

*****A full recording of this meeting can be found on the town's website*****

***Wellfleet Selectboard
Monday August 16, 2021; 7pm
Public Hearing ~ HDYLTA Trust
Meeting Minutes***

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant, Nancy Civetta, Shellfish Constable; Rebecca Taylor, Chair of the Shellfish Advisory Board; Ann Sterling, Wellfleet Resident; Will Sullivan, Harbormaster; David Agger, Wellfleet Resident; Chris Roxburgh, Abutters on Omaha Road; Richard Blakely, Wellfleet Shellfisherman; Barbara Austin, Wellfleet Shellfish Woman; John Dwayne, Shellfish Advisory Board Member and Natural Resources Advisory Board Member

Chair Curley Called the public hearing to order 7:03pm

A public hearing will be held to discuss the HDYLTA trust.

Chair Curley gave directions to the board and members of the public regarding speaking times and questions.

DeVasto officially recused himself as a member of the selectboard and asked that he be recognized as a resident of Wellfleet.

Chair Curley began sharing his screen and pulled up a map that circled the HDYLTA area. He explained the wild areas and the currently licensed areas. He stopped at this point and asked for questions.

Wolf asked about the materials provided, discussing grants and areas that were not able to be purchased as grants.

The green areas on the map are currently licensed areas

The purple area on the map is unproductive bottom which means it is able to be licensed.

The red areas on the map are wild shellfish areas.

Chair Curley continued, stating that the shellfish constable and the harbormaster asked the board to look at this parcel and develop a plan for it. He stated the Shellfish Advisory Board has met on this parcel a few times and had a tied vote and no recommendation was made for that board. He asked Civetta to discuss these areas with the public.

Civetta spoke to the board explaining that she and Will Sullivan went out to the parcel after DeVasto's grant extension and decided a discussion on the best uses for this parcel needed to be had. She stated the farmers represented a third of the shellfish lively hood for the town. She stated she believes they should thoughtfully make sure that what happens with that parcel is good

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and fair to all. She believes there is room for extensions. She stated she feels they should put a small amount of the parcel out to a lottery to allow a new farmer to come in and start. She stated it is a compact area and is willing to discuss her ideas with the board if they so desired. She stated she doesn't feel this should be a difficult discussion and the town should be able to come to a decision regarding the parcel.

Wilson stated section 2 in the shellfish regulations discusses equitable uses, she stated her concern for people who only have commercial shellfish licenses. She continued discussing the parcel and how much does the board want to keep this area open. Which parts could have more people on the ground, commercial and residential permits?

Reinhart stated she would like to hear from the Shellfish Advisory Board members stating that their role is to advise the board and she would like them to advise the board. She stated each member has looked at this. Taylor spoke to the board regarding what the Shellfish Advisory Board had discussed, and they would like to protect the wild fishery. The overall acreage is small. Chair Curley showed it on the map to the board and public.

DeVasto spoke to the board as an individual and stated that he was under the understanding that everything beyond meenlaw water is state property, stating the largest grid area where the contiguous acreage is, is not on town property. The areas that are on town property he stated he has some knowledge of, continuing that a few of them are high up on the beach area. He stated when you look at the property that is part of the hdyлта area is very small and the water is very deep. He continued discussing with the board what his understanding is regarding the acreage and the ability to farm on certain areas, also giving his experience with the acreage.

Chair Curley showed the map to the public and board showing areas of the parcel that are able to be used. They continued discussing the parcel. Civetta discussed with the board the map that was on the screen, stating her staff was with her and they were all discussing the map and the boundary lines. There was a survey done by Coastal Engineering paid for by the town. She stated the usage of the areas don't change. Chair Curley was able to show the board and public the boundary lines that Coastal Engineering marked. He also showed the deep-water grants. Chair Curley informed the public that all of this information including the maps for inspection.

Chair Curley asked the board if the town wanted to undertake some sort of planning process for the parcel or allow people to apply for extensions which he stated is the path for least resistance. He also expressed moving the deep water grants closer to shore, so they are easier to be farmed. He stated there are also the upland property owners that need to be considered. He stated they also have to keep the boating population in mind. He stated there is a difference between how the grants are on the ground and how they exist in the surveyed map. Civetta stated that there are three grants that will receive a grant survey. Chair Curley showed on the map three areas that are able to be licensed, questioning do they want to just keep it with those who are already licensed or do they want to open it up to new people. The board discussed the options that were brought before them. Wilson suggested the board put together a group of people to discuss and go over

the options of what can be done with this parcel. Sterling spoke to the board stating that there should be some of the property owners be involved in that committee so they can give feedback on the number of trucks out there, continuing with it's not just about the grants being viable but the environmental impact on the beach from all the trucks there at a low tide. DeVasto spoke to the board again as an individual, pointing out that there is over three-thousand acres of intertidal area and about 215 acres of licensed grant sites. He continued discussing the shellfish Advisory Board and Natural Resources Advisory Board's management plan for this parcel and then continued to state some concerns he has.

Chair Curley questioned the boards next steps.

