

Wellfleet Selectboard
Hybrid Meeting
Zoom ~ 715 Old King's Highway
Tuesday May 23, 2023; 7:30pm
Meeting Minutes

Members Present: Ryan Curley, Chair; Barbara Carboni, Vice Chair, Kathleen Bacon, John Wolf

Members Not Present: Michael DeVasto

Others Present: Rebecca Roughley, Assistant Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Civetta, Shellfish Constable; Chris Allgeier, Dredging Task Force; Helen Miranda Wilson, Chopper Young, Shellfisherman; Alfred Pickard, shellfisherman; Deb Maddingly, Chair of the Seashells trustees; Gregg Corbo, KP Law; Ben Pickard, Shellfisherman; Denny O'Connell, Will Sullivan, Harbormaster; Skip Annette, Dan Robbins, GEI Engineering, Tim Hues, shellfisherman; Diane Brunt, shell fisherwoman.

Chair Curley called the meeting to order at 7:34pm

I. *Announcements, Open Session and Public Comments*

Note: *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments*

There were no announcements.

II. *Consent Agenda*

A. Appointment of Mary Goodhouse to the Council on Aging Advisory Board

B. Appointment of Catherine Andrews to the Wellfleet Historical Commission

Chair Curley Moved, Board Member Carboni Seconded; and it was voted to adopt the consent agenda as drafted.

Roll Call Vote: 4-0-1

III. *Use of Town Property*

A. Ben Zehnder ~ Town Pier at the bandstand, for a memorial service for Simeon Watson ~ Saturday June 17, 2023, 2:30pm – 4:30pm. See packet for full application.

Zehnder explained this was a service for all who wanted to attend for a town native who passed away last October.

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the use of the bandstand at the town pier for a memorial service.

Roll Call Vote: 4-0-1

IV. *Shellfish Hardship Exemption*

A. Commercial Shellfishing Permit for grant holder ~ Hardship exemption for Matt Parent.

Parent came forward and Board Member Bacon questioned if he knew about the new law passed about needing a commercial shellfish license, and stated if he

was fishing in the town of Wellfleet he was doing so illegally. Parent stated that he didn't know about this because he hadn't been fishing in the town.

Chair Curley Moved; Board Member Seconded and it was voted to direct the Shellfish Constable to issue a commercial shellfishing permit to Matt Parent per section 6.1.5 Hardship Exemption.

Roll Call Vote: 4-0-1

V. Public Hearings

Chair Curley opened the public hearing:

- A.** Application received on 4/14/2023 from Margaret Conor (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-9/10 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Chair Curley Moved, Board Member Carboni Seconded, and it was voted to approve the renewal for Margaret Conor (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) of shellfish grant license #'s 95-9/10 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Opened Public Hearing:

- B.** Application received on 4/14/2023 from Paul Conor (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-5/6 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Chair Curley Moved; Board Member Wolf Seconded, and it was voted to approve the renewal for Paul Conor (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) of shellfish grant license #'s 95-5/6 consisting of approximately two acres on Egg Island for ten years, one month, and 29 days beginning March 1, 2023, and expiring on April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Opened the Public Hearing:

- C.** Application received on 4/14/2023 from Matt Parent (Wellfleet, MA) for the renewal of shellfish grant license # 04-03 consisting of approximately one acre on Egg Island for 10 years and 3 days beginning April 27, 2023, and expiring April 30, 2033.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the renewal for Matt Parent of shellfish grant license #04-03 consisting of approximately one acre on Egg Island for 10 years and 3 days beginning April 27, 2023, and expiring April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Opened the Public Hearing:

- D.** Application received on 4/14/2023 from Matt Parent (Wellfleet, MA) for the renewal of shellfish grant license # 733 consisting of 0.94 acres on Old Wharf Point for 10 years and 12 days beginning April 18, 2023, and expiring April 30, 2033.

Chair Curley Moved; Board Member Bacon Seconded, and it was voted to approve the renewal for Matt Parent of shellfish grant license #733 consisting of 0.94 acres on Old Wharf Point for 10 years and 12 days beginning April 18, 2023, and expiring April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Reopened the public hearing:

- E. CONTINUED FROM 4/4/2023** ~ Change to Section 7.4. Location of Areas Licensed for Aquaculture (Grants) in the Town of Wellfleet Shellfishing Policy and Regulations to reference new grants and redefine the Egg Island area where grants may be located. Also, to add a map outlining the Egg Island area as Appendix E to the regulations.

The board discussed this section and regulations. Civetta explained the three maps that were in the Selectboard Packet and stated the decision was up to the board. Bacon stated she wished to leave Egg Island the way it is and have no more expenditures to the island. She stated she had conversations with the upland owners. Wolf spoke to the board and stated he looked at the Marina Advisory committee's recommendations and explained how he understood it. Pickard stood up and spoke to the board regarding the extensions on Egg Island and the confusion that goes with these changes. Maddingly spoke to the board regarding her concern for the extension, she spoke about the issues with Power's Landing and the boats and trucks that go with that. She spoke about the legal issues that go along with this regulation change. Maddingly also spoke about the changes that could happen within the environment. She asked the board to not extend the area for shellfish grants. Ben Pickard stood up and asked Corbo some questions about the mean low line. O'Connell came to the microphone and asked about driving on upland owners' property and crossing the flats. Corbo explained the court's decision on this topic. There was some back-and-forth conversation on the boundaries and driving on the shellfish flats. The discussion about this change continued with many different points of view pointed out.

