



**Town of Barnstable**  
**Marine and Environmental Affairs Department**  
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**SHELLFISH COMMITTEE**  
**MINUTES OF THE MEETING**  
**DATE: June 9, 2021**  
**TIME: 6:33 P.M. to 7:13 P.M.**

**This meeting was held via ZOOM**  
**Physically closed to the public to avoid group congregation.**

**Shellfish Committee Members present:** Stuart Rapp, Robert Lancaster, William Shumway, Paul Caruso, Patricia Farinha, Jacob Angelo, Tyler Hagenstein

**Shellfish Committee Members absent:** Al Surprenant

**General Public present:** Thomas Nawoichik, Jill Nawoichik

**Town Council Liaison present:** Kristine Clark

**Town Staff present:** Amy Croteau, Senior Natural Resource Officer/Shellfish Constable

Stuart Rapp called the meeting to order, as June 9, 2021 meeting of the Shellfish Committee. 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."*

**TOPICS FOR DISCUSSION**

1. **Approve Meeting Minutes:** May 12, 2021 Meeting Minutes

The Shellfish Committee unanimously voted by roll call to approve a motion made by Robert Lancaster and seconded by Paul Caruso to approve the May 12, 2021 Meeting Minutes as presented.

## 2. Chairman's Comments:

Chairman Rapp extended condolences to the Nawoichik family for the passing of Commercial Shellfisherman John Nawoichik. He was the most devoted wild fisherman, wonderfully hearted and he will be missed. He had an incredible knowledge of the industry. A moment of silence was observed on John Nawoichik's behalf by the whole Committee.

Counselor Clark mentioned that she had shared the news of John's passing at the last Town Council Meeting.

## 3. Natural Resources Report/Correspondence:

Officer Croteau presented the following:

### A. Recreational Shellfish Permits Sold to date:

Permit Type	2020	2021
Resident	941	1038
Senior Resident	564	760
Non-Resident	189	375
Seasonal	5	23
NR Veteran	29	26
NR Senior Veteran	44	68
TOTALS	1312	1998

## 3. Natural Resources Report/Correspondence:

### A. June 1<sup>st</sup> Shellfish Area Closures.

Hyannis Inner Harbor and the area around Hyannisport Closed on June 1<sup>st</sup>. Officer Croteau stated that next year she will be requesting that these closures occur on May 15<sup>th</sup>.

Officer Croteau further offered information regarding the history of Commercial Shellfish Permits to answer Jake Angelo's questions from last meeting.

- 1996: moratorium on issuance of new licenses, that year the max number of permits was 193 or less depending on how many people chose to renew. Per species permit \$250, master \$500 65+ per species permit \$125, master \$250
- 2001: shift from no issuance of new licenses to three out one in, no more per species permits, master \$500 65+ \$300
- 2005: lottery and one in one out policy adopted, master \$500, 65+ \$300
- 2016: fee change master \$550, 65+ \$350 (I incorrectly said \$300 in the meeting, my apologies)

Counselor Clark stated that John Nawoichik was a big proponent of increasing fees and dispensing with per species permits.

Jake Angelo thanked Officer Croteau for the timeline.

#### 4. Status of pending NOI pier applications before the Conservation Commission:

- A. Applicant: Thomas J. and Rosemary C. O'Keefe  
Project Location: 22 Clamshell Cove Road, Cotuit, MA 02635  
Representative: Michael Borselli, Falmouth Engineering, Inc.  
Proposed Project: Installation 98' of vinyl sheet pile retaining wall as mitigation measure to prevent further erosion.  
Conservation Hearing Date: 06/15/2021 4:30PM James H. Crocker, Jr. Hearing Room
- B. Applicant: Paul B. Thompson and Jennifer Sloane  
Project Location: 36 Clamshell Cove Road, Cotuit, MA 02635  
Representative: Michael Borselli, Falmouth Engineering, Inc.  
Proposed Project: Installation 170' of vinyl sheet pile retaining wall as mitigation measure to prevent further erosion.  
Conservation Hearing Date: 06/15/2021 4:30PM James H. Crocker, Jr. Hearing Room

These projects were discussed briefly amongst the Committee. The two properties are adjacent and the project will be accessed from upland. Natural Resources had no comment regarding the NOI. The project consists of a retaining wall and access stairs. Jake Angelo expressed concern to the impact on the marsh grass and would like to see minimal impact. Jake Angelo will attend the Conservation Meeting on 6/15/2021 to express his concerns.

