

Town of Barnstable
Marine and Environmental Affairs Department
1189 Phinneys Lane, Centerville MA 02632
www.town.barnstable.ma.us



Natural Resources 508-790-6272
Harbormaster 508-790-6273
Animal Control 508-790-6274
Sandy Neck 508-790-6272
Gatehouse 508-362-8300 (April – Nov)

Derek Lawson, Director
Office: 508-790-6273
FAX: 508-790-6275

Shellfish Committee Minutes of the Meeting

DATE: February 10, 2021

TIME: 6:00 P.M. to 7:04 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, Patricia Farinha, Jacob Angelo, Paul Caruso, Tyler Hagenstein, and William Shumway,

Shellfish Committee Members absent: Al Surprenant

General Public present: Connor Rogan, John O’Dea, Ryan Aittaniemi, David Aittaniemi, Joe Weinberg

Town Council Liaison present: Kristine Clark and Gordon Starr

Town Staff present: Amy Croteau, Natural Resource Officer/Shellfish Constable, Benjamin Sacco, Shellfish Technician, Terri McDonald, Clerk

Stuart Rapp chaired the February 10, 2021 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."

1. **Meeting Minutes:** The Shellfish Committee unanimously approved a motion made by Robert Lancaster and seconded by William Shumway to approve the January 13, 2021 minutes as presented.

2. **Chairman’s Comments:** Chair Stuart Rapp asked that the Minutes from November 18, 2020 Shellfish Committee Meeting be amended. The amendment is: ***Councilor Jessica Rapp Grasseti and the Cotuit Civic Association stated that they both have been well informed of the project proposed for 33 Oyster Place, Cotuit neither expressed an opinion in favor or against the project.***

Stuart Rapp has a time conflict and will leave the meeting at 7:00 pm and designate another Committee Member as Chair if necessary, for the remainder of the meeting.

3. Natural Resources Report:

Officer Croteau presented the Natural Resources Report. The following represents sales for shellfish permits to date compared to 2020.

Permit Type	2020	2021
Resident	26	259
Senior Resident	33	201
Non-Resident	5	43
Seasonal	0	0
NR Veteran	2	5
NR Senior Veteran	1	13
TOTALS	67	521

Marstons Mills River and Prince Cove will open February 15th through April 1st, this is a DMF closure and opening.

- Shellfish Maps for Area Openings/Closures (SC:23.1, SC:27.5-new)

Officer Croteau explained that in accordance by creating a sub areas of SC:27 the whole area was saved from being reclassified. Below is an excerpt from a letter addressed to the Town Manager, Mark Ells from the Division of Marine Fisheries dated February 4, 2021. A copy of the letter in its entirety, and Map of Area are attached.

Chapter 130, Section 74A of the Massachusetts General Laws, the Division of Marine Fisheries has determined that a portion of Hyannis Outer Harbor (SC:27), in the Town of Barnstable, no longer meets the criterial for a classification of “APPROVED” based on the NSSP Mooring Area Criteria. Therefore, the below defined classification area, SC:27.5- Hyannis Outer Harbor Mooring Area, has been reclassified to “CONDITIONALLY APPROVED”. This reclassification shall be effective as of sunrise on February 5, 2021. This classification area’s status will change seasonally to “CLOSED TO SHELLFISH” during the boating season. As a result, the status of this newly reclassified area will remain “OPEN TO SHELLFISHING” until May 1, 2021.

The below defined area may remain open to the harvest of shellfish for direct human consumption subject to local rules and regulations under authority of Massachusetts General Laws, Chapter 130, Section.

SC:27.5 Hyannis Outer Harbor Mooring Area is defined as:

“The waters, flats and all tributaries of Hyannis Harbor, westerly of a line drawn from the Hyannis Harbor light at the eastern end of the Hyannis Harbor breakwater to the southern end of the Stewart Creek breakwater.”

- Commercial Shellfish Lottery results. Lottery took place on 2/2/21, the following list was created. There was one Commercial Permit available and that was issued to Kimberly Reynolds who was number one on the 2021 waitlist. This waitlist will dissolve on 12/31/21.

