

That we, **Ryan Curley**, Chair, Helen Miranda Wilson, **Barbara Carboni**, **Michael DeVasto** and **John Wolf**, members of the **Selectboard** of the Town of Wellfleet, MA, in accordance with the provisions of Chapter 130 of the General Laws as amended and all other powers thereto enabling, do grant to Aquacultural Research Corporation of Dennis, MA for the term of **xxx** years beginning **xxx, 2022**, license to plant, grow, cultivate and harvest shellfish at all times during the pendency of the license, in and upon the flats and waters situated in said Wellfleet, MA, on a certain parcel of land designated as shellfish grant license # 792 bounded and described as follows:

Land lying at Indian Neck, so called, lying within the tidewaters of Wellfleet Harbor, commencing at a steel survey marker at the corner of the premises herein licensed; thence

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|---|-----|-----|-----|---|--|
| N | 57° | 16' | 00" | E | by grant #791, a distance of three hundred sixty and 2/10 (360.2) feet, more or less, to a steel survey marker; thence |
| S | 32° | 31' | 00" | E | a distance of three hundred sixty one and 3/10 (361.3) feet, more or less, to a steel survey marker; thence            |
| S | 57° | 19' | 00" | W | by grant #793, a distance of three hundred sixty and 2/10 (360.2) feet, more or less, to a steel survey marker; thence |
| N | 32° | 30' | 00" | W | a distance of three hundred sixty one (361) feet, more or less, more or less, to the point of beginning.               |

The above-described grant contains an area of 3 acres, more or less, and is shown on a plan filed in the Town Clerk's office and entitled, "Plan of Town Lease Shellfish Grants of Wellfleet Harbor, showing as grants # 791, 792, 793 and 794; scale: 1 in. = 100 ft., May 1979" by Slade Associates, Inc., Registered Land Surveyors. Said plan to be recorded with the Barnstable Registry of Deeds.

This grant license is granted upon the following terms and conditions and in accordance with the provisions of Chapter 130 of the General Laws.

This license does not grant any property rights. Any use of this license for other than digging and taking of shellfish upon privately owned property may not proceed over the objection of the property owner. Pursuant to General Laws Chapter 130, Section 57, the licensee may not impair the private rights of any person. This license does not authorize any injury to private property or invasion of private rights. The issuance of this license is not a determination of title or ownership. The licensee acknowledges, it is the responsibility of the licensee to obtain permission, if required, from a private property owner before exercising the rights conferred by this license other than for digging and taking of shellfish. The license holder is on notice that owners of the property described above may bring an action for trespass in a court of competent jurisdiction. A license holder may not rely on this license as a defense to an action in trespass.

1. That the said Aquacultural Research Corporation shall pay to the Town of Wellfleet upon execution of this license the sum of Five Dollars (\$5.00) to be applied as follows: One Dollar (\$1.00) for the recording cost of said license and Four Dollars (\$4.00) as costs incurred in granting said license. He shall pay to the Town of Wellfleet an annual rental payment at the rate of Twenty-Five Dollars (\$25.00) per acre, or any portion thereof, in the sum of \$75.00 per year, the first payment to be made upon the execution of this license, commencing **xxx, 2022**.
2. That the said Aquacultural Research Corporation shall file the report required by Chapter 130, Section 65 of the General Laws annually and comply with all other pertinent sections of said chapter. Any violation of the terms of this license or of any section of said Chapter 130 as amended relating to the planting, growing, digging or taking of shellfish shall be considered as a forfeit and surrender of all

rights under this license, and the Board of Selectmen at their sole discretion and judgment may terminate the license by notice in writing which shall be effective and binding when received by the lessee.

That the said Aquacultural Research Corporation shall for the purposes aforesaid have the exclusive use of the waters and flats described in this license during the term thereof, subject only to the provision that in the event that it shall become necessary, in the judgment of the Board of Selectmen to use the said area described in said license because of the dredging or improvement of Wellfleet Harbor or channel, the license term may be suspended or cancelled after reasonable notice of at least thirty (30) days in writing to the lessee to remove any shellfish then and there located on the license premises and failure to so remove any or all of the said shellfish shall relieve the Town of Wellfleet from any liability for damage in connection with such work; and subject to the condition and restriction that the aquaculture project be in a location which would interfere with the mooring of recreational boats or other private rights to the extent that they exist.

3. That the said Aquacultural Research Corporation shall conform to the following conditions imposed by the Conservation Commission.
  - a) Access to the Indian Neck Grants shall be by boat and foot whenever feasible and practical.
  - b) Vehicle access to the Indian Neck Grants shall be by the Cove Road Town Landing only. Travel to the grants shall be restricted to a prescribed, marked route set out by the Shellfish Constable and Conservation Commission.
  - c) Vehicles having a greater than 9200 lbs GVW are prohibited.
  - d) Dual wheeled vehicles are prohibited.
  
4. **Given that said Aquacultural Research Corporation does not meet the domicile requirements of the Town of Wellfleet Shellfishing Policy and Regulations, it shall conform to the following conditions imposed by the Selectboard.**
  - a) **150,000 field plant quahog seed will be donated to the Town’s Shellfish Department every year before July 15, unless the Shellfish Department specifies a different mutually agreeable amount and/or date.**
  - b) **Every other year, the Aquacultural Research Corporation will attend a Shellfish Advisory Board meeting to discuss potential research opportunities or other community service projects of benefit to the greater Wellfleet shellfishing community and of value to the Town. In this public meeting, one (1) initiative can be prioritized, and Aquacultural Research Corporation can identify how it can help advance that one (1) initiative. Maximum annual dollar value to be committed per individual project identified every other year: \$2,500.**
  - c) **If such a project is undertaken, the Aquacultural Research Corporation will report to the Shellfish Advisory Board and Selectboard on its efforts and results at the halfway point and the conclusion of the project.**

~~This license is NOT transferable. only in conformity with the provisions of Chapter 130 and with approval in writing of the Selectmen.~~

Given under our hand and seal as members of the Board of Selectmen for and on behalf of the Town of Wellfleet and as provided by Chapter 130 of the General Laws as amended, which is made a part hereof by reference, this **xxx, 2022**.

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**Ryan Curley, Chair**

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**John Wolf**

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**Michael DeVasto**

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**Helen Miranda Wilson**

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**Barbara Carboni**

WELLFLEET BOARD OF SELECTMEN

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Received and recorded this day

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Town Clerk

TOWN SEAL