

Shellfishing group BARS Cotuit pier

Barnstable Association for Recreational Shellfishing turns tide

By Edward F. Maroney

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Testimony from members of the Barnstable Association for Recreational Shellfishing (BARS) helped convince a judge to affirm the conservation commission's denial of a proposed pier at 305 Baxter Neck Road in Cotuit.

In ruling for the commission in Barnstable Superior Court Oct. 27, Judge Richard T. Moses found that

the town board's decision was supported by "substantial evidence," including "the testimony of recreational shellfishermen, who expressed at the public hearing their great concern that the construction of the pier would negatively effect (sic) shellfishing and other recreational uses of this coastline."

"Our organization is very pleased with the ruling as we are extremely concerned with the continuing loss of fishable waters in the town of Barnstable," Stan Negus, president of BARS, wrote to the *Patriot*. He added, "This is a case where a group of people who use the Barnstable shores for recreational purposes (shellfishing) have, through banding together and

voicing their concern at the continuing loss of shellfish beds, have finally been heard."

Sandwich attorney Robert Troy, who represented Henry Comstock, trustee of Wingaway Trust, which owns the property, had not returned two phone messages for comment by press time.

Rob Gatewood, the town's conservation administrator, said he believes the owners have 60 days from the Oct. 27 decision to enter an appeal.

Asked whether the ruling by Moses sets a precedent, Gatewood said, "Who knows? The decision to watch for out of Superior Court would be on the very lot adjacent to this where a

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pier was denied and where a hearing in Superior Court awaits. The Glick pier is immediately abutting to the west of the Comstock site, and the issues were very similar. When the Superior Court makes a decision on Glick, it will be interesting to see how they reference or regard the Comstock decision."

In its Comstock denial, the commission agreed with the town's shellfish biologist that the site was "an excellent shellfish habitat and area of consistent recruitment for quahogs." Members found that the pier would impede access to the resource both for recreational shellfishers and commercial bullrakers.

The commission's denial on grounds of protecting shellfish and fisheries was appealed by Comstock, whose argument cited the state Department of Environmental Protection's superseding order of conditions that approved the project. But Moses ruled that the commission's "third reason for denying Comstock's application concerned recreation and is more than an adequate basis for the Commission to decide the application, even in the light of the DEP's superseding order."

Not Clamming Up

In an interview this week, Negus said that BARS will continue to speak out on pier applications that might damage or block access to shellfish beds.

"We're just trying to honestly express our support for the resources we've got," he said. "There is a balance. There's plenty of room where a pier or

dock would not encroach on habitat."

Negus said membership in BARS has grown "by leaps and bounds" from 15 to 160 in the last four years.

"We represent some 2,000 recreational license holders," he said. "We're getting a heck of a lot of interest." Negus said he imagines some people get involved initially for the same reason he did: "Probably it's a little selfish, but I wanted to find out where the hell (the shellfish) were."

Once people are involved, he said, "the enthusiasm of (shellfish technician) Kris Clark and her commitment to doing well for the overall shellfish quality of the town of Barnstable, you kind of get caught up in that enthusiasm."

Negus said relations between recreational and commercial shellfishers are improving. Just a few years ago, he said, the commercial rakers seemed unhappy that money was being allocated to support propagation of shellfish.

"The commercial guys said, instead of seed, we should get something larger that would mature quicker and support them more," said Negus. "Now they see that we're planting a million and a half a year. When those get distributed to the wild, it's almost equally in areas open for commercial shellfishing."

The Barnstable Association for Recreational Shellfishing meets the first Tuesday of the month at 7 p.m. in the West Barnstable Community Building on Route 149. New members are always welcome.

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