2021 Commercial Shellfish Waitlist Lottery Results		
ORDER DRAWN	NAME	TICKET NUMBER
1	Reynolds, Kimberly	420516
2	Blackman, William	420510
3	Giovangelo, Robert	420513
4	Hendricks, Theresa	420518
5	Aittaniemi, Ryan	420520
6	Viamari, Jeffrey	420522
7	Blomquist, Jennifer	420512
8	Schouler, Brent	420517
9	Lynn, Rachel	420500
10	Hagenstein, Jonathan	420505
11	Santos, Debra	420503
12	Kolva, Scott	420509
13	Phaneuf, Dylan	420515
14	Crook Jr, Douglas	420504
15	Breitstone, Joseph	420502
16	Hamel, Timothy	420514
17	Delaney, Robert	420519
18	Burns, Timothy	420523
19	Kolva, Matthew	420507
20	Bacigalupo, Jack	420501
21	Santos, Crystal	420521
22	Turner, Jacob	420492
23	Tavano, Trevor	420494
24	Anderson, John	420498
25	Kennedy, Elton	420497
26	Nawoichik, Jill-Anne	420508
27	Aittaniemi, David	420496
28	Blackman, Bruce	420511
29	Dardia, Gregory	420499
30	Huckemeyer, Tyler	420493
31	Kolva, Kathleen	420506
32	Jordan, Gerald	420495

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

Applicant: Robert J. and Rita M. Davis
 Project Location: 986 Sea View Avenue, Osterville, MA 02655
 Representative: John O’Dea, Sullivan Engineering and Consulting, Inc.
 Proposed Project: Modify existing pier in West Bay
 Conservation Hearing Date: 02/09/2021 4:30PM via Zoom

Modification of the pier is in elevation. The pier will allow 5 feet of clearance from ground (currently 3 feet) to allow public access under the pier. No Comment from Committee, no vote taken.

5. New Business:

A. Proposed regulation changes pertaining to commercial catch reports: §407-12-D(4) and §407-13-A(3). Proposed regulation changes pertaining to transfer of recreational permits and recreational permit suspensions: §1-5 and §407-71.

1. Proposed regulation changes pertaining to commercial catch reports: §407-12-D(4) and §407-13-A(3).
 - what historical purpose did they serve, are they needed now?
 - If necessary, why are they due 01/15?

Officer Croteau started the discussion on regulation changes and possibly eliminating the requirement for Commercial Shellfishmen to submit the Town of Barnstable Catch Report. Currently the Commonwealth requires reports be filed electronically through Standard Atlantic Fisheries Information System (SAFIS) electronically. Natural Resources rely on SAFIS for this data.

This topic will be referred to the Shellfish Working Group for further discussion.

2. Pertaining to Recreational Transfer of License: §1-5 & §407-71
 - §1-5 Proposed increase in fine from \$15 to \$75
 - §407-71 Revocation or suspension of Town permit.

Officer Croteau started the discussion with the following proposed amendment.

Amend the regulation by adding the wording highlighted in **bold**

The Town of Barnstable shellfish permit, recreational or commercial, may be revoked or suspended by the Town Manager for any violation of the Town shellfish regulations. A hearing with the Town Manager will be afforded on revocations. **Recreational shellfish permits may also be suspended by the Director of Natural Resources at the request of the Shellfish Constable or a Natural Resource Officer for non-compliance with shellfish regulations. Any person who is issued a suspension will be provided the opportunity for a hearing with the Director of the Marine and Environmental Affairs Department. Any person desiring such a hearing must submit a written request for said hearing postmarked within five business days of the effective date of suspension. An appeal of the Director of the Marine Environmental Affairs Department's decision may be filed with the Office of the Town Manager within five days of issuance of said decision.**

This topic will be on next month's Agenda and possibly be voted on.

B. Sand Point revetment drone footage: Ben Sacco, Shellfish Technician. Ben Sacco presented the photos recorded at 81 and 86 Sand Point, Osterville. This footage was recorded to monitor the condition of the Town's shellfish nets. The effects of this re-construction of the revetment resulted in an abundance of silting in the shellfish nets. There is also a significant change along the shoreline in this area and steamer habitat was lost in this area due to this project. Conservation was made aware of this development; however, this project did not violate any ordinances. Counselor Clark recommended that Chairman, Stuart Rapp discuss this project and the outcome with Conservation and perhaps Town Council. Chair Rapp requested Ben Sacco to attend meeting with him to present these findings.