Chair Curley Moved; Board Member Wolf Seconded, and it was voted that the Selectboard is to adopt the Egg Island Aquaculture area the area previously defined as the boundary points of the licenses previously included and the Egg Island aquaculture area with the additional area to be defined as the area between the points; 151, 60, 59, 58, 152, 153 and a line extending north from 153 to point 151.

Roll Call Vote: 4-0-1

Chair Curley reopened the hearing:

- F. CONTINUED FROM 1/31/2023** ~ Application received 1/3/2023 for a grant extension (to be numbered #2000-2 ext.) to shellfish grant license #2000-2 consisting of approximately 1.08 acres on Egg Island from Stephen Pickard (Wellfleet, MA), Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA).

Stephen Pickard spoke to the board after the board asked him to withdraw the application without prejudice. After some discussion Pickard agreed to withdraw his application. He explained he will be amending his application.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to accept the withdrawal of Stephen Pickard, Iris Pickard, and Benjamin Pickard's application for a grant extension on Egg Island.

Roll call Vote: 4-0-1

Chair Curley reopened the public hearing:

- G. CONTINUED FROM 3/21/2023** ~ Application received 1/10/2023 for a grant extension (to be numbered #99-1 Ext) to shellfish grant license #99-1 consisting of approximately .43 acres on Mayo Beach from Angela Osowski (Wellfleet, MA) Robert Mallory (Wellfleet, MA) and Mary Mallory (Wellfleet, MA).

Civetta spoke to the board and asked for it to be continued to June 6, 2023

Chair Curley Moved; Board Member Carboni Seconded and it was voted to continue this hearing to June 6, 2023.

Roll Call Vote: 3-1-1

VI. Business

- A.** Dredging Task Force members will provide information and answer questions about the town's proposed mitigation plan required by the Army Corps of Engineers to secure the permit to dredge the harbor mooring field, thus allowing dredging of the first half of the mooring field to begin.

Allgeier, Felix, Annette, and Sullivan came to the table and spoke to the board regarding the dredging. He explained what each document in the packet was and offered to answer any questions. He continued to read some information to the public to better explain the dredging and what will and won't happen if the dredging takes place.

Chair Curley asked some questions regarding the mitigation. He stated that if quahogs are going to be used for mitigation it should be listed on the plan along with oysters and mussels.

The board discussed the dredging, Board Member Carboni had many legal questions for the panel, they answered what they could. The major discussion circled around the Memorandum of agreement regarding the dredging. Robbins spoke to the dredging and the ultimate goal of working with the town to identify any modifications that are needed. Robbins also addressed the 408 plans; it was stated that this should be negotiated.

Wolf had questions for the engineer and the panel regarding the issue of compliance. Hues spoke to the board and stated that the board was mitigating people's livelihoods.

Sayer spoke to the board regarding the 1995 report of the dredging. The dredging conversation went a great length of time. There were both sides of the arguing for or against the dredging, there was much conversation about the distrust the people have with the Army Corp of Engineers. Chair Curley questioned the timeline for the dredging. Robbins explained the timeline and the bids are due back Thursday May 25, 2023. Robbins explained the aspects of the contract and what the town needed to have for the project.

The board discussed the permit and what would happen if the town didn't come to an agreement. Allgeier explained that the town would lose the 2.5-million-dollar grant. Brunt suggested that the town use the 2.5 million to maintenance dredge the federal channel. She explained her stand on being against dredging. Chair Curley questioned the panel about what they were asking the board to vote on tonight. Board Member Bacon spoke to the over 40 letters written to the board in support of the dredging to the harbor. The board decided that there may be a meeting scheduled for May 30, 2023, at 7pm if the dredging update with the Army Corp earlier that day.

VII. *Selectboard Reports*

VIII. *Topics for Future Discussion*

- A. Wolf stated he would like to have regularly scheduled grant inspections to not have one person going out and doing it alone.
- B. Bacon asked the selectboard to have a Mary Beth Rodman Day to celebrate her outstanding work as the principal to the Wellfleet Elementary School.
- C. Bacon also stated that she would like Jay Coburn to come before the board to give the board a debrief on the board on the application that didn't get funded to improve the application.
- D. Carboni stated she would like to implement a Capital Improvement Committee.

IX. *Minutes*

- A. May 16, 2023, ~ Carboni Corrected 2nd page May 16th the 3rd line should say Court.

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the meeting minutes of May 16, 2023, as amended.

Roll Call Vote: 4-0-1

X. *Adjournment*

Chair Curley Moved; Board Member Bacon Seconded, and it was voted to adjourn.

Roll Call Vote: 4-0-1

Meeting Adjourned: 10:45pm

Public Documents

Application from Mary Goodhouse to be appointed to Council on Aging Advisory Board

Application from Catherine Andrews to be appointed to Wellfleet Historical Commission

Application from Ben Zehnder for use of town property

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

Commercial Shellfish Hardship documents

All Shellfish hearing documents.

Meeting Minutes May 16, 2023