acres, composed of individual license holders, within an entity, lose a fellow license holder- the entity is much more likely to retain the available grant rather than give it back to the public. If an individual owner, gives up the same 14 acres, there is more probability that those 14 acres will be distributed to various wait list members.' Mr. Crook agrees that the name cannot come off the grant as it causes issues within inheritability between families. Mr. Angelo agrees the biggest issue is consolidation of the farms, then never dissolving.

Constable Croteau states that there is potential framework if this went through for a pathway to inheritability for people that have yet achieved their 12 month Town domicile requirement. Croteau states that if additional subcommittee would be created to discuss more things in detail, the MEA department would like the following topics covered:

- Allow the individual person within the LLC to have their name added to the aquaculture license ex: Mark Begley, Manager, Beach Point, and LLC. This will help with paperwork and tax purposes.

- Engage in discussion about increasing acreage on the north side for any one individual 2-4 increase, 6 combined max for both north and south.

- Discuss experience and educational requirements for novice license holders.

- Address untimely death situations.

- Annual fee pays for less than 3% of services given to the industry.

- Changes to the annual reports.

Mr. Rapp asks for Constable Croteau advice on the subcommittee make up, in which Croteau responds needs to consist of: Small farmers, large farmers, wait list members, Town staff, stake holders should be present, and there should be an unbiased member who contributes oversight.

Mr. Martin asks Mr. Hendricks if his opposition was against the Corporate Leasing idea entirely, or if it was the scale of the acreage- in which Mr. Hendricks replied there needs to be an acreage limit to how much an entity can obtain.

The discussion of the Corporate Leasing of Aquaculture Licenses proposal continued with Mr. Rapp delegating potential members of the future subcommittee.

VIII. Matters not reasonably anticipated by the Chair: None.

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