6. Old Business:

- A. Marstons Mills River Dry Dredging Pilot, final narrative.

Officer Croteau presented the following:

Quahog Dry Dragging – Marstons Mills River

- Short window of opportunity prior to spring spawn
- Continued assessment of dry dragging on different types of bottom
- Could be conducive to seed recruitment
- Allows pilot removal of nuisance sponges
- Could be done annually for three years
- Could be cut after one year if seed is recruited and present
- Require surveys of the bottom before and after
- Scope of area allowed to be dragged.? Do not want to displace soft shell clam pumping or damage any sub tidal lines of soft shell clams

PILOT CONDITIONS:

1. Dragging the flats extending from 500 Baxters Neck Road through 516 Baxters Neck Road is prohibited.
2. High grading: preferentially selecting littlenecks over top-necks, cherrystones and chowders in a given tow is prohibited.
3. Dragging between ½ hour before sunset and 7:30am the following morning is prohibited.

*Violations pertaining to these conditions will result in loss of privilege to continue participating in the pilot.

Officer Croteau mentioned reaching out to the Transfer Station for a possible location to store the sponges. The Town is working on assisting with the disposal of removed sponge. Still ongoing.

7. Special Presentations:

- A. Review of Potential Shellfish Habitat Improvement Methods (Sub-Committee: Paul Caruso, Al Suprenant, Jake Angelo)

Paul Caruso presented on some of the topics that are being pursued which include: boating issues, docks and piers, dredging, sea lettuce removal and cultured shellfish or filtering. There will be more discussion at the next meeting and the documents presented will be email out to Committee Members.

8. Matters not reasonably anticipated by the Chair:

The Shellfish Committee unanimously voted to approve a Motion made by Robert Lancaster and seconded by Patricia Farinha to adjourn.

