

**‘TOWN OF SCITUATE, MASSACHUSETTS  
SHELLFISH ADVISORY COMMISSION**



**MEETING MINUTES  
Shellfish Advisory Commission  
Wednesday, March 23, 2022  
7:00 pm**

**HYBRID/ Select Board Hearing Room at Town Hall and Remote via Zoom**

**Committee Members In Attendance:** Chairperson; Susan Harrison, Vice Chairperson; Jeff Palmer, Waterways Liaison; Dave Friedman, Scott Connelly, Adam Bisol, Shellfish Constable; Mike Dimeo

**Chairperson Harrison made a motion to call the meeting to order at 7:00 p.m.**

**Update, Discussion, and Next Steps for Aquaculture Pilot Program**

Chairperson Harrison started off by saying that the committee had received some written comments via email regarding the Town of Scituate "License Program". She then reviewed the comments with the committee.

The first was regarding 2.0 – Definitions/Gear; asking if trucks and refrigerated containers be eliminated, as they won't be used on the farms. This is written as; "included but not limited to seed, any equipment used to house seed, vehicles including boats, trucks, and refrigerated containers, coolers, ice, and fuel. Costs associated with labor are not included." Ms. Harrison went on to say that part of how the commission wants people to prove productivity was their investment in here and eliminating that would significantly reduce because the gear isn't specific to being at the farm. She then stated further that in this business there would typically be a refrigerated container at an off-site location that could be removed during fall and/or winter seasons. Constable Dimeo recommended no changes be made.

The next comment was in regards to 4.1 – Fees. The general point of the comment was to mention that rather than the town paying for these fees, maybe proposing that applicants should be paying those fees. Waterways Liaison; Dave Friedman asked if something along those lines should be considered to make sure that any fees that the town may need to apply for get passed along to the selected farmers. Constable Dimeo suggested reaching out to people first to see if it will meet the threshold.

The next comment was regarding 4.2 c. – Application Process; "No license shall cover an area great than two (2) acres. Acres do not need to be contiguous." Constable Dimeo mentioned that he thinks this could be changed down to one acre for the duration of the pilot program. It was discussed how this should be written.

The committee opened this question for public comment. Scituate Resident Jamie Davenport, of 16 Booth Hill said that it was his understanding that this was written this way as to cover the entire town of Scituate as there can be different situations. He next suggested keeping it the way it's written and only limiting within the confines of the pilot program. Mr. Davenport then went on to say that typically one would need more acreage than less when in water versus on land. The committee agreed.

The next comment was regarding 4.5 – Written Proof of Residency, a Scituate resident proposed removing the right to license to Cohasset residents because they launch from Governors Island, giving them an unfair advantage over Scituate residents. The comment went on to say that Scituate recreation users would be negatively affected by Cohasset farmers and finally Scituate taxpayers already subsidizing Scituate Oyster Farms would also be subsidizing Cohasset farms. It was discussed that the Selectboard wanted it this way in the “spirit of good neighbors” and were hoping to have Cohasset applicants. Adam Bisol asked if financial support was being provided by the commission, to which Ms. Harrison responded that we're not. Next, Norwell resident, Chris Newhall, of 7 Strawberry Lane, mentioned that the term included as Briggs Harbor isn't defined anywhere in the regulations and suggested that if this is a desire to open this up to Cohasset residents, perhaps adding a qualifier allowing Scituate residents use of certain Cohasset ramps, setting up a cooperative arrangement between the towns.

Constable Dimeo spoke to Mr. Newhall's comment, saying that the Shellfish Constable cannot restrict where the product is offshore and has the authority to limit where the cash is brought. He went on to say that where one launches and where one harvests can be two different locations. It was then discussed if this should be taken out or not. It was decided to leave as is for now as the Selectboard put thought in to this.

The next comment was regarding section 6.1 a. – Minimum Levels of Investment and Production; “During the first, second, and third year after the date of issuance of the license a minimum of \$10,000 per acre shall be spent on seed and gear. This shall be verified through receipts of seed and gear purchases.” The commenter asked is this a \$10,000 investment per year or over three years. Waterways Liaison, Dave Freidman stated that this is an annual investment.