- Moving the deep-water grants in ~ Civetta spoke to the board stating that it would be worth while to try and move those grants in and return the deeper area to the wild. She believes it might help to increase productivity. She stated she spoke to the state. The board discussed this option at great length. Sullivan stated he didn't know the logistics of moving grants, he stated from a navigational standpoint he believes it will help the boaters be able to navigate the open water more efficiently.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted that between parcels 17.20 and 17.19 on the Northern Bound and 17.85 FA for a moratorium on additional licensed areas.

Civetta asked if it leaves the option open with working with the Selectboard and the state to move these grants in. She stated they will be treated like new grants. Chair Curley stated it would only be for the area he specified.

Roll Call Vote: 4-0-1 (DeVasto has abstained)

Chair Curley Moved; Board Member Wilson Seconded; and it was voted that the Wellfleet Shellfish Department work with grant holders of 01-03,01-06, 792; 01-04 & 01-05 on relocating their licensed areas within the area that the moratorium was just placed.

Roll Call Vote: 4-0-1 (DeVasto has abstained)

Sterling questioned the board the impact of the vehicles, are the grants that were just moved in currently worked? It was stated that yes, they are, and this shouldn't cause any more traffic to the beach area.

Agger spoke to the board as a mooring owner off of Mayo Beach, he stated that he has spoken to both the Harbormaster and Shellfish Departments stating there is a large increase in buoys in that area. Over the years it has become more complicated for shellfishing and boating people with regard to the high-water moorings. He stated he feels there is something to be learned from those owners.

Roxburgh questioned the board about an increase in grants with the area on the map. He stated the motion was unclear. Chair Curley stated that they aren't able to make motion to not licensed areas to areas that are licensed. Roxburgh stated his concern for increased traffic. Chair Curley stated there would need to be a motion or a change in regulations to state the area they are moving will no longer be licensable.

Chair Curley continued onto the area more towards field point. He circled the area on the map and the board discussed this location and how it might work. Sullivan stated that he believes this is a good area and doesn't do any harm to navigation. Blakely spoke to the board regarding this area and stated it was a dangerous place to try and use, stating there is a peak there and there is a reason that it hasn't been used previously. He explained to the board that they shouldn't use this area. Explaining the dynamics of how the water flows. It was explained to the board that if this area were to be used it wouldn't make any shellfisherman money because it is a dangerous bottom that isn't able to be walked on. They continued to discuss this area and how it can or can't be used.

Chair Curley stated they do have to keep in mind that the bottom is sand and anytime you sand and a great deal of flow, the sand moves and is always moving. Looking at a map one year and thinking the land will look the same even six-months later isn't realistic. DeVasto spoke to the board stating the important issue is for there to be a determination of where the line should be as to where the grants aren't able to go out any further. He continued discussing the area and giving his opinions on using the space. He stated in his opinion they should allow the grant holders with a smaller space be allowed to extend their small grants, creating more growth.

Wilson gave some background on this acreage. Chair Curley asked the board if they wanted to form a committee to look at the end of Field Point. Wilson stated that they could ask the Shellfish Advisory Board to work on this and have the results submitted to the Selectboard and they could have another hearing. She stated she feels this is their responsibility to the taxpayers of Wellfleet. Sullivan stated that now that they expanded the area he would like the 2.1 acre area to be considered to stay clear and be open to allow the people that want to use the area open and accessible, he explained that it could be marked out helping people coexist more. He stated he feels it is very important to keep that area open. The board continued to discuss this area at great length.

Duane spoke to the board and stated the SAB is a knowledgeable group of individuals but was unsure of what weight the board carries and doesn't feel there needs to be a separate committee for this. DeVasto stated he would be remiss if he didn't state his opinion that the Shellfish Advisory Board should be in charge of this project, stating that this is part of the board's charge and feel they would be the best group to come up with ideas for the use of this parcel

The board decided there should be outreach for the Shellfish Advisory Board to the following boards, committee, and staff for their input:

- Marina Advisory Committee
- The Beach Administration
- Harbor Master
- Upland Abutters to the HDYLTA property
- Natural Resources Advisory Board

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Taylor spoke to the board again stating that as the current chair of the Shellfish Advisory Board she feels that her board can handle this task asking for abutters lists. It was stated that members of Field Point Association and property owners in the area should be notified. It was asked of Taylor how long they would need to get this task finished. Taylor stated by December 21, 2021, should be enough time.

Board Member Wilson Moved; Board Member Wolf Seconded; and it was voted to charge the Shellfish Advisory Board to contact and work with the Marina Advisory Committee, The Beach Department, the Harbormaster, The Natural Resources Advisory Board, the Conservation Commission and all upland and intertidal abutters including the Field Point Association to develop recommendations for the use of the undeveloped parcels south of parcel 17.49 within the property known as the HDYLTA and to complete their work by December 31, 2021.

It was discussed about having that many people together to make a decision. Taylor explained they are not discussing vehicles on the beach or changes, they are discussing 7.1 acres. One person from each committee to give some input would be more than sufficient. It's not a large area that is being discussed. It needs to be kept lean in order to get this job done.

Roll Call Vote: 4-0

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to place a moratorium on licensing of additional areas south of parcel 17.49 within the HDYLTA property.

Roll Call Vote: 4-0

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to close the public hearing.

Roll Call Vote: 4-0

Meeting Adjourned 8:55pm