Respectfully submitted: Terri McDonald – Clerk of the Board

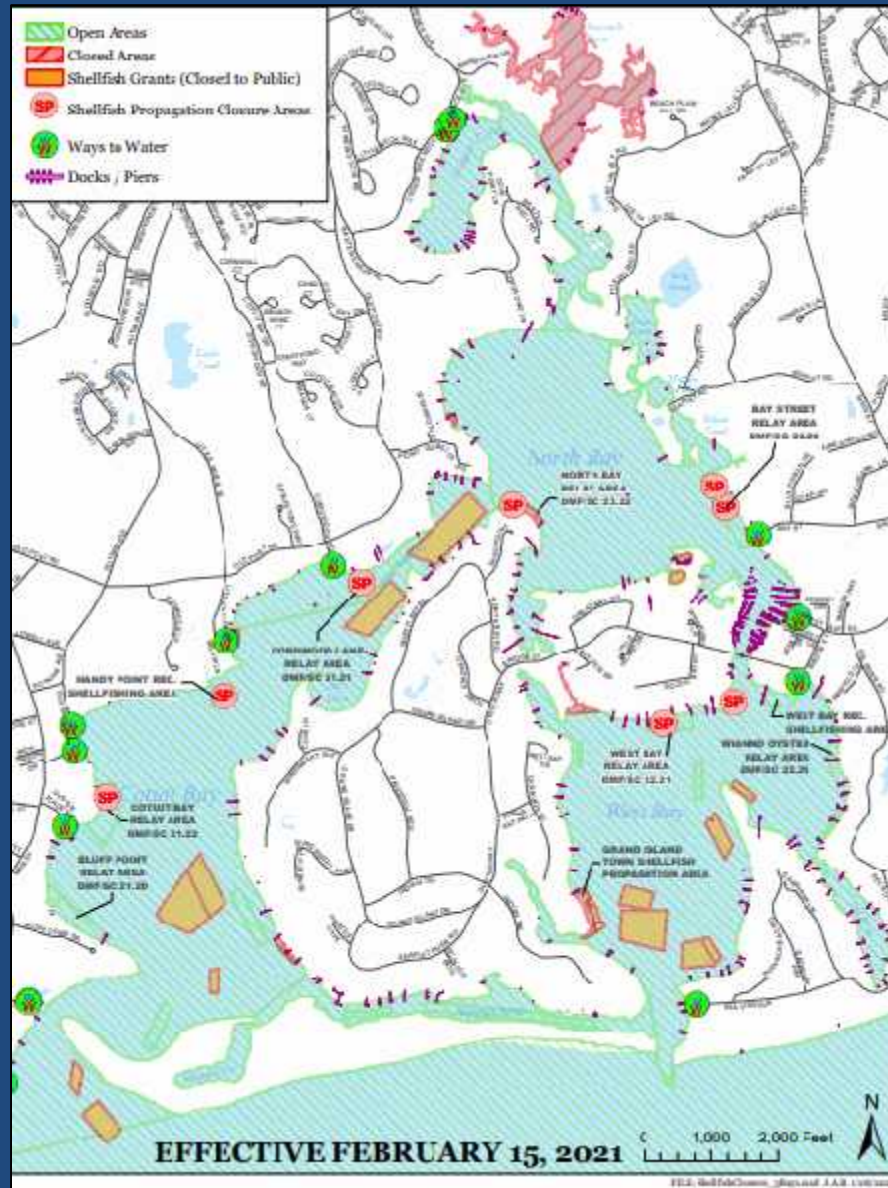


SHELLFISH PERMIT SALES

Permit Type	2020	2021
Resident	26	259
Senior Resident	33	201
Non-Resident	5	43
Seasonal	0	0
NR Veteran	2	5
NR Senior Veteran	1	13
TOTALS	67	521

