

JOINT PUBLIC HEARING MEETING OF THE SELECT BOARD & SHELLFISH ADVISORY COMMITTEE

WEDNESDAY, MARCH 15, 2023 7:00 p.m.

HYBRID MEETING SELECT BOARD HEARING ROOM – TOWN HALL & REMOTE ZOOM

In attendance for the Select Board Anthony Vegnani, Chair Andrew Goodrich, Vice Chair, Maura Curran, Clerk, Karen Canfield, Karen Connolly

In attendance for the Shellfish Advisory Committee Susan Harrison, Chair, Paula Lind, T. Scott Connelly, Adam Bisol via ZOOM, Mike Dimeo

Also, in attendance, Jim Boudreau, Town Administrator and Attorney Anthony (Tony) Riley, Galvin & Galvin, PC

Mr. Vegnani read the instructions on the agenda for the public to participate via ZOOM and provided the telephone number.

MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

A motion was made by Ms. Connolly at 7:05 p.m. to accept the agenda for March 15, 2023 second by Mr. Goodrich Unanimous Vote (5-0)

A motion was made by the Shellfish Advisory Committee Susan Harrison at 7:06 p.m. second by Mike Dimeo Unanimous Vote (5-0)

Mr. Vegnani read the following statement:

The Scituate Select Board and Shellfish Advisory Committee are committed to providing an environment of respect during meetings. We ask all members to interact in a polite manner even when there is disagreement.

We value the participation of our community and want all participants, including marginalized and minoritized communities, to feel welcomed and respected.

We ask our committee members, and all who participate, to commit to these standards to support and respect our community.

WALK IN - William Graham, 14 Tilden Ave., Scituate requests the meeting be indefinitely postponed due to the fact that the Attorney General has not decided on the Town of Cohasset Navigation Bylaw. Mr. Vegnani explained the Scituate Select Board voted to proceed as voted at a previous meeting.

Mr. Vegnani stated we received two letters from attorneys saying we did not notify abutters within 500 feet of the shellfish location. We have consulted with our Town Assessor and we have notified everyone in the proper manor. If anyone has a surveyed plot document stating they are within 500 feet they should bring this to the attention of the Select Board. We would reconvene to address their concerns.

Doug McLellan, 166 Pond Street, Cohasset, MA asked if we notified any abutters. Mr. Vegnani stated there were no abutters within 500 feet of the shellfish area to be notified. A public hearing notice was published to notify the public in advance. Mr. Vegnani stated if anyone can provide a surveyed plot document identifying their property is in 500 feet of the shellfish location another hearing will be held to hear their concerns.

SCHEDULED ITEMS:

PUBLIC HEARING

Ms. Harrison, Chair of the Shellfish Advisory Committee briefly reviewed the timeline for developing aquaculture farming in Scituate waters from 2019-2023. We are here today to grant preliminary approval for aquaculture. Ms. Harrison took a moment to thank everyone involved in this 5-year effort to bring a new small business opportunity to our fishing community. Including the 7 Scituate Select Board Members over the past 5 years who had the vision to initiate and support these important new initiatives in our town. We have also had Nine Shellfish Advisory Committee members over five years who have dedicated their time. The Shellfish Advisory committee is a group of resilient and dedicated individuals who are passionate about the water – recreation and commercial fishing. We are fortunate to have equally dedicated elected officials, town employees, residents, summer residents, local fishermen, recreational boaters, students, community members, scientists, teachers, and neighboring community residents who have actively participated over the past five years to push us as a committee to examine all angles of policies and procedures.

Ms. Harrison provided a brief presentation giving an overview of what has occurred from 2019 to present. In 2019, the Town of Scituate Select Board formed the Shellfish Advisory Committee (SAC) and charged them with exploring potential aquaculture farm locations within Scituate waters and, if feasible, in conjunction with the State Division of Marine Fisheries (DMF) create regulations to license and oversee these farms.

The Select Board directed SAC to identify a small-scale site that would be out of recreational areas and could co-exist with current uses. The proposal in 2019 was for a potential of eight (8) one-acre inter-tidal plots. As a reminder, inter-tidal is between the mean low and mean high tide mark. The SAC identified potential sites which met the criteria for aquaculture farming including absence of eel grass and absence of a significant amounts of recreational shellfish. Additionally, the 2019 proposed location of farms took into consideration existing recreational use of the inter-tidal/ flats area as well as the sub-tidal area beyond the mean low tide mark.

In 2019, Eighteen (18) public meetings were held to discuss the development of an aquaculture program in Scituate, including a large forum on September 4, 2019 to review proposed regulations and two (2) meetings with Cohasset officials and residents. The Shellfish Advisory Committee received and vetted nine (9) applications for the proposed sites and sent them to the Select Board.

