

## Shellfish Committee Minutes of the Meeting

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**DATE:** March 19, 2014  
**TIME:** 7:30 P.M. to 9:30 P.M.  
**LOCATION:** MEAD Building

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

**General Public present:** Ann Canedy, Mark Begley, Jennifer Mullin, Jennifer Bunnell, Matthew Bunnell, Scott Mullin, Dave Ryan, Chris Freeman, Stephen Bunnell

**Town Council Liaison:** Phil Wallace

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

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### Chairman's Report:

Stuart Rapp chaired the March 19th, 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 January 15th, 2013 meeting of the Shellfish Committee.

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### Natural Resources Report

#### Shellfish Area Closures

- **Shoestring Bay Closure:**

The lower portion of Shoestring Bay shall be closed to all shellfishing as of **Tuesday, April 1, 2014** per order of DMF.

**The lower portion of Shoestring Bay is defined as:** 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 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.**)

- **Scudder Lane Recreational Shellfishing Area Seasonal Closure:**

Effective **Tuesday, April 1, 2014**, the Scudder Lane Recreational Shellfishing Area (as defined) in Barnstable Harbor is closed to the harvest of all shellfish. Opening dates for the Scudder Lane Recreational Shellfishing Area will be posted annually.

- **Oyster Season Closure:**

Effective **Tuesday, April 1, 2014**, the recreational harvest of oysters is prohibited throughout the Town of Barnstable.

- **DMF Scallop Season Closure:**

The harvest of scallops shall be closed, (prohibited) effective **April 1st** annually, MGL CH 130 sec. 71. Open season will be posted annually.

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

The Shellfish Committee reviewed the following coastal development project proposals:

**Applicant:** Baxter Neck Road LLC

**Project**

**Location:** 240 Baxter Neck Road, Marstons Mills, MA 02648, Map 075 / Parcel 024

**Proposed**

**Project:** Set three (3) fender piles (dolphins) at existing dock in Prince Cove.

**Applicant's**

**Agent:** Stephen A. Wilson, P.E.  
Baxter Nye Engineering & Surveying  
78 North Street, 3rd floor  
Hyannis, MA 02601  
phone: 508-771-7502 x13

**Public Hearing:** Date: April 15th, 2014

Time: 6:30 P.M.

Place: Barnstable Town Hall,  
367 Main Street, Hyannis MA  
Town Council Hearing Room, 2nd floor

**Applicant:** Aristedes N. Haseotes, Trustee 195 Long Beach Road Realty Trust

**Project**

**Location:** 196 Long Beach Road, Centerville, MA 02630, Map 206 / Parcel 006

**Proposed**

**Project:** To modify an existing licensed float.

**Applicant's**

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

**Public Hearing:** Date: April 1, 2014

Time: 6:30 P.M.

Place: Barnstable Town Hall,  
367 Main Street, Hyannis MA  
Town Council Hearing Room, 2nd floor

**Applicant:** Nathan T. & Kathryn M. Rudman

**Project**

**Location:** 40 Waterman Farm Road, Centerville, MA 02632, Map 207 / Parcel 091-005

**Proposed**

**Project:** To construct and maintain a boardwalk, pier, ramp and float in the Centerville River.

**Applicant's**

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

**Public Hearing:** Date: February 18, 2014  
Time: 6:30 P.M.  
Place: Barnstable Town Hall,  
367 Main Street, Hyannis MA  
Town Council Hearing Room, 2nd floor

**Applicant:** Indian Point, Inc. (owner of 8 & 10 Indian Trail) & Homeport Investments II, LLC (owner of 14 Indian Trail)

**Project**

**Location:** 8, 10 & 14 Indian Trail, Osterville, MA 02655, Map 091 / Parcel 001 & 014  
Map 070 / Parcel 009005

**Proposed**

**Project:** To perform maintenance dredging and beach nourishment.

**Applicant's**

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

**Public Hearing:** Date: March 18, 2014  
Time: 6:30 P.M.  
Place: Barnstable Town Hall,  
367 Main Street, Hyannis MA  
Town Council Hearing Room, 2nd floor

**Applicant:** William W. & Christina R. Staudt

**Project**

**Location:** 95 Eel River Road, Osterville, MA 02655, Map 116 / Parcel 121

**Proposed**

**Project:** To construct and maintain a boardwalk, pier, ramp and float.

**Applicant's**

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

**Public Hearing:** Date: March 4, 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 Aquaculture Sub-Committee will resume their meetings in early April 2014.

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**New Business**
**A.**

Scott Mullin and Jennifer Mullin presented a plan to the Shellfish Committee to transfer shellfish aquaculture licenses located in Barnstable Harbor as outlined below:

Transfer of Shellfish Aquaculture site ng003, Barnstable Harbor, from Peter Goode to Scott Mullin.

Transfer of Shellfish Aquaculture site ng012, Barnstable Harbor, from Scott Mullin to Matthew Bunnell.

Transfer of Shellfish Aquaculture site ng011, Barnstable Harbor, from Joan Cross to Jennifer Bunnell.

Transfer of Shellfish Aquaculture site ng013, Barnstable Harbor, from Jennifer Mullin to Stephen Bunnell.