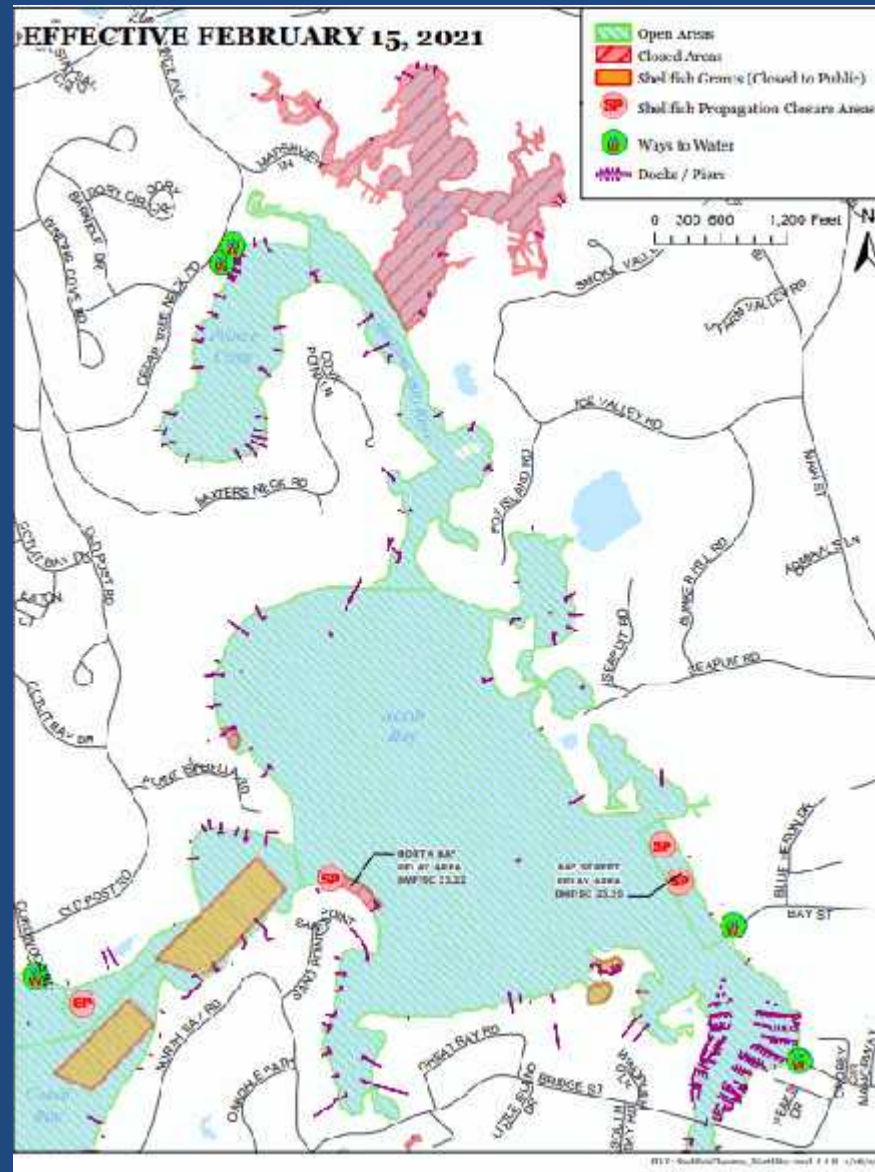
Marstons Mills River & Prince Cove

PENDING DMF WATER QUALITY



Marstons Mills River & Prince Cove

PENDING DMF WATER QUALITY



SC 27.5 – a snapshot of what is to come



The Commonwealth of Massachusetts Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

KATHLEEN A. THECHARIDES
Secretary

RONALD S. AMDON
Commissioner

DANIEL J. MCKIERNAN
Director

February 4, 2021

Mark S. Ellis, Town Manager
Town of Barnstable
Town Offices
367 Main Street
Hyannis, MA 02601

Ladies & Gentlemen:

In accordance with Chapter 130, Section 74A of the Massachusetts General Laws, the Division of Marine Fisheries has determined that a portion of Hyannis Outer Harbor (SC:27), in the Town of Barnstable, no longer meets the criteria for a classification of "APPROVED" based on the NSSP Mooring Area Criteria. Therefore, the below defined classification area, SC:27.5 - Hyannis Outer Harbor Mooring Area, has been reclassified to "CONDITIONALLY APPROVED". This reclassification shall be effective as of sunrise on February 5, 2021. This classification area's status will change seasonally to "CLOSED TO SHELLFISHING" during the boating season. As a result, the status of this newly reclassified area will remain "OPEN TO SHELLFISHING" until May 1, 2021.

The below defined area may remain open to the harvest of shellfish for direct human consumption subject to local rules and regulations under authority of Massachusetts General Laws, Chapter 130, Section 52.

RECLASSIFICATION/REDEFINITION

CLASSIFICATION: CONDITIONALLY APPROVED SEASONAL STATUS CHANGE

Status: Open to Shellfishing
November 1 - April 30
[All Dates Inclusive]

SC:27.5

Hyannis Outer Harbor Mooring Area

"The waters, flats and all tributaries of Hyannis Harbor, westerly of a line drawn from the Hyannis Harbor light at the eastern end of the Hyannis Harbor breakwater to the southern end of the Stewart Creek breakwater."

Hyannis Outer Harbor Mooring Area SC:27.5

"The waters, flats and all tributaries of Hyannis Harbor, westerly of a line drawn from the southern end of the Hyannis Harbor breakwater to the southern end of the Stewart Creek breakwater."



