



**Town of Barnstable**  
**Shellfish Committee**  
1189 Phinneys Lane, Centerville MA 02632



**SHELLFISH COMMITTEE**  
**MINUTES OF THE MEETING**  
**DATE: December 13, 2023**  
**TIME: 6:00-8:00 PM**

**Shellfish Committee Members present:** Stuart Rapp, Al Surprenant, Patricia Farinha, Gloriann Hurwitz, Paul Hendricks, Bill Cherepon

**Shellfish Committee Members absent:** Douglas Crook, Jake Angelo, Robert Lancaster

**General Public present:** Brian Wall, Barry Cosgrove, Kristi Gargiulo, Chris Gargiulo, Ed Garguilo, Mark Begley, Paul Hamblin, Matt Bunnell, Jennifer Bunnell, Pete Vetterlein, Joe Weinberg, Jason Alger, Tim Hammel, Mark Wirtanen, Dave Ryan, Kris Clark

**Town Council Liaison absent:**

**Town Staff present:** Amy Croteau, Senior Natural Resource Officer/Shellfish Constable; Alicia Lauzon, MEA Administrative Assistant

Stuart Rapp called the meeting to order at 6:00 PM, as December 13, 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 the Town of Barnstable's Government Access Channel 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:** November 8, 2023 minutes

**Bill moved to approve the November 8, 2023 meeting minutes and Patricia seconded. There was a unanimous vote in favor of approving minutes as written.**

**2. Chairman's Comments:** None

**3. Natural Resources Report / Correspondence:**

**1. Shellfish Growing Area Updates**

**Constable Croteau stated that East Bay and Centerville River have opened as of December 1<sup>st</sup>. Conditionally approved areas in Barnstable Harbor are due to open December 15<sup>th</sup> pending water**

quality. Water quality testing was done for those conditionally approved areas and the results should be in by the afternoon of December 14<sup>th</sup>.

## 2. Monthly Propagation Report

Constable Croteau stated they are still currently maintaining 246 predator exclusion nets. The remainder of the oysters from the Ugliers Purchase Program have been received and planted at both Bridge St and Scudder Lane recreational areas, and oyster and quahog seed have been ordered for 2024.

## 4. New Business:

### 1. Apprentice commercial shellfishing permit procedure and regulation discussion

Constable Croteau read the current regulations for the apprenticeship program states that it ends when a person turns 16 and requires a minimum of 2 years' experience and 400 hours, where they are then eligible to receive their own commercial shellfishing permit. Questions included would it make sense to change the age from 16 to 18, should the 2 years' experience be required, can it be through more than one commercial permit sponsorship, and what sort of proof should be required for the 400 hours?

Discussion followed with Paul Hamblin speaking on behalf of his own experience going through the apprenticeship program. He stated to possibly change the age to be a range of between 16 and 18 but still be upon completion of the 400 hours and boater safety course. That way if someone completes the hours by the age of 16 they would still be able to apply for their permit at that time and not have to wait an additional 2 years to get it. Everything else is pretty reasonable in the regulations.

## 5. Upcoming (and Old) Renewal & Transfer Hearings:

1. Hearing for the renewal of aquaculture licensed sites sg001, 002, 003, 006 and 007 to Christopher Gargiulo, 309 Pine Ridge Rd, Cotuit, MA 02635 for a period of ten years. Public hearing 12/12/2023 at 10:30AM in the Selectmen's Conference Room, 2<sup>nd</sup> floor Town Hall, 367 Main St, Hyannis, MA 02601

The hearing was held on December 12<sup>th</sup> and remains open at this time. Mr. Gargiulo stated that the conditions of the renewal are all pretty similar to those which he submitted in 2013. The only real change would be potentially cultivating scallops in addition to the quahogs he currently grows. Use of the gear would be the same. As far as Natural Resources is concerned, Mr. Gargiulo is up to date with everything, compliant, and they have no issues with the renewal. Comments from the public included concerns from Mr. Brian Wall, an attorney representing 10 property owners on Sand Point Road and North Bay Road, and Mr. Barry Cosgrove. They asked that some conditions be met in order to renew, including limiting the use of above-water equipment. There are concerns of hazard to navigation. Patricia motioned to recommend approval for the renewal as submitted, Bill seconded. All in favor.

2. Hearing for the renewal of aquaculture licensed sites ng019 and ng047 to Virginia Hoeck, 189 Pinquisset Cove Rd, Cotuit, MA 02635 for a period of ten years. Public hearing 01/11/2024 at 9:30AM via Zoom

**Dave Ryan presented on behalf of Virginia Hoeck. There are no issues from the Natural Resources. Al motioned to recommend approval of the renewal as submitted and Paul seconded. All in favor.**

**6. Upcoming (and old) Proposed Coastal Projects: None**

**7. Special Presentations: None**

**8. Old Business:**

1. Review of some DRAFT aquaculture regulation changes (§407-50, §407-54, §407-57, §407-60)

**The following regulation changes were proposed by Constable Croteau to be voted on at the next Shellfish Committee meeting.**

§407-50. Filing and posting of applicants.