Chairperson Harrison moved on to the next comment, 6.2 – Annual Report. The commenter asked if these requirements seem loose and hard to interpret as a farmer and harder to enforce. Asking if there is a form available to fill out with acceptable documentation to make it clear and easy to comply. Ms. Harrison responded to this by saying that the annual form that is due in February includes these specifications. It was then discussed that there is also one from the state that asks different things. The commenter then stated that the purpose of her comment was to say that she would like to see exactly what documentation is needed. It was also discussed that these reports of catches and efforts go to the state level. The town plans to have their own report in the near future. It was agreed that what is written now is acceptable.

The next comment was regarding Non-Commercial Licensed Applicants, mentioning to propose non-commercial research and education projects in the farm in the form of oyster farm difficult for students to actually access so hard for projects to be in the town's best interest defeats the purpose of keeping smaller farming footprint research and ed projects would be better suited to Scituate Harbor where access programs are more available. Chairperson Harrison went on to say that there are actually people interested in non-commercial research including Scituate High School and CSCR, and that she feels strongly in support of that. Mr. Friedman was in agreement with Ms. Harrison with support to the

students' research activities, going on to say that the Harbormaster would likely support this as it grows as well.

The next comment was regarding section 8.1 a and g – Designated Aquaculture Float Area and Anchorage, asking if the town is going to set float size limits. This went further asking if they'll need to be in a farmer's acreage or alongside it, what is the area of limited storage or aquaculture here, are you envisioning floats that look like they have homeless and campus. The original commenter spoke saying when she thinks of this she envisions trash bags piled. Ms. Harrison responded that there are indeed floats listed in the regulations as this goes for all of Scituate. Mr. Friedman proposed that for the pilot program no floats be allowed. Adam Bisol spoke up to say that this would most likely be considered part of the application process and known that what is written is a regulation for all of Scituate, going on to say that the way it's written is good. Mr. Friedman agrees that the discussion is about general regulations but the board is pushing the idea of the initial pilot program and good stewardship. Constable Dimeo voiced his thought would be to add this much to the application. The board decided recommend to the Selectboard adding a line to this section; 8.1 titled "h.", stating "Floats, barges, and docks are prohibited on the farming areas for the pilot program." **This motion was made by Dave Friedman, seconded by Ms. Lind and voted majority in favor (5-1), with Adam Bisol not in favor.**

The next comment was regarding section 8.6 a through c; "A license may be transferred with the approval of the licensing authority to any immediate family member as defined by 8.7 b. who satisfies all required conditions as the Town of Scituate's Shellfish Agricultural Regulations." stating that in the last meeting there was discussion that transfers could only go back to town. Ms. Harrison responded to this by stating that the right to inherit transfer is party MGL. Mr. Friedman stated that this defines it as during a year's time to any family member. It was decided that no changes needed to be made here.

The board then reviewed the next comment, asking if the working hours can be curtailed to seven to seven, or something similar. Constable Dimeo addressed this comment by saying that this follows MA guidelines.

The next comment was regarding 9.1, asking if the access window could be shortened for oyster farmers. Ms. Harrison responded stated that this can't be changed as its MA General Law 130, Section 68 regulations.

The next comment discussed was in regards to 9.1 c. – All shellfish harvesting shall be made by hand without the assistance of power unless the use of mechanical power is approved by the Shellfish Constable and the DMS on a case-by-case basis, proposing to prohibit all mechanical harvesting, even if new technologies become available and feasible in this location unless they are silent. Mr. Friedman responded to this stating that he appreciates the suggestion but feels this is too limiting as the by-laws already have hours of noise listed.

The last comment that the board discussed was proposing that no motor power boat access from Minot Kayak Launch. Ms. Harrison stated that she does not know if this is something that the Shellfish Advisory Commission can do. Constable Dimeo went back to this issue and stated that he spoke with the traffic officer today and was told that if there is hopes of restricting that area, maybe having a shellfish permit area if the area was used for offloading, which could also help in indicating if someone didn't come back in. Mr. Dimeo stated that he felt this was a good idea, also mentioning that the town can't

restrict where a person can offload. He was also told that the launching hasn't proven to be much of an issue here in the past.

Scituate Resident, Bill Graham asked if there was a regulation of marking over by the cages. Mr. Bisol confirmed that this refers to 8.9 a. 4. – All gear, tackle, and other shall be indelibly marked with the license number conspicuously placed on each piece of equipment.