Scott Mullin, Jennifer Mullin, Jennifer Bunnell and Matthew Bunnell were available at the meeting to discuss the plan and to answer any questions from the committee. Stuart Rapp noted that the committee would review the applications for the transfers at the committee's April 2014 meeting.

**B.****Shellfish Aquaculture License Renewal Application**

The Shellfish Committee reviewed, discussed and unanimously approved a motion to recommend that the shellfish aquaculture license renewal application of Mark Begley be approved by the Town Manager. Mark Begley's shellfish aquaculture site is located in Barnstable Harbor (license #99-21, site ng029, totaling 2.0 acres). Mark was available to answer any questions from the Shellfish Committee. A public hearing for the proposed renewal application is scheduled on Tuesday, April 1st, 2014 at 9:00 A.M. in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

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**Other Business**

Stuart Rapp noted that the following two letters submitted to the Shellfish Committee would be included in the March 2014 minutes of the Shellfish Committee.

*ANN BAXTER CANEDY, TOWN COUNCILOR  
PRECINCT ONE  
70 Van Duzer Road  
Cumaquid, Massachusetts 02637  
508-362-4561  
[acanedy@comcast.net](mailto:acanedy@comcast.net)*

*February 14, 2014*

*Mr. Thomas Lynch  
Town Manager  
365 Main Street  
Hyannis, MA 02601*

*Re: Potential New 2 Acre Shellfish Sites*

*Dear Tom:*

*As you know, your office routinely sends me notice of shellfish aquaculture grant transfers and applications for review. I do not believe that I have ever commented on these notices before, nor have I objected to any proposed transfers or applications.*

*In view of the potential additional twenty eight (28) acres proposed to be situated west of the current shellfish aquaculture zone in Barnstable Harbor, I feel compelled and obligated to submit a comment at this time.*

*I fully understand the demand for these sites, the desirability of oyster promulgation for nutrient loading management, the commercial ramifications of oystering, etc. Therefore, I do not perse oppose this expansion.*

However, I have been increasingly concerned with perceived, actual and/or alleged abuse of the current grant management system. I believe a tightening up of our current regulations is essential and should be done before additional expansion is granted. Further, rigorous enforcement of our current regs would go a long way in opening up grant opportunities for the fifty plus wait listed north side applicants-which is the stated rationale for proposing this expansion.

Specifically, I am concerned about:

1. Transfer of grants for value-in direct violation of current regs
2. Subleasing of grants without proper oversight as to who will/does actually work the grant
3. Shellfishermen working on the grant without being named in the title (alleged)
4. Monopoly of some commercial grant holders
5. Increased unclaimed, unrecovered and unmarked debris from commercial grants
6. Increased traffic potentially on Scudder Lane and related parking issues/access to the water

In addition, I recall when expansion in this area was previously proposed, DEP/Natural Heritage raised issues pursuant to the Endangered Species Act.

I have also received concerns from boaters who complain that some of the existing sites are ill marked and have posed some navigational difficulties.

I understand that the Shellfish Committee has proposed some new regulations or amendments to the current regulations and I respectfully request a copy of their recommendation.

I would also suggest that while I fully understand that pursuant to our own regulations, the Town Manager has the exclusive authority over grants, a proposed expansion to this degree seems to me, in part, to be a policy decision, one which should be reviewed as well by the full Town Council.

Sincerely yours,

Ann Canedy

CC: Stuart Rapp, Chair-Shellfish Committee  
 Jessica Rapp-Grassetti, President, Town Council  
 Councilor Phil Wallace, Liaison to Shellfish Committee  
 Avery Revere, President, Friends of Barnstable Harbor

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BARNSTABLE



LAND TRUST

PO Box 224 Cotuit, MA 02635 Phone: 508-771-2585 Fax: 508-771-3463 e-mail:blt@cape.com

March 19, 2014

Stuart Rapp, Chairman  
 Shellfish Advisory Board  
 Town of Barnstable  
 367 Main Street  
 Hyannis, Ma 02601

Dear Chairman Rapp,

Earlier this year while out routinely monitoring BLT properties, our intern Nick Blazis, came across a mass of netting frozen into the marsh off of Button Wood Lane. Trying to remove it then would have been challenging at best. Being responsible stewards, BLT was expecting to have to organize a group of volunteers, find a truck, haul the netting and dispose of it. For us, that would have been a major undertaking.

Nick was concerned that a few high tides and a little warm weather could cause the netting to float back out to sea and potentially entangle turtles, dolphins, whales, etc. so he wanted to take care of it right away. It occurred to me that the netting might have some value so I suggested that Nick e-mail some of the shellfishermen that keep in touch with BLT.

Low and behold, Les Hemmila and Dave Ryan responded saying they would send out an e-mail alert to see if they could figure out whose gear it was. A couple of growers offered to help but before we knew it the issue had been resolved – Jared Hemmila to the rescue, netting gone!

I am writing to you now simply to say that the “industry” response was quick and more than I could have asked for. As with anything there are some who take care of their gear and some who don’t. In this case Barnstable Land Trust is thankful for the near immediate response to cleaning up the errant gear and we just wanted to let you know about it.

Sincerely,



Jaci Barton  
Executive Director