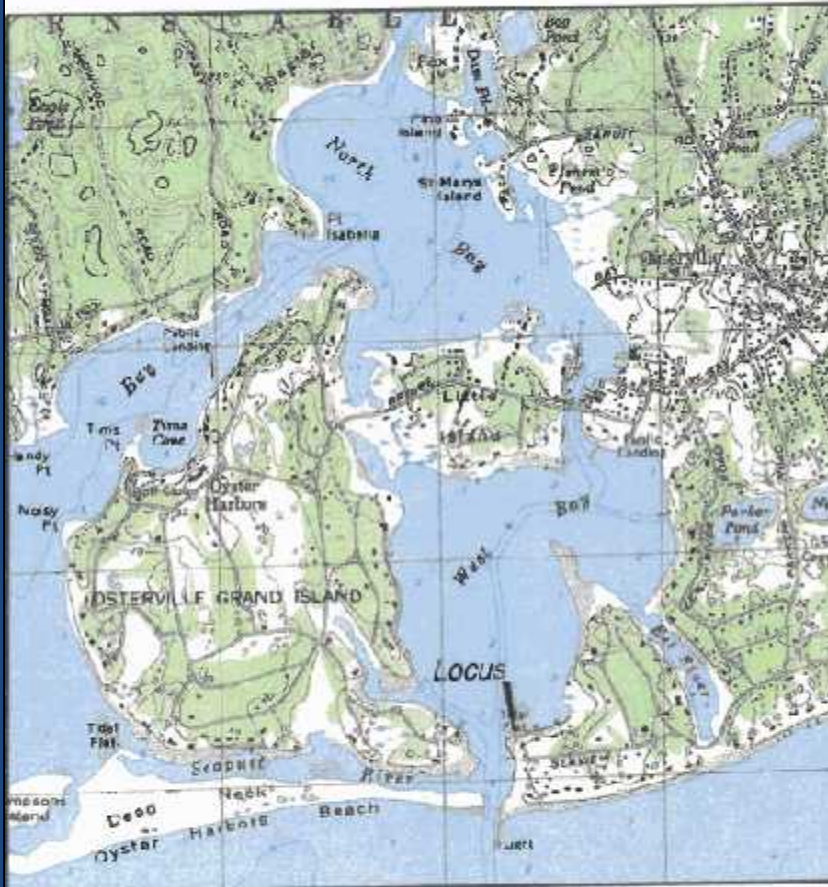
2021 Commercial Lottery Results

name	ticket number	order drawn
Reynolds, Kimberly	420516	1
Blackman, William	420510	2
Giovangelo, Robert	420513	3
Hendricks, Theresa	420518	4
Aittaniemi, Ryan	420520	5
Viamari, Jeffrey	420522	6
Blomquist, Jennifer	420512	7
Schouler, Brent	420517	8
Lynn, Rachel	420500	9
Hagenstein, Jonathan	420505	10
Santos, Debra	420503	11
Kolva, Scott	420509	12
Phaneuf, Dylan	420515	13
Crook Jr, Douglas	420504	14
Breitstone, Joseph	420502	15
Hamel, Timothy	420514	16
Delaney, Robert	420519	17
Burns, Timothy	420523	18
Kolva, Matthew	420507	19
Bacigalupo, Jack	420501	20
Santos, Crystal	420521	21
Turner, Jacob	420492	22
Tavano, Trevor	420494	23
Anderson, John	420494	24
Kennedy, Elton	420497	25
Nawoichik, Jill-Anne	420508	26
Aittaniemi, David	420496	27
Blackman, Bruce	420511	28
Dardia, Gregory	420499	29
Huckemeyer, Tyler	420493	30
Kolva, Kathleen	420506	31
Jordan, Gerald	420495	32