In 2019 prior to the Select Board holding a public hearing to grant preliminary approval of aquaculture sites, the Friends of Bassing Beach brought a lawsuit against the Town of Scituate and the nine (9) applicants. While this matter continued, Scituate Select Board directed SAC to explore feasibility of “deeper water” (sub-tidal) sites within North Scituate waters.

From 2020 to 2021 the SAC investigated potential deep-water sites and held sixteen (16) public meetings to review findings. Students from the Cohasset Center for Student Coastal Research participated by mapping eelgrass locations. This data was overlaid by a certified mean low tide water mark survey by Merrill Engineers of the waters to ensure that proposed sites were in sub-tidal waters and adhered to Massachusetts Marine Fisheries (DMF) requirements.

In 2022 The revised locations were proposed to the Scituate Select Board. DMF conducted a preliminary survey of the locations. The original nine (9) applicants were contracted and four (4) responded that they were interested in starting farms and pursuing licenses in the new locations. Since then, one (1) applicant has withdrawn.

The regulation and enforcement of Aquaculture farms is a state and local partnership. The farms are preliminarily approved through a public hearing at the local level (Scituate Select board); and final approval will be through a DMF site survey after the local approval. We are here today to hold a public hearing for granting preliminary approval for three (3) – one-acre small business aquaculture farm sites in the sub-tidal waters off Bassing Beach in North Scituate.

The Shellfish Advisory Committee is enthusiastically supporting the preliminary approval of the three applicants, and we are excited to continue to support aquaculture farming in Scituate. As a committee, we voted unanimously to move the applications forward to the Select Board.

Ms. Harrison provided an overview What is Aquaculture? Specifically, in Massachusetts.

Aquaculture is the rearing or farming of aquatic animals- in this case Oysters for food. As we all know, the seafood industry has been important culturally and economically to Massachusetts and Scituate for centuries. Massachusetts remains one of the top states for commercial seafood landings and value in the country.

The top two species harvested within Massachusetts state waters in 2019, in terms of value, were lobster and oysters.

DMF reports that Eastern oyster landings in Massachusetts have increased significantly over the past ten years. Most oyster landings in Massachusetts, come from private small-scale aquaculture farms. For reference, DMF has issued permits to 395 private aquaculture license site holders across nearly 30 coastal municipalities. So, aquaculture while new to Scituate as a small business, is not new to Massachusetts. Aquaculture is an important addition to the blue economy in Massachusetts and will be an important addition to Scituate's blue economy. Aquaculture has allowed coastal town fishing communities like Scituate opportunities to diversify and remain competitive.

All three applicants intend to grow eastern oysters using an off-bottom grow out method where the oysters are suspended off of the subtidal floor in bags similar to these pictures- rack and bag These methods are suitable for subtidal areas of Briggs Harbor and North Scituate waters off Bassing Beach. Per our regulations, the rack and bags cannot be more than 18 inches off the floor. Note that these would be under water and only partially seen at very low tide.

Ms. Harrison showed maps identifying the 2023 Preliminary Sites:

While we have done this before at the last SB meeting, Ms. Harrison walked the group through where the proposed site is in North Scituate. All of the screen shots displayed were from MAsheIIFast viewer.

For Reference:

Bassing Beach

Jetty

Minot Beach Parking Lot

Secret Beach

Cohasset Harbor

For reference Ms. Harrison reviewed the size of the area being discussed.

320+ Acres Scituate and Cohasset Watters

Green line is Scituate/Cohasset Town Line as well as the Plymouth/Norfolk County line.

Over 250 acres of Scituate waters

200+ acres of MB10 – Scituate waters that are conditionally open to shell fishing.

Proposed sites- worked with CSCR re historic eelgrass, Merrill engineers surveyed mean low tide, and blue lines are DMF preliminary survey which indicated no eelgrass. Did a lot of background work to find potentially suitable site for aquaculture.

Ms. Harrison reviewed the three-acre plots. This is a much smaller footprint than originally planned. Mr. Dimeo, Shellfish Constable, said the area will be identified by four corner points. Inspections will be held with the growers.

Mr. Vegnani thanked the Shellfish Advisory Committee for all their hard work and professionalism over the years.

Mr. Vegnani will be taking questions from the audience in person and via ZOOM.

Sean Sweeney, 9 Conihasset Road, Scituate said in the past 6 months the North River has been closed due to sewage, Cohasset Harbor has been closed due to bacteria in the water. He asked who in their right mind would buy these oysters. Mike Dimeo said the areas are tested by DMF and in the event of a big rain event or testing results, the location would be closed as necessary. This is the normal process in every community. The area is conditionally approved. All the test results are posted online.