A list of applicants for the licenses that have been reverted to or created by the Town in order of date and application shall be kept on file by the Marine Environmental Affairs **Division Department** Office, ~~the Town Manager and an up-to-date copy shall be permanently posted on an official bulletin board in the Town Hall.~~ Those applying to be added to the list at the Marine Environmental Affairs **Division Department** Office shall pay a non-refundable \$5.00 fee. It shall be the responsibility of the applicant to notify the Marine Environmental Affairs **Division Department** Office, in writing, between January 1 and February 15 of each year of his/her desire to remain on the list. The Marine Environmental Affairs **Division Department** Office must receive said notice on forms supplied by the Marine Environmental Affairs **Division Department** Office by 4:15PM on the deadline date (February 15) along with a \$5.00 fee

**All in favor of bringing this regulation change to a vote next month.**

§407-54. Exclusivity of license; subleasing prohibited; transfer of license; **untimely death of licensee.**

Licenses are issued to and for the exclusive use of the licensee who may contract with or employ others to work for the licensee. Subleasing of the licensed area or portion thereof is prohibited. Licenses are renewable, heritable and transferable subject to Town Manager written approval and pursuant to Massachusetts General Laws Chapter 130. Licenses are transferable only after five years from the original license issuance date, subject to review by the Natural Resource Office for reporting requirements and production standards under §407-59 and §407-60 and subject to Town Manager's written approval and pursuant to Massachusetts General Laws Chapter 130. A licensee proposing to transfer his or her license shall first notify the Town Manager in writing that he/she no longer wishes to operate the license and requests a transfer of his/her licensed area to a designated recipient. Such recipient shall thereupon file an application under §407-48. Thereafter, the application shall be treated, insofar as apt, as a new application. If however, the licensee is under any pending investigations for violations the license may not be transferred. **In the event of the untimely death of a licensee, the license shall continue in full force and effect, subject to the same terms, conditions and regulations imposed by the original license, for a term not to exceed five years. This is for the use and benefit of the immediate family of the deceased licensee or a person designated in a will by the deceased licensee. Such recipient shall thereupon file an application under §407-48. Thereafter, the application shall be treated, insofar as apt, as a new application. For purposes of this section, the term immediate family shall mean spouse, son, daughter, mother, father, brother or sister of the deceased licensee.**

Chairman Rapp suggested removing “insofar as apt” from the added verbiage. All in favor of bringing this regulation change to a vote next month.

§407-57. Acreage limitation.

**The maximum total acreage licensed to any new licensee shall not exceed two acres on the Northside and two acres on the Southside within the Town of Barnstable inner bays. A new licensee may apply for additional acreage not to exceed two additional acres on the Northside and two additional acres on the Southside only after the expiration of the original five year license.** The maximum total acreage licensed to any **existing** licensee shall not exceed ~~two~~ **four** acres on the Northside and ~~two~~ **four** acres on the Southside within the Town of Barnstable inner bays. ~~This~~ **These** acreage limitations ~~does do~~ not apply to any existing so-called grant (now referred to as a “license”) which is in excess of four acres and will not prevent the grant holder (now referred to as the “licensee”) from future renewals **or transfers**, provided that said licensee abides by all other applicable regulations set forth herewith. **All previously permitted two acre parcels will remain as such and cannot be combined into larger permitted parcels under one license.**

**Discussion followed with concerns of needing a limit within the language, so the number of acres a single family or entity can hold is not just increasing. This regulation change will get reworked and not go to vote next month.**

§407-60. Filing of annual reports; **requirements for new licensees.**

Licensees shall file annual reports with Natural Resources in accordance with ~~the a~~ form provided by Natural Resources on or before February 28 of each year and shall produce documents upon the request of Natural Resources showing purchase and sale slips stating the total amount of each kind of shellfish planted, produced or marketed during the preceding year (January 1 through December 31) upon or from the licensed area, and an estimate of the total number of each kind remaining. The report shall disclose all necessary information as required by these regulations and Natural Resources which establishes that the licensee reached the reasonable production value. A new licensee is required to submit purchase and sale slips for the source(s) of seed planted on his/her licensed site and/or gear purchase for his/her licensed site for the first three years of his/her original license. **In addition, new licensees are required to either: provide documentation of at least one year’s experience working in the aquaculture field along with the first year’s annual report or provide documentation that the new licensee has taken the Cape Cod Cooperative Extension’s Shellfish Farming Course (or equivalent as approved by the Shellfish Constable) within the first two years’ annual reports.**

**All in favor of this regulation potentially being voted on next month with the removal of the option to provide documentation of experience.**

## 2. Status of the repair of Scudder Lane town landing

**There are no updates at this time.**

## 9. Matters not reasonably anticipated by the Chair:

**Mark Wirtanen gave a presentation about pollution going into Brickyard Creek. He had gone to the Town Council about this issue as well, and would like to make everyone aware.**

The Shellfish Committee unanimously voted to approve a motion made by Al and seconded by Patricia at 7:54 PM to adjourn.

Respectfully Submitted: Alicia Lauzon – MEA administrative assistant