NOI- 986 Sea View Ave, Osterville, MA

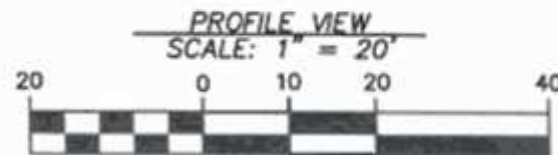
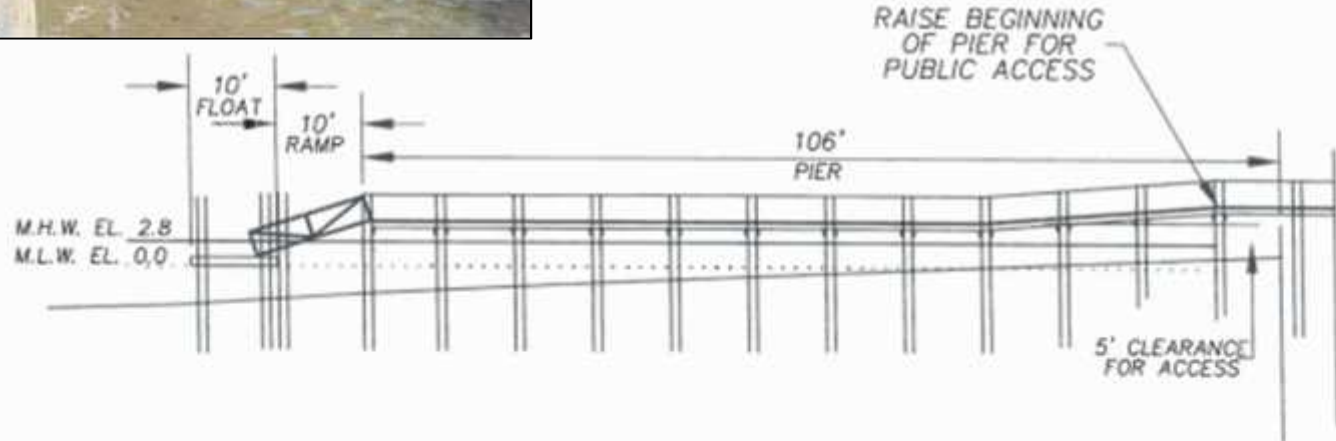
Project Description: The purpose of this project is to allow public access under the reconstructed Westerly pier.

COTUIT QUADRANGLE
MASSACHUSETTS-BARNSTABLE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



Locus Plan
Scale 1:12,000
Assessors Map: 091
Parcel: 002
Address: 986 Sea View Avenue
Osterville MA

NOI- 986 Sea View Ave, Osterville, MA



SHEET 4 OF 4
ROBERT J. & RITA M. DAVIS
TO MODIFY EXISTING PIER
IN WEST BAY
AT
986 SEA VIEW AVENUE
OSTERVILLE, MA
JANUARY 11, 2021
SULLIVAN ENGINEERING
& CONSULTING INC.
OSTERVILLE, MA

Proposed Regulation Changes for Discussion

Pertaining to Commercial Catch Reports: §407-12-D(4) & §407-13-A(3)

- what historical purpose did they serve, are they needed now?
- If necessary, why are they due 01/15?

Pertaining to Recreational Transfer of License: §1-5 & §407-71

- §1-5 Proposed increase in fine from \$15 to \$75
- §407-71 Revocation or suspension of Town permit.

Amend the regulation by adding the wording highlighted in **bold**

The Town of Barnstable shellfish permit, recreational or commercial, may be revoked or suspended by the Town Manager for any violation of the Town shellfish regulations.

A hearing with the Town Manager will be afforded on revocations. **Recreational shellfish permits may also be suspended by the Director of Natural Resources at the request of the Shellfish Constable or a Natural Resource Officer for non-compliance with shellfish regulations. Any person who is issued a suspension will be provided the opportunity for a hearing with the Director of the Marine and Environmental Affairs Department. Any person desiring such a hearing must submit a written request for said hearing postmarked within five business days of the effective date of suspension. An appeal of the Director of the Marine Environmental Affairs Department's decision may be filed with the Office of the Town Manager within five days of issuance of said decision.**

Quahog Dry Dragging- Marstons Mills River

- Short window of opportunity prior to Spring spawn
- Continued assessment of dry dragging on different types of bottom
- Could be conducive to seed recruitment
- Allows pilot removal of nuisance sponges
- Could be done annually for three years
- Could be cut after one year if seed is recruited and present
- Require surveys of the bottom before and after
- Scope of area allowed to be dragged? Do not want to displace soft shell clam pumping or damage any sub tidal lines of soft shell clams
- Could continue in other areas of Three Bays in a similar fashion

Quahog Dry Dragging- Marstons Mills River

- Conditions of this pilot:
 1. Dragging the flats extending from 500 Baxters Neck Rd through 516 Baxters Neck Rd and 526 Baxters Neck Rd is prohibited
 2. High grading: preferentially selecting littlenecks over top-necks, cherrystones and chowders in a given tow is prohibited
 3. Dragging between ½ hour before sunset and 7:30AM the following morning is prohibited
- Violations pertaining to these conditions will result in loss of privilege to continue participating in the pilot.

Quahog Dry Dragging- Marstons Mills River