Frank Mirarchi, 67 Creelman Drive, Scituate is here on behalf of Friends of South Shore Seafood Development and thinks this is a very good idea and should be approved. Generic fishing is part of Scituate's culture. He worked his whole life on the dock. Front Street is a true working waterfront. This will become part of the culture. Fishing brings in \$4M a year and they are working on value added initiatives through retailers in Town. Food security is an important component and we will be fortunate to have local fishing and aquaculture in our community.

Doug McLellan, 166 Pond Street, Cohasset was reading the regulations in section 4.5 it says a farmer cannot obstruct navigational water. He doesn't understand how aquaculture will not obstruct navigation. Mr. Vegnani said they will all be marked and there will be four white corner markers alerting boaters to that area. This area is not near channels.

Bill Graham, 14 Tilden Ave., Scituate said tonight's presentation there are three plots and originally it was thirty-two. Mr. Vegnani said it was a huge misnomer from the very beginning thirty-two potential places that met the requirement of oyster farming. The maximum we were talking about was a pilot of eight originally, very quickly that changed to seven to five and now we are at three for a pilot.

Dale Leavitt, 10 Twin Oaks Drive, Falmouth, MA is an emeritus professor for 16 years. He has worked in the aquaculture industry for the last 40 years. He owns two oyster farms in Buzzards Bay. He is here as a scientific resource if needed and supports this initiative.

Ms. Curran asked in viewing the applications, there were two different types of cages and she asked how this impacts the area. Mr. Dimeo said they are techniques of fishing. It is technique and waterflow. It is an individual decision on the technique used.

Aquaculture Grant Hearings:

1. Applicant Jamie Davenport and Gregory Wallingford

Mr. Davenport read a statement to the Select Board thanking everyone for their work on this over the past five years. Shellfish aquaculture is not destructive and can be restorative. His family lives in Scituate and raises his family here as an active member of this community. Greg Wallingford was born and raised in Cohasset. He is active in his community as well. They both care about these towns. Thirty other towns in the Commonwealth share recreation and aquaculture in their waters. Mr. Davenport has run oyster farms down the Cape in Dennis for fifteen years. Several years in, the fishing and lobster industry were struggling. He has been interested in aquaculture in Scituate. In 2016, Greg and Jamie said it was their dream to get into aquaculture. There is a market for it here. There is a vibrant place for it here. A local Scituate/Cohasset branded oyster will be well received. Jamie has two acres in Dennis on his oyster farm. Mr. Davenport said he can lead this group of three oyster farmers. Greg Wallingford is hoping they can collaborate with local businesses and our schools to bring this to students. Mr. Davenport said it is their job to prove to the residents that they can live together and we are good stewards. They believe it will have minimal impact to the area. Ms. Connolly asked how much time, money and equipment will be invested in this. Mr. Davenport said if we were to grow ½ million oyster seed how much would it be including cages, equipment, boat, vehicle, consumables, etc. This is not a get rich quick scheme. It is hard work. Each farmer will need about three people working their farm. Mr. Goodrich asked how important water quality is to him. The water is tested regularly and if it does not meet the criteria we would need to shut down. Ms. Canfield asked about the different type of cages used for oysters. Mr. Davenport said most trap companies don't manufacture anything bigger than 18 inches per DMF regulations. The majority of the farm will be caged out in the deep water. They are 20 feet long. The first couple years they are seed and they grow like popcorn. In the first couple of years, they would have about 150 bags of oysters. Mr. Vegnani asked what the reasonable time period would be. Mr. Davenport said at least four – five years since it a cumulative effect to see if everything is working. Ms. Connolly said we planned to have a pilot to adjust as needed. There is some risk on the oyster farm owner that they are aware of in this pilot. One of the risks is getting sued. Mr. Vegnani said this is another risk that they are taking. Mr. Vegnani asked how they will get out to the site. Mr. Davenport said via boat from Scituate Harbor they will access the site. Ms. Curran asked them to consider how they are going to secure their sites. Mr. Davenport and Mr. Wallingford said they will need to monitor their sites and they will install cameras, drones and word of mouth as needed.

2. Applicant Michael Cotter

Mr. Vegnani asked Mr. Cotter why is he doing this. Mr. Cotter said he has worked on oyster farms in the past to get an idea what is involved. He has seen documentaries on this and is interested. Mr. Cotter is doing this from a recreational farmer. Initially, it will be slower and then he will scale it up over time. He plans to start with 200,000 seed and see where it goes from there. He has taken classes with Professor Leavitt and other courses to understand how this goes.

