

**Shellfish and Waterways Improvement Advisory Committee
Minutes: Meeting held January 11, 2022**

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ORLEANS TOWN CLERK

Present: Bill Amaru (chairperson), David Slack (vice-chairperson), John Quigley, Alexis Mathison, Craig Poosikian (clerk), Peter Przygocki, Doug Edmunds, Suzanne Phillips, Nate Sears (staff), Mark Mathison (SB liaison)

Guests: Mike Herman (SB), Rob Wissmann, Kirsten Friedrich

- 1. Call to Order.** The meeting was called to order at 6:02 p.m.
- 2. Review of Minutes.** The minutes of the December 14, 2021 meeting were reviewed. The motion to accept them as written was made by Alexis Mathison, seconded by Doug Edmunds, and passed by all members voting.
- 3. Discussion Continued: Parking Enforcement at Town Landings**

Committee members reviewed the draft letter to the Select Board, which was written by the chairperson and sent out as a basis for discussion. [Please see attached]. The discussion started with a question about what the Select Board is looking for from this committee and Mark talked about how the issue of the landings is complicated, and there are "many moving parts" and various stakeholders. He inferred that the Select Board intended to move in phases, but said it would be helpful if the Shellfish/Waterways Committee made some specific recommendations.

Phillips read a list of draft recommendations, which included specifics about Rock Harbor, Portanimitcut, kayak racks, load limits, and spaces for both residents and non-residents at all town landings, and that the town focus on enforcement and assessment of the situation for the current season.

A robust discussion followed, with the point made that the needs of commercial fishermen need to be paramount. There was also discussion about the need for parking revenue, and Nate Sears said that Rock Harbor is now under an "enterprise fund", which means it needs to be self-supporting. That is the reason for the proposed parking "kiosks" at that site. They would be in operation during the day (and not for the sunsets).

The discussion continued with a number of viewpoints about who and how much to charge for parking at the landings. There was not unanimity. But once Nate suggested a system of "permitted parking", not necessarily resident/non-resident, and using the current beach fee structure (\$125/week and \$300/season) the group came to a consensus.

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A motion was made by John Quigley (assisted by Alexis Mathison) as follows:

I move that we advise the Select Board to utilize parking permits, residents and non-residents, at the four landings targeted last summer-- Town Cove, Doane Road, Priscilla Landing and River Road--and following the beach fee structure with the exception of the daily non-resident option.

The motion was seconded by Alexis Mathison.

Amaru said he would revise his draft letter, and include some of the comments from this meeting, and send it out for review at our next meeting.

The chair then asked for any comments from the public, and Rob Wissman rose to speak and asked what accommodations would be made for businesses which utilize the landings. [He is the owner and operator of Blue Claw Boat Tours]. Amaru stated that we haven't discussed it yet, but that the committee was aware of his concerns, and those of other waterways business operations.

Wissmann also directed several questions to Nate Sears, who answered them, and said the department has tried to be flexible with individual cases, rather than imposing "special permits" and other restrictions. The point was made again that this is a "work in progress" and will involve all the stakeholders, and the final decisions rest with the Select Board.

The motion was passed on 5-0, with 1 abstention.

**4. Natural Resources/Harbormaster/Shellfish Constable Report—
Nate Sears.**

Beach issues

Nate reviewed some of the concerns of shorefront property owners about people trespassing, and reported that they put up informational signs at Tonset Road, with a link to the "public trust doctrine", which enumerates the public's rights along the Massachusetts shore.

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Rock Harbor emergency dredging

The Robert B. Our company was selected to do the work, and will start on 1/17; it is hoped (weather permitting) that the work will be completed by 1/29. All the boat owners have been notified; but they may not be able to go out because of the barge and scow.

Nauset Beach

The project (Hubler) has been progressing and should be done in May.

Quahog seed

Nate is ordering quahog seed from Muscongous again (for next year); one reason: there is no issue with neoplasia in their seed.

5. Select Board Liaison Report—Mark Mathison.

Nauset Estuary dredging

Mark gave an update on the Nauset estuary dredging project. Eastham has withdrawn from the Memorandum of Agreement (MOA), and so Orleans needs to consider whether or not to proceed on its own. The Select Board met with the Woods Hole Group (consultant), and plans to review all the materials and figure out what the town can do in terms of permitting, as well as the likelihood of success.