#### 5. New Business:

- A. Discussion of proposed regulation changes §407-27 Minimum Size Limit

The Committee discussed the change, it is a small change but the wording in the Commercial Regulation did not get changed when we changed the Recreational Regulations.

The Shellfish Committee unanimously voted by roll call to approve a motion made by Robert Lancaster and seconded by Paul Caruso to approve the changes to the Commercial Regulation §407-27 Minimum Size Limit as follows:

Areas Closed to Commercial Shellfishing: §407-27

§407-27 Minimum Size Limit

Amend the regulation by adding the wording highlighted in **bold** and deleting the wording highlighted in **bold**.

Only scallops with a well-defined raised annual growth ring may be taken; all other scallops will be considered seed scallops and must be returned to the water immediately **with one exception provided in 322 CMR 6.111. This exception states bay scallops that have a well-defined raised annual growth line located less than 10 millimeters (mm) form the hinge of the shell, shall be lawful to harvest and possess if the shell height is a t least 63.5 millimeters or 2.5 inches. However,** It shall not be unlawful to have in possession seed scallops unavoidably left in the catch after it has been culled, to the amount of not more than 5% of the total catch remaining.

B. Discussion of Commercial Shellfish License Transfers/Inheritable, Jill Nawoichik

Jill-Anne and Thomas Nawoichik presented photos and a history of their father John Nawoichik's work in the aquaculture industry and Jill-Anne's involvement working beside him. John passed away suddenly on June 3, 2023. John was a commercial fisherman in the Town of Barnstable for 30 years. He never missed a day of work and could always be found on the water, right up until death. John possessed State Commercial licenses for Lobsters, American Eel, Conch Pot, Fluke, Horseshoe Crabs, Scup, Scup-Pot, Sea Bass, Seabass Pot, Striped Bass, and Green Crab Pots, an aquaculture grant in Barnstable Harbor as well his Commercial Shellfish License with the Town of Barnstable. This was his business.

In 2017 Jill-Anne started working with her father as a "helper". Each year Jill-Anne entered into the Waitlist Lottery for the Town's Commercial Shellfish and was never lucky to obtain her own commercial license. Jill-Anne did obtain her State Commercial License so that she could be a "helper" for her father's business and spent almost every day with him on the water.

Massachusetts State Law allows for the transfer of permits to next of kin due to a death (inheritable) and Jill-Anne is working on transferring all of John's State permits into her name. However, the Town of Barnstable does not have an "inheritable" clause in the regulations for Commercial Shellfish Permits. However, Chapter 30 §4 of Massachusetts General Law states:

"Any interested person may petition an agency requesting the adoption, amendment or repeal of any regulation, and may accompany his petition with such data, views and arguments as he thinks pertinent. Each agency shall prescribe by regulation the procedure for the submission, consideration and disposition of such petitions."

Thomas and Jill-Anne Nawoichik are requesting that their father's Town of Barnstable Commercial Shellfish permit be transferred to Jill-Anne and not offered to the next person on the waitlist.

The Committee discussed this topic and possible regulation change. The Committee supports this request.

Stuart Rapp recused himself from this vote due to being the Representative of the Estate of John Nawoichik. The Shellfish Committee unanimously voted by roll call to approve a motion made by Robert Lancaster and seconded by William Shumway to recommend to the Town Manager to approve the transfer the Commercial Shellfish Permit from John Nawoichik to his daughter, Jill-Anne Nawoichik.

**6. Upcoming (and Old) Renewal & Transfer Hearings:** None

**7. Old Business:** None

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

The Shellfish Committee unanimously voted by roll call to approve a Motion made by William Shumway and seconded by Paul Caruso to adjourn.

Respectfully submitted: Terri McDonald – Clerk of the Board