He also has a landscaping and dumpster business here in Town. He feels he has enough time to dedicate to this. He takes this seriously and wants to succeed. Ms. Canfield asked who he will be working with to farm. Mr. Cotter will have employees and may enlist UMASS students in aquaculture for an internship program. He also has employees that can support this. Ms. Connolly asked what him stick with this for so long. Mr. Cotter said he really wants to do this. He cares about the environment. Oysters are very healthy and are good for us. Mr. Goodrich said Mr. Cotter was born and raised in Scituate. He has started two businesses in Town. He worked in the commercial fishing industry and took classes to learn about aquaculture. It has been a struggle for years and yet he is still here and interested in aquaculture. Its amazing to see and Mr. Goodrich thanked Mr. Cotter. Ms. Curran asked why he chose the system he proposed. Mr. Cotter said the water will be deeper here so he is trying a different system than Mr. Davenport. Mr. Vegnani made Mr. Cotter aware of the risk, including the legal risk. He expects it to continue.

Nancy Roth, 1000 Glades Road asked what happens at night on these sites. What is left in the water in the winter? Mr. Dimeo said there will be buoys to mark the site in the evening. This is similar to navigational aid currently used. Everything comes out in the winter. Mr. Davenport said climate is taken into consideration. In a normal winter it comes out in January and goes back in March.

Bill Graham asked about usage of the bay. He said he believes the small sail boaters use the area and asked what the age is for sailors. Mike Dimeo said the age is 16 to sail.

Beth McGrath, 20 Tilden Avenue asked if the time is daylight hours. Ms. Harrison said it is a state regulation ½ before sunset and ½ before sunrise.

Heather Moses, 1 Heritage Trail is a third generation Scituate resident and applauds all the people for bringing a type of business like this to our community.

3. Applicant Lawrence Trowbridge

Mr. Trowbridge is a 2nd generation fisherman and attended school to study this. He is interested in aquaculture and has friends in the industry. He owns snappy lobster and sells direct to restaurants. He has been out to the oyster farms and would like to start his own. The lobster season is being reduced and he sees this supporting his current business. He is a licensed captain and is familiar with the waters. He will continue to be a steward to the area. He has not done oyster farming as a job. He has been out to the oyster farms and is very familiar with the farmers in Duxbury for the past 20 years. He has boats to access the area. Ms. Connolly asked what he thinks the demand will be for Scituate oysters and should we brand them. Mr. Trowbridge this it will be a good thing and good to brand them. He sells all over the place and people are interested. As soon as we produce people will buy. He started branding Scituate lobsters to his clients. He envisions an ocean to table. He has money to fund this and an investor for start up costs. He already has refrigerated trucks and equipment so he is ready to begin. Mr. Goodrich asked what the health of the industry now. Mr. Trowbridge said it has been a tough battle since they are losing area and space. They are up a lot of thigs right now with rules and regulations. The stock is as healthy as its ever been with lobster and fish. He has seen things he hasn't seen his whole life. He thinks it's a cycle and management. Ms. Curran asked how many cages he plans to start with. Mr. Trowbridge said a few hundred cages to start with. He envisions 500

cages over three years. He will spend 100% of his time in the spring on this new business. Mr. Curran asked if he had a fear of going into this. The only fear is getting to the site will be the biggest challenge. It is very windy out there. He has safety equipment but it is hard with the wind. Mr. Vegnani stated the risks to Mr. Trowbridge and he does anticipate legal repercussions. Mr. Vegnani hopes the three applicants collaborate to make this successful. Mr. Trowbridge said he has known Mike most of his life and has met Jamie over the years and hit it off. They anticipate working together.

Mr. Vegnani opened the meeting any additional questions and there were none.

Ms. Canfield said the next step is to put the applications forward to DMF. Ms. Harrison said it can take two to four months to certify the site and the applicants.

Motion for preliminary approval of three aquaculture grants and to request the Shellfish Advisory Committee move applications to the Division of Marine Fisheries for final approval. Motion by Ms. Connolly second by Mr. Goodrich Unanimous Vote (5-0)

Shellfish Advisory Committee Motion to adjourn the Public Hearing at 8:57 p.m. by Mike Dimeo second by Adam Bisol Unanimous Vote (5-0)

Select Board Motion to adjourn the Public Hearing at 8:59 p.m. by Ms. Curran second by Ms. Canfield Unanimous Vote (5-0)

Motion to adjourn the meeting at 9:00 p.m. by Ms. Curran second by Ms. Canfield Unanimous Vote (5-0)

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lorraine Devin". The signature is written in dark ink and is positioned above the printed name.

Lorraine Devin, Recorder

List of Documents for the March 15, 2023 Select Board Meeting

- Agenda
- Presentation Shellfish Advisory Committee
- Sign in Sheets

Select Board Meeting Minutes for March 15, 2023

SELECT BOARD



Anthony V. Vegnani, Chair



Andrew W. Goodrich, Vice Chair



Maura C. Curran, Clerk



Karen B. Canfield



Karen E. Connolly