Lonnie's Pond

The request for proposals (RFP) for the nitrogen mitigation aquaculture project at Lonnie's Pond was sent out, and Ward Aquafarms, the current operator, was the only applicant, and the contract was awarded to them. There is an issue with the oyster gear—it is old, deteriorating, and has to be continually repaired. Ward is responsible for the maintenance of the gear, and requested a longer term contract so as to make any further investment in the equipment worthwhile. He was awarded a 5-year contract.

6. Announcements; Shellfish Advisory Panel—Suzanne Phillips

Phillips gave a brief report on the newly established Shellfish Advisory Panel. The initial meeting was held on November 18, 2021. It was held at a hotel in Plymouth, and although it was advertised as "open to the public"

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there was only room for 3 members of the public. There was no way for the public to participate remotely, and the meeting was not recorded.

A major concern is that after the members introduced themselves and listed (as had been requested) their priorities for the panel, the Division of Marine Fisheries director stated at the end of the meeting that his priorities were 1) the 208 plans (nitrogen mitigation projects) and 2) establishing uniform aquaculture regulations, and "adjusting" home rule. None of the panel members raised these issues as priorities, and both of them were quite controversial during the Massachusetts Shellfish Initiative.

Phillips stated that several people will be monitoring the situation, and suggested the committee keep informed as well, as any changes in the regulations or laws could affect the operation of the aquaculture program in Orleans.

Fertilizer by-law

Dave Slack asked what happened to the letter the Shellfish/Waterways Committee sent to the Select Board about the fertilizer by-law. Mark Mathison reported that the Select Board will be discussing enforcement of the regulations (and related issues) at the next meeting.

7. Adjournment

Alexis Mathison made a motion to adjourn; it was seconded by Dave Slack and passed by all. The meeting was adjourned at 7:58.

Respectfully submitted,

Suzanne Phillips

DRAFT LETTER TO SELECTBOARD FROM SHELLFISH/WATERWAYS CMTE
DRAFT. DRAFT. DRAFT. DRAFT. DRAFT.

TO: SELECTBOARD, TOWN of ORLEANS
FROM: SHELLFISH AND WATERWAYS COMMITTEE

RE: PARKING at LANDINGS

Dear Members of the Selectboard:

The Committee was asked by you to provide guidance concerning the use of the Town's numerous landings. The need seems to arise from various issues, among them overcrowding, improper and illegal parking and trespass. A full review of the situation is not here to be described but a brief description is perhaps necessary.

Over the years, as our community has become home to a greater and greater number of residents and visitors, the use of town landings has seen considerable growth. Though originally used mainly by commercial fishermen to land their catch, (thus the name, landings), usage has grown to include such disparate groups as dog walkers, kayak users, boat launchers, resident and non resident shellfish diggers, and general beach enthusiasts just looking for a place to view the water from. Once the domain of local commercial users, it has given way to those whose needs are mostly recreational. This transition has put ever increasing pressure on the marine environment as well as the quite limited available parking spaces.

Most of the parking takes place along our roadways in the vicinity of the landings and at the small lots at some of the landings themselves. One of the issues that has arisen has been the need to keep access clear for emergency vehicles. Local complaints from neighbors arising from parking and foot traffic on private property has been another. The resultant overcrowding has grown considerably in the past two years due to Covid driven population and visitor growth.

COMMITTEE ACTIONS:

The Committee has, over the past four months, researched how neighboring towns deal with their landings, spent many hours working with Natural Resources personnel, and generally debated how best to recommend to the Board some constructive changes. The trial one year old "permit only parking" designated areas have resulted in some displacement to other areas. This was expected. Continuing to restrict additional landings in this way may solve the local issue for one landing but will push the problem "down the road" to another landing. We have considered recommending making permit parking for non-residents mandatory as well. A fee could be assessed that may discourage some use and perhaps encourage more walking to landings or visitor drop-offs to occur. The discussion on a range of cost for the visitor permit ranged from a high of \$700, to something reflecting the two week beach sticker cost.

All changes that have the potential to address the need to reduce parking conflicts in one place will affect parking in another. To address this the Committee discussed off-site parking with a transportation system that could ferry people from a central location to landings on a schedule and return them later. This has obvious challenges but we felt it could have merit.

The ultimate decision rests with you and the Natural Resources Department. Our Committee had input from the Chief of Police who stated the Department would enforce the will of the Town as interpreted by the Selectboard. The physical limits of our landings and the increased growth of their use are in certain conflict. The Selectboard will have to make decisions based on best information as we attempt to provide here. Ultimately, we hope the decisions you make will keep in mind historical use of landings for working men and women of the towns. This group, the commercial fishers who cling to perhaps the last vestige of the way things once were in town, need to be recognized as you make your decision.

S & W Cmte.