Mr. Graham then asked how the channel is going to be marked for navigation from the Bailey's Creek for the boaters to know how to get in and out. Mr. Friedman replied that his understanding was that there was always going to be between a foot and two of water above, leaving the cages unexposed. Mr. Bisol then brought up the fact that each boundary corner is going to be marked with six-inch orange sphere buoys. It was then discussed that the cages will lying on the ground but a channel still needs to be marked. Ms. Harrison stated that navigation would definitely not be put there but the thought is to look into any sort of marking beyond the four corners and where it comes out, as thoughts of tides and getting a 20-foot boat through the area. Mr. Friedman suggested possibly marking up the north side of one plot with bigger lobster buoys. Ms. Harrison said that this is something the commission will have to decide what's going to work best and get input once things are up and running.

Non-Scituate Resident/Shellfish Permit Holder, Mark Facey, stated that there is a buoy on a flag specifically to aquaculture in other parts of the world that is accepted as a coast guard regulation, or similar, that says "warning gear area" and is an accepted corner marker even though the gear is typically submerged. Constable Dimeo responded that something similar to this can definitely be achieved. Ms. Harrison agreed. There were no other questions or comments on the regulations at that time.

Constable Dimeo wanted to address the question about the farmers having a background check, saying that he looked into Duxbury's regulations, and they do not have this in place. He went on to say that he thinks Scituate also shouldn't regulate this.

Next, Constable Dimeo brought up the question that came up about pinpointing the growing area, saying that he's hopeful that DMF can help using the MA GPS systems. Also mentioning tools online that can be used to map these areas, saying that at a later date the commission could highlight these areas on the maps.

Constable Dimeo then brought up Mr. Newell's questions about the steps from DMF, saying that the way the aquaculture reform processes go, the town typically does their due diligence and then refrigeration comes out based on the nature of the interest. Mr. Dimeo stated that Marine Fisheries has agreed to look at the area with the commission to be sure that its going to work in advance to any permitting processes begin.

A resident asked if the start date of the pilot program should be stated as some of the beginning months will be farmers scrambling to get their gear together. It was then discussed to roll out a commencement date that works with the following growing season once approval is given.

Another resident stated that as far as launches go, the neighbors in that area would not want trailers parked and launched there as its such a small apartment area as it is. Also recognizing that a kayak launch is not an appropriate place for any motorized object to launch. Mr. Connelly from the shellfish

committee stated he doesn't see this area as a dependable place to launch based on tides and time restrictions.

Scituate Resident, Bill Graham stated that the creek that was referenced only has enough water in it for about four hours, two hours each side of the tide, and there's no ramp available, making it clear that there is no possibility of launching at this area.

### **Aquaculture Reform**

Chairperson Harrison informed the board that DMF sent the new state aquaculture description form listing what is required from each farmer. She stated that she would post this online.

### **Update/Recreational Shellfish Closure**

Norwell Resident, Mr. Newhall, spoke again, responding back to Mr. Dimeo's mention of his question from a previous meeting that was an inquiry regarding the opening of the recreational beds in the North River and a defined stepwise process from DMF on what can be done to get things open again. Constable Dimeo reported that he spoke with The Division of Marine Fisheries as well as UMASS Dartmouth last week and was told that they have input the title and averages, river forces with the wastewater treatment plant discharges but have not yet combined that with environmental conditions such as wind directions and speed in order to have the most accurate data and using the most recent NOAA data for the exterior along with existing charts. Going on to say that the offshore grid that was previously used for the South River has a high resolution of approximately 10 meters, but usually use 300, where the offshore grid is approximately 300 meters. Mr. Dimeo stated that using the lighter is necessary with a fine resolution and new grids found inside the mouth of the rivers. He relayed that the model will run on a super computer at S Mass which has 72 nodes, with each node comprising 32 CPU's. Constable Dimeo also stated that the power is necessary in order to obtain the high-resolution model results expected and needed. He read on from the response he had received that the expectation is to have model results this summer.

It was said that the board would look in to figuring out the discussed corners of the plots at the next scheduled Shellfish meeting.

**Chairperson Harrison made a motion to adjourn the meeting at 8:32 p.m., which was seconded by Dave Friedman, and voted unanimously in favor (6:0).**

**Respectfully Submitted, Alicia Anthony, Recording Secretary**